ANNO TRICESIMO QUARTO

# Georgii III. Regis.

## CAP. XCV.

An Act to alter and amend an Act of the Twenty-third Year of His preſent Majeſty, for improving the Navigation of the River *Trent*; and for making and maintaining a Navigable Canal from the ſaid River, in the Pariſh of *Beeſton*, to join the *Nottingham* Canal, in the Pariſh of *Lenton*, in the County of *Nottingham*, and alſo certain Cuts on the Side of the ſaid River. [9th *May* 1794.]

Preamble.

WHEREAS an Act of Parliament paſſed in the Twenty-third Year of the Reign of His preſent Majeſty, intituled, *An Act for improving the Navigation of the River* Trent, *from a Place called* Wilden Ferry, *in the Counties of* Derby *and* Leiceſter, *or One of them, to* Gainſborough, *in the County of* Lincoln, *and for empowering Perſons navigating Veſſels thereon to hale the ſame with Horſes*; and by the ſaid Act ſeveral Perſons are united and made One Body Politick and Corporate, by the Name and Stile of *The Company of Proprietors of the River Trent Navigation*, with Power to improve the Navigation of the ſaid River, and to do and perform the ſeveral other Matters and Things directed to be done and performed by the ſaid Company of Proprietors, by virtue of the ſaid Act: And whereas the ſaid Company of Proprietors have, ſince the paſſing of the ſaid Act, made great Improvements in the Navi-

gation of the ſaid River; and it appears that the ſaid Navigation might be further improved if certain Cuts were made on the Side of ſome Parts of the ſaid River, and ſome further and other Powers given to the ſaid Company of Proprietors than are given by the ſaid Act: And whereas it appears, by Surveys lately taken, that a Navigable Canal may be made from the ſaid River *Trent*, to communicate with the *Nottingham* Canal, in the Pariſh of *Lenton*, in the County of *Nottingham*, through the Pariſhes of *Lenton* and *Beeſton*, in the ſaid County, Weſtwards to the ſaid River *Trent*, in *Beeſton Meadow*: And whereas the making of the ſaid Navigable Canal and certain Cuts hereafter mentioned, on the Side of the ſaid River will be of great publick Utility: And whereas the ſaid Company of Proprietors are willing to undertake to make the ſaid Canal and Side Cuts, and to improve the Navigation of the ſaid River, at their own proper Coſts and Charges, in caſe they ſhall be empowered ſo to do, by the 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 it ſhall be lawful for the ſaid Company of Proprietors of the River *Trent* Navigation, and they are hereby authorized and required, by themſelves, their Deputies, Agents, Officers, Workmen, Servants, and Aſſiſtants, at their own proper Coſts and Charges, to make ſuch further Improvements in the Navigation of the ſaid River, ſo as to enable the Veſſels uſually navigating thereon to carry a Burthen of Forty Tons at leaſt in all Seaſons, in Manner following; (that is to ſay), that they the ſaid Company of Proprietors ſhall and may from Time to Time, and at all Times hereafter, cleanſe, ſcour, deepen, enlarge, ſtraighten, contract, and improve, the ſaid Navigation, and make ſuch Locks and Weirs in and upon the ſaid River, as they ſhall think neceſſary for the Benefit of the Navigation thereof; and alſo to make and maintain a Navigable Canal from the ſaid River *Trent*, to communicate with the ſaid *Nottingham* Canal, in the Pariſh of *Lenton*, in the County of *Nottingham*, through the Pariſhes of *Lenton* and *Beeſton*, in the ſaid County, Weſtwards, to the ſaid River *Trent*, in *Beeſton Meadow*; and to make and maintain ſuch Side Cuts to communicate with the ſaid River as are herein-after deſcribed, and in good and navigable State and Condition to keep and preſerve the ſame by all neceſſary and proper Works, Ways, and Means; and to alter and amend the Channel and Courſe of the ſaid River, ſo as always to be of the Depth of Thirty Inches perpendicular in Water in the ſhalloweſt Places in the ſaid River in all Seaſons, and for that Purpoſe to remove all Beds of Earth, Soil, Sand, Gravel, and Stone, and all other Obſtructions and Impediments whatſoever, in the ſaid River, (except Bridges now built, or which may hereafter be built acroſs the ſaid River, and Staiths which have been made and uſed as ſuch before the Firſt Day of *January* One thouſand ſeven hundred and eighty-three), which may anywiſe obſtruct, hinder, or prevent the haling, ſailing, or towing of Boats, Barges, Keels, or other Veſſels, by Men or with Horſes, or otherwiſe, upon the ſaid River; and alſo from Time to Time to build, erect, ſet up, or make, in the ſaid River and the ſaid Canal and Side Cuts, and upon the Lands and Grounds adjoining or near thereto, ſuch and ſo many Bridges, Tunnels, Gates, Stiles, Drop Stiles, Poſts, Weirs, Jetties, and other Works, as ſhall be thought convenient or neceſſary for the further Improvement

Company of the *Trent* Navigation empowered to make certain Improvements.

To make a Canal from the *Nottingham* Canal to the *Trent* in *Beeſton Meadow*.

To lower the Bed of the River.

provement of the Navigation thereof, or for the Conveniency of the Haling Path already made, or herein-after directed to be made, and to improve and keep the ſame in Repair.

New Haling Paths to be ſet out in certain Places.

II. And whereas by the ſaid Act no Power is given to make Haling Paths on both Sides of the ſame Part of the ſaid River, and it would be of great Convenience to Perſons uſing the Navigation of the ſaid River, if Haling Paths were in certain Places made on both Sides thereof; be it therefore further enacted, That the ſaid Company of Proprietors ſhall, and are hereby required to ſet out, make, and maintain, a Haling Path, of the Breadth of Four Yards, on the North or North-weſt Side of the ſaid River, from the Bottom of *Dunham Rack* to *Laneham Old Ferry*, in the Pariſh of *Laneham*, in the County of *Nottingham*, oppoſite the preſent Haling Path there made; and alſo another Haling Path of the like Breadth from the preſent Roving Place, in a certain Cloſe lying and being in *Fenton*, in the County of *Lincoln*, belonging to the Reverend *Palmer*, to, into, and through, a certain other Cloſe thereto adjoining, belonging to *Richard Elliſon* Eſquire, in *Fenton* aforeſaid.

Gates or Drop Stiles to be made upon the Haling Paths.

III. And be it further enacted, That in all and every Place and Places, upon the new Haling Paths to be made by virtue of this Act, where it ſhall be neceſſary to make any Gates or Drop Stiles for the Paſſage of Horſes drawing or haling any Boat, Barge, Keel, or any other Veſſel, upon the ſaid River *Trent*, or the ſaid Canal or Side Cuts herein-after directed to be made acroſs or through the Fences upon ſuch Haling Paths, the ſaid Company of Proprietors, their Agents, Surveyors, Servants, or Workmen, are hereby required to make either Gates or Drop Stiles ſufficient for the Purpoſes aforeſaid, as the reſpective Owner or Owners, Occupier or Occupiers, of ſuch Lands, upon which the ſame are intended to be made as aforeſaid, ſhall requeſt, ſuch Requeſt being made to the ſaid Company of Proprietors, their Agent or Surveyor, in Writing, within Thirty Days after ſuch Haling Paths ſhall be ſet out as aforeſaid; and alſo ſhall make, erect, and ſet up, ſuch Bridges, Tunnels, or Paſſages, in, over, or under, the Ditches or Fences in the ſaid Haling Paths, as ſhall be neceſſary and convenient.

To make the Canal from the *Nottingham* Canal to the *Trent* in *Beeſton Meadow*.

IV. And be it further enacted, That the ſaid Company of Proprietors are hereby authorized and empowered, by themſelves, their Deputies, Agents, Officers, Workmen, and Aſſiſtants, to make and complete a Canal, navigable and paſſable for Boats, Barges, and other Veſſels, of the Burthen of Forty Tons in all Seaſons, from the Weſt Side of the *Nottingham* Canal, near to *Lenton* Church, in the County of *Nottingham*, through certain incloſed Lands or Grounds of and belonging to *George De Ligne Gregory* Eſquire, *Elizabeth Milward* Spinſter, and *John Plumptre* Eſquire, in the Pariſh of *Lenton* aforeſaid, and through certain other incloſed Lands or Grounds of and belonging to the ſaid *John Plumptre*, in the Pariſh of *Beeſton*, in the ſaid County of *Nottingham*, and through a certain open and unincloſed Meadow called *Beeſton Meadow*, in the ſaid Pariſh of *Beeſton*, to join and communicate with the River *Trent*, in the ſaid Meadow, above and below a Weir or Dam to be made acroſs the ſaid River *Trent*; and alſo to make and complete a Side Cut, navigable as aforeſaid, from the ſaid River, at or near to a Place called *Bingham Roads*,

Side Cut at *Bingham Roads*.

*Roads*, through certain Incloſures of *Charles Pierrepont* Eſquire, called *The Holmes*, ſituate in the Townſhips of *Adbolton* and *Baſſingfield*, in the ſaid County of *Nottingham*, or One of them, to join and communicate with the ſaid River at or near to a Place upon the ſaid River called *Cowford*; and alſo to make and complete One other Side Cut, navigable as aforeſaid, from the ſaid River *Trent*, at or near to a Place called *The Trent Lock*, through certain Lands and Grounds of the Reverend *Charles Holden*, Leſſee of the Prebendary of the Prebend of *Sawley*, ſituate in *Long Eaton*, in the Pariſh of *Sawley*, in the County of *Derby*, to join and communicate with the ſaid River at or near to a Place called *Juggler's Holt*, in the ſaid Pariſh of *Sawley*; and to ſupply the ſaid intended Canal and Side Cuts, whilſt the ſame ſhall be making, and when made, with Water from the ſaid River *Trent*, and any other Streams, Brooks, and Watercourſes; and to make ſuch proper Trenches or Paſſages for Water in, upon, or through, the Lands or Grounds adjoining or near to the ſaid intended Canal and Side Cuts, or any of them, or ſuch Streams, Brooks, or Watercourſes, or any of them, as ſhall ſeem neceſſary or proper: Provided always, that the making the ſaid Canal, or any Navigable Cut as aforeſaid, ſhall not be conſtrued to exempt or exonerate the ſaid Company of Proprietors from maintaining and ſupporting the Navigation of any Part of the ſaid River, or any Haling Path now made on the Side thereof; but that the ſame ſhall, at all Times hereafter, be preſerved, kept, maintained, and ſupported, in the Manner directed by the ſaid recited Act, with reſpect to the other Parts of the ſaid River *Trent*.

Side Cut near *The Trent Lock*.

V. And, in order to make and complete the ſaid Canal and Side Cuts, and the ſeveral other Works intended to be made and done by the ſaid Company of Proprietors, be it further enacted, That the ſaid Act of the Twenty-third Year of the Reign of His preſent Majeſty, and the ſeveral Clauſes, Powers, Proviſions, Penalties, Forfeitures, Exemptions, Privileges, Directions, Matters, and Things, therein contained, ſo far as the Nature and Circumſtances of the Caſe will admit, (except ſuch as relate to Exemptions from Stamp Duties, and alſo ſuch as are by this Act expreſsly varied, altered, or repealed), ſhall be put in Execution by the ſaid Company of Proprietors, their Agents, Workmen, and Servants, and all other Perſons employed by them for making, completing, preſerving, and maintaining, the ſaid Canal and Side Cuts, and alſo for doing and performing all ſuch other Works, Matters, and Things, for the further Improvement of the Navigation of the ſaid River *Trent*, as the ſaid Company of Proprietors ſhall, from Time to Time, think neceſſary or expedient to be made and done for the Benefit of the Navigation of the ſaid River and of the ſaid Canal and Side Cuts, and ſhall alſo be uſed and exerciſed by all other Perſons relating to the Execution of this Act, according to the true Intent and Meaning of this Act, in ſuch and the like Manner, and as fully and effectually in all Reſpects, and to all Intents and Purpoſes, as if the ſaid ſeveral Clauſes, Powers, Proviſions, Penalties, Forfeitures, Exemptions, Privileges, Directions, and all other Matters and Things contained in the ſaid recited Act, (except as before excepted), were repeated and re-enacted in the Body of this Act, for the Purpoſes of enabling the ſaid Company of Proprietors to make, maintain, and preſerve, the ſaid Canal and Side Cuts, and to improve the Navigation of the ſaid River *Trent*.

Proviſions in former Act extended to the Works to be done under this Act.

VI. And whereas a Map or Plan, deſcribing the Line of the ſaid Canal and Side Cuts, and the Lands through which the ſame are intended to be made, and of the ſaid River *Trent* between *Wilden Ferry* and *Gainſborough* aforeſaid, together with a Book of Reference, containing a Liſt of the Names of the Owners, or reputed Owners, and Occupiers of ſuch Lands, have been depoſited at the Office of the reſpective Clerks of the Peace for the County of the Town of *Nottingham*, and of the Counties of *Nottingham*, *Derby*, *Leiceſter*, and *Lincoln*; be it therefore further enacted, That ſuch Map or Plan, and Book of Reference, ſhall remain in the Cuſtody of the reſpective Clerks of the Peace for the ſaid Counties, and that all Perſons ſhall, at any ſeaſonable Times, have Liberty to inſpect and peruſe the ſame, and to make Copies thereof, or Extracts therefrom, at their Will and Pleaſure, paying the reſpective Clerks of the Peace the Sum of One Shilling for every ſuch Inſpection, and after the Rate of Sixpence for every Two hundred Words of ſuch Copies or Extracts; and that the ſaid Company of Proprietors, in making the ſaid Canal and Side Cuts, ſhall not deviate from the Line or Courſe thereof deſcribed in the ſaid Map or Plan, nor ſhall any ſuch Deviation be made into or carried through the Lands of any Perſon not named in the ſaid Book of Reference, without the Conſent, in Writing, of ſuch Perſon: Provided nevertheleſs, that no Advantage ſhall be taken of or againſt the ſaid Company of Proprietors, or any Interruption be given to the making the ſaid Canal or Side Cuts, on Account of any Error or Omiſſion in the ſaid Book of Reference, in caſe it ſhall appear to any Five or more of the Commiſſioners, appointed in or by virtue of the ſaid recited Acts, and be certified by Writing under their Hands, that ſuch Error or Omiſſion proceeded from Miſtake.

Plans and Books of Reference to remain with the Clerks of the Peace.

VII. Provided always, and be it further enacted, That nothing in this Act contained ſhall empower, or enable, or extend, or be conſtrued to extend, to enable the ſaid Company to deviate from or uſe any other Line than the Line along which the ſaid Navigable Canal from the ſaid River *Trent*, to communicate with the ſaid *Nottingham* Canal, in the ſaid Pariſh of *Lenton*, through the Pariſhes of *Lenton* and *Beeſton*, Weſtward to the ſaid River *Trent* in *Beeſton Meadow*, is intended to be made; *videlicet*, along a certain Dyke, called *Blotah Dyke*, as far as the ſame runs between the Lands of the ſaid *Elizabeth Milward*, (lying on the Northward Side thereof), and Lands of *John Plumptre*, and *George De Ligne Gregory*, Eſquires, (lying on the Southward Side thereof), and continuing ſuch Navigable Canal from the ſaid *Blotah Dyke*, Weſtward along another Dyke, and in a Line which continues to divide Lands of the ſaid *Elizabeth Milward* (lying on the Northward Side thereof) and Lands of the ſaid *George De Ligne Gregory*, (lying on the Southward Side thereof), until the ſaid Navigable Canal forms a Junction with the ſaid *Nottingham* Canal, nor to enable the ſaid Company to make the Haling Path to the ſaid Navigable Canal on the Northward Side thereof, ſuch Haling Path being to be made on the Southward Side of ſuch Navigable Canal.

Line of Canal to be preſerved between Mr. *Gregory*'s and Mrs. *Milward*'s Eſtates.

VIII. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, from Time to Time, to make ſuch other Side Cut or Cuts as may be thought neceſſary for the further Improvement of the Navigation of the ſaid River, by and with the Approbation and Conſent in Writing, ſigned and ſealed by the Perſon

Power to make other Side Cuts, with Conſent of Land Owners.

ſon or Perſons, Body Politick or Corporate, to whom the Eſtates, Lands, Grounds, or Fiſheries, do or ſhall reſpectively belong through which ſuch Side Cut or Cuts reſpectively ſhall hereafter be made, or which ſhall or may be affected or prejudiced by ſuch Cut or Cuts, and not otherwiſe.

Canal and Side Cuts not to exceed 20 Yards in Breadth.

IX. Provided always, and be it further enacted, That the Lands or Grounds to be taken or uſed for ſuch intended Canal, Side Cuts, and Haling Paths, and the Ditches, Drains, and Fences, to ſeparate ſuch Haling Paths from the adjoining Lands, ſhall not exceed Twenty Yards in Breadth, except in ſuch Places where the ſaid intended Canal or Side Cuts ſhall be raiſed higher or cut more than Five Feet deeper than the preſent Surface of the Land, and in ſuch Places where it ſhall be judged neceſſary for Boats and other Veſſels to turn, lie, or paſs each other, or where any Crane may be erected, or Coals, Lime, Limeſtone, or other Stones, Timber, or other Goods, Wares, or Merchandizes, be delivered, nor above Thirty Yards in Breadth in any of thoſe Places.

Company obliged to widen the preſent Towing Paths, and make new Ones in certain Caſes.

X. And whereas by the ſaid recited Act the preſent Haling Paths on the Side of the ſaid River are limited to certain Widths, therein ſpecified, which are ſo narrow as to occaſion conſiderable Damage to the adjoining Lands; and the Courſe of the Haling Paths is in ſome Parts confined to the Tops of the Banks made for preſerving the adjoining Lands from being flooded, whereby ſuch Banks are in ſome Places injured: Be it therefore further enacted, that if the Owner of any Land adjoining to any Part of the preſent Haling Paths on the Side of the ſaid River ſhall, by Writing to be delivered to the Clerk to the ſaid Company of Proprietors, ſignify his Deſire that the Breadth of any of the ſaid Haling Paths adjoining to his Land ſhould be enlarged, or a new Haling Path made, to avoid uſing the Top of any ſuch Bank as aforeſaid, then and in every ſuch Caſe the ſaid Company of Proprietors ſhall, and are hereby required, within Three Months after ſuch Writing ſhall have been delivered as aforeſaid, to enlarge the Haling Path to ſuch Breadth as ſhall be mentioned in ſuch Writing, not exceeding Twelve Feet in the Whole, or to cauſe a new Haling Path to be ſet out and made, of the Width of Twelve Feet, between ſuch Bank and the River, in order to avoid ſuch Bank, (as the Caſe ſhall be), and in caſe the ſaid Company of Proprietors ſhall refuſe or neglect ſo to do, the Commiſſioners appointed by the ſaid former Act ſhall, and are hereby required to cauſe the ſame to be done, and all Expences attending the ſame all be paid and borne by the ſaid Company of Proprietors; and that every Haling Path ſo enlarged, or ſet out and made, ſhall be ſupported and maintained, and the Ground uſed for enlarging or ſetting out the ſame, paid for by the ſaid Company of Proprietors, in like Manner as by the ſaid Act directed concerning any of the preſent Haling Paths; any Thing in the ſaid Act to the contrary notwithſtanding.

For repairing the Haling Path on the Flood Banks.

XI. And be it further enacted, That in caſe the Haling Path already made, or by this or the ſaid recited Act directed to be made, upon any Banks which have been heretofore raiſed, for defending any of the Lands or Grounds adjoining or near to the ſaid River, from Floods, or any Part thereof, ſhall at any Time or Times hereafter be inſufficiently made

and gravelled, or be out of Repair, or the Gravel washed or removed from the Top of the said Haling Path, by Floods or otherwise, and Notice thereof shall be given by the Owners or Occupiers respectively of the Lands or Grounds adjoining such Part of the said Haling Path, to the Clerk or Treasurer of the said Company of Proprietors, or to any of their Surveyors or Collectors for the Time being, then the said Company of Proprietors shall, and are hereby required, at their own Costs and Charges, within Seven Days next after such Notice shall be given as aforesaid, to cause the said Haling Path to be made, gravelled, and well and sufficiently repaired and amended; and in case the said Company of Proprietors shall refuse or neglect to make, repair, and amend, the said Haling Path, after such Notice given as aforesaid, then it shall and may be lawful for the said Owners or Occupiers respectively of the Lands or Grounds adjoining to the said Haling Path, to make, repair, and amend the same, and the Expences thereof shall be borne and paid by the said Company of Proprietors, and shall and may be recovered by such Owners or Occupiers, in the same Manner, as other Forfeitures, Penalties, or Payments, are in and by this or the said recited Act directed to be recovered.

Persons empowered to sell and convey Lands.

XII. And be it further enacted, That after any Land, Ground, or other Hereditament, shall be set out and ascertained for making the said intended Canal and Side Cuts, and other the Purposes and Conveniencies hereby authorized or directed, it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees in Trust for Charities and other Purposes, Committees, Executors, and Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, Infants, Issue unborn, Lunaticks, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised or possessed in their own Right, and to and for all and every other Person and Persons whomsoever, who are or shall be seised, possessed of, or interested in any Lands, Grounds, or other Hereditaments, which shall be so set out and ascertained as aforesaid, or any Part thereof, to contract for, sell, and convey, to the said Company of Proprietors, all or any Part of such Lands, Grounds, or other Hereditaments, which shall from Time to Time be so set out and ascertained as aforesaid, either in Consideration of a Sum of Money to be paid in Gross or of an Annual Rent or Payment, as shall be agreed upon between such Person or Persons, Bodies Politick or Corporate, and the said Company of Proprietors; and where, by making the said intended Canal and Side Cuts, or any of them, or the Conveyance of Water thereto, the Property of any Land Owner or Land Owners shall be separated into small Parcels, so as to render the Occupation thereof inconvenient, it shall be lawful for any Bodies Politick, Corporate, and Collegiate, and other Person or Persons aforesaid, by and with the Consent of the Commissioners hereby appointed, (such Consent to be testified by any Writing under their Hands and Seals), to contract for, sell, and dispose of, or to convey in Exchange in Lieu of other Lands, all or any Part of such Lands or Grounds so separated into small Parcels as aforesaid, to any Person or Persons whomsoever, for such good and valuable Price or Consideration in Money, or other Equivalent, as to the said Commissioners

ſhall ſeem reaſonable; and that all ſuch Contracts, Agreements, Sales, Exchanges, Conveyances, and Aſſurances, ſhall be valid and effectual in Law to all Intents and Purpoſes whatſoever, any Law to the contrary thereof notwithſtanding; and all Bodies Politick, Corporate, or Collegiate, and other Perſons ſo ſelling, conveying, or exchanging, as aforeſaid, are hereby indemnified for what they ſhall reſpectively do by virtue and in purſuance of this Act; and all ſuch Contracts, Agreements, Sales, Exchanges, Conveyances, and all Aſſurances ſo to be made as aforeſaid, (other than thoſe which concern any Purchaſe or Exchange between any ſuch reſpective Land Owners), ſhall, at the Expence of the ſaid Company of Proprietors, be inrolled with the Clerk of the Peace for the County of *Nottingham*, or of the Town and County of the Town of *Nottingham*, or the Clerks of the Peace for the Counties of *Derby* or *Leiceſter* in which ſuch Lands, Grounds, or Hereditaments, ſhall reſpectively lie; and Copies thereof, ſigned by ſuch Clerk of the Peace, purporting the ſame to be true Copies, ſhall be allowed to be good Evidence in all Courts whatſoever, for which Inrolment, or a Copy thereof, the Clerk of the Peace ſhall receive the Sum of Sixpence, and no more, for every One hundred Words, and ſo in Proportion for any leſs Number of Words.

Contracts for Copyholds to be completed by Surrender.

XIII. Provided always, That all Contracts, Agreements, Bargains, Sales, and Exchanges, of any Lands, Grounds, or Hereditaments, which are of the Nature of Copyhold, ſhall be executed and completed by Surrender thereof in the reſpective Courts of the Manors whereof the ſame are held, according to the Cuſtom of the ſaid Manors reſpectively, and ſhall remain ſubject to ſuch and the ſame Fines, Rents, and Services, as the ſame would have been ſubject to if this Act had not been made.

Company to be compellable to purchaſe ſeveral Pieces of Land to make Communications by Bridges.

XIV. And be it further enacted, That in all Caſes when, by the making of the ſaid Canal or Side Cuts, or any of them, any Part or Parts of the Lands and Grounds of any Perſon or Perſons ſhall be ſevered and divided from the other Part or Parts of the Lands or Grounds of ſuch Perſon or Perſons, ſo as to deprive ſuch Perſon or Perſons, or the Occupier or Occupiers of ſuch Lands or Grounds, of a convenient or proper Means of Acceſs to the ſame, then and in every ſuch Caſe the ſaid Company of Proprietors ſhall and are hereby required, either to purchaſe the Lands or Grounds ſo ſeparated and deprived of a Road as aforeſaid, or to build and conſtruct, and afterwards to maintain and keep in good and ſufficient Repair, a proper Bridge or Bridges, at the Coſts and Charges of the ſaid Company of Proprietors, for the Convenience of the Owner or Owners, and Occupier or Occupiers of ſuch Lands or Grounds as the ſaid Commiſſioners ſhall think fit, in caſe ſuch Owner or Owners ſhall require either ſuch Land to be purchaſed, or a Bridge to be erected for the Uſe thereof; and that, if the ſaid Company of Proprietors ſhall neglect or refuſe, for the Space of Three Months next after Notice ſhall be given to them, or the Clerk or Clerks by them appointed, to purchaſe ſuch Parts of the Lands or Grounds which ſhall be ſo deprived of a Road thereto as aforeſaid, or to build and conſtruct, and keep in good and ſufficient Repair, ſuch Bridge or Bridges, purſuant to a Determination of the ſaid Commiſſioners, then and in every ſuch Caſe it ſhall be lawful for the Perſon or Perſons whoſe Lands are ſo ſeparated, and who

ſhall have given Notice as aforeſaid, to build ſuch Bridge or Bridges as ſhall be neceſſary for the Purpoſe of making a proper Communication between the different Parts of the Lands ſo ſeparated, and to recover the Expence of building ſuch Bridge or Bridges from the ſaid Company of Proprietors, by the ſame Way and Remedy as for the recovering other Damages done by effecting the Purpoſes of this Act.

Boat to be provided by the Occupiers of Land belonging to Mr. *Holden*.

XV. And whereas by the Improvement of the ſaid Navigation, and by Means of making the ſaid Side Cut in the Pariſh of *Sawley* aforeſaid, and a Dam or Weir acroſs the River *Trent*, above the ſaid Side Cut, the Ford or Paſſage acroſs the ſaid River, at or near a Place called *Moſes Mouth*, to an Eſtate called *Sawley Cliff*, belonging to the Reverend *Charles Holden* Clerk, as Leſſee of the Prebendary of the Prebend of *Sawley* aforeſaid, will be rendered more inconvenient at certain Seaſons of the Year, and the Occupation of the ſaid Eſtate at *Sawley Cliff* will be thereby rendered leſs convenient and uſeful; be it therefore enacted, That the ſaid Company of Proprietors ſhall, at all Times hereafter, at their own Coſts and Charges, find and provide, or cauſe to be found and provided, a Ferry Boat of ſufficient Size and Capacity to carry Five Horſes and a Waggon loaded with Two Tons of Hay, and ſhall alſo find and provide an Iron Chain, with proper Poſts, Windlaſs, and other Requiſites, for fixing the ſaid Chain from One Side of the ſaid River to the other, for the Purpoſe of conducting the ſaid Ferry Boat acroſs the ſaid River, and likewiſe proper Landings, and other neceſſary Conveniencies for taking Carriages and Horſes, and other Cattle, into and out of the ſaid Ferry Boat, for the Uſe only of the Owner, or Occupier or Occupiers of the ſaid Eſtate called *Sawley Cliff*, for the Time being, for the Purpoſe of paſſing and repaſſing to and from the ſame; and ſhall and will at all Times thereafter, at their like Coſts and Charges, keep and maintain the ſame, with all needful and neceſſary Reparations.

Proprietors to provide Boat within a certain Time.

XVI. And be it further enacted, That in caſe the ſaid Company of Proprietors ſhall neglect or refuſe to make or build, or cauſe to be made or built, ſuch Boat, and to find and provide ſuch Chain, Poſts, Windlaſs, Landings, and other Neceſſaries as aforeſaid, for the Space of Three Calendar Months, or to repair, maintain, and ſupport the ſame, when needful and neceſſary, for the Space of One Month after Notice given to them, or to their Clerk, Treaſurer or Treaſurers, by the Owner or Occupier of the ſaid Eſtate called *Sawley Cliff*, for the Time being, it ſhall and may be lawful for ſuch Owner or Occupier to find and provide ſuch Ferry Boat, Chain, Poſts, Windlaſs, Landings, and other Neceſſaries, or to repair, maintain, and ſupport the ſame, as the Caſe may happen; and all the reaſonable Expences, Coſts, and Charges, attending the ſame, ſhall be repaid to ſuch Owner or Occupier by the ſaid Company of Proprietors, within the Space of Thirty Days next after an Account ſhall be delivered, and a Demand thereof made, to the ſaid Company of Proprietors, or their Clerk or Treaſurer for the Time being; and in caſe of Non-payment thereof, the ſame ſhall and may be recovered by ſuch Owner or Occupier reſpectively, in the ſame Manner as any Forfeitures, Penalties, or other Payments, are in and by this or the ſaid recited Act directed to be recovered.

XVII. And

For building a Bridge in Lieu of the Ford acroſs the River *Soar*.

XVII. And whereas there is a certain ancient Road Way or Ford acroſs and over the River *Soar*, ſituated at or near to a Lock made over the ſaid River *Soar*, uſed by *Aſsheton Curzon* Eſquire, and other Perſons, with Cattle, Horſes, Carts, Waggons, and other Carriages, for the Occupation of Lands and other Purpoſes, which Road Way and Ford will, by any Weir that ſhall or may be erected, built, or made, over or acroſs the ſaid River *Trent*, and by the impounding of the Water in conſequence thereof, be rendered unſafe and impaſſable; be it therefore enacted, That the ſaid Company of Proprietors ſhall, and they are hereby authorized and required, at their own Expence, for the Occupation of the Lands, and for the other Purpoſes to which the ſaid Road, Way, and Ford, has heretofore been uſed, to erect and build over and acroſs the River *Soar*, One ſubſtantial Wooden or Timber Bridge, ſufficient for Cattle, Horſes, Carts, Waggons, and other Carriages, to paſs and repaſs, at ſuch Place as the ſaid *Aſsheton Curzon*, or his Heirs, ſhall direct, by Writing under his or their Hand or Hands, and at all Times for ever thereafter to keep and maintain the ſaid Bridge, and the Approach thereto, in good and ſufficient Repair, for the Uſe of the ſaid *Aſsheton Curzon*, his Heirs and Aſſigns, and ſuch other Perſon and Perſons as have heretofore, and as have at the Time of the paſſing of this Act, a Right to paſs and travel over the ſaid Road Way and Ford; and in caſe of Neglect or Default, the ſaid Company of Proprietors ſhall be liable to be indicted at Common Law, for not making of, or when made, for not ſupporting and repairing, the ſaid Bridge and Approaches; any Thing in this Act, or in the ſaid recited Act, contained to the contrary thereof in anywiſe notwithſtanding.

Weir or Dam at *Soar* Mouth Shoal, not to exceed 18 Inches in Height.

XVIII. Provided always, and be it further enacted, That nothing herein contained ſhall enable, or be conſtrued to extend to authorize the ſaid Company of Proprietors, or their Succeſſors, or their or any of their Deputies, Agents, Officers, Workmen, Servants, Aſſiſtants, or the Commiſſioners hereby, or by the ſaid in Part recited Act appointed, or any of them, to erect, build, or make, or cauſe to be erected, built, or made, any Weir, Dam, or other Work, acroſs or over any Part of the ſaid River *Trent*, between the *Erewaſh* Canal and the River *Erewaſh*, that ſhall exceed Eighteen Inches in Height above Low Water Mark, ſuch Level to be had and taken only in a dry Seaſon, and at ſuch Time and Times when there ſhall be no Freſh or Flood Water in the River; and the ſaid Company of Proprietors ſhall, and they are hereby at all Times for ever thereafter prohibited and reſtrained, by any Authority, Means, or Power whatever, from raiſing the Weir ſo to be erected as aforeſaid, higher than Eighteen Inches as above-mentioned; any Thing herein contained to the contrary thereof in any wiſe notwithſtanding.

Weir or Dam to be extended to the Bounds of the River *Trent*.

XIX. Provided always, and be it further enacted, That if at any Time hereafter the ſaid Company of Proprietors, or their Succeſſors, Deputies, Agents, Officers, Workmen, Servants, or Aſſiſtants, ſhall erect, build, or make any Weir or Dam acroſs or over the ſaid River *Trent*, between the *Erewaſh* Canal and the River *Erewaſh*, it ſhall not in ſuch Caſe be lawful for them, or any of them, to ſtraighten or contract the ſaid River at ſuch Place where ſuch Weir or Dam is intended, or ſhall or may be erected, built, or made; but the ſame ſhall be made to the Extremity and Bounds of the ſaid River, on each Side thereof, and in ſuch Way,

Way, Manner, and Direction, as to afford the moſt extended and unlimited Water Way.

Differences concerning Damages occaſioned by the Weir or Dam, to be ſettled by Arbitration.

XX. And whereas there are certain Lands and Grounds, the Property of *Aſheton Curzon* Eſquire, *Elizabeth Bainbridge* Spinſter, and ſeveral other Perſons, ſituated within the Pariſh of *Raddcliffe*, otherwiſe *Ratcliffe*, in the County of *Nottingham*, and in the Pariſh of *Lockington*, in the County of *Leiceſter*, that are frequently flooded by the Waters of the ſaid Rivers *Trent* and *Soar*, and the ſeveral Watercourſes and Feeders thereof, and by which ſuch Lands and Grounds are already liable to be overflowed, and do thereby ſuſtain great Damage, and it is apprehended that if any Weir or Dam is erected, built, or made acroſs the ſaid River *Trent*, below the Mouth of the *Soar*, or the Place of the Junction of the *Soar* with the *Trent*, the Waters, by Reaſon thereof, will be impounded in the ſaid Rivers, Watercourſes, and Feeders, to a greater Height, and for a longer Space of Time, than they have heretofore uſually been; and the ſaid *Aſheton Curzon*, *Elizabeth Bainbridge*, and the ſaid ſeveral other Perſons, ſome or One of them, may ſuſtain conſiderable Damage thereby, and in conſequence thereof; be it therefore further enacted, That, in order to ſecure to the ſaid ſeveral Perſons reſpectively, and to their reſpective Heirs and Aſſigns, a full Compenſation for ſuch Inconvenience and Damage as ſhall be occaſioned by the Completion of any Weir or Dam erected, built, or made acroſs or over the ſaid River *Trent*, by or under the Authority of this Act, and for the amicably ſettling and adjuſting thereof by Arbitration, the ſaid Company of Proprietors ſhall, and they are hereby empowered and required, at any Time within the Space of Three Months next after Requeſt to them made in Writing by the ſaid ſeveral Perſons reſpectively, or by their or any of their Heirs or Aſſigns, to be delivered to the Treaſurer or Law Clerk of the ſaid Company of Proprietors, to nominate and appoint One indifferent Perſon, and the ſaid ſeveral Perſons reſpectively, and their reſpective Heirs and Aſſigns, is and are hereby empowered to nominate and appoint, on their reſpective Parts, when and as they ſhall reſpectively think proper, another indifferent Perſon, which Two Perſons are hereby authorized and required, previous to their proceeding in any Matter to them referred in Manner herein-after mentioned, to nominate and appoint a Third indifferent Perſon to act as an Umpire between the ſaid ſeveral Perſons reſpectively, or their reſpective Heirs or Aſſigns, and the ſaid Company of Proprietors, in caſe of a Difference of Opinion between any of the ſaid Two Perſons ſo to be nominated as aforeſaid; and in caſe the ſaid Two Perſons, or the ſaid Umpire, ſhall not, within the Space of Three Months next after their Appointment, make an Award or Determination, deciding the Queſtion to them referred, then it ſhall and may be lawful for the Juſtices, in any General Court of Quarter Seſſions of the Peace which ſhall be holden in and for the ſaid Counties of *Leiceſter* and *Nottingham*, within the ſeveral Diviſions in which the ſaid Pariſhes of *Raddcliffe*, otherwiſe *Ratcliffe*, and *Lockington*, are reſpectively ſituated, in open Court aſſembled, and they are hereby empowered and required, upon Application made to them jointly or ſeparately by the ſaid ſeveral Perſons, or their reſpective Heirs or Aſſigns, or by the ſaid Company, to nominate and appoint ſuch other Three indifferent Perſons, as they in their Diſcretion ſhall think fit to be Arbitrators in the Matter touching which any ſuch Application ſhall be made; and ſuch Arbitrators, or any Two

of them, are hereby empowered and required, by their Award in Writing, to be made within Three Months next after they ſhall have due Notice in Writing of their Appointment, to aſcertain, adjuſt, and determine, what more or greater Inconvenience and Damage the ſaid Weir or Dam, during the Time of making, and when made, ſhall or may, from Time to Time, occaſion to the Occupation of the ſaid Lands and Grounds ſituated as aforeſaid, or to the ſaid ſeveral Perſons, or to their reſpective Heirs or Aſſigns in anywiſe, and to award, arbitrate, order, and direct, what Satisfaction ſhall be made to the aforeſaid ſeveral Perſons, and to their ſeveral Heirs and Aſſigns, as a Compenſation for ſuch Inconvenience, Damage, Coſts, and Expences, that ſhall or may be ſuſtained, either by an Annual Payment or Rent Charge for ever, or by a Sum in Groſs to be reſpectively payable and paid on ſuch Days as ſhall be directed by the ſaid Award, for ſuch Inconvenience and Damage, the ſame to be at and in the Choice and Election of the ſaid Perſon and Perſons, and of their Heirs and Aſſigns reſpectively, and to be paid in which ever Way they ſhall reſpectively agree to accept; which Rent or Rents, or Groſs Sums, to be paid, ſubject to ſuch Election and Choice as aforeſaid, ſhall be aſſeſſable, leviable, and recoverable, in ſuch and the ſame Manner, and by all or any of the Ways, that Damages are in and by this Act, or in and by the ſaid in Part recited Act of the Twenty-third Year of His preſent Majeſty, directed and authorized, in caſe of Neglect or Nonpayment, to be levied, aſſeſſed, or recovered; any Thing herein or therein contained to the contrary thereof in anywiſe notwithſtanding.

If Company refuſe to appoint an Arbitrator, the Perſon appointed by Mr. *Curzon*, may nominate.

XXI. Provided always, and be it further enacted, That if it ſhall happen that the ſaid Company of Proprietors ſhall neglect or refuſe to appoint an Arbitrator on their Behalf within the Time aforeſaid, it ſhall and may be lawful for the Arbitrator who ſhall be appointed by the ſaid *Aſſheton Curzon*, *Elizabeth Bainbridge*, and the ſaid ſeveral Perſons reſpectively, or by their or any of their Heirs or Aſſigns, to nominate another proper and fit indifferent Perſon, to be joint Arbitrator with him in the Premiſes then in Diſpute, whoſe Award in Writing, if they agree to make One, and if not, then the Award of the Arbitrators to be appointed by the Juſtices of the Peace as aforeſaid, ſhall be binding and concluſive upon the ſaid Company of Proprietors, as fully and effectually as if the ſame Company had nominated and appointed the ſaid laſt-mentioned Arbitrator; and their Award ſhall be enforced in the Manner as is herein-before in the like Caſe provided.

Company to purchaſe the Capſtern, at *Nottingham Trent* Bridge.

XXII. And whereas the Mayor and Burgeſſes of the Town and County of the Town of *Nottingham* are, and for ſeveral Years laſt paſt have been, poſſeſſed of a certain Capſtern erected and maintained by them at a very conſiderable Expence, on a certain Wharf alſo belonging to them on the Bank of the River *Trent*, near *Nottingham Trent* Bridge, for the Accommodation of the Navigation of the River, by aſſiſting the Veſſels paſſing along the ſaid River in their Paſſage through the ſaid Bridge, from which ſaid Capſtern the ſaid Mayor and Burgeſſes have, by Means of a ſmall but ſtipulated Gratuity payable by every Veſſel paſſing through the ſaid Bridge, for ſeveral Years laſt paſt, derived a conſiderable Revenue: And whereas the making of the ſaid Cut or Canal from the *Trent* above the ſaid Bridge at *Beeſton Meadow* into the *Nottingham* Canal, will, by diverting the Courſe of many of the Veſſels navigating the ſaid River,

River, be the Means of rendering the ſaid Machine or Capſtern of much leſs Value then heretofore, (except at particular Periods of the Seaſon, and States of the River), and of depriving the ſaid Mayor and Burgeſſes of the Whole or greateſt Part of the Revenue they at preſent derive from the Money payable for the Uſe of ſuch Capſtern: And whereas it is reaſonable that ſome Compenſation ſhould be made by the ſaid Company of Proprietors to the ſaid Mayor and Burgeſſes for the Loſs of Income they will ſuſtain as aforeſaid, and it is material to the Improvement of the ſaid Navigation, that the ſaid Capſtern ſhould in future be in the Hands of the ſaid Company of Proprietors; be it further enacted, That the ſaid Company of Proprietors ſhall, and they are hereby directed and required to pay unto the ſaid Mayor and Burgeſſes, their Succeſſors or Aſſigns, the Sum of Five hundred Pounds, which Payment ſhall be made within Ten Days next after the Opening of the ſaid Cut or Canal, as a full Compenſation to the ſaid Mayor and Burgeſſes for the Loſs of Income they will ſuſtain as aforeſaid, and for the abſolute Sale of ſuch Machine or Capſtern to the ſaid Company of Proprietors as herein-after mentioned; and in caſe the ſaid Sum of Five hundred Pounds ſhall not be paid to the Mayor and Burgeſſes, their Succeſſors or Aſſigns, within Ten Days next after the ſame ſhall become due as aforeſaid, the ſame ſhall and may be recovered by them, or either of them, from the ſaid Company of Proprietors, by Action of Debt, in any of His Majeſty's Courts of Record, together with Coſts.

In the mean Time the Corporation to be entitled to the Profits of the Capſtern.

XXIII. And be it further declared and enacted, That until ſuch Cut or Canal from the River *Trent*, in the Pariſh of *Beeſton* to join the *Nottingham* Canal in the Pariſh of *Lenton*, in the County of *Nottingham*, near *Beeſton Meadow*, ſhall be made and open for the Paſſage of Veſſels navigating the ſaid River *Trent*, the ſaid Mayor and Burgeſſes, their Succeſſors or Aſſigns, ſhall enjoy the full Emoluments ariſing to them from the Uſe of ſuch Capſtern; but that as ſoon as ſuch Communication ſhall be made with the ſaid *Nottingham* Canal, by Means of ſuch Cut or Canal, and ſuch Sum of Five hundred Pounds ſhall be paid to them as aforeſaid, they the ſaid Company of Proprietors ſhall immediately be entitled to and become abſolutely poſſeſſed of and intereſted in the ſaid Capſtern in its then preſent State, together with all the Materials thereto belonging, and ſhall have free Acceſs thereto, and unto and upon the Wharf whereon the ſame is now erected and placed, by themſelves or any of their Servants or Agents, from Time to Time and at all Times for ever thereafter, in order to uſe the ſame for the Purpoſes aforeſaid; and ſuch Capſtern, until it ſhall be delivered as aforeſaid to the ſaid Company of Proprietors, ſhall be upheld and kept in Repair by the ſaid Mayor and Burgeſſes, and after ſuch Delivery the ſame Capſtern ſhall thenceforth be repaired by the ſaid Company of Proprietors, they the ſaid Company of Proprietors alſo paying to the ſaid Mayor and Burgeſſes the Annual Rent or Sum of One Shilling, as an Acknowledgement of the Right of Property in the Soil whereon ſuch Capſtern is erected, and ſubject to the Payment of ſuch Acknowledgement of One Shilling as aforeſaid, it ſhall and may be lawful to and for the ſaid Company of Proprietors to uſe and enjoy the ſaid Capſtern in any Manner the ſaid Company of Proprietors ſhall think proper, in as ample Manner as the ſaid Mayor and Burgeſſes have heretofore uſed, or do now uſe and enjoy the ſame,

ſame, without any Moleſtation or Interruption whatſoever from the ſaid Mayor or Burgeſſes, or any of them.

Company to make Drains, &c.

XXIV. 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 are hereby required, at their own proper Coſts and Charges, to make or cauſe to be made ſuch Arches, Tunnels, Drains, or other Paſſages, over, under, or into, the ſaid intended Canal and Side Cuts, and the Trenches, Streams, and Watercourſes communicating therewith, and the Haling Paths on the Sides thereof, of ſuch Depth and Breadth as ſhall be ſufficient at all Times to convey the Water from the Lands adjoining or lying near to the ſaid intended Canal and Side Cuts, or any of them, without obſtructing or impeding the ſame; and likewiſe to make or cauſe to be made ſuch Banks or Drains as may be neceſſary and ſufficient to carry off any Water which may ooze or paſs through any of the Banks of the ſaid intended Canal and Side Cuts, to the Prejudice of any of the Lands or Grounds contiguous thereto, making Satisfaction for the Ground ſo uſed for the ſame; and that all ſuch Arches, Tunnels, Drains, and other Paſſages, ſhall from Time to Time be ſupported, maintained, and kept in good and ſufficient Repair by the ſaid Company of Proprietors; and if at any Time or Times, after One Calendar Month's Notice ſhall have been given in Writing by or on Behalf of the Owner or Occupier, Owners or Occupiers, of any Lands contiguous or adjoining the ſaid Canal and Side Cuts, or any of them, who ſhall find him, her, or themſelves aggrieved by the Obſtruction of the ſaid Watercourſes, to any One of the Committee appointed by virtue of the ſaid recited Act, or to ſome known Agent to the ſaid Company of Proprietors, or ſome Collector of the ſaid Rates, that the ſaid Arches, Tunnels, Drains, or other Paſſages, ſhall not be made, cleanſed, and repaired and maintained, according to the true Intent and Meaning of this Act, it ſhall be lawful for any Perſon or Perſons, having an Order in Writing for that Purpoſe from the ſaid Commiſſioners, from Time to Time, as often as there ſhall be Occaſion, to make, cleanſe, and repair ſuch Arches, Tunnels, Drains, or other Paſſages, 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 Refuſal or Neglect to pay the ſame, for the Space of Three Calendar Months after Demand thereof made from ſuch Agent or Collector as aforeſaid, ſuch Expences ſhall and may be recovered and levied in ſuch Manner as the Coſts and Charges of making and erecting Bridges and other Works, by the Owners or Occupiers of Lands, are by this Act directed and appointed to be recovered and levied.

For fencing off Haling Paths.

XXV. And be it further enacted, That the ſaid Company of Proprietors ſhall, and they are hereby required, at their own proper Coſts and Charges, after any Lands ſhall be taken for the Uſe of the ſaid intended Canal and Side Cuts, and Haling Paths on the Side of the ſame, to divide and ſeparate, and keep conſtantly divided and ſeparated, the Haling Paths on the Side of the ſaid intended Canal and Side Cuts hereby authorized to be made, from the Lands or Grounds adjoining to ſuch Haling Paths, with good and ſufficient Poſts, Rails, Hedges, Ditches, Mounds, or other Fences, to be ſet out or made on the Lands or Grounds

Grounds which ſhall be purchaſed by, conveyed to, or veſted in them as aforeſaid, and ſhall, at their own Coſts and Charges, from Time to Time, maintain and ſupport the ſaid Haling Paths, and the ſaid Poſts, Rails, Hedges, Ditches, Mounds, and other Fences, ſo made as aforeſaid; and the ſaid Company of Proprietors ſhall alſo, at their own Charges, make, erect, and ſet up, and from Time to Time maintain and ſupport, ſuch and ſo many convenient Gates and Stiles in and through the Hedges and Fences to be by them ſo made on the Sides of ſuch Haling Paths as aforeſaid, and alſo ſuch Bridges, Arches, Culverts, Drains, and Paſſages over, under, or by the Side of or into the ſaid intended Canal and Side Cuts, and the Feeders, Trenches, and Aqueducts communicating therewith, and the Haling Paths on the Sides thereof, of ſuch Dimenſions and in ſuch Manner as the ſaid Commiſſioners ſhall from Time to Time judge neceſſary and appoint in caſe there ſhall be any Diſpute about the ſame; and alſo make proper and convenient Watering Places for Cattle, where, by Means of the ſaid intended Canal and Side Cuts, or any of them, or any other the Works hereby authorized to be made, Cattle ſhall have been deprived thereof, and at all Times ſupply the ſame with Water for the Uſe of the Owners or Occupiers of the Lands, Grounds, or Hereditaments, adjoining to ſuch intended Canal and Side Cuts, Feeders, Trenches, Aqueducts, and Haling Paths, or any of them reſpectively; and that the ſaid Company of Proprietors ſhall not make the ſaid intended Canal and Side Cuts, or any of them, or any Feeder, Trench, or Watercourſe, in or acroſs any common Highway, publick Bridleway, or Foot Path, until they ſhall, at their own proper Charges, have made and perfected ſuch Bridges, Paſſages, or Arches acroſs ſuch Highway, Bridleway, or Path, and of ſuch Dimenſions and in ſuch Manner as the ſaid Commiſſioners ſhall judge proper, or until they ſhall have made a good and ſufficient temporary Road to be uſed during the Erection of ſuch Bridges.

Bridges to be made over the Canal within Mr. *Pierrepont*'s Grounds.

XXVI. 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 the ſaid *Charles Pierrepont*, in the Townſhips of *Adbolton* and *Baſſingfield* aforeſaid, to erect and build, over the ſaid Side Cut there to be made, One Bridge for Carriages, and alſo One other Bridge for Horſes, in ſuch Place or Places as the ſaid *Charles Pierrepont* or his Heirs ſhall direct, by Writing under his or their Hand or Hands, 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 *Charles Pierrepont* and his Heirs, and his and their Tenants, Servants, and others authorized and allowed by him and them to paſs and repaſs over the ſame.

In caſe the Company do not fence off Towing Paths and erect Bridges, Land Owners may do it at the Company's Expence.

XXVII. And be it further enacted, That in caſe the ſaid Company of Proprietors ſhall refuſe or neglect to make, erect, and ſet up, ſuch Fences on the Sides of the ſaid Haling Paths or Banks, and alſo ſuch Gates and Stiles in and through the Fences on the Sides of the ſaid Haling Paths, or ſuch Bridges, Arches, Tunnels, Culverts, Drains, or other Paſſages over, under, or by the Side of or into the ſaid intended Canal or Side Cuts, and the ſaid Trenches, Streams, and Watercourſes as aforeſaid, or to make ſuch Watering Places for Cattle as herein directed, or to repair, maintain, and ſupport ſuch Gates, Stiles, Bridges, Paſſages, Arches,

Culverts, and Watering Places, when erected, ſet up, and made, of ſuch Dimenſions, and in ſuch Manner as aforeſaid, for the Space of Six Calendar Months next after the Times to be appointed for thoſe Purpoſes by the ſaid Commiſſioners, or after Notice ſhall be given by or on the Behalf of the Owners or Occupiers of any ſuch Lands, Grounds, Mills, or Hereditaments, who may be aggrieved by any ſuch Refuſal or Neglect, it ſhall be lawful for any ſuch Owners or Occupiers to make, erect, or ſet up, ſuch Fences, Gates, Stiles, Bridges, Paſſages, Arches, Culverts, Watering Places, and other Conveniencies as aforeſaid, and to maintain, repair, and ſupport the ſame from Time to Time as Occaſion ſhall require, ſo that in making and maintaining the Works aforeſaid the ſaid intended Canal or Side Cuts, or any of them, or the Banks thereof, or the Feeders or Aqueducts belonging thereto, ſhall not be ſtopped or injured for any longer Space of Time, or in any other Manner, than is abſolutely neceſſary for the doing thereof; and all the reaſonable Expences thereof; (to be ſettled and allowed by the ſaid Commiſſioners), ſhall be paid to ſuch reſpective Owners or Occupiers 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 ſhall have been delivered and made thereof; and in Default of ſuch Payment the ſaid Commiſſioners ſhall, and they are hereby required, by Warrant under their Hands and Seals, to cauſe the ſame to be levied by Diſtreſs and Sale of the Goods and Chattels of the ſaid Company of Proprietors, and to be paid to ſuch reſpective Owners or Occupiers as aforeſaid, rendering to the ſaid Company of Proprietors, or to ſome of their Agents, the Overplus, (if any), after deducting the reaſonable Charges of making ſuch Diſtreſs and Sale, or otherwiſe ſuch Owners or Occupiers reſpectively ſhall and may ſue for and recover the ſame from the ſaid Company of Proprietors by Action of Debt, or on the Caſe, in any of His Majeſty's Courts of Record at *Weſtminſter*.

Bridges, &c. made by the Company, if inſufficient, Land Owners may make others.

XXVIII. And be it further enacted, That if the Owners or Occupiers of any Lands or Hereditaments through which the ſaid intended Canal and Side Cuts, or any of them, ſhall be made, ſhall at any Time or Times think proper to make any other Gates, Stiles, Bridges, Paſſages, Arches, Culverts, Tunnels, Drains, or other Paſſages over, under, or by the Side of the ſaid intended Canal or Side Cuts, or the Towing Paths, Aqueducts, or Feeders belonging thereto, or any Watering Places or Conveniencies, beſides ſuch as ſhall be made by the ſaid Company of Proprietors as aforeſaid, then and in every ſuch Caſe it ſhall be lawful for any ſuch Owners or Occupiers to make, fix, and erect, at their own Coſts and Charges, ſuch Gates, Stiles, Bridges, Paſſages, Arches, Culverts, Watering Places, or other Conveniencies, of the ſame or the like Conſtruction with thoſe made and erected by the ſaid Company of Proprietors, in ſuch Places as ſhall be moſt neceſſary and convenient for the better Uſe or Occupation of ſuch Lands, and to repair and ſupport the ſame at their own like Coſts and Charges, as Occaſion ſhall require, ſo as the Navigation of the ſaid intended Canal and Side Cuts, or any of them, be not prevented or obſtructed thereby for any longer Space of Time, or in any other Manner, than the doing of ſuch Works will neceſſarily require.

XXIX. And

XXIX. And be it further enacted, That in caſe at any Time the Ditches and Drains belonging to the Owner or Occupier of any Lands adjoining or lying contiguous to the ſaid intended Canal or Side Cuts, or any of them, ſhall not be ſufficiently open for the free Paſſage of the Water from the Drains, Weirs, Culverts, and Paſſages belonging to the ſaid intended Canal or Side Cuts, or any of them, and the ſame ſhall not be remedied within One Month after Notice for that Purpoſe given to ſuch Owner or Occupier by the Clerk of the ſaid Company of Proprietors, it ſhall be lawful for the ſaid Company of Proprietors, having an Order in Writing for that Purpoſe from the ſaid Commiſſioners, as often as there ſhall be Occaſion, to cauſe to be opened and cleanſed the ſaid Ditches and Drains as aforeſaid, and the reaſonable Expences thereof (to be aſcertained and allowed by the ſaid Commiſſioners) ſhall be repaid to the ſaid Company of Proprietors by ſuch Owner or Occupier; and in caſe of Refuſal to ſatisfy the ſame for the Space of Three Months after Demand made thereof, the ſame ſhall and may be recovered in ſuch Manner as any Penalties are herein-after directed to be recovered.

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

XXX. And be it further enacted, That when the ſaid Canal, from the Weſt Side of the *Nottingham* Canal, near the Village of *Lenton*, to join and communicate with the River *Trent*, in the ſaid Meadow called *Beeſton Meadow*, ſhall be made, the Water of the ſaid River *Trent*, at the Place where the ſaid *Beeſton Meadow* Cut ſhall enter the ſame, ſhall, from Time to Time, and at all Times thereafter, be kept by the ſaid Company of Proprietors upon a Level of the Height at leaſt of the Waſte Water Weir, at the Lock now made upon the ſaid *Nottingham* Canal, near to *Nottingham Caſtle*, in the Liberties of the Town and County of the Town of *Nottingham*.

Regulations when the *Beeſton Meadow* Cut is made.

XXXI. And be it further enacted, That the ſaid Company of Proprietors ſhall make and conſtruct, and from Time to Time, and at all Times thereafter, keep in Repair One Lock upon the ſaid *Beeſton Meadow* Cut, the Lower Threſhold whereof to be Six Inches higher than the Upper Threſhold of the ſaid Lock on the *Nottingham* Canal, near to *Nottingham Caſtle* aforeſaid; and in caſe the ſaid Company of Proprietors ſhall refuſe or neglect to make ſuch Lock, or to keep the ſame in good and ſufficient Repair, and Notice thereof ſhall be given in Writing by or on the Behalf of the *Nottingham* Canal Company to the Clerk, or ſome known Agent of the ſaid Company of Proprietors, or to ſome Collector of the Rates to be received by virtue of this or the ſaid recited Act, it ſhall and may be lawful for the ſaid *Nottingham* Canal Company, or any Perſon or Perſons having an Order in Writing from them for that Purpoſe, at any Time after the Expiration of Three Months from the giving of ſuch Notice, to make or alter ſuch Lock, ſo that the ſame may be of the Form or Conſtruction before mentioned, or to repair and amend the ſame, as the Caſe may be or require, the reaſonable Expences whereof (to be aſcertained by the ſaid Commiſſioners) ſhall be defrayed by the ſaid Company of Proprietors; and in caſe of Refuſal or Neglect to pay the ſame for the Space of Three Calendar Months after Demand thereof made upon ſuch Clerk, Agent, or Collector as aforeſaid, ſuch Expences ſhall and may be recovered and levied in ſuch Manner as the Coſts and

The Company to make a Lock on the *Beeſton Meadow* Cut.

Charges of making and erecting Bridges and other Works by the Owners or Occupiers of Land are by this Act directed and appointed to be levied and recovered.

The Company to make a Stop Gate near the Junction of the *Beeſton Meadow* Cut with the *Nottingham* Canal.

XXXII. And be it further enacted, That the ſaid Company of Proprietors ſhall make, and from Time to Time keep in Repair a Stop Gate within the Diſtance of One hundred Yards from the Junction of the ſaid *Beeſton Meadow* Cut, with the ſaid *Nottingham* Canal, the ſame to be made of ſuch Height and Dimenſions as will prevent the Flood Water from flowing down from the ſaid *Beeſton Meadow* Cut into the ſaid *Nottingham* Canal, which ſaid Stop Gate it ſhall and may be lawful to and for the ſaid *Nottingham* Canal Company to keep ſhut whenever the Water upon the ſaid *Nottingham* Canal ſhall, by Reaſon of Floods, be Six Inches higher than the waſte Water at the ſaid Lock near *Nottingham Caſtle*, or whenever the ſame ſhall be Six Inches lower than the Waſte Water Weir at the ſaid Lock, by Reaſon of any Deficiency in the Supply of Water in that Part of the ſaid *Nottingham* Canal which adjoins to and communicates with the ſaid *Beeſton Meadow* Cut; and that the ſaid Company of Proprietors ſhall, from Time to Time, pay all the Expences whatſoever which the ſaid *Nottingham* Canal Company may be put unto or expend in repairing any Damage or Injury which may be done to the ſaid *Nottingham* Canal, by Means of the Flood Water which may flow into the ſaid *Nottingham* Canal from the ſaid *Beeſton Meadow* Cut; and in caſe of Refuſal or Neglect to pay the ſame for the Space of Three Calendar Months after Demand thereof made upon the Clerk, or ſome known Agent or Collector to the Company of Proprietors, ſuch Expences ſhall and may be recovered and levied in ſuch Manner as any other Coſts and Charges are by this Act directed and appointed to be recovered and levied from the ſaid Company of Proprietors.

Rights of Lords of Manors and Land Owners to Fiſheries ſaved.

XXXIII. Provided alſo, and be it further enacted, That the Lord and Lords, Lady and Ladies, of all and every Manor or Manors through which the ſaid intended Canal and Side Cuts ſhall be made, ſhall have and be entitled to the Right of Fiſhery of and in ſo much of the ſaid intended Canal and Side Cuts as ſhall be made over and through the Common or Waſte Lands within his, her, or their Manor or Manors reſpectively, and alſo in, over, or through, any other Lands or Grounds lying within any ſuch Manor or Manors wherein ſuch Lord or Lords, Lady or Ladies, now hath or have, or is or are entitled to the Right of Fiſhery in the Ponds and Waters now being in ſuch laſt-mentioned Lands or Grounds reſpectively, in the uſual and accuſtomed Manner, but without Prejudice to the Right of Fiſhery herein-after mentioned, belonging to and enjoyed by the Right Honourable *Francis Rawdon Haſtings* Earl of *Moira*; and that the Owner or Owners of all other Lands or Grounds, through which the ſaid intended Canal and Side Cuts ſhall be made, ſhall alſo have and be entitled, without Prejudice as aforeſaid, to the Right of Fiſhery of and in ſo much of the ſaid intended Canal and Side Cuts as ſhall be made in, over, or through his, her, or their Lands or Grounds reſpectively, ſo as in the Uſe and Exerciſe of the ſaid Right of Fiſhery the ſaid intended Canal, Side Cuts, Banks, or other Works and Conveniencies hereby authorized to be made, ſhall not be prejudiced or obſtructed, or any Water drained or exhauſted from

from or out of the ſaid intended Canal or Side Cuts, Trenches, or Sluices, 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 taking or deſtroying of any Fiſh in the ſaid intended Canal, Side Cuts, Trenches, or Sluices, which ſhall be taken, killed, or deſtroyed, through or by Means of the letting off the Water out of the ſaid intended Canal, Side Cuts, Trenches, or Sluices, for or upon Account of Repairs of Works to be done in and about the ſame.

Works relating to the Navigation, not to prejudice the Fiſheries.

XXXIV. Provided always, and be it enacted and declared, That nothing in this Act contained ſhall authorize and empower the ſaid Company of Proprietors, or their Succeſſors, or any Perſon or Perſons employed by them, or otherwiſe acting in the Execution of the Powers hereby given, to make or erect any Weir or Weirs, Dam or Dams, or other Work or Works acroſs or in the ſaid River *Trent* Canal, or Side Cuts, that ſhall or may be made out of or from the ſaid River, under the Authority of this Act, that ſhall or may prejudice any Fiſhery or Fiſheries in or upon the ſaid River, and particularly the Fiſhery at a certain Place in and upon the ſaid River called *King's Mills*, belonging to and enjoyed by the Right Honourable *Francis Rawdon Haſtings* Earl of *Moira*, nor without leaving proper and ſufficient Openings or Outlets in every ſuch Weir or Weirs, Dam or Dams, or other Work or Works, for the free Paſſage of Salmon and other Fiſh to the ſaid Fiſhery and Fiſheries, and that it ſhall not be lawful for any Perſon or Perſons whomſoever to make uſe of any Work or Works by this Act empowered to be made in or on the Side or Sides of the ſaid River, Canal, or Side Cuts, or any of them, by ſetting Nets or otherwiſe, as the Means to take or facilitate the taking of any Salmon or other Fiſh; any Thing in this Act contained to the contrary notwithſtanding.

For protecting the Fiſhery at *King's Mills*.

XXXV. And, for the better Prevention and Hindrance of the Injury that may ariſe to the ſaid Fiſhery and Fiſheries, by Means of the Dams or Weirs, or other Works to be erected and made under the Powers of this Act; be it further enacted, That the ſaid Company of Proprietors ſhall, at their own Coſts and Charges, and they are hereby authorized and required, within One Month after a Requiſition made to them for that Purpoſe by the ſaid Earl of *Moira*, his Heirs or Aſſigns, or the Owner or Owners for the Time being of the ſaid Fiſhery at *King's Mills* aforeſaid, in Writing, delivered to the Clerk or Clerks, or ſome other known Agent of the ſaid Company of Proprietors, to erect and ſet up, and at all Times thereafter to maintain, ſupport, and keep in good and ſufficient Repair, at a proper and convenient Diſtance from any Openings or Outlets to be made as aforeſaid in the ſaid Dams or Weirs, and in ſuch Manner as ſhall be judged proper and neceſſary by an able and experienced Engineer or Workman, to be appointed by the ſaid Earl of *Moira*, his Heirs or Aſſigns, or ſuch Owner or Owners as aforeſaid, good, ſubſtantial, and ſufficient Piles or Stakes, in order, as much as may be, to prevent and hinder any Net or Nets from being laid or ſet at or near ſuch Dams or Weirs; and in caſe the ſaid Company ſhall, for the Space of One Month after ſuch Requiſition made as aforeſaid, neglect or refuſe to erect and ſet up, or for the Space of Six Days after any ſuch Requiſition ſufficiently to ſupport and keep up ſuch Piles or Stakes, then

It ſhall and may be lawful to and for the ſaid Earl, his Heirs or Aſſigns, or ſuch Owner or Owners for the Time being, to erect and ſet up, maintain, ſupport, and keep in good and ſufficient Repair, ſuch Piles or Stakes as aforeſaid, and all the reaſonable Coſts and Charges of ſuch Erection, ſetting up, maintaining, ſupporting, keeping up, and repairing, to be ſettled and allowed by the ſaid Commiſſioners, ſhall be repaid to the ſaid Earl of *Moira*, his Heirs or Aſſigns, or ſuch Owner or Owners for the Time being as aforeſaid, who ſhall have ſo erected, maintained, and repaired, the ſaid Piles or Stakes, 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, their Clerk or Clerks, or other known Agent, 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 River, Cut or Cuts, 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 for the Recovery thereof, by Action at Law in any of His Majeſty's Courts of Record at *Weſtminſter*.

Injury, within Four Years, to *King's Mills* Salmon Fiſhery, occaſioned by the intended Works, to be made good by the Company.

XXXVI. And be it further enacted and declared, That in caſe, within Four Years after the making of the ſaid Canal, or any of the ſaid Side Cut or Cuts, and each and every of the Dams or Weirs to be made by or in virtue of the Powers of this Act, or any of them, the Quantity or Value of Salmon which ſhall come up to the Fiſhery at *King's Mills* aforeſaid, ſhall be decreaſed or leſſened from the Quantity or Value which, upon an Average of the laſt Four Years preceding the paſſing of this Act, hath been known to have come up to the ſaid Fiſhery, then and in ſuch Caſe, if it ſhall appear or be apprehended that the Cauſe of ſuch Decreaſe proceeds from or in Conſequence of the making the ſaid Canal, Side Cut or Side Cuts, or any of ſuch Weirs or Dams, or by the Execution of any of the Powers of this Act, the ſaid Company of Proprietors ſhall pay or cauſe to be paid to the ſaid Earl of *Moira*, his Heirs or Aſſigns, or the Owner or Owners, Leſſee or Leſſees, of the ſaid Fiſhery at *King's Mills* for the Time being, according to their ſeveral Rights and Intereſts therein at the Time of ſuch Decreaſe happening, ſuch Compenſation for, and Satisfaction of, the Injury done to the ſaid Fiſhery, either by a Groſs Sum or Sums, or by an Annual Rent or Rents, as ſhall or may be determined, aſcertained, and fixed, by the Award of Three Perſons as Arbitrators, or any Two of ſuch Arbitrators, One to be nominated and choſen by the ſaid Earl, his Heirs or Aſſigns, or ſuch Owner or Owners as aforeſaid, another

by the ſaid Company of Proprietors, and the Third by the ſaid Two Perſons choſen as aforeſaid, ſuch Award to be final; or in caſe the ſaid Parties cannot agree in ſuch Reference, or if the ſaid Company ſhall refuſe or neglect, for Ten Days after Notice and Demand in Writing of a Reference by the ſaid Earl, his Heirs or Aſſigns, or the Owner or Owners for the Time being as aforeſaid, to nominate and chuſe a Perſon as One of ſuch Arbitrators, or that a Third Perſon ſhall not be choſen by the other Two as aforeſaid, or in caſe of Delay in making ſuch Award beyond Three Calendar Months from the Date of ſuch Appointment of Reference, then ſuch Compenſation and Satisfaction ſhall be determined, aſcertained, and fixed, by a Special Jury of the County of *Derby*, to be appointed or impannelled in ſuch and the like Manner as in other Caſes of a Determination by a Jury is by the ſaid recited Act, intituled, *An Act for improving the Navigation of the River* Trent, *from a Place called* Wilden Ferry, *in the Counties of* Derby *and* Leiceſter, *or One of them, to* Gainſborough, *in the County of* Lincoln, *and for empowering Perſons navigating Veſſels thereon to hale the ſame with Horſes*, directed and mentioned; and if the ſaid Decreaſe or Leſſening of the Quantity or Value of the ſaid Salmon coming up to the ſaid Fiſhery ſhall be found, by ſuch Award of the ſaid Arbitrators, or Determination of ſuch Special Jury, to have proceeded from or in Conſequence of the making the ſaid Canal, Side Cut or Cuts, Dams or Weirs, or any of them, or otherwiſe by the Execution of any of the Powers of this preſent Act, the ſaid Company of Proprietors ſhall pay the full Coſts, Charges, and Expences, incurred by or attending any ſuch Reference, or in obtaining any ſuch Determination of a Special Jury as aforeſaid, to be ſettled by the Clerk of the Peace for the ſaid County of *Derby*, in like Manner as Coſts and Charges are allowed and ſettled as betwixt Attorney and Client.

If ſuch Injury after that Period, Compenſation, to be annually made.

XXXVII. Provided always, and be it further enacted, That in caſe of ſuch Decreaſe or Leſſening of the ſaid Quantity or Value of Salmon happening within the ſaid Four Years, and of the Continuance thereof, or in caſe the ſame ſhall not ſo happen within the ſaid Four Years, but ſhall ariſe, by the Means aforeſaid, at ſome future Time, or after the ſame ſhall happen at ſome future Time, it ſhall continue, then, and in each and every ſuch Caſe, and from Year to Year during the Continuance of ſuch Decreaſe, ſuch further and other Compenſation for, and Satisfaction of ſuch Injury, to be determined, fixed, and aſcertained, in the Manner before directed, ſhall be paid by the ſaid Company of Proprietors to the ſaid Earl, his Heirs or Aſſigns, or Owner or Owners, Leſſee or Leſſees, of the ſaid Fiſhery for the Time being as aforeſaid, on the Firſt Day of *January* in every Year, ſubſequent to ſuch Decreaſe happening, and during the Continuance of ſuch Decreaſe and of ſuch Injury to the ſaid Fiſhery, from or in Conſequence of the Execution of the Powers of this Act as aforeſaid.

Recovery of the Compenſation.

XXXVIII. And be it further enacted, That all and every ſuch Sum and Sums of Money as ſhall from Time to Time be aſcertained, fixed, and awarded, or determined to be paid for or by reaſon of any ſuch Compenſation as aforeſaid, ſhall be paid to the ſaid Earl, his Heirs or Aſſigns, or Owner or Owners, Leſſee or Leſſees, of the ſaid Fiſhery for the Time being, by the ſaid Company, at the Time or Times to be awarded or determined by the ſaid Arbitrators or Jury, out of, and ſhall

be

be charged and chargeable upon all the Rates, Funds, Tolls, and Revenues, granted and ariſing by or by virtue of this Act; and in caſe the ſame, or any Part or Parts thereof ſhall not be fully paid and ſatisfied within the Time or reſpective Times limited and appointed for Payment thereof, it ſhall be lawful for the ſaid Earl, his Heirs or Aſſigns, or the Owner or Owners, Leſſee or Leſſees for the Time being, to whom the ſame ſhall be due and payable, 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 and recovered by all or any of the Ways or Means, and in the Manner and Form in and by this Act, or in and by the ſaid recited Act for improving the Navigation of the River *Trent* from *Wilden Ferry* to *Gainſborough*, provided and mentioned for any Perſon or Perſons recovering Satisfaction for Damages done to his, her, or their Lands or Grounds in the Execution of this preſent or the ſaid recited Act.

Reſtrictions as to Weirs and Dams between *Cavendiſh Bridge* and the *Erewaſh* Canal.

XXXIX. Provided alſo, and be it further enacted and declared, That no Weirs or Dams whatſoever ſhall at any Time or Times hereafter, on any Pretence whatſoever, be made or erected at any Place or Places between *Cavendiſh Bridge* and the *Erewaſh* Canal, of greater Height than Two Feet, nor between the *Erewaſh* Canal and the River *Erewaſh*, of greater Height than Eighteen Inches, nor between the ſaid River *Erewaſh* and a Point in *Beeſton Meadow*, One hundred Yards below the intended Weir in *Beeſton Meadow*, of greater Height than the Level of the *Nottingham* Canal, nor in any Place or Places, lower than the ſaid Point, of greater Height than Three Feet; any Thing in this Act or in the ſaid recited Act contained, or any Law, Uſage, or Cuſtom, to the contrary notwithſtanding.

Penalty on attempting to deſtroy the Salmon.

XL. Provided alſo, and be it further enacted and declared, That if any Perſon or Perſons ſhall lay or ſet any Net or Engine for the interrupting, ſtopping, taking, or deſtroying, of Salmon in the Weirs, Dams, or Side Cuts, to be made by virtue of this Act, every ſuch Perſon ſo offending, being thereof convicted upon the Oath of One or more credible Witneſſes, before any One or more of His Majeſty's Juſtices of the Peace for the County wherein the ſaid Offence ſhall be committed, ſhall, for every ſuch Offence, forfeit and pay the Sum of Ten Pounds, One Half to the Informer, and the other Half to the Poor of the Pariſh where the Offence ſhall be committed, the ſame to be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of the Juſtice or Juſtices of the Peace before whom ſuch Offender or Offenders ſhall be convicted, rendering the Overplus, (if any be), the Charge of diſtraining being firſt deducted, to the Owner of the Goods and Chattels ſo diſtrained and ſold; and for Want of ſufficient Diſtreſs, the Offender or Offenders ſhall be committed to the Common Gaol for the County where ſuch Offence is committed, for the Space of Three Months for the Firſt Offence, without Bail or Mainprize, and for every ſubſequent Offence for the Space of Four Months.

Penalty on actually deſtroying the Salmon.

XLI. Provided alſo, and be it further enacted and declared, That if any Perſon or Perſons ſhall lay or ſet any Net or Engine for the interrupting, ſtopping, taking, or deſtroying, of Salmon in the Weirs, Dams, or Side Cuts, to be made by virtue of this Act, and ſhall actually catch and

and take any Salmon by Means of any ſuch Net or Engine ſo laid or ſet, every ſuch Perſon ſo offending being thereof convicted upon the Oath of One or more credible Witneſſes, before any One or more of His Majeſty's Juſtices of the Peace for the County wherein the ſaid Offence ſhall be committed, ſhall for every ſuch Offence forfeit the Sum of Ten Pounds, over and above the Penalty for laying and ſetting the ſaid Net or Engine, One Half to the Informer, and the other Half to the Poor of the Pariſh where the Offence ſhall be committed, the ſame to be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of the Juſtice or Juſtices of the Peace before whom ſuch Offender or Offenders ſhall be convicted, rendering the Overplus, (if any be), the Charge of diſtraining being firſt deducted to the Owner of the Goods and Chattels ſo diſtrained and ſold; and for Want of ſuch Diſtreſs, the Offender or Offenders ſhall be committed to the Common Gaol for the County where ſuch Offence is committed, for the Space of Three Months for the Firſt Offence, without Bail or Mainprize, and for every ſubſequent Offence for the Space of Four Months.

Puniſhing Perſons deſtroying Salmon below *King's Mills*.

XLII. Provided alſo, and be it enacted, That if any Perſon or Perſons ſhall lay, ſet, draw, or uſe, any Net or Engine by Night, for the interrupting, ſtopping, taking, or deſtroying, of Salmon in any Part of the ſaid River, or in the ſaid Weirs, Dams, or Side Cuts, to be made by virtue of this Act, below *King's Mills* aforeſaid, every ſuch Perſon ſo offending, being thereof convicted upon the Oath of One or more credible Witneſſes, before any One or more of His Majeſty's Juſtices of the Peace for the County wherein the ſaid Offence ſhall be committed, ſhall for every ſuch Offence forfeit and pay the Sum of Twenty Pounds, One Half to the Informer, and the other Half to the Poor of the Pariſh where the Offence ſhall be committed, the ſame to be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of the Juſtice or Juſtices of the Peace before whom ſuch Offender or Offenders ſhall be convicted, rendering the Overplus, (if any be), the Charge of diſtraining being firſt deducted, to the Owner of the Goods and Chattels ſo diſtrained and ſold; and for Want of ſufficient Diſtreſs, the Offender or Offenders ſhall be committed to the Common Gaol for the County where ſuch Offence is committed, for the Space of Three Months for the Firſt Offence without Bail or Mainprize, and for every ſubſequent Offence for the Space of Four Months.

Puniſhing Perſons catching of Salmon by Night.

XLIII. Provided alſo, and be it enacted and declared, That if any Perſon or Perſons ſhall lay, ſet, draw, or uſe, any Net or Engine by Night as aforeſaid, and ſhall actually catch and take any Salmon by Means of ſuch Net or Engine ſo uſed at Night, every ſuch Perſon or Perſons ſo offending, being thereof convicted upon the Oath of One or more credible Witneſſes before any One or more of His Majeſty's Juſtices of the Peace for the County wherein the ſaid Offence ſhall be committed, ſhall for every ſuch Offence forfeit and pay the Sum of Ten Pounds, over and above the Penalty of Twenty Pounds for laying, ſetting, drawing, or uſing, ſuch Net or Engine by Night as aforeſaid, One Half to the Informer, and the other Half to the Poor of the Pariſh where the Offence ſhall be committed, the ſame to be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal

of the Juſtice or Juſtices of the Peace before whom ſuch Offender or Offenders ſhall be convicted, rendering the Overplus, (if any be), the Charge of diſtraining being firſt deducted, to the Owner of the Goods and Chattels ſo diſtrained and ſold; and for Want of ſufficient Diſtreſs, the Offender or Offenders ſhall be committed to the Common Gaol for the County where ſuch Offence is committed, for the Space of Three Months for the Firſt Offence, without Bail or Mainprize, and for every ſubſequent Offence for the Space of Four Months.

XLIV. And, for the more eaſy and ſpeedy Conviction of Offenders againſt this Act, be it further enacted, That all and every the Juſtice or Juſtices 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.* of His Majeſty's Juſtices of the Peace for the 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 above written.'

Officers of the Company to give Security.

XLV. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors at any General Aſſembly, and they are hereby authorized and required from Time to Time to take ſuch ſufficient Security from every Treaſurer or Treaſurers, Collector and Collectors already choſen and appointed, or hereafter to be choſen and appointed, and other Officers having the Care or Cuſtody of any Money to be raiſed or received by virtue of the ſaid recited Act, or this Act, for the due Execution of their Offices, as the ſaid Company of Proprietors ſhall think proper.

Proceedings of Commiſſioners to be entered.

XLVI. And be it further enacted, That all the Orders and Proceedings of the ſaid Commiſſioners ſhall be regularly entered in a Book to be kept for that Purpoſe, ſuch Book to be open at all ſeaſonable Times to the Inſpection of any Perſon intereſted in the ſaid Proceedings without Fee or Reward; and ſuch Entries being ſigned by ſuch Number of the ſaid Commiſſioners reſpectively as are empowered by this or the ſaid recited Act to make ſuch Orders or carry on ſuch Proceedings, ſhall be deemed Originals, and the ſame, or true Copies thereof, ſhall be admitted as Evidence in all Courts whatſoever; and the ſaid Commiſſioners may, and are hereby required, at their Firſt Meeting, to appoint out of Three Perſons to be nominated by the ſaid Company of Proprietors, ſuch One of the ſaid Three Perſons as the ſaid Commiſſioners ſhall think proper to be their Clerk, and from Time to Time may remove any ſuch Perſon, and on ſuch Removal, or in caſe any ſuch Clerk ſhall die or quit the ſaid Employment, the ſaid Company of Proprietors or the ſaid Committee ſhall, within the Space of One Calendar Month after Notice in Writing for that Purpoſe, to be given by the ſaid Commiſſioners, nominate Three other Perſons, and give Notice thereof unto the ſaid Commiſſioners, from whom ſuch Notice in Writing was received, or ſome of them, and they the ſaid Commiſſioners ſhall and may appoint ſuch

ſuch One of the Three laſt-named Perſons as they ſhall think proper to be their Clerk, and in like Manner a Clerk to the ſaid Commiſſioners ſhall be from Time to Time nominated and appointed as often as Occaſion ſhall require; and every ſuch Clerk ſhall be paid for his Care, Expences, and Trouble, in the Execution of his Office by the ſaid Company of Proprietors.

XLVII. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors from Time to Time to aſk, demand, take, and recover, to and for their own Uſe and Benefit, for Tonnage for all Goods, Wares, and Merchandizes and Commodities whatſoever, which ſhall be navigated, carried, or conveyed, upon the ſaid River *Trent*, and the ſaid Canal and Side Cuts hereby authorized and intended to be made, or any of them, in Addition to and over and above all and every the ſeveral Rates and Duties authorized to be taken or received in and by the ſaid former Act, ſuch further Rates and Duties as the ſaid Company of Proprietors ſhall think fit, not exceeding the Rates and Duties hereinafter mentioned; (that is to ſay), Rates.

For every Ton of Goods, Wares, Merchandizes, and Commodities, which ſhall be carried or conveyed from *Wilden Ferry* to *Gainſborough*, or from *Gainſborough* to *Wilden Ferry* aforeſaid, the Sum of Ninepence:

From *Wilden Ferry* to *Newark-upon-Trent*, or from *Newark-upon-Trent* to *Wilden Ferry*, the Sum of Sixpence:

From *Wilden Ferry* to *Nottingham Trent Bridge*, or to the *Nottingham* Canal at or near to *Lenton* Church (where the *Beeſton Meadow* Cut is intended to join and communicate with the ſaid *Nottingham* Canal), or from *Nottingham Trent Bridge*, or from the *Nottingham* Canal at or near to *Lenton* Church, (where the *Beeſton Meadow* Cut is intended to join and communicate with the ſaid *Nottingham* Canal) to *Wilden Ferry*, the Sum of Three-pence:

From *Gainſborough* to *Nottingham Trent Bridge*, or from *Nottingham Trent Bridge* to *Gainſborough*, the Sum of Sixpence:

From *Gainſborough* to *Newark*, or from *Newark* to *Gainſborough*, the Sum of Three-pence:

And from *Nottingham Trent Bridge* to *Newark*, or from *Newark* to *Nottingham Trent Bridge*, the Sum of Three-pence:

And ſo in Proportion for a greater or leſs Quantity than a Ton, or for any leſs Diſtance than the whole Length between the reſpective Places above mentioned.

XLVIII. Provided always, That no more than One Half of the Rates and Duties in the Proportions before-mentioned ſhall be paid for Coals, Plaiſter, and Lime, upon any Part of the ſaid Navigation, except for Veſſels navigating between *Gainſborough* and *Dunham Shoal*, and navigating no higher up the ſaid River; and that a Rate or Tonnage, after the Rate of One Half-penny a Ton, and no more, in Lieu of the ſaid ſeveral Rates and Duties before mentioned, ſhall be demanded or paid for the Paſſage of any Coals, Plaiſter, Lime, or other Goods, Wares, or Merchandizes, to be carried or conveyed up the ſaid River *Trent* to *Dunham Shoal*, and carried or conveyed no higher or further up the ſaid River, and ſo proportionably, according to the Diſtance, in caſe ſuch Coals, Plaiſter, Lime, or other

Goods, Wares, or Merchandizes, ſhall not be conveyed the whole Length of the Paſſage from *Gainſborough* to *Dunham Shoal* aforeſaid; and that no Tonnage of any Kind ſhall be demanded or paid for any Coals, Plaiſter, Lime, or other Goods, Wares, or Merchandizes, to be carried or conveyed down the ſaid River *Trent*, from *Dunham Shoal* to *Gainſborough*, or from any intermediate Point or Place between *Dunham Shoal* and *Gainſborough*, and not brought or conveyed from any Point or Place higher up the ſaid River than *Dunham Shoal* aforeſaid: Provided alſo, that the ſaid Company of Proprietors, their Succeſſors and Aſſigns, for the Time being, ſhall not at any Time or Times after the paſſing of this Act, impoſe or lay, aſk, demand, take, or receive, any other or further additional Rates or Duties, Sum or Sums of Money, for the Tonnage of Coal and Coke, which at any Time hereafter ſhall or may be navigated upon ſuch Part of the ſaid River Trent as lies between the *Erewaſh* Canal and the Town of *Newark-upon-Trent*, or any Cut or Cuts to be made along the Side thereof, between the *Erewaſh* Canal and the ſaid Town of *Newark*, (except the Canal intended to be made from the ſaid River *Trent* in *Beeſton Meadow*, to the *Nottingham* Canal in *Lenton*, in the ſaid County of *Nottingham*), other than ſuch and the like Tonnage, Rates, and Duties, which the ſaid Company of Proprietors were authorized and empowered to take and receive before the paſſing of this Act; any Thing in this Act contained to the contrary thereof in anywiſe notwithſtanding.

Boat to be paid for croſſing the River between the *Erewaſh* Canal and River *Soar*.

XLIX. And whereas it is by the ſaid recited Act enacted, that no Toll ſhall be demanded or taken for any Boat, Barge, Keel, or other Veſſel, laden with Coals, Lime, or other Goods, Wares, or Merchandizes, navigated upon the ſaid River *Trent*, between the *Erewaſh* Canal and the River *Soar*, but that for and in Lieu of ſuch Toll, the Two Companies of Proprietors belonging to the ſaid Canal and River ſhall each of them pay or cauſe to be paid to the ſaid Company of Proprietors eſtabliſhed by the ſaid Act, the Two Annual Sums of Fifty Shillings, from the Twenty-fourth Day of *June* One thouſand ſeven hundred and eighty-four: And whereas the ſaid Company of Proprietors will be put to conſiderable Expence in making and maintaining a Dam and other Works, and in deepening the ſaid Navigation between the ſaid *Erewaſh* Canal and River *Soar*: Be it therefore further enacted, That, from and immediately after the making a Dam upon the *Soar Mouth Shoal*, and the cleanſing and deepening the Bed of the ſaid River *Trent*, between the ſaid *Erewaſh* Canal and the River *Soar*, the ſaid Two Annual Payments of Fifty Shillings each ſhall ceaſe, and in Lieu and in Stead thereof it ſhall be lawful for the ſaid Company of Proprietors of the River *Trent*, from Time to Time, and at all Times thereafter, to aſk, demand, take, and recover, to and for their own Uſe and Benefit, for each and every Boat laden in the Whole or in Part with any Goods, Wares, or Merchandizes, which ſhall be carried or conveyed from the ſaid *Erewaſh* Canal into the ſaid River *Soar*, or from the ſaid River *Soar* into the ſaid *Erewaſh* Canal, the Sum of Sixpence; which ſaid Sum of Sixpence a Boat, ſhall from Time to Time be paid to the Collector or Collectors appointed by the ſaid Company of Proprietors to receive the ſame, and in Default of Payment thereof, to be recovered in ſuch Manner as the ſeveral other Rates or Duties, by this or by the ſaid former Act granted, can or may be recovered.

L. Provided

Restrictions with respect to the Commencement of the Rates.

L. Provided always, and be it further enacted, That no Rate or Duty whatsoever, by this Act authorized or directed to be taken, shall be due or payable until the Sum of Thirteen thousand Pounds shall have been expended in the Payment, Discharge, and Satisfaction, of the Fees, Dues, and Disbursements, for obtaining and passing this Act, and all other necessary Expences relating thereto, and in and towards the making the said Canal and Side Cuts, and the said Improvements in the said Navigation, and other the Purposes of this Act; and when and as soon as the said Sum of Thirteen thousand Pounds shall have been laid out and expended for the Purposes aforesaid, and not before, it shall be lawful for the said Company of Proprietors, from Time to Time and at all Times thereafter, to ask, demand, take, and recover, to and for their own Use and Benefit, for Tonnage for all Goods, Wares, Merchandizes, Commodities, and other Things whatsoever, which shall be navigated, carried, or conveyed up or down, or upon the said River *Trent*, or the said Canal or Side Cuts hereby directed to be made, over and above all Tolls or Duties to be due, taken, or received, in and by the said former Act, the Whole of the several Rates and Duties hereby granted, subject nevertheless to the several Clauses, Provisions, Directions, and Restrictions herein-after contained.

When Canal completed the like Rates may be taken as on the River.

LI. Provided always, and be it further enacted, That it shall be lawful for the said Company of Proprietors, from and after the said Navigable Canal hereby directed to be made to communicate with the said River *Trent*, from the *Nottingham* Canal, in the said Parish of *Lenton*, through the Parishes of *Lenton* and *Beeston* aforesaid, to the said River *Trent* in *Beeston Meadow*, shall be made and completed, to take and recover, to and for their own Use and Benefit, for Tonnage for all Goods, Wares, Merchandizes, Commodities, and other Things whatsoever, which shall be navigated, carried, or conveyed up or down, or upon the same, or any Part thereof, such and the same Sums of Money as are by the said former Act, and this Act, directed to be paid for Tonnage for all Goods, Wares, Merchandizes, and other Things whatsoever, which shall be navigated or conveyed upon the said River *Trent*, between *Nottingham Trent Bridge*, and the Junction of the *Beeston Meadow* Cut, with the said River.

No additional Rates for Boats passing from the *Grantham* Canal, if the same pass along the *Trent*, and not through the *Beeston* Cut.

LII. Provided always, and be it further enacted, That no additional Rates or Duties shall be taken or received by virtue of this Act, for or in respect of any Boat or Vessel, or any Goods, Wares, or Merchandizes, which shall pass, or be carried or conveyed to, from, or out of the Canal called *The Grantham Canal*, from or to *Nottingham Trent Bridge*, or from or to any Place or Places above *Nottingham Bridge*, provided the same shall pass along the River *Trent*, and not through the *Beeston* Cut; but that all such Rates and Duties shall continue to be paid for all such Boats, Vessels, Goods, Wares, and Merchandizes last-mentioned, in such and the same Manner as the same are directed to be paid by an Act of Parliament, made and passed in the Thirty-third Year of His present Majesty's Reign, intituled, *An Act for making and maintaining a Navigable Canal, from or nearly from the Town of* Grantham, *in the County of* Lincoln, *to the River* Trent, *near* Nottingham Trent Bridge; *and also a Collateral Cut from the said intended Canal, at or near* Cropwell Butler, *to the Town of* Bingham, *both in the County of* Nottingham;

tingham; or which are liable to be paid by virtue of any ſubſiſting Act of Parliament; any Thing in this Act contained to the contrary notwithſtanding.

Veſſels paſſing to and from the *Erewaſh* may paſs the new Cut at the River Rates

LIII. Provided always, and be it further enacted, That if the ſaid Company of Proprietors of the *Trent* Navigation, ſhall not make and continue the Depth of Water in the ſaid River *Trent* in Manner herein-before preſcribed and directed, and in caſe any Obſtruction ſhall ariſe to the Barges or other Veſſels paſſing on the ſaid River, contrary to the Direction herein-before contained, then and ſo often as the ſame ſhall happen, it ſhall be lawful for all loaded Boats, Barges, and other Veſſels paſſing to or from the ſaid *Erewaſh* Canal, to paſs and navigate along the ſaid intended new Cut, called *Beeſton Meadow Cut*, on Payment of the ſame Rates of Tonnage as are now paid, or are liable to be paid for paſſing along the ſaid River, to and from the ſaid *Erewaſh* Canal, to and from the *Grantham* Canal, until ſuch Obſtruction be removed, any Thing in this Act contained to the contrary notwithſtanding: Provided nevertheleſs, that nothing herein contained ſhall be conſtrued to exempt any Goods coming from the ſaid *Erewaſh* Canal, and landed within the ſaid *Nottingham* Canal, from being charged with the ſame Duties as are paid by all other Veſſels navigating the ſaid *Beeſton* Cut, except during ſuch Time as their Paſſage by the River to *Nottingham Trent Bridge* remains obſtructed as aforeſaid.

Perſons claiming Exemptions from Rates to give Notice.

LIV. Provided always, and be it further enacted, That all and every Perſon or Perſons claiming any Exemption from the Tolls, Rates, or Duties, by virtue of this or the ſaid recited Act, and intending to paſs through any Lock or Locks on the ſaid intended Canal, or any of the Side Cuts, ſhall give Notice to the neareſt Collector of the ſaid Tolls, Rates, or Duties, or the Lock Keeper, of ſuch his or their Intentions, and ſhall ſpecify the Lock or Locks through which he or they intend to paſs, Three Hours at leaſt before the paſſing through the ſame; and if any Perſon ſhall claim and take the Benefit of any of the aforeſaid Exemptions, who ſhall not be entitled thereto, or ſhall uſe or diſpoſe of any of the Articles for which any ſuch Exemption ſhall have been allowed, in any other Manner than as before mentioned, he ſhall forfeit any Sum not exceeding Five Pounds for every ſuch Offence.

Power to alter the Rates.

LV. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors from Time to Time, at any General Aſſembly to be held for that Purpoſe, (of which Three Calendar Months Notice ſhall be given in ſome Newſpaper publiſhed or circulated in the Counties of *Nottingham*, *Derby*, *Leiceſter*, and *Lincoln*, or in ſuch other Manner as the ſaid Proprietors ſhall at any General Aſſembly direct or appoint), to leſſen or reduce all or any of the ſaid Rates hereby granted and made payable to them, as they ſhall think proper, and afterwards from Time to Time at any General Aſſembly, (of which ſuch Notice ſhall be given as aforeſaid), to advance all or any of the ſaid Rates ſo leſſened to any Sum or Sums of Money, not exceeding the ſaid Rates herein-before granted; but no Reduction of the ſaid Rates ſhall be confined to any particular Part of the ſaid Navigation, or upon any particular Species of

of Goods or Merchandize, but ſhall extend to and take place on the Whole and every Part of the ſaid Navigation, and upon every Species of Goods and Merchandize proportionably to the reſpective Rates aforeſaid, nor be made without the Conſent of the Proprietors of at leaſt Three Fourths of the Shares in the ſaid Navigation and Undertaking, except as herein-after is mentioned.

Reſtriction as to the Reduction of the Rates on Coals.

LVI. Provided alſo, and be it further enacted, That in Conſideration that Coals and Coke carried or navigated upon the ſaid River *Trent*, between the *Erewaſh* Canal and *Newark-upon-Trent*, are ſo as aforeſaid exempted from any additional Rates or Duties granted by this Act, no further Reduction of the Rates or Duties upon ſuch Coals or Coke ſhall take place, or be made by virtue of the Power or Direction hereby given, until the Rates or Duties hereby authorized and directed to be taken or paid for any other Coals, Coke, Goods, Wares, or Merchandizes, navigated upon the ſaid River, ſhall be reduced to the ſame Rates or Duties as are now payable or liable to be paid for ſuch laſt-mentioned Coals, Coke, Goods, Wares, and Merchandizes paſſing upon the ſaid River *Trent*.

Profits not to exceed 7 *l. per Cent.*

LVII. Provided always, and be it further enacted, That the clear Profits to be received by the ſaid Company of Proprietors from the ſaid Navigation, ſhall never exceed the Sum of Seven Pounds *per Centum per Annum*, upon all ſuch Money as ſhall actually be paid, laid out, and expended in or preparatory to the making and completing the ſaid Navigation, Canal, and Side Cuts, and the ſeveral Works relating thereto, or any Part thereof, and in defraying the Charges and Expences of obtaining and paſſing this Act; and in order to aſcertain the Amount of the clear Profits of the ſaid Navigation, the ſaid Company of Proprietors ſhall and are hereby required to cauſe to be entered in a Book a true and particular Account of the Charges and Expences attending the obtaining and paſſing of this Act, and of all Money already laid out, and which ſhall from Time to Time be laid out and expended by the ſaid Company of Proprietors in or anyways relating to the Improvement of the ſaid Navigation, and making and completing the ſaid Canal and Side Cuts, and of all Charges and Expences which ſhall from Time to Time be incurred on Account of the ſaid Navigation, and the ſeveral Works thereunto belonging, previous to, and until the ſame ſhall be made and completed; and the ſaid Company of Proprietors ſhall and are hereby alſo required, from the Firſt *Tueſday* in *September* next after the Expiration of Two Years from the Time of completing the ſaid Canal and Side Cuts, or any Part thereof, to cauſe a true, exact, and particular Account to be kept, and annually made up and balanced to the Firſt *Tueſday* in *September* then next following, of the Rates collected or received by them or for their Uſe, by virtue of this or the ſaid former Act, and of the Charges and Expences attending the ſupporting, maintaining, and uſing, the ſaid Navigation and the ſeveral Works thereunto belonging; and if the clear Profits of the ſaid Navigation ſhall at any Time amount to a larger Sum of Money than ſhall be ſufficient to make a Diſtribution amongſt the ſaid Proprietors of Seven Pounds *per Centum per Annum*, upon all ſuch Money as ſhall have been laid out and expended as aforeſaid, ſuch Intereſt upon the Money to be raiſed by virtue of this Act, to be computed and take place from the Time when the ſaid intended Canal and Side Cuts ſhall be made

and

and completed, then, and in such Case, the Excess or Surplus which shall be more than sufficient for the Purposes aforesaid shall, from Time to Time, be placed in the Hands of such Person or Persons, or in such Government or other Security or Securities, to answer any Deficiencies that may happen in the next Year or Years, as the said Company of Proprietors shall, for that Purpose, order or direct, until such Excess or Surplus shall amount to the Sum of Two thousand Pounds; and the Interest or Dividends of such Sum or Sums, so to be invested, shall be paid and applied in like Manner as the Rates to be received by or for the Use of the said Company of Proprietors, by virtue of this or the said former Act, are to be paid or applied, and the total Amount of the said first-mentioned Account of the Charges and Expences attending the obtaining and passing of this Act, and of or relating to the making and completing the said Navigation and other Works, and also the total Amount of every such Annual Accounts as aforesaid, together with an Account of the Dividends and Interest, to be from Time to Time received on all such Money, so to be placed out as aforesaid, shall be laid before the Justices of the Peace at their *Michaelmas* Quarter Sessions to be holden for the County of *Nottingham* next after the making up of every such Annual Account; and if by any such Annual Account it shall appear to the Justices at such Sessions that the clear Profits of the said Navigation, after such Sum shall have been so vested, including the said Dividends and Interest, shall, upon the Average of Three Years then next preceding, have exceeded the Rate of Seven Pounds *per Centum* upon all such Money as shall appear by the first-mentioned Account to have been laid out and expended as aforesaid, then and in every such Case the said Justices shall, and are hereby authorized, by an Order to be made at such Sessions, or at any Adjournment thereof, to make such Reduction in the said Rates for One Year then next, as in the Judgement of the said Justices will be sufficient, so that the clear Profits of the said Navigation for that Year may be as near Seven Pounds *per Centum* upon the Money which shall, by the first-mentioned Account appear to have been laid out and expended as aforesaid, as may be; and it shall not be lawful for the said Company of Proprietors, during such Year, to demand or take any greater or higher Rates than such as shall have been ascertained at such Sessions, any Thing in this Act to the contrary hereof notwithstanding; and for the better ascertaining the Truth of the said Accounts it shall be lawful for the Justices of the Peace at any such General Quarter Sessions as aforesaid, when and as often as they shall think fit, to authorize any Person to examine the Books in which the said Accounts shall be entered and kept, and to take Copies thereof, or such Extracts therefrom, as they shall think proper; and every such Person shall be permitted, at all seasonable Times, to examine such Books, and to take such Copies or Extracts as aforesaid, without paying any Thing for the same; and the Justices at any such Sessions may examine any Witnesses upon Oath touching the Truth of the said Accounts.

To prevent Lock Keepers, &c. giving any undue Preference.

LVIII. And be it further enacted, That if any Lock Keeper or other Officer belonging to the said Company of Proprietors shall give any undue Preference to any Boat, Barge, or other Vessel, in passing through any Lock upon the said River, or the said intended Canal and Side Cuts, or any of them, he shall forfeit the Sum of Twenty Shillings for every such Offence.



LIX. And

LIX. And be it further enacted, That all Boats, Barges, and other Veſſels, paſſing upon the ſaid intended Canal or Side Cuts, or any of them, ſhall, upon meeting any other Boat, Barge, or any other Veſſel, ſtop at, or go back to, and lie in ſome Place to be provided for that Purpoſe as aforeſaid, in ſuch Manner as the ſaid Company of Proprietors, or the ſaid Committee, ſhall, from Time to Time, direct and appoint; and if any Boat, Barge, or other Veſſel ſhall be placed or ſuffered to remain in any Part of the ſaid Canal or Side Cuts, or any of them, ſo as to obſtruct the Navigation thereof, and the Perſon having the Care of ſuch Boat, Barge, or other Veſſel, ſhall not, immediately upon Requeſt made, remove the ſame, he ſhall, for every ſuch Offence, forfeit any Sum not exceeding Five Shillings for every Hour ſuch Obſtruction ſhall continue after the making of ſuch Requeſt; and it ſhall be lawful for any Agent or Officer to the ſaid Company of Proprietors to cauſe any ſuch Boat, Barge, or other Veſſel, to be unloaded, if neceſſary, and to be removed in ſuch Manner as ſhall be proper for preventing ſuch Obſtruction, and to ſeize and diſtrain ſuch Boat, Barge, or other Veſſel, and the Loading thereof, or any Part of ſuch Loading, until the Charges occaſioned by ſuch Removal are paid; and if any Perſon ſhall float any Timber upon the ſaid intended Canal and Side Cuts, or any of them, or ſhall ſuffer the Loading of any Boat, Barge, or other Veſſel navigating in or upon the ſaid intended Canal and Side Cuts, or any of them, to lie over the Side thereof, ſo as to obſtruct the Paſſage of any other Boat, Barge, or other Veſſel, and ſhall not immediately, upon Notice given him for that Purpoſe, remove ſuch Obſtruction, or if any Perſon ſhall throw any Ballaſt, Gravel, or Rubbiſh, into any Part of the ſaid intended Canal, or Side Cuts, or any Trenches or Watercourſes to be made by virtue of this Act; or if any Perſon ſhall wantonly, careleſsly, or negligently open, or cauſe to be opened, any Lock Gate, or any Paddle, Valve, or Clough, belonging to any Lock to be erected on the ſaid intended Canal and Side Cuts, or any of them, or ſuffer any Boat, Barge, or other Veſſel, to ſtrike or run upon any of the Bridges or Locks thereof, or ſhall wilfully fluſh or draw off the Water from any Part of the ſaid intended Canal or Side Cuts, or ſhall leave any of the ſaid Valves or Cloughs open and running, after any Boat, Barge, or other Veſſel, ſhall have paſſed any ſuch Lock, every Perſon ſo offending ſhall forfeit and pay, for every ſuch Offence, any Sum not exceeding Five Pounds; and if any Perſon ſhall wilfully and maliciouſly, and to the Prejudice of the ſaid Navigation, break, throw down, damage, or deſtroy, any Banks or other Works to be erected and made by virtue of this Act, every Perſon ſo offending, being lawfully convicted, ſhall be tranſported in like Manner as Felons are directed to be tranſported by the Laws and Statutes of this Realm, or otherwiſe the Court before whom ſuch Perſon ſhall be convicted, may, in Mitigation of ſuch Puniſhment, (if they think fit), award any ſuch other Puniſhment as the Law directs in Caſes of Petit Larceny.

Committee to regulate the Navigation.

Penalty on Perſons overloading or obſtructing the Navigation.

On opening Locks, *etc.*

Puniſhing Perſons wilfully deſtroying the Works.

LX. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors to raiſe and contribute amongſt themſelves, and in ſuch Proportions as to them ſhall ſeem meet and convenient, a competent Sum of Money for making and completing the ſaid Improvement of the Navigation of the River *Trent*, and the ſaid Canal and Side Cuts, provided that the ſaid Sum doth not exceed the Sum of Thirteen thouſand Pounds in the Whole, except as herein-after is mentioned, and that the

Proprietors may raiſe Money amongſt themſelves to carry on the Works.

No Perſon to have more than Four Shares.

ſame be divided into ſuch a Number of Shares as herein-after directed, at a Price not exceeding Fifty Pounds for each Share; and that no Perſon ſubſcribing thereto, or becoming a Proprietor in ſuch Navigation or Undertaking, do become a Proprietor of leſs than One Share, or more than Four Shares, over and above the ſeveral Shares they are entitled to by the ſaid recited Act, either in his own Name, or the Name or Names of any other Perſon or Perſons in Truſt for him, (except the ſame come to him by Will, or as an Executor or Adminiſtrator, or in Right of his Wife, or by ſome other Act in Law), upon Pain of forfeiting to the ſaid Company of Proprietors all ſuch Shares exceeding Four Shares as aforeſaid; and the Money to be raiſed ſhall be laid out and applied, in the Firſt Place, for and towards the Payment, Diſcharge, and Satisfaction, of all Fees and Diſburſements for obtaining and paſſing this Act, and all other neceſſary Expences relating thereunto, and alſo in Payment, Diſcharge, and Satisfaction, of all Fees and Diſburſements, and other reaſonable Charges and Expences previous to or occaſioned by an Application to Parliament in the laſt Seſſion, to obtain an Act for making and maintaining a Navigable Cut or Canal, from the Town of *Derby* to the *Trent* and *Merſey* Canal, at or near *Shardlow*, in the County of *Derby*, and from the ſaid Canal to the *Nottingham* Canal near to the Town of *Nottingham*, and making and preparing the ſeveral Surveys, Plans, and Eſtimates, for that Purpoſe, and all the Reſidue and Remainder of ſuch Money ſhall be laid out and applied for and towards the completing the ſaid Canal and Side Cuts, the ſaid Improvements in the ſaid Navigation, and other Purpoſes of this Act, and to no other Uſe, Intent, or Purpoſe whatſoever.

How Differences with reſpect to Coſts are to be ſettled.

LXI. Provided always, That in caſe any Difference or Diſpute ſhall ariſe between the ſaid Company of Proprietors, and any Perſon or Perſons claiming Payment of any Coſts, Charges, or Expences, relative to this Act, or ſuch former Application as aforeſaid, the ſame ſhall be forthwith referred to the Conſideration of Two indifferent Perſons, the One to be named by the ſaid Company of Proprietors, and the other by the Perſon or Perſons making ſuch Claim as aforeſaid, which ſaid Referees are hereby empowered and required to examine into the Particulars of ſuch Charges, and having fully inveſtigated the ſame within One Calendar Month after ſuch Reference, to award and adjudge, in Writing under their Hands and Seals, ſuch Coſts, Charges, and Expences, to the Perſon or Perſons ſo claiming the ſame as aforeſaid, as they ſhall adjudge reaſonable, and ſuch Determination ſhall be final and concluſive; but in caſe the ſaid Referees ſhall not agree upon the Matters referred to them, then it ſhall and may be lawful to and for them the ſaid Referees, and they are hereby authorized and required, within One Calendar Month after ſuch Reference as aforeſaid, to nominate and appoint ſome impartial Perſon to be Umpire between them, whoſe Award and Determination, under his Hand and Seal, ſhall be final and concluſive, to all Intents and Purpoſes whatſoever, and be made within One Calendar Month after he ſhall have been ſo nominated Umpire as aforeſaid.

Money raiſed to be divided into 260 Shares.

LXII. And be it further enacted, That the ſaid Sum of Thirteen thouſand Pounds, or ſuch Part thereof as ſhall be raiſed by the ſaid Company of Proprietors, ſhall be divided into Two hundred and ſixty equal Parts or Shares, at a Price not exceeding Fifty Pounds for each Share, and the ſaid

ſaid Two hundred and ſixty Shares ſhall be, and the ſame are hereby veſted in the ſeveral Perſons before mentioned, and their ſeveral and reſpective Executors, Adminiſtrators, Succeſſors, and Aſſigns, proportionably to the Sum they and each of them ſhall ſeverally ſubſcribe and pay thereunto, and ſhall be deemed to be Perſonal Eſtate; and all and every the Bodies Politick and Corporate, and every Perſon or Perſons, their ſeveral and reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, who have already ſubſcribed, or who ſhall ſeverally ſubſcribe and pay in the Sum of Fifty Pounds, or ſuch Sum as ſhall be demanded in Lieu thereof, towards carrying on and completing the ſaid Navigation and Works, ſhall be entitled to receive, after the aforeſaid Improvement in the ſaid Navigation, and the ſaid Canal and Side Cuts ſhall be completed, the entire and net Diſtribution of One Two hundred and ſixtieth Part or Share of the net Profits and Advantages that ſhall and may ariſe and accrue by virtue of the Sum or 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 not exceeding Four Shares as aforeſaid; and every Body Politick or Corporate, Perſon or Perſons, having ſuch Property of One two hundred and ſixtieth Part or Share in the ſaid Undertaking, and ſo in Proportion as aforeſaid, ſhall bear and pay a proportional Sum of Money towards carrying on the ſaid Undertaking, in Manner hereby directed and appointed, and ſhall have a Vote in every publick Meeting or Aſſembly to be held as hereafter appointed, for carrying on the ſaid Undertaking, which may be given by him, her, or them, or by his, her, or their Proxy or Proxies, duly conſtituted under his, her, or their Hand and Seal, or Hands and Seals, and ſuch Vote or Votes by Proxy ſhall be ſufficient, to all Intents and Purpoſes, as if ſuch Principal or Principals had voted in Perſon; and any Body or Bodies Politick or Corporate, Perſon or Perſons, who ſhall have more than One ſuch Share, ſhall have Liberty, by him, her, or themſelves, or by his, her, or their Proxies, regularly conſtituted as aforeſaid, to give One Vote for each ſuch Share of Fifty Pounds for which he, ſhe, or they, ſhall be a Subſcriber, or become a Proprietor as aforeſaid; and whatſoever Queſtion, Election of proper Officers, or other Matters or Things, ſhall be propoſed, diſcuſſed, or conſidered, in any publick Aſſembly, to be held by virtue of this or the ſaid recited Act, ſhall be finally determined by the Majority of Votes and Proxies then preſent, computing One Vote for every Share, provided that no Perſon ſhall give or deliver more Proxies than for Two abſent Proprietors; but no Proprietor ſhall conſtitute or appoint any Perſon to be his or her Proxy for voting at any Meeting or Aſſembly to be held in purſuance of this or the ſaid recited Act, unleſs ſuch Perſon ſo conſtituted ſhall be a Proprietor of a Share or Shares in the ſaid Undertaking.

Proxies to be Proprietors.

LXIII. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, and they are hereby empowered, out of the Money to be raiſed by virtue of this Act, during the Time that the ſaid Improvement of the ſaid Navigation, and all Things neceſſary for making and maintaining the ſame, and the ſaid Canal and Side Cuts, ſhall be carrying on, and until the ſame ſhall be completed and finiſhed, to pay unto every Body Politick or Corporate, Perſon or Perſons, their ſeveral and reſpective Succeſſors, Executors, Adminiſtrators, or Aſſigns, who ſhall ſeverally ſubſcribe and pay the Sum of Fifty Pounds, or ſuch Sum

And 5 *l. per Cent.* to be paid till the Works are completed.

or

or Sums of Money as ſhall from Time to Time be demanded in reſpect thereof, towards carrying on and completing the ſaid Navigation, Canal and Side Cuts, 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 be ſo reſpectively advanced as aforeſaid.

Power to raiſe more, in caſe the ſaid 13,000*l.* be inſufficient.

LXIV. And be it further enacted, That in caſe the ſaid Sum of Thirteen thouſand Pounds herein-before authorized to be raiſed, ſhall be found inſufficient for making, completing, and maintaining the ſaid Improvement of the ſaid Navigation, and the ſaid Canal and Side Cuts, and other Works hereby authorized to be made, and all neceſſary Charges and Expences relating thereunto, then and in ſuch Caſe, and not otherwiſe, it ſhall be lawful for the ſaid Company, or their Committee, at any of their Meetings aſſembled, to borrow and take up at Intereſt any Sum or Sums of Money, not exceeding the Sum of Ten thouſand Pounds, on the Credit of the ſaid Navigation and Undertaking, as to them ſhall ſeem meet and convenient, and they are fully authorized and empowered to grant or aſſign over the ſaid Undertaking and Premiſes, and the Rates and Duties ariſing or to ariſe by virtue of this or the ſaid recited Act, or any Part of the ſame, (the Coſts and Charges of aſſigning the ſame to be paid out of ſuch Rates and Duties), as a Security for any ſuch Sum or Sums of Money ſo to be borrowed, with Intereſt, to ſuch Perſon or Perſons, or their Truſtees, who ſhall advance the ſame, under the Common Seal of the ſaid Company, by the following Words of Aſſignment, or by any other Words to the ſame Effect; *(videlicet)*,

Any Sum not exceeding 10,000*l.* by Mortgage.

Form of Aſſignment.

'BY virtue of an Act of Parliament made in the Thirty-fourth Year of the Reign of King *George* the Third, intituled, [*Set forth the Title of the Act*], We the Company of Proprietors of the ſaid Navigation, incorporated by and under the ſaid recited Act, in Conſideration of the Sum of to us in Hand paid by of do aſſign unto the ſaid his Executors, Adminiſtrators, Succeſſors, and Aſſigns, [*as the Caſe may be and require*], all and ſingular the Rates and Duties ariſing by virtue of the ſaid Acts, or either of them, and alſo the ſaid Improvement of the ſaid Navigation, Undertaking, and Premiſes, and all the Right, Title, and Intereſt, of us the ſaid Company of Proprietors of and in the ſaid Navigation and Undertaking, to hold unto the ſaid his Executors, Adminiſtrators, Succeſſors, and Aſſigns, until the ſaid Sum of together with Intereſt for the ſame after the Rate of *per Centum per Annum* be paid. Given under our Seal, the Day of

And all and every Perſon or Perſons to whom ſuch Aſſignment ſhall be made, ſhall be equally entitled to their Proportion of the ſaid Rates, Duties, and Premiſes, according to the reſpective Sums in ſuch Aſſignments mentioned to be advanced, without any Preference by Reaſon of the Priority of ſuch Aſſignment, or on any other Account whatſoever; and the Money ſo borrowed ſhall be applied for and towards the making, completing, and maintaining, of the ſaid Navigation, Canal, and Side Cuts, and other Works hereby authorized to be made.

LXV. And

LXV. And be it further enacted, That Entries or Memorials of all such Grants or Aſſignments, containing the Dates, Names of the Parties, and Sums of Money borrowed, ſhall be made in a Book or Books to be kept for that Purpoſe by the Clerk to the ſaid Company of Proprietors, which ſaid Book or Books ſhall and may be peruſed at all ſeaſonable Times by any of the Proprietors, or Creditors of the ſaid Navigation, or other Perſons intereſted therein, without Fee or Reward; and that all Perſons to whom ſuch Aſſignments ſhall be made as aforeſaid, or who ſhall be entitled to the Money thereby granted or ſecured, may from Time to Time aſſign or transfer their Right, Title, Intereſt, or Benefit, to the ſaid Principal and Intereſt Money, thereby ſecured, to any Perſon or Perſons whomſoever, by indorſing on the Back of ſuch Grant or Security, before One credible Witneſs, the following Words, or Words to the like Effect; (*videlicet*), Aſſignments to be entered in Books.

'I Do transfer this Grant or Aſſignment, with all my Right and Title to the Principal Money thereby ſecured, and to all Intereſt now due, or hereafter to become due thereon, unto of his Executors, Adminiſtrators, and Aſſigns. Dated this Day of in the Year of our Lord Witneſs,' Form of Transfer.

Which ſaid Transfer or Aſſignment ſhall, within Thirty Days after the Date thereof, be produced and notified to the ſaid Clerk, who ſhall cauſe an Entry or Memorial to be made of ſuch Aſſignment or Transfer, containing the Date, Names of the Parties, and the Sum of Money therein transferred, in the ſaid Book or Books to be kept for entering the ſaid original Grant or Aſſignment, (for which the ſaid Clerk or Clerks ſhall be paid Two Shillings and Sixpence and no more), and after ſuch Entry made, but not until then, every ſuch Aſſignment ſhall entitle ſuch Aſſignee or Aſſignees, his, her, and their, Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof and Payment thereon.

LXVI. And be it further enacted, That the Intereſt of the Money which ſhall be 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 to the ſaid Company of Proprietors, or any of them, by virtue of this or the ſaid recited Act, and ſhall from Time to Time be fully paid and diſcharged or provided for before the Yearly or other Intereſts or Dividends due to the ſaid Proprietors ſhall be paid, made, or divided. Intereſt to be paid Half-yearly before any Dividend.

LXVII. And be it further enacted, That if at any Time it ſhall appear to the ſaid Proprietors, at any General Meeting to be held in purſuance of the ſaid recited Act and this Act, or to the ſaid Committee, that for the more effectually putting this and the ſaid recited Act in Execution a Special Meeting of Proprietors is neceſſary to be held, it ſhall be lawful for the ſaid Proprietors, or the ſaid Committee, to cauſe Notice thereof to be given in ſome Newſpapers publiſhed in the reſpective Counties of *Nottingham*, *Derby*, *Lincoln*, and *Leiceſter*, and in the *Birmingham* Newſpaper, declaring in ſuch Notice the Place where and the Time when ſuch Meeting is to be held, the ſame not being leſs than Ten nor more than Special General Aſſemblies.

Twenty Days after ſuch Notice given, and likewiſe ſpecifying in every ſuch Notice the Reaſon for and Intention of every ſuch Meeting; and the Proprietors and Proxies are hereby authorized to meet purſuant to ſuch Notice, and proceed to the Execution of the Powers of this and the ſaid recited Act, given them with reſpect to the Matters ſo ſpecified only; and all ſuch Acts of the ſaid Company of Proprietors, or the major Part of them, at ſuch Meeting aſſembled, (ſuch major Part not having either as Principals or Proxies, leſs than One hundred Shares), ſhall be as valid, to all Intents and Purpoſes, as if the ſame were done at General Meetings held in purſuance of the ſaid recited Act.

Clerk to call a Meeting of Committee if Five Members do not appear.

LXVIII. And be it further enacted, That in caſe at any Meeting to be held by any Committee of the ſaid Company of Proprietors, purſuant to any Adjournment, there ſhall not be Five Members of the ſaid Committee preſent, it ſhall be lawful for the Clerk to the ſaid Company of Proprietors to call a Meeting of the ſaid Committee on ſome Day, not exceeding Thirty Days nor leſs than Fourteen Days after the ſaid Meeting, on giving Notice to the Members of the ſaid Committee at leaſt Seven Days previous to the Day appointed for ſuch Meeting ſo to be called as aforeſaid.

Power of General Aſſemblies and Committees to make Calls.

LXIX. And be it further enacted, That every General Aſſembly, or ſuch Committee, or Three or more of ſuch Committee, being the major Part of thoſe who are ſo met together, ſhall have Power from Time to Time to make ſuch Call or Calls of Money from the ſaid Company of Proprietors, to defray the Expences of and to put into Execution this Act, as they from Time to Time ſhall find wanting and neceſſary for that Purpoſe, ſo that no Call do exceed the Sum of Ten Pounds for every One hundred Pounds, and ſo as no Calls be made but at the Diſtance of One Calendar Month at the leaſt from each other; which Money ſo called for ſhall be paid to ſuch Perſon or Perſons, and in ſuch Manner, as the ſaid General Aſſembly, or Committee aſſembled as aforeſaid, ſhall from Time to Time appoint and direct, for the Uſe of the ſaid Undertaking; and ſuch Committee, or Three or more of them, aſſembled as aforeſaid, and being the major Part of thoſe ſo aſſembled, ſhall have full Power and Authority to direct and manage all and every the Affairs of the ſaid Company of Proprietors, as well in buying and purchaſing Lands and Materials for the Uſe of the ſaid Navigation, as in employing, ordering, and directing, the Works and Workmen, and in placing and diſplacing Officers, Clerks, Servants, and Agents, (other than the Banker or Bankers, Treaſurer or Treaſurers, and Clerk of the ſaid Company), and in making all Contracts and Bargains touching the ſaid Undertaking; and the ſaid Company of Proprietors ſhall pay his, her, or their Share or Shares, and Proportion or Proportions of the Monies to be called for as aforeſaid at ſuch Time and Place as ſhall be appointed in Manner aforeſaid, of which One Calendar Month's Notice at leaſt ſhall be given by publiſhing the ſame in the *Lincoln*, *Leiceſter*, *Derby*, *Birmingham*, and *Nottingham* Newſpapers, or ſome other publick Newſpapers circulated in the ſaid Counties, or in ſuch other Manner as the ſaid Company of Proprietors ſhall at any General Aſſembly direct or appoint; and if any Perſon or Perſons ſhall neglect or refuſe, for the Space of Two Calendar Months, to pay his, her, or their, rateable or proportionable Part or Share, Parts or Shares, of the ſaid Money to be called

called for as aforeſaid, at the Time and Place appointed by ſuch General Aſſembly, or Committee aſſembled as aforeſaid, he, ſhe, or they, ſo neglecting or refuſing, ſhall forfeit the Sum of Two Pounds for every Fifty Pounds, of his, her, or their Share or Shares, Parts and Intereſts in the ſaid Navigation, Undertaking, and Premiſes; and in caſe ſuch Perſon or Perſons ſhall, after Notice, refuſe or neglect to pay his, her, or their, rateable or proportionable Part or Share, Parts or Shares, of the ſaid Money to be called for as aforeſaid, for the Space of Six Calendar Months after the Time appointed for Payment thereof, then he, ſhe, or they, ſo neglecting or refuſing, ſhall forfeit his, her, or their, reſpective Share and Shares, Parts and Intereſts, in the ſaid Navigation, Undertaking, and Premiſes, and all the Profit and Benefit thereof, all which Forfeitures ſhall go to the Reſt of the Proprietors, in Proportion to their reſpective Intereſts in the ſaid Undertaking; provided always, that no Advantage ſhall be taken of any Forfeiture of any Share or Shares in the ſaid Navigation and Undertaking, unleſs the ſame ſhall be declared to be forfeited at ſome General Aſſembly of the ſaid Company of Proprietors, who ſhall meet within Six Calendar Months next after ſuch Forfeiture ſhall happen to be made; and every ſuch Forfeiture ſhall be an Indemnification and Diſcharge to and for every Proprietor ſo forfeiting, againſt all Suits, Actions, or Proſecutions whatſoever, to be commenced or proſecuted for any Breach of Contract or other Agreement, between ſuch Proprietor ſo forfeiting and the Reſt of the ſaid Company of Proprietors, with regard to carrying on the ſaid intended Navigation.

Executors, &c. liable to pay the Calls.

LXX. And be it further enacted, That if any Owner or Owners of any Share or Shares in the ſaid Undertaking ſhall happen to die before ſuch Call or Calls as aforeſaid ſhall have been made for the full Sum to be advanced on each Share which he, ſhe, or they ſhall have been poſſeſſed of or entitled to, without having made Proviſion, by Will or otherwiſe, how ſuch Share or Shares ſhall be diſpoſed of, and Money paid in upon Calls for the future, then and in ſuch Caſe the Executors and Adminiſtrators of every ſuch Owner ſo dying, and the Truſtee or Truſtees, Committee or Committees, Guardian or Guardians of any Infant, or other Perſon or Perſons whomſoever entitled to the Eſtate or Effects of ſuch Owner deceaſed, ſhall be indemnified againſt all ſuch Infants, or other Perſons whomſoever, for paying any Sum or Sums of Money when called for as aforeſaid to complete ſuch Subſcription; and if any ſuch Owner deceaſed ſhall not have left Aſſets ſufficient, or in caſe any ſuch Executor or Adminiſtrator, Truſtee or Guardian, ſhall refuſe or neglect to anſwer ſuch Calls and Payments, the ſaid Company of Proprietors ſhall be, and are hereby empowered, authorized, and required, to admit any other Perſon or Perſons to be a Proprietor or Proprietors of the Share or Shares of every ſuch Owner deceaſed, on Condition that he, ſhe, or they ſo admitted do and ſhall, on or before ſuch Admiſſion, pay to the Executors or Adminiſtrators of ſuch deceaſed Owner, or the Truſtee or Truſtees, Committee or Committees, Guardian or Guardians of any Infant, or others entitled to his or her Effects, the full Sum and Sums of Money which ſhall have been paid by ſuch Owner in his or her Life Time 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.

LXXI. And

No Perſon to ſell after Call made, without the ſame be paid.

LXXI. And be it further enacted, That after any Call of ſuch Monies ſhall be made by a General Aſſembly, or ſuch Committee as aforeſaid, no Perſon or Perſons ſhall ſell or transfer any Share or Shares which he, ſhe, or they, ſhall then have in the ſaid Undertaking, until the Monies called for upon their reſpective Share or Shares ſo to be ſold ſhall be paid, upon the Penalty of forfeiting his, her, or their reſpective Share or Shares of the ſaid Undertaking to the ſaid Company of Proprietors, in Truſt for the Benefit of the Reſt of the ſaid Proprietors, unleſs the Perſon or Perſons who ſhall be Vender or Venders ſhall, at the Time of ſuch Transfer or Transfers, pay the Money called for upon ſuch Share or Shares ſo transferred, to the Treaſurer or Treaſurers of the ſaid Company of Proprietors, ſuch Forfeiture or Forfeitures, nevertheleſs, to be notified and declared at a General Aſſembly, in Manner before directed.

Power to compel Payment of Subſcriptions.

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

Satisfaction for Tythes.

LXXIII. 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 making the ſaid Canal and Side Cuts, to the ſeveral Perſons who now are entitled, or at any Time hereafter might have been entitled to ſuch Tythes, according to their reſpective Intereſts therein, ſuch Tythes to be eſtimated at the Average Value of the Four Years, commencing at *Michaelmas-day* One thouſand ſeven hundred and eighty-nine, and ending at *Michaelmas-day* One thouſand ſeven hundred and ninety-three; ſuch Value to be aſcertained (in caſe of any Difference concerning the ſame) in like Manner as the Value of any other Hereditaments are by the ſaid recited Act directed to be aſcertained: Provided always, that ſuch Recompence and Satisfaction ſhall be made to all Spiritual Perſons by an Annual Rent.

Publick Act.

LXXIV. 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.