ANNO TRICESIMO QUARTO

Georgii III. Regis.

***

Preamble.



WHEREAS the making and maintaining a Navigable Canal for the Paſſage of Boats and other Veſſels, from and out of the *Coventry* Canal Navigation, at or near a certain Bridge in the Pariſh of *Bedworth*, in the County of *Warwick*, called *Marſton Bridge*, to or nearly to a Cloſe in the Pariſh or Lordſhip of *Aſhby de la Zouch*, in the County of *Leiceſter*, in the Occupation of *William Hall*, called *Ipſwell* or *Black Ditch*, with a Cut or Branch therefrom, to or near to the Coal Mines at *Swadlincote*, and *Church Greſley*, in the County of *Derby*, and alſo the making, maintaining, and continuing, the ſaid Canal from, or from near the ſaid Cloſe called *Ipſwell* or *Black Ditch*, to or near to the Limeworks at *Ticknall*, in the County of *Derby*, with a Cut or Branch therefrom, to or near to the Limeworks and Lead Mines at *Staunton Harold*, in the ſaid County of *Leiceſter*; and alſo the making, maintaining, and continuing, the ſaid Canal from the ſaid Cloſe called *Ipſwell* or *Black Ditch*, to or near to the Limeworks at *Cloudhill*, in the Pariſh of *Breedon*, in the ſaid County of *Leiceſter*, will open an eaſy and advantageous Communication with divers Limeworks, Lime Stone Quarries, Lead Mines, and Collieries, in the ſaid Counties of *Leiceſter* and *Derby*, and with large and extenſive Tracts of Land, abounding with Iron Stone, Lead, and Coal, and thereby the Conveyance of thoſe Articles, and of all heavy Commodities, and other Goods, Wares, and Merchandize, will be greatly facilitated and rendered cheap and eaſy between ſeveral large and populous Cities, Towns, and Places, and will tend to the Improvement of the adjacent Lands, the Preſervation of the publick Roads, and be of great publick Utility: And whereas the ſeveral Perſons herein-after named, are willing and deſirous, at their own Coſts and Charges, to make and maintain ſuch Canal and Cuts or Branches, but the ſame cannot be effected without the Aid and Authority of Parliament; 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 the Right Honourable *George Harry* Earl of *Stamford*, the Right Honourable *Robert* Earl *Ferrers*, the Right Honourable *Francis Rawdon Haſtings* Earl of *Moira*, the Right Honourable *Thomas Lord* Viſcount *Wentworth*, the Right Honourable Lady *Mary Stuart* Counteſs Dowager of *Bute*, the Right Honourable *George Buſſy Villiers* Earl of *Jerſey*, the Right Honourable *George Simon* Earl *Harcourt*, and Sir *Richard Sutton* Baronet, the Truſtees of the late Dutcheſs Dowager of *Marlborough*'s Charity at *Saint Albans*; the Honourable *John Rawdon*, Sir *Robert Burdett* Baronet, Sir *George Beaumont* Baronet, Sir *John Danvers* Baronet, Sir *Nigel Bowyer Greſley* Baronet, Sir *Henry Harpur* Baronet; *Robert Abney*, *Thomas Arnold*, *Mary Alt*, *Mary Alt* the younger, *Elizabeth Aſhby*, *Frances Aſhby*, *Thomas Archer*, *Richard Aſtley*, *Francis Agard*, *Mary Atkins*, *James Adams*, *John Armſton*, the Reverend *John Aſhpinſhaw*, *Henry Harvey Aſton*, the Reverend *Thomas Adnutt*, *William Brown*, *George Birch*, *William Bindley*, *Edward Bailey*, *Hannah Burnaby*, *Charles Burton*, *Daniel Baker*, *Joſeph Bath*, *Elizabeth Bulſtrode*, *Sarah Beavington*, *Mary Beavington*, *Matthew Bainbrigge*, *William Bryan*, *Samuel Bradley*, *Joſeph Boultbee*, *Thomas Boultbee*, *William Beavington*, *Thomas Bindley*, *James Biſhop*, *Storer Beaumont*, *John Blunt*,

Proprietors Names.

Blunt, James Boott, William Biſhop, Robert Brewin, William Bedford, John Baker, Henry Butterworth, Robert Blunt, Robert Burgeſs, Thomas Selick Brome, Thomas Burton, William Buſh, Samuel Beadſmore, Mary Birch, Timothy Brown, Benjamin Blythe, Robert Bunny, Charles Bloomar, Fletcher Bullivant, Godolphin William Burſlem, Michael Buckley, Nicholas Buckley, James Blair, William Beardoe, William Beck, John Bath, Joſeph Brookes, Joſhua Biddle, John Bailey, Francis Burdett, William Burleton, the Reverend *Thomas Braithwaite, John Breedon, William Hibbs Beavan, John Brooke, Philip Box, Eliza Billio, Edward Bryers,* Byewater, *Benjamin Croſhaw, Samuel Clarke, Hannah Chapman, Dorothy Chapman, James Croſhaw, John Clarkſon, Samuel Craven, John Cattel, Robert Creſwell, Timothy Clarkſon, Stephen Charleſworth, Thomas Copſon, John Coltman, Robert Cheſsher, Joſiah Cockſhutt, John Cradock* the younger, the Reverend *John Clare,* the Reverend *John Cotes, Samuel Chapman, John Cope, William Cooper, Ward Cock, Thomas Cantrell, William Carey,* the Reverend *Charles Chambers, John Cooke, James Croſhaw,* Cox, *Acton Chaplin, Edward Croxall, William Daniel, James Dickens, Benjamin Dickens, Edward Dawſon, Elliott Dawſon, Benjamin Dewes, Benjamin Dewes* the younger, *John Dewes, Daniel Dalrymple, Thomas Dadley, William Dickenſon, James Douglas, Francis Dickens, Thomas Dennis, Thomas Dalby, Bernard Dewes, Edward Dickenſon, William Dawſon, John Dakin,* the Reverend *John Eddowes, Charles Eſtlin, John Eſtlin, William Ellis, Sarah Ellis, Henry Evans, Richard Eddowes, Henry Eddowes, John Eames, Edmund Evans, James Ella,* the Reverend *Gilpin Ebdale, Michael Ella, Samuel Eborall, William Everſton, John Ella, Joſeph Freeman, John Farmer, Richard Flamſton, John Fox, William Fox, Joſeph Farnell, Mary Fiſher, Mary Fiſher* the younger, *Thomas Fernyhough, William Fallows, John Fowler, Thomas Freer,* the Reverend *George Iliff Foſter, John Fletcher, Sarah Florry,* the Reverend *John Fiſher* of *Coſſington, John Foſter, Thomas Frearſon, Thomas Fiſher* of *Caldecote, Thomas Fiſher* the younger of *Drayton Manor, Thomas Flavel, Elizabeth Farmer, William Fernybough, Thomas Fiſher* of *Meaſham, John Freeman, Edmund Ford, Thomas Fletcher,* the Reverend *John Fiſher* of *Higham, Thomas Fiſher* of *Lindley, Thomas Fletcher, Benjamin Fidoe, George Fillingham, Robert Charles Greaves, George Greenway, Francis Gadſby,* the Reverend *George Greaves, Thomas Grimes, John Glover, Thomas Goddard, John Green* of *Birmingham, Michael Goodall, John Gifford, Ann Gould, Valentine Green, John Green* of *Hinckley, Nathan Granger, Benjamin Godfrey, Thomas Goodwin, Elizabeth Greſley, George Grundy, James Garner, Thomas Garner, John Geary, Edward Green, Thomas Goodall, Richard Greſley, John Gaudin, Charles Haſtings, Nicholas Hurſt, John Harris,* the Reverend *Hugh Hughes, John Heyrick, Richard Harpur, James Holworthy, Abijah Hill, William Hill, Mary Harriſon, George Hall, Frances Harris, Ralph Hudſon, John Handley, William Hanſon, William Herrick, John Herrick, John Hackett, Joſeph Hough, Elizabeth Hinckley, William Humphreys, George Humphreys, John Hurſt, Elizabeth Heyrick, Edward Hodges, William Harding, Nicholas Hutchinſon* M. D. *Abraham Hoſkins, William Hart,* the Reverend *Francis Harris, Gilbert Hutchinſon, Mary Hood, William Harris, Henry Hadley, John Humphrey, Clay Hextall, John Harriſon, Joſeph Jacques Huſkiſſon, Seth Hoſe, Robert Honeyborne,* the Reverend *Theophilus Henry Haſtings, Thomas Hooper* M. D. *Thomas Hutchinſon, Thomas Henſon, Mary Harriſon, Francis Hextall, Thomas Strong Hall, Iſaac Hawkins,* the Reverend

Charles Holden, Elizabeth Henſhaw, Edmund Hood, —— *Haſker, Thomas Harriſon,* the Reverend *Joſiah Hincks, Richard Haywood, William Jackſon, Nicholas Joyce* of *Billeſdon, Henry Joyce, Matthew Ingle, William Ingle, Joſeph Jarvis, Richard Jewſbury, Jane Ingle, Sarah Johnſon, Sarah Johnſon* the younger, *Samuel Jones, John Ingle, Mary Jewſbury, Elizabeth Johnſon, Anne Jane Johnſon,* the Reverend *Nathaniel Palmer Johnſon, Stephen Jones, John Jeſſon, Elizabeth Jewſbury, John Iliffe, Ann Joyce, Mary Joyce, John Joyce, John Joyce* the younger, *Nicholas Joyce* of *Boothorpe, Thomas Jeffreys, Ann Jewſbury, John Johnſon,* the Reverend *Thomas Jones, Thomas Jewſbury, Thomas Jewſbury* the younger, *John Jewſbury, George Jackſon, Joſeph Jones, Martha Joyce, John Jackſon, Thomas Kirkland* M. D. *John Kettle, John Kettle* the younger, *James Bate Kirkland, Thomas John Kirkland, Samuel Knowles, Mary Kirkland, Thomas King, Anna Kirkland, Jane Kirkby, Anna Kaye, Sarah Kettleby, William King* of *Overſeal, James Kirkman, James Kettley, John Kinderley, William King* of *Belvoir Caſtle, William King* of *Loughborough, James Kinnerſley, Richard Lee, William Lee, John Hood Large, Jonathan Lapworth, John Lawſon, Mary Linwood, Sampſon Lloyd, Sampſon Lloyd* the younger, *John Lomas, William Jefferey Lockett,* the Reverend *William Lawſon, Hannah Linwood, Mary Lloyd, John Lea, James Lockett, Elizabeth Large, Sarah Large, Thomas Lockwood,* the Reverend *Thomas Liptrot, John Leedham,* the Reverend *James Stephen Luſhington, Robert Long, Joſeph Lobb, William Lygon, William Leedham, John Litherland,* the Reverend *Lambton Loraine, Robert Morley, Penelope Mould,* the Reverend *Thomas Mould, James Matthews, Edward Meeſon, Edward Muxloe, William Moreton, Moſes Mammont, Thomas Moore, Thomas Miller, John Manſfield, John Mee, William Miles, William Mee, Edward Mann,* the Members of the *Meaſham* Sick Club, *Edward Marſton, William Maſon, Thomas Marſton, John Maſon, Francis Moore, John Matthews* the younger, *Edward Mammatt, William Merriman, John Meynell, Methuſalam Moore, Richard Moſeley, Roger Mawdeſley, Henry Maſon, William Maſon, John Maſon, Harry Nicklinſon, Thomas Nixon, William Nixon, Thomas Newbold, George Oakes, James Orme, Charles Oakes,* the Reverend *Thomas Orme* D. D. *William Pochin, Anne Pitman, Mary Payton, John Prior,* the Reverend *John Prior, Anne Prior, Elizabeth Prior, Mary Prior, Elizabeth Pyecroft, John Pratt,* the Reverend *John Piddocke, William Pyecroft, William Poynton, Charles Peſtell, Joſeph Pratt, Michael Payne, John Power, John Hollis Pigot* M. D. *Thomas Bradley Paget, Richard Phillips, Thomas Paget, John Peele, Benjamin Pountney, Hugh Payne, John Parkes, William Parkes, Thomas Pratt, Iſaac Pratt, Mary Piddocke, Humphrey Pipe, Elizabeth Anne Parkyns, Thomas Boothby Parkyns, Thomas Pares* the younger, *Joſeph Perks, Joſeph Peele, Zachary Rowton, John Robinſon, John Richardſon, John Raven, Thomas Richards* of *Staunton Harold, James Richards, John Rice, Thomas Richards* of *Tamworth,* the Reverend *Thomas Rogers, Mary Robinſon, Williams Rice, Matthew Reid, Joſeph Rice, Joſeph Rice* the younger, *Nancy Rowley, Wilſon Ayleſbury Roberts, John Rawlings, John Rowland, Thomas Richardſon,* the Reverend *John Roby, John Roberts, Arthur Robinſon, Richard Sale, Joſeph Sowter, Joſeph Spiers, Edward Sharpe, John Shenſtone, Thomas Shenſtone, Chriſtopher Simmonds, Matilda Springthorpe, Ambroſe Joſeph Saliſbury, Samuel Stratton, Richard Shaw, Benjamin Sutton, James Smith, John Sherratt, John Spender, Myles Swinney, Samuel Stone, Edward Swann, Chriſtopher Stavely* the younger, the Reverend *Stebbing Shaw, Richard Swain, Thomas Smart, James Simpſon, Thomas Saxelby, Mary Stubbs, Sarah*

Sarah Stamford, John Simmonds, Samuel Slater, Edward Stephenſon, Daniel Staley, Samuel Stubbs, William Simpſon, the Reverend *William Bagſhaw Stevens, John Smith* the younger, *John Sutton, Henry Sneap, Robert Sturdy,* the Reverend *David Thomas, Samuel Tylecote, John Lovett Thacker, Thomas Thorniwell, Suſannah Thornley, Elizabeth Thornley, William Tomlinſon, Harriet Tyndall, William Toone, Sarah Toone, Elizabeth Toone, Samuel Turner, Francis Tantum* the younger, *Joſeph Thacker, Ralph Tebbutt, John Tombs, John Timms, Michael Thompſon, Sarah Tyler, Dorothy Tyler, Thomas Thorpe, Samuel Twamley,* the Reverend *William Tyndall, Benjamin Troughton, James Troughton, Charles Upton, William Vincent, Sarah Vincent, Edward Hartopp Wigley, Richard Walker, William Wollaſton, Benjamin Weſton, Samuel Weſton, Henry Wood, James Wyatt, Jonathan Wilkins, Paul Webſter, Thomas Wheeldon, Joſeph Woodburne, Abraham Wallis, William Webſter, John Wood, Charles Watchorne, Samuel Pipe Wolferſtan, Henry Whatton, Edward Ward, Thomas Willington, Edward Whitby, George Wheeldon, Thomas Ward, Samuel Wyatt, Thomas Worthington, William Worthington* junior, *John Wedge, Martha Webſter, Catharine Whitby, Joſeph Whirledge, Samuel Webſter, Joſeph Wheatley, Wratiſlavia, William Webb, Thomas Wildbore, William Worthington, Thomas Wilkes, Matilda Wilkes, Elizabeth Wilkes, Robert Wilkes, Thomas Wright, Jonathan Woodhouſe, Robert Wilkins, Mary Wilkins,* and *Margaret Zouch,* and ſuch other Perſon or Perſons as they, or the major Part of them, aſſembled at the Firſt General Aſſembly to be holden for the Purpoſes of this Act, ſhall nominate and appoint, under their Hands; and the ſeveral and reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, of the Perſons herein-before named, and of the Perſon or Perſons ſo to be nominated, being Proprietors of any Share or Shares in the Navigation and Works hereby authorized to be made and carried on, ſhall be, and they are hereby accordingly united into a Company for the carrying on, making, completing, and maintaining, the ſaid Navigable Canal and Cuts or Branches, for the Paſſage of Boats, and other Veſſels, according to the Rules, Orders, and Directions herein-after mentioned and expreſſed; and ſhall for that Purpoſe be One Body Politick and Corporate, by the Name of *The Company of Proprietors of the Aſhby de la Zouch Canal,* and by that Name ſhall have perpetual Succeſſion and a Common Seal, and by that Name ſhall and may ſue and be ſued, and ſhall alſo have full Power and Authority to purchaſe Lands, Tenements, and Hereditaments, to them, their Succeſſors and Aſſigns, for the Uſe of the ſaid Undertaking, and alſo to ſell and diſpoſe of any of the ſaid Lands, Tenements, and Hereditaments, ſo purchaſed, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain; and that it ſhall be lawful for the ſaid Company of Proprietors, and their Succeſſors, and they are hereby accordingly authorized and empowered, from and after the Second Day of *June* One thouſand ſeven hundred and ninety-four, on which Day this Act ſhall commence and take Effect, by themſelves, their Deputies, Agents, Officers, Workmen, Servants, or Aſſiſtants, to make, complete, maintain, and keep navigable and paſſable for Boats and other Veſſels, a Canal from and out of the *Coventry* Canal Navigation, at or near a certain Bridge in the Pariſh of *Bedworth,* in the County of *Warwick,* called *Marſton Bridge,* into and through the Pariſhes, Townſhips, Hamlets, or Places, of *Bedworth, Marſton Jabet,* and *Bramcote,* in the Pariſh of *Bulkington, Burton Haſtings, Stretton Baſkerville,* and a Manor or Place, called *Le Hyde* or *The Hydes,* in the Pariſh of *Hinckley,* in the County of *Warwick*; *Sketchley* in the Pariſh of *Aſton-Flamville, Hinckley,*

Proprietors united into a Company;

and declared to be a Body Politick and Corporate;

with Power to purchaſe Lands.

The Company empowered to make the propoſed Canal.

Main Line.

ley, *Wykin* in the Pariſh of *Hinckley*, *Higham*, *Stoke Golding*, and *Dadlington*, in the Pariſh of *Hinckley*; *Sutton-Cheney*, *Shenton*, and *Coton*, in the Pariſh of *Market-Boſworth*, *Market-Boſworth*, *Carleton*, in the Pariſh of *Market-Boſworth*, *Congeſton*, *Congeſton* in the ſeveral Pariſhes of *Market-Boſworth*, *Nailſton*, and *Shackerſton*, *Shackerſton*; a Manor or Place, called *Gopſal*, and *Snareſton*, in the Pariſhes of *Swepſton* and *Shackerſton*, in the County of *Leiceſter*; *Meaſham* and *Oketborpe* in the ſeveral Pariſhes of *Stretton-en-le-Field*, *Meaſham*, and *Greſley*, in the Counties of *Leiceſter* and *Derby*; *Doniſthorpe*, in the ſeveral Pariſhes of *Netherſeal*, *Meaſham*, and *Greſley*, in the Counties of *Leiceſter* and *Derby*; *Aſhby de la Zouch*, *Boothorpe*, in the Pariſhes of *Aſhby de la Zouch* and *Netherſeal*, and *Blackfordby* in the Pariſh of *Aſhby de la Zouch*, in the County of *Leiceſter*; to or nearly to the ſaid Cloſe, called *Ipſwell* or *Black Ditch*, in the ſaid Pariſh of *Aſhby de la Zouch*, with a Cut or Branch therefrom, from, or from near a Cloſe in the ſaid Hamlet, Lordſhip, or Liberty, of *Blackfordby*, now or late belonging to *Thomas Fletcher*, and in the Occupation of *Thomas Harlow*, called *Furlong Cloſe*, into and through the ſeveral Pariſhes, Towns, Townſhips, Hamlets, or Places, of *Aſhby de la Zouch* and *Netherſeal* aforeſaid, and *Swadlincote*, in the Pariſh of *Church Greſley*, and *Church Greſley*, in the County of *Derby*, to or near to the Coal Mines at *Swadlincote* and *Church Greſley* aforeſaid: And alſo, to make, maintain, continue, and keep navigable and paſſable for Boats and other Veſſels, the ſaid Canal, from or nearly from the ſaid Cloſe, called *Ipſwell* or *Black Ditch*, into and through other Parts of the ſaid Pariſh or Lordſhip of *Aſhby de la Zouch*; and into or through the ſeveral Pariſhes, Towns, Townſhips, Hamlets, or Places, of *Repton* and *Ticknall* in the County of *Derby*, to or near the Limeworks at *Ticknall* aforeſaid, with a Cut or Branch therefrom, when thereto required, by the Right Honourable *Robert* Earl *Ferrers*, his Heirs or Aſſigns, in Manner herein-after mentioned, from, or nearly from and through a Cloſe in the Pariſh or Lordſhip of *Aſhby de la Zouch* aforeſaid, now or late in the Occupation of *John Sharp*, called *Square Cloſe*; and into and through the Pariſh, Town, Townſhip, Hamlet, or Place, of *Staunton Harold*, in the ſaid County of *Leiceſter*, to or near to the Limeworks, and Leadmines, at *Staunton Harold* aforeſaid: And alſo, to make, maintain, continue, and keep navigable and paſſable, for Boats and other Veſſels, the ſaid Canal, from or nearly from the ſaid Cloſe, called *Ipſwell* or *Black Ditch*, into, through, or near other Parts of the ſaid Pariſh or Lordſhip of *Aſhby de la Zouch*, and into, through, or near, the ſeveral Pariſhes, Towns, Townſhips, Hamlets, or Places of *Staunton Harold* aforeſaid, and *Lount*, in the Pariſh of *Breedon*, *Coleorton*, *Newbold*, and *Worthington* in the ſaid Pariſh of *Breedon*, *Thringſtone* in the Pariſh of *Whitwick*, *Coleorton*, aforeſaid; *Peggs Green*, in *Thringſtone*, in the Pariſh of *Whitwick* aforeſaid; *Thringſtone*, *Worthingſton*, in the ſaid Pariſh of *Breedon*, and *Breedon*, in the County of *Leiceſter*, to or near the Limeworks at *Cloudhill*, in the ſaid Pariſh of *Breedon*; and the ſaid Company of Proprietors are hereby fully authorized and empowered, by themſelves, their Deputies, Agents, Workmen, or Servants, to ſupply the ſaid intended Canal, and Cuts or Branches, whilſt the ſame ſhall be making, and at all Times for ever after the ſame ſhall be made, with Water from all ſuch Springs as ſhall be found in making the ſame, (except as herein-after is mentioned), and from all Rivers, Brooks, Streams, and Watercourſes whatſoever, which are or ſhall be found within the Diſtance

Cut or Branch to the Collieries at *Swadlincote* and *Church Greſley*.

Continuation of Canal to *Ticknall*.

Cut or Branch to the Limeworks at *Staunton Harold*.

General Powers.

Diſtance of Two thouſand Yards from any Part thereof, (except as hereafter excepted), or from any Reſervoir or Reſervoirs belonging thereto, to be made as after-mentioned; and for thoſe Purpoſes, to cleanſe, ſcour, or deepen, any ſuch Rivers, Brooks, Streams, or Watercourſes, or any others which may come or be brought into, or be neceſſary for the ſame reſpectively; and alſo to make One or more Reſervoir or Reſervoirs, (ſo as the ſame be made within the Diſtance of One Mile from the ſaid Canal, Cuts, or Branches, or either of them), for the Purpoſe of ſupplying the ſaid Canal, and Cuts or Branches, or any Part thereof with Water; and to make ſuch and ſo many Feeders and Aqueducts, and to make, erect, and ſet up, ſuch and ſo many Stop Gates, Weirs, Engines, Fire Engines, and other Machines, for ſupplying the ſaid Canal and Cuts, or Branches and Reſervoirs, with Water, and for carrying Water from any ſuch Reſervoir and Reſervoirs to the ſaid Canal and Cuts or Branches, or any Part thereof reſpectively, or for any other Purpoſe neceſſary for the better making and maintaining ſuch Navigable Canal and Cuts, or Branches, as they the ſaid Company of Proprietors, or their Succeſſors, ſhall from Time to Time think proper and expedient: And for the better effectuating the Purpoſes aforeſaid, the ſaid Company of Proprietors, their Agents, Officers, Workmen, and Servants, are hereby empowered to go, enter, and paſs, in, upon, over, under, or through, the Lands and Grounds, Rivers, Brooks, Streams, and Waters, of or belonging to the King's Majeſty, His Heirs or Succeſſors, or any other Perſon or Perſons, Bodies Politick, Corporate, or Collegiate whatſoever, and to bore, dig, cut, trench, and ſough, and to remove and lay Earth, Clay, Stone, Rubbiſh, Trees, Roots of Trees, Gravel, or Sand, or any other Matters and Things which may be dug or gotten in the making of the ſaid Canal and Cuts or Branches, or the Tunnels, Trenches, Paſſages, Reſervoirs, Sluices, Pens for Water, Gutters, Soughs, Ditches, Drains, or Watercourſes, and other the Works of the ſaid Canal, and Cuts or Branches, and each of them, or which may hinder, prevent, or obſtruct, the making, completing, extending, maintaining, and uſing the ſame, or any of them reſpectively, according to the true Intent and Purport of this Act; and alſo to make, build, conſtruct, and ſet up, in or upon the ſaid Canal and Cuts or Branches, or upon the Lands adjoining to or near the ſame, ſuch and ſo many Banks, Bridges, Tunnels, Aqueducts, Sluices, Locks, Weirs, Pens for Water, Drains, Wharfs, Warehouſes, Quays, Landing Places, Weigh Beams, Cranes, Engines, Watchouſes, Dry Docks, and other Works, Roads, Ways, and Conveniencies, as and whenever the ſaid Company of Proprietors ſhall think requiſite, for the Purpoſes of the ſaid Navigation; and alſo from Time to Time to divert, alter, repair, widen, enlarge, and amend the ſame, or any other Conveniencies of or belonging to the ſaid Canal and Cuts or Branches reſpectively, as ſhall ſeem neceſſary or proper, as well for the Carriage and Conveyance of Coals and other Minerals, Timber, Corn, Merchandize, and all other Goods, Commodities, Matters, and Things whatſoever, to, from, and upon, the ſaid Canal and Cuts or Branches as aforeſaid, or for the like Carriage and Conveyance of all and all Manner of Materials which may be neceſſary or uſeful for the making, erecting, finiſhing, altering, repairing, amending, maintaining, and uſing, the ſaid Canal and Cuts or Branches reſpectively, and the Works thereof; and alſo to place, lay, work, and manufacture any Materials on the Grounds where found, or 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 Canal and Cuts or Branches, and the Works and Conveniencies which ſhall at any Time or Times hereafter belong thereto, or communicate therewith; and alſo to make, ſet out, and appoint, ſuch Towing Paths, Banks, and Ways, convenient for towing, hauling, or drawing of Boats and other Veſſels paſſing in, through, or upon, the ſaid Canal and Cuts or Branches reſpectively, as they the ſaid Company of Proprietors ſhall think convenient; and alſo to dig, take, and carry away, for the Uſe of the ſaid Company of Proprietors, any Soil, Clay, Gravel, or Stone, which may be proper or convenient for making, carrying on, and continuing the ſaid Canal, and Cuts or Branches, and Works; and alſo for the repairing, ſupporting, and maintaining, the ſame in or from any Grounds of any Perſon or Perſons adjoining or lying contiguous or convenient thereto, (except as herein-after is excepted), and to conſtruct, erect, alter, keep in Repair and uſe, any Aqueducts, Piers, Arches, and other Works, in, upon, and acroſs, any Rivers or Brooks, for the making, uſing, maintaining, and repairing, the ſaid Canal and Cuts or Branches, and the Towing Paths or Sides thereof reſpectively, ſo as to render the ſaid Canal and Cuts or Branches paſſable throughout, by all Boats and other Veſſels hereby authorized to navigate thereon, without Impediment; and alſo to conſtruct and erect, do and perform, all other Matters and Things which ſhall be deemed neceſſary and convenient for the making, extending, preſerving, improving, and completing and uſing, the ſaid Canal and Cuts or Branches, and each and every of them, in purſuance and within the true Intent and Meaning of this Act; they the ſaid Company of Proprietors, their Agents, Deputies, Officers, 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 for all ſuch Damages as ſhall be ſuſtained by the Owners and Proprietors, or Occupiers of, and other Perſons intereſted in the Lands, Tenements, and Hereditaments, Rivers, Brooks, Waters, and Watercourſes reſpectively, which ſhall be taken or uſed by or on the Behalf of the ſaid Company of Proprietors, or which ſhall be prejudiced or damaged by being overflowed, or otherwiſe in ſurveying, ſetting out, making, maintaining, altering, repairing, and uſing, the ſaid Navigation and other Works, and ſubject and liable to ſuch Satisfaction for Damages as aforeſaid; and the ſaid Company of Proprietors, their Deputies, Servants, Agents, Workmen, and other Perſons employed by or under the ſaid Company, ſhall be indemnified for what they or any of them ſhall do by virtue and in due Execution of all or any of the Powers given to them by this Act.

Not to take any Water from the Spring of *Penn Aſſheton Curzon* Eſquire, near *Gopſal Park*.

II. Provided always, and be it enacted, That nothing in this Act contained ſhall extend, or be deemed, conſtrued, or taken, to extend to give Power or Authority to the ſaid Company of Proprietors, their or any of their Agents, Workmen, or Servants, or any other Perſon or Perſons whomſoever at any Time or Times, to lead or take away any Water into or for the Uſe of the ſaid Canal or other Works, from or out of a certain Spring ariſing in a certain Cloſe in the Occupation of *William Lakin*, in the Lordſhip of *Shackerſton* aforeſaid, near *Gopſal Park*, or from or out of the Stream flowing from the ſame, by which the Manſion Houſe of *Penn Aſſheton Curzon* Eſquire, called *Gopſal Houſe*, is ſupplied with Water, nor in anywiſe divert the Courſe of, or injure, diminiſh, or

or adulterate the ſaid Spring or Stream, and that the ſaid Company of Proprietors ſhall at their own Expence make, and at all Times hereafter keep in good and ſubſtantial Repair, a proper and ſufficient Culvert, with proper and ſufficient wooden Pipes for conveying the ſaid Water under the ſaid Canal and Towing Path, ſo that the ſaid Water may at all Times hereafter run and flow from the ſaid Spring, pure and unadulterated, through ſuch Pipes, into the Pipes already laid, or to be laid, by the ſaid *Penn Aſſheton Curzon*, his Heirs or Aſſigns, into the Reſervoir in the Park of the ſaid *Penn Aſſheton Curzon*, in *Gopſal* aforeſaid, as the ſame now doth, and hath for ſome Years paſt done, for the Uſe of the ſaid *Penn Aſſheton Curzon*'s Houſe and Family, as fully, freely, and beneficially as heretofore, without any Injury, Diminution, or Adulteration whatſoever, by Means of the cutting or making the ſaid Canal.

To indemnify the ſaid *P. A. Curzon*, for any Injury that may ariſe to his Spring near *Gopſal Park*, in conſequence of cutting the Canal.

III. And whereas the ſaid *Penn Aſſheton Curzon* is apprehenſive that his ſaid Spring at *Shackerſton* may, by the Execution of the ſaid Navigable Canal, be deſtroyed or injured: And whereas the ſaid Company of Proprietors have thereupon agreed to indemnify the ſaid *Penn Aſſheton Curzon*, his Heirs and Aſſigns, from ſuch Deſtruction or Injury of the ſaid Spring (in caſe any ſuch ſhall happen) in the Manner and by the Means herein-after provided, and to convey the Water of the ſaid Spring to the Manſion Houſe of the ſaid *Penn Aſſheton Curzon* from the Reſervoir in his Park, in the Manner herein-after mentioned: Be it therefore enacted, That in caſe, within Four Years after the ſaid Canal ſhall become navigable, the Water of the ſaid Spring ſhall, in conſequence of the cutting and making of the ſaid Canal, become ſo adulterated or diminiſhed in Quantity, as to be unfit for or inadequate to the ſeveral Purpoſes to which the ſame is now applied or applicable, and ſhall continue in ſuch State or Condition for the Space of Three Years from the Time when the ſaid *Penn Aſſheton Curzon*, his Heirs or Aſſigns, ſhall give Notice to the ſaid Company of Proprietors of ſuch Adulteration or Diminution thereof; then and in ſuch Caſe the ſaid Company of Proprietors ſhall immediately pay, or cauſe to be paid, to the ſaid *Penn Aſſheton Curzon*, his Heirs and Aſſigns, the Sum of Fifty thouſand Pounds of lawful Money of *Great Britain*, in Compenſation for, and full Satisfaction of, the Loſs of the ſaid Spring, or of the Uſe thereof; and in caſe within the ſaid Space of Four Years from the Time the ſaid Canal ſhall become navigable, the Water of the ſaid Spring ſhall, in conſequence of the cutting or making of the ſaid Canal, become adulterated or diminiſhed in Manner aforeſaid, but ſhall within the Space of Three Years from the Time when the ſaid *Penn Aſſheton Curzon*, his Heirs or Aſſigns, ſhall give Notice to the ſaid Company of Proprietors of ſuch Adulteration or Diminution, be reſtored by the ſaid Company of Proprietors, or otherwiſe return to ſuch State and Condition as to be fit for and adequate to the Purpoſes to which the ſame is now applied or applicable, then the ſaid Company of Proprietors ſhall immediately pay, or cauſe to be paid, to the ſaid *Penn Aſſheton Curzon* his Heirs or Aſſigns, the Sum of Ten Pounds of lawful Money of *Great Britain*, for each and every Day when the ſaid Water ſhall have been ſo adulterated or diminiſhed as aforeſaid, as a Compenſation to the ſaid *Penn Aſſheton Curzon*, his Heirs or Aſſigns, for ſuch temporary Inconvenience; and in caſe the ſaid Water ſhould at any Time thereafter, in conſequence of the

cutting or making of the ſaid Canal, remain or be ſubject to ſuch temporary Adulteration or Diminution, then the ſaid Company of Proprietors ſhall, upon the Firſt Day of *January* in each and every Year next enſuing any Year in which ſuch temporary Adulteration or Diminution ſhall have happened, pay or cauſe to be paid to the ſaid *Penn Aſſheton Curzon*, his Heirs or Aſſigns, the Sum of Ten Pounds for each and every Day when the ſaid Water ſhall have been ſo adulterated or diminiſhed as aforeſaid in the Courſe of ſuch preceding Year; which ſaid ſeveral Sums of Money herein-before directed to be paid by the ſaid Company of Proprietors to the ſaid *Penn Aſſheton Curzon*, his Heirs or Aſſigns, in the Events aforeſaid, ſhall be and are hereby charged upon all the Rates, Funds, Tolls, and Revenues, granted and ariſing by and by virtue of this Act.

Mode of recovering Compenſation for any Injury that may be done to the Spring, &c. of Mr. *Curzon*.

IV. And be it further enacted, That in caſe the ſaid Sum of Fifty thouſand Pounds, or any other Sum or Sums of Money ſhall become due and payable to the ſaid *Penn Aſſheton Curzon*, his Heirs or Aſſigns, by virtue of this Act, in reſpect of the ſaid Spring or Water, and ſhall not be actually paid by the ſaid Company of Proprietors to the ſaid *Penn Aſſheton Curzon*, his Heirs or Aſſigns, within One Month next after the ſame ſhall become due and payable as aforeſaid, and Demand thereof made in Writing by him or them on the ſaid Company of Proprietors, and left with their Clerk or Clerks, or any other known Agent or Servant of them, it ſhall be lawful for the ſaid Commiſſioners, or any Three or more of them, and they, or any Three or more of them, are hereby authorized and required, by an Order under their Hands, to appoint One or more Perſon or Perſons to receive all and every the Rates hereby granted and made payable to the ſaid Company of Proprietors, and from Time to Time to pay the ſame to the ſaid *Penn Aſſheton Curzon*, his Heirs or Aſſigns, which Payment ſuch Receiver or Receivers is and are hereby authorized and required to make on Account of the ſaid Sum of Fifty thouſand Pounds, or ſuch other Sum or Sums of Money, the ſaid Commiſſioners taking ſuch Security from every ſuch Receiver, for the due and faithful Execution of his ſaid Truſt, as they ſhall judge ſufficient; and every Perſon ſo appointed ſhall be deemed a Receiver of the ſaid Rates, Tolls, Funds, and Revenues, and ſhall have the ſame Power and Authority for collecting the ſame as if he had been appointed a Receiver of the ſaid Rates, Funds, Tolls, and Revenues, by the ſaid Company of Proprietors until the ſaid Sum of Fifty thouſand Pounds, or ſuch other Sum or Sums of Money, with the Coſts and Charges of recovering and receiving the ſame, ſhall be fully paid and ſatisfied to the ſaid *Penn Aſſheton Curzon*, his Heirs and Aſſigns; or it ſhall be lawful for the ſaid *Penn Aſſheton Curzon*, his Heirs or Aſſigns, to ſue for and recover the Sum of Fifty thouſand Pounds, or ſuch other Sum or Sums of Money, with full 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 of Proprietors, which ſhall be found 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 of Proprietors, by Notice in Writing, delivered to ſome One of their Clerks, Agents, Servants, Receivers, or Collectors of Rates, or affixed to ſome of the Wharfs or Quays, near to the Place where ſuch Diſtreſs was made),

and to detain the ſame until Payment of the ſaid Sum of Fifty thouſand Pounds, or ſuch other Sum or Sums of Money, together with reaſonable Charges attending ſuch Diſtreſs, and if the ſame ſhall not be redeemed within Ten Days next after making the ſaid Diſtreſs, and Notice thereof given in Writing as aforeſaid, then ſuch Boats, Veſſels, or other Goods or Effects diſtrained, ſhall or may be ſold or diſpoſed of in ſuch Manner as the Law directs in Caſes of Diſtreſs for Rent: Provided always, that it ſhall and may be lawful from Time to Time, and at all Times after the ſaid Canal ſhall become navigable, to and for the Engineers, Surveyors, Agents, and Workmen, of the ſaid Company of Proprietors, to enter into and upon the Lands and Grounds of the ſaid *Penn Aſſheton Curzon*, in and through which the ſaid Spring ariſes and flows, or is conducted or conveyed to the ſaid Reſervoir, in order to view the State and Condition of the Tunnels, Pipes, Soughs, Culverts, Drains, or other Works, by which the ſame ſhall be ſo conducted and conveyed, and in caſe of any Accident or Injury happening thereto, by Reaſon or Means of the cutting or making of the ſaid Canal, to repair, amend, and make good the ſame, ſo as at all Times to keep the ſame free from Adulteration, or from Failure in the Quantity of its Water; and in order to be fully ſatisfied and informed, if any ſuch Adulteration or Failure ſhould at any Time happen, whether the ſame doth ſo happen, or is occaſioned by or in conſequence of the cutting and making the ſaid Canal: Provided alſo, that if any Difference or Diſpute ſhall ariſe between the ſaid *Penn Aſſheton Curzon*, his Heirs or Aſſigns, and the ſaid Company of Proprietors, whether any ſuch Adulteration or Failure in the Quantity of the Water of the ſaid Spring as aforeſaid ſhall have happened or been occaſioned by or in conſequence of the cutting and making the ſaid Canal, ſuch Difference and Diſpute ſhall be determined and ſettled by the Award of any Three Perſons as Arbitrators, One to be choſen by each of the ſaid Parties to the ſaid Agreement, within Ten Days after Notice, and Demand in Writing of a Reference, by either Party requiring ſuch Reference, to the other Party, and the Third Perſon to be nominated by the ſaid Two Perſons, choſen as Arbitrators, or any Two of ſuch Perſons, ſuch award to be final; or in caſe the Parties cannot agree in ſuch Reference, or in caſe of Delay in making ſuch Award beyond One Month from the Date of ſuch Appointment of Reference, then by a Special Jury, to be appointed or impannelled in ſuch and the like Manner as in other Caſes of a Determination by a Jury is by this Act directed and mentioned; and in caſe of any ſuch Difference or Diſpute, the ſaid Sum of Fifty thouſand Pounds, or other Sum or Sums of Money made payable by this Act in the Events aforeſaid, ſhall not become due or be payable, nor any of the Remedies herein-before given, for recovering, receiving, and paying the ſame to the ſaid *Penn Aſſheton Curzon*, his Heirs or Aſſigns, be put into Execution until the Fact, ſo to be referred or tried by the ſaid Jury, ſhall have been aſcertained or found; and in caſe any ſuch Difference or Diſpute on the Part of the ſaid Company of Proprietors ſhould, in the Opinion of ſuch Referrees or Jury, which Opinion they are hereby authorized and directed to declare, appear to have been frivolous, or without a reaſonable Ground or Foundation, the ſaid Company of Proprietors ſhall pay the Coſts out of Pocket incurred by ſuch Reference or Trial, to be ſettled by the Clerk of the Peace for the County of *Leiceſter* for the Time being: Provided nevertheleſs, that if the ſaid Sum of Fifty thou-

ſand Pounds ſhall become payable by the ſaid Company of Proprietors to the ſaid *Penn Aſſheton Curzon*, his Heirs or Aſſigns, by virtue of this Act, and any ſmaller Sum or Sums of Money ſhall have before been paid or become payable to him or them by virtue hereof, in Compenſation for any temporary Adulteration or Diminution of the ſaid Water, ſuch ſmaller Sum or Sums of Money ſhall be retained or taken by the ſaid *Penn Aſſheton Curzon*, his Heirs or Aſſigns, in Part Payment of the ſaid Sum of Fifty thouſand Pounds, and in caſe at any Time the Sums of Money actually paid by the ſaid Company of Proprietors to the ſaid *Penn Aſſheton Curzon*, his Heirs or Aſſigns, in Compenſation for the temporary Adulteration or Diminution of the ſaid Water, ſhall amount in the whole to the Sum of Fifty thouſand Pounds, then and from thenceforth no farther Sum or Sums of Money ſhall be due or payable by the ſaid Company of Proprietors to the ſaid *Penn Aſſheton Curzon*, his Heirs or Aſſigns, for or in reſpect of any Adulteration or Diminution of the ſaid Water; and all the Remedies and Powers given and provided by this Act, for raiſing and levying ſuch Sum or Sums of Money, ſhall ceaſe and determine, any Thing herein-before to the contrary notwithſtanding, ſo that no more than the ſaid Sum of Fifty thouſand Pounds in the Whole ſhall in any Event be paid or payable by the ſaid Company of Proprietors to the ſaid *Penn Aſſheton Curzon*, his Heirs or Aſſigns, for or in reſpect of any Injury which may happen to the ſaid Spring of Water, in conſequence of the cutting or making of the ſaid Canal.

Company to convey the Water from the Reſervoir in *Gopſal Park* to *Gopſal Houſe*, at their own Expence.

V. And be it further enacted, That the ſaid Company of Proprietors, in further Performance of the ſaid Agreement, ſhall, and they are hereby authorized and required, at their own Coſts and Expences, well and effectually to conduct and convey the Water of the ſaid Spring in proper and ſufficient Leaden, Wooden, or Iron Pipes, up to and into the ſaid Manſion Houſe of the ſaid *Penn Aſſheton Curzon* at *Gopſal* aforeſaid, from the ſaid Reſervoir in his ſaid Park, within the Space of Six Months from the Time the ſaid Canal ſhall be made navigable in the ſaid Lordſhip of *Gopſal*, and in caſe the ſaid Company of Proprietors, or the Agents employed by them, ſhall refuſe or neglect within the Time aforeſaid, well and ſufficiently to conduct and convey the Water of the ſaid Spring in ſuch proper and ſufficient Pipes, up to and into the ſaid Manſion Houſe of the ſaid *Penn Aſſheton Curzon* from the ſaid Reſervoir in the ſaid Park, then and in ſuch Caſe it ſhall and may be lawful for the ſaid *Penn Aſſheton Curzon*, his Heirs or Aſſigns, and he, ſhe, or they, is and are hereby empowered to conduct and convey the Water of the ſaid Spring, in Manner aforeſaid, up to and into the ſaid Manſion Houſe, from the ſaid Reſervoir, and that then and in ſuch Caſe it ſhall and may be lawful for the ſaid *Penn Aſſheton Curzon*, his Heirs or Aſſigns, and he, ſhe, and they, is and are hereby empowered to recover all the Coſts, Charges, and Expences of and attending the conducting and conveying the ſaid Water in ſuch Pipes, and of the making and erecting a proper Forcing Pump, or other neceſſary Engine for forcing the Water of the ſaid Spring from the ſaid Reſervoir through ſuch Pipes, up to and into the ſaid Manſion Houſe, of and from the ſaid Company of Proprietors, in ſuch and the like Manner, and by ſuch and the like Means, as are herein provided and preſcribed for the Recovery of Satisfaction for Damages which may be done by the ſaid Company of Proprietors.

VI. Pro-

VI. Provided alſo, and be it further enacted, That the ſaid Canal ſhall be made, kept, and maintained, through the Cloſes known by the Names of *The Crow Tree Cloſe*, *The Crow Tree Meadow*, and *The Rough Cloſe*, marked Numbers 200, 201, and 202, within the Manor of *Gopſal*, in the exact Line or Courſe marked in the Map or Plan herein-after deſcribed, to be certified by the Right Honourable the Speaker of the Houſe of Commons. Courſe of the Canal through the Manor of *Gopſal*.

VII. And whereas it would be for the Accommodation of the ſaid *Penn Aſheton Curzon*, that that Part of the Line of the intended Canal in the ſaid Pariſh of *Shackerſton*, near his Manſion Houſe and Pleaſure Grounds ſhould be varied; be it therefore further enacted, That it ſhall not be lawful for the ſaid Company of Proprietors to make their ſaid Canal through the Whole of the ſaid Pariſh of *Shackerſton*, in the Line or Courſe marked and deſcribed in the Map or Plan which hath been depoſited with the Clerk of the Peace for the ſaid County of *Leiceſter*, but that the ſaid Canal ſhall be made through Part of the ſaid Pariſh in the Line or Courſe herein-after deſcribed (and no other), that is to ſay, when the ſame ſhall be cut through and over certain Cloſes or Pieces of Arable, Meadow, or Paſture Ground in *Gopſal* aforeſaid, belonging to the ſaid *Penn Aſheton Curzon*, called or known by the ſeveral Names of *Winters Rough Cloſe*, *Pegg's Crow Tree Meadow*, and *Pegg's Crow Tree Cloſe*, the Line of the ſaid Canal ſhall be continued in a ſtraight Direction nearly Eaſtward through Two other Cloſes of the ſaid *Penn Aſheton Curzon*, in *Shackerſton* aforeſaid, called *Watt's Paſture*, and *Lakin's Paſture*, and over Lands and Grounds belonging to *Jaſper Leigh Goodwin* Eſquire, in the Occupation of *Joſeph Earp*, to a certain Gate ſtanding on the Publick Highway leading from *Newton* to *Bilſon*, in the North-eaſtern Fence, dividing the Lands of the ſaid *Jaſper Leigh Goodwin* from Land of the Vicar of *Shackerſton*, and from the ſaid Gate, by the Side of or near the North-eaſtern Boundary of the Lands of the ſaid *Jaſper Leigh Goodwin*, to the Weſtern Corner of a Cloſe of *Thomas Strong Hall* Eſquire, in *Shackerſton* aforeſaid, called *The Rye Roods*, and thence in a South-eaſtern Direction over the ſaid *Rye Roods*, and other Cloſes of the ſaid *Thomas Strong Hall*, called *The Walſall Cloſe*, through the *Brick-kiln Pond*, in the ſame Cloſe, acroſs the Road from *Shackerſton* to *Heather*, the *Holme*, and *River Senſe*, to the *Willow Grove*, and from thence in a Southwardly Direction through the ſaid *Willow Grove*, Part of the *Ox Hay*, through another Part of the ſaid River, into and through the *Mont Hill* and *Mill Meadows*, through and acroſs the Road leading from *Shackerſton* to *Barton*, the *Pool*, and *Pool Cloſe Meadow*, into the Line or Courſe, (as laid down in the Map or Plan by this Act directed to be certified by the Right Honourable the Speaker of the Houſe of Commons), at the Lands of *Benjamin Croſhaw*, at or near the South Corner of the ſaid *Pool Cloſe Meadow*: Provided always, that the ſaid Deviation from the Line or Courſe ſo marked and deſcribed in the ſaid Map or Plan, ſhall not in anywiſe, in the Judgement of experienced Engineers, One to be appointed by the ſaid Company of Proprietors, and the other to be appointed by the ſaid *Penn Aſheton Curzon*, his Heirs or Aſſigns, be conſidered to prejudice or affect the Guarantee as aforeſaid, agreed to be given by the ſaid Company of Proprietors to the ſaid *Penn Aſheton Curzon*, for the Preſervation and Security of his ſaid Spring; and if the ſaid Deviation ſhall, in the Judgement of ſuch Engineers, be conſidered as dangerous to the ſaid Guarantee, then and in ſuch Caſe only, For deviating the Line over Mr. *Curzon*'s Eſtate, if ſafe to the Guarantee.

that Part; if any, of the ſaid Deviation from the ſaid Line or Courſe, as marked in the ſaid Map or Plan ſo depoſited with the Clerk of the Peace for the ſaid County of *Leiceſter* as aforeſaid, ſhall be made, as ſhall in the Judgement of ſuch Engineers be conſidered as ſafe, with reſpect to ſuch Guarantee, as if no Deviation whatever therefrom was made: Provided alſo, that nothing in this Act contained ſhall extend, or be deemed, conſtrued, or taken to extend, to give Power or Authority to the ſaid Company of Proprietors, their or any of their Agents, Workmen, or Servants, or any other Perſon or Perſons whomſoever, to make and erect any Wharf, Warehouſe, Buildings, or Works whatſoever, in any Place nearer to the preſent Boundary of *Gopſal Park* aforeſaid than One thouſand Yards.

Foot Bridge to be made over the River *Senſe*, and the Canal, at *Shackerſton*, &c.

VIII. Provided always, and it is hereby enacted and declared, That a Foot Bridge ſhall be made over the River *Senſe*, Towing Path, and Canal, for the Uſe of the ſaid *Thomas Strong Hall*, his Heirs and Aſſigns, from his new Garden, to the Cloſe called *Ox Hay*; and that the Water in the *Holme* ſhall be raiſed at a high Level, and conveyed under the ſaid River, Towing Path, and Canal, by a ſufficient Pipe or Culvert, which ſhall be from Time to Time kept in Repair by the ſaid Company, for the Purpoſe of feeding and ſupplying with Water the ſeveral Ponds of him the ſaid *Thomas Strong Hall*, in the Cloſe called *The Monthill*; and that the ſaid River *Senſe* ſhall be embanked, ſo as that the Water thereof ſhall flow fully and freely, as heretofore, to *Shackerſton Mill*; and that a ſufficient Drain or Outlet, either by a Culvert or otherwiſe, ſhall be made under or by the Side of the Canal or Towing Path, to let off the Water freely from the ſeveral Ponds of him the ſaid *Thomas Strong Hall*, whenever he, or his Heirs or Aſſigns, ſhall think proper to empty the ſame; and that the Line or Courſe of the ſaid Canal ſhall not be varied or altered, nor the ſame be made or cut nearer the new Garden or Manor Houſe of him the ſaid *Thomas Strong Hall*, in *Shackerſton* aforeſaid, than as delineated and deſcribed in the Map or Plan, to be certified by the Right Honourable the Speaker of the Houſe of Commons; and that no Towing Path, Wharf, Warehouſe, Place for Boats to lie, or for the lodging of Timber or Works whatſoever, ſhall be made or erected on the South Side of the ſaid intended Canal, upon the Eſtate of the ſaid *Thomas Strong Hall*, in *Shackerſton* aforeſaid, the neceſſary Abutments and Piers of Bridges excepted; any Thing contained in this Act to the contrary notwithſtanding.

The Direction of the Canal through Mr. *Simpſon's* Eſtate.

IX. Provided always, and be it further enacted and declared, That nothing in this Act contained ſhall extend or be conſtrued to extend to empower or enable the ſaid Company of Proprietors, their Succeſſors or Aſſigns, in making that Part of the Canal or Navigation, and in taking the Land to be uſed for the neceſſary Embankments thereof, which ſhall be made in, upon, and through, the Eſtate and Grounds of *John Simpſon* Eſquire, and *Jane* his Wife, in *Burton Haſtings* aforeſaid, to take the ſame in any other Manner than cloſe to the Hedge at the Top of the Meadow now in the Occupation of *Edward Darlaſton*, marked and deſcribed, N° 27. in the Map or Plan, to be certified by the Right Honourable the Speaker of the Houſe of Commons, adjoining another Meadow belonging to *Henry Harvey Aſton* Eſquire, nor in making that Part of the ſaid Canal which ſhall paſs through the Lands and Grounds of the ſaid

John Simpſon and *Jane* his Wife, in *Bramcote* aforeſaid, other than above the Hedge which now parts the Meadow, marked and deſcribed in the ſaid Map or Plan, to be certified as aforeſaid, Number 21, and Number 22, in the Occupation of *Joſeph Dowell*, from the upper Grounds, to leave the ſaid Meadow untouched until the Courſe of the ſaid Canal ſhall come oppoſite to a Poplar Tree in the Brook whereon the Water Level is cut or marked, from whence it ſhall be taken or carried acroſs the ſaid Meadow to the ſaid Poplar Tree, and from thence it ſhall be continued and made over the remaining Part of the ſaid Meadow, along by the Side of the ſaid Brook, and as near thereto as poſſible.

Direction of the Courſe of the Canal through Mr. *Ryder*'s Eſtate at *Snareſton*.

X. Provided always, and be it further enacted and declared, That nothing in this Act contained ſhall extend or be conſtrued to extend, to empower or enable the ſaid Company of Proprietors, in making that Part of the ſaid intended Canal or Navigation which ſhall paſs through the Lands and Grounds of the Reverend *Dudley Charles Ryder*, and *Elizabetha Catherina* his Wife, in *Snareſton* aforeſaid, in the Occupation of *John Atkins*, marked Numbers 227, and 228, in the Map or Plan, to be certified by the Right Honourable the Speaker of the Houſe of Commons, to take, or cauſe the ſame to be taken, in any other Manner than along the Eaſterly Side or Boundary of the ſaid Lands and Grounds; any Thing herein contained to the contrary notwithſtanding.

Bridge to be made to the Coal Mines at *Pegg's Green*.

XI. And be it further enacted, That the ſaid Company of Proprietors ſhall, and they are hereby required at their own Expence, within Six Months after a Requiſition made to them for that Purpoſe in Writing, delivered to their Clerk or Clerks, by or on the Behalf of *John Raper*, *Thomas Fenton*, and *James Fenton*, Eſquires, or the Owners or Leſſees for the Time being of the Coal Mines now belonging to the ſaid *John Raper*, *Thomas Fenton*, and *James Fenton*, at *Swannington*, and at *Pegg's Green*, in the Liberty of *Thringſtone*, in the Pariſh of *Witwick*, in the ſaid County of *Leiceſter*, to erect and build, and at all Times thereafter to maintain and keep in good and ſufficient Repair, One Swivel or Draw Bridge, for the Paſſage of Horſes, Carts, and Carriages, over or acroſs any convenient Part of the ſaid Canal in *Pegg's Green* aforeſaid, for the Uſe of the ſaid *John Raper*, *Thomas Fenton*, and *James Fenton*, or the ſaid Owners or Leſſees of the ſaid Coal Mines for the Time being, and their ſeveral and reſpective Tenants and Servants; and in caſe the ſaid Company of Proprietors ſhall, for the Space of Six Calendar Months after ſuch Requiſition made as aforeſaid, neglect or refuſe to erect and build, or for the Space of Six Days after ſuch Requiſition, to repair ſuch Bridge, then it ſhall and may be lawful to and for the ſaid *John Raper*, *Thomas Fenton*, and *James Fenton*, or the ſaid Owners or Leſſees of the ſaid Coal Mines for the Time being, or their Servants or Workmen, to erect and build, or to repair ſuch Bridge as aforeſaid, and all the reaſonable Coſts and Charges of ſuch Erection and Building, or Repair, to be ſettled and allowed by the ſaid Commiſſioners, ſhall be repaid to the ſaid *John Raper*, *Thomas Fenton*, and *James Fenton*, or the ſaid Owners or Leſſees of the ſaid Coal Mines for the Time being, who ſhall have ſo erected and built, or repaired, the ſaid Bridge, by the ſaid Company of Proprietors, within the Space of Six Calendar Months next after the ſame ſhall have been ſo ſettled and allowed, and an Account and Demand in Writing ſhall have been

been delivered and made thereof, to and from the ſaid Company of Proprietors, or their Clerk or Clerks; and in Default of Payment of the ſaid Coſts and Charges within the Time 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 of Proprietors, which ſhall be found in or upon the ſaid Canal and Cuts or Branches, 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 the Perſon or Perſons who ſhall have ſo incurred ſuch Coſts and Charges as aforeſaid, rendering to the ſaid Company of Proprietors, or to ſome of their known Agents or Collectors, the Overplus, (if any ſuch there be), after deducting the reaſonable Charges of making ſuch Diſtreſs and Sale, to be ſettled by the ſaid Commiſſioners, or otherwiſe the Perſon or Perſons who ſhall have ſo incurred ſuch Coſts and Charges as aforeſaid, upon Refuſal or Neglect of the ſaid Company of Proprietors to pay the ſaid Coſts and Charges as aforeſaid, ſhall and may have ſuch and the like Remedy againſt the ſaid Company of Proprietors, and their Succeſſors, for the Recovery thereof, by Action at Law, to be commenced and proſecuted in ſuch Manner as in other Caſes in and by this Act is directed.

Direction of the Towing Path over certain Lands.

XII. Provided always, and be it enacted, That it ſhall not be lawful for the ſaid Company of Proprietors, their Agents, Servants, or Workmen, or any other Perſon or Perſons, by virtue or Authority of this Act, to make or uſe any Towing Path for or on Account of the ſaid Navigable Canal, upon any other Part of the Cloſes, Lands, or Grounds, belonging to the Right Honourable *Robert* Earl *Ferrers*, within the Liberty of *Staunton Harold*, than on the South Side of the ſaid intended Canal, except in the *Lount Wood*, where it is to be on the North Side thereof, nor upon any other Part of the Cloſes, Lands, or Grounds of *Penn Aſheton Curzon* Eſquire, within the Pariſh of *Shackerſton*, or the Lordſhip, Manor, or Liberty of *Gopſal*, or of *Jaſper Leigh Goodwin* Eſquire, as Mortgagee, within the ſaid Pariſh of *Shackerſton*, than upon the North-eaſt Side of the ſaid intended Canal, nor upon any other Part of the Cloſes, Lands, or Grounds, belonging to Sir *Wolſtan Dixie* Baronet, in the Lordſhips of *Market Boſworth*, *Carleton*, and *Coton*, than upon the Weſt Side of the ſaid intended Canal, nor upon any other Part of the Cloſes, Lands, or Grounds belonging to the Reverend *Dudley Charles Ryder*, in the Pariſhes of *Swepſton* and *Shackerſton*, than upon the Eaſt Side of the ſaid intended Canal.

Not to take any Water from *Holywell* Spring;

XIII. Provided alſo, and be it enacted, That nothing in this Act contained ſhall extend, or be deemed, conſtrued, or taken to extend, to give Power or Authority to the ſaid Company of Proprietors, their or any of their Agents, Workmen, or Servants, or any other Perſon or Perſons whomſoever, at any Time or Times, to lead or take any Water into or for the Uſe of the ſaid Canal or Works, from or out of a certain Spring, called the *Holywell*, in the Pariſh of *Aſhby de la Zouch*, or from or out of the Stream or Brook flowing from the ſame, whereby that Town is in Part ſupplied with Water, nor in any Way to divert or obſtruct the Courſe of the ſaid Spring, Stream, or Brook; but that the ſame ſhall and may at all Times hereafter flow as freely, fully, and beneficially, to the

the ſaid Town of *Aſhby de la Zouch*, and along the antient Courſe thereof, to all Intents and Purpoſes as heretofore.

nor from the Spring in *Blackfordby*;

XIV. Provided alſo, and be it enacted, That nothing in this Act contained ſhall extend, or be deemed, conſtrued, or taken, to give Power or Authority to the ſaid Company of Proprietors, their or any of their Agents, Workmen, or Servants, or any other Perſon or Perſons whomſoever, at any Time or Times, to lead or take away any Water into or for the Uſe of the ſaid Canal or Works, from or out of a certain Spring ariſing in the Town Street of *Blackfordby* otherwiſe *Bloughe by*, in the Pariſh of *Aſhby de la Zouch* aforeſaid, called *Blackfordby Spring*, or from or out of the Stream or Brook flowing from the ſame, nor in any Manner to divert or obſtruct the Courſe of the ſaid Spring, Stream, or Brook; but that the ſame ſhall and may, at all Times hereafter, flow as fully, freely, and beneficially, in the ancient Courſe thereof, to all Intents and Purpoſes as heretofore.

nor to take the Springs in *Repton* and *Ticknall*;

XV. Provided alſo, and be it enacted, That nothing in this Act contained ſhall extend, or be deemed, conſtrued, or taken to extend, to give Power or Authority to the ſaid Company of Proprietors, their or any of their Agents, Workmen, or Servants, or any other Perſon or Perſons whomſoever, at any Time or Times, to lead or take any Water into or for the Uſe of the ſaid Canal or Works, from or out of any of the Springs or Brooks ariſing or flowing in the ſaid Pariſh of *Repton* and *Ticknall*, or either of them, ſave and except ſuch Surpluſage or increaſed Quantity of Water as ſhall from Time to Time be occaſioned therein by Floods or Inundations.

nor to take the Water from *Hanſon's Water Houſe Spring* in *Ticknall*, or *Aldercar Spring* in *Repton*.

XVI. Provided alſo, and be it enacted, That nothing in this Act contained ſhall extend, or be deemed, conſtrued, or taken to extend, to give Power or Authority to the ſaid Company of Proprietors, their or any of their Agents, Workmen, or Servants, or any other Perſon or Perſons whomſoever, at any Time or Times, to lead or take away any Water into or for the Uſe of the ſaid Canal or Works, from or out of a certain Spring ariſing in the Pariſh of *Ticknall* aforeſaid, called *Hanſon's Water Houſe Spring*, or from or out of the Stream or Brook flowing from the ſame, or from another Spring or Brook called *The Aldercar Spring and Brook*, ariſing in the ſaid Pariſh of *Repton*, and uniting with the ſaid Brook called *Hanſon's Water Houſe Brook*, near to the Boundary of the ſaid Pariſh of *Repton*, where it adjoins to the Pariſh of *Ticknall* aforeſaid; but that the ſame ſhall and may, at all Times hereafter, flow in the ancient Courſes thereof, as freely, fully, and beneficially, to all Intents and Purpoſes as heretofore.

The Company not to take the Water of the Rivers *Anker* or *Meaſe*, or the *Bramborough* Brook.

XVII. Provided always, and be it further enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, to authorize or empower the ſaid Company of Proprietors, under any Pretence whatever, to divert, take, or uſe, or ſuffer to be diverted, taken, or uſed, for the ſaid Canal, or to flow or run into any Reſervoir or Reſervoirs or other Works for the Uſe thereof, any of the Water of the River *Anker*, in the Lordſhip of *Burton Haſtings*, in the County of *Warwick*, or of the River *Meaſe*, or the Brook or Rivulet called *Bramborough Brook*, now flowing to and ſupplying a Mill ſituate and being in *Stretton en le Field*,

in the County of *Derby*, belonging to *John Cave Browne* Eſquire, and called *Stretton Mill*, except in Times of Floods and wet Seaſons, and when the ſaid Rivers, Brook, or Rivulet, ſhall overflow their Banks, but that ſuch Part of the Water of the ſaid Rivers, Brook, or Rivulet, which ſhall or may be croſſed by the ſaid Canal, or any Reſervoir, Conductor, Aqueduct, or other Works appertaining thereto, ſhall be well and effectually tunnelled and conducted under ſuch Canal, Reſervoirs, Conductors, or other Works, by the ſaid Company of Proprietors, immediately into the former and ancient Courſe thereof, in ſuch Manner as that the Whole thereof, except in ſuch Times of Floods and wet Seaſons, and when the ſaid Rivers, Brook, or Rivulet, ſhall overflow their Banks, ſhall flow into the ſaid Rivers, Brook, or Rivulet.

Power to make Rollers, Inclined Planes, &c.

XVIII. And be it further enacted, That if the ſaid Company of Proprietors ſhall judge it expedient, that Boats or other Veſſels, Waggons or other Carriages, ſhould be conveyed over or along any Part or Parts of the Line to be purſued in making the ſaid Canal and Cuts, or Branches by Rollers, Inclined Planes, or in any other Manner than by Water, then, and in ſuch Caſe, it ſhall and may be lawful for the ſaid Company of Proprietors, to cauſe any Rollers, Inclined Planes, or other Works to be made for that Purpoſe, at ſuch Place or Places, in the ſaid Line as they ſhall think proper; and the ſame ſhall be conſidered to be Part of the ſaid Works hereby authorized to be made, in like Manner, and to all Intents and Purpoſes, as if ſuch Parts or Places were made navigable.

Houſes, Gardens, &c. not to be damaged.

XIX. And be it further enacted, That nothing in this Act contained, ſhall authorize or empower the ſaid Company of Proprietors, or any other Perſon or Perſons, to take, uſe, injure, or damage, any Houſe or other Building, which was erected and built on or before the Firſt Day of *January* in the Year of our Lord One thouſand ſeven hundred and ninety-four, or any Land or Ground which, on the ſaid Firſt Day of *January*, was ſet apart and uſed as and for a Garden, Yard, Park, Paddock, Orchard, planted Walk, or Avenue to a Houſe or Lawn, incloſed or adjoining to any Houſe, without the Conſent of the reſpective Owners thereof, other than and except a ſmall Garden at *Snareſton* aforeſaid, belonging to the Reverend *Dudley Charles Ryder*, in the Occupation of *Ellen Varnham* Widow; a Building uſed as a Shop and Coalhouſes; Three Small Gardens, a Yard, and Barn, belonging to the ſaid *Dudley Charles Ryder*, at *Snareſton* aforeſaid, in the reſpective Occupations of *James Pearſon*, *Joſeph Parker*, *William Atwood*, *Thomas Marriott*, and *John Atkins*; Three ſmall Gardens belonging to *Joſeph Wilkes* and *Thomas Wilkes* Eſquires, at *Meaſham* aforeſaid, in the reſpective Occupations of *Robert Woodward*, *John Wildman*, and *William Dodge*; a Garden and Plantation belonging to the Right Honourable the Earl of *Moira* in *Aſhby de la Zouch*, in the Occupation of *Middlemoore Clarke Pilkington*; an Orchard and Yard belonging to Sir *Henry Harpur* Baronet, at *Ticknall* aforeſaid, in the Occupation of *Joſeph Henſon*; a ſmall Garden belonging to the ſaid Sir *Henry Harpur* in *Ticknall* aforeſaid, in the Occupation of *William Neville*; a Yard and Orchard belonging to *Richard Sale* in *Ticknall* aforeſaid, in the Occupation of *James Pywell*; a ſmall Garden belonging to the ſaid Sir *Henry Harpur* at *Ticknall* aforeſaid, in the

the Occupation of *John Newbold*; a ſmall Garden belonging to the ſaid Sir *Henry Harpur*, in *Ticknall* aforeſaid, in the Occupation of *Joſeph Jerram*; a ſmall Garden belonging to Sir *George Beaumont* Baronet, in *Newbold* aforeſaid, in the Occupation of *John Knight*; Seven ſmall Gardens and Yards at *Newbold* and *Worthington* aforeſaid, belonging to the Right Honourable *Robert* Earl *Ferrers*, the ſaid Sir *George Beaumont*, *John Mynors Bulſtrode*, *William Pochin*, and the Reverend *Thomas Beer*, Deviſees in Truſt under the Will of *Edward Dawſon* Eſquire deceaſed; *Joſeph Boultbee* Eſquire, *William Jacques*, *John Huſkiſſon*, *Joſeph Jacques Huſkiſſon*, *Husbands*, *William Frearſon*, *John Broadhurſt* Eſquire, Widow *Jackſon*, *Joſeph Ward* and *Robert Ward*, *John Armſton*, *Michael Goodall*, *Thomas Wallis*, *Ann Curzon*, *William Pochin* Eſquire, and *William Stinſon*, in the reſpective Occupations of *William Poxon*, *Thomas Stacey*, *John Maſſey*, *Thomas Haywood*, *John Field*, *Joſeph Wardle*, and *John Hall*; a ſmall Garden at *Coleorton* aforeſaid, belonging to the ſaid Sir *George Beaumont*, in the Occupation of *Ann Wardle*; a ſmall Garden at *Pegg's Green* aforeſaid, belonging to *John Raper*, *Thomas Fenton*, and *James Fenton*, in the Occupation of *William Cooper*; a Barn, Stable, and ſmall Garden, belonging to the Right Honourable the Earl of *Stamford* in *Worthington* aforeſaid, in the Occupation of *John Bailey*; another ſmall Garden of the Earl of *Stamford* in *Worthington* aforeſaid, in the Occupation of *Thomas Orton*.

Cut or Branch to be made to Earl *Ferrers*'s Limeworks when he ſhall require it.

XX. And be it further enacted, That the ſaid Company of Proprietors ſhall, and they are hereby authorized and required at their own Expence, in caſe they ſhall be thereunto required, by the Right Honourable *Robert* Earl *Ferrers*, his Heirs or Aſſigns, to make, maintain, continue, and keep navigable for Boats and other Veſſels, the ſaid Cut or Branch, from or nearly from the ſaid Cloſe, in the Pariſh of *Aſhby de la Zouch* aforeſaid, now or late in the Occupation of *John Sharp*, called *Square Cloſe*; and from thence through the Incloſures of the ſaid Earl, in the Lordſhip of *Staunton Harold*, over the Corner of the Park at *Staunton Harold* aforeſaid, to within about One hundred and ſeventy Yards of his preſent Lime Works at *Staunton Harold* aforeſaid; and in caſe the ſaid Company of Proprietors ſhall, for the Space of Six Months next after ſuch Requiſition in Writing from the ſaid *Robert* Earl *Ferrers*, his Heirs or Aſſigns, left with the Clerk or Clerks of the ſaid Company of Proprietors, neglect or refuſe to make ſuch Cut or Branch as aforeſaid, then, and in ſuch Caſe, it ſhall be lawful for the ſaid *Robert* Earl *Ferrers*, his Heirs or Aſſigns, at his and their own Expence, to make, or cauſe to be made, ſuch Cut or Branch, to the Extent, and to and for ſuch Purpoſe and in Manner above-mentioned, and to have, demand, aſk, and recover, by Suit or Action at Law, in any Court of Record at *Weſtminſter*, from the ſaid Company of Proprietors, all ſuch Coſts, Charges, and Expences, as he the ſaid Earl *Ferrers*, his Heirs or Aſſigns, ſhall or may actually and *bona fide* pay, ſuſtain, incur, or be put unto, in making ſuch Cut or Branch as aforeſaid, or any Part thereof; and after ſuch Cut or Branch is made, it ſhall and may be lawful for the ſaid Earl, his Heirs and Aſſigns, to fill up the ſame at his or their Expence, whenever he or they ſhall think fit, provided that no Recompence or Satisfaction ſhall be made by the ſaid Company of Proprietors to the ſaid Earl, his Heirs or Aſſigns, for the Land or Ground to be uſed or taken for the ſaid

Cut or Branch to be made on ſuch Requiſition as aforeſaid; any Thing in this Act to the contrary notwithſtanding.

Sir *H. Hartur*, may make a Railway, &c. from *Caulk*.

XXI. And be it further enacted, That it ſhall be lawful for Sir *Henry Harpur* of *Caulk Hall* in the County of *Derby* Baronet, his Heirs and Aſſigns, at his or their own Charge and Expence, to make a Railway, or Stone or other Road, from the Lordſhip of *Caulk* to join or communicate with the ſaid Canal, at ſome convenient Place betwixt Number 383, and 391, marked in the Map or Plan, herein-after directed to be certified by the Right Honourable the Speaker of the Houſe of Commons; provided that ſuch Railway, Stone, or other Road, ſhall not paſs over any Lands in the Lordſhip of *Staunton Harold*, nor be commenced or made until the ſaid Earl *Ferrers*, his Heirs or Aſſigns, ſhall require the ſaid Cut or Branch to be made to his Lime Works at *Staunton Harold*, or until the ſaid Earl *Ferrers*, his Heirs or Aſſigns, ſhall make or cauſe to be made any Railway, Stone Road, or other ſuch Road, from the ſaid Lime Works at *Staunton Harold*, for the Purpoſe of conveying Lime or Lime Stone from the ſaid Lime Works at *Staunton Harold*, to and upon the ſaid Canal, or until the ſaid Earl *Ferrers* or any Perſon or Perſons who may hereafter be Owner or Owners of the ſaid Lime Works, in the ſaid Lordſhip of *Staunton Harold*, ſhall diſcontinue or ſhut up from Sale, or cauſe to be diſcontinued or ſhut up from Sale, by his or their Conſent and Approbation, the ſaid Lime Works; any Thing in this Act to the contrary thereof notwithſtanding.

To enable *W. Abney* Eſq. to make a Cut or Railway from *Heather Colliery*, into the Canal near *Shackerſton*.

XXII. And be it further enacted, That it ſhall be lawful for *William Abney* of *Meaſham* Eſquire, his Heirs or Aſſigns, to make a Collateral Cut or Canal, navigable and paſſable for Boats and other Veſſels, or a Railway, or a Stone or other Road, from the *Colliery* of the ſaid *William Abney*, ſituate and being in the Lordſhip of *Heather*, to join and communicate with the ſaid Canal, at ſome convenient Place, at or near the Lordſhip of *Shackerſton*; and for that Purpoſe from Time to Time, and all Times hereafter, if he or they ſhall think proper or expedient, to apply to Parliament, to enable him, at his own Expence, or by publick or private Subſcription, as ſhall be by him or them judged moſt expedient to make ſuch Collateral Cut or Canal, Railway or Stone or other Road, as aforeſaid.

The ſame to *W. Fermor* Eſq. from any Coal Mines of his in the Lordſhip of *Normanton on the Heath*.

XXIII. And be it further enacted, That it ſhall be lawful for *William Fermor* of *Tuſmore*, in the County of *Oxford* Eſquire, his Heirs or Aſſigns, if he or they ſhall think fit, to make a Collateral Cut or Canal, navigable and paſſable for Boats and other Veſſels, or a Railway, or Stone or other Road, from any Coal or other Mines belonging to the ſaid *William Fermor*, in the Lordſhip of *Normanton on the Heath* in the ſaid County of *Leiceſter*, to join and communicate with the Cut or Railway, or Stone or other Road, of the ſaid *William Abney* Eſquire, in caſe the ſame ſhall be made, and by that Means to communicate with the ſaid Canal; or in caſe the ſaid *William Abney* ſhall not make ſuch Cut, Railway, or Stone or other Road, then to join or communicate directly with the ſaid Canal at ſome convenient Place, and for that Purpoſe, from Time to Time, and at all Times hereafter, if he ſhall think it expedient to apply to Parliament, to enable him, at his own Expence, or by

by publick or private Subſcription, as ſhall be by him or them judged expedient, to make ſuch Collateral Cut or Canal, Railway or Stone or other Road.

For erecting a Wharf near *Hartſhorne*.

XXIV. And be it further enacted, That the ſaid Company of Proprietors ſhall, and they are hereby authorized and required to make a Wharf at ſome convenient Place upon *Aſhby Woulds*, near the Pariſh of *Hartſhorne*, at or near Number 554 in the Plan, hereafter directed to be certified by the Right Honourable the Speaker of the Houſe of Commons, for the Accommodation of the Inhabitants of the Towns, Villages, and Places, near or adjoining thereto; and alſo another Wharf at ſome convenient Place, at or near *Green Hills Paſture*, in the Lordſhip of *Sutton Cheney* aforeſaid, for the Accommodation of the Inhabitants of the Towns, Villages, and Places adjoining thereto.

The ſame at or near *Green Hills Paſture*.

The Canal to be completed to the Lime-works within Five Years.

XXV. And be it further enacted, That ſuch Parts of the ſaid intended Canal as lead from the ſaid Cloſe called *Ipſwell* or *Black Ditch*, to the ſaid Lime Works at *Ticknall* and *Cloudhill*, ſhall be well and effectually made navigable, and be completed within the Space of Five Years from the Time of the Commencement of this Act.

Levels and Surveys have been taken, and Four Plans and Books of Reference made.

XXVI. And whereas certain Levels and Surveys have been taken to aſcertain the Practicability of making the ſaid Canal and Cuts or Branches, and in Conſequence thereof Four ſeveral Maps or Plans, and Four Books of Reference, have been made from ſuch Levels and Surveys, of the Lands, Tenements, and Hereditaments, through, acroſs, under, or over which the ſaid Canal and Cuts or Branches are intended to be carried, and which belong, or are reputed to belong, to the ſeveral and reſpective Perſons named or deſcribed in the ſaid Books of Reference; be it further enacted, That the ſaid Four ſeveral Maps or Plans, and Books of Reference, ſhall be certified by the Right Honourable the Speaker of the Houſe of Commons, One of which ſaid Plans and Books ſhall be depoſited with and kept by the Clerk of the Peace for the ſaid County of *Leiceſter*, One other of them with and by the Clerk of the Peace for the ſaid County of *Derby*, One other of them with and by the Clerk of the Peace for the ſaid County of *Warwick*, and the other of them with and by the Clerk or Clerks to the ſaid Company of Proprietors for the Time being; which Plans and Books of Reference all Perſons ſhall have Liberty to inſpect and peruſe, and make Extracts from and Copies thereof, or of any Part thereof, at all ſeaſonable Times, on Payment to ſuch reſpective Clerks of One Shilling for each Time of Inſpection, and paying for every Copy not exceeding One hundred Words the Sum of Four-pence, and ſo in Proportion for any Number of Words; and the ſaid Maps or Plans, and Books of Reference, ſo certified, or true Copies thereof, ſhall be, and they are hereby declared to be good Evidence in all Courts of Law and Equity, or elſewhere; and the ſaid Company of Proprietors, upon Six Days Notice to them, or to their Clerk for the Time being, given for that Purpoſe, ſhall from Time to Time produce by their Clerk, or in caſe of his Abſence, by ſome other Officer of the ſaid Company, the Part of the ſaid Map or Plan and Book of Reference ſo in their Cuſtody, before the Commiſſioners herein-after appointed, and their Succeſſors, or any Five or more of them, or before any Jury or Juries to be impannelled by virtue

The ſaid Plans and Books to be authenticated by the Speaker;

and allowed to be given in Evidence.

virtue of this Act, at the Time and Place to be mentioned in such Notice, in order that the same may be then and there given in Evidence as aforesaid.

Canal not to deviate from the Course laid down in the Plans.

XXVII. And be it further enacted, That the said Company of Proprietors, in making the said intended Canal and Cuts or Branches respectively, shall not deviate from the Course or Direction delineated in the said Maps or Plans, and set forth in the said Books of Reference, nor cut, carry, or convey, the said Canal and Cuts or Branches, or either of them, into, through, across, under, or over, any Part or Parts of the several Estates, Lands, Grounds, or Hereditaments, now or late belonging, or reputed to belong, to the said several and respective Persons named or described in the said Books of Reference, other than such Part or Parts as are mentioned in the said Books of Reference in that Behalf, nor belonging to any other Person not named in such Books of Reference, without the Approbation and Consent in Writing, signed by the Person or Persons to whom such Estates, Lands, and Grounds, do or shall respectively belong.

Omission of Names, &c. not to prevent making the said Canal.

XXVIII. Provided always, and be it further enacted, That the said Company of Proprietors shall and may make the said Canal and Cuts or Branches, or either of them, through, across, over, or under, the Estates, Lands, Grounds, and Hereditaments, of any Person or Persons whomsoever, in any Case or Contingency whatsoever, where it shall appear to the Satisfaction of the said Commissioners, or any Five or more of them, and be by them certified under their Hands, that the Name or Names of such Person or Persons hath or have been by Mistake omitted in the said Books of Reference, or across any Roads, Brooks, or Rivulets, which shall so appear, and be certified to have been omitted by Mistake as aforesaid; and also where it shall appear to the Satisfaction of the said Commissioners, and be by them so certified, that, instead of the Name or Names of the Owner or Owners of such Estates, Lands, Grounds, or Hereditaments, the Name or Names of some other Person or Persons to whom such last mentioned Estates, Lands, Grounds, or Hereditaments, do not belong, hath or have been inserted by Mistake in the said Books of Reference.

Breadth of Canal and Towing Paths.

XXIX. And be it further enacted, That the Lands or Grounds to be taken or used for such Canal and Cuts or Branches respectively, and for the Towing Paths to each, and the Ditches, Drains, and Fences, to separate such Towing Paths from the adjoining Lands, shall not exceed Twenty-four Yards in Breadth, except in such Places where any Docks, Basons, Reservoirs, or Pens for Water, shall be made, or where the said Canal and Cuts or Branches, or either of them, or any Part thereof, shall be raised higher or cut more than 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, Lime Stone, or other Minerals, Timber, or other Goods, Wares, and Merchandize, which shall be conveyed by the said Navigation.

XXX. And

XXX. And be it further enacted, That after any ſuch Part or Parts of the ſaid Lands or Grounds ſhall be ſo ſet out and aſcertained as aforeſaid, for making the ſaid Canal and Cuts or Branches, 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, Huſbands, Guardians, Truſtees, and Feoffees in Truſt, Committees, Executors, and Adminiſtrators, 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, Idiots, Femes Covert, or other Perſon or Perſons, and for all Femes Covert, who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in their own Right, and for every other Perſon or Perſons whomſoever, who is, or are, or ſhall be ſeiſed, poſſeſſed of, or intereſted in any Lands, Grounds, or Hereditaments, which ſhall be ſo ſet out and aſcertained as aforeſaid, for the Uſes and Purpoſes of the ſaid Canal and Cuts or Branches, or any Part thereof, or any Works or other Conveniencies thereto belonging, to contract for, ſell, and convey, the ſame, and every Part thereof, unto the ſaid Company of Proprietors, their Succeſſors and Aſſigns, or to ſuch Perſon or Perſons as they ſhall nominate and appoint, for the Uſe of the ſaid Navigation; and if it ſhall happen that, by making the ſaid Canal and Cuts or Branches, or either of them, 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, or Collegiate, or ſuch other Land Owners, 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 Equivalent, as to ſuch Land Owner or Land Owners ſhall ſeem reaſonable, and all ſuch Contracts, Agreements, Sales, Conveyances, and Aſſurances, ſhall be valid and effectual in 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 and in purſuance of this Act; and all ſuch Contracts, Agreements, Sales, Conveyances, and Aſſurances, (except thoſe between private Perſons), ſhall be made at the Expence of the ſaid Company of Proprietors; and all ſuch Conveyances and Aſſurances of any Lands or other Hereditaments which ſhall be made to the ſaid Company of Proprietors, ſhall be made according to the following Form, or any other Form of Words to the like Effect; *videlicet*,

Bodies Politick empowered to ſell and convey Lands.

If Land ſhall be ſeparated into ſmall Parcels by the Canal, they may be exchanged or ſold.

Contracts and Sales (except between private Perſons) to be made at the Expence of the Company of Proprietors.

'I [*or* we] *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 the Company of Proprietors of the *Aſhby de la Zouch* Canal, do
'hereby grant and releaſe to the ſaid Company all [*deſcribing the Premiſes
'to be conveyed*] and all my [*or* our] Right, Title, and Intereſts, to and
'in the ſame, and every Part thereof, to hold to the ſaid Company for
'ever, by virtue and according to the true Intent and Meaning of the

Form of Conveyance to the Company.

'Act of Parliament, paſſed for making and maintaining the ſaid *Aſhby de la Zouch* 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 Conveyances ſhall be kept by the Clerk or Clerks to the ſaid Company of Proprietors for the Time being, who ſhall from Time to Time deliver atteſted Copies thereof to any Perſon or Perſons requeſting the ſame, and ſhall have and receive Sixpence for every One hundred Words of each of ſuch atteſted Copies, and ſo in Proportion for any greater or leſs Number of Words; and every ſuch Conveyance as aforeſaid, which ſhall be made to any Perſon or Perſons other than the ſaid Company of Proprietors, ſhall be according to the following Form, or any other Form of Words to the like Effect:

Form of a Conveyance to other Perſons than the Company.

'I *A. B.* of do hereby, in Conſideration of the Sum of to me in Hand paid by *C. D.* at or before the Sealing and Delivery of theſe Preſents, the Receipt whereof I do hereby acknowlege, [*or*, in Exchange for certain Lands ſituated conveyed to me 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 Premiſes*] to hold to the ſaid *C. D.* his Heirs and Aſſigns for ever. In Witneſs whereof, I have hereunto ſet my Hand and Seal this Day of .'

And every ſuch Conveyance ſhall be valid and effectual.

If Lands cut through and divided, ſo as what ſhall be left ſhall be leſs than One Acre, &c. Company of Proprietors ſhall take and purchaſe ſame.

XXXI. And be it further enacted, That if in making the ſaid Canal and Cuts or Branches, any Pieces or Parcels of Ground ſhall be cut through or divided, ſo that what ſhall be left on each or either Side of the ſaid Canal and Cuts or Branches reſpectively, ſhall be leſs than One Acre in Quantity, or leſs than Twenty Yards in Average Breadth throughout the whole Length thereof; and if the Owner or Owners of any ſuch Pieces or Parcels of Ground ſhall not have any other Land or Ground adjoining or contiguous to what ſhall be ſo left on each or either Side of the ſaid Canal and Cuts or Branches reſpectively, then, and in every ſuch Caſe, the ſaid Company of Proprietors ſhall alſo take and purchaſe the Piece or Parcel, Pieces or Parcels of Ground, ſo to be left on each or either Side of the ſaid Canal and Cuts or Branches reſpectively, being leſs than One Acre in Quantity, or leſs than Twenty Yards in Average Breadth throughout the whole Length thereof as aforeſaid, and ſhall pay for the ſame, after the ſame Rate and in the ſame Manner as they ſhall pay for the Land or Ground adjoining thereto, which ſhall be taken and uſed for making the ſaid Canal and Cuts or Branches reſpectively: Provided the Owner or Owners, or Perſon or Perſons entitled to the Poſſeſſion, or to the Rents and Profits of ſuch ſmall Pieces or Parcels of Ground reſpectively, ſhall require the ſaid Company of Proprietors to take and purchaſe the ſame, but not otherwiſe.

Satisfaction to be made in Groſs, or by Annual Rent.

XXXII. 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 and convey Lands and other Hereditaments, or any other Owner or Owners, and the Occupier or Occupiers of any Lands or other Hereditaments,

Hereditaments, through, in, or upon which the ſaid Canal and Cuts or Branches, Towing Paths, Quays, or other Works hereby authorized, are intended to be made, or any of them, or of any Mills or other Works, from which any Water to ſupply the ſaid Canal and Cuts or Branches may or ſhall be diverted, may accept and receive Satisfaction to the Value of ſuch Lands and Grounds, Mills, or other Works 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, at the Option of the ſaid Owners and Occupiers reſpectively, (except Rectors and Vicars for or in reſpect of their Glebe Lands or Tythes, which is to be by Annual Rent only, as hereafter is mentioned and provided); and from and immediately after the Time of executing ſuch Contract or Contracts, and Payment of the Money in ſuch Caſes, where Satisfaction ſhall be made by Payment of a Groſs Sum, or giving Security for ſuch Annual Rent, as the Caſe may be, the ſaid Company of Proprietors may and ſhall be at Liberty to enter upon, and from thenceforth, for ever, to have, take, and enjoy, the ſaid Lands, Grounds, and other Hereditaments, for the Uſes and Maintenance of the ſaid Canal and Cuts or Branches reſpectively, and for ſupplying the ſame with Water, without any Interruption or Eviction whatſoever; and in caſe the ſaid Company of Proprietors, 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-after appointed, in ſuch Manner, and ſubject to ſuch Verdict of a Jury, if required, as is hereafter directed.

If Parties cannot agree, Price of Lands, &c. to be ſettled by Commiſſioners, or by a Jury.

XXXIII. And, to the End and Intent that every ſuch Body or Bodies Politick, Corporate, or Collegiate, Truſtees or other Perſon, or any other Owners or Occupiers of any Lands or other Hereditaments, through, in, or upon which the ſaid Canal and Cuts or Branches may paſs, or any of the Works aforeſaid be made or erected, and who ſhall or may, during the Execution of the ſaid Canal and Cuts or Branches, or any of the Works aforeſaid, ſuſtain any temporary or occaſional Damages, by Reaſon or Means of making the ſaid Canal and Cuts or Branches, or any of the Works aforeſaid, may have a ſpeedy and competent Satisfaction for ſuch Damages: Be it enacted, That the ſaid Company of Proprietors ſhall, and they are hereby required yearly and every Year, at ſome convenient Time before *Lady-day*, to employ ſuch able and experienced Perſon, as they ſhall think proper, to take an Account and make an Eſtimate and Valuation of all ſuch temporary or occaſional Damages ſuſtained and incurred in each Year, and to within Twenty-one Days of *Lady-day* in every Year, who ſhall enter in a Book an Account of the ſeveral Particulars of all ſuch Damages, and the Names and Reſidence of the Perſons ſuſtaining the ſame, with his Eſtimate thereupon, which Book the Perſon ſo employed ſhall deliver at the then next Meeting of the Committee of the ſaid Company of Proprietors, for their Information and Examination into the Particulars thereof; and after the ſame ſhall have been examined into at ſuch Meeting, the ſaid Perſon ſo employed to make ſuch Account and Eſtimate ſhall ſign and ſubſcribe ſuch Book, which ſhall alſo be ſigned and ſubſcribed by the Chairman of ſuch Meeting, and then delivered to the Clerk of the ſaid Company, in whoſe Hands it ſhall remain, in order that the ſame may be open to the Inſpection of any Perſon or Perſons injured or affected as aforeſaid, his or their Agent or Agents, who ſhall or may have Liberty at all ſeaſonable Times to have Recourſe

For ſettling ſpeedy Satisfaction for temporary or occaſional Damages.

Recourſe to and inſpect the ſame; and every Perſon ſo injured or affected, who ſhall be ſatisfied with the Amount of Damage ſo eſtimated, ſhall and may, on Application for the ſame to the Clerk of the ſaid Company, obtain of ſuch Clerk, who is hereby required to give the ſame, an Order in Writing upon the Treaſurer of the ſaid Company, for the Amount of his Damages, as appearing eſtimated in ſuch Book, and the Treaſurer, upon receiving ſuch Order, is hereby required to pay the Amount thereof, taking a Receipt from the Perſon producing the ſame; and in caſe any Perſon or Perſons ſhall be diſſatisfied with the Eſtimate of the Perſon ſo employed by the ſaid Company as aforeſaid, and ſhall refuſe to accept and receive, upon due Tender made, the Amount thereof, fixed and aſcertained in the ſaid Book, every ſuch Perſon ſhall and may obtain Satisfaction in ſuch Manner as is herein appointed in reſpect to other Damages.

Commiſſioners;

XXXIV. And, for ſettling all Differences which may ariſe between the ſaid Company of Proprietors, or between any other Perſon or Perſons, and the ſeveral Owners of or Perſons intereſted in any Lands, Grounds, Tenements, Waters, or other 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 every Perſon ſeiſed in his own Right, or in the Right of his Wife, and not as Mortgagee, of a Freehold or Copyhold Eſtate, or poſſeſſed of and entitled to a Leaſe or Leaſes for a long Term of Years determinable on One or more Life or Lives, of an Eſtate ſituated within the ſaid Counties of *Leiceſter*, *Derby*, and *Warwick*, ſome or One of them, of the clear Yearly Value of One hundred Pounds, and alſo the eldeſt Son or Heir Apparent of every Perſon having a Freehold or Copyhold Eſtate as aforeſaid, within the ſaid Counties, or ſome or One of them, of the clear Yearly Value of Three hundred Pounds, and alſo every Perſon reſiding within the ſaid Counties, ſome or One of them, having a Perſonal Eſtate, or Real and Perſonal Eſtate together, of the Value of Three thouſand Pounds, ſhall be, and is hereby appointed a Commiſſioner for ſettling, determining, and adjuſting, all Matters, Queſtions, and Differences, which ſhall or may ariſe between the ſaid Company of Proprietors, and ſuch ſeveral Proprietors of and Perſons intereſted in any Lands, Grounds, Tenements, Waters, or other Hereditaments as aforeſaid.

their Qualifications.

Commiſſioners not to act where intereſted, and to take an Oath.

XXXV. Provided always, and be it further enacted, That no Perſon ſhall act as a Commiſſioner for the Execution of the Powers hereby given, in any Caſe where he ſhall be any way intereſted or concerned in the Matter in Queſtion, nor (except in the Adminiſtration of the Oath herein-after mentioned) until he ſhall have taken and ſubſcribed an Oath in the Words or to the Effect following, before any Three or more of the ſaid Commiſſioners, who are hereby authorized and required to adminiſter the ſame; *videlicet*,

Oath of Commiſſioners.

'I *A. B.* do ſwear, [*or*, being One of the People called *Quakers*, do affirm], that I am truly and *bona fide*, in my own Right, and not as 'Mortgagee, in the actual Poſſeſſion and Enjoyment or Receipt of the 'Rents and Profits of a Freehold or Copyhold Eſtate, *or* poſſeſſed of or 'entitled to a Leaſe or Leaſes for a long Term of Years, determinable 'on One or more Life or Lives, of an Eſtate in the Counties of *Lei-*'*ceſter*, *Derby*, and *Warwick*, ſome or One of them, of the clear Yearly

'Value

'Value of One hundred Pounds, *or* am the eldeſt Son or Heir Appa-
'rent of a Perſon having a Freehold or Copyhold Eſtate in the Counties
'of *Leiceſter*, *Derby*, and *Warwick*, ſome or One of them, of the clear
'Yearly Value of Three hundred Pounds, *or* am poſſeſſed of a Perſonal
'Eſtate, *or* of a Real and Perſonal Eſtate together, of the Value of
'Three thouſand Pounds, [*as the Caſe may be*], and 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 His Ma-
'jeſty King *George* the Third, for making and maintaining a Navigable
'Canal, called *The Aſhby de la Zouch Canal*.

'So help me GOD.'

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 in One or other of the Ways aforeſaid, and not having taken and ſubſcribed ſuch Oath, (except in adminiſtering the ſaid Oath), every ſuch Perſon ſhall, for any ſuch Offence, forfeit the Sum of Fifty Pounds to the Treaſurer for the Time being of the ſaid Company of Proprietors, for their Uſe, to be recovered, with full Coſts of Suit, by Action at Law, in any of His Majeſty's Courts of Record at *Weſtminſter*; in which Action no Eſſoign, Protection, Privilege, or Wager of Law, nor more than One Imparlance, ſhall be allowed; and ſuch Perſon ſo ſued ſhall prove that he is ſo qualified as above, and hath taken and ſubſcribed the ſaid Oath, or otherwiſe, ſhall pay the ſaid Sum of Fifty Pounds, 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 the ſaid Act.

Commiſſioners may act as Juſtices of the Peace;

XXXVI. And be it further enacted, That any of the ſaid Commiſſioners, who ſhall be in the Commiſſion of the Peace for the ſaid Counties of *Leiceſter*, of *Derby*, or of *Warwick*, or either of them, ſhall or may nevertheleſs, and he or they is and are hereby empowered to perform and diſcharge the Duties and Functions of a Juſtice of the Peace in the Execution of this Act; but that no Perſon, who ſhall have or accept any Place of Profit ariſing out of the Tolls, Rates, or other Dues to be raiſed by virtue of this Act, or ſhall be a Proprietor of or intereſted in any Share or Shares of the ſaid Navigation, ſhall be capable of acting as a Commiſſioner ſo long as he ſhall hold or be intereſted in ſuch Place of Profit, Share, or Shares as aforeſaid.

but not as Commiſſioners whilſt they hold any Place of Profit, &c. in the Canal.

Meetings of Commiſſioners how to be called.

XXXVII. And be it further enacted, That upon any Application in Writing, ſpecifying the Cauſe thereof, to be made by the ſaid Company of Proprietors, or by any Owner or Occupier of any Grounds, Lands, Tenements, or Hereditaments, to be affected or damaged by the ſaid intended Navigation, or any other of the Works hereby authorized to be made or carried on, unto any Five or more of the ſaid Commiſſioners, requeſting or deſiring them to appoint a Meeting of the ſaid Commiſſioners, it ſhall be lawful for the ſaid Commiſſioners ſo applied to, (although not aſſembled at a Meeting to be held by virtue of this Act), and they are hereby authorized and required, within Fourteen Days after ſuch Requeſt and Application made to them, to give Notice in One of the Newſpapers publiſhed in each of the Counties of *Leiceſter*, *Derby*, and *Warwick*, of a

Meeting of the ſaid Commiſſioners, to be held at ſuch Time and Place as ſhall be ſpecified in ſuch Notice, ſuch Time not being leſs than Fourteen Days, nor more than Twenty-one Days, from the Day on which ſuch Requeſt ſhall be made to them as aforeſaid; and the ſaid Commiſſioners are hereby authorized and required to aſſemble at the Time and Place ſo to be appointed, in order to put this Act, and the Powers and Authorities hereby given to and veſted in them, into Execution, and ſhall and may then adjourn themſelves, and afterwards meet at ſuch Time and Place as the ſaid Commiſſioners aſſembled ſhall think proper and expedient; and if it ſhall happen that there ſhall not appear at any Meeting, which ſhall be ſo appointed to be had or held by the ſaid Commiſſioners, a ſufficient Number of Commiſſioners to act at ſuch Meeting, and to adjourn to any other Time, then, and in ſuch Caſe, and from Time to Time, as often as the ſame ſhall happen, the Clerk or Clerks to the ſaid Commiſſioners, for the Time being, ſhall and may, by publick Notice to be given in the Manner aforeſaid, appoint the ſaid Commiſſioners to meet at the Time and Place where the laſt Meeting of the ſaid Commiſſioners was appointed to be held, on that Day Fortnight next after the Day on which ſuch laſt Meeting was appointed to be held: Provided always, that every Meeting of the ſaid Commiſſioners, for hearing and determining any Complaint, Controverſy, Diſpute, or Difference, between the ſaid Company of Proprietors, and any other Perſon or Perſons, ſhall be publick, and be held at ſome Place within the County where ſuch Complaint, Diſpute, or Difference, ſhall ariſe, and within Ten Miles from ſome Part of the ſaid Canal and Cuts or Branches; and that no Act, Order, or Proceeding, of the ſaid Commiſſioners, nor any of them, in or relating to any of the Matters and Things hereby meant to be ſubmitted to their Deciſion and Determination, (except in ſuch Caſes as are hereby otherwiſe ordered and provided for), ſhall be valid and effectual, unleſs the ſame ſhall be done or made at a Meeting to be held in purſuance of this Act, and of the Directions herein contained; and that all and ſingular the Powers and Authorities hereby given to or veſted in the ſaid Commiſſioners, ſhall and may from Time to Time be exerciſed by the Majority of the Commiſſioners aſſembled at ſuch Meetings reſpectively as aforeſaid, the whole Number preſent at ſuch Meetings reſpectively not being leſs than Five; and at every ſuch Meeting One of the Commiſſioners preſent ſhall be appointed Preſident or Chairman, who, in caſe of an equal Diviſion of Voices, ſhall have the deciſive or caſting Vote.

Meeting of Commiſſioners for determining Diſputes to be held within Ten Miles of the Canal.

Commiſſioners Powers not to be executed by leſs than Five.

XXXVIII. And be it further enacted, That the ſaid Commiſſioners ſhall be, and they are hereby authorized and required to examine Witneſſes on Oath, or, being *Quakers*, on Affirmation, to be adminiſtered by them, touching any Matter in Diſpute, to be referred to them under the Authority of this Act, and they are hereby empowered and enabled, by Writing under their Hands, to determine and adjudge, from Time to Time, upon any ſuch Application as aforeſaid, what Sum or Sums of Money ſhall be paid by the ſaid Company of Proprietors, either in Groſs, or by Annual Rent or Payment, at the Option of the Perſon or Perſons with whom the ſaid Company ſhall have ſuch Diſpute, for the abſolute Purchaſe of, or as a Recompence for the Uſe of the Lands, Grounds, or Hereditaments, which ſhall be ſet out and aſcertained as aforeſaid, for making the ſaid Canal and Cuts or Branches and other Works, or any Part thereof, and for other the Purpoſes herein mentioned; and ſhall alſo, ſeparately and diſtinctly from any

Commiſſioners ſhall fix the Price of Lands.

any ſuch Payment, in Groſs or Annual Rent, as herein laſt before mentioned, adjuſt and determine the Compenſation to be made by the ſaid Company of Proprietors, 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 or Occupiers of or intereſted in any Lands, Grounds, Tenements, Waters, or other Hereditaments, for or by Reaſon of the making, uſing, repairing, or maintaining the ſaid Canal and Cuts or Branches reſpectively, or the Reſervoirs, Tunnels, Sluices, Trenches, Paſſages, Gutters, Watercourſes, Roads, Ways, or other Works or Conveniencies, or by ſupplying the ſame, or any of them, with Water as aforeſaid, or by the flowing, leaking, or oozing, of Water over or through the Banks of the ſaid Canal and Cuts or Branches, Reſervoirs, Sluices, or Trenches, or any of them, or over or through any Paſſages, Gutters, or Watercourſes, which ſhall be made, purſuant to the Powers hereby given, or by not cleanſing the ſame, or by Reaſon and Means of the Execution of any of the Powers herein contained, by the ſaid Company of Proprietors.

If Parties, diſſatisfied with the Determination of the Commiſſioners,

XXXIX. Provided always, and be it further enacted, That if the ſaid Company of Proprietors, or their Committee for the Time being, after ſuch Application as aforeſaid, ſhall be diſſatisfied with any ſuch Judgement or Determination, and ſhall give Notice thereof in Writing to the ſaid Commiſſioners, or any Nine or more of them, within Seven Days next after the ſame ſhall have been made; or if, on the other Hand, any ſuch Body Politick, Corporate, or Collegiate, or any Perſon or Perſons ſo entitled or intereſted for and on his, her, or their Part or Parts, or for or on the Part of his, her, or their Ceſtuique Truſts, or any other incapacitated Perſon or Perſons as aforeſaid, ſhall be diſſatisfied with the Determination of the ſaid Commiſſioners, and ſhall refuſe to accept ſuch Purchaſe Money, or Annual Rent or Recompence, or other Compenſation, ſo determined and adjudged by them the ſaid Commiſſioners, upon due Tender thereof made by or on Behalf of the ſaid Company of Proprietors, and ſhall give Notice in Writing to the ſaid Commiſſioners, or any Nine or more of them, although not aſſembled at a Meeting, of ſuch Refuſal, within Seven 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 ſhall, and they are hereby empowered and required, from Time to Time, to iſſue a Warrant or Warrants under their Hands and Seals, to the Sheriff of the County in which the Matter in Queſtion or Diſpute ſhall ariſe; or in caſe ſuch Sheriff ſhall happen to be One of the Company of Proprietors of the ſaid Navigation, or ſhall enjoy any Office of Truſt or Profit under them, or ſhall be otherwiſe intereſted in the Matter or Matters in Queſtion, then to the Senior Coroner of the ſaid County; and in caſe he ſhall be ſo intereſted, then to the next Coroner of ſuch County in Point of Seniority, who ſhall not be ſo intereſted; and if all the Coroners ſhall be ſo intereſted as aforeſaid, then to the laſt Perſon who filled the Office of Sheriff of the ſaid County then in being, who ſhall not be ſo intereſted as aforeſaid, commanding ſuch Sheriff or Coroner, or other Perſon as aforeſaid, and the Sheriff or Coroner, or ſuch other Perſon, 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

a Jury to be ſummoned.

for

for Trials of Iſſues joined in His Majeſty's Courts of Record at *Weſtminſter*, to appear before the ſaid Commiſſioners, at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed; ſuch Time being not leſs than Seven Days, nor more than Fourteen Days, after ſuch Warrant ſhall have been ſerved upon the ſaid Sheriff, Coroner, or other Perſon reſpectively; and in caſe a ſufficient Number of Jurymen ſhall not appear at the Time and Place appointed as aforeſaid, the ſaid Sheriff, Coroner, or other Perſon appointed as before mentioned, ſhall return other honeſt and indifferent Men of the Byſtanders, 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*; 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, any Witneſſes touching the Matters in Queſtion, and may order and authorize the ſaid Jury, or any Six or more of them, to view the Place and Places, or Matters or Things in Controverſy; and ſuch Jury ſhall, upon their Oaths, (which Oaths, as well as the Oaths of ſuch Witneſſes, the ſaid Commiſſioners are hereby empowered and required to adminiſter), inquire of, aſſeſs, 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 or Grounds, Waters, or other 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 the King's Majeſty, His Heirs and Succeſſors, and againſt all Bodies Politick, Corporate, or Collegiate, and againſt all Perſons whomſoever.

Witneſſes may be examined on Oath, and Jury to aſſeſs Damages.

Verdict of the Jury to be final.

If the Company of Proprietors do not chooſe to ſubmit to the Determination of the Commiſſioners, or if Perſons are unable or unwilling to treat with the Company, a Jury ſhall aſcertain the Value of Lands, &c.

XL. And whereas it may happen, that the ſaid Company of Proprietors may not chooſe to ſubmit any ſuch Matter to the Determination of Commiſſioners; and alſo that, by Reaſon of Abſence in Foreign Countries, Outlawry, or other Impediment or Diſability, not before provided for by this Act, there may not, in certain Caſes, be found any Perſon or Perſons who may be legally capacitated to treat and contract with the ſaid Company of Proprietors 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 Canal and Cuts or Branches, or 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 of Proprietors for ſuch ſpeedy and abſolute Sale and Conveyance, and for ſuch Compenſation as aforeſaid, or of the Intereſt which he, ſhe, or they may hold therein, may nevertheleſs refuſe to enter into any

any ſuch Treaty or Contract, or ſubmit the Matter to the Determination of Commiſſioners as aforeſaid; be it therefore enacted, That in either of theſe Caſes, whenſoever the ſame ſhall happen, it ſhall be lawful for the ſaid Company of Proprietors, 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 Profits 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 Seven Days, to make Application to the ſaid Commiſſioners, who ſhall, and they are hereby empowered and required forthwith, to ſummon and return a Jury, in Manner herein-before directed, and to ſummon and call before them, and before the ſaid Jury, and to examine on Oath, to be adminiſtered by the ſaid Commiſſioners, all and every ſuch Perſon and Perſons as ſhall be thought neceſſary to be examined as Witneſſes touching the Matter in Queſtion; and may order and authorize the ſaid Jury, or any Six of them, to view the Premiſes; and the ſaid Jury ſhall, on their Oaths, 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 and Perſons whomſoever, as herein-before declared and enacted.

Expence of calling Meeting of Commiſſioners, and of Jury and Witneſſes, to be aſcertained by Commiſſioners.

XLI. And be it further enacted, That whenſoever a Jury is or ſhall be called by the Commiſſioners as aforeſaid, or any Witneſs or Witneſſes 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 Sum or Sums of Money as ſhall be a reaſonable and moderate Recompence for the Expences and Trouble of their Journey and Attendance; 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, Waters, or other Hereditaments, of any Perſon or Perſons whomſoever, or as a Compenſation for any Damages done to ſuch Lands or other Premiſes than had been previouſly offered by or on Behalf of the ſaid Company of Proprietors for the Time being, 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 of Proprietors; or where, by reaſon of Abſence in Foreign Countries, Outlawry, 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 of Proprietors, as herein-before mentioned; then, and in all ſuch Caſes, all the Expences of calling ſuch Commiſſioners, ſummoning ſuch Jury, and taking ſuch Verdict, ſhall be ſettled by the ſaid Commiſſioners, and be

defrayed by the ſaid Company of Proprietors; but if any Verdict ſhall be given for the ſame Sum or Rent that had been previouſly offered by or on Behalf of the ſaid Company of Proprietors, or had been ſo determined or aſſeſſed by the ſaid Commiſſioners, or for a leſs Sum than had been ſo previouſly offered, 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 Refuſal to enter into Treaty with or make Conveyances to, or receive Compenſation from, the ſaid Company of Proprietors, by any Body 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, or receive ſuch Compenſations as aforeſaid, then, and in all ſuch Caſes, except where, by Reaſon of Abſence or otherwiſe, any Perſon ſhall have been prevented from treating or agreeing as aforeſaid, the Coſts and Expences of calling a Meeting of ſuch Commiſſioners, ſummoning ſuch Jury, 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 of Proprietors ſhall have ſuch Concerns, Controverſies, or Diſputes; which ſaid Coſts and Expences, having been ſo ſettled, ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged, where the ſame ſhall exceed ſuch Coſts and Expences, 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; or if the Diſpute or Controverſy ſhall be for Damages only, and no ſuch Damages ſhall be given or aſſeſſed by the ſaid Jury or Commiſſioners, then, and in ſuch Caſe, the ſaid Company of Proprietors ſhall and may recover of and from the Perſon or Perſons making Appeal to the ſaid Commiſſioners or Jury, the Coſts to be aſſeſſed as aforeſaid, by ſuch Commiſſioners, in any of His Majeſty's Courts at *Weſtminſter*, with full Coſts of Suit.

Perſons requeſting Juries to enter into Bonds to proſecute.

XLII. Provided always, and be it further enacted, That all and every Perſon or Perſons making Complaint, and requeſting a Jury as aforeſaid, ſhall, before the ſaid Commiſſioners ſhall iſſue out their Warrant for that Purpoſe, enter into a Bond with Two ſufficient Sureties, to the Treaſurer or Treaſurers of the ſaid Company of Proprietors for the Time being, 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 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 Behalf of the ſaid Company of Proprietors, 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 other 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 of

XLIII. 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

any Perſon or Perſons whomſoever, for any Injury or Damage by him, her, or them ſuſtained, or ſuppoſed to be ſuſtained, unleſs Application ſhall have been made in relation thereto by or on Behalf of ſuch Perſon or Perſons, to the ſaid Company of Proprietors, or to their Clerk or Clerks, known Agent or Agents, or to ſome Collector or Collectors of the Tolls ariſing from the ſaid Navigation, in the County where the Cauſe of Complaint ſhall ariſe, within the Space of Twelve 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. the Proprietors before Complaint to the Commiſſioners.

XLIV. And be it further enacted, That if any Sheriff, Under Sheriff, Coroner, or other Perſon herein-before directed to act in the Place of ſuch 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 ſhall in any Manner wilfully neglect his Duty, or if any Perſon ſo ſummoned to give Evidence ſhall not appear, or appearing ſhall refuſe to be examined upon Oath, (or, being One of the Perſons called *Quakers*, on his 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 Five Pounds. Penalty on Sheriffs, &c. making Default.

XLV. And be it further enacted, That all and every Perſon or Perſons who, in any Examination to be taken by virtue of this Act, ſhall wilfully and corruptly give falſe Evidence before the ſaid Commiſſioners, or before any ſuch Jury ſo to be impannelled, or before any Juſtice of the Peace, may be proſecuted for the ſame, and upon Conviction thereof ſhall be ſubject to ſuch Penalties and Diſqualifications as any Perſon or Perſons ſhall or may be ſubject to for wilful and corrupt Perjury by any of the Laws or Statutes of this Realm. Puniſhing Perſons giving falſe Evidence.

XLVI. And be it further enacted, That the ſaid Commiſſioners and Juries reſpectively, ſhall award all Determinations, Judgements, and Verdicts, which they ſhall reſpectively make and give in the Execution of the Powers hereby veſted in them, concerning the Value of the Lands, Tenements, or other Hereditaments, ſeparately and diſtinctly from the Conſideration of Damages ſuſtained or to be ſuſtained as aforeſaid, and ſhall diſtinguiſh the Value ſet upon the Lands or other Hereditaments, and the Money aſſeſſed or adjudged for Damages, ſeparately and apart from each other. Verdict for Value of Lands and Damages to be aſcertained ſeparately.

XLVII. 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, being firſt ſigned by the Commiſſioners preſent at the making of ſuch Determinations, or taking ſuch Verdicts, and pronouncing ſuch Judgements reſpectively, ſhall be tranſmitted to, and kept by, the reſpective Clerks of the Peace, amongſt the Records of the Quarter Seſſions, from Time to Time, in ſuch of the ſaid Counties of *Leiceſter*, *Derby*, or *Warwick*, wherein ſuch Diſpute, reſpecting which ſuch Determination, Judgement, or Verdict, Determination of Commiſſioners and Verdicts to be recorded.

ſhall be given or made, ſhall ariſe, and ſhall be deemed to be Records of ſuch Court of 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, not exceeding One hundred Words, the Sum of Four-pence, and ſo in Proportion for any greater or leſs Number of Words.

Money to be paid for Damages of any Kind, how to be recovered.

XLVIII. And be it further enacted, That, in caſe of Default or Refuſal of Payment by the ſaid Company of Proprietors, of ſuch Sum or Sums of Money, and at ſuch Times, and in ſuch Manner, as ſhall be awarded and aſſeſſed for Recompence or Damages of any Kind, by virtue of this Act, it ſhall be lawful for the ſaid Commiſſioners aſſembled at a Meeting to be held as aforeſaid, or the major Part of them, and they are hereby authorized and required, under their Hands, to appoint One or more Perſon or Perſons, from whom the ſaid Commiſſioners ſo aſſembled, or the major Part of them, ſhall take a proper Security, to collect and receive the Tolls, Rates, and Duties, by this Act impoſed, or any of them, and thereout, in the Firſt Place, to pay all ſuch Damages ſo to be awarded or aſſeſſed as aforeſaid, and the Coſts (if any) occaſioned by ſuch Default or Refuſal of Payment thereof, together with legal Intereſt for the ſame, to be computed from the Time ſuch Damages ſhall be awarded or aſſeſſed, and alſo the Coſts and Expences of collecting and receiving the ſaid Tolls, Rates, or Duties, and the Money ſo to be received by ſuch Perſon or Perſons ſhall be, and is hereby declared to be as ſo much Money received to and for the Uſe of the Perſon or Perſons who ſhall be entitled to receive ſuch Satisfaction for Damages as aforeſaid, in Order and Courſe reſpectively, as ſuch Award or Aſſeſſment ſhall be in Priority of Time; and after ſuch Damages, Intereſt, and Coſts, ſhall be paid and ſatisfied, the Power and Authority of ſuch Receiver or Receivers for the Purpoſes aforeſaid, ſhall ceaſe and determine, or otherwiſe the Party or Parties ſo aggrieved ſhall and may recover ſuch Sum or Sums of Money ſo to be awarded or aſſeſſed, and which ſhall not be paid as aforeſaid, with Intereſt and Coſts for the ſame, by Action at Law in any of His Majeſty's Courts of Record at *Weſtminſter*, againſt the ſaid Company of Proprietors, with full Coſts of Suit, or otherwiſe it ſhall be lawful for the ſaid Commiſſioners, aſſembled at a Meeting to be held as aforeſaid, or the major Part of them, in caſe ſuch Damages, Intereſt, and Coſts, ſhall not be ſatisfied and paid within the Space of Three Calendar Months after ſuch Damages ſhall be awarded or aſſeſſed as aforeſaid, on Complaint to them, by and on the Behalf of the Perſon or Perſons ſuſtaining ſuch Damages, to iſſue their Warrant or Warrants, under their Hands and Seals, to the Sheriff of the ſaid Counties of *Leiceſter*, *Derby*, and *Warwick* reſpectively, authorizing and requiring him to levy and raiſe ſuch Damages, Intereſt, and Coſts, as aforeſaid, by Diſtreſs and Sale of any of the Goods and Chattels of the ſaid Company of Proprietors, together with ſuch reaſonable Charges as the ſaid Commiſſioners ſhall, in ſuch Warrant or Warrants, direct and appoint to be paid.

Annual Rents to be paid for Lands charged on the Tolls

XLIX. And be it further enacted, That ſuch Annual Rents as ſhall be agreed upon or ſettled and aſcertained to be paid for any Lands, Grounds, or Hereditaments, taken for the Purpoſes of this Act as aforeſaid,

ſaid, iſſuing out of the ſaid Canal, and Cuts or Branches, ſhall be charged on the Tolls, Rates, or Duties, herein-after granted to the ſaid Company of Proprietors, and ſhall be paid by them as the ſame ſhall become due and payable; and in caſe any ſuch Annual Rent ſhall be in Arrear, and unpaid for the Space of Thirty Days next after the ſame ſhall reſpectively become due and payable, it ſhall be lawful for the ſaid Commiſſioners, or any Five or more of them, although not aſſembled at any Meeting, by an Order under their Hands, to appoint One or more Perſon or Perſons to receive the ſaid Tolls, Rates, or Duties, and to pay the ſame to ſuch Perſon or Perſons, to whom ſuch Annual Rent or Rents ſo in Arrear ſhall be due, the ſaid Commiſſioners taking ſuch Security from every ſuch Collector for the due Execution of his Office, as they ſhall judge proper and ſufficient, and the Power and Authority of every ſuch Collector ſhall continue until ſuch Annual Rent or Rents, ſo in Arrear, with the Coſts and Charges of recovering and receiving thereof, ſhall be fully ſatisfied and paid, or ſuch Perſon or Perſons, to whom ſuch Annual Rent or Rents ſhall be due and owing, may ſue for and recover the ſame, with Coſts of Suit, by Action of Debt, in any of His Majeſty's Courts of Record at *Weſtminſter*; or otherwiſe it ſhall be lawful for ſuch Perſon or Perſons, and he and they is and are hereby empowered, to ſeize and diſtrain any Boats or Veſſels, Waggons, Carriages, or other Goods, and Effects of the ſaid Company of Proprietors, which ſhall be found on the ſaid Canal, and Cuts or Branches, or in, upon, or about the Wharfs, Quays, Warehouſes, or other Works, belonging to the ſaid Company, and to detain the ſame until Payment of ſuch Rent or Rents, together with the reaſonable Charges attending ſuch Diſtreſs; and if ſuch Diſtreſs ſhall not be redeemed within Five Days after the ſame ſhall be taken, and Notice thereof given in Writing, by affixing ſuch Notice on ſome publick Place at any of the Wharfs, Quays, or Toll Houſes, belonging to the ſaid Company of Proprietors, then ſuch Boats, Veſſels, Waggons, Carriages, or other Goods or Effects ſo diſtrained, ſhall and may be appraiſed and ſold, in ſuch Manner as the Law directs in Caſes of Diſtreſs for Rent; but ſo as that no Goods or Effects of any Perſon or Perſons be ſeized or diſtrained by virtue of the Powers hereby given, other than ſuch as are the Property of the ſaid Company of Proprietors for the Time being, or their Aſſigns.

and Rates, with Power for recovering the ſame.

L. And be it further enacted, That all Contracts, Agreements, Bargains, Sales, and Exchanges, of or concerning any Lands, Tenements, or Hereditaments, which ſhall be Copyhold, or of the Nature of Copyhold, ſhall be executed and completed by Surrender thereof, in the reſpective Courts of the Manors whereof ſuch Lands, Tenements, or Hereditaments, ſhall be held according to the Cuſtom of the ſaid Manors reſpectively; and ſuch Lands, Tenements, or Hereditaments, ſhall remain and continue ſubject to ſuch and the ſame Fines, Rents, and Services, as are due and payable, and of Right accuſtomed, in ſuch and the ſame Manner as if this Act had not been made, unleſs the Lords of the Manors for the Time being, whereof ſuch reſpective Copyhold Hereditaments ſhall be holden, ſhall be deſirous of enfranchiſing the ſame, in which Caſe ſuch Lords ſhall be competent ſo to do, notwithſtanding they ſhall be ſeiſed of or entitled to the ſame Manors reſpectively, for a leſs Intereſt than an Eſtate of Inheritance in Fee Simple.

For preſerving Copyhold Rights.

Compenſation to be made for Tythes.

LI. And be it further enacted, That full Recompence and Satisfaction ſhall be made by the ſaid Company of Proprietors for all the Tythes, 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 Tythes, (except to the Owner or Proprietor of the Great Tythes, ariſing from the Common or Waſte Ground herein-after mentioned, called *Aſhby Woulds*, who is to be compenſated for ſuch Tythes in the Manner herein-after mentioned), according to their reſpective Intereſts therein, ſuch Tythes to be eſtimated at the Average Value of the Three Years immediately preceding the paſſing of this Act, and (in caſe of any Difference concerning the ſame) ſuch Value to be aſcertained in like Manner as the Value of any Lands or Hereditaments is herein-before directed to be aſcertained: Provided, that the Recompence and Satisfaction to be given by virtue of this Act, for all Glebe Lands and Tythes, belonging to Spiritual Perſons, ſhall be made to ſuch Perſons by an Annual Rent.

Truſtees appointed for ſecuring Money, at which Land taken on *Aſhby Woulds* ſhall be valued.

LII. And be it further enacted, That the Lord of the Manor of *Aſhby de la Zouch* for the Time being, and the Vicar of the Pariſh Church of *Aſhby de la Zouch* for the Time being, and *Francis Burdett* Eſquire, and his Heirs, ſhall be, and they are hereby conſtituted and appointed Truſtees, for the Purpoſe of receiving of and from the ſaid Company of Proprietors, ſuch Sum and Sums of Money, at which the Commonable Lands on *Aſhby Woulds*, taken for the Purpoſes of the ſaid Navigation, ſhall be valued, ſuch Value to be aſcertained by the ſaid Commiſſioners, in like Manner as the Value of any Lands and Hereditaments is herein-before directed to be aſcertained by them, and for placing out and inveſting the ſaid Sum and Sums of Money, together with the growing Intereſt and Dividends thereof, from Time to Time, as the ſame ſhall accrue, in ſuch of the Publick Funds or Government Securities, bearing an Annual Intereſt, as the ſaid Truſtees, or any Two of them, or the Truſtees thereof for the Time being, or the major Part of them, ſhall from Time to Time by Writing under their Hands appoint, in the Names of the Truſtees, for inveſting and laying out all ſuch Sum and Sums of Money, at which ſuch Commonable Lands on *Aſhby Woulds*, as ſhall be taken for the Purpoſes of the ſaid Navigation, ſhall be valued, there to accumulate until an Incloſure (if any) of *Aſhby Woulds* ſhall take place; which ſaid Sum and Sums of Money, and the Accumulations thereof, ſhall on ſuch Incloſure be paid by the ſaid Truſtees to ſuch Perſons or Perſon as ſhall be nominated and appointed by a Majority in Number of ſuch of the Land Owners, having a Right of Common on the ſaid *Woulds*, as ſhall attend at a Meeting convened for that Purpoſe, by Publick Advertiſement, in the ſaid County of *Leiceſter*, to be by ſuch Perſon or Perſons as ſhall be ſo appointed to receive the ſame, applied towards defraying the Expences of obtaining an Act for the Incloſure of the ſaid *Woulds*, and ſuch other Charges to which the Lord of the Manor and Proprietors of Land, entitled to Right of Common on *Aſhby Woulds*, ſhall or ought to contribute in Proportion to their ſeveral Intereſts, as the ſame ſhall be aſcertained by the Commiſſioners, or other Perſons appointed to divide and incloſe the ſaid Commons: Provided always, that the Recompence and Satisfaction to be made and given for and in reſpect of all and every the Pools and Ponds of Water upon the ſaid Common, called *Aſhby Woulds*, and which ſhall or may be taken or

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uſed for the Purpoſes of the ſaid Navigation, by virtue of the Powers or Proviſions of this Act, or any of them, ſhall at all Times be paid to the Lord or Lords of the ſaid Manor for the Time being; any Thing in this Act contained to the contrary notwithſtanding.

Value of Lands on *Aſhby Woulds* to be applied as the Lord of the Manor, &c. ſhall appoint.

LIII. Provided alſo, and be it enacted, That in caſe no Incloſure of *Aſhby Woulds* ſhall take place within the Space of Twenty Years, from the Commencement of this Act, then the ſaid Truſtees ſhall, and they are hereby authorized and required to pay the Whole or any Part of the ſaid Monies ſo veſted in them as aforeſaid, and the Accumulations thereof, unto ſuch Perſon or Perſons, and to be applied in ſuch Manner, as ſhall be determined by the Lord of the Manor, Impropriator, or Owner of the Great Tythes, and a Majority in Number of ſuch of the Land Owners, having Right of Common on *Aſhby Woulds*, as ſhall attend at a Meeting convened for that Purpoſe by Publick Advertiſement, in the County of *Leiceſter*, the Impropriator or Owner of the ſaid Great Tythes being firſt paid and allowed thereout ſuch a Proportion of the ſaid Money as ſhall be agreed upon at ſuch Meeting as above mentioned for or in Lieu of ſuch Great Tythes: Provided always, that in caſe ſuch Incloſure as aforeſaid ſhall take place, the Impropriator or Owner of the Great Tythes ſhall be paid out of the ſaid Money ariſing from ſuch Commonable Land as ſhall be taken for the Purpoſes of the ſaid Navigation, a Part and Proportion thereof at and after the ſame Rate as he ſhall be allowed by the Terms for ſuch Incloſure in Lieu of his Great Tythes therefrom ariſing.

Receipts of Perſons ſo appointed, a full Diſcharge to the Truſtees.

LIV. Provided alſo, and be it enacted, That the Receipts and Acquittances of the Perſon or Perſons appointed by the Majority in Number of ſuch of the Proprietors of Land entitled to Right of Common on *Aſhby Woulds*, as ſhall attend at ſuch Meeting as aforeſaid, ſhall be ſufficient and full Diſcharges to the Truſtees (for the Time being) for the Sums of Money therein expreſſed to be received, and the ſaid Truſtees paying the ſame ſhall not, after ſuch Receipts or Acquittances ſhall be ſo given, be anſwerable for the Miſapplication or Non-application thereof, or of any Part thereof.

Money may be ſued for in caſe of Non-payment.

LV. Provided alſo, and be it further enacted, That in caſe the Truſtees for the Time being of the ſaid Monies, at which the ſaid Commonable Lands on *Aſhby Woulds* ſhall be valued as aforeſaid, ſhall omit or refuſe to pay the ſame Monies and the Accumulations thereof, or any Part thereof, to ſuch Perſon or Perſons as ſhall be appointed in Manner aforeſaid to receive the ſame, then and in ſuch Caſe the Perſon or Perſons authorized to receive the ſame, may ſue for and recover the ſame againſt the ſaid Truſtees for the Time being, with full Coſts of Suit, by Action of Debt in any of His Majeſty's Courts of Record at *Weſtminſter*.

Proprietors may take Poſſeſſion of Lands, &c. on Payment,

LVI. And be it further enacted, That on Payment or legal Tender of ſuch Sum or Sums of Money, or giving ſuch Security as the ſaid Commiſſioners ſhall approve of for 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, Tenements, 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

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, 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 the Money in the Hands of the Treaſurer to the ſaid Company for the Uſe of ſuch Proprietor, or other Perſon or Perſons reſpectively, and in all or any of the ſaid Caſes, as often as the ſame ſhall ſo happen, it ſhall be lawful for the ſaid Company of Proprietors and their Agents, Workmen, or Servants, immediately to enter upon ſuch Lands, Grounds, and other Hereditaments reſpectively, or before ſuch Tender or Payment of Money, Rent, or Compenſation, by Leave of the Owners and Occupiers thereof, to be ſignified in Writing under their Hands; and then and thereupon ſuch Lands, Grounds and other Hereditaments, and the Fee Simple and Inheritance thereof, together with all the ſaid Yearly Profits, ſhall from thenceforth be veſted in and become the ſole Property of the Company, their Succeſſors and Aſſigns, to and for the Uſes and Purpoſes of this Act, and ſuch Tender, Payment, 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 and Dowers of the Wife and Wives of ſuch Perſon and Perſons, and all Eſtates Tail, Tenancies by the Courteſy of *England*, and other Eſtates in Reverſion and Remainder, of his, her, or their Iſſues, and of every other Perſon or Perſons whomſoever.

Inveſtiture of the Purchaſe Money in the Publick Funds.

Purchaſe Money of Lands belonging to Bodies Politick, &c. to be laid out to the ſame Uſes.

LVII. 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, Tenants for Life, except Rectors and Vicars for their Glebe Lands or Tythes, or in Tail, Executors, Adminiſtrators, Huſbands, Guardians, Committees, or other Truſtees whomſoever, for or on Behalf of any Infants, Lunaticks, Idiots, Femes Covert, or other Ceſtuique Truſts, or to any Perſon or Perſons whoſe Lands are limited in ſtrict Settlement, for the Purchaſe or Exchange of any Lands or Grounds aforeſaid, 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, Tenants for Life, except as aforeſaid, or in Tail, or other Perſon or Perſons aforeſaid, in the Purchaſe of Lands, Tenements, or 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 Purchaſe Money ſo to be received ſhall be paid as aforeſaid, were limited, ſettled, and aſſured, at the Time when ſuch Monies were 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, (other than thoſe which concern any Purchaſe or Exchange between any of the reſpective Land Owners as aforeſaid) at the Expence of the ſaid Company of Proprietors; and in the mean Time, and until ſuch Purchaſe or Purchaſes ſhall be made, the ſaid Monies ſhall be placed out by ſuch Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Tenants for Life, except as aforeſaid, or in Tail, Executors, Adminiſtrators, Huſbands, Guardians, Committees, or other Truſtees, Perſon or Perſons, in ſome of the Publick Funds, or on Government or Real Securities, producing an Annual Intereſt in the Names of Two Perſons, One to be nominated by the Party or Parties intereſted therein, and the other by the ſaid Commiſſioners, or any Five or more of them, and the Intereſt ariſing or to be produced from any ſuch Funds and Securities, and alſo the Annual Rent for ſuch Lands, Tenements, or other 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 Premiſes, in caſe the ſame had been purchaſed and ſettled, purſuant to the Tenor and true Meaning of this Act.

Commiſſioners to ſettle the Proportions of the Money to be paid to Perſons intereſted.

LVIII. Provided always, That in all ſuch Caſes, the ſaid Commiſſioners ſhall firſt ſettle what Shares and Proportions of the Purchaſe Money and Compenſation for Damages, which ſhall be agreed for, determined, and adjudged or aſſeſſed, in Manner reſpectively as aforeſaid, ſhall be allowed to any Tenant, or other Perſon or Perſons having a particular Eſtate, Term, or Intereſt, for his, her, or their reſpective Intereſts therein.

Lands not uſed by the Company, to be re conveyed to the original Owners.

LIX. And be it further enacted, That if the ſaid Company of Proprietors ſhall be in Poſſeſſion of any Lands or Grounds which ſhall be purchaſed or taken by them, in purſuance of this Act, for the Space of Ten Years from the Time of the purchaſing the ſame reſpectively, without making the ſaid intended Canal and Cuts, or Branches, or other Works hereby authorized to be made through or upon the ſame; or if the ſaid Canal and Cuts, or Branches, and other Works, ſhall be made and completed, and afterwards diſcontinued or diſuſed for the Space of Five Years, then, and in either of the ſaid Caſes, from and immediately after the Expiration of the ſaid Ten Years, without making, or of Five Years after diſuſing the ſaid Canal and Cuts or Branches, and other Works as aforeſaid, the ſaid Company of Proprietors ſhall convey all their Eſtate, Right, Property, and Intereſt, in and to ſuch Lands or Grounds reſpectively, unto the ſeveral and reſpective Perſons, Bodies Politick, Corporate, or Collegiate, who was or were the Owners or Proprietors thereof, immediately before the ſaid Company of Proprietors became ſeiſed of the ſame, or unto the reſpective Heirs, Succeſſors, or Aſſigns, of ſuch Perſons, Bodies Politick, Corporate, or Collegiate, in caſe they ſhall reſpectively think fit to become Purchaſers thereof; and to pay ſuch valuable Conſideration for ſuch Lands or Grounds to the ſaid Company of Proprietors, as the ſaid Commiſſioners for the Time being, aſſembled at a Meeting to be held as aforeſaid, or the major Part of them, ſhall judge reaſonable; or in caſe any Difference ſhall ariſe in aſcertaining the ſame by the ſaid Commiſſioners, then as a Jury, to be impannelled in the Manner herein-before directed, ſhall aſcertain or award to be paid for the ſame, ſo that ſuch Conſideration, to be aſcertained by ſuch Commiſſioners, or to be awarded by ſuch Jury, doth not exceed the Sum or Sums firſt paid by the ſaid Com-

pany of Proprietors for the Purchaſe of ſuch Lands or Grounds; and that, in caſe the ſaid Company of Proprietors, upon Payment or Tender to them of ſuch valuable Conſideration as aforeſaid, for ſuch Lands or Grounds, ſhall refuſe or neglect to convey the ſame as aforeſaid, then, and in ſuch Caſe, ſuch Lands or Grounds ſhall thereupon revert to and be from thenceforth veſted in the ſaid ſeveral and reſpective Perſons, Bodies Politick, Corporate, or Collegiate, their Heirs, Succeſſors, or Aſſigns; and in caſe an Annual Rent ſhall have been paid for ſuch Lands or Grounds, then ſuch Rent ſhall ceaſe and determine, and ſuch Sum or Sums of Money ſhall be paid for the Damage done to the ſame Lands or Grounds by the ſaid Company of Proprietors, to the Perſon or Perſons, Bodies Politick, Corporate, or Collegiate, or their Heirs, Succeſſors, or Aſſigns, to whom ſuch Lands or Grounds ſhall be reconveyed or revert as aforeſaid, as the ſaid Commiſſioners or Jury ſhall aſcertain or award, ſuch Sum or Sums of Money, in Default of Payment, at the Time to be fixed by ſuch Commiſſioners or Jury reſpectively, to be recovered in ſuch Manner as any other Damages are to be recovered by virtue of this Act.

Remedy for Damages not before provided for.

LX. And be it further enacted, That if at any Time or Times hereafter any Perſon or Perſons ſhall ſuſtain any Damages in his, her, or their Lands, Tenements, Hereditaments, or Property, by reaſon of the Execution of any of the Powers hereby given, for which a Compenſation is not herein-before provided, then, and in every ſuch Caſe, ſuch Damages ſhall from Time to Time be ſettled and aſcertained by the ſaid Commiſſioners, or aſſeſſed by a Jury; and the Sum or Sums of Money to be paid for the ſame, ſhall be levied, recovered, and applied, in ſuch and the ſame Manner as is herein-before directed, with reſpect to ſuch Damages as are herein-before provided for, and the Money to be paid as a Recompence for the ſame.

For levelling the Rubbiſh, &c. thrown on the adjacent Lands, and covering it with the Soil.

LXI. Provided always, and be it further enacted, That before any Clay, Gravel, Sand, Rubbiſh, or other Materials, (except Soil), to be dug or got in the cutting or making of the ſaid intended Navigation, and not uſed for ſome of the Works thereof, ſhall be laid upon any Land adjoining or near thereto, all the Soil of ſuch Land, and alſo of the Lands ſo cut for the ſaid Navigation within the Depth of Nine Inches, ſhall be taken and removed, and ſhall be laid in diſtinct Heaps from ſuch Clay, Gravel, Sand, Rubbiſh, and other Materials, (except as aforeſaid), and ſhall be in a proper and huſband-like Manner, moſt convenient for Cultivation, levelled within the Space on ſuch Land adjoining or near to the ſaid Navigation from whence the Soil ſhall have been previouſly removed as aforeſaid, and the whole of the aforeſaid Soil ſhall be in like Manner ſpread upon and over the Surface of the ſaid levelled Materials, ſo and in ſuch Manner as to render it as fit and proper as may be for the Purpoſe of Vegetation, Culture, and Huſbandry, and that ſuch levelling of Materials, and carrying and ſpreading of Soil thereon as aforeſaid, ſhall be fully and effectually done and completed in each and every Cloſe or ſeparate Piece of Ground, in or through which the ſaid Navigation ſhall paſs or go, within Three Calendar Months next after the ſame ſhall be cut and made through ſuch Cloſe or ſeparate Piece of Ground; and that, if the ſaid Company of Proprietors, or any others employed by or under them, ſhall refuſe or neglect, within the reſpective Times aforeſaid, to remove the ſaid ſeveral Soils, and level the ſaid Materials, and then carry and ſpread the ſaid Soils in

in Manner herein ſpecified and directed, then and in every ſuch Caſe it ſhall be lawful for the Owner or Owners, Occupier or Occupiers for the Time being of the Cloſe, Lands, or Grounds, wherein or whereon the Subject of ſuch Refuſal or Neglect ſhall be or ariſe, and he, ſhe, and they reſpectively is and are hereby empowered to cauſe the Clay, Gravel, Sand, Rubbiſh, Materials, and Soils reſpectively, concerning which ſuch Refuſal or Neglect ſhall be made or ariſe, to be reſpectively removed, turned over, ſeparated, levelled, and ſpread, ſo and in ſuch Manner as to effect the bringing the Soil to the Surface, and thereby rendering the Land fit and proper for the Purpoſes aforeſaid, and that then and in every ſuch Caſe it ſhall and may be lawful for all and every ſuch Owners or Occupiers, and he, ſhe, and they, is and are hereby empowered to recover all the Coſts, Charges, and Expences, of and attending the Work which he, ſhe, or they reſpectively ſhall ſo do or cauſe to be done as aforeſaid of and from the ſaid Company of Proprietors, in ſuch and the like Manner and by ſuch and the like Means as are herein provided and preſcribed for the Recovery of Satisfaction for Damages to be done by the ſaid Company of Proprietors.

Power to take Water from Mines.

LXII. And whereas the ſaid Navigation, when made and completed, will be of great Advantage to the Owners and Workers of Coal Mines and other Mines already opened, or which may be opened, contiguous or near to the Courſe thereof; and it may be neceſſary, for the better Supply thereof, that the Water to be raiſed by the Fire Engines, or other Machines erected or to be erected for draining the ſaid Mines, ſhould be diſcharged into the ſaid Navigation, or into ſome Part or Parts thereof; be it therefore enacted, That it ſhall be lawful for the ſaid Company of Proprietors, and they are hereby authorized and empowered, at all Times to have, divert, and take, the Water to be raiſed or drained by Means of any Fire Engine, Machine, Sough, or Level, already or hereafter to be erected, made, or opened, in or upon any Lands or Mines within the Diſtance of One Mile from the ſaid Navigation, or any Part thereof, without paying any Recompence or Satisfaction for ſuch Water as aforeſaid, unleſs the Owners or Workers of ſuch Mines ſhall be deſirous of uſing ſuch Water, for the Purpoſe of working any Mills or Engines, erected or to be erected, in which Caſe the ſaid Proprietors ſhall not be authorized to take ſuch Water, without previouſly making an adequate Compenſation for the ſame, to the Owners or Workers of ſuch Mines; and it ſhall be lawful for the ſaid Company of Proprietors to make and conſtruct any Reſervoirs, Tunnels, Trenches, Aqueducts, Feeders, or other Conveniencies, which may be requiſite to convey ſuch Water to the ſaid Navigation, and to ſupply the ſame therewith, doing as little Injury thereby as poſſible, to any Mines lying under or near the ſaid Reſervoirs, Tunnels, Trenches, Aqueducts, and Feeders, or any of them, and making Recompence for ſuch Injury (if any) to the Owners or Workers of ſuch Mines, and paying for ſuch Lands as may be taken for, or be damaged by the making or conſtructing the ſame, in Manner as hath been herein-before directed, and provided for other Lands to be taken and uſed, or for Damages to be occaſioned by or in the Execution of the Powers given by this Act.

Mines reſerved to Lords of Manors, and

LXIII. Provided always, and be it further enacted, That nothing herein contained ſhall extend to affect the Right of any Lord or Lords, Lady or Ladies, of any Manor or Manors, or of any Owner or Owners of

other Proprietors.

of any Lands or Grounds, in, upon, or through which the ſaid Canal and Cuts or Branches, or any of them, or any Towing Paths, Wharfs, Quays, Reſervoirs, Trenches, Sluices, Paſſages, Watercourſes, or other Conveniencies aforeſaid, ſhall be made to the Mines and Minerals lying and being within or under the ſaid Lands or Grounds; but all ſuch Mines and Minerals are hereby reſerved to ſuch Lord or Lords, Lady or Ladies of ſuch Manor or Manors, and to ſuch Owner or Owners of ſuch Lands or Grounds reſpectively, their reſpective Heirs, Executors, Adminiſtrators, and Aſſigns; and it ſhall be lawful for the Lord or Lords, Lady or Ladies of ſuch Manor or Manors, and for ſuch Owner or Owners, of ſuch Lands or Grounds reſpectively, ſubject to the Conditions and Reſtrictions hereinafter mentioned, to work, get, drain, take, and carry away to his, her, or their own Uſe, ſuch Mines and Minerals, not thereby injuring, prejudicing, or obſtructing, the ſaid Navigation, or the Works or Conveniencies thereof as aforeſaid, or any of them.

Coals, &c. found in digging the Canal, &c. to be laid on the adjoining Land.

LXIV. And be it further enacted, That all Coals, Lime Stone, Iron Stone, and other Minerals, which ſhall be found and dug up in making the ſaid Canal and Cuts, or Branches, or any of them, or any other Works hereby authorized to be made, ſhall be laid upon the Surface of the Lands, in ſome convenient Place near the ſame, at the Expence of the ſaid Company of Proprietors; and it ſhall be lawful for the Perſons in whoſe Lands ſuch Coal, Lime Stone, Iron Stone, and other Minerals, ſhall be found and dug up, to carry away and diſpoſe of the ſame, to and for their own Uſe and Benefit; and that it ſhall be lawful for the Proprietors of any ſuch Mines, Lime Stone, Iron Stone, and other Minerals, which ſhall or may be diſcovered, or cut in any Tunnel or Aqueduct which ſhall be made by virtue of this Act, to make a Sough or Drain, to water or drain the remaining Part of ſuch Mines or Minerals, and to diſcharge the Water ariſing or flowing from the ſame into ſuch Tunnel or Aqueduct, provided, that ſuch Settling Places be made at convenient Diſtances in every ſuch Sough or Drain, as ſhall be approved of and directed by the ſaid Company of Proprietors, or their Engineers; and that the ſame ſhall be cleanſed as often as ſhall be neceſſary at the Expence of the Perſon or Perſons to whom the ſame ſhall belong, in order to prevent the Mud and Earth from being conveyed into ſuch Tunnel or Aqueduct; and provided that ſuch Part of the Sough or Drain as ſhall be under or within the Diſtance of Ten Yards from ſuch Tunnel or Aqueduct, on either Side thereof, ſhall not exceed Four Feet in Breadth; and that the ſame ſhall be made under the Direction and Inſpection of ſome Engineer belonging to the ſaid Company of Proprietors, and that no Owner or Proprietor of any Mines or Minerals, nor his Workmen or Servants, or other Perſon whomſoever, ſhall on any Account open, dig, ſink, or carry on any Work for the getting of Coal, Lime Stone, Iron Stone, or other Minerals, under or within the Diſtance of Ten Yards from the ſaid Canal and Cuts or Branches reſpectively, or any Reſervoir or Towing Path to be made as aforeſaid, (except as hereinafter mentioned), without the Conſent of the ſaid Company of Proprietors, in Writing, under their Common Seal for that Purpoſe firſt had and obtained.

Regulations reſpecting the working of Mines, &c. belonging to private Perſons under or near the Canal.

Proprietors to pay certain Expences incurred by the Mine Owners;

LXV. Provided always, and it is hereby enacted, That the ſaid Company of Proprietors ſhall from Time to Time pay, or cauſe to be paid, to the Owner or Worker of ſuch Mines, all ſuch Loſſes and extraordinary Expences

Expences as ſhall fall upon ſuch Owner or Worker, in conſequence of his working the ſame, according to the Directions of this Act; and if any Queſtion or Diſpute ſhall ariſe between the ſaid Company of Proprietors, and the Owner or Worker of any ſuch Mine, his or her Heirs, Executors, Adminiſtrators, or Aſſigns, touching the Amount of ſuch Difference, the ſame ſhall be ſettled and determined in the Manner herein-before provided, with reſpect to other Matters in Diſpute between the ſaid Company and any other Perſon or Perſons.

but the Owners of ſuch Mines may make Gateways, &c. at certain Diſtances.

LXVI. Provided alſo, and be it further enacted, That when any Mine of Coal, Iron Stone, or other Mineral, or any Vein thereof, ſhall extend beyond the Limits herein-before allowed for working the ſame, it ſhall be lawful for the Owners or Workers of any ſuch Mine, without ſuch Conſent as aforeſaid, from Time to Time to make ſufficient and neceſſary Gate Ways, Head Ways, or Tunnels, and alſo ſufficient and neceſſary Air and Water Gutters, on each Side of ſuch Gate Ways, Head Ways, or Tunnels, under the ſaid Canal and Cuts or Branches, and Towing Paths reſpectively, and under any Ground where ſuch Owners or Workers are reſtrained from opening, digging, ſinking, or carrying on any Work for getting ſuch Coal, Iron Stone, or other Minerals, beyond ſuch Limits as aforeſaid, ſo as ſuch Gate Ways do not exceed Seven Feet in Height or Breadth, and ſo as ſuch Head Ways or Tunnels do not exceed Four Feet and a Half in Height or Breadth, and ſo as ſuch Air and Water Gutters, on both Sides of ſuch Gate Ways, Head Ways, or Tunnels, do not exceed Eighteen Inches in Height or Breadth, and ſo as all ſuch Gate Ways and Head Ways be not made nearer together than Six Feet; any Thing herein-before contained to the contrary thereof notwithſtanding.

If Mines are worked contrary to the Directions of this Act, the Company may enter and ſecure the Canal.

LXVII. And, for the better diſcovering of Perſons who ſhall open or carry on any Work for getting of Coals, Iron Stone, or other Minerals, contrary to the Directions of this Act, be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, by themſelves, their Agents or Servants, from Time to Time, and at all Times hereafter, to enter upon any Lands or Grounds through or near which the ſaid Canal and Cuts or Branches, Towing Paths, Reſervoirs, or other Works hereby authorized to be made, ſhall be or paſs, and wherein any Coal, Iron Stone, or other Mineral or Mine ſhall or may be dug or opened; and likewiſe to enter into ſuch Coal Pits or other Mines, and there to view, ſearch, meaſure, latch, and uſe any other Means for diſcovering the Diſtance of the ſaid Canal and Cuts or Branches, Towing Paths, Reſervoirs, or other Works, from the working Parts of ſuch Mines; and in caſe it ſhall appear that any ſuch Mine hath been worked, or any ſuch Coal, Iron Stone, or other Mineral, got contrary to the Directions of this Act, it ſhall be lawful for the ſaid Company of Proprietors, their Agents, Servants, or Workmen, at the Coſts and Charges of the Owners or Workers of ſuch Mine, to enter into and upon ſuch Mine, and from Time to Time to uſe all neceſſary and reaſonable Ways and Means for repairing, ſupporting, ſuſtaining, ſecuring, and making ſafe, the ſaid Canal and Cuts or Branches, Towing Paths, Reſervoirs, or other Works, ſuch Coſts and Charges to be recovered by the ſaid Company of Proprietors, in caſe of Nonpayment thereof upon Demand, by Action of Debt or on the Caſe, in any of His Majeſty's Courts of Record at *Weſtminſter*, in which no Eſſoign,

Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Before working Mines under the Canal, Notice to be given to the Company.

LXVIII. And be it further enacted, That when and as often as the Owner or Worker of any Mine of Coal, Iron Stone, Lime Stone, or other Minerals, lying under or within the Distance herein-before limited from the said Canal and Cuts or Branches, or any of them, or any Towing Path, Reservoir, Tunnel, Aqueduct, or other Works, to be made in pursuance of this Act, shall be desirous of working the same, then and in every such Case, such Owner or Worker shall give Notice in Writing under his Hand, of such Intention, to the Clerk or Clerks to the said Company of Proprietors, at least Ten Days before he shall begin or continue to work such Mine, the said Notice to be given after such Mine shall have been worked to within Ten Yards of the Canal, Cuts or Branches, Towing Path, Reservoir, Tunnel, Aqueduct, or other Work; and upon the Receipt of such Notice, it shall be lawful for the said Company of Proprietors to inspect, or cause such Mines to be inspected, in order to determine what Coal, Iron Stone, or other Mineral, may be come at and be actually gotten, without Prejudice or Damage to the said Canal, Cuts, or Branches, or any such Towing Path, Reservoir, Tunnel, Aqueduct, or other Works as aforesaid; and if the said Company of Proprietors shall refuse or neglect to inspect such Mine, or to cause the same to be inspected within the Space of Ten Days after Receipt of such Notice, then it shall be lawful for the Owner or Worker of such Mine, and he is hereby authorized to work such Part of the said Mine as may be under the said Canal, Cuts, or Branches, or any such Towing Path, Reservoir, Tunnel, Aqueduct, or other Works as aforesaid, or within the Distance aforesaid; and if the said Company shall make such Inspection as aforesaid, then they shall and are hereby required, within Thirty Days after such Inspection made, to determine whether or not they will permit the Owner to work such Mine; and if, upon such Inspection as aforesaid, the said Company of Proprietors shall refuse to permit the Owner or Worker of such Mine to work any such Part thereof as may be under the said Canal, Cuts, or Branches, or any such Towing Path, Reservoir, Tunnel, Aqueduct, or other Works as aforesaid, or within the Distance aforesaid, or in any other Manner obstruct or prevent such Owner from getting the same, then, and in such Case, the said Company of Proprietors shall, within Three Months after such Refusal or Obstruction as aforesaid, pay or cause to be paid to such Owner or Worker such Price for the same, after the like Rate as the next adjoining Mines of equal Quality shall have been really and *bona fide* sold for or be estimated or valued at; and if any Question or Dispute shall arise between the said Company of Proprietors and the Owner or Worker of any such Mine, his or her Heirs, Executors, or Administrators, touching the same, the Matter of such Question or Dispute shall be settled and determined by the said Commissioners, or shall be subject to the Verdict of a Jury, if required, in such and the same Manner as the Value of the Lands to be purchased for the making of the said Canal, Cuts, or Branches, and other Works, is herein-before directed to be settled and ascertained.

To oblige Proprietors of Fire Engines next the Ca-

LXIX. And be it further enacted, That all and every Owner or Owners, Worker or Workers, of any Mines, whose Coals or other Minerals shall at any Time or Times hereafter be carried and conveyed upon the

ſaid Navigation, or upon any Part or Parts thereof, ſhall, and they and each of them are hereby required to cauſe to be lifted and thrown up all ſuch Water as ſhall from Time to Time be raiſed by any Fire Engine or other Machine erected, or to be erected or uſed, for the Purpoſe of working the ſaid Mine, to ſuch a Height or Level as may be ſufficient to convey ſuch Water into the ſaid Navigation: Provided nevertheleſs, that ſuch Owners or Workers ſhall not be compelled to raiſe or throw up the ſaid Water at their own Expence to any greater Height or Level than may be neceſſary for draining and diſcharging the ſame from the ſaid Mines; but that if the ſaid Company of Proprietors ſhall, at any Time, think it expedient for the Purpoſe of the Navigation, that the Owner or Owners of ſuch Fire Engines and other Machines, or any of them, ſhould raiſe the Water out of their or any of their Mines, to ſuch greater Height or Level as aforeſaid, and ſhall give Notice in Writing under their Seal, or under the Hand of their Clerk or Clerks for the Time being, requiring the ſaid Water ſo to be raiſed, and thereby thrown into the ſaid Canal and Cuts or Branches, or either of them, then and in ſuch Caſe the Owner or Owners, Worker or Workers of ſuch Fire Engines or other Machines ſhall, and they and each of them is and are hereby required to lift and throw up ſuch Water, according to ſuch Notice, and the ſaid Company of Proprietors ſhall and they are hereby directed to make Compenſation, from Time to Time, to the Owners or Workers of ſuch Fire Engines or Machines, for all extraordinary Expences which may thereby be incurred, and for all Damages (if any) which may be occaſioned thereby, either by an Annual Rent, or by a Sum of Money in Groſs, at the Option of any ſuch Owners or Workers, and if any Owners or Workers of any ſuch Fire Engines or other Machines, or any of them, ſhall at any Time think proper to diſcontinue to work the ſame, they and each of them ſhall give Notice, in Writing, of ſuch Intention to the ſaid Company of Proprietors, or their Committee for the Time being, who ſhall have Liberty, at any Time after ſuch Notice given, to treat and contract for the abſolute Purchaſe of ſuch Fire Engines or other Machines, with their Appurtenances, or of the Intereſt which any ſuch Occupier may hold or poſſeſs therein, and may, in ſuch Caſe, continue to work and uſe the ſame, for the Benefit of the ſaid Navigation, according to the Terms of ſuch Contract or Purchaſe; and if the ſaid Company of Proprietors, or their Committee for the Time being, or the Owners or Occupiers of ſuch Fire Engines or other Machines, or any of them, ſhall not agree concerning the Amount of ſuch Purchaſe Money, or other Recompence or Compenſation, or whether the ſame ſhall be paid by an Annual Rent, or by a Sum of Money in Groſs, in any of the Caſes herein-before mentioned, the ſame ſhall be ſettled and determined by the ſaid Commiſſioners, or aſſeſſed by a Jury in the Manner herein-before provided with reſpect to the Satisfaction to be made by the ſaid Company of Proprietors for Lands to be taken for the Uſe of the ſaid Navigation; but if the ſaid Company of Proprietors ſhall refuſe or decline to enter into any Treaty or Contract, for or in reſpect of ſuch Fire Engines or other Machines, or any of them, for the Space of Three Calendar Months after the Delivery of ſuch Notice, then (but not before) the Owners or Workers thereof may ſell the ſame to any other Perſon or Perſons, or otherwiſe lawfully diſpoſe of them, or any of them, as they ſhall think fit: Provided always, that nothing herein contained ſhall enable the ſaid Company of Proprietors

nal to lift their Water into the ſame,

but in ſome Caſes, at the Company's Expence;

but if ſuch Fire Engine, &c. ſhall be diſcontinued, the Company may purchaſe the ſame.

Proprietors to take the Water, to be raiſed by ſuch Fire Engines or other Machines, without previouſly making adequate Compenſation for the ſame to the Owners or Workers of the Mines where ſuch Water is to be raiſed, in all Caſes where ſuch Owners or Workers ſhall be deſirous of uſing ſuch Water, for the Purpoſe of working any Mills or Engines, either erected or to be erected.

Steam Engines may be erected;

LXX. And whereas ſundry Improvements have lately been made upon Steam Engines, whereby they are become particularly applicable to various Manufactures now uſed: And whereas ſuch Engines will conſume conſiderable Quantities of Coal, and by the Tonnage thereupon promote the Intereſt of the ſaid Navigation, as well as of the ſaid Manufactures; but the Engines can only be erected where cold Water can be obtained to condenſe the Steam, on which Account, as well as for the better Supply of the ſame with Coals, it would be convenient to erect ſuch Steam Engines as near as may be to the ſaid Navigation; be it therefore enacted, That it ſhall be lawful for all Perſons whomſoever, who now or hereafter ſhall or may poſſeſs any Lands or Grounds within the Diſtance of Two hundred Yards from the ſaid Canal and Cuts or Branches, or either of them, to make a Communication between the Water of the ſame and ſuch Steam Engine or Engines ſo to be erected as aforeſaid, by Means of One or more Metal Pipe or Pipes of ſufficient Strength and Thickneſs, and ſo conſtructed in every Reſpect as to prevent any Leakage or Waſte, and to draw from ſuch Canal and Cuts or Branches ſuch Quantities of Water as ſhall be ſufficient to ſupply the ſaid Engines: Provided always, that every Proprietor of ſuch Engine or Engines ſhall return to the ſaid Canal and Cuts or Branches in each and every Day, whilſt he ſhall uſe the ſame, a Quantity of Water equal to that which he has drawn from it, ſo that no Obſtruction ſhall ariſe therefrom to the Navigation of the ſaid Canal and Cuts or Branches in any ſuch Day; and provided alſo, that ſuch Water as ſhall be ſo taken, ſhall be applied to the Working of the ſaid Engines, and to no other Uſe or Purpoſe whatſoever; and that every Perſon laying any Pipe or Pipes into the ſaid Canal and Cuts or Branches, or either of them, for ſuch Purpoſe, ſhall, and they are hereby required to make good the Banks of the ſaid Canal and Cuts or Branches reſpectively, and to repair, at his or their own proper Coſts and Charges, all ſuch other Damages as may ariſe by the laying of the ſaid Pipe or Pipes, in ſuch Manner, and at ſuch Times, as ſhall cauſe as little Let, Hindrance, or Moleſtation, as can be, to the Navigation upon the ſaid Canal and Cuts or Branches, or to the Perſons uſing the ſame; provided alſo, that no Perſon ſhall take any Water from the ſaid Canal and Cuts or Branches, for the Uſe of ſuch Engines, without giving Two Calendar Months previous Notice, in Writing, of ſuch his or her Intention, to the Committee of Proprietors of the ſaid Navigation, in order that the ſaid Committee may appoint a Perſon or Perſons to inſpect into the Premiſes on their Behalf, and take care that the ſaid Pipe or Pipes is or are of a proper Strength and Thickneſs, and laid in the Banks in a proper Manner, according to the true Intent and Meaning of this Act; and alſo provided, that if any Diſputes ſhall ariſe between the ſaid Proprietors or their ſaid Committee, and any Perſon or Perſons who ſhall be deſirous of taking Water out of the ſaid Canal and Cuts or Branches, or either of them, for the Purpoſes of ſuch Engine or Engines, or who

but not to damage the Canal.

ſhall

ſhall be, at any Time hereafter, in the Uſe of taking the ſame therefrom, all ſuch Diſputes ſhall be finally ſettled and determined as herein-before directed and provided with regard to other Diſputes.

Mills injured by the Navigation, to be purchaſed by the Company, if ſo required by the Owner.

LXXI. And be it further enacted, That if the Owner or Proprietor of any Water Mill, or Water Mills, now being upon any Part of the Rivers, Streams, or Brooks of Water, which ſhall be uſed for the Purpoſes of the ſaid intended Navigation, whoſe Mill or Mills may be injured thereby, ſhall chooſe to ſell and diſpoſe of the ſame, and ſhall give Notice, in Writing, under his or her Hand, of ſuch his or her Deſire, to the ſaid Company of Proprietors, or their Clerk, within Twelve Calendar Months next after the ſaid Navigation ſhall be completed, it ſhall be lawful for the ſaid Company of Proprietors, and they are hereby required to purchaſe ſuch Mill or Mills, with the Houſes, Gardens, and other Appurtenances adjoining, for the Accommodation of the Millers, (not exceeding Two Roods of Ground to any ſuch Mill), at the full Worth of the ſame at the Time of the Commencement of this Act; which Mill or Mills it ſhall be lawful for the ſaid Company to work and uſe, from Time to Time, as they may think proper; and if any Diſpute ſhall ariſe about the Price of any ſuch Mill or Mills, the ſame ſhall be ſettled by the ſaid Commiſſioners, or a Jury, in the Manner herein-before mentioned and appointed reſpecting the purchaſing of Lands for the ſaid Undertaking; and in caſe any Owner or Owners of any Mill or Mills, which ſhall be deprived of ſome Part of the Water which now ſupplies the ſame, ſhall refuſe to ſell his, her, or their Mill or Mills, it ſhall be lawful for the ſaid Company of Proprietors, and they are hereby required, at their Coſts and Charges, to cauſe the Wheels of ſuch Mill or Mills to be altered and improved by widening the Soles thereof, or otherwiſe, ſo as to give them more Power, and to render ſuch Mill or Mills at leaſt as valuable as they are at preſent.

or otherwiſe altered and improved.

Towing Paths, &c. to be fenced off from adjoining Lands.

LXXII. And be it further enacted, That the ſaid Company of Proprietors ſhall, at their own proper Coſts and Charges, divide and ſeparate, and keep conſtantly divided and ſeparated, the ſaid Towing Paths on the Sides of the ſaid intended Canal and Cuts or Branches, and the Trenches, Feeders, and Aqueducts, to be made by virtue of this Act, or ſuch Parts of ſuch Trenches, Feeders, and Aqueducts, and in ſuch Manner as ſhall be thought neceſſary by the ſaid Commiſſioners, from the Lands and Grounds adjoining to ſuch Towing Paths, Trenches, Feeders, and Aqueducts reſpectively, with good ſufficient Poſts, Rails, Hedges, Ditches, or other Fences, to be ſet or made on the Lands or Grounds which ſhall be purchaſed by, conveyed to, or veſted in the ſaid Company as aforeſaid; and alſo ſhall at their own Coſts and Charges, make, erect, and ſet up, and from Time to Time maintain and ſupport in good and effectual Repair, ſuch and ſo many convenient Gates and Stiles upon and acroſs the ſaid Towing Paths, and in and through the Hedges and Fences to be by them ſo made on the Sides of ſuch Towing Paths as aforeſaid, and alſo ſuch Bridges, Arches, Culverts, Drains, or Paſſages, over, under, or by the Side of, or into the ſaid Canal and Cuts or Branches, and the Feeders, Trenches, and Watercourſes communicating therewith, at ſuch Places, and 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 Lands,

Gates and Stiles to be erected on Towing Paths, &c.

Grounds, or Hereditaments, adjoining to such Canal and Cuts or Branches, Trenches, Streams, Watercourses, and Towing Paths, and of all Persons who now have, or hereafter may have a Right to any Way over or through the Lands or Grounds which shall be used for making the said Canal and Cuts or Branches, Trenches, Streams, Watercourses, or Towing Paths, or any of them respectively; and that the said Company of Proprietors shall also make such proper and convenient Watering Places for Cattle, where, by Means of the said Canal and Cuts or Branches, or other Works hereby authorised to be made, Cattle shall have been deprived of the Watering Places which they were heretofore accustomed to drink and water at, and at all Times supply the same with Water in such Manner as the said Commissioners, in case of any Dispute about the same, shall direct; and also that the said Company of Proprietors shall, whenever the Works to be made in pursuance of this Act shall interfere with any River or Watercourse heretofore used for watering the Farms or Grounds contiguous or adjoining thereto, convey and secure the same Water in such Manner that the Enjoyment thereof may be continued to such Farms and Grounds, in as ample and beneficial a Manner as the same has heretofore been used and accustomed; and that the said Company of Proprietors shall not make the said Canal and Cuts or Branches, or any Trench or Watercourse, in or across any publick Highway, Bridle Way, or Foot Way, until such Time as they shall at their own proper Charges have made and perfected such Bridge or Bridges over, or other convenient Passages through, or Arch or Arches under, the said Places where the said Canal and Cuts or Branches, Trenches, or Watercourses respectively, shall be intended to be made, of such Dimensions, and in such Manner, as the said Commissioners shall adjudge proper; and all such Gates, Stiles, Fences, Bridges, Arches, and other Conveniencies to be made by the said Company of Proprietors for the Purposes aforesaid, either with or without the Direction of the said Commissioners, shall from Time to Time be supported, maintained, and kept in sufficient Repair, by the said Company of Proprietors; and in case it shall be found necessary to alter or widen any Arch or Arches now existing, for the Purposes of the said Navigation, the same shall afterwards be repaired, from Time to Time, at the joint and equal Expence of the Person or Persons now liable to repair the same, and of the said Company of Proprietors.

Towing Paths to be used as a Horseway, &c. by the Occupiers of Lands.

LXXIII. And be it further enacted, That all Owners and Occupiers of Land adjoining to which the said Towing Paths shall be made, shall have free Liberty to use the same as a Footway, Horseway, or Driftway, for their Cattle to, from, or through, their respective Lands, and to or from their respective proper Watering Places; and in case any such Person or Persons as aforesaid shall not give Way to the Horses which shall be employed in haling Boats or other Vessels passing along the said Canal, or shall wilfully cause or suffer his, her, or their Horses or Cattle to stop or interrupt the Horses employed in haling Boats or other Vessels as aforesaid, every such Person shall for every such Offence forfeit any Sum not exceeding Five Pounds nor less than Twenty Shillings, at the Discretion of the Justice to whom Complaint shall be made; and all Persons authorized to use the said Towing Paths by themselves, or with Horses, (not drawing), or other Cattle as aforesaid, shall be liable to the like Penalties and Forfeitures for any Trespass or Neglect herein-before specified, as Owners or Drivers of Horses employed in haling Boats or other Vessels as aforesaid are subject and liable to by this Act; and that no Person or Persons, Horse or Horses, except

except as aforeſaid; and except ſuch as ſhall be uſed and employed for the Purpoſe of making or repairing the ſaid Towing Paths, and the Works hereby authorized to be made and erected, ſhall be permitted to uſe and paſs upon the ſaid Towing Paths.

Drains, *etc.* to be made to convey Water from the Lands adjoining, *etc.* and how the ſame ſhall be maintained.

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 of Proprietors ſhall, and they are hereby required, at their own proper Coſts and Charges, as ſoon as the Nature of the Caſe will admit, to make, or cauſe to be made, ſuch Arches, Tunnels, Culverts, or Drains, or other Paſſages over or under, by the Side of or into the ſaid Canal and Cuts or Branches, and the Trenches, Streams, and Watercourſes communicating therewith, and the Towing Paths on the Sides thereof reſpectively, of ſuch Depth, Breadth, and Dimenſions, as ſhall be ſufficient at all Times to convey the Water clear from the Lands adjoining or lying near to the ſaid Canal and Cuts or Branches, without obſtructing or impounding the ſame, and likewiſe to make, or cauſe to be made, ſuch Back Drain or Drains, as may be neceſſary, and ſhall be ſufficient to carry off any Water which may paſs through any of the Banks of the ſaid Canal and Cuts or Branches, or either of them, to the Prejudice of any of the Lands or Grounds contiguous thereto; and that all ſuch Bridges, Arches, Tunnels, Culverts, Drains, and other Paſſages, ſhall from Time to Time be ſupported and kept in good and ſufficient Repair, by the ſaid Company of Proprietors; and if at any Time after Twenty-one Days Notice in Writing ſhall, by or on Behalf of any of the ſaid Owners or Occupiers of Lands adjoining or lying near to the ſaid Canal and Cuts or Branches, or either of them, who ſhall find him, her, or themſelves aggrieved, be given to the ſaid Company of Proprietors, or to their Clerk or Clerks, known Agent or Collector, that the ſaid Arches, Tunnels, Culverts, Drains, Back Drains, or other Paſſages, or any of them, ſhall not be made, cleanſed, and repaired, according to the true Intent and Meaning of this Act, it ſhall be lawful for any Perſon or Perſons 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 make, cleanſe and repair ſuch Arches, Tunnels, Culverts, Drains, Back Drains, or other Paſſages accordingly, and the reaſonable Expences thereof, (to be aſcertained by the ſaid Commiſſioners), ſhall be defrayed by the ſaid Company of Proprietors; 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 of Proprietors, or upon their Clerk or known Agent or Collector, ſuch Expences ſhall and may be recovered and levied in ſuch Manner as the Purchaſe Money or Annual Rent for Lands is directed to be recovered by this Act: Provided always, that ſuch Owner or Occupier of the ſaid contiguous or adjoining Lands ſhall, at the Time of making ſuch Complaint, have his or her reſpective Ditches, Drains, Paſſages for Water and Watercourſes leading to or from the Drains, Culverts, and Paſſages of the ſaid Canal and Cuts or Branches reſpectively, ſufficiently cleanſed and opened to convey Water into the ſame; and provided alſo, that nothing herein contained ſhall extend to enforce the admitting of any Water ariſing from Floods, into the ſaid Canal and

Land Owners aggrieved by the Obſtruction of the Company's Watercourſes, may cleanſe them at the Company's Expence:

If ſuch Owner, *etc.* ſhall have his own Watercourſes in good Order.

No Flood Water to be admitted into the Canal to injure it.

and Cuts or Branches, or any of them, which may injure the ſaid Navigation.

Canal to be puddled.

LXXV. And be it further enacted, That the ſaid Company of Proprietors ſhall, at their own Expence, well and effectually puddle the Sides of the ſaid intended Navigation or Canal, in all Places where neceſſary or proper, through the Cloſes, Lands, and Grounds, of all and every of the ſaid Owners and Proprietors, ſo and in ſuch Manner as to prevent as much as poſſible the Water oozing through ſuch Sides, to the Detriment of the Parts of the ſaid Cloſes, Lands, or Grounds, lying below the ſaid intended Navigation.

For letting off Waſte Water through *Melbourne* Brook into the *Trent*.

LXXVI. And whereas it is apprehended that Damage may be done by great Floods or Inundations, to the Lands of or belonging to the Right Honourable *Francis Rawdon Haſtings* Earl of *Moira*, ſituate and being in the Pariſh of *Melbourne* in the County of *Derby*, and alſo the Lands of or belonging to the Right Honourable *Peniſton* Lord Viſcount *Melbourne* in the Kingdom of *Ireland*, ſituate and being in the ſaid Pariſh of *Melbourne*, and in the Liberty of *Derby Hills*, in the ſaid County of *Derby*, lying below the Level of the ſaid intended Canal, in caſe the Increaſe of Waters, brought into the ſaid Canal by Means of Floods and Inundations, ſhall not have a ſufficient Outlet through ſome Watercourſe or Brook running into the River *Trent*; be it therefore enacted, That in caſe any ſuch Damage ſhall or may be done, the ſaid Company of Proprietors for the Time being ſhall, and they are hereby directed and required, at their own proper Coſts and Charges, to make or cauſe to be made ſuch ſufficient Weir or Weirs on the Side of the ſaid Canal, and to deepen and widen the ſeveral Rivulets or Brooks called *Melbourne Brook*, *Wilſon Brook*, and *Scotch Brook*, in the Pariſh of *Melbourne*, and in the Liberty of *Derby Hills*, or ſuch of them as may be neceſſary and effectual for the letting off the waſte Water through *Melbourne* Brook into the River *Trent*, at or near *Weſton* Cliff, in the ſaid County of *Derby*.

Bridges to be made over the Canal in certain Grounds.

LXXVII. And be it further enacted, That the ſaid Company of Proprietors ſhall, and they are hereby authorized and required at their own Expence, for the more convenient Occupation of the Lands of *John Simpſon* Eſquire and *Jane* his Wife, *Phillippa Grove* Widow, *William Burleton* Eſquire, *Mary Piddock*, and the ſaid *Penn Aſſheton Curzon*, to erect and build over the ſaid Canal, Three proper and ſufficient Carriage Bridges, with eaſy Aſcents on both Sides the ſame, within the Grounds belonging to the ſaid *John Simpſon* and *Jane* his Wife, at ſuch Places as the ſaid *John Simpſon* and *Jane* his Wife, or the future Owner or Owners for the Time being of their Eſtate at *Burton Haſtings* ſhall direct, by Writing under his, her, or their Hand or Hands; and alſo to erect and build over the ſaid Canal as many ſuch proper and ſufficient Bridges, within the Grounds reſpectively belonging to the ſaid *Phillippa Grove* and *William Burleton*, not exceeding on an Average Three Bridges in One Mile, and at ſuch Places as the ſaid *Phillippa Grove* and *William Burleton* reſpectively, or their reſpective Heirs, ſhall direct by Writing under her, his, or their Hand or Hands; and alſo, One ſuch Bridge within a Cloſe in *Oakthorpe* aforeſaid, called *The Cow Paſture*, belonging to the ſaid *Mary Piddock*, at ſuch Place as ſhe the ſaid *Mary Piddock*, or her Heirs ſhall

ſhall direct, and alſo Three ſuch Bridges within the Grounds belonging to the ſaid *Penn Aſſheton Curzon*, at ſuch Places as the ſaid *Penn Aſſheton Curzon*, his Heirs or Aſſigns, ſhall direct, and at all Times for ever thereafter to keep and maintain the ſaid Bridges in good and ſufficient Repair, for the Uſe only of the ſaid *John Simpſon* and *Jane* his Wife, and the Perſon or Perſons who ſhall or may for the Time being be entitled to the Eſtate at *Burton Haſtings* aforeſaid, now belonging to them the ſaid *Phillippa Grove*, *William Burleton*, *Mary Piddock*, and *Penn Aſſheton Curzon* reſpectively, and his, her, and their reſpective Heirs, and his, her, and their reſpective Tenants, Servants, and others, authorized and allowed to paſs and repaſs over the ſame.

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

LXXVIII. And be it further enacted, That in caſe the ſaid Company of Proprietors, or their Agents, ſhall refuſe or neglect to divide and ſeparate, and to keep divided and ſeparated, the Towing Path of the ſaid Navigation, 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 Path, or ſuch Bridges, Arches, Tunnels, Culverts, Drains, Back Drains, or other Paſſages, or to make ſuch Watering Places for Cattle as herein-before directed, for the Uſe and Convenience of the reſpective Owners or Occupiers of the Lands, Mills, and Hereditaments, adjoining or near to the ſaid Canal and Cuts or Branches reſpectively, or to well and effectually maintain and ſupport ſuch Gates, Stiles, Bridges, Fences, Arches, Paſſages, and Watering Places, 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; 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, Mills, and 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, Fences, Arches, Paſſages, Watering Places, and other Conveniencies as are by this Act, or by the ſaid Commiſſioners ſhall be directed or appointed to be made, erected, and ſet up, by the ſaid Company of Proprietors as aforeſaid; and ſo as aforeſaid 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 Cuts or Branches reſpectively, or the Banks thereof, ſhall not be ſtopped nor injured for any longer Space of Time, or in any other Manner, than the ſame would neceſſarily have been if ſuch Gates, Stiles, Bridges, Fences, Paſſages, Arches, Watering Places, or other Conveniencies of the like Dimenſions or Conſtructions had been made or erected by the ſaid Company of Proprietors for the Time being as aforeſaid; 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 and repaired, or maintained ſuch Works as aforeſaid, by the ſaid Company of Proprietors, within the Space of Three 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 of Proprietors, or their Clerk or Clerks; and in Default of Payment of the ſaid Coſts and Charges within the

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

If Bridges made by the Company are inſufficient, Land Owners may make others at their own Expence.

LXXIX. Provided always, and be it further enacted, That if the Owners or Occupiers of any Lands or other Hereditaments, through which the ſaid Canal and Cuts or Branches, or either of them, ſhall be made, do or ſhall at any Time or Times hereafter find, upon Experience, that the ſeveral Gates, Stiles, Bridges, Paſſages, Arches, Tunnels, Drains, Back Drains, Trenches, or other Paſſages, Watering Places, and other Conveniencies reſpectively, which the ſaid Commiſſioners ſhall have ſo directed or appointed to be made by the ſaid Company of Proprietors, are inſufficient, either in their Number or Situation, for the commodious Uſe and Occupation of their reſpective Lands, Grounds, Mills, or Hereditaments, on both Sides, or on either Side thereof, then, and ſo often, or in any ſuch Caſe, it ſhall be lawful for all or any of ſuch Owners or Occupiers to make, fix, or erect, at their own Coſts and Charges, ſuch Gates, Stiles, Bridges, Paſſages, Arches, Watering Places, or other Conveniencies, of the ſame or the like Conſtruction with others made and erected by the ſaid Company of Proprietors, in, over, or near to the ſaid Canal and Cuts or Branches, or the Towing Paths thereof reſpectively, in ſuch Places as ſhall be found and adjudged moſt neceſſary and convenient for the better Uſe, Cultivation, Improvement, or Occupation, of ſuch Lands and other Hereditaments, and to repair and ſupport the ſame, at their own like Coſts and Charges, as Occaſion ſhall require, ſo as the Navigation of, in, or upon, the ſaid Canal and Cuts or Branches, or either of them, be not prevented nor obſtructed thereby, for any longer Space of Time, or in any other Manner, than the ſame muſt neceſſarily have been, if ſuch Gates, Stiles, Bridges, Paſſages, Arches, Watering Places, or other Conveniencies, had been made or erected by the ſaid Company of Proprietors for the Time being as aforeſaid: Provided, that all and ſingular the Bridges to be made over the ſaid Canal and Cuts or Branches, by the ſaid Company of Proprietors, by virtue of this Act, ſhall not fall more than One Inch in each Foot, from the Crown or Top of the Arch to the finiſhing of the Ground, or Road, at the Bottom.

Bridges not to fall more than One Inch in each Foot.

LXXX. And

LXXX. And be it further enacted, That the ſaid Company of Proprietors ſhall be liable to be indicted at Common Law, for not making Stone or Brick Bridges, in all Highways over or acroſs the ſaid intended Canal and Cuts or Branches, together with proper Wing Walls, Ramparts, and Side Banks, or other good, ſafe, and ſubſtantial Fences, from the Summit of the Bridge to the Level of the Road on either Side, and alſo for not repairing and keeping in Repair, all Bridges, Wing Walls, Ramparts, Side Banks, Fences, and Approaches as aforeſaid, to be erected and made by virtue of this Act, in any Highway, over and acroſs the ſaid Canal and Cuts or Branches, or either of them, and the ſaid Company of Proprietors ſhall alſo be liable to pay the Coſts of all ſuch Proſecutions, upon Proof of Six Weeks Notice being given to, or left at the Houſe of the Clerk or any of the Clerks of the ſaid Company, previous to the Commencement of ſuch Proſecutions, by the Surveyor of the Highways, on either Side of the ſaid intended Canal and Cuts or Branches, or either of them, and on Conviction of the Defendants.

Company liable to be indicted at Common Law for not making Stone or Brick Bridges over the Canal, and for not repairing of Bridges, and to pay Coſts

LXXXI. Provided always, and be it enacted, That if it ſhall appear to the ſaid Company of Proprietors, or their Engineer or Engineers, that on Account of the Situation of any Bridge intended to be made in any ſuch aforeſaid Highway, a Wooden, Swivel, or Draw Bridge, would be more convenient to the Publick than a Bridge of Stone or Brick, or that the Approach herein-before directed to be made by the ſaid Company of Proprietors cannot be made without very great Expence, of ſo little Aſcent as One Inch in each Foot, then, and in every ſuch Caſe, upon Application being made to the Juſtices who ſhall be aſſembled at any General Quarter Seſſion of the Peace which ſhall be held for the County or Diſtrict, as the Caſe may require, by or on Behalf of the ſaid Company of Proprietors, it ſhall be lawful for ſuch Juſtices, upon Proof of Six Weeks Notice having been previouſly given of ſuch intended Application to the Surveyor of the Highways within the Pariſh or Townſhip wherein any ſuch aforeſaid Bridge is intended to be built, to enquire into the Premiſes, and to order, direct, and determine, whether any ſuch aforeſaid Bridge ſhall be of Stone or Brick, or a Wooden, Swivel, or Draw Bridge, and of what Aſcent the Approach herein-before directed to be made by the ſaid Company of Proprietors, ſhall be; and the ſaid Company of Proprietors ſhall conform to the Determination of the ſaid Juſtices therein; and the ſaid Company of Proprietors ſhall be liable to be indicted at Common Law for not making, and alſo for not repairing any ſuch Swivel, Wooden, or Draw Bridge, in the ſame Manner as they are herein-before made liable to be indicted for not making and repairing Stone and other Bridges, and ſhall alſo in like Manner be liable to Coſts.

Juſtices at Seſſions, in certain Caſes, to determine what Bridges ſhall be made.

LXXXII. Provided always, That nothing herein contained ſhall authorize the making the ſaid intended Canal and Cuts or Branches, or any Part thereof, nor any Railway or other Road, acroſs, over, or through, any other of the incloſed Lands or Grounds, Parcel of the Truſt Eſtate of the late *Edward Dawſon* Eſquire of *Long Whatton*, than thoſe particularized in the ſaid Map or Plan and Book of Reference, without the Conſent in Writing of the Truſtees or other Owners of ſuch incloſed Lands or Grounds, for the Time being, firſt had and obtained,

Canal not to go over any other of the Cloſes at *Stoke Golding*, than thoſe particularized in the Plan, &c.

and that the ſaid Company of Proprietors ſhall at their own Expence, previous to their completing the cutting of the ſaid intended Canal and Cuts or Branches, through the Cloſes, Lands, or Grounds, Parcel of the before-mentioned Truſt Eſtate, in the Lordſhip or Liberties of *Stoke Golding* aforeſaid, make and erect, and for ever after keep in good Repair, One Carriage Bridge at the leaſt, with raiſed Abutments thereto, in ſuch Part or Parts of ſuch Cloſes, Lands, or Grounds, as the Truſtees or other Owner thereof, at the Time of making ſuch Bridge, ſhall direct or appoint.

Company to cleanſe the adjoining Watercourſes at the Land Owners Expence.

LXXXIII. And be it further enacted, That if at any Time hereafter the Ditches or Drains belonging to any Owner or Occupier of Lands adjoining or lying contiguous to the ſaid Canal and Cuts or Branches, and other Works, or any of them, ſhall, by Reaſon of their being not ſufficiently cleanſed or opened, hinder or obſtruct the Courſe of the Water from the Drains, Culverts, and Paſſages, belonging to the ſaid Navigation; and if the ſame ſhall not be perfectly cleanſed and opened within One Calendar Month after Notice in Writing ſhall have been given thereof to ſuch Owner or Occupier, by the Clerk or Clerks, or any Agent of the ſaid Company of Proprietors, it ſhall then be lawful for the ſaid Company of Proprietors (an Order in Writing for that Purpoſe having been firſt obtained from the ſaid Commiſſioners) from Time to Time, as often as there ſhall be Occaſion, to open and cleanſe, or cauſe to be opened and cleanſed, the ſaid Ditches or Drains; and the reaſonable Expences thereof, when aſcertained and allowed by the ſaid Commiſſioners, ſhall be repaid to the ſaid Company of Proprietors, by the Owners or Occupiers of ſuch Lands and Grounds, to which the ſaid Ditches or Drains ſo opened and cleanſed ſhall belong; and in caſe of Refuſal to ſatisfy the ſame for the Space of Two Calendar Months after Demand ſhall have been made thereof, from the reſpective Owner or Occupier of ſuch Lands and Grounds as aforeſaid, ſuch Charges and Expences ſhall and may be recovered in ſuch Manner as Forfeitures and Penalties are by this Act directed to be recovered.

Damaged Locks to be repaired by the Company,

and for that Purpoſe to enter Lands.

LXXXIV. And whereas it may happen, from Floods, or from ſome unexpected Accidents, that the ſaid Canal and Cuts or Branches, or the Locks, Weirs, Flood Gates, Dams, Banks, Trenches, Aqueducts, or other Works, or ſome of them reſpectively, belonging to the ſaid Company of Proprietors, may be damaged or deſtroyed, and the adjacent Lands thereby likewiſe endangered or damaged, and it may be neceſſary that the ſame ſhould be immediately repaired or rebuilt, to prevent further Damage; be it therefore enacted, That when and ſo often as any ſuch Accident ſhall happen, it ſhall be lawful for the ſaid Company of Proprietors, from Time to Time, or their or any of their Servants, Agents, or Workmen, without any previous Application to the ſaid Commiſſioners, and without any Delay or Interruption from any Perſon or Perſons whomſoever, to enter any Lands, Grounds, or Hereditaments, adjoining or near to the ſaid Canal and Cuts or Branches, or other Works, or any of them, (not being the Ground whereon any Houſe ſtands, or an Orchard, Park, Paddock, Garden, or Ground planted as a Nurſery for Trees, or an Avenue to a Houſe), and to dig for, get, work, take, and carry away and uſe ſuch Stone, Gravel, and other Materials, as may

may be neceſſary or proper for the Purpoſes aforeſaid, without any previous Treaty whatſoever, with the Owner or Owners, Occupier or Occupiers of, or other Perſon or Perſons intereſted in ſuch Lands, Grounds, Hereditaments, or any of them, doing thereby as little Damage as the Nature of the Works will admit of, and making Recompence to the Perſon or Perſons ſuſtaining the ſame, within the Space of Three Calendar Months next after the ſame ſhall be demanded, for all Damages which may be done by Means of the digging for, getting, working, taking, carrying away, and uſing ſuch Stone, Gravel, and Materials, or any of them; which Damages, and the Satisfaction and Recompence to be made in reſpect thereof, ſhall be adjuſted, aſſeſſed, aſcertained, ſettled, and determined, by the Ways and Means herein-before preſcribed, with reſpect to any other Damages done in the making and completing of the ſaid Navigation.

Company empowered to raiſe Money amongſt themſelves.

LXXXV. And to the End that the ſaid Company of Proprietors may be enabled to carry on and complete the ſaid Undertaking, be it enacted, That it ſhall be lawful for the ſaid Company of Proprietors, to raiſe and contribute among themſelves, in ſuch Proportion as to them ſhall ſeem meet and convenient, a competent Sum of Money for making and completing the ſaid Canal and Cuts or Branches, and all the Works and Conveniencies to the ſame belonging, or requiſite and uſeful thereto reſpectively, ſo as that the ſame do not exceed the Sum of One hundred and fifty thouſand Pounds in the Whole (except as herein-after 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 in 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 the making, completing, and maintaining, the ſaid Canal and Cuts or Branches, and the other Works reſpectively, and for other the Purpoſes of this Act; and the ſaid Sum of One hundred and fifty thouſand Pounds ſhall be divided and diſtinguiſhed into One thouſand five hundred equal Parts and Shares, not exceeding One hundred Pounds *per* Share; which Shares ſhall be numbered in Numerical Progreſſion, and ſhall be deemed Perſonal Eſtate, and ſhall be tranſmiſſible as ſuch, and ſubject to the Statutes for Diſtribution of Inteſtates Eſtates; and the ſaid One thouſand five hundred Shares ſhall be, and are hereby veſted in the ſaid ſeveral Subſcribers, and their ſeveral and reſpective Executors, Adminiſtrators, and Aſſigns, to their and every of their proper Uſe and Behoof, proportionably to the Sum which they and each of them ſhall ſeverally ſubſcribe and pay thereunto; and all and every Bodies Politick and Corporate, and all and every Perſon or Perſons, and their ſeveral and reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, who ſhall ſeverally ſubſcribe and pay the Sum of One hundred 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 neat 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 the Authority of this Act, and ſo in Proportion, for any greater Number of Shares; and every Body

Corporate and Politick, Perſon or Perſons, having ſuch Property of One fifteen hundredth Part or Share in the ſaid Undertaking, and ſo in Proportion as aforeſaid, ſhall bear and pay an adequate proportional Sum of Money towards carrying on the ſaid Undertaking, in Manner herein-after directed and appointed: And in caſe the ſaid Sum of One hundred and fifty thouſand Pounds ſhall at any Time or Times be deemed or found inſufficient for the making, completing, and maintaining the ſaid Canal and Cuts or Branches, and other the Works hereby authorized to be made, and for the defraying all neceſſary Charges and Expences relating thereto, then, and in ſuch Caſe, it ſhall and may be lawful for the ſaid Company of Proprietors, or the major Part of them preſent at any General Aſſembly of the ſaid Proprietors, to raiſe and contribute among themſelves, in ſuch Shares and Proportions, and in Manner and Form as herein-before directed, or by the Admiſſion of new Subſcribers (as to them ſhall ſeem meet), any further or other Sum of Money for completing and perfecting the ſaid Navigation, not exceeding the Sum of Fifty thouſand Pounds; and every ſuch new Subſcriber (if any ſhall become a Proprietor in the ſaid Navigation and Undertaking) 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 of Proprietors, or the major Part of them preſent at ſuch General Aſſembly, ſhall be rather deſirous to raiſe ſuch further and other Sum, or any Part thereof, by Mortgage of the ſaid Navigation and Undertaking, inſtead of Contribution or Subſcription, then, and in ſuch Caſe, it ſhall be lawful for the ſaid Company of Proprietors, or the major Part of them then preſent, at any General Aſſembly, to borrow and take up at legal Intereſt, or they may borrow on Mortgage 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 Fifty thouſand Pounds, as to them ſhall ſeem fit and convenient; and they are hereby fully authorized and empowered to aſſign and make over the ſaid Canal and Cuts or Branches, and Undertakings, and the Tolls, Rates, and Duties ariſing and 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 to be borrowed, with Intereſt, to the Perſon or Perſons, or to his, her, or their Truſtee or Truſtees, who ſhall advance the ſame, under the Common Seal of the ſaid Company, by Deed of Mortgage, as herein-after directed; and in caſe it ſhall be found neceſſary or expedient that the ſaid Company of Proprietors, or their Succeſſors, ſhould raiſe a certain Sum of Money by Deed of Mortgage or Aſſignment, (as hath been herein-before provided and ſet forth), ſuch Deed ſhall be made under the Common Seal of the ſaid Company, and in the Form or to the Effect following; (that is to ſay),

Form of a Mortgage.

'WE the Company of Proprietors of the *Aſhby de la Zouch* Canal, by virtue of an Act paſſed in the Thirty-fourth Year of the Reign of His Majeſty King *George* the Third, for making and maintaining the ſaid Canal, in Conſideration of the principal Sum of
to be paid by
of do hereby bargain, ſell, and transfer,
unto

'unto the said all and singular the Tolls, Rates,
'and Duties, arising by virtue of the said Act, and also the said Naviga-
'tion and Undertaking, and all the Right, Title, and Interest, of us,
'the said Company of Proprietors of, in, and to the same, to hold unto
'the said Executors, Administra-
'tors, 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 Common Seal, the Day of
' in the Year of our Lord

Mortgagees to be equally entitled.

And all and every Person and Persons to whom such Mortgage or Mortgages shall be made, shall be equally entitled to his, her, or their Proportion of the said Tolls, Rates, Duties, and Premises, according to the respective Sums in such Mortgage or 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 for the Purposes of this Act, and to no other Use or Purpose whatsoever, and an Entry or Memorial of every such Mortgage, containing the Date thereof, and 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, together 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 or Clerks to the said Company of Proprietors; which Book or Books shall and may be perused, at all seasonable Times, by the Proprietors and Creditors of the said Navigation, without Fee or Reward, and all and every Person and 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 in the Words or to the Effect following; (that is to say),

Mortgages to be entered in a Book.

Form of a Transfer of Mortgage.

'I, [*or*, we] of
'in Consideration of the Sum of
'paid by of
'do hereby transfer a certain Mortgage, made by the Company of Pro-
'prietors of the *Ashby de la Zouch* Canal, bearing Date on the
'Day of for securing the principal
'Sum of and the Interest
'now due, and hereafter to become due thereon, and all my [*or* our]
'Right and Property therein, to the said his [her,
'*or* their] Executors, Administrators, and Assigns. In Witness where-
'of, I [*or* we] have hereto set my Hand and Seal, [*or* our Hands and
'Seals], this Day of in the
'Year of our Lord

Entry and Memorial to be made of such Transfer

And every such Transfer shall, within Thirty Days after the Date thereof, be produced and notified to the Clerk or Clerks to the said Company of Proprietors, who shall thereupon cause an Entry or Memorial to be made thereof,

thereof, containing the Date, Names of the Parties, and the Sum of Money thereby transferred in the ſaid Book or Books, to be kept for entering the ſaid original Mortgages, for which laſt-mentioned Entry the ſaid Clerk or Clerks ſhall be paid the Sum of Two Shillings 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 every ſuch Aſſignee may in like Manner aſſign again, *toties quoties*; and it ſhall not be in the Power of ſuch 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 of Proprietors.

The Intereſt of the Money borrowed to be firſt paid Half-yearly.

Intereſt of Mortgages how to be recovered.

LXXXVI. Provided always, and be it further enacted, That in caſe ſuch Intereſt, or any Part thereof, ſhall be behind or unpaid by the Space of Thirty Days next after the ſame ſhall become due and payable as aforeſaid, and have been demanded, then it ſhall be lawful for the ſaid Commiſſioners, and they are hereby required, on Application to them made by any Creditor or Creditors, whoſe Intereſt ſhall be ſo in Arrear, by an Order under their Hands and Seals, to appoint One or more Perſon or Perſons to receive the Whole, or any Part or Parts of the ſaid Tolls, Rates, or Duties, liable to pay ſuch Intereſt, and the Money ſo to be received, by ſuch Perſon or Perſons, ſhall be ſo received to and for the Uſe and Benefit of the Perſon or Perſons to whom ſuch Intereſt in Arrear ſhall be due, and ſhall be paid to him, her, or them accordingly, until the Intereſt ſo in Arrear, as well as the Intereſt which ſhall accrue and grow due, whilſt the Perſon or Perſons ſo to be appointed as aforeſaid ſhall be in the Receipt of ſuch Tolls, Rates, and Duties, together with the Coſts and Charges of recovering, receiving, and paying the ſame, in Manner as aforeſaid, ſhall be fully ſatisfied and paid; and after all ſuch Intereſt and Coſts ſhall be fully paid and ſatisfied, the Power and Authority of ſuch Receiver ſhall ceaſe; or otherwiſe ſuch Arrear may be ſued for and recovered, with full Coſts of Suit, in any of His Majeſty's Courts of Record at *Weſtminſter*.

Names of Proprietors to be entered, and Tickets of their Shares delivered to them.

LXXXVII. And, for the better Security of the ſeveral Proprietors of the ſaid Undertaking to their reſpective Shares therein, be it further enacted, That the ſaid Company of Proprietors ſhall and are hereby required, at their Second General Aſſembly, to cauſe the Names and proper Additions of the ſeveral Perſons who ſhall be entitled to the Shares in the ſaid Undertaking, with the Number of Shares to which they are reſpectively entitled, and alſo the proper Number by which every ſuch Share ſhall be diſtinguiſhed, to be fairly and diſtinctly entered in a Book to be kept by the ſaid Company, and after ſuch Entry to cauſe their Common Seal to be affixed thereto, and ſhall alſo cauſe a Ticket or Inſtrument, with the Common Seal of the ſaid Company affixed thereto, to be delivered to every ſuch Subſcriber upon Demand, for every Share to which he or ſhe is entitled in the ſaid Undertaking, every ſuch Proprietor paying to the Clerk Two Shillings and Sixpence, and no more, for every ſuch Ticket or Inſtrument, and ſuch Ticket or Inſtrument

Inſtrument ſhall be admitted in all Courts whatſoever, as Evidence of the Title of ſuch Subſcriber, his or her Executors, Adminiſtrators, and Aſſigns, to the Share therein ſpecified; but the Want of ſuch Ticket or Inſtrument ſhall not hinder or prevent the Owner of any of the ſaid Shares from ſelling or diſpoſing thereof; and which ſaid Ticket or Inſtrument may be in the Words, or to the Effect following; *videlicet*,

'*Aſhby de la Zouch* Canal, N°

'THESE are to certify that *A. B.* of is a Proprietor 'of the Share or Number being One Share of the '*Aſhby de la Zouch* Canal, ſubject to the Rules, Regulations, and Or- 'ders, of the ſaid Company, and that the ſaid *A. B.* his [her, *or* their] 'Executors, Adminiſtrators, [*or* Succeſſors] and Aſſigns, is and are en- 'titled to the Profits and Advantages of ſuch Share. Given under the 'Common Seal of the ſaid Company the Day of 'in the Year of our Lord

Five *per Cent.* to be paid to the Proprietors till the Work is completed.

LXXXVIII. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, and they are hereby required, out of the Money to be raiſed as aforeſaid, during the Time their ſaid Canal and Cuts or Branches, and all Things neceſſary for making, completing, and maintaining the ſame, ſhall be carrying on, and until the ſame ſhall be completed and finiſhed, to pay unto every Body Politick, Corporate, and Collegiate, or other Perſon or Perſons, their ſeveral and reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, who has or have ſubſcribed, or ſhall hereafter ſubſcribe, the Sum of One hundred Pounds, or any larger Sum than One hundred Pounds, and ſhall have paid and advanced the ſame, or ſuch Sum or Sums of Money as ſhall from Time to Time have been demanded, in reſpect thereof, towards carrying on and completing the ſaid Canal and Cuts or Branches, Intereſt for the ſame after the Rate of Five Pounds for every One hundred Pounds, for One Year, from the Time that each of ſuch Sum or Sums ſhall have been ſo reſpectively advanced as aforeſaid, unleſs the Majority 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 Subſcription or Advancement.

Subſcribers to have a Vote for every Share by themſelves, or Proxies;

LXXXIX. And be it further enacted, That every Body or Bodies Politick or Corporate, or other Perſon or Perſons, who ſhall, by virtue of this Act have ſubſcribed or undertaken for a Share of One hundred Pounds of and in the ſaid Canal, and his, her, and their 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 in every General Aſſembly to be held as herein-after appointed for carrying on the ſaid Undertaking, and which may be given by him, her, or them, or his, her, or their Proxy or Proxies, ſuch Proxy or Proxies being a Proprietor or Proprietors of One or more Share or Shares in the ſaid Undertaking 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 any Body or Bo-

dies Politick, Corporate, or Collegiate, or any Perſon or Perſons who ſhall have more than One Share of and in the ſaid Navigation, ſhall have Liberty by him, her, or themſelves, or by his, her, or their Proxy or Proxies, regularly conſtituted, as herein-after directed, to give One Vote for each ſuch Share, for which he, ſhe, or they, ſhall be a Subſcriber, or ſhall become a Proprietor as aforeſaid; and whatever Queſtion or Queſtions, as to the Election of proper Officers, or the Determination of other Matters and Things, ſhall be propoſed, diſcuſſed, or conſidered, in any General Aſſembly of the ſaid Proprietors, to be held by virtue of this Act, the ſame ſhall be finally ſettled by the Majority of Votes and Proxies then preſent, computing One Vote for every Share: Provided neverthelefs, that no Body or Bodies Politick, Corporate, or Collegiate, or any Perſon, ſhall be entitled to give more than Ten Votes on Account of his, her, or their Number of Shares in the ſaid Navigation, and that no Perſon ſhall give or deliver more Proxies than for the Proprietors of Thirty Shares; and the Appointment of every Proxy ſhall be made in the Words or to the Effect following:

but not to have more than Ten Votes, nor act as Proxy for more than Thirty Shares.

Form of Proxy.

'I of One of the Proprietors of
'the *Aſhby de la Zouch* Canal, do hereby nominate, conſtitute, and
'appoint of in my Name
'and in my Abſence to vote and give my Aſſent or Diſſent to any
'Matter, Buſineſs, or Thing, relating thereto, which ſhall be propoſed
'at any General Aſſembly of the Proprietors of the ſaid Canal, at all
'Times hereafter, until I ſhall revoke this Appointment by Notice in
'Writing, under my Hand, to the Clerk or Clerks, or One of them
'for the Time being, 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

And at every ſuch General Aſſembly One of the Proprietors preſent ſhall be appointed Chairman, and ſhall not only have his Vote or Votes as Proprietor, but in caſe of an Equality of Votes ſhall have the deciſive or caſting Vote.

First, and other General Aſſemblies, and their Powers.

XC. And be it further enacted, That the Firſt General Aſſembly of the Proprietors for putting this Act in Execution ſhall be held at the *Queen's Head* in *Aſhby de la Zouch*, upon the Firſt Day of *July* One thouſand ſeven hundred and ninety-four, and the Second General Aſſembly upon the Firſt Day of *October* then next enſuing, at ſuch Place as the ſaid Proprietors, or the major Part of them preſent at their ſaid Firſt Aſſembly, ſhall appoint, and the like Aſſemblies ſhall be held on the Firſt *Monday* in *April* and the Firſt *Monday* in *October* in every Year for the future, at the Hour of Eleven of the Clock in the Forenoon, and ſuch General Aſſemblies, and the major Part of the Proprietors then and there aſſembled, (together with ſuch Proxies as aforeſaid), ſhall chuſe and elect Thirteen Perſons, being each a Proprietor, at the Time of ſuch Election, of Three or more Shares of the ſaid Navigation, to be a Committee to manage the Affairs of the ſaid Company of Proprietors, as herein-after directed; and the ſaid Company of Proprietors ſhall always have Power and Authority at any ſuch General Aſſembly to remove and diſplace any Perſon or Perſons who ſhall have been choſen a Member or Members of ſuch Committee, or any Officer or Officers under them,

Committee to be appointed.

and to revoke, alter, amend, and change, any of the Rules and Directions herein prescribed and laid down, with regard to their Proceedings among themselves, as to the major Part of them shall seem meet, the Method of calling General and Special Assemblies, and their Time and Place of meeting, and voting and appointing Committees, only excepted, and shall have Power to make such new Rules, Bye Laws, and Orders, for the good Government of the said Company, and the Committee, and their Servants, Agents, and Workmen, and for the whole, complete, and total Superintendance and Management of the said Navigation, and of the Bargemen, Watermen, Boatmen, and others who shall carry any Goods, Wares, or Merchandize, upon any Part of the said Navigation, as to the said General Assembly shall seem meet and fitting, and to impose and inflict such reasonable Fines or Forfeitures upon the Person or Persons who shall break or not observe such new Rules, Bye Laws, or Orders, as to the major Part of such General Assembly shall seem meet, and not exceeding the Sum of Five Pounds for any Offence, which said Rules, Bye Laws, and Orders, being reduced into Writing under the Common Seal of the said Company of Proprietors, shall be binding upon and observed by all Parties using or in any ways concerned in the said Navigation, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same, provided that they be not repugnant to the Laws of this Realm, or the Provisions and Directions in this Act contained, or to any of them; and every such General Assembly shall have Power to call for, audit, and settle, all Accounts of Money received, laid out, and expended, on Account of the said Navigation, by the Treasurers, Receivers, Toll-gatherers, and other Officers by them appointed, or by any other Person or Persons whomsoever employed by or concerned for or under them, in and about the said Navigation, and its Works and Appurtenances; but no Vote nor Votes by Proxy shall be given, nor have any Power in or as to the Audit and Settlement of Accounts; and the said Company of Proprietors shall have Power to adjourn themselves from Time to Time, to such Place or Places as shall at such General Assemblies be thought meet and convenient by the Persons then present, having either as Principals or Proxies a Majority of Votes.

General Assemblies for chusing Committees.

XCI. Provided always, and be it further enacted, That if at any such General Assembly there shall not be Persons present who have a Right to vote for Four hundred such Shares of and in the said Navigation, either as Principals or Proxies, no Choice of a Committee, nor any Removal of any Person or Persons from the said Committee, nor any Election of any Person or Persons in the Room of those who shall die, or be so removed, shall be made, nor any other Business whatever transacted at that Time, but in any such Case there shall be another Assembly of the Proprietors of the said Navigation at the same Place, on that Day Fortnight, and so from Time to Time until there shall be Persons present at such General Assembly, having such Number of Shares as aforesaid, and then such Choice, Removal, or new Appointment, of any Member of such Committee, shall take place, or other Business be transacted, and not before, and the Persons then chosen to be of the said Committee shall have the same Powers as they would have had, and shall continue in such Offices until such Time as they would have done, had they been chosen by the said First Assembly herein-before appointed; and in case of

of Failure of the aſſembling of a ſufficient Number of Proprietors having Four hundred Votes as Principals or Proxies at ſuch Firſt Aſſembly, every Proprietor who ſhall not attend ſuch Second Meeting, in Perſon or by Proxy, ſhall forfeit to the ſaid Company of Proprietors, for every Share which he or ſhe ſhall poſſeſs in the ſaid Navigation or Undertaking, the Sum of Five Shillings, to be deducted out of the next ſucceeding Payment of Intereſt or Dividend of the Profits of the ſaid Undertaking, as the Caſe may happen.

Aſſembly of Proprietors may be ſpecially convened.

XCII. And be it further enacted, That if it ſhall at any Time appear that, for the more effectually putting this Act in Execution, a Special Aſſembly of the whole Number of Proprietors, or of ſo many of them as can be conveniently called together, is neceſſary to be held, it ſhall be lawful for any Seven or more of them to cauſe Fifteen Days Notice at leaſt to be given thereof in One of the Newſpapers, publiſhed in each of the Counties of *Leiceſter*, *Derby*, and *Warwick*, or in ſuch other Manner as the ſaid Proprietors ſhall at any General Aſſembly direct or appoint, ſpecifying in ſuch Notice, the Reaſon and Intent of requeſting ſuch Special Aſſembly, and the Time when, and Place where, the ſame ſhall be held; and the ſaid Proprietors are hereby authorized to meet purſuant to ſuch Notice, and proceed to the Execution of the Powers by this Act given to them, with reſpect to the Matters ſo ſpecified only, and all ſuch Acts of the Proprietors, or of the major Part of them, met together at ſuch Aſſemblies ſpecially convened, having a Right to vote for Four hundred Shares at leaſt of and in the ſaid Navigation, either as Principals or Proxies, ſhall be as valid with reſpect to the Matters ſpecified in ſuch Notice, as if the ſame had been done at General Aſſemblies.

General Aſſembly to elect and appoint Officers,

and take Security from them.

XCIII. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, or the major Part of them, who ſhall be ſo preſent at any ſuch General or Special Aſſembly, and they are hereby authorized and required, from Time to Time, to nominate and appoint, by Writing under their Hands, a Treaſurer or Treaſurers, and One or more Receiver or Receivers, Collector or Collectors, and alſo a Clerk or Clerks to the ſaid Company of Proprietors, who ſhall alſo be Clerk or Clerks to the ſaid Committee, and to the ſaid Commiſſioners, taking ſuch Security for the due Execution of their reſpective Offices, as the ſaid Company of Proprietors ſhall think proper, and ſuch Clerk or Clerks ſhall, in a proper Book or Books to be provided by the ſaid Company of Proprietors for that Purpoſe, enter and keep a true and perfect Account of the Names and Places of Abode of the ſeveral Proprietors of the ſaid Navigation, and of the ſeveral Perſons who ſhall from Time to Time become Owners and Proprietors of, or entitled to, any Share or Shares therein, and of all other Acts, Proceedings and Tranſactions of the ſaid Company of Proprietors, and of the Committee for the Time being, and of the ſaid Commiſſioners, by virtue of and under the Authority of this Act; and each of the ſaid Proprietors of the ſaid Navigation ſhall and may, at all convenient Times, have Recourſe to and peruſe and inſpect the ſame *gratis*, and may demand and have Copies thereof, or of any Part thereof, paying for every One hundred Words, ſo to be copied, the Sum of Four-pence; and if any ſuch Clerk or Clerks ſhall refuſe to permit any of the Proprietors ſo intereſted as aforeſaid, to inſpect or peruſe ſuch Book or Books of Proceedings at all

all convenient Times and Seaſons, or ſhall refuſe to make any ſuch Copy or Copies at the Rate or Price aforeſaid, he ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds, and whenever any ſuch Clerk or Clerks ſhall die, or be removed, or quit the Service of the ſaid Proprietors and Committee or Commiſſioners, it ſhall be lawful for the Committee of the ſaid Proprietors for the Time being, or any Five or more of them, to appoint ſome other fit Perſon or Perſons, in the Place of the Clerk or Clerks ſo dying, quitting, or being removed, until the then next General Aſſembly, when the ſame, or ſome other Clerk or Clerks, ſhall be nominated or appointed for the Purpoſe aforeſaid; and all ſuch Treaſurers, Receivers, Collectors, and Clerks, and all other Officers of the ſaid Company of Proprietors, who may at any Time reſign or be removed, and the reſpective Executors or Executrixes, Adminiſtrators or Adminiſtratrixes, and each and every of them, of any ſuch Officers who may die, ſhall, within Twenty Days after Notice given in Writing, to him, her, or them, for that Purpoſe, produce and deliver up to the ſaid Committee, for the Time being, all Books, Accounts, Papers, or Writings whatſoever, relative to the Execution of ſuch reſpective Offices, which ſhall be in his, her, or their, Cuſtody or Power; and every ſuch Officer and other Perſon as aforeſaid, neglecting or refuſing to deliver up ſuch Books, Accounts, Papers, or Writings, ſhall, for every ſuch Neglect or Refuſal, forfeit and pay to the ſaid Company of Proprietors any Sum not exceeding One hundred Pounds.

and they on Removal, or Reſignation, ſhall give up their Books, &c.

XCIV. And be it further enacted, That no Reſolution ſhall be taken or Buſineſs done, (except for the Purpoſe of Adjournment), at any of the Meetings of the ſaid Committee, unleſs Five Perſons of ſuch Committee ſhall be preſent; nor ſhall the Treaſurer or Treaſurers iſſue any Sum or Sums of Money for the Uſe of the ſaid Company, without an Order, ſigned by a Majority of the Committee preſent at ſuch Meeting, and never by fewer than Three of them, (except as herein is particularly provided, in the Caſe of temporary Damages), and all ſuch Orders for the Payment of Money ſhall be entered in the Company's Books; and the Treaſurer or Treaſurers ſhall be allowed all his or their Expences in the Execution of his or their Office, and the Clerk or Clerks ſhall be entruſted with Money from Time to Time, by an Order in Writing ſigned by a Majority of the ſaid Committee, upon the Treaſurer or Treaſurers, to enable him or them to pay petty Expences, and ſuch ſmall Sums as ſhall be found neceſſary, and he or they ſhall account for the ſame to the Committee, who ſhall regularly examine and ſign the ſaid Accounts as often as they ſhall ſee fit; and the ſaid Treaſurer or Treaſurers Accounts ſhall be examined and compared with the Books of the ſaid Committee every Half Year, and ſhall be made up, and the Balance ſettled and ſigned by the ſaid Committee, or any Three of them.

No Buſineſs to be done at a Committee, unleſs Five Perſons preſent.

Clerk to be entruſted with Money to pay petty Expences, and to account to the Committee.

Treaſurers to paſs their Accounts.

XCV. 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 the ſaid 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 ſhall have given One Vote before; and ſuch Committee ſhall, from Time to Time, make

Powers of the Committee and Regulations reſpecting ſame.

make Report 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 Expence 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 adjudged and ſettled at ſuch General Aſſemblies, and the ſaid Committee ſhall make Agreements and Bargains with the Workmen, Agents, Undertakers, and other Perſons employed or concerned in making and completing the ſaid Navigation and other Works, 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 Receiver or Receivers, Toll-gatherer or Toll-gatherers, or other Officer or Officers, or from any other Perſon or Perſons whomſoever, employed in, or having any Concerns, Dealings, or Tranſactions relative to the ſaid Navigation, or in or with any Part or Parts thereof, and ſhall regularly by themſelves, or their Clerk or Clerks as aforeſaid, enter in a Book or Books to be from Time to Time provided at the Expence of the ſaid Company of Proprietors 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, or kept locked up under the Care and Direction of the ſaid Committee: Provided always, that every Proprietor, upon every reaſonable Requeſt, 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, 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 or Calls exceed the Sum of Ten Pounds for every One hundred Pounds, and ſhall not be made but at the Interval of Two Calendar Months at leaſt from each other; and ſuch Committee ſhall (ſubject nevertheleſs to the Control of ſuch General Aſſemblies as aforeſaid) have full Power and Authority to direct and manage all and every the Affairs of the ſaid Company of Proprietors, as well in contracting for and purchaſing Lands, Meſſuages, 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 Under Officers, Clerks, Servants, and Agents, and in making all Contracts and Bargains, touching the ſaid Undertaking; and every Owner or Owners of any One or more Share or Shares in the ſaid Undertaking ſhall pay his or their rateable or proportional Share of the Monies to be called for as aforeſaid, to ſuch Perſon or Perſons, 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 proportional Part of the ſaid Money, ſo called for as aforeſaid, at the Time and Place appointed by ſuch Committee, or within Thirty

Committee may make Calls,

and appoint Officers and make Contracts.

Days next enſuing, he, ſhe, or they, ſo neglecting or refuſing, ſhall forfeit a Sum not exceeding Five Pounds for every Share; and in caſe ſuch Perſon or Perſons ſhall continue to neglect or refuſe to pay his, her, or their Calls as aforeſaid, for the Space of Six 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 Benefit thereof, all which Shares, ſo forfeited, ſhall go and be veſted in the Reſt of the Company of Proprietors, in Truſt for and for the Benefit of all the Reſt of the ſaid Proprietors, in Proportion to their reſpective Intereſts in the ſaid Navigation: Provided always 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, by the Clerk or Clerks to the ſaid Company of Proprietors, and until the ſame Share or Shares ſhall likewiſe be declared to be forfeited at ſome General or Special Aſſembly of the Company of Proprietors, within Thirty Days 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 Proprietors, with regard to carrying on the ſaid intended Navigation and Undertaking.

Shares may be forfeited,

but no Advantage to be taken of a Forfeiture of Shares, without Notice.

XCVI. And be it further enacted, That in caſe any Owner or Owners of any Share or Shares in the ſaid Navigation ſhall happen to die before ſuch Call or Calls ſhall have been made for the full Sums 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, and how or by what Means the future Calls in reſpect thereof ſhall be paid to the ſaid Company of Proprietors, for the Purpoſes of the ſaid Navigation, then and in ſuch Caſe the Executor or Executors, Adminiſtrator 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 or Owners 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 Owner or Owners deceaſed, ſhall not have left Aſſets ſufficient, or in caſe any ſuch Executors or Adminiſtrators, Truſtee or Truſtees, Guardian or Guardians, or other Perſon or Perſons, ſhall refuſe or neglect to anſwer ſuch Calls, the ſaid Company of Proprietors ſhall be, and they are hereby authorized and required to admit any other Perſon or Perſons to be Proprietor or Proprietors of the Share or Shares of ſuch Owner or Owners, 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 ſuch Infant or Infants, or to any other Perſon or Perſons who may be entitled to his or her Effects, the full Sum or Sums of Money

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

Money which ſhall have been paid by ſuch Owner or Owners, in his, her, or their Lifetime, by virtue of any Call or Calls, or otherwiſe, upon ſuch Share or Shares, or ſuch other Sum or Sums of Money as the ſame can be ſold for; and in caſe no ſuch Perſon or Perſons ſhall be found who is or are willing to be admitted on ſuch Conditions as aforeſaid, then and in ſuch Caſe ſuch Share or Shares ſhall be forfeited to and become veſted in the Reſt of the Company of Proprietors of the ſaid Navigation, their Succeſſors and Aſſigns, in Truſt for, and for the Benefit of all the ſaid Proprietors, in Proportion to their reſpective Intereſts in the ſaid Navigation.

Shares may be ſold.

XCVII. And be it further enacted, That it ſhall be lawful for the ſeveral Proprietors of the ſaid Navigation, his, her, or their reſpective 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 and provided; and the Form of Conveyance for ſuch Sales ſhall be in the following Words, or to the like Effect, varying the Names and Deſcriptions of the contracting Parties as the Caſe may require:

Form of Sale and Conveyance of Shares.

'I *A. B.* in Conſideration of paid to me by *C. D.* do hereby bargain, ſell, and transfer, to the ſaid *C. D.* my [*or* our] Share [*or* Shares, *as the Caſe may be*] of the Navigation and Undertaking called the *Aſhby de la Zouch Canal*, 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, [*or* Shares], 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, the ſaid Deed of Conveyance, executed by the Seller or Sellers, and the Purchaſer or Purchaſers, of ſuch Share or Shares, ſhall be kept by the ſaid Purchaſer or Purchaſers for his, her, or their Security, after the Clerk of the ſaid Company ſhall have entered (in a Book) a Memorial of ſuch Transfer and Sale, to be kept for the Uſe of the ſaid Company, and have teſtified or indorſed the Entry of ſuch Memorial on the ſaid Deed of Sale or Transfer, for which no more than Two Shillings and Sixpence ſhall be paid; and the ſaid Clerk is hereby required to make ſuch Entry or Memorial accordingly; and unleſs and until ſuch Memorial ſhall have been made and entered as above directed, ſuch Purchaſer or Purchaſers ſhall have no Part of the Profits of the ſaid Canal, nor any Intereſt for ſuch Share or Shares paid unto him, her, or them, or any Vote as a Proprietor or Proprietors of the ſaid Navigation.

After a Call, no Share to be ſold, until the Call be anſwered.

XCVIII. And be it further enacted, That after any Call of Money ſhall have been made by ſuch Committee as aforeſaid, no Perſon or Perſons ſhall ſell or transfer any Share or Shares which he, ſhe, or they ſhall poſſeſs in the ſaid Navigation, unleſs he, ſhe, or they, at the Time of ſuch Sale or Transfer, ſhall have paid and diſcharged to the Treaſurer or Treaſurers of the ſaid Company of Proprietors, the whole and entire Sum of Money

Money which ſhall have been called for upon each Share ſo ſold or tranſferred.

Regulations as to the Acquiſition of Shares, by Marriage,

XCIX. And whereas much Inconvenience may ariſe by the frequent Transfer and Sale of the Right and Title to the Shares of the ſaid Canal, by the Marriage and Death of Proprietors, and it may be difficult in ſuch Caſes to aſcertain to whom the Dividends ariſing from or becoming due upon ſuch Shares, ought to be paid and do belong; be it therefore enacted, That, before any Perſon or Perſons who ſhall claim any Part or Share of the Profits of the ſaid Canal, 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 or Maſter Extraordinary in Chancery, or One of His Majeſty's Juſtices of the Peace, and ſhall be tranſmitted to the Clerk of the ſaid Company, 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 Canal; and that before any Perſon or Perſons who ſhall claim any Part or Share of the Profits of the ſaid Canal, 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 Copy 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 any ſuch 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), or affirmed, in caſe of ſuch Executor or Adminiſtrator being a Quaker, before One of the Judges at *Weſtminſter*, a Maſter or 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.

or Will, or in a Courſe of Adminiſtration.

Rates of Tonnage.

C. And, in Conſideration of the very great Charge and Expence which the ſaid Company of Proprietors muſt incur in making and maintaining all the Works hereby authorized to be made and maintained, be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, from Time to Time, and at all Times hereafter, to aſk, demand, take, and recover, to and for their own proper Uſe and Behoof, the ſeveral Rates and Duties herein-after mentioned, for the Tonnage of all Minerals, Merchandize, and other Goods, Matters, and Things whatſoever, which ſhall be carried or conveyed upon the ſaid Canal and Cuts or Branches, or any of them; (that is to ſay),

For all Coals, Lime, and Slate, One Penny Farthing *per* Ton *per* Mile:

For Iron Stone, Building Stone, Grinding Stone, Lime Stone, Bricks and Tiles, and for all Cattle, Sheep, Swine, and other Beaſts, Three Farthings *per* Ton *per* Mile:

For Cotton, Wool, and Hops, Corn, Timber, Bark, Wrought Iron, Cheeſe, and all other Articles, (except Dung, Aſhes, Marl, and Clay, for Manure, Gravel, Sand, and Stones, for Roads), Two-pence *per* Ton *per* Mile.

Exemptions from Toll.

CI. Provided always, and be it 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 Dung, Aſhes, Marl, or Clay, for Manure, nor for any Gravel, Sand, or other Materials to be uſed for the Purpoſe only of making or repairing any publick Roads, and that the Perſon or Perſons who ſhall own or be concerned or employed in carrying ſuch Dung, Aſhes, Marl, and Clay, for Manure, or Gravel, Sand, or other Materials for Roads, ſhall have free Liberty to make uſe of the Towing Paths, Wharfs, or Quays, belonging to the ſaid Company of Proprietors, ſuch Perſon or Perſons not ſuffering ſuch Articles or Things to be upon ſuch Wharfs or Quays longer than may be neceſſary for the loading, unloading, and conveying thereof from and to the ſeveral Places where they are to be put on Board and unloaded, and ſo that the ſame do not paſs through any Lock, except at ſuch Times only as the Water ſhall flow over the Waſte Weir next above ſuch Lock.

For aſcertaining the Tonnage of Lime;

CII. And, for aſcertaining the Tonnage of Lime and Lime Stone to be charged with the Payment of ſuch Tolls, Rates, or Duties as aforeſaid, it is hereby enacted and declared, That in ſuch Caſes where the Owner or Owners, Renter or Renters, of any Lime Kilns or Lime Works, ſhall be deſirous of conveying their Lime or Lime Stone along the ſaid intended Navigation Cuts or Branches, Railways or Stone or other Roads, or any Part thereof, in Carriages, Boxes, or Caſes, appropriated for the Purpoſe, the Carriages, Caſes, or Boxes, for conveying the ſame, ſhall be made of ſuch Dimenſions and Size, and in ſuch Form, as the ſaid Company of Proprietors ſhall approve; and for the Aſcertainment of the Weight, that ſuch Carriages, Caſes, or Boxes, are capable of containing, the ſame ſhall be meaſured or gauged by the ſaid Company of Proprietors, or ſuch Perſon or Perſons as they ſhall appoint as their Agent for that Purpoſe, who ſhall eſtimate the Weight of a Ton at One hundred and twenty Pounds per Hundred Weight Averdupois, and calculate the ſame at the Time when the Lime or Lime Stone ſhall be put into ſuch Carriages, Caſes, or Boxes, immediately from the Kiln or Place of burning; and that ſuch Company, or their Agent, ſhall fix upon every of ſuch Carriages, Caſes, or Boxes, a Mark deſcriptive of the Weight, that ſuch Carriages, Caſes, or Boxes, ſhall have been as aforeſaid aſcertained to be capable of containing; and that the Tolls, Rates, and Duties, hereby impoſed upon Lime and Lime Stone ſhall be collected and taken according to the Weight ſo aſcertained by ſuch Mark, without further Regard to the Quantity of Lime or Lime Stone to be contained in any of ſuch Carriages, Caſes, or Boxes; and that Carriages, Caſes, or Boxes ſo marked, or the Lime or Lime Stone therein contained, ſhall not be liable to be further weighed or meaſured in the Paſſage thereof upon the ſaid intended Navigation, Railways, or Stone or other Roads, or any Part or Parts thereof, any Thing in this Act contained to the contrary thereof in anywiſe notwithſtanding; and that it ſhall not be lawful for any Perſon or Perſons whomſoever, whilſt the Mark deſcriptive of ſuch Weight as aforeſaid ſhall be plainly viſible on ſuch Carriages, Caſes, or Boxes, to impede or hinder the Paſſage thereof along the ſaid intended Navigation, Railways, Stone or other Roads, or any Part or Parts thereof; and that no Owner or Owners of any of ſuch Carriages, Caſes, or Boxes, or any Servant or Agent of theirs, ſhall alter or vary any ſuch Mark, or make any Alteration by which the Dimenſions

Dimenſions of any of ſuch Carriages, Caſes, or Boxes, ſhall or may be increaſed, without giving Fourteen Days previous Notice thereof to the ſaid Company, or their Clerk, under the Penalty of Five Pounds for every ſuch Alteration, to be levied and recovered in the ſame Manner as other Fines and Forfeitures, the Manner of levying and recovering whereof is not hereby particularly directed, are leviable and recoverable under this Act; and that in caſe the ſaid Company ſhall, for the Space of Fourteen Days after ſuch Notice given to them, or their Clerk, by the Owner or Owners of any ſuch Carriage, Caſe, or Box as aforeſaid, neglect or refuſe to attend by their Agent, and inſpect the meaſuring and gauging, or varying or altering of the ſame, then, and in every ſuch Caſe, it ſhall not be lawful for the ſaid Company to recover, in any ſuch Caſe of the Default or Neglect of themſelves, or their Agent, any Penalty hereby impoſed for any falſe Meaſure or Mark put upon any ſuch Carriage, Caſe, or Box; and that in ſuch Caſes where it may be found more convenient for the Owner or Owners, Renter or Renters, of any Lime Works or Lime Kilns, to put ſuch Lime immediately into any Boat or other Veſſel, without having previouſly made uſe of ſuch Carriages, Caſes, or Boxes, for conveying it from the Lime Kilns or Lime Works, or Place where burnt, to ſuch Boats or other Veſſels, the Owner or Renter of every ſuch Lime Work or Lime Kiln, or his or her Agent or Agents, ſhall be required to deliver to the Maſter of ſuch Boat, or other Veſſel, a Bill of Lading, ſpecifying the Number of Tons of Lime ſo delivered from the Kiln or Place of burning, according to the Rate aforeſaid; but as from the Increaſe of the Weight of ſuch Lime before it may be diſcharged from the Boats or other Veſſels, it may be difficult for the ſaid Company of Proprietors, or their Agents, to aſcertain whether ſuch Bill of Lading may contain a true Account of the Quantity of Lime ſo delivered, it ſhall be lawful for the ſaid Commiſſioners, or any Five or more of them, at a Meeting to be held by them, of which at leaſt Twenty-eight Days Notice ſhall be given in ſome *Leiceſter* or *Derby* Weekly Newſpaper, in caſe any ſhall be publiſhed, and if not, by Notice affixed up in ſuch Part of the Towns of *Leiceſter*, *Derby*, and *Aſhby de la Zouch*, where Proclamations are uſually affixed, aſſigning in ſuch Notice, the Purpoſe of ſuch intended Meeting, to aſcertain and determine by due Experiments the extreme Increaſe of Weight ſuch Lime is liable to acquire during its Paſſage, and to fix and aſcertain a due Allowance that ſhall be made for ſuch Increaſe; and if the Weight of ſuch Lime, when delivered from any Boats or Veſſels, ſhall not exceed the Weight ſpecified in the Bill of Lading, together with the additional Weight to be allowed by ſuch Determination of the ſaid Commiſſioners, then it ſhall not be lawful for the ſaid Company of Proprietors to levy any Penalty on the Maſter or Owner of ſuch Boat or Veſſel, for any Exceſs of Weight over and above the Weight ſpecified in ſuch Bill of Lading.

Tolls to be paid for a full Half Mile, and for a full Half Ton.

CIII. Provided nevertheleſs, That in all Caſes where any Boat or other Veſſel ſhall be navigated or paſs by any Poſt, or Mark, or Place, where ſuch Poſt or Mark had or ought to have ſtood, or been fixed, on the Sides of the ſaid Canal, Cuts, or Branches, and regulating the Length of Half a Mile, the ſaid Rates, Tolls, and Duties, ſhall be paid for a full Half Mile, although ſuch Boat or other Veſſel ſhall not have actually paſſed the full Half Mile; and that in all Caſes where the Weight of the Lading

Lading contained in any ſuch Boat, or other Veſſel, ſhall not make up an even Half of a Ton, yet the ſaid Rates, Tolls, or other Duties, which would be payable for a full Half of a Ton, ſhall be paid to the ſaid Company, or their Succeſſors, for any leſs Quantity.

Penalty for claiming Exemptions without being entitled thereto.

CIV. Provided alſo, and be it further enacted, That if any Perſon or Perſons ſhall claim a Right to carry or convey any Articles on the ſaid Canal and Cuts or Branches, or either of them, free and exempt from the Payment of the Rates, Tolls, or Duties before mentioned, who ſhall not be entitled to ſuch Exemption, or ſhall uſe or diſpoſe of any of the Articles hereby exempted from the Payment of ſuch Rates, Tolls, and Duties, for any other Purpoſes than thoſe in reſpect of which ſuch Articles are hereby exempted therefrom, and ſhall be thereof convicted before any Juſtice of the Peace, every ſuch Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay to the ſaid Company of Proprietors, or their Succeſſors, any Sum not exceeding Five Pounds, nor leſs than Forty Shillings.

Maſters of Boats to give an Account in Writing to the Collectors of the particular Goods,

and the Quantity of each.

CV. And be it further enacted, That the Maſter, Owner, or Manager, of every Boat or other Veſſel navigating upon the ſaid Canal and Cuts or Branches, or upon any Part or Parts thereof, ſhall give to the Collectors of the ſaid Rates or Tolls, Wharfage, or other Dues, or to any other Officers to be appointed for ſuch Purpoſe by the ſaid Company of Proprietors, 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 Rule or Command of ſuch Boat or other Veſſel, of the Quantities of Goods, and of their Nature, Sort, or Kind, which ſhall be embarked in or upon ſuch Boat or other Veſſel, from whence brought, and where the ſame is intended to be landed; but if the Goods contained in any ſuch Boat or other Veſſel ſhall be liable to the Payment of different Rates and Tolls, and other Dues, then ſuch Maſter, Owner, or other Perſon or Perſons, ſhall ſpecify the Quantities liable to the Payment of each of the ſaid Rates, Tolls, or other Dues; and in caſe he or they ſhall neglect or refuſe to give ſuch Account, or ſhall refuſe to produce his or their Invoice or Bill of Lading to the Officer demanding the ſame, or ſhall give a falſe Account, or ſhall deliver any Part of ſuch Lading or Goods at any other Place or Places than what is or are mentioned in that Account, every Perſon ſo offending ſhall forfeit and pay to the ſaid Company of Proprietors the Sum of Twenty Shillings for every Ton of Goods, and ſo in Proportion for any leſs Quantity than a Ton, which ſhall be in or conveyed by ſuch Boats or other Veſſels reſpectively, of which or of whoſe Lading ſuch Accounts ſhall be refuſed, or ſuch falſe Accounts given, or whoſe Lading ſhall be delivered out as aforeſaid, as the Caſe ſhall happen to be, over and above the reſpective Rates, Tolls, and Dues, which ſhall be payable for the ſame.

Forfeiture.

For aſcertaining the Weight of Timber and light Goods.

CVI. And, for the better aſcertaining the Tonnage of Timber or Wood, to be charged with the Payment of ſuch Rates and other Duties as aforeſaid, and the Contents and Burthen of the Boats and other Veſſels carrying and conveying ſuch Timber or Wood, and alſo other Goods, Matters, and Things, on the ſaid Canal or Cuts or Branches, it is hereby enacted and declared, That Forty Feet of Aſh, Oak, or Elm

Elm Timber, and Fifty Feet of Fir or Deal, Balk, Poplar, Beech, Birch, or other Wood, (not cut into Scantlings), ſhall be reſpectively deemed, rated, and eſtimated, as and for One Ton Weight, and that One hundred and twenty Pounds Weight Averdupois ſhall be deemed and taken as and for One hundred Weight of Coal, Coak, or Lime, and One hundred and twelve Pounds Weight Averdupois of all other Articles, any Uſage of rating or eſtimating the ſame to the contrary hereof notwithſtanding; and if any Differences ſhall ariſe between any Collector of the ſaid Rates and other Dues, and the Maſter or other Perſon having the Care, Charge, or Rule, of any Boat or other Veſſel, or the Owner of any Goods, Wares, or Merchandize, loaded or embarked therein, concerning the Meaſure of ſuch Timber, or concerning the Weight or Quantity of the Goods, Wares, or other Matters or Things therein embarked or contained, it ſhall be lawful for any ſuch Collector to ſtop and detain any ſuch Boat or other Veſſel, and to weigh, meaſure, and gauge, or cauſe to be weighed, meaſured, or gauged, all ſuch Timber, Goods, Wares, and Merchandize, or other Matters or Things as ſhall be therein embarked or contained; and in caſe the ſaid Timber, or the ſaid other Matters and Things, or any of them, ſhall, upon ſuch weighing, meaſuring, or gauging, appear to be of greater Meaſure, Weight, or Quantity, than ſuch Maſter, Owner, or other Perſon having the Care or Charge of ſuch Boat or other Veſſel, affirmed the ſame to be, then the Maſter, Owner, or other Perſon, ſo affirming, ſhall pay the Coſts and Charges of ſuch weighing, examining, meaſuring, and gauging; all which ſaid Coſts and Charges, upon Refuſal of Payment upon Demand, ſhall and may be recovered and levied in the ſame Manner as the ſaid Rates and Dues are hereby authorized to be recovered and levied; but if ſuch Timber, Goods, Wares, and Merchandize, or ſuch other Things, ſhall appear to be of the ſame or of a leſs Weight or Quantity than the Maſter, Owner, or other Perſon, ſo affirmed the ſame to be, then the ſaid Collector ſhall pay the Coſts and Charges of ſuch weighing, meaſuring, and gauging, and ſhall alſo pay to ſuch Maſter or other Perſon, or to the Owner or Owners of ſuch Goods, Wares, or Merchandize, ſuch Damages as ſhall appear to the ſaid Commiſſioners, on the Oath or Oaths of One or more credible Witneſs or Witneſſes, (which Oath or Oaths the ſaid Commiſſioners are hereby empowered and required to adminiſter), to have ariſen from ſuch Detention; and in Default of immediate Payment thereof, the ſame ſhall be recovered from the ſaid Company of Proprietors by Action of Debt, in any of His Majeſty's Courts of Record at *Weſtminſter*.

In caſe of Differences concerning the Weight of Goods, Collector may weigh them.

CVII. And be it further enacted, That in caſe any Differences or Diſputes ſhall ariſe by Reaſon or on Account of any Sum or Sums of Money that ſhall or may be demanded or taken for Wharfage by the ſaid Company of Proprietors, or any Land Owner or Land Owners, or other Perſon or Perſons who ſhall or may at any Time hereafter make, erect, or build, any Wharfs or Quays on any Part of the ſaid intended Canal and Cuts or Branches, by virtue of this Act, ſuch Diſputes and Differences ſhall and may be ſettled by the ſaid Commiſſioners; and that it ſhall be lawful for the ſaid Company of Proprietors to make, erect, repair, and uſe, any Crane or Cranes, Weighing Machine or Weighing Machines, upon every Wharf or Quay, for the more convenient loading, unloading, and weighing, of any Goods, in caſe the Proprietors of ſuch Wharfs or

For ſettling Diſputes concerning Wharfage.

Quays ſhall refuſe to make, erect, and uſe the ſame, within Three Calendar Months after they ſhall have received Notice in Writing for that Purpoſe from the ſaid Company of Proprietors, and to take ſuch Rates or Prices for the Weighing or Cranage as ſhall, in caſe of Diſpute, be ſettled by the ſaid Commiſſioners.

Powers for Proprietors to regulate and fix the Price of ſmall Parcels under Five hundred Pounds Weight.

CVIII. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, from Time to Time, at any General or Special Aſſembly of Proprietors, (with the Conſent of the Commiſſioners), to make ſuch Bye Law or Bye Laws, for aſcertaining and fixing 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 ſaid Canal and Cuts or Branches reſpectively, or upon any Part of them, as to them ſhall ſeem fitting and reaſonable; and the ſaid Company of Proprietors ſhall from Time to Time print and affix, (or cauſe to be printed and affixed), upon every Publick Wharf on the ſaid Canal and Cuts or Branches, in ſome conſpicuous Place there, 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, or any of them; and in caſe any Owner or Maſter, or other Perſon belonging to any Boat or other Veſſel navigated or paſſing upon the ſaid Canal and Cuts or Branches, or upon any Part or Parts 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 fixed up as aforeſaid, ſhall demand or take more than the Price, or Sum or Sums of Money in ſuch printed Paper aſcertained and particularized, ſuch Owner, Maſter, or other Perſon, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings, and ſuch Bye Laws ſhall be valid and binding upon all Perſons whomſoever.

Rates, Tolls, and Duties, how to be recovered.

CIX. And be it further enacted, That the Rates, Tolls, and Duties, hereby authorized to be taken, ſhall be paid to ſuch Perſon or Perſons, at ſuch Place or Places, upon or near to the ſaid Canal and Cuts or Branches, and in ſuch Manner and under ſuch Regulations as the ſaid Company of Proprietors ſhall direct or appoint; and in caſe of Neglect or Refuſal to pay any ſuch Rates, Tolls, or Duties, or any Part thereof, unto the Perſon or Perſons who ſhall be appointed to receive the ſame as aforeſaid, it ſhall be lawful for the ſaid Company of Proprietors to ſue for the ſame by Action of Debt, or upon the Caſe, in any of His Majeſty's Courts of Record at *Weſtminſter*; or it ſhall be lawful for the Perſon or Perſons to whom ſuch Rates, Tolls, or Duties ought to have been paid, and he and they is and are hereby fully authorized and empowered to ſeize and diſtrain any Boat, or other Veſſel, Goods, Wares, or Merchandize, for or in reſpect of which any ſuch Rates, Tolls, or Duties ought to be paid as aforeſaid, or any Part of ſuch Goods, Wares, or Merchandize, and to detain the ſame reſpectively until full Payment ſhall be made of ſuch Rates, Tolls, or Duties; and all Arrears of the ſame which may be then due from the Owner of ſuch Boat or Veſſel, Goods, Wares, or Merchandize, to the ſaid Company of Proprietors, together with the reaſonable Coſts and Charges of ſuch Seizure and Detainer; and in caſe ſuch Diſtreſs ſhall not be redeemed within Fourteen Days after the taking thereof, the ſame ſhall and may be appraiſed and ſold as the Law directs in Caſes of Diſtreſs for Rent.

CX. And

Company may from Time to Time vary the Tolls.

CX. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors from Time to Time, at any General or Special Aſſembly to be held for that Purpoſe, (of which Two Calendar Months Notice at the leaſt ſhall be given in Manner herein before mentioned), to lower or reduce ſuch of the ſaid Rates, Tolls, and Duties, ſo fixed as aforeſaid, as the ſaid Company of Proprietors ſhall think proper, and afterwards from Time to Time, at any General or Special Aſſembly, (of which the like Notice ſhall be given), to advance and raiſe all or any of the ſaid Rates, Tolls, and Duties, ſo lowered or reduced; provided always that the Rates, Tolls, or Duties, ſo to be advanced or raiſed as aforeſaid, ſhall not in any Caſe exceed the reſpective Rates, Tolls, and Duties herein-before authorized to be taken, but no Alteration of the ſaid Rates, Tolls, and Duties, ſhall be made without the Conſent in Writing of ſo many of the ſaid Proprietors as ſhall be poſſeſſed of at leaſt Two Thirds of the whole Number of Shares in the ſaid Undertaking.

Stones to be erected every Quarter of a Mile.

CXI. And be it further enacted, That as ſoon as conveniently may be after the ſaid Canal and Cuts or Branches ſhall be completed, the ſaid Company of Proprietors ſhall cauſe the ſame to be meaſured, and Stones, or Poſts, with proper Inſcriptions, to be erected, and for ever after maintained on the Sides thereof reſpectively, at the Diſtance of the Fourth Part or Quarter of a Mile from each other.

The Company to be rated to Taxes, *etc.* for the Lands, *etc.* uſed by them in the ſame Proportion as adjoining Lands.

CXII. And be it further enacted, That the ſaid Company of Proprietors ſhall from Time to Time be rated to all Parliamentary and Parochial Rates, Taxes, Aſſeſſments, and Impoſitions, for or in reſpect of the Lands and Grounds to be purchaſed or taken, and the Warehouſes and other Buildings to be erected or ſet up by the ſaid Company, in purſuance of this Act, in ſuch and the ſame Proportion as, but not at an higher Value or improved Rent than other Lands and Buildings lying near or adjacent thereto, are or ſhall for the Time being be rated, or as the ſame Lands, Grounds, Warehouſes, and other Buildings, ſo to be purchaſed and taken and erected, would have been rateable in caſe the ſame had continued in their former State, and not been uſed for the Purpoſes of the ſaid Navigation or Undertaking.

Navigation to be free on Payment of Tolls.

CXIII. And be it further enacted, That all and every Perſon and Perſons ſhall have free Liberty to uſe, with Horſes, Cattle, and Carriages, the Private Ways and Roads belonging to the ſaid Company of Proprietors (except the Towing Paths) for the conveying Goods, and other Things to and from the ſaid Canal, Cuts, or Branches, and the Wharfs, Quays, or Landing Places, belonging thereto, and alſo with Boats and other Veſſels to navigate, paſs upon, and uſe, the ſaid Canal, Cuts or Branches, and Roads reſpectively, for the Purpoſe of conveying any Iron Stone, Coals, Lime, Goods, Merchandize, Commodities, Matters, or Things whatſoever thereon reſpectively; and alſo to uſe the ſaid Wharfs, Quays, and Landing Places, for the loading and unloading of any Goods or other Things, and the ſaid Towing Paths for the haling and drawing of ſuch Boats and Veſſels, upon Payment of ſuch Rates, Tolls, and Duties, as ſhall be demanded by the ſaid Company of Proprietors for the ſame, not exceeding the ſeveral Rates, Tolls, and Duties herein-mentioned, and ſubject always to the Rules, Orders, Bye Laws, and Regu-

lations, which ſhall from Time to Time be made by the ſaid Company of Proprietors, by virtue of the Powers herein granted.

The Company may make Regulations relative to paſſing Locks.

CXIV. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors from Time to Time to make ſuch Rules, Orders, and Regulations, for or relating to the paſſing of any Locks to be made by virtue of this Act, with any Boats or other Veſſels, as they ſhall think proper; and that all ſuch Rules, Orders, and Regulations, being publiſhed in ſuch Manner as the ſaid Company, aſſembled at any Meeting to be held as herein-before mentioned, or the major Part of them ſo aſſembled, ſhall direct, ſhall be binding upon and be conformed to by the Owners, Maſters, or Perſons, having the Care or Conduct of ſuch Boats or other Veſſels as aforeſaid, upon Pain of forfeiting a Sum not exceeding Five Pounds, nor leſs than Twenty Shillings for every Default.

Boats, &c. under Twenty Tons Burthen not to paſs Locks, but on certain Conditions.

CXV. Provided always, and be it further enacted, That no Boat or other Veſſel, liable to pay any Tonnage under this Act, of leſs Burthen than Twenty Tons, ſhall paſs through any of the Locks to be made by virtue of this Act, without the Conſent of the ſaid Comp ny of Proprietors, or ſome or One of their Officers for the Time being, in Writing firſt had and obtained, unleſs the Owner, Maſter, or Perſon having the Care of ſuch Boat or other Veſſel, ſhall pay the ſame Tonnage as for a Boat or Veſſel of Twenty Tons Burthen; but all Boats or Veſſels which ſhall be proceeding to take in Ladings, or which ſhall have diſcharged their Ladings, ſhall be permitted to go and return without paying any Rate, (ſo as the ſame be empty), and ſhall not obſtruct or prejudice the Navigation of the ſaid Canal and Cuts or Branches, or any of them, or the Towing Paths on the Sides thereof reſpectively.

Empty Boats, on their Return, to be Toll free.

Veſſels lying ſo as to obſtruct the Navigation, to be moored, and Veſſels ſunk to be weighed up.

CXVI. And be it further enacted, That 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 and Cuts or Branches, or either of them, by Means of the miſplacing or otherwiſe miſconducting any 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 nor leſs than Five Shillings, and alſo a like Sum for every Hour during which ſuch Obſtruction ſhall continue, and it ſhall be lawful for the Agents or Servants of the ſaid Company of Proprietors, 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 ſaid 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 on any Part of the ſaid Canal or Cuts or Branches, or in any ſuch Trench or Sluice as aforeſaid, and the Owner or 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 of Proprietors, or any of them, to cauſe ſuch Boat or 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; and if ſuch Payment ſhall not be made within the Space of Fourteen Days, then it ſhall be lawful for the ſaid Company of Proprietors to ſell and diſpoſe of ſuch Boat or other Veſſel, with the Loading thereof, in ſuch Manner as the Law directs in Caſes of Diſtreſs for Rent in Arrear, rendering to the former Owner of ſuch Boat or other Veſſel, the Overplus, after ſuch Expences and the Charges of ſuch Sale ſhall be deducted.

To prevent the Lock Keepers giving any Preference.

CXVII. And be it further enacted, That if any Lock Keeper, Wharfinger, or other Servant belonging to the ſaid Company of Proprietors, ſhall give any Preference, or ſhew any Partiality to any Boat or other Veſſel, in paſſing through any Lock or Locks upon the ſaid intended Canal, Cuts, or Branches, or any of them, 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 of Proprietors, every Perſon ſo offending ſhall forfeit and pay the Sum of Twenty Shillings to the Informer.

Veſſels paſſing Locks with leſs than Twenty Tons to pay Tonnage for not leſs than Twenty Tons.

CXVIII. 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 Twenty 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 Lading or Burthen of Twenty Tons, ſhall pay to the ſaid Company of Proprietors for the Time being, as a Lock Due for Waſte of Water, the Sum of One Shilling at each Lock which ſuch Boat or Veſſel ſhall ſo paſs through, and alſo ſhall pay a Tonnage Rate of Twenty Tons of Lading, in the ſame Manner as if ſuch Boat or Veſſel had actually on Board ſuch Twenty Tons of Lading; but if at any Time there ſhall not be ſufficient Water in ſuch Lock or Locks to enable ſuch Boat or Veſſel to paſs through the ſame with Twenty Tons Weight of Lading, then, and in every ſuch Caſe, it ſhall be lawful for all ſuch Boats and other Veſſels to paſs any ſuch Lock or Locks with any leſs Weight of Lading than Twenty Tons, and the Owner, or the Perſon having the Rule or Command of ſuch Boat or other Veſſel, ſhall not be compellable to pay any 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 or other Veſſel to carry; any Thing in this Act to the contrary notwithſtanding.

Regulation of Tonnage for Boats of Half the Width of the largeſt Locks.

CXIX. Provided alſo, and be it enacted, That in all Caſes where there ſhall be Occaſion for Boats or other Veſſels of not greater Width than Half the Width of the largeſt Locks to be made by virtue of this Act, and having on Board not more than Twenty Tons of Lading to paſs any ſuch Lock, the ſame ſhall be ſubject to the Payment of the like Rates, as if ſuch Boats or other Veſſels had on Board Twenty Tons of Lading, unleſs Two of ſuch Boats or other Veſſels ſhall paſs ſuch Lock together, in which Caſe they ſhall pay for at leaſt Ten Tons each.

Penalty on Perſons obſtructing the Canal, or throwing Ballaſt, &c. therein.

CXX. And be it further enacted, That if any Perſon or Perſons ſhall float any Timber upon the ſaid Canal and Cuts or Branches, or any of them, or ſhall overload any Boat or other Veſſel, or ſuffer the Loading of any Boat or other Veſſel to lie over the Sides thereof, ſo as by ſuch Floating, Overloading, or otherwiſe as aforeſaid to obſtruct the Paſſage of any other Boat or Veſſel, and ſhall not immediately, upon Notice given of ſuch Obſtruction, haul ſuch Boat or Veſſel into ſuch Place or Places, Opening or Openings, as ſhall be proper, or 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, every ſuch Owner or Owners, or other Perſon or Perſons floating ſuch Timber, or having the Care of ſuch Boat or other Veſſel, ſhall forfeit and pay for every ſuch Offence, any Sum not exceeding Forty Shillings; and if any Perſon ſhall throw any Ballaſt, Gravel, Stones, or Rubbiſh, into any Part of the ſaid Canal and Cuts or Branches, every ſuch Perſon ſhall forfeit, on the Firſt Conviction, any Sum not exceeding Ten Shillings, and on the Second Conviction for the like Offence, any greater Sum not exceeding Twenty Shillings, and on the Third and every other Conviction, Forty Shillings; all which ſaid reſpective Forfeitures ſhall be paid to the ſaid Company of Proprietors, to be by them applied for the Purpoſes of the ſaid Navigation.

Penalty on Perſons opening the Locks, or defacing the meaſuring Stones.

CXXI. And be it further enacted, That 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 Navigation, 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 Navigation, or ſhall leave any of the ſaid Cloughs open and running, after any Boat or other Veſſel ſhall have paſſed any Lock belonging to the ſame, or ſhall draw, or cauſe to be drawn, any Paddle, Valve, or Clough, in any of the Lock Gates on the ſaid Navigation, ſo as to waſte the Water thereof, or ſhall deface, pull up, or deſtroy, any Stone or Stones, Poſt or Poſts, by or on the Sides of the ſaid Canal, Cuts, or Branches, whereon ſhall be marked, inſcribed, or written, any Meaſures or Diſtances of the ſaid Canal or Navigation, every Perſon offending in any of the Particulars aforeſaid, and being thereof convicted before One or more Juſtice or Juſtices of the Peace for the Counties of *Leiceſter*, of *Derby*, or of *Warwick*, wherein any ſuch Offence ſhall or may be committed, by the Oath of One or more credible Witneſs or Witneſſes, (which Oath ſuch Juſtice or Juſtices is and are hereby reſpectively empowered and required to adminiſter), ſhall forfeit and pay for every ſuch Offence, any Sum not exceeding Five Pounds, nor leſs than Twenty Shillings, at the Diſcretion of the ſaid Juſtice or Juſtices.

Regulations of Veſſels paſſing the Locks.

CXXII. 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 and Cuts or Branches, or any of them, 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 going down from the reſpective Head Level or Head Levels of the ſaid Canal and Cuts or Branches, or any of them, ſhall, previous to his bringing

bringing his Boat or Veſſel into any Lock, ſhut the Lower Gates of ſuch Lock 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 of the ſame Lock before he ſhall draw the Cloughs of the Lower Gates thereof; and in going up the ſaid Canal and Cuts or Branches reſpectively towards ſuch reſpective Head Level or Head Levels, ſuch Boatman or other Perſon, ſo ſoon as he ſhall have paſſed with his Boat or other Veſſel into the ſaid Lock, ſhall ſhut the Upper Gates of the ſame before he ſhall draw the Cloughs of the Lower Gates thereof, unleſs there ſhall then be a Boat or other Veſſel in Sight of the ſaid Lock, coming down the ſaid Canal and Cuts or Branches, in which Caſe the Lower Gates of the ſaid Lock ſhall be left ſhut, and the Upper Gates ſhall be left open; and in all dry Seaſons, when there ſhall be a Scarcity of Water in the ſaid Canal and Cuts or Branches, or any of them, the Boat or other Veſſel ſo going up the ſame, (if within Sight of a Boat or other Veſſel coming down), and at a Diſtance not exceeding One hundred Yards below a Lock, ſhall paſs through ſuch Lock before the Veſſel coming down, and then ſuch other Veſſel ſhall come down into the ſaid Lock; and if there ſhall be more Veſſels than One below and above any Lock at the ſame Time, in ſuch dry Seaſons, within the Diſtance aforeſaid, (which Diſtance ſhall be diſtinguiſhed by a Poſt or Mark to be ſet up and made for that Purpoſe), ſuch Veſſels ſhall go up and come down at ſuch Lock by Turns as aforeſaid, until all the Veſſels ſo coming up or going down ſhall have paſſed the ſame, by which Means One Lock full of Water may ſerve Two Veſſels; and if any Perſon or Perſons ſhall offend in any of theſe Particulars, and ſhall be convicted thereof before any Juſtice of the Peace for the ſaid Counties of *Leiceſter*, of *Derby*, or of *Warwick*, as the Caſe may be, upon the Oath of One or more credible Witneſs or Witneſſes, he, ſhe, or they ſhall forfeit the Sum of Twenty Shillings, but if any Queſtion or Diſpute ſhall ariſe on ſuch Conviction, whether it was or was not a dry Seaſon at the Time of ſuch Offence committed, ſuch Queſtion ſhall be determined by the ſaid Commiſſioners.

CXXIII. And be it further enacted, That if any Swivel Bridge or Draw Bridge ſhall be laid over or acroſs the ſaid Canal and Cuts or Branches, or either of them, or any other Cuts, Trenches, or Paſſages to be made by virtue of this Act, all and every Perſon and Perſons (except the reſpective Owners and Occupiers of Lands or Grounds, for whoſe Uſe ſuch Bridge or Bridges ſhall be ſo laid) opening any ſuch Draw Bridge or Swivel Bridge ſhall, and he and they is and are hereby required and directed, ſo ſoon as any Veſſel ſhall have paſſed any ſuch Bridge, to ſhut and faſten the ſame, and every Perſon neglecting ſo to do ſhall forfeit and pay for every ſuch Offence the Sum of Five Pounds; and in caſe ſuch Bridge ſhall be left open longer than neceſſary for the Paſſage of any Veſſel as aforeſaid, through the Neglect or Careleſsneſs of any Perſon belonging to any ſuch Veſſel, then the Maſter or Owner of ſuch Veſſel ſhall forfeit and pay for every ſuch Offence the like Sum of Five Pounds, on due Proof being made before any Juſtice of the Peace for the reſpective Counties of *Leiceſter*, of *Derby*, or of *Warwick*, as the Caſe may be, of ſuch Neglect as aforeſaid; and if any Perſon or Perſons ſhall wilfully open any ſuch Draw Bridge or Swivel Bridge, when no Veſſel is to paſs through the ſame, ſo as to interrupt a free Paſſage for Travellers, Cattle, or Carriages,

Swivel and Draw Bridges to be ſhut and faſtened after Veſſels ſhall have paſſed through them.

riages, such Person or Persons, being convicted thereof in Manner aforesaid, shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds, nor less than Twenty Shillings, at the Discretion of such Justice of the Peace; which said Forfeiture or Forfeitures shall be levied and recovered in the same Manner as any other Penalty or Forfeiture is by this Act directed to be levied and recovered, and the Money arising by such Forfeiture or Forfeitures shall be applied in the Manner following, (that is to say), One Half thereof shall be paid to the Informer, and the other Half to the Poor of the Township or Parish where such Offence shall be committed; any Thing herein contained to the contrary notwithstanding; but no such Swivel Bridge or Draw Bridge shall be on any Pretence laid over or across any Publick Road or Foot Path.

Penalty on Persons wilfully damaging the Canal, &c.

CXXIV. And be it further enacted, That if any Person or Persons shall wilfully, maliciously, and to the Prejudice of the said Canal and Cuts or Branches, or any of them, break, throw down, damage, or destroy, any Bank or Banks, or other Works to be erected or made by virtue of this Act, or do any other wilful Hurt or Mischief to, or obstruct, hinder, or prevent the carrying on, completing, supporting, or maintaining of the said Canal and Cuts or Branches, or any other Works by this Act authorized to be made, such Person or Persons, being lawfully convicted, shall be adjudged guilty of Felony, and every such Felon shall be subject to the like Pains and Penalties as in Cases of Felony, or in Mitigation of such Punishment, the Court, by or before whom such Person shall be convicted, may, if they shall think fit, award such Sentence as the Law directs in Cases of Petit Larceny; or otherwise, every Person so offending, and being thereof lawfully convicted on the Oath of One credible Witness, before One or more of His Majesty's Justices of the Peace for the County or Place where such Offence shall be committed, shall forfeit any Sum not less than the Value of the Damage proved upon Oath to be done, at the Discretion of such Justice or Justices; such Forfeiture or Penalty, together with reasonable Costs, to be levied by Distress and Sale of the Goods and Chattels of such Offender, rendering the Overplus (if any) to such Offender, or such Offender shall and may be committed to the Common Gaol for the County or Place where such Offence shall happen, for any Time not exceeding Six Calendar Months, at the Discretion of the Justice or Justices before whom such Offender shall be convicted, provided that such Pains or Penalties shall not extend to any Owner of Lands obstructing the Works attempted to be carried on, until such Satisfaction shall have been made or tendered to him in the Manner herein-before directed.

Lords or Ladies of Manors, and Land Owners may erect Wharfs.

CXXV. And be it further enacted, That any Owner or Owners of any Lands or Grounds, near to, through, or by which the said Canal and Cuts or Branches, or either of them, 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 or near to the said Canal and Cuts or Branches, or any Part thereof; and that any Lord or Lords, Lady or Ladies, of any Manor or Manors through or by the Side of which the said Canal and Cuts or Branches, or any of them shall pass, may build, construct, and use, such Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouses, on the Waste or Wastes within

within such Manor or Manors, and every of such Owners, Lord or Lords, Lady or Ladies, may land any Coal, Lime, Goods, or Merchandise, or other Things thereupon, or upon the Banks between the same and the said Canal and Cuts or Branches, or any of them, and may load or unload Goods over the Towing Path, doing as little Damage thereby as may be; and may make and use proper and convenient Places for Boats and other Vessels to lie and turn in, and pass by each other, without the Molestation or Hindrance of the said Company of Proprietors, or any other Persons whomsoever, and may lay out and make proper and convenient Ways or 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 and Cuts or Branches, or any Part thereof, or the Towing Path on the Sides thereof respectively; and all Rates of Wharfage, and other Dues and Duties which shall be paid for the Use of the said Wharfs, Quays, Landing Places, Cranes, Weigh Beams, and Warehouses respectively, shall be, and 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 Conveniencies respectively as aforesaid, and in his, her, and their respective Heirs and Assigns, so that the Rates, Tolls, and other Dues, Duties, and Powers, herein granted to the said Company of Proprietors shall not be thereby reduced or altered; provided that if any such Lord or Lady or Land Owner, within the Space of Twelve 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 of Proprietors for the Time being, that any Part of 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 and Cuts or Branches, or any of them, 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 Navigation, as the said Company shall think necessary, on the respective Parts of the Lands, Grounds, or Wastes, described in such Notice; then and in such Case the said Company of Proprietors 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 Buildings stand, or any Orchard, Yard, 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 and Cuts or Branches, or any of them respectively, agreeable to such Notice, to be delivered as aforesaid, they the said Company of Proprietors first making Satisfaction for the same, in such Manner as is herein-before directed, with respect to other Lands or Grounds which shall be taken or used for the Purposes of this Act.

but if not done within Twelve Months after Notice, Proprietors may erect same.

Company, or others, not to use private Wharfs, without Consent of Owners.

CXXVI. And be it further enacted, That nothing herein contained shall authorize or empower the said Company of Proprietors, or any Person or Persons, to make use of any Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouses, which shall be erected or made by the Lord or Lords, Lady or Ladies, of any Manor, or the Owner or Owners of any Lands or Grounds adjoining or near to the said Canal, or any such Cuts or Branches as aforesaid, for his, her, or their own private Use only, or to set up, erect, or use any Cranes or Weighing Machines, in or upon any such Wharfs, Quays, or Landing Places, without the Consent of such Lord or Lords, Lady or Ladies, Owner or Owners; and in case any such Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouses, shall, at any Time or Times hereafter, be used by the said Company of Proprietors, or any other Person or Persons, with such Consent as aforesaid, then the same shall be so used, subject to such Regulations in regard to Rates and Duties, as are herein-before specified with regard to all other publick Wharfs.

No Building to be erected on the Towing Paths, except for the Navigation.

CXXVII. And be it further enacted, That nothing in this Act contained shall be construed to extend to enable the said Company of Proprietors to erect and build any House, Mill, or other Building, other than Warehouses, Toll Houses, and Watchhouses, for the Use of the said intended Canal and Cuts or Branches, or any of them, upon the Lands which shall be set out for the Towing Paths, Wharfs, or Quays, on the Sides thereof, or to convert or apply any Water that shall be brought into or discharged out of the said Canal and Cuts or Branches, Trenches or Sluices, hereby authorized to be made, for the Use of any Mill or Mills, (except Mills purchased by the said Company as herein-before mentioned), near the same, or to cut down any Timber Wood, Brushwood, or Underwood, upon any of the Estates or Lands through or into which the said Canal, Cuts or Branches, Trenches, Sluices, Roads, Passages, Works, or Conveniencies, or any Part thereof respectively shall be made, except such Timber Wood, Brushwood, or Underwood, as shall grow or be in or upon any of the Lands or Grounds which shall be taken or used for the making of the said Canal, Cuts, or Branches, Towing Paths, Trenches, Sluices, Roads, Passages, or Conveniencies respectively as aforesaid; and the Proprietors of the respective Lands and Grounds on which such Timber Wood, Brushwood, or Underwood, shall stand or be growing at the Time of the Commencement of this Act, their Heirs or Assigns, shall have it in their Election to take such Timber Wood, Brushwood, or Underwood respectively, when felled and cut down by the said Company of Proprietors, at such Price or Value as the same respectively shall have been estimated at, or purchased by the said Company of Proprietors; which said Timber Wood, Brushwood, or Underwood, so to be fallen by the said Company of Proprietors, or by their Order, shall and may be carried and conveyed upon any Part of the said Navigation, free from all Tolls and Duties to be raised and levied by virtue of this Act; but in case the same shall not have been estimated at, or purchased by them, upon a Valuation separate or distinct from the Lands or Grounds upon which the same shall respectively grow, then at such Price or Value as shall be agreed on for that Purpose between such Owners of Land, and the said Company of Proprietors or their Agents, or in case of any Difference in settling or ascertaining the same,

then at such Price or Value as the said Commissioners shall direct or appoint; and if any House, Mill, or other Building, should be erected upon any such Lands or Grounds, without such Consent as aforesaid, it shall be lawful for the Person or Persons who was or were Owner or Owners of such Lands or Grounds at the Time of setting out the same, his, her, or their Heirs and Assigns, to take, pull down, and remove, such Houses, Mills, and other Buildings, without being guilty of Trespass, or liable to any Action or Prosecution for so doing.

Powers for Owners of Mines to make Railways for conveying Coals, &c. to the Canal.

CXXVIII. And be it further enacted, That in case the Owner or Proprietor of any Mine or Mines of Coal, Lime, Lime Stone, or other Minerals, lying within the Distance of Two thousand Yards from the said intended Canal, Cuts or Branches, or any of them, shall find it expedient and necessary to make any Railway or Road to convey the Coals, Lime, Lime Stone, or other Minerals, from any such Mine or Mines, to the said Canal, Cuts, or Branches, or any of them, over or through his or her own Lands, or over or through the Lands or Grounds of some other Person or Persons, that then, and in every such Case, it shall be lawful for such Person or Persons, being the Owner or Owners of such Lands or Grounds, within the Distance of Two thousand Yards from the said Canal, Cuts, or Branches, or any of them, over which such Railway or Road is intended to be made, to treat and agree with the Owner or Proprietor of such Mine or Mines for the Damage the Owner or Owners of any such Lands or Grounds shall or may sustain by making any such Railway or Road as aforesaid; and in case the Owner or Owners of any such Lands or Grounds, and the Owner or Proprietor of any such Mine or Mines, cannot agree concerning the Recompence to be made for such Loss or Damage as aforesaid, that then it shall be lawful for the Owner or Proprietor of such Mine or Mines, to apply to the said Commissioners to ascertain the Course and Direction, and also the Distance, not exceeding the Length of Two thousand Yards for which any Railway or Road shall be made, and the said Commissioners shall, upon such Application, appoint a Meeting for ascertaining and fixing the Course and Direction, and also the Length, of such Railway or Road, of which Meeting Fourteen Days previous Notice shall be given in Writing by such Owner or Proprietor of such Mine or Mines, to the Owner or Owners of such Lands or Grounds, which Notice shall also express the Line or Course and Distance of such intended Railway or Road respectively; and the said Commissioners shall view the Place in Question, and examine Evidence upon Oath, touching the same, which Oath any One of the said Commissioners is hereby empowered and required to administer; and if it shall appear to the Commissioners assembled at such Meeting, that such Railway or Road is necessary, proper, and fitting to be made, or if such Owner or Owners of any such Lands or Grounds, and such Owner or Proprietor of such Mine or Mines as aforesaid, shall agree in the Premises, or if any such Railway or Road shall be made through the Lands or Grounds only of the Owner or Proprietor of such Mine or Mines, then, and in any such Cases, but not otherwise, it shall be lawful for the Owner or Proprietor of such Mine or Mines to make and open a Communication between any such Mine or Mines, and the said Canal, Cuts, or Branches, or any of them, by making and opening such Railway or Road, according to the Direction of the said Commissioners, or the major Part of them present at such Meeting, and use the same with Horses, Carts, and Carriages,

Carriages, over and through the Lands or Grounds of ſuch Perſon or Perſons as aforeſaid, (not being the Scite of a Dwelling Houſe, or a Garden, Yard, Park, Paddock, or Avenue to a Houſe, or Lawn incloſed or adjoining to a Manſion Houſe), in ſuch Manner as to the Owner or Proprietor of ſuch Mine or Mines reſpectively ſhall ſeem expedient, ſo that the ſame be done without any Injury or Damage to the ſaid Navigation, and ſo as the Owner or Proprietor of ſuch Mine or Mines ſhall make full Satisfaction for all Damage to be ſuſtained by the Owner or Owners of ſuch Lands or Grounds, by Reaſon of the making ſuch Railway or Road, and in caſe the Owner or Proprietor of any ſuch Mine or Mines, and the Owner or Owners of any ſuch Lands cannot agree, touching the Satisfaction to be made, then the ſame ſhall be ſettled and aſcertained by the ſaid Commiſſioners in ſuch Manner, and ſubject to the Verdict of a Jury, if required, as the Value and Recompence for the Lands to be taken for making the ſaid Canal and Cuts or Branches, is by this Act directed to be ſettled and aſcertained, and in Default of Payment of ſuch Sum or Sums of Money, the ſame ſhall and may be recovered, with Coſts, by Action of Debt, in any of His Majeſty's Courts of Record at *Weſtminſter*.

Maſters to put their Names on the Outſide of Boats.

CXXIX. And, for the better Regulation of Maſters of Boat, Barges, and other Veſſels, and Boatmen, and others employed by or under them, and for the more eaſy Detection of any Thing by them done, contrary to the Directions of this Act; be it further enacted, That every Owner, Maſter, or Perſon, having the Rule or Command of any Boat or other Veſſel paſſing upon the ſaid Canal and Cuts or Branches, or either of them, ſhall cauſe his Name and Place of Abode, and the Number of his or her Boat, or other Veſſel, to be entered with the Clerk or Clerks to the ſaid Company of Proprietors, and ſhall alſo cauſe ſuch Name and Number to be painted in large White Capital Letters and Figures on a Black Ground Six Inches high, at the leaſt, and of a proportionable Breadth, on the Outſide of the Head or Stern of every ſuch Boat or other Veſſel, higher than the Place to which the ſame ſhall ſink into the Water, when full laden; and alſo ſhall, and is hereby required to fix on each Side of ſuch Boat or other Veſſel, correct Indexes of Copper, Lead, or other Metal, or to adopt ſuch other Means as the ſaid Company of Proprietors ſhall direct, for the Purpoſe of aſcertaining and ſhewing the Number of Tons on Board, and ſhall permit and ſuffer every ſuch Boat or other Veſſel to be gauged, weighed, or meaſured, at the Expence of the ſaid Company of Proprietors, whenever it ſhall be required by them, or any Perſon or Perſons appointed for that Purpoſe, provided that no ſuch Veſſel ſhall be gauged or meaſured more than Twice in One Year; and every Owner, Maſter, or other Perſon having the Rule or Command of any Boat or other Veſſel, who ſhall navigate the ſame, upon the ſaid intended Canal and Cuts or Branches, or any of them, without having ſuch Name, Figures, and Index thereon, as are hereinbefore directed, or ſhall alter, eraſe, deface, or deſtroy, the ſame, or any Part thereof, or ſhall fix any falſe Name, Figures, or Index, or ſhall refuſe to permit and ſuffer the ſame to be gauged and meaſured, ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Forty Shillings nor leſs than Ten Shillings.

Weight of the Lading of Veſſels to be marked.

Veſſels to be meaſured.

Boat Owners to be accountable for Da-

CXXX. And be it further enacted, That the Maſter or Owner of every Boat or other Veſſel navigating upon the ſaid Canal and Cuts or Branches, or

or any of them, ſhall be, and is hereby made anſwerable for any Treſpaſs, Damage, Spoil, or Miſchief, which ſhall be done 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, to any of the Bridges, Weirs, Locks, Dams, Engines, or other Works, in, upon, or near the ſaid Canal and Cuts or Branches, or any of them, 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 ſuch Maſters or Owners and each and every of them ſhall alſo be anſwerable for the ſafe keeping and proper Delivery of all Goods, Wares, Merchandize, and all other Matters and Things which ſhall be carried or conveyed by their Boats and other Veſſels, and ſhall make Satisfaction for any Damage which may be done to the ſame by the Diſhoneſty or wilful Neglect of their Boatmen, Watermen, or other Servants, or any of them, in like Manner as Common Carriers are by Law liable and reſponſible, and the ſaid Maſter or Owner of ſuch Boat or other Veſſel may be ſued and proſecuted for the ſame, in any Court of Record whatſoever, of or for the Counties of *Leiceſter*, of *Derby*, or of *Warwick*, (as the Caſe may happen), or in any of His Majeſty's Courts of Record at *Weſtminſter*; 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.

Damages done by the Crew.

CXXXI. And be it further enacted, That in caſe the Owner or Maſter 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 Diſhoneſty of, or any wilful Neglect or Default done or committed by his or their Servants, Boatmen, or Watermen, or any of them, ſuch Servants, Boatmen, or Watermen, and each and every of them, ſhall be liable to pay ſuch Penalty or Damages, with the Coſts thereof, to ſuch Owner or Maſter; and in caſe of Non-payment upon Demand thereof, and Oath made by ſuch Owner or Maſter of the Payment made by him or them of ſuch Penalty, or Satisfaction for any ſuch Damage, and that the ſame and the Coſts thereof have or hath not been repaid to him or them by ſuch Servants, Boatmen, or Watermen, or any of them, although demanded, ſuch Oath to be made before One Juſtice of the Peace for the County where ſuch Penalty and Satisfaction ſhall have been recovered, the Amount thereof ſhall be levied by Warrant under the Hand and Seal of ſuch Juſtice, by Diſtreſs and Sale of the Goods and Chattels of ſuch Servant or Servants as aforeſaid, together with all Coſts and Charges attending ſuch Diſtreſs and Sale; and the ſaid Amount, when ſo recovered, excluſive of the Coſts of ſuch Diſtreſs and Sale, ſhall be paid to ſuch Owner or Maſter, in Diſcharge of ſuch Penalty, Satisfaction, and Coſts, ſo by him paid for the Act or Default of ſuch Servant or Servants as aforeſaid; and in caſe no ſufficient Diſtreſs can be had, ſuch Juſtice of the Peace ſhall, and he is hereby required to commit ſuch Servant or Servants to the Common Gaol, or to any Houſe of Correction for the Counties of *Leiceſter*, of *Derby*, or of *Warwick*, as the Caſe may be, there to remain without Bail or Mainprize for any Time not exceeding One Month.

Maſters to recover from their Servants any Sums paid for their Neglects or Defaults.

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

CXXXII. And be it further enacted, That the said Canal and Cuts or Branches, or any of the Works whatsoever to be made by virtue of this Act, shall not be subject to the Control, Direction, Survey, or Order of any Commissioners of Sewers, or to any Law or Statute relating to Sewers whatsoever.

Allowing Land Owners to carry Manure Toll-free.

CXXXIII. And be it further enacted, That it shall be lawful for any Person or Persons, owning or occupying any Lands or Grounds through or by the Side of which the said Canal and Cuts or Branches, or any Part thereof, or any Works thereunto belonging, shall pass, to have and use any Boats or other Vessels, for the Carriage or Conveyance of any Dung, Marle, Soil, or Compost, (Lime or Lime Stone excepted), upon the said Canal, Cuts, or Branches, or any Part thereof, to and from his, her, or their Lands or Grounds, through or by the Side of which the said Canal and Cuts or Branches, or any of them, shall so pass, for the Improvement thereof, without paying any Toll, Rate, or Duty whatsoever, to the said Company of Proprietors for the same; but no such Boats or other Vessels shall, at any Time, pass through any Lock without paying the Tonnage, Rates, Tolls, or Duties, to which other Boats or Vessels, passing through the same would be liable by virtue of this Act.

Right of Fishery reserved to Lords of Manors and Land Owners.

CXXXIV. And be it further enacted, That the Lord and Lords, Lady and Ladies, of all and every Manor and Manors, through which the said Canal and Cuts or Branches, any or either of them, shall be made, shall have and be entitled to the Right of Fishery of and in so much of the said Canal and Cuts or Branches, Reservoirs, Trenches, and Sluices, as shall be made over, under, or through, the Common or Waste Lands within his, her, or their Manors respectively, and also in, over, or through, any other Lands or Grounds in the Pits, Ponds, or Waters of which such Lord or Lords, Lady or Ladies, now have or hath, or are or is entitled to the Right of Fishery, and that the Owner or Owners of all other Lands or Grounds through which the said Canal and Cuts or Branches, Reservoirs, Trenches, and Sluices, or any of them, shall be made, shall also have and be entitled to the like Right of Fishery of and in so much of the said Canal and Cuts or Branches, or other Works, as shall be made in, over, under, or through his, her, or their Lands or Grounds respectively, so as that in the Use and Exercise of the said Right of Fishery, the said Canal and Cuts or Branches, and other Works hereby authorized to be made, shall not be prejudiced or obstructed, or any Water drained or exhausted from or out of the same, and so as the said Company of Proprietors, or their Agents, Servants, or Workmen, or any of them, shall not be liable to any Penalty, Action, or Prosecution, for or by Reason of the destroying of any Fish in the said Canal and Cuts or Branches, or other Works, any or either of them, which shall be taken, killed, or destroyed, through or by Means of the letting off the Water out of them respectively, on Account of any Repairs or Works to be done, in and about the same, provided Notice be given in some Newspaper, published and circulated in either of the said Counties of *Leicester*, of *Derby*, or of *Warwick*, where the said Right of Fishery is situate, whenever it shall or may be necessary to let off such Water for the Repairs or Amendment of the said Works Fourteen Days previous to the letting off the same, except on any sudden and emergent

Occaſion for ſuch Repairs; and it ſhall be lawful for the Lord or Lords, Lady or Ladies, of ſuch Manor or Manors, and for the Owner or Owners of ſuch Lands or Grounds, (being qualified ſo to do), to take and kill Game upon ſo much of the ſaid Canal and Cuts or Branches, or any of them, and other Works, as ſhall be made through their reſpective Lands or Grounds as aforeſaid; any Thing herein contained to the contrary thereof notwithſtanding.

Perſons on Board any Boat having Nets, not being qualified, to forfeit 10*s.*

CXXXV. And be it further enacted, That if any Perſon or Perſons navigating, working, or being on Board any Boat or other Veſſel within the Limits of the ſaid Navigation, (not being qualified by the ſeveral Laws and Statutes of this Realm relating to Game), ſhall have or keep on Board any Boat, or other Veſſel, any Fiſhing Net, Gun, Engine, or other Inſtrument, for taking or deſtroying Fiſh or Game, and ſhall uſe the ſame for ſuch Purpoſe, all and every ſuch Perſon or Perſons, being thereof lawfully convicted, on Oath of One or more Witneſs or Witneſſes, before One or more of His Majeſty's Juſtices of the Peace for either of the ſaid Counties of *Leiceſter*, of *Derby*, or of *Warwick*, where the Offence ſhall be committed, ſhall for every ſuch Offence forfeit and pay the Sum of Ten Shillings over and above all other Penalties inflicted by Law on ſuch Offences; and in caſe any Maſter, or other Perſon, having the Command of any Boat or other Veſſel upon the ſaid Canal and Cuts or Branches, or other Works, or any Part thereof, ſhall permit or ſuffer any Perſon or Perſons, not being duly qualified as aforeſaid, to have and keep on Board, and make uſe of any ſuch Fiſhing Net, Gun, Engine, or other Inſtrument, and ſhall be thereof convicted as aforeſaid, before One or more Juſtice or Juſtices of the Peace of either of the ſaid Counties reſpectively, he ſhall for every ſuch Offence forfeit and pay the Sum of Ten Shillings.

Power for Land Owners to uſe Pleaſure Boats.

CXXXVI. And be it further enacted, That it ſhall be lawful for the Owners and Occupiers of any Lands adjoining to the ſaid Canal and Cuts or Branches, or any of them, to uſe any Pleaſure Boat or Boats upon the ſaid intended Canal and Cuts or Branches, or any of them, not paſſing through any Lock, (unleſs there ſhall be Waſte Water flowing over the Weirs of ſuch Lock), without any Interruption from the ſaid Company of Proprietors, and without paying any Rate for the ſame, ſo as the ſame Pleaſure Boat be not made uſe of for carrying any Goods or other Things, or any Perſon or Perſons for Hire, and ſo as the ſame ſhall not obſtruct or prejudice the Navigation of the ſaid Canal and Cuts or Branches, or any of them, or the Towing Paths on the Sides thereof.

To compel Payment of Subſcriptions.

CXXXVII. And be it further enacted, That the ſeveral Perſons who have already ſubſcribed, or who ſhall hereafter ſubſcribe any Money for and towards the making and maintaining of the ſaid Canal and Cuts or Branches, and other Works hereby authorized to be made, ſhall and is, and they are hereby required to pay the Sum or Sums of Money by them reſpectively ſubſcribed or to be ſubſcribed, or ſuch Part or Parts thereof as ſhall from Time to Time be called for by the ſaid Company of Proprietors, or the Committee of the ſaid Company for the Time being, under and by virtue of the Powers and Directions of this Act, at ſuch Times and Places as ſhall be appointed for that Purpoſe by the ſaid Company of Proprietors, or the ſaid Committee, in the Manner hereinbefore

before mentioned; and, in caſe any Perſon or Perſons ſhall neglect or refuſe to pay the ſame, at the Time and in the Manner required for that Purpoſe, it ſhall be lawful for the ſaid Company of Proprietors to ſue for and recover the ſame in any of His Majeſty's Courts of Record at *Weſtminſter*, with full Coſts of Suit.

Two Thirds of the Proprietors may make further Applications to Parliament for Power to open other Communications with the Canal.

CXXXVIII. And whereas the major Part of the Proprietors of the ſaid Navigation may hereafter judge it expedient to make Application to Parliament for Power to make Navigable Communications with the ſaid Canal, by Side Cuts, Branches, or otherwiſe, but by Reaſon of Infancy or otherwiſe may not be able to obtain the Conſent and Concurrence of all the Proprietors; be it therefore enacted, That in caſe the Perſons entitled to Two Thirds of the Shares in the ſaid Canal, ſhall at any General Aſſembly of the ſaid Company of Proprietors think it proper to make any ſuch Application to Parliament as aforeſaid, it ſhall be lawful for them to order and cauſe the Common Seal of the ſaid Company of Proprietors to be affixed to any Petition for that Purpoſe, and ſuch Application may be proceeded in and proſecuted, and any Money ariſing by virtue of this Act, may be applied in defraying the Expences incurred by or in Conſequence of any ſuch Application, and the ſame ſhall be deemed to be the Act of the Whole of the ſaid Company of Proprietors, in like Manner, and as fully and effectually as if every One of the ſaid Proprietors had been capable of acting for himſelf or herſelf, and had attended ſuch General Aſſembly and concurred therein; and it ſhall be lawful for the ſaid Guardians, Truſtees, or Committees, of the Proprietors of any ſuch Shares, being Minors, Lunaticks, or under any other Diſability or Incapacity of acting for themſelves, and the Executors or Adminiſtrators of any deceaſed Proprietors of ſuch Shares, to apply any of the Money which ſhall come to their Hands as Guardians, Truſtees, Committees, Executors, or Adminiſtrators as aforeſaid, towards defraying the proportionable Shares of the Expences incurred by and in Conſequence of any ſuch Application, which ſhall be payable by the Perſons on whoſe Behalf they act, or to raiſe Money for that Purpoſe by Mortgage of any ſuch Shares, which Mortgage they are hereby authorized to make by Writing under their Hands and Seals, and the ſame ſhall be valid and effectual.

For ſettling a Compenſation to Sir *George Beaumont*, in reſpect of his Collieries at *Coleorton*.

CXXXIX. And whereas it is apprehended that the making and maintaining the ſaid Canal may be injurious to the Owners or Proprietors for the Time being, of certain Collieries or Coalmines now working, and which may hereafter be worked upon the Lands and Grounds of or belonging to Sir *George Beaumont* Baronet, ſituate in the Pariſh of *Coleorton* in the County of *Leiceſter*; and the ſaid Company of Proprietors have agreed that an adequate Compenſation ſhall be made to the ſaid Sir *George Beaumont*, his Heirs and Aſſigns, or the Perſon or Perſons ſeiſed of the ſaid Collieries or Coalmines for the Time being, for ſuch Injury (if any ſuch ſhall happen) yearly and every Year, during the Term of Thirty Years, to be computed from the Thirty-firſt Day of *December*, in the Firſt Year in which the ſaid Canal or any Part or Parts thereof ſhall be navigated by Boats, Barges, or other Veſſels; which ſaid Compenſation ſhall be aſcertained, regulated, and ſettled, from Time to Time, in the Manner and Form herein-after particularly mentioned and provided, and not otherwiſe; (that is to ſay), Provided always, and it is hereby enacted, That

That in caſe the Stacks of Coals, the ſame being of the Quality or Sort called *The Coleorton Nether Coal*, or the Main Seam of Coal got or won at the ſaid Collieries or Coalmines, or any of them, ſhall in any of the reſpective Years of the ſaid Term of Thirty Years be really and *bona fide* ſold at any Price or Prices, ſuch Price or Prices not being comparatively lower than the Price for which Coal of the Quality or Sort aforeſaid, ſhall be generally ſold at the Collieries in that Neighbourhood in ſuch reſpective Years, and which upon an Average ſhall not amount to or exceed a Price or Sum for each Stack of Coals ſo ſold, rateable and in Proportion to the Price or Sum of Four thouſand ſeven hundred and ſixty-ſix Pounds and Four Shillings, for Six thouſand ſix hundred and ſixty-ſix Stacks of Coals, (each Stack of Coals weighing Fifty hundred Weight, or thereabout, and every ſuch Year being computed from the Thirty-firſt Day of *December*, to the Thirty-firſt Day of *December* then next enſuing), then the ſaid Company of Proprietors ſhall and will from Time to Time, within the Space of Two Calendar Months next enſuing the Thirty-firſt Day of *December*, in each and every of the reſpective Years of the ſaid Term of Thirty Years, in which ſuch Average Price or Prices of the ſaid Stacks of Coals ſhall not amount to or exceed a Price or Sum for each Stack of Coals ſo ſold, rateable and in Proportion to the Price or Sum of Four thouſand ſeven hundred and ſixty-ſix Pounds and Four Shillings, for Six thouſand ſix hundred and ſixty-ſix Stacks of Coals, ſatisfy and pay unto the ſaid Sir *George Beaumont*, his Heirs and Aſſigns, or the Perſon or Perſons ſeiſed of the ſaid Collieries or Coalmines for the Time being, ſuch Sum or Sums of lawful Money of *Great Britain*, as, together with the Price or Prices of the whole Quantity or Total Number of Stacks of Coals ſold at the ſaid Collieries or Coalmines, or any of them, in each and every ſuch Year, will amount to a Price or Sum for each Stack of Coals ſo ſold, rateable and in Proportion to the full Price or Sum of Four thouſand ſeven hundred and ſixty-ſix Pounds and Four Shillings, for Six thouſand ſix hundred and ſixty-ſix Stacks of Coals: Provided nevertheleſs, that this Act ſhall not extend to entitle or authorize the ſaid Sir *George Beaumont*, his Heirs or Aſſigns, or the Perſon or Perſons ſeiſed of the ſaid Collieries or Coalmines for the Time being, to have or receive of or from the ſaid Company of Proprietors, any Compenſation whatſoever for or in reſpect of any greater Quantity or Number of Stacks of Coals, ſold at the ſaid Collieries or Coalmines in any One Year, than Six thouſand ſix hundred and ſixty-ſix Stacks of Coals.

Power for the Company to purchaſe Coals at Sir *George Beaumont*'s Collieries for the Purpoſe of indemnifying them from the ſaid Compenſation.

CXL. Provided alſo, and it is hereby enacted, That if the ſaid Company of Proprietors ſhall at any Time or Times, during the ſaid Term of Thirty Years, be deſirous of purchaſing the Stacks of Coals ſold at the ſaid Collieries or Coalmines reſpectively, or any of them, at a higher Rate or Price than the current Rate or Price at which the ſaid Stacks of Coals ſhall from Time to Time be ſold by the ſaid Sir *George Beaumont*, his Heirs and Aſſigns, or the Perſon or Perſons ſeiſed of the ſaid Collieries or Coalmines for the Time being, for the Purpoſe of ſaving harmleſs and indemnifying the ſaid Company of Proprietors from the Payment of the Compenſation herein-before made payable to the ſaid Sir *George Beaumont*, his Heirs and Aſſigns, or the Perſon or Perſons ſo ſeiſed as aforeſaid, and ſhall for that Purpoſe deliver Propoſals in Writing, ſigned by the Clerk or Treaſurer of the ſaid Company of Proprietors to the

Head Officer or Agent of the ſaid Sir *George Beaumont*, his Heirs and Aſſigns, or of the Perſon or Perſons ſo ſeiſed attending the ſaid Collieries or Coalmines, ſtating the Quantity or Number of Stacks of Coals the ſaid Company of Proprietors are deſirous of purchaſing, and the Price or Prices which they agree to give for the ſame, (ſuch Price or Prices always exceeding the current Rate or Price at which the ſaid Stacks of Coals ſhall from Time to Time be ſold by the ſaid Sir *George Beaumont*, his Heirs and Aſſigns, or the Perſon or Perſons ſo ſeiſed as aforeſaid), then, and in every ſuch Caſe, it ſhall be lawful for the ſaid Company of Proprietors from Time to Time to purchaſe, and the ſaid Sir *George Beaumont*, his Heirs and Aſſigns, and the Perſon or Perſons ſo ſeiſed as aforeſaid, on Payment of the ſaid Purchaſe Money, ſhall, and he and they is and are hereby required to ſell to the ſaid Company of Proprietors at the ſaid Collieries or Coalmines, or any of them, the Quantity or Number of Stacks of Coals expreſſed in ſuch Propoſals reſpectively, at the Rate or Price therein mentioned, or to relinquiſh his and their Demand upon the ſaid Company of Proprietors, for or in reſpect of ſuch Quantity or Number of Stacks of Coals as he or they ſhall decline to ſell, according to ſuch Propoſals; provided nevertheleſs, that this Act ſhall not extend to entitle or authorize the ſaid Company of Proprietors to purchaſe any greater Quantity or Number of Stacks of Coals at the ſaid Collieries or Coalmines, or any of them, in any One Year, than ſhall be ſufficient to ſave harmleſs and indemnify them the ſaid Company of Proprietors from and againſt the Payment of the Sum or Sums of Money herein-before made payable by them to the ſaid Sir *George Beaumont*, his Heirs and Aſſigns, or the Perſon or Perſons ſeiſed of the ſaid Collieries or Coalmines for the Time being, in the ſame Year, for or in reſpect of ſuch Compenſation as aforeſaid, and that the Quantity or Number of Stacks of Coals, by this Act authorized to be purchaſed by the ſaid Company of Proprietors as aforeſaid, ſhall not in any Caſe exceed Six thouſand ſix hundred and ſixty-ſix Stacks of Coals in any One Year.

Declaring how ſuch Compenſation Money may be recovered.

CXLI. And be it further enacted, That all and every ſuch Sum or Sums of Money as ſhall from Time to Time become due and payable to the ſaid Sir *George Beaumont*, his Heirs and Aſſigns, or the Perſon or Perſons ſeiſed of the ſaid Collieries or Coalmines for the Time being, for or by Reaſon of ſuch Compenſation as aforeſaid, ſhall be paid to him and them by the ſaid Company of Proprietors, out of, and ſhall be charged and chargeable upon the Capital or Joint Stock of the ſaid Company of Proprietors, and the Rates, Tolls, and Duties, by this Act granted or made payable; and in caſe the ſame or any Part or Parts thereof ſhall not be fully paid and ſatisfied within the Term herein-before limited and appointed for Payment thereof, it ſhall be lawful for the ſaid Sir *George Beaumont*, his Heirs and Aſſigns, or the Perſon or Perſons ſeiſed of the ſaid Collieries or Coalmines for the Time being, to ſue for and recover the ſame, with full Coſts of Suit, in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt or on the Caſe, or the ſame or any Part or Parts thereof ſhall and may be levied or recovered by all or any of the Ways or Means, and in the Manner and Form in and by this Act provided or mentioned, for any Perſon or Perſons recovering Satisfaction for Damages done to his, her, or their, Lands or Grounds in the Execution of this Act.

CXLII. And

For ſettling Diſputes concerning ſuch Compenſation by Arbitration.

CXLII. And be it further enacted, That in caſe any Diſpute or Difference ſhall ariſe between the ſaid Sir *George Beaumont*, his Heirs or Aſſigns, or the Perſon or Perſons ſeiſed of the ſaid Collieries or Coal-mines for the Time being, and the ſaid Company of Proprietors touching the Quantum of the Compenſation to be paid to the ſaid Sir *George Beaumont*, his Heirs or Aſſigns, or the Perſon or Perſons ſeiſed as aforeſaid; or otherwiſe concerning the Premiſes, it ſhall be lawful for the ſaid Sir *George Beaumont*, his Heirs and Aſſigns, or the Perſon or Perſons ſeiſed as aforeſaid reſpectively, and he and they is and are hereby required from Time to Time, when and ſo often as any ſuch Difference or Diſpute ſhall ariſe, or within Three Calendar Months afterwards, by Writing under his or their Hand and Seal, or reſpective Hands and Seals, to nominate and appoint ſome One indifferent Perſon, as Arbitrator on his or their Part and Behalf, and to ſignify in Writing ſuch Nomination and Appointment to the ſaid Company of Proprietors or their Clerk; and that it ſhall be lawful for the ſaid Company of Proprietors, and they are hereby required from Time to Time, when and as often as any ſuch Difference or Diſpute ſhall ariſe, or within Three Calendar Months afterwards, by Writing under their Common Seal to nominate and appoint ſome other indifferent Perſon as Arbitrator on their Part and Behalf, and to ſignify in Writing ſuch Nomination and Appointment to the ſaid Sir *George Beaumont*, his Heirs and Aſſigns, or the Perſon or Perſons ſeiſed as aforeſaid; and that it ſhall be lawful for the ſaid Commiſſioners, or any Five or more of them, and they are hereby required, from Time to Time, within Three Calendar Months after Notice in Writing ſhall have been given to them or their Clerk for the Time being, by the ſaid Sir *George Beaumont*, his Heirs and Aſſigns, or the Perſon or Perſons ſeiſed as aforeſaid, or by the ſaid Company of Proprietors or their Clerk, for that Purpoſe, to appoint a Meeting of the ſaid Commiſſioners to be holden at a certain Time and Place, not being more than Three Calendar Months, nor leſs than Twenty Days after ſuch Notice given to them as aforeſaid, and the ſaid Commiſſioners, or any Five or more of them, ſhall, and they are hereby required to meet accordingly, and then and there, by Writing under their reſpective Hands and Seals, to nominate and appoint ſome Third indifferent Perſon to act with the ſaid Arbitrators, and to ſignify in Writing ſuch Nomination and Appointment within Ten Days after the ſame ſhall be made to the ſaid Sir *George Beaumont*, his Heirs and Aſſigns, or the Perſon or Perſons ſeiſed as aforeſaid, or to his or their known Agent or Attorney, and to the ſaid Company of Proprietors or their Clerk; which ſaid Three Perſons, ſo to be nominated and appointed Arbitrators as aforeſaid, or any Two of them, ſhall ſettle and determine the Quantum of the Compenſation to be ſo paid by the ſaid Company of Proprietors to the ſaid Sir *George Beaumont*, his Heirs and Aſſigns, or the Perſon or Perſons ſeiſed as aforeſaid, and all ſuch Differences and Diſputes as may happen to ariſe between the ſaid Sir *George Beaumont*, his Heirs and Aſſigns, or the Perſon or Perſons ſeiſed as aforeſaid, and the ſaid Company of Proprietors, concerning the Premiſes by the Examination of Witneſſes upon Oath, (which Oath they are hereby authorized to adminiſter), and alſo by the Inſpection of any Books, Papers, or Writings, which the ſaid Sir *George Beaumont*, his Heirs or Aſſigns, or the Perſon or Perſons ſeiſed as aforeſaid, or the ſaid Company of Proprietors ſhall think proper to produce to the ſaid Arbitrators, or by ſuch other Ways or Means as the ſaid Arbitrators, or any Two of them, ſhall

think fit, (regard being always had by the ſaid Arbitrators to the Directions and Proviſions firſt herein-before contained for computing the Quantum of the ſaid Compenſation), and the ſaid Arbitrators, or any Two of them, ſhall, previous to their holding any Meeting for the Purpoſes aforeſaid, give or cauſe to be given Notice in Writing of the Time and Place of ſuch their Meeting to the ſaid Sir *George Beaumont*, his Heirs and Aſſigns, or the Perſon or Perſons ſeiſed as aforeſaid, or his or their known Agent or Attorney, and to the ſaid Company of Proprietors or their Clerk reſpectively, Five Days at the leaſt before every ſuch Meeting ſhall be held; and the ſaid Arbitrators, or any Two of them, ſhall, in the Courſe of Two Calendar Months from the Time of their Firſt Meeting, (which they are hereby required to hold within One Calendar Month after the laſt Nomination and Appointment of ſuch Three Arbitrators as aforeſaid), award and determine, by Writing, under their Hands and Seals, or under the Hands and Seals of any Two of them, the Quantum of the Compenſation to be ſo paid by the ſaid Company of Proprietors to the ſaid Sir *George Beaumont*, his Heirs and Aſſigns, or the Perſon or Perſons ſeized as aforeſaid, and alſo award, ſettle, and determine, all Matters and Things in Difference or Diſpute between the ſaid Parties concerning the Premiſes, and ſhall deliver Copies of their ſaid Award to the ſaid Sir *George Beaumont*, his Heirs and Aſſigns, or the Perſon or Perſons ſeiſed as aforeſaid, or his or their known Agent or Attorney, and to the ſaid Company of Proprietors or their Clerk, within the Time laſt mentioned, which ſaid Award ſhall bind and be final and concluſive to the ſaid Sir *George Beaumont*, his Heirs and Aſſigns, and the Perſon or Perſons ſeiſed as aforeſaid, and to the ſaid Company of Proprietors and their Succeſſors, and all Perſons claiming under him, them, or any of them, or in his or their Right reſpectively.

Commiſſioners ſhall appoint an Arbitrator for either Party neglecting to appoint One.

CXLIII. Provided always, and it is hereby enacted and declared, That if the ſaid Sir *George Beaumont*, his Heirs or Aſſigns, or the Perſon or Perſons ſeiſed of the ſaid Collieries or Coalmines for the Time being, or the ſaid Company of Proprietors reſpectively, ſhall at any Time or Times neglect or refuſe to nominate and appoint an Arbitrator on his and their Part and Behalf reſpectively, or to ſignify in Writing ſuch Nomination and Appointment in the Manner herein-before directed or mentioned, for the Space of Three Calendar Months after ſuch Nomination and Appointment ſhall have been made and notified by the other Party as aforeſaid, it ſhall be lawful for the ſaid Commiſſioners, or any Five or more of them, and they are hereby required from Time to Time to proceed to nominate and appoint ſome One indifferent Perſon as Arbitrator, on the Part and Behalf of the Party ſo neglecting or refuſing, as laſt mentioned, and to ſignify ſuch Nomination and Appointment to each of the ſaid reſpective Parties intereſted, in ſuch Manner and Form as is herein-before mentioned and directed, with reſpect to the Nomination and Appointment of ſuch Third Arbitrator by the ſaid Commiſſioners.

On Death or Refuſal to act, other Arbitrators may be appointed.

CXLIV. And be it further enacted, That if any Perſon who ſhall be nominated and appointed an Arbitrator in purſuance of this Act, ſhall refuſe to act, or die pending the Matter in Reference, then, and in every ſuch Caſe, ſome other indifferent Perſon ſhall and may be nominated and appointed to act in his Place and Stead, in like Manner as is herein-before mentioned and appointed, with reſpect to ſuch original Nomination and

Appointment: Provided, and be it hereby enacted and declared, that all Fees and Expences payable to or on Account of the ſaid Arbitrators, ſhall be paid by the ſaid Company of Proprietors.

Company to pay the Expences of Arbitrators.

CXLV. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, or their Clerk or Clerks, and the ſaid Arbitrators, or any of them reſpectively, at all ſeaſonable Times, without Fee or Reward, to inſpect all Books and Accounts in the Cuſtody or Power of the ſaid Sir *George Beaumont*, his Heirs and Aſſigns, or of the Perſon or Perſons ſeiſed of the ſaid Collieries or Coalmines for the Time being, which may conduce to the manifeſting or aſcertaining the Quantum of the Compenſation to be paid from Time to Time by the ſaid Company of Proprietors to the ſaid Sir *George Beaumont*, his Heirs and Aſſigns, or the Perſon or Perſons ſeiſed as aforeſaid, and the Perſon or Perſons having the Cuſtody of the ſaid Books and Accounts reſpectively ſhall, and he and they is and are hereby required to produce and ſhew the ſame to the ſaid Company of Proprietors, or their Clerk or Clerks, and to the ſaid Arbitrators, or any of them reſpectively.

Power for the Company and Arbitrators to inſpect the Accounts of the Collieries.

CXLVI. And whereas it is apprehended by the Proprietors of the *Coventry* Canal that the making the ſaid intended Canal to communicate with the ſaid *Coventry* Canal will be of conſiderable Injury to the ſaid Proprietors, and it is agreed that the Rate of Tonnage herein-after mentioned, (over and above all other Tolls, Rates, and Duties whatſoever), ſhall be made payable to the ſaid *Coventry* Canal Company, as a Compenſation for ſuch Injury; be it therefore enacted, That it ſhall be lawful for the ſaid Company of Proprietors of the ſaid *Coventry* Canal, to aſk, demand, take, and receive, to and for their own proper Uſe and Benefit, for all Coals, Goods, Merchandize, and other Things, which ſhall be navigated, carried, or conveyed, upon any Part of the ſaid *Aſhby de la Zouch* Canal, and which ſhall afterwards or from thence be navigated, carried, or conveyed, into or upon the ſaid *Coventry* Canal, or the *Oxford* or Grand Junction Canals, or any or either of them, and alſo for all ſuch Coals, Goods, Merchandize, and other Things which ſhall be navigated, carried, or conveyed, upon any Part or Parts of the ſaid Grand Junction, *Oxford*, or *Coventry* Canals, or any or either of them, and which ſhall afterwards or from thence be navigated, carried, or conveyed into or upon the ſaid *Aſhby de la Zouch* Canal, the Sum of Five-pence *per* Ton, (over and above all other Tolls, Rates, and Duties, payable to the ſaid *Coventry* Canal Company), and ſo in Proportion for any greater or leſs Quantity than a Ton; and in caſe it ſhall at any Time hereafter happen, that any Navigable Cut or Communication ſhall be made with the ſaid *Aſhby de la Zouch* Canal, by Means whereof any ſuch Coals, Goods, Merchandize, or other Things, may be navigated, carried, or conveyed, from the ſaid *Aſhby de la Zouch* Canal, into or upon the *Oxford* or Grand Junction Canals, or from either of the ſaid laſt mentioned Canals, into or upon the ſaid *Aſhby de la Zouch* Canal, without paſſing upon the ſaid *Coventry* Canal, then and in every ſuch Caſe it ſhall be lawful for the ſaid Company of Proprietors of the *Coventry* Canal, to aſk, demand, take, and receive, to and for their own proper Uſe and Benefit, for all ſuch Coals, Goods, Merchandize, and other Things, ſuch and the ſame Sum

Compenſation to be made to the Coventry Canal Company.

and Sums of Money or Rates of Tonnage as if the ſame actually paſſed to or from the ſaid *Aſhby de la Zouch* Canal, at the propoſed Junction with the ſaid *Coventry* Canal at *Marſton Bridge* aforeſaid, and were navigated between *Marſton Bridge* and the *Oxford* Canal, by the Courſe of the ſaid *Coventry* Canal, as the ſame is now uſed; which ſaid reſpective Rates of Tonnage herein-before granted and made payable to the Company of Proprietors of the ſaid *Coventry* Canal, or herein-before authorized to be demanded, taken, and received, by the ſaid Company of Proprietors, ſhall be paid to ſuch Perſon or Perſons at ſuch Place or Places upon or near to the ſaid *Aſhby de la Zouch* Canal and the ſaid *Coventry* Canal, or either of them, and in ſuch Manner and under ſuch Regulations as the Company of Proprietors of the ſaid *Coventry* Canal ſhall direct or appoint; and in caſe of Refuſal or Neglect of Payment the Company of Proprietors of the ſaid *Coventry* Canal ſhall and may ſue for and recover the ſame by Action of Debt, or upon the Caſe, in any Court of Record; or the Perſon or Perſons to whom the ſaid Rates ought to be paid, or who ſhall be appointed by the Company of Proprietors of the ſaid *Coventry* Canal to collect the ſame, may, and he and they is and are hereby authorized to ſeize and diſtrain the Coals, Goods, or other Things, for or in reſpect whereof ſuch Rates ought to be paid, or any Part thereof, or the Boat or other Veſſel laden therewith, and detain the ſame until Payment thereof, together with the reaſonable Charges of ſuch Diſtreſs, and if ſuch Diſtreſs ſhall not be redeemed within Five Days after the taking thereof, the ſame ſhall be ſold as the Law directs in Caſes of Diſtreſs for Rent.

The ſame Tolls to be taken by the *Coventry* Canal Company, as if the Junction of the *Aſhby de la Zouch* Canal had been made at *Griff*, inſtead of *Marſton Bridge*.

CXLVII. And whereas the Place of Junction of the ſaid intended *Aſhby de la Zouch* Canal with the ſaid *Coventry* Canal, ſince the ſaid Agreement as aforeſaid with the Company of Proprietors of the ſaid *Coventry* Canal was made, hath been altered, and the ſame is conſidered moſt convenient, and is now determined to be made at a Place called *Marſton Bridge*, upon the ſaid *Coventry* Canal, inſtead of *Griff*, where it was originally intended to be made, being Three Furlongs nearer to the Junction of the ſaid *Coventry* Canal with the *Oxford* Canal and to the ſaid City of *Coventry*, than *Griff* aforeſaid; and in order that the ſaid Alteration ſhall not affect the Terms and Compenſation intended to be made by the ſaid Agreement with the ſaid Company of Proprietors of the ſaid *Coventry* Canal, in reſpect to the Junction and Communication with the ſaid *Coventry* Canal; be it enacted, That it ſhall and may be lawful to and for the ſaid Company of Proprietors of the ſaid *Coventry* Canal, to aſk, demand, take, and receive, to and for their own proper Uſe and Benefit, for all Coals, Goods, Merchandize, and other Things which ſhall be navigated, carried, or conveyed, from the ſaid *Aſhby de la Zouch* Canal, into, upon, and along, the ſaid *Coventry* Canal, or from the ſaid *Coventry* Canal, into, upon, and along, the ſaid intended *Aſhby de la Zouch* Canal, over and above the Rate or Compenſation of Five-pence *per* Ton aforeſaid, ſuch and the ſame Tolls, Rates, and Duties, as if the ſaid Junction of the ſaid intended Canal with the ſaid *Coventry* Canal was actually made at *Griff* aforeſaid, being Three Furlongs farther diſtant from the ſaid Junction of the *Coventry* Canal with the *Oxford* Canal and the City of *Coventry*, than *Marſton Bridge*

Bridge aforeſaid, the Point of Junction intended by this preſent Act; any Thing herein-before contained to the contrary in anywiſe notwithſtanding.

For preventing any Diminution of Water in the *Coventry* Canal.

CXLVIII. And, in order to prevent the diminiſhing the Quantity of Water in the ſaid *Coventry* Canal, by Reaſon or Means of making the ſaid *Aſhby de la Zouch* Canal, be it further enacted, That the ſaid Company of Proprietors ſhall, and are hereby required to make and conſtruct the ſaid *Aſhby de la Zouch* Canal, ſo as that the ſame ſhall be carried from the Foot of the Firſt Lock on *Aſhby Woulds*, to and to communicate with the ſaid *Coventry* Canal, upon a dead Level, and without any Lockage within that Space, or at the Junction of the ſaid Canals, and that no Water ſhall be drawn or taken from any Part of the ſaid *Aſhby de la Zouch* Canal, ſo to be made upon a dead Level as aforeſaid, by any Perſon or Perſons whomſoever, by Means of any Lock, Engine, or otherwiſe howſoever, either for the Purpoſe of ſupplying any other Part of the ſaid *Aſhby de la Zouch* Canal, or any Cut which ſhall be made to communicate therewith, beſides the ſaid *Coventy* Canal, except for the Purpoſe of working Steam or Fire Engines, for the Uſe of Manufactures, the Water for which ſhall be again returned into the ſaid *Aſhby de la Zouch* Canal, or except at ſuch Times as the Waters ſhall run over the Waſte Weirs of the *Coventry* Canal, between *Coventry* and *Atherſtone*.

Toll Houſe to be erected for collecting Rates, payable to the *Coventry* Canal Company.

CXLIX. And for the better collecting of the Rates ſo made payable to the Company of Proprietors of the ſaid *Coventry* Canal as aforeſaid, be it further enacted, That it ſhall be lawful for the Company of Proprietors of the ſaid *Coventry* Canal to cauſe a Toll Houſe to be erected at or near the Side of any Part of the ſaid *Aſhby de la Zouch* Canal, for the Uſe of the Perſon or Perſons appointed to collect the ſaid Rates, and alſo to place a Stop Gate or Bar acroſs ſuch Part of the ſaid *Aſhby de la Zouch* Canal as they ſhall think proper, and may from Time to Time remove ſuch Toll Houſe, and erect the ſame at any other Place or Places at or near the Side of the ſaid *Aſhby de la Zouch* Canal, and may alſo remove ſuch Stop Gate or Bar, and place the ſame acroſs any other Part of the ſaid *Aſhby de la Zouch* Canal as they ſhall think proper; and it ſhall be lawful for the Collector or Collectors of the ſaid Rates, by Means of ſuch Stop Gate or Bar, to ſtop or prevent the Paſſage of any Boat or other Veſſel upon the ſaid *Aſhby de la Zouch* Canal, until Payment of the Rates, which ſhall be payable by virtue of this Act to the Company of Proprietors of the ſaid *Coventry* Canal, for the Coals, Goods, or other Things, on Board ſuch Boat or other Veſſel.

The ſame Powers to be applied for enforcing Payment of the Rates as are given in the *Coventry* Canal Act.

CL. And be it further enacted, That the ſeveral Powers, Authorities, Penalties, and Proviſions, contained in any Act or Acts of Parliament, for making and maintaining the ſaid *Coventry* Canal, with reſpect to the aſcertaining the Rates and Dues thereby granted, ſhall be applied and enforced for the Purpoſe of aſcertaining the Rates hereby granted to the Company of Proprietors of the ſaid *Coventry* Canal, or hereby authorized to be demanded, taken, and received, by the ſaid Company, as fully and effectually as if the ſame were repeated and re-enacted in the Body of this preſent Act; and if any Perſon ſhall do or cauſe to be done any Act with Intent to evade the Payment of the ſaid

Rates, he or ſhe ſhall, for every ſuch Offence, forfeit and pay to the Company of Proprietors of the ſaid *Coventry* Canal, the Sum of Five Pounds.

Power for the *Coventry* Canal Company to reduce the Rates.

CLI. Provided always, That it ſhall be lawful for the Company of Proprietors of the ſaid *Coventry* Canal, from Time to Time, to leſſen or reduce the Rates hereby granted and made payable to them, and again from Time to Time to advance and raiſe the ſame, ſo as not to exceed the Rates hereby granted to, or authoriſed to be taken by, the Company of Proprietors of the ſaid *Coventry* Canal.

Exemptions from the ſaid Rates.

CLII. Provided always, and be it further enacted, That no Perſon ſhall, by virtue of this Act, be ſubject to or charged with the Payment of the ſaid Rate of Five-pence *per* Ton to the Company of Proprietors of the ſaid *Coventry* Canal, for or in reſpect of any Corn or other Grain, or any Sheep or other Cattle, or any Iron Stone, or Wrought Iron, got or made upon or near the Banks of the ſaid *Aſhby de la Zouch* Canal, or for any Dung, Aſhes, Marle, for Manure, Gravel, Sand, and Stones, for Repairs of Roads; and if any Perſon ſhall claim and take the Benefit of any ſuch Exemption, not being entitled thereto, he ſhall for every ſuch Offence forfeit and pay to the Company of Proprietors of the ſaid *Coventry* Canal Navigation, the Sum of Ten Pounds.

Compenſation to be made to the *Leiceſter* Navigation Company.

CLIII. And whereas the Company of Proprietors of the *Leiceſter* Navigation have been and ſtill continue to be at very large Expences, in making a Communication by Railways and Water Levels, between the Baſon of the Company of Proprietors of the *Soar* Navigation, and the ſeveral Coal Works and Mines now opened and worked, or hereafter to be opened and worked, in the ſeveral Pariſhes, Townſhips, or Places of *Swannington* and *Coleorton*, and in *Thringſton Common*, all in the ſaid County of *Leiceſter*, for the Benefit and Accommodation of the Owners and Leſſees of the ſaid Coal Works and Mines, the Whole of which Expences will exceed Thirty thouſand Pounds: And whereas it is apprehended by the ſaid Company of Proprietors of the *Leiceſter* Navigation, that the ſaid Coal, or ſome Part thereof, to be got at the ſaid Coal Works and Mines, may be navigated and carried upon the ſaid intended Canal, when the ſame ſhall be made between *Aſhby Woulds* and the *Coventry* Canal, or into the *Coventry* Canal, to the great Injury of the ſaid Company of Proprietors of the *Leiceſter* Navigation, and to the great Detriment of the Inhabitants of the ſeveral Counties of *Leiceſter*, *Rutland*, and *Northampton*, who have hitherto been chiefly ſupplied with that Article of Fuel from the ſaid Works and Mines: To prevent which Injury and Detriment, be it enacted, That it ſhall be lawful for the ſaid Company of Proprietors of the *Leiceſter* Navigation, from Time to Time, and at all Times hereafter, to aſk, demand, take, and receive, to and for their own proper Uſe and Behoof, for the Tonnage of all Coals which ſhall be carried and conveyed from any Coal Works, Mines, or Places, now opened and worked, or hereafter to be opened and worked, in the Pariſhes, Townſhips, or Places of *Swannington* and *Coleorton*, or either of them, or in *Thringſton Common*, upon the ſaid *Aſhby de la Zouch* Canal, and which ſhall paſs into and along the ſame Canal beyond the Cloſe or Piece of Ground in the Lordſhip or Liberty of *Blackfordby* in the ſaid

County of *Leiceſter*, marked in the Map or Plan of the ſaid Canal herein-before directed to be certified by the Right Honourable the Speaker of the Houſe of Commons, with the Number 315; the Sum of Two Shillings and Sixpence *per* Ton, which ſaid Rate of Tonnage herein-before granted and made payable to the Company of Proprietors of the ſaid *Leiceſter* Navigation, or herein-before authorized to be demanded, taken, and received, by the ſame Company of Proprietors, ſhall be paid to ſuch Perſon or Perſons, at ſuch Place or Places, upon or near the ſaid *Aſhby-de la Zouch* Canal, and near to the ſaid Cloſe, numbered 315 as aforeſaid, in ſuch Manner and under ſuch Regulations as the Company of Proprietors of the ſaid *Leiceſter* Canal Navigation ſhall direct or appoint, and ſhall not be liable to be reduced or varied by the Company of Proprietors of the *Aſhby de la Zouch* Canal, any Thing herein contained to the contrary thereof notwithſtanding; and in caſe of Refuſal or Neglect of Payment, the Company of Proprietors of the ſaid *Leiceſter* Navigation ſhall and may ſue for and recover the ſame by Action of Debt, or upon the Caſe, in any Court of Record, or the Perſon or Perſons to whom the ſaid Rates ought to be paid, or who ſhall be appointed by the Company of the Proprietors of the ſaid *Leiceſter* Navigation to collect the ſame, may, and he and they is and are hereby authorized to ſeize the Coal for or in reſpect whereof ſuch Rates ought to be paid, or any Part thereof, or the Boat or other Veſſel laden therewith, and detain the ſame until Payment thereof, together with the reaſonable Charges of ſuch Seizure and Detention; and if ſuch Coal, Boat, or other Veſſel, ſhall not be redeemed within Four Days after the taking thereof, the ſame ſhall be ſold as the Law directs in caſe of Diſtreſs for Rent.

Power for the *Leiceſter* Company to inſpect Account Books of Lock Keepers or Wharfingers.

CLIV. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, or their Clerk or Clerks, at all ſeaſonable Times, without Fee or Reward, to inſpect all Books and Accounts to be kept by, or which ſhall be in the Cuſtody or Power of, any Lock Keeper or Wharfinger acting under the Authority of the ſaid Proprietors of the *Aſhby de la Zouch* Canal, which may conduce to the manifeſting or aſcertaining the Tonnage to be paid under the Authority of this Act to the ſaid Company of Proprietors of the *Leiceſter* Navigation, or which may detect any Fraud in the Non-payment thereof; and the Perſon or Perſons having the Cuſtody of the ſaid Books and Accounts reſpectively ſhall, and he and they is and are hereby required, at all ſeaſonable Times, to produce and ſhew the ſame to the ſaid Company of Proprietors, or their Clerk or Clerks.

Toll Houſe may be erected for collecting Rates for the *Leiceſter* Navigation Company.

CLV. And for the better collecting of the Rates ſo made payable to the Company of Proprietors of the ſaid *Leiceſter* Navigation, be it further enacted, That it ſhall be lawful for the Company of Proprietors of the ſaid *Leiceſter* Navigation, at their own Coſts, Charges, and Expences, and not otherwiſe, to cauſe a Toll Houſe to be erected at or near the Side of any convenient Part of the ſaid intended *Aſhby de la Zouch* Canal, near to the ſaid Cloſe marked 315 in the ſaid Plan, for the Uſe of any Perſon or Perſons who may be appointed by the ſaid Company of Proprietors of the *Leiceſter* Navigation to collect the ſaid Rates, and alſo to place a Stop Gate or Bar acroſs ſuch Part of the ſaid *Aſhby de la Zouch* Canal, as

they ſhall think proper, and may, from Time to Time, remove ſuch Toll Houſe, and erect the ſame at any other convenient Place or Places at or near the Side of the ſaid *Aſhby de la Zouch* Canal, and may alſo remove ſuch Stop Gate or Bar, and place the ſame acroſs any other Part of the ſaid *Aſhby de la Zouch* Canal, as they ſhall think proper; and it ſhall be lawful for the Collector or Collectors of the ſaid Rates, by Means of ſuch Stop Gate or Bar, to ſtop or prevent the Paſſage of any Boat or Veſſel laden with Coal from the ſaid Coal Works and Mines now opened, or hereafter to be opened, in the ſeveral Pariſhes, Townſhips, or Places of *Swannington* and *Coleorton*, and of *Thringſton Common*, upon the ſaid *Aſhby de la Zouch* Canal, until Payment of the Rates which ſhall be payable by virtue of this Act to the ſaid Company of Proprietors of the ſaid *Leiceſter* Navigation, for the Coal on Board ſuch Boat or other Veſſel.

The ſame Powers may be applied for in enforcing the Rates as in the *Leiceſter* Navigation Act.

CLVI. And be it further enacted, That the ſeveral Powers, Authorities, Penalties, and Privileges contained in the Act of Parliament for making and maintaining the ſaid *Leiceſter* Navigation, with reſpect to the aſcertaining the Rates and Dues thereby granted, ſhall be applied and enforced for the Purpoſe of aſcertaining the Rates hereby granted to the ſaid Company of Proprietors of the *Leiceſter* Navigation, or hereby authorized to be demanded, taken, and received by them, as fully and effectually as if the ſame were repeated or re-enacted in the Body of this preſent Act; and if any Perſon ſhall do, or cauſe to be done, any Act with Intent to evade the Payment of the ſaid Rates, he or ſhe ſhall, for every ſuch Offence, forfeit and pay to the ſaid Company of Proprietors of the *Leiceſter* Navigation, the Sum of Five Pounds.

Not to take any Water which may be wanted to ſupply the Water Levels belonging to the *Leiceſter* Canal Company.

CLVII. And be it further enacted, That nothing in this Act contained ſhall extend or be conſtrued to extend, to empower the ſaid Company to uſe any of the Water which may be wanted to ſupply the Water Levels belonging to the *Leiceſter* Navigation, nor to diminiſh any of the Powers for that Purpoſe granted by an Act, intituled, *An Act for making and maintaining a Navigable Communication between the* Loughborough *Canal and the Town of* Leiceſter, *and for making and maintaining a Communication by Railways or Stone Roads and Water Levels from ſeveral Places and Mines to the ſaid* Loughborough *Canal, and for continuing the ſame by paſſing along the ſaid Canal to the ſaid Navigable Communication, all in the County of* Leiceſter; any Thing herein contained to the contrary notwithſtanding.

For Recovery and Application of Fines and Forfeitures.

CLVIII. 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 herein-before directed, ſhall, in caſe of Non-payment thereof, or Conviction of the Offenders reſpectively, be levied by Diſtreſs and Sale of ſuch Offender's Goods and Chattels, by Warrant under the Hand and Seal of any Juſtice of the Peace for either of the Counties of *Leiceſter*, of *Derby*, or of *Warwick*, where the Offence ſhall be committed, who is, and are hereby authorized and required to examine Witneſſes, on Oath, (or if Quakers, on Affirmation), and hear and determine the ſame, and all ſuch reſpective Fines, Forfeitures, and Penalties, the Application whereof

is not herein-before particularly directed, shall be paid into the Hands of the Treasurer or Clerk to the said Company of Proprietors for the Time being, and shall be applied and disposed of for the Use of the said Company; and the Overplus of the Money raised by such Distress, after deducting the Penalty and Expences thereof, shall be rendered to the Owner of the Goods and Chattels so distrained and sold, and for want of sufficient Distress, the Offender shall be sent to the Common Gaol for the County in which such Offence shall be committed, for a Term not exceeding Three nor less than One Calendar Month, as such Justice shall think proper.

CLIX. 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 Proceedings relating 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. Distress not unlawful for Want of Form.

CLX. 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 or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form, or in any other Form of Words to the same Effect, as the Case shall require; *videlicet*, Form of Conviction.

'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 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.

CLXI. And be it further enacted, That any Person or Persons thinking himself, herself, or themselves aggrieved by any Order, Judgement, or Determination of any Justice or Justices of the Peace, may, within Six Calendar Months, after such Order, Judgement, or Determination shall have been made, (first giving Fourteen Days Notice that 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 either of the said Counties of *Leicester*, of *Derby*, or of *Warwick*, in which the said Cause of Appeal shall arise, and not elsewhere; which Justices shall, in a summary Way, either determine the Complaint at such General Quarter Sessions of the Peace to be held for the said Counties respectively, or if they think proper, may adjourn the Hearing thereof to the next General Quarter Sessions of the Peace to be held for the said Counties respectively, and if they see Cause, the said Justices may mitigate any Forfeiture or Fine, and may order any Money to be returned, which shall have been levied in pursuance of such Order or Determination, and may also order such further Appeal.

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*; any Law or Statute to the contrary notwithſtanding.

Proceedings not to be quaſhed for Want of Form, nor removed by *Certiorari*.

Limitation of Actions.

CLXII. And be it further enacted, That if any Action, Suit, or Information, ſhall be brought or commenced againſt any Perſon or Perſons, for any Thing done in purſuance of this Act, or in Execution of the Powers and Authorities, or the Orders and Directions herein-before given, every ſuch Suit or Information ſhall be brought or commenced within Six Calendar Months next after the Fact committed, or in caſe there ſhall be a Continuation of Damages, then within Three Calendar Months next after the doing or committing ſuch Damages ſhall have ceaſed, and not afterwards; and ſuch Action, Suit, or Information, ſhall be laid and brought within the ſaid Counties of *Leiceſter*, of *Derby*, or of *Warwick* reſpectively, where the Matter in Diſpute ſhall ariſe, and not elſewhere; and the Defendant in ſuch Action or Suit ſhall and may plead the General Iſſue, and give this Act or the Special Matter in Evidence at any Trial to be had thereupon, 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, Suit, or Information, ſhall be ſo brought after the Time ſo limited for bringing the ſame, or ſhall be brought in any other County or Place than as aforeſaid, then, and in all ſuch Caſes, the Jury ſhall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs ſhall become nonſuited, or ſuffer Diſcontinuance of his, her, or their Action, Suit, or Information, after the Defendant or Defendants ſhall have appeared, or if a Verdict ſhall paſs againſt the Plaintiff or Plaintiffs, or, if upon Demurrer or otherwiſe, Judgement ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall have Treble Coſts, and ſhall have ſuch Remedy for the ſame as any Defendant or Defendants hath or have for Coſts of Suit in other Caſes by Law.

General Iſſue.

Treble Coſts.

Publick Act.

CLXIII. 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 ſpecially pleading the ſame.

FINIS.