ANNO TRICESIMO SEXTO

Georgii III. Regis.

CAP. XLVI.

An Act for making a Navigable Canal from the River *Exe* near the Town of *Topſham*, in the County of *Devon*, to the River *Tone*, near the Town of *Taunton*, in the County of *Somerſet*; and for cleanſing and making navigable a certain Part of the ſaid River *Tone*; and for making certain Cuts from the ſaid Canal. [24th *March* 1796.]

Preamble.

WHEREAS the making a Navigable Canal from the River *Exe*, near the Town of *Topſham*, in the County of *Devon*, to communicate with the River *Tone*, near the Town of *Taunton*, in the County of *Somerſet*, will open a Communication between the River *Severn* and the *Britiſh Channel*, and will be of great Publick Utility; and if certain Navigable Cuts herein-after deſcribed were made from the ſaid Canal, the ſame would tend greatly to improve the Lands and Eſtates within the ſaid Counties: But the ſaid Canal and Cuts cannot be made 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 *Robert Abraham* junior, *Robert Abraham* of *Crediton*, *Gideon Acland*, *Ann Acland*, *John Baker*, *William Brown*, *Edward Boyce* ſenior, *Edward Boyce* junior, *William Buſſel* Clerk, *Samuel Banfill*, *John Blackmore*, *John Brutton* Clerk, *Henry Brutton*, *Robert Baker*, *William Beſley*, *Joſeph Brutton*, *William Browne*, *Joſeph Cooke*,

Subſcribers to the Undertaking,

Cooke, Richard Hall Clarke, John Creſwell, Edward Croſſe, William Aldridge Cockey Clerk, *Francis Colman, Henry Carew, James Coleridge, John Cole Henry Croſſe, John Culme, Thomas Edward Clarke* Clerk, *John Chave, John Bradford Copleſton* Clerk, *John Clarke* Clerk, *Nicholas Dennys, Henry Dunsford, Martin Dunsford, Richard Down, Francis Roſe Drewe, John Roſe Drewe, Edward Drewe* Clerk, *Herman Drewe* Clerk, *William Drewe, George Dunsford, Samuel Davy, William Davy, Martha Davy, Sarah Davy, Elizabeth Davy, James Dunsford, Richard Roſe Drewe, Edward Eagles, John Ellicott, Jonathan Evans, Ezekiel Abraham Ezekiel, John Fowler, Ralph Fowler, John Finnemore, John Ferguſſone, John Forteſcue, William Farrant, Chriſtopher Flood, Francis Fairbank, George Follett, James Garrett, John Gervis, Henry Gervis, William Baring Gould, Edmund Granger, Richard Graves, Thomas Gray,* Sir *Alexander Hamilton, John Holmes, Thomas Heathfield, William Hurley, Richard Hurley, John Hogg, Joſeph Hogg, John Hanſon, John Holman, William Ingram, John Jones, Blomer Ireland, William Kennaway, John Keſtle, William Keats, William Lewis, Richard Lardner, James Lardner, John Ley* Clerk, *Samuel Lichigaray, Samuel Lott, John Fownes Luttrell, Francis Fownes Luttrell, Charles Leigh, Mary Mayne, Samuel Milford, John Miles, Humphry Mills, Henry Mills, William Haycraft, John Merivale, Henry Melhuiſh, Samuel Morgan, Gilbert Nevill Neyle, Thomas Newte, John Nott* Clerk, *John Nott, John Norman, John Needs, George Owen,* Sir *Robert Palk* Baronet, *Thomas Prowſe, Robert Pell, Claus Pell, Albert Pell, Sydenham Peppin, Thomas Preſton, William Quick, Thomas Rennell* Clerk, *Rogerſon, William Roberts, Francis Rogers, Mark Sanders, Hugh Skinner, George Skinner, John Smith, George Shute, Daniel Salter, John Seale, Stephen Shute, Nicholas Spencer* Clerk, *Richard Smith, Henry Smith, John Bacon Sweeting, George Short, John Salter, William Turner, Joſhua Toulmin, Thomas Tanner,* Clerk, *Thomas Tayler, Ann Boddington Vye, John Watts, Hannah Wilkes, William Walker* Clerk, *John Whitter, Nicholas Were, James White, George Waymouth, Mark Weſtron, Joſeph Watſon, John Wood, John Welſford, Henry Waymouth, John Wedgewood, Joſiah Wedgewood, Thomas Winſlow, Joſeph Woolmer, Palk Welland* Clerk, the Right Honourable Sir *George Yonge* Baronet, and their ſeveral and reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, together with ſuch Perſon or Perſons as they, or the major Part of them, at any General Meeting to be held as herein-after mentioned, ſhall nominate and appoint under their Hands and Seals, and their ſeveral and reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, being Proprietors of any Share or Shares in the Undertaking hereby authoriſed to be made and carried on, ſhall be, and they are hereby united into a Company for making the ſaid Canal and Cuts as herein-after mentioned, and for doing and performing all other Works, Matters, and Things directed, meant, and intended, to be done and performed by virtue of this Act, ſubject to the Rules, Orders, and Directions herein-after mentioned and expreſſed; and for the better effecting the ſeveral Purpoſes aforeſaid, and carrying this Act into Execution, the ſaid Company are hereby created one Body Politick and Corporate by the Name of *The Company of Proprietors of the Grand Weſtern Canal*; and by that Name ſhall have perpetual Succeſſion, and a Common Seal, and by that Name ſhall and may ſue and be ſued; and ſhall alſo have full Power and Authority to purchaſe Lands, Tenements, and Hereditaments, to them and their Succeſſors and Aſſigns, for the Uſe of the ſaid Undertaking, without incurring any of the Penalties and Forfeitures

united into a Company.

Company of Proprietors empowered to make the Canal and Cuts.

feitures of the Statutes of Mortmain, and alſo to ſell and diſpoſe of any of the ſaid Lands, Tenements, and Hereditaments, ſo purchaſed; and that it ſhall and may be lawful for the ſaid Company of Proprietors, and they are hereby fully authorized and empowered to make and keep navigable and paſſable for Boats, Barges, and other Veſſels, a Canal from or out of the Tideway or Navigable Channel of the River *Exe*, through a certain Field uſed as a Timber Yard or Wharf, now or late in the Poſſeſſion or Occupation of *Thomas Owens*, Timber Merchant, near the lower End of the Town of *Topſham*, in the Pariſh of *Topſham*, in the ſaid County of *Devon*, into the River *Tone*, in a certain Field in the Pariſh of *Biſhop's Hull*, now or late in the Poſſeſſion or Occupation of *James Haviland*, in the ſaid County of *Somerſet*, which ſaid Canal will paſs into or through the ſeveral Pariſhes of *Topſham*, *Heavitree*, *Sowton*, *Pinhoe*, *Honiton's Clyſt*, *Broad Clyſt*, *Clyſt Saint Lawrence*, *Clyſt Hydon*, *Plymtree*, *Cullompton*, *Kentiſbeer*, *Uffculme*, *Welland*, *Halberton*, *Burleſcombe*, and *Holcomb Rogus*, in the ſaid County of *Devon*, and into or through the ſeveral Pariſhes of *Aſhbrittle*, *Kitsford*, *Langford Budville*, *Thorn Saint Margaret*, *Wellington*, *Ninehead*, *Hill Farrants* or *Farrance*, *Bradford*, and *Biſhop's Hull*, in the ſaid County of *Somerſet*; and the ſaid Company of Proprietors are hereby alſo authorized and empowered to make the following Cuts for the Navigation of Boats, Barges, and other Veſſels, from the Places herein-after mentioned; that is to ſay, One Cut from and out of the ſaid Canal, in a certain Field now or late in the Poſſeſſion or Occupation of *Edmund Froſt*, in the ſaid Pariſh of *Cullompton*, into another Field now or late in the Poſſeſſion or Occupation of *Ferdinando Mills*, in the ſame Pariſh; One other Cut, from and out of the ſaid Canal, in a certain Field now or late in the Poſſeſſion or Occupation of *Richard Corner*, in the Pariſh of *Burleſcombe* aforeſaid, into another certain Field, now or late in the Poſſeſſion or Occupation of *Robert Hawks*, in the Pariſh of *Tiverton*, in the ſaid County of *Devon*, which laſt-mentioned Cut will paſs into or through the ſeveral Pariſhes of *Burleſcombe*, *Sampford Peverell*, *Halberton*, and *Tiverton*, all in the ſaid County of *Devon*; and likewiſe to make One other Cut from and out of the ſaid Canal, in a certain Field now or late in the Poſſeſſion or Occupation of *William Bird*, in the Pariſh of *Wellington* aforeſaid, to another Field in the Poſſeſſion or Occupation of *John Slade*, in the ſame Pariſh; which ſaid Canal and Cuts ſhall be made as deſcribed in a Map or Plan depoſited with the reſpective Officers of the Clerks of the Peace of the ſaid Counties of *Devon* and *Somerſet*; and the ſaid Company of Proprietors are hereby alſo authorized, under the Reſtrictions and Regulations herein-after mentioned, to erect or conſtruct Two Reſervoirs in the Valley of the River *Culm*, in the ſaid County of *Devon*, and alſo Two other Reſervoirs in the Valley of the River *Tone*, in the County of *Somerſet*, and to make Channels to convey Water from the ſaid Reſervoirs, and from the ſaid Rivers *Culm* and *Tone*, to join or communicate with the above mentioned Canal, the former in a certain Field now in the Poſſeſſion or Occupation of *Daniel Hinſon*, in the ſaid Pariſh of *Burleſcombe*, and the latter in a certain Field now in the Poſſeſſion or Occupation of *Mary Talbot*, in the ſaid Pariſh of *Holcomb Rogus*; and the ſaid Company of Proprietors are hereby fully authorized and empowered, under the Reſtrictions and Regulations herein-after mentioned, to ſupply the ſaid intended Canal, Cuts, and Reſervoirs, whilſt the ſame ſhall be making, and at all Times for ever after the ſame ſhall be made, with Water from the ſaid Rivers *Culm* and *Tone*, and from all ſuch Springs as ſhall be found

The Line of the Canal.

Line of the Cuts.

found in making the ſame, and from all Rivers, Springs, Brooks, Streams, and Watercourſes whatſoever, which ſhall be found within the Diſtance of Two thouſand Yards from any Part of the ſaid Canal and Cuts, or from the ſaid Reſervoirs belonging thereto, to be made as aforeſaid, and for that Purpoſe to cleanſe, ſcour, deepen, enlarge, or ſtraiten, any ſuch Rivers, Brooks, Streams, or Watercourſes, or any others which may come or be brought into the ſame reſpectively, and to make ſuch and ſo many Feeders and Aqueducts, and to make, erect, and ſet up, ſuch and ſo many Weirs, Engines, and other Machines, for ſupplying the ſaid Canal, Cuts, and Reſervoirs, with Water, and for conveying Water from the ſaid Reſervoirs to the ſaid Canal and Cuts, or any Part thereof reſpectively, as they the ſaid Company of Proprietors ſhall from Time to Time think proper and expedient, and for the ſeveral Purpoſes aforeſaid to enter into and upon the Lands and Grounds of or belonging to any Perſon or Perſons, Bodies Politick, Corporate, or Collegiate whatſoever, and to ſurvey and take Levels of the ſame, or any Part thereof, and to ſet out and aſcertain ſuch Part or Parts thereof as they the ſaid Company of Proprietors ſhall think neceſſary and proper for the making, completing, maintaining, improving, and uſing, of the ſaid Canal, Cuts, and Reſervoirs, and other Works and Conveniencies hereby authorized to be made, and there to bore, dig, cut, trench, and ſough, and alſo to remove, carry away, and take, any Earth, Clay, Stone, Soil, Rubbiſh, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters or Things whatſoever, (except as herein-after is excepted), which ſhall or may be dug or got in the making, or which may hinder, prevent, or obſtruct, the making, carrying on, maintaining, or repairing, of ſuch Canal, Cuts, and Reſervoirs, and other Works, which ſhall or may be neceſſary and proper to convey Water to or from the ſaid Canal or Cuts and Reſervoirs reſpectively, according to the true Intent of this Act; and alſo to make, build, erect, and ſet up, in or upon the ſaid Canal and Cuts, or in or upon the Lands adjoining or near thereto reſpectively, ſuch and ſo many Houſes, Bridges, Tunnels, Aqueducts, Sluices, Locks, Flood Gates, Weirs, Pens for Water, Water Stanks, Drains, Wharfs, Quays, Warehouſes, Watchhouſes, Landing Places, Weighing Beams, Cranes, Dry Docks, Fire Engines, or other Machines, with proper Shafts and Tunnels belonging thereto, Ways, Roads, and Conveniencies, as and where they the ſaid Company of Proprietors ſhall think requiſite and convenient, and from Time to Time to alter, repair, and amend, or diſcontinue the ſame, as ſhall be thought expedient and uſeful for the Purpoſes of the ſaid Undertaking, and for the carrying and conveying of Goods, Wares, Merchandizes, and other Things, to and from the ſaid Canal and Cuts reſpectively, and for the carrying and conveying of all Manner of Materials neceſſary for the making, erecting, finiſhing, altering, repairing, amending, widening, or enlarging, of the ſaid Canal and Cuts, and other Works, and to place, lay, work, or manufacture, any Materials on the Lands or Grounds at or near to the Place or Places where the ſaid Works, or any of them, ſhall be carrying on; and alſo from Time to Time to make, maintain, repair, and alter, any Fences, Roads, or Paſſages, over, under, or through, the ſaid Canal and Cuts, or the Tunnels, Aqueducts, Soughs, Trenches, Gutters, Watercourſes, and Sluices, which ſhall communicate with the ſaid Canal, Cuts, and Reſervoirs; and alſo to make, ſet up, and appoint, ſuch Towing Paths, Banks, Roads, and Ways, for

the towing, haling, or drawing, of Boats, Barges, or other Veſſels, paſſing upon the ſaid Canal or Cuts, with Men, Horſes, or otherwiſe, and ſuch convenient Places for Boats, Barges, and other Veſſels, to turn, lie, or paſs each other, as the ſaid Company of Proprietors ſhall think proper and expedient, and alſo to dig, take, and carry away, any Soil, Clay, Gravel, or Stone, which ſhall be proper, requiſite, and convenient, for the carrying on, repairing, and maintaining, of the ſeveral Works aforeſaid, or any of them, in or from the Grounds of any Perſon or Perſons adjoining or lying contiguous thereto; and alſo to conſtruct, erect, ſet up, make, and do, all or any other Works, Matters, and Things whatſoever, which they ſhall think requiſite and neceſſary or convenient for the making, carrying on, completing, repairing, improving, maintaining, and uſing of the ſaid Canal, Cuts, and Reſervoirs, according to the true Intent and Meaning of this Act, they the ſaid Company of Proprietors doing as little Damage as may be in the Execution of the ſeveral Powers to them hereby granted, and from Time to Time making Satisfaction in the Manner herein-after mentioned to the Owners or Proprietors of, or the Perſons intereſted in, the Lands, Grounds, Tenements, or Hereditaments, Waters, Watercourſes, Brooks, or Rivers reſpectively, which ſhall or may be taken, uſed, removed, diverted, or prejudiced, for the Purpoſes aforeſaid, for all Damages to be by them reſpectively ſuſtained by Means or in conſequence of the Execution of the Powers hereby given.

Company may make inclined Planes, if neceſſary;

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

But Houſes or Buildings, &c. not to be taken or injured, without Conſent of Owners;

except ſuch as are deſcribed in a Schedule annexed.

III. Provided always, That nothing herein-before contained ſhall extend to authorize or empower the ſaid Company of Proprietors, or any other Perſon or Perſons, to take, uſe, injure, or damage, any Houſe or other Building, or any Ground which, upon the Firſt Day of *July* One thouſand ſeven hundred and ninety-five, was the Scite of any Houſe or other Building, or was a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a Houſe, or a Lawn or Pleaſure Ground incloſed or adjoining to a Houſe, without the Conſent of the reſpective Owners and Occupiers thereof, other than and except the ſeveral Houſes, Cottages, Mills, Buildings, Yards, Gardens, and Orchards, ſpecified in the Schedule hereto annexed or hereunder written; all which ſaid Houſes, Cottages, Mills, Buildings, Yards, Gardens, and Orchards, deſcribed in the ſaid Schedule, or any of them, it ſhall and may be lawful for the ſaid Company of Proprietors to take or pull down, and to ſell or otherwiſe diſpoſe of the Materials thereof as they ſhall think proper; and it ſhall alſo be lawful for them to take and make uſe of the Scites of ſuch Houſes, Cottages, Mills, and Buildings, and the ſaid Yards, Gardens, and Orchards, herein-before particularly mentioned and excepted, for the Purpoſes

poſes of the ſaid Undertaking, the ſaid Company of Proprietors making Satisfaction to the ſeveral Owners or Occupiers of, and Perſons intereſted in ſuch Houſes, Cottages, Mills, and other Buildings, and ſuch Yards, Gardens, and Orchards, reſpectively, for the ſame, and for the Damages they ſhall reſpectively ſuſtain thereby, ſuch Satisfaction (in caſe of any Diſpute concerning the ſame) to be ſettled and aſcertained by Commiſſioners, or a Jury, in the ſame Manner as herein-after directed with reſpect to other Lands or Hereditaments to be taken and uſed for the Purpoſes of this Act.

For preſerving the Streams now flowing to certain Mills.

IV. And, for preventing Injury or Damage to the Owners of Mills upon the Rivers *Tone* and *Cliſt*, by taking Water from the ſaid Rivers at improper Times; be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to authorize or empower the ſaid Company of Proprietors, under any Pretence whatſoever, to take or uſe any of the Streams of Water now flowing to or ſupplying with Water any Mill or Mills ſituate upon the ſaid Rivers *Tone* or *Cliſt*, or either of them, but that all Streams of Water which ſhall be croſſed or diverted by the ſaid Canal, or any of the ſaid Cuts, or any Conductor, Aqueduct, or other Work appertaining thereto, ſhall be well and effectually conducted by Tunnels, Culverts, Trenches, or Drains, under or by the Side of ſuch Canal, Cuts, or other Works, by the ſaid Company of Proprietors, immediately into the former and ancient Courſe of ſuch Streams of Water, ſo that the Whole thereof ſhall flow into the ſaid former and ancient Courſe, ſave and except the Surplus Water of the ſaid Rivers *Tone* and *Cliſt*, which, in Times of Exceſs, ſhall and may be taken for the Uſe of the ſaid Canal, Cuts, and Reſervoirs, when the Water ſhall fill and exceed certain Gauges or Watermarks to be fixed by ſuch Perſons, and of ſuch Dimenſions, and at ſuch Places as herein-after mentioned; and for that Purpoſe Two Engineers ſhall be appointed, One by the Owners of Mills upon the ſaid Rivers *Tone* and *Cliſt*, or the major Part of ſuch Owners, by Writing under their Hands, before the Firſt Day of *September* One thouſand ſeven hundred and ninety-ſix, and another by the ſaid Company of Proprietors, under their Common Seal, before the ſaid Firſt Day of *September*; and that the ſaid Engineers ſo to be appointed ſhall, and they are hereby required, before they proceed in the Matters to them referred, to agree upon and name, in Writing, Three Engineers, One of whom ſhall be Umpire, to ſettle and determine any Difference that may happen to ariſe between the Two Engineers ſo to be appointed as aforeſaid; and the ſaid Two Engineers ſhall then proceed to aſcertain and determine the Places where the Gauges or Watermarks ſhall be fixed upon the ſaid Rivers *Tone* and *Cliſt*, or the Streams ſupplying the ſame, or ſuch of them as the Surplus Water is intended to be taken from, and the Nature, Conſtruction, Dimenſions, and Levels, of ſuch Gauges or Watermarks, ſo as the ſame ſhall denote and aſcertain the Quantity of Water flowing in the ſame Rivers reſpectively at the Places where ſuch Gauges or Watermarks ſhall be fixed, that may be neceſſary for ſupplying the ſeveral Mills below with a ſufficient Quantity of Water, ſuch as they were ſupplied with in the ordinary States of the ſaid reſpective Rivers before the paſſing of this Act; and alſo to aſcertain and determine the Means of guarding and protecting ſuch Gauges or Watermarks, provided that ſuch Gauges or Watermarks ſhall be ſo placed as that the Water will be above

the Level of the Reſervoirs, Canal, and Cuts, intended to be ſupplied with ſuch Surplus Water; and in caſe the ſaid Two Engineers to be appointed by the Owners of Mills and the ſaid Company of Proprietors as aforeſaid, ſhall not agree in Opinion touching the Situation, Nature, Conſtruction, Dimenſions, and Levels, of ſuch Gauges or Watermarks reſpectively, and the Means of guarding and protecting the ſame, that then the Engineer firſt named by them in the ſaid Writing ſhall be the Umpire to ſettle and determine the Difference between the ſaid Two Engineers; and in caſe of his Death, Neglect, or Refuſal, to act as Umpire, for the Space of Thirty Days after being called upon for that Purpoſe, the Engineer who ſhall be the Second named in the ſaid Writing ſhall be the Umpire to ſettle and determine ſuch Difference; and in caſe of his Death, Neglect, or Refuſal to act within the Time aforeſaid, the Engineer laſt named in the ſaid Writing ſhall be the Umpire to ſettle and determine ſuch Difference; and in caſe the ſeveral Matters and Things before authorized and intended to be done by the ſaid Engineers for the Protection of the ſeveral Mills upon the ſaid Rivers ſhall not be done and completed on or before the Firſt Day of *September* One thouſand ſeven hundred and ninety-ſeven, that then the Commiſſioners herein-after deſcribed for determining Differences between the ſaid Proprietors and the Owners and Occupiers of Lands, or any Three or more of them, ſhall and may (with the Aſſiſtance of ſome Engineer or Engineers to be by them employed for that Purpoſe) ſettle and determine in what Places, in what Manner, of what Nature, and of what Dimenſions and Levels ſuch Gauges or Water Marks, ſhall be conſtructed for the Purpoſe of regulating the taking of the Surplus Water from the ſaid Rivers, and the Means of guarding and protecting the ſame, provided ſuch Gauges or Water Marks are ſo placed that the Water ſhall be above the Level of the Reſervoirs, Canal, and Cuts; and that a Certificate ſhall be made and ſigned by the ſaid Engineers, or by any Three or more of the ſaid Commiſſioners, (as the Caſe may be), particularly deſcribing ſuch Gauges or Water Marks, and the Plan, Nature, Conſtruction, Dimenſions, and Levels thereof reſpectively, and the Places where the ſame ſhall be conſtructed and fixed, which Certificate ſhall be recorded with the Clerks of the Peace for the reſpective Counties wherein ſuch Gauges or Water Marks ſhall be conſtructed and fixed; and ſuch Certificate ſhall be binding and concluſive, as well upon the Owners of the ſeveral Mills upon the ſaid Rivers as upon the ſaid Company of Proprietors; and that a Copy of ſuch Certificate, ſigned by the Clerk of the Peace for the County wherein the ſame ſhall be recorded, ſhall at all Times be admitted as Evidence of the ſame.

For ſecuring to the Mills the Water of the Culm, and appointing Commiſſioners to aſcertain Means for ſupplying the Canal with the Surplus Water.

V. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend to authorize and empower the ſaid Company of Proprietors, their Servants, Agents, or Workmen, to alter, divert, or make uſe of the Waters of the River *Culm*, or any of the Springs, Watercourſes, Brooks, or Streams of Water flowing into the ſaid River (ſave and except as herein-after mentioned); that is to ſay, that it ſhall and may be lawful to and for the ſaid Company of Proprietors, their Servants, Agents, and Workmen, and they are hereby authorized and empowered to divert the Two Branches of the ſaid River *Culm*, and to make a Cut or Cuts of Breadth and Depth ſufficient to convey the whole Water of ſuch River from the Places where ſuch Diverſion takes place into the

preſent Channel of the ſaid River *Culm*, below the Reſervoirs intended to be made, and to guard and defend the Sides of ſuch new Channel by proper Buildings, Weir or Weirs, Water Mark or Water Marks, Gauge or Gauges, ſo that the Dimenſions thereof may be accurately preſerved of the full Size neceſſary to convey an ample Supply of Water to the Mills of the Rivers *Culm* and *Exe*, and to the Water Engine, Navigation, and other Works of the Mayor, Bailiffs, and Commonalty of the City of *Exeter*, and alſo to make, ſet up, and erect, on ſuch new Cut or Cuts, Channel or Channels, a Side Weir or Weirs for conveying the Surplus or Flood Water of the ſaid River into either of the ſaid Reſervoirs at ſuch Place or Places as the ſaid Company of Proprietors ſhall think fit, the Dimenſions of the ſaid Channel or Channels, Weir or Weirs, Water Mark or Water Marks, Gauge or Gauges, with the Side Weir or Weirs, to be made, ſet up, and erected of ſuch Height, Breadth, and Dimenſions, as herein-after mentioned, and of ſuch Materials as the Commiſſioners herein-after mentioned may think fit, and for this Purpoſe Three Select Commiſſioners ſhall be appointed by the ſaid Mayor, Bailiffs, and Commonalty of the ſaid City of *Exeter*, by Writing under their Common Seal, before the Firſt Day of *September* One thouſand ſeven hundred and ninety-ſix, and alſo Three other Commiſſioners ſhall be appointed by the Company of Proprietors, under their Common Seal, before the ſaid Firſt Day of *September* One thouſand ſeven hundred and ninety-ſix, and the ſaid Six Select Commiſſioners ſhall, and they are hereby required, before they begin to act in the Matters hereby to them referred, to agree upon and name Three other Select Commiſſioners, in Writing, One of whom ſhall be Umpire to ſettle and determine any Difference that may happen to ariſe between them the ſaid Six Select Commiſſioners ſo to be appointed as aforeſaid; and that the ſaid Six Select Commiſſioners, or any Five of them, together with the ſaid Umpire, ſhall, and they are hereby empowered and required to aſcertain the Dimenſions of the propoſed new Cut or Cuts, Channel or Channels, and the Means of guarding and protecting the ſame, and alſo to aſcertain the proper Heights of the Side Weir or Weirs to be fixed thereon above the Bottom of the new Cut or Cuts, Channel or Channels, ſo that the Mills on the ſaid Rivers *Culm* and *Exe*, Water Engine, Navigation, and other Works, ſhall be amply ſupplied with Water before any Part of the Surplus or Flood Water ſhall be taken or diverted for the Purpoſe of ſupplying with Water the ſaid Canal, Cuts, and Reſervoirs; and they are hereby required, from Time to Time, to re-ſurvey and aſcertain, within the Space of Three Years from the Firſt Day of *September* One thouſand ſeven hundred and ninety-ſix, whether ſuch Channel, Cut or Cuts, Side Weir or Weirs, ſo made, are of proper Size and Dimenſions to anſwer the Purpoſes of ſupplying, in the moſt ample Manner, the Mills on the Rivers *Culm* and *Exe*, Water Engine, Navigation, and other Works, at *Exeter*; and if ſuch Cut or Cuts, Channel or Channels, Weir or Weirs, are found to be inadequate for the Purpoſe of ſupplying the ſaid Mills, Water Engine, Navigation, and other Works, the ſaid Commiſſioners are hereby empowered to make ſuch Alterations in the ſaid Side Weirs, Cut or Cuts, Channels, or other Works, as ſhall ſecure to the Proprietors of the Mills, Water Engine, Navigation, and other Works, the moſt ample Supply of Water for their ſeveral Purpoſes.

Commiſſioners to make Certificate of

VI. And be it further enacted, That a Certificate ſhall be made and ſigned by the ſaid Commiſſioners, particularly deſcribing ſuch Gauges or

Water Marks, and Side Weirs, and the Plan, Nature, Conſtruction, and Dimenſions thereof reſpectively, which Certificate ſhall be recorded with the Clerk of the Peace for the County of *Devon*; and ſuch Certificate ſhall be binding and concluſive, as well upon the Mayor, Bailiffs, and Commonalty of the ſaid City of *Exeter*, as upon the ſaid Company of Proprietors; and that a Copy of ſuch Certificate, ſigned by the Clerk of the Peace for the ſaid County of *Devon*, ſhall at all Times be admitted as Evidence of the ſame: Provided always, That if the ſaid Company of Proprietors ſhall neglect to keep or maintain the ſaid new Cut or Cuts, Channel or Channels, Water Marks, Gauges, or Side Weirs, which ſhall be erected by them on the ſaid River, and alſo the Banks of the ſaid new Cut or Channel, in good and ſubſtantial Repair and Condition, and Water tight, then they are hereby required and directed, immediately after Notice thereof in Writing ſhall be given or delivered to the Clerk or Treaſurer of the ſaid Company of Proprietors for the Time being by the ſaid Mayor, Bailiffs, and Commonalty, or any Perſon or Perſons intereſted in the ſaid River *Culm*, to cauſe the ſaid Water Mark or Water Marks, Weir or Weirs, to be repaired in an effectual and complete Manner; and in caſe the ſaid Company of Proprietors ſhall refuſe or neglect for the Space of Fifteen Days to repair the ſame, then it ſhall and may be lawful for the ſaid Mayor, Bailiffs, and Commonalty, and their Succeſſors, or ſuch Perſon or Perſons aforeſaid, ſo to do, and they ſhall be entitled to recover from the ſaid Company of Proprietors all ſuch Sum or Sums of Money as he or they ſhall expend in effectually repairing the ſaid Water Mark, or Water-Marks, and Weir or Weirs, together with full Coſts of Suit, by Action of Debt in any of His Majeſty's Courts of Record at *Weſtminſter*, againſt the ſaid Company of Proprietors, or their Clerk or Treaſurer for the Time being, in which it ſhall be ſufficient to declare that the Defendant or Defendants is or are indebted to the Plaintiff or Plaintiffs in the Sum expended as aforeſaid, being forfeited by an Act, paſſed in the Thirty-ſixth Year of the Reign of His preſent Majeſty, intituled, *An Act for making a Navigable Canal from the River* Exe, *near the Town of* Topſham, *in the County of* Devon, *to the River* Tone, *near the Town of* Taunton, *in the County of* Somerſet, *and for cleanſing and making navigable a certain Part of the ſaid River* Tone, *and for making certain Cuts from the ſaid Canal.*

Works to be erected.

VII. Provided always, and be it further enacted, That nothing herein contained ſhall extend or be conſtrued to extend to authorize or empower the ſaid Company of Proprietors, under any Pretence whatſoever, to take or ſuffer to be taken or uſed for the ſaid Canal and Cuts, or any of them, or to flow or run into any Reſervoir or Reſervoirs, or other Works, for the Uſe thereof, any Water out of the River *Culm* (except as before directed) or any Water out of the River *Exe*, or any Rivulets, Springs, Watercourſes, or Streams of Water now flowing into the ſaid Rivers, or either of them, but that all ſuch Rivulets, Springs, Watercourſes, and Streams of Water, which ſhall or may be croſſed or diverted by the ſaid Canal or Cuts, or any Reſervoir, Conductor, Aqueduct, or other Works appertaining thereto, ſhall be well and effectually tunnelled and conducted under ſuch Canal, Cuts, Reſervoirs, and Aqueducts, or other Works, by the ſaid Company of Proprietors, immediately into the former and ancient Courſe of ſuch Rivulets, Springs, Watercourſes, or Streams of Water, or in ſuch other Manner

For conducting under the Line of the Canal the Feeders of the *Culm*.

Manner as that the Whole thereof ſhall flow into the ſaid Rivers *Culm* and *Exe*.

Inflicting a Penalty on Perſons pounding the Waters of the *Culm* into any of the Reſervoirs.

VIII. And be it further enacted, That in caſe any Officer or other Perſon belonging to the ſaid Company of Proprietors, or any other Perſon, ſhall cauſe any Matter or Thing to be done in or upon the ſaid new Cut or Channel, in the ſaid River *Culm*, above or below any of the ſaid Gauges, Water Marks, Side Weirs, or other Works, which ſhall be made or erected by Direction of the ſaid Select Commiſſioners as aforeſaid, ſo as to pound back, or force any Water in the ſaid new Cut or Channel, over the ſaid Side Weir, into any of the ſaid Reſervoirs, which would otherwiſe flow in its ordinary Courſe, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay to the ſaid Mayor, Bailiffs, and Commonalty, and their Succeſſors, the Sum of Fifty Pounds, to be recovered, by Action of Debt, in ſuch Manner as any Money expended by them in Repair of their ſaid Water Marks or Weirs is to be recovered by virtue of this Act.

IX. And whereas a Map or Plan of the ſaid Canal and Cuts, together with a Book of Reference, containing a Liſt of the Names of the Owners and Occupiers of the Lands through and on which the ſame are intended to be carried and made, has been depoſited for publick Inſpection at the Offices of the Clerks of the Peace of the Counties of *Devon* and *Somerſet* reſpectively; be it therefore further enacted, That the before-mentioned Maps or Plans and Books of Reference ſhall remain with the Clerks of the Peace of the ſaid Counties of *Devon* and *Somerſet*, and that all Perſons ſhall at all ſeaſonable Times have Liberty to inſpect and peruſe the ſame, and to take Copies thereof, or Extracts therefrom, at their Will and Pleaſure, paying to the ſaid reſpective Clerks of the Peace the Sum of One Shilling for every ſuch Inſpection, and after the Rate of Sixpence for every Two hundred Words of ſuch Copies and Extracts of the ſaid Books of Reference.

Company not to deviate more than 100 Yards from the Line of the Canal or Cuts, without Conſent of the Land Owners.

X. And be it further enacted, That the ſaid Company of Proprietors, in making the ſaid Canal and Cuts, ſhall not deviate more than One hundred Yards, of Three Feet each, 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 or Grounds of any Perſon or Perſons not named and ſet forth in the ſaid Book of Reference, without the Approbation and Conſent in Writing of the Perſon or Perſons through whoſe Lands or Grounds any ſuch Deviation ſhall be made.

No Advantage to be taken of Error in the Book of Reference.

XI. Provided always, That no Advantage ſhall be taken of or againſt the ſaid Company of Proprietors, or any Interruption given to the making of the ſaid Canal, Cuts, or Reſervoirs, on Account of any Error or Omiſſion in the ſaid Book of Reference.

Coal, Lime Stone, Iron Stone, and Minerals, found in making the Canal and Cuts, to belong

XII. And be it further enacted, That all Coals, Lime Stone, Iron Stone, and other Minerals, which ſhall be found or dug up in making the ſaid Canal, Cuts, Reſervoirs, or any other Works, ſhall be laid upon the Surface of the Land, in ſome convenient Place, near the Place where they ſhall be dug up, and at the Expence of the ſaid Company of Pro-

prietors; and it shall be lawful for the Persons in whose Lands such Coals, Lime Stone, Iron Stone, and other Minerals shall be found and dug up, to take, carry away, and dispose of the same, to and for their own Use and Benefit. to the Owners of the Land.

XIII. And be it further enacted, That the Lands to be taken or used for the said Canal or Cuts, and the Towing Paths belonging thereto, and the Ditches, Drains, and Fences to separate such Towing Paths from the adjoining Lands, shall not exceed Thirty Yards in Breadth, measured horizontally, except in such Places where any Dock, Bason, or Reservoir shall be made, or where the said Canal or Cuts shall be raised higher, or cut more than Six Feet deeper than the present Surface of the Land, and except in such Places where it shall be judged necessary for Boats, Barges, and other Vessels to turn, lie, or pass each other, or where any Crane shall be erected, or where any Wharf shall be made for the Landing or Delivery of Goods, Wares, Merchandizes, or Things, not more than One hundred and fifty Yards in Breadth in any Place, except where the said Canal or Cuts shall pass through or over any Common or Waste Lands. Width of the Canal and Towing Paths.

XIV. Provided always, and be it further enacted, That in all Cases where, in Exercise of any of the Powers aforesaid, any Part of any Carriage or Horse Road, either publick or private, shall be found necessary to be cut through, taken, or so much injured as to be impassable or inconvenient for Travellers or Carriages, or the Persons entitled to the Use thereof, the said Company of Proprietors shall, at their own Expence, before any such Road shall be cut through, taken, or injured as aforesaid, cause a good and sufficient Carriage or Horse Road (as the Case may require) to be set out and made instead thereof, as convenient for Passengers and Carriages as the Road so to be cut through, taken, or injured as aforesaid, or as near thereto as may be, and shall cause the same to be put in good and substantial Order and Condition; and that the said Company of Proprietors shall well and effectually puddle where necessary, the Sides of the said Canal and Cuts, to prevent as much as possible the Water oozing through such Sides, to the Detriment of the Lands lying below the said Canal and Cuts. When Roads are injured, others to be made. The Sides of the Canal and Cuts to be puddled.

XV. And be it further enacted, That the said Company of Proprietors shall, and they are hereby required, at their own proper Charges, after any Land shall be taken for the Use of the said Canal and Cuts, and Towing Paths, to divide and separate, and keep constantly divided and separated, the Towing Paths on the Sides of the said Canal and Cuts hereby authorized to be made, and such Parts of such Trenches, Feeders, or Passages, as shall be found necessary by the Commissioners to be appointed by virtue of this Act (in case there shall be any Dispute about the same) with good and sufficient Posts, Rails, Hedges, Ditches, Mounds, or other Fences, to be set or made on the Lands which shall be purchased by, conveyed to, or vested in them, by virtue of this Act, and shall, at their own Costs and Charges, from Time to Time, maintain and support the said Posts, Rails, Hedges, Ditches, Mounds, and other Fences so made as aforesaid; and the said Company of Proprietors shall also, at their own Charges, make, erect, and set up, and from Time to Time maintain and support, such and so many convenient Gates, and Stiles in and through the Hedges and Fences For fencing off Towing Paths.

to be by them ſo made on the Sides of ſuch Towing Paths as aforeſaid, and alſo ſuch Bridges, Arches, Culverts, Drains, and Paſſages, over, under, by the Side of or into the ſaid Canal and Cuts, and the Feeders, Trenches, and Aqueducts communicating therewith, and the Towing Paths on the Sides thereof, of ſuch Dimenſions, and in ſuch Manner as the ſaid Commiſſioners ſhall from Time to Time judge neceſſary and appoint, in caſe there ſhall be any Diſpute about the ſame; and alſo make proper and convenient Watering Places for Cattle, where, by Means of the ſaid Canal, Cuts, or Reſervoirs, or any of them, or any other of the Works hereby authoriſed to be made, Cattle ſhall have been deprived thereof, and at all Times ſupply the ſame with Water for the Uſe of the Owners and Occupiers of the Lands or other Hereditaments adjoining to the ſaid Canal, Cuts, and Reſervoirs, Feeders, Trenches, Aqueducts, and Towing Paths, or any of them reſpectively; and that the ſaid Company of Proprietors ſhall not make the ſaid Canal and Reſervoirs, or any of them, or any Feeder, Trench, or Watercourſe, in or acroſs any common Highway, publick or Bridle Way, or Foot Path, until they ſhall at their own proper Charges have made and perfected ſuch Bridges, Paſſages, or Arches, acroſs ſuch Highway, Bridle Way, or Path, and of ſuch Dimenſions, and in ſuch Manner, as the ſaid Commiſſioners ſhall judge proper; and all ſuch Gates, Stiles, Bridges, Arches, and other Works and Conveniences as aforeſaid, ſhall from Time to Time be by the ſaid Company of Proprietors ſupported, maintained, and kept in ſufficient Repair; and in caſe the ſaid Company of Proprietors ſhall refuſe or neglect to make, erect, and ſet up, ſuch Fences on the Sides of the ſaid Towing Paths or Banks, and alſo ſuch Gates and Stiles in and through the Fences on the Sides of the ſaid Towing Paths, or ſuch Bridges, Arches, Tunnels, Culverts, Drains, or other Paſſages, over, under, or by the Sides of or into the ſaid Canal, Cuts, and Reſervoirs, and the ſaid Trenches, Streams, and Watercourſes as aforeſaid, or to make ſuch Watering Places for Cattle as herein directed, or to repair, maintain, and ſupport, ſuch Gates, Stiles, Bridges, Paſſages, Arches, Culverts, and Watering Places, when erected, ſet up, and made, of ſuch Dimenſions, and in ſuch Manner as aforeſaid, for the Space of Three Calendar Months next after the Times to be appointed for thoſe Purpoſes by the ſaid Commiſſioners, or after Notice ſhall be given by or on the Behalf of the Owners or Occupiers of any ſuch Lands or other Hereditaments, who may be aggrieved by any ſuch Refuſal or Neglect, it ſhall be lawful for any ſuch Owners or Occupiers to make, erect, or ſet up ſuch Fences, Gates, Stiles, Bridges, Paſſages, Arches, Culverts, Watering Places, and other Conveniences as aforeſaid, and to maintain, repair, and ſupport the ſame from Time to Time as Occaſion ſhall require, ſo that in making and maintaining the Works aforeſaid, the ſaid Canal or Cuts, or any of them, or the Banks thereof, or the Feeders or Aqueducts belonging thereto, ſhall not be ſtopped or injured for any longer Space of Time, or in any other Manner than is abſolutely neceſſary for the doing thereof; and all the reaſonable Expences thereof (to be ſettled and allowed by the ſaid Commiſſioners) ſhall be paid to ſuch reſpective Owners or Occupiers as aforeſaid by the ſaid Company of Proprietors, within the Space of Six Calendar Months next after the ſame ſhall have been ſo ſettled and allowed, and an Account and Demand ſhall have been delivered and made thereof, and in Default of ſuch Payment the ſaid Commiſſioners ſhall, and they are hereby

Making Watering Places for Cattle where neceſſary.

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

hereby required by Warrant under their Hands and Seals, to cauſe the ſame to be levied by Diſtreſs and Sale of the Goods and Chattels of the ſaid Company of Proprietors, and to be paid to ſuch reſpective Owners or Occupiers as aforeſaid, rendering to the ſaid Company of Proprietors, or to ſome of their Agents, the Overplus (if any) after deducting the reaſonable Charges of making ſuch Diſtreſs and Sale; or otherwiſe, ſuch Owners or Occupiers reſpectively ſhall and may ſue for and recover the ſame from the ſaid Company of Proprietors by Action at Law in any of His Majeſty's Courts of Record at *Weſtminſter*.

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

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

The Company may be indicted for not making and repairing Bridges over the Canal and Cuts.

XVII. And be it further enacted, That the ſaid Company of Proprietors ſhall be liable to be indicted at Common Law for not making Stone or Brick Bridges in and for all Highways and Roads leading to and paſſing over the ſaid Canal and Cuts, together with proper Wing Walls, Ramparts, and Side Banks, over and from ſuch Bridges, where ſuch Bridges can be made, by Approaches not ſteeper or of greater Aſcent than Two Inches and a Half in every Yard in Length, and ſo on in the like Proportion of Aſcent, and alſo for not repairing and keeping in Repair all ſuch Bridges, Wing Walls, Ramparts, Side Banks, and Approaches as aforeſaid; and that the ſaid Company of Proprietors ſhall be liable to pay the Coſts of every ſuch Proſecution, upon Proof of Thirty Days Notice being given to or left at the Houſe of any Treaſurer or Clerk to the ſaid Company of Proprietors, previous to the Commencement of ſuch Proſecution, by the Surveyor of the Highways on either Side of the ſaid Canal or Cuts, in caſe the ſaid Company of Proprietors ſhall be convicted upon ſuch Proſecution.

Quarter Seſſions in certain Caſes to determine what Bridges ſhall be built.

XVIII. Provided always, That if on Account of the Situation of the Bridges intended to be made in any ſuch Carriage Highway as aforeſaid, a Swivel or Wooden Bridge would be more convenient to the Publick than

than a Bridge of Stone or Brick, or that the Approach to be made as aforeſaid, cannot be made without very great Expence, of leſs Aſcent than Two Inches and a Half in a Yard in Length, then, and in every ſuch Caſe, upon Application being made to the Juſtices at any General Quarter Seſſions of the Peace which ſhall be held for the County or Diſtrict wherein ſuch Bridge is to be erected, by or on Behalf of the ſaid Company of Proprietors, it ſhall be lawful for ſuch Juſtices, upon Proof of Thirty Days Notice having been previouſly given of ſuch intended Application to the Surveyor of the Highways of the Pariſh wherein ſuch Bridge is be built, to inquire into the Premiſes, and to order, direct, and determine, whether ſuch Bridge ſhall be of Stone or Brick, or a Wooden, Swivel, or Drawbridge, and of what Aſcent any ſuch Approach as aforeſaid ſhall be made; and the ſaid Company of Proprietors ſhall conform to the Determination of the ſaid Juſtices therein, any Thing herein contained to the contrary notwithſtanding; and the ſaid Company of Proprietors ſhall be liable to be indicted at Common Law for not making, and alſo for not repairing, ſuch Swivel, Wooden, and Drawbridges, in the ſame Manner as they are herein-before made liable to be indicted for not making and repairing Stone and Brick Bridges, and ſhall alſo in like Manner be liable to Coſts.

Company may cleanſe the adjoining Water Courſes at the Land Owners Expence.

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

Works damaged by Floods, to be forthwith repaired by the Company.

XX. And whereas it may happen from Floods or unexpected Accidents that the Locks or other Works of the ſaid Navigation may be injured or deſtroyed, and the adjacent Lands may thereby ſuffer Damage, and it may be neceſſary that the ſame ſhould be immediately repaired or rebuilt to prevent further Damage; be it therefore further enacted, That when and as often as any ſuch Caſe ſhall happen, it ſhall be lawful for the ſaid Company of Proprietors, without Interruption from any Perſon or Perſons, to enter into any Lands adjoining or near to the ſaid Canal, Cuts, and Reſervoirs, and other Works or Conveniences, or any of them, (not being the Land whereon any Houſe or other Building ſtands, or an Orchard, Garden, Park, Paddock, planted Walk, Nurſery for Trees, or Avenue to a Houſe), and to dig for, work, get, and carry away and uſe all ſuch Stones, Gravel, and other Materials, as may be neceſſary

or

or proper for the Purpoſes aforeſaid, without any previous Treaty with the Owner or Occupier of, or any other Perſon intereſted in ſuch Lands, doing as little Damage thereby as the Nature of the Caſe will admit, and making Recompence for the ſame to the Owner and Occupier of, and all other Perſons intereſted in ſuch Lands, within the Space of Three Calendar Months next after the ſame ſhall be demanded, which Damages, and the Compenſation to be made in reſpect thereof, in caſe the Parties do not agree amongſt themſelves, ſhall be ſettled and determined, or aſſeſſed, by the Ways and Means by this Act directed with reſpect to other Damages to be done by making and completing the ſaid Navigation.

For authorizing the Company of Proprietors to make a certain Part of the River *Tone* navigable.

XXI. And whereas the ſaid Canal would be rendered more beneficial to the Publick, if a certain Part of the ſaid River *Tone* was cleanſed and made navigable: Be it therefore further enacted, That ſo much of the ſaid River *Tone* as lies between the ſaid Canal, in the ſaid Pariſh of *Biſhop's Hull*, and *Taunton Bridge*, in the Pariſh of *Saint James Taunton*, in the ſaid County of *Somerſet*, (being the Diſtance of Five hundred Yards or thereabouts), ſhall and is hereby declared to be Part of the Canal and Works to be made by the ſaid Company of Proprietors by virtue of this Act, and ſuch Part of the ſaid River *Tone* as aforeſaid ſhall be and is hereby veſted in the ſaid Company of Proprietors as Part of the ſaid Navigation, and it ſhall and may be lawful for the ſaid Company of Proprietors to cleanſe, ſcour, and make and keep navigable and ſafe for the Paſſage of Boats, Barges, and other Veſſels, ſuch Part of the ſaid River *Tone* as aforeſaid, by ſuch Ways and Means, and in ſuch Manner as the ſaid Company of Proprietors ſhall think neceſſary and proper, and to erect and build Warehouſes, Wharfs, Quays, and Landing Places, on or near the Sides of ſuch Part of the ſaid River *Tone* as aforeſaid, as they are authorized to do by virtue of this Act on or near the Sides of the ſaid Canal and Cuts; and that all the Powers and Authorities given and granted to the ſaid Company of Proprietors by virtue of this Act, to enable them to make the ſaid Canal and Cuts, may be uſed and exerciſed by them for making and keeping navigable ſuch Part of the ſaid River *Tone* as aforeſaid, and for making, erecting, and building Warehouſes, Wharfs, Quays, and Landing Places, on or near the Sides of ſuch Part of the ſaid River *Tone* as aforeſaid.

Bodies Politick and others empowered to ſell and convey Lands for the Purpoſes of the Act;

XXII. And be it further enacted, That after any Lands, Tenements, or other Hereditaments, ſhall be ſet out and aſcertained for the making of the ſaid Canal, Cuts, and Reſervoirs, or any other of the Works and Conveniences hereby authorized to be made, it ſhall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, or for any other particular Eſtate or Intereſt in Poſſeſſion, Huſbands, Guardians, Truſtees, and Feoffees in Truſt for Charities or other Purpoſes, Committees, Executors, and Adminiſtrators, and all other Truſtees whatſoever, not only for and on Behalf of themſelves and their reſpective Heirs and Succeſſors, but alſo for and on Behalf of their reſpective Ceſtuique Truſts, whether Infants, Iſſue unborn, Lunaticks, Idiots, Femes Covert, or other Perſons, and to and for all Femes Covert who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in their own Right, and to and for all and every other Perſon and Perſons whomſoever, who are or ſhall be ſeiſed, poſſeſſed, or intereſted of or in

any Lands, Tenements, or other Hereditaments which ſhall be ſo ſet out and aſcertained by virtue of this Act, or which ſhall be taken or contracted for by the ſaid Company of Proprietors for any of the Purpoſes of this Act, to ſell and convey unto the ſaid Company of Proprietors all or any Part or Parts of ſuch Lands, Tenements, or other Hereditaments, either in Conſideration of a Sum of Money to be paid for the ſame, or of an Annual Rent or Payment to be charged and ſecured as herein-after mentioned; and that all Sales and Conveyances to the ſaid Company of Proprietors (except of Copyhold Eſtates) may be made and effected by a Deed in Writing to the following Effect; *videlicet*,

'I *A. B.* of [*or*, We *A. B.* of and *C. D.* of], in Conſideration of the Sum of to me [*or*, to us] paid [*or*, in Conſideration of the Annual Rent of to me, *or*, to us, to be hereafter yielded and paid] by the Company of Proprietors of the Grand Weſtern Canal, do hereby [ſeverally] grant, ſell, releaſe, and convey [*or*, ſell and aſſign, *if Leaſehold*] unto the ſaid Company of Proprietors, all [*deſcribing the Premiſes to be conveyed*] and all my [*or* our] Eſtate, Right, Title, and Intereſt to and in the ſame, to hold to the ſaid Company of Proprietors for ever [*or*, *if Leaſehold*, *or for a particular Eſtate*, *the Term intended to be granted or aſſigned*] by virtue and according to the Intent and Meaning of an Act of Parliament paſſed in the Thirty-ſixth Year of the Reign of King *George* the Third, intituled, [*inſert the Title*], and I [*or*, we] do hereby [reſpectively] warrant the ſaid Premiſes unto the ſaid Company of Proprietors for ever [*or*, for the Term aforeſaid] againſt all Perſons whomſoever, and that free from all Incumbrances [*or*, *if Leaſehold*, ſubject to the Rent, Covenants, and Agreements on the Leſſees Part to be paid, obſerved, and performed, *making the neceſſary Variations according to the Circumſtances of the Caſe*]. In Witneſs whereof I [*or*, we] have hereunto ſet my Hand and Seal [*or*, our Hands and Seals] the Day of in the Year

and (with Conſent of Commiſſioners) to ſell or exchange any Lands which may be ſo ſeparated, as to render the Occupation thereof inconvenient to the Owners.

And that where, by making the ſaid Canal, Cuts, and Reſervoirs, or any Aqueduct, or any Channels for the Conveyance of Water from the ſaid Reſervoirs, the Lands of any Perſon or Perſons ſhall be ſeparated into ſmall Parcels, it ſhall be lawful for all ſuch Bodies Politick, Corporate, or Collegiate, Corporations, and other Perſon and Perſons whomſoever, who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in the ſame, by and with the Conſent of the ſaid Commiſſioners, to be teſtified by Writing under their Hands and Seals, and atteſted by any Two credible Witneſſes, to contract for, ſell, and diſpoſe of, or convey in Exchange for and in lieu of other Lands or Hereditaments, all or any Part or Parts of ſuch Lands as ſhall be ſo ſeparated into ſmall Parcels as aforeſaid, either unto the ſaid Company of Proprietors, or unto any other Perſon or Perſons whomſoever, for ſuch Price or Prices in Money, or for ſuch Equivalent in Lands or other Hereditaments, or by Way of Annual Rent, as to the ſaid Commiſſioners ſhall ſeem reaſonable; and that all ſuch Contracts, Agreements, Sales, Exchanges, Conveyances, and Aſſurances, as ſhall be made and executed for the Purpoſes aforeſaid ſhall be valid and effectual in the Law to all Intents and Purpoſes whatſoever, any Law, Statute, Cuſtom, or Uſage, to the contrary notwithſtanding; and all ſuch Conveyances and Aſſurances (other than ſuch as concern any Purchaſe

Deeds of Conveyance to be inrolled by the Clerks of the Peace.

or

or Exchange between private Individuals, ſo to be made as aforeſaid) ſhall, at the Expence of the ſaid Company of Proprietors, be inrolled by the Clerk of the Peace for the County in which the ſaid Lands ſhall reſpectively lie; and all Perſons whomſoever ſhall have free Liberty to inſpect ſuch Inrolments and take Copies thereof; and the ſame Inrolments, or true Copies thereof, ſigned by the Clerk of the Peace, ſhall be allowed to be good Evidence in all Courts whatſoever; for which Inrolments or Copies the ſaid Clerk of the Peace ſhall be entitled to receive the Sum of Sixpence and no more, for every Two hundred Words, and ſo in Proportion for any leſſer Number of Words, and for every Inſpection or Peruſal of any ſuch Inrolment One Shilling, and no more.

Pieces of Land of certain Dimenſions ſhall be purchaſed by the Company if required.

XXIII. And be it further enacted, That if, in making the ſaid Canal, Cuts, and Reſervoirs, any Pieces or Parcels of Land ſhall be cut through and divided, ſo that what ſhall be left on each or either Side of the ſaid Canal, Cuts, and Reſervoirs, ſhall be leſs than One Acre in Quantity, or leſs than Fifty Yards in Breadth, throughout the whole Length thereof, and if the Owner or Owners of any ſuch Pieces or Parcels of Land ſhall not have any other Land adjoining or contiguous to what ſhall be ſo left on each or either Side of the ſaid Canal, Cuts, and Reſervoirs, then and in every ſuch Caſe, the ſaid Company of Proprietors ſhall and are hereby required to take and purchaſe the Piece or Parcel, or Pieces or Parcels of Land ſo to be left on each or either Side of the ſaid Canal, Cuts, and Reſervoirs, being leſs than One Acre in Quantity, or leſs than Fifty Yards in Breadth throughout the whole Length thereof as aforeſaid, and ſhall pay for the ſame after the ſame Rate and in the ſame Manner as they ſhall pay for the Land adjoining thereto, which ſhall be taken and uſed for making the ſaid Canal, Cuts, and Reſervoirs, provided the Owner or Owners, or the Perſon or Perſons entitled to the Poſſeſſion, or to the Rents and Profits of ſuch ſmall Pieces or Parcels of Land reſpectively, ſhall, by Writing under their Hands, to be delivered to the Clerk or Treaſurer to the ſaid Company of Proprietors, require the ſaid Company of Proprietors to take and purchaſe the ſame, and provided the ſaid Commiſſioners ſhall, by Writing under their Hands and Seals, conſent thereto, but not otherwiſe.

For preſerving Copyhold Rights.

XXIV. And be it further enacted, That all Contracts, Agreements, Bargains, Sales, and Exchanges, of or concerning any Lands, Tenements, or Hereditaments, to be purchaſed by virtue of this Act, which ſhall be Copyhold, ſhall be executed and completed by Surrender thereof in the reſpective Courts of the Manors whereof ſuch Lands, Tenements, or Hereditaments ſhall be held, according to the Cuſtom of the ſaid Manors reſpectively, and ſuch Lands, Tenements, or Hereditaments, ſhall remain and continue ſubject to ſuch and the ſame Fines, Rents, and Services, as are due and payable and of Right accuſtomed.

Commiſſioners for determining Differences between the Parties.

XXV. And, for the better carrying the Purpoſes of this Act into Execution, be it further enacted, That every Perſon ſeiſed of or entitled in his own Right, or in the Right of his Wife, of or in Freehold or Copyhold Eſtates of One hundred Pounds *per Annum*, lying in the Counties of *Devon* and *Somerſet*, or either of them; and the eldeſt Son or Heir Apparent of every Perſon having ſuch Eſtate as aforeſaid of Three hundred Pounds

Pounds *per Annum*, within the ſaid Counties, or either of them; and every Perſon reſiding within the Counties of *Devon* and *Somerſet*, and having a Perſonal Eſtate of the Value of Three thouſand Pounds, ſhall be and is hereby appointed a Commiſſioner for the ſettling, determining, and adjuſting, all Queſtions, Matters, and Differences, which ſhall or may ariſe between the ſaid Company of Proprietors and the ſeveral Owners of and Perſons intereſted in any Houſes or other Buildings, Lands, Tenements, or Hereditaments, that ſhall or may be taken, or affected, or prejudiced by the Execution of any of the Powers by this Act granted; but no Perſon ſhall act as a Commiſſioner in any Caſe, in the Execution of this Act, during the Time of his holding any Place of Profit under the ſaid Company of Proprietors, or during the Time of his being a Proprietor in the ſaid Undertaking, or in any Caſe where he ſhall be in any wiſe intereſted or concerned in the Matter in Queſtion; nor ſhall any Perſon act as a Commiſſioner in the Execution of this Act, (otherwiſe than in adminiſtering an Oath to the Effect following), until he ſhall have taken and ſubſcribed ſuch Oath before any One or more of the ſaid Commiſſioners, who is and are hereby authorized and empowered to adminiſter the ſame; that is to ſay,

No Commiſſioners to act where intereſted, or holding any Place of Profit.

No Commiſſioner to act till he has taken an Oath.

'I *A. B.* do ſwear, That I will truly and impartially, according to the beſt of my Skill and Knowledge, execute and perform the Powers and Authorities veſted in me as a Commiſſioner, by an Act made in the Thirty-ſixth Year of the Reign of King *George* the Third [*Set forth the Title*].'

Penalty on Perſons acting as Commiſſioners, not being qualified.

And if any Perſon, not qualified as aforeſaid, ſhall nevertheleſs preſume to act as a Commiſſioner in the Execution of this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit the Sum of Fifty Pounds to the ſaid Company of Proprietors, to be recovered, with full Coſts of Suit, by Action at Law in any of His Majeſty's Courts of Record at *Weſtminſter*; and every Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty without any other Proof or Evidence on the Part of the Plaintiff than that ſuch Perſon hath acted as a Commiſſioner in the Execution of the Powers given by this Act: Provided nevertheleſs, that it ſhall be lawful for ſuch of the ſaid Commiſſioners who are or ſhall be in the Commiſſion of the Peace for the ſaid Counties of *Devon* or *Somerſet* to act as Juſtices of the Peace in the Execution of this Act, notwithſtanding their being Commiſſioners.

Allowing Commiſſioners to act as Juſtices of the Peace.

How Meetings of Commiſſioners ſhall be held,

XXVI. And be it further enacted, That no Meeting of the ſaid Commiſſioners ſhall at any Time be had for putting this Act in Execution (except in ſuch Caſes as are herein-before otherwiſe ordered and provided for) unleſs Fourteen Days previous Notice at leaſt of the Time, Place, and Purpoſe of ſuch Meeting ſhall be given in ſome Newſpaper which ſhall at that Time be publiſhed and circulated in each of the ſaid Counties, or in ſuch other Manner as the ſaid Company of Proprietors, at any General Meeting, ſhall direct or appoint; and that every Meeting of the ſaid Commiſſioners ſhall be publick; and that no Act, Order, or Proceeding, of the ſaid Commiſſioners, or any of them, in or relating to any of the Matters and Things hereby meant to be ſubmitted to their Deciſion and Determination, (except in ſuch Caſes as are hereby otherwiſe ordered and provided for), ſhall be valid, unleſs the ſame ſhall be done or made at ſome Meeting to be held in purſuance and agreeable to the Directions of

this Act; and that all and ſingular the Powers and Authorities hereby given to and veſted in the ſaid Commiſſioners ſhall and may, from Time to Time, be exerciſed by the Majority of the Commiſſioners aſſembled at ſuch Meeetings, the whole Number preſent at any ſuch Meeting not being leſs than Five, and at every ſuch Meeting One of the ſaid Commiſſioners preſent ſhall be appointed Preſident or Chairman, who, in caſe of an equal Diviſion of Voices upon any Queſtion, ſhall have the caſting Vote.

Allowing Commiſſioners to act in Execution of this Act.

XXVII. And be it further enacted, That upon any Application to be made by any Five or more of the ſaid Company of Proprietors, or by any Owner or Occupier of any Lands, Tenements, or Hereditaments, to be affected by making the ſaid Canal, Cuts, and Reſervoirs, or any of them, or any other of the Works authorized to be made by virtue of this Act, unto any Three or more of the ſaid Commiſſioners, requeſting them to appoint a General Meeting, it ſhall be lawful for the Commiſſioners ſo applied to, (although not aſſembled at a Meeting to be held by virtue of this Act), and they are hereby authorized and required, within Seven Days after ſuch Requeſt made to them as aforeſaid, to give Notice in Manner aforeſaid of a General Meeting of the ſaid Commiſſioners, to be held at ſuch Time and Place as ſhall be ſpecified in ſuch Notice, ſuch Time not being leſs than Fourteen Days, nor more than Twenty-one Days, from the Day on which ſuch Requeſt ſhall be made to them as aforeſaid, and the ſaid Commiſſioners are hereby authorized and required to aſſemble at the Time and Place ſo to be appointed, and ſhall and may adjourn themſelves, and afterwards meet at ſuch Time and Place as they ſhall think proper; and if it ſhall happen that a ſufficient Number of Commiſſioners ſhall not attend for that Purpoſe, that then and in ſuch Caſe, and from Time to Time as often as the ſame ſhall happen, the Clerk to the ſaid Commiſſioners ſhall and may, by publick Notice to be given in the Manner aforeſaid, appoint the ſaid Commiſſioners to meet at the Place where the laſt Meeting of the ſaid Commiſſioners was appointed to be held, on that Day Three Weeks next after the Day on which ſuch laſt Meeting was appointed to be held.

Directions for calling General Meeting of Commiſſioners.

XXVIII. Provided always, That every Meeting of the ſaid Commiſſioners for hearing and determining any Complaint, Controverſy, Diſpute, or Difference between the ſaid Company of Proprietors, and any other Perſon or Perſons, ſhall be held within the County, and within Ten Miles of the Place where or reſpecting which ſuch Complaint, Diſpute, or Difference ſhall ariſe.

Meetings of Commiſſioners for determining Diſputes to be held within a certain Diſtance.

XXIX. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and empowered, by Writing under their Hands, to determine and adjuſt from Time to Time what Sum or Sums of Money ought in their Opinion to be paid by the ſaid Company of Proprietors, either by an Annual Rent or Payment, or by a Sum of Money in Groſs, to and at the Election of ſuch Bodies Politick, Corporate, or Collegiate, or other Perſon or Perſons reſpectively, who ſhall be ſo entitled or intereſted as herein-before mentioned, for the abſolute Purchaſe of the Lands, Tenements, or other Hereditaments which ſhall be ſet out and aſcertained, or intended to be uſed as aforeſaid, for making the ſaid Canal, Cuts, and Reſervoirs, or any Part thereof, or for any other of the Works authorized to be made or done by virtue of this Act,

Commiſſioners may determine the Recompence for Lands and Damages.

Act, and alſo to determine and adjuſt what other ſeparate and diſtinct Sum or Sums of Money ought, in the Opinion of the ſaid Commiſſioners, to be paid by the ſaid Company of Proprietors as a Recompence for any Damages which ſhall or may at any Time or Times be ſuſtained by ſuch Bodies Politick, Corporate, or Collegiate, or other Perſon or Perſons reſpectively, being Owners of or intereſted in any Lands, Tenements, Waters, or Hereditaments, by Reaſon of the making, repairing, or maintaining of the ſaid Canal and Cuts, or the ſaid Reſervoirs, or other Works hereby authorized to be made or done by virtue of this Act, or by Reaſon or Means of the flowing, leaking, or oozing, of the Water over or through any of the Banks of the ſaid Canal, Cuts, Reſervoirs, Aqueducts, Feeders, Drains, Trenches, Paſſages, Gutters, and Sluices, or any of them, or the ſupplying the ſame, or any of them, with Water, or by not cleanſing the ſaid Watercourſes, Trenches, or Paſſages, or by turning or diverting any Streams or Brooks into the ſame, or any of them, or by Reaſon or Means of the Execution of any other of the Powers hereby given to the ſaid Company of Proprietors, in caſe ſuch Annual Rent, or Sum in Groſs, or ſuch Damages and Recompence reſpectively cannot be ſettled, adjuſted, and agreed upon by and between the ſaid Company of Proprietors, and ſuch Owners of or Perſons intereſted in the ſaid Lands, Tenements, Waters, or other Hereditaments as aforeſaid; and if the ſaid Company of Proprietors for and on Behalf of themſelves, or any ſuch Body Politick, Corporate, or Collegiate, or other Perſon or Perſons ſo intereſted or entitled as aforeſaid, for and on the Behalf of himſelf, herſelf or themſelves, or for and on the Behalf of their reſpective Ceſtuique Truſts, or of the Perſon or Perſons entitled in Remainder after them as aforeſaid, ſhall be diſſatisfied with the Determination of the ſaid Commiſſioners therein, and ſhall forthwith give Notice thereof to the Commiſſioners making ſuch Determination, or if any ſuch Body Politick, Corporate, or Collegiate, or other Perſon or Perſons entitled or intereſted as aforeſaid, ſhall refuſe to receive, upon due Tender thereof, ſuch Purchaſe Money or Annual Rent, or ſuch Recompence as ſhall be ſo adjuſted and determined to be paid as aforeſaid, or ſhall for the Space of Twenty-one Days next after Notice in Writing ſhall be given to the principal Officer or Officers of ſuch Body Politick, Corporate, or Collegiate, or to ſuch other Perſon or Perſons reſpectively, or left at the laſt or uſual Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of ſuch Lands, Tenements, or Hereditaments reſpectively, neglect or refuſe to treat, or ſhall not agree with the ſaid Company of Proprietors concerning the ſame, or by Reaſon of Abſence ſhall be prevented from treating, or through Diſability by Nonage, Coverture, or other Impediment cannot treat for themſelves or make ſuch Agreements as ſhall be expedient for making the ſaid Canal, Cuts, and Reſervoirs, and other Works aforeſaid, or ſhall not produce and evince a clear Title to the Lands, Tenements, or Hereditaments which they are or ſhall be in Poſſeſſion of, or to the Intereſt they claim therein, then and in any or either of ſuch Caſes the ſaid Commiſſioners are hereby empowered and required from Time to Time to iſſue a Warrant under their Hands and Seals to the Sheriff of the County in which the Matter in Queſtion ſhall ariſe, or in caſe ſuch Sheriff, or his Under Sheriff, ſhall happen to be one of the ſaid Company of Proprietors, or enjoy any Office of Truſt or Profit under them, or ſhall be otherwiſe intereſted in the Matter in Queſtion, then to the Coroner of ſuch County, not intereſted

If the Parties refuſe to ſubmit to their Determination, a Jury to aſſeſs Damages.

as aforeſaid, commanding ſuch Sheriff or Coroner to impannel, ſummon, and return a Jury, and the ſaid Sheriff or Coroner is hereby required accordingly to impannel, ſummon, and return a Jury of Twelve ſufficient and indifferent Men, qualified according to the Law of this Realm to be returned for the Trials of Iſſues joined in His Majeſty's Courts of Record at *Weſtminſter*, to appear before the ſaid Commiſſioners, or ſuch of them as ſhall be aſſembled at ſuch Time and Place as in ſuch Warrant ſhall be appointed, not being leſs than Fourteen Days, nor more than Twenty-one Days after ſuch Warrant ſhall be ſerved upon the ſaid Sheriff or Coroner; and in caſe a ſufficient Number of Jurymen ſhall not appear at the Time and Place appointed as aforeſaid, 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 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 Commiſſioners are hereby empowered to ſummon and call before them all and every ſuch Perſon and Perſons as ſhall be thought neceſſary to be examined as a Witneſs or Witneſſes touching the Matters in Queſtion; and the ſaid Commiſſioners may order and authorize the ſaid Jury, or any Six or more of them, to view the Place or Places, or Matters in Controverſy, and ſuch Jury upon their Oaths (which Oaths, as well as the Oaths to ſuch Perſon or Perſons as ſhall be called upon to give Evidence, the ſaid Commiſſioners are hereby empowered to adminiſter) ſhall enquire of, aſſeſs, and aſcertain, the Sum or Sums of Money, or Annual Rent to be paid for the Purchaſe of ſuch Lands, Tenements, or Hereditaments, and alſo what other ſeparate and diſtinct Sum or Sums of Money ſhall be paid by Way of Recompence for the Damages which ſhall or may be ſo ſuſtained as aforeſaid; and the ſaid Commiſſioners ſhall give Judgement for ſuch Purchaſe Money, Rent, or Recompence, ſo to be aſſeſſed by ſuch Jury accordingly; which ſaid Verdict, and the Judgement thereupon pronounced as aforeſaid, ſhall be binding and concluſive to all Intents and Purpoſes againſt all Bodies Politick, Corporate, or Collegiate, and all other Perſons whomſoever.

Power to ſummon Witneſſes.

XXX. And be it further enacted, That if any ſuch Sheriff or Coroner, or his Deputy or Agent, ſhall make Default in the Premiſes, he ſhall, for every ſuch Offence, forfeit the Sum of Twenty Pounds; and if any Perſon ſo ſummoned and returned upon any ſuch Jury as aforeſaid ſhall not appear, or appearing refuſe to give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent of this Act, or if any Perſon ſo ſummoned to give Evidence as aforeſaid ſhall not appear, or appearing ſhall refuſe to be ſworn and examined, or to give Evidence, then, and in every ſuch Caſe, every Perſon ſo offending, having no reaſonable Excuſe to be allowed by the ſaid Commiſſioners, ſhall, for every ſuch Offence, forfeit any Sum not exceeding Five Pounds, nor leſs than Forty Shillings for the Benefit of the Party in whoſe Behalf ſuch Perſon was ſo ſummoned, to be levied by virtue of any Warrant or Warrants under the Hands and Seals of the ſaid Commiſſioners, by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo offending, rendering to him or them the Overplus of the Money thereby produced, after ſuch Penalty, and the Charges of ſuch Diſtreſs and Sale ſhall be deducted.

Penalty upon Sheriffs, Jurymen, and Witneſſes, making Default in their Duty.

XXXI. And

Expence of Commiſſioners and Jury how to be borne.

XXXI. And be it further enacted, That where the Determination of the ſaid Commiſſioners, to be made as aforeſaid, ſhall be acquieſced in by both Parties concerned, then and in ſuch Caſe, if the Determination ſhall be made for more Money to be paid as a Recompence or Satisfaction for any Lands, Hereditaments, or Property, or for any Damages which may be done to any Lands, Hereditaments, or Property whatſoever, than ſhall have been previouſly offered or tendered by or on the Behalf of the ſaid Company of Proprietors, or if no Recompence or Satisfaction ſhall have been offered or tendered by them, or on their Behalf, in reſpect thereof, all the Expences of the calling and meeting of ſuch Commiſſioners ſhall be defrayed by the ſaid Company of Proprietors; but if the Determination ſhall not be made for more Money than ſhall have been previouſly offered or tendered as aforeſaid, the Expences of calling and meeting of ſuch Commiſſioners ſhall be defrayed by the Perſon or Perſons with whom the ſaid Company of Proprietors ſhall have had ſuch Controverſy or Diſpute; and where either of the ſaid Parties concerned ſhall be diſſatisfied with the Determination of the ſaid Commiſſioners therein, then and in every ſuch Caſe, if the Verdict of the Jury ſhall be given for more Money as a Recompence or Satisfaction as aforeſaid, than ſhall have been previouſly offered or tendered by or the Behalf of the ſaid Company of Proprietors, or if no ſuch Recompence or Satisfaction ſhall have been tendered by them, or on their Behalf, all the Expences of the calling and meeting of ſuch Commiſſioners, ſummoning ſuch Jury, and taking the Inqueſt, ſhall be defrayed by the ſaid Company of Proprietors; but if the Verdict of the Jury ſhall not be given for more Money than ſhall have been previouſly offered or tendered as aforeſaid, the Expences of the calling and meeting of ſuch Commiſſioners, ſummoning ſuch Jury, and taking the Inqueſt, ſhall be defrayed by the Perſon or Perſons with whom the ſaid Company ſhall have had ſuch Controverſy or Diſpute; and all ſuch Expences as aforeſaid ſhall be ſettled by the ſaid Commiſſioners preſent at ſuch Meetings reſpectively; and the Expences which are herein-before directed to be paid by the Perſon or Perſons with whom the ſaid Company of Proprietors ſhall have had any Controverſy or Diſpute, ſhall and may be deducted out of the Money ſo to be determined or adjudged to be paid to ſuch Perſon or Perſons as aforeſaid, as ſo much Money advanced to and for his, her, or their Uſe, and the Payment or Tender of the Remainder of the Money ſo to be determined or adjudged ſhall be deemed and taken, to all Intents and Purpoſes whatſoever, to be a good Payment or Tender in Satisfaction of the Whole thereof.

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

XXXII. And be it further enacted, That all Perſons with whom the ſaid Company of Proprietors ſhall have any ſuch Controverſy or Diſpute, and who ſhall be diſſatisfied with the Determination of the ſaid Commiſſioners as aforeſaid, ſhall, before the ſaid Commiſſioners ſhall be obliged to iſſue out their Warrant for the ſummoning of ſuch Jury, firſt enter into a Bond, with Two ſufficient Sureties, to the ſaid Company of Proprietors, in the Penalty of One hundred Pounds, to proſecute ſuch his, her, or their Complaint, and to bear and pay the Expences of the calling and meeting of ſuch Commiſſioners, of ſummoning ſuch Jury, and taking ſuch Inqueſt, in caſe ſuch Coſts and Expences ſhall be payable by him, her, or them, by virtue of this Act.

Notice to be given to the Company before Complaint made to the Commiſſioners in reſpect to any Damage.

XXXIII. And be it further enacted, That the ſaid Commmiſſioners, or any of them, ſhall not be obliged to receive or take Notice of any Complaint to be made by any Perſon whomſoever for any Injury or Damage by him or her ſuſtained, or ſuppoſed to be ſuſtained, unleſs Application be made in Relation thereto, by or on Behalf of ſuch Perſon to any Treaſurer or Clerk of the ſaid Company of Proprietors, within the Space of Six Calendar Months next after the Time that ſuch ſuppoſed Injury or Damage ſhall have been ſuſtained, or the doing or committing thereof ſhall have ceaſed.

Proceedings of Commiſſioners ſhall be entered in a Book.

XXXIV. And be it further enacted, That all the Orders and Proceedings of the ſaid Commiſſioners ſhall be regularly entered by their Clerk in Books to be kept for that Purpoſe, which Books ſhall be open at all ſeaſonable Times for the Inſpection of any Perſon or Perſons intereſted in the Proceedings, and deſirous of ſeeing and examining the ſame, without any Fee or Reward; and ſuch Entries, being ſigned by ſuch Number of the ſaid Commiſſioners as are empowered by this Act to make ſuch Orders, or carry on ſuch Proceedings reſpectively, ſhall be deemed Originals, and the ſame, or true Copies thereof, ſigned by their Clerk, ſhall be admitted as Evidence in all Courts whatſoever; and that the ſaid Commiſſioners, at their Firſt Meeting to be held purſuant to this Act, ſhall appoint One out of Three Perſons to be nominated for that Purpoſe by the ſaid Company of Proprietors to be Clerk to the ſaid Commiſſioners; and the ſaid Commiſſioners ſhall and may from Time to Time remove ſuch Clerk, and on ſuch Removal, or in caſe any ſuch Clerk ſhall die, or quit his Employment, the ſaid Company of Proprietors ſhall, within the Space of Fourteen Days after Notice in Writing for that Purpoſe, to be given by any Three or more of the ſaid Commiſſioners, (although not aſſembled at a Meeting), to the Clerk of the ſaid Company of Proprietors, nominate Three other Perſons, and give Notice thereof unto the ſaid Commiſſioners, and the ſaid Commiſſioners ſhall appoint One of the ſaid Three Perſons to be their Clerk, and ſo from Time to Time as often as Occaſion ſhall require; and every ſuch Clerk ſhall be paid for his Care, Expence, and Trouble in the Execution of his Office by the ſaid Company of Proprietors; and every ſuch Clerk who ſhall be removed, or quit the ſaid Employment, or the Executors or Adminiſtrators of any ſuch Clerk who ſhall die, ſhall immediately thereupon produce and deliver up to any Three or more of the ſaid Commiſſioners all Books, Accounts, Papers, and Writings whatſoever relating to the Execution of the ſaid Office, which ſhall be then in his or their Cuſtody or Power.

Clerks to deliver up Books to Commiſſioners when removed.

When Determination of Commiſſioners, &c. are recorded, Lands to veſt in Proprietors.

XXXV. And be it further enacted, That all Determinations of the ſaid Commiſſioners, which ſhall be ſubmitted to and acquieſced in by the Parties concerned, and alſo the Verdicts of the Juries, and the Judgement of the ſaid Commiſſioners thereon as aforeſaid, ſhall with all convenient Speed be tranſmitted to, and ſhall be kept by the reſpective Clerks of the Peace amongſt the Records of the Quarter Seſſions of the Peace for the County in which ſuch Determinations are made, and ſhall be deemed Records to all Intents and Purpoſes, and the ſame, or true Copies thereof, ſigned by the Clerk of the Peace, ſhall be allowed to be good Evidence in all Courts whatſoever; and all Perſons

ſons ſhall have free Liberty to inſpect the ſame, paying for each Inſpection the Sum of One Shilling, and alſo to take Copies thereof, paying for every Copy at the Rate of Sixpence for every Two hundred Words.

After Payment of the Money to be aſſeſſed for any Land, the ſame ſhall veſt in the Company of Proprietors.

XXXVI. And be it further enacted, That immediately after the Payment of ſuch Sum or Sums of Money in Groſs, or the Delivery of ſuch Security for the Payment of ſuch Annual Rent or Rents as aforeſaid, and after ſuch Determinations, Verdicts, Judgements, and other Proceedings of ſuch Commiſſioners and Juries ſhall be ſo tranſmitted to the ſaid reſpective Clerks of the Peace as aforeſaid, the ſaid Lands, Tenements, or Hereditaments ſo purchaſed as aforeſaid, and all the Eſtate, Right, Title, Intereſt, Uſe, Truſt, Property, Claim, and Demand in Law or Equity of the Perſon or Perſons for whoſe Uſe ſuch Money or Rent ſhall be paid or ſecured as aforeſaid, in, to, and out of the ſame, ſhall veſt in the ſaid Company of Proprietors, and they ſhall reſpectively be deemed in Law to be in the actual Poſſeſſion and Seiſin thereof to all Intents and Purpoſes whatſoever, as fully and effectually as if any Perſon having an Eſtate or Intereſt therein had actually conveyed the ſame to them by any legal Conveyance whatſoever; and ſuch Payment or Security ſhall not only bar all Right, Title, Intereſt, Claim, and Demand of the Perſon or Perſons to or for whoſe Uſe the ſame ſhall be made or given, but alſo ſhall bar the Dower of the Wife of every ſuch Perſon reſpectively, and all Eſtates Tail, and other Eſtates and Intereſts in Poſſeſſion, Remainder, or otherwiſe, againſt the Iſſue of ſuch Perſon or Perſons, and againſt all Infants, Femes Covert, and all and every other Perſon or Perſons whomſoever having or claiming any Right, Eſtate, or Intereſt therein, either in Law or Equity.

Compenſation for Tythes of Lands uſed in the Undertaking.

XXXVII. And be it further enacted, That full Recompence and Satisfaction ſhall be made by the ſaid Company of Proprietors for all the Tythes, both Great and Small, of the Lands which ſhall be taken or made Uſe of by them for the Purpoſes of this Act, to the ſeveral Perſons who are now entitled, 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* One thouſand ſeven hundred and ninety-one, and ending at *Michaelmas* One thouſand ſeven hundred and ninety-five, ſuch Value to be aſcertained, in caſe of any Difference, in like Manner as the Value of any Lands or Hereditaments are herein-before directed to be aſcertained: Provided that the Recompence and Satisfaction to be made to Spiritual Perſons ſhall be made by an Annual Rent.

On Payment of Purchaſe Money for Lands, &c. Company may proceed with their Works.

XXXVIII. And be it further enacted, That upon Payment of ſuch Sum or Sums of Money in Groſs, or giving Security, which ſhall be approved of by the ſaid Commiſſioners, for the Payment of ſuch Annual Rent or Rents as ſhall be ſo contracted and agreed for between the Parties, or determined and adjuſted by the ſaid Commiſſioners, or aſſeſſed by a Jury as aforeſaid for the Purchaſe of any ſuch Lands, Tenements, or Hereditaments as aforeſaid, to the Owner or Owners thereof, or other Perſon or Perſons entitled to receive ſuch Money or Rent reſpectively, or upon legal Tender of ſuch Money, or Tender of ſuch Security reſpectively, to ſuch Owner or Owners, or other Perſon or Perſons, or the principal Officer or

Officers of any Body Politick, Corporate, or Collegiate, at any Time after ſuch Money or Rent ſhall have been ſo agreed for, determined, or aſſeſſed, or if ſuch Owners or other Perſons cannot be found or aſcertained, or ſhall refuſe to accept ſuch Money, or the Security for ſuch Rent, or in caſe it doth not appear to whom the ſame ought to be paid or given, then upon Payment or Delivery thereof to ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall by Writing under their Hands appoint, for the Uſe of, and to be paid or delivered upon Demand, without Fee or Reward, to ſuch Owners or Perſons reſpectively as aforeſaid, then and in ſuch Caſe, but not before, it ſhall be lawful for the ſaid Company of Proprietors immediately to enter upon ſuch Lands, Tenements, or Hereditaments reſpectively, and to dig, cut, trench, ſough, and remove Earth, Stones, Rubbiſh, Trees, Roots of Trees, and other Obſtructions, and do all other Matters and Things neceſſary and proper for the making, uſing, maintaining, and repairing of the ſaid Canal, Cuts, and Reſervoirs; and the Towing Paths on the Side of the ſaid Canal and Cuts, in or upon ſuch Lands, Tenements, or Hereditaments reſpectively, and thereupon to make, erect, carry on, complete, repair, and maintain, the ſaid Canal, Cuts, and Reſervoirs, or other Works and Conveniences reſpectively, as they the ſaid Company of Proprietors ſhall think fit, and to have ſuch Lands, Tenements, or Hereditaments, to and for their own Uſe and Benefit, for the Purpoſe of making the ſaid Canal, Cuts, Reſervoirs, and other Works.

Purchaſe Money belonging to Corporations to be laid out in Lands to be ſettled to the ſame Uſes.

XXXIX. And be it further enacted, That out of all Sums of Money which are to be paid to any Bodies Politick, Corporate, or Collegiate, Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, Committees, or other Truſtees whatſoever, for or on the Behalf of any Infants, Lunaticks, Idiots, Femes Covert, or other Ceſtuique Truſts, or to any Perſon or Perſons whoſe Lands or Eſtates are limited in ſtrict Settlement, for the Purchaſe of, or for the Damage to be done to any Lands or Hereditaments for the Purpoſes or by virtue of the Powers herein-before or herein-after contained, there ſhall in the firſt Place be allowed and paid to any Leſſee or Tenant of ſuch Lands, Tenements, or Hereditaments, ſuch Sum or Sums of Money as, in the Judgement of the ſaid Commiſſioners, ſhall be equal in Value to the Right and Intereſt therein of ſuch Leſſee or Tenant reſpectively, and that the Reſidue of the Monies to be paid for ſuch Purchaſe or Damages as aforeſaid, in caſe the ſame ſhall amount to the Sum of Twenty Pounds, ſhall be laid out, as ſoon as conveniently may be, by ſuch Bodies Politick, Corporate, or Collegiate, Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, or Committees, or other Truſtees, Perſon or Perſons as aforeſaid, in the Purchaſe of Lands, Tenements, or Hereditaments in Fee Simple, which ſhall be conveyed to or to the Uſe of ſuch Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or ſuch other Perſon or Perſons as aforeſaid, and for ſuch Eſtates, and to, for, upon, and ſubject to ſuch Uſes, Truſts, Limitations, Remainders, and Contingencies as the Lands, Tenements, or Hereditaments, for or in reſpect whereof ſuch Monies ſhall be ſo paid as aforeſaid were limited, ſettled, and aſſured, at the Time ſuch Monies were ſo agreed for, aſcertained, or aſſeſſed reſpectively as aforeſaid, or to, for, upon, and ſubject to ſuch and ſo many of them as ſhall be then exiſting or capable of taking Effect, ſuch Conveyances and Settlements reſpectively to be made at the Expence of the ſaid Company

of

of Proprietors, and in the mean Time and until ſuch Purchaſe or Purchaſes ſhall be made, the ſaid Monies, and alſo ſuch other Sum or Sums of Money to be paid for the Purchaſe of Lands or Hereditaments, which, after the Allowance and Payment aforeſaid, ſhall not amount to the Sum of Twenty Pounds, ſhall be placed out by ſuch Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or other Perſon or Perſons as aforeſaid, in ſome of the Publick Funds, or on Government or Real Securities, in the Names of Two or more Perſons, to be nominated by the Party or Parties intereſted therein, and to be approved of by the ſaid Commiſſioners, and the Intereſt ariſing or to be produced from ſuch Funds or Securities, as well as the Annual Rent to be paid for ſuch Lands, Tenements, or Hereditaments, for the Purchaſe whereof a Rent ſhall have been fixed upon as aforeſaid, ſhall from Time to Time go and belong, and be paid to ſuch Perſon or Perſons reſpectively as would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments, purchaſed by the ſaid Company as aforeſaid, in caſe ſuch Purchaſe had not been made purſuant to the Tenor and Meaning of this Act.

Commiſſioners may ſettle Proportions of Purchaſe Monies between the Parties intereſted.

XL. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners to ſettle what Shares and Proportions of the Purchaſe Money or Recompence for Damages as aforeſaid ſhall be allowed to any Leſſee or Tenant, or other Perſon having a particular Eſtate, Term, or Intereſt, in any Lands, Tenements, or Hereditaments, for his, her, or their reſpective Intereſt therein.

The Company of Proprietors may pay Purchaſe Monies to Mortgagees if required.

XLI. Provided always, That in caſe any Lands, Tenements, or Hereditaments to be taken and uſed for the Purpoſes of this Act, ſhall happen to be in Mortgage to any Perſon or Perſons, it ſhall be lawful for the ſaid Company of Proprietors, upon Application being made to them by the Mortgagee or Mortgagees thereof for that Purpoſe, to pay ſuch Sum or Sums of Money as ſhall have been ſo agreed for, adjuſted, or aſſeſſed as aforeſaid, for the Purchaſe of, or for the Damage done to ſuch Lands, Tenements, or Hereditaments, in Mortgage, in Part of the Principal Money which ſhall be due thereon, unto ſuch Mortgagee or Mortgagees, his, her, or their Executors or Adminiſtrators, and that upon Receipt of ſuch Sum or Sums, ſuch Mortgagee or Mortgagees ſhall acknowledge the Receipt thereof by an Indorſement to be made upon the Back of ſuch Mortgage or Mortgages, and ſigned by ſuch Mortgagee or Mortgagees, in the Preſence of One or more credible Witneſs or Witneſſes, in Satisfaction of ſo much of the Principal Money due upon ſuch Mortgage or Mortgages.

Annual Rents to be paid for Lands purchaſed to be charged on the Rates.

XLII. And be it further enacted, That ſuch Annual Rents as ſhall be agreed upon, or ſettled and aſcertained to be paid for any Freehold Lands or Hereditaments taken for the Purpoſes of this Act as aforeſaid, ſhall be deemed a Freehold Eſtate of Inheritance iſſuing out of the ſaid Canal, Cuts, and Reſervoirs, and ſhall be charged on the Rates herein-after granted to the ſaid Company of Proprietors, and ſhall be paid by them as the ſame ſhall become due and payable; and in caſe any ſuch Annual Rent ſhall be in Arrear and unpaid for the Space of Twenty-one Days next after the ſame ſhall reſpectively become due and payable, it ſhall be lawful for the ſaid Commiſſioners, by an Order under their Hands,

Hands, to appoint One or more Perſon or Perſons to receive the Rates authorized to be taken by virtue of this Act, and to pay the ſame to ſuch Perſon or Perſons to whom ſuch Annual Rent or Rents ſo in Arrear ſhall be due, the ſaid Commiſſioners taking ſuch Security from every ſuch Collector for the due and faithful Execution of his Office as they ſhall judge proper and ſufficient; and every Perſon ſo appointed ſhall be deemed a Collector of the ſaid Rates, and ſhall have the like Powers and Authorities for collecting the ſame as if he had been appointed a Collector of the ſaid Rates by the ſaid Company of Proprietors, until ſuch Annual Rent or Rents ſo in Arrear, with the Coſts and Charges of recovering and receiving thereof, ſhall be fully ſatisfied and paid, or ſuch Perſon or Perſons to whom ſuch Annual Rent or Rents ſhall be due and owing may ſue for and recover the ſame, with Coſts of Suit, by Action of Debt, in any of His Majeſty's Courts of Record at *Weſtminſter*, or otherwiſe it ſhall be lawful for ſuch Perſon or Perſons, and he and they is and are hereby empowered to ſeize and diſtrain any Boats, Barges, or Veſſels, or other Goods and Effects of the ſaid Company of Proprietors, which ſhall be found on the ſaid Canal or Cuts, or in, upon, or about the Wharfs, Quays, Warehouſes, or other Works belonging to the ſaid Company of Proprietors, and to detain the ſame until Payment of ſuch Rent or Rents, together with the reaſonable Charges attending ſuch Diſtreſs; and if any ſuch Diſtreſs ſhall not be redeemed within Five Days after the ſame ſhall be taken, and Notice thereof given in Writing, by affixing ſuch Notice on ſome Publick Place, at any of the Wharfs, Quays, or Toll Houſes, belonging to the ſaid Company of Proprietors, ſuch Boats, Barges, or Veſſels, or other Goods or Effects ſo diſtrained, ſhall and may be appraiſed and ſold in ſuch Manner as the Law directs in Caſes of Diſtreſs for Rent.

For recovering Monies to be paid for Damages,

XLIII. And be it further enacted, That in caſe of Default or Refuſal of Payment by the ſaid Company of Proprietors of ſuch Sum or Sums of Money, and at ſuch Time and in ſuch Manner as ſhall be awarded or aſſeſſed for Recompence for Damages of any Kind, by virtue of this Act, it ſhall be lawful for the ſaid Commiſſioners, upon Application to them by the Perſon or Perſons ſuſtaining ſuch Damage, to appoint a Collector or Collectors in Manner aforeſaid (from whom the ſaid Commiſſioners ſhall take ſuch Security as aforeſaid) to receive the ſaid Rates, and to pay the ſame to the Perſon or Perſons who ſhall be entitled to receive ſuch Recompence for Damages as aforeſaid, in Order and Courſe reſpectively as any Award or Aſſeſſment thereof ſhall be in Priority of Time, until ſuch Sum and Sums of Money ſo awarded to be paid or aſſeſſed as aforeſaid, and all Coſts and Charges occaſioned by ſuch Default or Refuſal of Payment thereof, together with legal Intereſt for the ſame reſpectively, to be computed from the Time ſuch Recompence for Damages ſhall be awarded to be paid or aſſeſſed, and alſo the Coſts and Expences of collecting and receiving the ſaid Rates, ſhall be fully paid and ſatisfied, or otherwiſe the Party or Parties entitled to receive the ſame as aforeſaid ſhall or may recover ſuch Sum or Sums of Money ſo to be awarded or aſſeſſed, and which ſhall not be paid as aforeſaid, with Intereſt and Coſts for the ſame, by Action at Law in any of His Majeſty's Courts of Record at *Weſtminſter* againſt the ſaid Company of Proprietors, with full Coſts of Suit, or otherwiſe it ſhall be lawful for the ſaid Commiſſioners, in caſe ſuch Damages, Intereſt, and

Coſts, ſhall not be ſatisfied within the Space of Three Calendar Months after ſuch Damages ſhall be awarded or aſſeſſed as aforeſaid, on Complaint to them by and on the Behalf of the Perſon or Perſons ſuſtaining ſuch Damages, to iſſue their Warrant under their Hands and Seals to the Sheriff of the County, authorizing and requiring him to levy and raiſe ſuch Damages, Intereſt, and Coſts as aforeſaid, by Diſtreis and Sale of the Goods and Chattels of the ſaid Company of Proprietors, together with ſuch reaſonable Charges as the ſaid Commiſſioners ſhall in ſuch Warrant or Warrants direct and appoint.

Company may raiſe Money for defraying the Expences of the Undertaking.

XLIV. And, to the End that the ſaid Company of Proprietors may be enabled to execute the ſaid Undertaking, be it further enacted, That it ſhall and may be lawful for the ſaid Company of Proprietors to raiſe and contribute amongſt themſelves, in ſuch Proportions as to them ſhall ſeem meet and convenient, ſuch Sum or Sums of Money as they ſhall think proper, not exceeding in the Whole the Sum of Two hundred and twenty thouſand Pounds, and that the ſame ſhall be divided into ſuch Number of Shares as herein-after directed, at a Rate not exceeding One hundred Pounds *per* Share; and that no Perſon ſubſcribing to or becoming a Proprietor in the ſaid Undertaking ſhall become a Proprietor of leſs than One Share, or more than One hundred Shares, either in his own Name, or in the Name or Names of any other Perſon or Perſons in Truſt for him, (except the ſame ſhall come to him by Will, Settlement, or Act of Law), upon Pain of forfeiting to the ſaid Company of Proprietors all ſuch Shares exceeding One hundred Shares as aforeſaid; and that a ſufficient Part of ſuch Money ſhall be laid out and applied, in the firſt Place, in Payment, Satisfaction, and Diſcharge of the Coſts, Charges, and Expences, attending the obtaining and paſſing of this Act, and the making the proper Surveys, Plans, and Eſtimates, and doing and providing all other Matters and Things preparatory and previous thereto, and that the Reſidue of ſuch Money ſhall be applied and diſpoſed of for or towards the making, carrying on, completing, and maintaining of the ſaid Canal, Cuts, Reſervoirs, and other Works to be made and executed for the ſeveral Purpoſes of this Act.

The Money raiſed to be divided into Two thouſand two hundred Shares, and be deemed Perſonal Eſtate.

XLV. And be it further enacted, That the ſaid Sum of Two hundred and twenty thouſand Pounds, or ſuch Part thereof as ſhall be contributed by the ſaid Company of Proprietors, or by ſuch other Perſon or Perſons, Bodies Politick and Corporate, who ſhall or may become a Subſcriber or Subſcribers to the ſaid Undertaking, ſhall be divided into Two thouſand two hundred Parts or Shares, and that ſuch Shares ſhall be numbered in regular Progreſſion, and every ſuch Share ſhall always be diſtinguiſhed by the Number to be appointed for the ſame; and that all ſuch Shares ſhall be deemed Perſonal Eſtate, and may be tranſmiſſible as ſuch, and not of the Nature of Real Eſtate; and that the ſaid Two thouſand two hundred Shares ſhall be, and they are hereby accordingly veſted in the ſeveral Subſcribers thereto, and their reſpective Executors, Adminiſtrators, and Aſſigns, to and for their own reſpective Uſe and Benefit, proportionably to the Sums they ſhall reſpectively ſubſcribe and pay thereunto; and that all Bodies Politick, Corporate, and Collegiate, and other Perſons, and their reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, who ſhall ſeverally ſubſcribe and pay in the Sum of One hundred Pounds, or ſuch Sum or Sums as ſhall be demanded

demanded in lieu thereof, towards carrying this Act into Execution, ſhall be entitled to and receive, after the ſame ſhall be completed, the entire and neat Diſtribution of One Two-thouſandth Two-hundredth Part of the Profits and Advantages which ſhall and may ariſe and accrue by or from the Rates and other Monies to be raiſed, recovered, or received by virtue of this Act, and ſo in Proportion for any greater Number of Shares, not exceeding One hundred Shares to any One Perſon as aforeſaid; and that every Body Politick, Corporate, and Collegiate, and every other Perſon, having ſuch Property of One Two-thouſandth Two-hundredth Part or Share, or more, in the ſaid Undertaking, ſhall from Time to Time bear and pay an adequate and proportionable Sum towards carrying on the ſame in the Manner herein-after directed.

Proprietors to have a Vote for every Share.

XLVI. And be it further enacted, That all and every Bodies Politick, Corporate, and Collegiate, or other Perſon or Perſons, who ſhall, by virtue of this Act, have ſubſcribed for, or ſhall become entitled to and be in the actual Poſſeſſion of One or more Share or Shares in the ſaid Undertaking, ſhall be deemed a Proprietor for every ſuch Share, and ſhall have a Vote in reſpect of every ſuch Share, not exceeding Twenty Votes in the Whole, in the General and Special Aſſemblies of the ſaid Company of Proprietors, to be held as herein-after directed for carrying on the ſaid Undertaking or relative thereto, which Vote ſhall and 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 of One or more Share or Shares in the ſaid Undertaking), duly conſtituted under his, her, or their Hand or Hands, or in Caſes of Infancy, under the Hand or Hands of his, her, or their Guardian or Guardians; and that every ſuch Vote by Proxy ſhall be as good and valid, to all Intents and Purpoſes, as if ſuch Principal or Principals had voted in Perſon, and being an Infant had been of full Age; the Appointment of which Proxy ſhall and may be made according to the Form following, or to that Effect; (*videlicet*),

Votes may be given by Proxy.

'I *A. B.* One of the Company of Proprietors [*or*, We *A. B.* and *C. D.* Guardian or Guardians of *E. F.* One of the Company of Proprietors] of the Grand Weſtern Canal, do hereby nominate and appoint *G. H.* to be my [*or*, his] Proxy in my [*or*, his] Name, and in my [*or*, his] Abſence, to vote and give my [*or*, his] Aſſent or Diſſent of any Buſineſs, Matter, or Thing, relating to the ſaid Undertaking, which ſhall be mentioned or propoſed at a Meeting of the Company of Proprietors, or any of them, in ſuch Manner as he the ſaid *G. H.* ſhall think proper, according to his Opinion and Judgement, for the Benefit of the ſaid Undertaking, or any Thing appertaining thereto. In Witneſs whereof I [*or*, we] have hereunto ſet my Hand [*or*, our Hands] the Day of

How Queſtions are to be decided.

And that every Queſtion, Election of Committees and Officers, and other Matters and Things whatſoever, which ſhall be propoſed, diſcuſſed, or conſidered in any General or Special Aſſembly of the ſaid Company of Proprietors to be held by virtue of this Act, ſhall be finally determined by the Majority of Votes and Proxies then preſent, computing One Vote to every Share as aforeſaid; and that at every ſuch Aſſembly One of the Proprietors preſent ſhall be appointed Preſident or Chairman, who ſhall not only have ſuch Vote or Votes as a Proprietor as aforeſaid, but ſhall

alſo, in caſe of an equal Diviſion, have the deciſive or caſting Vote: Provided always, that no Perſon ſhall give or deliver any Vote or Votes, as Proxy, for more than Five abſent Proprietors.

If the original Sum to be raiſed is not ſufficient, the Company may raiſe a further Sum by Calls upon themſelves.

XLVII. And be it further enacted, That if the ſaid Sum of Two hundred and twenty thouſand Pounds herein-before authorized to be raiſed ſhall be found inſufficient for carrying the ſeveral Purpoſes of this Act into Execution, it ſhall be lawful for the ſaid Company of Proprietors, after an Order or Reſolution for that Purpoſe ſhall be made at any General or Special Aſſembly of the ſaid Company of Proprietors, to raiſe and contribute among themſelves, or by the Admiſſion of New Subſcribers, for the Purpoſes aforeſaid, any further Sum or Sums of Money, not exceeding in the Whole the Sum of One hundred and ten thouſand Pounds, and that ſuch further Sum or Sums ſhall be raiſed by Calls, and ſhall be under and ſubject to ſuch and the ſame Rules, Orders, and Regulations, as in and by this Act are mentioned, expreſſed, declared, and contained, with reſpect to the ſaid Two hundred and twenty thouſand Pounds, as fully and effectually, to all Intents and Purpoſes, as if ſuch further Sum or Sums hereby allowed to be raiſed had originally conſtituted Part of the original Sum of Two hundred and twenty thouſand Pounds.

Intereſt to be paid on the Money raiſed until the Canal is completed;

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

or the Company may borrow ſuch further Sum.

XLIX. Provided always, and be it further enacted, That if the ſaid Company of Proprietors ſhall be deſirous of raiſing the ſaid additional Sum of One hundred and ten thouſand Pounds or any Part thereof, by Mortgage of the ſaid Undertaking, then and in ſuch Caſe it ſhall be lawful for the ſaid Company of Proprietors, purſuant to an Order or Reſolution to be made in that Behalf at a General or Special Aſſembly of the ſaid Company of Proprietors, to borrow and take up at Intereſt the ſaid Sum of One hundred and ten thouſand Pounds, or any Part thereof, upon the Credit of the ſaid Undertaking, as to them ſhall ſeem meet and convenient; and the ſaid Company of Proprietors are hereby accordingly fully authorized and empowered to grant, aſſign, and make over, the ſeveral Rates granted to them by this Act, or any Part thereof, (the Coſts and Charges of which Aſſignment ſhall be paid out of ſuch Rates), as a Security for the Sum or Sums of Money ſo to be borrowed, with Intereſt for the ſame, unto the Perſon or Perſons who ſhall lend and advance ſuch Sum or Sums of Money, or unto his, her, or their Truſtee or Truſtees, all which Aſſign-

ments shall be made under the Common Seal of the said Company of Proprietors, according to the Form following, or to that Effect; (that is to say),

Form of Mortgage.

'BY virtue of an Act of Parliament, made in the Thirty-sixth Year of the Reign of King *George* the Third, intituled [*set forth the Title*] we the Company of Proprietors of the Grand Western Canal, in Consideration of the Sum of to us paid by *A. B.* of do hereby bargain, sell, and assign, unto the said *A. B.* his Executors, Administrators, and Assigns, all and singular the Rates granted to us by the said Act, and all the Estate, Right, Title, and Interest of us the said Company of Proprietors of, in, to, or out of the same 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 *per Centum per Annum*, shall be fully paid and satisfied. Given under our Common Seal, the Day of

No Preference among Mortgagees.

And that all Persons to whom such Assignments shall be made, shall be equally entitled, one with the other, to the said Rates thereby assigned, in Proportion to the Sums by them respectively lent and advanced on the Credit thereof as aforesaid, without any Preference by Reason of Priority of Date of any such Assignment, or upon any other Account whatsoever; and that the Money so to be borrowed as aforesaid shall be applied and disposed of for carrying on, completing, and maintaining the said Canal, Cuts, Reservoirs, and other Works, and for carrying the several other Purposes of this Act into Execution.

Memorial of Mortgage to be entered with the Clerk;

L. And be it further enacted, That an Entry or Memorial of every such Assignment or Mortgage, containing the Date, Names of the Parties, and the Sums thereby secured, with the Rate of Interest to be paid for the same, shall, within Twenty-eight Days next after the same shall be executed, be made or entered in a Book to be kept for that Purpose by any Clerk to the said Company of Proprietors, and that such Book shall and may be perused *gratis* at all seasonable Times by any of the said Company of Proprietors, or any of the said Commissioners; and that all and every Person and Persons to whom any such Assignment or Mortgage shall be made as aforesaid, or who shall be entitled to the Money thereby secured, shall and may, from Time to Time, assign or transfer his, her, or their Right and Interest therein unto any Person or Persons whomsoever, either by Indorsement thereon, or otherwise, which Transfer shall and may be made according to the Form or to the Effect following; (*videlicet*),

and may be transferred;

Form of Transfer.

'I *A. B.* do hereby transfer the within Mortgage [*or*, a certain Mortgage], made to me by the Company of Proprietors of the Grand Western Canal, bearing Date the Day of and the Principal Sum of thereby secured, and the Interest now due and hereafter to grow due for the same, and all my Right and Property therein unto *G. D.* of his Executors, Administrators, and Assigns. Dated this Day of

Memorial of Transfer to be entered.

And that every such Transfer shall, within Twenty-eight Days after the Date thereof, be produced to the then Clerk to the said Company of Proprietors,

prietors, who ſhall cauſe an Entry or Memorial thereof, to the ſame Purport and Effect as herein-before directed with reſpect to the original Aſſignment or Mortgage, to be made or entered in the Book to be kept for entering ſuch original Aſſignments or Mortgages, for which the ſaid Clerk ſhall be paid the Sum of One Shilling and Sixpence; and that after ſuch Entry ſhall be made, but not before, ſuch Transfer ſhall entitle ſuch Aſſignee or Aſſignees, his, her, or their Executors, Adminiſtrators, and Aſſigns, to the full Benefit of the original Mortgage.

Intereſt of Mortgages to be firſt paid.

LI. Provided always, and be it further enacted, That the Intereſt of the Money which ſhall be borrowed by Mortgage as aforeſaid, ſhall be paid Half Yearly to the ſeveral Perſons entitled thereto, in Preference to any Intereſt or Dividend, which ſhall become due and payable by virtue of this Act to the ſaid Company of Proprietors; and that in caſe ſuch Intereſt, or any Part thereof, ſhall be behind and unpaid by the Space of Thirty Days next after the ſame ſhall become due and payable as aforeſaid, and have been demanded, then it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby required, on Application to them made by any Creditor or Creditors whoſe Intereſt ſhall be ſo in Arrear, by an Order under their Hands and Seals, to appoint a Collector or Collectors to receive the Whole or any Part or Parts of the ſaid Rates, liable to pay ſuch Intereſt, and that the Money ſo to be received by ſuch Perſon or Perſons ſhall be ſo received to and for the Uſe and Benefit of the Perſon or Perſons to whom ſuch Intereſt in Arrear ſhall be due, and ſhall be paid to him, her, or them accordingly, until the Intereſt ſo in Arrear, as well as the Intereſt which ſhall incur and grow due whilſt ſuch Collector or Collectors as aforeſaid ſhall be in the Receipt of ſuch Rates, together with the Coſts and Charges of recovering, receiving, and paying over the ſame in Manner aforeſaid, ſhall be fully paid and ſatisfied; and that after all ſuch Intereſt and Coſts ſhall be paid and ſatisfied, the Power and Authority of ſuch Collector or Collectors for the Purpoſes aforeſaid ſhall ceaſe and determine; or otherwiſe ſuch Intereſt ſo due and in Arrear as aforeſaid ſhall and may be ſued for and recovered, with Coſts of Suit, by an Action of Debt or on the Caſe, in any of His Majeſty's Courts of Record at *Weſtminſter*.

Intereſt of Mortgages how to be recovered.

How Meetings of the Company of Proprietors ſhall be holden.

LII. And be it further enacted, That the firſt General Aſſembly of the ſaid Company of Proprietors ſhall be held at the Town of *Cullompton*, in the County of *Devon*, on the *Thurſday* Three Weeks next after the Day on which this Act ſhall have received the Royal Aſſent, between the Hours of Eleven of the Clock in the Forenoon and One of the Clock in the Afternoon, at which General Aſſembly the ſaid Company of Proprietors aſſembled, together with ſuch Proxies as ſhall be then preſent, ſhall chooſe Twenty-one Perſons, who ſhall then be Proprietors of Five or more Share or Shares in the ſaid Undertaking, to be a Committee to manage the Affairs of the ſaid Company of Proprietors as herein-after is mentioned, with Power for ſelecting out of the Committee ſuch Sub-Committees as ſhall be thought expedient, and with ſuch Clerk or Clerks as ſuch General Meeting ſhall allow, and to continue in their ſaid Office till another Committee ſhall be choſen as herein-after directed, unleſs they or any of them ſhall be removed by the ſaid Company of Proprietors, as herein-after mentioned; and that a General Aſſembly of the ſaid Company of Proprietors ſhall be held on the

the laſt *Thurſday* in *June* One thouſand ſeven hundred and ninety-ſeven, and in like Manner from thenceforth on the laſt *Thurſday* in *June* annually, at ſuch Place as the laſt preceding General Aſſembly ſhall think proper to appoint, of which Meeting publick Notice ſhall be given in ſome Newſpaper which ſhall at that Time be publiſhed and circulated in each of the Counties of *Devon* and *Somerſet*, at leaſt Fourteen Days before ſuch Meeting; each of which ſaid General Aſſemblies ſhall have Power and Authority to adjourn themſelves from Time to Time, and from Place to Place, as they ſhall think proper, until the Time of holding the next Annual General Aſſembly.

Appointment of Officers;

LIII. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, aſſembled at any ſuch General Aſſembly as aforeſaid, together with ſuch Proxies as ſhall be then preſent, and they are hereby required from Time to Time to nominate and appoint a Treaſurer or Treaſurers, Clerk or Clerks, and ſuch Collectors and other Officers as they ſhall think proper and expedient, and to take ſuch ſufficient Security from ſuch Treaſurers, Collectors, and other Officers having the Care or Cuſtody of any Money to be raiſed or received by virtue of this Act, as they ſhall think fit, and from Time to Time to remove any ſuch Treaſurer, Clerk, Collector, or other Officer; and in caſe any ſuch Treaſurer, Clerk, Collector, or other Officer ſhall die, or ſhall quit the Service of the ſaid Company of Proprietors, it ſhall be lawful for ſuch Committee or Committees reſpectively to appoint ſome other fit Perſon or Perſons in the Place of the Treaſurer, Clerk, Collector, or other Officer dying or quitting the Service of the ſaid Company of Proprietors, until the then next General Aſſembly of Proprietors, when ſuch Appointment may be confirmed, or ſome other Perſon or Perſons may be nominated and appointed in his or their Stead; and that all ſuch Treaſurers, Clerks, Collectors, and other Officers of the ſaid Company of Proprietors, who ſhall or may at any Time be removed, or quit the Service of the ſaid Company of Proprietors, and the reſpective Executors and Adminiſtrators of any who may die, ſhall immediately thereupon produce and deliver up to ſuch Committee or Committees reſpectively as aforeſaid, or any Three or more of them, all Books, Accounts, Papers, and Writings whatſoever, which ſhall be in their reſpective Cuſtody or Power, in anywiſe relating to the Affairs of the ſaid Company of Proprietors; and every ſuch Officer or other Perſon as aforeſaid, who ſhall neglect or refuſe to deliver up ſuch Books, Accounts, Papers, and Writings, or any of them, ſhall forfeit unto the ſaid Company of Proprietors any Sum not exceeding One hundred Pounds; and that it ſhall be lawful for the ſaid Company of Proprietors, at any ſuch General Aſſembly as aforeſaid, to call for and ſettle all Accounts of Money received, paid, laid out, and diſburſed, on Account of the ſaid Undertaking, by the Treaſurers, Collectors, and other Officers to be appointed by them as aforeſaid, or by any other Perſon or Perſons employed by, or concerned for or under the ſaid Company of Proprietors, in and about the ſaid Undertaking up to that Time, and for that Purpoſe to adjourn themſelves from Time to Time, and from Place to Place, within the Town where ſuch General Aſſembly ſhall have been held, as ſhall be thought expedient by the Perſons preſent at ſuch Aſſembly having either as Principals or Proxies a Majority of Votes; and the Accounts of the Treaſurers

and how Vacancies are to be filled up.

Obliging Officers to deliver up Books of Accounts when required.

General Aſſembly may audit and ſettle Accounts.

Treaſurers Accounts to

be ſettled every Half Year.

Treaſurers to the ſaid Company of Proprietors ſhall conſtantly be audited, examined, and ſettled, at every ſuch General Aſſembly or Adjournment.

General Meetings or Committees may make Calls.

LIV. And be it further enacted, That every ſuch General Aſſembly as aforeſaid, or Committee of the ſaid Company of Proprietors, ſhall have full Power and Authority from Time to Time to make ſuch Calls for Money from the ſeveral Proprietors of the ſaid Undertaking as they ſhall find wanting and neceſſary, ſo that no ſuch Call do exceed the Sum of Ten Pounds, for or in reſpect of any One Share, and ſo that no ſuch Calls be made but at the Diſtance of Three Calendar Months at leaſt from each other, and that Thirty Days Notice at the leaſt ſhall be given of every ſuch Call in ſuch publick Newſpapers as aforeſaid, which Money ſo to be called for ſhall be paid into the Hands of any Treaſurer or Treaſurers to the ſaid Company of Proprietors, to be iſſued, paid, and applied, in ſuch Manner as any ſuch General Aſſembly, or the Committee reſpectively, ſhall from Time to Time direct, for the Uſe of the ſaid Undertaking; and that every ſuch General Aſſembly as aforeſaid ſhall always have full Power and Authority to remove any Perſon choſen to be of any ſuch Committee as aforeſaid, and to elect others qualified as aforeſaid to be of the Committee, in the Room of ſuch who ſhall be ſo removed, and of thoſe who may happen to die, and alſo to revoke, alter, amend, or change, any of the Rules or Regulations herein preſcribed with regard to their Proceedings amongſt themſelves, as to them ſhall ſeem meet, (the Method, Time, and Place, of holding General and Special Aſſemblies, and Adjournments thereof, and of voting, and of appointing Committees, and the Appointment of Treaſurer, and the Directions hereby given as to the Places of holding the Meetings of the Committees excepted), and ſhall alſo have full Power and Authority to make ſuch new Rules, Orders, Bye Laws, and Regulations for the good Government of the ſaid Company, and for the good and orderly carrying on, completing, maintaining, and uſing, of the ſaid Canal, Cuts, and Reſervoirs, and other Things which ſhall be made or provided for or on Account of the ſame, and of and concerning all Boats, Barges, and other Veſſels, and all Goods and Commodities which ſhall be navigated or conveyed thereon reſpectively, and alſo for the well-governing of the Bargemen, Boatmen, and others, who ſhall carry or convey, or have the Care of any Goods, Wares, or Merchandizes, upon any Part of the ſaid Canal and Cuts, and from Time to Time to alter or repeal ſuch Rules, Orders, Bye Laws, and Regulations, or any of them, and to make others, and to impoſe and inflict ſuch reaſonable Fines and Forfeitures upon all Perſons offending againſt the ſame, as to ſuch General Aſſembly ſhall ſeem meet, not exceeding the Sum of Ten Pounds for any One Offence; which Rules, Orders, Bye Laws, and Regulations, being reduced into Writing, under the Common Seal of the ſaid Company of Proprietors, ſhall be binding upon and be 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, provided they be not repugnant to the Laws of this Realm, or any of the expreſs Directions of this Act.

General Aſſembly may remove Committees and appoint others;

and may make Bye Laws.

A Committee to be choſen or re-

LV. Provided always, and be it further enacted, That if at any ſuch General Aſſembly as aforeſaid, there ſhall not happen to be preſent ſo

many Proprietors as ſhall be entitled to vote, either as Principals or Proxies, for or in reſpect of Four hundred Shares in the ſaid Navigation, for which Votes may be given for the Time being, no Choice of a Committee or Removal of any Perſon or Perſons from the Committee, or Election of any Perſon in the Room of any Committee Man who ſhall be dead, ſhall be made at that Time; but in every ſuch Caſe ſuch General Aſſembly ſhall be adjourned to, and be held at the ſame Place upon that Day Three Weeks, and ſo from Time to Time, until ſo many Proprietors ſhall be preſent as ſhall be entitled to vote in reſpect of ſuch Number of Shares as aforeſaid, and ſuch Choice ſhall then be made of Perſons to be of the Committee as ought to have been made on the Day herein-before appointed for holding ſuch General Meeting or Aſſembly, in caſe there had been a ſufficient Number of Propietors preſent, and the Perſons then choſen to be of the ſaid Committee ſhall have the ſame Power as they would have had, and continue in ſuch Office until ſuch Time as they would have done, had they been choſen on the Day herein-before appointed for holding ſuch General Aſſembly, and of which ſaid Adjournment or Adjournments there ſhall be Fourteen Days previous Notice at leaſt inſerted in ſome Newſpaper which ſhall at that Time be publiſhed and circulated in each of the ſaid Counties of *Devon* and *Somerſet*.

moved unleſs Perſons having 400 Shares are preſent.

LVI. And be it further enacted, That the Committees of the ſaid Company of Proprietors to be choſen as aforeſaid ſhall from Time to Time have full Power and Authority to direct and manage all and ſingular the Affairs and Buſineſs of the ſaid Company of Proprietors, and to contract for and purchaſe Lands and Materials for the Uſe of the ſaid Navigation, and to order, direct, and employ the Works and Workmen, and to appoint and diſplace all Officers, Clerks, Agents, and Servants, and make Contracts and Bargains touching or in anywiſe concerning the ſaid Undertaking, and for that Purpoſe ſhall and may meet Once in every Month at the leaſt, and may adjourn themſelves from Time to Time, and from Place to Place, as Occaſion may require; and that all reaſonable Expences of the Meetings of the Committees ſhall be paid out of the Stock of the ſaid Company of Proprietors, not exceeding Five Shillings, for the Expence of each Perſon in any One Day; but no Reſolution ſhall be taken, or Buſineſs done at any Meetings of the ſaid Committees, (except for the Purpoſe of Adjournment), unleſs Five or more of the Perſons compoſing any ſuch Committee ſhall be preſent; nor ſhall any Treaſurer of the ſaid Company of Proprietors iſſue any Sum of Money on Account of the ſaid Company, without an Order ſigned by the Majority of the Committee preſent at ſome ſuch Meeting; and at all Meetings of the ſaid Committees one of the Perſons compoſing the ſame ſhall be appointed Preſident or Chairman; and all Queſtions, Matters, and Things, which ſhall be propoſed, diſcuſſed, or conſidered, at ſuch Meetings, ſhall be finally decided and determined by the Majority of Votes then preſent, but no Member of any Committee, although he may be a Proprietor of any Number of Shares in the ſaid Undertaking, ſhall have more than One Vote in the ſaid Committee, except the Preſident or Chairman, who, in caſe of an Equality of Votes upon any Queſtion, ſhall have the caſting Vote, and in caſe of any Difference or Diſpute in the Choice of ſuch Preſident, the ſame ſhall be determined by Lot.

Powers of the Committees.

No Buſineſs to be done by any Committee, unleſs Five Members are preſent.

Special Aſſemblies may be called in certain Caſes.

LVII. And be it further enacted, That if it ſhall at any Time appear to any Five or more of any ſuch Committee as aforeſaid, or to any Ten or more of the Proprietors at large, who ſhall be poſſeſſed of Five or more Shares each in the ſaid Undertaking, that a Special Aſſembly of Proprietors is neceſſary to be had, it ſhall be lawful for ſuch Five or more of the ſaid Committee, or ſuch Ten or more of the Proprietors at large, to call ſuch Special Aſſembly, cauſing Notice thereof to be given in ſome Newſpaper which ſhall at that Time be publiſhed and circulated in each of the ſaid Counties of *Devon* and *Somerſet*, or in ſuch other Manner as the ſaid Company of Proprietors ſhall at any General Aſſembly direct or appoint, declaring in ſuch Notice the Place where and the Time when ſuch Special Aſſembly ſhall be held, the Time not to be leſs than Fourteen Days after ſuch Notice given, and alſo ſpecifying in ſuch Notice the Reaſon for and Intention of holding the ſame; and that it ſhall be lawful for the ſaid Company of Proprietors to meet purſuant to ſuch Notice, and proceed upon the Matters ſpecified in ſuch Notice only; and that all Acts of the ſaid Company of Proprietors at ſuch Special Aſſemblies with reſpect to ſuch Matters, ſhall be as valid, to all Intents and Purpoſes, as if the ſame were done at any General Aſſembly to be held in the Manner appointed by this Act.

Committees ſubject to the Controul of the General and Special Aſſemblies.

LVIII. And be it further enacted, That every Committee to be choſen or appointed as aforeſaid ſhall from Time to Time be ſubject to the Controul of ſuch General and Special Aſſemblies as aforeſaid, and ſhall pay due Obedience to all ſuch Orders and Directions in and about the Affairs and Buſineſs of the ſaid Company of Proprietors as they ſhall from Time to Time receive from any ſuch General or Special Aſſembly, ſo that ſuch Orders and Directions be not contrary to the expreſs Directions, Regulations, or Proviſions, contained in this Act.

Power to compel Payment of the Subſcriptions.

LIX. And be it further enacted, That the ſeveral Perſons who have already ſubſcribed, or who ſhall hereafter ſubſcribe to advance any Money for the ſeveral Purpoſes of this Act, are hereby required to pay the Sums of Money by them reſpectively ſubſcribed, or ſuch Part or Parts thereof as ſhall from Time to Time be called for by the ſaid Company of Proprietors, or the Committee of the ſaid Company of Proprietors, by virtue of this Act, at ſuch Times and Places as ſhall be appointed for that Purpoſe by the ſaid Company of Proprietors, or the ſaid Committee, in the Manner herein-before mentioned; and in caſe any Perſon ſhall neglect or refuſe to pay the ſame at the Time, and in Manner required for that Purpoſe as aforeſaid, it ſhall be lawful for the ſaid Company of Proprietors to ſue for and recover the ſame in any Court of Law or Equity.

Shares of Perſons not anſwering Calls may be ſold.

LX. Provided always, and be it further enacted, That in caſe any Proprietor of a Share or Shares in the ſaid Undertaking ſhall at any Time neglect or refuſe to anſwer and pay the Calls made upon him or her within the Time and in Manner preſcribed by this Act for making ſuch Payment, it ſhall be lawful for the ſaid Company of Proprietors to cauſe to be ſold the Share or Shares belonging to ſuch Perſon, or ſo many thereof (if more than One) as will raiſe a ſufficient Sum of Money to make good the Money ſo called for, with lawful Intereſt for ſuch Money from the Time the ſame ſhall have been due, and alſo all Charges and

Expences occaſioned by ſuch Neglect or Refuſal, and by Writing under their Common Seal to convey the ſame to the Purchaſer or Purchaſers thereof, according to the Form and in Manner by this Act directed with reſpect to the Sale of Shares in the ſaid Undertaking; and every ſuch Sale and Conveyance ſhall be as valid and effectual as if made by the Owner; and out of the Money ariſing by ſuch Sale the ſaid Company of Proprietors are hereby empowered to deduct and retain the Sum due to them from ſuch Perſon on Account of his or her Share or Shares in the ſaid Undertaking, together with Intereſt for the ſame as aforeſaid, and alſo all Expences attending ſuch Neglect or Refuſal and Sale; and if there ſhall be any Overplus of ſuch Money, the ſame ſhall, by the ſaid Company of Proprietors, be paid upon Demand to the Perſon who was the Proprietor of the ſaid Share or Shares before ſuch Sale was made, his or her Executors or Adminiſtrators, the Perſon or Perſons receiving ſuch Money giving to the ſaid Company of Proprietors a proper Receipt or Diſcharge for the ſame; and that no ſuch Proprietor, whoſe Share ſhall have been ſold by the ſaid Company of Proprietors for his or her neglecting or refuſing to anſwer and pay any Call which ſhall have been made upon him or her as aforeſaid, ſhall, at any Time after ſuch Sale of his or her Share as aforeſaid, be entitled to vote, either by him or herſelf, or by Proxy, upon any Queſtion, or to attend any Meeting, or act as One of the ſaid Company of Proprietors for or in reſpect of any Share ſo ſold as aforeſaid; any Thing in this Act to the contrary hereof notwithſtanding.

On Death of Subſcribers Executors may complete the Subſcriptions:

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

and in caſe of Refuſal, the Company of Proprietors may admit other Perſons to ſuch Shares.

Directing the Mode of ſelling Shares.

LXII. And be it further enacted, That it ſhall be lawful for any of the Proprietors of the ſaid Undertaking to ſell and diſpoſe of his or her Share or

or Shares therein, ſubject to the Rules and Conditions preſcribed in and by this Act for that Purpoſe, and Duplicates of the Deed of Bargain and Sale, or Transfer of ſuch Share or Shares, ſhall be executed by every Vendor and Vendee, and One Part thereof, ſo executed, ſhall be delivered to the Clerk to the ſaid Company of Proprietors, to be filed and kept for the Uſe of the ſame Company, and an Entry thereof ſhall be made in a Book to be kept by ſuch 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 the Duplicate of ſuch Deed ſhall be ſo delivered to the Clerk as aforeſaid, the Purchaſer or Purchaſers ſhall have no Part or Share of the Profits of the ſaid Undertaking, nor any Intereſt for or in reſpect of ſuch Share or Shares ſo purchaſed, nor be entitled to vote as a Proprietor of the ſaid Undertaking.

No Share to be ſold after a Call, until the Call is anſwered.

LXIII. Provided always, That after any Call of ſuch Money ſhall be made by a General Aſſembly of the ſaid Company of Proprietors, or by ſuch Committee as aforeſaid, no Perſon ſhall ſell or transfer any Share or Shares which he or ſhe ſhall then have in the ſaid Undertaking, until the Monies ſo called for upon his or her Share or Shares intended to be ſold ſhall be paid, and every Perſon making Default therein ſhall forfeit ſuch his or her Share or Shares in the ſaid Undertaking, to and for the Benefit of the Reſt of the ſaid Company of Proprietors, unleſs he or ſhe ſhall, at the Time of ſuch Sale or Transfer, pay the Money called for upon every Share ſo ſold or transferred to any Treaſurer to the ſaid Company of Proprietors, but no ſuch Share or Shares ſhall be forfeited unleſs the ſame ſhall be firſt declared ſo to be at a General Aſſembly, and Thirty Days Notice thereof given in Writing by the Clerk to the ſaid Company of Proprietors to the Owner thereof, or left at his or her uſual or laſt Place of Abode.

LXIV. And be it further enacted, That every Bargain and Sale, or Transfer of any of the ſaid Shares, ſhall be according to the Form, or to the Effect following; *(videlicet)*,

Form of Conveyance of Shares.

'I *A. B.* in Conſideration of paid to me by *C. D.* of do hereby bargain, ſell, and transfer, 'to the ſaid *C. D.* his Executors, Adminiſtrators, and Aſſigns, 'Share or Shares in the Grand Weſtern Canal, being 'Number of the Shares in the ſaid Canal, to hold 'to 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 immediately before the Execution hereof: And I the 'ſaid *C. D.* do hereby agree to accept of the ſaid 'Share or Shares, ſubject to the ſame Rules, Orders, and Conditions. 'Witneſs our Hands and Seals, the Day of

How the Title to Shares acquired by Marriage or Death ſhall be proved.

LXV. And be it further enacted, That before any Perſon who ſhall claim any Part or Share of the Profits in the ſaid Undertaking, by virtue of his 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 a Judge of one of His Majeſty's Courts of Record at *Weſtminſter*, or before a Maſter in Chancery, or One of His Majeſty's Juſtices of the

Peace, and ſhall be tranſmitted to the Clerk of the ſaid Company of Proprietors, who ſhall file the ſame, and make an Entry thereof in the Book or Books which ſhall be kept by him for the entering of Transfers 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 of any Letters of Adminiſtration, ſhall be entitled to receive the ſame, the ſaid Will, or the Probate thereof, or ſuch Letters of Adminiſtration, ſhall be produced and ſhewn to the ſaid Clerk to the ſaid Company of Proprietors, or an Affidavit containing a Copy of ſo much of ſuch Will as ſhall relate to the Share or Shares of the ſaid Teſtator or Teſtatrix, or a Copy of the ſaid Letters of Adminiſtration, in caſe the ſaid Proprietor ſhall have died inteſtate, ſhall be made and ſworn to by the Executor or Executors of ſuch Will, or by the Adminiſtrator or Adminiſtrators of the Eſtate and Effects of the Proprietor dying inteſtate, (as the Caſe may happen to be), before a Judge of one of His Majeſty's Courts of Record at *Weſtminſter*, a Maſter in Chancery, or One of His Majeſty's Juſtices of the Peace, and ſhall be tranſmitted to the Clerk to the ſaid Company of Proprietors, who ſhall file and enter the ſame in Manner aforeſaid.

Company to admit Land Owners to Shares, but upon certain Conditions.

LXVI. And be it further enacted, That in caſe any Perſon or Perſons, Bodies Politick, Corporate, or Collegiate, who now is or are the Owner or Owners, or in the actual Poſſeſſion, or entitled to the Rents and Profits of any of the Lands through which the Line of the ſaid Canal or Cuts ſhall paſs, or in which any Reſervoir ſhall be made, (provided the Quantity of Land belonging to any ſuch Perſon or Perſons, or Body Politick, Corporate, or Collegiate, neceſſary to be made uſe of for ſuch Purpoſe, ſhall amount to One Acre, or the Line of Canal or Cuts intended to paſs through the Land of ſuch Perſon or Perſons, Body Politick, Corporate, or Collegiate, ſhall extend to One Eighth Part of a Mile in Length), ſhall be deſirous of becoming a Proprietor or Proprietors in the ſaid Undertaking, and ſhall by Notice in Writing under his or her Hand, or the Common Seal of ſuch Body Politick, Corporate, or Collegiate, atteſted by Two or more credible Witneſſes, to be delivered to the Clerk of the ſaid Company of Proprietors within the Space of Two Months next after the paſſing of this Act, ſignify his, her, or their Intention to become a Subſcriber, and the Sum he, ſhe, or they is or are willing to contribute and advance for or towards this Undertaking, then the ſaid Company of Proprietors are hereby required to admit every ſuch Perſon or Perſons, Bodies Politick, Corporate, or Collegiate, to be a Proprietor or Proprietors of the ſaid Undertaking, and every ſuch Perſon or Perſons, and Bodies Politick, Corporate, or Collegiate, ſhall, after ſuch Notice is delivered as aforeſaid, be compellable to become a Subſcriber or Subſcribers, according to the Quantity of his, her, or their Land ſo to be taken and made uſe of for ſuch Purpoſe as aforeſaid; and the ſaid Company of Proprietors, in caſe of Failure of Payment of the Money for any ſuch Shares for which ſuch Perſon or Perſons, Bodies Politick, Corporate, or Collegiate ſhall ſubſcribe, in Proportion to what may have been paid by the other Proprietors, ſhall have Power to deduct the ſame out of the Purchaſe Money for the Land to be taken and made uſe of for ſuch Purpoſe as aforeſaid; and after ſuch Payment ſhall be made by or on Behalf of ſuch Perſon or Perſons, Bodies Politick, Corporate, or Collegiate, he, ſhe, and

they ſhall be united and incorporated, and be Part of the ſaid Company of Proprietors, and ſhall be a Proprietor of a Share in the ſaid Undertaking for every One hundred Pounds of the Money which he, ſhe, or they ſhall ſo pay, not exceeding One Share for One Acre in Quantity, or One Eighth Part of a Mile in Length, of the Land ſo to be taken and uſed for the Purpoſes aforeſaid, and not exceeding ſuch Number of Shares as will make up the Whole of the Shares to which ſuch Perſon, or Bodies Politick, Corporate, or Collegiate, ſhall now be entitled as a Subſcriber or Subſcribers, or otherwiſe, to the Number of One hundred Shares.

Leſſees may become Proprietors where Land Owners decline it.

LXVII. Provided always, That in caſe any Body Politick, Corporate, or Collegiate, who is or are the Owner or Owners as aforeſaid, ſhall refuſe or decline to ſubſcribe as aforeſaid, it ſhall and may be lawful to and for the Leſſee or Leſſees holding and being in Poſſeſſion of any Lands under the ſaid Body Politick, Corporate, or Collegiate (except Leſſees at Rack Rent), to become a Subſcriber or Subſcribers, in his, her, or their own Names, for as many Shares in the ſaid Undertaking as are in Proportion to the Lands in their reſpective Poſſeſſions which ſhall be neceſſary to be taken and uſed as aforeſaid, and in the ſame Manner as if the ſame Lands were their own reſpective Freeholds; and the ſaid Leſſee or Leſſees ſo ſubſcribing as aforeſaid ſhall be admitted as a Proprietor or Proprietors in the ſaid Undertaking for the Share or Shares by him, her, or them ſo ſubſcribed, in like Manner and upon the ſame Terms as any other Proprietor in the ſaid Undertaking: Provided alſo, that nothing hereinbefore contained ſhall oblige the ſaid Company of Proprietors to admit ſuch Land Owners as aforeſaid, or their Leſſees, to become Subſcribers to the ſaid Undertaking, on Account of taking or uſing their Lands for the Purpoſes aforeſaid, for any greater Sum collectively than Fifty thouſand Pounds; and in caſe ſuch Land Owners and Leſſees ſhall have required collectively, in Manner aforeſaid, to become ſuch Subſcribers for a greater Sum than the ſaid Sum of Fifty thouſand Pounds, the ſaid Company of Proprietors are hereby directed to apportion and divide the ſaid Sum of Fifty thouſand Pounds between the ſaid Land Owner or Land Owners, or his, her, or their Leſſee or Leſſees, who ſhall have required to become ſuch Subſcribers, within the Time before limited for that Purpoſe, according and in Proportion to the Shares which he, ſhe, or they ſhall have required to become Subſcribers for.

Clerk to the Company to enter all Proceedings in Books.

LXVIII. And be it further enacted, That every Clerk to the ſaid Company of Proprietors ſhall from Time to Time enter and keep in a Book to be provided for that Purpoſe, a true and perfect Account of the Names and Places of Abode of the ſeveral Proprietors of the ſaid Undertaking, and of the ſeveral Perſons who ſhall or may from Time to Time become Owners and Proprietors of, or entitled to any Share or Shares therein, and of all the Acts, Tranſactions, and Proceedings of the ſaid Company of Proprietors, and of ſuch Committees as aforeſaid; and that every Proprietor of any Share in the ſaid Undertaking ſhall and may at all convenient Times have recourſe to and peruſe and inſpect ſuch Books, and alſo the Book to be kept by the Clerk to the ſaid Commiſſioners as aforeſaid, *gratis*, and ſhall and may demand and have Copies thereof reſpectively, or any Part thereof, paying after the Rate of Sixpence for every Two hundred Words, and that if ſuch Clerks ſhall refuſe to permit any of the

Proprietors may inſpect ſuch Books.

ſaid Proprietors to inſpect or peruſe any ſuch Books as aforeſaid, or refuſe, in a reaſonable Time, to make any ſuch Copy at the Rate aforeſaid, the Clerk ſo offending ſhall, for every ſuch Offence, forfeit the Sum of Five Pounds to the Perſon requiring to inſpect and peruſe any ſuch Book.

Rates of Tonnage and Wharfage.

LXIX. And be it further enacted, That in Conſideration of the great Expence that will attend the carrying this Act into Execution, it ſhall be lawful for the ſaid Company of Proprietors, from Time to Time and at all Times for ever, to aſk, demand, take, and receive, to and for their own Uſe and Benefit, for the Tonnage of all Goods, Wares, Merchandizes, and Things whatſoever, which ſhall be navigated, carried, or conveyed upon the ſaid Canal and Cuts, or any Part thereof, ſuch Rates as ſhall be fixed by the ſaid Company of Proprietors at any General Aſſembly to be held as aforeſaid, not exceeding the reſpective Sums herein-after mentioned, (that is to ſay),

For all Lime, Lime Stone, and all other Articles uſed for Manure, One Penny *per* Ton *per* Mile:

For all Lime and Lime Stone, (except for the Purpoſe of Manure), Iron Stone, Iron Ore, Lead Ore, and all other Ores, Stones, Tiles, Slates, Bricks, Flag Stones, Clay, and Sand, and all Materials for repairing the Roads, Two-pence *per* Ton *per* Mile:

For all rough Timber, Iron in Pigs and Bars, Lead in Pigs and Sheets, Tin in Lumps and Bars, Charcoal, Salt, Cheeſe, Corn, Hay, and Straw, Three-pence *per* Ton *per* Mile:

For all Coals, Culm, Coak, and Cinders, Two-pence *per* Ton *per* Mile:

For all wrought Metals, Oils, Wines, Liquors, Groceries, Earthen Wares, and all Goods, Wares, and Merchandize, and all other Things whatſoever, not before ſpecified, which ſhall be navigated, carried, or conveyed upon the ſaid Canal and Cuts, or any Part thereof, the Sum of Four-pence *per* Ton *per* Mile:

And in all Caſes where there ſhall be a Fraction of a Mile in the Diſtance which any Boat, Barge, or other Veſſel, ſhall be navigated or paſſed upon the ſaid Canal and Cuts, or any of them, ſuch Fraction ſhall, in aſcertaining the ſaid Rates, be deemed and conſidered as a whole Mile; and that 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 Canal and Cuts, or either of them, a Proportion of the ſaid Rates ſhall be demanded and taken by the ſaid Company of Proprietors for ſuch Fraction, according to the Number of the Quarters of a Ton contained therein.

Certain Veſſels not to paſs Locks, except when the Water ſhall flow over the Waſte Weir.

LXX. Provided always, That no Boat, Barge, or other Veſſel, laden with Hay, Straw, or Corn in the Straw, Materials for the Repair of Roads, or any Kind of Manure, ſhall paſs through any Lock to be made by virtue of this Act, except at ſuch Times only as the Water ſhall flow over the Waſte Weir next ſuch Lock, without the Conſent of the ſaid Company of Proprietors, or ſome Committee of the ſame Company.

Rates for Goods remaining on Wharfs above a certain Time.

LXXI. And be it further enacted, That if any Goods, Wares, or Merchandizes, which ſhall be ſo navigated, carried, or conveyed, upon the ſaid Canal or Cuts, ſhall remain upon any Wharf belonging to the ſaid Company of Proprietors, for above the Space of Twenty-four Hours, then and

and in ſuch Caſe the ſaid Company of Proprietors ſhall be entitled to have and receive ſuch reaſonable Allowance for the Wharfage thereof, over and above the Rates herein-before authorized to be taken, as ſhall be agreed upon between the ſaid Company of Proprietors, or their Agent or Agents, and the Owner and Owners of ſuch Goods, Wares, and Merchandizes; and in caſe any Difference or Diſpute ſhall ariſe concerning ſuch Allowance, the ſame ſhall be aſcertained and adjuſted by the ſaid Commiſſioners.

Company may fix the Price of Carriage of ſmall Parcels;

LXXII. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, from Time to Time, at any General Meeting or Aſſembly of the ſame Company, to be held as herein-before is directed, with the Conſent of the ſaid Commiſſioners, to make ſuch Bye Laws for aſcertaining the Sum or Sums which the ſaid Company of Proprietors ſhall and may take to and for their own Uſe, from all and every Perſon and Perſons, and for all Cattle, and for any Parcel not exceeding Twenty-eight Pounds Weight, and the Payment thereof, as alſo for the aſcertaining and paying the Price or Sum or Sums to be charged or taken for the Carriage of ſuch Perſons, Cattle, and Parcels reſpectively upon the ſaid Canal and Cuts, or any Part thereof, as to the ſaid Company of Proprietors at ſuch Meeting or Aſſembly ſhall ſeem reaſonable; and that the ſaid Company of Proprietors ſhall from Time to Time affix or cauſe to be affixed upon every publick Wharf on the Side of the ſaid Canal and Cuts, in ſome conſpicuous Place, a Table or Account of the Sums of Money to be ſo demanded and taken for the Uſe of the ſaid Company of Proprietors, as alſo for ſuch Carriage of ſuch Perſons, Cattle, and Parcels, upon the ſaid Canal and Cuts, or any Part thereof: And in caſe any Owner or Maſter, or other Perſon belonging to any Boat, Barge, or other Veſſel, navigated or paſſing upon the ſaid Canal or Cuts, or any Collector of the Rates aforeſaid, ſhall, after ſuch Table or Account ſhall be affixed as aforeſaid, demand or take more than the Sums of Money therein ſpecified to be taken, ſuch Owner, Maſter, or Collector, or other Perſon as aforeſaid, ſhall forfeit any Sum not exceeding Forty Shillings.

and Perſons demanding more than the Price ſo fixed ſubject to a Penalty.

Rates how to be recovered.

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

the ſame ſhall and may be appraiſed and ſold as the Law directs in Caſes of Diſtreſs for Rent.

Maſters of Boats, &c. to give an Account of the Lading to the Collectors.

LXXIV. And, for the more eaſy collecting the ſaid Rates, be it further enacted, That the Maſter, Owner, or Manager of every Boat, Barge, or other Veſſel, navigated upon or along the ſaid Canal and Cuts, ſhall give a juſt Account in Writing, ſigned by him, to the Collector of the ſaid Rates, at the Place or Places where he ſhall attend for that Purpoſe, of the ſeveral Quantities, Qualities, and Weight of the Goods, Wares, Merchandizes, and Things, contained in every ſuch Boat, Barge, or other Veſſel, and of the Place from whence brought, and where intended to be landed or carried, and alſo of the Quantities, Qualities, and Weight of ſuch Goods as ſhall have been diſcharged or taken out of ſuch Boat, Barge, or other Veſſel, within the Limits of the ſaid Canal and Cuts, before their Arrival at the Place where ſuch Account is to be given; and in caſe any ſuch Maſter, Owner, or other Perſon, ſhall neglect or refuſe to give ſuch Account, or refuſe to produce his Permit or Bill of Lading to any ſuch Collector, if demanded, or ſhall give a falſe Account thereof, or ſhall deliver any Part of his Lading or Goods at any other Place than that mentioned in ſuch Account, every Perſon ſo offending ſhall forfeit and pay the Sum of Five Pounds for every ſuch Offence, over and above the Rates which ſhall be payable for the ſame, which ſaid Forfeiture, in caſe of Refuſal of Payment thereof on Demand, ſhall and may be recovered in the ſame Manner as the ſaid Rates are herein-before appointed and directed to be recovered.

To aſcertain the Tonnage on Timber.

LXXV. And for the better aſcertaining the Tonnage of Timber to be charged with the Payment of the ſaid Rates, be it further enacted, That Fifty Feet of Round, and Forty Feet of Square Oak, Aſh, or Elm Timber, and Fifty Feet of Fir or Deal Balk, Poplar, Beech, or Birch, not cut into Scantlings, ſhall be deemed, rated, and eſtimated as and for One Ton Weight.

In caſe of Difference, Collectors may ſtop and weigh the ſame.

LXXVI. And be it further enacted, That if any Difference ſhall ariſe between any Collector of the ſaid Rates, and the Maſter or Perſon having Charge of any Boat, Barge, or other Veſſel, or the Owner of any Goods, Wares, or Merchandizes, concerning the Weight and Quantity of the ſame, it ſhall be lawful for any ſuch Collector to ſeize and detain any ſuch Boat, Barge, or other Veſſel, and to weigh, meaſure, and gauge, or cauſe to be weighed, meaſured, and gauged, all ſuch Goods, Wares, and Merchandizes, as ſhall be therein contained; and in caſe the ſame ſhall upon ſuch weighing, meaſuring, and gauging, appear to be of greater Weight or Quantity than ſuch Maſter, Owner, or other Perſon having the Care of ſuch Boat, Barge, or other Veſſel, affirmed or ſtated the ſame to be, then the ſaid Maſter, Owner, or Perſon, having the Care of ſuch Boat, Barge, or other Veſſel, ſhall pay the Coſts and Charges of ſuch weighing, meaſuring, and gauging, and ſuch Coſts and Charges, in caſe of Refuſal of Payment thereof, ſhall and may be recovered in the ſame Manner as the ſaid Rates are hereby appointed to be recovered; but if ſuch Goods, Wares, and Merchandizes, ſhall appear to be of the ſame Weight or Quantity, or of leſs Weight or Quantity than the ſaid Maſter, Owner, or other Perſon declared the ſame to be, then the ſaid Collector ſhall pay the Coſts and Charges of ſuch weighing, meaſuring, and gauging, and ſhall

alſo pay to ſuch Maſter or Perſon, or to the Owner or Owners of ſuch Goods, Wares, and Merchandizes, ſuch Damage as ſhall appear to the Commiſſioners, on the Oath of One or more credible Witneſs or Witneſſes, to have ariſen from ſuch Detention, and in Default of an immediate Payment thereof by ſuch Collector, the ſame ſhall be recovered againſt the ſaid Company of Proprietors by Diſtreſs and Sale of their Goods and Chattels, by Warrant under the Hands and Seals of the ſaid Commiſſioners, or by Action of Debt or on the Caſe in any of His Majeſty's Courts of Record at *Weſtminſter*.

Navigation to be free on Payment of the Rates.

LXXVII. And be it further enacted, That all and every Perſon and Perſons ſhall have free Liberty to uſe, with Horſes, Cattle, and Carriages, the private Ways and Roads belonging to the ſaid Company of Proprietors (except the Towing Paths) for the conveying of Goods and other Things to and from the ſaid Canal and Cuts, and the Wharfs, Quays, or Landing Places belonging thereto, and alſo with Boats, Barges, and other Veſſels, to navigate, paſs upon, and uſe, the ſaid Canal and Cuts, for the Purpoſe of conveying any Goods, Wares, Merchandizes, Matters, and Things whatſoever thereon, and alſo to uſe the ſaid Wharfs, Quays, and Landing Places, for the loading and unloading the ſame, and the ſaid Towing Paths for the haling and drawing of ſuch Boats, Barges, and other Veſſels, upon Payment of ſuch Rates for the ſame as aforeſaid, ſubject nevertheleſs to the Rules, Orders, Bye Laws, and Regulations, which ſhall from Time to Time be made by the ſaid Company of Proprietors by virtue of this Act.

Company may vary the Rates.

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

Canal to be meaſured, and Stones to be erected every Mile.

LXXIX. And be it further enacted, That as ſoon as conveniently may be after the ſaid Canal and Cuts ſhall be completed, the ſaid Company of Proprietors ſhall cauſe the ſame to be meaſured, and Stones or Poſts to be erected and for ever after maintained, on ſuch Side thereof as they ſhall think fit, at the Diſtance of a Mile from each other, with proper and legible Marks, denoting the Diſtance from ſuch Places as they ſhall think proper.

How the Names of the Owners ſhall be painted on their Veſſels.

LXXX. And be it further enacted, That every Owner, Maſter, or Perſon having the Care or Conduct of any Boat, Barge, or other Veſſel, (not being a Pleaſure Boat), paſſing upon the ſaid Canal or Cuts, ſhall cauſe his or her Name and Place of Abode, and the Number of his or her Boat,

Barge, or other Veſſel, to be entered with the Clerk to the ſaid Company of Proprietors, and ſhall alſo cauſe the Name of ſuch Owner, and the Number of ſuch Boat, Barge, or other Veſſel, to be painted in White Letters and Figures on a Black Ground, each Letter and Figure to be of the Length of Four Inches at the leaſt, and of a proportionable Breadth on the Outſide of the Head or Stern of every ſuch Boat, Barge, or other Veſſel, and in ſuch Place ſo that no Part of ſuch Letters or Figures ſhall be under Water when ſuch Boat, Barge or other Veſſel is full laden; and ſhall alſo fix on each Side of every ſuch Boat, Barge, or other Veſſel, correct Indexes of Copper, Lead, or other Metal, of ſuch graduated Dimenſions, and of ſuch convenient Height, and under ſuch Regulations as the ſaid Company of Proprietors ſhall from Time to Time direct, ſo that the true Weight of the Lading on board may at all Times be thereby aſcertained and ſhewn; and that the Owner, Maſter, or other Perſon having the Care or Conduct of every ſuch Boat, Barge, or other Veſſel, ſhall permit and ſuffer the ſame reſpectively to be gauged or meaſured at the Expence of the ſaid Company of Proprietors, when required by ſuch Perſon or Perſons as ſhall be appointed by them for that Purpoſe, ſo that no ſuch Boat, Barge, or other Veſſel, ſhall be gauged or meaſured more than Four Times in any One Year; and that every Owner, Maſter, or other Perſon having the Care or Conduct of any ſuch Boat, Barge, or other Veſſel, who ſhall neglect or refuſe to put thereon the Owner's Name and Place of Abode, and ſuch other Marks or Numbers as are herein before directed, or ſhall alter, eraſe, or deface, any Letters or Figures deſcribing ſuch Name, Place of Abode, Marks, or Numbers as aforeſaid, or ſhall refuſe to permit ſuch Boat, Barge, or other Veſſel, to be gauged or meaſured as aforeſaid, or ſhall cauſe or permit ſuch Boat, Barge, or other Veſſel, navigating upon the ſaid Canal or Cuts to be loaded or unloaded without a Stage being laid upon the Gunwale of ſuch Boat, Barge, or other Veſſel, to the Bank of the ſaid Canal or Cuts, in order to prevent any Dirt or Rubbiſh falling into the ſame, ſhall for any of the Offences aforeſaid forfeit any Sum not exceeding Five Pounds.

Boats to be gauged when required.

LXXXI. And be it further enacted, That the Maſter or Owner of every Boat, Barge, or other Veſſel, paſſing upon the ſaid Canal or Cuts, ſhall be anſwerable for all ſuch Damage, Spoil, or Miſchief, as ſhall be done by his Boat, Barge, or other Veſſel, or the Horſes uſed in drawing the ſame, or by any of the Boatmen, Bargemen, or others belonging to or employed in or about the ſame reſpectively, unto any of the Houſes, Bridges, Weirs, Locks, Dams, Engines, Stop Gates, and other Gates or Works in, upon, or near the ſaid Canal and Cuts, or any Trenches, Sluices, or Paſſages, belonging to the ſaid Company of Proprietors, or by loading or unloading any Boat, Barge, or other Veſſel, and for any Treſpaſs or Damage that ſhall or may be done to the Owners or Occupiers of any Buildings, Lands, or Tenements adjoining or lying near the ſame, by leaving open Gates or otherwiſe, or any other Treſpaſs whatſoever; and the Maſter, or Owner or Owners of ſuch Boat, Barge, or other Veſſel, ſhall and may be ſued and proſecuted for the ſame in any of His Majeſty's Courts of Record at *Weſtminſter*, and if a Verdict be found againſt him or them, or Judgement be given againſt him or them upon Demurrer or by Default, the Plaintiff in any ſuch Caſe ſhall recover his Damages thereby ſuſtained with full Coſts of Suit.

Owners of Boats made anſwerable for Damages done by Servants;

LXXXII. And

but may afterwards recover from Servants what they ſhall have paid for ſuch Damages.

LXXXII. And be it further enacted, That if the Owner or Owners of any Boat, Barge, or other Veſſel paſſing on the ſaid Canal or Cuts ſhall be compelled to pay any Penalty, or to make Satisfaction for any Damage done by reaſon of any wilful Act or Default of his or their Servant or Servants, then and in ſuch Caſe every ſuch Servant ſhall be liable to repay ſuch Satisfaction for Damages to ſuch Owner or Owners, and in caſe of Non-payment thereof, upon Demand, the ſame ſhall be recovered in like Manner as is herein-after directed for Recovery of Penalties for Offences againſt this Act.

To prevent deſtroying Fiſh and Game.

LXXXIII. And be it further enacted, That if any Perſon navigating or working, or being on board any Boat, Barge, or other Veſſel upon the ſaid Canal or Cuts, ſhall carry or have on board any ſuch Boat, Barge, or other Veſſel, any Fiſhing Net, Gun, Engine, or other Inſtrument for taking or deſtroying, and with an Intent to take and deſtroy, Fiſh or Game, (not being qualified ſo do), being thereof lawfully convicted by his own Confeſſion, or by the Oath of One or more credible Witneſs or Witneſſes, before One or more of His Majeſty's Juſtices of the Peace for the County in which ſuch Offence ſhall happen, ſhall for every ſuch Offence forfeit and pay the Sum of Five Pounds; and in caſe any Perſon having the Command of any Boat, Barge, or other Veſſel, ſhall knowingly ſuffer or permit any Perſon (not being duly qualified ſo to do) to carry on board or make uſe of any Fiſhing Net, Gun, Engine, or other Inſtrument for taking or deſtroying Fiſh or Game, and ſhall be convicted thereof as aforeſaid, before any Juſtice of the Peace for ſuch County where ſuch Offence ſhall be committed, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Pounds.

Places to be made for Boats to turn and paſs each other.

LXXXIV. And be it further enacted, That in ſuch Parts of the ſaid Canal or Cuts as ſhall not be of ſufficient Breadth for admitting a Boat, Barge, or other Veſſel to turn about, or for Two Boats, Barges, or other Veſſels to paſs each other, the ſaid Company of Proprietors ſhall open and cut proper Spaces or Places in the Lands adjoining to the ſaid Canal or Cuts, at convenient Diſtances from each other, ſo as to enable Boats, Barges, and other Veſſels to turn about and to paſs each other; and that every Boat, Barge, or other Veſſel ſhall, upon meeting any other Boat, Barge, or other Veſſel, ſtop at, or go back to, and lie in the ſaid Spaces or Places made for that Purpoſe.

Regulations for Boats paſſing Locks.

LXXXV. And be it further enacted, That no Perſon navigating any Boat, Barge, or other Veſſel, upon the ſaid Canal or Cuts, and paſſing with ſuch Boat, Barge, or other Veſſel through any Lock, ſhall ſuffer the Water to remain in ſuch Lock longer than is neceſſary for his Boat, Barge, or other Veſſel, to paſs through the ſame; and that every ſuch Perſon as aforeſaid, in going down the ſaid Canal or Cuts, ſhall ſhut the lower Gates of ſuch Lock before he ſhall draw the Cloughs of the upper Gates thereof, and after he ſhall have brought his Boat, Barge, or other Veſſel into the ſaid Lock, ſhall ſhut the upper Gates before he ſhall draw the Cloughs of the lower Gates thereof; and in going up the ſaid Canal ſhall, as ſoon as he ſhall have paſſed with his Boat, Barge, or other Veſſel, out of the ſaid Lock, ſhut the upper Gates thereof, and afterwards draw the Cloughs of the lower Gates, unleſs there ſhall be

then a Boat, Barge, or other Veſſel in Sight coming down the Canal or Cuts, in which Caſe the lower Gates of the ſaid Lock ſhall be left ſhut, and the upper Gates ſhall be left open; and at all Times the Boats, Barges, and other Veſſels, going up the ſaid Canal or Cuts, if within Sight of, and at a Diſtance not above Two hundred Yards below the 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 if there ſhall be more Boats, Barges, or other Veſſels than One below and One above any Lock at the ſame Time, within the Diſtance aforeſaid, (at which Diſtance a Poſt or Mark ſhall be ſet up or made for aſcertaining the ſame), ſuch Boats, Barges, or other Veſſels ſhall go up and come down through ſuch Lock by Turns as aforeſaid, until all the Boats, Barges, and other Veſſels going up and coming down ſhall have paſſed, in order that One Lock full of Water may ſerve Two Boats, Barges, or other Veſſels; and that every Perſon who ſhall not obſerve and conform to the Directions aforeſaid, in paſſing the ſaid Locks, ſhall for every Offence forfeit any Sum not exceeding Twenty Shillings.

Lock Keepers not to give undue Preference to Boats.

LXXXVI. And be it further enacted, That if any Lock Keeper, Wharfinger, or other Servant belonging to the ſaid Company of Proprietors ſhall give any undue Preference, or ſhew any Partiality to any Boat, Barge, or other Veſſel in paſſing through any Lock upon the ſaid Canal or Cuts, or in loading or unloading any Goods, Wares, or Merchandizes at any of the Wharfs, Warehouſes, Weigh Beams, Cranes, and other Machines belonging to the ſaid Company of Proprietors, every Perſon ſo offending ſhall forfeit and pay, for every ſuch Offence, the Sum of Twenty Shillings for the Uſe of the Poor of the Pariſh where the Offence ſhall be committed.

Boats obſtructing the Navigation to be removed or weighed up.

LXXXVII. And be it further enacted, That if any Boat, Barge, or other Veſſel ſhall be wilfully placed on any Part of the ſaid Canal or Cuts aforeſaid, ſo as to obſtruct the Navigation or Paſſage thereon, and the Perſon having the Care of ſuch Boat, Barge, or other Veſſel, ſhall not immediately remove the ſame upon Requeſt made for that Purpoſe, every ſuch Perſon ſhall, for every ſuch Offence, forfeit a Sum not exceeding Twenty Shillings, and ſhall alſo forfeit any Sum not exceeding Five Shillings for every Hour ſuch Obſtruction ſhall continue after ſuch Requeſt to remove the ſame ſhall be made as aforeſaid; and that it ſhall be lawful for any Agent or Servant of the ſaid Company of Proprietors to cauſe any ſuch Boat, Barge, or other Veſſel to be unladen, if neceſſary, and to be removed in ſuch Manner as ſhall be neceſſary for preventing further Obſtruction, and to ſeize and detain ſuch Boat, Barge, or other Veſſel, and the Lading thereof, or any Part of ſuch Lading, until the ſaid Penalties and Charge of ſuch Removal be paid; and that if any Boat, Barge, or other Veſſel, ſhall be ſunk in the ſaid Canal or Cuts, and the Owner or Perſon having the Care of ſuch Boat, Barge, or other Veſſel, ſhall not without Loſs of Time weigh or draw up the ſame, it ſhall be lawful for any Agent or Servant 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 Expences neceſſarily occaſioned relating thereto.

Perſons not to take in or unload

LXXXVIII. And be it further enacted, That if any Perſon (except as herein-after mentioned) navigating or working, or employed in navigating or working,

Goods, unleſs at ſome publick Wharf.

working, any Boat, Barge, or other Veſſel, upon the ſaid Canal or Cuts, ſhall load, unload, or take into, any ſuch Boat, Barge, or other Veſſel, any Goods, Wares, Merchandizes or Things whatſoever, liable to pay any of the Rates herein-before mentioned, at any other Place or Places than at the Wharfs or Quays upon or belonging to the ſaid Canal or Cuts, without having firſt obtained a Conſent in Writing for that Purpoſe from the ſaid Company of Proprietors, or One of their Agents or Collectors, every ſuch Perſon ſhall, for every ſuch Offence, forfeit any Sum not exceeding Five Pounds.

Penalty on Perſons leaving Draw Bridges open;

LXXXIX. And be it further enacted, That if any Swivel Bridge or Draw Bridge ſhall be laid over or acroſs the ſaid Canal or Cuts, every Perſon opening any ſuch Draw Bridge or Swivel Bridge, for the Paſſage of any Boat, Barge, or other Veſſel, ſhall from Time to Time, as ſoon as ſuch Boat, Barge, or other Veſſel, ſhall have paſſed ſuch Bridge, ſhut and faſten the ſame, and that every Perſon neglecting ſo to do ſhall forfeit, for every ſuch Offence, any Sum not exceeding Five Pounds; and in caſe any ſuchBridge ſhall be left open longer than neceſſary for the Paſſage of any Boat, Barge, or other Veſſel, through the Neglect or Careleſſneſs of any Perſon belonging to any ſuch Boat, Barge, or other Veſſel, or if any Perſon ſhall wilfully open any ſuch Draw Bridge or Swivel Bridge when no Veſſel is to paſs through the ſame, ſo as to interrupt a free Paſſage for Travellers, every ſuch Perſon ſhall forfeit, for every ſuch Offence, any Sum not exceeding Five Pounds, One Half of which Penalty ſhall be paid to the Informer, and the other Half to the Poor of the Pariſh where ſuch Offence ſhall be committed.

and alſo on Perſons obſtructing the Navigation;

XC. And be it further enacted, That if any Perſon ſhall float any Timber upon any Part of the ſaid Canal or Cuts, or ſhall float any Boat, Barge, or other Veſſel with Timber, ſo that the ſame ſhall lie over the Side of ſuch Boat, Barge, or other Veſſel, or ſhall overload any Boat, Barge, or other Veſſel, ſo as to obſtruct the Paſſage of any other Boat, Barge, or other Veſſel, and ſhall not immediately, upon Notice given to the Owner or Perſon having the Care of ſuch Boat, Barge, or other Veſſel ſo obſtructing the Paſſage of the ſaid Canal or Cuts, hale or draw back ſuch Boat, Barge, or other Veſſel, into ſuch Place or Places as ſhall be made for Boats, Barges, or other Veſſels to paſs each other, every ſuch Perſon floating ſuch Timber, or having the Care of any ſuch Boat, Barge, or other Veſſel as aforeſaid, ſhall forfeit, for every ſuch Offence, the Sum of Five Pounds; and if any Perſon ſhall wilfully throw any Ballaſt, Gravel, Stones, Rubbiſh, or other Matter or Thing into any Part of the ſaid Canal or Cuts, or any Trenches, Sluices, or other Works to be made by virtue of this Act, to the Prejudice thereof, every ſuch Perſon ſhall, for every ſuch Offence, forfeit a Sum not exceeding Five Pounds.

or throwing Ballaſt or Rubbiſh into the Canal.

The Canal not to be ſubject to the Controul of the Commiſſioners of Sewers.

XCI. And be it further enacted, That the ſaid Canal and Cuts, or any Works whatſoever to be made by virtue of this Act, ſhall not be ſubject to the Controul, Direction, Survey, or Order, of any Commiſſion of Sewers; any Law or Statute to the contrary hereof notwithſtanding.

Penalty on Perſons opening Locks;

XCII. And be it further enacted, That if any Perſon ſhall wantonly open or cauſe to be opened any Lock, Paddle, Valve, or Clough, belonging to the ſaid Canal or Cuts, or ſuffer any Boat, Barge, or other Veſſel, to

ſtrike or run upon any of the Bridges or Locks belonging to the ſaid Company of Proprietors, or ſhall wilfully fluſh or draw off the Water, or cauſe the ſame to be drawn off from any Part of the ſaid Canal or Cuts, or from any Reſervoir belonging to the ſaid Company of Proprietors, or ſhall leave any of the Cloughs open after any Boat, Barge, or other Veſſel ſhall have paſſed any Lock belonging to the ſaid Canal or Cuts, (except in ſuch Caſes as are herein-before otherwiſe ordered), or if any Perſon ſhall wilfully draw or cauſe to be drawn any Paddle, Valve, or Clough, belonging to the ſaid Canal or Cuts, ſo as to waſte the Water therein, every Perſon offending in any of the Caſes aforeſaid, ſhall forfeit, for every ſuch Offence, any Sum not exceeding Five Pounds.

or wilfully damaging the Canal or other Works.

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

Regulations for working Mines of private Perſons near the Canal.

XCIV. And be it further enacted, That it ſhall and may be lawful for the Proprietors of any Mines of Coal, Lime Stone, Iron Stone, and other Minerals, which ſhall or may be diſcovered or cut in any Tunnel or Aqueduct which ſhall be made by virtue of this Act, to make a Sough or Drain to water or drain the remaining Part of ſuch Mines, and to diſcharge the Water ariſing or flowing from the ſame into ſuch Tunnel or Aqueduct, provided that ſuch ſettling Places be made at convenient Diſtances in every ſuch Sough or Drain, as ſhall be approved and directed by the ſaid Company of Proprietors, or their Engineer, and that the ſame ſhall be cleanſed as often as ſhall be neceſſary at the Expence of the Perſon or Perſons to whom the ſame ſhall belong, in order to prevent the Mud and Earth from being conveyed into ſuch Tunnel or Aqueduct, and provided that ſuch Part of the Sough or Drain as ſhall be under or within the Diſtance of Twenty Yards from ſuch Tunnel or Aqueduct, on either Side thereof, ſhall not exceed Four Feet in Breadth, and that the ſame ſhall be made under the Direction and Inſpection of ſome Engineer belonging to the ſaid Company of Proprietors; and that no Owners or Proprietors of any Mines, or their Workmen or Servants, or other Perſons, ſhall open or carry on any Works for digging, getting, or diſcovering ſuch Mines or Minerals under any Tunnel or Aqueduct to be made by virtue of this Act, or within Twenty Yards of the ſame, without the Conſent of the ſaid Company of Proprietors, and that no Water ſhall be taken or drawn off lower than the Level of the Water in the ſaid Canal or Cuts, by any Works to be made for getting ſuch Coals, Lime Stone, Iron Stone, or other Minerals, within Thirty Yards of any ſuch Tunnel or Aqueduct, unleſs ſuch Water ſhall be returned into the ſaid Canal or Cuts through ſuch Tunnel or Aqueduct; and that no Owner or Proprietor of any Mines, or his Workmen or Servants, or other Perſons whomſoever, ſhall on any Account open, dig, ſink, or carry on any Work for the getting of Coal, Lime Stone, or other Minerals,

nerals, under or within the Diſtance of Twenty Yards from the ſaid Canal, or any Reſervoir or Towing Path to be made as aforeſaid; (except as herein-after mentioned), without the Conſent of the ſaid Company of Proprietors, in Writing under their Common Seal for that Purpoſe firſt had and obtained.

Owners of ſuch Mines may make Works at certain Diſtances, and of certain Dimenſions.

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

Company may enter ſuch Mines near the Canal and Cuts, to ſecure the ſame at the Expence of the Owner of the Mines.

XCVI. And, for the better diſcovering of Perſons who ſhall open or carry on any Work for getting of Coals, Lime Stone, Iron Stone, or other Minerals, contrary to the Directions of this Act, be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, by themſelves, their Agents, or Servants, from Time to Time and at all Times hereafter, to enter upon any Lands through or near which the ſaid Canal, Cuts, Towing Paths, Reſervoirs, or other Works, hereby authorized to be made ſhall be or paſs, and wherein any Coal, Lime Stone, Iron Stone, or other Mineral or Mine ſhall or may be dug or opened, and likewiſe to enter into ſuch Coal and Lime Pits, or other Mines, and there to view, ſearch, meaſure, latch, and uſe any other Means for aſcertaining the Diſtance of the ſaid Canal, Cuts, Towing Paths, Reſervoirs, or other Works, from the working Parts of ſuch Mines, and in caſe it ſhall appear that any ſuch Mine hath been worked, or any ſuch Coal, Lime Stone, Iron Stone, or other Mineral, got contrary to the Directions of this Act, it ſhall be lawful for the ſaid Company of Proprietors, their Agents, Servants, or Workmen, at the Coſts and Charges of the Owner of ſuch Mine, to enter into and upon ſuch Mine, and from Time to Time to uſe all neceſſary and reaſonable Ways and Means for repairing, ſupporting, ſuſtaining, ſecuring, and making ſafe the ſaid Canal, Cuts, Towing Paths, Reſervoirs, and other Works, ſuch Coſts and Charges to be recovered by the ſaid Company of Proprietors, in caſe of Non-payment thereof upon Demand, by Action of Debt or on the Caſe, in any of His Majeſty's Courts of Record at *Weſtminſter*.

Owners of ſuch Mines, deſirous of working them, to give Notice thereof to the Company who ſhall make

XCVII. Provided always, That when and as often as the Owner of any Mine of Coal, Lime Stone, Iron Stone, or other Minerals, lying under or within the Diſtance herein-before limited from the ſaid Canal, Cuts, Towing Path, Reſervoir, or other Works, to be made in purſuance of this Act, ſhall be deſirous of working the ſame, then and in every ſuch Caſe ſuch Owner ſhall give Notice in Writing under his Hand of ſuch Intention

to the Clerk to the ſaid Company of Proprietors, at leaſt Three Calendar Months before he ſhall begin to work ſuch Mine, and upon the Receipt of ſuch Notice, it ſhall be lawful for the ſaid Company of Proprietors to inſpect or cauſe ſuch Mine to be inſpected, in order to determine what Coal, Lime Stone, Iron Stone, or other Minerals, may be come at, and be actually gotten, without Prejudice or Damage to the ſaid Canal, Cuts, Towing Path, Reſervoir, or other Works aforeſaid; and if the ſaid Company of Proprietors ſhall not inſpect ſuch Mine, or cauſe the ſame to be inſpected, within the Space of Thirty-one Days after Receipt of ſuch Notice, then it ſhall be lawful for the Owner of ſuch Mine, and he is hereby authorized to work ſuch Part of the ſaid Mine as may be under the ſaid Canal, Cuts, Towing Paths, Reſervoirs, or other Works as aforeſaid, or within the Diſtance thereof as aforeſaid; and if upon ſuch Inſpection as aforeſaid the ſaid Company of Proprietors ſhall refuſe to permit the Owner of ſuch Mine to work any ſuch Part thereof as may be under the ſaid Canal, Cuts, Towing Paths, Reſervoirs, or other Works as aforeſaid, or within the Diſtance thereof as aforeſaid, or in any other Manner obſtruct or prevent ſuch Owner from getting the ſame, then and in ſuch Caſe the ſaid Company of Proprietors ſhall, within Three Calendar Months after ſuch Refuſal or Obſtruction as aforeſaid, pay or cauſe to be paid to ſuch Owner a Price for the ſame after the like Rate as the next adjoining Mines of equal Quality ſhall have been really and *bona fide* ſold for, or be eſtimated or valued at; and if any Queſtion or Diſpute ſhall ariſe between the ſaid Company of Proprietors and the Owner of any ſuch Mine, his or her Heirs, Executors, or Adminiſtrators, touching the ſame, the Matter of ſuch Queſtion or Diſpute ſhall be ſettled and determined by the ſaid Commiſſioners, or ſhall be ſubject to the Verdict of a Jury if required, in ſuch and the ſame Manner as the Value of the Lands to be purchaſed for the making of the ſaid Canal, Cuts, or other Works, is herein-before directed to be ſettled and aſcertained; and in Default of Payment of ſuch Money the ſaid Commiſſioners are hereby empowered and required, by Warrant under their Hands and Seals, to cauſe the ſame to be levied by Diſtreſs and Sale of the Goods and Chattels of the ſaid Company of Proprietors which ſhall be found upon the ſaid Canal or Cuts, or in or upon any Wharfs, Quays, or Warehouſes, adjoining to or near the ſame, belonging to the ſaid Company, to and for the Uſe of the Owner of ſuch Mine, or his or her Executors or Adminiſtrators may ſue for and recover the ſame, with full Coſts of Suit, by Action of Debt in any of His Majeſty's Courts of Record at *Weſtminſter*.

Satisfaction in caſe they refuſe their Conſent thereto.

XCVIII. And be it further enacted, That if any Miller, or Owner or Occupier of any Mill, upon or near the Line of the ſaid Canal or Cuts, do or ſhall at any Time whilſt the ſaid Canal or Cuts are making or neceſſarily repairing, upon Twenty-four Hours Notice given by the ſaid Company of Proprietors, or any Perſon or Perſons employed as their Clerk or Agent, neglect or refuſe either to draw and keep up or open, or to ſhut or put down, and keep ſhut or put down any Clough or Cloughs, or any Sluice or Sluices belonging to ſuch Mill, and which ſhall be thought neceſſary, in the Judgement of any Engineer of the ſaid Company, to be opened or ſhut, and kept open or ſhut reſpectively, for the better making or repairing of the ſaid Canal or Cuts, and the Works neceſſary for that Purpoſe, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit any Sum not exceeding Five Pounds.

Millers to put up or down Cloughs when required ſo to do by the Company, upon receiving a Recompence for their Loſs:

And if not satisfied with Recompence offered, Commissioners to determine.

XCIX. Provided nevertheleſs, That the ſaid Company of Proprietors ſhall forthwith make or tender full Recompence and Satisfaction for the Stoppage or Hindrance of working any ſuch Mill, by Means of ſuch drawing up or opening, or putting down or ſhutting, ſuch Clough or Cloughs reſpectively, and in Default of ſuch Tender being forthwith made by the ſaid Company of Proprietors as aforeſaid, or if any ſuch Miller, Owner or Occupier ſhall deem the Recompence or Satisfaction ſo tendered to be inſufficient, then and in ſuch Caſe it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized, on Complaint to them made by any ſuch Miller, Owner, or Occupier, to ſettle and aſcertain the Damages ſuſtained by him, and the Recompence to be made for the ſame, in like Manner as other Damages are herein directed to be aſcertained.

The Company or Owners of Mines, may make Cuts through their own Lands;

C. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors to make any Navigable Cuts, with a Towing Path or Towing Paths thereto, from the ſaid Canal and Cuts to any Place or Places within the Diſtance of Five Miles from any Part of the ſaid Canal and Cuts, and all ſuch Navigable Cuts when made and completed, ſhall be deemed and taken as Part or Parts of the ſaid Canal and Cuts for and in reſpect of the Payment of Rates thereon, and for every other Uſe and Purpoſe of this Act; and it ſhall alſo be lawful for the Proprietor or Proprietors of any Mines, Seams or Veins of Iron, Iron Stone, Iron Ore, Lead Ore, or other Minerals, Coals, Culm, or Clay, or Quarries of Lime Stone, Slate, Tiles, or other Stones, or of any Furnaces, Forges, Mills, Engines, or other Works, ſituate within the Diſtance of Five Miles from the ſaid Canal and Cuts, to make a Navigable Cut or Cuts, with Locks, Stop Gates, and Towing Paths, in ſuch Manner as he, ſhe, or they ſhall think proper, through his, her, or their own Lands or Grounds, and alſo through the Lands or Grounds of any other Perſon or Perſons, to communicate with the ſaid Canal and Cuts, ſo that the ſame be done without diverting any Water which ſhall be neceſſary for ſupplying the ſaid Canal and Cuts, or which are or ſhall be neceſſary for the working of any Furnaces, Forges, or other Works, and without doing any Injury or Damage to the ſaid Canal and Cuts, and ſo as the Perſon or Perſons making ſuch Cut or Cuts ſhall (if thereto required by the ſaid Company of Proprietors) make, erect, and maintain, a Stop Gate or Stop Gates on every ſuch Cut, in order to prevent the Water being drained or waſted out of the ſaid Canal, Cuts, or Reſervoirs, in conſequence of making any ſuch Cut to communicate with the ſaid Canal and Cuts as aforeſaid, and all ſuch Cuts, Locks, Stop Gates, and Towing Paths ſo to be made as laſt mentioned ſhall be publick and open to all Perſons, for the Conveyance of any Minerals, Goods, Wares, Merchandizes, and Things, in Boats Barges, or other Veſſels, upon Payment to the Perſon or Perſons at whoſe Charge and Expence ſuch Cuts, Locks, Stop Gates, and Towing Paths ſhall be made, and his, her, and their Heirs or Aſſigns, ſuch and the like Rates as ſhall for the Time being be payable to the ſaid Company of Proprietors for the Conveyance of the like Articles upon the ſaid Canal and Cuts.

and alſo through the Lands of other Perſons.

But not to be made without the Conſent of Perſons intereſted in the Lands.

CI. Provided always, That no Navigable Cut as aforeſaid ſhall be made into or from the ſaid Canal or Cuts, by the ſaid Company of Proprietors, or any other Perſon or Perſons who are Proprietor or Proprietors of any Mines, Seams, or Veins of Iron, Iron Stone, Iron

Ore, Lead Ore, or other Minerals, Coals, Culm, or Clay, or Quarries of Lime Stone, Slate, Tiles, or other Stone, or of any Furnaces, Forges, Mills, Engines, or other Works, ſituate within the Diſtance of Five Miles from the ſaid Canal or Cuts, through any Commons or Waſte Lands, without the Conſent of the Lord of the Manor, or through the private Lands or Grounds of any Perſon or Perſons, unleſs the Owner or Owners of, and Perſon or Perſons intereſted in ſuch Lands or Grounds, or the Huſbands, Guardians, Truſtees, Committees, or Attornies of ſuch Owners or Perſons intereſted as aforeſaid, being under Coverture, Minors, Lunatics, beyond the Seas, or under any other Diſability or incapable of acting for themſelves, ſhall conſent thereto, and which Conſent they are hereby reſpectively authorized and empowered to give, and they are hereby authorized and empowered to agree with the Perſon or Perſons deſirous of making any ſuch Cut, for the Lands or Grounds to be made uſe of for that Purpoſe, and the Damages to be occaſioned thereby; and alſo to convey ſuch Lands or Grounds to ſuch Perſon or Perſons accordingly; and every ſuch Conſent and Agreement, being reduced into Writing, and ſigned and ſealed by the reſpective Parties giving or making the ſame, and alſo every ſuch Conveyance, ſhall be binding and concluſive upon all Bodies Politick and Corporate, and other Perſons whomſoever, and the ſame ſhall be depoſited with the Clerk of the Peace of the County in which ſuch Lands or Grounds ſhall lie, and be by him kept amongſt, and ſhall be deemed Part of the Records of the Quarter Seſſions of the Peace for the ſaid County.

Lords of Manors may erect Wharfs on Waſtes, and Land Owners in their own Lands.

CII. And be it further enacted, That it ſhall be lawful for the Lord of any Manor, and the Owner or Owners of any Land through which the ſaid Canal and Cuts ſhall be made, to erect and uſe any Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouſes, in or upon their reſpective Waſtes, Lands, or Grounds, adjoining or near to the ſaid Canal or Cuts, and to land any Goods or other Things upon ſuch Wharfs, Quays, or Landing Places, or upon the Banks lying between the ſame and the ſaid Canal and Cuts, and alſo to make and uſe proper and convenient Places for Boats, Barges, and other Veſſels to lie and turn in, and paſs each other, ſo that the making or uſing thereof do not obſtruct or prejudice the Navigation of the ſaid Canal or Cuts, or any Towing Paths on the Sides thereof; and that all Rates which ſhall be paid for the Uſe of ſuch Wharfs, Quays, Landing Places, Cranes, Weigh Beams, and Warehouſes reſpectively, ſhall be, and the ſame are hereby veſted in the Lord of any ſuch Manor, or the Owner of any ſuch Land who ſhall make and erect any ſuch Works as aforeſaid.

If they refuſe the Company may erect the ſame after a certain Time.

CIII. And be it further enacted, That if the Lord of any Manor, or the Owner of any Land through which the ſaid Canal or Cuts ſhall be made, ſhall not, within the Space of Six Calendar Months next after Notice given in Writing to him, her or them, by or on Behalf of the ſaid Company of Proprietors, that any ſuch Part of the Waſte Land within his Manor, or any private Land as aforeſaid, is neceſſary or proper to be uſed for the Purpoſe of erecting and making Wharfs, Quays, Landing Places, Warehouſes, and Buildings, for the Uſe of the ſaid Company of Proprietors, or for making and laying out neceſſary and convenient Roads for the Conveyance of Goods to and from the ſaid Canal or Cuts, or any other Cuts as aforeſaid, to be made by virtue of this Act, make, erect, and lay out, and from Time to Time maintain,

tain and keep in good and ſubſtantial Repair, with proper and ſufficient Wharfs, Quays, Landing Places, Warehouſes, Buildings, and Roads, for the Uſe of the ſaid Undertaking, as the ſaid Commiſſioners aſſembled at a Meeting to be held as herein-before mentioned ſhall think neceſſary, on the reſpective Part or Parts of the Waſte Lands or other Lands 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 Waſte Lands and other Lands, for erecting and building proper and ſufficient Wharfs, Quays, Landing Places, Warehouſes, and Buildings, and making and laying out neceſſary and convenient Roads to and from the ſaid Canal and Cuts, agreeable to ſuch Notice as aforeſaid, firſt making Satisfaction for the ſame Waſte Lands and other Lands, in ſuch Manner as is herein-before directed with reſpect to any other Lands or Grounds which ſhall be taken or uſed by the ſaid Company of Proprietors for any of the Purpoſes of this Act.

Regulations reſpecting private Wharfs, and directing what Rates ſhall be taken at ſuch Wharfs.

CIV. And be it further enacted, That nothing herein contained ſhall authorize or empower the ſaid Company of Proprietors, or any other Perſon or Perſons, to make uſe of any Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouſes, which ſhall be ſet out, erected, or made by the Lord of any Manor, or the Owner of any Land adjoining or near to the ſaid Canal or Cuts, or any ſuch other Cuts as aforeſaid, for his, her, or their own private Uſe only, or to ſet up, erect, or uſe, any Cranes or Weighing Machines in or upon any ſuch Wharfs, Quays, or Landing Places, without the Conſent of the Lord of any ſuch Manor, or the Owner of any ſuch Land, and that no more than the Sum of Two-pence *per* Ton ſhall be demanded or taken by the Lord of any ſuch Manor, or Owner of any ſuch Land, for the Wharfage of any Coals, Culm, Lime Stone, Clay, Iron, Iron Stone, Lead Ore, or any other Ore, Timber, Stone, Bricks, Tiles, Slates, Gravel, Hay, Straw, Corn in the Straw, or Manure, nor more than Three-pence *per* Ton for the Wharfage of any other Goods, Wares, Merchandizes, or Things whatſoever, where the ſame ſhall be reſpectively placed, and ſhall not continue thereupon for a longer Space of Time than Six Days, but any of the firſt-mentioned Articles may remain upon the ſaid Wharfs or Quays for Thirty Days upon Payment of the ſaid Three-pence *per* Ton: Provided nevertheleſs, that in caſe any of the ſaid Articles ſhall be left and remain in or upon any ſuch Wharfs or Quays for the Space of Ten Days over and above the Time hereby allowed, then the Owner or Owners of ſuch Articles ſhall pay to the Proprietors of ſuch Wharfs or Quays, One Penny *per* Ton for ſuch Ten Days, and One Penny *per* Ton for every further Day which ſuch Articles ſhall remain upon ſuch Wharfs or Quays, after the Expiration of the ſaid Ten Days.

Company may erect Cranes, *etc.* at ſuch Wharfs, if the Owners neglect to do it after Notice.

CV. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors to erect, repair, and uſe, any Cranes or Weighing Machines upon any ſuch Wharfs or Quays laſt-mentioned, for the more convenient loading and unloading, and weighing of any other Goods, Wares, Merchandizes, or other Commodities, in caſe the Proprietors of ſuch Wharfs or Quays ſhall neglect or refuſe to make and erect the ſame, for the Space of Three Calendar Months after they ſhall have received Notice, in Writing for that Purpoſe, by or on Behalf of the ſaid Company of Proprietors, or when ſo erected ſhall neglect or refuſe to keep the ſame in Repair.

CVI. And

Rights of Fishery reserved.

CVI. And be it further enacted, That the Lord of every Manor through or in which the said Canal and Cuts shall be made, shall have and be entitled to the exclusive Right of Fishery of and in so much of the said Canal and Cuts as shall be made over, through, or in any Common or Waste Lands within such Manor, or in, over, or through, any other Lands or Grounds, lying within any such Manor, wherein such Lord is entitled to the sole Right of Fishery in the Pits, Ponds, and Waters now being in such last-mentioned Lands, and that the Owners of all other Lands through or in which the said Canal and Cuts shall be made, shall also have and be entitled to the like Right of Fishery of and in so much of the said Canal and Cuts as shall be made in, over, or through their Lands, so as in the Use and Exercise of such Right of Fishery the said Canal and Cuts, or the Towing Paths, Banks, or other Works and Conveniencies hereby authorized to be made, shall not be prejudiced or obstructed, or any Water drained or exhausted from or out of the said Canal and Cuts: Provided always, that the said Company of Proprietors, or their Agents, Servants, or Workmen, shall not be liable to any Penalty, Action, or Prosecution, for or by Reason of the taking or destroying of any Fish in the said Canal and Cuts, which shall be taken, killed, or destroyed through or by Means of the necessary letting off the Water out of the said Canal and Cuts, for or on Account of any Repairs or Works to be done in or about the same.

Owners of Land and others may use Pleasure Boats and Boats employed in Husbandry, free of Rates, under certain Restrictions.

CVII. And be it further enacted, That it shall be lawful for the Owners and Occupiers of any Lands adjoining to the said Canal or Cuts to use any Pleasure Boats, or any Boats to be used for the Purpose of Husbandry, upon the said Canal or Cuts, and for conveying Cattle from any Farm or Land belonging to any Owner or Occupier of Lands adjoining the said Canal or Cuts to any other Farm or Lands of the same Owners or Occupiers, without the Interruption of the said Company of Proprietors, or any Person acting under them, and without paying any Rate for the same, so as such Pleasure Boats or other Boats be not above Five Feet in Breadth, or above Sixteen Feet in Length, and do not pass through any Lock, and are not employed in carrying any Goods, Wares, or Merchandizes to Market or for Sale, or in carrying any Person or Persons for Hire, and so as the same do not obstruct or prejudice the Navigation of the said Canal or Cuts, or any Towing Paths on the Sides thereof, and so that the respective Owners of all such Pleasure Boats, or Boats to be used for the Purpose of Husbandry only as aforesaid, shall in their own Lands make convenient Places for such Boats to lie in, and shall not suffer the same to be moored upon any Part of the said Canal or Cuts.

Authorizing the Company to make future Applications to Parliament, if Persons having a certain Proportion of Share consent thereto.

CVIII. And whereas the said Company of Proprietors may hereafter judge it expedient to make Application to Parliament for Power to make Navigable Communications with the said Canal or Cuts, but by Reason of Infancy or otherwise may not be able to obtain the Consent of all the Proprietors to make such Application, be it therefore further enacted, That in case the Persons entitled to Two Third Parts of the Number of Shares in the said Undertaking, shall at any General or Special Assembly of the said Company of Proprietors agree to make any such Application to Parliament, 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 to any Bill that may be depending in either House of Parliament, and such Application to be proceeded in and prosecuted, and any Money arising by virtue of this Act to be applied in defraying

fraying the Expences of any ſuch Application; 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 in the Law.

That no Coal carried upon the Canal ſhall be landed at *Topſham*, or near *Exeter*; and for charging a Duty on Coals carried through the Navigable Channel of the *Exe*.

CIX. And whereas, by virtue of an Act of Parliament, paſſed in the Thirty-firſt Year of the Reign of King *Henry* the Eighth, intituled, *An Acte concerninge the amendinge of the River and Porte of* Exeter, a Navigable Canal was formed by the Mayor, Bailiffs, and Commonalty of the ſaid City, for conveying Goods, Wares, and Merchandizes, in Barges, Boats, and Lighters, from the Tideway or Navigable Channel of the River *Exe*, near *Topſham*, in the ſaid County of *Devon*, to the ſaid City of *Exeter*: And whereas the ſaid Mayor, Bailiffs, and Commonalty of the ſaid City apprehend that ſuch Canal may be greatly injured, and the Rights, Profits, and Income thereof much diminiſhed and abridged by Means of the ſaid intended Canal; be it therefore enacted by the Authority aforeſaid, That no Coals or Culm which ſhall be navigated, carried, or conveyed, upon the ſaid intended Canal, (except ſuch as are herein-after mentioned), ſhall be landed on any Quay or Wharf, Quays or Wharfs, to be made on the ſaid Canal, at the Opening thereof into the Navigable Channel of the River *Exe*, at *Topſham*, or within Six Miles of the ſaid City of *Exeter*, but that ſuch Coals and Culm ſhall be carried on and conveyed in Barges, Boats, and Lighters, into the ſaid Canal, running from the Tideway or Navigable Channel of the ſaid River *Exe* to the City of *Exeter*, and that there ſhall be payable and paid to the Mayor, Bailiffs, and Commonalty of the ſaid City of *Exeter*, and their Succeſſors, for and in reſpect of all ſuch Coals and Culm, ſuch and the ſame Dues, Tolls, and Rates, for paſſing through the ſaid laſt mentioned Canal as are due and payable, and have been uſually paid for and in reſpect of the Carriage of ſuch Coals and Culm reſpectively through ſuch Canal; and in order to prevent any Evaſion of the Regulations aforeſaid, the ſame Dues, Tolls, and Rates, for and in reſpect of the Carriage of ſuch Coals and Culm through the ſaid laſt mentioned Canal, ſhall be paid and payable when the ſame Coals and Culm ſhall paſs a certain Place in the ſaid intended Canal, to be fixed and aſcertained by the ſaid Mayor, Bailiffs, and Commonalty, at a Diſtance not exceeding Six Miles from the City of *Exeter*, which Place ſo to be aſcertained as aforeſaid it ſhall be lawful for the ſaid Mayor, Bailiffs, and Commonalty, to mark or denote by a Stone or Poſt to be erected on the Side of the ſaid intended Canal, in caſe they ſhall think proper ſo to do; and in caſe any ſuch Coals or Culm ſhall be landed on any Quay or Wharf, Quays or Wharfs, on the ſaid intended Canal, or on the Side or Bank thereof, between the Place to be aſcertained as aforeſaid and the River *Exe*, the Owners or Bargemen, Carrier or Carriers of ſuch Coals or Culm reſpectively ſhall be ſubject and liable to pay, and ſhall pay to the ſaid Mayor, Bailiffs, and Commonalty, and their Succeſſors, the cuſtomary

Rates, Tolls, and Dues, now payable for the Carriage of the ſame through the ſaid Canal to *Exeter*, whether the ſame ſhall afterwards be carried through or upon ſuch Canal, or conveyed to the City of *Exeter* by any other Means.

Inflicting a Penalty on landing Coals at *Topſham*, and afterwards carrying them by Land to *Exeter*.

CX. Provided nevertheleſs, and be it enacted by the Authority aforeſaid, That it ſhall be lawful for any Perſon or Perſons whomſoever to land any Coals or Culm on any Quay or Wharf, Quays or Wharfs, between the ſaid Place ſo to be aſcertained as aforeſaid and the River *Exe*, or at the Opening of the ſaid intended Canal into the ſaid River *Exe*, for the Uſe and Conſumption of the Inhabitants of the Town of *Topſham* and the Country adjacent, or for any other Purpoſe, except for conveying the ſame to the City of *Exeter* by Land Carriage, or by any other Means whatſoever; but in caſe any ſuch Coals or Culm ſhall be landed on ſuch Quay or Wharf, Quays or Wharfs, at the Opening of the ſaid intended Canal into the River *Exe*, or any where on the Side of the ſaid Canal between the Place to be aſcertained as herein-before mentioned, and the River *Exe*, in the Name or Names of the Owner or Owners thereof, or in the Name or Names of any other Perſon or Perſons whomſoever, under Colour or Pretence of landing the ſame for the Uſe and Conſumption of the Inhabitants of the ſaid Town of *Topſham* and the Country adjacent, or otherwiſe, and the ſame ſhall afterwards be conveyed to the City of *Exeter* by Land Carriage, or by any other Means than through the ſaid Canal to *Exeter*, then and in ſuch Caſe the Owners of ſuch Coals and Culm ſo landed and conveyed to the City of *Exeter* as aforeſaid, ſhall pay or cauſe to be paid unto the Mayor, Bailiffs, and Commonalty of the ſaid City of *Exeter*, and their Succeſſors, double the Amount of the Rates, Dues, and Tolls, which would have been payable for and in reſpect of the ſame Coals and Culm, if the ſame had been conveyed upon the ſaid Canal from the Channel of the River *Exe* to the ſaid City of *Exeter*.

Coals not to be ſubject to the Dues of *Exeter* during the Time the Canal is not navigable.

CXI. Provided always, and be it enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, to ſubject ſuch Coals or Culm as aforeſaid to any of the Rates or Dues hereby made payable to the ſaid Mayor, Bailiffs, and Commonalty of the ſaid City of *Exeter*, during ſuch Time as their ſaid Canal ſhall not be navigable for Boats or Barges conveying ſuch Coals or Culm as aforeſaid.

For ſaving the Petty Cuſtoms and Town Dues of *Exeter*.

CXII. And be it enacted by the Authority aforeſaid, That nothing contained in this Act ſhall extend, or be conſtrued to extend, to affect, injure, leſſen, or diminiſh, the Petty Cuſtoms or Town Dues now payable to them the ſaid Mayor, Bailiffs, and Commonalty of the City of *Exeter*, on all Coals and Culm, and other Goods, Wares, and Merchandizes imported into the Port of *Exeter*, and that ſuch and the like Cuſtoms and Dues ſhall be payable and be paid to the ſaid Mayor, Bailiffs, and Commonalty, and their Succeſſors, for and in reſpect of all Coals and Culm, and other Goods, Wares, and Merchandize, which ſhall be brought down the ſaid intended Canal, and landed on any Quay or Wharf, Quays or Wharfs, at *Topſham* aforeſaid, or which ſhall be conveyed to the ſaid City of *Exeter*, through the ſaid Canal, from the River *Exe* to *Exeter*, or otherwiſe, in ſuch Manner as if the ſaid Coals or Culm, Goods, Wares, or Merchandize, had been imported into the ſaid Port of *Exeter*.

For ſaving the Rights of the Corporation of

CXIII. And be it enacted by the Authority aforeſaid, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to affect, prejudice,

Exeter in Cranes and Quays, at *Exeter* and *Topſham*.

dice, leſſen, or diminiſh, the Rights, Privileges, Cuſtoms, Tolls, and Dues of the ancient Cranes and Quays at the City of *Exeter* and *Topſham* belonging to the ſaid Mayor, Bailiffs, and Commonalty of the ſaid City of *Exeter*, but that the ſame ſhall be held and enjoyed by them and their Succeſſors in ſuch and the ſame Manner as the ſame have been heretofore held and enjoyed, and that ſuch and the like Cuſtoms, Tolls, and Dues, ſhall be paid to the ſaid Mayor, Bailiffs, and Commonalty, and their Succeſſors, as Owners of the ſaid Crane or Quay at *Topſham*, for or in reſpect of all Goods, Coals and Culm, Wares and Merchandizes, which ſhall paſs into or out of the ſaid intended Canal at the Opening of the ſaid River into the ſaid River *Exe*, or which ſhall be landed upon or ſhipped from any Quay or Wharf, Quays or Wharfs, on the ſaid intended Canal at ſuch Opening, or within the Precincts of the Manor of *Topſham*, (other than and except ſuch Goods, Coals, Wares, and Merchandizes, as ſhall paſs out of the ſaid Canal, and be afterwards conveyed through the ſaid Canal to *Exeter*), as if the ſame Goods, Coals, Wares, and Merchandizes, had been laden or unladen, charged or diſcharged, upon or from the ſaid Crane or Quay at *Topſham*, or upon or from any Place, being dry Land, within the Precincts of the Manor of *Topſham*.

Recovery and Application of Penalties.

CXIV. And be it further enacted, That all Fines, Penalties, and Forfeitures, inflicted by this Act, and by any Rule, Order, or Bye Law, to be made in purſuance of this Act, the Manner of levying and recovering of which is not herein particularly directed, ſhall be levied and recovered by Diſtreſs and Sale of the Offender's Goods and Chattels, 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 to hear and examine Witneſſes upon Oath, and determine the ſame, and all ſuch Fines, Forfeitures, and Penalties, the Application whereof is not herein directed, ſhall be paid into the Hands of any Treaſurer to the ſaid Company of Proprietors, and ſhall be applied and diſpoſed of for the Uſe of the ſaid Company of Proprietors.

CXV. And, for the more eaſy and ſpeedy Conviction of Offenders againſt this Act, be it further enacted, That all Juſtices of the Peace before whom any Perſon ſhall be convicted of any Offence againſt this Act, or any Rule, Order, or Bye Law, made in purſuance thereof, ſhall and may cauſe the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the ſame Effect; *(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 ſaid County of [*ſpecifying the Offence, and Time and Place when and where the ſame was committed*]. Given under my Hand and Seal the Day and Year aforeſaid.'

Perſons taking a Diſtreſs irregularly, not to be deemed Treſpaſſers *ab initio*.

CXVI. 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, or any Rule, Order, or Bye Law, made in purſuance thereof, the Diſtreſs itſelf ſhall not be deemed unlawful nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers on Account of any Defect or Want of Form in the Summons, Conviction, Warrant of Diſtreſs, or other Proceedings relating thereto, nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers *ab initio* on Account of any Irregularity which

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 Damages in an Action upon the Caſe; and that no Proceedings to be had and taken in purſuance of this Act ſhall be quaſhed or vacated for Want of Form, or removed by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*, or elſewhere.

Proceedings not to be quaſhed for Want of Form.

CXVII. Provided always, That any Perſon or Perſons thinking himſelf, herſelf, or themſelves aggrieved by any Order or Judgement made or given in purſuance of this Act, or of any Rule, Order, or Bye Law, of the ſaid Company of Proprietors, may, within Six Calendar Months after ſuch Order or Judgement ſhall be made or given, complain to the Juſtices of the Peace at the General Quarter Seſſions to be held in and for the County or Place where the Cauſe of Appeal ſhall ariſe, who ſhall, in a ſummary Way, either hear and determine ſuch Complaint at ſuch General Quarter Seſſions of the Peace, or if they think proper may adjourn the Hearing thereof to the next General Quarter Seſſions of the Peace to be held for the ſaid County or Place, and if they ſee Cauſe may mitigate any Forfeiture or Fine, and may order any Money to be returned which ſhall have been levied in purſuance of any ſuch Rule, Bye Law, Order, or Determination, and ſhall and may alſo award ſuch further Satisfaction to be made to the Party injured as they ſhall judge reaſonable.

Allowing Appeals to the Quarter Seſſions.

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

Limitation of Actions.

CXIX. And be it further enacted, 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.

THE SCHEDULE

To which the foregoing Act refers.

On the Line of Canal and Cuts.

PARISHES and COUNTIES.	OWNERS.	OCCUPIERS.	PREMISES.
DEVONSHIRE.			
Topsham — —	Jonathan Evans —	Henry Hooper —	Orchard
Do. — —	Do. — —	Do. — —	Garden in the Line of Extension
Sowton — —	Daniel Saunders, Esquire	In Hand — —	Orchard
Do. — —	Hannah Salter —	John Halse —	Do.
Do. — —	John Williams —	John Burton —	Do.
Do. — —	Codrington —	William Tree —	Do. and an Orchard in the Line of Extension
Do. — —	Reverend John Gandy	Elizabeth Jennings —	Garden
Do. — —	Do. — —	Do. — —	Orchard
Do. — —	John Tuckfield —	John Havell —	Do.
Do. — —	John Lang —	Do. — —	Do. within the Line of Extinction
Broad Clyst —	Levina Luther and others	Richard Martin —	Two Orchards
Do. — —	Earl of Ilchester and others	John Beavis —	Orchard
Do. — —	Gabriel Saunders —	Richard Norris —	Do.
Do. — —	Nicholas Wish —	In Hand —	Do. and an Orchard in Line of Extinction
Do. — —	Thomas Martin —	Richard Martin —	Do. in Do.
Do. — —	Sir Thomas Acland —	Henry Newbury —	Orchard in Line of Extension
Do. — —			
Do. — —	Nicholas Wish —	John Melhuish and Robert Wilson —	Do. in Do.
Clyst St. Lawrence —	Charles Copp —	In Hand —	Nursery in Do. and an Orchard in Do.
Do. — —	Sarah Granger —	In Hand —	Garden in Do.
Clyst Hydon —	Richard Hall Clarke —	Jacob Lemmon —	Orchard
Do. — —	Richard Norris —	Do. — —	Garden
Do. — —	John Salter —	In Hand —	Orchard
Do. — —	William Symonds —	Henry Pratt —	Orchard in Line of Extension
Do — —	F. and I. Huish —	Joan Ash —	Do. in Do.
Do. — —	Richard Norris —	Do. — —	Do. in Do.
Do. — —	Henry Pratt —	In Hand —	Garden in Do.
Cullompton —	Richard H. Clarke —	John Squire —	Orchard
Plymtree —	William Collard —	James Baker —	Do.
Cullompton —	Robert Pring —	In Hand —	Do. and Garden in Line of Extension
Do. — —	Do. — —	John Osmond Junior —	Garden in Do.
Do. — —	Elias Baker —	In Hand —	Two Orchards
Kentisbeer —	Rev. Carwithen	Henry Bishop —	Orchard in Line of Extension
Willand — —	John Tanner —	In Hand —	Garden in Line of Extension
Burlescombe —	W. A. Sandford, Esquire	Henry Curham —	Orchard and Nursery in Line of Extension
Holcomb Rogus —	Heirs of Browne —	Jeremiah Baker —	Orchard
Do. — —	Peter Bluett, Esquire —	Samuel Wright —	Do.

PARISHES and COUNTIES.	OWNERS.	OCCUPIERS.	PREMISES.
SOMERSETSHIRE.			
Langford Budville —	Gardener and Wade —	William Hitchcock —	Orchard
Thorne St. Margaret—	Thomas Moniſh —	In Hand —	Do. in Line of Extenſion
Wellington —	F. S. Bridges —	In Hand —	Orchard
Do. —	Richard Bovett —	In Hand —	Do.
Bradford —	George Ritherdon —	Samuel Hine —	Do.
Biſhop's Hull —	John Turwatt —	James Houſe —	Two Orchards
Do. —	John Capon, Jun. —	In Hand —	Garden
Do. —	John Turwatt —	In Hand —	Orchard in Line of Extenſion
Do. —	Robert Daw —	William Sweet —	Orchard in Do.
DEVONSHIRE.			
Branch to Cullompton—	Joſeph Taylor —	In Hand —	Orchard
Do. to Do. —	G. Brook, and Charles Chowne —	Thomas Pannell —	Do.
Do. to Do. —	Earl of Egremont and Earl of Ilcheſter —	Thomas Loxton —	Do.
Do. to Do. —	Joſeph Taylor. —	Joſeph Noſworthy —	Do.
Branch to Tiverton, Burleſcombe —	Dr. Metford —	Thomas James —	Garden and Orchard
Do. to Do. —	James Quick —	Robert Prickman —	Garden
Do. to Do. —	Do. —	William Hewitt —	Orchard
Do. to Do. —	William Hewitt —	In Hand —	Do.
Do. to Do. —	James Quick —	In Hand —	Do. in Line of Extenſion
Do. to Do. —	Do. —	Henry Hewitt —	Garden in Do.
Do. to Do. —	Richard Cornor —	Richard Corwood —	Orchard in Do.
Do. to Do. —	John Bellamy —	John Prickman —	Garden in Do.
Do. to Do. —	Robert Prickman —	William Hewitt —	Do. in Do.
Do. Sampford Peverell	Francis Taylor —	In Hand —	Orchard
Do. Do. —	Mrs. B. Silk —	William Brice —	Do.
Do. Do. —	Elizabeth King —	John Bidgood —	Garden in Line of Extenſion
Do. to Tiverton, Halberton — —	C. Chicheſter and Robert Cook —	Henry Cook —	Orchard
Do. Do. —	William Cowling —	William Hill —	Barn
Do. Do. —	John La Roche —	In Hand —	Orchard
Do. Do. —	Chicheſter and Cook —	Henry Cook —	Do. in Line of Extenſion
Do. Do. —	Robert Manly —	In Hand —	Garden in Do.
Do. Do. —	John Salter —	In Hand —	Orchard in Line of Extenſion
Do. Do. —	Earl Pawlett —	Richard Finnemore —	Garden in Do.
Tiverton — —	Mrs. Braddock —	Thomas Paſmore —	Orchard in Do.
Do. — —	Do. —	John Arſcott —	Garden in Do.
Do. — —	Widow Marſhall —	William Mundy —	Orchard in Do.
Do. — —	Richard Blundell —	James Quick —	Orchard in Do.
Do. — —	Mr. Parkins —	William Haydon —	Garden in Do.
Feeder from the River Culm.			
Burleſcombe — —	Richard H. Clarke —	James Huſſey — —	Garden
Do. — —	John Dunn — —	Robert Carnall —	Cottage and Garden in Line of Extenſion
Uffculme — —	Richard Smith —	John Hewitt — —	Houſe, Garden, and Orchard in Line of Extenſion.
Culmſtock — —	Quakers Orchard —	Jacob Corrick — —	Orchard.
Do. — —	Rev. Henry Churley Manley — —	Richard Gibbons —	Houſe and Garden

PARISHES and COUNTIES.	OWNERS.	OCCUPIERS.	PREMISES.
DEVONSHIRE.	*Feeder from the River Culm.*		
Culmſtock — —	Henry Pook — —	In Hand — —	Orchard
Do. — —	George Hill — —	In Hand — —	Two Do.
Do. — —	Richard H. Clarke —	Clement Roberts —	Garden in Line of Extenſion
Do. — —	Rev. Henry Churley Manley — —	Richard Gibbons —	Barn in Do.
Do. — —	Richard H. Clarke —	In Hand — —	Do. in Do.
Do. — —	Do. — —	Samuel Cliſt, John Dair, Samuel Spraig, and Elizabeth Jorden —	Cottages and Gardens in Line of Extenſion
Do. — —	Alexander Starling —	In Hand — —	Garden in Do.
Do. — —	Sarah Baker — —	Ann Andrews — —	Garden in Do.
Do. — —	John Hill	John Stone — —	Garden
	Feeder from the River Tone.		
Holcomb Rogus —	P. Blewett, Eſquire —	William Blackmore —	Garden
Do. — —	R. H. Clarke —	Thomas Grant — —	Three Orchards
Do. — —	Hewitt —	In Hand — —	Orchard
	On the Second Reſervoir.		
SOMERSETSHIRE.			
Aſhbrittle — —	Chancellor Nutcombe	William Mills —	Do.
Stawley — —	William Sweet — —	In Hand — —	Do.
Do. — —	Thomas Palmer —	In Hand — —	Do.

FINIS.