ANNO TRICESIMO QUARTO

Georgii III. Regis.

CAP. XCII.

An Act for making and maintaining a Navigable Canal from *Wiſbech* River at or near a Place called the *Old Sluice* in the Town of *Wiſbech* in the *Iſle of Ely* and County of *Cambridge*, to join the River *Nene* in the Pariſh of *Outwell* in the ſaid *Iſle of Ely* and in the County of *Norfolk*, and for improving and maintaining the Navigation of the ſaid River from *Outwell* Church to *Salters Load* Sluice. [9th *May* 1794.]

WHEREAS there was an ancient River or Watercourſe leading from the Town of *Wiſbech* in the *Iſle of Ely*, to the River *Nene* in the Pariſh of *Outwell* in the ſaid *Iſle of Ely* and in the County of *Norfolk*, called or known by the Name of *Elm Leam*, all Right over which, and the Soil thereof, is veſted in and is the Property of the Governor, Bailiffs, and Commonalty of the Company of Conſervators of the Great Level of the Fens called *Bedford Level*, upon which ſaid Preamble.

ſaid River or Watercourſe ſmall Veſſels and Craft uſed to navigate; but the ſame hath been for many Years growing up, and for ſome Time paſt hath been totally uſeleſs, not only for the Purpoſes of Navigation, but for the Purpoſe of Drainage: And whereas Part of the ſaid ancient River or Watercourſe, running at the Back of the Town of *Wiſbech*, hath of late Years been filling up with Earth and Rubbiſh, and ſeveral Cottages, Buildings, and Erections, have been erected and ſet thereon, and by the Sides thereof, without any Right or Title whatſoever: And whereas it will be of great publick Utility to throw out, cleanſe, and widen, Part of the ſaid ancient River or Watercourſe, leading from a Place called *The Old Sluice* through the ſaid Town of *Wiſbech*, to a certain Place called *Elm Corner* in the Pariſh of *Elm* in the ſaid *Iſle of Ely*, and to remove the ſeveral Buildings erected on and by the Sides thereof, and to form a Navigable Canal between *Wiſbech* and *Outwell* aforeſaid, by a ſtraighter and ſhorter Courſe than by the ſaid old River, whereby a ſafe and eaſy Communication will be opened between the Port of *Wiſbech* and the ſeveral Counties of *Cambridge*, *Huntingdon*, *Bedford*, *Norfolk*, *Suffolk*, and other Parts, which will be the Means of extending Trade and Commerce: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That *Samuel Adams*, *Francis Agar*, *John Andrews*, *Thomas Barker*, *John Barratt* the younger, *John Baxter*, *William Bellamy* the elder, *William Bellamy* the younger, *Abraham Bebarrall*, *James Bentley*, *John Billings*, *William Butt*, *Sprignall Brown*, *Charles Callas*, *John Cartwright*, *Healy Chapman*, *John Chamberlaine*, *William Clarke*, *William Creaſy*, *William Corniſh*, *Richard Dalby*, *Ralph Donkin*, *Jane Maria Donkin*, *John Edes*, *John Barfoot Eames*, *John Ellis*, *Pitches Eburn*, *Thomas Fawſſett* the younger, *John Fletcher*, *Edward Goodger*, *John Goodger*, *Owen Gray*, *Thomas Grounds*, *Jeremiah Grounds*, *David Graves*, *Robert Hardwicke*, *Henry Haynes*, *George Hewes*, *Francis Hewes*, *Joſeph Howell*, *Thomas Hookham*, *Charles Horton*, *Samuel Huckiſſon*, *Iſaac Jecks*, *John Johnſon*, *Thomas Johnſon*, *Joſeph Johnſon*, *George Ireland*, *William Kilby*, the Honourable and Reverend *Charles Lindſay* Clerk, *Charles Langdon*, *Thomas Langford*, *Charles Laughton*, *William Legge*, *Charles Littlewood*, *Ralph Lomas*, *John Mayer*, *George Maxwell*, *John Maſon*, *John Marſhall*, *Thomas Matthews*, *Charles Metcalfe*, *John Mills*, *John Morris*, *John Mould*, *John Moore*, *Joſeph Medworth*, *James Nutt* the younger, *Henry James Nicholls*, *John Ollard*, Dame *Frances Peyton*, *John Parker*, *John Palmer*, *Jonathan Peckover*, *John Hollis Pigott* Doctor of Phyſick, *Lydia Powell*, the Reverend *Joſeph Plumptré* Clerk, *Henry Richards*, the Reverend *Thomas Sheepſhanks* Clerk, *Richard Shepherd*, *Samuel Shaw*, *William Skrimſhire* the elder, *William Skrimſhire* the younger, *Edward Swann*, *Francis Stevens*, *John Saywell*, *Thomas Swanſborough*, *Peter Thompſon*, *Margaret Taylor*, *Richard Greaves Townley*, the Reverend *George Varenne* Clerk, *Jonathan Uſill*, *Oglethorpe Wainman* Doctor of Phyſick, *Robert Ward*, the Reverend *William Walker* Clerk, *John Walker*, *Joſeph Webſter*, *Paul Webſter*, *William Weſtern*, *Thomas Weſt*, the Burgeſſes of *Wiſbech* for the Time being, *George Wilſon*, *Thomas Wheeldon*, *John White*, *Thomas Wraight*, *James Wortham*, *William Wright*, and *John Wyethers*, and their ſeveral and reſpective Succeſſors

Proprietors Names.

Succeſſors, Executors, Adminiſtrators, and Aſſigns, being Proprietors or a Proprietor of any Shares or Share in the Navigation hereby authorized to be made, and ſuch other Perſons and Perſon as may hereafter ſubſcribe to and be Proprietors or a Proprietor of any Shares or Share in the ſaid Navigation hereby authorized to be made as herein-after is mentioned, and their ſeveral and reſpective Executors, Adminiſtrators, and Aſſigns, being Proprietors or a Proprietor of any Shares or Share in the ſaid Navigation, ſhall be, and they are hereby united into a Company for the better making, carrying on, and maintaining the ſaid intended Canal, and all Buildings and Works neceſſary thereto, or convenient for the Navigation thereof, or for the Trade to be carried on by Means thereof, according to the Rules and Directions herein-after expreſſed, and ſhall for that Purpoſe be a Body Politick and Corporate, by the Name and Style of *The Wiſbech Canal Company*, and by that Name ſhall have perpetual Succeſſion, and ſhall have a Common Seal; and by that Name ſhall and may ſue and be ſued; and that the ſaid Company ſhall and may have Power and Authority to purchaſe Lands to them and their Succeſſors and Aſſigns, for the Uſe of the ſame Navigation, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain; and the ſaid Company ſhall be, and they are hereby authorized and empowered, by themſelves, their Deputies, Agents, Workmen, and Servants, to make and complete a Canal, navigable for Boats, Barges, Lighters, and other Veſſels, from *Wiſbech* River, at or near a Place called *The Old Sluice*, in the Town of *Wiſbech* in the Pariſh of *Wiſbech Saint Peter* in the *Iſle of Ely*, into and through the ſeveral Pariſhes and Townſhips of *Wiſbech Saint Peter* aforeſaid, *Emneth* in the County of *Norfolk*, *Elm* in the ſaid *Iſle of Ely*, and *Outwell* in the ſaid *Iſle of Ely*, and in the County of *Norfolk*, to unite and communicate with *Well Creek* and the River *Nene*, in the Pariſh of *Outwell* in the ſaid *Iſle of Ely*, and in the ſaid County of *Norfolk*, and to ſupply the ſaid intended Canal whilſt making, and at all Times for ever after the ſame ſhall be made, with Water from *Wiſbech* River, and from all Brooks, Springs, Streams, Rivulets, Rivers, Waters, and Watercourſes, which ſhall be found in making the ſaid intended Canal, or from any Reſervoir or Reſervoirs which ſhall belong thereto; and alſo to erect and make at ſuch Place or Places ſuch Fire Engines or other Machines, and ſuch Reſervoirs for ſupplying with Water the ſaid intended Canal, or any Part or Parts thereof, and alſo ſuch and ſo many Tunnels, Feeders, Aqueducts, and Channels, for ſupplying the ſaid Reſervoirs and Canal with Water, and for conveying Water from any ſuch Reſervoirs to the ſaid Canal, as by the ſaid Company ſhall be deemed neceſſary and proper; and for the Purpoſes aforeſaid, the ſaid Company, their Deputies, Agents, Workmen, and Servants, are hereby authorized and empowered to dam up, divert, or turn, the Courſe of any Waters which may prevent, obſtruct, or impede, the making or repairing the ſaid intended Canal, or any of the Works to be made under this Act, during ſuch Time as the ſaid intended Canal and the other Works aforeſaid, or any of them, ſhall be making or repairing, and to enter into and upon the Lands and Grounds of any Perſon or Perſons, Bodies Politick, Corporate, or Collegiate whatſoever, and to ſurvey and take Levels of the ſame, or any Part thereof, and to ſet out and aſcertain ſuch Parts thereof as they ſhall think neceſſary and proper for making the ſaid intend-

Proprietors made a Corporation.

Company empowered to make the Navigation and all neceſſary Works;

to turn Waters whilſt making the Canal;

to set out Lands for the Canal and Works;

to get Materials from adjoining Lands;

to erect Bridges and other Works;

and to alter the same;

to lay and work Materials on adjoining Grounds;

to make Fences,

and set out Towing Paths;

ed Canal, and any such Reservoir or Reservoirs, Feeders and Aqueducts, and all such other Works, Matters, and Conveniencies, as they shall think proper and necessary for making, effecting, preserving, improving, completing, maintaining, and easy using the said intended Canal and other Works; and also to bore, dig, cut, trench, get, remove, take, carry away, and lay Earth, Clay, Stone, Soil, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters or Things, which may be dug or got in making the said intended Canal or other Works, or in making any Reservoir or Reservoirs, Feeders or Aqueducts, from or out of the Lands and Grounds of any Person or Persons adjoining or lying convenient thereto, and which may be proper, requisite, or necessary for making, carrying on, continuing, maintaining, or repairing, the said intended Canal or other Works, or which may hinder, prevent, or obstruct the making, using, or completing, extending or maintaining the same respectively, or in making, using, completing, extending, and maintaining of such Reservoirs as aforesaid, or of any such Feeders, Trenches, Passages, Aqueducts, and Watercourses as aforesaid, as shall be necessary and proper to convey Water to or from the said intended Canal, according to the Intent and Purpose of this Act; and to make, build, erect, and set up, in or upon the said intended Canal, or upon the Lands adjoining or near the same, such and so many Bridges, Piers, Arches, Tunnels, Aqueducts, Sluices, Floodgates, Wiers, Pens for Water, Water Staunches, Reservoirs, Dams, Wharfs, Quays, Houses, Warehouses, Toll Houses, Watch Houses, Landing Places, Weighing Beams, Cranes, Fire Engines, or other Machines, Wet and Dry Docks, and other Works, Ways, Roads, and Conveniencies, as and where the said Company shall think necessary and convenient for the Purposes of the said Navigation; and also from Time to Time to alter, repair, and amend, or discontinue the same, and to divert, alter, widen, enlarge, and extend any Bridges, Ways, Roads, Passages, or Conveniencies, as well for the carrying and conveying of Goods, Wares, Merchandizes, and other Articles to and from the said intended Canal, as for the carrying and conveying of all Manner of Materials necessary for the making, erecting, finishing, altering, repairing, maintaining, or enlarging, the said intended Canal, and the Works of or belonging to the said Navigation, or useful for any Purpose therein; and also to place, lay, work, or manufacture, the said Materials on the Grounds near to the Place or Places where the said Works or any of them shall be or are intended to be made, erected, repaired, or done; and also to make, maintain, repair, and alter, any Fences or Passages over, under, or through, the said intended Canal, or the Reservoirs, Tunnels, Aqueducts, Trenches, Passages, Feeders, Watercourses, and Sluices respectively which shall communicate therewith; and also to make, set out, and appoint, such Towing Paths, Banks, Roads, and Ways, convenient for towing, haling, or drawing of Boats, Barges, and other Vessels passing upon the said intended Canal and Trenches with Men, Horses, or otherwise, and proper Places for Boats, Barges, and other Vessels, navigated upon the said intended Canal or Trenches, to turn, lie, or pass each other, as they the said Company shall think convenient; and to construct, erect, make, and do all other Matters and Things which they shall think convenient and necessary for the making, effecting, extending, preserving, improving, and completing, and easy using of the said intended Canal and other Works, in pursuance of and according to

the true Intent and Meaning of this Act, they the ſaid Company, their Deputies, Agents, Workmen, and Servants, doing as little Damage as may be in the Execution of the ſeveral Powers to them hereby granted, and making Satisfaction in Manner herein-after mentioned to the Owners or Proprietors of, and all Perſons intereſted in the Lands, Tenements, or Hereditaments, which ſhall be taken, uſed, removed, or prejudiced, for all Damages to be by them ſuſtained in or by the Execution of all or any of the Powers of this Act; and this Act ſhall be ſufficient to indemnify the ſaid Company, and their Deputies, Agents, Workmen, and Servants, and all other Perſons whomſoever, for what they, or any of them, ſhall do by virtue of the Powers hereby granted, ſubject nevertheleſs to ſuch Proviſoes and Reſtrictions as are herein-after mentioned. making Satisfaction for Injuries to be done.

II. And, for ſettling all Differences which may ariſe between the ſaid Company and the ſeveral Owners of, or Perſons intereſted in, any Lands, Grounds, Tenements, or Hereditaments, which ſhall or may be taken, uſed, affected, or prejudiced, by reaſon of the Execution of any of the Powers hereby granted, be it further enacted, That *Thomas Audley*, *Thomas Aveling*, *Francis Baggo*, *Thomas Burges*, *John Bailey*, *John Bateman*, *William Bean*, *John Boyce*, *William Bentinck*, *Guylot Cowherd*, *Thomas Cole*, *Robert Cony*, *Robert Coe*, *Nathaniel Colvile*, *Samuel Dewe* Clerk, *William Dunn*, *James Daſhwood* Clerk, *Robert Freeman*, *William Fruſher*, *John Gardner*, *John Girdleſtone* Clerk, *William Davie Ground*, *Thomas Hare*, *John Heigham*, *Mann Hutcheſſon*, *Abraham Hardy*, *William Holden* Clerk, *John Ibbott*, *John Johnſon*, *Abraham Jobſon* Clerk, *Robert Kilby*, *Joſiah King Life*, *James Lee*, *William Lee*, *Robert Hutchinſon Lewin*, *Nicholas Lumpkin*, *Thomas Moore* Clerk, *John Mann*, *Iſaac Meers*, *Richard Oſwin*, *Edward Pemberton*, *Richard Pollard*, *Michael Pearſon* Clerks, *William Rayner*, *Robert Stevens*, *William Smalley*, *Spelman Swaine*, *Walter Swaine*, *Edward Stone*, *Edmund Saffery*, *John Swaine* Clerk, *John Thompſon*, *Henry Hare Townſend*, *Sigiſmund Trafford*, *William Walcot*, *Gregory Wright*, *John Wardale*, *James Watſon*, *Hugh Wool*, *William Wells*, *John Waddington*, *Thomas Waddington* Clerk, *John Wing*, *Samuel Wells*, *John Weſtwood*, and ſuch other Perſon and Perſons as ſhall be elected as herein-after is mentioned, ſhall be, and are hereby appointed Commiſſioners for ſettling and adjuſting all Matters, Queſtions, and Differences to ariſe between the ſaid Company and the Owners of, or Perſons intereſted in, any Lands, Grounds, Tenements, or Hereditaments, which ſhall or may be taken, uſed, affected or prejudiced by the Execution of any of the Powers hereby granted. Commiſſioners appointed for ſettling Differences.

III. And be it further enacted, That it ſhall be lawful for the Commiſſioners for the Time being, from Time to Time, at any of their Meetings, (there being preſent at ſuch Meeting ſuch Number of Commiſſioners as is herein-after mentioned), to elect as a Commiſſioner, or as Commiſſioners, for the Purpoſes aforeſaid, any Perſon ſeiſed or entitled in his own Right, or in the Right of his Wife, of, in, or to, any Freehold or Copyhold Eſtate in the *Iſle of Ely*, or within the Hundred of *Freebridge Marſhland*, or the Hundred or Half Hundred of *Clack Cloſe*, in the County of *Norfolk*, of the yearly Value of One hundred Pounds above Reprizes; or any Perſon reſiding within the ſaid *Iſle of Ely*, or the ſaid Hundreds or the Half Hundred of *Clack Cloſe*, poſſeſſed of or entitled to a Perſonal Eſtate of the Value of Three thouſand Pounds; or For electing new Commiſſioners.

or the eldeſt Son and Heir Apparent of any Perſon ſeiſed of, in, or to, any Freehold or Copyhold Eſtate in the ſaid *Iſle of Ely*, or the ſaid Hundreds or the Half Hundred of *Clack Cloſe*, of the yearly Value of Three hundred Pounds above all Reprizes.

In caſe of a Deficiency of Commiſſioners the Quarter Seſſions for the *Iſle of Ely* may appoint new Commiſſioners.

IV. And be it further enacted, That if at any Time hereafter there ſhall not be a ſufficient Number of Commiſſioners to meet, in order to elect others, or if the Commiſſioners for the Time being ſhall refuſe to act, then and in ſuch Caſe it ſhall be lawful for the Juſtices of the Peace for the ſaid *Iſle of Ely*, at their General Quarter Seſſions, upon Application to be made for that Purpoſe, to appoint other Commiſſioners for the Purpoſes aforeſaid, from among the Perſons whom the ſaid Commiſſioners are herein-before authorized to elect as Commiſſioners.

No Proprietor or Perſon intereſted in the Navigation to act as a Commiſſioner.

V. Provided always, and be it further enacted, That no Perſon, being a Proprietor of any Share in the intended Canal or Navigation, or intereſted therein, or in the Matter in Queſtion, or holding a Place of Profit under the ſaid Company, or concerned in any Contract or Bargain relating to the ſaid intended Canal or Navigation, or any other Concerns of the ſaid Company, ſhall act as a Commiſſioner; nor ſhall any Perſon act as a Commiſſioner, (except in adminiſtering the Oath or Affirmation herein-after mentioned), until he ſhall have taken and ſubſcribed an Oath, or (being One of the People called *Quakers*) an Affirmation to the Effect following, before ſome Three or more of the ſaid Commiſſioners, who are hereby authorized and required to adminiſter the ſame; (*videlicet*),

Commiſſioners to take an Oath or Affirmation.

Commiſſioners Oath or Affirmation.

'I *A. B.* do ſwear, *or* (being One of the People called *Quakers*) do ſolemnly and truly affirm, That I will, truly and impartially, according to the Evidence which ſhall be laid before me, and to the beſt of my Skill and Knowledge, execute and perform the Powers and Authorities veſted in me, as a Commiſſioner, by an Act of Parliament made in the Thirty-fourth Year of the Reign of King *George* the Third, intituled, [*Here ſet forth the Title of the Act*].'

Penalty on Commiſſioners acting not being qualified.

And if any Perſon ſhall preſume to act as a Commiſſioner in the Execution of this Act, not being qualified as herein-before mentioned, or diſqualified by the Means aforeſaid, every ſuch Perſon ſhall, for every ſuch Offence, forfeit the Sum of Fifty Pounds, to be recovered by any Perſon who ſhall ſue for the ſame, with full Coſts of Suit, by Action at Law, in any of His Majeſty's Courts of Record at *Weſtminſter*, or in the Court of Pleas of the *Iſle of Ely*, if the Cauſe of Action ſhall ariſe there; and ſuch Perſon ſo ſued ſhall prove that he is qualified as above, or otherwiſe pay the ſaid Penalty, without any other Proof or Evidence on the Part of the Plaintiff, than that ſuch Perſon hath acted as a Commiſſioner in the Execution of this Act.

Commiſſioners Allowance.

VI. And be it further enacted, That the ſaid Commiſſioners ſhall be allowed and paid the Sum of Seven Shillings and Sixpence a-piece, for their Expences in attending every Meeting of the ſaid Commiſſioners, for every Day they ſhall reſpectively attend; and that no farther Sum of Money, or any other Compenſation, ſhall be paid or made to the ſaid Commiſſioners, or any of them, for acting as Commiſſioners, or for attending

tending any Meeting or Meetings of the ſaid Commiſſioners; but the Hire of a Place or Room for them to meet in, ſhall be paid for, exclu-ſive of the aforeſaid Allowance; and this Allowance and Expence ſhall be paid and defrayed in the ſame Manner, and by the ſame Perſon or Per-ſons, as is herein-after directed with reſpect to the Expences of the Juries and Witneſſes which may be ſummoned, as herein-after is mentioned.

Commiſſion-ers may act as Juſtices of the Peace.

VII. And be it further enacted, That any of the ſaid Commiſſioners, who ſhall be in the Commiſſion of the Peace for the ſaid *Iſle of Ely* or County of *Norfolk*, or any of them, ſhall and may nevertheleſs act as Juſtices of the Peace in the Execution of this Act.

First Meeting of the Com-miſſioners.

VIII. And be it further enacted, That the ſaid Commiſſioners ſhall hold their Firſt Meeting, for the Purpoſes of this Act, at ſuch Time and Place as they ſhall be thereunto required by the Firſt General Aſſembly of the ſaid Company, (to be held as herein-after appointed), by publick Advertiſement as herein-after mentioned; and the ſaid Commiſſioners, at their ſaid Firſt Meeting, ſhall, and they are hereby required to appoint ſome proper Perſon or Perſons to be their Clerk or Clerks, and the ſaid Commiſſioners ſhall have Power, from Time to Time, to remove any ſuch Clerk, and to appoint another in his Stead, and every ſuch Clerk or Clerks ſhall be paid, for his or their Care and Trouble in the Execu-tion of his or their Office, by the ſaid Company; and all the Orders and Proceedings of the ſaid Commiſſioners, as well at this their Firſt as at any other ſubſequent Meeting, and all ſuch Verdicts as ſhall be taken by them, as herein-after is mentioned, ſhall be regularly entered by their Clerk in a Book to be kept for that Purpoſe, and to be provided from Time to Time by the ſaid Company; and ſuch Entries, being ſigned by any Three of the Commiſſioners preſent at the Meeting at which ſuch Order or Orders, Proceeding or Proceedings, or Verdict or Verdicts, ſhall have been made, had, or taken, ſhall be deemed Originals, and ſhall be admitted as Evidence in all Courts of Law or Equity; but no ſuch Firſt or other Meeting whatſoever of the ſaid Commiſſioners, except Adjourned Meetings, ſhall at any Time be had for putting into Execu-tion any of the Powers or Authorities veſted in them by this Act, unleſs Ten Days previous Notice at leaſt of ſuch reſpective Meetings ſhall be given in the *Cambridge* Newſpaper, or in ſuch other Newſpapers as the ſaid Commiſſioners ſhall from Time to Time appoint; and every Meet-ing of the ſaid Commiſſioners, by virtue of this Act, ſhall be publick; and no Order, Direction, or Determination, of the ſaid Commiſſioners, or any of them, touching any of the Matters and Things herein contained, (except in ſuch Caſes as are hereby otherwiſe directed), ſhall be valid and effectual, unleſs the ſame ſhall be made or done at a Meeting to be held in purſuance of this Act; and that all the Powers and Authorities given to or veſted in the ſaid Commiſſioners, ſhall and may, from Time to Time, be exerciſed by the Majority of the Commiſſioners preſent at ſuch Meetings, the whole Number preſent at ſuch Meetings not being leſs than Five; and every Meeting of the ſaid Commiſſioners ſhall be held at ſome Place not farther diſtant from the ſaid intended Canal than Ten Sta-tute Miles.

Proceedings of the Commiſ-ſioners to be entered.

Ten Days No-tice to be given of Meet-ings, except Adjourned Meetings.

Meetings to be publick, and all Orders to be then made by a Majority.

Five Commiſ-ſioners to con-ſtitute a Meet-ing.

All Meetings to be held within Ten Miles of the Canal.

Meetings of the Commiſ-ſioners to be held on Ap-

IX. And be it further enacted, That upon any Refuſal of any Owner or Owners, Occupier or Occupiers of, or any other Perſon or Perſons

plication by the Company, or Perſons intereſted.

intereſted in, any Lands, Grounds, Tenements, Hereditaments, or other Premiſes, which ſhall be marked or ſet out, taken, obſtructed, damaged, or in anywiſe affected by the ſaid intended Canal or Works, or any of them, to accept the Money or the Compenſation which ſhall be offered for or in reſpect of the ſame, by the ſaid Company, or their Committee, or by any of their Agents on their Behalf, it ſhall be lawful for the ſaid Company or Committee, or for ſuch Owner or Occupier, or other Perſon or Perſons ſo intereſted as aforeſaid, to make Application in Writing to any Three or more of the ſaid Commiſſioners, (although they ſhall not then be aſſembled together at a Meeting for the Purpoſes of this Act), requeſting or deſiring them to appoint a Meeting of the ſaid Commiſſioners; and the ſaid Commiſſioners ſo requeſted or applied to, or any Three or more of them, ſhall, within Fourteen Days after ſuch Requeſt or Application made to them, give publick Notice in Manner aforeſaid of ſuch Meeting, to be held at ſuch Time and Place as they ſhall think proper, ſuch Time not being leſs than Fourteen Days, nor more than Twenty-eight Days from the Day on which ſuch Requeſt ſhall have been made to them as aforeſaid; and the ſaid Commiſſioners are hereby authorized, empowered, and required, notwithſtanding any previous or intervening Adjournments of their Meetings, to aſſemble at the Time and Place to be ſo appointed, in order to put into Execution the Powers and Authorities hereby given to and veſted in them; and in caſe the Buſineſs to be tranſacted at any Meeting to be held in purſuance of this Act ſhall not be concluded and finiſhed on or within the Day mentioned in ſuch Notice, they the ſaid Commiſſioners ſhall then adjourn themſelves to, and ſhall afterwards meet at, ſuch Place and Time as they, or the Majority of them then preſent, ſhall think proper and convenient; and if it ſhall happen that there ſhall not appear at any Meeting to be held under the Powers of this Act, a ſufficient Number of Commiſſioners to act at ſuch Meeting, and to adjourn to any other Time, then and in ſuch Caſe the Clerk to the ſaid Commiſſioners ſhall and may, by publick Notice to be given in Manner aforeſaid, appoint the ſaid Commiſſioners to meet at the Houſe where the laſt Meeting of the ſaid Commiſſioners was ſo appointed to be held, on any Day not exceeding Fourteen Days next after the Day of ſuch laſt intended Meeting.

Commiſſioners to adjourn Meetings.

If a ſufficient Number of Commiſſioners do not attend, then the Clerk to adjourn ſaid Meetings.

Commiſſioners may ſummon and examine Witneſſes on Oath or Affirmation.

X. And be it further enacted, That the ſaid Commiſſioners ſhall be, and they are hereby authorized and required, to examine Witneſſes on Oath or Affirmation, to be adminiſtered by them, touching the Matters referred to, or to be conſidered of or determined by them, or by a Jury, as herein-after is mentioned; and that it ſhall be lawful for the ſaid Commiſſioners, by Warrant under their Hands, to ſummon and call before them all Perſons whoſe Teſtimony ſhall be neceſſary for the Deciſion of the Matter or Matters in queſtion before them, or the Jury, to be ſummoned as herein-after is mentioned.

Commiſſioners Adjudications to be put into Writing, and ſigned and ſealed by them.

XI. And be it further enacted, That all Deciſions, Determinations, and Adjudications, to be made by the ſaid Commiſſioners, with reſpect to any Queſtions, Diſputes, or Differences, to be referred to them, or with reſpect to the Value of any Property, or the Amount of any Damages to be aſcertained by them, and ſuch Verdicts as ſhall be taken by them, as herein-after is mentioned, beſides being entered in the Books of the ſaid Commiſſioners, ſhall be put into Writing, and ſhall be ſigned and

and ſealed by Three at leaſt of the Commiſſioners making or taking the ſame.

Directing the Line of the Canal.

XII. And whereas a Map or Plan, deſcribing the Lines of the ſaid intended Canal, and the Lands through which the ſame are intended to be carried, together with a Book of Reference containing a Liſt of the Names of the Owners or reputed Owners and Occupiers of ſuch Lands, hath been depoſited at the Offices of the Clerks of the Peace for the ſaid *Iſle of Ely*, and for each of the Counties of *Norfolk* and *Huntingdon*; be it enacted, That the ſeveral Maps or Plans and Books of Reference hereinbefore mentioned, ſhall remain in the Cuſtody of the reſpective Clerks of the Peace for the ſaid *Iſle of Ely*, and Counties of *Norfolk* and *Huntingdon*, and all Perſons ſhall, at any ſeaſonable Time, have Liberty to inſpect and peruſe the ſame, and to take Copies therefrom at their Will and Pleaſure, paying the reſpective Clerks of the Peace the Sum of One Shilling for every ſuch Inſpection, and after the Rate of Sixpence for every One hundred Words, for ſuch Copies or Extracts of the ſaid Books of Reference; and that the ſaid Company, in making the ſaid intended Canal, ſhall not deviate more than One hundred Yards from the reſpective Lines thereof ſo deſcribed in the ſaid Maps or Plans and Books of Reference reſpectively as aforeſaid, without the Conſent in Writing of the Perſon or Perſons through whoſe Lands or Grounds ſuch Deviation ſhall be made: Provided always, that no Deviation ſhall be made from the Line or Courſe of the ſaid intended Canal into any Lands or Grounds not mentioned in the ſaid Plan and Book of Reference, without the Conſent, in Writing, of the Perſon or Perſons through whoſe Lands or Grounds ſuch Deviation ſhall be made; but no Advantage ſhall be taken of or againſt the ſaid Company, or any Interruption be given to the making of the ſaid intended Canal, on Account of any Error or Omiſſion in the ſaid Book of Reference, in caſe it ſhall appear to any Five or more of the ſaid Commiſſioners, and be certified in Writing under their Hands, that ſuch Error or Omiſſion proceeded from Miſtake.

No Deviation to be made into any Lands not mentioned in the Book of Reference; but no Advantage to be taken of Errors in the Book of Reference.

For aſcertaining the Width of the Canal.

XIII. And be it further enacted, That the Lands or Grounds to be taken or uſed for the ſaid intended Canal, and for the Towing Paths thereto, and the Ditches, Drains, and Fences, to ſeparate ſuch Towing Paths from the adjoining Lands, ſhall not exceed Twenty Yards in Breadth, except in ſuch Places where any Docks, Baſons, Reſervoirs, or Pens of Water ſhall be made, or where the ſaid Canal ſhall be cut above Five Feet deeper than the preſent Surface of the Land, and except in ſuch Places where it ſhall be judged neceſſary for Boats and other Veſſels to turn, lie, or paſs each other, or where any Warehouſes, Cranes, or Weigh Beams may be erected, or where any Wharfs or other Places may be ſet out or appropriated for the Reception of any Coals, Lime, Stone, Timber, or other Goods, Wares, and Merchandizes, which ſhall be conveyed on the ſaid Navigation, nor in any Place more than Sixty Yards in Breadth.

Not to injure any Houſe, or Garden, &c.

XIV. Provided always, and be it further enacted, That nothing herein contained ſhall authorize or empower the ſaid Company, or any Perſon or Perſons acting by or under their Authority, to take, uſe, injure, or damage, for the Purpoſes of the ſaid Canal, or any other of the Purpoſes

poſes aforeſaid, any Houſe or other Building which was erected and built on or before the Firſt Day of *January* One thouſand ſeven hundred and ſeventy-four, or any Land or Ground which, on or before the ſaid Firſt Day of *January* One thouſand ſeven hundred and ſeventy-four, was ſet apart and uſed as or for any Garden, Orchard, Yard, Park, Paddock, Planted Walk, or Avenue to a Houſe, without the Conſent of the Owners and Occupiers thereof, other than and except ſuch Cottages, Buildings, and Erections, Yards and Gardens, ſtanding upon or ſituate within Fifteen Yards of the Middle of the old River or Watercourſe at the Back of the Town of *Wiſbech* aforeſaid, between the ſaid Old Sluice there and the preſent Toll Bar at the End of the ſaid Town, on the Turnpike Road leading to *Outwell*; and alſo other than and except ſuch Buildings, Gardens, or Yards, as have been built upon, or incloſed from any Waſte Land within the Pariſhes of *Wiſbech Saint Peter*, *Elm*, *Emneth*, and *Outwell* aforeſaid, or any of them, without lawful Authority, within the Space of Thirty Years previous to the paſſing of this Act.

For removing the Cottages, &c. on the Old River.

XV. And be it further enacted, That it ſhall be lawful to and for the ſaid Company, at any Time after the Expiration of Six Calendar Months from the Time of paſſing this Act, to take down and remove all ſuch Cottages, Buildings, and Erections, as have been erected, ſet, or made, or may be then ſtanding upon or within Fifteen Yards of the Middle of the ſaid Old River or Watercourſe at the Back of the Town of *Wiſbech* aforeſaid, between the ſaid Old Sluice there and the preſent Toll Bar at the End of the ſaid Town on the Turnpike Road leading to *Outwell*, and which may be neceſſary to be removed for making the ſaid intended Canal and Towing Paths, or any of the Buildings or Works to be made or done under the Authority of this Act, and to cut through or make uſe of, for the Purpoſes aforeſaid, any of the Yards or Gardens belonging to any ſuch Cottages, Buildings, or Erections, or any other Yards or Gardens ſituate within Fifteen Yards of the Middle of the ſaid Old River or Watercourſe, they the ſaid Company procuring for the reſpective Owners or Occupants of the ſaid Cottages which ſhall be ſo taken down or removed, proper Plots of Ground, within a convenient Diſtance of the Town of *Wiſbech* aforeſaid, in the Stead of the Scite of the ſaid Cottages, or making a proper Satisfaction to ſuch reſpective Owners or Occupants for ſuch Scites, and permitting the ſaid reſpective Owners or Occupants to take and carry away, and uſe for their own Benefit, the Materials of the ſaid Cottages, Buildings, and Erections, which may be taken down as aforeſaid.

If any Differences concerning the Plots of Ground to be provided, the Commiſſioners to ſettle them.

XVI. And be it further enacted, That if the ſaid Company, and the reſpective Owners or Occupants of the ſaid Cottages laſt aforeſaid, ſhall not agree reſpecting the Plots of Ground to be allotted in the Stead of the Scites of the ſaid Cottages, or reſpecting the Satisfaction to be made for the ſame, the Commiſſioners herein-before appointed ſhall finally determine whether the reſpective Plots of Ground propoſed by the ſaid Company to be allotted in the Lieu of the Scites of the ſaid Cottages to be taken down and removed as aforeſaid, be a ſufficient Compenſation for ſuch Scites, and ſhall finally ſettle and determine the Satisfaction to be given or made by the ſaid Company for ſuch Scites.

XVII. And

Power for the Biſhop of *Ely* to grant out Parcels of the Waſte.

XVII. And whereas there is Waſte Land near the Town of *Wiſbech* aforeſaid, within the Manor of *Wiſbech Barton*, belonging to the Right Reverend the Lord Biſhop of *Ely*, in Right of his Biſhoprick, to ſome Parts of which ſaid Waſte Land it might be convenient to remove the ſaid Cottages now ſtanding upon or near the ſaid Old River or Water-courſe, and herein-before directed to be taken down or removed as aforeſaid, and the ſaid Waſte Land is now but of ſmall Value; be it therefore enacted, That it ſhall and may be lawful to and for the ſaid Lord Biſhop of *Ely*, and his Succeſſors, as Lords of the ſaid Manor of *Wiſbech Barton*, at the Requeſt of the ſaid Company, made to him in Writing, to grant out any Part or Parts of the ſaid Waſte Land lying within the ſaid Manor, in the Pariſhes of *Wiſbech Saint Peter* and *Elm* aforeſaid, to the reſpective Owners or Occupants of ſuch of the ſaid Cottages as may be taken down or removed for the Purpoſes of the ſaid intended Canal, by virtue of this Act, in the Stead of the Scites of the ſame Cottages, to be held by ſuch Perſons reſpectively, and their reſpective Heirs and Aſſigns, by Copy of Court Roll as Copyhold of Inheritance of the ſaid Manor of *Wiſbech Barton*, according to the Cuſtom of the ſaid Manor, in the ſame Manner and ſubject to the ſame Rents, Duties, Suits, and Services, as the ancient Copyholds of the ſaid Manor are held, and as if ſuch new granted Lands were ancient Copyholds, and had been demiſed and demiſeable Time out of Mind by Copy of Court-Roll.

For enabling diſqualified Perſons to ſell or exchange.

XVIII. And be it further enacted, That after any Land or Ground ſhall be ſet out and aſcertained for making the ſaid Canal, or any Part or Parts thereof, and for providing and conſtructing the Wharfs and other Works and Conveniencies herein-before mentioned, or any of them, it ſhall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Huſbands, Guardians, Truſtees, and Feoffees in Truſt, or for any Charitable Uſes, Committees, Executors, and Adminiſtrators, Attornies, or Agents of Perſons beyond Sea, and all other Truſtees or Perſons whomſoever, not only for and on Behalf of themſelves, their Heirs and Succeſſors, but alſo for and on Behalf of their Ceſtuique Truſts, whether Infants, Iſſue unborn, Lunaticks, Ideots, Femes Covert, or Perſon or Perſons beyond Sea, or other Perſon or Perſons whomſoever, and to and for all Femes Covert, who are or ſhall be ſeiſed or poſſeſſed of, or entitled for or intereſted in their own Right, and for every other Perſon or Perſons whomſoever, who is, are, or ſhall be ſeiſed, poſſeſſed of, or intereſted in any Lands, Grounds, and Hereditaments, which ſhall be ſo ſet out and aſcertained for the Purpoſes aforeſaid, to contract for, ſell, and convey the ſame, and every Part thereof, unto the ſaid Company; and if it ſhall happen that by making the ſaid Canal, or the Conveyance of Water thereto, the Property of any Land Owner or Land Owners ſhall be ſeparated into ſmall Parcels, ſo as to render the Occupation thereof inconvenient, it ſhall be lawful for ſuch Bodies Politick, Corporate, and Collegiate, and all ſuch other Perſon and Perſons whomſoever, by and with the Conſent of the Commiſſioners hereby appointed, teſtified by Writing under their Hands and Seals, to contract for, ſell, and diſpoſe of, or to convey in Exchange for other Lands, all or any Part of ſuch ſmall Parcels of Land to any Perſon or Perſons whomſoever, for ſuch Price or Prices, in Money or other Equivalent, as to ſuch Land Owner or Owners ſhall ſeem reaſonable; and all ſuch Contracts, Agreements,

Sales, Conveyances, and Aſſurances, ſhall be valid and effectual in the Law to all Intents and Purpoſes whatſoever, any Law, Statute, Uſage, or Cuſtom, to the contrary thereof in anywiſe notwithſtanding; and all Bodies Politick, Corporate, or Collegiate, and all Perſons whomſoever, ſo conveying or exchanging as aforeſaid, are hereby indemnified for or in reſpect of any ſuch Sale or Exchange which he, ſhe, or they, or any of them, ſhall reſpectively make by virtue or in purſuance of this Act; and all ſuch Contracts, Agreements, Sales, Conveyances, and Aſſurances, ſhall be made at the Expence of the ſaid Company; and ſuch of them as ſhall be made of any Lands or other Hereditaments to the ſaid Company, ſhall be made according to the Form following; *videlicet*,

Form of Conveyance to the Company.

'I (*or* we, *as the Caſe may be*) *A. B.* of in Conſideration of the Sum of to me (*or* us) paid (*or* in Conſideration of the Annual Rent of to me (*or* us) to be hereafter yielded and paid, by Yearly (*or* Half-yearly) Payments, (*as may be agreed upon*), by the *Wiſbech* Canal Company, do hereby grant and releaſe to the ſaid Company, all (*deſcribing the Hereditaments to be conveyed*) and all my (*or* our and each of our) Right, Title, and Intereſt, to and in the ſame, and every Part thereof, to hold to the ſaid Company, and their Succeſſors and Aſſigns, for ever, by virtue and according to the true Intent and Meaning of the Act of Parliament paſſed for making and maintaining the ſaid *Wiſbech* Canal. In Witneſs whereof I (*or* we) have hereunto ſet my Hand and Seal, (*or* our Hands and Seals), this Day of in the Year of our Lord

Which ſaid Conveyance ſhall be kept by the Clerk or Clerks to the ſaid Company, who ſhall from Time to Time, when requeſted, deliver atteſted Copies thereof to any Perſon or Perſons requeſting the ſame, and ſhall have and receive Two Shillings and Sixpence for each ſuch atteſted Copy; and every ſuch Conveyance as aforeſaid, which ſhall be made to any Perſon or Perſons other than the ſaid Company, ſhall be according to the following Form:

Form of Conveyance to other Perſons.

'I (*or* we, *as the Caſe may be*) *A. B.* do hereby, by virtue and in purſuance of a certain Act of Parliament, intituled, [*Here ſet forth the Title of the Act*], and by and with the Conſent and Approbation of the Commiſſioners appointed under or by virtue of the ſaid Act, teſtified by the Hands and Seals of Three of them hereto ſet and affixed, and in Conſideration of the Sum of to me (*or* us) in Hand paid by *C. D.* at or before the Sealing and Delivery of theſe Preſents, the Receipt whereof I (*or* we) do hereby acknowledge, (*or* in Exchange for certain Lands ſituate conveyed to me (*or* us) by *C. D.* by Writing under his Hand and Seal bearing even Date herewith, convey and aſſign to the ſaid *C. D.* all (*deſcribe the Hereditaments*) and all my (*or* our) Right, Title, and Intereſt, to and in the ſame and every Part thereof, to hold to the ſaid *C. D.* his (*or* her) Heirs and Aſſigns for ever. As Witneſs my Hand and Seal, (*or* our Hands and Seals), this Day of in the Year of our Lord

And every ſuch Conveyance ſhall be valid and effectual.

XIX. And

Company obliged to purchaſe ſmall Parcels of Land ſeparated in making the Canal.

XIX. And be it further enacted, That where the ſaid Company ſhall cut through any Land or Ground for the Purpoſes of the ſaid Canal, they ſhall be obliged to purchaſe not only ſuch Part of the ſame Lands and Grounds as ſhall be actually taken or uſed, but alſo, at the Option of the Owner or Owners of ſuch Land or Ground, the Remainder thereof, ſo as the ſame do not exceed Two Acres in Quantity over and above the Land or Ground which ſhall be actually taken or uſed for the Purpoſes of the ſaid intended Canal, the Value thereof to be aſcertained in the ſame Manner as by this Act is directed concerning the Land or Ground to be cut, taken, or uſed, for the Purpoſes of the ſaid intended Canal.

Satisfaction to be made in Groſs Sums, or by Rents.

XX. Provided always, and be it further enacted, That all and every Body or Bodies Politick, Corporate, or Collegiate, Truſtees or other Perſons herein-before capacitated to ſell or convey Lands or other Hereditaments, or any other Owner or Owners, and the Occupier or Occupiers of any Lands or other Hereditaments, through, in, or upon which the ſaid Canal, Towing Paths, Quays, or other Works hereby authorized to be made, are intended to be made, or any of them, may accept and receive Satisfaction for the Value of ſuch Lands, Grounds, and Hereditaments, and for the Damages to be ſuſtained by making and completing the ſaid Works herein-before directed, either in Groſs Sums, or by Annual Rents, as ſhall be agreed upon by and between the ſaid Owners and Occupiers reſpectively, or any of them, and the ſaid Company; and in caſe the ſaid Company, and the ſaid Parties intereſted in ſuch Lands and Grounds, or other Hereditaments, cannot agree as to the Amount or Value of ſuch Satisfaction, the ſame ſhall be aſcertained and ſettled by the Commiſſioners herein-before appointed, in the Manner aforeſaid; and all ſuch Yearly Rents or Sums as ſhall be agreed on between the ſaid Company and the ſaid Parties intereſted in ſuch Lands and Grounds or other Hereditaments, or as ſhall be ſo aſcertained and ſettled as aforeſaid, ſhall be charged on the Rates ariſing by virtue of this Act, and ſhall be paid by the ſaid Company as the ſame ſhall become due and payable, and be recoverable in the ſame Manner as is hereinafter directed reſpecting the Monies to be awarded for Damages.

How the Price or Satisfaction ſhall be ſettled, and the Mode of recovering Rents.

Copyhold Rights to be preſerved.

XXI. Provided alſo, and be it further enacted, That all Copyhold Lands, Tenements, and Hereditaments, to be purchaſed by the ſaid Company, ſhall continue to be held as Copyhold by the ancient Rents, Fines, and Services, unleſs the Lord of the Manor ſhall agree to enfranchiſe the ſame; and that all ſuch Copyhold Lands, Tenements, and Hereditaments, (except what may be enfranchiſed), ſhall be ſurrendered to the Uſe of One Perſon only, to be named a Truſtee by and for the ſaid Company, unleſs the Lord of the Manor whereof ſuch Copyhold ſhall be held, ſhall conſent to their being otherwiſe ſurrendered.

Compenſation to be made for Tithes.

XXII. Provided likewiſe, and be it further enacted, That full Recompence and Satisfaction ſhall be made by the ſaid Company for all the Tithes, both Great and Small, of the Lands which ſhall be taken or made uſe of by them for the Purpoſes of this Act, to the ſeveral Perſons entitled to ſuch Tithes, according to their reſpective Intereſts therein; ſuch Tithes to be eſtimated at the Value they were of immediately

diately before the taking and using of the said Lands; such Value to be ascertained (in case of any Difference concerning the same) in like Manner as the Value of any other Lands or Hereditaments is hereby directed to be ascertained.

Commissioners to settle Damages.

XXIII. And be it further enacted, That the said Commissioners shall adjust and determine the Compensation to be made by the said Company for any Damages which may or shall be, at any Time or Times hereafter, sustained by any Bodies Politick, Corporate, or Collegiate, or by any Person or Persons respectively, being Owners of or interested in any Lands, Grounds, Tenements, or Hereditaments, for or by reason of the making, using, repairing, or maintaining, of the said Canal, and the Reservoirs, Aqueducts, Tunnels, Sluices, Passages, Watercourses, Roads, Ways, or other Works or Conveniencies hereinbefore authorized to be made and done, or by Reason or Means of the Execution of any of the Powers herein contained.

Commissioners to settle the Proportions to be paid to Persons having only partial Interests in Estates sold.

XXIV. And be it further enacted, That the Commissioners hereinbefore appointed shall and may settle, adjust, and determine, what Proportions of the Purchase Monies of any Hereditaments to be purchased by the said Company, and of the Recompences to be had for Damage done, shall be allowed to any Tenants, or other Person or Persons having only a limited Interest in the Hereditaments which may be so purchased as aforesaid, or to which such Damage as aforesaid may be done, and whether any Part of such Purchase Money or of such Recompence as aforesaid, shall be paid to such Tenant or Tenants, or Person or Persons having only a limited Interest in such Hereditaments as last aforesaid, and whether any and what Deduction shall be made in the Rent or Rents payable by any Tenant or Tenants of any Land or other Hereditaments cut through, purchased, or damaged, to the Landlord or Landlords thereof.

If Parties are dissatisfied with the Determination of the Commissioners, the Value to be ascertained by a Jury.

XXV. Provided always, and be it further enacted, That if the said Company, or their Committee for the Time being, shall be dissatisfied with any Judgement or Determination of the said Commissioners, and shall give Notice thereof in Writing to any Three or more of the said Commissioners within Ten Days next after the same shall have been made, or if any Body Politick, Corporate, or Collegiate, or any other Person or Persons entitled or interested in the Property in respect of which such Judgement or Determination shall have been given or made for and on his, her, or their Part or Parts, or for or on the Part of his, her, or their Cestuique Trust, or of any other incapacitated Person or Persons as aforesaid, shall in like Manner be dissatisfied with the Judgement or Determination of the said Commissioners, and shall refuse to accept such Purchase Money, or Annual Rent or Recompence, or other Compensation determined and adjudged by the said Commissioners, upon due Tender thereof made by or on Behalf of the said Company, and shall give Notice in Writing to any Three or more of the said Commissioners of such Refusal, within Ten Days after such Tender shall have been made, and the Party or Parties giving such Notice as aforesaid, shall therein request that the Matter or Matters so in Dispute may be submitted to the Determination of a Jury, then and in every such Case the said Commissioners

Commiſſioners ſhall, and they are hereby empowered and required, from Time to Time, to iſſue a Warrant under their Hands and Seals to the High Bailiff of the *Iſle of Ely*, or to the Sheriff of the County of *Norfolk*, (according to the Diſtrict in which the Matter in Queſtion or Diſpute ſhall ariſe), or in caſe ſuch High Bailiff, Sheriff, or his Under Bailiff or Under Sheriff, ſhall happen to be One of the ſaid Company, or ſhall enjoy any Office of Truſt or Profit under them, or ſhall have any Contract or Bargain with them, or ſhall be intereſted in the Matter or Matters in Queſtion, then to the Senior Coroner of the ſaid Iſle or County, and in caſe he ſhall be ſo intereſted, then to the next Coroner of the ſame Iſle or County in point of Seniority, who ſhall not be ſo intereſted, commanding ſuch High Bailiff, Sheriff, or Coroner, and he is hereby empowered and required, to impannel, ſummon, and return, a Jury of Twelve ſufficient and indifferent Men, qualified according to Law to be returned for Trials of Iſſues joined in His Majeſty's Courts at *Weſtminſter*, or in the Court of Pleas of the ſaid *Iſle of Ely* reſpectively, to appear before the ſaid Commiſſioners at ſuch Time and Place as in ſuch Warrant ſhall be appointed, ſuch Time not being leſs than Seven Days, nor more than Fourteen Days after ſuch Warrant ſhall have been ſerved upon the ſaid High Bailiff, Sheriff, or Coroner; and in caſe a ſufficient Number of Jurymen ſhall not appear at the Time and Place appointed as aforeſaid, the ſaid High Bailiff, Sheriff, or Coroner, ſhall return other honeſt and indifferent Men of the Bye-ſtanders, or of others who can be ſpeedily procured to attend that Service, being ſo qualified as aforeſaid, to make up the ſaid Jury to the Number of Twelve; and every ſuch Jury and Juryman ſhall be liable and ſubject to the ſame Regulations, and to the ſame Pains and Penalties, for Default as if he and they had been returned for the Trial of any Iſſue joined in any of His Majeſty's Courts at *Weſtminſter*, or in the Court of Pleas of the ſaid *Iſle of Ely* reſpectively, and all Parties concerned may have their lawful Challenges againſt any of the ſaid Jurymen, but ſhall not challenge the Array; and the ſaid Commiſſioners are hereby empowered and required to ſummon and call before them, and to hear and examine on Oath or Affirmation any Witneſſes touching the Matters in Queſtion, and may order and authorize the ſaid Jury to view the Place or Places, or Matters or Things in Controverſy, and ſuch Jury ſhall, upon their Oaths or Affirmations, (which Oaths or Affirmations, as well as the Oaths or Affirmations of ſuch Witneſſes, the ſaid Commiſſioners are hereby empowered and required to adminiſter), inquire of, aſſeſs, and aſcertain, and give a Verdict for the Sum or Sums of Money, or the Annual Rent or Rents, which ſhall be paid for the Purchaſe or for the Hire and Uſe of ſuch Lands, Grounds, and Hereditaments, and the Compenſation which ſhall be made for the Damages ſuſtained as aforeſaid, and the ſaid Commiſſioners ſhall give Judgement for ſuch Purchaſe Money, Rent, Recompence, or Compenſation ſo aſſeſſed by ſuch Jury; which ſaid Verdict, and the Judgement thereupon pronounced by the ſaid Commiſſioners, ſhall be binding and concluſive, to all Intents and Purpoſes, againſt all Bodies Politick, Corporate, and Collegiate, and againſt all Perſons whomſoever.

Verdict of the Jury, &c. to be final.

XXVI. And whereas it may happen, that by Reaſon of Abſence in Foreign Countries, or other Impediment or Diſability not before provided for by this Act, there may not in certain Caſes be found any

If Parties are unable or unwilling to treat, a Jury to aſcertain the Value.

Perſon or Perſons who may be legally capacitated to treat and contract with the ſaid Company for the ſpeedy and abſolute Sale and Conveyance to them of the Lands and Grounds, or other Hereditaments and Premiſes, which may be neceſſary and requiſite for the Purpoſes of the ſaid Navigation, and other Works and Conveniencies, or concerning a proper Compenſation for the Damages which may be done thereby to ſuch Lands or other Premiſes as aforeſaid; and it may alſo happen that the ſaid Bodies Politick, Corporate, or Collegiate, or other Perſon or Perſons who is or are, under the Proviſions in this Act contained, or otherwiſe legally capacitated to treat and contract with the ſaid Company for ſuch ſpeedy and abſolute Sale and Conveyance, or for ſuch Compenſation as aforeſaid, or for the Intereſt which he, ſhe, or they, may hold therein, may nevertheleſs refuſe to enter into any ſuch Treaty or Contract; be it therefore further enacted, That in either of theſe Caſes, whenſoever the ſame ſhall happen, it ſhall be lawful for the ſaid Company, (after Notice in Writing given to the Principal or other known Officer or Officers of ſuch Body Politick, Corporate, or Collegiate, or to the Tenant or Tenants, Occupier or Occupiers, or other Perſons intereſted in the Uſe, Produce, or Profit of ſuch Lands, Grounds, Hereditaments, and Premiſes reſpectively, or left at the Place or Places of his, her, or their, uſual Abode, for the Space of Ten Days), to make Application to the ſaid Commiſſioners, who ſhall, and they are hereby empowered and required forthwith to iſſue their Warrant for the Summons and Return of a Jury in Manner herein-before directed, and may order and authorize the ſaid Jury to view the Premiſes, and the ſaid Jury ſhall, on their Oaths or Affirmations, aſſeſs and aſcertain the Sum or Sums of Money, or Annual Rent or Rents, which ought to be paid for the abſolute Purchaſe of the Premiſes in Queſtion, or the Compenſation which ought to be made for the Damages which may or ſhall be ſuſtained as aforeſaid, and the ſaid Commiſſioners ſhall give Judgement accordingly for and reſpecting the ſame, which ſhall be binding and concluſive againſt all and every Perſon or Perſons whomſoever, as herein-before mentioned or declared.

Verdict for Value of Lands and Damages to be aſcertained ſeparately.

XXVII. Provided always, and be it further enacted, That the ſaid Commiſſioners and Juries reſpectively, in all Determinations, Judgements, and Verdicts, which they ſhall reſpectively make and give in the Execution of the Powers hereby veſted in them, ſhall diſtinguiſh the Value ſet upon Lands, Grounds, and other Hereditaments, ſeparately and diſtinctly from the Damages ſuſtained, or to be ſuſtained, in conſequence of any Thing to be done under the Authority of this Act, and ſhall award and adjudge ſuch Value and Damages ſeparately and apart from each other.

For paying the Expences of the Jury and Witneſſes.

XXVIII. And be it further enacted, That whenſoever a Jury is or ſhall be called by the Commiſſioners as aforeſaid, or any Witneſs or Witneſſes is or ſhall be examined by and before the ſaid Commiſſioners alone, or by and before the ſaid Commiſſioners and Jury jointly, as herein-before directed, the ſaid Commiſſioners ſhall, and they are hereby required, according to their Diſcretion, to give and award to each of the ſaid Jurors and Witneſſes, in every ſuch Caſe, ſuch ſeveral and reſpective Sum and Sums of Money as ſhall be a reaſonable and moderate Recompence for the Expences and Trouble of their Journey and Attendance;

dance; and in each and every Caſe where a Verdict ſhall be given for more Money or for a greater Annual Rent, as a Recompence or Satisfaction for the abſolute Sale of any Lands, Grounds, or other Hereditaments, of any Perſon or Perſons whomſoever, or as a Compenſation for any Damages done or to be done to ſuch Lands, or other Hereditaments or Property, than had been previouſly offered by or on Behalf of the ſaid Company before the Meeting of the ſaid Commiſſioners, or than had been by them determined and aſſeſſed as aforeſaid, or where any Verdict ſhall be found for any Damages where the Diſpute is for Damages only, and where no Compenſation had been previouſly offered or tendered in reſpect thereof by and on Behalf of the ſaid Company, or where, by Reaſon of Abſence in Foreign Countries, or other Impediment or Diſability as aforeſaid, there ſhall not be found any Perſon or Perſons at Hand who may be legally capacitated to enter into Contract with, and make Conveyances to, or receive Compenſations from the ſaid Company, as herein-before mentioned, then and in all ſuch Caſes all the Expences of calling ſuch Commiſſioners, and of the Allowances or Payments to be made or paid to them, and of ſummoning ſuch Jury and Witneſſes, and taking ſuch Verdict, ſhall be ſettled by the ſaid Commiſſioners, and ſhall be defrayed by the ſaid Company; but if any Verdict ſhall be given for the ſame Sum or Rent that had been previouſly offered by or on the Behalf of the ſaid Company, or had been ſo determined or aſſeſſed by the ſaid Commiſſioners, or for a leſs Sum than had been ſo previouſly ordered, determined, or aſſeſſed, or in caſe no Damages ſhall be given by the Verdict where the Diſpute is for Damages only, or in caſe of ſuch Refuſal to enter into Treaty, or make Conveyances to, or receive Compenſations from, the ſaid Company, by any Bodies Politick, Corporate, or Collegiate, or by any Perſon or Perſons whomſoever, who is or are, by the Proviſions of this Act, or otherwiſe, legally capacitated to treat, and convey, and receive ſuch Compenſation as aforeſaid, then and in all ſuch Caſes (except where by Reaſon of Abſence, or otherwiſe, any Perſon ſhall be prevented from treating and agreeing as aforeſaid) the Coſts and Expences of calling a Meeting of ſuch Commiſſioners, and of the Allowances or Payments to be made or paid to them, and of ſummoning ſuch Jury and Witneſſes, and taking ſuch Verdict, ſhall be ſettled in like Manner by the ſaid Commiſſioners, and be borne and paid by the Perſon or Perſons with whom the ſaid Company ſhall have ſuch Concerns, Controverſies, or Diſputes, which ſaid Coſts and Expences, having been ſo ſettled, ſhall and may be deducted out of the Monies ſo aſſeſſed and adjudged, as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons, and the Payment or Tender of the Remainder of ſuch Sum or Sums of Money ſhall be deemed and taken, to all Intents and Purpoſes, to be a Payment or Tender of the whole Sum or Sums ſo aſſeſſed and adjudged.

Verdict to be recorded.

XXIX. And be it further enacted, That all the Determinations of the ſaid Commiſſioners which ſhall be ſubmitted to and acquieſced in by the Parties concerned, and alſo the ſaid Judgements and Verdicts, and the Adjudications or Awards of the ſaid Commiſſioners reſpecting the ſame Proceedings, (being firſt ſigned and ſealed by Three of the Commiſſioners preſent at the making, taking, or awarding the ſame), ſhall, within One Calendar Month after the ſame ſhall be made, be tranſmitted to and be kept by the Clerk of the Peace for the ſaid *Iſle of Ely* amongſt

the Records of the Quarter Seſſions of the ſaid *Iſle of Ely*, and ſhall be deemed to be Records of the ſaid Quarter Seſſions to all Intents and Purpoſes, and the ſame, or true Copies thereof, ſhall be allowed to be good Evidence in all Courts whatſoever, and all Perſons ſhall have Liberty to inſpect the ſame, paying for ſuch Inſpection the Sum of One Shilling, and to take Copies thereof, paying for every Copy the Sum of Sixpence for every One hundred Words.

Perſons requeſting Juries, to enter into Bonds to proſecute.

XXX. Provided always, and be it further enacted, That all and every Perſon and Perſons making Complaint and requeſting a Jury to be ſummoned, ſhall (before the ſaid Commiſſioners ſhall iſſue out their Warrant for that Purpoſe) enter into a Bond, with ſufficient Sureties, to the Treaſurer of the ſaid Company, in a Penalty of Fifty Pounds, with Condition to proſecute his, her, or their ſaid Complaint, and to bear and pay the Coſts and Expences of ſummoning ſuch Jury and Witneſſes, and taking ſuch Verdict, in caſe the ſame ſhall be given for no greater or for a leſs Sum or Rent than had been offered by or on the Behalf of the ſaid Company, or than had been aſſeſſed by the Commiſſioners before the ſummoning and returning the ſaid Jury or Juries, for the Purchaſe of, or as a Recompence for, any Lands, Grounds, or Hereditaments, or as a Compenſation for any Damages, or in caſe no Verdict ſhall be found for Damages, where the whole Diſpute was whether any Damage was or was not done as aforeſaid.

Notice of Injury to be given to the Company before Complaint to the Commiſſioners.

XXXI. And be it further enacted, That the ſaid Commiſſioners ſhall not, nor ſhall any of them, be obliged or allowed, by virtue of this Act, to receive or take Notice of any Complaint or Complaints to be made by any Perſon or Perſons whomſoever, for any Injury or Damage by him, her, or them ſuſtained, or ſuppoſed to be ſuſtained, unleſs Application in Writing ſhall have been made in relation thereto, by or on the Behalf of ſuch Perſon or Perſons, to the ſaid Company, or to their Committee, Treaſurer, or Clerk, or to their known Agent or Agents, or to ſome Collector or Collectors of the Rates ariſing from the ſaid Navigation, reſiding neareſt to the Place where the Cauſe of Complaint ſhall ariſe, within the Space of Six Calendar Months next after the Time that ſuch ſuppoſed Injury or Damage ſhall have been ſuſtained, or the doing or committing thereof ſhall have ceaſed.

Penalty on Sheriffs, &c. making Default.

XXXII. And be it further enacted, That if any ſuch High Bailiff, Sheriff, Under Sheriff, or Coroner, herein-before directed to act in the Place of ſuch High Bailiff or Sheriff, ſhall make Default in the Premiſes, every ſuch Perſon ſhall, for every ſuch Offence, forfeit the Sum of Twenty Pounds; and if any Perſon ſo ſummoned and returned as aforeſaid upon any ſuch Jury ſhall not attend, or attending, ſhall refuſe to give his Verdict on Oath or Affirmation, or ſhall in any Manner wilfully neglect his Duty, or if any Perſon ſummoned to give Evidence to the ſaid Commiſſioners, or the ſaid Jury, ſhall not appear, or appearing ſhall refuſe to be examined on Oath or Affirmation, or to give Evidence, every Perſon ſo offending reſpectively, having no reaſonable Excuſe, to be allowed by the ſaid Commiſſioners, ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Twenty Pounds, nor leſs than Forty Shillings.

XXXIII. And

XXXIII. And be it further enacted, That in Default of Payment of Monies to be awarded for Damages of any Kind by the ſaid Commiſſioners, or ſuch Jury as aforeſaid, or of Non-payment of ſuch Yearly Rents or Sums as may be payable by the ſaid Company, and chargeable on the Rates ariſing by virtue of this Act, for the Space of Sixty Days next after the ſame ſhall become due and payable, it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby required, upon Application for this Purpoſe to be made to them by or on the Behalf of the Bodies Politick, Corporate, or Collegiate, Truſtees, or other Perſon or Perſons to whom ſuch Damages or Yearly Rents ſhould be paid, by an Order under their Hands, to appoint One or more Perſon or Perſons to receive the Rates to be made payable under the Authority of this Act, and to pay the ſame to ſuch Perſon or Perſons to whom ſuch Damages or Yearly Rents ſhall be due and unpaid as aforeſaid, the ſaid Commiſſioners taking ſuch Security from every ſuch Collector for the due and faithful Execution of his Office as they ſhall judge proper and ſufficient; and every Perſon ſo appointed ſhall be deemed a Collector of the ſaid Rates, and ſhall have the ſame Power and Authority for collecting the ſame, as if he had been appointed a Collector of the ſaid Rates by the ſaid Company, until ſuch Damages, with Intereſt thereon, at the Rate of Five Pounds *per Centum*, up to the Time of Payment of the ſaid Yearly Rents or Sums, and the Coſts and Charges of recovering and receiving the ſame reſpectively, ſhall be fully ſatisfied and paid to him, her, or them; or it ſhall be lawful for ſuch Bodies Politick, Corporate, or Collegiate, Truſtees, or other Perſon or Perſons, to whom ſuch Damages or Yearly Rents ſhall be due and owing as aforeſaid, to ſue for and recover the ſame, with Coſts of Suit, by Action of Debt in any of His Majeſty's Courts of Record, or otherwiſe to ſeize and diſtrain any Boats, Veſſels, or other Goods or Effects, of the ſaid Company which ſhall be found in or upon the ſaid Canal, or in or upon the Wharfs, Quays, Warehouſes, or other Works thereto belonging, (Information of ſuch Diſtreſs being immediately given to the ſaid Company, by Notice in Writing delivered to ſome of their Clerks or Collectors of the Rates, or other known Officer or Officers, near to the Place where ſuch Diſtreſs ſhall be made), and to detain the ſame until Payment of the Damages then due and owing, together with Intereſt thereon as aforeſaid, and of the aforeſaid Yearly Rents, with the reaſonable Charges attending ſuch Diſtreſs; and if ſuch Diſtreſs ſhall not be redeemed within Ten Days next after making the ſame, and Notice thereof given in Writing as aforeſaid, then ſuch Boats, Veſſels, or other Goods or Effects ſo diſtrained, ſhall and may be ſold or diſpoſed of in ſuch Manner as the Law directs in caſe of a Diſtreſs for Rent.

Damage how to be recovered.

Or the Company's Boats, &c. may be ſeiſed or diſtrained upon for the ſame.

XXXIV. And be it further enacted, That all Sums of Money, which are to be paid to any Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt or for charitable Uſes, Executors, Adminiſtrators, Huſbands, Committees, or other Truſtees, or Perſons acting as Guardians, Committees, or Truſtees, for or on the Behalf of any Infants, Lunaticks, Ideots, Femes Covert, or other Ceſtuique Truſts, or to any Perſon or Perſons whoſe Lands or Eſtates are limited in Settlement, for the Purchaſe or Exchange of, or the Damage to be done to any Lands or Hereditaments, by virtue of the Powers herein contained, or to any Rector, Vicar, or other Perſon intereſted, as a Com-

Purchaſe Money belonging to Corporations, &c. to be laid out to the ſame Uſes.

a Compenſation for Tithes, ſhall, in caſe the ſame ſhall exceed the Sum of Twenty Pounds, be laid out, as ſoon as conveniently may be, by ſuch Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt or for charitable Uſes, Executors, Adminiſtrators, Huſbands, Guardians, Committees, or other Perſon or Perſons aforeſaid, in the Purchaſe of Lands, Tenements, and Hereditaments, in Fee Simple, which ſhall be conveyed to or to the Uſe of ſuch Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or to or for ſuch other Perſon or Perſons, and for ſuch Eſtates, and to, for, upon, and ſubject to ſuch Uſes, Truſts, Limitations, Remainders, and Contingencies, as the Lands and Grounds, Tenements or Hereditaments, for or in reſpect whereof ſuch Money ſhall be paid as aforeſaid, were limited, ſettled, and aſſured, at the Time when ſuch Money was ſo agreed for, aſcertained, or aſſeſſed reſpectively as aforeſaid, or for ſuch and ſo many of ſuch Uſes as ſhall be then exiſting and capable of taking Effect, and that ſuch Conveyances and Settlements ſhall be made at the Expence of the ſaid Company; and in the mean Time, and until ſuch Purchaſe or Purchaſes ſhall be made, the ſaid Money, and alſo ſuch Sums of Money to be paid as aforeſaid, as ſhall not exceed Twenty Pounds, ſhall be placed out by ſuch Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt or for charitable Uſes, Executors, Adminiſtrators, Huſbands, Guardians, Committees, or other Truſtees, Perſon or Perſons, in ſome of the Publick Funds, or in Government or Real Securities, producing an Annual Intereſt, in the Names of Two or more Perſons to be nominated by the Parties intereſted therein, and to be approved of by the ſaid Commiſſioners; and the Intereſt ariſing or to be produced from any ſuch Funds and Securities, and alſo the Annual Rent for ſuch Lands, Grounds, Tenements, and Hereditaments, where a Rent ſhall be fixed upon as aforeſaid, ſhall be paid to ſuch Perſon or Perſons reſpectively as would have been entitled for the Time being to the Rents and Profits of ſuch Lands and other Hereditaments, ſo to be purchaſed, in caſe the ſame had been purchaſed and ſettled purſuant to the Tenor and true Meaning of this Act.

Power to enter and take Poſſeſſion of Lands, &c. on Payment or Tender of Purchaſe Money.

XXXV. And be it further enacted, That upon Payment or legal Tender of ſuch Sum or Sums of Money, or giving ſuch Security as the ſaid Commiſſioners ſhall approve, for Payment of any ſuch Annual Rent as ſhall have been contracted or agreed for between the Parties, or determined and adjuſted by the ſaid Commiſſioners, or aſſeſſed by ſuch Juries, in Manner reſpectively as aforeſaid, for the Purchaſe of any Lands or other Hereditaments, or as a Recompence for the yearly Produce or Profits thereof, or as a Compenſation for Damages as herein-before mentioned to the Proprietor or Proprietors of ſuch Lands and Premiſes, or to ſuch other Perſon or Perſons as ſhall be intereſted therein, or entitled to receive ſuch Money, Rent, or Compenſation reſpectively, at any Time after the ſame ſhall have been ſo agreed for, determined, or aſſeſſed; or if the Perſon or Perſons ſo entitled or intereſted, or any of them, cannot be found, or ſhall refuſe to receive the ſame, then, upon the Inveſtiture thereof in ſuch Publick Funds or Government Securities, bearing an Annual Intereſt, as the ſaid Commiſſioners ſhall, by Writing under their Hands, appoint, in caſe the ſame ſhall exceed the Sum of Twenty Pounds, and if the ſame ſhall not exceed the ſaid Sum, then, on leaving

or depositing the Money in the Hands of the Treasurer to the said Company, for the Use of such Proprietor or other Person or Persons so interested or entitled as aforesaid respectively; or in case of such Money being to be laid out in other Purchases, or on Securities in the mean Time, under the Provisions herein-before for that Purpose contained; then, upon such Money being so laid out or invested, and in all or any of the said Cases, so often as the same shall happen, it shall be lawful for the said Company, and their Agents, Workmen, and Servants, immediately to enter upon such Lands, Grounds, and other Hereditaments respectively, (or before such Payment or Tender, by Leave of the Owners or Occupiers thereof), and then and thereupon such Lands, Grounds, and other Hereditaments, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest, of any Person or Persons therein, shall from thenceforth be vested in and become the sole Property of the said Company, to and for the Purposes of this Act; and such Payment, Tender, or Investiture, shall not only bar all Right, Title, Claim, Interest, and Demand, of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to, and shall be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail, and other Estates in Reversion and Remainder, of his, her, or their Issue, and of every other Person whomsoever therein: Provided nevertheless, that before such Payment, Security, Tender, Investment, or Deposit as aforesaid, it shall not be lawful for the said Company, or any Person acting under their Authority, to dig or cut the Lands or Grounds of the Person or Persons entitled to such Payment or Security.

For raising Money among themselves or by Mortgage, and dividing the Capital into Shares, and making these Shares Personal Property.

XXXVI. And, to the End that the said Company may be enabled to carry on and complete the said Undertaking, be it further enacted, That it shall be lawful for the said Company to raise and contribute among themselves, a competent Sum of Money, for making and completing the said Canal, and also the Works and Conveniencies to the same belonging, or requisite and useful thereto respectively, so as the same do not exceed the Sum of Fourteen thousand Pounds in the Whole, (except as herein-after is mentioned), and the Money so to be raised, is hereby directed and appointed to be laid out and applied, in the First Place, for and towards Payment, Discharge, and Satisfaction, of all Fees and Disbursements, for obtaining and passing this Act, and for making the Surveys, Plans, and Estimates, preparatory and incident thereto, and all other Expences relating to the same, and all the Residue and Remainder of such Money shall be used and applied for and towards making, completing, and maintaining, the said Canal and other Works respectively, and for other the Purposes of this Act; and the said Sum so to be raised and contributed, shall be divided and distinguished into as many equal Shares of One hundred and five Pounds each as the same shall amount unto, which Shares shall be numbered in numerical Progression, and the said Shares shall be deemed Personal Estate, and shall be transmissible as such, and the said Shares shall be, and are hereby vested in the said several Subscribers, and their several and respective Successors, Executors, Administrators, and Assigns, to their and every of their proper Use, proportionably to the Sum which they shall severally subscribe and pay thereunto; but no Person shall be a Proprietor of less than One, or of more than Five Shares, in his or her own Name, or in the Name of any Person or Persons in Trust for him or her,

her, except the ſame ſhall come to him or her by Will, or in Right of his Wife, or by Act of Law; and all and every the Bodies Politick, Corporate, and Collegiate, and all and every Perſon and Perſons, and their ſeveral and reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, who ſhall ſeverally ſubſcribe and pay in the Sum of One hundred and five Pounds, or ſuch Sum or Sums as ſhall be demanded in Lieu thereof, towards carrying on and completing the ſaid Navigation, ſhall be entitled to and receive, after the ſame ſhall be completed, the entire and net Diſtribution of a proportionable Part of the Profits and Advantages that ſhall and may ariſe and accrue by virtue of the Sum and Sums of Money to be raiſed, recovered, or received, by Authority of this Act, and ſo in Proportion for any greater Number of Shares; and every Body Politick, Corporate, or Collegiate, or Perſon or Perſons, having One Share in the ſaid Undertaking, and ſo in Proportion as aforeſaid, ſhall bear and pay an adequate proportionate Sum of Money towards carrying on the ſaid Undertaking, in Manner herein-after directed and appointed; and in caſe the ſaid Sum of Fourteen thouſand Pounds ſhall, at any Time or Times, be deemed or found inſufficient for the making, completing, and maintaining, the ſaid Canal and other the Works hereby authorized to be made, and all neceſſary Charges and Expences relating thereto, then and in ſuch Caſe it ſhall be lawful for the ſaid Company to raiſe and contribute among themſelves, in ſuch Shares and Proportions, and in Manner and Form as is herein-before directed, or by the Admiſſion of new Subſcribers, (as to them ſhall ſeem meet), any further or other Sum of Money, for perfecting and completing the ſaid Navigation, not exceeding the Sum of Six thouſand Pounds, and every ſuch new Subſcriber (if any) ſhall become a Proprietor in the ſaid Navigation and Undertaking, and ſhall be entitled to exerciſe and enjoy the ſame Powers, Privileges, and Advantages, and ſhall alſo be liable to the ſame Reſtrictions, Penalties, and Forfeitures, as if ſuch further or other Sum, hereby allowed to be ſubſcribed for and raiſed, had been Part or Parcel of the ſaid original Subſcription; but in caſe the ſaid Company ſhall be rather deſirous to raiſe ſuch further and other Sum, or any Part thereof, by Mortgage of the ſaid Navigation and Undertaking, in Stead of by Contribution or Subſcription, then, and in ſuch Caſe, it ſhall be lawful for the ſaid Company to borrow and take up at Intereſt, of and from any Perſon or Perſons who ſhall be willing to advance and lend the ſame, upon the Credit of the ſaid Navigation, any ſuch further Sum or Sums of Money, not exceeding the ſaid Sum of Six thouſand Pounds, as to them ſhall ſeem fit and convenient; and they are hereby authorized and empowered to aſſign and make over the ſaid Canal and other Works, and the Rates to ariſe by virtue of this Act, or any of them, or any Part thereof, as a Security for any Sum or Sums of Money ſo to be borrowed, with Intereſt, to the Perſon or Perſons who ſhall advance the ſame, or to his, her, or their Truſtee or Truſtees, under the Common Seal of the ſaid Company, by Deed of Mortgage, according to the Form following; (that is to ſay),

Power to the Company to raiſe a further Sum not exceeding 6,000*l.* by Contribution or Mortgage.

Form of Mortgage from the Company.

'WE the *Wiſbech* Canal Company, in Conſideration of the Sum of
' to us paid by
' *A. B.* of do hereby, by virtue of an Act of
' Parliament, paſſed in the Thirty-fourth Year of the Reign of King
' *George* the Third, intituled, [*Here ſet forth the Title of the Act*], bargain,
ſell,

'fell, and transfer, unto the ſaid *A. B.* all and ſingular the Rates ariſing 'by virtue of the ſaid Act, and alſo the ſaid Navigation and Undertaking, 'and all the Right, Title, and Intereſt, of us the ſaid Company, of, in, 'and unto, the ſame, to hold unto the ſaid *A. B.* his Executors, Ad- 'miniſtrators, and Aſſigns, until the ſaid Sum of
'together with Intereſt for the ſame after the
'Rate of *per Centum per Annum*, ſhall be fully paid
'off and diſcharged. Given under our Seal, the Day of
'in the Year of our Lord

Mortgagees equally entitled without Preference or Priority.

And all Perſons to whom ſuch Mortgages ſhall be made, ſhall be equally entitled to their Proportion of the ſaid Rates and Premiſes, according to the reſpective Sums in ſuch Mortgages mentioned, to be advanced without any Preference by Reaſon of the Priority of Date of any ſuch Mortgage, or on any other Account whatſoever; and the Money ſo to be borrowed is hereby directed and appointed to be laid out and applied for and towards the making, completing, and maintaining, the ſaid Navigation and Works hereby authorized to be made, and other the Purpoſes of this Act, and to no other Uſe or Purpoſe whatſoever; and an Entry or Memorandum of every ſuch Mortgage, containing the Date thereof, and an Account of the Name or Names of the Party or Parties (with their proper Additions) to whom the ſame ſhall have been made, and of the Sum of Money borrowed, toge her with the Rate of Intereſt to be paid thereon, ſhall, within Thirty Days next after the Date thereof, be written and inſerted *gratis*, in One or more Book or Books to be kept for that Purpoſe, by the Clerk to the ſaid Company, which Book or Books ſhall and may be peruſed at all ſeaſonable Times, by the Proprietors or Creditors of the ſaid Navigation, without Fee or Reward; and all and every Perſon or Perſons to whom any ſuch Mortgage ſhall have been made, or who ſhall be entitled to the Money thereby ſecured, may, from Time to Time, aſſign or transfer his, her, or their Right, Title, Intereſt, or Benefit therein, to any Perſon or Perſons whomſoever, which Transfer ſhall be made according to the Form following; (that is to ſay),

Mortgage to be entered.

Mortgagees may transfer their Securities.

Form of Transfer of Mortgage.

'I *A. B.* of in Conſideration of
'the Sum of paid by
'*C. D.* of do hereby transfer a certain
'Mortgage made by the *Wiſbech* Canal Company, bearing Date the
'Day of for ſecuring the Principal
'Sum of and the Intereſt
'now due and hereafter to become due thereon, and all my Right and
'Property therein, to the ſaid *C. D.* his Executors, Adminiſtrators, and
'Aſſigns. In Witneſs whereof I have hereto ſet my Hand and Seal this
'Day of in the Year of our Lord

Transfers to be produced to the Clerk, to be entered.

And every ſuch Transfer ſhall, within Thirty Days after the Date thereof, be produced and notified to the Clerk to the ſaid Company, who ſhall thereupon cauſe an Entry or Memorial to be made thereof, containing the Dates, Names of the Parties, and the Sums thereby transferred, in the ſaid Book or Books to be kept for entering the ſaid Original Mortgages, for which laſt-mentioned Entry ſuch Clerk ſhall be paid the Sum of Two Shillings and Sixpence, and no more; and after ſuch Entry made, every ſuch Aſſignment ſhall entitle ſuch Aſſignee or Aſſignees, his, her,

or their, Executors, Adminiſtrators, and Aſſigns, to the full Benefit of the Original Mortgage; and it ſhall not be in the Power of the Perſon or Perſons who ſhall have made any ſuch Aſſignment or Aſſignments, at any Time afterwards to make void, releaſe, or diſcharge, the Original Mortgage, or any Money thereby ſecured, or any Part thereof; and the Intereſt of the Money to be ſo borrowed by Mortgage as aforeſaid, ſhall be paid half-yearly to the ſeveral Perſons entitled thereto, in Preference to any Intereſt or Dividends due and payable by virtue of this Act to the ſaid Company, or to any of them; but no ſuch Mortgagee, or Aſſignee of ſuch Mortgage or Mortgages as aforeſaid, ſhall have any Right to vote as One of the Proprietors of the ſaid Company in reſpect of ſuch Mortgage.

Intereſt of Mortgages to be paid half-yearly in Preference of Dividends to the Company.

Mortgagees not to vote.

Tickets of Shares to be delivered to the Proprietors.

XXXVII. And be it further enacted, That for the better Security of the ſeveral Proprietors of, or Subſcribers to, the ſaid intended Canal, the ſaid Company, at their Second General Meeting, ſhall cauſe the Names and Additions of the Perſons entitled to Shares in the ſaid Undertaking, with the Number of the Shares to which they reſpectively ſhall be entitled, and the proper Number by which every ſuch Share ſhall be diſtinguiſhed, to be fairly entered in a Book to be kept by the ſaid Company, and ſhall alſo cauſe as many Tickets to be prepared as there ſhall be Shares in the ſaid Undertaking, with Numbers correſponding with thoſe in the ſaid Book, with the Common Seal of the ſaid Company affixed to every ſuch Ticket, and ſhall cauſe to be delivered to every Subſcriber upon Demand, for every Share to which he, ſhe, or they, ſhall be entitled in the ſaid Undertaking, the correſponding Ticket, every Subſcriber paying Two Shillings and Sixpence, and no more, to the Clerk of the ſaid Company for every ſuch Ticket; and ſuch Ticket ſhall be admitted as Evidence in all Courts of the Title of the Subſcriber, and of his Executors, Adminiſtrators, and Aſſigns, to the Share correſponding therewith; but the Want of ſuch Ticket ſhall not hinder or prevent the Owner of any of the ſaid Shares from ſelling the ſame, or receiving a correſponding Share of the Profits of the ſaid Undertaking.

The Proprietors to have 5*l per Cent.* Intereſt upon their Advances.

XXXVIII. And be it further enacted, That it ſhall be lawful for the ſaid Company, and they are hereby required, out of the Money to be raiſed as aforeſaid, during the Time the ſaid intended Canal, and all Things neceſſary for making, completing, and maintaining the ſame, ſhall be carried on, and until the ſame ſhall be completed and finiſhed, to pay unto every Body Corporate and other Perſon or Perſons, and their ſeveral and reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, who has or have ſubſcribed, or ſhall hereafter ſubſcribe and advance any Money towards carrying on and completing the ſaid Undertaking, Intereſt for the Money ſo advanced, after the Rate of Five Pounds *per Centum per Annum* from the Time that ſuch Money ſhall have been ſo advanced as aforeſaid, unleſs the Majority in Number and Value of the ſaid Proprietors preſent at any General Aſſembly ſhall reſolve or determine that ſuch Intereſt ſhall not be paid, or that a lower Rate of Intereſt ſhall be paid in reſpect of ſuch Money.

Right of voting, and Mode of appointing Proxies.

XXXIX. And be it further enacted, That every Body or Bodies Politick, Corporate, or Collegiate, and other Perſon or Perſons, who ſhall by virtue of this Act have ſubſcribed or undertaken for One or more Share

Share or Shares of and in the ſaid Undertaking, and his, her, and their reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, ſhall be and be deemed a Proprietor and a Conſtituent Part of the ſaid Corporation hereby created, and ſhall have a Vote for every ſuch Share in every General Aſſembly to be held as herein-after appointed for carrying on the ſaid Undertaking, which may be given by him, her, or them, or by his, her, or their Proxy or Proxies, duly conſtituted under his, her, or their Hand or Hands; and ſuch Vote or Votes by Proxy ſhall be as valid as if ſuch Principal or Principals had voted in Perſon; and every Queſtion, Election, Matter, and Thing, to be propoſed, made, diſcuſſed, or conſidered in any General Aſſembly of the ſaid Company, to be held by virtue of this Act, ſhall be finally determined by the Majority of Votes and Proxies then preſent, computing One Vote for every Share: Provided nevertheleſs, that no Body or Bodies Politick, Corporate, or Collegiate, or any Perſon, ſhall be entitled to give more than Five Votes on Account of his, her, or their Number of Shares in the ſaid Navigation, or more than Ten Votes for or on Account of his, her, or their own Shares, and the Proxy or Proxies of any abſent Proprietors; and the Appointment of every Proxy ſhall be made according to the Form following; (that is to ſay),

"I *A. B.* of One of the Proprietors of the *Wiſbech* Canal, do hereby nominate, conſtitute, and appoint *C. D.* of in my Name and in my Abſence to vote or give my Aſſent or Diſſent to any Buſineſs, Matter, or Thing relating thereto, which ſhall be propoſed at any General or Special Aſſembly of the Proprietors of the ſaid Canal, or any Adjournment thereof, at all Times hereafter, until I ſhall revoke this Appointment by Notice in Writing under my Hand to the Clerk of the ſaid Company of Proprietors. In Witneſs whereof I have hereunto ſet my Hand and Seal this Day of in the Year of our Lord

XL. And be it further enacted, That for the Purpoſe of electing a Committee, and to tranſact the other Buſineſs to be done by the Company at large, a General Aſſembly of the ſaid Company ſhall be held Once in every Year, and that the Firſt General Aſſembly or Meeting of the ſaid Company for putting this Act into Execution, ſhall be held at the *Roſe and Crown* Inn in *Wiſbech* in the ſaid *Iſle of Ely*, within One Calendar Month next after the paſſing of this Act, at the Hour of Eleven of the Clock in the Forenoon; and that all future General Aſſemblies of the ſaid Company ſhall be held upon the Second *Friday* in the Month of *May* in every Year, at the Hour of Eleven of the Clock in the Forenoon, at ſuch Place as the ſaid Company at each preceding Annual Meeting ſhall have appointed; and that Publick Notice ſhall be given of the Time and Place of ſuch General Yearly Aſſemblies at leaſt Fourteen Days previous thereto, in the *Cambridge* Newſpaper, or in ſuch other Manner as the General Meetings ſhall from Time to Time appoint; and at every General Aſſembly of the ſaid Company, One of the Proprietors preſent ſhall be appointed Chairman, who ſhall not only have a Vote or Votes as a Proprietor, but in caſe of an Equality of Votes, ſhall have the Deciſive and Caſting Vote, although he may have given One or more Vote or Votes before in relation to the Matter in Queſtion: Provided always,

First and other General Aſſemblies to be held.

Publick Notice to be given.

The Chairman to have the Caſting Vote.

If Proprietors of 70 Shares not preſent at General Meetings, and of 70 Shares at Adjourned Meetings, no Buſineſs to be done.

always, that if there ſhall not be preſent at ſuch General Yearly Meetings as aforeſaid, Proprietors of Seventy Shares, (including Proxies as well as Principals), within Six Hours after the Time fixed for the holding of ſuch General Aſſemblies, no Buſineſs ſhall be tranſacted at that Time, but in that caſe the Meeting or Aſſembly ſhall be *ipſo facto* adjourned or poſtponed till the ſame Day in the Week following, and ſo from Time to Time, until Proprietors of Seventy Shares ſhall be preſent, either by themſelves or by Proxy; and in caſe on the Firſt Day appointed for holding the General Yearly Meetings there ſhall not appear Proprietors of Seventy Shares as Principals or Proxies, every Principal not preſent by himſelf or by Proxy before the Expiration of Six Hours from the Time of Meeting, ſhall forfeit to the Company for every Share Ten Shillings, to be deducted out of the Dividend of the Perſon incurring ſuch Forfeit.

Election of the Committees.

XLI. And be it further enacted, That the ſaid Company, ſo aſſembled at the General Meetings as aforeſaid, ſhall elect and appoint Eleven Perſons, being then Proprietors of One Share at leaſt in the ſaid Concern, and not holding any Place, Office, or Employment under the ſaid Company, or having any Contract or Bargain therewith, or Claim thereon otherwiſe than as a Proprietor, as a Committee to manage the Affairs of the ſaid Company for the enſuing Year, and till a new Committee ſhall be choſen, and may adjourn themſelves from Time to Time, and from Place to Place, until the enſuing General Yearly Meeting; and that the ſaid General Meetings ſhall elect or appoint the Treaſurer and the Clerk of the ſaid Company, and any other Officers or Servants they may think proper, (taking ſuch ſufficient Security from them for the due Execution of their reſpective Offices as the ſaid General Meeting ſhall think proper); and that in caſe of the Death of any of the Committee, ſo to be choſen as aforeſaid, before the Expiration of their Committeeſhip, or if before that Period any of the ſaid Committee ſhall diſqualify themſelves or himſelf, by diſpoſing of his Share in the ſaid Concern, or in caſe of the Death or Reſignation of the Treaſurer and Clerk, or either of them, it ſhall be lawful for any of the ſaid Adjourned General Meetings to elect a new Committee or new Committees, inſtead of ſuch of the Committee as ſhall ſo die or diſqualify, and a new Treaſurer and Clerk in the Stead of ſuch of them as ſhall die or reſign; and that it ſhall be lawful for the ſaid General Meeting or Aſſembly, or any Adjournment thereof, to remove any of the Committees which ſhall have been ſo choſen as aforeſaid, or the ſaid Treaſurer or Clerk, and to elect other Perſons in their reſpective Places, and to give any Directions they ſhall think proper to the Committee with reſpect to the Management of the Concerns of the ſaid Company, (and which Directions the Committee ſhall be bound to obey), and from Time to Time to call for, inſpect, and ſettle, all the Accounts of the Expences of the ſaid Undertaking, and to remove all or any of the Officers, Agents, or Servants, to be employed under the ſaid Company, or reſpecting its Concerns, and to appoint Salaries to the Treaſurer, Clerk, and any of the other Officers of the ſaid Company, as they ſhall think proper; and that it ſhall and may be lawful to and for any General Meetings or Aſſemblies of the ſaid Company, from Time to Time, and at any Time or Times, to alter any of the Rules and Directions hereby preſcribed and laid down with regard to the Proceedings of the ſaid Company among themſelves,

Powers of the General Meetings.

Power to make Bye Laws.

of with reſpect to their Committees, Clerks, and Officers, (except ſo far as they relate to the calling of General Meetings or Aſſemblies, and to the Appointment of Committees, and the Right of voting), and to make any new Rules, Bye Laws, and Orders, for the good Government of the ſaid Company, and their Committees, Treaſurer, Clerk, Officers, and Servants, and for the maintaining, uſing, and regulating, of the ſaid intended Navigation and Works, and the Well-governing of the Watermen and others employed in navigating upon the ſaid Canal, or in loading or unloading Goods into or from any Veſſel or Veſſels, or in working upon the Wharfs or Quays, or otherwiſe, about the ſaid intended Navigation, and to impoſe and inflict ſuch reaſonable Fines, Penalties, and Forfeitures, for Breaches of the ſaid Rules, Bye Laws, and Orders, not exceeding Five Pounds for any Offence, to be recovered in the Manner herein-after mentioned; and ſuch Rules, Bye Laws, and Orders, being put in Writing, and being ſealed with the Common Seal of the ſaid Company, and a Copy thereof, legibly written, or printed, in large Characters, being affixed in ſome publick Place upon the ſaid intended Navigation, or upon ſome or One of the Locks or Wharfs thereto adjoining, for publick Inſpection, ſhall be binding upon all Parties whomſoever, and ſhall be ſufficient to juſtify all Perſons acting under them or it, provided the ſame are not or is not repugnant to the Laws of this Realm.

For calling Special General Aſſemblies.

XLII. And be it further enacted, That if at any Time it ſhall appear to any Five or more of the Proprietors poſſeſſing amongſt them Ten Shares at leaſt in the ſaid Undertaking, that a Special Aſſembly of the Proprietors is neceſſary, then it ſhall be lawful for ſuch Five or more Proprietors to call a Special Aſſembly, by Advertiſement in the *Cambridge* Newſpaper, or in ſuch other Manner as the Laws or Regulations for the Time being of the ſaid Company ſhall direct, giving not leſs than Fourteen Days Notice of ſuch Meeting, and ſpecifying the Time and Place, and the Reaſons for calling ſuch Meeting, and the Queſtion or Queſtions, or Matter, then to be propoſed; and that the Proprietors ſo aſſembled at ſuch Meeting, purſuant to ſuch Notice, may proceed to execute the Powers in and by this Act given to them, ſo far as reſpects the Queſtion or Meaſure on Account of which ſuch Meeting ſhall have been called, and which ſhall have been ſpecified in the above mentioned Notice to be given thereof, as fully and effectually, in all Reſpects, as might have been done by a General Yearly or Adjourned Meeting; but no ſuch Special Meeting ſhall be adjourned for a ſhorter Space of Time than One Week; and in caſe of its being adjourned, Notice of the Adjournment ſhall be advertized in the ſame Manner as herein-before required for the calling of ſuch Special Meeting.

Adjourned or Special Meetings not to annul Orders made at General Meetings, unleſs in certain Caſes.

XLIII. Provided always, and be it further enacted, That at no Adjourned or Special General Meeting any Order ſhall be made, or other Buſineſs done, which ſhall annul, abrogate, or defeat, either in the Whole or in Part, any Order, Appointment, Matter, or Thing, made, done, ordered, or directed, by any other General Aſſembly, unleſs there ſhall be preſent at ſuch Adjourned or Special General Meeting, Proprietors, in their own Perſons or by Proxy, having as many Votes as were preſent at the Meeting at which the Order, Buſineſs, Appointment, Matter, or Thing, to be annulled, abrogated, or defeated, was made or done, but the Preſence of Fifty Votes at ſuch Adjourned or Special General

neral Meeting ſhall be ſufficient for the Tranſaction of any other Buſineſs, or making any other Order or Appointment; and the Names of the Voters preſent at every General Meeting, either in Perſon or by Proxy, ſhall be regularly entered in a Book to be kept for that Purpoſe.

Duty of the Clerk.

XLIV. And be it further enacted, That the Clerk of the ſaid Company ſhall attend all the Meetings of the ſaid Company, and of the Committee, and ſhall enter in a Book, and keep a true Account of the Names and Places of Abode of the ſeveral Proprietors of the ſaid Navigation, and of the Perſons entitled to Shares therein, and of all the Accounts and Proceedings of the ſaid Company and of the Committee, by virtue and under the Authority of this Act; and that every Proprietor may at all convenient Times peruſe the ſaid Books *gratis*, and have Copies thereof made by the Clerk, paying Sixpence for every One hundred Words; and if any Clerk ſhall refuſe ſuch Peruſal or Copies, ſuch Clerk ſhall forfeit Five Pounds for every Offence, to be recovered in Manner herein-after mentioned.

Officers refuſing to account or deliver up Books, &c. to forfeit 50*l.*

XLV. And be it further enacted, That if the Treaſurer, Clerk, or any other Officer of the ſaid Company, ſhall refuſe to account or deliver up all Money, Goods, Effects, Accounts, Books, Papers, and Writings, in their reſpective Cuſtody or Power, belonging to the ſaid Company, to the General Aſſembly or the Committee, or to ſuch Perſon or Perſons as they, or either of them, ſhall appoint, on having Fourteen Days Notice for that Purpoſe left at his or their uſual or laſt Place of Abode, he or they reſpectively ſhall, for every ſuch Offence, forfeit Fifty Pounds to the ſaid Company, to be recovered in Manner herein-after mentioned.

Committee to meet.

XLVI. And be it further enacted, That the Perſons choſen for the ſaid Committee as aforeſaid, or any Three or more of them, may, from Time to Time, call Meetings of the Committee, and cauſe the ſame to be ſummoned by the Clerk of the ſaid Company, by Letter directed to the different Members of the Committee, at their reſpective uſual Places of Abode, to be ſent by the common Poſt, or by a ſpecial Meſſenger, ſo as ſuch Meeting be not appointed to be held within leſs than Seven Days, nor at a greater Diſtance of Time than Twenty-one Days; and that if ſome Meeting ſhall not be ſo called as aforeſaid, to meet within the Space of Twenty-eight Days from the Time of the ſaid Committee being elected, then and in ſuch Caſe the Firſt Meeting of the Committee ſhall be held at Eleven of the Clock in the Forenoon of the Twenty-eighth Day from the Day of the Election of the ſaid Committee, at the ſame Place where the General Meeting which elected the ſaid Committee ſhall have been held; and if at the Time and Place appointed for the Meeting of any Committee, or within Four Hours from that Time, there ſhall not aſſemble a ſufficient Number of the Committee to conſtitute a Meeting, as herein-after mentioned, then and in ſuch Caſe it ſhall be lawful for any One or more of the Committee then preſent to adjourn the Meeting to the ſame Place, or ſome other convenient Place, to any Time not exceeding Twenty-one Days; but the Committee ſhall not meet at nor adjourn to any Place farther diſtant from the intended Canal than Ten Statute Miles, unleſs it ſhall happen that the General Meeting at which the ſaid Committee ſhall have been elected ſhall have met at

ſome

ſome Place at a greater Diſtance, in which Caſe, if the Firſt Meeting of the Committee ſhall not be called within the Time herein-before limited for that Purpoſe, ſuch Firſt Meeting ſhall be held at the ſame Place where the ſaid laſt-mentioned General Meeting ſhall have been held, though it may be more than Ten Miles from the ſaid intended Canal.

Regulations reſpecting the Voting of the Committee.

XLVII. And be it further enacted, That no Member of the ſaid Committee (although he may be a Proprietor of many Shares in the ſaid Navigation) ſhall have more than One Vote in any Committee, except the Chairman, who ſhall be choſen by and out of the ſaid Committee, and who, in caſe of an Equality of Votes upon any Queſtion agitated in the ſaid Committee, ſhall have the Caſting Vote, although he may have given One Vote before; and that all the Powers and Authorities hereby veſted in or directed to be exerciſed by the ſaid Committee may be done and exerciſed by the major Part of them preſent at their reſpective Meetings, the whole Number preſent not being leſs than Five; and every ſuch Committee as aforeſaid ſhall from Time to Time make Reports of their Proceedings to the ſaid General Aſſemblies of the Proprietors, and ſhall obey their Orders and Directions; and the ſaid Committee ſhall (ſubject nevertheleſs at all Times to ſuch Orders and Directions as aforeſaid) meet at ſuch Times and Places, and ſhall from Time to Time adjourn themſelves to ſuch other Time and Place as they ſhall think fit; and in order to defray the Expences of their Meetings, the ſaid Committee ſhall from Time to Time receive out of the Capital Stock of the ſaid Proprietors ſuch Sum or Sums of Money as ſhall be directed, adjuſted, and ſettled, at the ſaid General Aſſemblies; and the ſaid Committee (ſubject nevertheleſs at all Times to ſuch Orders and Directions as aforeſaid) ſhall make Agreements and Bargains with the Workmen, Agents, Undertakers, and other Perſons employed or concerned in making or completing the ſaid Navigation, and all and every Part and Parts thereof, and ſhall, by themſelves or their Clerk or Clerks as aforeſaid, keep a full and true Account of all Money diſburſed and Payments made by the ſaid Committee, and by all and every Perſon and Perſons employed by or under them, and of all and every Sum and Sums of Money which they ſhall receive, on behalf or in reſpect of ſuch Navigation, from any Collector or Collectors of the ſaid Rates, or other Officer or Officers, or from any other Perſon or Perſons whomſoever, employed in or having any Concerns, Dealings, or Tranſactions with the ſaid Navigation and Undertaking, or in or with any Part or Parts thereof, and ſhall regularly, by themſelves or their Clerk or Clerks as aforeſaid, write, inſert, and enter, in a Book or Books, to be from Time to Time provided at the Expence of the ſaid Company for that Purpoſe, Notes, Minutes, or Copies, (as the Caſe ſhall require), of every ſuch Contract, Bargain, Receipt, and Diſburſement, and of all other their Orders and Proceedings, which Book or Books ſhall be depoſited with and kept locked up under the Care and Direction of the ſaid Committee: Provided always, that every Proprietor, upon every reaſonable Deſire, ſhall have free Acceſs thereto, as herein-before mentioned, for his or her Inſpection; and the ſaid Committee ſhall have Power from Time to Time (ſubject nevertheleſs to the Directions and Control of the ſaid General Aſſembly) whenever they ſhall judge it expedient, by Writing under their Hands, to appoint an Engineer or Engineers to inſpect the Works of the ſaid Navigation, and an Architect or Architects for erecting and ſurveying any Buildings to be erected by the ſaid Company, and alſo a Land Surveyor or Land Surveyors, for any

The Expences of the Committee to be paid.

Powers of the Committee, and Directions for them.

Purpoſe relating to the Execution of this Act, and every ſuch Engineer, Architect, and Land Surveyor, ſhall be paid by the ſaid Company ſuch Salary or Allowance as the ſaid Committee ſhall direct or appoint; and the ſaid Committee may remove any ſuch Engineer, Architect, and Land Surveyor, whenever they ſhall think proper; and the ſaid Committee ſhall (ſubject nevertheleſs to the Order and Directions of the General Aſſemblies as aforeſaid) have full Power and Authority to direct and manage all and every the Affairs of the ſaid Company, as well in contracting for and purchaſing Lands, Tenements, and other Hereditaments, and Materials for the Uſe of the ſaid Navigation, as in employing, ordering, and directing the Work and Workmen, and in placing and diſplacing Officers, Clerks, Servants, and Agents, except the Treaſurer and Clerk, who are to be choſen and removed by the General Aſſembly; but in caſe of a Vacancy in thoſe Offices reſpectively in the Intervals between General Meetings, the Committee ſhall appoint ſome proper Perſon or Perſons to execute them, ſuch Perſon or Perſons giving ſufficient Security for fulfilling their Duty, until a General Aſſembly ſhall meet and appoint others; and the ſaid Committee ſhall alſo have full Power from Time to Time to make ſuch Call or Calls of Money from the Subſcribers to and Proprietors of the ſaid Navigation, to defray the Expences of or to carry on the ſame, as they from Time to Time ſhall find wanting and neceſſary for thoſe Purpoſes, ſo that no ſuch Call ſhall exceed the Sum of Ten Pounds for every One hundred Pounds, and ſuch Calls ſhall not be made but at the Diſtance of Two Calendar Months at leaſt from each other, and One Calendar Month's Notice at leaſt of every ſuch Call (except the Firſt, which may be made upon Fourteen Days Notice) ſhall be publiſhed in the *Cambridge* Newſpaper; and every Owner or Owners of any Share or Shares in the ſaid Undertaking ſhall pay his, her, or their rateable Proportions of the Monies to be called for as aforeſaid, to the Treaſurer for the Time being of the ſaid Company, at ſuch Time and Place as the ſaid Committee ſhall from Time to Time appoint and direct; and if any Perſon or Perſons ſhall neglect or refuſe to pay his, her, or their rateable or proportionable Part of the ſaid Money ſo called for as aforeſaid, at the Time and Place appointed by the ſaid Committee, within the Time limited for the Payment thereof, according to the Notice or Advertiſement to be ſo publiſhed thereof as aforeſaid, the ſaid Company may ſue for and recover the ſame by Action of Debt in any of His Majeſty's Courts of Record, or in the Court of Pleas for the ſaid *Iſle of Ely*, if the Party ſhall reſide there; and if any Perſon or Perſons ſhall neglect or refuſe to pay his, her, or their rateable or proportionable Part of the Money to be ſo called for, within One Calendar Month next after the Time when the ſame ought to be paid, he or ſhe ſhall forfeit and pay to the ſaid Company the Sum of Five Pounds *per Centum* upon the Amount of his or her Shares in the ſaid Concern; and in caſe ſuch Perſon or Perſons ſhall continue to neglect or refuſe to pay his, her, or their rateable or proportionable Share or Shares of the Money to be called for as aforeſaid, for the Space of Three Calendar Months after the Time ſo appointed for Payment thereof, then he, ſhe, or they, ſo neglecting or refuſing, ſhall forfeit his, her, or their reſpective Share and Shares in the ſaid Navigation, and all the Profits and Benefits thereof; all which Shares ſo forfeited ſhall go to and be veſted in the Reſt of the Company, and ſhall be ſold by them by Publick Sale, and the Produce thereof ſhall be divided among all the Reſt of the ſaid Pro-

The Committee to make Calls of Money.

Penalty on Non-payment of Calls.

On Non-payment for Three Months, Shares to be forfeited;

Proprietors, (who ſhall have paid their Proportions of the ſaid Calls), in Proportion to their reſpective Intereſts in the ſaid Navigation: Provided nevertheleſs, that no Advantage ſhall be taken of any Forfeiture of any Share or Shares in the ſaid Navigation, until after Notice ſhall have been given to or left at the uſual Place or Places of Abode of the Owner or Owners of ſuch Share or Shares reſpectively, ſigned by the Clerk for the Time being to the ſaid Company; or if ſuch Owner or Owners cannot be found, then his, her, or their Share or Shares ſhall not be forfeited until Notice thereof ſhall have been publiſhed in the *London Gazette* and in the *Cambridge* Newſpapers; and in neither Caſe ſhall the ſame Share or Shares be forfeited, until the ſame ſhall have been declared to be ſo at ſome General Aſſembly of the ſaid Company within Twelve Calendar Months next after ſuch Forfeiture ſhall have been incurred; and every ſuch Forfeiture ſhall be an Indemnification and Diſcharge to and for every Proprietor ſo forfeiting, againſt all and every Action and Actions, Suits and Proſecutions whatſoever, to be commenced or proſecuted for any Breach of Contract or other Agreement between the Proprietor or Proprietors incurring ſuch Forfeiture, and the Reſt of the ſaid Company, with regard to carrying on the ſaid intended Navigation and Undertaking.

But no Advantage to be taken of Forfeitures without Notice.

XLVIII. Provided alſo, and be it further enacted, That if any Owner or Owners of any Share or Shares in the ſaid Navigation ſhall happen to die before ſuch Call or Calls as aforeſaid ſhall have been made for the full Sum to be advanced on each Share which he, ſhe, or they ſhall have been poſſeſſed of or entitled to, without having made Proviſion by Will or otherwiſe, how or in what Manner ſuch Share or Shares ſhall be diſpoſed of, or how and by what Means the future Calls in reſpect thereof ſhall be paid to the ſaid Company for the Purpoſe of the ſaid Navigation, then, and in ſuch Caſe, the Executors or Adminiſtrators of any ſuch Owner ſo dying, or the Truſtee or Truſtees, Committee or Committees, Guardian or Guardians of any Infant or Infants, or of any other Perſon or Perſons entitled to the Eſtate and Effects of ſuch Owner deceaſed, ſhall be indemnified againſt all and every ſuch Infant or Infants, and againſt all and every other Perſon or Perſons whomſoever, for or on Account of his, her, or their having paid any Sum or Sums of Money when called for as aforeſaid to complete every ſuch Subſcription; and if ſuch deceaſed Owner or Owners ſhall not have left Aſſets ſufficient, or in caſe the Executors or Adminiſtrators, Truſtee or Truſtees, Committee or Committees, Guardian or Guardians, ſhall refuſe or neglect to anſwer ſuch Calls, the ſaid Company ſhall be, and they are hereby authorized and required to admit any other Perſon or Perſons to be a Proprietor or Proprietors of the Share or Shares of ſuch Owner or Owners deceaſed, on Condition that he, ſhe, or they, ſo admitted, do and ſhall, on or before ſuch Admiſſion, pay to the Executors or Adminiſtrators of ſuch deceaſed Owner or Owners, or to the Truſtee or Truſtees, Guardian or Guardians of any Infant or Infants, or to any other Perſon or Perſons who may be entitled to his or her Effects, the full Sum and Sums of Money which ſhall have been paid by ſuch Owner or Owners in his, her, or their Life-time, by virtue of any Call or Calls, or otherwiſe, upon ſuch Share or Shares; but if no Perſon or Perſons can be found who ſhall be willing to be admitted upon the Terms aforeſaid, the ſaid Company ſhall, by Publick Sale, ſell and diſpoſe of the Share or Shares of

On the Death of Subſcribers before Shares completed, Executors or Adminiſtrators may complete.

If not ſufficient Aſſets, or Executors, &c. refuſe to anſwer the Calls, the Company to admit other Perſons;

Or the Company may ſell the Shares of deceaſed Owners.

of ſuch deceaſed Owner or Owners, and after deducting the Expences of ſuch Sale, and the Money due to the ſaid Company for Calls or otherwiſe in reſpect of ſuch Share or Shares, ſhall pay the Produce of ſuch Sale or Sales unto the Executors or Adminiſtrators of ſuch deceaſed Owner or Owners.

Shares may be ſold.

XLIX. And be it further enacted, That it ſhall be lawful for the ſaid ſeveral Proprietors of the ſaid Navigation, his, her, or their reſpective Succeſſors, Executors, or Adminiſtrators, to ſell and diſpoſe of any Share or Shares to which he, ſhe, or they may be entitled therein, ſubject to the Rules and Conditions herein mentioned; the Conveyance of which Shares ſhall be to the Form or Effect following:

Form of Conveyance of Shares.

'I *A. B.* in Conſideration of paid to me
'by *C. D.* do hereby bargain, ſell, aſſign, and transfer, to the ſaid
'*C. D.* his Executors, Adminiſtrators, and Aſſigns,
'Share of the Navigation called *The Wiſbech Canal*, (being N°
'of the Shares in the ſaid Navigation), to hold to him the ſaid *C. D.*
'his Executors, Adminiſtrators, and Aſſigns, ſubject to the ſame Rules,
'Orders, and Reſtrictions, and on the ſame Conditions, that I held the
'ſame immediately before the Execution hereof: And I the ſaid
'*C. D.* do hereby agree to take and accept the ſaid
'Share, ſubject to the ſame Rules, Orders, Reſtrictions, and Conditions.
'As witneſs our Hands and Seals, the Day of
'in the Year of our Lord

And on every ſuch Sale a Duplicate of the ſaid Deed of Conveyance, being executed by the Seller or Sellers, and the Purchaſer or Purchaſers of ſuch Share or Shares, ſhall be delivered to the Clerk for the Time being of the ſaid Company, to be by him filed or depoſited and kept with the Books and Papers of the ſaid Company, and a regular Entry ſhall alſo be made thereof in a proper Book or Books to be kept for that Purpoſe, a Memorandum of which ſhall be endorſed on the Deed of Sale or Transfer to be kept by the Purchaſer, for which no more than Two Shillings and Sixpence ſhall be paid, and the ſaid Clerk is hereby required to make ſuch Entry and Indorſement; and until a Duplicate of the ſaid Deed of Sale ſhall have been delivered to the ſaid Clerk, and ſuch Indorſement as aforeſaid ſhall be made upon the Deed to be kept by the Purchaſer, ſuch Purchaſer or Purchaſers ſhall have no Part of the Profits of the ſaid Navigation, nor any Intereſt for ſuch Share or Shares, paid unto him, her, or them, nor any Vote in reſpect thereof as a Proprietor or Proprietors of the ſaid Navigation.

After a Call no Share to be ſold until the Money be paid.

L. And be it further enacted, That after any Call of Money ſhall have been made from the Proprietors, no Perſon or Perſons ſhall ſell or transfer any Share or Shares which he, ſhe, or they ſhall poſſeſs in the ſaid Navigation, upon Pain of forfeiting his, her, or their reſpective Share or Shares therein to the ſaid Company, in Truſt for the Benefit of all the ſaid Proprietors, unleſs he, ſhe, or they, at the Time of ſuch Sale or Transfer, ſhall have paid and diſcharged to the Treaſurer of the ſaid Company the whole and entire Sum of Money which ſhall have been called for upon each Share ſo ſold or transferred, but ſuch Forfeiture ſhall

ſhall nevertheleſs be notified and declared at a General Aſſembly in Manner before directed, or otherwiſe ſhall not be incurred.

Regulation as to the Acquiſition of Shares:

LI. And whereas much Inconvenience may ariſe by the frequent Tranſfer and Sale of the Right and Title to the Shares of and in the ſaid Navigation by the Marriage and Death of Proprietors, and it may be difficult in ſuch Caſes to aſcertain to whom the Dividends ariſing or becoming due upon ſuch Shares ought to be paid and do belong; be it therefore further enacted, That, before any Perſon or Perſons, who ſhall claim any Part or Share of the Profits of the ſaid Navigation in Right of Marriage, ſhall be entitled to receive the ſame, an Affidavit, containing a Copy of the Regiſter of ſuch Marriage, or the Effect of ſuch Regiſter, ſhall be made and ſworn to by ſome credible Perſon, before One of the Judges at *Weſtminſter*, a Maſter Extraordinary in Chancery, or One of His Majeſty's Juſtices of the Peace, and ſhall be tranſmitted to the Clerk to the ſaid Company for the Time being, who ſhall file the ſame, and make an Entry thereof in the Book or Books which ſhall be kept by the ſaid Clerk for the Entry of Transfers and Sales of Shares in the ſaid Navigation, for which he ſhall be paid Two Shillings and Sixpence, and no more; and that before any Perſon or Perſons, who ſhall claim any Part or Share of the Profits of the ſaid Navigation, by virtue of any Bequeſt or Will, or in a Courſe of Adminiſtration, ſhall be entitled to receive the ſame, the ſaid Will, or the Probate thereof, ſhall be produced and ſhewn to the ſaid Clerk, or an Affidavit, containing a Copy of ſo much of ſuch Will as ſhall relate to the Share or Shares of the Teſtator, or the Letters of Adminiſtration, in caſe the Proprietor ſhall have died inteſtate, ſhall be made and ſworn to by an Executor or Executors of ſuch Will, or by an Adminiſtrator or Adminiſtrators of the Eſtate and Effects, as the Caſe may happen to be, before One of the Judges at *Weſtminſter*, a Maſter Extraordinary in Chancery, or One of His Majeſty's Juſtices of the Peace, and ſhall alſo be tranſmitted to the ſaid Clerk, who ſhall file and enter the ſame in Manner herein-before mentioned, for which he ſhall be paid Two Shillings and Sixpence, and no more.

By Marriage,

or Will, or in Courſe of Adminiſtration.

For compelling Payment of Subſcription.

LII. And be it further enacted, That the ſeveral Perſons who have ſubſcribed, or ſhall hereafter ſubſcribe, to advance any Money for and towards making and maintaining the ſaid intended Canal, and the other Works hereby authorized to be made, ſhall, and they are hereby required to pay the Sum or Sums of Money by them reſpectively ſubſcribed, or ſuch Parts or Proportions thereof, as ſhall, from Time to Time, be called for by the ſaid *Wiſbech* Canal Company, or the ſaid Committee, under and by virtue of the Powers and Directions of this Act, at ſuch Times and Places as ſhall be directed by the ſaid *Wiſbech* Canal Company, or the ſaid Committee, in Manner before-mentioned; and in caſe any Perſon or Perſons ſhall neglect or refuſe to pay the ſame at the Time and in Manner required for that Purpoſe, it ſhall be lawful for the ſaid *Wiſbech* Canal Company to ſue for and recover the ſame in any Court of Law or Equity.

Rates of Tonnage.

LIII. And, in Conſideration of the great Charge and Expence which the ſaid Company muſt incur and ſuffer in making and maintaining the Canal and Works hereby authorized to be made and maintained, be it further enacted, That it ſhall be lawful for the ſaid Company, from

Time to Time, and at all Times hereafter, to aſk, demand, take, and recover, to and for their proper Uſe, the ſeveral Rates herein-after mentioned, for the Tonnage and Wharfage of all Merchandize and other Goods, Matters, and Things whatſoever, which ſhall be carried or conveyed upon the ſaid Canal, either for the whole Length thereof, or for any ſhorter Diſtance; (that is to ſay),

For every Chaldron of Coals, the Sum of One Shilling:
For every Hundred of Battens, the Sum of One Shilling:
For every Half Hundred of Single Deals, the Sum of One Shilling:
For every Quarter of an Hundred of Double Deals, the Sum of One Shilling:
For every Load of Fir Timber, computing Fifty Cubic Feet to the Load, and for every Load of all other Timber, computing Forty Cubic Feet to the Load, the Sum of One Shilling:
For every Four Packs of Wool, reckoning Ten Tod to each Pack, the Sum of One Shilling:
For every Five Quarters of Oats, Rye Graſs, and Hay Seeds, Barley Bigg, and Malt, the Sum of One Shilling:
For every Load of Turf, Reed, Sedge, Hay, Flax, or Hemp, reckoning Twenty hundred Weight to the Load, the Sum of One Shilling:
For every Five hundred Pan Tiles, the Sum of One Shilling:
For every One thouſand Flat Tiles, the Sum of One Shilling:
For every Five hundred Bricks, the Sum of One Shilling:
For every Twenty Cubic Feet of Stone, the Sum of One Shilling:
For every Pipe, Butt, Puncheon, or Piece of Wine or Spirituous Liquors, the Sum of One Shilling:
For every Six Sacks of Flour, weighing Twenty Stones each Sack, the Sum of One Shilling:
For every Five Barrels of Ale, Beer, or Porter, of Thirty-ſix Gallons each, the Sum of One Shilling:
For every Chaldron of Lime, not exceeding Forty Buſhels to the Chaldron, the Sum of One Shilling:
For every Five Quarters of Wheat, Barley, Muſtard Seed, Hemp Seed, Rape Seed, Lind Seed, Rye, Peas, or Beans, the Sum of One Shilling and Sixpence:
And for every Ton Weight of all other Goods the Sum of One Shilling; and ſo in Proportion for any greater or leſs Quantity of Goods.

All which Rates ſhall be paid at the Firſt Lock through which the Veſſel or Veſſels ſhall paſs, and then and there a Ticket ſhall be delivered to the Boatman or Bargeman, authorizing them to paſs through all the other Locks with the ſame Veſſel or Veſſels without any further Payment; or the ſaid Rates ſhall be paid at ſuch other Place or Places upon or near to the ſaid Canal, in ſuch Manner and under ſuch Regulations, as the ſaid Company, at ſome General or Special Aſſembly or Aſſemblies, ſhall direct or appoint; and in caſe of Denial or Neglect of Payment of any ſuch Rates, or any Part thereof, on Demand, to the Perſon or Perſons appointed to receive the ſame as aforeſaid, the ſaid Company may ſue for the ſame by Action of Debt or upon the Caſe in any of His Majeſty's Courts of Record, or in the Court of Pleas of the ſaid *Iſle of Ely*, if the Cauſe of Action ſhall ariſe there, or the Perſon or Perſons to whom ſuch Rates ought to have been paid may, and he or they is and are hereby

Recovery of Rates.

hereby empowered to ſeize and diſtrain the Goods and other Things for or in reſpect whereof any ſuch Rates ought to have been paid, or any Part thereof, or the Boat or other Veſſel laden therewith, and detain the ſame until Payment thereof ſhall be made, together with reaſonable Charges for ſuch Seizure and Diſtreſs, and if ſuch Diſtreſs ſhall not be redeemed within Five Days next after the taking thereof, the ſame ſhall be appraiſed and ſold as the Law directs in Caſes of Diſtreſs for Rent; and the ſaid Company ſhall have full Power from Time to Time, at any General or Special Aſſembly, to lower or reduce all or any of the ſaid Rates, and again to raiſe the ſame to ſuch Sums as they ſhall think proper, not exceeding the Sums before mentioned, as often as it ſhall be deemed neceſſary for the Intereſts of the ſaid Navigation.

Rates may be altered.

LIV. Provided always, and be it further enacted, That none of the ſaid Rates ſhall be payable, or demanded or taken, by virtue of this Act, for or in reſpect of any Officers or Soldiers upon their March, or any Horſes, Arms, or Baggage, of or belonging to ſuch Officers or Soldiers, or for or in reſpect of any Timber purchaſed or provided for the Uſe of His Majeſty's Navy, or any Stores or other Things, belonging to His Majeſty's Naval or Military Service, or for or in reſpect of any Materials belonging to or for the Uſe of the Corporation of *Bedford Level*, or any of their Works, the Perſon or Perſons having the Care or Conduct of ſuch Timber, Stores, Materials, and other Things belonging to His Majeſty's Service, and to the ſaid Corporation of *Bedford Level* reſpectively, producing a Certificate from the Navy Board, or the Board of Ordnance, or the Superintendant or Inſpector General for the Time being of the Works of the ſaid Corporation of *Bedford Level* reſpectively, that ſuch Timber, Stores, Materials, or other Things, are for His Majeſty's Naval or Military Service, or for the Uſe of the ſaid Corporation of *Bedford Level* reſpectively; and that none of the ſaid Rates ſhall be payable, or demanded or taken, by virtue of this Act, for or in reſpect of any Stones, Gravel, Sand, or other Materials, to be employed for the Purpoſe only of making or repairing the *Wiſbech* Turnpike Road, or any other publick Roads within any of the Pariſhes through which the ſaid Canal is intended to be carried; and it ſhall be lawful for any Perſon or Perſons owning or occupying any Lands or Grounds through which the ſaid Canal, or any Works thereto belonging, ſhall paſs, to have and uſe any Boats or other Veſſels for the Carriage or Conveyance of any Dung, Marle, Soil, Compoſt, or Manure, (Lime and Limeſtone excepted) upon the ſaid Canal, to and from his, her, and their Lands or Grounds through which the ſaid Canal ſhall ſo paſs, for the Improvement thereof, without paying any Rate whatſoever to the ſaid Company for the ſame; and for the Purpoſes aforeſaid, the Perſon or Perſons who ſhall own or be concerned, or be employed in carrying ſuch Timber, Stores, Stones, Gravel, Sand, and other Materials, Dung, Marle, Soil, Compoſt, or Manure, ſhall have Liberty to make uſe of the Towing Paths, Wharfs and Quays, belonging to the ſaid Navigation, ſo as that the publick Buſineſs of ſuch Wharfs and Quays be not thereby impeded or obſtructed, and ſo as that ſuch Perſon or Perſons do not ſuffer ſuch Timber, Stores, Stones, Gravel, Sand, Materials, Dung, Marle, Soil, or Compoſt, to lie upon ſuch Wharfs and Quays longer than may be neceſſary for loading, unloading, and carrying the ſame to and from the ſeveral Places where they

Exemptions from Rates.

Allowing Land Owners to carry Manure Toll-free.

they ſhall be put on board and unloaded, and ſo as that the Perſon or Perſons carrying ſuch Timber, Stores, Stones, Gravel, Sand, Materials, Dung, Marle, Soil, Compoſt, or Manure, do and ſhall make good any Damages that may be done to the Sides or Banks of the ſaid Canal, or any Part or Parts thereof, by the loading, unloading, or diſcharging the ſame, (which Damages, in caſe of any Difference reſpecting the ſame, ſhall be ſettled and aſcertained by the ſaid Commiſſioners), and ſo as the Boats or other Veſſels in which Dung, Marle, Soil, Compoſt, or Manure, ſhall be carried, ſhall not at any Time paſs through any Lock without paying the Tonnage Rates to which other Boats or Veſſels paſſing through the ſame would be liable by the Rules and Proviſions herein contained and ſet forth, or hereafter to be made by the ſaid Company.

Perſons unlawfully taking the Benefit of the Exemptions to forfeit.

LV. Provided always, and be it further enacted, That if any Perſon ſhall claim and take the Benefit of any ſuch Exemption as aforeſaid, not being entitled thereto, or ſhall uſe or diſpoſe of any of the Articles for which any ſuch Exemption ſhall have been allowed, in any other Manner than as before-mentioned, he ſhall, for every ſuch Offence, forfeit any Sum not exceeding Five Pounds.

Power for Land Owners to uſe Pleaſure Boats.

LVI. Provided alſo, and be it further enacted, That it ſhall be lawful for the Owners and Occupiers of any Lands adjoining to the ſaid Canal, to uſe any Pleaſure Boat or Boats upon the ſaid intended Canal (not paſſing through any Locks) without any Interruption from the ſaid Company, and without paying any Rate for the ſame, ſo as the ſame be not made uſe of for carrying any Goods or other Things, and ſo as the ſame ſhall not obſtruct or prejudice the Navigation of the ſaid intended Canal, or the Towing Paths on the Sides thereof.

Company empowered to leaſe the Rates.

LVII. And be it further enacted, That it ſhall be lawful for the ſaid Company, and they are hereby authorized and empowered, at any of their General Aſſemblies, by Writing under their Common Seal, at any Time or Times, to let to farm the Rates hereby granted, or any Part or Parts thereof, unto any Perſon or Perſons, for any Time or Term they ſhall think proper, not exceeding Three Years from the Commencement of any Leaſe, and every ſuch Leaſe ſhall be valid and effectual, and the Leſſee or Leſſees thereof, and alſo ſuch Perſon or Perſons as ſuch Leſſee or Leſſees ſhall appoint to collect and receive the Rates ſo let, ſhall, during the Continuance of every ſuch Leaſe, be deemed Collectors of the Rates ſo let, and ſhall have the ſame Powers and Authority for collecting and recovering the ſame, as if they had been appointed for that Purpoſe by the ſaid Company, provided publick Notice of the Intention to let the ſaid Tolls, or any Part thereof, be given, by Advertiſements publiſhed and continued in the *Cambridge* Newſpaper, at leaſt One Calendar Month prior to any ſuch General Aſſembly at which the ſaid Rates, or any Part thereof, are propoſed to be let as aforeſaid.

Maſters of Boats to give an Account of their Lading.

LVIII. And, for the better aſcertaining, and more eaſy, effectual, and juſt Collection of the ſaid Rates hereby directed to be paid to the ſaid Company, be it further enacted, That the Maſter, Owner, or other Perſon having the Care of every Boat or other Veſſel navigating upon

upon the ſaid Canal, or upon any Part or Parts thereof, ſhall give to the ſaid Collectors of the ſaid Rates, or to any other Officers to be appointed for ſuch Purpoſe by the ſaid Company, at the Place or Places where he or they ſhall attend for that Purpoſe, a juſt Account in Writing, ſigned by the Maſter, Owner, or other Perſon or Perſons having the Care of ſuch Boat or other Veſſel, of the Quantities and Weight of ſuch Goods, and other Things, and of their Nature, Sort, or Kind, which ſhall be embarked in or upon each ſuch Boat or other Veſſel; but if the Goods or other Things contained in ſuch Boat or other Veſſel ſhall be liable to the Payment of different Rates, then ſuch Maſter, Owner, or other Perſon, ſhall ſpecify the Quantities liable to the Payment of each of the ſaid Rates; and in caſe he or they ſhall neglect or refuſe to give ſuch Account to the Officer demanding the ſame, or ſhall, with Intent to avoid the Payment of the ſaid Rates, or any Part thereof, give a falſe Account, every Perſon ſo offending ſhall forfeit and pay the Sum of Twenty Shillings for every Chaldron of Coals, and other Ratio of Goods or Things reſpectively, herein-before ſpecified, (and ſo in Proportion for any leſs Quantity), which ſhall be in or be conveyed by ſuch Boats or other Veſſels reſpectively, of which or of whoſe Lading ſuch Account ſhall be refuſed, or ſuch falſe Account given, or whoſe Lading ſhall be delivered out as aforeſaid, as the Caſe ſhall happen to be, over and above the aforeſaid reſpective Rates which ſhall be payable for the ſame.

Collectors may weigh and meaſure Veſſels and Goods.

LIX. And be it further enacted, That if any Difference ſhall ariſe between any Collector of the ſaid Rates and the Maſter or other Perſon having the Care or Charge of any Boat, Lighter, or other Veſſel, or the Owner of any Goods, Wares, Merchandize, or other Things, loaden or embarked therein, concerning the Meaſure, Weight, or Quantity of the Goods, Wares, or other Matters or Things embarked or contained in his Boat, Lighter, or Veſſel, it ſhall be lawful for any Collector of the aforeſaid Rates to ſtop and detain any ſuch Boat, Lighter, or other Veſſel, and to weigh, meaſure, or gauge and number, or cauſe to be weighed, meaſured, or gauged and numbered, ſuch Boat, Lighter, or other Veſſel, and all ſuch Timber, Goods, Wares, and Merchandizes, or other Matters or Things, as ſhall be therein embarked or contained; and in caſe the ſame ſhall, upon ſuch weighing, meaſuring, or gauging and numbering, appear to be of greater Meaſure, Weight, or Quantity, than the Account given thereof by ſuch Maſter, Owner, or other Perſon having the Care or Charge of ſuch Boat or other Veſſel, then the Maſter, Owner, or other Perſon, giving in ſuch Account, ſhall pay the Coſts and Charges of ſuch weighing, meaſuring, gauging, and numbering, all which Coſts and Charges, upon Refuſal of Payment upon Demand, ſhall and may be recovered and levied in the ſame Manner as the ſaid Rates are hereby appointed to be recovered and levied; but if ſuch Timber, Goods, Wares, Merchandize, or ſuch other Matters and Things, ſhall appear to be of the ſame or a leſs Weight or Quantity than the Account given thereof by the ſaid Maſter, Owner, or other Perſon, then the ſaid Collector ſhall pay the Coſts and Charges of ſuch weighing, meaſuring, gauging, and numbering, and ſhall alſo pay to ſuch Maſter or other Perſon, or to the Owner or Owners of ſuch Goods, Wares, and Merchandize, or other Things, ſuch Damages as ſhall appear to any Juſtice of the Peace for the *Iſle of Ely*, or the County of *Norfolk*, as the

the Caſe may be, upon the Oath of any credible Witneſs, to have ariſen from ſuch Detention, and in Default of immediate Payment thereof, the ſame ſhall be recovered from the ſaid Company by Action of Debt, in any of His Majeſty's Courts of Record.

Preventing Boats laden with Corn going to *Lynn* or *Wiſbech* being ſtopped by the Collectors of the Toll.

LX. Provided always, and it is hereby declared, That it ſhall not be lawful for any ſuch Collector as aforeſaid, to ſtop or detain any Boat, Lighter, or other Veſſel, laden with Corn or Grain, going to the Ports of *Lynn* or *Wiſbech*, in conſequence of any Difference which may ariſe reſpecting the Quantity of Corn or Grain therein, but that in caſe of any ſuch Difference, it ſhall be lawful for ſuch Collector to go or ſend any Perſon with the ſaid Boat, Lighter, or other Veſſel, to the Place where it ſhall be diſcharged of its Lading, and there to inſpect the Meaſurement of the Corn or Grain therein, when and as it ſhall be diſcharged therefrom; and in caſe it ſhall appear that the Quantity of Corn or Grain in ſuch Boat, Lighter, or Veſſel, ſhall exceed the Quantity ſtated in the Account given or delivered thereof by the Maſter, Owner, or other Perſon having the Care or Charge of ſuch Boat, Lighter, or Veſſel, then and in ſuch Caſe the ſaid Maſter, Owner, or other Perſon as aforeſaid, who ſhall have given or delivered ſuch falſe Account, ſhall forfeit and pay any Sum not exceeding Five Pounds, nor leſs than Forty Shillings, for every Five Quarters of Corn or Grain which ſhall be laden in ſuch Boat, Lighter, or Veſſel, beyond the Quantity ſtated in the Account given or delivered by him, and ſo in Proportion for any greater or leſs Quantity, and ſhall alſo pay the whole Expence of the Journey and Attendance of the Collector, or ſuch Perſon as ſhall be ſent by him to inſpect the meaſuring of ſuch Corn as aforeſaid, with a reaſonable Allowance for his Time, to be ſettled by the Juſtice before whom the ſaid Penalty may be recovered.

Power to fix the Price of ſmall Parcels.

LXI. And be it further enacted, That it ſhall be lawful for the ſaid Company, from Time to Time, at any General Aſſembly, (with the Conſent of the major Part of the ſaid Commiſſioners preſent at any General Meeting of the ſaid Commiſſioners), to aſcertain and fix the Price or Sum or Sums of Money to be charged or taken for the Carriage of any Parcel not exceeding Five hundred Pounds Weight upon the Canal, or upon any Part thereof; and the ſaid Company ſhall from Time to Time cauſe to be printed and affixed upon every Publick Wharf on the ſaid Canal, in ſome conſpicuous Place, a Liſt or Account aſcertaining and particularizing the Price or Sum or Sums of Money ſo to be charged or taken for the Carriage of ſuch Parcels as aforeſaid upon the ſaid Canal, or upon any Part thereof; and in caſe any Owner or Maſter, or other Perſon having the Care of any Boat or other Veſſel navigating or paſſing upon the ſaid Canal, or upon any Part thereof, after ſuch printed Paper, ſo aſcertaining and particularizing the Price or Sum or Sums of Money at which every ſuch Parcel ſhall be ſo carried and conveyed, ſhall be ſo affixed up as aforeſaid, ſhall demand or take for the Carriage of any ſuch Parcels as aforeſaid more than the Price or Sum or Sums of Money in ſuch Liſt or Account aſcertained and particularized for that Purpoſe, ſuch Owner, Maſter, or other Perſon, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Navigation to be free upon Payment of

LXII. And be it further enacted, That all Perſons whomſoever ſhall have free Liberty to navigate and paſs upon and uſe the ſaid Canal with any

any Boats or Veſſels, (of Pleaſure or otherwiſe), and to employ the ſaid Wharfs or Quays for loading and unloading ſuch Merchandize, Timber, and other Goods and Things, and alſo to uſe the ſaid Towing Paths, with Men, or with Horſes, or other Cattle, for haling and drawing ſuch Boats and Veſſels, upon Payment of ſuch Rates as ſhall be demanded by the ſaid Company, not exceeding the Sums herein-before mentioned.

Rates under certain Reſtrictions.

LXIII. And be it further enacted, That the Maſter or Owner of every Boat or other Veſſel, navigating upon the ſaid Canal, ſhall be, and is hereby made anſwerable for any Treſpaſs, Damage, Spoil, or Miſchief, that ſhall, by his Boat or other Veſſel, or by any of the Boatmen, Watermen, or other Perſon or Perſons belonging to or employed in or about the ſame reſpectively, be done to any of the Bridges, Locks, Sluices, Tunnels, Drains, Engines, or other Works, in, upon, or belonging, to the ſaid Canal, either by the Loading or Unloading of any Boat or other Veſſel, or by any other Means whatſoever, or to the Owners or Proprietors of any Buildings or other Erections, Lands, Tenements, or Hereditaments adjoining to the ſame, or to any of them; and the ſaid Maſter or Owner of ſuch Boat or other Veſſel may be ſued and proſecuted for the ſame in any of His Majeſty's Courts of Record at *Weſtminſter*, or in the Court of Pleas of the *Iſle of Ely*, if the Cauſe of Action ſhall ariſe there; and if a Verdict or Judgement ſhall be given againſt him, either on Proof made, or by Default, or upon Demurrer, the Plaintiff in any ſuch Caſe ſhall recover his Damages thereby ſuſtained, with full Coſts of Suit.

Maſters of Veſſels to be accountable for Damages done by Boatmen.

LXIV. And be it further enacted, That in caſe the Owner or Owners of any Boat or other Veſſel employed on the ſaid Navigation ſhall be compelled to pay any Penalty, or to make Satisfaction for any Damages by reaſon of any wilful Neglect or Default done or committed by his or their Servants, Boatmen, or Watermen, and each or any of them, ſuch Servants, Boatmen, or Watermen, and each and every of them, ſhall be liable to repay ſuch Penalty or Damages, with the Coſts thereof, to ſuch Owner or Owners; and in caſe of Non-payment upon Demand thereof, and Oath or Affirmation made by ſuch Owner or Owners of the Payment made by him or them of ſuch Penalty or Satisfaction for Damages, and that the ſame, and the Coſts thereof, have not been repaid to him or them by ſuch Servants, Boatmen, or Watermen, or any of them, although demanded, (ſuch Oath or Affirmation to be made before any One Juſtice of the Peace for the Place or County where ſuch Damage as aforeſaid ſhall have been done, or where the Boatman, Servant, or Waterman, who did the ſame ſhall happen to be), the Amount thereof ſhall be recovered in like Manner as any Penalty is hereby directed to be recovered.

Maſters to recover from their Servants Monies paid for Damages done by them.

LXV. And be it further enacted, That the ſaid Company ſhall and may, in ſuch Parts of the ſaid Canal as ſhall not be of a ſufficient Breadth for admitting a Boat or other Veſſel to turn about or lie whilſt another Boat ſhall paſs by, or to admit Two Boats or other Veſſels to paſs each other, and they are in ſuch Caſes hereby empowered to make and cut proper Spaces or Openings into the Lands adjoining to the ſaid Canal, at convenient Diſtances from each other, for the turning, lying, or paſſing

Places to be made for Boats to turn or lie in, or for other Boats to paſs.

by, of any ſuch Boats or other Veſſels; and all ſuch Boats and other Veſſels, which ſhall be haled or navigated upon the ſaid Canal, ſhall, upon meeting any other Boat or Veſſel navigating thereon, ſtop at or go back to and lie in the ſaid Spaces or Openings, in ſuch Manner as the ſaid Committee ſhall from Time to Time direct or appoint; and if any other Boat or Veſſel ſhall be placed or ſhall lie abreaſt in any Part of the ſaid Canal, or of any Trench, Sluice, or Paſſage belonging thereto, not being moored at both Ends, or if any Perſon or Perſons, navigating and having the Care of any Boat or other Veſſel, ſhall wilfully obſtruct the Navigation of the ſaid Canal, or any of them, by Means of the miſplacing or otherwiſe miſconducting ſuch Boat or other Veſſel, and ſhall not immediately, upon Requeſt made, moor the ſame at both Ends, or alter the Situation of ſuch Boat or other Veſſel, or otherwiſe ſtop or effectually ſecure the ſame, as the Caſe ſhall require, ſo as that the ſaid Obſtruction ſhall ceaſe and be removed, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit a Sum not exceeding Ten Shillings, and alſo a Sum not exceeding Five Shillings for every Hour during which ſuch Obſtruction ſhall continue after the making of ſuch Requeſt; and it ſhall be lawful for the Agents or Servants of the ſaid Company, or any of them, to cauſe any ſuch Boat or other Veſſel to be unloaded, if neceſſary, and to be removed in ſuch Manner as ſhall be proper for preventing ſuch Obſtruction in the Navigation, and to ſeize and detain ſuch Boat or other Veſſel, and the Loading thereof, or any Part of ſuch Loading, until the Charges occaſioned by ſuch Unloading and Removal ſhall be paid; and if any Boat or other Veſſel ſhall be ſunk in any Part of the ſaid Canal, or in any Trench or Sluice as aforeſaid, and the Owner and Owners, or other Perſon or Perſons having the Care of ſuch Boat or other Veſſel, ſhall not, without Loſs of Time, weigh or draw up the ſame, it ſhall be lawful for the Agents or Servants of the ſaid Company, or any of them, to cauſe ſuch Boat or other Veſſel to be weighed or drawn up, and to detain and keep the ſame until Payment ſhall be made of all the Expences thereby neceſſarily incurred and occaſioned.

Veſſels obſtructing the Navigation to be removed, and Veſſels ſunk to be weighed up.

Penalty on Perſons overloading or obſtructing the Paſſage of the Canal.

LXVI. And be it further enacted, That if any Perſon or Perſons ſhall float any Timber upon the ſaid Canal, or ſhall ſuffer the Loading of any Boat or other Veſſel navigating thereon, to lie over the Sides thereof, or ſhall overload any Boat or other Veſſel navigating thereon, ſo as by ſuch Floating, Loading, or Overloading, to obſtruct the Paſſage of any other Boat or Veſſel, and ſhall not immediately, upon Notice given of ſuch Obſtruction, hale ſuch Boat or Veſſel into ſuch Place or Places, Opening or Openings, as ſhall be proper to be made for the Purpoſe of enabling Boats and other Veſſels to paſs each other, or ſhall not otherwiſe remove the ſame, ſo as to make a free Paſſage for other Boats or Veſſels navigating thereon; and if any Perſon ſhall throw any Ballaſt, Gravel, Stones, or Rubbiſh, into any Part of the ſaid Canal, or if any Perſon or Perſons whomſoever ſhall wantonly or unneceſſarily open, or cauſe to be opened, any Lock, Paddle, Valve, or Clough, belonging to the ſaid Canal, or ſuffer any Boat or other Veſſel to ſtrike or run upon any of the Bridges or Locks thereof; or if any Perſon or Perſons ſhall wilfully fluſh or draw off, or cauſe to be fluſhed or drawn off, the Water from any Part of the ſaid Canal, or ſhall leave any of the ſaid Valves and Cloughs open and running, after any Boat or other Veſſel ſhall have

paſſed

paſſed any Lock belonging to the ſame, or ſhall draw, or cauſe to be drawn, any Paddle, Valve, or Clough, in any of the Locks or Gates on the ſaid Navigation, ſo as to miſpend or waſte the Water thereof, or ſhall wilfully obſtruct, hinder, or prevent, any Perſon in the Execution of this Act, every Perſon offending in any of the Caſes aforeſaid, ſhall forfeit and pay, for every ſuch Offence, any Sum not exceeding Five Pounds.

Penalty on Perſons deſtroying the Works.

LXVII. And be it further enacted, That if any Perſon ſhall wilfully and maliciouſly, and to the Prejudice of the ſaid Navigation, break, throw down, damage, or deſtroy, any Banks, or other Works to be erected and made by virtue of this Act, every ſuch Perſon ſhall be ſubject and liable to the like Pains and Penalties as in Caſes of Felony; and the Court by and before whom ſuch Perſon ſhall be tried ſhall have Power and Authority to cauſe ſuch Perſon to be puniſhed in like Manner as Felons are directed to be puniſhed by the Laws and Statutes of this Realm; or in Mitigation of ſuch Puniſhment, ſuch Court may, if they think fit, award ſuch Sentence as the Law directs in Caſes of Petit Larceny.

Regulations of Veſſels paſſing the Locks.

LXVIII. And be it further enacted, That no Boatman or other Perſon, navigating or having the Care of any Boat or other Veſſel upon the ſaid Canal, which ſhall paſs through any Lock to be made thereon, ſhall ſuffer the Water to remain in the Lock longer than is neceſſary for his Boat or other Veſſel to paſs through the ſame; and alſo that every ſuch Boatman or other Perſon as aforeſaid, in deſcending through ſuch Lock, ſhall ſhut the Lower Gates of ſuch Lock, and the Sluices thereto belonging, before he ſhall draw the Cloughs of the Upper Gates thereof; and after he ſhall have brought his Boat or other Veſſel into the ſaid Lock, he ſhall then ſhut the Upper Gates before he ſhall draw the Cloughs of the Lower Gates thereof; and in aſcending through any ſuch Lock, ſuch Boatman or other Perſon ſhall ſhut the Upper Gates thereof before he ſhall draw the Cloughs of the Lower Gates thereof, and after he ſhall have paſſed through ſuch Lock he ſhall ſhut the Upper Gates, and the Cloughs thereof.

Lock Keepers not to give undue Preference.

LXIX. And be it further enacted, That if any Lock Keeper, Wharfinger, or other Servant belonging to the ſaid Company, ſhall give any undue Preference, or ſhew any Partiality to any Boat, Lighter, or other Veſſel, in paſſing through any Lock or Locks upon the ſaid intended Canal, or in loading or unloading any Goods or other Things at any of the Wharfs, Warehouſes, Weigh Beams, Cranes, and other Machines, belonging to the ſaid Company, every Perſon ſo offending ſhall forfeit and pay the Sum of Twenty Shillings, One Half to the Informer, and the other Half to the Poor of the Pariſh where the Offence ſhall be committed.

Veſſels paſſing the Locks with leſs than Three Tons, to pay for Three Tons.

LXX. Provided always, and be it further enacted, That every Boat or other Veſſel paſſing through any Lock or Locks on the ſaid Navigation, with a leſs Lading than Three Tons, at any Time or Times when there ſhall be Water ſufficient to enable Boats or other Veſſels to paſs ſuch Lock or Locks with a greater Lading or Burthen than Three Tons, ſhall

ſhall pay to the ſaid Company a Tonnage Rate for Three Tons of Lading, in the ſame Manner as if ſuch Boat or other Veſſel had actually on board Three Tons of Lading; but if at any Time there ſhall not be ſufficient Water in ſuch Lock or Locks to enable ſuch Boats or other Veſſels to paſs through the ſame with Three Tons Weight of Lading, then, and in every ſuch Caſe, it ſhall be lawful for all Boats, Barges, and other Veſſels, to paſs any ſuch Lock or Locks with any leſs Weight of Lading than Three Tons, and the Owner, or other Perſon having the Care or Command of ſuch Boat, Barge, or other Veſſel, ſhall not be compellable to pay a Lock Due for any greater Weight of Lading than ſhall at ſuch Time be actually on board the ſame Veſſel, provided that ſuch Lading ſhall not be leſs than the Water will enable ſuch Boat, Barge, or other Veſſel, to carry; any Thing in this Act to the contrary thereof in anywiſe notwithſtanding.

Boatmen to have Tickets delivered on paſſing Locks, which will entitle to repaſs Toll-free within a certain Time.

LXXI. And be it further enacted, That the Boatman or Conductor of every Boat or Veſſel paſſing through any of the Locks on the ſaid Navigation ſhall, upon Requeſt, have a Ticket delivered to him *gratis* by the Collector of the Tolls at the ſaid Locks, ſtating the Quantity of Tonnage paid in reſpect of ſuch Boat or Veſſel, and the Day on which it paſſed ſuch Lock; and that if ſuch Boat or Veſſel ſhall have paſſed through the ſaid Locks empty, and ſhall return laden within the Space of Twenty-one Days next following, then upon the Production of ſuch Ticket, the Tonnage therein expreſſed to have been paid, ſhall be deducted and allowed out of the Tonnage to be paid in reſpect of the Lading on board ſuch Boat or Veſſel ſo returning; or if any Boat or Veſſel, being laden, ſhall have paſſed through any of the ſaid Locks, and have paid the full Amount of the Tonnage in reſpect of the ſame, then ſuch Boat or Veſſel returning empty within Thirty Days next following, ſhall be allowed to paſs through any of the ſaid Locks without being liable to pay any Tonnage for the ſame, the Maſter or Conductor of the ſaid Boat or Veſſel producing to the Collector at ſuch Locks the Ticket before taken.

Boats laden with Turf may paſs Lock at *Outwell* on Payment of Tonnage for Turf.

LXXII. And be it further enacted, That, for ſupplying the Inhabitants of the Pariſh of *Outwell* with Turf, it ſhall be lawful for any Boats or Veſſels laden with Turf only, to paſs through the Lock at *Outwell* in going to or returning from any Place within the Pariſh of *Outwell* aforeſaid, not farther diſtant than the Farm Houſe now in the Occupation of *James Fiſher*, paying only the Amount of the Tonnage for ſuch Turf as ſhall be in the ſaid Boats or Veſſels; but if any Perſon or Perſons ſhall navigate any ſuch Boat or Veſſel as aforeſaid beyond the ſaid Farm Houſe in the Occupation of the ſaid *James Fiſher*, ſuch Perſon or Perſons ſhall, for every ſuch Offence, forfeit and pay any Sum or Sums of Money not exceeding Five Pounds.

Pleaſure and Market Boats to paſs in certain Caſes.

LXXXIII. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Committee, from Time to Time, when there ſhall be a Sufficiency of Water, to permit Pleaſure Boats, and Market Boats or Barges, to paſs along the ſaid Canal, and to paſs through the Locks thereon, without paying Tonnage, to the Amount of Three Tons, if they reſpectively ſhall not contain or carry ſo much.

LXXIV. And

LXXIV. And, to the End that the said Navigation may be carried on with as little Damage to private Property as possible, be it further enacted, That the said Company shall, and they are hereby required, at their own proper Costs and Charges, to make a proper Culvert, or subterraneous Tunnel or Passage, under the said Canal, in a Common Sewer running at the North End of certain Lands belonging to Lady *Trafford Southwell* and *Joseph Howell*, in the Parish of *Elm*, in the said *Isle of Ely*, for conveying the Waters from the Lands in *Oldfield in Elm*, into *Marshland Fenn*, until which Culvert, Tunnel, or Passage, shall be made, the said Company shall not be entitled to collect any Tolls or Rates from any Boat, Barge, or Vessel, navigating upon the said Canal; and that such Culvert, Tunnel, and Passage shall, from Time to Time, be supported, maintained, cleansed, scoured, and kept in good and sufficient Repair by the said Company; and if at any Time, after One Calendar Month's Notice in Writing shall be given, by or on Behalf of the said Owners or Occupiers of the Lands in *Oldfield in Elm* aforesaid, to be drained by the said Culvert, Tunnel, or Passage, or any of them, to the said Company, or to their Clerk or Collector, that the said Culvert, Tunnel, or Passage, is not made, cleansed, maintained, and repaired, according to the true Intent and Meaning of this Act, it shall be lawful for any of the Owners or Occupiers of any of the Lands in *Oldfield in Elm* aforesaid, or for any Person or Persons on their or any of their Behalf, to apply for and obtain an Order in Writing from the said Commissioners, at any Meeting, from Time to Time, as often as there shall be Occasion; and the said Commissioners are hereby authorized and required, at their Discretion, to grant such Order as aforesaid, enabling such Person or Persons to cleanse and repair such Culvert, Tunnel, or Passage accordingly, and the reasonable Expences thereof (to be ascertained by the said Commissioners) shall be defrayed by the said Company; and in case of Neglect or Refusal to satisfy and defray such Expences for the Space of Two Calendar Months after Demand thereof made upon the said Company, or upon their Clerk or Collector, such Expences shall and may be recovered and levied in such Manner as any other Money is by this Act directed to be recovered from the said Company.

Bridges and Tunnels to be be made, and a Culvert for draining Lands in *Oldfield in Elm*.

LXXV. Provided always, and it is hereby enacted, That it shall not be lawful for any Owner or Occupier of any Lands adjoining to the said Canal, or for any other Person or Persons whomsoever, without the Consent of the said Company, to make, or suffer to be made, any Watering Place for Cattle, in or by the Sides of the said Canal, or to open any of the Dykes or Ditches of such Lands into the said Canal, or to lay any Tunnel therein, except as herein-before and herein-after are particularly mentioned; and that in case any Person or Persons shall make any such Watering Place for Cattle, or open any of the said Dykes or Ditches, or shall lay any such Tunnel into the said Canal, except as aforesaid, such Person or Persons shall, for every such Offence, forfeit any Sum or Sums of Money not exceeding Ten Pounds, and the like Sum of Ten Pounds for every monthly Continuance thereof, after Notice in Writing given him, her, or them, to remove the same; such Penalties to be recovered in Manner herein-after directed.

No Watering Places for Cattle to be made, or Tunnels laid in the Canal.

Owners of Land in *Oldfield in Elm*, in *Emneth*, and *Outwell*, to lay Tunnels for taking in Freſh Waters.

LXXVI. Provided always, and it is hereby enacted and declared, That it ſhall and may be lawful for the Owners of Lands in *Oldfield in Elm* aforeſaid, and for the Owners of Lands in *Emneth* in the ſaid County of *Norfolk*, and for the Owners of Lands in *Outwell* in the ſaid *Iſle of Ely*, and in *Outwell* in the County of *Norfolk*, to lay One Tunnel or Pipe for the Uſe of ſuch reſpective Townſhips, in the Banks or Sides of the ſaid Canal, of ſuch Dimenſions and in ſuch Places as ſhall be fixed and agreed upon by Two Engineers, the One to be choſen by the ſaid Company, and the other by the Owners and Proprietors of the ſaid reſpective Lands, for the Purpoſe of taking out Freſh Waters from the ſaid Canal into their reſpective Lands: Provided always, that ſuch Tunnels or Pipes reſpectively be not at any Time laid lower in the Banks of the ſaid Canal than to be full Five Feet above the Bottom of the ſaid Canal, or to be lower than the Four Feet Six Inches Mark on the preſent Threſhold or Gauge Poſt at *Salters Load* Sluice; and if any of the ſaid Tunnels or Pipes, to be laid into the ſaid Canal by the ſaid Owners of Lands in *Oldfield in Elm*, *Emneth*, and *Outwell* aforeſaid, or any of them, ſhall at any Time be lower than the Marks herein-before mentioned, th n, and in every ſuch Caſe, it ſhall and may be lawful for the ſaid Company, their Agents and Servants, to ſtop up or remove all or any of the ſaid Tunnels which ſhall be laid below the ſaid Marks as aforeſaid.

For fencing off Towing Paths.

LXXVII. And be it further enacted, That the ſaid Company ſhall, at their own Coſts, (within Three Calendar Months after any Part of the ſaid Canal and Towing Paths thereto reſpectively belonging ſhall be dug out and formed), divide and ſeparate, and keep conſtantly divided and ſeparated, the Towing Paths on each Side of the ſaid Canal, Trenches, or Paſſages, or ſuch Part or Parts thereof reſpectively, as ſhall be declared neceſſary by the ſaid Commiſſioners, from the adjoining Lands or Grounds, by Poſts and Rails, Hedges, Ditches, Trenches, Banks, or other Fences, ſufficient to keep off Sheep and other Cattle, to be ſet out and made on the Lands or Grounds which ſhall be purchaſed by, conveyed to, or veſted in them as aforeſaid; and the ſaid Company ſhall, at their own proper Coſts and Charges, from Time to Time, maintain and ſupport the ſaid Towing Paths, and the ſaid Poſts, Rails, Hedges, Ditches, Trenches, Banks, and other Fences, ſo ſet up and made as aforeſaid; and alſo ſhall, at their own like Coſts and Charges, make, erect, and ſet up, and from Time to Time maintain and ſupport, ſuch and ſo many convenient Gates, Bridges, and Stiles, in, over, and through, all the Hedges and Fences to be by them ſo made on the Sides of ſuch Towing Paths as aforeſaid, and alſo all ſuch other Bridges, Arches, Culverts, and Paſſages, over, under, or by the Sides of, the ſaid Canal, and the Towing Paths on the Sides thereof, of ſuch Dimenſions and in ſuch Manner as the ſaid Commiſſioners ſhall, from Time to Time, judge neceſſary and appoint, (in caſe there ſhall be any Diſpute about the ſame), for the Uſe of the Owners and Occupiers of the Grounds or Hereditaments adjoining to ſuch Canal and other Works, or any of them reſpectively; and the ſaid Company ſhall not make the ſaid Canal, or any Part thereof, or any Trench or Watercourſe belonging to the ſame, in or acroſs any Common Highway, Publick Bridle Way, or Foot Path, until they ſhall, at their own proper Coſts and Charges, have made and provided a good and ſufficient temporary

temporary Road, Bridle Way, or Foot Path, for the Accommodation of all Perſons whomſoever; nor until a good and ſufficient Bridge or Bridges, Paſſage or Paſſages, Arch or Arches, over or acroſs the ſaid Highway, Publick Bridle Way, or Foot Path, ſhall be made and perfected at the Expence of the ſaid Company; and all ſuch Gates, Stiles, Bridges, Arches, and other Works and Conveniencies, ſo to be made as aforeſaid, ſhall, from Time to Time thereafter, be ſupported, maintained, and kept in ſufficient Repair by the ſaid Company.

If the Company do not fence off Towing Paths, and make Bridges, the Land Owners may at the Company's Expence.

LXXVIII. And be it further enacted, That in caſe the ſaid Company, or their Agents, ſhall refuſe or neglect to divide and ſeparate, and to keep divided and ſeparated, the ſaid Towing Paths in Manner herein-before directed, or to make, erect, and ſet up, ſuch Gates, Bridges, and Stiles, in, over, and through, the Fences on the Sides of the ſaid Towing Paths, or ſuch Bridges, Arches, Tunnels, Culverts, or other Paſſages, as herein-before directed, for the Uſe and Convenience of the reſpective Owners or Occupiers of the Lands or Hereditaments adjoining or near to the ſaid Canal, or to maintain and ſupport ſuch Gates, Stiles, Bridges, Arches, Tunnels, and Paſſages, when erected, ſet up, and made, of ſuch Dimenſions, and in ſuch Manner as aforeſaid, for the Space of Three Calendar Months next after the Times to be appointed for thoſe Purpoſes by the ſaid Commiſſioners, or other Notice ſhall have been given by or on the Behalf of the Owners or Occupiers of any ſuch Lands or other Hereditaments, who ſhall find themſelves aggrieved by any ſuch Gates, Stiles, Bridges, Arches, Tunnels, or Paſſages, not being kept in good and ſufficient Repair and Condition, to the Clerk of the ſaid Company, then, and in every ſuch Caſe, it ſhall be lawful for every or any of the Owners or Occupiers of the ſaid adjacent Lands, Grounds, or Hereditaments, who ſhall find himſelf, herſelf, or themſelves, aggrieved by ſuch Refuſal or Neglect, to make, erect, and ſet up, all ſuch Gates, Stiles, Bridges, Arches, Tunnels, Paſſages, and other Conveniencies, as the ſaid Commiſſioners ſhall have before directed or appointed to be made, erected, and ſet up, by the ſaid Company as aforeſaid, and to maintain, repair, and ſupport, the ſame from Time to Time as Occaſion ſhall require; ſo that in making and maintaining ſuch Works as aforeſaid, the ſaid Canal and Navigation, or the Banks thereof, or the Feeders or Aqueducts belonging thereto, ſhall not be ſtopped or hindered for any longer Space of Time, or in any other Manner, than ſhall be neceſſary for the doing thereof; and all the reaſonable Coſts and Charges thereof, (to be ſettled and allowed by the ſaid Commiſſioners), ſhall be repaid to the reſpective Owners or Occupiers of the ſaid adjacent Lands, Grounds, Mills, or other Hereditaments, who ſhall have ſo erected and made, repaired or maintained, ſuch Works as aforeſaid by the ſaid Company within the Space of Two Calendar Months next after the ſame ſhall have been ſo ſettled and allowed, and an Account and Demand in Writing ſhall have been delivered and made thereof to and from the ſaid Company, or their Clerk, for the Time being; and in Default of Payment of the ſaid Coſts and Charges within the Space aforeſaid, the ſaid Commiſſioners ſhall, and they are hereby required, by Warrant under their Hands and Seals, to levy the ſaid Coſts and Charges by Diſtreſs and Sale of any of the Goods and Chattels of the ſaid Company, which ſhall be found in or upon the ſaid Canal, or the Wharfs, Quays, or Warehouſes, adjoining or near to the ſame, belonging to the ſaid Company, to be applied to and for the Uſe of ſuch Perſon or Perſons

ſons who ſhall have ſo incurred ſuch Coſts and Charges as aforeſaid, rendering to the ſaid Company, or to ſome of their known Agents or Collectors, the Overplus, (if any), after deducting the reaſonable Charges of making ſuch Diſtreſs and Sale, to be ſettled by the Commiſſioners, or otherwiſe, every or any of the ſaid Owners or Occupiers, upon Refuſal or Neglect of the ſaid Company to pay the ſaid Coſts and Charges as aforeſaid, ſhall and may have ſuch and the like Remedy againſt the ſaid Company of Proprietors for the Recovery thereof, by Action at Law, to be commenced and proſecuted in ſuch Manner as in other Caſes is in and by this Act directed.

Lords of Manors and Land Owners may erect Wharfs.

LXXIX. And be it further enacted, That any Owner or Owners of any Lands or Grounds through or adjoining to which the ſaid Canal ſhall be made by virtue of this Act, may build, conſtruct, or uſe, any Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouſes, in or upon, his, her, or their reſpective own proper Lands and Grounds adjoining to the ſaid Canal or any Part thereof; and that any Lord or Lords, Lady or Ladies, of any Manor or Manors through which the ſaid Canal ſhall paſs, may build, conſtruct, and uſe, ſuch Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouſes, on the Waſtes, and may land any Goods or Merchandizes, or other Things thereupon, or upon the Banks lying between the ſame and the ſaid Canal, and may make and uſe proper and convenient Places for Boats and other Veſſels to lie and turn in and paſs by each other, and may lay out and make proper and convenient Ways and Roads to and from the ſaid Navigation, ſo that the making, conſtructing, or uſing thereof reſpectively, ſhall not obſtruct or prejudice the Navigation of the ſaid Canal, or any Part thereof, or the Towing Paths on the Sides thereof reſpectively; and all Rates which ſhall be paid for the Uſe and Benefit of the ſaid Wharfs, Quays, Landing Places, Cranes, Weigh Beams, and Warehouſes reſpectively, ſhall be ſubject to the Powers herein contained for the ſaid Commiſſioners to limit, aſcertain, and make Regulations of and concerning the ſame: And the ſaid Wharfs, Quays, Landing Places, Cranes, Weigh Beams, and Warehouſes reſpectively, are hereby veſted in ſuch Lord or Lords, Lady or Ladies, of ſuch Manor or Manors, or in the Owner or Owners of ſuch Lands or Grounds, who ſhall make, conſtruct, and erect, the ſame reſpectively as aforeſaid, and in his, her, and their Repreſentatives reſpectively, ſo that the Rates and Powers herein-before granted to the ſaid Company ſhall not be thereby reduced or altered.

But if not done in a certain Time, the Company may build.

LXXX. Provided always, and be it further enacted, That if any ſuch Lord or Lady of a Manor, or Land Owner, within the Space of Six Calendar Months next after Notice given in Writing to him, her, or them, or left at his, her, or their uſual Place or Places of Abode, by or on Behalf of the ſaid Company, that any Part or Parts of ſuch Lands, Grounds, or Waſtes, is or are intended to be uſed by them for the Purpoſe of making and erecting Wharfs, Warehouſes, Buildings, or other Conveniencies as aforeſaid, for the Uſe of the ſaid Navigation, or for laying out and making neceſſary and convenient Roads for the Conveyance of Goods to and from the ſaid Canal, ſhall not lay out, conſtruct, and make, and from Time to Time maintain and keep in good and ſubſtantial Repair, ſuch proper and ſufficient Wharfs, Warehouſes, Buildings, Roads, and other Conveniencies as aforeſaid, for the Uſe of the ſaid Navi-

gation,

gation, as the ſaid Commiſſioners ſhall think neceſſary, on the reſpective Parts of the Lands, Grounds, or Waſtes, deſcribed in ſuch Notice, then and in ſueh Caſe the ſaid Company ſhall have full Power and Authority, without any Hindrance or Reſtraint whatſoever, to make uſe of any ſuch Lands, Grounds, or Waſtes, (not being the Ground whereon any Houſe or other Building ſtands, or any Orchard, Park, Paddock, Planted Walk, Nurſery for Trees, or an Avenue to any Houſe), for erecting and conſtructing proper and ſufficient Wharfs, Warehouſes, Buildings, and other Conveniencies as aforeſaid, and for laying out and making neceſſary and convenient Roads to and from the ſaid Canal, agreeable to ſuch Notice, to be delivered as aforeſaid, they the ſaid Company firſt making Satisfaction for the ſame in ſuch Manner as is and hath been herein-before directed with reſpect to other Lands or Grounds which ſhall be taken or uſed for the Purpoſes of this Act.

Further Allowance to the Company for Goods remaining upon the Wharfs.

LXXXI. And be it further enacted, That if any Merchandize, Matters, or Things whatſoever, which ſhall be carried and conveyed on the ſaid Canal, ſhall lie or remain upon any Wharf or Wharfs, Quay or Quays, belonging to the ſaid Company, or to any other Perſon or Perſons, and adjoining to the ſaid Canal, for above the Space of Twenty-four Hours, then and in ſuch Caſe the ſaid Company, or ſuch other Perſon or Perſons, ſhall be entitled to receive ſuch reaſonable Rates or Allowance, over and above the Rates herein-before authorized to be taken, as ſhall be agreed upon by the ſaid Company, or their Agent or Agents, or ſuch other Perſon or Perſons, and the Owner or Owners of ſuch Merchandize, or other Things; and in caſe of any Diſpute concerning the ſame, it ſhall be aſcertained and adjuſted by the ſaid Commiſſioners, (who are hereby authorized and empowered to make ſuch Regulations, from Time to Time, as they may think fit, for limiting and aſcertaining the Rates of Wharfage to be taken by the ſaid Company), and all and every ſuch other Perſon or Perſons, being the Owners of any ſuch Wharfs or Quays as aforeſaid.

Rates for Craneage.

LXXXII. And be it further enacted, That in order to make Compenſation to the ſaid Company, and to ſuch other Perſon and Perſons as ſhall make ſuch Wharfs and Quays as aforeſaid, for providing Cranes for loading and landing Goods, the following Rates ſhall be paid to the ſaid Company, or the Owners of the Wharfs or Quays where ſuch Goods ſhall be loaded or landed reſpectively, for Craneage, with reſpect to the Merchandize, Matters, and Things, herein-after mentioned, which ſhall be landed at their reſpective Wharfs, (ſuch Wharfs having proper Cranes thereon); *videlicet*, For every Ton of Goods (except Coals) to be loaded from or landed upon any of the Wharfs or Quays upon the ſaid Canal, any Sum the ſaid Company, or the Owners of the ſaid Wharfs, Quays, or Warehouſes, ſhall reſpectively require, not exceeding Sixpence, and ſo in Proportion, and after the ſame Rate, for any leſs Quantity, there being ſufficient Cranes in good Repair, and fit for Uſe, at the Time ſuch Goods ſhall be loaded or landed upon the Wharf from or upon which they ſhall be loaded or landed.

To prevent evading them.

LXXXIII. And, in order to ſecure the regular Payment of theſe Rates and Payments to be made for Wharfage and Warehouſe Room, where any ſuch ſhall be due, be it enacted, That if any Perſon ſhall re-

move any Goods, for which any Money for Craneage, Wharfage, or Warehouſe Room, ſhall be due, without firſt diſcharging what ſhall be due on theſe Accounts reſpectively, without the Conſent of the ſaid Company, their Agents or Servants attending the Wharfs or Warehouſes, or the Owners of ſuch Wharfs, Quays, or Warehouſes reſpectively, then every Perſon ſo removing ſuch Goods, or any Part of ſuch Goods, ſhall forfeit and pay to the ſaid Company, or to the reſpective Owners of ſuch Wharfs, Quays, or Warehouſes, any Sum not exceeding Five Pounds, over and above ſuch Sum or Sums of Money as ſhall be due for Craneage, Wharfage, or Warehouſe Room, on the Goods ſo removed.

Company not to uſe private Wharfs, &c.

LXXXIV. Provided always, and be it further enacted, That nothing herein contained ſhall authorize or empower the ſaid Company, or any other Perſon or Perſons, to make uſe of any Wharf, Quay, Landing Place, Crane, Weigh Beam, or Warehouſe, which ſhall be ſet out, erected, or made, by the Lord or Lords of any Manor, or the Owner or Owners of any Lands or Grounds adjoining or near to the ſaid intended Canal, or any of them, for his, her, or their private excluſive Uſe only, nor to ſet up, erect, repair, or uſe, any Cranes or Weighing Machines in or upon any ſuch Wharf, Quay, or Landing Place, any Thing hereinbefore contained to the contrary notwithſtanding.

Canal or Works not to be under the Power of Commiſſioners of Sewers.

LXXXV. And be it further enacted, That the Commiſſioners of Sewers for the Hundred of *Wiſbech* and Parts adjacent, in the *Iſle of Ely*, or the Commiſſioners of Sewers for the County of *Norfolk*, ſhall not, at any Time or Times hereafter, exerciſe any Right, Power, or Authority, over the ſaid Canal, or any of the Works to be made by virtue of this Act; nor ſhall the ſame be ſubject to the Controul, Direction, Survey, or Order, of the ſaid Commiſſioners of Sewers, or any of them.

Recital of River *Nene* Navigation Act, 27 *Geo. II.*

LXXXVI. And whereas, by an Act of Parliament paſſed in the Twenty-ſeventh Year of the Reign of His Majeſty King *George* the Second, (intituled, *An Act for improving and preſerving the Navigation from* Salters Load *Sluice in the County of* Norfolk, *to* Standground *Sluice in the County of* Huntingdon, *and from* Flood's Ferry, *in the* Iſle of Ely *in the County of* Cambridge, *to* Ramſey High Load *in the ſaid County of* Huntingdon; *and alſo the Navigation from* Old Bedford *Sluice in the ſaid County of* Norfolk, *to the River* Nene *in the Pariſh of* Ramſey, *in the ſaid County of* Huntingdon), certain Tolls and Duties therein mentioned were granted and made payable at *Standground* and *Salters Load* Sluices, for the carrying on, completing, and maintaining, the ſaid Navigation, and certain Commiſſioners were thereby appointed for carrying the ſaid Act into Execution: And whereas Part of the ſaid River *Nene*, between *Outwell* Church and *Salters Load* Sluice aforeſaid, which ought to be preſerved and maintained purſuant to the Directions of the ſaid recited Act of Parliament, has been of late Years growing up, and is at preſent in a very imperfect State for the Purpoſes of Navigation; and it will be neceſſary, for the Benefit of the Canal intended to be made under the Authority of this Act as aforeſaid, that a good Navigation ſhall at all Times be maintained from *Outwell* Church to *Salters Load* Sluice, and a proper Fund provided for ſupporting the ſame: And whereas, by making the Canal intended to be made under the Authority of this Act, ſome of the Tolls now

That Part of the River *Nene* between *Outwell* Church and *Salters Load*, in an imperfect State.

Preſent Funds inſufficient.

now payable at *Salters Load* Sluice and *Standground* Sluice, will be diverted and paid to the Proprietors of the ſaid intended Canal; and therefore as the Funds ariſing from the ſaid Tolls are inſufficient to maintain the Navigation of the ſaid River *Nene* in a proper State, it hath been propoſed by the Commiſſioners for maintaining the Navigation of the ſaid River *Nene*, and the intended Proprietors of the ſaid Canal, that all Veſſels paſſing into or out of the ſaid Canal at or near *Outwell* Church, ſhall, over and above the Tolls payable to the ſaid Company, pay the like Tolls as if ſuch Veſſels had paſſed through *Salters Load* or *Standground* Sluices, and that a ſeparate and diſtinct Account ſhall be kept of the ſaid Tolls; and that, after paying One hundred Pounds *per Annum* thereout to the ſaid Commiſſioners for maintaining the Navigation of the ſaid River *Nene*, the Remainder ſhall be applied for preſerving and ſupporting the Navigation between *Outwell* and *Salters Load* Sluice, and other Purpoſes herein-after mentioned, and be under the Direction and Controul of the Truſtees herein-after appointed for that Purpoſe: Be it therefore enacted by the Authority aforeſaid, That there ſhall be paid to a Collector, to be appointed for that Purpoſe by the Truſtees to be choſen as herein-after is mentioned, or to the Collectors to be appointed by the ſaid *Wiſbech* Canal Company, for collecting the Tolls herein-before granted at or near *Outwell*, over and beſides the Tolls herein-before made payable, the Tolls herein-after mentioned, for the ſeveral Goods herein-after ſpecified; (that is to ſay), For every Chaldron of Coals; for every Hundred of Battens; for every Half Hundred of other Deals; for every Load of Timber, accounting Forty Feet to the Load, *Calliper* Meaſure; for every Eight Packs of Wool, accounting Ten Tod to the Pack; for every Wey of Salt; for every Load of Wheat, Rapeſeed, Linſeed, Coleſeed, Barley, Rye, Peas, or Beans, accounting Five Quarters to the Load; for every Laſt of Oats or Barley Bigg; for every Two thouſand Turf; for every Load of Reed, Sedge, Hay, Flax, or Hemp, reckoning Twenty hundred Weight to the Load; for every Laſt of Malt; for every Thouſand of Tiles; for every Five hundred of Bricks; for every Twenty Feet of Stone; and for every Chaldron of Lime, the Sum of Three-pence; and the like Sum of Three-pence for every Ton Weight of all other Goods, Wares, Merchandizes, or Commodities whatſoever; and ſo in Proportion for any greater or leſs Quantity or Weight; by every Perſon who ſhall navigate any Veſſel or Veſſels carrying or conveying Goods from or out of the River *Nene* or *Well Creek* into the ſaid intended Canal, or out of the ſaid intended Canal into the ſaid River *Nene* or *Wel Creek:* And the ſaid laſt-mentioned Rates ſhall be recoverable in the ſame Manner as the Rates herein-before granted are made recoverable, and the Maſters and Owners of the Boats, Barges, and Veſſels, liable to the ſaid Rates, ſhall be under and ſubject to the ſame Rules and Regulations for the Purpoſe of aſcertaining the Amount of theſe Rates, as are herein-before contained with reſpect to the Rates herein-before granted to the ſaid Company.

Propoſal between the *Nene* Commiſſioners and the *Wiſbech* Canal Company.

Additional Toll of Three Pence *per* Ton on Goods, as ſpecified in the *Nene* Act,

paſſing from or out of the River *Nene* and *Well-Creek* into the *Wiſbech* Canal; to be recovered in the ſame Manner as Tolls before granted.

LXXXVII. Provided always, and it is hereby enacted and declared, That ſuch Veſſels as ſhall pay the ſaid Tolls laſt herein-before granted and made payable, ſhall not pay the Toll granted by the ſaid recited Act of Parliament at *Salters Load* Sluice or *Standground* Sluice, in reſpect of the Merchandize or other Things for which ſuch Toll ſhall have been paid; and that ſuch Veſſels as ſhall have paid the Toll granted by the

If Tolls paid at *Salters Load* or *Standground* Sluices, to be exempted from further Toll.

said recited Act of Parliament at *Salters Load* Sluice, or *Standground* Sluice, shall not pay the Toll last herein-before granted at or near *Outwell* aforesaid, in respect of the Merchandize or other Things upon which Toll shall have been paid at *Salters Load* Sluice or *Standground* Sluice, the Master of, or the Person or Persons conveying such Goods, or navigating the Boats, Barges, or Vessels, wherein they are contained, producing a Ticket from the Collector at *Salters Load* Sluice or *Standground* Sluice, or at *Outwell* aforesaid, to whom such respective Tolls as last aforesaid shall have been paid, certifying that such Payment had been made, and the Amount thereof, and upon or in respect of what Merchandize or other Things it had been paid; and which Tickets the said Collectors at *Salters Load* Sluice and *Standground* Sluice, and at *Outwell* aforesaid respectively, are hereby directed and required to give without Fee or Reward.

Application of the Tolls.

LXXXVIII. And be it further enacted, That the said Tolls last herein-before granted and to be collected at *Outwell* aforesaid, and the Tolls to be collected at *Salters Load* Sluice and *Standground* Sluice as aforesaid, shall from Time to Time be paid to the Treasurer to be chosen by the Trustees to be appointed as herein-after mentioned; and an Account thereof, separate and distinct from the other Tolls payable to the said Commissioners appointed pursuant to the said recited Act, and to the *Wisbech* Canal Company respectively, shall be kept by the said Treasurer; and the Monies arising therefrom, after Payment of reasonable Salaries to the Treasurer and Collector, to be settled by the Trustees to be appointed as herein-after mentioned, shall be applied to the following Purposes; *videlicet*, First, in the Payment of One hundred Pounds *per Annum*, (or so much thereof as shall be raised), to the Treasurer for the Time being, appointed by the Commissioners for carrying into Effect the Purposes of the said recited Act of Parliament, to be applied as Part of the general Fund raised under that Act; and the Residue of the same Tolls shall be applied for the improving, preserving, and maintaining, of the Navigation of that Part of the said River *Nene* which is situate between *Outwell* Church and *Salters Load* Sluice aforesaid, and in providing such Fund as herein-after is mentioned for the future Support thereof, under the Directions of the said Trustees to be appointed as herein-after is mentioned; and if there shall be any Surplus after those Purposes shall be answered, such Surplus shall be applied in improving, preserving, and maintaining such Part of the Navigation of the said River *Nene* as is situate between *Outwell* Church and *Standground* Sluice aforesaid, in such Manner as the said Commissioners, appointed under the Authority of the said recited Act of Parliament, shall think proper; but until the Canal, to be made under the Authority of this Act, shall be opened for the Navigation of Boats, Barges, and other Vessels, all the Tolls to be collected at *Salters Load* Sluice and *Standground* Sluice shall continue to be applied as Part of the general Fund raised by virtue of the said recited Act of Parliament.

Monies advanced by the *Wisbech* Canal Company, to be repaid out

LXXXIX. And whereas it may be necessary to lay out a considerable Sum of Money in improving that Part of the River *Nene* between *Outwell* Church and *Salters Load* Sluice aforesaid, before any Money can be raised by the Tolls last herein-before granted to be collected at *Outwell* and *Salters Load*

Load Sluice and *Standground* Sluice as aforeſaid, be it enacted, That if the ſaid *Wiſbech* Canal Company ſhall lay out or advance any Monies in or for the Purpoſe of throwing out or deepening that Part of the ſaid River *Nene* which is ſituate between the uppermoſt Pair of Pointing Doors near *Outwell* Church and *Salters Load* Sluice, or for erecting or ſetting down any Locks, Staunches, Gates, or other Works therein, or otherwiſe improving the ſaid River, before ſufficient Monies can be raiſed from the Tolls hereby made applicable to theſe Purpoſes, then and in ſuch Caſe all ſuch Monies as ſhall be ſo laid out or advanced, ſhall be repaid to the ſaid *Wiſbech* Canal Company, with Intereſt for the ſame after the Rate of Five Pounds *per Centum per Annum*, to be computed from the reſpective Times of laying out or advancing the ſame, out of the firſt Monies to be received on Account of the ſaid laſt-mentioned Tolls, after Payment of the ſaid Sum of One hundred Pounds *per Annum* to the Commiſſioners appointed under the Authority of the ſaid recited Act of Parliament.

Of the firſt Monies raiſed with Intereſt.

XC. And be it further enacted, That after that Part of the ſaid River *Nene* which is ſituate between *Outwell* Church and *Salters Load* Sluice ſhall be ſufficiently improved for the Purpoſes of Navigation, and all the Expences attending the ſame be fully paid; and after the ſaid *Wiſbech* Canal Company ſhall have been reimburſed the Money which they may advance, with Intereſt as aforeſaid, then the Reſidue of the ſaid Tolls ſo to be collected at *Outwell* and *Salters Load* Sluice and *Standground* Sluice as aforeſaid, after paying the ſaid Sum of One hundred Pounds to the Commiſſioners appointed under the Authority of the ſaid recited Act of Parliament, and after diſcharging the Expence of keeping in Repair ſuch Parts of the ſaid River *Nene* as lie between *Outwell* Church and *Salters Load* Sluice, ſhall, from Time to Time, be inveſted in ſome of the Publick Stocks or Funds, or on Government Security, in the Names of Three Perſons, to be choſen by the Truſtees to be appointed as herein-after directed, until there ſhall be an Accumulation of the full Sum or Value of Eight hundred Pounds, as a Fund for the Preſervation of the Navigation of that Part of the ſaid River *Nene* which is between *Outwell* Church and *Salters Load* Sluice.

Fund provided for the future Preſervation of the River between *Outwell* and *Salters Load* Sluice.

XCI. And be it further enacted, That after the ſaid Sum or Value of Eight hundred Pounds, herein-before directed to be raiſed as aforeſaid, ſhall be raiſed, the Overplus and Remainder of the Monies yearly ariſing from the Tolls to be collected at *Outwell*, *Salters Load* Sluice, and *Standground* Sluice aforeſaid, after Payment of the ſaid Sum of One hundred Pounds *per Annum* to the Commiſſioners appointed under the Authority of the ſaid recited Act of Parliament, and of the neceſſary Charges and Expences of keeping the Navigation of that Part of the ſaid River *Nene* between *Outwell* Church and *Salters Load* Sluice in a proper State of Repair, or of ſo much of ſuch Expences as the Intereſt or Dividends of the ſaid Sum of Eight hundred Pounds ſhall be inſufficient to diſcharge, ſhall be paid to the Commiſſioners appointed under the Authority of the ſaid recited Act, to be by them applied in improving, repairing, and maintaining, the Navigation of ſuch other Parts of the ſaid River *Nene*, lying between *Outwell* Church and *Standground* Sluice,

Reſidue of Monies to be applied in improving the River between *Outwell* and *Standground* Sluice.

Sluice, and in such Manner as the same Commissioners shall think proper.

Trustees to be appointed.

XCII. And be it further enacted, That Twelve Trustees shall be annually appointed, *videlicet*, Six by the said *Wisbech* Canal Company, and Six by the Commissioners acting under the Authority of the said recited Act, out of their respective Bodies, previous to the Second *Wednesday* in *August*; and that such Trustees shall meet annually at *Wisbech* aforesaid, on the Third *Wednesday* in *August*, and shall at the said General Meetings, and the Adjournments thereof, in the First Place, elect fairly by Lot, out of the Trustees then present, One of the said Persons to be Chairman of the said Meeting, who shall in all Matters then to be determined, in case of an Equality of Votes, have the Decisive and Casting Vote; and that the Majority of the said Trustees, or an equal Number thereof, together with the said Chairman so to be elected as aforesaid, assembled at any of the said Meetings, shall and may execute and transact all the Powers, Business, Matters, and Things, which they the said Trustees are hereby directed and authorized to execute and transact, provided there be Six at least of such Trustees present at such Meeting; and that such Trustees may adjourn their Meetings from Time to Time and shall appoint a Treasurer, and may appoint a Collector or Collectors of the Tolls, to be under their Direction, and may allow such Salaries as they shall think proper to such Treasurer and Collectors, and shall take such Security as they the said Trustees shall think proper from the said Treasurer and Collectors respectively, for the due Execution of their respective Offices; and the said Trustees shall superintend, and in all Things direct and manage the Improvement, Repairs, and Maintainance, of that Part of the said River *Nene* which is situate between *Outwell* Church and *Salters Load* Sluice, and all the Works necessary or proper to be done thereto; and for that Purpose may, from Time to Time, employ proper Surveyors and other Workmen, and shall superintend the Expenditure and Application of the Tolls under their Direction, to the several Purposes to which they are hereby directed to be applied; and shall, from Time to Time, audit and settle the Accounts of the Money received by the said Collectors and Treasurer, and of the Expenditures of such Money, and may retain or pay to themselves the reasonable Expences incurred at their Meetings, and the Business to be done by them; and shall, from Time to Time, appoint proper Persons (of whom there shall always be Three) in whom the said Fund of Eight hundred Pounds, herein-before directed to be raised for the Purposes aforesaid, shall from Time to Time be vested; and the said Trustees shall and may, from Time to Time, remove the Treasurer, Collectors, Surveyors, and Workmen, to be appointed and employed by them, and any of the Persons in whom the said Fund of Eight hundred Pounds shall be invested, and appoint and employ others in their Places; and such Treasurer and Collectors shall keep regular Accounts of their Receipts and Disbursements, and shall, from Time to Time, account for the same to the said Trustees whenever thereunto required; or if they the said Treasurers and Collectors shall refuse or neglect so to do, they shall forfeit and pay any Sum not exceeding Fifty Pounds for every Offence, to be applied in the same Manner as the Tolls under the Direction of the said Trustees are applicable.

Annual Meetings to be held.

Powers of Trustees.

XCIII. And

The Company to make Locks, Pointing and Ebb Doors, at *Outwell*, *Popham's Eau*, and *Salters Load*.

XCIII. And whereas, for making and preſerving the Navigation of the ſaid intended Canal, it may be neceſſary to make and erect ſuch Pound Lock or Pen Sluice, and alſo ſuch Gates or Pointing Doors, and ſuch Land or Ebb Doors, as are herein-after mentioned; be it therefore enacted, That the *Wiſbech* Canal Company ſhall have full Power and Authority to make, erect, and from Time to Time to repair, amend, and renew, One good and ſufficient Pound Lock, or Pen Sluice, acroſs the South-Eaſt End of the ſaid intended Canal next the River *Nene* aforeſaid, and alſo Two Pair of Gates or Pointing Doors with Slackers in the ſame, One Pair thereof to be placed at or near the South-eaſt End of the ſaid Canal, and the other Pair at or near a certain Bridge at *Outwell* aforeſaid, called *The Iſle Bridge*, on the Weſt Side of *Outwell* Church for the Purpoſe of forming and making a Pen for Boats and other Veſſels paſſing between *Salters Load* and *Standground* Sluices aforeſaid; and alſo One Pair of Gates or Pointing Doors acroſs *Popham's Eau*, at or near the North End thereof; and alſo Land or Ebb Doors at *Salters Load* Sluice aforeſaid; which ſaid Locks, and the ſaid ſeveral Gates or Pointing Doors ſo to be made, erected, and renewed, (except the ſaid Pair of Pointing Doors to be placed at *Outwell Iſle Bridge* aforeſaid), are for the Purpoſes of penning up, raiſing, and keeping of a ſufficient Height of Water for Navigation in the ſaid intended Canal, and in *Well Creek*, from the South-eaſt End of the ſaid Canal to *Salters Load* Sluice; and the ſaid Pair of Pointing Doors to be placed at *Outwell Iſle Bridge* aforeſaid are for the Purpoſe of preſerving and keeping the Navigation between *Salters Load* and *Standground* Sluices aforeſaid; and the ſaid *Wiſbech* Canal Company ſhall, and they are hereby authorized and directed to cauſe Gauges or fixed Marks to be made upon the Doors of the reſpective Sluices and Gates ſo to be erected as aforeſaid, and at other proper Places, for regulating the Height of the Waters for the Purpoſes of Navigation, which Gauges or fixed Marks ſhall from Time to Time, as Occaſion may require, be fixed, varied, altered, and regulated, by Three Engineers, to be from Time to Time appointed as follows; *videlicet*, One by the Governor, Bailiffs, and Conſervators, of the Corporation of the Great Level of the Fens called *Bedford Level*, for the Time being; One by the ſaid Truſtees herein-before directed to be appointed; and the Third by the Two Engineers ſo to be appointed as aforeſaid: And the ſaid Locks, Pen Sluices, Gates, and Ebb Doors, ſo to be erected as laſt aforeſaid, ſo far as concerns the Paſſage of Water through the ſame for the Purpoſe of Drainage, ſhall be kept under the Management and Direction of ſuch Perſon as ſhall be appointed by the ſaid Corporation of *Bedford Level*, at a Yearly Salary to be paid by the ſaid *Wiſbech* Canal Company, not exceeding Twenty Pounds; and the Perſon ſo to be appointed for the Purpoſe laſt aforeſaid ſhall cauſe the ſaid Pound Locks, Gates, Pen Sluices, and Ebb Doors, to be ſhut at ſuch Times as the Water ſhall fall below the Gauge or Mark to be affixed by the ſaid Engineers for that Purpoſe; and if the Perſon ſo to be appointed as aforeſaid ſhall refuſe or neglect to keep the ſaid Pound Lock, Gates, Pen Sluices, and Ebb Doors ſhut at any ſuch Time, he ſhall forfeit and pay any Sum not exceeding Ten Pounds, nor leſs than Forty Shillings, for every Offence; and upon every or any Neglect or Refuſal of any ſuch Sluice Keeper to ſhut the ſaid Pound Lock, Gates, Pen Sluices, and Ebb Doors, or any of them, then it ſhall be lawful to and for any Two of the Committee to be choſen for the Management of the Concerns of the ſaid *Wiſbech* Canal Company, to cauſe the ſaid Pound Lock, Gates,

Gauges to be fixed thereon by Engineers to be appointed by the *Bedford Level* Corporation, and the *Wiſbech* Canal Company.

The Locks and Doors to be under the Direction of a Perſon to be appointed by the *Bedford Level* Corporation, but to be ſhut at certain Times,

under a Penalty;

and upon Refuſal, the Committee to have Power to ſhut them.

In case either Party neglects to appoint an Engineer, then the other to appoint both.

Pen Sluices, and Ebb Doors to be shut; and if the said *Beaford Level* Corporation, or the said Trustees herein-before directed to be appointed, shall refuse or neglect to appoint an Engineer for the Purpose aforesaid for the Space of One Calendar Month after being requested by the other to make such Appointment, it shall be lawful for such of them, the said *Bedford Level* Corporation and the said Trustees, as shall have requested such Appointment to be made, to appoint Two Engineers for the same Purpose; and the Two Engineers so chosen shall elect a Third; and in case the Three Engineers who may be appointed for the Purpose aforesaid in either of the Modes above-mentioned, shall not agree in Opinion, the Decision or Determination of any Two of them shall be conclusive; and in case of the Death of any of the Engineers who may be so appointed, or in case any of them shall decline to act, a new Appointment of Engineers for the Purposes aforesaid shall from Time to Time be made.

Authorizing the Trustees to stop up Tunnels in certain Cases.

XCIV. And, for preserving the Navigation of the said River *Nene*, between *Outwell* Church and *Salters Load* Sluice aforesaid, after the same shall be thrown out and improved; be it further enacted, That it shall and may be lawful to and for the said Trustees herein-before appointed, their Agents and Servants, at all Times hereafter, to stop up or remove all such Tunnels as are, shall, or may be laid in or through the Banks of the said River, that shall convey or pass any Waters from or out of the said River, when there shall be less than Five Feet of Water in Depth in the said River, or the Water therein shall be under the Four Feet Six Inches Mark on the present Threshold or Gauge Post at *Salters Load* Sluice.

If Waters in the River *Nene* are above the High Water Mark, then the Company to run them through the Canal.

XCV. And be it further enacted, That when and so often as the Waters in the River *Nene* aforesaid shall run above, or be equal in Height to the highest Mark or Gauge to be affixed by the said Engineers on the Lock or Sluice to be erected at the South-east End of the said intended Canal, and which shall be distinguished by the Name of the High Water Mark; then it shall be lawful for the said *Wisbech* Canal Company, or their Officer, to run the Waters through the said intended Canal into *Wisbech* River, until the Water in the said River *Nene* shall be reduced as low as the Mark called *The Level Water Mark* on the said Lock or Sluice.

Power for the Company to drain Lands through the Canal;

XCVI. And be it further enacted, That if at any Time hereafter any Bodies Politick or Corporate, or the Commissioners of any District, or the Owners or Occupiers of any Lands, should be desirous of conveying the Waters from their said Lands into the said intended Canal, and thereby to Sea, it shall be lawful for the said *Wisbech* Canal Company, at their General Annual Meetings, (publick Notice being given in the Advertisement for the Meeting, of such Measure being intended), to enter into any Agreement with such Corporation, Commissioners, or other Owners of Lands, for draining such Lands through the said intended Canal into *Wisbech* River, under such Annual Payments, or other Satisfaction, and subject to such Stipulations, Restrictions, and Agreements, as they shall think proper.

but not to raise the Waters in the Canal above the Soil of the adjacent

XCVII. Provided always, That the said *Wisbech* Canal Company shall not permit any Waters to run into or through the said intended Canal, so as to raise the Water therein above the Soil or Level of the Lands adjoining

adjoining thereto; and in caſe the Waters in the ſaid intended Canal ſhall at any Time riſe above ſuch Soil or Level, and thereby damage or injure any of the ſaid Lands, then and in ſuch Caſe the Committee ſhall, and they are hereby directed forthwith to ſhut the Doors of the Pound Lock or Sluice, to be erected at the South-eaſt End of the ſaid Canal, and to open the Lock or Sluice next *Wiſbech* River, for the Paſſage of Waters from the ſaid intended Canal to Sea, until the ſame ſhall be reduced ſo low that no Injury or Damage can thereby accrue to the ſaid Lands. Lands, ſo as to injure the ſame.

XCVIII. Provided, That nothing herein contained ſhall be conſtrued to extend to diminiſh, alter, or take away, any of the Rights, Powers, or Authorities, veſted in the Corporation of *Bedford Level*, or the Commiſſioners of the Navigation of the River *Nene*, except ſuch Rights, Powers, and Authorities, as are by this Act expreſsly altered or taken away. Rights of the *Bedford Level* Corporation ſaved.

XCIX. And be it further enacted, That all Fines and Forfeitures inflicted by this Act, or which ſhall be inflicted by any Rule, Order, or Bye-Law, to be made in purſuance thereof, the Levying and Recovery of which Fines and Forfeitures are not particularly hereby directed, ſhall, in caſe of Non payment thereof, on Conviction of the Offenders reſpectively, be levied by Diſtreſs and Sale of the Goods and Chattels of the Offender, by Warrant under the Hand and Seal of any Juſtice of the Peace for the County or Place wherein the Offence ſhall be committed, or the Offender ſhall be or reſide, who is hereby authorized and required to examine Witneſſes on Oath, and hear and determine the ſame; and all ſuch reſpective Fines and Forfeitures, the Application whereof is not herein-before particularly directed, ſhall be paid into the Hands of the Treaſurer or Clerk to the ſaid Company, and ſhall be applied and diſpoſed of for the Uſe of the ſaid Company; and the Overplus of the Money raiſed by ſuch Diſtreſs and Sale, after deducting the Fine or Forfeiture, and the Expences thereof, ſhall be rendered to the Owner of the Goods and Chattels ſo diſtrained and ſold; and for Want of ſufficient Diſtreſs, if the Fine or Forfeiture ſhall not be forthwith paid, it ſhall be lawful for any ſuch Juſtice of the Peace, by Warrant under his Hand and Seal, to commit ſuch Offender to the Common Gaol or Houſe of Correction, there to remain, without Bail or Mainprize, for any Time not exceeding Six Calendar Months, unleſs ſuch Fine or Forfeiture, and all reaſonable Charges attending the Recovery thereof, ſhall be ſooner paid and ſatisfied. Recovery of Fines and Forfeitures.

C. And be it further enacted, That where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor ſhall the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on Account of any Defect or Want of Form in the Summons, Conviction, Warrant of Diſtreſs, or other Proceeding relative thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers *ab initio*, on Account of any Irregularity which ſhall be afterwards committed by the Party or Parties diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the Special Damage in an Action upon the Caſe. Perſons aggrieved by Irregularity in Diſtreſs, to recover only the Special Damages.

Conviction of Offenders.

CI. And, for the more eaſy and ſpeedy Conviction of Offenders againſt this Act, be it further enacted, That every Juſtice of the Peace before whom any Perſon ſhall be convicted of any Offence againſt this Act, ſhall and may cauſe the Conviction to be drawn up according to the following Form; *videlicet*,

'BE it remembered, that on the Day of in the Year of our Lord *A. B.* is convicted before me *C. D.* One of His Majeſty's Juſtices of the Peace for the *Iſle of Ely*, or County of , *(ſpecifying the Offence, and the Time and Place when and where committed, as the Caſe may be)*. Given under my Hand and Seal the Day and Year firſt above mentioned.'

Perſons aggrieved may appeal to the Quarter Seſſions.

CII. And be it further enacted, That any Perſon or Perſons thinking himſelf, herſelf, or themſelves aggrieved by any Order or Judgement made or given in purſuance of any Rule, Bye-Law, or Order of the ſaid Company, or by any Order, Judgement, or Determination of any Juſtice or Juſtices of the Peace, relating to the Execution of this Act, may, within Six Calendar Months after ſuch Order, Judgement, or Determination, ſhall have been made, (firſt giving Ten Days Notice of ſuch Complaint to the Perſon or Perſons againſt whom ſuch Complaint is intended to be made), complain to the Juſtices of the Peace at the General Quarter Seſſions to be held in and for the County or Place in which the Cauſe of Appeal ſhall ariſe; which Juſtices ſhall, in a ſummary Way, either hear and determine the ſaid Complaint at ſuch General Quarter Seſſions, or if they think proper, may adjourn the Hearing thereof to the next General Quarter Seſſions of the Peace to be held for ſuch County or Place; and the ſaid Juſtices may, if they ſee Cauſe, mitigate any Forfeiture or Fine, and may order any Money to be returned which ſhall have been levied in purſuance of ſuch Rule, Bye-Law, Order, or Determination, and may alſo order ſuch further Satisfaction to be made to the Party injured, as they ſhall judge reaſonable; but no Proceedings to be had and taken in purſuance of this Act ſhall be quaſhed or vacated for Want of Form, or be removed by *Certiorari*, or by any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*, or elſwhere; any Law or Statute to the contrary notwithſtanding.

Proceedings not to be quaſhed for Want of Form.

False Teſtimony before the Commiſſioners, Perjury.

CIII. And be it further enacted, That all and every or any Perſons or Perſon, who, in any Evidence to be given, or in any Examination to be taken, under any Authority given by this Act, ſhall give falſe Evidence before the Commiſſioners, or Jury to be ſummoned for the Purpoſes aforeſaid, or before any Juſtice of the Peace, ſhall be guilty of Perjury, ſhall and may be proſecuted for the ſame; and upon Conviction thereof ſhall be ſubject to the ſame Puniſhment and Diſqualifications as Perſons are or may by the Laws of this Realm, be ſubject to for wilful and corrupt Perjury.

Limitation of Actions.

CIV. And be it further enacted, That if any Action ſhall be brought againſt any Perſon for any Thing done in the Execution of this Act, ſuch Action ſhall be brought within Six Calender Months after the Fact committed; or in caſe of a Continuation of Damages, then within

within Six Calendar Months after ſuch Damages ſhall ceaſe; and ſhall be brought in the County or Iſle where the Cauſe of Action ſhall ariſe, and not elſewhere; and the Defendant may plead the General Iſſue, and give this Act and the Special Matter in Evidence, and that the ſame was done in purſuance and by the Authority of this Act; and if it ſhall appear to have been ſo done, or if any Action ſhall be brought otherwiſe than as aforeſaid, then the Jury ſhall find for the Defendant; and in ſuch Caſe, or if the Plaintiff ſhall become Nonſuit, or diſcontinue, or a Verdict or Judgement be given for the Defendant, he ſhall have Treble Coſts. General Iſſue. Treble Coſts.

CV. And be it further enacted, That this Act ſhall be allowed in all Courts whatſoever as a Publick Act; and all Judges, Juſtices, and other Perſons, are hereby required to take Notice of it as ſuch, without its being ſpecially pleaded. Publick Act.

FINIS.