ANNO TRICESIMO QUINTO

Georgii III. Regis.

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CAP. CV.

An Act for improving and ſupporting the Navigation of the River *Ivel*, otherwiſe *Yeo*, from the Town of *Ivelcheſter*, to *Bicknell Bridge*, in the Pariſh of *Huiſh Epiſcopi*, in the County of *Somerſet*; and for making a Navigable Cut from thence into a certain Drain called *Portlake Rhine*, in the Pariſh of *Langport*, in the ſame County, and for making the ſaid Drain navigable from thence to the River *Parrett*, below *Great Bow Bridge*, in the Town of *Langport*. [22d *June* 1795.]

WHEREAS the improving and ſupporting the Navigation of the River *Ivel*, otherwiſe *Yeo*, from the Weſt End of a certain Bridge in *Ivelcheſter*, in the County of *Somerſet*, called *Ivelcheſter Bridge*, to *Bicknell Bridge*, in the Pariſh of *Huiſh Epiſcopi*, and the making a Navigable Cut from thence into a certain Drain called *Portlake Rhine*, in the Pariſh of *Langport*, in the ſame County, and the making the ſaid Drain navigable from thence to the River *Parrett*, below *Great Bow Bridge*, in the Town of *Langport*, will open a ſhort and eaſy Communication between thoſe Places and the neighbouring Country, Preamble.

and will otherwiſe be productive of great publick Advantage: But as the ſame cannot be done without the Authority of Parliament: May it pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Right Honourable the Earl of *Ilcheſter*, *Richard Troward*, *Samuel Danniel*, *Robert Kingſton*, *Edward Tuſon*, *Richard Meſſiter*, *Henry Chicheſter*, *Henry Albin Martin*, Eſquires; *William Biſhop*, *William Langdon*, *Thomas Horner Pearſon*, *John Williams*, *John Palmer*, *Edward Croſs*, *Edmund Gapper*, Clerks; *George Proctor*, *Upton*, *Clement Poole*, *William Lambert White*, *James Haviland*, *Charles Atkins*, *Samuel Willment*, *John Every*, *Nicholas Were*, *George Cox*, *Thomas Palmer*, *Iſaac Hill*, Gentlemen; *Sarah Martin*; and their ſeveral and reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, together with ſuch other Perſon or Perſons as ſhall, at any Time hereafter, be poſſeſſed of One or more Share or Shares as herein-after mentioned of the ſaid Navigation, are and ſhall be united into a Company for the better carrying on, ſupporting, making, completing, and improving, the Navigation of the ſaid River *Ivel*, otherwiſe *Yeo*, and the ſaid Navigable Cut, and making the ſaid Drain navigable, according to the Rules, Orders, and Directions, herein-after particularly expreſſed and laid down, and ſhall, for that Purpoſe, be One Body Politick and Corporate, by the Name of *The Company of Proprietors of the Navigation from Ivelcheſter to Langport*, and by that Name ſhall have perpetual Succeſſion, and a Common Seal, and by that Name ſhall and may ſue and be ſued; and alſo ſhall and may have Power and Authority to purchaſe and hold Lands and Tenements to them, and their Succeſſors and Aſſigns, for the Uſe of the ſaid Navigation only, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain; and alſo to ſell and diſpoſe of any of the Lands or Tenements ſo purchaſed; and the ſaid Company of Proprietors, and their Succeſſors, ſhall be, and they are hereby authorized and empowered, from and after the paſſing of this Act, by themſelves, their Deputies, Agents, Officers, Workmen, and Servants, to improve and ſupport the Navigation of the ſaid River *Ivel*, otherwiſe *Yeo*, beginning at the Weſt End of *Ivelcheſter Bridge* aforeſaid, and proceeding to *Bicknell Bridge*, in the Pariſh of *Huiſh Epiſcopi* aforeſaid, and to make a Navigable Cut from thence into a certain Drain called *Portlake Rhine*, in the Pariſh of *Langport* aforeſaid, and to make the ſaid Drain navigable from thence to the River *Parrett*, below *Great Bow Bridge*, in the ſaid Town of *Langport*, through the ſeveral Pariſhes of *Ivelcheſter*, *Northover*, and *Somerton*, the Hamlet of *Sock Dennis*, the Pariſh of *Tintinhull*, the Hamlets or Tythings of *Milton*, *Widcombe*, *Longload*, and *Bowerhinton*, all in the Pariſh of *Martock*, the Pariſhes of *Longſutton* and *Muchelney*, the ſaid Pariſhes of *Huiſh Epiſcopi* and *Langport*, and the Pariſh of *Curry Rivell*, all in the ſaid County of *Somerſet*, and to make and complete, and for ever maintain the ſame, and every Part thereof, navigable and paſſable at all Times for Boats, Barges, Lighters, and other Veſſels; and that the ſaid Company of Proprietors, their Succeſſors or Aſſigns, or the major Part of them, ſhall and may, by any Inſtrument in Writing under their Hands and Seals, nominate or appoint their Agents, Officers, Workmen, or Servants, who ſhall be, and are hereby authorized and empowered to improve and keep navigable and paſſable for Boats, Barges, Lighters, and other Veſ-

Proprietors, incorporated. Stile. Powers of the Company; to improve the Navigation of the River *Ivel*, otherwiſe *Yeo*, to make a Navigable Cut to *Portlake Rhine*, and to make *Portlake Rhine* navigable; to alter the preſent Banks of the River;

ſels, the ſaid River and Navigable Cut, within the Limits aforeſaid; and for that Purpoſe to cleanſe, ſcour, open, deepen, widen, enlarge, and ſtraighten, ſuch Parts of the ſaid River and Drain intended to be made navigable, and to cut, dig, lower, or raiſe, the Banks thereof, and to take and uſe all Streams and Waters that ſhall be met with in the Courſe of making the ſaid Navigable Cut; and to make ſuch new Cuts, Canals, Trenches, or Paſſages for Water, in, upon, or through, the Lands or Grounds adjoining to, or within the Space of Five hundred Yards from the ſaid Parts of the ſaid River and Drain, and the ſaid Navigable Cut, as they the ſaid Company of Proprietors, or their Succeſſors, ſhall think proper, for effecting the Purpoſes of this Act; and alſo to amend, alter, or heighten, any Bridge or Bridges, and cut, dig up, root, remove, and take away, all Trees, Roots, Beds of Gravel or Sand, or any other Obſtructions or Impediments whatſoever, which may anyway hinder or prevent the ſaid intended Navigation, either in the ſailing of Barges, Boats, Lighters, or Veſſels, or the haling or towing the ſame, with Men, Horſes, or otherwiſe, ſo as to make and maintain a proper and effectual Navigation in all Places, for Veſſels drawing Three Feet Six Inches Water; and alſo to make, build, erect, and ſet up, over or in the ſaid River and Drain, within the Limits aforeſaid, and the ſaid Navigable Cut, and the new Cuts, Canals, Trenches, and Paſſages for Water, before-mentioned, or upon the Lands adjoining and near to the ſame, ſuch and ſo many Bridges, Sluices, Locks, Weirs, Pens for Water, Stanks, Dams, (except as herein-after mentioned), Poſts and Stoops, Weighing Beams, Cranes, Toll Houſes, and other Machines, Ways, Roads, Gates, and Conveniencies, as and where the ſaid Company of Proprietors, or their Succeſſors, ſhall think requiſite and convenient, for the Purpoſe of the ſaid Navigation; and from Time to Time, as often as ſhall be thought proper and convenient, to alter, repair, encreaſe, enlarge, and amend, the ſame reſpectively, (except as herein-after mentioned); and alſo to carry and convey, in, over, and upon, any Lands or Grounds (not being a Garden, Orchard, or Yard), all Sorts of Materials for making, perfecting, improving, ſupporting, and finiſhing, the ſaid Navigation and Works, and for altering, repairing, and maintaining the ſame; and alſo to lay, work, and manufacture, the ſaid Materials on the Ground, (except as aforeſaid), near to the Place or Places where the ſaid Works, or any of them, ſhall be or are intended to be made, erected, or done; and alſo to amend, alter, or heighten, any Bridge or Bridges which may anyways hinder or obſtruct the ſaid Navigation; and alſo to get, dig, take, and carry away, any Soil, Chalk, Clay, Gravel, or Stone, proper, requiſite, or convenient, for making, carrying on, altering, or continuing, the ſaid Works and Undertakings, in or from any Grounds of any Perſon or Perſons adjoining or lying contiguous to the ſaid Navigation, or the new Cuts, Canals, Trenches, or Paſſages for Water, (not being the Ground whereon any Houſe ſtands, or any Orchard, Garden, Yard, Park, or Avenue to a Houſe, other than and except a ſmall Part of the Gardens in the Occupation of *Thomas Sawtell*, *Charles Davis*, *Thomas Culliford*, *Amelia Denham* Widow, *William Roſſiter*, *John Bartlett*, *Samuel Keen*, *George Cozens*, *James Cattle*, and *Edmund Andrews*); and alſo to make, ſet out, appoint, maintain, and keep in Repair, Towing Paths, Roads, and Ways, convenient for towing, haling, and drawing, with Men, Horſes, or otherwiſe, of Boats, Barges, and other Veſſels, paſſing in or upon the ſaid Navigation, and

to make Cuts, &c. through the adjoining Lands;

to cut and remove Trees, Gravel, and other Obſtructions;

to make Bridges, Locks, and erect Toll-houſes, &c.

to alter Ways and Paſſages; to carry and convey Materials over Lands; to work up and manufacture Materials on Lands near the Place where to be uſed; to dig Stones, &c. from adjacent Lands;

to make Towing Paths, &c. and Places for Boats, &c. to turn and paſs each other.

ſuch proper Spaces or Places, at convenient Diſtances, for Boats, Barges, and other Veſſels, navigated upon the ſame, to turn, lie, or paſs each other, or in caſe of meeting, to go back or cloſe at, as the ſaid Company of Proprietors, or their Succeſſors, or the major Part of them, ſhall think convenient; and alſo to do and perform all other Works, Matters, and Things, which the ſaid Company of Proprietors, or their Succeſſors, or the major Part of them, ſhall judge proper for carrying on, completing, maintaining, and keeping in Repair, the ſaid intended Navigation, and for executing the Purpoſes of this Act; the ſaid Company doing as little Damage as may be to and upon the Premiſes, and giving Satisfaction to the Owners and Occupiers of, and Perſons intereſted in, any Lands, Tenements, or Hereditaments, or other Property whatſoever, for any Injury that may be ſuſtained thereby; and alſo that the ſaid Company of Proprietors ſhall be empowered to alter, turn, or divert, any of the Drains, Sluices, or Clyzes, adjoining the ſaid Navigation, having the Conſent of the Land Owner or Land Owners reſpectively for that Purpoſe.

For regulating the erecting of Weirs, &c.

II. Provided always, and be it further enacted, That the Weirs, Pens for Water, Stanks, and Dams, to be erected in purſuance of the Powers herein contained, ſhall be ſo conſtructed as not to pound the Water ſo high by Two Inches as the Top of the preſent Sill of the Clyze next above the reſpective Weirs, Locks, Pens, or Dams, or the Clyze called *Ablake Clyze*, or ſo as to impede or obſtruct the Navigation at and from the ſaid Junction of the ſaid intended new Cut with the ſaid River *Ivel*, otherwiſe *Yeo*, into the River *Parrett*; but nevertheleſs it ſhall be lawful for the ſaid Company of Proprietors in dry Seaſons, when the Water of the ſaid River *Ivel*, otherwiſe *Yeo*, ſhall not be ſo high by Two Inches as the Top of ſuch Sill, to place and ſet up Flaſh Boards of Six Inches upon the ſaid Weirs, Pens for Water, Stanks, and Dams, and to continue the ſame until the Water ſhall riſe above the Top of ſuch Sill as aforeſaid to the Height of Eight Inches, and no longer.

For providing Water for Cattle.

III. Provided always, and be it further enacted, That it ſhall be lawful for the Owners of Lands adjoining the ſaid Navigation, in dry Seaſons, to turn the Water into their Ditches for watering Cattle, by Means of the Flaſh Boards belonging to the Weirs to be erected upon the ſaid Navigation, at the uſual Watering Places, taking no more Water than is neceſſary for the Purpoſe, and doing no wilful Injury to the ſaid Navigation.

No Works to be made between *Bicknell Bridge* and *Great Bow Bridge*, or at *Great Bow Bridge*.

IV. Provided always, and be it further enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, to authorize or empower the ſaid Company of Proprietors, or any other Perſon or Perſons whomſoever, to make or erect, either occaſionally or otherwiſe, any Sluice, Lock, or Weir, Pen for Water, Stank, or Dam, for raiſing the Water on the ſaid Rivers *Ivel*, otherwiſe *Yeo*, or *Parrett*, between *Bicknell Bridge* and the *Great Bow Bridge*, in *Langport* aforeſaid, or at or below *Great Bow Bridge* aforeſaid: Provided alſo, that the ſaid Company of Proprietors ſhall be reſtrained from changing the preſent Towing Path (or making any new one) from the Side of the River the ſame is now on between *Bicknell Bridge* and *Load Bridge*.

V. And whereas a Map or Plan describing the Line of the said Navigation, and also the said Navigable Cut, and the Lands through which the same is intended to be made, together with Books 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 Clerk of the Peace for the County of *Somerset*; be it therefore further enacted, That such Map or Plan, and Books of Reference, shall remain in the Custody of the Clerk of the Peace for the said County, 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 Clerk 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 Navigable Cut, shall not deviate more than Two hundred Yards 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 Books 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 Navigable Cut, on Account of any Error or Omission in the said Books of Reference, in case it shall appear to any Two of His Majesty's Justices of the Peace acting for the said County of *Somerset*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Plan and Book of Reference to remain with the Clerk of the Peace.

VI. And be it further enacted, That the said Company of Proprietors, or their Successors, or the major Part of them, shall and may, and they are hereby empowered to agree with the Owners or Proprietors of, and Persons interested in, any Messuages, Lands, Tenements, or Hereditaments, which the said Company, or their Successors, or the major Part of them, shall judge necessary or proper to be cut, dug, altered, removed, exchanged, or used, for the Purposes of the said Navigation, or which may receive Damage by reason of carrying this Act into Execution, for the Recompence to be made to such Owners or Proprietors, and Persons interested, in respect of the Damage they may sustain by the Execution of any of the Powers of this Act; and that it shall and may be lawful for any Bodies Politick, Corporate, or Collegiate, Husbands, Guardians, Trustees, Committees, Executors, or Administrators, for and on Behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunaticks, Idiots, Femes Covert, or other Person or Persons, and to and for all and every other Person and Persons whomsoever who are or shall be seised or possessed of, or interested in, any such Messuages, Lands, Tenements, or Hereditaments, either to grant, demise, and lease the same, or any Part thereof, in Fee, or for any Term or Number of Years, at or in Consideration of a certain yearly Rent, or otherwise to exchange, sell, and convey, the Inheritance in Fee Simple of all or any such Messuages, Lands, or Hereditaments, unto the said Company of Proprietors, and their Successors, or the major Part of them, or such Person or Persons as they shall nominate and appoint, or to agree with the said Company, or their Successors, for any Recompence to be made for the Damage which may be done to any such Messuages, Lands, Tenements, or Hereditaments, by the Execution of any Power of this Act;

Proprietors empowered to purchase Lands and agree for Damages, and incapacitated Persons to treat.

Act; and that all such Contracts, Bargains, Sales, Exchanges, Leases, and Conveyances, shall be good, valid, and effectual, in the Law, to all Intents and Purposes, any Law, Statute, Usage, or any other Matter or Thing, to the contrary notwithstanding; and also that all Persons so agreeing, demising, leasing, exchanging, or conveying, as aforesaid, are and shall be indemnified for what they shall do by virtue and in pursuance of this Act: And the said Company of Proprietors, or their Successors, or the major Part of them, may also adjust what Proportion of the Annual Rent or Sum in Gross so agreed to be paid, shall be allowed to any Tenant for Years or for Life, or in Remainder, or other Person having a particular Estate, Term, or Interest, in any of the Premises; and that all Conveyances made by Tenants in Tail, or the Guardians or Trustees of Infant Tenants in Tail, or by Husband and Wife, she being Tenant in Tail, shall be good and valid, in the same Manner as if a Fine and Recovery were levied, and suffered to bar such Estates Tail, and the Remainders over, by Persons adult and void of Impediment; and all such Grants, Leases, Sales, Exchanges, and Conveyances, so to be made as aforesaid, shall be inrolled by the Clerk of the Peace for the County of *Somerset* for the Time being, and true Copies of the Inrolment, signed by him, shall be deemed and taken to be good Evidence thereof, in all Courts whatsoever; and all Persons shall have Liberty to inspect such Inrolment, paying for each Inspection the Sum of One Shilling, and to take Copies thereof, or of any Part thereof, paying for every Copy after the Rate of Sixpence for every Two hundred Words.

Company to adjust the Proportions of Damages among those who have particular Interests.

Conveyances to be inrolled by the Clerk of the Peace, and true Copies to be Evidence.

Upon Refusal to treat,

VII. And be it further enacted, That if any such Bodies Politick, Corporate, or Collegiate, or other Person or Persons whomsoever, shall, for the Space of Thirty Days next after Notice in Writing given to the principal Officer or Officers of such Bodies Politick, Corporate, or Collegiate, or to such Person or Persons respectively, or to the Tenant or Tenants in Possession of the Lands, Tenements, or Hereditaments intended to be cut, dug, altered, removed, or used, as aforesaid, or left at his, her, or their Dwelling House or Place of Abode, neglect or refuse to treat, or shall not agree with the said Company of Proprietors or their Successors, or by reason of Absence shall be prevented from treating for the Compensation to be made for any such Lands, Tenements, or Hereditaments; or if any such Person or Persons shall not produce and evince a clear Title to the Lands, Tenements, Grounds, or Hereditaments, which they are or shall be in Possession of, or to the Interest they shall claim therein, or in case the Recompence for Damages done to any Messuages, Lands, Tenements, or Hereditaments, cannot be settled and adjusted between the said Company of Proprietors or their Successors, and the Owners or Persons interested in the said Messuages, Lands, Grounds, or Hereditaments, which may receive such Damage as aforesaid, or the Persons authorized to act for them, then, and in any or either of the said Cases, the said Company of Proprietors, or their Successors, or the major Part of them, shall and may, and they are hereby authorized and empowered, from Time to Time, to apply to One or more Justice or Justices of the Peace for the said County of *Somerset*, who is and are hereby authorized and required to issue out his or their Warrant or Warrants, under his or their Hand and Seal, or Hands and Seals, to be directed to the Sheriff of the County of *Somerset* for the Time being; or in case such Sheriff shall happen to be interested in the Matter

Sheriff or Coroner to empannel and return a Jury to appear before Justices at the Place appointed by their Warrants.

in Queſtion, or anyways related to any of the Parties intereſted or concerned therein, then ſuch Warrant or Warrants to be directed to One of the Coroners of the ſaid County, commanding ſuch Sheriff or Coroner reſpectively to impannel, ſummon, and return, a Jury, and the ſaid Sheriff or Coroner reſpectively, to whom the ſaid Warrant or Warrants ſhall be directed, ſhall be thereby authorized and required accordingly to impannel, ſummon, and return, a Jury of Twenty-four able and ſufficient Men, qualified to be returned for Trials of Iſſues joined in His Majeſty's Courts at *Weſtminſter*, to appear before ſuch Juſtice or Juſtices at ſuch Time and Place as by ſuch Warrant or Warrants ſhall be appointed, not being leſs than Ten Days after ſuch Warrant or Warrants ſhall be ſerved upon the ſaid Sheriff or Coroner reſpectively, nor more than Twenty Days after ſuch Service, upon Pain of forfeiting, for every Default for not making ſuch Return, the Sum of Twenty Pounds, to be levied by Warrant under the Hands and Seals of any Two ſuch Juſtices as aforeſaid, by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo offending, rendering the Overplus to the Owner thereof, after ſuch Penalty, and the Charges of ſuch Diſtreſs and Sale ſhall be deducted; and alſo to return in Iſſues upon every Perſon ſo impannelled and returned not appearing, contrary to the true Intent and Meaning of this Act, the Sum of Forty Shillings, which ſhall be levied on the Goods and Chattels of the Perſon or Perſons not appearing as aforeſaid, by Warrant or Warrants under the Hands and Seals of Two ſuch Juſtices as aforeſaid; and in caſe a ſufficient Number of Jurymen ſhall not appear, the ſaid Sheriff or Coroner ſhall return other honeſt and indifferent Men of the Standers-by, or that can ſpeedily be procured to attend that Service, being ſo qualified as aforeſaid, to make up the ſaid Jury to the Number of Twelve, and all Parties concerned may have their lawful Challenges againſt any of the ſaid Jurymen, but ſhall not challenge the Array; and the ſaid Juſtice or Juſtices as aforeſaid is and are hereby empowered and required, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, from Time to Time, as Occaſion ſhall require, as well at the Requeſt of the ſaid Company of Proprietors, or any Three of them, as of the Perſon or Perſons who ſhall be intereſted therein, to ſummon and call before him or them all and every ſuch Perſon and Perſons as ſhall be thought proper or neceſſary to be examined as Witneſſes by the ſaid Company of Proprietors or their Succeſſors, or any of the Parties intereſted, touching the Matters in Queſtion; and the ſame Juſtice or Juſtices ſhall and may, in caſe he or they think the ſame proper, or ſhall be required ſo to do by any Perſon or Perſons intereſted, order and authorize the ſaid Jury, or any Six or more of them, to view the Place or Places, or Matters, in Queſtion, which Jury upon their Oaths, to be adminiſtered by the ſame Juſtice or Juſtices, (which Oath, as alſo the Oaths to ſuch Perſon or Perſons as ſhall be called upon to give Evidence, the ſame Juſtice or Juſtices is and are hereby empowered to adminiſter), ſhall enquire, aſſeſs, and aſcertain, ſuch Damages and Recompence as they ſhall adjudge fit to be awarded to the Owners and Occupiers of, and Perſons reſpectively intereſted in, any ſuch Lands, Tenements, or Hereditaments, or any Part thereof; and the ſaid Jury ſhall give Judgement for ſuch Damages and Recompence ſo to be aſſeſſed by them; which ſaid Verdict, and the Judgement thereupon declared or pronounced by the ſaid Jury, (Notice in Writing being firſt given of their Meeting by the Clerk of the ſaid Company to the Parties concerned, or left at the Dwelling Houſes,

Penalty on not returning a Jury.

Iſſues to be returned on Jurors not appearing.

If a ſufficient Number of Jurors do not appear, Sheriff to return Tales.

Juſtices authorized to ſummon Witneſſes.

Juſtices authorized to order the Jury to view.

Jury to aſſeſs Damages;

whoſe Verdict and Judgement to be concluſive.

Houſes, or uſual Places of Abode, or with the Tenant or Occupier of the Premiſes, or left at his or her uſual Place of Abode), ſhall be binding and concluſive, to all Intents and Purpoſes, againſt all and every Party or Parties, their Heirs, Succeſſors, Executors, Adminiſtrators, or Aſſigns, and all others claiming any Eſtate, Right, Title, or Intereſt, in the ſame Lands, Tenements, or Hereditaments, or any Thing thereunto belonging or appertaining, in Poſſeſſion, Reverſion, Remainder, or Expectancy, or otherwiſe, as well Bodies Politick, Corporate, or Collegiate, as Infants, Idiots, Lunaticks, Femes Covert, Tenants in Tail, and their reſpective Heirs, Succeſſors, Executors, or Adminiſtrators, and all claiming by, from, or under him, them, or any of them, as all and every other Perſon and Perſons.

Penalty on Witneſſes not appearing, or refuſing to be ſworn, or to give Evidence, and on Jurymen not appearing, &c.

VIII. Provided always, and be it further enacted, That if any Perſon or Perſons ſummoned as aforeſaid to give Evidence, ſhall neglect or refuſe to appear at ſuch Time or Times, Place or Places, as ſhall be appointed in the Warrant or Warrants granted by the ſaid Juſtice or Juſtices as aforeſaid for that Purpoſe, or appearing ſhall refuſe to be ſworn or examined, or give Evidence before the ſaid Jury, or if any Perſon ſummoned as a Juryman as aforeſaid ſhall after his Appearance refuſe to be ſworn, or being ſo ſworn ſhall refuſe to give, or ſhall not give his Verdict, or in any other Manner wilfully neglect his Duty in the Premiſes, contrary to the true Intent and Meaning of this Act, every Perſon ſo offending, having no reaſonable Excuſe, to be allowed by the ſaid Juſtice or Juſtices, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds, to be levied upon the Goods and Chattels of the Perſon or Perſons ſo offending, by Warrant or Warrants under the Hands and Seals of any Two of the ſaid Juſtices, by Diſtreſs and Sale of the Offender's Goods, returning the Overplus to the Owner thereof, after ſuch Penalty and the Charges of ſuch Diſtreſs and Sale are deducted.

Perſons requeſting a Jury, to enter into a Bond to proſecute.

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

Proprietors to pay Coſts, if Jury give larger Damages than offered;

X. Provided always, and be it further enacted, That in all Caſes where any Verdict ſhall be given for a greater Sum or Recompence than ſhall have been offered by or on Behalf of the ſaid Company of Proprietors, before the ſummoning of ſuch Jury, for or in reſpect of any ſuch Lands, Tenements, Hereditaments, or Damages, as aforeſaid, all the Expence of ſummoning and maintaining ſuch Jury and the Witneſſes,

neſſes, and of taking ſuch Inqueſt, ſhall be defrayed by the ſaid Company, out of the Monies to ariſe by virtue of this Act; but if any Verdict ſhall be given for no more, or a leſs Sum than ſhall have been previouſly offered by or on Behalf of the ſaid Company, then and in every ſuch Caſe ſuch Expences, to be ſettled by any Two of His Majeſty's Juſtices of the Peace for the County of *Somerſet*, ſhall be defrayed by the Perſon or Perſons intereſted in the ſaid ſeveral Lands, Tenements, or Hereditaments in Queſtion, or entitled to Damages as aforeſaid, and the Expences, ſo ſettled and aſcertained, ſhall be deducted and taken out of the Monies ſo aſſeſſed and adjudged, and the Payment or Tender of the Remainder of ſuch Monies ſhall be deemed, within the Intent and Meaning of this Act, to be a full Satisfaction for ſuch Lands, Tenements, Hereditaments, or Damages, reſpectively.

otherwiſe the Owners of Land to pay the ſame.

XI. And be it further enacted, That the ſaid Verdicts and Judgements ſhall be ſet down in Writing, under the Hands and Seals of the ſaid Jury, and be kept amongſt the Records and Writings of the Quarter Seſſions of the Peace for the Time being of the ſaid County; and the ſame, or true Copies thereof, ſhall be taken, adjudged, and deemed, good and ſufficient Evidence and Proof in any Court of Law or Equity whatſoever; and all Perſons may have Recourſe to the ſame *gratis* at all convenient Times, and may take Copies thereof, paying for every Copy not exceeding One hundred Words, the Sum of Two-pence, and ſo proportionably for any greater or leſſer Number of Words.

Verdicts and Judgements of the Jury to be in Writing, and filed among the Records of the Quarter Seſſions, and Copies to be Evidence.

XII. And be it further enacted, That all Sums of Money which are to be paid to any Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, Committees, or other Truſtees whatſoever, for or on Behalf of any Infants, Lunaticks, Idiots, Femes Covert, or other Ceſtuique Truſts, or to any Perſon or Perſons whoſe Lands or Grounds are limited in ſtrict Settlement, for the Purchaſe of any Lands, Tenements, or Hereditaments, as aforeſaid, ſhall, in caſe the ſame exceed the Sum of Twenty Pounds, by ſuch Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, Committees, or other Truſtees, or Perſon or Perſons ſeiſed of Lands, Tenements, or Hereditaments, ſo limited in ſtrict Settlement, be laid out, as ſoon as conveniently may be, in the Purchaſe of Lands, Tenements, or Hereditaments, in Fee Simple, to be conveyed to or to the Uſe of ſuch Perſon or Perſons, and for ſuch Eſtates, and ſubject to ſuch Uſes, Truſts, Limitations, Remainders, and Contingencies, as the Meſſuages, Lands, Tenements, or Hereditaments, for or in reſpect whereof ſuch Purchaſe Money ſhall be ſo paid as aforeſaid ſhall be limited, ſettled, and aſſured, at the Time ſuch Money was ſo agreed for, aſcertained, or aſſeſſed reſpectively as aforeſaid, or ſo many of ſuch Uſes as ſhall be then exiſting and capable of taking Effect; and where any perpetual Rents ſhall be agreed to be paid by the ſaid Company in reſpect of any Lands or Hereditaments in Settlement taken by them, the ſame ſhall be ſettled in like Manner to the ſubſiſting Uſes of ſuch Lands or Hereditaments, ſuch Conveyances and Settlements to be made at the Expence of the ſaid Company of Proprietors; and in the mean Time, and until ſuch Purchaſe and Purchaſes ſhall be made, the ſaid Money ſhall be placed out by ſuch Bodies Politick, Corporate, or Collegiate,

Produce of Lands ſold by Bodies Corporate, *&c.* to be laid out in Purchaſe of other Lands, and ſettled to the ſame Uſes, *&c.*

giate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Committees, Guardians, or other Truſtees, Perſon or Perſons, in ſome of the Publick Funds, or in Government or Real Securities, in the Names of Two Perſons, the One to be nominated by the Party or Parties intereſted therein, and the other by the ſaid Company of Proprietors; and the Intereſt ariſing or to be produced from ſuch Funds or Securities ſhall be paid to ſuch Perſon or Perſons reſpectively as would for the Time being be entitled to the Rents and Profits of ſuch Lands, Tenements, or Hereditaments, ſo to be purchaſed, in caſe the ſame were purchaſed and ſettled purſuant to the Tenor and true Meaning of this Act.

Satisfaction being made or tendered, Proprietors may proceed on their Works.

XIII. And be it further enacted, That after Payment of the Sum or Sums of Money ſo agreed or contracted for, or aſſeſſed or adjudged for Damages as aforeſaid, or for the Purchaſe or Exchange of any ſuch Lands, Tenements, or Hereditaments, to the Owner or Owners thereof, or other Perſon or Perſons entitled to receive ſuch Money, or upon legal Tender thereof made to them reſpectively, or in caſe any ſuch Parties cannot be met with, or ſhall refuſe to accept the ſame, then upon Payment of ſuch Sum into the Hands of ſuch Perſon or Perſons as the ſaid Company of Proprietors or their Succeſſors, or the major Part of them, ſhall, under their Hands and Seals in Writing, appoint, for the Uſe of the Parties intereſted as aforeſaid, it ſhall and may be lawful to and for the ſaid Company of Proprietors and their Succeſſors, and their Agents, Workmen, and Servants, to enter upon, remove, dig, cut, or uſe, ſuch or ſo much of the ſaid Lands, Tenements, or Hereditaments, for which ſuch Satisfaction ſhall have been contracted for, agreed on, aſſeſſed, or decreed as aforeſaid, and thereon to make, erect, and do any Works, Matters, or Things, for the effecting and carrying on the ſaid Navigation, and for the ſupporting and maintaining the ſame, or for executing any of the Powers of this Act, as the ſaid Company of Proprietors or their Succeſſors ſhall think proper; and this Act ſhall be ſufficient to indemnify as well the ſaid Company of Proprietors and their Succeſſors, and all Perſons employed or authorized by them, againſt the ſaid Owners, Occupiers, or other Perſons intereſted, their Heirs, Succeſſors, Executors, Adminiſtrators, and Aſſigns, as againſt all and every other Perſon and Perſons, to all Intents and Purpoſes whatſoever.

Proprietors to make a previous Survey without previous Satisfaction.

XIV. Provided always, and be it further enacted, That it ſhall and may be lawful for the ſaid Company of Proprietors and their Succeſſors, or ſuch Perſon or Perſons as they ſhall appoint, without any previous Payment or Tender of Recompence, to enter upon, and take a Survey and Level of, and to mark out any Lands, Tenements, or Hereditaments, which they the ſaid Company of Proprietors or their Succeſſors ſhall think neceſſary to be uſed for any of the Purpoſes of this Act; doing thereby as little Damage as may be, and giving Forty-eight Hours Notice at leaſt of ſuch Entry to the reſpective Owners or Occupiers of ſuch Lands, Tenements, or Hereditaments, and making Satisfaction as ſoon as may be for all Damages which ſhall be thereby occaſioned.

How Purchaſe Money and Damages may be recovered

XV. And be it further enacted, That in Default of Payment of ſuch Sum or Sums of Money, at ſuch Times and in ſuch Manner as ſhall be agreed upon, or aſſeſſed and awarded by the ſaid Jury, to be paid by the

ſaid Company of Proprietors, or their Succeſſors, for Recompence or Damages, by virtue of this Act, it ſhall and may be lawful to and for any ſuch Perſon or Perſons to whom, or on whoſe Behalf ſuch Sum and Sums of Money ſhall be liable to be paid by the ſaid Company of Proprietors, or their Succeſſors, to appoint One or more Perſon or Perſons to receive the Rates and Duties by this Act impoſed, and thereout, in the Firſt Place, to pay all ſuch Damages ſo determined or aſſeſſed as aforeſaid, with Coſts, (if any), occaſioned by ſuch Refuſal or Default of Payment; and the Money ſo to be received by ſuch Perſon or Perſons ſhall and is hereby declared to be as ſo much Money received to the Uſe of the Perſon or Perſons who ſhall be entitled to receive ſuch Satisfaction for Damages as aforeſaid, in Order and Courſe reſpectively as ſuch Determination ſhall be in Priority of Time; and after ſuch Damages and Coſts ſhall be paid and ſatisfied, the Power and Authority of ſuch Receivers for the Purpoſes aforeſaid ſhall ceaſe and determine; or otherwiſe, ſuch Party or Parties ſo aggrieved, ſhall and may have a Remedy for ſuch Sum and Sums of Money ſo to be aſſeſſed and awarded, which ſhall not be paid, according to the Judgement of the ſaid Jury as aforeſaid, by Action at Law in any of His Majeſty's Courts of Record at *Weſtminſter*, againſt the ſaid Company of Proprietors or their Succeſſors, to recover the ſame with full Coſts of Suit.

from Proprietors.

XVI. And be it further enacted, That all and every ſuch yearly Rents or Sums as ſhall be agreed upon, or ſettled and aſcertained as aforeſaid, ſhall be charged and chargeable on the Rates and Duties ariſing by virtue of this Act, and ſhall be paid by the ſaid Company of Proprietors, their Succeſſors and Aſſigns, as the ſame ſhall become due and payable; and in caſe of Nonpayment thereof within Twenty-one Days next after the ſame ſhall become due, it ſhall and may be lawful to and for all and every ſuch Perſon and Perſons to whom ſuch Annual Rents or Sums ſhall be payable, by any Inſtrument or Writing under their Hands and Seals, to appoint One or more Perſon or Perſons to receive the Rates or Duties hereby granted and made payable, and pay the ſame unto ſuch Perſon or Perſons to whom ſuch yearly Rents or Sums ſhall be due and unpaid as aforeſaid reſpectively, until ſuch yearly Rents or Sums, with the Coſts and Charges of recovering and receiving the ſame, ſhall be fully ſatisfied and paid; or otherwiſe, the ſaid yearly Rents or Sums may be ſued for and recovered, with Coſts, by Action of Debt, in any of His Majeſty's Courts of Record at *Weſtminſter* or elſewhere.

Annual Rents chargeable upon the Rates.

XVII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Company of Proprietors and their Succeſſors, or ſuch Perſon or Perſons as they ſhall nominate and appoint for that Purpoſe, from Time to Time, and at all Times hereafter, to aſk, demand, recover, and receive, at ſuch Place or Places as the ſaid Company or their Succeſſors ſhall think fit, ſuch Sum and Sums of Money, Rates, and Duties, for the Paſſage of Boats, Barges, Lighters, or other Veſſels, upon the Parts of the ſaid River *Ivel*, otherwiſe *Yeo*, and the ſaid Drain intended to be made navigable as aforeſaid, and upon the ſaid Navigable Cut, as ſhall from Time to Time be aſcertained and ſettled by the ſaid Company of Proprietors, at any General Meeting to be held as herein-

Rates may be taken.

after mentioned, not exceeding the ſeveral Rates and Duties following; (that is to ſay),

Rates.

For all Coal, Culm, Coak, Cinders, Charcoal, Timber, Iron, and Iron Stone, which ſhall be navigated, carried, or conveyed, upon the ſaid Navigation, or any Part thereof, the Sum of Two-pence *per* Ton *per* Mile; and ſo in Proportion for any greater or leſſer Quantity than a Ton, or greater or leſs Diſtance than a Mile:

For all Lime, Dung, Manure, and Stone, and Lime Stone, for the Purpoſe of Manure, the Sum of One Penny *per* Ton *per* Mile; and ſo in Proportion for any greater or leſſer Quantity than a Ton, or greater or leſs Diſtance than a Mile:

For all other Goods, Wares, Merchandize, and Things whatſoever, the Sum of Three-pence *per* Ton *per* Mile; and ſo in Proportion for any greater or leſſer Quantity than a Ton, or greater or leſs Diſtance than a Mile.

Recovery of Rates.

XVIII. And be it further enacted, That in caſe of Refuſal, Neglect, or Denial of Payment, on Demand of ſuch Rates and Duties, Sum or Sums of Money, or any Part thereof, as are herein-before authorized to be received and taken by or for the Uſe of the ſaid Company of Proprietors, it ſhall and may be lawful to and for the ſaid Company of Proprietors, in the Name of their Treaſurer or Clerk, to ſue for the ſame by Action of Debt, or upon the Caſe, in any Court of Record; or it ſhall and may be lawful for the Collector or Collectors of ſuch Rates or Duties to ſtop, ſeize, and detain, any Goods or Veſſels, or any Part of any ſuch Goods for which the ſame ought to be paid, until he or they ſhall be ſatisfied or paid for the ſame.

Tolls may be recovered by Action, or Diſtreſs.

The Navigation ſhall be free on Payment of Rates.

XIX. And be it further enacted, That all Perſons whomſoever ſhall have free Liberty to navigate upon the ſaid Navigation, or any Part thereof, with any Boats or Veſſels ſuited to the Conſtruction of the Locks and Depth of Water in the ſaid Navigation, and to uſe the ſaid Towing Paths for haling and drawing ſuch Boats and Veſſels, upon Payment of ſuch Rates and Duties as ſhall be demanded by the ſaid Company of Proprietors, not exceeding the Rates herein-before mentioned, and ſubject always to the Rules, Bye Laws, and Conſtitutions, which ſhall, from Time to Time, be made by the ſaid Company of Proprietors, by virtue of the Power granted to them by this Act.

Navigation to be meaſured, and Stones ſet up.

XX. And be it further enacted, That the ſaid Navigation ſhall be meaſured, and Stones erected on the Sides thereof at the End of each Half Mile; and in all Caſes where there ſhall be a Fraction of Half a Mile in the Diſtance which any Boat, Barge, or other Veſſel, ſhall be navigated or paſs upon the ſaid Navigation, ſuch Fraction of Half a Mile ſhall, in aſcertaining the ſaid Rates, be deemed and conſidered Half a Mile; and in all Caſes where there ſhall be a Fraction of a Ton in the Weight of Lading in any Boat, Barge, or other Veſſel ſo to be navigated on the ſaid Navigation, a Proportion of the ſaid Rates ſhall be demanded and taken by the ſaid Company of Proprietors for ſuch Fraction, according to the Numbers of a Quarter of a Ton contained therein; and in all Caſes where there ſhall be a Fraction of a Quarter

of a Ton in any ſuch Weight of Lading as aforeſaid, ſuch Fraction ſhall be deemed and conſidered a whole Quarter of a Ton.

Tonnage on Timber.

XXI. And, for the better aſcertaining the Tonnage of Timber, and of light Goods to be charged with the Payment of the Rates and Duties aforeſaid; be it further enacted, That Fifty Cubic Feet of round, or Forty Cubic Feet of ſquare Oak, Aſh, Elm, or Beech Timber, and Fifty Cubic Feet of Fir or Deal Balk, Poplars, or Birch, not cut into Scantlings, and Sixty Cubic Feet of light Goods, ſhall be deemed, rated, and eſtimated, as and for One Ton Weight.

Rate of Wharfage.

XXII. And, in order to aſcertain the Wharfage which ſhall be paid for any Goods, Wares, and Merchandizes to be landed upon or brought to any Wharf or Quay built, erected, or made, on or near the ſaid Navigation; be it further enacted, That no more than the Sum of Two-pence *per* Ton ſhall be demanded or taken for Wharfage by the ſaid Company of Proprietors, or any other Perſon or Perſons, Land Owner or Land Owners, who ſhall or may, at any Time hereafter, make, erect, or build, any Wharfs or Quays on any Part of the ſaid Navigation by virtue of this Act, unleſs the Goods, Wares, or Merchandizes, which ſhall be laid thereon, ſhall remain or continue on ſuch Wharf or Quay for a longer Time than the Space of Twenty-four Hours; and in caſe ſuch Goods, Wares, or Merchandizes, ſhall remain or continue on ſuch Wharf or Quay for a longer Time than the ſaid Space of Twenty-four Hours, a Sum not exceeding Sixpence *per* Ton for each and every Week the ſame ſhall ſo remain over and above the ſaid Space of Twenty-four Hours.

Power to vary the Rates.

XXIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Company of Proprietors from Time to Time, at any General or Special Meeting to be held for that Purpoſe, (of which Three Calendar Months Notice at leaſt ſhall be given in the Manner herein mentioned), to lower or reduce ſuch of the ſaid Rates and Duties to be fixed as aforeſaid, as the ſaid Company of Proprietors, or the major Part of them, ſo aſſembled, ſhall think proper, and afterwards from Time to Time, at any General or Special Meeting, (of which the like Notice ſhall be given), to advance and raiſe all or any of the ſaid Rates and Duties ſo lowered or reduced: Provided always, that the Rates and Duties ſo to be advanced or raiſed as aforeſaid, ſhall not in any Caſe exceed the reſpective Rates and Duties herein-before authorized to be taken.

Application of the Rates.

XXIV. And be it further enacted, That all ſuch Rates and Duties hereby authorized to be taken by the ſaid Company, ſhall, in the Firſt Place, be applied in ſupporting and maintaining the ſaid Navigation, and carrying this Act, and the ſeveral Proviſions, Powers, and Authorities herein contained, into effectual Execution; and the Reſidue of ſuch Rates and Duties ſhall be equally divided amongſt the Proprietors ſubſcribing to the Undertaking aforeſaid, their Succeſſors or Aſſigns, according to their reſpective Shares therein.

Proprietors may appoint Officers;

XXV. And be it further enacted, That the ſaid Company of Proprietors, or their Succeſſors, or the major Part of them aſſembled at any General

General Meeting, ſhall by Writing under their Hands, or the Common Seal of the ſaid Company, from Time to Time appoint ſuch Perſon or Perſons as they ſhall think fit to be Collector or Collectors of the Rates and Duties hereby authorized to be taken, and alſo a Treaſurer or Treaſurers to receive all Monies ariſing by virtue of this Act; ſuch Treaſurers and Collectors giving Security to the ſaid Company for the due Execution of their reſpective Offices; and ſuch Collector and Collectors, and all other Perſons who ſhall receive any Money by virtue of this Act, ſhall from Time to Time pay over all the Monies collected and received, into the Hands of the Treaſurer or Treaſurers, at ſuch Times and in ſuch Manner as the ſaid Company of Proprietors or their Succeſſors ſhall direct or appoint; and the ſaid Company of Proprietors or their Succeſſors may alſo appoint ſuch other Officers as they ſhall think fit to employ in the Execution of this Act, and may allow to ſuch Treaſurers, Collectors, and other Officers, ſuch Salaries or Recompence, out of the Monies to be raiſed by virtue of this Act, as the ſaid Company of Proprietors or their Succeſſors ſhall think reaſonable; and all ſuch Officers ſhall be from Time to Time removeable at the Will and Pleaſure of the ſaid Company of Proprietors or their Succeſſors: And that the ſaid Company of Proprietors or their Succeſſors, or their Committee, to be appointed as herein-after mentioned, ſhall and may from Time to Time, and at ſuch Times as they reſpectively ſhall think proper, ſummon before them, or before any One or more Juſtice or Juſtices of the Peace in and for the ſaid County of *Somerſet*, and if they think fit, examine before them, or cauſe to be examined before ſuch Juſtice or Juſtices upon Oath, (which Oath any One ſuch Juſtice is hereby empowered to adminiſter), all or any of the ſaid Treaſurers, Collectors, or other Officers or Perſons employed in, or intruſted with, the Receipt or Expenditure of all or any of the Monies to be raiſed by virtue of this Act; and every ſuch Treaſurer, Collector, and other Officer and Perſons employed or intruſted as aforeſaid, is hereby required to render to the ſaid Company, or to the ſaid Juſtice or Juſtices as aforeſaid, at the Requeſt of the ſaid Company of Proprietors or their Succeſſors, a true, exact, and perfect Account in Writing of all and every Sum and Sums of Money ſo by him or them reſpectively received or expended as aforeſaid; and in caſe any of the ſaid Treaſurers, Collectors, or other Officers, ſo employed or intruſted, ſhall refuſe to account, or to pay the Monies due upon the Balance of ſuch Account, according to the Orders and Directions of the ſaid Company of Proprietors or their Succeſſors, it ſhall and may be lawful to and for any One or more of the ſaid Juſtices, and he or they is or are hereby required, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, at the Requeſt of the ſaid Company or of their Committee, to levy, by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo refuſing to account, or to pay the Money due upon the Balance of ſuch Account, ſuch Sum or Sums of Money as ſhall be found due upon the Balance of his or their Account or Accounts; and for Want of ſufficient Diſtreſs, it ſhall and may be lawful for any One or more of ſuch Juſtices, upon Complaint on Oath made to him or them by or on Behalf of the ſaid Company or their Succeſſors, or any Seven or more of them, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to commit ſuch Perſon or Perſons to the Common Gaol of the County of *Somerſet*, there to remain, without Bail or Main-

who are to account upon Oath.

Officers refuſing to account,

their Goods and Chattels may be diſtrained for the Sum in Arrear;

and for Want of Diſtreſs may be committed.

prize, until he or they ſhall have made a true and perfect Account, and paid ſuch Monies as ſhall appear to be remaining in his or their Hands, to the ſaid Company of Proprietors or their Succeſſors, or according to their Appointment, or ſhall have compounded for the ſame, and ſhall have paid ſuch Compoſition Monies, which Compoſition the ſaid Company of Proprietors or their Succeſſors are hereby empowered to make; or otherwiſe, the ſaid Company of Proprietors or their Succeſſors may and are hereby empowered to bring, or cauſe to be brought, any Action or Actions in their own Names, or in the Name of any One or more of them, in any of His Majeſty's Courts of Record at *Weſtminſter*, againſt ſuch Officer or Officers, or Perſon or Perſons ſo refuſing, neglecting, or making Default as aforeſaid, and againſt all and every ſuch Perſon or Perſons as ſhall become his or their Security or Securities, for the Recovery of the Monies that ſhall be in the Hands of ſuch Officer or Officers, or other Perſon or Perſons reſpectively, or upon ſuch Bond or Bonds as ſhall be entered into by them reſpectively.

A Clerk to be appointed;

XXVI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Company of Proprietors, or the major Part of them, at any General Meeting aſſembled, and they are hereby authorized and required, from Time to Time, to nominate and appoint, by Writing under their Hands, a Perſon to be their Clerk, who ſhall, in a proper Book or Books for that Purpoſe, enter and keep a true and perfect Account of the Names and Places of Abode of the ſeveral Proprietors for the Time being of the ſaid intended Navigation, and of all the Orders, Acts, Proceedings, and Tranſactions, of the ſaid Company, by virtue of and under the Authority of this Act, (other than and except the Books of Accounts herein-after directed to be under the Care of the Committee); and that every of the ſaid Proprietors ſhall and may, at all convenient Times, have Recourſe to and peruſe and inſpect the ſame, and demand and have Copies of the ſaid Books and Proceedings, or any Part thereof, paying for ſuch Copies Sixpence for every Two hundred Words; and if the ſaid Clerk ſhall refuſe to permit any ſuch Perſon or Perſons, ſo intereſted as aforeſaid, to inſpect ſuch Books, or refuſe to make any ſuch Copy or Copies as aforeſaid, every ſuch Clerk ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Pounds.

who ſhall enter the Proceedings in a Book;

and the ſame ſo entered and ſigned, may be admitted in Evidence.

XXVII. And be it further enacted, That the Orders and Proceedings of the ſaid Company of Proprietors, and their Succeſſors, being ſo entered as aforeſaid, and ſuch Entry being ſigned by ſuch Number of them reſpectively as are empowered by this Act to make ſuch Orders and carry on ſuch Proceedings, ſhall be deemed Originals, and admitted in Evidence in all Courts whatſoever.

Proprietors may remove Clerks.

XXVIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Company of Proprietors and their Succeſſors, or the major Part of them, at any General Meeting aſſembled, from Time to Time to remove ſuch Clerk by them appointed, or in caſe ſuch Clerk ſhall die, or quit the Service of the ſaid Company, then to appoint another in his Stead, in Manner aforeſaid, and that every Clerk ſo choſen as aforeſaid, ſhall be paid for his Care and Trouble in the Execution of ſuch Office, by the ſaid Company of Proprietors or their Succeſſors.

Company of Proprietors to contribute £.6,000 to be divided into Shares.

XXIX. And, to the End that the said Company of Proprietors, their Successors and Assigns, may be further enabled to carry on and complete the said Undertaking; be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, their Successors and Assigns, to raise and contribute amongst themselves, in such Proportions as to them shall seem meet and convenient, a competent Sum of Money for making and completing the said Navigation, and all the Works and Conveniencies to the same belonging and requisite or useful thereto respectively, so as that the same Sum do not exceed the Sum of Six thousand Pounds in the Whole, except as herein-after is mentioned; and that the same shall be divided into Shares, at a Price not exceeding Fifty Pounds *per* Share; and the Money to be raised is hereby directed and appointed to be laid out and applied in the First Place for and towards Payment, Discharge, and Satisfaction, of all Fees and Disbursements for obtaining and passing this Act, and for making the Surveys, Plans, and Estimates, preparatory and incident thereto, and all other Expences relating to the same; and all the Residue and Remainder of such Monies shall be used and applied for and towards the making, completing, and maintaining, the said Navigation, and other Works respectively, and for other the Purposes of this Act, and to and for no other Use, Intent, or Purpose whatsoever.

The Money to be divided into Shares.

XXX. And be it further enacted, That the said Sum of Six thousand Pounds, or such Part thereof as shall be raised by the several Persons herein-before named, and by such other Person or Persons who shall or may at any Time hereafter become a Subscriber or Subscribers to the said Navigation, shall be divided and distinguished into equal Parts and Shares, at a Sum not exceeding Fifty Pounds *per* Share, which Shares shall be numbered in numerical Progression; and such Shares shall be and are hereby vested in the said several Subscribers, and their several and respective Executors, Administrators, or Assigns, to their and every of their proper Use and Behoof, proportionally to the Sum they and each of them shall severally subscribe and pay thereunto; and all and every the said Shares are hereby declared to be Personal Estate, and transmissible as such, and not of the Nature of Real Property; and all Bodies Politick, Corporate, and Collegiate, Person and Persons, their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe and pay the Sum of Fifty Pounds, or such Sum or Sums as shall be demanded in lieu thereof, towards carrying on and completing the said Navigation, shall be entitled to and shall receive, after the said Navigation shall be completed, a proportionate Part of the Profits and Advantages that shall and may arise and accrue by virtue of the Sum and Sums of Money to be raised, recovered, and received, by or under the Authority of this Act, and so in Proportion for any greater Number of Shares to any One Person as aforesaid; and every Body Politick, Corporate, and Collegiate, or Person or Persons having such Share or Property in the said Navigation, and so in Proportion as aforesaid, shall bear and pay an adequate proportionable Sum of Money towards carrying on the said Undertaking in Manner herein-after enacted, directed, and appointed; and in case the said Sum of Six thousand Pounds shall at any Time or Times be found or deemed insufficient, then and in such Case it shall be lawful for the said Company of Proprietors to raise and contribute amongst themselves, in such Shares and Propor-

Shares are made Personal Property.

If not sufficient, the Company may raise a further Sum amongst themselves;

Proportions, and in Manner and Form as is herein-before directed, or by the Admiſſion of new Subſcribers, (as to them ſhall ſeem meet), any further or other Sum of Money for perfecting and completing the ſaid Navigation, and other the Works hereby authorized to be made, not exceeding the Sum of Two thouſand Pounds; and every ſuch new Subſcriber (if any) ſhall become a Proprietor in the ſaid Navigation and Undertaking, and ſhall be entitled to exerciſe and enjoy the ſame Powers, Privileges, and Advantages, and ſhall alſo be liable to the ſame Reſtrictions, Penalties, and Forfeitures, as if ſuch further or other Sum hereby allowed to be ſubſcribed for and raiſed, had been Part or Parcel of the ſaid original Subſcription; but in caſe the ſaid Company of Proprietors ſhall be rather deſirous to raiſe ſuch further and other Sum, or any Part thereof, by Mortgage of the ſaid Navigation and Undertaking, inſtead of by Contribution or Subſcription, then and in ſuch Caſe it ſhall be lawful for the ſaid Company of Proprietors to borrow and take up at Intereſt, of and from any Perſon or Perſons who ſhall be willing to advance and lend the ſame upon the Credit of the ſaid Undertaking, any ſuch further Sum or Sums of Money, not exceeding the Sum of Two thouſand Pounds, as to them ſhall ſeem meet and convenient; and they are hereby authorized and empowered to aſſign and make over their ſaid Navigation and other Works, and the Rates to ariſe by virtue of this Act, or any Part thereof, as a Security for any Sum or Sums of Money ſo to be borrowed, with Intereſt, to the Perſon or Perſons who ſhall advance the ſame, or to his, her, or their Truſtee or Truſtees, by Deed of Mortgage, according to the Form following; (that is to ſay), or by Mortgage.

Form of Mortgage.

'WE the Company of Proprietors of the Navigation from *Ivelcheſter* to *Langport*, in Conſideration of the Sum of to us paid by *A. B.* of do hereby, by virtue of an Act of Parliament paſſed in the Thirty-fifth Year of the Reign of King *George* the Third, intituled, [*ſet forth the Title of the Act*], bargain, ſell, and transfer, unto the ſaid *A. B.* all and ſingular the Rates ariſing by virtue of the ſaid Act, and alſo the ſaid Navigation and Undertaking, and all the Right, Title, and Intereſt, of us the ſaid Company of, in, and to, the ſame, to hold unto the ſaid *A. B.*, his Executors, Adminiſtrators, and Aſſigns, until the ſaid Sum of together with Intereſt for the ſame, after the Rate of *per Centum per Annum*, ſhall be fully paid and diſcharged. Given under our Seal the Day of

And all and every Perſon and Perſons to whom ſuch Mortgage or Mortgages ſhall be made, ſhall be equally entitled as Mortgagee or Mortgagees to his, her, or their Proportion or Proportions of the ſaid Rates and Premiſes, according to his, her, or their reſpective Sums in ſuch Mortgages mentioned to be advanced, without any Preference by Reaſon of the Priority of Date of any ſuch Mortgage, or on any other Account whatſoever; and the Money ſo to be borrowed is hereby directed and appointed to be laid out and applied for and towards the making, completing, and maintaining, the ſaid Navigation, and other the Purpoſes of this Act, and to no other Uſe or Purpoſe whatſoever; and an Entry or Memorial of every ſuch Mortgage, containing the Date thereof, and an Account of the Party or Parties, with their proper Additions, to whom the ſame ſhall have been made, and of the Sum of Money borrowed, together with the Rate of Intereſt to be paid thereon, ſhall within Forty Days

Days next after the Date thereof be written and inſerted (*gratis*) in One or more Book or Books to be kept for that Purpoſe by the Clerk to the ſaid Company, which Book or Books ſhall and may be peruſed at all ſeaſonable Times by the Proprietors and Creditors of the ſaid Navigation without Fee or Reward; and every ſuch Mortgagee may from Time to Time aſſign or transfer his, her, or their Right, Title, Intereſt, or Benefit, in his or her Mortgage to any Perſon or Perſons whomſoever; which Transfer ſhall be made according to the Form following; (that is to ſay),

Form of Transfer.

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

And every ſuch Transfer ſhall, within Forty Days after the Date thereof, be produced and certified to the Clerk to the ſaid Company, who ſhall thereupon cauſe an Entry or Memorial to be made thereof, containing the Date, Names of the Parties, and the Sums of Money thereby tranſferred, in the ſaid Book or Books to be kept for entering the ſaid original Mortgages, for which laſt-mentioned Entry ſuch Clerk ſhall be paid the Sum of Two Shillings and no more; and after ſuch Entry made every ſuch Aſſignment ſhall entitle ſuch Aſſignee or Aſſignees, his, her, or their Executors, Adminiſtrators, or Aſſigns, to the full Benefit of the original Mortgage; and it ſhall not be in the Power of ſuch Perſon or Perſons who ſhall have made any ſuch Aſſignment or Aſſignments, at any Time afterwards to make void, releaſe, or diſcharge, the original Mortgage, or any Money thereby ſecured, or any Part thereof; and the Intereſt of the Money to be ſo borrowed by Mortgage as aforeſaid, ſhall be paid from Time to Time to the ſeveral Perſons entitled thereto, in Preference to any Intereſt or Dividends due and payable by virtue of this Act to the ſaid Company of Proprietors, or to any of them.

The Intereſt of the Money borrowed to be paid in Preference to Dividends.

Every Subſcriber of Part to be deemed a Proprietor;

XXXI. And be it further enacted, That every Body Politick, Corporate, or Collegiate, or other Perſon, who ſhall by virtue of this Act have ſubſcribed and undertaken for One Fifty Pound Share of the ſaid Navigation, ſhall be deemed a Proprietor for ſo much, and ſhall have a Vote at 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, (ſuch Proxy or Proxies being a Proprietor or Proprietors in the ſaid Navigation), duly conſtituted by an Inſtrument under his, her, or their Hand or Hands, and ſuch Vote or Votes by Proxy ſhall be good and ſufficient, to all Intents and Purpoſes, as if ſuch Principal and Principals had voted in Perſon; and any Body or Bodies Politick, Corporate, or Collegiate, Perſon or Perſons, ſhall have Liberty by him, her, or themſelves, or by his, her, or their reſpective Proxies, being Proprietors regularly conſtituted as aforeſaid, to give One Vote for each and every ſuch Share of

may vote by Proxy;

Fifty Pounds not exceeding Ten Shares, for which he, ſhe, or they ſhall be a Subſcriber or become a Proprietor as aforeſaid; and whatever Queſtion, Election of proper Officers, or other Matters or Things, ſhall be propoſed, diſcuſſed, or conſidered, at any ſuch Publick Meeting, the ſame ſhall be finally determined by the Majority of Votes and Proxies then preſent, computing One Vote for every Fifty Pound Share; but no Perſon ſhall be Proxy for more than Two abſent Proprietors, nor for more than Ten Shares; and the Appointment of every Proxy ſhall be made according to the following Form:

but not to act as Proxy for more than 10 Shares.

Form of Proxy.

'I *A. B.* of One of the Proprietors of the Navigation 'from *Ivelcheſter* to *Langport*, do hereby nominate, conſtitute, and 'appoint, *C. D.* of in my Name and in my Abſence 'to vote or give my Aſſent or Diſſent to any Buſineſs, Matter, or Thing, 'relating thereto, which ſhall be propoſed at any General or Special 'Meeting of the Company of Proprietors of the ſaid Navigation, at all 'Times hereafter until I ſhall revoke this Appointment, by Notice in 'Writing, under my Hand, to the Clerk to the ſaid Company. In 'Witneſs whereof I have hereunto ſet my Hand this Day of

And at every General Meeting of the ſaid Company One of the Proprietors preſent ſhall be appointed Chairman, and ſhall not only vote as a Proprietor, but in caſe of an Equality of Voices ſhall have the deciſive or caſting Vote, although he may have given One Vote before in relation to the Matter in Queſtion.

General Meeting of the Company of Proprietors.

XXXII. And, to the End that all Matters and Things to be done and carried on by virtue and Authority of this Act, may be more regularly and methodically carried into Execution; be it further enacted, That the Firſt General Meeting or Aſſembly of the ſaid Company of Proprietors for putting this Act into Execution ſhall be held at the Houſe of *William Pittman*, at the Sign of *The Swan*, in *Ivelcheſter* aforeſaid, upon the Twenty-fourth Day of *June* next after paſſing this Act, and the like General Meeting or Aſſembly ſhall be held on the laſt *Tueſday* in *September* in every ſucceeding Year; at which ſaid Firſt Meeting, and alſo at every ſubſequent Annual Meeting, the Majority of the Proprietors, with ſuch Proxies as ſhall be then preſent, ſhall chooſe Three Perſons, being Proprietors of the ſaid Navigation, to be a Committee to manage the Affairs of the ſaid Company in ſuch Manner as is herein-after directed; but if at any Time it ſhall appear neceſſary to any Seven or more of ſuch Proprietors, that for the more effectually putting this Act in Execution, a Special Meeting of Proprietors ſhall be neceſſary to be held, it ſhall be lawful for ſuch Seven or more of them to cauſe Notice thereof to be given to the Clerk, who ſhall ſummon the Proprietors by Notice left at their reſpective Dwelling Houſes, or by Advertiſement in ſome Newſpaper circulating in the County of *Somerſet*, or in ſuch other Manner as the ſaid Company of Proprietors or their Succeſſors ſhall at any General Meeting direct or appoint, declaring in ſuch Notice the Place where, and the Time when, ſuch Meeting is to be held, the ſame not being leſs than Ten Days after ſuch Notice given, and likewiſe ſpecifying in every ſuch Notice the Reaſon and Intentions of ſuch Meetings reſpectively, and the Proprietors are hereby authorized to meet purſuant to ſuch Notice, and proceed to the Execution of the Powers by this Act given them with

Committee to be appointed.

Power to hold Special Meetings.

reſpect to the Matters ſo ſpecified only; and all ſuch Acts of the Proprietors, or the major Part of them, at ſuch Meetings aſſembled, in Perſon or by Proxy, ſhall be as valid, to all Intents and Purpoſes, as if the ſame were done at General Meetings held in Manner herein-before appointed.

Committee to be ſubject to Controul of the General Meetings.

XXXIII. Provided always, That ſuch Committee ſhall from Time to Time be ſubject to the Examination and Controul of the ſaid General or other Meetings of the ſaid Company of Proprietors as aforeſaid, and ſhall pay due Obedience to all ſuch Orders and Directions, in and about the Premiſes, as they ſhall from Time to Time receive from the ſaid Company of Proprietors at any ſuch General Aſſembly or other Meeting as aforeſaid, ſuch Orders and Directions not being contrary to any expreſs Directions or Proviſions in this Act contained.

On Failure of a ſufficient Number in the General Aſſembly, no Committee ſhall be appointed, but another Meeting held for that Purpoſe.

XXXIV. Provided always, That if at any ſuch General Meeting there ſhall not be Perſons preſent who ſhall have or be entitled to vote for Eleven ſuch Shares as aforeſaid, either as Principals or Proxies, no Choice of a Committee ſhall be made at that Time, but in ſuch Caſe there ſhall be a new Meeting of the Proprietors of the ſaid Navigation at the ſame Place, upon that Day Three Weeks following, and Choice ſhall be then made of the Committee, which ought to have been on the Day firſt herein-before appointed, had there been a ſufficient Number of Votes preſent, and the Perſons then choſen to be of the ſaid Committee ſhall have the ſame Power which they would have had, and continue in ſuch Offices until ſuch Time as they would have done, had they been choſen on the Day firſt herein-before appointed; and in caſe of Failure of the meeting of Perſons having Eleven Votes as Principals or Proxies at ſuch Firſt Meeting, the whole Number of Proprietors who ſhall not be preſent at ſuch Second Meeting, in Perſon or by Proxy, ſhall forfeit to the ſaid Company of Proprietors or their Succeſſors, for every Share which he or they ſhall have in the ſaid Navigation, the Sum of Ten Shillings, to be ſtopped out of the next Payment of Intereſt, or out of the next Dividend of the Profits of the ſaid Navigation as the Caſe may happen.

Penalty on Proprietors not attending the Second Meeting.

General Aſſembly to audit and ſettle Accounts.

XXXV. And be it further enacted, That at every ſuch General Meeting, the Company of Proprietors or their Succeſſors ſhall and may have Power to call for, audit, and ſettle, all Accounts of Money laid out and diſburſed on Account of the ſaid Navigation, with the Receiver or Receivers, or other Officer or Officers, to be by them appointed, or any other Perſon or Perſons whomſoever employed by or concerned for or under them, in and about the ſaid Navigation, and for that Purpoſe ſhall have Power to adjourn themſelves over from Time to Time, and from Place to Place, as ſhall be thought convenient by the Majority of Votes in Manner aforeſaid; and every General Meeting, or ſuch Committee, met together by the Authority of this Act, 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, or to carry on the ſaid Navigation, as they from Time to Time ſhall find wanting and neceſſary for thoſe Purpoſes, ſo that no Call do exceed the Sum of Ten Pounds for every Fifty Pounds, and ſo as no Calls be made but at the Diſtance of One Calendar Month at the leaſt from each other, and ſo that ſuch Calls do not in the Whole exceed the Sums reſpectively ſubſcribed;

General Aſſembly and Committee empowered to make Calls.

ſcribed; which Money ſo called for ſhall be paid to ſuch Perſon or Perſons, and in ſuch Manner, as the ſaid General Meeting or Committee ſhall from Time to Time appoint and direct, for the Uſe of the ſaid Undertaking; and ſuch Committee, or the major Part of them, ſhall, until the next Annual General Meeting, to be holden in Manner aforeſaid, 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, Liberties, and Materials, for the Uſe of the ſaid Navigation, as in employing, ordering, and directing, the Work and Workmen, and in placing and diſplacing Under Officers, Clerks, Servants, and Agents, and in making all Contracts and Bargains touching the ſaid Undertaking, ſo that no Purchaſe and Bargain or other Matter be done or tranſacted without the Concurrence of a Majority of the ſaid Committee together aſſembled; and ſuch Committee ſhall and may meet at ſuch Times or Places as they may think proper, and ſhall and may adjourn themſelves from Time to Time, and from Place to Place, as Occaſion ſhall require; and in order to defray the Expences of ſuch Meetings, it ſhall be lawful for ſuch Committee to expend or detain a reaſonable Sum of Money out of the Stock of the ſaid Company; and all and every Proprietor and Proprietors of One or more Share or Shares in the ſaid Navigation, ſhall pay his or their Shares and Proportions of the Monies to be called for as aforeſaid, at ſuch Time and Place as ſhall be appointed of which Two Calendar Months Notice at leaſt ſhall be given by the Clerk or Clerks to the ſaid Company, or in ſuch other Manner as the ſaid Company or their Succeſſors ſhall at any General Meeting direct or appoint; and if any Perſon or Perſons ſhall neglect or refuſe to pay his, her, or their rateable or proportionable Part or Share of the ſaid Money, ſo to be called for as aforeſaid, at the Time and Place appointed by ſuch General Meeting or Committee, he, ſhe, or they, ſo neglecting or refuſing, ſhall forfeit the Sum of Five Pounds for every Share belonging to him, her, or them, in the ſaid Navigation; and if any Perſon or Perſons ſhall neglect or refuſe to pay his, her, or their rateable and proportionable Part or Share of the ſaid Money ſo to be called for as aforeſaid, by the Space of Two Calendar Months after the Time to be appointed as aforeſaid, then he, ſhe, or they, ſo neglecting, ſhall forfeit his, her, or their reſpective Share and Shares, Parts and Intereſts, in the ſaid Navigation, and all the Profit and Benefit thereof, all which Forfeitures ſhall go to and be veſted in the Reſt of the Proprietors in the ſaid Navigation, for the Benefit of each of them, in Proportion to their reſpective Intereſts in the ſaid Navigation: Provided always, that no Advantage ſhall be taken of the Forfeiture of any ſuch Share or Shares, unleſs the ſame ſhall be declared to be forfeited at ſome General Meeting of the ſaid Company, to be held within Six Calendar Months next after ſuch Forfeitures ſhall have been incurred, and every ſuch Forfeiture ſhall be an Indemnification to and for every Proprietor or Proprietors ſo forfeiting againſt, and an Acquittal to him and them from, all Actions, Suits, or Proſecutions whatſoever, to be commenced or proſecuted for any Breach of Contract or other Agreement between ſuch Proprietor or Proprietors ſo forfeiting, and the Reſt of the ſaid Company of Proprietors, with regard to carrying on the ſaid intended Navigation.

Committee to manage the Affairs of the Company.

Proprietors to pay their Calls when required, under Penalty for Default.

If not paid within Two Months, then to forfeit their Shares.

No Forfeiture to take place unleſs declared ſuch at a General Meeting.

XXXVI. And be it further enacted, That the Book and Books in which the Accounts relating to the ſaid Navigation ſhall be ſtated and ſettled,

Books of Accounts to be locked up.

ſettled, ſhall be depoſited and locked up in a Cheſt or Box, Cheſts or Boxes, to be kept at ſuch Place or Places as the ſaid Company of Proprietors or their Succeſſors ſhall from Time to Time direct, and the Committee for the Time being ſhall have the Key or Keys thereof in their Cuſtody or Power, and all and every Proprietor or Proprietors, upon every reaſonable Requeſt, ſhall have free Acceſs to ſuch Book and Books, for his, her, and their Inſpection.

General Aſſembly empowered to remove any of the Committee or Officers, or to revoke any Rules, &c.

XXXVII. And be it further enacted, That the ſaid Company of Proprietors, and their Succeſſors, ſhall always have Power and Authority, at any General Meeting, to remove or diſplace any Perſon or Perſons, choſen upon ſuch Committee as aforeſaid, or any Officer or Officers under them, and to revoke, alter, amend, or change, any of the Rules and Directions herein-before preſcribed and laid down, with regard to their Proceedings amongſt themſelves, as to the major Part of them ſhall ſeem meet, (the Method of calling General Meetings, and fixing their Time and Place of meeting, and voting, and appointing Committees, only excepted); and ſhall have Power to make ſuch new Rules, Bye Laws, and Orders, for the good Government of the ſaid Company of Proprietors, for the good and orderly uſing the ſaid Navigation and Locks, and for the well governing the Bargemen, Workmen, Boatmen, and others, who ſhall carry any Goods, Wares, and Merchandizes, upon any Part of the ſaid Navigation, and to impoſe and inflict ſuch general Fines and Forfeitures upon the Breakers of ſuch new Rules, Bye Laws, or Orders, as to the major Part of ſuch General Aſſembly ſhall ſeem meet, not exceeding the Sum of Ten Pounds for any One Offence, ſuch Fines and Forfeitures to be recovered by ſuch Ways and Means as are herein-after mentioned; which ſaid Rules, Bye Laws, and Orders, being firſt put into Writing, under the Common Seal of the ſaid Company, ſhall be binding to, and obſerved by, all Parties, and ſhall be ſufficient, in any Court of Law or Equity to juſtify all Perſons who ſhall act under the ſame.

to make Bye Laws.

Executors, Adminiſtrators, and Guardians.

XXXVIII. Provided always, and be it further enacted, That if any Proprietor or Proprietors of any Share and Shares in the ſaid Undertaking ſhall die before ſuch Call or Calls 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 and Shares ſhall be diſpoſed of, and the Money paid in upon Calls for the future, then and in ſuch Caſe the Executors and Adminiſtrators of any ſuch Proprietor ſo dying, and the Truſtee or Truſtees, Committee or Committees, Guardian or Guardians, of any Infant or Infants, or other Perſon or Perſons whomſoever, entitled to the Eſtate and Effects of ſuch Proprietor deceaſed, ſhall be indemnified againſt all and every ſuch Infant and Infants, and other Perſons whomſoever, for paying any ſuch Sum or Sums of Money when called for to complete any ſuch Subſcription; and if any Proprietor deceaſed ſhall not have left Aſſets ſufficient, or in caſe the Executor or Adminiſtrator, Truſtee or Truſtees, Guardian or Guardians, ſhall neglect or refuſe 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 of the Share and Shares of ſuch Proprietor deceaſed, on Condition that he,

If a Deficiency of Aſſets, or Executors, &c ſhall not anſwer Calls, other Perſons may be Proprietors of Shares, on

ſhe, or they, ſo admitted, do and ſhall, on or before ſuch Admiſſion, pay to the Executors or Adminiſtrators of ſuch deceaſed Proprietor, or the Truſtee or Truſtees, Committee or Committees, Guardian or Guardians, of the Perſon or Perſons entitled to his or her Effects, the full Sum and Sums of Money which ſhall have been paid by ſuch deceaſed Proprietor, in his or her Lifetime by virtue of any Call or Calls, or otherwiſe, upon ſuch Share or Shares, or ſuch other Sum or Sums of Money as the ſame can be ſold for. Payment of the Money advanced.

XXXIX. And be it further enacted, That it ſhall and may be lawful to and for any of the ſaid Proprietors of the ſaid Navigation, from Time to Time to ſell and diſpoſe of any Share or Shares, he, ſhe, or they, ſhall or may be entitled to therein, ſubject to the Rules and Conditions herein mentioned, and any Purchaſer or Purchaſers ſhall, for his, her, or their Security, as well as that of ſuch Proprietor or Proprietors, have a Duplicate or Duplicates of the Deed of Bargain and Sale, and Conveyance made unto him, her, or them, and executed by ſuch Perſon or Perſons, of whom he, ſhe, or they, ſhall purchaſe the ſame, and alſo by the Purchaſer or Purchaſers; One Part whereof, duly executed both by the Seller and Purchaſer, ſhall be delivered to the ſaid Committee, or to the Clerk to the ſaid Company for the Time being, to be filed and kept for the Uſe of the ſaid Company, and an Entry thereof ſhall be made in a Book or Books to be kept by the ſaid Clerk for that Purpoſe, for which no more than One Shilling ſhall be paid; and the ſaid Clerk is hereby required to make ſuch Entry accordingly; and until ſuch Duplicate of ſuch Deed ſhall be ſo delivered unto the ſaid Committee, and filed and entered as above directed, ſuch Purchaſer or Purchaſers ſhall have no Part or Share of the Profits of the ſaid Navigation, nor any Intereſt for his Share paid unto him, her, or them, or any Vote as a Proprietor or Proprietors. Proprietors enabled to ſell and diſpoſe of their Shares.

XL. And be it further enacted, That after any Call of ſuch Monies ſhall be made by a General Meeting, or ſuch Committee as aforeſaid, no Perſon or Perſons ſhall ſell or transfer any Share which he, ſhe, or they, ſhall then have in the ſaid Undertaking, until ſuch Monies, called for upon their reſpective Share or Shares ſo to be ſold, ſhall be paid, under the Penalty of forfeiting his, her, or their, reſpective Shares of the ſaid Undertaking to the ſaid Company of Proprietors, their Succeſſors and Aſſigns, 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, pay the Money called for on each Share ſo transferred to the Treaſurer of the ſaid Company of Proprietors, ſuch Forfeitures nevertheleſs to be declared at a General Meeting, in Manner before directed, before Advantage be taken thereof. After a Call is made, no Perſon to ſell till ſuch Call is paid.

XLI. And be it further enacted, That the ſeveral Perſons, and Bodies Politick and Corporate, who have ſubſcribed or ſhall hereafter ſubſcribe to advance any Money for and towards making and maintaining the ſaid Navigation, ſhall and they are hereby required to pay the ſaid Sum and Sums of Money by them reſpectively ſubſcribed, and engaged to be advanced, or ſuch Parts or Proportions thereof as ſhall from Time to Time be called for by the ſaid Company of Proprietors, or their Succeſſors, or the ſaid Committee, under and by virtue of the Powers and Directions Power to compel Payment of Subſcriptions.

Directions of this Act; and in case any Person, or Body Politick or Corporate, shall neglect or refuse to pay the same at the Time and in the Manner required for that Purpose, it shall and may be lawful for the said Company of Proprietors, or their Successors, to sue for and recover the same in any Court of Law or Equity.

Regulations as to the Acquisition of Shares.

XLII. And whereas much Inconvenience may arise by the frequent Transfer and Sale of the Right and Title to the Shares of and in the said Undertaking, by the Marriage and Death of Proprietors; and it may be difficult in such Cases to ascertain to whom the Dividends arising or becoming due upon such Shares ought to be paid, and do belong; be it therefore further enacted, That before any Person or Persons who shall claim any Part or Share of the Profits of the said Undertaking in Right of Marriage, shall be entitled to receive the same, an Affidavit containing a Copy of the Register of such Marriage, or the Effect of such Register, shall be made and sworn to by some credible Person, before One of the Judges at *Westminster*, a Master or Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, and shall be transmitted to the Clerk to the same Company for the Time being, who shall file the same, and make an Entry thereof in the Book or Books which shall be kept by the said Clerk for the Entry of Transfers and Sales of Shares in the said Undertaking; and that before any Person or Persons who shall claim any Part or Share of the Profits of the said Undertaking, by virtue of any Bequest or Will, or in a Course of Administration, shall be entitled to receive the same, the said Will, or the Probate Copy thereof, shall be produced and shewn to the said Clerk or Clerks, or an Affidavit containing a Copy of so much of such Will as shall relate to the Share or Shares of the Testator, or of the Letters of Administration, in case the Proprietors shall have died intestate, shall be made and sworn to by an Executor or Executors of such Will, or by an Administrator or Administrators of the Intestate, (as the Case may happen to be), in Manner herein-before mentioned, and shall also be transmitted to the said Clerk, who shall file and enter the same in Manner herein-before mentioned:

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

XLIII. And, for the better Security of the several Proprietors of the said Undertaking, in respect to their several Shares therein, be it further enacted, That the said Company of Proprietors shall and are hereby required, at their Second General Meeting, to cause the Names and proper Additions of the several Persons who shall be entitled to Shares in the said Undertaking, with the Number of Shares to which they are respectively entitled, and also the proper Number by which every such Share shall be distinguished, to be fairly and distinctly entered in a Book to be kept by the said Company of Proprietors, and after such Entry to cause their Common Seal to be affixed thereto; and shall also cause as many Tickets or Instruments to be prepared as there are Shares in the said Undertaking, bearing respectively the corresponding Numbers in the said Book, with the Common Seal of the said Company affixed to each said Ticket, and to cause to be delivered to every such Subscriber, upon Demand, a Ticket or Tickets, specifying the Share or Shares to which he or she is entitled in the said Undertaking, every such Proprietor paying to the Clerk Two Shillings and no more, for every such Ticket or Instrument; and every such Ticket or Instrument shall be admitted

in all Courts whatsoever, as Evidence of the Title of such Subscriber, his or her Executors, Administrators, and Assigns, to the Shares therein specified, but the Want of any such Ticket or Instrument shall not hinder or prevent the Owner of any of the said Shares from selling or disposing thereof.

XLIV. And be it further enacted, That the Conveyance for the Sale of the said Shares respectively shall be in the following Form; (*videlicet*);

Form of Conveyance of Shares.

'I *A. B.* in Consideration of paid to me by *C. D.*, do hereby bargain, sell, and transfer, to the said *C. D.* his Executors, Administrators, and Assigns, Shares [*or* Share, *as the Case may be*], of the Undertaking of the Navigation from *Ivelchester* to *Langport*, to hold to him the said *C. D.*, his Executors, Administrators, and Assigns, subject to the same Rules and Orders, and on the same Conditions, that I held the same before the Execution hereof; and I the said *C. D.* do hereby agree to accept of the said Shares [*or* Share] of the said Undertaking; subject to the same Rules, Orders, and Conditions. Witness our Hands and Seals, the Day of in the Year of our Lord

XLV. And be it further enacted, That if any Person or Persons shall wilfully, maliciously, and to the Prejudice of the said Navigation, break, throw down, damage, or destroy, any Bridge, Bank, Gates, Fence, Towing Path, or Lock, or other Work or Works, belonging to the said Navigation, or to the said Company of Proprietors, such Person or Persons, being thereof convicted, shall be subject and liable to such Punishment as Persons convicted of Felony are by the Laws in being subject and liable to.

Persons wilfully destroying the Works to be punished as Felons.

XLVI. And be it further enacted, That if any Person or Persons shall wilfully and maliciously do any Hurt or Mischief to, or obstruct, hinder, or prevent, the carrying on, completing, supporting, or maintaining, the said Navigation, or any Work or Works hereby authorized to be made, or shall wilfully or maliciously waste the Water, to the Prejudice of the said Navigation, and shall be thereof convicted before any Two Justices of the Peace of the said County of *Somerset*, on the Oath of One or more credible Witness or Witnesses, every Person so offending shall forfeit any Sum not exceeding Five Pounds, nor less than Forty Shillings, or shall be committed to the House of Correction for that Part of the County where the Offence shall be committed, for any Time not exceeding One Calendar Month, at the Discretion of the Justices before whom such Offender shall be convicted.

Penalty on obstructing the Navigation.

XLVII. And, for the more easy collecting the Rates and Duties hereby granted, be it further enacted, That the Masters, Owners, and Managers, of every Boat, Barge, or other Vessel, navigating upon the said Parts of the said River and Drain, hereby authorized to be made navigable, or the said intended Cut, shall give a just Account in Writing, signed by the Master, Owner, or Person, having the Rule or Command of every such Boat, Barge, or other Vessel, to the Collector or Collectors of the said Rates and Duties, at the Place or Places where they shall attend for that Purpose, of what Quantities of Goods shall be in or belonging

Masters of Vessels to give an Account of their Lading.

longing to each Boat, Barge, or other Veſſel, from whence brought and where they intend to land the ſame; and in caſe they neglect or refuſe to give ſuch Account, or ſhall give a falſe Account, or ſhall deliver any Part of their Lading or Goods at any other Place or Places than what ſhall be mentioned in that Account, they ſhall forfeit and pay to the ſaid Company of Proprietors the ſeveral Sums or Penalties following; (that is to ſay), If the ſaid Maſter, Owner, Manager, or Perſon having the Rule or Command of any ſuch Boat, Barge, or other Veſſel, navigating as aforeſaid, ſhall refuſe to give ſuch Account as herein-before mentioned, he ſhall forfeit and pay the Sum of Ten Shillings for each and every Ton of Goods which ſhall be in ſuch Boat or Veſſel reſpectively, of which ſuch Account ſhall be ſo refuſed to be given; and in caſe he ſhall give a falſe Account, then and in ſuch Caſe he ſhall forfeit and pay the Sum of Twenty Shillings on each and every Ton exceeding the Number of Tons mentioned and contained in ſuch Account ſo delivered and given purſuant to the Directions of this Act, and alſo the like Sum of Twenty Shillings for every Ton which ſhall be delivered at any other Place or Places than what ſhall be mentioned in the ſaid Account in Writing, ſo to be delivered in as aforeſaid, over and above the reſpective Rates and Duties he ſhall be obliged to pay for the ſame; and in caſe of Neglect or Refuſal, or Denial of Payment, on Demand made of ſuch Forfeiture or Forfeitures before mentioned, or any Part thereof, to the ſaid Company of Proprietors, or their Succeſſors, then and in every ſuch Caſe the ſame ſhall be recovered and levied in ſuch Manner and by ſuch Methods as the ſaid Rates and Duties hereby granted are herein-before directed and appointed to be recovered and levied.

Penalty on Refuſal.

Penalty on giving a falſe Account.

Cargoes of Veſſels to be weighed, in caſe of any Difference reſpecting the Weight.

XLVIII. And be it further enacted, That if any Difference ſhall ariſe between any Collector of the ſaid Rates and Duties and the Maſter or Perſon having the Charge of any Boat, Barge, or Veſſel, or the Owner or Owners of any Goods, Wares, and Merchandizes, concerning the Weight and Quantity of ſuch Goods, Wares, or Merchandizes, it ſhall and may be lawful for any ſuch Collector to ſtop and detain any ſuch Boat, Barge, or Veſſel, and thereupon cauſe to be weighed all ſuch Goods, Wares, and Merchandizes, as ſhall be therein contained; and in caſe the ſame ſhall upon ſuch Weighing appear to be of greater Weight than ſuch Maſter, Owner, or Perſon, having the Care of the ſaid Boat, Barge, or Veſſel, affirmed the ſame to be, then the Maſter, Owner or Owners, Perſon or Perſons ſo affirming, ſhall pay the Coſts and Charges of ſuch Weighings, and all ſuch Coſts and Charges, upon Refuſal of Payment thereof upon Demand, ſhall and may be recovered and levied as the ſaid Rates and Duties are hereby appointed to be recovered and levied; but if ſuch Goods, Wares, and Merchandize, ſhall appear to be of the ſame or leſs Weight than the Maſter, Owner, or Perſon, ſo declared the ſame to be, then the Collector or Collectors ſhall pay the Coſts and Charges of ſuch Weighing, and ſhall alſo pay to ſuch Maſter or Perſon, or to the Owner or Owners of ſuch Goods, Wares, and Merchandizes, ſuch Damages as ſhall appear to any Juſtice or Juſtices of the Peace for the ſaid County of *Somerſet*, on the Oath of One or more credible Witneſs or Witneſſes, to have ariſen from or by ſuch Detention; and in Default of immediate Payment thereof by the Collector, the ſame ſhall be recovered from the Company or their Succeſſors, by Action of Debt, in any of His Majeſty's Courts of Record at *Weſtminſter*.

By whom Expence of weighing and meaſuring to be paid.

XLIX. And,

XLIX. And, for the better regulating the Maſters of Boats or Barges, and the Bargemen and others employed by or under them reſpectively, be it further enacted, That every Maſter or Perſon having the Rule or Command of any Boat, Barge, or other Veſſel, paſſing on the ſaid Navigation, ſhall cauſe the progreſſive Number of his, her, or their Boat, Barge, or Veſſel, to be painted White on the Outſide of each of the Sides of every ſuch Boat, Barge, or Veſſel, higher than the ſame ſhall ſink into the Water when fully loaded; and ſhall alſo permit and ſuffer, whenever thereto required, every ſuch Boat, Barge, or other Veſſel, to be meaſured at the Expence of the ſaid Company of Proprietors, by ſuch Perſon or Perſons as ſhall be appointed by them for that Purpoſe; and ſhall alſo, at his and their own Expence, fix or cauſe to be fixed on each Side of every ſuch Boat, Barge, or other Veſſel, correct Indexes of Copper, Lead, or other Metal, of ſuch graduated Figures, and Diſtances of Weight or Tonnage, and under ſuch Regulations, as the ſaid Company of Proprietors, their Succeſſors or Aſſigns, ſhall from Time to Time direct and appoint, ſo that the true Weight of the Lading of every ſuch Boat, Barge, or other Veſſel, may at all Times clearly appear or be aſcertained; and every Maſter, Owner, or other Perſon, having the Rule or Command of any Boat, Barge, or other Veſſel, who ſhall refuſe or neglect to put and renew, as often as neceſſary, a progreſſive Number of his or their Boat or Veſſel, Boats or Veſſels, or both or either of the Indexes herein-before directed, on every ſuch Boat, Barge, or other Veſſel, in Manner aforeſaid, or ſhall deface, eraſe, or deſtroy, any Letter, Figure, or Index, deſcribing ſuch Number of Veſſel and Tonnage therein as aforeſaid, or ſhall refuſe to have his or their reſpective Boats or Veſſels weighed or meaſured as aforeſaid, he or they ſhall for every ſuch Offence reſpectively forfeit and pay to the ſaid Company of Proprietors a Sum not exceeding Five Pounds, nor leſs than Forty Shillings.

Names of the Maſters to be painted on the Veſſels.

Veſſels may be meaſured at any Time, at the Expence of the Company.

Graduated Figures to be painted on the Veſſels.

Penalty for Neglect.

L. And be it further enacted, That the Maſter or Owner of every Boat, Barge, or other Veſſel, navigating within the Limits of the ſaid Navigation, ſhall be and is hereby made anſwerable for any Damage, Spoil, or Miſchief, that ſhall be done by his Boat, Barge, or other Veſſel, or by any of the Boatmen, Bargemen, Watermen, or Servants, belonging to, or employed in or about the ſame reſpectively, unto any of the Bridges, Weirs, Locks, Dams, Towing Paths, Banks, Gates, or other Works, in, upon, or near the ſaid Parts of the ſaid River and Drain hereby authorized to be made navigable, and the ſaid intended Cut, or by loading or unloading any Boat, Barge, or other Veſſel, or by leaving open any Gates on the Towing Paths, or for any Treſpaſs or Damage that ſhall or may be done to the Owners or Proprietors of any Buildings, Erections, Lands, Tenements, Hereditaments, Property, and Things adjoining, or at any Time lying or being near to the ſame, or any of them, contrary to the ſeveral Directions and Reſtrictions contained in this Act; and the ſaid Maſter or Owner of ſuch Boat, Barge, or other Veſſel, ſhall and may be ſued and proſecuted for the ſame in any Court of Record whatſoever, and if found guilty, or a Verdict paſs againſt him, or Judgement be given againſt him upon Demurrer or by Default, the Plaintiff or Plaintiffs in ſuch Caſe ſhall and may recover his, her, or their Damages, with full Coſts of Suit; and every ſuch Boatman, Bargeman, Waterman, or Servant, ſhall be liable to repay

Owners of Veſſels accountable for Damage done by their Bargemen, &c.

such Damages and Costs to such Master or Owner, and in case of Non-payment thereof on Demand the same shall be recovered in the Manner as any Penalty is herein directed to be recovered; and that all Persons navigating any Boats, Barges, or other Vessels, shall, upon meeting any other Boat, Barge, or Vessel, stop at, or go back to, and lie in the Spaces or Places to be made for that Purpose as herein-before is mentioned, in such Manner as the said Company, or the major Part of them assembled as aforesaid, shall, under their Common Seal, direct and appoint.

Penalty on Bargemen suffering the Water to remain in any Lock longer than is necessary, and not properly opening and shutting the Gates of the Lock.

LI. And be it further enacted, That no Boatman, Bargeman, or other Person navigating any Boat, Barge, or Vessel, upon the said Navigation, and passing through any Lock to be made upon the said Navigation, shall suffer the Water to remain in the Lock longer than shall be necessary for his Boat, Barge, or other Vessel, to pass through any such Lock; and also that every such Boatman, Bargeman, or other Person as aforesaid, in going down the said Navigation, shall shut the lower Gates of such Lock before he or they shall draw the Cloughs of the upper Gates thereof, and after he or they shall have brought his or their Boat, Barge, or other Vessel, into the said Lock, shall shut close the upper Gates, before he or they shall draw the Cloughs of the lower Gates thereof; and in going up the said Navigation shall, as soon as he or they shall have passed with his or their Boat, Barge, or other Vessel, out of the said Lock, shut the upper Gates of the said Lock, and afterwards draw the Cloughs of the lower Gates, unless there shall be then a Boat, Barge, or other Vessel, in Sight from the said Lock, coming down the said Navigation, in which Case the lower Gates of the said Lock shall be left shut, and the upper Gates shall be left open; and that in all dry Seasons, whenever there shall be a Scarcity of Water in the said Navigation, the Vessel going up the same, if within Sight from or within the Distance of Three hundred Yards below any Lock, shall pass through such Lock before the Boat, Barge, or other Vessel, coming down, and then the Boat, Barge, or other Vessel, next above shall come down; and whenever in such dry Seasons there shall be a Scarcity of Water, and there shall be more Boats, Barges, or other Vessels, than One below and above any Lock at the same Time, within the Distance aforesaid, (at which Distance a Post or Mark shall be set up and made), such Boats, Barges, or other Vessels, shall go up and come down by such Lock by Turns as aforesaid, till all the other Boats, Barges, or other Vessels, within such Distance going up or coming down shall have passed, by which Means One Lock-full of Water may serve Two or more Boats, Barges, or other Vessels; and every Person offending in all or any of the Cases aforesaid, and being convicted thereof before any Justice or Justices of the Peace of the County of *Somerset*, upon the Oath of One or more credible Witness or Witnesses, shall, for every such Offence respectively, forfeit and pay any Sum not exceeding Five Pounds.

Penalty on Persons wilfully placing their Vessels so as to obstruct the Navigation.

LII. And be it further enacted, That if any Boat, Barge, or other Vessel, shall be placed in any Part of the said Navigation, so as wilfully to obstruct the same, 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 and pay any Sum not exceeding Five Pounds, nor less than Forty Shillings, for every Hour such

Obſtruction ſhall continue; and it ſhall be lawful for any of the Agents or Servants of 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 to prevent ſuch Obſtruction in the Navigation, and to ſeize and detain ſuch Boat, Barge, or other Veſſel, and the Loading thereof, or any Part of ſuch Loading, until the Charges occaſioned by ſuch Removal, and alſo by ſuch Unloading, ſhall be paid; and if any Boat, Barge, or other Veſſel, ſhall be ſunk in the ſaid Navigation, and the Owner or Owners, Perſon or Perſons having the Care of ſuch Boat, Barge, or Veſſel, ſhall not, without Loſs of Time, weigh or draw up the ſame, it ſhall and may be lawful for any of the Servants or Agents of the ſaid Company of Proprietors to cauſe ſuch Boat, Barge, or other Veſſel, to be weighed or drawn up, and to detain and keep the ſame until Payment be made of all the Expences neceſſarily occaſioned thereby, or anyways relating thereto.

Veſſels ſunk may be weighed by the Company at the Expence of the Owners.

LIII. And be it further enacted, That if any Perſon or Perſons ſhall float any Timber upon the ſaid Navigation, or load any Boat, Barge, or other Veſſel, with Timber, ſo that the ſame ſhall lie over the Sides or Ends of ſuch Boat, Barge, or other Veſſel, ſo laden, or ſhall overload any Boat, Barge, or other Veſſel, navigating in or upon the ſaid Navigation, or ſhall put any Boat, Barge, or other Veſſel, when unloaded, into the ſaid Navigation, ſo as to obſtruct the Paſſage of any other Boat, Barge, or other Veſſel, and ſhall not immediately upon Notice given to him or them for that Purpoſe, remove ſuch Obſtruction, or if any Perſon or Perſons ſhall throw any Ballaſt, Gravel, Stones, Pieces of Timber, or Rubbiſh, into any Part of the ſaid Navigation, or any Trenches or Water-courſes to be made or maintained by virtue of this Act, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on Perſons obſtructing;

LIV. And be it further enacted, That if any Boatman or Bargeman, or his Agent or Servant, or any other Perſon or Perſons employed in navigating, or towing or drawing any Boat, Barge, Lighter, or other Veſſel, upon the ſaid Navigation, ſhall at any Time do any Hurt, Damage, Spoil, or Deſtruction, to any Corn, Graſs, or any Lands or Tenements near and adjoining to the ſaid Navigation, or the Towing Path or Way to be ſet out as aforeſaid, every Perſon ſo offending, and being convicted thereof before any Juſtice or Juſtices of the Peace of the County of *Somerſet*, upon the Oath of One or more credible Witneſs or Witneſſes, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Twenty Pounds.

and on Perſons damaging Corn, &c.

LV. And be it further enacted, That it ſhall be lawful to and for the Lord or Lords, Lady or Ladies, of any Manor or Manors, and the Owner or Owners of any Waſtes, Lands, or Grounds, through or by which the ſaid Parts of the ſaid River and Drain, hereby authorized to be made navigable, and the ſaid Cut, do or ſhall paſs, to build, conſtruct, or uſe any Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouſes, in or upon his, her, or their reſpective proper Waſtes, Lands, and Grounds adjoining or near to the ſaid Navigation and Cut, or any Part thereof, and to land any Goods or Merchandize, or other Things, upon ſuch Wharfs, Quays, or Landing Places, or upon the Banks

Lords of Manors and Land Owners may erect Wharfs, &c.

Bank lying between the same and the said Navigation and Cut, without the Molestation or Hindrance of the said Company of Proprietors, or any other Person or Persons whomsoever, and to make and use proper and convenient Places for Boats and other Vessels to lie and turn in, and pass by each other, and may lay out and make proper and convenient Ways and Roads upon their said Wastes, Lands, and Grounds, to and from the said Navigation and Cut, so that the making, constructing, or using thereof respectively, shall not obstruct or prejudice the said Navigation or Cut, or any Part thereof, or the Towing Paths on the Sides thereof respectively; and all Rates which shall be paid for the Use and Benefit of the said Wharfs, Quays, Landing Places, Cranes, Weigh Beams, and Warehouses, shall be and are hereby vested in such Lord or Lords, Lady or Ladies, of such Manor or Manors, or in the Owner or Owners of such Lands or Grounds, who shall make, construct, and erect the same respectively as aforesaid, and in his, her, and their respective Heirs and Assigns, as his, her, or their Title to and Estate in the said Wastes, Lands, or Grounds respectively may be, so that the Rates herein-before granted to the said Company of Proprietors shall not be thereby reduced or altered.

but if not done within a certain Time, Proprietors may build.

LVI. Provided always, and be it further enacted, That if any such Lord, Lady, or Land Owner, within the Space of Six Calendar Months next after Notice given in Writing to him or her, or left at his or her usual Place of Abode, by or on Behalf of the said Company of Proprietors, that any Part or Parts of such Lands, Grounds, or Wastes, is or are intended to be used by them for the Purpose of making and erecting Wharfs, Warehouses, Buildings, or other Conveniences as aforesaid, for the Use of the said Navigation, or for laying out and making necessary and convenient Roads for the Conveyance of Goods to and from the same, shall not lay out, construct, and make, and from Time to Time maintain and keep in good and substantial Repair, such proper and sufficient Wharfs, Warehouses, Buildings, Roads, and other Conveniences as aforesaid, for the Use of the said Navigation, as the said Company of Proprietors shall think necessary on the respective Parts of the Lands, Grounds, or Wastes, described in such Notice, then and in such Case the said Company of Proprietors shall have full Power and Authority, without any Hindrance or Restraint whatsoever, to make use of such Lands, Grounds, or Wastes, (not being the Ground whereon any House or other Building stands, or any Orchard, Garden, Park, Paddock, planted Walk, Nursery for Trees, or an Avenue to any House) for erecting and constructing proper and sufficient Wharfs, Warehouses, Buildings, and other Conveniencies as aforesaid, and for laying out and making necessary and convenient Roads to and from the said Navigation and Cut, agreeably to such Notice to be delivered as aforesaid, they the said Company of Proprietors first making Satisfaction for the same in such Manner as is herein-before directed with respect to other Lands or Grounds which shall be taken or used for the Purposes of this Act; but nothing herein contained shall authorize the said Company to make any Wharf until Six Calendar Months Notice shall be given to the Owner or Owners of the Land on which such Wharf is intended to be made.

The Company of Proprietors, and others,

LVII. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Company of Proprietors

prietors, or any other Perſon or Perſons, to make uſe of any Wharf, Quay, Landing Place, Crane, Weigh Beam, or Warehouſe, which ſhall be ſet out, erected, or made, by the Lord or Lords of any Manor, or the Owner or Owners of any Waſte Lands or Grounds adjoining, or near to the ſaid intended Navigation or Cut, for his, her, or their private excluſive Uſe only, nor to ſet up, or erect, any Cranes or Weighing Machines, in or upon any ſuch Wharf, Quay, or Landing Place, without the Conſent of ſuch Lord or Lords, Owner or Owners, any Thing herein-before contained to the contrary notwithſtanding.

not to uſe private Wharfs.

LVIII. And be it further enacted, That from and after the ſaid Navigation ſhall be completed, and the Banks adjoining thereto are amended and raiſed by virtue and under the Authority of this Act, the ſeveral Owners and Proprietors thereof ſhall, as often as Occaſion requires, amend, ſuſtain, and keep the ſame repaired with Materials fit and proper for the Purpoſe; and that whenever it ſhall happen that any Part of the Expences occaſioned thereby ſhall have been incurred by or in Conſequence of an Alteration of the ſaid Banks, or of other Works done or conſtructed for the Purpoſes of the ſaid Navigation, the ſaid Company of Proprietors ſhall, and they are hereby required to defray ſuch Proportion of the ſaid Expences; and in caſe the Owner or Owners of ſuch Banks, and the ſaid Company of Proprietors, cannot agree upon the Sum to be paid, the ſame ſhall be ſettled and determined by any Two of His Majeſty's Juſtices of the Peace acting in and for the ſaid County of *Somerſet*, who upon Application made to them by any of the ſaid Parties from Time to Time for that Purpoſe, ſhall, and they are hereby empowered and required to enquire into the Matter in Diſpute in a ſummary Way, and to examine Witneſſes upon Oath, (which Oath any One of the ſaid Juſtices is hereby empowered to adminiſter), and to award and order what Proportion of the ſaid Expences ſhall be paid by the ſaid Company of Proprietors, and their Determination therein ſhall be final, unleſs the Party diſſatisfied therewith ſhall appeal to the General Quarter Seſſions of the Peace to be held for the ſaid County, within Three Calendar Months next after the Order of the ſaid Two Juſtices; and the Determination of the Juſtices at the ſaid Quarter Seſſions ſhall be final and concluſive upon all Parties, and in caſe of Nonpayment of the Sum ſo awarded, (Demand being made thereof), the ſame ſhall and may be recovered and levied in ſuch Manner as the Sum or Sums of Money for Recompence or Damage to the Owners or Occupiers of Lands are by this Act directed and appointed to be recovered and levied.

Directing in what Manner the Banks ſhall be repaired.

LIX. Provided always, and be it further enacted, That in improveing the Navigation of the ſaid River and Drain, the ſaid Company of Proprietors ſhall, and they are hereby required to make, or cauſe to be made, and for ever after keep in Repair, ſuch Arches, Tunnels, Drains, or other Paſſages, over or under, or into the ſaid Navigation, and alſo ſuch Embankments, as in the Opinion of a Surveyor, to be jointly appointed by the ſaid Company of Proprietors, and the Perſon or Perſons intereſted, or of Two Surveyors, to be by them reſpectively appointed, or of an Umpire, who they are hereby directed to appoint, in caſe they ſhould not agree in Opinion, ſhall be ſufficient to prevent the adjoining Lands from being ſubject to be overflowed, or in any other Manner injured

To prevent Injury to adjoining Lands.

injured by Means of any Works to be carried on for improving the Navigation of the ſaid River or Drain.

Rates may be let for Three Years.

LX. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, and they are hereby authorized and empowered, at any of their General Meetings, by Writing under their Common Seal, at any Time or Times, to let to Farm the Rates hereby made payable, or any Part or Parts thereof upon the Whole or any Part or Parts of the ſaid Navigation, unto any Perſon or Perſons for any Time or Term they ſhall think proper, not exceeding Three Years from the Commencement of any Leaſe; and every ſuch Leaſe ſhall be valid and effectual, and the Leſſee or Leſſees thereof, and alſo ſuch Perſon or Perſons as ſuch Leſſee or Leſſees ſhall appoint to collect and receive the Rates ſo let, ſhall during the Continuance of every ſuch Leaſe be deemed Collectors of the Rates ſo let, and ſhall have the ſame Power and Authority for collecting and recovering the ſame as if they had been appointed for that Purpoſe by the ſaid Company of Proprietors, provided publick Notice of the Intention to let the ſaid Tolls, or any Part thereof, be given by Advertiſement publiſhed in ſome publick Newſpaper for the County of *Somerſet*, at leaſt Twenty-one Days prior to any ſuch General Meeting at which the ſaid Rates, or any Part thereof, are propoſed to be let as aforeſaid.

Reſervation for Commiſſioners of Sewers.

LXI. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to leſſen or take away, in any Reſpect whatſoever, the Power of the preſent or any future Commiſſion of Sewers for the ſaid County of *Somerſet*, but that the ſame ſhall continue in full Force and Effect, and the Commiſſioners of Sewers for the Time being ſhall have the ſame Power over the ſaid Parts of the ſaid River and Drain hereby authorized to be made navigable, and all Dikes, Drains, Trenches, Sewers, Banks, and other Works, in or upon the ſame, within the Limits appointed, or lawfully to be appointed by the preſent or any Commiſſion of Sewers hereafter to be granted for the ſame County, or ſuch Part thereof wherein the ſaid Parts of the ſaid River and Drain, and the ſaid Works, do or may lie, as ſuch Commiſſioners would have had in caſe this Act had not been made: Provided that the ſaid Commiſſioners ſhall do no Act which ſhall prejudice the Navigation hereby intended to be improved and completed, or which ſhall be formed under the Authority of this Act.

Company to erect Bridges over the Navigable Cut, and to repair ſame.

LXII. Provided always, and be it further enacted, That the ſaid Company of Proprietors, and their Succeſſors, ſhall, at their own Coſts and Expences, make and erect over the ſaid Navigable Cut ſuch Bridge or Bridges as may be thought neceſſary for the Convenience of the Owners, Proprietors, and Occupiers of the Lands through which the ſaid Navigable Cut ſhall be made, and ſhall, at all Times for ever repair and keep in Repair ſuch Bridge and Bridges at their own proper Coſts and Charges, or make Recompence for the ſame.

If neceſſary to rebuild *Little Bow Bridge*, the ſame to be kept in Repair

LXXIII. And be it further enacted, That if the ſaid Company of Proprietors, or their Succeſſors, ſhall find it neceſſary, for the Purpoſes of the ſaid Navigation, to pull down or alter the preſent Bridge in the

Town of *Langport* aforesaid, called *Little Bow Bridge*, the same shall be again rebuilt or altered, at their proper Costs and Charges, in a firm and substantial Manner; but they shall not, on Account of having rebuilt or altered the same, be liable or chargeable with the future Repairs thereof, but the same shall be repaired and kept in Repair by the Corporation of the Borough of *Langport*, who are now bound by Prescription to repair the same; and nothing in this Act contained shall extend, or be construed to extend, to take away or lessen the Toll claimed or taken by the said Corporation for the passing over the said Bridge, or the aforesaid other Bridge called *Great Bow Bridge*.

by *Langport* Corporation, without Prejudice to the Tolls they are entitled to.

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

Proprietors may make future Applications to Parliament to open other Communications.

LXV. And be it further enacted, That all Fines and Forfeitures imposed by this Act, or which shall be imposed by any Rule, Order, or Bye Law, to be made in pursuance thereof, the levying and Recovery of which Fines and Forfeitures are not particularly herein-before directed, shall, in case of Nonpayment thereof, on Conviction of the Offenders respectively, be recovered by Distress and Sale of the Goods and Chattels of the Offenders, by Warrant under the Hand and Seal of any Justice of the Peace for the County or Place wherein the Offence shall be committed, or the Offender shall be or reside, and such Justice is hereby authorized and required to examine Witnesses on Oath, and hear

Recovery and Application of Fines and Forfeitures.

hear and determine the ſame; and all ſuch reſpective Fines and Forfeitures, the Application whereof is not herein-before particularly directed, ſhall be paid into the Hands of the Treaſurer, or the Clerk to the ſaid Company of Proprietors, and ſhall be applied and diſpoſed of for the Uſe of the ſaid Company, and the Overplus of the Money raiſed by ſuch Diſtreſs and Sale, after deducting the Fine or Forfeiture, and the Expences thereof, ſhall be rendered to the Owner of the Goods and Chattels ſo diſtrained; and for Want of ſufficient Diſtreſs, or the Fine or Forfeiture ſhall not be forthwith paid, it ſhall be lawful for any ſuch Juſtice, by Warrant under his Hand and Seal, to commit ſuch Offender to the Common Gaol of the County or Place where ſuch Offence ſhall be committed, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unleſs ſuch Fine or Forfeiture, and all reaſonable Charges attending the Recovery thereof, ſhall be ſooner paid and ſatisfied.

Perſons aggrieved by Irregularity in Diſtreſs to recover only the Special Damages.

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

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

Form of Conviction.

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

Perſons aggrieved may appeal to the Quarter Seſſions.

LXVIII. And be it further enacted, That any Perſon or Perſons thinking himſelf, herſelf, or themſelves, aggrieved by any Rule, Bye Law, or Order, of the ſaid Company of Proprietors, or by any Order, Judgement, or Determination, of any Juſtice or Juſtices of the Peace, may, within Four Calendar Months after ſuch Rule, Bye Law, Order, Judgement, or Determination, ſhall have been made (firſt giving Ten Days Notice of the Complaint to the Perſon or Perſons againſt whom the ſame is intended to be made) complain to the Juſtices of the Peace at the General Quarter Seſſions to be held in and for the County in which the Cauſe of Appeal ſhall ariſe, which Juſtices ſhall in a ſummary Way, either hear and determine the ſaid Complaint at ſuch General Quarter Seſſions, or if they think proper may adjourn the Hearing thereof to the next General

Quarter Seſſions of the Peace to be held for ſuch County, and the ſaid Juſtices may, if they ſee Cauſe, mitigate any Forfeiture or Fine, and may order any Money to be returned which ſhall have been levied in purſuance of ſuch Rule, Bye Law, Order, or Determination, and may alſo order ſuch further Satisfaction to be made to the Party injured as they ſhall judge reaſonable; but no Proceedings to be had and taken in purſuance of this Act ſhall be quaſhed or vacated for Want of Form or be removed by *Certiorari*, or by any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter* or elſewhere, any Law or Statute to the contrary notwithſtanding.

Perſons giving falſe Evidence to be puniſhed for Perjury.

LXIX. And be it further enacted, That all and every Perſon and Perſons who in any Examination to be taken by virtue of this Act ſhall give falſe Evidence before the Company of Proprietors, or any of them, or the Committee aforeſaid, or before any Juſtice or Juſtices of the Peace, ſhall and may be proſecuted for the ſame, and upon Conviction thereof ſhall be ſubject to ſuch Puniſhments and Diſqualifications as any Perſon or Perſons can or may be ſubject to for wilful and corrupt Perjury, by any of the Laws or Statutes of this Realm.

Limitation of Actions.

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

General Iſſue.

Treble Coſts.

Manerial Rights reſerved.

LXXI. Provided always, and be it further enacted, That nothing herein contained ſhall extend or be conſtrued to extend, to prejudice, affect, defeat, or diminiſh, the Rights or Privileges of any Lord or Lords of any Manor or Manors, or his or their Leſſee or Leſſees, of, in, or to any Royalty or Royalties, or the Right of Fiſhing or Fowling, or any

other Manerial Rights whatſoever, any Thing herein contained to the contrary notwithſtanding, ſo that the Exerciſe of ſuch Royalties or Rights ſhall not interfere with or interrupt the Execution of this Act, or the free Uſe of the ſaid Navigation.

Publick Act. LXXII. 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.

5 FINIS.