ANNO TRICESIMO QUINTO

Georgii III. Regis.

* *

CAP. LXXII.

An Act for making a Navigable Cut from the *Stratford upon Avon* Canal, in the Pariſh of *Lapworth*, into the *Warwick* and *Birmingham* Canal, in the Manor of *Kingſwood*, in the County of *Warwick*.

[19th *May* 1795.]

WHEREAS an Act of Parliament was made, in the Thirty-third Year of the Reign of His preſent Majeſty, *for making and maintaining a Navigable Canal from the* Worceſter *and* Birmingham *Canal Navigation, in the Pariſh of* King's Norton, *into the Borough of* Stratford upon Avon, *and alſo certain Collateral Cuts from the ſaid Canal*; and by the ſaid Act ſeveral Perſons are united and made One Body Politick and Corporate, by the Name and Stile of *The Company of Proprietors of the* Stratford upon Avon *Canal Navigation*, for making the ſaid Canal and Collateral Cuts, and the ſeveral other Works neceſſary for carrying the ſaid Act into Execution: And whereas, by Levels and Surveys lately made and taken, it appears that a Navigable Cut may

Preamble recites Act of 33 *Geo.* III.

may be made from the ſaid *Stratford upon Avon* Canal, in the Pariſh of *Lapworth*, to the *Warwick* and *Birmingham* Canal, in the Manor of *Kingſwood*, in the Pariſh of *Rowington*, in the County of *Warwick*, which will be of great publick Utility; but the ſame cannot be effected without the Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall be lawful for the ſaid Company of Proprietors, and they are hereby authorized and empowered, by virtue of the ſaid recited Act and this preſent Act, by themſelves, their Deputies, Agents, Officers, Workmen, and Servants, to make, complete, and maintain, a Navigable Cut from and out of the ſaid *Stratford upon Avon* Canal, in the Pariſh of *Lapworth*, to join and communicate with the *Warwick* and *Birmingham* Canal, in the ſaid Manor of *Kingſwood*, and alſo to make ſuch Reſervoirs, and to make, erect, execute, do, and perform, all ſuch other Works, Bridges, Matters, and Things, as ſhall be requiſite and convenient for making, completing, uſing, and maintaining, the ſaid intended Cut and Communication and the Navigation thereof, and for ſupplying the ſame with Water, in as full, ample, and beneficial, a Manner, to all Intents and Purpoſes, as the ſaid Company of Proprietors are authorized and empowered to do, execute, and perform, under and by virtue of the ſaid recited Act, with reſpect to the ſaid *Stratford upon Avon* Canal; and the ſeveral Powers, Authorities, Limitations, Privileges, Penalties, Forfeitures, Puniſhments, Proviſions, Matters, and Things, in the ſaid Act contained, for making, completing, preſerving, and maintaining, the Canal, and other Works thereby authorized to be made and done, and for ſupplying the ſame with Water, and for defraying the Expences thereof, ſo far as the Nature and Circumſtances of the Caſe will admit, and for Recovery and Regulation of the Rates thereby granted, ſhall be uſed and exerciſed by the ſaid Company of Proprietors, and ſhall be applied and enforced for making, completing, preſerving, and maintaining, the Cut hereby authorized to be made, and ſupplying the ſame with Water, and alſo for making, erecting, executing, doing and performing, all ſuch other Works, Matters, and Things, as the ſaid Company of Proprietors ſhall think neceſſary or expedient for the Benefit of the ſaid Undertaking, and for defraying the Expences thereof, and for the recovering and regulating of the Rates hereby granted, and that the ſame Perſons who are appointed Commiſſioners for the Purpoſes of the ſaid recited Act, ſhall be Commiſſioners for the Purpoſes of this Act, in like Manner, and as fully and effectually, to all Intents and Purpoſes, as if the ſeveral Powers, Authorities, Limitations, Privileges, Penalties, Forfeitures, Puniſhments, Appointment of Commiſſioners, Matters, and Things, contained in the ſaid recited Act, were repeated and re-enacted in the Body of this preſent Act, and as if the Cut and other Works by this Act intended to be made, completed, and maintained, had been Part of the Canal and other Works by the ſaid recited Act intended to be made, completed, and maintained; and the like Exemptions ſhall be allowed from the Payment of the Rates by this Act granted, for or in reſpect of any Articles which ſhall be navigated, carried, or conveyed, upon the ſaid intended Cut, as are by

Power to make the Cut.

Power of former Act extended to the intended Cut

the ſaid recited Act allowed for or in reſpect of the like Kind of Articles paſſing upon the Canal thereby authorized to be made.

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

II. And whereas a Map or Plan, deſcribing the Line of the ſaid intended Cut, and the Lands through which the ſame is to be carried, together with a Book of Reference, containing a Liſt of the Names of the Owners, or reputed Owners and Occupiers of ſuch Lands, have been depoſited at the Office of the Clerk of the Peace for the County of *Warwick*; be it therefore further enacted, That the ſaid Map or Plan and Book of Reference ſhall remain in the Cuſtody of the Clerk of the Peace for the ſaid County, to the End that all Perſons may at any ſeaſonable Times have Liberty to inſpect and peruſe the ſame, and to take Copies 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 of the ſaid Book of Reference and Map or Plan; and that in making the ſaid intended Cut, no greater Deviation than One hundred Yards ſhall be made from the Line or Courſe thereof deſcribed in the ſaid Map or Plan, nor ſhall any ſuch Deviation be made into or carried through the Lands of any Perſon not named in the ſaid Book of Reference, without the Conſent in Writing of ſuch Perſon, or his Guardians or Truſtees: Provided nevertheleſs, that no Advantage ſhall be taken of or againſt the ſaid Company of Proprietors, or any Interruption be given to the making of the ſaid intended Cut, on Account of any Error or Omiſſion in the ſaid Book of Reference, in caſe it ſhall appear to any Seven or more of the Commiſſioners appointed in or by virtue of the ſaid recited Act, and be certified by Writing under their Hands, that ſuch Error or Omiſſion proceeded from Miſtake; any Thing herein-before contained to the contrary notwithſtanding.

Not to deviate more than One hundred Yards from the Line deſcribed in the Plan.

Proprietors reſtrained from making uſe of any Water belonging to the *Warwick* and *Birmingham* Canal Company.

III. Provided always, and be it further enacted, That it ſhall not be lawful for the ſaid Company of Proprietors, or their Agents, Servants, or Workmen, or any of them, or any other Perſon or Perſons who ſhall hereafter make any Cut, Sluice, or Communication whatſoever, with the ſaid intended Cut, to take any Water from the *Warwick* and *Birmingham* Canal Navigation, or any Water from any Engines, Pits, Brooks, Springs, Streams, Watercourſes, Mines, Hollows, Caverns, or other Repoſitories of Water which the Company of Proprietors of the laſt-mentioned Navigation have a Right or Power to take for the Supply of the ſaid *Warwick* and *Birmingham* Canal, or any Reſervoir or Feeder made or to be made for the Accommodation of the ſame, or to divert or otherwiſe intermeddle with any ſuch Waters, Engines, Brooks, Streams, Springs, Watercourſes, Mines, Hollows, Caverns, or other Repoſitories of Water: Provided nevertheleſs, that nothing herein contained ſhall hinder or prevent the ſaid Company of Proprietors of the *Stratford upon Avon* Canal Navigation from having and taking, for the Uſe and Supply of the ſaid Navigation, any Springs which may happen to ariſe in the Bed of the ſaid intended Cut, and which will be neceſſarily and unavoidably intercepted in the making of the ſaid Cut, nor from having or taking, for the Uſe or Supply of the ſaid Navigation, ſuch Rain Water as ſhall fall on the Surface of the ſaid Cut, nor from making ſuch Reſervoirs, Feeders, and Aqueducts, for ſupplying the ſaid

Cut with Water, as the ſaid Company of Proprietors are authorized and empowered to make and execute under the Powers of the ſaid recited Act.

To prevent taking Water from the *Warwick* Canal, in certain Caſes.

IV. And be it further enacted, That the ſaid Company of Proprietors of the *Stratford upon Avon* Canal Navigation ſhall, and they are hereby required to make the ſaid *Stratford upon Avon* Canal, and the ſaid intended Cut, ſo that the laſt Lock upon the ſaid *Stratford upon Avon* Canal, through which any Coal, and other Articles and Things, navigated into or upon the ſaid Cut, from any Part of the ſaid *Stratford upon Avon* Canal, between the *Worceſter* and *Birmingham* Canal and the ſaid intended Cut, ſhall paſs, be of the Depth or Fall of Six Feet, and of the Dimenſions of other Locks to be erected upon the ſaid *Stratford upon Avon* Canal; and ſo as that the Water from ſuch Lock, when uſed for conveying any ſuch Coal, and other Articles and Things as aforeſaid, do paſs through the ſaid Cut into the *Warwick* and *Birmingham* Canal; and the ſaid Company of Proprietors ſhall at all Times thereafter, at their own Expence, ſupport and maintain the ſaid Lock of ſuch Depth as aforeſaid.

Damage to Mr. *Legge*'s Lands to be aſcertained by a Land Surveyor.

V. Provided always, and be it further enacted, That nothing in this Act contained ſhall authorize or empower the ſaid Commiſſioners, or any Jury to be ſummoned in purſuance of the ſaid recited Act or this Act, to enquire into, aſcertain, or determine, the Value of any of the Lands of *Heneage Legge* Eſquire, to be taken or uſed, or of the Damage to be done to any of ſuch Lands by virtue of this Act, but that the Value of ſuch Lands or Damage, and the Recompence to be made for the ſame, either by Payment of a Sum of Money in Groſs, or by Payment of an Annual Rent, at the Option of the ſaid *Heneage Legge*, or of the Owner of the ſaid Lands for the Time being, ſhall be ſettled and aſcertained by *Samuel Wyatt* of *Burton upon Trent*, in the County of *Stafford*, Land Surveyor, or ſuch other ſkilful and able Land Surveyor as the ſaid *Heneage Legge*, or the Owner of the ſaid Lands belonging to him as aforeſaid, ſhall by Writing under his Hand direct or appoint for that Purpoſe.

Rates of Tonnage on the new Cut.

VI. And be it further enacted, That in Conſideration of the Charge and Expence the ſaid Company of Proprietors of the *Stratford upon Avon* Canal Navigation will be at in making and maintaining the ſaid intended Cut, it ſhall be lawful for the ſaid Company of Proprietors, from Time to Time, and at all Times hereafter, to aſk, demand, take, recover, and receive, to and for their own proper Uſe and Benefit, ſuch Rates as they ſhall think proper, not exceeding the reſpective Sums herein-after mentioned, for the Tonnage and Wharfage of all Coal, Coak, Lime, Limeſtone, Ironſtone, Goods, Wares, Merchandize, and Things whatſoever, which ſhall be carried or conveyed upon the ſaid intended Cut; that is to ſay,

For all Coal, Coak, Iron, Ironſtone, Stone, and other Goods and Things, (except Lime and Limeſtone), which, having been navigated, carried, or conveyed, upon any Part of the *Warwick* and *Birmingham* Canal, between the Town of *Birmingham* and the Place where the ſaid *Warwick* and *Birmingham* Canal ſhall be joined by the ſaid intended

Cut, ſhall paſs along the ſaid Cut into or upon the ſaid *Stratford upon Avon* Canal, and along the ſame towards the Town of *Stratford upon Avon*; or having been navigated, carried, or conveyed, upon any Part of the ſaid *Stratford upon Avon* Canal between the Town of *Stratford upon Avon* and the End of the ſaid Cut, ſhall paſs along the ſaid Cut into or upon the ſaid *Warwick* and *Birmingham* Canal, and along the ſame towards the Town of *Birmingham*, the Sum of One Shilling and Three-pence *per* Ton; and ſo in Proportion for any leſs Quantity than a Ton:

For all other Coal, Coak, Iron, Ironſtone, and other Goods and Things, (except Lime, Limeſtone, and other Stone), the Sum of Four-pence *per* Ton; and ſo in Proportion for any leſs Quantity than a Ton:

For all Lime and Limeſtone, which, having been navigated, carried, or conveyed, upon any Part of the ſaid *Warwick* and *Birmingham* Canal, ſhall paſs along the ſaid Cut into or upon the ſaid *Stratford upon Avon* Canal, the Sum of One Shilling and Two-pence *per* Ton; and ſo in Proportion for any leſs Quantity than a Ton:

For all other Lime and Limeſtone the Sum of Three-pence *per* Ton; and ſo in Proportion for any leſs Quantity than a Ton:

And for all Flag and other Stone the Sum of Sixpence *per* Ton; and ſo in Proportion for any leſs Quantity than a Ton.

VII. Provided always, That nothing herein-before contained ſhall extend to diſcontinue, alter, or vary, any Rates of Tonnage or Wharfage payable by virtue of any Act or Acts of Parliament for the paſſing of any Coal, Goods, or other Matters or Things, upon either of the ſaid Canals.

Power to raiſe a further Sum by Mortgage.

VIII. And be it further enacted, That, in caſe the Money authorized to be raiſed and borrowed by virtue of the ſaid recited Act ſhall be found inſufficient for making, completing, and maintaining, the ſaid Canal, and other the Works thereby authorized to be made, and alſo the ſaid intended Cut, and other the Works hereby authorized to be made, then, and in ſuch Caſe, it ſhall be lawful for the Company of Proprietors of the ſaid *Stratford upon Avon* Canal Navigation, by an Order of a General Aſſembly, to borrow and take up at Intereſt any further Sum of Money, not exceeding Ten thouſand Pounds, upon the Credit of their ſaid Undertakings, as to them ſhall ſeem fit and convenient; and the ſaid Company of Proprietors, and their Committee for the Time being, after an Order of the General Aſſembly made as aforeſaid, are hereby fully authorized and empowered to aſſign the Property of the Navigation of the ſaid *Stratford upon Avon* Canal, and the ſaid intended Cut, and the Rates granted by the ſaid recited Act and this preſent Act, to the ſaid Company of Proprietors, or any Part thereof, as a Security for the Money ſo to be borrowed, with Intereſt for the ſame, to ſuch Perſon or Perſons who ſhall advance the ſame, or his, her, or their Truſtee or Truſtees; all which ſaid Aſſignments ſhall be made under the Common Seal of the ſaid Company, in the Form or to the Effect following; (that is to ſay),

'BY virtue of an Act of Parliament, made in the Thirty-fifth Year of the Reign of His Majeſty King *George* the Third, intituled [*inſert the Title of the Act*], we the Company of Proprietors of the *Stratford upon Avon* Canal Navigation, in Conſideration of the Sum of to us paid by *A. B.*, do hereby bargain, ſell, and transfer, unto the ſaid *A. B.*, his Executors, Adminiſtrators, and Aſſigns, the *Stratford upon Avon* Canal Navigation, made by virtue of an Act of Parliament paſſed in the Thirty-third Year of the Reign of His preſent Majeſty, and alſo the Navigable Cut made by virtue of the ſaid Act of the Thirty-fifth Year of the Reign of His preſent Majeſty, and all and ſingular the Rates granted to us by the ſaid reſpective Acts, and each of them, and all our Right and Intereſt therein reſpectively, 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 for One hundred Pounds by the Year, ſhall be fully paid and ſatisfied. Given under our Common Seal, this Day of

And all Perſons to whom ſuch Aſſignments ſhall be made ſhall be equally entitled, one with the other, to the ſeveral Rates and Premiſes thereby aſſigned, in Proportion to the Sums by them reſpectively advanced and paid as aforeſaid, without any Preference by reaſon of the Priority of Date or otherwiſe; and a Memorial of every ſuch Aſſignment, containing the Date, the Name or Names of the Perſon or Perſons to whom made, the Sum lent, with the Rate of Intereſt, ſhall be entered in a Book to be kept by the Clerk to the ſaid Company of Proprietors, which ſaid Book ſhall and may be peruſed *gratis* at all ſeaſonable Times, by all and every the Proprietors and Creditors of the ſaid Navigation, and all and every Perſon and Perſons to whom ſuch Aſſignment ſhall be made as aforeſaid, or who ſhall be entitled to the Money due thereon, ſhall and may, from Time to Time, transfer his, her, or their Right and Intereſt therein to any Perſon or Perſons whomſoever; which Transfer ſhall and may be made in the Words or to the Effect following:

'I *A. B.* do hereby transfer a certain Mortgage made by the Company of Proprietors of the *Stratford upon Avon* Canal Navigation, to bearing Date the Day of for ſecuring the Sum of and Intereſt, and all my Right and Property therein, to *C. D.*, his Executors, Adminiſtrators, and Aſſigns. Dated this Day of

And every ſuch Transfer ſhall, within Twenty-eight Days next after the Date thereof, be produced to the Clerk to the ſaid Company of Proprietors, who ſhall cauſe a Memorial to be made thereof to the ſame Purport and Effect as the original Aſſignment; and after ſuch Entry made, every ſuch Transfer ſhall entitle ſuch Aſſignee or Aſſignees, his, her, and their Executors, Adminiſtrators, and Aſſigns, to the full Benefit thereof.

Intereſt upon Mortgages to be paid prior

IX. And be it further enacted, That the Intereſt of the Money, which ſhall be borrowed as aforeſaid, ſhall be paid Half-yearly to the ſeveral

Perſons entitled thereto, in Preference to any Intereſt or Dividend due and payable by virtue of this Act, or the ſaid recited Act, to the Proprietors of the ſaid Undertaking, and ſhall be fully diſcharged or provided for before the Yearly or other Intereſt or Dividends due to the ſaid Proprietors as aforeſaid ſhall be paid. to Dividends.

X. And be it further enacted and declared, That the ſaid Company of Proprietors ſhall, from Time to Time, be rated to all Parliamentary and Parochial Taxes, Rates, and Aſſeſſments, for and in reſpect of the Lands and Grounds taken and uſed by the ſaid Company for the Purpoſes of this Act, and all Warehouſes and other Buildings erected or to be erected by the ſaid Company of Proprietors by virtue of this Act, in the ſame Proportions as other Lands, Grounds, and Buildings, lying near the ſaid Canal and Collateral Cuts, are or ſhall be rated. Company to be rated for Lands and Buildings in ſame Proportion as adjoining Lands and Buildings.

XI. And be it further enacted, That full Recompence and Satisfaction ſhall be made by the ſaid Company of Proprietors for all the Tythes, both Great and Small, which would have been iſſuing from or out of the Lands which ſhall be taken or made uſe of by them for the Purpoſes of this Act, to the ſeveral Perſons who now are, or at any Time hereafter might have become entitled to ſuch Tythes, according to their reſpective Intereſts therein, ſuch Tythes to be eſtimated at the Average Value of the Four Years commencing at *Michaelmas* Day One thouſand ſeven hundred and ninety, and ending at *Michaelmas* Day One thouſand ſeven hundred and ninety-four; ſuch Value to be aſcertained (in caſe of any Difference concerning the ſame) by Commiſſioners, or a Jury, in like Manner as the Value of other Lands or Hereditaments is directed to be aſcertained by the ſaid firſt-recited Act; provided always, that ſuch Recompence and Satisfaction ſhall be made to all Spiritual Perſons by an Annual Rent. Company to make Satisfaction for Tythes.

XII. And, in order to make Compenſation to the Company of Proprietors of the ſaid *Warwick* and *Birmingham* Canal Navigation, for any Injury they might otherwiſe ſuſtain in conſequence of making the ſaid Cut, be it further enacted, That, over and above the Rates payable to the Company of Proprietors of the *Warwick* and *Birmingham* Canal, by virtue of the Act for making the ſaid *Warwick* and *Birmingham* Canal, there ſhall be paid to the Company of Proprietors of the ſaid *Warwick* and *Birmingham* Canal Navigation, to and for their own Uſe and Benefit, for all Coal, Goods, and other Matters and Things which ſhall be navigated, carried, or conveyed, upon any Part of the ſaid *Stratford upon Avon* Canal, between the *Worceſter* and *Birmingham* Canal and the Place where the ſaid *Stratford upon Avon* Canal ſhall be joined by the ſaid intended Cut, and ſhall paſs along the ſaid Cut into the ſaid *Warwick* and *Birmingham* Canal, and for all Coal, Goods, and other Matters and Things, (except Lime and Limeſtone), which ſhall be navigated, carried, or conveyed, from the ſaid *Warwick* and *Birmingham* Canal, along the ſaid Cut, into or upon the ſaid *Stratford upon Avon* Canal, and along the ſame towards the ſaid *Worceſter* and *Birmingham* Canal, and alſo for all Coal which ſhall be landed upon either Side of the ſaid Cut, (not being to be uſed for burning Lime upon either of the Banks of the ſaid Cut), and alſo for all Coal which ſhall be landed on either Side of the ſaid Cut, within Half a Mile of the *Warwick* and *Birmingham* Canal Compenſation Rates to the *Warwick* Company.

Canal, and uſed for burning Lime on either of the Banks of the ſaid Cut, the Sum of Eleven-pence *per* Ton, and ſo in Proportion for a leſs Quantity than a Ton; and for all Lime and Limeſtone which, having been navigated, carried, or conveyed, upon any Part of the ſaid *Stratford upon Avon* Canal, ſhall paſs along the ſaid Cut into or upon the ſaid *Warwick* and *Birmingham* Canal towards the Town of *Birmingham*, the Sum of One Shilling *per* Ton, and ſo in Proportion for any leſs Quantity than a Ton; and for all Lime and Limeſtone which, having been navigated, carried, or conveyed, upon any Part of the ſaid *Stratford upon Avon* Canal, ſhall paſs along the ſaid Cut into or upon the ſaid *Warwick* and *Birmingham* Canal, and along the ſame towards the Town of *Warwick*, and which ſhall be landed at any Place upon the Side of the ſaid *Warwick* and *Birmingham* Canal, more than One hundred Yards from the Town of *Warwick*, the groſs Sum of One Shilling *per* Ton, and ſo in Proportion for any leſs Quantity than a Ton, to be collected, levied, and recovered, by the like Ways and Means, and in the like Manner, as any other Rates of Tonnage payable to the Company of Proprietors of the ſaid *Warwick* and *Birmingham* Canal Navigation can or may, by virtue of the Act of Parliament for making their ſaid Canal, be aſcertained, levied, and recovered: Provided always, that no higher or greater Rate than Three Halfpence *per* Ton *per* Mile ſhall be paid to the Company of Proprietors of the ſaid *Warwick* and *Birmingham* Canal Navigation, for the paſſing, upon any Part of the ſaid *Warwick* and *Birmingham* Canal, between the Place where the ſame ſhall be joined by the ſaid intended Cut and the Town of *Warwick*, of any Coal, Goods, or other Matters or Things ſubject to the Payment of the ſaid Rate of Eleven-pence *per* Ton herein-before made payable to the Company of Proprietors of the ſaid *Warwick* and *Birmingham* Canal Navigation; any Thing contained in the ſaid Act for making the ſaid *Warwick* and *Birmingham* Canal, or in this Act, to the contrary hereof notwithſtanding: Provided always, that if any Perſon ſhall claim and take the Benefit of the ſaid Exemption from the Payment of any higher or greater Rate to the Company of Proprietors of the ſaid *Warwick* and *Birmingham* Canal Navigation, than Three Halfpence *per* Ton *per* Mile, without being entitled thereto, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay to the Company of Proprietors of the ſaid *Warwick* and *Birmingham* Canal Navigation the Sum of Ten Shillings for every Ton of Coal, Goods, or other Matters or Things, in reſpect of which ſuch Exemption ſhall be claimed, to be recovered in like Manner as any Penalty or Forfeiture can or may, by virtue of the laſt mentioned Act, be recovered.

Rate to the *Warwick* Company on Coal paſſing from the Cut towards *Birmingham*.

XIII. Provided always, and be it further enacted, That in caſe any Coal ſhall at any Time be navigated, carried, or conveyed, from the ſaid Cut into or upon the ſaid *Warwick* and *Birmingham* Canal, and along the ſame towards the Town of *Birmingham*, there ſhall be paid and payable to the Company of Proprietors of the *Warwick* and *Birmingham* Canal, for all ſuch Coals, (inſtead of any Rates which would be otherwiſe payable to them for the ſame, by virtue of the ſaid Act for making the ſaid *Warwick* and *Birmingham* Canal, or this Act), the like Rates as would have been payable for ſuch Coals, in caſe the ſame had paſſed from the Town of *Birmingham* to the Place where the ſaid *Warwick* and *Birmingham* Canal ſhall be joined by the ſaid Cut.

XIV. Pro-

Rate to the *Warwick* Company for Coals paſſing from the Cut, and landed ſhort of the Firſt Lock below *Hatton Hill*.

XIV. Provided always, and be it further enacted, That in caſe any Coals ſhall at any Time be navigated, carried, or conveyed, from the ſaid intended Cut into or upon the ſaid *Warwick* and *Birmingham* Canal, and along the ſame towards the Town of *Warwick*, and ſhall be unloaded on the Side of the ſaid *Warwick* and *Birmingham* Canal, between the Place where the ſaid intended Cut ſhall join the ſaid *Warwick* and *Birmingham* Canal, and the Upper Lock which ſhall be erected on the ſaid *Warwick* and *Birmingham* Canal, below *Hatton Hill*, there ſhall be paid and payable to the Company of Proprietors of the *Warwick* and *Birmingham* Canal, for all ſuch Coals, (inſtead of any Rates which would be otherwiſe payable to them for the ſame by virtue of the ſaid Act for making the ſaid *Warwick* and *Birmingham* Canal, or this Act), the like Rates as would have been payable for ſuch Coals in caſe the ſame had paſſed from the Town of *Birmingham* to the Place where the ſaid Coals ſhall be unloaded on the Line of the ſaid *Warwick* and *Birmingham* Canal.

Warwick Company may reduce their Rates.

XV. Provided always, and be it further enacted, That it ſhall be lawful for the Company of Proprietors of the ſaid *Warwick* and *Birmingham* Canal Navigation from Time to Time to leſſen or reduce all or any Part of the ſaid Rates hereby granted and made payable to them, and again from Time to Time to advance and raiſe all or any Part of the ſaid Rates ſo leſſened, in like Manner as they are authorized to do with reſpect to any Rates payable to them by virtue of the ſaid Act for making the ſaid *Warwick* and *Birmingham* Canal; provided that the Rates ſo advanced or raiſed ſhall not in any Caſe exceed the Rates hereby granted to the Company of Proprietors of the ſaid *Warwick* and *Birmingham* Canal Navigation.

If *Warwick* Company reduce Rates on the *Warwick* End of the Canal, the like Reduction to take place on Articles paſſing to or from the Cut.

XVI. Provided always, and be it further enacted, That in caſe the Company of Proprietors of the *Warwick* and *Birmingham* Canal Navigation ſhall at any Time reduce the Rates payable to them for any Coal, or other Goods or Things, which ſhall paſs upon their ſaid Canal, between the Place where the ſame ſhall be joined by the ſaid intended Cut and the Town of *Warwick*, and ſhall not have paſſed or be intended to paſs upon the ſaid Cut, then, and in every ſuch Caſe, the like Reduction ſhall at and for the ſame Time be made and take place in the Rates payable for the like Articles or Things, paſſing upon the ſaid *Warwick* and *Birmingham* Canal, between the Place where the ſame ſhall be joined by the ſaid Cut and the Town of *Warwick*, and which ſhall have paſſed or be intended to paſs upon the ſaid Cut.

Rates on *Worceſter* Canal for Coal and Coak intended to paſs along the *Stratford* Canal and the Cut into the *Warwick* Canal leſſened.

XVII. Provided always, and be it further enacted, That no greater or other Rate than the groſs Sum of Five-pence Halfpenny *per* Ton (and ſo in Proportion for a leſs Quantity than a Ton) ſhall be paid or payable to the Company of Proprietors of the *Worceſter* and *Birmingham* Canal Navigation, for or in reſpect of any Coal or Coak which ſhall be navigated, carried, or conveyed, upon any Part of the ſaid *Worceſter* and *Birmingham* Canal Northward of the Place where the ſame is intended to be joined by the ſaid *Stratford upon Avon* Canal, and ſhall, without being unladen, paſs from the ſaid *Worceſter* and *Birmingham* Canal into or upon the ſaid *Stratford upon Avon* Canal, and be intended to be navigated, carried, or conveyed, from thence through or along the ſaid intended Cut into the ſaid *Warwick* and *Birmingham* Canal, which ſaid Rate

Rate of Five-pence Half-penny *per* Ton ſhall and may be collected at or near the Place where the ſaid *Worceſter* and *Birmingham* and *Stratford upon Avon* Canals are intended to join, or at any other Place upon the ſaid *Worceſter* and *Birmingham* Canal; any Thing contained in an Act of Parliament, of the Thirty-firſt Year of the Reign of His preſent Majeſty, for making and maintaining the ſaid *Worceſter* and *Birmingham* Canal, or in any other Act or Acts of Parliament, to the contary hereof notwithſtanding.

To prevent taking the Benefit of the Exemption in the *Worceſter* Rates fraudulently.

XVIII. And, in order to prevent the ſaid Exemption from the Payment of any greater or other Rate than the Sum of Five-pence Half-penny *per* Ton to the Company of Proprietors of the ſaid *Worceſter* and *Birmingham* Canal Navigation, being fraudulently claimed, be it further enacted, That the Maſter, Owner, or other Perſon having the Care of any Boat or other Veſſel intended to paſs along any Part of the ſaid *Worceſter* and *Birmingham* Canal, Northward of the Place where the ſame is intended to join the ſaid *Stratford upon Avon* Canal, into or along the ſaid *Stratford upon Avon* Canal, and through or along the ſaid intended Cut into the ſaid *Warwick* and *Birmingham* Canal, ſhall, before ſuch Boat or Veſſel ſhall paſs into the Stop Lock intended to be made, to prevent Loſs of Water from the ſaid *Worceſter* and *Birmingham* Canal, or the ſaid *Stratford upon Avon* Canal, give a true Account in Writing under his Hand to ſuch Perſon as ſhall for the Time being be appointed Keeper of the ſaid Stop Lock, or ſuch other Perſon as the ſaid Company of Proprietors of the ſaid *Worceſter* and *Birmingham* Canal Navigation ſhall appoint and ſtation at the ſaid Stop Lock to receive the ſame, of what Weight of Coal and Coak, or either of them, ſhall be in ſuch Boat or Veſſel; and ſhall alſo, upon his Return, deliver to ſuch Perſon or Perſons a Duplicate of ſuch Account, ſigned by ſuch Perſon as the ſaid Company of Proprietors of the ſaid *Stratford upon Avon* Canal Navigation ſhall appoint, and which Duplicate the Perſon ſo appointed by the ſaid Company of Proprietors of the *Stratford upon Avon* Canal is hereby required to ſign, certifying that ſuch Boat or Veſſel ſo laden paſſed out of the ſaid intended Cut into the ſaid *Warwick* and *Birmingham* Canal, and when it ſo paſſed; and in caſe the Perſon or Perſons having the Care of any ſuch Boat or Veſſel ſhall refuſe or neglect to deliver ſuch Account and Duplicate, or either of them, ſigned and certifying as aforeſaid, to the Perſon or Perſons appointed to receive the ſame as aforeſaid, or if he ſhall wilfully give a falſe Account, or ſhall deliver the Lading, or any Part thereof, at any Place or Places, before the ſame ſhall have entered the ſaid *Warwick* and *Birmingham* Canal, the Perſon having the Care of ſuch Boat or Veſſel ſhall forfeit and pay to the Company of Proprietors of the ſaid *Worceſter* and *Birmingham* Canal Navigation, the Sum of Sixpence a Ton for every Ton, and ſo in Proportion for any leſs Weight than a Ton of Coal and Coak, or either of them, which ſhall be in ſuch Boat or Veſſel, to be recovered in like Manner as any Penalty can or may, by virtue of the ſaid Act of the Thirty-firſt Year of the Reign of His preſent Majeſty, be recovered.

Rates on the *Stratford* Canal for Coal and Coak in certain Caſes leſſened.

XIX. And whereas it is judged expedient, in conſequence of making the ſaid intended Cut, that the Rates of Tonnage now payable for certain Coal and Coak paſſing upon the ſaid *Stratford upon Avon* Canal ſhould be leſſened; be it therefore further enacted, That, from and after

the ſaid intended Cut ſhall be completed, no greater or other Rate than the groſs Sum of Ten-pence Halfpenny *per* Ton (and ſo in Proportion for a leſs Quantity than a Ton) ſhall be paid or payable to the Company of Proprietors of the ſaid *Stratford upon Avon* Canal Navigation, for or in reſpect of any Coal or Coak which ſhall be navigated, carried, or conveyed, out of the ſaid *Worceſter* and *Birmingham* Canal, upon the ſaid *Stratford upon Avon* Canal, and ſhall, without being unladen, paſs along the ſaid intended Cut into the ſaid *Warwick* and *Birmingham* Canal; any Thing contained in the ſaid firſt recited Act of the Thirty-third Year of the Reign of His preſent Majeſty to the contrary hereof notwithſtanding.

Dudley, Worceſter, and Stratford, Companies, may reduce their Rates in certain Caſes.

XX. And whereas, by an Act of Parliament made in the Thirty-third Year of the Reign of His preſent Majeſty, *for making and maintaining a Navigable Canal from the* Dudley *Canal, in the County of* Worceſter, *to the* Worceſter *and* Birmingham *Canal, at or near* Selly Oak, *in the ſaid County, and alſo certain Collateral Cuts to communicate therewith*; the Company of Proprietors of the *Dudley* Canal Navigation are authorized and empowered to take and receive certain Rates of Tonnage and Wharfage for all Coal, Goods, and other Things, carried or conveyed upon the Canal and Collateral Cuts to be made by virtue of the ſaid Act: And whereas the ſaid Company of Proprietors of the *Dudley* Canal Navigation, and alſo the reſpective Companies of Proprietors of the ſaid *Worceſter* and *Birmingham*, and *Stratford upon Avon* Canal Navigations, may find it expedient, in conſequence of making the ſaid intended Cut, to make a Reduction of the Rates payable to them reſpectively in certain Caſes: Be it therefore further enacted, That it ſhall be lawful for the Companies of Proprietors of the *Dudley*, the *Worceſter* and *Birmingham*, and the *Stratford upon Avon* Canal Navigations reſpectively, at any of their General Aſſemblies, to reduce the Rates payable to them reſpectively for or in reſpect of any Articles paſſing upon their reſpective Canals and Cuts, or any of them, to or from any particular Place or Places, without ſuch Reduction extending, and the ſame ſhall not be deemed to extend, to the Rates payable for the ſame Kind of Articles paſſing upon ſuch Canals and Cuts, or any of them, to or from any other Place or Places, provided Fourteen Days Notice at the leaſt be given in ſome *Worceſter* and *Birmingham* Newſpapers, of the Aſſembly at which any ſuch Reduction is intended to be made, and of the Intention to make the ſame; and the ſaid reſpective Companies of Proprietors ſhall have the ſame Powers in all other Reſpects as to the Rates ſo reduced, as they would have by virtue of any Act or Acts of Parliament with reſpect to any other Rates, in caſe they ſhould reduce ſuch other Rates.

Reſtrictions as to reducing the Rates on the Dudley, Worceſter, and Stratford, Canals.

XXI. Provided always, and be it further enacted, That it ſhall not be lawful for the Companies of Proprietors of the ſaid *Dudley*, *Worceſter* and *Birmingham*, and *Stratford upon Avon* Canal Navigations, or any of them, at any Time to leſſen or reduce the Rates of Tonnage on Coal or Coak navigated or paſſing upon their reſpective Canals, and along the Cut intended to be made by virtue of this Act, into the ſaid *Warwick* and *Birmingham* Canal more than the Sum of One Shilling a Ton in the Whole, whether the ſame ſhall paſs upon the ſaid *Dudley*, *Worceſter* and *Birmingham*, and *Stratford upon Avon* Canals, or only upon ſome or One of them, unleſs the Companies of Proprietors of the ſaid *War-*

wick and *Birmingham*, and the *Birmingham* Canal Navigations, or either of them, ſhall have reduced the Rates of Tonnage on the like Article navigated or paſſing along their Canals or Canal, and which ſhall paſs beyond the Place where the ſaid intended Cut ſhall join the ſaid *Warwick* and *Birmingham* Canal, towards the Town of *Warwick*, in which laſt-mentioned Caſe it ſhall be lawful for the Companies of Proprietors of the ſaid *Dudley*, *Worceſter* and *Birmingham*, and *Stratford upon Avon* Canal Navigations, or any of them, to make ſuch further Reduction of the Rates of Tonnage payable to them reſpectively, upon Coal or Coak navigated or paſſing along the ſaid laſt-mentioned Canals, or either of them, and the ſaid intended Cut into the ſaid *Warwick* and *Birmingham* Canal, as they ſhall think proper, ſo that the further Reduction ſo to be made be not greater than the Reduction which ſhall have been made by the Companies of Proprietors of the ſaid *Warwick* and *Birmingham*, and *Birmingham* Canal Navigations, or either of them as aforeſaid, upon the like Article, and the ſame may have the like Continuance as ſuch laſt-mentioned Reduction, but no longer.

Expences of the Act.

XXII. And be it further enacted, That the Coſts and Charges of obtaining and paſſing this Act, and of making the Surveys, Plans, and Eſtimates incident thereto, and all other Coſts, Charges, and Expences, attending the ſame, ſhall be borne, paid, and defrayed, by the ſaid Company of Proprietors of the *Stratford upon Avon* Canal Navigation, by and out of the Monies to be called for, raiſed, and received, by virtue of the ſaid recited Act and this preſent Act; and that this Act ſhall be deemed and taken to be a Publick Act; and ſhall be judicially taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons, without ſpecially pleading the ſame.

Publick Act.

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FINIS.