ANNO TRICESIMO SEXTO

Georgii III. Regis.

CAP. XLVII.

An Act for making a Navigable Canal from or near *Gain's Croſs*, in the Pariſh of *Shillingſton Okeford*, in the County of *Dorſet*, to communicate with the *Kennet* and *Avon* Canal, at or near *Widbrook*, in the County of *Wilts*, and alſo a certain Navigable Branch from the intended Canal.

[24th *March* 1796.]

Preamble.

WHEREAS the making and maintaining a Navigable Canal for Boats, Barges, and other Veſſels, from or near a Place called *Gain's Croſs*, within the Pariſh of *Shillingſton Okeford*, in the County of *Dorſet*, to join and communicate with the *Kennet* and *Avon* Canal, at or near *Widbrook*, in the Pariſh of *Bradford*, in the County of *Wilts*; and alſo the Navigable Branch herein-after deſcribed, from the ſaid intended Canal, will open an eaſy and convenient Communication with many conſiderable manufacturing Towns and Places in the Country through which the ſame are intended to paſs, and alſo with the extenſive Collieries near *Mendip*, in the County of *Somerſet*; and will render the Conveyance of Goods, Wares, and Merchandize, Coal, Stone, Slate, Flags, Lime, Limeſtone, Timber, and other Things, leſs expenſive than at preſent, and will be of great publick Utility: But the ſame cannot

cannot be effected without the Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Reverend *John Aſkew* Doctor in Divinity, *John Amor*, *Amos Andrews*, *William Andrews*, *Richard Buſh*, *Edward Barnard* Eſquire, Sir *Charles Warwick Bampfylde* Baronet, *John Berkeley Burland* Eſquire, *Samuel Baitward* Eſquire, *William Blackmore*, *Robert Beſſant*, *George Benjefield*, *William Bell* Eſquire, *Jane Beckett*, *Samuel Bowden* Eſquire, *Richard Bowſher*, *James Barrow*, *Charles Bowles* Eſquire, *Joſeph Bird*, *John Brewer*, *Stephen Burt*, *William Pitt Butt*, *Edward David Batſon* Eſquire, *William Biging*, *Henry Biging*, *Joſeph Brown*, *Joſeph Brownjohn*, *Thomas Bunn* Eſquire, *Joſeph Baily*, *John Burge* Eſquire, *John Bull*, *John Billingſley* Eſquire, *Joſeph Beard*, *Sarah Brewer*, *James Burnet*, *William Craddock*, *John Coward*, *Silas Cox*, *Thomas Card*, *Edward Curtis*, *Robert Clarke*, *John Clark*, *Thomas Colborne*, *John Charlton*, *Thomas Charlton*, *Abraham Crocker*, *Thomas Clement*, *Thomas Clement* junior, *Richard Chaffin*, *Ann Corniſh*, *William Cheeſman*, *Thomas Cary*, *Robert Combe*, *Robert Davis*, *Edward Dyne*, *John Dove*, *Henry Dando*, *William Dean* Eſquire, *John Dean*, *Thomas Dean*, *Robert Davis* of *Shafteſbury*, *Thomas Davis*, *Charles Edwards* Eſquire, *William Everett* Eſquire, *Chriſtopher Erle* Clerk, *Gerard Ellis*, *Samuel Farewell* Clerk, *James Fuſſell*, *Joſeph Francis*, *John Francis*, *Charles Gatehouſe*, *Samuel Gatehouſe* Clerk, *William Gatehouſe*, *John Gatehouſe*, *Ann Grove*, *George Griffin*, *John Gale*, *John Gibbs*, *Henry Good* Doctor in Divinity, *George George*, *John Hooper*, *Joſeph Hawkins*, *Iſaac Hill*, *Philip Hancock*, *Suſannah Havard*, *John Huſſey* Eſquire, *James Hoddinot*, *Sarah Hill*, *Lackford Hart*, *Edward Hannam*, *Robert Hillyar*, *Roger Hillyar*, *William Hindley*, *William Hannem*, *James Jukes*, *John Jeanes* of *Alhampton*, *John Jeanes*, *Thomas Jeſſe*, *Henry Jupe*, *Robert Jupe*, *Thomas Johnſon*, *William Ireland* Clerk, *Joſeph Jenkins*, *Robert James*, *William Knight*, *John Lambert* Eſquire, *William Lawes*, *James Linton*, *Benjamin Longman*, *Henry Longden* Clerk, *Joſeph Long* Eſquire, *Samuel Lock*, *James Maggs*, *Joſeph Melhuiſh*, *James Martin*, *John Meſſiter* Clerk, *Uriah Meſſiter*, *Letitia Meſſiter*, *Richard Mogg*, *Henry Sampſon Michell*, *Thomas Matthews*, *Mary Martin*, *George Marſh* Clerk, *Elizabeth Marſh*, *Suſannah Marſh*, *Jonathan Moon*, *Iſaiah Maggs*, *Thomas Martin*, *James Mills*, *Robert Meares* Eſquire, *John Meares* Eſquire, *John Clavey Middleton* Eſquire, *David Maby*, *Harry Martin* Clerk, *Fulcrand Manzgue* Eſquire, *George Norris*, *Samuel Nicklin*, *Edmund Ogden* Eſquire, *John Percey*, *Joel Perman*, *Richard Poole*, *John Paget* Eſquire, *Harry Place* Clerk, *Thomas Pomeroy* Eſquire, *Richard Vining Perry* Eſquire, *Richard Perkins* Eſquire, *Richard Pew* Eſquire, *Thomas Parfet*, *George Prince*, *Edmund Philips*, *Robert Phripp*, *James Parratt*, *James Pobjoy*, *Samuel Pounſett*, *John Pinney* Eſquire, *John Frederick Pinney* Eſquire, *George Pew*, *John Penny*, *Robert Reynolds*, *John Ring* Eſquire, *Samuel Rodbard* Eſquire, *John Rogers*, *Thomas Gould Read*, *John Raymond*, *Richard Read*, *Edward Spencer*, *Edward Symes*, *William Strong* Eſquire, *Shadrack Slade*, *John Sims* junior, *Walter Matthew Spencer* Eſquire, *George Sibley*, *William Salkeld* Eſquire, *James Selfe*, *Robert Selfe*, *Benjamin Shepherd*, *John Sinkins*, *William Savage*, *John Sheppard* Eſquire, *Hannah Starr*, *John Strode* Eſquire, *Arthur Spencer*, *James Thomas*, *William Trenchard*, *John Toogood* Clerk, *John James Toogood* Clerk, *William*

Proprietors,

William Toogood Eſquire, *George Tuſon* Eſquire, *Joſeph Towſey*, *Joſeph Trim*, *Rees Thomas* Clerk, *Henry Upward*, *John Verry*, *Job White*, *Walter Whitaker* Eſquire, *William Whitaker* Clerk, *William Winter*, *William Lambert White*, *John Wyatt*, *John Sharrer Ward*, *John White* of *Mere*, *John White* of *Wincanton*, *John White* Eſquire of *London*, *Robert Wadman*, *Francis Webb*, *Mary Walker*, *Stephen White*, *James Wiſe*, *Charles Willoughby*, *William Willoughby*, *Francis Woodforde* Clerk, *William Woodforde* Eſquire, *John White* of *Frome*, *William Whitaker* junior, *George Young*, and their Succeſſors, Executors, Adminiſtrators, and Aſſigns, together with ſuch Perſon or Perſons as ſhall, at any Time hereafter, be poſſeſſed of One or more Share or Shares, in the ſaid Navigation, are and ſhall be united into a Company, for the better carrying on, making, completing, and maintaining, the ſaid intended Canal and Branch, according to the Rules, Orders, and Directions, hereinafter mentioned and expreſſed; and ſhall, for that Purpoſe be one Body Politick and Corporate, by the Name of *The Company of Proprietors of the Dorſet and Somerſet Canal Navigation*; and by that Name ſhall have perpetual Succeſſion and a common Seal; and by that Name ſhall and may ſue and be ſued; and alſo ſhall and may have Power and Authority to purchaſe Mills, Meſſuages, Lands, Tenements, or Hereditaments, to them, for the Uſe of the ſaid Undertaking, and the ſeveral Works hereby authorized to be made, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain; and alſo to ſell and diſpoſe of any of the ſaid Meſſuages, Mills, Lands, Tenements, and Hereditaments, ſo purchaſed; and the ſaid Company of Proprietors ſhall be, and they are hereby fully authoriſed and empowered by themſelves, their Deputies, Agents, Officers, Workmen, and Aſſiſtants, by Cuts, Tunnels, or otherwiſe, to make, complete, and maintain a Canal navigable and paſſable for Boats, Barges, and other Veſſels, from or near a Place called *Gain's Croſs*, within the Pariſh of *Shillingſton Okeford*, in the County of *Dorſet*, through the ſeveral Pariſhes of *Shillingſton Okeford*, *Okeford Fitzpaine*, *Hammoon*, *Sturminſter Newton*, and *Stalbridge*, in the County of *Dorſet*; and into and through the ſeveral Pariſhes and Townſhips of *Henſtridge*, *Whitchurch*, *Yenſton Temple*, and *Abbas Combe*, *Horſington*, *South Cheriton*, *North Cheriton*, *Maperton*, *Wincanton*, *Charlton Muſgrove*, *Shepton Montague*, *South Brewham*, *North Brewham*, *Witham Friary*, *Trudoxhill*, *Nunney*, *Marſton Bigot*, *Frome Selwood*, *Rodden*, *Standerwick*, *Berkeley*, *Beckington*, and *Road*, in the County of *Somerſet*; and into and through the Pariſhes and Townſhips of *Wingfield*, *Farleigh*, and *Bradford*, in the County of *Wilts*, to join and communicate with the *Kennet* and *Avon* Canal at or near *Widbrook*, in the ſame County; and alſo to make, complete, and maintain, a Branch navigable and paſſable for Boats, Barges, and other Veſſels, from or out of the ſaid intended Canal, at or near a Field in the Poſſeſſion or Occupation of *Samuel Humphreys*, in the Pariſh of *Frome Selwood* aforeſaid, through the ſeveral Pariſhes or Townſhips of *Frome Selwood*, *Marſton Bigot*, *Elm*, *Mells*, *Babington*, *Kilmerſdon*, *Holcombe*, *Stratton on the Foſs*, and *Midſummer Norton*, in the County of *Somerſet*, to that Part of *Nettlebridge* which is ſituate in the ſaid Pariſh of *Midſummer Norton*, and to ſupply the ſaid intended Canal and Branch reſpectively, whilſt the ſame ſhall be making, and when made, with Water from ſuch Rivers, Brooks, Springs, Streams, Rivulets, and Watercourſes, as are or ſhall be found in making the ſaid intended Canal and Branch, or within the Diſtance of Two thouſand Yards from any Part of the ſaid

united into a Company.

Their Powers to make the Canal and Branch.

ſaid intended Canal and Branch reſpectively; and alſo to make ſuch Reſervoirs as ſhall be neceſſary for the Purpoſes of the ſaid intended Canal and Branch, or any of them, within the Diſtance aforeſaid, for the more conveniently ſupplying the ſaid Canal and Branch with Water, and to erect a Fire Engine or Engines, or other Machines for ſupplying the ſaid Canal and Branch, or any Part or Parts thereof, with Water; and alſo ſuch and ſo many Feeders, Aqueducts, and Channels as they ſhall think fit for ſupplying the ſaid intended Canal, Branch, and Reſervoirs with Water; and alſo within the like Diſtance from any Part of the ſaid intended Canal or Branch, to cleanſe, ſcour, cut, dig, open, deepen, enlarge, or ſtraighten, the Streams, Brooks, or Watercourſes, which come, or may be brought into, or made to communicate therewith reſpectively, and to dig, cut, or raiſe the Banks of any of the ſaid Streams, Brooks, and Watercourſes, for bringing Water into the ſaid intended Canal and Branch, and to make ſuch proper Trenches or Paſſages for Water, in, upon, or through, the Lands or Grounds adjoining or near to the ſaid intended Canal or Branch, or ſuch Streams, Brooks, or Watercourſes, as aforeſaid, or any of them, as the ſaid Company of Proprietors ſhall think fit; and alſo from Time to Time to make and maintain ſuch and ſo many Rail or Carriage Ways, or Stone Roads, for the Purpoſe of conveying Coals or other Articles of Tonnage, to the ſaid Canal, or Branch reſpectively, from all or any of the Pariſhes, Townſhips, or Places, before enumerated, or any other Pariſh, Townſhip, or Place, contiguous or adjacent thereto; and for the Purpoſes aforeſaid, the ſaid Company of Proprietors, their Deputies, Servants, Agents, and Workmen, are hereby authoriſed and empowered to enter into, and upon the Lands or Grounds of any Perſon or Perſons, Bodies Politick, Corporate, or Collegiate whatſoever, and to ſurvey and to 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 making, compleating, maintaining, improving, and uſing, the ſaid intended Canal and Branch, Rail or Carriage Ways, or Stone Roads, Reſervoir or Reſervoirs, Feeders and Aqueducts, and all ſuch other Works, Matters, and Conveniencies, as they ſhall think proper and neceſſary for making, effecting, preſerving, improving, compleating, maintaining, and eaſy uſing the ſaid intended Canal, Branch, and other Works; and alſo to bore, dig, cut, trench, ſough, get, remove, take, carry away, and lay Earth, Clay, Stone, Soil, Rubbiſh, Trees, Roots of Trees, Beds of Gravel, or Sand, or any other Matters or Things whatſoever, which may be dug or got in making the ſaid Canal, Branch, or other Works, or in making any Reſervoir or Reſervoirs, Feeders or Aqueducts, or out of the Lands or Grounds of any Perſon or Perſons adjoining or lying convenient thereto, and which may be proper, requiſite, or neceſſary, for making, carrying on, continuing, maintaining, or repairing, the ſaid Canal, Branch, or other Works, or which may, hinder, prevent, or obſtruct, the making, uſing, or compleating, extending, and maintaining the ſame, reſpectively; or in the making, uſing, compleating, extending, and maintaining ſuch Reſervoirs, as aforeſaid, or of any ſuch Feeders, Trenches, Paſſages, Aqueducts, and Watercourſes as aforeſaid, as ſhall be neceſſary and proper to convey Water to or from the ſaid intended Canal and Branch, according to the true Intent and Meaning of this Act; and to

make,

make, build, erect, and ſet up, in or upon the ſaid Canal and Branch, Rail or Carriage Ways, or Stone Roads, or upon the Lands adjoining or near the ſame reſpectively, ſuch and ſo many Bridges, Piers, Arches, Tunnels, Aqueducts, Soughs, Sluices, Locks, Flood Gates, Weirs, Pens for Water, Water Stanks, Reſervoirs, Drains, Wharfs, Quays, Houſes, Warehouſes, Toll-houſes, Watch-houſes, Landing Places, Weighing Beams, Cranes, Fire Engines, or other Machines, Dry Docks, and other Works, Ways, Roads, and Conveniencies, as and where the ſaid Company of Proprietors ſhall think requiſite and convenient for the Purpoſes of the ſaid Navigation; and alſo from Time to Time to alter, repair, and amend, or diſcontinue the ſame, and to make, divert, alter, widen, enlarge, and extend, any Bridges, Ways, Roads, Paſſages, Cuts, Locks, Soughs, Tunnels, Reſervoirs, Aqueducts, Trenches, Sluices, and other Works or Conveniencies, as well for the procuring, carrying, and conveying of Coals, Stones, and other Minerals, Goods, Wares, and Merchandizes, and other Articles, to and from the ſaid Canal and Branch, as for the carrying and conveying of all Manner of Materials neceſſary for the making, erecting, finiſhing, altering, repairing, maintaining, amending, widening, or enlarging, the ſaid Canal and Branch, Rail or Carriage Ways, or Stone Roads, and the Works of or belonging to the ſaid Navigation, or uſeful for any Purpoſe therein; and alſo to place, lay, work, or manufacture, the ſaid Materials on the Grounds near to the Place or Places where the ſaid Works, or any of them, ſhall be, or are intended to be made, erected, repaired, or done; and alſo to make, maintain, repair, and alter, any Fences or Paſſages, over, under, or through, the ſaid Canal and Branch, Rail or Carriage Ways, or Stone Roads reſpectively, or the Reſervoirs, Tunnels, Aqueducts, Soughs, Trenches, Paſſages, Feeders, and Watercourſes, reſpectively, which ſhall communicate therewith; and alſo to make, ſet out, and appoint, ſuch Towing Paths, Banks, Roads, and Ways, convenient for towing, hauling, or drawing of Boats, Barges, and other Veſſels, paſſing in, through, or upon, the ſaid Canal and Branch, with Men, Horſes, or otherwiſe, and proper Places for Boats, Barges, and other Veſſels, navigated upon the ſaid intended Canal and Branch, to turn, lie, or paſs each other, as they the ſaid Company of Proprietors ſhall think convenient; and to conſtruct, erect, and keep in Repair, any Piers, Arches, Aqueducts, and other Works, in, upon, and acroſs, any Rivers or Brooks, for the making, uſing, maintaining, and repairing, of the ſaid Canal and Branch, and the Towing Paths on the Sides thereof, and the ſaid Sluices and Trenches; and to conſtruct, erect, make, and do, all other Matters and Things which they ſhall think convenient and neceſſary for the making, effecting, extending, preſerving, improving, compleating, and eaſy uſing the ſaid Canal, Branch, Rail or Carriage Ways, or Stone Roads, reſpectively, and other Works, in purſuance of and according to the true Intent and Meaning of this Act, they the ſaid Company of Proprietors, their Deputies, Agents, Officers, Workmen, and Aſſiſtants, doing as little Damage as may be in the Execution of the ſeveral Powers to them hereby granted, and making Satisfaction in Manner herein-after mentioned, to the Owners or Proprietors of, or the Perſons intereſted in, any Lands, Tenements, or Hereditaments, Waters, Watercourſes, Brooks, or Rivers, reſpectively, which ſhall be taken, uſed, removed, diverted, prejudiced, or in any Manner affected, for all Damages to be by them ſuſtained in or by the Execution

Execution of all or any of the Powers of this Act; and this Act ſhall be ſufficient to indemnify the ſaid Company of Proprietors, their Servants, Agents, or Workmen, and all other Perſons, for what they, or any of them, ſhall do by virtue of the Powers hereby granted.

Company not to be compelled to make Rail Roads till Security given to produce a certain Tonnage, &c.

II. Provided always, That the ſaid Company of Proprietors ſhall not be compelled or compellable to make any Rail or Carriage Ways, or Stone Roads, to or for the Accommodation of any Coal or other Works, unleſs the Owners or Proprietors of ſuch reſpective Works ſhall give or enter into ſuch Security to the ſaid Company of Proprietors as ſhall be ſatisfactory to them, in a Sum to the Amount of the Expence of making ſuch Rail or Carriage Ways, or Stone Roads, to bring ſuch a Quantity of Coals, Stone, Timber, Minerals, or other Wares or Goods, down or upon ſuch Rail or Carriage Ways, or Stone Roads, and to be carried on the ſaid Canal or Branch as ſhall produce a Tonnage on the ſaid Canal or Branch reſpectively to the ſaid Company of Proprietors, ſufficient to pay to the ſaid Company of Proprietors an Intereſt of at leaſt as much *per Centum per Annum* for the Money actually laid out and expended in making ſuch Rail or Carriage Ways, or Stone Roads reſpectively, as ſhall at that Time, and ſo from Time to Time afterwards, be received by the ſaid Company of Proprietors on the capital Sum by them laid out in the forming, making, and carrying the ſaid Canal and Branch into Execution, from the Tonnage on Coal only; and alſo, that in caſe the Owner or Owners, Proprietor or Proprietors, of any ſuch Coal Works, ſhall omit to ſupply a Tonnage on the ſaid Canal or Branch from ſuch Coal Work or Coal Works to which any ſuch Rail or Carriage Way, or Stone Road, ſhall be made as aforeſaid, or pay a Sum of Money to the ſaid Company of Proprietors, ſufficient to produce in every Year ſuch Intereſt as aforeſaid, then ſuch Owner or Owners, or Proprietor or Proprietors, of ſuch Coal Work or Coal Works, to which ſuch Rail or Carriage Way, or Stone Road, ſhall be ſo made, ſhall, at the Expiration of Three Years next after he, ſhe, or they ſhall have omitted to ſupply ſuch Tonnage, or pay ſuch Money as aforeſaid, pay to the ſaid Company of Proprietors One full Third Part of all the Coſts, Charges, and Expences attending the forming, making, completing, and finiſhing ſuch Rail or Carriage Way, or Stone Road, and of purchaſing Houſes or Lands for that Purpoſe: Provided alſo, That it ſhall be lawful for the Owner or Owners, Proprietor or Proprietors of any ſuch Coal Works, ſo omitting to ſupply the Quantity of Tonnage, or to pay ſuch Sum of Money as aforeſaid, to deduct out of ſuch One Third Part of ſuch Coſts, Charges, and Expences, all Money which ſhall have been from Time to Time received by the ſaid Company of Proprietors for Tonnage of Coals, Stone, Timber, Minerals, or other Wares and Goods brought or carried down or upon ſuch Rail or Carriage Ways, or Stone Roads, and carried on the ſaid Canal or Branch, or ſuch Money ſo paid as aforeſaid, over and above the Sum of Five Pounds *per Centum per Annum*, for the Money actually laid out and expended in making ſuch Rail or Carriage Way, or Stone Road, as aforeſaid.

When certain Rail Roads to become the

III. Provided alſo, That at the Expiration of the ſaid Three Years every ſuch Rail or Carriage Way, or Stone Road, and all the Materials

rials of which the ſame ſhall be formed and made, and alſo the Land and Ground over which the ſame ſhall be formed and made, ſhall become the Property of the ſaid Company of Proprietors, who ſhall be at Liberty to ſell and diſpoſe of and convert the ſame, or the Money to ariſe from ſuch Sale, to the Uſe and for the Benefit of the ſaid Company of Proprietors.

the Property of the Company.

IV. Provided alſo, That if the ſaid Company of Proprietors ſhall be deſirous to ſell any of the Land or Ground, through or over which any ſuch Rail or Carriage Way, or Stone Road, ſhall have been ſo made, then the Perſon or Perſons, of whom the ſame ſhall have been purchaſed for the Purpoſe of making ſuch Rail or Carriage Way, or Stone Road, ſhall be entitled to purchaſe the ſame in Preference to any other Perſon or Perſons whomſoever, and at a Price not exceeding the Price given for the ſame by the ſaid Company of Proprietors, provided that ſuch Perſon or Perſons, who ſhall be minded to take the Benefit of ſuch Preference, ſhall give Notice of ſuch his, her, or their Deſire, before the Expiration of the ſaid Three Years, to the ſaid Company of Proprietors; and in caſe ſuch Perſon or Perſons, ſo deſiring to purchaſe, and the ſaid Company of Proprietors ſhall not agree, touching the Value of the ſaid Land or Ground, then the ſame ſhall be ſettled by the Commiſſioners herein mentioned in the ſame Manner as any other Diſputes are herein directed to be ſettled by them.

If the Company ſell the Land on which ſuch Roads be made, the former Owners to have a Preference.

V. Provided alſo, That where any Rail or Carriage Way, or Stone Road, ſhall extend to, and accommodate various Coal Works, ſome of which Coal Works may continue to ſupply a Quantity of Coal to be carried on the ſaid Canal or Branch, ſufficient to produce, by the Rates of Tonnage for the ſame, a fair Proportion of Intereſt on the Sum actually expended on ſuch Rail or Carriage Way, or Stone Road, at the Rate aforeſaid, and ſome other Coal Work or Coal Works to which ſuch Rail or Carriage Way, or Stone Road, ſhall extend and accommodate, ſhall omit or diſcontinue to ſupply ſuch a Quantity of Coal to be carried on the ſaid Canal or Branch, as ſhall produce, by the Rates of Tonnage for the ſame, a fair Proportion of Intereſt for the Sum ſo expended on ſuch Rail or Carriage Way, or Stone Road, as aforeſaid, then the Owner or Owners, Proprietor or Proprietors, of ſuch Coal Work or Coal Works, ſo omitting or diſcontinuing to ſupply ſuch Quantity of Coal as aforeſaid, ſhall, at the Expiration of Three Years next after they ſhall have omitted or diſcontinued to ſupply the ſame, pay to the ſaid Company of Proprietors a fair Proportion of the ſaid Third Part of the original Expence of ſuch Rail or Carriage Way, or Stone Road, after deducting the Rates of Tonnage which ſuch laſt-mentioned Coal Work or Coal Works ſhall have ſupplied on the ſaid Canal, or any Branch thereof, over and above the Intereſt of Five Pounds *per Centum* as aforeſaid, as ſhall be agreed on between the Owner or Owners, Proprietor or Proprietors, of ſuch Coal Work or Works, and the ſaid Company of Proprietors; and in caſe they cannot agree about the ſame, then the ſame ſhall be ſettled and aſcertained by the ſaid Commiſſioners in the ſame Manner as any other Diſputes are herein directed to be ſettled by them.

Where Rail Roads are made to accommodate more than one Coal Work, the Proportion of the Third Part of the Expences how to be ſettled by the Commiſſioners.

VI. And be it further enacted, That if any Perſon or Perſons whomſoever ſhall, at any Time or Times hereafter, open any new Coal

Perſons opening new Coal Works

to be at Liberty to make Rail Roads, to be paid for by the Company when the ſame ſhall produce a Tonnage equal to a certain Intereſt.

Work or Coal Works, at or in any or either of the Pariſhes, Townſhips, or Places, herein-before enumerated, or in any Pariſh, Townſhip, or Place, Pariſhes, Townſhips, or Places, lying contiguous or adjacent to the ſaid Canal or Branch, and ſhall be deſirous to have ſuch Rail or Carriage Way, or Stone Road, made to or towards ſuch Coal Work or Coal Works, as aforeſaid, then it ſhall and may be lawful to and for ſuch Perſon or Perſons, at his, her, or their own proper Coſts, Charges, and Expences, to make any ſuch Rail or Carriage Way, or Stone Road, through or over the Lands or Grounds of any Perſon or Perſons whomſoever, ſubject to the Reſtrictions and Regulations herein expreſſed; and that, from and after the ſame ſhall be completed and finiſhed, and it ſhall appear that the Produce of ſuch Coal Work or Coal Works, to or towards which the ſaid Rail or Carriage Way, or Stone Road, ſhall have been ſo made as aforeſaid, is, and will continue to be ſufficient, and will actually produce to the ſaid Company of Proprietors a Tonnage on the ſaid Canal and Branch, equal to the Payment of an Intereſt for the Sum expended on ſuch Rail or Carriage Way, or Stone Road, to the ſame Amount as is herein-before ſpecified and mentioned, with reſpect to the Rail or Carriage Ways, or Stone Roads, hereby authorized to be made, then the ſaid Company of Proprietors ſhall pay to ſuch Perſon or Perſons who ſhall have ſo made any ſuch Rail or Carriage Way, or Stone Road as aforeſaid, the fair Charges and Expences of making the ſame, to be ſettled by the ſaid Commiſſioners, in caſe any Diſpute ſhall ariſe reſpecting the ſame.

VII. Provided always, That all ſuch Rail or Carriage Ways, or Stone Roads, ſo to be made to any Coal Work or Coal Works hereafter to be opened as aforeſaid, ſhall be in all Reſpects ſubject and liable to the ſeveral Regulations, Proviſoes, and Directions, herein ſpecified, mentioned, and contained.

Power to make Tunnels to Coal Works inſtead of Rail Roads.

VIII. Provided always, and be it further enacted, That if the Owner or Owners, Proprietor or Proprietors, of any Coal Work or Works, to which any of the ſaid Rail or Carriage Ways, or Stone Roads, ſhall or may lead, ſhall be minded or deſirous to have a Tunnel or Level to ſuch Coal Work or Coal Works, then the ſaid Company of Proprietors may, if they ſhall think fit, contribute ſo much towards the ſame, as would have been laid out or expended in making the Rail or Carriage Way, or Stone Road, or Rail or Carriage Ways, or Stone Roads, to ſuch Coal Work or Coal Works, and no more; ſubject, nevertheleſs, to the Proviſo herein-before contained as to Security, and to all the other Regulations and Directions herein ſpecified, mentioned, and contained, with reſpect to the ſaid Rail or Carriage Ways, or Stone Roads.

No Carriage to paſs on Rail Ways, unleſs conſtructed as directed by the Company.

IX. And be it further enacted, That no Perſon or Perſons ſhall, without the Conſent of the ſaid Company of Proprietors, paſs upon any Part of the ſaid Rail or Carriage Ways, or Stone Roads, with any Waggon or other Carriage, unleſs the ſame be conſtructed agreeably to the Orders and Regulations of the ſaid Company of Proprietors, which Orders and Regulations ſhall be ſtuck up on a conſpicuous Part of every Stop Gate and Houſe erected on ſuch Rail or Carriage Ways,

or Stone Roads, for the collecting of the ſaid Rates, except in croſſing the ſame for the convenient Occupation of the adjacent Land, or in paſſing on any publick or private Carriage Road which may croſs the ſaid Rail or Carriage Ways, or Stone Roads, or any of them; and if any Perſon or Perſons ſhall offend herein, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Twenty Pounds.

No Stone Road to be made through Mr. *Knatchbull's* Land, without his Conſent; and no Steam Engine to be erected in *Babington* Pariſh.

X. Provided always, and be it enacted, That nothing herein contained ſhall authorize or empower any Perſon or Perſons to make any Rail or Carriage Ways, or Stone Roads, through or over any of the Freehold Lands or Grounds whatſoever of *Charles Knatchbull* Eſquire, without the previous Conſent in Writing of the ſaid *Charles Knatchbull*; nor ſhall any Thing herein contained authorize or empower the ſaid Company of Proprietors to ſet up any Steam Engine or Steam Engines upon any of his Lands within the Pariſh of *Babington*, for the Purpoſe of ſupplying the ſaid Canal with Water, without the like Conſent.

Committee to complete Canal, &c. from *Nettlebridge* to *Frome*, previous to any other Work.

XI. And be it further enacted, That the Committee to be appointed by the Authority of this Act ſhall and may, and they are hereby required to cauſe the ſaid intended Branch from *Nettlebridge* to *Frome*, to be cut and made navigable and paſſable for Boats, Barges, and other Veſſels, and for the ſeveral Rail or Carriage Ways, or Stone Roads, to communicate therewith, to be formed and made paſſable for Waggons or other Carriages, before they ſhall proceed to form, cut, or make any other Part of the Canal or Branch, or Rail or Carriage Ways, or Stone Roads; and that when and as ſoon as the ſaid Branch of Canal from *Nettlebridge* to *Frome*, and the ſeveral Rail or Carriage Ways, or Stone Roads, to communicate therewith, as aforeſaid, and alſo from the *Kennet* and *Avon* Canal to *Frome*, ſhall be made, completed, and perfected, as herein-before directed, then the ſaid Committee to be appointed as aforeſaid ſhall, in the next Place, cut, form, and make navigable and paſſable for Boats, Barges, and other Veſſels, the ſaid Canal from *Frome* towards *Wincanton*, and the other Places, from thence in the Line of Canal.

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

XII. And whereas the Line of the ſaid intended Canal and Branch, and the Lands through which the ſame are intended to be carried, (other than and except in the Part thereof herein-after mentioned), are deſcribed on a Map or Plan, which, together with a Book of Reference, containing a Liſt of the Names of the Owners, or reputed Owners and Occupiers of ſuch Lands, have been depoſited at the Office of the Clerk of the Peace for each of the Counties of *Dorſet*, *Somerſet*, and *Wilts*; be it therefore further enacted, That the ſaid Maps or Plans and Books of Reference ſhall remain with the Clerks of the Peace of the ſaid Counties reſpectively, 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 One hundred Words of ſuch Copies and Extracts; and that the ſaid Company of Proprietors, in making the ſaid Canal and Branch, ſhall not deviate

viate more than One Hundred Yards from the Line or Courſe thereof deſcribed on the ſaid Map or Plan, except as herein-after mentioned; nor ſhall any ſuch Deviation be made into, or carried through the Lands of any Perſon or Perſons not named in the ſaid Book of Reference, without the Conſent in Writing of the Owners, or reputed Owners, for the Time being, of the Eſtates, Lands, or Grounds, which may be affected by any ſuch Deviation reſpectively, except as herein-after mentioned.

Power to deviate with Conſent of Land Owners.

XIII. Provided always, and be it further enacted and declared, That it ſhall be lawful for the ſaid Company of Proprietors, with the Conſent in Writing of the reſpective Owners and Proprietors, or reputed Owners and Proprietors for the Time being, of any Eſtates, Lands, or Grounds contiguous to or adjoining to the ſaid Canal or Branch, hereby authorized to be made, to deviate in any Part or Parts of the ſaid Canal or Branch reſpectively, in, over, and upon their ſaid Lands or Grounds, in ſuch Manner and Form as ſhall be hereafter agreed between the ſaid Company and the ſaid Owners and Proprietors reſpectively; and that all and every ſuch Deviation or Deviations ſo to be made as aforeſaid, ſhall from Time to Time for ever thereafter, be made, amended, maintained, and kept in Repair, in ſuch and the ſame Manner as the ſaid hereby intended Canal and Branch, and all and every ſuch Deviation or Deviations ſhall thenceforth become and conſtitute Part of the ſaid Canal and Branch hereby authoriſed, and be ſubject to and under the ſame Regulations and Reſtrictions as are herein mentioned and contained, of and concerning the ſaid Canal and Branch reſpectively.

Company obliged to vary the Line in the Lands of Mr. *Horner*, if required.

XIV. And be it further enacted, That the ſaid Company of Proprietors ſhall and they are hereby required, to vary and alter the Line of the ſaid Canal through the Lands of *Thomas Horner* Eſquire, in the Pariſh of *Mells*, from the Line now laid down, marked, and delineated, on the ſaid Map or Plan, beginning at the weſtward Side of a Cloſe of Land, ſituate in the Pariſh of *Mells* aforeſaid, called *Trogbury Paddock*, in the Occupation of *Richard Parſons*, and going on from thence, in nearly a ſtraight Line, to a Cloſe of Land in the ſaid Pariſh of *Mells*, belonging to the ſaid *Thomas Horner*, called *Slawthorn*, in the Occupation of *Joſeph Nuth*; provided the ſaid *Thomas Horner*, or his Heirs, Executors, Adminiſtrators, or Aſſigns, do and ſhall pay all Expences, Coſts, and Charges, attending the varying and altering the ſaid Line, over and above the Sum of Three thouſand Pounds, or the ſaid Company of Proprietors ſhall, and they are hereby required to vary and alter the Line of the ſaid Canal through the Lands of the ſaid *Thomas Horner*, in the Pariſh of *Mells* aforeſaid, from the northward Side of a Coal Work in the ſaid Pariſh of *Mells*, called *New Tor Pit*, to the Gate adjoining the Road leading into a Field called *Lugmaſs*, if the ſaid *Thomas Horner* ſhall by Writing under his Hand, directed to the ſaid Committee, or to the Clerk of the Company, require the ſame, before the Line of the ſaid Canal ſhall be begun at the Place or Places where ſuch Variation, or Alteration, of the ſaid Line is intended to commence and begin.

XV. Provided always, and it is hereby enacted, That nothing herein contained ſhall authoriſe and empower, or be conſtrued to extend to authoriſe and empower, the ſaid Company of Proprietors, to cut, make, and maintain, the ſaid intended Canal through the ſeveral Gardens, Lands, and Premiſes, delineated on the Map or Plan herein referred to, commencing at a certain Point in a Field therein numbered 1320, lying at the North-eaſterly End of the Workſhops belonging to *Joſiah Ames*, occupied by *Samuel Shingles*, ſituate in *Frome Selwood*, and terminating at the Point numbered on the ſaid Plan 1330, being the Blackſmith's Shop and Dwelling Houſe in the Occupation of *John Mayo*, without the Conſent in Writing of the ſeveral Proprietors of the ſaid reſpective Gardens, Lands, and Premiſes, to be obtained ſubſequent to the paſſing of this Act. The Canal not to be carried through certain Gardens and Lands without Conſent of the Proprietors.

XVI. And it is hereby further enacted, That in caſe ſuch Proprietors ſhall refuſe their Aſſent to ſuch Canal being cut, made, and maintained, through the ſeveral Gardens, Lands, and Premiſes, in the above Clauſe referred to, that then and in ſuch Caſe, it ſhall and may be lawful to and for the ſaid Company of Proprietors, and they are hereby authoriſed and empowered, to cut, make, and maintain, the ſaid Canal, by a Tunnel from the aforeſaid Point in the ſaid Field numbered 1320, under the Field thereto adjoining, called *Wall Cloſe*, belonging to *Walter Sheppard* Eſquire, to be continued to the Turnpike Road leading from *Frome* to *Trowbridge*; in which Caſe, a Plan of ſuch intended Alteration ſhall be depoſited with the Clerk of the Peace for the County of *Somerſet*. On Refuſal of ſuch Conſent a Tunnel to be made.

XVII. And, for preventing Injury or Damage to the Owners or Occupiers of the Mills in *Bruton*, in the Occupation of *John Sharrer Ward*, and alſo to the Owners or Occupiers of all other Mills, Water Wheels, or Steam Engines, or other Perſons intereſted in the Rivers, Streams, and Waters, flowing or running in the Vallies through which the ſaid Canal and Branch are intended to paſs, be it further enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, to authoriſe or empower the ſaid Company of Proprietors, under any Pretence whatſoever, to take or uſe, or ſuffer to be taken or uſed, for the ſaid Canal or to flow or run into any Reſervoir or Reſervoirs, or other Works of the Navigation, of or for the Uſe of the ſame Canal or Branch, any of the Springs, Watercourſes, Brooks, or Streams of Water, now flowing to, or ſupplying, or aſſiſting in ſupplying, with Water, any Mill or Mills, Water Wheel or Water Wheels, Steam Engine or Steam Engines, along the Lines of the ſaid Canal and Branch reſpectively, ſave and except that the Surplus Water of the ſaid Springs, Watercourſes, Brooks, or Streams of Water, in Times of Exceſs, ſhall and may be taken for the Uſe of the ſaid Canal and Branch reſpectively, when the Water ſhall fill and exceed certain Gauges to be fixed by ſuch Perſons of ſuch Dimenſions, at ſuch Places only, and in ſuch Manner, as is herein-after expreſſed. Reſtrictions for the Security of Owners of Mills and Steam Engines.

XVIII. And be it further enacted, That in caſe any Diſpute ſhall ariſe between the ſaid Company of Proprietors and the Owner or Owners of any ſuch Mill or Mills, Water Wheel or Water Wheels, or Steam Engine or Steam Engines, touching the Place or Places of fixing any ſuch Engineers to be appointed for fixing the Gauges.

Gauge or Gauges, or the Dimenſions thereof, then One Engineer ſhall be appointed by the Owner or Owners of ſuch Mill or Mills, Water Wheel or Water Wheels, or Steam Engine or Steam Engines, or the major Part of them, by Writing under his, her, or their Hand or Hands, and another Engineer ſhall be appointed, in Writing, under the Common Seal of the ſaid Company of Proprietors, within One Calendar Month next after ſuch Diſpute ſhall ariſe as aforeſaid; and that the ſaid Engineers ſo to be appointed ſhall, and they are hereby required to aſcertain and determine the Places where Gauges ſhall be placed upon the ſaid Watercourſes, Brooks, or Streams of Water, or any or either of them, and the Nature, Conſtruction, Dimenſions, and Levels, of ſuch Gauges, ſo as that the ſame ſhall denote or aſcertain the Quantity of Water flowing in the ſame Watercourſes, Brooks, or Streams reſpectively, at the Places where ſuch Gauges ſhall be fixed, that may be neceſſary for or towards the Supply of the ſeveral Mills, Water Wheels, and Steam Engines, below; and alſo to aſcertain and determine the Means of guarding and protecting ſuch Gauges, provided that ſuch Gauges ſhall be ſo placed, as that the Water will be above the Level of the Reſervoirs intended to be ſupplied with ſuch ſurplus Water; and if the Two Engineers to be appointed as aforeſaid, ſhall not agree in Opinion touching the Situation, Nature, Conſtruction, Dimenſions, and Levels, of ſuch Gauges reſpectively, and the Means of guarding and protecting the ſame, then the ſaid Engineers ſhall and are hereby required forthwith to refer the Matter in Difference to ſome other Engineer to be by them appointed for that Purpoſe, who ſhall and is hereby required to ſettle and determine the ſame; and in caſe the ſaid Owners of Mills, Water Wheels, or Steam Engines, or the major Part of them, or the ſaid Company of Proprietors, ſhall not reſpectively appoint ſuch Engineers within the Time aforeſaid; or if the Engineers ſo to be appointed, or either of them, ſhall die, or refuſe, or neglect to act in the Premiſes, or if ſuch Engineers ſo to be appointed as aforeſaid ſhall not, within the Space of Two Calendar Months next after ſuch Appointment as aforeſaid, agree and determine upon the Manner in which ſuch Gauge or Gauges ſhall be conſtructed, or ſhall not appoint ſuch other Engineer as aforeſaid, or if ſuch other Engineer ſhall not ſettle and determine the Matters aforeſaid within Two Calendar Months after he ſhall be appointed, then and in ſuch Caſes the ſame ſhall be ſettled and determined by the ſaid Commiſſioners; and the ſaid Owner or Owners of ſuch Mill or Mills, Water Wheel or Water Wheels, Steam Engine or Steam Engines, or the major Part of them, ſhall be at Liberty, from Time to Time, by Writing under his, her, or their Hand or Hands, to appoint an Agent on his, her, or their Behalf, to examine and inſpect, from Time to Time, the State and Condition of the ſaid Gauges, and ſuch Agent ſhall be paid by the Company of Proprietors after the Rate of Three Shillings *per* Day, not exceeding Twelve Days in each Year, provided, that only One Agent ſhall be appointed on the Line of the ſaid Canal, and One on the ſaid Branch.

If Engineers do not agree about fixing the Gauges, the Commiſſioners to ſettle the ſame.

The Canal to be ſo made as to communicate with the *Kennet* and *Avon* Canal on a Level.

XIX. And be it further enacted, That the ſaid Company of Proprietors may, and they are hereby empowered to make and conſtruct the ſaid Canal, ſo as to communicate with the ſaid *Kennet* and *Avon* Canal on a Level, without any Lockage into or out of the ſaid *Kennet* and *Avon* Canal.

XX. And

Millers to put up or down Cloughs or Sluices when required by the Company.

XX. 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 Branch reſpectively, do or ſhall at any Time, whilſt the ſaid Canal or Branch is making, or neceſſarily repairing, upon Twelve 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 to 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 Branch reſpectively, and the Works neceſſary for that Purpoſe; every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Twenty Pounds.

Recompence to be made to Millers for the ſame.

XXI. Provided nevertheleſs, That the ſaid Company of Proprietors ſhall forthwith make or tender full Recompence and Satisfaction for the Stoppage or Hindrance of working the Wheel or Wheels of 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 made to them by any ſuch Miller, Owner, or Occupier, to ſettle and aſcertain the Damages ſuſtained by him or her, and the Recompenſe to be made for the ſame, in like Manner as other Damages are herein directed to be aſcertained.

Miſnomers and wrong Deſcriptions not to hinder the Execution of the Act.

XXII. Provided always, and be it further enacted and declared, That the ſaid Company of Proprietors ſhall and may make the ſaid Canal and Branch into, through, acroſs, or over, the Eſtates, Lands, or Grounds, of any Perſon or Perſons whomſoever, into whoſe Eſtates, Lands, or Grounds, ſuch Deviation aforeſaid ſhall extend, although their Names are not mentioned in the Reference to the ſaid Map or Plan, or into the Eſtates, Lands, or Grounds, of any Perſon or Perſons whoſe Name or Names ſhall appear to the Satisfaction of the Commiſſioners hereinafter mentioned, as ſhall be aſſembled at a Meeting to be held for that Purpoſe, or the major Part of them, and be by them certified under their Hands, to be by Miſtake omitted in the ſaid Reference; or that inſtead thereof, the Name or Names of ſome other Perſon or Perſons, to whom ſuch laſt-mentioned Eſtates, Lands, and Grounds, do not belong, have or hath been inſerted in ſuch Reference; any Thing herein contained to the contrary in anywiſe notwithſtanding.

Houſes, Gardens, &c. not to be taken or injured, except ſuch as are mentioned in the Schedule.

XXIII. Provided always, and be it further enacted, That nothing herein 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 *January* One thouſand ſeven hundred and ninety-ſix, was the Scite of any Houſe, or other Building, or a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a Houſe, or Lawn, or Pleaſure Ground, incloſed or adjoining to a Houſe, without the Conſent

of the reſpective Owners and Occupiers thereof, other than and except ſuch as are in the Schedule hereunto annexed particularly mentioned; and it ſhall be lawful for the ſaid Company of Proprietors to take and pull down all ſuch Houſes, Cottages, and other Buildings, as are mentioned and deſcribed in the ſaid Schedule, and to ſell and diſpoſe of the Materials thereof, and to take and make uſe of the Scites of ſuch Houſes, Cottages, and other Buildings, and the ſaid Yards, Orchards, and Gardens, mentioned and deſcribed in the ſaid Schedule, for the Purpoſes of this Act, the ſaid Company of Proprietors making Satisfaction to the ſeveral Owners and Occupiers of, and Perſons intereſted therein, for the Damages they ſhall reſpectively ſuſtain thereby, in Manner hereinafter mentioned.

Company may take Water raiſed by Fire Engines, &c. within a certain Diſtance from the Canal or Branch.

XXIV. And whereas the making the ſaid Canal and Branch will be of Advantage to the Owners and Proprietors of certain Coal and other Mines already opened, and which may be opened, contiguous or near to the Line of the ſaid Canal and Branch, be it therefore further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, and they are hereby authoriſed and empowered at all Times hereafter, to have, divert, and take the Water which may be got, raiſed, or conveyed from, or by Means of any Fire Engine or Fire Engines, Machines, Soughs, or Levels, which now is or are, or which ſhall or may at any Time or Times hereafter be erected, made, or opened, in or upon any Lands or Mines belonging to any Perſon or Perſons whomſoever, upon or within Two thouſand Yards of the Courſe of the ſaid Canal or Branch, without making any Recompence or Satisfaction by the ſaid Company of Proprietors, for the ſaid Water ſo to be diverted and taken as aforeſaid; and that it ſhall be lawful for the ſaid Company of Proprietors, for the Purpoſe of ſupplying the ſaid Canal and Branch with the laſt mentioned Water, and for the conveying of the ſame thereto, to make any Reſervoir or Reſervoirs, Trenches, Aqueducts, or Feeders, doing as little Injury thereby as poſſible to any Mines lying under or near to ſuch Reſervoirs, Trenches, Aqueducts, or Feeders, or any of them, and making Recompence for ſuch Injury (if any) to the Owners or Occupiers of ſuch Mines, and paying for ſuch Lands as may be taken for or be damaged by making the ſame, in Manner as hereinafter directed, where other Lands are to be taken and uſed, or for Damages to be occaſioned by or in the Execution of the Powers given by this Act.

Owners of Mines within a certain Diſtance of the Canal and Branches to raiſe the Water to the Level of the Canal and Branches.

XXV. And be it further enacted, That all and every Perſon and Perſons, Owners or Occupiers of Mines, who ſhall at any Time or Times hereafter navigate or make uſe of the ſaid Canal or Branch, for the Purpoſe of conveying his, her, or their Coals, or other Minerals, ſhall, and they are hereby required to cauſe to be raiſed and thrown up all ſuch Water as ſhall from Time to Time be raiſed by any Fire Engine or Machine, erected or uſed, or to be erected or uſed, upon or within Two thouſand Yards of the Line of the ſaid Canal or Branch, for the Purpoſe of working any ſuch Mines to ſuch a Heighth or Level as may be ſufficient to convey ſuch Water into the ſaid Canal or Branch, ſo as ſuch Owners or Occupiers be not obliged to raiſe ſuch Water at his, her, or their own Expence, higher than may be neceſſary for draining and diſcharging the Water from his, her, or their Mines; but in caſe the ſaid

Company of Proprietors ſhall, for the Purpoſe of ſupplying the ſaid Canal or Branch with Water, think it expedient that the Owners or Proprietors of any ſuch Fire Engine or other Machine ſhould raiſe the Water out of his, her, or their Mines, to a higher Level than may be neceſſary for draining and diſcharging ſuch Water out of ſuch Mines, and ſhall give Notice in Writing, under the Seal of the ſaid Company of Proprietors, or under the Hand of any of their Clerks, or known Agents, requiring the ſaid Water, ſo under Level, to be thrown into ſuch Part or Parts of the ſaid Canal or Branch as ſhall be mentioned in ſuch Notice; then and in every ſuch Caſe the Owner or Occupier of every ſuch Fire Engine or other Machine, ſhall be obliged to raiſe ſuch Water into the Canal or Branch, agreeably to ſuch Notice; and then and in ſuch Caſe the ſaid Company of Proprietors ſhall, and they are hereby directed to make Compenſation from Time to Time to the Owners or Proprietors of any ſuch Mines and Fire Engines, or other Machines, for all additional Expence, that he, ſhe, or they, may thereby be put to, either by an annual Rent, or by an Allowance in groſs; and in caſe the ſaid Company of Proprietors, and the Owners or Proprietors of any ſuch Mines or Fire Engines, ſhall not agree upon the Compenſation to be made as aforeſaid, the ſame ſhall be adjuſted and determined in Manner herein-after provided, with reſpect to the Satisfaction to be made to the Owners of Lands to be taken for the Uſe of the ſaid Canal and Branch; and in caſe the Owner or Occupier of any Fire Engine or other Machine ſhall at any Time, during the Time ſuch Fire Engine or other Machine ſhall be worked or uſed for the Purpoſe of draining the Water out of ſuch Mines, refuſe or neglect, after Notice in Writing for that Purpoſe, to be given by the ſaid Company of Proprietors, or any of their Clerks or Agents for the Time being, to raiſe the Water to be drained out of his, her, or their Mines, to the Heighth and Level, and in Manner herein directed, then it ſhall be lawful for the ſaid Company of Proprietors from Time to Time to hinder or prevent ſuch Owner or Proprietor of ſuch Fire Engine or other Machine, or Mines, or any other Perſon or Perſons, from carrying or conveying any Coal or other Minerals which ſhall be gotten from any ſuch Mines upon the ſaid Canal or Branch, during ſuch Refuſal or Neglect, and for any further Time not exceeding the Space of Three Calendar Months next after the ſaid Water ſhall be conveyed to the ſaid Canal or Branch, agreeably to ſuch Notice; any Thing in this Act contained to the contrary thereof notwithſtanding.

Power to take Water out of the Canal for working Steam Engines.

XXVI. And be it further enacted, That it ſhall be lawful for the Owners or Proprietors of any Steam Engines already made, or to be made by any Owners or Proprietors of Lands or Mines within the Diſtance of One thouſand Yards of the ſaid Canal, or Branch, to make a Communication between the ſaid Canal or Branch, or any Cut or Sluice to be made as aforeſaid, and any ſuch Steam Engine, by Means of One or more Metal Pipe or Pipes of ſufficient Strength or Thickneſs, and ſo conſtructed in every Reſpect as to prevent any Leakage or Waſte of Water, and to draw from the ſaid Canal or Branch, or any ſuch Cut or Sluice as aforeſaid, ſuch Quantities of Water as ſhall be ſufficient for the Purpoſe of condenſing the Steam of ſuch Engine: Provided always, that the Proprietor of every ſuch Engine as aforeſaid ſhall return to the ſaid Canal, Branch, Cut, or Sluice as aforeſaid, as the Caſe may be, in each and every Day, a Quantity of Water equal to what ſhall be drawn from

the ſame as aforeſaid, ſo that there ſhall be no Loſs of Water to the Navigation of the ſaid Canal or Branch: Provided alſo, that the Water ſo to be taken ſhall only be made uſe of for the working of the ſaid Engine or Engines, and to no other Uſe or Purpoſe whatſoever; and that every Perſon laying Pipes into the ſaid Canal or Branch for the Purpoſes aforeſaid, ſhall be, and is hereby required and obliged to make good the Banks of the ſaid Canal and Branch, and to repair all ſuch other Damages as may ariſe from the laying in of the ſaid Pipes, at his and their own proper Coſts and Charges, and to do the ſame in ſuch Manner and at ſuch Times as ſhall cauſe no Let, Hindrance, or Moleſtation, to the Navigation of the ſaid Canal or Branch: Provided alſo, that no Perſon ſhall, in conſequence of this Act, take any Water from the ſaid Canal or Branch, Cuts or Sluices, for the Purpoſes aforeſaid, without giving Twenty Days previous Notice of ſuch his or her Intention, to the Committee of the ſaid Company of Proprietors by Writing, to be delivered to their Clerk, in order that the ſaid Committee may appoint a Perſon to inſpect into the Premiſes, and ſee that the Pipes are laid into the Banks in a proper Manner, according to the true Intent and Meaning of this Act.

Company reſtrained from diverting Water to the Injury of Wheel or Steam Engines.

XXVII. And be it further enacted and declared, That the ſaid Company of Proprietors and their Servants, Agents, or Workmen, ſhall be, and they are hereby reſtrained and prohibited from diverting out of its uſual Courſe, any of the Water now uſed or employed, or that ſhall or may hereafter be found neceſſary to be uſed in working the Water Wheels and Steam Engines, or either of them already erected, or which may hereafter be erected, of or belonging to any Coal Work or Coal Works, or intended Coal Works, in any or either of the Pariſhes through or near which the ſaid Canal is intended to paſs, or the Branch therefrom, ſo as to injure any Water Wheels or Steam Engines, without the Conſent of the Owner or Owners, Proprietor or Proprietors, of ſuch Water Wheels, or Steam Engines, or Coal Works, in Writing firſt had and obtained, and making or tendering a proper Recompence and Satisfaction for the ſame, to be ſettled and aſcertained in the ſame Manner (in caſe of any Diſpute about the ſame) as other Recompence and Satisfaction is hereby directed to be ſettled and aſcertained.

Breadth of Canal, Branches, and Towing Paths.

XXVIII. And be it further enacted, That the Lands to be taken and uſed for the ſaid Canal and Branch, and the Towing Paths belonging thereto reſpectively, 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 Branch 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 any Wharf ſhall be made for the landing or delivering of Coal, Lime, ſtone, Free-ſtone, or other Stone, Minerals, Timber, or other Goods, Wares, Merchandize, or Things, nor more than One hundred Yards in Breadth in any Place, except where the ſaid Canal or Branch ſhall paſs through or over any Common or Waſte Lands.

XXIX. And be it further enacted, That after any Meſſuages, Buildings, Lands, or Grounds, ſhall be ſet out for making the ſaid Canal and Branch, and other the Purpoſes and Conveniencies hereby authorized or directed, it ſhall be lawful for all Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life or Intail, Huſbands, Guardians, Truſtees, Feoffees in Truſt for Charities, and other Purpoſes, Committees, Executors, and Adminiſtrators, and all other Truſtees or Perſons whomſoever, not only for and on the Behalf of themſelves, their Heirs, and Succeſſors, but alſo for and on Behalf of their Ceſtuique Truſts, whether Infants, Iſſue unborn, Lunaticks, Idiots, Femes Covert, or other Perſon or Perſons, and to and for all Femes Covert who are or ſhall be ſeiſed and poſſeſſed of, or intereſted in their own Right, and to and for every other Perſon or Perſons whomſoever, who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in any Meſſuages or Buildings, Lands or Grounds, whether Freehold, Leaſehold, or Copyhold, which ſhall be ſo ſet out and aſcertained as aforeſaid, or which ſhall be taken or purchaſed by the ſaid Company of Proprietors, purſuant to any of the Directions of this Act, or any Part thereof reſpectively, to contract for, ſell, and convey to the ſaid Company of Proprietors, or ſuch Perſon or Perſons as they ſhall nominate and appoint for the Purpoſes of this Act, all, or any Part of ſuch Meſſuages or Buildings, Lands or Hereditaments, which ſhall from Time to Time be ſet out and aſcertained as aforeſaid, or which ſhall be taken or purchaſed by the ſaid Company of Proprietors, purſuant to the Directions of this Act, either in Conſideration of a Sum of Money at once to be paid for the ſame, or of an annual Rent or Payment to be charged and ſecured as herein mentioned; and that all Sales and Conveyances to the ſaid Company of Proprietors may be made and effected by a Deed in Writing, according to the following Form, or as near thereto as the Nature of the Caſe will admit; *videlicet*,

Incapacitated Perſons empowered to ſell Houſes, Lands, &c.

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

Form of Conveyance.

XXX. And be it further enacted, That where by making the ſaid Canal or Branch reſpectively, or the Conveyance of Water thereto, the

Bodies Politick (with Conſent of

Commiſſioners) may ſell or exchange Lands ſeparated.

the Property of any Land Owner or Owners ſhall be ſeparated, ſo as to render the Occupation thereof inconvenient, it ſhall be lawful for ſuch Bodies Politick, Corporate, and Collegiate, and other Owners and Proprietors, by and with the Conſent of the Commiſſioners to be appointed as herein-after mentioned, to be teſtified by any Writing or Writings, to be by them ſealed and delivered in the Preſence of, and to be atteſted by Two or more credible Witneſſes, to contract for, ſell, and diſpoſe of, or to convey in Exchange, in lieu of other Lands, all or any Part of ſuch Lands or Grounds ſo ſeparated into ſmall Parcels as aforeſaid, to any Perſon or Perſons whomſoever, for ſuch good and valuable Conſideration or Conſiderations, or Price or Prices, in Money or other Equivalent, as to the ſaid Commiſſioners ſhall ſeem reaſonable; and that all ſuch Contracts, Agreements, Sales, Exchanges, Conveyances, and Aſſurances, ſhall be valid and effectual in Law to all Intents and Purpoſes whatſoever, and that all Bodies Politick, Corporate, or Collegiate, and other Perſons ſo conveying or exchanging as aforeſaid, are hereby indemnified for what they ſhall reſpectively do by virtue and in purſuance of this Act; and all ſuch Contracts, Agreements, Sales, Exchanges, Conveyances, and Aſſurances, (other than thoſe which concern any Purchaſe or Exchange between any ſuch reſpective Land Owners), ſo to be made as aforeſaid, ſhall, at the Expence of the ſaid Company of Proprietors, be inrolled with the Clerk of the Peace for the County wherein the ſame are reſpectively ſituate; and all Perſons ſhall have free Liberty to inſpect ſuch Inrolments, and take Copies thereof, and the ſame Inrolments and true Copies thereof ſigned by ſuch Clerk of the Peace ſhall be allowed to be good Evidence in all Courts whatſoever; and for each Inrolment, or a Copy thereof, the ſaid Clerk of the Peace ſhall receive the Sum of One Shilling and no more, for every Two hundred Words, and ſo in Proportion for any leſs Number of Words; and that all Conveyances and Aſſurances to be made to any other Perſon or Perſons beſides the ſaid Company of Proprietors, for effecting and completing any Sale or Exchange of any Lands, Grounds, or Hereditaments, purſuant to and within the Intent and Meaning of this Act, ſhall and may be made by a Deed or Deeds in Writing, in ſuch or the like Form as is before preſcribed for Conveyances to the ſaid Company of Proprietors, or as near thereto as Circumſtances will permit; and that all ſuch Conveyances and Aſſurances as aforeſaid to the ſaid Company, or to any other Perſon or Perſons, in purſuance of this Act, ſhall be good, valid, and effectual in the Law, to all Intents and Purpoſes, and ſhall be a complete Bar of all Eſtates Tail, and other Eſtates, Rights, Titles, Truſts, and Intereſts whatſoever, in Poſſeſſion, Reverſion, Remainder, or Expectancy, without any Bargain and Sale for a Year, Livery of Seiſin or Inrolment, and without any Fine, Recovery, or Surrender of the Freehold or Copyhold Hereditaments to be therein reſpectively compriſed.

Deeds, &c. to be inrolled by Clerk of the Peace.

Veſting Lands in the Company.

XXXI. And be it further enacted, That all Lands, Grounds, Tenements, and Hereditaments, which ſhall be purchaſed by virtue of this Act, ſhall be and are hereby veſted in the ſaid Company of Proprietors, and ſhall and may be uſed, applied, and diſpoſed of, as the ſaid Company of Proprietors ſhall think fit for the ſeveral and reſpective Purpoſes of this Act, and to or for no other Uſe or Purpoſe whatſoever.

XXXII. And

XXXII. And be it further enacted, That all Contracts, Agreements, Bargains, Sales, and Exchanges, of any Lands or Hereditaments, which are of the Nature of Copyhold, ſhall be executed and completed by Surrender thereof in the reſpective Courts of the Manors whereof ſuch Lands are held, according to the Cuſtoms of the ſaid Manors reſpectively, and ſhall remain ſubject to ſuch and the ſame Fines, Rents, and Services, as are due and payable, or of Right accuſtomed, in ſuch and the ſame Manner as if this Act had not been made; any Thing herein contained to the contrary notwithſtanding. Copyhold Lands to be ſurrendered in the cuſtomary Manner.

XXXIII. And be it further enacted, That all Perſons reſiding in the ſaid Counties of *Dorſet*, *Somerſet*, and *Wilts*, or either of them, and ſeiſed of Eſtates Freehold or Copyhold, or Part Freehold and Part Copyhold, of the Value of One hundred Pounds *per Annum*, within the ſaid Counties, any or either of them, or poſſeſſed of the principal Sum of Three thouſand Pounds in the Stocks or Publick Funds, or on Mortgages, Leaſes, Bonds, or ſpecial Securities for Money, ſhall be and are hereby appointed Commiſſioners 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 Proprietors of and Perſons intereſted in any Houſes, or other Buildings, Lands, Tenements, Waters, or Hereditaments, that ſhall or may be taken, or affected, or prejudiced, by the Execution of any of the Powers hereby granted; and the ſaid Commiſſioners may and are hereby required, at their Firſt Meeting, to appoint out of Three Perſons, to be nominated by the ſaid Company of Proprietors, one of the ſaid Three Perſons to be their Clerk, and from Time to Time may remove any ſuch Perſon; and on ſuch Removal, or in caſe any ſuch Clerk ſhall die, or quit the ſaid Employment, the ſaid Company of Proprietors, or the Committee for the Time being, ſhall, within the Space of Three Calendar Months after Notice in Writing for that Purpoſe, to be given by the ſaid Commiſſioners, nominate Three Perſons, and give Notice thereof unto the ſaid Commiſſioners from whom ſuch Notice in Writing was received, and they, the ſaid Commiſſioners, ſhall and may appoint one of the ſaid Three Perſons to be their Clerk; and ſo in like Manner, from Time to Time, as Occaſion ſhall require; and ſuch Clerk ſhall be paid for his Care, Expences, and Trouble, in the Execution of his Office by the ſaid Company of Proprietors; and every ſuch Clerk who ſhall be removed, or die, or quit his Service, his or their reſpective Executors, or Adminiſtrators, ſhall, within Three Calendar Months after Notice in Writing to him or them reſpectively given by the ſaid Commiſſioners, at a Meeting to be held purſuant to this Act, produce and deliver up to ſuch Commiſſioners all Books, Accounts, Papers, or Writings whatſoever, relating to the Execution of the Office of every ſuch Clerk, which ſhall be in the Cuſtody or Poſſeſſion of every ſuch Executor or Adminiſtrator; and every ſuch Perſon neglecting or refuſing to produce and deliver up ſuch Books, Accounts, Papers, or Writings, after ſuch Notice as aforeſaid, ſhall, for every ſuch Neglect or Refuſal, reſpectively forfeit and pay to the ſaid Company of Proprietors the Sum of One hundred Pounds. Commiſſioners. Executors to deliver up Books, &c.

XXXIV. And be it further enacted, That all the Orders and Proceedings of the ſaid Commiſſioners ſhall be regularly entered by their Clerk Proceedings of Commiſſioners to be entered.

Clerk in a Book to kept for that Purpoſe, which ſaid Book ſhall be open at all ſeaſonable Times for the Inſpection of any Perſon or Perſons intereſted and deſirous of ſeeing and examining the ſame without Fee or Reward; and ſuch Entries being ſigned by ſuch Number of the ſaid Commiſſioners reſpectively, as are empowered by this Act to make ſuch Orders, or carry on ſuch Proceedings, ſhall be deemed Originals, and the ſame, or true Copies ſhall be admitted as Evidence in all Courts whatſoever; and the ſaid Commiſſioners ſhall, and they are hereby empowered, by Examination of Witneſſes upon Oath, (which Oath the ſaid Commiſſioners are hereby authoriſed to adminiſter), and by any other lawful Ways and Means as ſhall appear to them expedient, 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 or Corporate, or other Perſon or Perſons reſpectively, who ſhall be ſo entitled or intereſted as hereinbefore mentioned for the abſolute Purchaſe of the Lands, Tenements, Waters, or other Hereditaments, which ſhall be ſet out and aſcertained, or intended to be uſed as aforeſaid, for the making the aforeſaid Canal and Branch, Rail or Carriage Ways, or Stone Roads and Towing Paths, or any Part thereof, or for other Purpoſes herein mentioned; and alſo to determine and adjuſt what other ſeparate and diſtinct Sum or Sums of Money ought, in the Opinion of them 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 or Corporate, 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, Branch, and Rail or Carriage Ways, or Stone Roads, Towing Paths, or any of the Reſervoirs, Aqueducts, Feeders, Drains, Back Drains, Trenches, Paſſages, Gutters, Watercourſes, Roads, Ways, Sluices, or other Works hereby authoriſed to be made, carried on, and maintained, or by Reaſon or Means of the flowing, leaking, or oozing of the Water over or through the Banks of the ſaid Canal, Branch, Reſervoirs, Aqueducts, Feeders, Drains, Trenches, Paſſages, Gutters, Watercourſes, 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 other Paſſages, or by turning or diverting any Rivers, Springs, 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, their Agents, Servants, or Workmen; and 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 and Perſons intereſted in the 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 or Corporate, Truſtee or Truſtees, or other Perſon or Perſons, ſo intereſted or entitled as aforeſaid, for and on Behalf of himſelf, herſelf, or themſelves, or for or on the Behalf of their reſpective Ceſtuique Truſts, or the Perſon or Perſons entitled in Remain-

Commiſſioners to determine the Recompence for Damages.

der after them, as aforeſaid, ſhall refuſe to ſubmit any ſuch Meaſure to the Determination of the ſaid Commiſſioners, or ſhall be diſſatisfied with their Determination therein, and of ſuch Diſſatisfaction ſhall forthwith give Notice in Writing to the Commiſſioners making ſuch Determination, or to their Clerk; or if any ſuch Body Politick or Corporate, Truſtee or Truſtees, 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 Thirty Days next after Notice in Writing ſhall be given to the principal Officer or Officers of ſuch Body Politick or Corporate, or to ſuch Truſtee or Truſtees, or other Perſon or Perſons reſpectively, or left at the laſt or uſual Place or Places of his, her, or their Abode, or (in caſe ſuch principal Officer or Officers, or other Perſon or Perſons, cannot be met with, or his, her, or their Place or Places of Abode cannot be found) with the Tenant or Tenants, Occupier or Occupiers, of ſuch Lands, Tenements, Waters, or Hereditaments reſpectively, and left on the Premiſes, 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 promoting the ſaid Canal, Branch, Rail, or Carriage Ways, or Stone Roads, and other Works aforeſaid, or ſhall not produce and evince a clear Title to the Lands, Tenements, Waters, 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 a Coroner of ſuch County not intereſted, 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 Laws of this Realm to be returned for the Trial 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, 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

If the Parties be diſſatisfied a Jury ſhall aſcertain the Recompence.

Power to ſummon Witneſſes.

neſs or Witneſſes, touching the Matter in Queſtion, and the ſaid Commiſſioners ſhall and may order and authoriſe 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 inquire of, aſſeſs, and aſcertain, the Sum and Sums of Money, or annual Rent, to be paid for the Purchaſe of ſuch Lands, Tenements, Waters, 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; or if the ſaid Company of Proprietors, or any other Perſon or Perſons, ſhall be diſſatisfied with any Determination or Determinations of the ſaid Commiſſioners, it ſhall and may be lawful to and for the ſaid Company of Proprietors, or ſuch other Perſon or Perſons ſo diſſatisfied with ſuch Determination or Determinations as aforeſaid, to try the Matter in Diſpute or Difference, by an Action or Actions on a feigned Iſſue or feigned Iſſues, in any of His Majeſty's Courts of Record at *Weſtminſter*, ſuch Iſſue or Iſſues to be ſettled by the proper Officer of the Court in which ſuch Action or Actions ſhall be brought in caſe the Parties ſhall not agree about the ſame, in which Action or Actions, the Party or Parties diſſatisfied ſhall be Plaintiff, and the other Party or Parties ſhall be Defendant, provided that ſuch Action or Actions ſhall be brought within One Month next after the Determination of the ſaid Commiſſioners, and be tried at the firſt Aſſizes to be held in and for ſuch of the ſaid Counties of *Dorſet*, *Somerſet*, and *Wilts*, wherein the Cauſe of Complaint ſhall ariſe, after ſuch Determination, in caſe ſuch Determination ſhall be made Ten Weeks previous to ſuch Aſſizes; but in caſe ſuch Determination ſhall not be made Ten Weeks previous to ſuch Aſſizes, then at the Second Aſſizes to be held in and for the County wherein the Cauſe of Complaint ſhall ariſe as aforeſaid, after ſuch Determination; and ſuch Verdict, and the Judgement thereupon pronounced as aforeſaid, ſhall be binding and concluſive to all Intents and Purpoſes againſt all Bodies Politick or Corporate, and all other Perſons whomſoever.

Company not to be impeded in the Works by any ſuch Actions.

XXXV. Provided always, That in caſe any Owner or Owners, Occupier or Occupiers, of any Lands, Tenements, or Hereditaments, that may be wanted for the Purpoſes of this Act, ſhall be deſirous of trying any Matter in Diſpute or Difference as aforeſaid, by an Action or Actions on a feigned Iſſue; in order that the ſaid Company of Proprietors may not be impeded or delayed in the Proſecution of the ſaid Undertaking, by ſuch Means, it ſhall and may be lawful to and for the ſaid Company of Proprietors, their Agents, Servants, or Workmen, and they are hereby empowered to enter upon ſuch Lands, Tenements, or Hereditaments reſpectively, and to proceed in forming and making the ſaid Canal, Branch, and Works, on the ſaid Company of Proprietors entering into and giving Security to the Owner or Owners, or Occupier or Occupiers, of ſuch Lands, Tenements, or Hereditaments, to the Satisfaction of the ſaid Commiſſioners, for the Payment of ſuch Sum or Sums of Money as may be awarded, to ſuch Perſon

Perſon or Perſons reſpectively, by the Jury or Juries to be impannelled for the Trial of ſuch Action or Actions.

XXXVI. And be it further enacted, That 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 Navigation and Undertaking, or in any Caſe where he ſhall be in anywiſe 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 giving Notice of Meetings as herein-after mentioned, or in adminiſtering an Oath to the following Effect) until he ſhall have taken and ſubſcribed ſuch Oath before any one of the ſaid Commiſſioners, who is and are hereby authoriſed and empowered to adminiſter the ſame; that is to ſay, Commiſſioners not to act where intereſted. Commiſſioners to take an Oath.

'I *A. B.* do ſwear, That I am truly and *bona fide* in the actual Poſſeſſion or Enjoyment of the Rents and Profits of Freehold or Copyhold [*or* Freehold and Copyhold] Lands, Tenements, or Hereditaments, ſituate within the Counties of *Dorſet*, *Somerſet*, and *Wilts*, or ſome or one of them, of the clear yearly Value of One Hundred Pounds above Reprizes, or poſſeſſed of a Perſonal Eſtate in the Publick Stocks or Funds, or on Mortgage, Leaſe, Bond, or ſpecial Security, to the Amount or Value of Three thouſand Pounds [*as the Caſe may be*]; and 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, intituled [*ſet forth the Title of the Act*].' The Oath.

And if any Perſon hereby made incapable to act as a Commiſſioner in the Execution of this Act, ſhall nevertheleſs preſume to act as ſuch, 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 the Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, without any Proof or Evidence on the Part of the Plaintiffs, than that ſuch Perſon hath acted as a Commiſſioner in the Execution of 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 *Dorſet*, *Somerſet*, and *Wilts*, or any of them, to act as Juſtices of the Peace in the Execution of this Act, notwithſtanding their being Commiſſioners. Penalty for acting, not being qualified. Commiſſioners may, nevertheleſs, act as Juſtices of the Peace.

XXXVII. Provided always, That nothing herein contained ſhall extend to authoriſe or empower any Perſon to act as a Commiſſioner in the Execution of any of the Powers herein contained, ſave only in ſuch of the ſaid Counties of *Dorſet*, *Somerſet*, and *Wilts*, wherein his Qualification ſhall be ſituated and lie, unleſs it ſhould happen that one Part of his Qualification ſhall be in one of the ſaid Counties, and the other Part or Parts in another or others of the ſaid Counties, in which Caſe ſuch Perſon ſhall and may act as a Commiſſioner in ſuch of the ſaid Counties wherein he ſhall uſually reſide. In what Counties Commiſſioners may act.

Commiſſioners to give Notice of their Meetings.

XXXVIII. Provided alſo, That no Meeting of the ſaid Commiſſioners ſhall at any Time or Times be had for putting in Execution any of the Powers or Authorities veſted in them by virtue of this Act, (except in ſuch Caſes as are herein otherwiſe ordered and provided for), unleſs previous Notice of the Time, Place, and Purpoſe, of ſuch Meeting ſhall be given and inſerted in ſome One of the weekly Newſpapers publiſhed in the Counties of *Dorſet*, *Somerſet*, and *Wilts*, or One of them, or in ſuch other Manner as the ſaid Commiſſioners ſhall direct or appoint, at leaſt Fourteen Days before ſuch Meeting; and that every Meeting of the ſaid Commiſſioners by virtue of this Act, ſhall be publick, and that no Act, Order, or Proceeding, of the ſaid Commiſſioners, or any of them, in the Execution of this Act, (except in ſuch Caſes as are hereby otherwiſe directed), ſhall be valid, unleſs the ſame ſhall be made or done at a Meeting to be held in purſuance of this Act, and of the Directions herein contained, and that all Powers and Authorities by this Act given to, or veſted in the ſaid Commiſſioners, ſhall and may from Time to Time be exerciſed by the Majority of the Commiſſioners preſent at every ſuch Meeting, the whole Number preſent at any ſuch Meeting not being leſs than Three; and at every ſuch Meeting One of the Commiſſioners preſent ſhall be appointed Preſident or Chairman, who, in caſe of an equal Diviſion of Voices, ſhall have the deciſive or caſting Vote.

Powers not to be executed by leſs Number of Commiſſioners than Five.

Commiſſioners to meet when applied to.

XXXIX. And be it further enacted, That upon an Application to be made by the ſaid Company of Proprietors, or any Five or more of them, or by any Owner or Occupier of any Grounds, Lands, Tenements, or Hereditaments, to be affected by the ſaid Canal or Branch, Rail or Carriage Ways, or Stone Roads reſpectively, to or from the ſaid Canal or Branch reſpectively, or any of the Works neceſſary or relating thereto, or any of them, unto any Three or more Perſons qualified to act as Commiſſioners, appointed by and for the Purpoſes of this Act, requeſting or deſiring them to appoint a general Meeting of the Commiſſioners; the Commiſſioners ſo applied to, ſhall, and they are hereby reſpectively authorized and required, within Seven Days after ſuch Requeſt and Application made, to give Notice in Manner aforeſaid of a general Meeting 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, empowered, and required, to aſſemble at the Time and Place ſo to be appointed, in order to put this Act, and the Powers and Authorities hereby given to and veſted in them, in Execution, and ſhall then adjourn themſelves, and afterwards meet at ſuch Time and Place as the ſaid Commiſſioners there aſſembled ſhall think proper or convenient; and if it ſhall happen that there ſhall not appear at any Meeting which ſhall be appointed to be held by the ſaid Commiſſioners, a ſufficient Number of Commiſſioners to act at ſuch Meeting, and to adjourn to any other Time, then, and from Time to Time, as often as the Caſe ſhall happen, the Clerk to the ſaid Commiſſioners ſhall and may, by publick Notice to be given in 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 the laſt Meeting was to have been held.

XL. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, and they are hereby empowered, although they ſhall not be aſſembled at any Meeting to be held by virtue of this Act, from Time to Time, and at all Times upon ſuch Requeſt made as aforeſaid, by Notice in Writing ſigned by them, and publiſhed in Manner aforeſaid, to ſummon a Meeting of the ſaid Commiſſioners to be held at ſuch Time and Place as ſhall be mentioned in ſuch Notice, for the ſettling and aſcertaining ſuch Damages as are herein directed to be ſettled and aſcertained by the ſaid Commiſſioners, and for other Purpoſes, notwithſtanding any Adjournment or Non-adjournment of the ſaid Commiſſioners. Commiſſioners may hold occaſional Meetings.

XLI. Provided always, That every Meeting of the 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 at ſome Place, within Fifteen Miles from the Part of the ſaid Canal or Branch, or Rail or Carriage Ways, or Stone Roads, and other Works reſpectively, where the Matter of ſuch Complaint, Controverſy, Diſpute, or Difference, ſhall ariſe; and ſo as that all the Meetings of the ſaid Commiſſioners to be holden in purſuance of this Act, ſhall be appointed and holden only between Twelve and Four of the Clock. Limiting the Time and Place of Meetings.

XLII. Provided nevertheleſs, That where the Buſineſs of any ſuch Meeting ſhall not be completed before the Hour of Four in the Afternoon, the ſaid Commiſſioners may, if they think fit, proceed in the ſame Buſineſs only for ſuch further Time as they ſhall think proper.

XLIII. And be it further enacted, That in all Caſes where a Verdict ſhall be given or made for more Monies, as a Recompenſe or Satisfaction for any Lands, Grounds, Waters, Hereditaments, or Property of any Perſon or Perſons whomſoever, or for any Damage done or to be done to any Lands, Grounds, Waters, Hereditaments, or Property, of any Perſon or Perſons than had been previouſly offered or tendered, by or on the Behalf of the ſaid Company of Proprietors, before the Meeting of the ſaid Commiſſioners, or than had been determined and aſſeſſed by the ſaid Commiſſioners; or if no ſuch Recompenſe or Satisfaction had been offered or tendered in reſpect of Damages, by, or on Behalf of the ſaid Company of Proprietors, then all the Expences of the calling and meeting of ſuch Commiſſioners, ſummoning ſuch Jury, and taking ſuch Inqueſt, ſhall be ſettled by the ſaid Commiſſioners, and be defrayed by the ſaid Company of Proprietors; but if any Verdict ſhall be given or made for the ſame, or a leſs Sum than had been previouſly offered by, or on Behalf of the ſaid Company of Proprietors, or than had been determined or aſſeſſed by the ſaid Commiſſioners as aforeſaid; or in caſe no Damages ſhall be given by the Verdict, where the Diſpute is for Damages only, then, and in every ſuch Caſe the Coſts and Expences of calling and meeting of ſuch Commiſſioners, ſummoning ſuch Jury, and taking ſuch Inqueſt, ſhall be ſettled in like Manner by the ſaid Commiſſioners, and be borne and paid by the Perſon or Perſons with whom the ſaid Company of Proprietors ſhall have ſuch Controverſy or Diſpute; which ſaid Coſts and Expences having been ſo ſettled, ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged, where the ſame ſhall exceed ſuch Coſts and Expences, as ſo much Money advanced to Paying the Expences of the Jury.

and

and for the Uſe of ſuch Perſon or Perſons; and the Payment or Tender of the Remainder of ſuch Monies ſhall be deemed and taken, to all Intents and Purpoſes, to be a Payment or Tender of the whole Sum or Sums ſo aſſeſſed or adjudged.

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

XLIV. And be it further enacted, That all and every Perſon and Perſons making Complaint, and requeſting ſuch Jury, ſhall, before the ſaid Commiſſioners be obliged to iſſue out their Warrant or Warrants for the ſummoning ſuch Jury, firſt enter into a Bond, with ſufficient Securities, to the Treaſurer of the ſaid Company of Proprietors, in the Penalty of One hundred Pounds, or in ſuch other Penalty as the ſaid Commiſſioners ſhall appoint, not exceeding the Sum of Two hundred Pounds, to proſecute ſuch his, her, or their Complaint, and to bear and pay the Coſts and Expences of ſummoning ſuch Jury, and taking ſuch Inqueſt, in caſe ſuch Perſon or Perſons ſhall be ſubject to bear and pay the ſame as hereinbefore mentioned.

Commiſſioners not obliged to receive any Complaint until Notice of the Injury ſhall have been given to the Company.

XLV. Provided always, That the ſaid Commiſſioners ſhall not be obliged to take Notice of any Complaint made by any Perſon for any Damage or Injury by him, her, or them, ſuſtained, or ſuppoſed to be ſuſtained, by virtue of this Act, unleſs Application ſhall have been made in relation thereto, by or on Behalf of ſuch Perſon, to the Clerk or Treaſurer to the ſaid Company of Proprietors, within the Space of Three Calendar Months next after the Time that ſuch ſuppoſed Injury or Damage ſhall have been ſuſtained, or the doing and committing thereof ſhall have ceaſed.

Penalty upon Sheriffs, Jurymen, and Witneſſes, making Default.

XLVI. 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, ſhall 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 or 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 and pay any Sum not exceeding Five Pounds, 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, her, or them, the Overplus of the Money thereby produced, after ſuch Penalty and the Charges of ſuch Diſtreſs and Sale ſhall be deducted.

After the Determinations of Commiſſioners or Juries, Lands to be veſted in the Company.

XLVII. And be it further enacted, That all the Determinations of the ſaid Commiſſioners which ſhall be ſubmitted to, and acquieſced in, by the Parties concerned, and alſo the Verdicts of the Juries, and the Judgement of the ſaid Commiſſioners thereon as aforeſaid, ſhall be tranſmitted to, and kept by, the reſpective Clerks of the Peace amongſt the Records of the Quarter Seſſions for the Counties of *Dorſet*, *Somerſet*, and *Wilts* reſpectively, as the Caſe ſhall require, and ſhall be deemed

Records of the ſaid Quarter Seſſions to all Intents and Purpoſes; and the ſame, or true Copies thereof, ſhall be allowed to be good Evidence in all Courts whatſoever; and all Perſons ſhall have Liberty to inſpect the ſame, and alſo the Inrolment of all ſuch Contracts, Agreements, Sales, and Conveyances, as are herein mentioned and directed, paying for each Inſpection the Sum of One Shilling and no more, and to take Copies thereof, paying for every Copy after the Rate of One Shilling for every Two hundred Words; and that immediately on Payment of ſuch Sum or Sums of Money, or on giving ſuch Security as the ſaid Commiſſioners ſhall approve, for Payment of any ſuch annual Rent as ſhall be contracted or agreed for between the Parties, or determined, and adjuſted or aſſeſſed as aforeſaid, for the Purchaſe of any ſuch Lands, Tenements, or Hereditaments, as aforeſaid, to the Proprietor thereof, or other Perſons entitled to receive ſuch Money or Rent reſpectively, or legal Tender thereof made to ſuch Proprietors or Perſons, or to the principal Officer or Officers of any ſuch Bodies Politick, Corporate, or Collegiate; or if any ſuch Proprietors or Perſons cannot be found or aſcertained, or ſhall refuſe to accept ſuch Money, or the Security for ſuch Rents, then, upon Payment and 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 Proprietors or Perſons reſpectively as aforeſaid, ſuch Lands, Tenements, and Hereditaments, and all the Eſtate, Right, Title, Intereſt, Uſe, Truſt, Property, Claim, and Demand whatſoever, at Law or Equity, of the Perſon or Perſons for whoſe Uſe ſuch Money or Rent ſhall be paid or ſecured as aforeſaid, into 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 Seiſin or Poſſeſſion thereof to all Intents and Purpoſes whatſoever, as fully and effectually as if every Perſon having any Eſtate in the Premiſes had actually conveyed the ſame by Leaſe and Releaſe, Bargain and Sale inrolled, Feoffment, with Livery and Seiſin, Fine and Recovery, or any other 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 whoſe Uſe the ſame ſhall be made or granted, but alſo ſhall extend and be deemed and conſtrued to bar the Dower and Dowers of the Wife and Wives of ſuch Perſon and Perſons, and all Eſtates Tail, and other Eſtates and Intereſts in Poſſeſſion, Reverſion, and Remainder, or otherwiſe therein, againſt the Iſſue or Iſſues of ſuch Perſon or Perſons, and all and every other Perſon or Perſons whomſoever, having or claiming any Right, Title, Eſtate, or Intereſt therein, either at Law or in Equity, as fully and effectually as a Fine and Recovery, or either of them, would do, if levied or ſuffered by all the proper Parties in due Form of Law, and then, but not before, unleſs with the Conſent of the Owners and Occupiers of the Premiſes, it ſhall be lawful for the ſaid Company of Proprietors and their Agents, Servants, or Workmen, 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, the ſaid Canal, Branch, and Towing Paths, and Rail or Carriage Ways, or Stone Roads, and other the Works and Conveniences aforeſaid, in or upon ſuch Lands, Tenements, or Hereditaments

ditaments reſpectively, and thereupon to make, erect, carry on, complete, repair, and maintain, ſuch Canal, Branch, Towing Paths, Rail or Carriage Ways, or Stone Roads, and other Works and Conveniences reſpectively, as they the ſaid Company of Proprietors ſhall think fit, and to have, uſe, and enjoy, ſuch Lands, Tenements, or Hereditaments, to and for their own Uſe and Benefit.

Value of Damage to the Lands of Mr. *Pierrepont* to be aſcertained by Arbitration.

XLVIII. Provided always, and be it further enacted, That the ſaid Company of Proprietors ſhall make ſuch Compenſation for the Land or Ground of *Charles Pierrepont* Eſquire, ſituate in the Pariſh of *Bradford*, in the County of *Wilts*, which ſhall be taken and uſed by the ſaid Company, for the Purpoſes of the ſaid Navigation; and alſo ſuch Compenſation for all Damages done by them to the other Part or Parts of the Eſtate of the ſaid *Charles Pierrepont*, his Heir or Aſſigns, or to his or their Tenant or Tenants, in carrying the Powers given by this Act into Execution, as *Joſeph Smith*, of *Bradford* aforeſaid, Eſquire, and *Thomas Davis* of *Longleat*, in the ſaid County, Gentleman, or in the Event of their Diſagreement, as their Nominee or Umpire to be by them mutually choſen, in Writing under their Hands, previous to their entering upon the Buſineſs of the ſaid Reference, hereby authorized and intended, ſhall from Time to Time award and direct, ſo that the Award or Awards ſo made by the ſaid Arbitrators, or the ſaid Umpire, be from Time to Time reduced into Writing, under their Hands and Seals, or his Hand and Seal reſpectively, and be delivered to the principal Clerk to the ſaid Company of Proprietors, within Two Calendar Months next after ſuch Land or Ground ſhall be ſet out and aſcertained by the ſaid Company, in order to be taken and uſed for the Purpoſes aforeſaid, and ſuch Damages ſhall be done reſpectively: But if ſuch Award as aforeſaid ſhall not be delivered to the principal Clerk to the ſaid Company, within the Time aforeſaid, then ſuch Compenſations reſpectively ſhall be fixed and aſcertained, (in caſe of any Difference about the ſame), by the ſaid Commiſſioners, or a Jury, or Arbitrators, in ſuch and the ſame Manner as is herein directed, with reſpect to other Lands or Hereditaments to be taken or uſed for the Purpoſes of this Act.

Appointment of new Arbitrators upon Vacancies.

XLIX. And be it further enacted, That if the ſaid *Joſeph Smith* or the ſaid *Thomas Davis* ſhall happen to die before the ſaid Damage ſhall be fully aſcertained as aforeſaid, then and in ſuch Caſe the ſaid *Charles Pierrepont*, his Heirs or Aſſigns, or the ſaid Company of Proprietors, or either of them, whoſe Arbitrator ſhall ſo die, ſhall be at Liberty to name ſuch other Arbitrator in the Room or Stead of ſuch deceaſed Arbitrator as he or they ſhall think proper for the Purpoſes aforeſaid.

Compenſation to Mr. *Clutterbuck* for Land and Damages, how to be aſcertained.

L. Provided always, and be it further enacted, That the ſaid Company of Proprietors ſhall make ſuch Compenſation for the Land or Ground of *Daniel Clutterbuck* Eſquire, called *Vagſhill Farm*, ſituate in the Pariſh of *North Bradley*, in the County of *Wilts*, which ſhall be taken and uſed by the ſaid Company for the Purpoſes of the ſaid Navigation; and alſo ſuch Compenſation for all Damages done by them to the other Part or Parts of the Eſtate of the ſaid *Daniel Clutterbuck*, his Heirs or Aſſigns, or to his or their Tenant or Tenants, in carrying the Powers given by this

this Act into Execution; and in particular to his Farm Houſe and Buildings, above which the intended Canal is intended to paſs, as *Richard Richardſon* of the City of *Bath* Gentleman ſhall, from Time to Time, award and direct; and if the ſaid *Richard Richardſon* ſhall think it neceſſary, ſhall remove and rebuild the ſame Farm Houſe and Buildings; and in caſe of the Death of the ſaid *Richard Richardſon*, before the ſame is completed, then as the ſaid *Thomas Davies* ſhall, from Time to Time, award and direct; ſo that the Award ſo made by the ſaid *Richard Richardſon*, or *Thomas Davies*, be from Time to Time reduced into Writing, under their Hands and Seals reſpectively, and be delivered to the ſaid *Daniel Clutterbuck*, his Heirs or Aſſigns, and to the principal Clerk to the ſaid Company of Proprietors, within Two Calendar Months next after ſuch Land or Ground ſhall be ſet out and aſcertained by the ſaid Company, in order to be taken and uſed for the Purpoſes aforeſaid; and ſuch Damages ſhall be done reſpectively; but if ſuch Award of the ſaid *Richard Richardſon* or *Thomas Davis* ſhall not be delivered to the ſaid *Daniel Clutterbuck*, his Heirs or Aſſigns, and to the ſaid Clerk to the ſaid Company, within the Time aforeſaid, then ſuch Compenſations reſpectively ſhall be fixed and aſcertained, in caſe of any Difference about the ſame, by the ſaid Commiſſioners, or a Jury, or Arbitrators, in ſuch and the ſame Manner as is herein directed with reſpect to other Lands or Hereditaments, to be taken or uſed for the Purpoſes of this Act.

LI. Provided alſo, and be it further enacted, That the ſaid Company of Proprietors ſhall make ſuch Compenſation for the Land or Ground of *Benjamin Hobhouſe* Eſquire in the Pariſh of *Bradford* aforeſaid, which ſhall be taken and uſed by the ſaid Company, for the Purpoſes of the ſaid Navigation; and alſo ſuch Compenſation for all Damages done by them to the other Part or Parts of the Eſtate of the ſaid *Benjamin Hobhouſe*, his Heirs or Aſſigns, or to his or their Tenant or Tenants, in carrying the Powers given by this Act into Execution, as the ſaid *Daniel Clutterbuck* ſhall from Time to Time award and direct, ſo that ſuch Award be from Time to Time reduced into Writing under the Hand and Seal of the ſaid *Daniel Clutterbuck*, and be delivered to the ſaid *Benjamin Hobhouſe*, his Heirs or Aſſigns, and to the principal Clerk of the ſaid Company of Proprietors, within Two Calendar Months next after ſuch Land or Ground ſhall be ſet out and aſcertained by the ſaid Company, in order to be taken and uſed for the Purpoſes aforeſaid, and ſuch Damages ſhall be done reſpectively; but if ſuch Award as aforeſaid ſhall not be delivered to the ſaid *Benjamin Hobhouſe*, his Heirs or Aſſigns, and to the principal Clerk to the ſaid Company, within the Time aforeſaid, then ſuch Compenſations reſpectively ſhall be fixed and aſcertained (in caſe of any Difference about the ſame) by the ſaid Commiſſioners, or a Jury, or Arbitrators, in ſuch and the ſame Manner as is herein directed with reſpect to other Lands or Hereditaments to be taken or uſed for the Purpoſes of this Act.

Compenſation to Mr. *Hobhouſe* for Land and Damages, how to be aſcertained.

LII. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to empower the ſaid Company of Proprietors to take, uſe, or cut through any of the Lands or Grounds of *Samuel Kelſon* Eſquire, ſituate at *Beckington*, aforeſaid, for the Purpoſe of forming and making the ſaid intended Canal, until the ſaid Company of Proprietors ſhall have purchaſed of the

Company to purchaſe certain Lands of Mr. *Kelſon*.

the ſaid *Samuel Kelſon*, ſuch Part or Parts, or the whole of the ſaid Lands and Grounds, which the ſaid *Samuel Kelſon* ſhall be deſirous to diſpoſe of, the ſame to be purchaſed by the Company of Proprietors at Thirty Years Purchaſe, for the Rack Rent or eſtimated yearly Value thereof; and in caſe any Difference of Opinion ſhall ariſe between the ſaid *Samuel Kelſon* and the ſaid Company of Proprietors, reſpecting the yearly Rent or Value of ſuch Part or Parts of the ſaid Lands and Grounds, which the ſaid *Samuel Kelſon* ſhall be ſo deſirous of ſelling or diſpoſing of to the ſaid Company of Proprietors, that then the yearly Value of the ſaid Premiſes ſhall be aſcertained, aſſeſſed, and determined, and alſo the Value of the Timber thereon, by two indifferent Perſons, one to be named by the ſaid *Samuel Kelſon*, and the other by the ſaid Company of Proprietors, ſuch Perſons to be named and appointed in and by Writing, under the Hand and Seal of the ſaid *Samuel Kelſon*, and alſo under the Seal of the ſaid Company of Proprietors, within One Month next after Notice in Writing ſhall be given to the ſaid *Samuel Kelſon* by the Clerk to the ſaid Company; and if it ſhall happen, that the ſaid Perſons ſo to be appointed ſhall diſagree in Opinion reſpecting the yearly Value of the ſaid Lands and Grounds to be purchaſed by the Company as aforeſaid, that then the ſame ſhall be aſſeſſed, aſcertained, and finally determined, by the Umpirage or Determination of ſuch Perſon, as the ſaid Two indifferent Perſons ſhall by Writing under their Hands nominate and appoint, ſuch Appointment to be made and ſigned by the ſaid Two indifferent Perſons, previous to their entering upon the Buſineſs of the ſaid Valuation; and the Orders and Determinations of the ſaid Arbitrators, or of the ſaid Umpire, (in caſe of Diſagreement), ſhall be, to all Intents and Purpoſes, binding and concluſive, in all Reſpects whatſoever, upon the ſaid *Samuel Kelſon*, his Heirs and Aſſigns, as alſo the ſaid Company of Proprietors; and in caſe the ſaid *Samuel Kelſon*, his Heirs or Aſſigns, ſhall neglect or refuſe, within the Space of One Month next after ſuch Notice given to him or them as aforeſaid, to nominate and appoint ſuch indifferent Perſon for the Purpoſes aforeſaid, that then the ſaid Company of Proprietors ſhall and may be at Liberty to enter upon, take, and uſe, the ſaid Lands and Grounds of the ſaid *Samuel Kelſon*, or ſo much thereof as ſhall be wanted, or may be neceſſary for the Purpoſe of forming and making the ſaid intended Canal, in like Manner, and under and ſubject to ſuch and the ſame Terms, Conditions, and Reſtrictions, as the ſaid Company of Proprietors are herein authoriſed to take other Lands for the Purpoſe of the ſaid intended Navigation.

Small Pieces of Land to be purchaſed by the Company, if required.

LIII. And be it further enacted, That if in making the ſaid Canal and Branch, 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 or Branch, ſhall be leſs than Two Acres in Quantity; 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, then and in either of ſuch Caſes the ſaid Company of Proprietors ſhall, and are hereby required to take and purchaſe all ſuch Pieces or Parcels of Land, and ſhall pay for the ſame after the Rate and in the ſame Manner as they ſhall pay for the Land adjoining thereto,

thereto, which ſhall be taken and uſed for making the ſaid Canal or Branch, 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, conſent thereto, but not otherwiſe.

Application of Purchaſe Monies, for Eſtates belonging to Corporations or in Settlement.

LIV. And be it further enacted, That all Sums of Money exceeding Ten Pounds, which are to be paid to any Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, Committees, or other Truſtees whatſoever, for or on Behalf of any Infants, Lunaticks, Ideots, Feme Coverts, or Ceſtuique Truſts, or to any other Perſon or Perſons whoſe Lands or Eſtates are limited in ſtrict Settlement, for the Purchaſe or Exchange of any Lands, Grounds, Tenements, or Hereditaments as aforeſaid, ſhall be laid out, as ſoon as conveniently may be, by ſuch Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Committees, or other Truſtees, Perſon or Perſons aforeſaid, in the Purchaſe of Lands, Tenements, and Hereditaments in Fee Simple, and 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, or ſubject to ſuch Uſes, Truſts, Limitations, Remainders, and Contingencies, as the Lands, Grounds, Tenements, or Hereditaments, for or in reſpect whereof ſuch Purchaſe Money or Monies received in Exchange ſhall be paid as aforeſaid, were limited, ſettled, and aſſured at the Time ſuch Purchaſe Monies were ſo agreed for, aſcertained, or aſſeſſed reſpectively as aforeſaid, or for ſuch and ſo many of ſuch Uſes as ſhall be then exiſting or capable of taking Effect, ſuch Conveyances and Settlements, (other than thoſe which concern any Purchaſe or Exchange between or amongſt any of the reſpective Land Owners as aforeſaid), to be made at the Expence of the ſaid Company of Proprietors; and in the mean Time, and until ſuch Purchaſe or Purchaſes ſhall be made, the ſaid Monies, and alſo ſuch Money to be paid as aforeſaid as ſhall not exceed Ten Pounds, ſhall be placed out by ſuch Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, Committees, or other Truſtees, Perſon or Perſons, in ſome of the Publick Funds, or on Government or real Securities, bearing and producing an annual Intereſt, in the Names of Two Perſons, the One to be nominated by the Parties intereſted therein, and the other by the ſaid Commiſſioners, and as well the Intereſt ariſing, or to be produced from ſuch Funds or Securities, as alſo the annual Rent of ſuch Lands, Grounds, Mills, Tenements, or other Hereditaments, where a Rent ſhall be fixed upon as aforeſaid, ſhall be paid to ſuch Perſon or Perſons reſpectively as would for the Time being be entitled to the Rents and Profits of ſuch Lands, Tenements, or other Hereditaments ſo to be purchaſed, in caſe the ſame were purchaſed and ſettled purſuant to the Tenor and Meaning of this Act.

Commiſſioners may ſettle Proportion of Purchaſe Monies between the Parties.

LV. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners to ſettle what Shares and Proportions of the Purchaſe Monies ſhall be paid for any Lands, Tenements, Grounds, or Hereditaments, not being the Property of any Bodies Politick or Corporate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, Committees, Truſtees, or any other Perſon or Perſons whoſe Lands or Hereditaments are limited in ſtrict Settlement; and alſo the Monies to be paid by way of Damages for Recompence accruing to any ſuch Lands, Tenements, Grounds, or Hereditaments, and which ſhall be ſo agreed upon by the ſaid Company of Proprietors, and the other Parties intereſted, or determined and adjuſted by the ſaid Commiſſioners, or aſſeſſed by a Jury in the Manner herein mentioned, ſhall be allowed to any Perſon or Perſons having a particular Eſtate, Term, or Intereſt, in ſuch Lands, Tenements, Grounds, or Hereditaments reſpectively, for his or their reſpective Intereſts therein.

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

LVI. Provided always, and be it further enacted, 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 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 or 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: Provided always, 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, 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.

Recovery of annual Rents.

LVII. And be it further enacted, That all and every ſuch annual Rents or Sums of Money as ſhall be agreed upon, or ſettled and aſcertained as aforeſaid, ſhall be charged and chargeable on the Rates and Tolls ariſing by virtue of this Act, and ſhall be paid by the ſaid Company of Proprietors as the ſame ſhall become due and payable; and in caſe of Non-payment thereof, within Twenty-one Days next after the ſame ſhall become due, and Demand thereof made, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authoriſed and empowered, by an Order under their Hands and Seals, to appoint One or more Perſon or Perſons to receive the ſaid Rates and Tolls, and to pay the ſame unto ſuch Perſon or Perſons to whom ſuch annual Rents or Sums of Money ſhall be due and unpaid as aforeſaid, until ſuch annual Rents, or Sums of Money, with the Coſts and Charges of recovering and receiving the ſame, ſhall be fully paid and ſatisfied, or otherwiſe the ſaid annual Rents or Sums of Money may be ſued for and recovered with Coſts 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, ſhe, and they

they is and are hereby empowered to ſeize and diſtrain any Boats, Barges, Veſſels, or other Goods or Effects of the ſaid Company of Proprietors which ſhall be found on the ſaid intended Canal or Branch, or in, upon, or about the Wharfs, Quays, Warehouſes, or other Works belonging thereto reſpectively, and to detain the ſame until the Payment thereof, together with the reaſonable Charges attending the ſame; and if ſuch Seizure and Diſtreſs ſhall not be redeemed within Five Days next after ſuch Seizure and Diſtreſs made, and Notice thereof given in Writing, by affixing ſuch Notice on ſome publick Place at any of the Wharfs or Quays belonging to the ſaid Company of Proprietors, then ſuch Boats, Barges, Veſſels, or other Goods or Effects, ſo ſeized and diſtrained, ſhall and may be ſold in ſuch Manner as the Law directs in Caſes of Diſtreſs for Rent.

Rights to Mines reſerved to the Owners thereof.

LVIII. Provided always, and be it further enacted, That nothing herein contained ſhall extend to defeat, prejudice, or affect, the Right of any Lord or Lords of any Manor or Manors, or of any Owner or Owners of any Lands or Grounds in, upon, or through which the ſaid intended Canal or Branch, or any Towing Paths, Wharfs, Quays, Trenches, Sluices, Paſſages, Watercourſes, or Conveniencies aforeſaid, ſhall be made to the Mines and Minerals lying and being within and under the Lands or Grounds to be ſet out or made uſe of for making the ſaid Canal and Branch reſpectively, or for ſuch Towing Paths, Wharfs, Quays, Trenches, Sluices, Paſſages, or Watercourſes, or other Conveniencies aforeſaid, or any of them; but all ſuch Mines and Minerals are hereby reſerved to ſuch Lord or Lords of ſuch Manor or Manors, and to ſuch Owner or Owners of ſuch Lands or Grounds reſpectively, their Heirs, Executors, Adminiſtrators, and Aſſigns reſpectively; and it ſhall be lawful for ſuch Lord or Lords of ſuch Manor or Manors, or ſuch Owner or Owners of ſuch Lands or Grounds reſpectively, (ſubject to the Conditions and Reſtrictions herein contained), to work, get, drain, take, and carry away to his, her, or their own Uſe, ſuch Mines and Minerals, not thereby injuring, prejudicing, or obſtructing, the making or uſing the ſaid Canal or Branch, Towing Paths, Wharfs, Quays, Trenches, Sluices, Paſſages, Watercourſes, or other Conveniencies aforeſaid, or any of them; any Thing herein contained to the contrary notwithſtanding.

Mines not to be worked to the Prejudice of the Navigation.

LIX. Provided always, That if the Owner or Worker, Owners or Workers of any Coal or other Mine or Mines ſhall, in purſuing ſuch Mine or Mines, work near or under the ſaid intended Canal or Branch, ſo as in the Opinion of the ſaid Company of Proprietors to endanger or damage the ſame, or in the Opinion of the ſaid Owner or Worker, Owners or Workers, of the ſaid Mine or Mines, to endanger or damage the further Working thereof, then it ſhall be lawful for the ſaid Company of Proprietors to treat and agree with the Owner or Worker, Owners or Workers, for all ſuch Coals or other Minerals as may be near or under the ſaid intended Canal or Branch, as ſhall be thought proper to be left for the Security or Preſervation of the ſaid intended Canal or Branch, or Mine or Mines as aforeſaid; and in caſe the ſaid Company of Proprietors, and ſuch Owner or Worker, Owners or Workers, of ſuch Mine or Mines, ſhall diſagree in the Satisfaction to be made for ſuch Coal or other Minerals, then it ſhall be lawful for the

ſaid

ſaid Commiſſioners, at the Requeſt of the ſaid Company of Proprietors, or of ſuch Owner or Worker, Owners or Workers, of ſuch Mine or Mines, to cauſe a Jury to be ſummoned and impannelled in the Manner herein-before directed, who ſhall, and they are hereby authoriſed and required by ſuch Ways and Means as aforeſaid, to aſſeſs and determine what Satisfaction ſuch Owner or Worker, Owners or Workers, of ſuch Mine or Mines, ought to have and receive from the ſaid Company of Proprietors, on being reſtrained from working ſuch Mine or Mines; and upon Payment or Satisfaction made to ſuch Owner or Worker, Owners or Workers, of ſuch Mine or Mines, by the ſaid Company of Proprietors, according to the Verdict or Judgement of ſuch Jury, ſuch Owner or Worker, Owners or Workers, of ſuch Mine or Mines ſhall be, and they are hereby perpetually reſtrained from working ſuch Mine or Mines within the Limits for which Satisfaction ſhall by the ſaid Jury be adjudged and declared to extend.

Company's Agents may enter Lands or Mines, to view the Work.

LX. And for the diſcovering Perſons who ſhall or may open, dig, ſink, or carry on any Work for the getting of any Coals 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, or their Agents, or Servants, at any Time or Times, in the Day Time, to enter upon any Lands or Grounds, through or near which the ſaid intended Canal or Branch and other Works, hereby authoriſed to be made, ſhall be or paſs, wherein any Coal or other Mines ſhall or may be dug or opened; and likewiſe to enter into ſuch Coal or other Mines, and there to view, ſearch for, dial, latch, meaſure, and uſe all other Means for diſcovering the Diſtance of the ſaid intended Canal, Branch, or Towing Paths, from the working Part of ſuch Mines reſpectively: And in caſe it ſhall appear that any Mine hath been worked contrary to the Directions of this Act, it ſhall be lawful for the ſaid Company of Proprietors, and for their Agents, Servants, and Workmen, at the Expence, Coſts, and Charges of the Owners or Proprietors of ſuch Mines reſpectively, to enter into and upon all ſuch Mines, and from Time to Time to uſe all neceſſary and reaſonable Ways and Means for repairing, ſupporting, ſuſtaining, ſecuring, and making ſafe the ſaid intended Canal, Branch, Towing Paths, and other Works; and ſuch Expences, Coſts, and Charges, ſhall be recovered by the ſaid Company of Proprietors, in ſuch and the ſame Manner as the Rates hereby granted are to be recovered, and ſhall be paid into the Hands of the Treaſurer to the ſaid Company of Proprietors, to be applied for the Purpoſes of this Act.

Drains, &c. may be made under the Canal for the Benefit of Coal Mines under certain Reſtrictions.

LXI. Provided always, and be it enacted, That if the Owner or Worker, Owners or Workers of any Coal or other Mine, ſhall find it neceſſary for the Benefit of ſuch Coal Mine, to carry any Drain, Sough, or Level, within Twenty Yards below the Bottom of the ſaid intended Canal or Branch thereof, not exceeding the Dimenſions of Five Feet in Height, and Four Feet and Half in Width, the ſame to be arched with Stone or Brick, ſuch Owner or Worker, Owners or Workers, ſhall have full Power ſo to do, any Thing herein contained to the contrary notwithſtanding; and if ſuch Owner or Worker, Owners or Workers, ſhall find it neceſſary within any leſs Depth below the Bottom of the ſaid intended Canal, or the

the Branch thereof, than Twenty Yards as aforeſaid, to carry any Drain, Sough, or Level, then and in ſuch Caſe the ſaid Owner or Worker, Owners or Workers of any Coal or Mine, ſhall be, and is and are hereby authoriſed and empowered to make ſuch Drain, Sough, or Level, of the Dimenſions, and ſubject to the Conditions as aforeſaid, on giving to the Company of Proprietors ſuch Security, previous to the entering on ſuch Work, to ſave the Canal and Branch as aforeſaid from all Injury ariſing therefrom, (in caſe of any Difference about the ſame), as the Commiſſioners appointed under this Act ſhall require.

The Company to make Drains in the adjoining Lands.

LXII. And, to the End that the ſaid Navigation may be carried on with as little Damage to private Property as poſſible, be it further enacted, That the ſaid Company of Proprietors ſhall, and they are hereby required, at their own proper Coſts and Charges, to make, or cauſe to be made, ſuch Arches, Tunnels, Drains, or other Paſſages, over, under, or into the ſaid intended Canal and Branch, and the Cuts, Trenches, Streams, and Watercourſes communicating therewith, and the Towing Paths on the Sides thereof reſpectively, of ſuch Depth and Breadth as ſhall be ſufficient at all Times to convey the Water from the Lands adjoining or near to the ſaid intended Canal and Branch, without obſtructing or impeding the ſame; and likewiſe to make, or cauſe to be made, ſuch Back Drain or Drains as may be neceſſary, and ſhall be ſufficient to carry off any Water which may ooze or paſs through any of the Banks of the ſaid intended Canal and Branch, to the Prejudice of any of the Lands or Grounds contiguous thereto, making Satisfaction for the Ground ſo uſed for the ſame, and that all ſuch Arches, Tunnels, Drains, and other Paſſages, ſhall from Time to Time be ſupported, maintained, and kept in good and ſufficient Repair by the ſaid Company of Proprietors; and if at any Time or Times after Notice ſhall have been given in Writing, by or on Behalf of the Owner or Occupier, Owners or Occupiers, of the ſaid adjacent Lands, who ſhall find him, her, or themſelves aggrieved by the Obſtruction of the ſaid Watercourſes, to any one of the Committee to be appointed by the ſaid Company of Proprietors, by virtue of this Act, or to any Collector of the Rates herein-after granted, that the ſaid Arches, Tunnels, Drains, or other Paſſages, ſhall not be made, cleanſed, repaired, and maintained, according to the true Intent and Meaning of this Act, it ſhall be lawful for any Perſon or Perſons having an Order in Writing for that Purpoſe from the ſaid Commiſſioners, from Time to Time, as often as there ſhall be Occaſion, to make, cleanſe, and repair ſuch Arches, Tunnels, Drains, or other Paſſages, and the reaſonable Expences thereof, to be aſcertained by the ſaid Commiſſioners, ſhall be defrayed by the ſaid Company of Proprietors; and in caſe of Refuſal or Neglect, to ſatisfy the ſame for the Space of Two Calendar Months after Demand thereof made in Writing, to the Treaſurer to the ſaid Company of Proprietors, or to any Collector of the ſaid Rates, ſuch Expences ſhall and may be levied and recovered in ſuch Manner as the Coſts and Charges of making and erecting Bridges and other Works, by the Owners or Occupiers of Lands, are by this Act directed and appointed to be levied and recovered.

Company may cleanſe adjoining Ditches.

LXIII. And be it further enacted, That if at any Time the Ditches or Drains belonging to the Owner or Occupier of any Lands adjoining or lying contiguous or near to the ſaid Canal or Branch, ſhall not be ſufficiently open for the free Paſſage of the Water from the Drains, Culverts, and Paſſages, belonging to the ſaid Canal or Branch, and the ſame ſhall not be remedied within One Calendar Month after Notice for that Purpoſe given to ſuch Owner or Occupier, by the Clerk or Clerks of the ſaid Company of Proprietors, it ſhall be lawful for the ſaid Company of Proprietors, having an Order in Writing for that Purpoſe from any Five or more of the ſaid Commiſſioners, although not aſſembled at a Meeting, as often as there ſhall be Occaſion, to order and procure to be opened and cleanſed, ſuch Ditches and Drains as aforeſaid, and the reaſonable Expence 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 Two Calendar Months, after Demand made thereof, the ſame ſhall and may be recovered in ſuch Manner as any Penalties are herein-after directed to be recovered.

Power to make Inclined Planes.

LXIV. And be it further enacted, That if the ſaid Company of Proprietors ſhall deem it expedient that Boats, Barges, or other Veſſels, Waggons, or other Carriages, ſhould be conveyed over or along any Part or Parts of the Line in which the ſaid Canal or Branch, hereinbefore directed to be carried by Rollers, Inclined Planes, or in any other Manner than by Water, then, and in ſuch Caſe it ſhall be lawful for the ſaid Company of Proprietors to cauſe any Rollers, Inclined Planes, or other Works, with or without Water, to be made for that Purpoſe, at ſuch Parts or Places in the Line of the ſaid Canal or Branch as they ſhall think proper, and the ſame ſhall be conſidered to be Part of the ſaid Canal, or Branch, in like Manner as if ſuch Parts or Places were made navigable.

When Roads are injured, others to be made.

LXV. And be it further enacted, That in all Caſes where, in Exerciſe of the Powers hereby given, any Part of any Carriage or Horſe Road uſed by the Occupier of any Lands for the Occupation thereof, either public 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.

Satisfaction to be made for Tithes.

LXVI. And be it further enacted, That full Recompence and Satisfaction ſhall be made by the ſaid Company of Proprietors for all Tithes, both Great and Small, of the Lands which ſhall or may be taken or made uſe of by the ſaid Company for the Purpoſes, and in purſuance of the Powers of this Act, to the reſpective Perſons entitled, or who would have been entitled to ſuch Tithes in caſe ſuch Lands had not

been ſo taken or made uſe of, according to their reſpective Intereſts therein; ſuch Tithes to be eſtimated at the average Value of Four Years, commencing at *Michaelmas-day* One thouſand ſeven hundred and ninety-one, ſuch Average Value to be aſcertained (in caſe of any Difference concerning the ſame) in like Manner as the Value of any Lands or other Hereditaments is herein-before directed to be aſcertained; provided always, that the Recompence and Satisfaction to be given by virtue of this Act, for all Glebe Lands and Tithes belonging to ſpiritual Perſons, ſhall be made to ſuch Perſons by an annual Rent.

Works damaged by Floods to be repaired immediately.

LXVII. And whereas it may happen from Floods, or from ſome unexpected Accidents, that the Locks, Weirs, Flood Gates, Dams, Banks, Reſervoirs, Trenches, Aqueducts, or other Works, of the ſaid Navigation may be damaged or deſtroyed, and the adjacent Lands and Property thereon thereby injured, and that it may be neceſſary 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 from Time to Time, or for their or any of their Servants, Agents, or Workmen, without any Delay or Interruption, from any Perſon or Perſons whomſoever, to enter into any Lands, Grounds, or Hereditaments, adjoining or near to the ſaid intended Canal, Branch, Cuts, Sluices, Reſervoirs, or Trenches, or any of them, (not being the Ground whereon any Houſe ſtands, nor being an Orchard, Park, Paddock, planted Walk, Nurſery for Trees, or Avenue to a Houſe), and to dig for, work, get, carry away, and uſe, all ſuch Stones, Gravel, and other Materials, as may be neceſſary or proper for the Purpoſes aforeſaid, on Application to the ſaid Commiſſioners, doing as little Damage thereby as the Nature of the Works will admit of, and making Recompence to the Owners or Occupiers of, or other Perſons intereſted in ſuch Lands, Grounds, Property, or Hereditaments, within the Space of Three Calendar Months next after the ſame ſhall be demanded, for all Damages which ſhall or may be done by Means of the digging for, getting, working, taking, carrying away, and uſing ſuch Stones, Gravel, and Materials, or any of them, which Damages, and the Satisfaction and Recompence in reſpect thereof, ſhall be ſettled, adjuſted, aſſeſſed, aſcertained, and determined, by the Ways and Means herein preſcribed, with reſpect to other Damages done by making and completing the ſaid Navigation.

Company to raiſe Money among themſelves for the Purpoſes of the Act.

LXVIII. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors to raiſe and contribute among themſelves in ſuch Proportions as to them ſhall ſeem meet and convenient, a competent Sum of Money for making and completing the ſaid intended Canal, Branch, Cuts, Trenches, Sluices, and the Reſervoirs, Feeders, Ways, Locks, Quays, Wharfs, and other Works and Conveniencies, not exceeding in the Whole the Sum of One hundred and fifty thouſand Pounds (except as herein-after mentioned), and that the ſame ſhall be divided into ſuch Number of Shares as herein directed, and that no Perſon ſubſcribing thereto, or becoming a Proprietor in ſuch Navigation, do become a Proprietor of leſs than One Share; and the Money ſo to be raiſed is hereby directed and appointed to be laid out and applied, in the Firſt Place,

Place, for and towards the Payment, Diſcharge, and Satisfaction, of all Coſts, Charges, and Expences, in applying for, obtaining, and paſſing this Act, and all other neceſſary Expences preparatory and relating thereunto; and all the Reſidue and Remainder of ſuch Money for and towards making, completing, and maintaining, the ſaid intended Canal and Branch, and other the Purpoſes of this Act, and to no other Uſe, Intent, or Purpoſe whatſoever.

The Money raiſed to be divided into a certain Number of Shares.

LXIX. And be it further enacted, That the ſaid Sum of One hundred and fifty thouſand Pounds, or ſuch Part thereof as ſhall be raiſed by the ſeveral Perſons herein-before named, or by any other Perſon or Perſons who ſhall or may become a Subſcriber or Subſcribers to the ſaid Navigation, ſhall be divided into Fifteen hundred equal Shares, at a Price not exceeding One hundred Pounds *per* Share, and that the ſaid Fifteen hundred Shares ſhall be and are hereby veſted in the ſeveral Perſons ſo ſubſcribing the ſame, and their ſeveral and reſpective Executors, Adminiſtrators, and Aſſigns, to their and every of their proper Uſe and Benefit, proportionably to the Sum they ſhall ſeverally ſubſcribe and pay thereunto; and all and every the ſaid Shares ſhall be numbered in regular numerical Progreſſion, and every Share ſhall for ever afterwards be diſtinguiſhed by the Number to be appointed for the ſame; all which ſaid ſeveral Shares ſhall be deemed Perſonal Eſtate, and ſhall be tranſmiſſible as ſuch, and not of the Nature of Real Property; and all Bodies Politick and Corporate, and every Perſon and Perſons, their ſeveral and reſpective Executors, Adminiſtrators, and Aſſigns, who ſhall ſeverally ſubſcribe the Sum of One hundred Pounds, or ſuch Sum or Sums as ſhall be demanded in lieu thereof, towards carrying on and completing the ſaid intended Navigation, ſhall be entitled to and receive, after the ſaid Navigation ſhall be completed, the entire and neat Diſtribution of a Fifteen hundredth Part of the Profits and Advantages that ſhall and may ariſe and accrue by the Rates, Tolls, and other Sum and Sums of Money to be raiſed, recovered, or received, by the Authority of this Act, and ſo in Proportion for any greater Number of Shares; and every Body Politick or Corporate, Perſon or Perſons, having ſuch a Property of a Fifteen hundredth Part or One Share in the ſaid Undertaking, and ſo in Proportion for any greater Number of Shares as aforeſaid, ſhall bear and pay a proportionable Sum towards carrying on the ſaid Undertaking in Manner herein directed and appointed.

Shares to be numbered in Progreſſion.

To be deemed Perſonal Eſtate.

Power to raiſe a further Sum.

LXX. And be it further enacted, That in caſe the ſaid Sum hereinbefore authorized to be raiſed, ſhall be found inſufficient for making, completing, and maintaining, the ſaid intended Canal and Branch reſpectively, and other the Works hereby authorized to be made, and all neceſſary Charges and Expences relating thereto, then, and in ſuch Caſe, it ſhall be lawful for the ſaid Company of Proprietors, to raiſe and contribute among themſelves in Manner and Form aforeſaid, and in ſuch Shares and Proportions as to them ſhall ſeem meet, or by the Admiſſion of new Subſcribers, any further or other Sum of Money for completing and perfecting the ſaid Navigation, not exceeding the Sum of Seventy-five thouſand Pounds; and every Subſcriber towards raiſing ſuch further or other Sum of Money, ſhall be a Proprietor in the ſaid Undertaking, and have a like Vote by himſelf or herſelf, or his

his or her Proxy, in reſpect of his or her Share in the ſaid additional Sum ſo to be raiſed, and ſhall alſo be liable to ſuch Forfeitures, and ſtand intereſted in all the Profits and Powers of the ſaid Navigation, in Proportion to the Sum he, ſhe, or they ſhall or may ſubſcribe thereunto, as generally and extenſively to all Intents and Purpoſes as if ſuch further or other Sum hereby allowed to be ſubſcribed for and raiſed, had originally been Part of the ſaid Sum of One Hundred and fifty thouſand Pounds; any Thing herein contained to the contrary thereof in anywiſe notwithſtanding: Provided always, That in caſe the ſaid Company of Proprietors ſhall be deſirous of raiſing the ſaid Sum of Seventy-five thouſand Pounds herein-before authoriſed to be raiſed, or any Part thereof, by Mortgage of the ſaid Undertaking; it ſhall be lawful for the ſaid Company of Proprietors, by an Order of any General Aſſembly of the ſaid Company, to borrow and take up at Intereſt all or any Part of the ſaid Sum of Seventy-five thouſand Pounds, on the Credit of the ſaid Navigation and Undertaking, as to them ſhall ſeem meet and convenient; and the ſaid Company of Proprietors, and the Committee of the ſaid Company, after an Order of any General Aſſembly, are hereby fully authoriſed and empowered to aſſign the Property of the ſaid Navigation; and the Rates and Tolls ariſing, or to ariſe by virtue of this Act, or any Part thereof, (the Coſts and Charges of aſſigning the ſame to be paid out of ſuch Rates or Tolls), as a Security for any ſuch Sum or Sums of Money to be borrowed as aforeſaid, with the Intereſt to ſuch Perſon or Perſons, or to his, her, or their Truſtees, who ſhall advance the ſame, all which ſaid Aſſignments ſhall be made under the Common Seal of the ſaid Company, in the Words or to the Effect following; (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 of the Act*], We the Company of Proprietors of the ſaid Navigation, incorporated by and under the ſaid Act, in Conſideration of the Sum of to us in Hand paid by of do aſſign unto the ſaid his (*or* her) Executors, Adminiſtrators, and Aſſigns, the ſaid Navigation, and all and ſingular the Rates and Tolls ariſing by virtue of the ſaid Act, and all the Eſtate, Right, Title, and Intereſt of us the ſaid Company of Proprietors, of, in, and to the ſame, to hold unto the ſaid his (*or* her) Executors, Adminiſtrators, and Aſſigns, until the ſaid Sum of together with Intereſt for the ſame, after the Rate of for every One hundred Pounds for a Year, ſhall be fully paid and ſatisfied. Given under our Common Seal this Day of in the Year of our Lord

And all and every Perſon and Perſons to whom ſuch Aſſignments ſhall be made, ſhall be equally entitled, one with the other, to his, her, or their Proportion or Proportions of the ſaid Rates and Premiſes, according to the reſpective Sums in ſuch Aſſignments mentioned, to be advanced without any Preference, by Reaſon of Priority of any ſuch Aſſignments, or on any other Account whatſoever; and a Memorial of every ſuch Aſſignment, containing the Date, Name, or Names, of the Perſon or Perſons to whom made, the Sum of Money borrowed, and the Rate of Intereſt, ſhall be entered in a Book or Books,

to be kept by the Clerk or Clerks to the ſaid Company of Proprietors, which ſaid Book or Books ſhall and may be ſeen and peruſed at all reaſonable Times by any of the Proprietors or Creditors of the ſaid Navigation, or other Perſons intereſted therein, without Fee or Reward; and all and every Perſon or Perſons to whom any ſuch Aſſignment or Aſſignments ſhall be made as aforeſaid, or who ſhall be entitled to the Money due thereon, ſhall and may from Time to Time transfer his, her, or their Right or Intereſt therein, to any Perſon or Perſons whomſoever, which Transfer ſhall and may be made in the Words, or to the Effect following:

Form of Aſſignment.

'I (*or* we) of in Conſideration of the 'Sum of paid by of 'do hereby transfer a certain Mortgage made by the Company of Pro- 'prietors of the *Dorſet* and *Somerſet* Canal Navigation, bearing Date 'the Day of for ſecuring the 'Sum of and Intereſt, and all my (*or* our) Right 'and Property therein to the ſaid his (*or* her) Exe- 'cutors, Adminiſtrators, and Aſſigns. Dated the 'Day of in the Year of our Lord

And every ſuch Transfer ſhall within Fourteen Days after the Date thereof, be produced to the Clerk or Clerks to the ſaid Company, who ſhall cauſe a Memorial to be made thereof, in like Manner as the original Aſſignment, for which the ſaid Clerk or Clerks ſhall be paid ſuch Sum as the ſaid Company of Proprietors ſhall appoint, not exceeding the Sum of Two Shillings and Sixpence; and after ſuch Entry made, every ſuch Transfer ſhall entitle ſuch Aſſignee or Aſſignees, his, her, or their Executors, Adminiſtrators, and Aſſigns, to the full Benefit thereof; and it ſhall not be in the Power of any Perſon or Perſons who ſhall have made ſuch Transfer, to make void, releaſe, or diſcharge the ſame, or any Sum or Sums of Money thereon due, or thereby ſecured, or any Part thereof.

Intereſt of Money borrowed to be firſt paid.

LXXI. And be it further enacted, That the Intereſt of the Money, which ſhall be borrowed by Mortgage as aforeſaid, ſhall be paid to the ſeveral Perſons entitled thereto, in Preference to any Intereſt or Dividends due and payable by virtue of this Act to the ſaid Company of Proprietors, or any of them, and ſhall, from Time to Time, be fully paid, diſcharged, or provided for, before the Yearly or other Intereſt, or Dividend, due to the ſaid Company, or any of them, ſhall be paid, made, or divided: Provided always, That no Perſon to whom any ſuch Aſſignments ſhall or may be made, or tranſferred as aforeſaid, ſhall be deemed a Proprietor of any Share, or ſhall be capable of acting or voting as ſuch, either as Principal, or by Proxy, at any Meeting of the ſaid Company of Proprietors, for or on Account of his or her having lent or advanced any Sum or Sums of Money on the Credit of ſuch Aſſignment.

Subſcribers to have a Vote for each Share by themſelves or Proxies.

LXXII. And be it further enacted, That all and every Body and Bodies Politick or Corporate, or other Perſon or Perſons who ſhall, by virtue of this Act, have ſubſcribed or undertaken for One or more Share or Shares in the ſaid Navigation, and their reſpective Executors, Adminiſtrators,

niſtrators, and Aſſigns, ſhall be deemed a Proprietor for every ſuch Share, and ſhall have a Vote for every ſuch Share in the General and Special Aſſemblies to be held as herein appointed for carrying on the ſaid Undertaking; which Vote may be given by him, her, or them, or, in his, her, or their Abſence, by his, her, or their Proxy or Proxies, (ſuch Proxy or Proxies being a Proprietor or Proprietors of a Share or Shares in the ſaid Undertaking) duly conſtituted under his, her, or their Hand and Seal, or Hands and Seals; and every ſuch Vote by Proxy ſhall be as good and ſufficient to all Intents and Purpoſes as if ſuch Principal or Principals had voted in Perſon: Provided nevertheleſs, That no Perſon ſhall be entitled to give more than Twenty Votes for the Amount of the Shares he ſhall have ſubſcribed for; nor ſhall any Perſon act as a Proxy for more than Five abſent Proprietors, the Appointment of which Proxy ſhall and may be made in the Words, or to the Effect following:

Votes may be given by Proxy.

'I of One of the Proprietors of the *Dorſet* and *Somerſet* Canal Navigation, do hereby nominate, conſtitute, and appoint of (being One of the Proprietors of the ſaid Navigation) to be my Proxy in my Name, and in my Abſence to vote or give my Aſſent or Diſſent in any Buſineſs, Matter, or Thing, relating to the ſaid Navigation and Undertaking that ſhall be mentioned or propoſed at any Meeting of the Proprietors of the ſaid Navigation, or any of them, in ſuch Manner as he the ſaid ſhall think proper according to his Opinion and Judgement, for the Benefit of the ſaid Navigation and Undertaking, or any Thing appertaining thereto. In Witneſs whereof, I have hereunto ſet my Hand and Seal, the Day of

Form of Proxy.

Such Proprietor having appointed his or her Proxy as aforeſaid, being hereby nevertheleſs authoriſed and empowered by any Inſtrument in Writing under his or her Hand and Seal for that Purpoſe, at his or her Will and Pleaſure, to revoke and make void ſuch Appointment, and in like Manner from Time to Time on future Occaſions to appoint any other Perſon under the like Reſtrictions to act as Proxy for him or her, in his or her Abſence; 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 (except 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.

Queſtions to be decided by a Majority of Votes.

The Chairman to have the caſting Vote.

LXXIII. 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, the ſaid Commiſſioners ſhall, and they are hereby authoriſed and required, by Writing under their Hands, to appoint One or more

Monies aſſeſſed for Damages, how to be recovered.

Perſon or Perſons (from whom the ſaid Commiſſioners ſhall take proper Security) to collect and receive the Rates and Tolls herein-after granted, and thereout in the Firſt Place to pay all ſuch Damages awarded or aſſeſſed as aforeſaid; and the Coſts (if any) occaſioned by ſuch Default or Refuſal of Payment thereof, together with legal Intereſt for the ſame, to be computed from the Time ſuch Damages ſhall be awarded or aſſeſſed, and alſo the Coſts and Expences of collecting and receiving the ſaid Rates and Tolls, and the Money ſo to be received by ſuch Perſon or Perſons ſhall be, and is hereby declared to be as ſo much Money received to and for the Uſe of the Perſon or Perſons who ſhall be entitled to receive ſuch Satisfaction for Damages as aforeſaid, in Order and Courſe reſpectively, as ſuch Award or Aſſeſſment ſhall be in Priority of Time; and after ſuch Damages, Intereſt, and Coſts ſhall be paid and ſatisfied, the Power and Authority of ſuch Receiver or Receivers for the Purpoſes aforeſaid, ſhall ceaſe and determine; or otherwiſe the Party or Parties ſo aggrieved ſhall and may recover ſuch Sum or Sums of Money ſo to be awarded or aſſeſſed, and which ſhall not be paid as aforeſaid, with Intereſt and Coſts for the ſame, by Action at Law in any of His Majeſty's Courts of Record at *Weſtminſter*, againſt the ſaid Company of Proprietors with full Coſts of Suit; or otherwiſe it ſhall be lawful for the ſaid Commiſſioners, in caſe ſuch Damages, Intereſt, and Coſts ſhall not be ſatisfied and paid within the Space of Three Calendar Months after ſuch Damages ſhall be awarded or aſſeſſed as aforeſaid, on Complaint to them by or 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, authoriſing and requiring him to levy and raiſe ſuch Damages, Intereſt, and Coſts as aforeſaid, by Diſtreſs 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.

Names of Proprietors, and the Number of their Shares, to be entered in a Book, and Tickets with the Numbers delivered to them.

LXXIV. And for the better ſecuring to the ſeveral Subſcribers towards the ſaid Undertaking their reſpective Shares therein, be it further enacted, That the ſaid Company of Proprietors ſhall, as ſoon as the ſame can be done, cauſe the Names and Additions of the ſeveral Perſons who ſhall be entitled to any Share or Shares in the ſaid Undertaking, and the Number of Shares to which they ſhall be reſpectively entitled, and alſo the proper Number by which every ſuch Share ſhall be diſtinguiſhed, to be fairly and diſtinctly entered in a Book to be kept by the Clerk to the ſaid Company of Proprietors, and after ſuch Entry, to cauſe the common Seal of the ſaid Company of Proprietors to be affixed thereto, and ſhall alſo cauſe as many Tickets or Inſtruments to be prepared as there ſhall be Shares in the ſaid Undertaking, bearing reſpectively the ſame Numbers as in the ſaid Book, and the common Seal of the ſaid Company of Proprietors to be affixed to each ſuch Ticket or Inſtrument, and thereupon to cauſe to be delivered to every Subſcriber of the ſaid Undertaking, upon Demand, a Ticket or Tickets, ſpecifying the Share or Shares to which he or ſhe is entitled in the ſaid Undertaking, ſuch Subſcriber paying to the Clerk of the ſaid Company Two Shillings and Sixpence, and no more, for every ſuch Ticket or Inſtrument; and ſuch Ticket or Inſtrument

ſhall be admitted in all Courts whatever, as Evidence of the Title of ſuch Subſcriber, his or her Executors, Adminiſtrators, or Aſſigns, to the Share therein ſpecified; but the Want of any ſuch Ticket or Inſtrument ſhall not hinder or prevent the Owner of any Share from ſelling or diſpoſing thereof, or from receiving annually his or her Share of the Profits of the ſaid Navigation in reſpect thereof.

Aſcertaining Proprietors of Shares in certain Caſes.

LXXV. And be it further enacted, That the Bodies Politick and Corporate, and all and every Perſon and Perſons, whoſe Names ſhall at any Time hereafter ſtand in the ſaid Regiſter Book, or Liſt of Proprietors of the ſaid Company, either as a Proprietor or Proprietors of One or more Share or Shares in the ſaid Undertaking, whether as original or future Subſcribers, or as Succeſſors, Executors, Adminiſtrators, or Aſſigns of original Subſcribers, ſhall be deemed and taken to be the Proprietors of the ſeveral Shares ſtanding in the ſaid Book in their reſpective Names, and ſhall be ſubject and liable to the Payment of all and every Call and Calls made and to be made thereon, and to all Actions, Suits, Forfeitures, and Penalties, to which original Proprietors of Shares in the ſaid Undertaking are made ſubject and liable by this Act; and that all Notices hereby required to be given previous to the Forfeitures of Shares to the Proprietors thereof, ſhall, if given to the Perſons appearing by the ſaid Regiſter Book of the ſaid Company to be ſuch Proprietor or Proprietors, or their Repreſentatives, or left at his, her, or their laſt or moſt uſual Place of Abode, be, in all Reſpects, good, ſufficient, and concluſive; and all Payments of Intereſt and Dividends due, and to grow due, on any ſuch Shares, ſhall be made to ſuch Perſons as by the ſaid Book of the ſaid Company ſhall ſo appear to be Proprietors thereof, and that no Aſſignment, Transfer, Bargain, or Sale of any Share or Shares, or other Inſtrument, giving Title to any ſuch Share or Shares, which ſhall not have been enrolled or regiſtered, as directed by this Act, ſhall be given or admitted as Evidence, either to defeat any Action or Suit brought, or to be brought by the ſaid Company of Proprietors, to recover the ſaid Calls, or to entitle any Perſon or Perſons to recover any Share or Shares forfeited to the Company of Proprietors, or to make the ſaid Company of Proprietors liable to the Payment of Intereſt or Dividends to any other Perſon than ſuch as appear upon the ſaid Book to be Proprietors of the ſaid Shares; but that in all ſuch Caſes the ſaid Book ſhall be conſidered as ſufficient and concluſive Evidence of the Proprietorſhip of the ſaid Shares.

Diſputes reſpecting the Proprietorſhip of Shares how to be ſettled.

LXXVI. Provided nevertheleſs, and be it enacted, That if any Diſpute ſhall ariſe touching the Proprietorſhip of any Share or Shares, in the ſaid Undertaking, the ſame ſhall be referred to Three indifferent Perſons, one to be choſen by the Perſon in whoſe Name the ſaid Share or Shares ſhall ſtand in the Book of the ſaid Company, or his or her Repreſentatives; one by the Perſon or Perſons who ſhall claim Title to the ſame Share or Shares; and one by the ſaid principal Clerk, on the Part of the ſaid Company of Proprietors; and ſuch Three indifferent Perſons are hereby empowered to ſend for Perſons and Papers, and to examine Witneſſes upon Oath, which Oath

any One of ſuch indifferent Perſons ſo to be choſen is hereby authorized and empowered to adminiſter; and the Award or Determination of ſuch indifferent Perſons, or any Two of them, touching Proprietorſhip, ſhall be binding and concluſive on all Parties; and if ſuch Three indifferent Perſons, or any Two of them, ſhall ſo determine, that the Perſon or Perſons claiming to be entitled to ſuch Share or Shares, is or are entitled thereto, they ſhall cauſe the Clerk of the ſaid Company to enter ſuch Alteration in the Proprietorſhip of the ſame Share or Shares in the Books of the ſaid Company: Provided nevertheleſs, that no ſuch Reference, Award, or Determination, ſhall affect the Right of the ſaid Company of Proprietors, to recover all ſuch Calls, or claim ſuch Forfeiture as may be incurred for or in reſpect of any ſuch Share or Shares previous to ſuch Determination in regard thereto.

Subſcribers to receive Intereſt till the Canal finiſhed.

LXXVII. 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 intended Canal, Branch, and other Works and Things, neceſſary for making and maintaining the ſame, ſhall be carrying on, and until the ſame ſhall be completed and finiſhed, to pay unto every Body Politick or Corporate, Perſon or Perſons, their ſeveral and reſpective Executors, Adminiſtrators, or Aſſigns, who ſhall ſeverally ſubſcribe and pay in the Sum of One hundred Pounds, or ſuch Sum or Sums of Money as ſhall, from Time to Time, be demanded in reſpect thereof, towards carrying on and completing the ſaid Navigation, Intereſt for the ſame after the Rate of Five Pounds for every One hundred Pounds for a Year, from the Time that each of ſuch Sum or Sums ſhall be reſpectively advanced.

General Aſſemblies of the Proprietors.

LXXVIII. And be it further enacted, That the Firſt General Aſſembly, or Meeting of the ſaid Company of Proprietors, for putting this Act in Execution, ſhall be held at *Wincanton*, on the Twentieth Day of *June* next after the paſſing of this Act, and the Second General Aſſembly ſhall be held at ſuch Time, and at ſuch Place, as the ſaid Company of Proprietors at their Firſt General Aſſembly ſhall appoint; and the like General Aſſemblies ſhall be held on the Firſt *Monday* in *December* in every ſucceeding Year, at ſuch Place or Places as the next preceding General Aſſemblies reſpectively ſhall appoint; and all ſuch General Aſſemblies ſhall be held at the Hour of Twelve in the Forenoon, at which ſaid General Aſſemblies the Proprietors, together with ſuch Proxies as ſhall be then preſent, ſhall chuſe Twenty-one Perſons, who, for the Time being, ſhall be reſpectively Proprietors of Three or more Shares in the ſaid Navigation, to be a Committee to manage the Affairs of the ſaid Company of Proprietors, in ſuch Manner as is herein directed, until another Committee, or other Committees, ſhall be appointed: Provided always, that no Perſon holding any Place, Office, or Employment, under the ſaid Company of Proprietors, ſhall be capable of being choſen to ſerve upon any Committee during the Time of his continuing in ſuch Place, Office, or Employment: Provided alſo, that any Five or more Perſons of ſuch Committee ſhall be

Committee to be appointed.

Committee to be choſen.

capable of tranſacting Buſineſs in the ſame Manner as if the whole Twenty-one Perſons ſo to be choſen to be a Committee were preſent; and if at any Time it ſhall appear to any Five or more Proprietors, who ſhall be poſſeſſed of Five or more Shares each, that for the more effectually putting this Act in Execution, or for any other Purpoſe, a Special Aſſembly of the Proprietors is neceſſary to be held, it ſhall be lawful for them to cauſe Notice to be given thereof in ſome One or more Newſpaper or Newſpapers publiſhed or circulated in the ſaid Counties of *Dorſet*, *Somerſet*, and *Wilts*, or ſome or One of them, 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 Time when, ſuch ſpecial Aſſembly is to be held, the ſame not being leſs than Twenty Days after ſuch Notice given, and likewiſe ſpecifying in every ſuch Notice the Reaſon for and Intention of ſuch Special Aſſembly; and the Proprietors are hereby authorized to meet purſuant to ſuch Notice, and to proceed in the Execution of this Act, or in any Thing relating to the Intereſts of the ſaid Company of Proprietors with reſpect to the Matters ſo ſpecified only; and all ſuch Acts of the ſaid Company of Proprietors aſſembled at ſuch Special Aſſemblies ſhall be as valid, to all Intents and Purpoſes, as if the ſame were done at General Aſſemblies held in Manner herein-before appointed.

Special Aſſemblies may be held.

LXXIX. And be it further enacted, That it ſhall be lawful for the ſaid Committee to nominate and appoint, out of their own Body, One or more Sub-committee or Sub-committees, (every ſuch Sub-committee to conſiſt of Three or more Perſons), who ſhall have full Power and Authority to enter into and make any ſuch Contracts or Agreements on Behalf of the ſaid Company of Proprietors as aforeſaid, and to hire and employ any Agents, Workmen, or Servants, in and about the ſaid Undertaking, and to do, execute, and perform, all other Matters and Things whatſoever, in and about the ſaid Navigation and Undertaking, which the ſaid Committee are themſelves herein-before authorized to do, or ſuch of them as the ſaid Committee ſhall think proper to entruſt to the Care and Management of any ſuch Sub-committee or Sub-committees, ſave and except nevertheleſs, the appointing of Clerks, Collectors, Engineers, Surveyors, and other principal Officers, and the auditing and ſettling of the Accounts of the Treaſurer or Treaſurers, Clerks, Collectors, Engineers, Surveyors, and other principal Officers, and the making Calls for Money upon the Proprietors of the ſaid Undertaking; and that it ſhall be lawful for the ſaid Committee for the Time being, to order and direct ſuch Compenſation or Recompence to be made to the ſaid Sub-committee or Sub-committees from Time to Time as they ſhall think reaſonable; and it ſhall alſo be lawful for the ſaid Committee, by an Order or Reſolution for that Purpoſe, to break up and diſſolve any ſuch Sub-committee or Sub-committees, or to remove and diſplace any Member or Members thereof, and appoint ſome other or others in his or their Place and Stead, when and as often as ſuch Committee ſhall think proper and expedient; and ſuch Sub-committees ſhall have full Power and Authority to meet from Time to Time, and adjourn from Place to Place as they ſhall think proper, and as Occaſion ſhall require, for effectuating the Purpoſes aforeſaid; and all Powers and Authorities hereby veſted, or which ſhall by

Committee may appoint Sub-committees, with Power to make Contracts, &c.

and Committee may diſſolve ſuch Sub-committees.

Sub committees may meet and adjourn.

Powers of Sub-committees may be exerciſed by Majority.

At Meetings of Sub-committees Chairman to be appointed.

by the ſaid Committee be veſted in any ſuch Sub-committee or Sub-committees within the Intent and Meaning of this Act, ſhall and may be exerciſed by the major Part of the Members preſent at their reſpective Meetings, the whole Number preſent not being leſs than Three; and at all Meetings of ſuch Sub-committees reſpectively, One of the Members preſent ſhall be appointed Preſident or Chairman, and all Queſtions ſhall be decided by the Majority of Votes, and the Preſident or Chairman ſhall have the caſting Vote in caſe of an equal Diviſion, although he may have given One Vote before.

Committeemen only to have one Vote.

LXXX. Provided always, That no one Member of the ſaid Committee, though he may be a Proprietor of many Shares, ſhall have more than One Vote in the ſaid Committee, except the Chairman, who ſhall be choſen by and out of the ſaid Committee, and who, in caſe of a Diviſion of equal Numbers, ſhall have the caſting Vote, although he may have given One Vote before.

Committees to be ſubject to the Controul of the General Aſſemblies.

LXXXI. Provided alſo, That every Committee ſo to be appointed as aforeſaid, ſhall from Time to Time make Reports of their Proceedings to, and be ſubject to the Examination and Controul of the ſaid General and Special Aſſemblies of the ſaid Proprietors, and ſhall pay due Obedience to all ſuch Orders and Directions in and about the Premiſes as ſhall from Time to Time be made by the ſaid Proprietors at any ſuch General or Special Aſſembly, ſuch Orders or Directions not being contrary to any expreſs Directions or Proviſions in this Act contained.

Books of Accounts and Proceedings to be kept.

LXXXII. And be it further enacted, That proper Books of Accounts and other Matters relating to the ſaid Navigation and Undertaking ſhall be kept, and that all ſuch Books and other Matters ſhall be depoſited and kept under the Direction of the Committee for the Time being, at ſuch Place or Places as the ſaid Company of Proprietors ſhall from Time to Time direct, and every Proprietor, at all ſeaſonable Times, ſhall have free Acceſs to the ſame, for his or her Inſpection, without Fee or Reward.

No Choice of a Committee to be made, unleſs Proprietors of Shares are preſent.

LXXXIII. Provided always, That if at any ſuch General or Special Aſſembly there ſhall not be Perſons preſent who ſhall have Three hundred ſuch Shares as aforeſaid, either as Principals or Proxies, no Choice of a Committee, or Removal of any Perſon or Perſons from ſuch Committee, or Election of any Perſon or Perſons in the Room of any of the Committee who ſhall be dead, ſhall be made at that Time; but in that Caſe ſuch Aſſembly ſhall be adjourned to and held at the ſame Place, upon that Day Three Weeks following, and ſo from Time to Time, until the Proprietors of ſuch Number of Shares, as aforeſaid, ſhall be preſent, and ſuch Choice ſhall be then made of Perſons to be of the Committee as ought to have been made on the Day for holding ſuch General or Special Aſſembly, had there been a ſufficient Number of Votes preſent, and the Perſons then choſen to be of the ſaid Committee ſhall have the ſame Power as they would have had, and ſhall continue in ſuch Office until ſuch Time as they would have done, had they been choſen on the Day for holding ſuch General or Special Aſſembly, of which ſaid Adjournment there ſhall be Fourteen Days previous

vious Notice at the leaſt, inſerted in ſome *London* Evening Newſpaper, or in ſuch other Manner as is herein directed; and in caſe of Failure of the Meeting of Perſons having Three hundred ſuch Shares as Principals or Proxies at any ſuch General or Special Aſſembly, by Two of the Clock in the Afternoon, all ſuch Principals who ſhall not be preſent at any Adjournment thereof, by themſelves, or by his, her, or their Proxies, ſhall forfeit to the ſaid Company of Proprietors for every ſuch Share which he, ſhe, or they, ſhall then have in the ſaid Navigation, the Sum of Five Shillings each Share, to be deducted out of the next Payment of Intereſt or Dividend of the Profits of the ſaid Navigation.

Penalty on Proprietors, in caſe of Non-attendance at adjourned Meeting.

LXXXIV. And be it further enacted, That evey ſuch General Aſſembly ſhall have Power to call for, audit, and ſettle, all Accounts of Monies received, laid out, and diſburſed, on Account of the ſaid Navigation, by the Treaſurer, Collectors, and other Officers, to be by them appointed by virtue of this Act, or any other Perſon or Perſons whomſoever employed by or concerned for or under them, in and about the ſaid Navigation; and the Accounts of the ſaid Treaſurer ſhall or may be conſtantly audited, examined, and ſettled by the ſaid Committee every Three Calendar Months, or at every ſuch General Aſſembly or Adjournment, or as often as ſuch Committee ſhall think proper; and the ſaid Committee ſhall for that or any other Purpoſe, have Power to adjourn themſelves from Time to Time, and from Place to Place, as ſhall be thought convenient by the Perſons preſent, having, either as Principals or Proxies, a Majority of Votes; and every General Aſſembly, or ſuch Committee as aforeſaid, ſhall have Power, from Time to Time, to make ſuch Call or Calls for Money from the reſpective Proprietors of the ſaid Navigation, to defray the Expences of or to carry on the ſame, as they ſhall from Time to Time find neceſſary for thoſe Purpoſes, ſo that no ſuch Call do exceed the Sum of Ten Pounds upon each Share, and ſo as no Calls be made but at the Diſtance of Three Calendar Months at the leaſt from each other, which Monies ſo called for, ſhall be paid to the Treaſurer of the ſaid Company of Proprietors, and ſhall be iſſued, paid, and applied, in ſuch Manner as the ſaid General Aſſembly or Committee ſhall from Time to Time appoint and direct for the Uſe of the ſaid Undertaking; and ſuch General Aſſembly as aforeſaid ſhall have full Power to diſplace any Perſon or Perſons choſen as herein directed to be of the Committee, and to elect others qualified as aforeſaid, to be of the Committee in the Room of thoſe who may happen die, or be removed or diſplaced, and ſuch Committee ſhall, until the next General Aſſembly to be holden in Manner as aforeſaid, meet at ſuch Times and Place, and from Time to Time adjourn themſelves to ſuch other Time and Place, as they ſhall think fit; and in order to defray the Expences of the Meetings of the ſaid Committees, it ſhall be lawful for the ſaid Committees, and they are hereby allowed to expend or detain to themſelves a reaſonable Sum of Money out of the capital Stock of the ſaid Company of Proprietors, for their Expences in attending ſuch Meetings; and every Owner or Owners of One or more Share or Shares in the ſaid Undertaking, ſhall pay his, her, or their Share or Proportion of the Monies to be called for as aforeſaid, at ſuch Time and Place as ſhall be appointed, of which Twenty-eight Days Notice at leaſt ſhall be given, (except

Powers of the General Aſſemblies to audit and ſettle Accounts.

Treaſurer's Accounts to be ſettled every Three Months.

Calls for Money to be made by General Aſſemblies or Committees.

General Aſſembly may remove Committee and make Bye Laws.

Powers of the Committee.

Directing how the Calls ſhall be made.

(except the firſt Call, not exceeding Ten Pounds for every Share, which may be on Twenty Days Notice), by publiſhing the ſame in ſome One or more ſuch Newſpapers as aforeſaid, or in ſuch other Manner as the ſaid Company of Proprietors ſhall at any General Aſſembly direct and appoint; and if any Perſon or Perſons ſhall neglect or refuſe to pay his, her, or their rateable or proportionable Part or Share of the ſaid Money, to be called for by the Calls to be made by virtue of this Act, at the Time and Place appointed as aforeſaid, it ſhall be lawful for the ſaid Company of Proprietors to ſue for and recover the ſame in any of His Majeſty's Courts of Record, by Action of Debt, or on the Caſe; and in caſe any Perſon or Perſons ſhall neglect or refuſe to pay his, her, or their rateable or proportionable Part or Share of the ſaid Money, to be called for as aforeſaid, for the Space of Three Calendar Months after the Time appointed for Payment thereof as aforeſaid, and at the Place ſo to be appointed for Payment thereof as aforeſaid; and the ſame ſhall not have been ſued for by the ſaid Company of Proprietors as aforeſaid, or if ſued for, not recovered, then he, ſhe, or they, ſo neglecting or refuſing, ſhall forfeit his, her, or their reſpective Share and Shares, Parts, and Intereſts in the ſaid Undertaking, and all the Profit and Benefit thereof; and all Money advanced by him, her, or them, to and for the Uſe and Benefit of the other Proprietors of the ſaid Undertaking; and all ſuch Forfeitures ſhall (if the Company of Proprietors ſhall think fit) be ſold at a publick Sale by the ſaid Company of Proprietors, for the moſt Money they can get for the ſame, and the Produce thereof ſhall be equally divided amongſt the reſt of the ſaid Company of Proprietors, in Proportion to their reſpective Shares and Intereſts in the ſaid Undertaking, or otherwiſe become conſolidated in the general Fund of the ſaid Company of Proprietors.

If Perſons do not pay Money on Calls, their Shares to be forfeited.

Forfeiture of Shares may be ſold.

Shares not to be forfeited until Notice given to the Owners, and the Forfeiture declared at a General Aſſembly.

LXXXV. Provided always, That no Advantage ſhall be taken of the Forfeiture of any Share or Shares in the ſaid Undertaking, until perſonal Notice be given by the Clerk or Treaſurer of the ſaid Company of Proprietors to the Owner or Owners thereof, or Notice in Writing be left at his, her, or their uſual or laſt Place of Abode, nor unleſs the ſame ſhall be declared to be forfeited at ſome General Aſſembly of the ſaid Company of Proprietors, which ſhall be held after the End of Three Calendar Months after the Cauſe of ſuch Forfeiture ſhall happen.

General Aſſemblies may remove Committee men or Officers.

LXXXVI. And be it further enacted, That the ſaid Company of Proprietors ſhall always have Power and Authority at any General Aſſembly to revoke, alter, amend, or change any of the Rules and Directions herein preſcribed and laid down with regard to their Proceedings amongſt themſelves, as to the major Part of them ſhall ſeem meet, (the Method of calling General or Special Aſſemblies, and the Time and Place of meeting, and voting, and appointing Committees, only excepted), and ſhall have Power to make ſuch Rules, Bye Laws, and Orders, for the good Government of the ſaid Committee, their Agents, and Workmen, and for making, maintaining, and uſing the ſaid intended Canal, Branch, Rail or Carriage Ways, or Stone Roads, Cuts, Trenches, Soughs, and the Warehouſes, Wharfs, Fire Engines, or other Machines, Paſſages, Locks, Inclined Planes, Caſſoons, or any other Subſtitutes for Locks, Tunnels, and all other Conveniencies, Matters, and Things, that ſhall

Bye Laws may be made.

be made for the ſame; and alſo for and concerning all ſuch Veſſels, Carriages, Goods, and Commodities as ſhall be navigated and conveyed thereon; and alſo for the well-governing of the Bargemen, Watermen, Boatmen, and others, who ſhall be employed in the conveying of any Goods, Wares, and Merchandize upon any Part of the ſaid intended Canal, Branch, Rail or Carriage Ways, or Stone Roads, and from Time to Time to alter and repeal the ſaid Bye Laws, Orders, and Regulations, and to impoſe and inflict ſuch reaſonable Fines and Forfeitures upon all Perſons offending againſt the ſame, as to the major Part of ſuch General Aſſembly ſhall ſeem meet, not exceeding the Sum of Five Pounds for any one Offence which ſaid Rules, Bye Laws, and Orders, being reduced into Writing under the Common Seal of the ſaid Company of Proprietors, ſhall be binding upon and obſerved by all Perſons, and ſhall be ſufficient in any Court of Law or Equity to juſtify all Perſons who ſhall act under the ſame, provided they are not repugnant to the Laws of this Realm, or contrary to any Directions in this Act.

Directing what ſhall be done if Subſcribers die before Shares are completed.

LXXXVII. And be it further enacted, That if the Proprietor or Proprietors of any Share or Shares in the ſaid Undertaking ſhall die before Payment ſhall have been made of the full Sum to be advanced on each Share, which he, ſhe, or they, ſhall have been poſſeſſed of, or entitled to, without having made Proviſion by Will, or otherwiſe, for Payment of the ſame, then and in ſuch Caſe the Executors or Adminiſtrators of any ſuch Proprietor, and the Truſtee or Truſtees, Guardian or Guardians of any Infant, or other Perſon or Perſons entitled to the Eſtate and Effects of ſuch Proprietor, ſhall be indemnified againſt ſuch Infant, and all other Perſons whomſoever, for paying any Money when called for as aforeſaid, to complete every ſuch Subſcription; and if ſuch deceaſed Proprietor or Proprietors ſhall not have left Aſſets ſufficient, or in caſe any ſuch Executors or Adminiſtrators, Truſtees or Guardians, ſhall refuſe or neglect to anſwer ſuch Calls and Payments, the ſaid Company of Proprietors ſhall be and are hereby empowered, authoriſed, 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 to the Truſtee or Truſtees, Guardian or Guardians, of any Infant or others entitled to his, her, or their Effects, the full Money which ſhall have been paid by ſuch deceaſed Proprietor or Proprietors in his, her, or their Life-time by virtue of any Call or Calls or otherwiſe upon ſuch Share or Shares, or ſo much Money as the ſame can be ſold for; and in Default of ſuch Call being anſwered and made good in Manner aforeſaid it ſhall be lawful for the ſaid Company of Proprietors to ſell and diſpoſe of the Share or Shares of ſuch deceaſed Proprietor or Proprietors, and they are hereby authoriſed and required to pay and apply the Money ariſing by ſuch Sale (after deducting the Charges occaſioned thereby) to or for the Benefit of the Repreſentatives of ſuch deceaſed Proprietor or Proprietors.

Shares may be diſpoſed of.

LXXXVIII. And be it further enacted, That it ſhall be lawful for the ſeveral Proprietors of any Share or Shares of the ſaid Undertaking to ſell and diſpoſe of any ſuch Share or Shares which he, ſhe, or they ſhall or may

may be entitled to therein, in Manner and ſubject to the Rules and Conditions herein mentioned; and the Purchaſer or Purchaſers ſhall, for his, her, or their Security, have a Duplicate or Duplicates of the Deed of Aſſignment or Conveyance made to him, her, or them, and executed by ſuch Perſon or Perſons from whom he, ſhe, or they ſhall purchaſe the ſame, and alſo by the Purchaſer or Purchaſers; One Part whereof ſo executed ſhall be delivered to the ſaid Committee, or to their Clerk, to be filed and kept for the Uſe of the ſaid Company of Proprietors, and an Entry thereof ſhall be made in a Book to be kept by the ſaid Clerk for that Purpoſe, for which not more than Two Shillings and Sixpence ſhall be paid; and the ſaid Clerk is hereby required to make ſuch Entry accordingly, and until ſuch Duplicate of ſuch Deed ſhall be ſo delivered unto the ſaid Committee or Clerk as aforeſaid, ſuch Purchaſer or Purchaſers ſhall have no Part or Share of the Profits of the ſaid Undertaking, nor any Intereſt paid to him, her, or them, for his, her, or their Share ſo purchaſed, or be entitled to a Vote as Proprietor or Proprietors of the ſaid Navigation and Undertaking.

Shares not to be diſpoſed of after Calls made, until the Call be anſwered.

LXXXIX. And be it further enacted, That after any Call of ſuch Monies ſhall be made by the Authority of this Act, no Perſon or Perſons ſhall ſell or transfer any Share which he, ſhe, or they ſhall then have in the ſaid Undertaking, until the Monies called for upon their reſpective Share or Shares ſo to be ſold ſhall be paid; and every Perſon making Default herein ſhall forfeit ſuch his, her, or their reſpective Share or Shares in the ſaid Undertaking to the ſaid Company, in Truſt, for the Benefit of all the other Proprietors, unleſs the Perſon or Perſons who ſhall be Vender or Venders ſhall, at the Time of ſuch Transfer, pay the Money called for upon every Share ſo ſold or transferred to the Treaſurer of the ſaid Company of Proprietors, ſuch Forfeiture having been firſt notified and declared at a General Aſſembly in Manner before directed.

XC. And be it further enacted, That every Aſſignment or Transfer of the ſaid Shares ſhall be in the Form or to the Effect following:

Form of Transfer of Shares.

'I *A. B.* of in Conſideration of the Sum of
'paid to me by *C. D.* of
'do hereby bargain, ſell, aſſign, and transfer, to the ſaid *C. D.* his
'Executors, Adminiſtrators, and Aſſigns, Share in
'the *Dorſet* and *Somerſet* Canal Navigation, being, No.
'of the Shares in the ſaid Navigation, to hold to the ſaid *C. D.* his
'Executors, Adminiſtrators, and Aſſigns, ſubject to the ſame Rules
'and Orders, and on the ſame Conditions as I held the ſame immediately before the Execution hereof; and I the ſaid *C. D.* do hereby
'agree to accept of the ſaid Share, ſubject to the ſame
'Rules, Orders, and Conditions. Witneſs our Hands and Seals the
'Day of

Directing what ſhall be done on Alienation of Shares, by Death or Marriage.

XCI. And whereas Inconveniencies may ariſe by the frequent Transfers of the Shares of and in the ſaid Undertaking by the Marriage and Death of Proprietors, and it may be difficult to aſcertain to whom the Dividends ariſing or becoming due upon ſuch Shares ought to be paid and do belong: Be it therefore further enacted, That, before any Perſon

or Perſons who ſhall claim any Part or Share of the Profits of the ſaid Undertaking in Right of Marriage, ſhall be entitled to receive the ſame, an Affidavit containing a Copy of the Regiſter of ſuch Marriage, or the Effect of ſuch Regiſter, ſhall be made and ſworn to by ſome credible Perſon before One of the Judges at *Weſtminſter*, a Maſter or Maſter Extraordinary in Chancery, or One of His Majeſty's Juſtices of the Peace, and ſhall be tranſmitted to the Clerk of the ſaid Company of Proprietors, who ſhall file the ſame, and make an Entry thereof in the Book 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 in a Courſe of Adminiſtration, ſhall be entitled to receive the ſame, the ſaid Will, or the Probate Copy thereof, or ſuch Letters of Adminiſtration, ſhall be produced and ſhewn to the ſaid Clerk, or an Affidavit containing a Copy of ſo much of ſuch Will as ſhall relate to the Share or Shares of the Teſtator, or of the Letters of Adminiſtration, in caſe the Proprietor ſhall have died Inteſtate, ſhall be made and ſworn to by an Executor or Executors of ſuch Will, or by an Adminiſtrator or Adminiſtrators of the Eſtate and Effects (as the Caſe may happen to be) before One of the Judges at *Weſtminſter*, a Maſter or Maſter Extraordinary in Chancery, or One of His Majeſty's Juſtices of the Peace, and ſhall alſo be tranſmitted to the ſaid Clerk, who ſhall file and enter the ſame in Manner hereinbefore mentioned.

Directions reſpecting Shares of Perſons dying, &c.

XCII. And be it further enacted, That in Caſes where the original Subſcriber of One or more Share or Shares in the ſaid Undertaking ſhall die, become inſolvent, or Bankrupt, or go out of the Kingdom, or ſhall transfer his Right and Intereſt to ſome other Perſon, and no Regiſter ſhall be made of the Transfer thereof with the ſaid principal Clerk, as directed by this Act, it may not be in the Power of the ſaid Company of Proprietors, or their Treaſurer or Clerk, to know who is the Owner or Proprietor of ſuch Share or Shares, in order to give him, her, or them, Notice or Notices of Calls made on ſuch Share or Shares, as is hereby required, and to maintain any Action or Actions againſt him, her, or them, for the Recovery of the ſame, or for the Purpoſe of paying ſafely to him, her, or them, the Intereſt, or Dividends, to which he, ſhe, or they, may be entitled by virtue thereof; that then, and in all the Caſes aforeſaid, where the Right and Property in one or more Share or Shares in the ſaid Undertaking ſhall paſs from the original Proprietor thereof to any other Perſon or Perſons, by any other legal Means than by a Transfer or Conveyance thereof, as herein directed, which is hereby required to be produced to the principal Clerk for the Purpoſe herein expreſſed, an Affidavit ſhall be made and ſworn to by ſome credible Perſon, before one of His Majeſty's Juſtices of the Peace, ſtating the Manner in which ſuch Share or Shares hath or have paſſed to ſuch other Perſon or Perſons, and which Affidavit ſhall be tranſmitted to the principal Clerk, to the Intent that he may, and he is hereby required to enter and regiſter the Name or Names of every ſuch new Proprietor or Proprietors, in the Regiſter Book or alphabetical Liſt of Proprietors in the ſaid

Undertaking, to be kept in the Office of the principal Clerk to the ſaid Company, intituled, *Dorſet and Somerſet Canal Tranſfer Book*; and that in all or any of the Caſes it may and ſhall be lawful to and for the ſaid Company of Proprietors, at any General Meetings, after perſonal Notice ſhall be given by the Treaſurer or principal Clerk to the ſaid Company of Proprietors, to the Owners or Perſons claiming, by ſuch Affidavit, to be Owner or Owners thereof; and ſuch Perſon or Perſons ſhall not have paid his, her, or their Proportion of the Money become payable by virtue of any Call or Calls as aforeſaid, at any General Meeting, to declare the ſame Share or Shares to be forfeited; and in ſuch Caſe the ſame ſhall be and become forfeited and ſold, and diſpoſed of in ſuch Manner as the ſaid Company of Proprietors ſhall direct, or otherwiſe become conſolidated in the General Fund of the ſaid Company.

Appointment of Officers.

XCIII. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, at any of their General Aſſemblies, and they are hereby authorized and required, from Time to Time, to nominate and appoint a Treaſurer or Treaſurers, Clerk or Clerks, and Collectors, of the ſaid Rates and Tolls, and ſuch other Officers as they ſhall think proper, and to take ſuch ſufficient Security from every ſuch Treaſurer, Clerk, Collector, and other Officer, having the Care or Cuſtody of any Money to be raiſed or received by virtue of this Act, for the due Execution of his Office, as the ſaid Company of Proprietors ſhall think proper, and from Time to Time to remove any ſuch Treaſurer, Clerk, Collector, and other Officer; and every ſuch Clerk ſhall always attend the General Aſſemblies of the ſaid Company of Proprietors, and the Meetings of the ſaid Committee, and ſhall, in a proper Book to be provided for that Purpoſe, enter and keep a true and perfect Account of the Names and Places of Abode of the ſeveral Proprietors of the ſaid Undertaking, and of the ſeveral Perſons who ſhall, from Time to Time, become Owners and Proprietors, or entitled to any Share or Shares therein, and of all the Acts, Proceedings, and Tranſactions, of the ſaid Company of Proprietors, and of the ſaid Committee, by virtue of and under the Authority of this Act; and that every Proprietor of the ſaid Undertaking ſhall and may at all Times have Recourſe to, and peruſe and inſpect the ſame; and alſo all and every Book or Books to be kept by the Clerk or Clerks of the ſaid Company of Proprietors *gratis*, and may demand and have Copies thereof reſpectively, or any Part thereof, paying Sixpence for every One hundred Words; and if any ſuch Clerk ſhall refuſe to permit any of the ſaid Proprietors to inſpect or peruſe any ſuch Books, or refuſe to make any ſuch Copy or Copies, in a reaſonable Time, at the Rate aforeſaid, every ſuch Clerk ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Pounds to the Perſon or Perſons to whom ſuch Refuſal ſhall be made; and whenever any ſuch Treaſurer, Collector, Clerk, or other Officer, ſhall die, or be removed from or quit the Service of the ſaid Company of Proprietors, it ſhall be lawful for the Committee of the ſaid Company of Proprietors, or a Majority of them, to appoint ſome other fit Perſon or Perſons to be Treaſurer, Clerk, Collector, or ſuch other Officer in the Place of him ſo dying, being removed, or quitting the ſaid Service, until the next General Aſſembly of the ſaid Company of Proprietors, when ſuch Appoint-

Clerk to keep Account of the Names and Proceedings of Proprietors, who may inſpect the ſame.

Committee may appoint a temporary Treaſurer or Clerk.

ment shall be confirmed, or another Treasurer, Clerk, Collector, or other Officer, shall be nominated and appointed in his Stead; and all such Treasurers, Clerks, Collectors, and other Officers, who shall or may be removed, or quit the Service of the said Company of Proprietors, and the respective Executors and Administrators of any who shall die, shall thereupon produce and deliver up to such Committee as aforesaid, or any Five 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 Officers, or other Person or Persons as aforesaid, who shall neglect or refuse to deliver up such Books, Accounts, Papers, and Writings, or any of them, shall forfeit and pay unto the said Company of Proprietors, any Sum not exceeding One hundred Pounds. Officers when to deliver up Accounts.

XCIV. And be it further enacted, That it shall be lawful for the said Company of Proprietors, from Time to Time, and at all Times hereafter, to ask, demand, take, receive, and recover, to and for their own proper Use and Benefit, the respective Rates following; that is to say, Rates of Tonnage.

For all Coal, Culm, and Coke, which shall be carried on the said Branch of Canal leading from *Nettlebridge* to *Frome*, as far as to the Point of Junction with the said intended Canal, at or near the Field in the Occupation of *Samuel Humphrys*, or which shall be carried to any Wharf in the Town of *Frome*, One Shilling and Sixpence *per* Ton, subject nevertheless to the Proviso herein-after mentioned:

For all Coal, Culm, and Coke, which shall be carried on the said intended Canal, except the aforesaid Branch from *Nettlebridge* to *Frome*, Two-pence Halfpenny *per* Ton *per* Mile:

For all Dung, Peat, Peat Ashes, and all other Ashes, intended to be used for Manure, all Chalk, Marle, Clay, and Sand, Lime, and all other Articles intended to be used for Manure, and all Materials for the repairing of Roads which shall be carried on the said intended Canal, or Branch, One Penny Halfpenny *per* Ton *per* Mile:

For all Iron, Iron Stone, Pig Iron, Iron Ore, Bar Iron, Copper Ore, Lead Ore, Calamine, Lime, (except what shall be intended for Manure), Lime Stone, and other Stones or Minerals, Bricks and Tiles, which shall be carried on the said intended Canal or Branch, Two-pence Halfpenny *per* Ton *per* Mile:

For all Cinders, Charcoal, Corn, and other Grain, Pulse, Flour, Malt, Meal, Timber, and Wood, which shall be carried on the said intended Canal or Branch, Three-pence *per* Ton *per* Mile:

For all Cattle, Sheep, Swine, and other Beasts, which shall be carried on the said intended Canal or Branch, Four-pence *per* Ton *per* Mile:

For all other Goods, Wares, Merchandise, and Commodities whatsoever, which shall be carried on the said intended Canal or Branch, Four-pence *per* Ton *per* Mile:

For all Coal, Culm, Coke, and other Goods, which shall be carried on such Rail or Carriage Ways, or any or either of them, Two-pence *per* Ton *per* Mile:

And

And ſo in proportion for any Quantity leſs than a Ton, and for any Diſtance leſs than a Mile.

Rates on Coal, Culm, and Coke, from the Lands of Mr. *Horner*, limited.

XCV. Provided always, and be it enacted, That nothing herein contained ſhall be conſtrued to authorize, nor ſhall it be lawful for the ſaid Company of Proprietors, or their Succeſſors, to charge an higher or greater Sum than Two-pence *per* Ton *per* Mile, on any Coal, Culm, or Coke, which may be raiſed, or made on or under any of the Lands belonging to *Thomas Horner* Eſquire, and carried on the ſaid Branch of the ſaid Canal.

Company empowered to take Toll for Horſes and Cattle paſſing on Rail Ways, except going from Field to Field.

XCVI. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, from Time to Time, to aſk, demand, take, and receive, to and for their own proper Uſe and Benefit, the ſeveral Tolls following; (that is to ſay),

For every Horſe, Mare, Gelding, Mule, or Aſs, not employed in drawing any Waggon or other Carriage for the Purpoſe of conveying Coal or Coke from the ſaid Coal Works to the ſaid Canal or Branch, which ſhall go or travel upon any ſuch Rail or Carriage Ways, or Stone Roads as aforeſaid, and ſhall paſs through or by any Stop Gate or other Gate to be erected upon or acroſs the ſame by the ſaid Company of Proprietors, (and which they are hereby authorized and empowered to ſet up and erect), except ſuch as are going from Field to Field only, before ſuch Horſe, Mare, Gelding, Mule, or Aſs, ſhall be permitted to paſs through or by the ſame, the Sum of One Penny:

For all Cows and other Neat Cattle which ſhall or may paſs upon any ſuch Rail or Carriage Ways, or Stone Roads, and ſhall paſs through or by any ſuch Stop Gate or other Gate as aforeſaid, (except ſuch as are going from Field to Field only), before ſuch Cows or other Neat Cattle ſhall be permitted to paſs through or by the ſame, the Sum of One Halfpenny each:

And for all Sheep, Swine, and Calves, which ſhall paſs on any ſuch Rail or Carriage Ways, or Stone Roads, and ſhall paſs through or by any ſuch Stop Gate or other Gate as aforeſaid, (except ſuch as are going from Field to Field only), before ſuch Sheep, Swine, or Calves, ſhall be permitted to paſs through the ſame, the Sum of Fivepence *per* Score, and after the ſame Rate for any greater or leſs Number than a Score.

Tolls payable but once a Day; Toll Gatherers to give Tickets.

XCVII. Provided always, That the Tolls aforeſaid ſhall be only paid once a Day for all ſuch Horſes, Beaſts, and Cattle, (to be computed from Twelve of the Clock at Night, until Twelve of the Clock in the ſucceeding Night); and that the Toll Gatherers ſhall be obliged to give Tickets denoting the Payment of ſuch Tolls.

The Company empowered to alter the Rates.

XCVIII. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, from Time to Time, at any General Aſſembly to be held for that Purpoſe, (of which Two Calendar Months Notice ſhall be given in ſome Newſpaper or Newſpapers publiſhed in the ſaid Counties of *Dorſet*, *Somerſet*, and *Wilts*, ſome or One of them, or in ſuch other Manner as the ſaid Company of Proprietor ſhall at any

General Aſſembly direct or appoint), to leſſen or reduce all or any of the ſaid Rates or Tolls hereby granted as they ſhall think proper, and afterwards from Time to Time at any General Aſſembly (of which ſuch Notice ſhall be given as aforeſaid) to advance and raiſe all or any of the ſaid Rates or Tolls ſo leſſened, to any Sum or Sums of Money not exceeding the reſpective Rates or Tolls herein-before granted; but no Reduction of the ſaid Rates or Tolls ſhall be made without the Conſent of the Proprietors poſſeſſed of at leaſt Two Thirds of the Shares in the ſaid Undertaking.

Maſters of Boats to give an Account of their Lading.

XCIX. And for the more eaſily collecting the ſaid Rates, be it further enacted, That the Maſter, Owner, or Manager, or Perſon having the Care of every Boat, Barge, or other Veſſel, navigating upon the ſaid Canal or Branch, ſhall give an exact and true Account in Writing, ſigned by him or them, to the Collector of the ſaid Rates, at the Place or Places where he or they ſhall attend for that Purpoſe, of the Quantity, Quality, and Weight, of the Goods, Wares, and Merchandize, which ſhall be in or belong to ſuch Boat, Barge, or other Veſſel, from whence brought, and where the ſame are intended to be landed; and if the Goods contained in ſuch Boat, Barge, or other Veſſel, ſhall be liable to the Payment of different Rates, then ſuch Maſter, Owner, or Perſons, ſhall ſpecify the Quantities liable to the Payment of each Rate; and in caſe any ſuch Perſon ſhall neglect or refuſe to give ſuch Account, or to produce his Bill of Lading to any ſuch Collector demanding the ſame, or ſhall give a falſe Account, or ſhall deliver any Part of his Lading or Goods at any other Place than what is or are mentioned in ſuch Account, with Intent to avoid the Payment of the ſaid Rates, or any Part thereof, he ſhall forfeit and pay the Sum of Five Pounds for every ſuch Offence over and above the reſpective Rates directed to be paid for the ſame by virtue hereof.

Weight of Tonnage of certain Articles aſcertained.

C. And for the better aſcertaining the Tonnage of Timber and other Goods to be charged with the Payment of ſuch Rates as aforeſaid, be it further enacted, That Forty Cubic Feet of Round or Fifty Feet of Square Oak, Aſh, Elm, or Beach Timber, and Fifty Cubic Feet of Fir or Deal Balk, Poplar, or other Timber or Wood not cut into Scantlings, and Sixty Cubic Feet of light Goods, ſhall, for the Purpoſes of this Act, be deemed, rated, or eſtimated, as and for One Ton Weight, and that One hundred and twelve Pounds Weight Avoirdupoiſe, ſhall, for the Purpoſes of this Act, be deemed, rated, or eſtimated, as and for One hundred Weight; any Uſage of rating or eſtimating the ſame to the contrary thereof notwithſtanding.

The Canal and Branch to be meaſured, and Stones to be ſet up.

CI. And be it further enacted, That the ſaid intended Canal and Branch ſhall be meaſured, and Stones erected on the Sides thereof, at the End of each Half Mile; and that in all Caſes where there ſhall be a Fraction of Half a Mile in the Diſtance which any Boat, Barge, or other Veſſel, ſhall be navigated or paſs upon the ſaid intended Canal or Branch, ſuch Fraction of Half a Mile ſhall, in aſcertaining the ſaid Rates, be deemed and conſidered Half a Mile; and that in all Caſes where there ſhall be a Fraction of a Quarter of a Ton, in any ſuch Weight of Lading as aforeſaid, ſuch Fraction ſhall be deemed and conſidered a Whole Quarter of a Ton.

For Recovery of Rates and Tolls.

CII. And be it further enacted, That the Rates herein authoriſed to be demanded and taken, ſhall be paid at ſuch Place or Places, at or near to the ſaid intended Canal, or Branch reſpectively; and the Tolls herein authoriſed to be demanded and taken ſhall be paid at ſuch Place or Places, at or near to the ſaid Rail or Carriage Ways, or Stone Roads reſpectively, and ſuch Rates and Tolls ſhall be paid to ſuch Perſons, in ſuch Manner, and under ſuch Regulations, as the ſaid Company of Proprietors ſhall from Time to Time direct and appoint; and in caſe of Refuſal or Neglect of Payment of any ſuch Rates or Tolls, or any Part thereof, on Demand, to any ſuch Perſon or Perſons as aforeſaid, the ſaid Company of Proprietors may ſue for the ſame by Action of Debt, or upon the Caſe, in any Court of Record at *Weſtminſter*, or the Perſon or Perſons, to whom the ſame Rates or Tolls ought to be paid, may, and he and they is and are hereby empowered to ſeize and diſtrain the Goods or other Things, for or in reſpect whereof ſuch Rates or Tolls ought to be paid, or any Part thereof, or the Boat, Barge, or other Veſſel, laden therewith, or the Horſe or Horſes, Beaſts or Cattle, for or in reſpect of which ſuch Tolls ought to be paid as aforeſaid, and detain the ſame reſpectively until Payment thereof, together with reaſonable Charges for ſuch Seizure and Diſtreſs; and if ſuch Diſtreſs ſhall not be redeemed within Five Days after the taking thereof, the ſame may be appraiſed and ſold as the Law directs in Caſes of Diſtreſs for Rent.

Collectors of Rates may gauge or weigh Boats or Goods, in caſe of Diſpute.

CIII. 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, or other Things, concerning the Weight or Quantity of any Goods, Wares, or other Things, it ſhall be lawful for any ſuch Collector to ſtop and detain any ſuch Boat, Barge, or Veſſel, and to weigh, meaſure, or gauge, or cauſe to be weighed, meaſured, or gauged, ſuch Boat, Barge, or other Veſſel, and all ſuch Goods and other Things as ſhall be therein contained; and in caſe the ſame ſhall, upon ſuch weighing, meaſuring, or gauging, appear to be of greater Weight or Quantity than what is ſet forth and contained in the Account given thereof as aforeſaid, then the Maſter, Owner, or Perſon, giving in ſuch Account, ſhall pay the Coſts and Charges of ſuch weighing, meaſuring, and gauging; all which ſaid Coſts and Charges, upon Refuſal of Payment thereof upon Demand, ſhall and may be levied and recovered by ſuch Ways and Means, and in ſuch Manner, as the ſaid Rates are hereby appointed to be levied and recovered; but if ſuch Goods or other Things ſhall appear to be of the ſame, or leſs Weight or Quantity than the ſame ſhall by ſuch Account appear to be of, then the Collector of the ſaid Rates 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 or other Things, ſuch Damages as ſhall appear to the ſaid Commiſſioners, on the Oath of any credible Witneſs (all which Oaths the ſaid Commiſſioners are hereby empowered to adminiſter) to have ariſen from ſuch Detention; and in Default of immediate Payment thereof by the ſaid Collector, the ſame ſhall be recovered from the ſaid Company of Proprietors in like Manner as any other Money is by this Act authoriſed to be recovered from them.

CIV. And

CIV. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, from Time to Time, at any of their General Aſſemblies, to make ſuch Bye Law or Bye Laws for aſcertaining and fixing the Rate to be charged or taken for the Carriage of any Parcel (not exceeding Five hundred Pounds Weight) upon the ſaid Canal and Branch reſpectively, as to them ſhall ſeem fitting and reaſonable; and that the ſaid Company of Proprietors ſhall from Time to Time print and ſtick up, or cauſe to be printed and ſtuck up, on every publick Wharf upon the ſaid Canal and Branch reſpectively, in ſome conſpicuous Place, a printed Paper aſcertaining and particularizing the Rates to be charged or taken for the Carriage of Parcels not exceeding Five hundred Pounds Weight as aforeſaid, upon the ſaid Canal and Branch, or upon any Part thereof, and every ſuch Bye Law ſhall be valid, and ſhall be binding unto and upon all Perſons; and in caſe any Owner or Maſter, or other Perſon belonging to any Boat or other Veſſel navigating or paſſing upon the ſaid Canal or Branch, after ſuch printed Paper ſo aſcertaining and particulariſing the Rates at which Parcels ſhall be carried or conveyed, ſhall be ſo ſtuck up as aforeſaid, ſhall demand or take more than the Price or Sum or Sums of Money in ſuch printed Paper aſcertained and particularized, ſuch Owner, Maſter, or other Perſon as aforeſaid, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

General Aſſemblies may fix the Price of Carriage of ſmall Parcels.

CV. And be it further enacted, That all Perſons ſhall have free Liberty, with Horſes, Cattle, and Carriages, to uſe the private Roads and Ways belonging to the ſaid Company of Proprietors, except the Towing Paths, Rail or Carriage Ways, or Stone Roads aforeſaid, without paying any of the ſaid Rates for the ſame, and with Boats, Barges, and other Veſſels, Waggons and other Carriages, to uſe the ſaid intended Canal, Branch, Rail or Carriage Ways, or Stone Roads, Sluices or Paſſages, for the Purpoſe of conveying Coals and all Goods and Things whatſoever, and to uſe the ſaid Wharfs or Quays for loading and unloading Coals and other Goods and Things, and the ſaid Towing Paths for hauling and drawing ſuch Boats, Barges, and other Veſſels, upon Payment of ſuch Rates as ſhall be demanded by the ſaid Company of Proprietors, not exceeding the reſpective Sums herein-before mentioned, and ſubject always to the Rules, Bye Laws, and Regulations, which ſhall be from Time to Time made by the ſaid Company of Proprietors by virtue of the Powers herein granted.

The Navigation to be free, on Payment of Rates.

CVI. And be it further enacted, That no Boatman or other Perſon navigating or having the Care of any Boat, Barge, or other Veſſel, which ſhall paſs through any Lock to be made upon the ſaid Canal or Branch, 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 Boatman or other Perſon as aforeſaid, in going down the ſaid Canal, or Branch, from the reſpective Head Levels thereof, ſhall, previouſly to his bringing the Boat, Barge, or other Veſſel, into any Lock, ſhut the lower Gates of ſuch Lock and the Sluices thereto belonging, before he ſhall draw the Sluices of the upper Gates thereof; and after he ſhall have brought his Boat, Barge, or other Veſſel into the ſaid Lock, he ſhall then ſhut the upper Gates thereof, and the Sluices thereto

Regulations for Boats, on paſſing Locks.

thereto belonging, before he ſhall draw the Sluices of the lower Gates thereof; and in going up the ſaid Canal or Branch towards the reſpective Head Levels thereof, ſuch Boatman or other Perſon 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 the Sluices thereto belonging, and afterwards draw the Sluices of the lower Gates thereof, unleſs there ſhall be then a Boat, Barge, or other Veſſel, in Sight from the ſaid Lock, coming down the ſaid Canal, or Branch, in which caſe the lower Gates of the ſaid Lock, and the Sluices thereof, ſhall be left ſhut, and the upper Gates ſhall be left open; and at all Times the Veſſels going up the ſaid Canal and Cut reſpectively, if within Sight from any Veſſel coming down, and at a Diſtance not exceeding Three hundred Yards below any Lock, ſhall paſs through ſuch Lock before the Veſſel coming down, and then the Veſſel above ſuch Lock ſhall come down; and if there ſhall be no more Veſſels than one below and above any Lock at the ſame Time, within the Diſtance aforeſaid, at which Diſtance a Poſt or Mark ſhall be ſet up or made for aſcertaining the ſame, ſuch Veſſels ſhall go up and come down through ſuch Lock by Turns as aforeſaid, until the Veſſels going up and coming down ſhall have paſſed the ſame, in order that one Lock full of Water may ſerve two Veſſels; and that every Perſon who ſhall offend in any of theſe Particulars, ſhall for every ſuch Offence forfeit a Sum not exceeding Five Pounds, nor leſs than Twenty Shillings.

Veſſels of leſs than a certain Tonnage not to paſs Locks without Conſent of the Company.

CVII. And be it further enacted, That no Boat, Barge, or other Veſſel, of leſs Burthen than Ten Tons, when the Water does not flow over the Wiers at any of the Locks of the ſaid intended Canal and Branch, ſhall paſs through any of ſuch Locks without the Conſent of the ſaid Company of Proprietors, or their principal Agent, in Writing firſt had and obtained, nor unleſs the Owner or Navigator of ſuch Boat, Barge, or other Veſſel, ſhall pay Tonnage equal to a Boat, Barge, or other Veſſel of Ten Tons Burthen as aforeſaid.

Penalties on Lock Keeper ſhewing Partiality.

CVIII. And be it further enacted, That if any Lock Keeper, Wharfinger, or other Servant belonging to the ſaid Company of Proprietors, ſhall give any Preference, or ſhew Partiality to any Boat, Barge, or other Veſſel, in paſſing through any Lock upon the ſaid intended Canal, or Branch, or in loading or unloading any Goods or other Things at any of the Wharfs, Warehouſes, Weigh Beams, Cranes, and other Machines, belonging to the ſaid Company of Proprietors, every Perſon ſo offending ſhall forfeit and pay the Sum of Twenty Shillings to the Informer.

Owners to put their Names on the Outſide of Boats,

CIX. And be it further enacted, That every Owner, Maſter, or Perſon, having the Rule or Command of any Boat, Barge, or other Veſſel, paſſing upon the ſaid intended Canal, or Branch, 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 ſuch Name and Number to be painted in large White Capital Letters and Figures of the Length of Four Inches at the leaſt, on a Black Ground, and of a proportionable Breadth, on the Outſide of the Head or Stern of every ſuch Boat, Barge, or

or other Veſſel, higher than the Place to which the ſame ſhall ſink into the Water when full laden; and alſo ſhall, and is hereby required, to fix on each Side thereof reſpectively, correct Indexes of Copper, Lead, or other Metal, of ſuch graduated Dimenſions, and of ſuch convenient Heighth, 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 ſhall permit and ſuffer every ſuch Boat, Barge, or other Veſſel to be gauged or meaſured, at the Expence of the ſaid Company of Proprietors, whenever it ſhall be required by them or any Perſon or Perſons appointed for that Purpoſe, provided that no ſuch Boat, Barge, or other Veſſel, ſhall be gauged or meaſured more than Four Times in any one Year; and every Owner, Maſter, or other Perſon having the Rule or Command of any Boat, Barge, or other Veſſel, who ſhall navigate the ſame upon the ſaid intended Canal, or Branch, without having ſuch Name, Figures, and Index thereon, as are herein-before directed, or ſhall alter, eraſe, deface, or deſtroy the ſame, or any Part thereof, or ſhall fix any falſe Name, Figures, or Index, or who ſhall refuſe to permit and ſuffer the ſame to be gauged and meaſured, ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds.

and alſo Indexes, to denote the Weight of Lading.

CX. And be it further enacted, That the Maſter or Owner of any Boat, Barge, or other Veſſel, navigating upon the ſaid intended Canal, or Branch, ſhall be, and is hereby made anſwerable for any Damage, Spoil, or Miſchief, that ſhall be done by his Boat, Barge, or other Veſſel, or any of the Boatmen, Watermen, or others belonging to, or employed in or about the ſame reſpectively, unto any of the Bridges, Weirs, Locks, Banks, Dams, Engines, or other Works, in, upon, or belonging to the ſaid intended Canal or Branch, or any of the Trenches, Tunnels, Aqueducts, Sluices, and Paſſages, to be made as aforeſaid, 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, Erections, Lands, Tenements, or other Property adjoining or lying near to the ſame, or any of them, or any other Treſpaſs whatſoever, contrary to the ſeveral Directions and Reſtrictions in this Act contained, or any of them; and the ſaid Maſter or Owner of ſuch Boat, Barge, or other Veſſel, ſhall, for every ſuch Damage, upon Conviction of ſuch Perſon or Perſons before any Juſtice of the Peace for the County or Place where any ſuch Offence ſhall be committed, either by the Confeſſion of the Party or Parties offending, or upon the Oath or Oaths of One or more credible Witneſs or Witneſſes, (which Oath or Oaths ſuch Juſtice is hereby empowered and required to adminiſter), pay to the Perſon or Perſons injured, the Damages to be aſcertained by ſuch Juſtice, provided ſuch Damages do not exceed the Sum of Five Pounds, and alſo ſhall, over and above ſuch Damages, forfeit and pay to the Informer any Sum not exceeding Twenty Shillings, and all Coſts, Charges, and Expences, attending ſuch Conviction; which Damages, Fines, Penalties, and Coſts, ſhall be levied by Diſtreſs and Sale of the Goods and Chattels of the Maſter or Owner or Owners of ſuch Boat, Barge, or other Veſſel, by Warrant or Warrants under the Hand and Seal of ſuch Juſtice, and the Overplus (if any) after

Maſters or Owners of Boats anſwerable for Damages by their Servants.

after ſuch Penalty, Fine, Damages, and the Coſts and Charges of ſuch Diſtreſs and Sale are deducted, ſhall be returned upon Demand to the Owner or Owners of ſuch Goods and Chattels; or if the ſaid Damages ſhall exceed the ſaid Sum of Five Pounds, then and in ſuch Caſe the Maſter, or Owner or Owners of ſuch Boat, Barge, or other Veſſel, ſhall and may be ſued for the ſame in any Court of Record at *Weſtminſter*; and if a Verdict paſs againſt him, or Judgement be given againſt him upon Demurrer or by Default, the Plaintiff in ſuch Caſe ſhall recover his Damages thereby ſuſtained with full Coſts of Suit.

If Owners pay Money for Damage done by wilful Neglect of their Servants, they may recover it back from them.

CXI. And be it further enacted, That in caſe the Owner or Owners of any Boat or other Veſſel uſing the ſaid Navigation, ſhall be compelled to pay any Penalty, or to make Satisfaction for any Damage by Reaſon of any wilful Neglect or Default done or committed by his or their Servant, ſuch Servant ſhall be liable to repay ſuch Penalty or Satisfaction to ſuch Owner or Owners, and in caſe of Non-payment upon Demand thereof, and Oath made by ſuch Owner or Owners of the Payment by him or them of ſuch Penalty or Satisfaction, and that the ſame hath not been repaid to him or them by ſuch Servant, although demanded, (ſuch Oath to be made before ſome Juſtice of the Peace for the County where ſuch Penalty and Satisfaction ſhall have been recovered) the ſame Penalty and Satisfaction ſhall be levied and recovered in like Manner as any Penalty or Forfeiture is herein-after directed to be levied and recovered.

Towing Paths to be fenced from adjoining Lands, and Bridges, &c. made.

CXII. 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 intended Canal and Branch reſpectively, or any of the ſaid Trenches and Towing Paths, to divide and ſeparate, and keep conſtantly divided and ſeparated, the Towing Paths, on the Sides of the ſaid intended Canal and Branch, and the Trenches, Feeders, or Paſſages hereby authoriſed to be made, or ſuch Parts of ſuch Trenches, Feeders, or Paſſages, as ſhall be found neceſſary by the ſaid Commiſſioners from the Lands or Grounds adjoining to ſuch Towing Paths, Trenches, Feeders, or Paſſages, with good and ſufficient Poſts, Rails, Hedges, Ditches, Mounds, or other Fences, and ſhall, at their own Coſts and Charges, from Time to Time, maintain and ſupport the ſaid Towing Paths, and the ſaid Poſts, Rails, Hedges, Ditches, Mounds, and other Fences ſo made as aforeſaid, as the ſaid Commiſſioners ſhall from Time to Time judge neceſſary and appoint; and the ſaid Company of Proprietors ſhall alſo at their own Charges, make, erect, and ſet up, and from Time to Time maintain and ſupport ſuch and ſo many convenient Gates and Stiles, in and through the Hedges and Fences, to be by them ſo made on the Side 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 intended Canal and Branch reſpectively, 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; and alſo make proper and convenient Watering Places for Cattle, where, by Means of the ſaid intended Canal and Branch, or other the Works

Gates and Stiles to be erected.

Watering Places for Cattle.

hereby authoriſed to be made, or any of them, Cattle ſhall be deprived thereof, and at all Times to ſupply the ſame with Water for the Uſe of the Owners and Occupiers of the Lands, Grounds, or Hereditaments, adjoining to ſuch intended Canal, Branch, Feeders, Trenches, Aqueducts, and Towing Paths, or any of them reſpectively; and that the ſaid Company of Proprietors ſhall not make the ſaid intended Canal, or Branch, or any Feeder, Trench, or Water-courſe, in or acroſs any Common Highway, publick Bridle Way, or Foot Path, until they ſhall, at their own proper Charges, have made and perfected proper Bridges, or other Paſſages or Arches acroſs ſuch Highway, Bridle Way, or Path, with Wing Walls, Ramparts, and Side Banks, belonging or approaching to, over, and from ſuch Bridges, the ſame to be 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 Conveniencies to be made, ſhall from Time to Time be ſupported, maintained, and kept in ſufficient Repair by the ſaid Company of Proprietors.

Company liable to be indicted for not making Highways acroſs the Canal and Branch; and for not keeping them in Repair.

CXIII. And be it further enacted, That the ſaid Company of Proprietors ſhall be liable to be indicted at Common Law for not making Stone or Brick Bridges in all Highways over and acroſs the ſaid Canal or Branch, Sluices and Trenches, together with 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 as aforeſaid; or for not repairing and keeping in Repair all ſuch Bridges, Wing Walls, and Roads over ſuch Bridges; and that the Company ſhall alſo be liable to pay the Coſts of all ſuch Proſecutions as aforeſaid, upon Proof of Twenty Days Notice being given to or left at the Houſe of the 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 Branch reſpectively, and on Conviction of the Defendants.

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

CXIV. Provided always, and be it further enacted, That if it ſhall appear to the ſaid Company of Proprietors, or to their Engineer, that on Account of the Situation of any of the Bridges intended to be made over any ſuch Highway, a Swivel or Wooden Bridge would be more convenient to the Publick than a Bridge of Stone or Brick, then, and in every ſuch Caſe, upon Application being made to His Majeſty's Juſtices, who ſhall be aſſembled at any General Quarter Seſſions of the Peace, or any Adjournment thereof, to be holden for the County wherein ſuch Bridge is intended to be made, by or on Behalf of the ſaid Company of Proprietors, it ſhall be lawful for ſuch Juſtices, upon Proof of Fourteen Days Notice having been previouſly given of ſuch intended Application to the Surveyors of the Highways, within the Townſhips wherein any ſuch Bridge is intended to be built, to inquire into the Premiſes, and to order, direct, and determine whether any ſuch Bridge as aforeſaid ſhall be of Stone or Brick, or a wooden or Swivel Bridge, and of what Aſcent the Approach herein-before directed to be made by the ſaid Company of Proprietors ſhall be; any Thing herein-before contained to the contrary hereof notwithſtanding.

CXV. And

If the Company do not fence off and repair Towing Paths, make Bridges &c. the Land Owners, &c. may, at the Cost of the Company.

CXV. And be it further enacted, That in case the said Company of Proprietors shall refuse or neglect to make, erect, and set up such Fences on the Sides of the said 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 Side of, or into the said Canal or Branch respectively, 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 set up, erected, and made of such Dimensions, of such Materials, 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 Behalf of the Owners or Occupiers of any such Lands, Grounds, Mills, or Hereditaments, who shall find themselves aggrieved by any such Refusal or Neglect, it shall be lawful for any such Owners or Occupiers to make, erect, and set up such Fences, Gates, Stiles, Bridges, Passages, Arches, Culverts, Watering Places, and other Conveniencies as aforesaid, as the said Commissioners shall have before directed or appointed to be made, erected, and set up, by the said Company of Proprietors 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 Branch, 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 Expence thereof, together with the Costs and Charges attending the same, (to be settled and allowed by the said Commissioners), shall be repaid to such respective Owners or Occupiers as aforesaid by the said Company of Proprietors within the Space of Three Calendar Months next after the same shall have been so settled and allowed, and an Account and Demand shall have been delivered and made thereof; and in Default of such Payment, the said Commissioners shall, and they are hereby required by Warrant under their Hands and Seals, to cause the same to be levied by Distress and Sale of the Goods and Chattels of the said Company of Proprietors, and to be paid to such respective Owners or Occupiers as aforesaid, rendering to the said Company of Proprietors, or to some of their Agents, the Overplus, (if any), after deducting the reasonable Charges of making such Distress and Sale, or otherwise such Owners or Occupiers respectively shall and may sue for and recover the same against the said Company of Proprietors by Action of Debt in any of His Majesty's Courts of Record at *Westminster*.

No Boat to pass on Canal, or Waggon, &c. on Rail Ways, &c. unless constructed as directed by the Company.

CXVI. And be it further enacted, That no Person whosoever shall pass with, or use upon the said Canal or Branch, any Boat, Barge, or other Vessel, (except Pleasure Boats), without being liable to the Payment of the Rates herein directed, and unless the same be constructed, formed, and made, agreeably to the Orders and Regulations of the said Company of Proprietors, upon Pain of forfeiting for every such Offence any Sum not exceeding Twenty Pounds, nor less than Five Pounds; and a Table of the Rates and Tolls to be taken by virtue hereof shall be stuck

upon every Houſe erected for the Reſidence of the Collectors of the ſaid Rates and Tolls.

Penalty on Perſons leaving open Draw Bridges, after being neceſſarily opened, or leaving open the ſame without Occaſion.

CXVII. And be it further enacted, That if any Swivel Bridge or Draw Bridge ſhall be laid over or acroſs the ſaid Canal or Branch, Trenches or Paſſages for Water, to be made by virtue of this Act, all and every Perſon and Perſons 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 and pay, for every ſuch Offence, a Sum not exceeding Five Pounds; and in caſe any ſuch Bridge ſhall be left open longer than neceſſary for the Paſſage of any Boat, Barge, or other Veſſel as aforeſaid, through the Neglect or Careleſſneſs of any Perſon belonging to any ſuch Boat, Barge, or Veſſel, then the Maſter or Owner of ſuch Boat, Barge, or other Veſſel, ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Five Pounds; and if any Perſon or Perſons ſhall wilfully open any ſuch Draw Bridge or Swivel Bridge, when no Veſſel is to paſs through the ſame, ſo as to interrupt the free Paſſage for Travellers, Cattle, or Carriages, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds; all which ſaid Penalties or Forfeitures ſhall go and be applied, One Moiety to the Informer, and the other Moiety to the Poor of the Townſhip or Pariſh where the Offence ſhall be committed.

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

CXVIII. Provided always, and be it further enacted, That if the Owners or Occupiers of any Lands or Hereditaments through which the ſaid Canal or Branch ſhall be made, do or ſhall at any Time or Times 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 or Branch, or the Towing Paths, Aqueducts, or Feeders belonging thereto; or that any ſuch Watering Places and other Conveniencies, which the ſaid Commiſſioners ſhall have directed or appointed to be made by the ſaid Company of Proprietors as aforeſaid, are inſufficient, either in their Number or Situation, for the commodious Uſe and Occupation of their reſpective Lands, Grounds, Mills, and Hereditaments, then and in every ſuch Caſe it ſhall be lawful for any of ſuch Owners or Occupiers, with the Conſent and Approbation of the Committee of the ſaid Company of Proprietors, upon Requeſt made to them for that Purpoſe, or in caſe of their Refuſal for the Space of Twenty Days after ſuch Requeſt, then with the Conſent and Approbation of the ſaid Commiſſioners, 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 and Materials with thoſe made and erected by the ſaid Company of Proprietors, in ſuch Places as ſhall be found and judged moſt neceſſary and convenient for the better Uſe or Occupation of ſuch Lands, and to repair and ſupport the ſame at their own like Coſts and Charges, as Occaſion ſhall require, ſo as the Navigation of the ſaid Canal and Branch be not prevented or obſtructed thereby for any longer Space of Time, or in any other Manner, than the ſame will neceſſarily be by any

of the other Gates, Stiles, Bridges, or other Conveniencies as aforeſaid, to be made or erected in or over the ſaid Canal or Branch by the ſaid Company of Proprietors as aforeſaid.

Owners of Eſtates or Mines may make Rail Ways to the Canal and Branch.

CXIX. And be it further enacted, That in caſe the Proprietor or Proprietors of any Manor or Eſtate, containing any Mines of Coal, Iron Stone, Lime Stone, Slate, Flags, or other Minerals, or the Renters, Leſſees, or Occupiers of the ſame, ſhall find it expedient or neceſſary to make any Rail Ways or Roads to convey his, her, or their Coals, Iron Stone, Lime Stone, or other Stone or Minerals, to the ſaid Canal or Branch, over the Lands or Grounds of any Perſon or Perſons, then and in every ſuch Caſe it ſhall be lawful for him, her, or them, to make any ſuch Rail Ways or Roads, he, ſhe, or they firſt paying or tendering Satisfaction for the Damage to be thereby occaſioned to ſuch Lands or Grounds in Manner herein directed with reſpect to Land to be taken for the Purpoſes of this Act; and it ſhall alſo be lawful for the Owner or Owners of, and Perſon or Perſons intereſted in, ſuch Lands or Grounds, to treat and agree with ſuch Proprietor or Proprietors, Renters, Leſſees, or Occupiers, for the Damage the Owner or Owners of ſuch Lands or Grounds ſhall or may ſuſtain by making any ſuch Rail Way or Road; and in caſe they cannot agree concerning the Amount or Value of ſuch Damage, or in caſe the Owner or Owners of, or Perſon or Perſons intereſted in, ſuch Lands or Grounds, ſhall refuſe or neglect to treat, or by Reaſon of Abſence or otherwiſe ſhall be prevented from treating, then the ſame ſhall be ſettled and aſcertained by the ſaid Commiſſioners, and be ſubject to the Verdict of a Jury if required, in ſuch and the like Manner as the Value of the Lands to be taken for making the ſaid Canal or Branch is by this Act directed to be ſettled and aſcertained.

Owners of Mines, &c. may make Cuts to communicate with Canal and Branch.

CXX. And be it further enacted, That it ſhall be lawful for the Proprietor or Proprietors of any Mines of Coal, Iron Stone, or other Minerals, or of any Lands or Grounds, at his or their own Coſts and Charges, to make any Navigable Cut or Cuts, Trench or Trenches, Soughs or Tunnels, into or through his, her, or their own Lands, and through the Lands of any other Perſon or Perſons, with the Conſent of ſuch Perſon or Perſons teſtified in Writing under his or their Hand or Hands, and alſo through the Banks and Towing Paths of the ſaid intended Canal or Branch, in ſuch Manner as he, ſhe, or they ſhall think proper to communicate with the ſaid Canal or Branch, ſo that the ſame be done without diverting any Streams which are neceſſary for ſupplying the ſaid Canal or Branch with Water, or which are or ſhall be neceſſary for the working of any Furnaces, Forges, or Mills, and without doing any Injury or Damage to the ſaid Navigation, and ſo as the Perſon or Perſons making every ſuch Cut, Trench, Sough, or Tunnel, ſhall (if thereunto 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 or Branch, by means of making any ſuch Cut, Trench, Sough, or Tunnel, as aforeſaid.

CXXI. And

CXXI. And be it further enacted, That the Lord or Lords of any Manor, and the Owner or Owners of any Lands or Grounds into or through which the ſaid intended Canal or Branch, or any of the ſaid Cuts, ſhall be made, may erect or uſe any Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouſes, in or upon their reſpective Lands, Grounds, or Waſtes adjoining, or near to the ſaid Canal or Branch, and may 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 or Branch; and alſo make and uſe proper and convenient Places for Boats, Barges, and other Veſſels, to lie in, turn, and paſs by each other, ſo that the making or uſing thereof do not obſtruct or prejudice the Navigation of the ſaid Canal or Branch, or any of the Towing Paths on the Sides thereof; and all Rates that 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 or Lords of ſuch Manor, or the Owner or Owners of ſuch Lands or Grounds, who ſhall make and erect the ſame as aforeſaid.

Lords of Manors or Land Owners may make Wharfs, &c.

CXXII. Provided always, That if any ſuch Lord or Lords, Owner or Owners, ſhall not, within the Space of Twelve Calendar Months next after Notice given in Writing to him or them, by or on Behalf of the ſaid Company of Proprietors, that any Part of ſuch Lands, Grounds, or Waſtes, is neceſſary or proper to be uſed by them for the Purpoſe of erecting Warehouſes and Buildings for the Uſe of the ſaid Navigation, or for making or laying out neceſſary and convenient Roads for the Conveyance of Goods to and from the ſaid Canal or Branch, make, erect, and lay out, and from Time to Time maintain and keep in good and ſubſtantial Repair, ſuch proper and ſufficient Warehouſes, Buildings, and Roads, for the Uſe of the ſaid Navigation, as the ſaid Commiſſioners ſhall think neceſſary on the reſpective Parts of the Lands or Grounds deſcribed in ſuch Notice, then the ſaid Company of Proprietors ſhall have full Power and Authority, without any Hindrance or Reſtraint whatſoever, to make uſe of any ſuch Lands, Grounds, or Waſtes, for erecting and building proper and ſufficient Warehouſes and Buildings, and making and laying out neceſſary and convenient Roads to and from the ſaid Canal or Branch, agreeably to ſuch Notice, firſt making Satisfaction for the ſame in ſuch Manner as is directed with reſpect to other Lands or Grounds which ſhall be taken or uſed for the Purpoſes of this Act.

If they do not at the Requeſt of the Company, the Company may make Wharfs, *etc.*

CXXIII. Provided alſo, That no more than the Sum of One Halfpenny *per* Ton ſhall be demanded or taken by any ſuch Lord or Lords, Land Owner or Land Owners, who ſhall or may erect or build any Wharf or Quay, or make or lay out any Roads to and from the ſaid Canal and Branch, in purſuance of the Notice to be given by or on Behalf of the ſaid Company of Proprietors to any ſuch Lord or Lords, Owner or Owners, for that Purpoſe as aforeſaid, for the Wharfage of Coal, Lime, Lime Stone, Clay, Iron, Iron Stone, Timber, Stone, Brick, Tile, Slate, Flags, Sand, or Gravel, nor more than One Halfpenny *per* Ton for the Wharfage of any other Goods or Things, where the ſame ſhall be reſpectively placed, and remain upon any ſuch Wharfs or Quays,

Rates of Tonnage on private Wharfs.

Quays, and ſhall not continue thereupon for a longer Space of Time than Six Days, except Coals, Coke, Culm, Lime, and Lime Stone, which may remain thereon for One Month, and Timber, Clay, Lime, Iron Stone, Stone, Brick, Tile, Slate, Flags, Sand, or Gravel, which may remain thereon for One Month upon Payment of the ſaid One Half-penny *per* Ton.

Further Allowance for Goods remaining upon Wharfs above a certain Time.

CXXIV. Provided nevertheleſs, That in caſe any of the ſaid Articles ſhall be left or remain in or upon ſuch Wharfs or Quays for the Space of Ten Days, over and above the Time herein-before allowed, then the Owners of ſuch Articles ſhall pay to the Proprietors of ſuch Wharfs or Quays, One Penny *per* Ton *per* Day, for the Time ſuch Articles ſhall remain upon ſuch Wharfs or Quays after the Expiration of the ſaid Ten Days; and that it ſhall be lawful for the ſaid Company of Proprietors to erect, prepare, 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 ſuch Coals or other Goods, in caſe the Proprietors of ſuch Wharfs or Quays ſhall neglect or refuſe to make and erect the ſame, within Three Calendar Months after they ſhall have received Notice in Writing for that Purpoſe from the ſaid Company of Proprietors, or when ſo erected, neglect or refuſe to keep the ſame in Repair, in which Caſe the ſaid Company of Proprietors ſhall be entitled to the Rates accruing upon ſuch Wharfs as aforeſaid, until they ſhall be reimburſed the Expence of erecting ſuch Cranes or Weighing Engines reſpectively.

Penalty on Perſons unloading Goods, unleſs at a publick Wharf.

CXXV. And be it further enacted, That if any Perſon (except as herein mentioned) navigating, or working, or employed in navigating or working, any Boat, Barge, or other Veſſel upon the ſaid Canal or Branch, ſhall load or take into, or ſhall unload or take out of, any ſuch Boat, Barge, or other Veſſel, any Goods, Wares, Merchandize, or Things whatſoever, liable to the Payment of 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 Branch reſpectively, without having firſt obtained the Conſent in Writing for that Purpoſe of the ſaid Company of Proprietors, or their Agent or Collector of the ſaid Rates; every ſuch Perſon ſhall, for every ſuch Offence, forfeit any Sum not exceeding Twenty Pounds.

Proprietors or others not to uſe excluſively private Walks.

CXXVI. And be it further enacted, That nothing herein contained ſhall authoriſe or empower the ſaid Company of Proprietors, or any other Perſon or Perſons, to make uſe of any Wharf, Quay, Landing Place, Crane, Weigh Beam, or Warehouſe, which ſhall be ſet out, erected, or made, by the Lord or Lords of any Manor, or the Owner or Owners of any Lands or Grounds adjoining, or near to the ſaid Canal or Branch reſpectively, for his, her, or their private excluſive Uſe only, nor to ſet up, erect, repair, or excluſively uſe, any Cranes or Weighing Machines, in or upon any ſuch Wharf, Quay, or Landing Place; any Thing herein-before contained to the contrary notwithſtanding.

Regulations for Veſſels paſſing on the Canal.

CXXVII. And be it further enacted, That all Boats, Barges, or other Veſſels navigated upon the ſaid Canal or Branch, ſhall, upon meeting any other Boat, Barge, or Veſſel, ſtop at or go back to, and lie in

in the Places to be provided for that Purpoſe as aforeſaid, in ſuch Manner as the ſaid Company of Proprietors, or the ſaid Committee, ſhall from Time to Time direct and appoint; and it ſhall be lawful for the ſaid Company of Proprietors from Time to Time to make ſuch Rules and Regulations as they ſhall think proper, for or relating to the paſſing of any Lock, or any Inclined Plane, or other Subſtitute for a Lock, to be made by virtue of this Act, with any Boats, Barges, or other Veſſels; and all ſuch Rules and Regulations ſhall be binding upon, and be conformed to by the Owners or Perſons having the Care or Conduct of ſuch Boats, Barges, or other Veſſels, upon Pain of forfeiting a Sum not exceeding Five Pounds for every Default; and if any Boat, Barge, or other Veſſel ſhall be placed or ſuffered to remain in any Part of the ſaid Canal or Branch, ſo as to obſtruct the Navigation thereof, and the Owner or Perſon having the Care of ſuch Boat, Barge, or other Veſſel, ſhall not immediately, upon Requeſt made, remove ſuch Boat, Barge, or other Veſſel, he ſhall for every ſuch Offence forfeit any Sum not exceeding Ten Shillings for every Hour ſuch Obſtruction ſhall continue after the making of ſuch Requeſt; and it ſhall be lawful for any Agent or Officer belonging to the ſaid Company of Proprietors, to cauſe any ſuch Boat, Barge, or other Veſſel to be unloaded, (if neceſſary), and to be removed in ſuch Manner as ſhall be proper for preventing ſuch Obſtruction, and to detain ſuch Boat, Barge, or other Veſſel, and the Loading thereof, or any Part of ſuch Loading, until the Charges occaſioned by ſuch Removal are paid; and if any Boat, Barge, or other Veſſel, ſhall be ſunk in the ſaid Navigation, or any Sluice, Tunnel, or Trench aforeſaid, 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 the Agents or Servants of the ſaid Company of Proprietors, or any of them, to cauſe ſuch Boat, Barge, or other Veſſel, to be weighed or drawn up, and to detain the ſame until Payment be made of all the Expences neceſſarily occaſioned relating thereto.

Boat obſtructing Navigation to be removed.

If ſunk, to be weighed up.

CXXVIII. And be it further enacted, That if any Perſon ſhall float any Timber upon the ſaid Canal or Branch, or ſhall load any Boat, Barge, or other Veſſel with Timber, or any other Thing, ſo that the ſame ſhall lie over the Side of any ſuch Boat, Barge, or other Veſſel, or ſhall overload any Boat, Barge, or other Veſſel, navigating in or upon the ſaid Canal or Branch, ſo as to obſtruct the Paſſage of any other Boat, Barge, or other Veſſel, and ſhall not immediately, upon Notice given him for that Purpoſe, remove ſuch Obſtruction; or if any Perſon ſhall throw any Ballaſt, Gravel, Stones, or Rubbiſh, into any Part of the ſaid Canal or Branch, or into any Trenches, Watercourſes, Sluices, or other Works to be made by virtue of this Act; or if any Perſon or Perſons ſhall wantonly, careleſsly, or negligently open, or cauſe to be opened, any Lock Gate, or any Paddle, Valve, or Clough, belonging to any Lock, or any Caſſoon or Machine to be erected on the ſaid Canal or Branch, or ſhall leave open any Gate upon any Rail Way, or ſuffer any Boat, Barge, or other Veſſel, to ſtrike or run upon any of the ſaid Bridges, Locks, or other Works, or ſhall wilfully fluſh or draw off the Water from any Part of the ſaid Canal or Branch, or cauſe the ſame to be done, or ſhall leave any of the ſaid Valves or Cloughs open, and running after any Boat, Barge, or other Veſſel, ſhall have paſſed any

Penalty on Perſons obſtructing the Navigation.

Throwing Ballaſt or Rubbiſh into the Canal.

On Perſons opening Locks, &c.

such Lock, Cassoon, or other Machine, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Punishing Persons wilfully destroying Works.

CXXIX. And be it further enacted, That if any Person shall wilfully, maliciously, and to the Prejudice of the said Navigation, break, throw down, damage, or destroy, any Bank, or other Works to be erected and made by virtue of this Act, or cause the same to be done, every Person so offending, and being thereof lawfully convicted, shall be transported in like Manner as Felons are directed to be transported by the Laws and Statutes of this Realm, or otherwise the Court before whom such Person shall be convicted may, in Mitigation of such Punishment, (if they think fit), award any such other Punishment as the Law directs in Cases of Petit Larceny; or otherwise every Person so offending, and being thereof lawfully convicted, on the Oath of One credible Witness, before One or more of His Majesty's Justices of the Peace for the County or Place where such Offence shall be committed, or the Offender shall be or reside, shall forfeit any Sum not less than Double nor more than Treble the Value of the Damage proved upon Oath to be done, at the Discretion of such Justice or Justices, such Penalty, together with reasonable Costs, to be levied by Distress and Sale of the Goods and Chattels of such Offender, rendering the Overplus (if any) to such Offender, or such Offender shall or may be committed to the Common Gaol for the County or Place where such Offence shall happen, for any Time not exceeding Three Calendar Months, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

When Vessels laden with Hay, Straw, &c. may pass Locks.

CXXX. Provided always, and be it further enacted, 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 to such Lock), without the Consent of the said Company of Proprietors, or their Committee, or some of their Agents or Collectors of the Rates; and also, except such Boats, Barges, or other Vessels, as shall be returning or going to any Colliery or Collieries, for the Purpose of being laden with Coals to be conveyed along the said Canal or Branch.

Canal and Branch not to be subject to the Commissioners of Sewers.

CXXXI. And be it further enacted, That the said Canal and Branch, 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 Commissioners of Sewers; any Law or Statute to the contrary notwithstanding.

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

CXXXII. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby required, in such Parts of the said Canal and Branch as shall not be of sufficient Breadth for admitting a Boat, Barge, or other Vessel, to turn about and lie, or Two Boats, Barges, or other Vessels, to pass each other, to open and cut proper Spaces or Places in the Lands adjoining the said Canal or Branch respectively,

respectively, at convenient Distances from each other, for the turning, lying, and passing of such Boats, Barges, and other Vessels; and that every Boat, Barge, or other Vessel, passing upon the said Canal, 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, in such Manner as the said Committee shall by any Writing under their Hands direct or appoint.

Company empowered to let the Rates and Tolls.

CXXXIII. And be it further enacted, That it shall be lawful for the said Company of Proprietors, at any of their General Assemblies, by Writing under their Common Seal, at any Time or Times, to let to Farm the Rates and Tolls payable to them by virtue of this Act, or any Part thereof; and also any Land or Ground which may be taken or purchased by the said Company of Proprietors, for the Purpose of making Wharfs, Warehouses, or other Conveniencies, unto any Person or Persons, (from whom they shall be at Liberty to require and take Security, and One or more Surety or Sureties), for any Time or Term they shall think proper, not exceeding Three Years from the Commencement of any Lease, and every such Lease shall be valid and effectual in the Law; and the Lessee or Lessees thereof, and also such Person or Persons as such Lessee or Lessees shall appoint to collect and receive the Rates and Tolls so let, shall, during the Continuance of every such Lease, be deemed Collectors of the Rates and Tolls so let, and shall have the same Power and Authority for collecting the same, as if they had been appointed for that Purpose by the said Company of Proprietors; provided publick Notice of the Intention to let the said Rates and Tolls, or any Part thereof, be given in One or more of the publick Newspapers printed and published in the Counties of *Dorset*, *Somerset*, and *Wilts*, some or One of them, and continued in such Newspaper Three Times at least Twenty-one Days prior to any such General Assembly at which the said Rates and Tolls, or any Part thereof, are proposed to be let as aforesaid.

Power for a Majority of a Meeting to apply to Parliament for Power to make Navigable Communications with the Canal.

CXXXIV. And whereas it may hereafter be thought expedient by the said Company of Proprietors to make Application to Parliament for Power to make other Navigable Communications with the said Canal or Branches, be it therefore further enacted, That if at any Special Meeting of the Proprietors at large, to be called for that Purpose by their Committee, and of which such Notice shall be given as is hereinbefore directed to be given of other Special Meetings of the said Proprietors, the Proprietors present at such Meetings, or Two Third Parts of them, according to the Number of Votes they shall have a Right to give, either as Principals or Proxies, shall come to a Resolution that it will be proper to make any such Application to Parliament as aforesaid, it shall be lawful for the said Committee, and they are hereby required, as soon as may be, after such Resolution shall be entered into, to make the proposed Application to Parliament, for and on the Behalf of the said Company of Proprietors, and to affix the Common Seal of the said Company to any Petition for that Purpose, and to cause such Application to be proceeded in and prosecuted in such Manner as they shall think fit or be advised; and it shall be lawful for the said Committee to defray the Expences incurred by, or in consequence of, any such

ſuch Application, out of any Monies ariſing by virtue of this Act; and it ſhall alſo be lawful for the Guardians, Truſtees, or Committees, of the Proprietors of any Shares in the ſaid Navigation, who may be Minors, Lunaticks, or under any other Diſability, or Incapacity of acting for themſelves; and the Executors and Adminiſtrators of any deceaſed Proprietor or Proprietors of any ſuch Shares, (if neceſſary) to apply any of the Monies which ſhall come to their Hands, as ſuch Guardians, Truſtees, Committees, Executors, or Adminiſtrators, as aforeſaid, for or towards defraying the proportionable Parts or Shares of the Expences incurred by or in conſequence of any ſuch Application to Parliament, which ſhall be payable by the Perſons on whoſe Behalf they ſhall reſpectively act, or otherwiſe to raiſe Money for that Purpoſe on Mortgage of any ſuch Shares; which Mortgages they are hereby accordingly authorized and empowered to make by a Deed in Writing under their Hands and Seals, and the ſame ſhall be valid and effectual in the Law, to all Intents and Purpoſes.

Reſerving Rights to Fiſheries.

CXXXV. And be it further enacted, That the Lord or Lords, and Owner or Owners, of all and every Manor and Manors through which the ſaid Canal and Branch ſhall be made, ſhall have and be entitled to the Right of Fiſhery of and in ſo much of the ſaid Canal and Branch, Reſervoirs, Trenches, and Sluices, as ſhall be made over and through the Common or Waſte Lands within his, her, or their Manor or Manors, and alſo in, over, or through, any other Lands or Grounds lying within any ſuch Manor or Manors, wherein ſuch Lord or Lords, Owner or Owners, now have or hath, or is or are entitled to the Right of Fiſhery in the Ponds and Waters now being in ſuch laſt-mentioned Lands or Grounds reſpectively, and that the Owner or Owners of all other Lands or Grounds through which the ſaid Canal and Branch reſpectively ſhall be made, ſhall alſo have and be entitled to the Right of Fiſhery of and in ſo much of the ſaid Canal, Branch, Cuts, Sluices, Reſervoirs, and Trenches, as ſhall be made in, over, or through his, her, or their Lands or Grounds reſpectively, ſo as in the Uſe and Exerciſe of the ſaid Right of Fiſhery, the ſaid Canal and Branch, Reſervoirs, Trenches, or Sluices, and 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 or Branch, Reſervoirs, Trenches, or Sluices, and ſo as the ſaid Company of Proprietors, or their Agents, Servants, or Workmen, or any of them, ſhall not be liable to any Penalty, Action, or Proſecution, for or by Reaſon of the taking or deſtroying of any Fiſh in the ſaid Canal or Branch, Reſervoirs, Trenches, or Sluices, which ſhall be taken, killed, or deſtroyed, through or by means of the letting of the Water out of the ſaid Canal or Branch, Reſervoirs, Trenches, or Sluices, for or upon Account of Repairs of Works to be done in or about the ſame; provided that Ten Days Notice in Writing be given by the ſaid Company of Proprietors to the Lord or Lords of any ſuch Manor or Manors, and the Owner or Owners of ſuch Lands or Grounds, in, over, or through which ſuch Parts of the ſaid Canal and Branch reſpectively, Reſervoirs and Trenches, the Water whereof is intended

to be let off and diſcharged out of the ſame, ſhall be made previous to the letting off and diſcharging ſuch Water; and that it ſhall be lawful for the Lord or Lords of ſuch Manor or Manors, and the Owner or Owners of ſuch Ground being qualified by Law ſo to do, to take and kill Game upon ſo much of the ſaid Canal or Branch reſpectively, Trenches, Sluices, Towing Paths, and other Lands or Grounds to be ſet out for the Uſe of the ſaid Navigation, as ſhall be made through his or their Lands or Grounds as aforeſaid.

Penalty on unqualified Perſons having Nets, *etc.* on board.

CXXXVI. And be it further enacted, That if any Perſon or Perſons navigating or working, or being on board any Boat, Barge, or other Veſſel upon the ſaid Canal or Branch, (not being qualified by Law to kill Game), ſhall carry on board ſuch Boat, Barge, or other Veſſel, any Fiſhing Net, or other Engine ſo taking or deſtroying Fiſh or Game, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Pounds; and in caſe any Maſter, or other Perſon, having the Command of any Boat, Barge, or other Veſſel, paſſing upon the ſaid Canal or Branch, ſhall wilfully ſuffer or permit any Perſon or Perſons, not being qualified as aforeſaid, to have or carry on board any Fiſhing Net or other Engine for taking or deſtroying Fiſh or Game, he ſhall, for every ſuch Offence, forfeit the Sum of Five Pounds.

Land Owners may uſe Pleaſure Boats free of Rates.

CXXXVII. And be it further enacted, That it ſhall be lawful for the Owners and Occupiers of any Lands adjoining to the ſaid Canal or Branch, to uſe any Pleaſure Boat or Boats upon the ſaid Canal or Branch, (not paſſing through any Locks, without the Conſent of the ſaid Company of Proprietors), without any Interruption from the ſaid Company of Proprietors, and without paying any Rate for the ſame, ſo that the ſame be not made uſe of for carrying any Goods or other Things, and ſo as that the ſame ſhall not obſtruct or prejudice the Navigation of the ſaid Canal or Branch, or the Towing Paths on the Sides thereof, and ſo as that ſuch Pleaſure Boats be not above Five Feet in Breadth, and Twelve Feet in Length.

Compelling Payment of Subſcriptions.

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

Recovery of Penalties by Diſtreſs.

CXXXIX. And be it further enacted, That all Fines, Penalties, or Forfeitures, for Offences, againſt this Act, or any Rule, Bye Law, or Order, to be made by the ſaid Company of Proprietors as aforeſaid, (the Manner of recovering whereof is not herein-before directed), ſhall, upon Proof of the Offences reſpectively, before any Juſtice of the Peace for the County of *Dorſet*, *Somerſet*, or *Wilts*, as the Caſe ſhall be, either by the Confeſſion of the Party or Parties, or by Oath of any credible Witneſs, be levied by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of ſuch Juſtice, (which Warrant ſuch Juſtice is hereby empowered and required to grant), and the Overplus, after ſuch Fines, Penalties, or Forfeitures, and the Charges of ſuch Diſtreſs and Sale are recovered and deducted, ſhall be returned, upon Demand, to the Owner or Owners of ſuch Goods and Chattels; and in caſe ſufficient Diſtreſs cannot be found, or ſuch Fines, Penalties, or Forfeitures, ſhall not be forthwith paid, it ſhall be lawful for ſuch Juſtice, by Warrant under his Hand and Seal, to cauſe ſuch Offender or Offenders to be committed to the Common Gaol or Houſe of Correction for the County wherein the Offence ſhall be committed, or the Offender ſhall be or reſide, there to remain, without Bail or Mainprize, for ſuch Time as ſuch Juſtice ſhall direct, not exceeding Three Calendar Months, unleſs ſuch Fines, Penalties, or Forfeitures, and all reaſonable Charges attending the Recovery thereof, ſhall be ſooner paid or ſatisfied; and all ſuch Fines, Penalties, and Forfeitures, the Application whereof is not herein-before particularly directed, ſhall go and belong to the ſaid Company of Proprietors, and be applied for the Purpoſes of this Act.

Perſons taking Diſtreſs not deemed Treſpaſſers *ab initio*.

CXL. And be it further enacted, That when any Diſtreſs ſhall be made for any Money to be levied by virtue of this Act, 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 Proceeding relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers *ab initio* on Account of any Irregularity which ſhall be afterwards committed; but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the Special Damage in an Action upon the Caſe.

CXLI. And whereas it is in Contemplation to apply to Parliament for an Act to authoriſe the making of a Navigable Canal, Cut, or Branch, to communicate with the Canal hereby authoriſed, from or near the Town of *Shafteſbury*, in the County of *Dorſet*; and alſo another Navigable Canal, Cut, or Branch, to communicate with the ſaid intended Canal, from or near the Town of *Cerne*, in the ſaid County; be it further enacted, That if Application ſhall be made to Parliament for an Act or Acts to authoriſe the making of ſuch Navigable Canal, Cut, or Branch, Cuts or Branches reſpectively; ſuch Act or Acts containing ſufficient Clauſes, obliging the Subſcribers to ſuch Undertakings to carry the ſame to the ſaid Canal hereby authoriſed, and to execute the ſame within the Space of Seven Years from the paſſing of ſuch Act or Acts reſpectively;

reſpectively; then, and in either of the ſaid Caſes, the ſaid Company of Proprietors ſhall be deemed and taken to be conſenting to ſuch Communications reſpectively; and that it ſhall be lawful for all Perſons navigating or uſing any ſuch Cut or Canal which may be made to communicate with the Canal hereby authoriſed, alſo to navigate and uſe the ſaid laſt mentioned Canal, without being liable to pay any greater Tolls, Rates, or Duties for the ſame; or being ſubject to any greater, or other Reſtriction, than any other Perſons navigating the like Diſtance on the ſaid Canal hereby authoriſed, ſhall or may be liable or ſubject to by virtue of this Act: Provided always, that every ſuch Cut or Branch, ſo to be made, to communicate with the Canal hereby authoriſed, be ſo made, as that no Water can be taken into the ſame out of the Canal hereby authoriſed to be made, or that would otherwiſe run into the laſt mentioned Canal, and without doing any other Damage or Injury to the Canal, or any other Works to be made by virtue of this Act.

Form of Conviction.

CXLII. And for the more eaſy and ſpeedy Conviction of Offenders againſt this Act, be it further enacted, That all and every Juſtice or Juſtices of the Peace before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this Act, ſhall and may cauſe the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the ſame Effect, as the Caſe ſhall be; *videlicet*,

County of } to wit. }

'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.'

Proceedings not to be quaſhed for Want of Form.

CXLIII. And be it further enacted, 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.

Appeal.

CXLIV. And be it further enacted, That any Perſon or Perſons thinking himſelf, herſelf, or themſelves aggrieved by any Order or Judgement made or given in purſuance of any Rule, Bye Law, or Order, of the ſaid Company of Proprietors, or by the Order or Determination of any Juſtice or Juſtices of the Peace relating to the Execution of this Act, may, within Six Calendar Months after ſuch Order or Determination ſhall have been made or given, complain to the Juſtices of the Peace at any General Quarter Seſſions of the Peace, or any Adjournment thereof, to be holden in and for the County in which the Cauſe of Complaint ſhall ariſe, firſt giving Twenty-one Days Notice at leaſt in Writing, of ſuch Intention to complain, to the Party intereſted in ſuch Complaint; and the ſaid Juſtices ſhall, in a ſummary Way, hear and determine the ſaid Complaint at ſuch Seſſions or Adjournment; or if they

they think proper, may adjourn the Hearing thereof to the next General Court of Quarter Seſſions of the Peace, or an Adjournment thereof, to be held for the ſaid Counties reſpectively; and if they ſee Cauſe, may mitigate any Fine, Penalty, or Forfeiture, and may order any Money to be returned which ſhall have been levied in purſuance of ſuch Rule, Bye Law, Order, or Determination, and may alſo order ſuch further Satisfaction to be made to the Party injured as they ſhall judge reaſonable, and may alſo order ſuch Coſts to be paid to the Party aggrieved, by the Party aggreſſing, as they in their Judgement ſhall think juſt and reaſonable.

Proprietors to appoint an Agent, on whom Writs, &c. may be ſerved.

CXLV. And to the End that all and every Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, or other Perſon or Perſons who may have any Difference or Diſagreement with the ſaid Company of Proprietors, and may be deſirous to bring any Action or Suit againſt the ſaid Company of Proprietors, may have an eaſy and effectual Means of doing the ſame; be it further enacted, That the ſaid Company of Proprietors ſhall, and they are hereby required, within Three Months from the paſſing of this Act, to name and appoint an Agent to reſide within Twelve Miles of ſome Part of the ſaid Canal or Branch, upon whom all Writs or Proceſſes againſt the ſaid Company of Proprietors ſhall be ſerved, and that the Service of any Writ or Proceſs upon ſuch Agent ſhall be deemed good and ſufficient Notice and Service to and upon the ſaid Company of Proprietors, and ſhall entitle the Body Politick, Corporate or Collegiate, Corporation Aggregate or Sole, and other Perſon or Perſons as aforeſaid, ſo ſerving, or cauſing the ſame to be ſo ſerved, to all and every Benefit, Advantage, and Effect, to be lawfully derived from the Service of ſuch Writs or Proceſſes, and the Acts of ſuch Agents in all and every the Matters aforeſaid, ſhall be deemed and taken to be the Acts of the ſaid Company of Proprietors; and in caſe of the Death or Removal of ſuch Agent, the ſaid Company of Proprietors ſhall, within Three Months, nominate and appoint another Agent for the Purpoſe aforeſaid, in the Place or Stead of the Agent, ſo dying or removed, who ſhall reſide within Twelve Miles of ſome Part of the ſaid Canal or Branch as aforeſaid; and the ſaid Company of Proprietors ſhall, on the Appointment of every ſuch Agent, give Notice thereof, and of the Name and Place of Reſidence of ſuch Agent in ſome of the publick Newſpapers, publiſhed as herein-before mentioned: Provided always, that nothing in this Act contained ſhall make it neceſſary in Caſes where the ſaid Company of Proprietors ſhall have appeared to any Writ or Proceſs iſſuing out of any Court of Law or Equity to ſerve any Notice in the Courſe of the Action or Suit grounded on ſuch Writ or Proceſs, upon ſuch Agent ſo to be appointed as aforeſaid; but that in all ſuch Caſes Notices may be ſerved on the Attorney or Agent of the ſaid Company of Proprietors as in Actions and Suits in the ordinary Courſe of legal Proceedings.

Limitation of Actions.

CXLVI. And be it further enacted, That if any Action, Suit, or Information, ſhall be brought or commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, the ſame ſhall be brought or commenced within Six Calendar Months next after the Fact committed, or in caſe there ſhall be a Continuation of Damage,

then within Six Calendar Months next after the doing or committing ſuch Damage ſhall ceaſe, and not afterwards, and ſhall be laid or brought in the County, where the Fact or Matter in Diſpute ſhall ariſe, and not elſewhere; and the Defendant or Defendants in ſuch Action, Suit, or Information, 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; and if it ſhall appear to have been ſo done, or if any ſuch Action, Suit, or Information ſhall be brought after the Time ſo limited for bringing the ſame, or ſhall be brought in any other County or Place than as aforeſaid, then and in ſuch Caſe the Jury ſhall find for the Defendant or Defendants, or if the Plaintiff or Plaintiffs ſhall become Nonſuit, or ſuffer a Diſcontinuance of his, her, or their Action, Suit, or Information, after the Defendant or Defendants ſhall have appeared, or if a Verdict ſhall paſs againſt the Plaintiff or Plaintiffs, or if upon Demurrer or otherwiſe, Judgement ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall have Treble Coſts, and ſhall have ſuch Remedy for the ſame as any Defendant hath for Coſts of Suit in any other Caſe by Law. General Iſſue. Treble Coſts.

CXLVII. 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 of Parliament refers.

No. on Plan.	Land Owners.	Leſſees.	Occupiers.	Pariſh.	Deſcription of Property.
543	Peter Beckford, Eſq.	- -	John Alnor -	Shillingſton -	Withy Bed.
564	Do. - -	Betty Gavage	In Hand -	Do. -	Withy Bed.
5	Do. - -	Thomas Gillingham	In Hand -	Do. -	Withy Bed.
6	Do. - -	John Gillingham	In Hand -	Do. -	Withy Bed.
7	Do. - -	Thomas Gillingham	In Hand -	Do. -	Garden and Stable.
8	Do. - -	John Gillingham	In Hand -	Do. -	Garden.
9	Do. - -	Betty Gavage	In Hand -	Do. -	Orchard.
578	Do. - -	Robert Swire	In Hand -	Do. -	Orchard.
9	Do. - -	- -	John Small -	Do. -	Orchard, Cottage, and Garden.
581	Nanny Pittman	- -	James Hallett	Do. -	Orchard.
2	Peter Beckford, Eſq.	- -	James Cox -	Do. -	Orchard.
3	John Smith	- -	James Ford -	Do. -	Orchard.
4	Rev. Edward Jacob	- -	Jeremiah Roſe	Do. -	Orchard and Barton.
605	Lord Rivers	Robert Wooldrige	In Hand -	Okeford Fitzpaine.	Orchard.
614	Do. - -	Laurence Ford	In Hand -	Do. -	Orchard.
652. 3	Do. - -	John Haſkell or Hayward	In Hand -	Sturminſter Newton	Orchard.
6	Do. - -	- -	John Haſkell or Hayward	Do. -	Garden.
678	Do. - -	John Trowbridge	In Hand -	Do. -	Orchard.
681. 2	Do. - -	Mary Stubbs.	John Topp -	Do. -	Barton and Orchard.
3	Do. - -	Mary Jenkins	In Hand -	Do. -	Houſe, Barn, Stable, Barton, and Orchard.
4	Do. - -	John Forward	John Chaffey	Sturminſter Newton	Cottage, Garden, and Orchard.
6	Do. - -	Mary Guy	In Hand -	Do. -	Cottage and Garden.
7	Do. - -	James Achiſon	John Ridout	Do. -	Garden.
691	Do. - -	Mary Milmouth	William Harriſon	Do. -	Garden and Orchard.
2	Do. - -	John Spencer	In Hand -	Do. -	Garden and Orchard.
3	Do. - -	Thomas Arnold	In Hand -	Do. -	Orchard.
4	Do. - -	John Hody Chicheſter, Eſq.	Thomas Bleathman	Do. -	Orchard.
5	Do. - -	Mary Wills	William Lambert	Do -	Orchard.

No. on Plan	Land Owners.	Leſſees.	Occupiers.	Pariſh.	Deſcription of Property.
748	Earl of Uxbridge	William Tite	In Hand –	Stalbridge	Orchard.
750	Do. – –	Edith Symes	In Hand –	Do. –	Orchard.
4	Do. – –	James Dober	Rev. Thomas Gillet	Do. –	Orchard.
6	Do. – –	Suſannah Havord	In Hand –	Do. –	Orchard.
7	Do. – –	Rev. Cannon Colton	Thomas Burge	Do. –	Orchard.
760	Do. – –	Samuel Fezard	In Hand –	Do. –	Orchard.
1	Do. – –	James Brown	In Hand –	Do. –	Orchard and Garden.
2	Do. – –	Rev. William Gray	John Drew	Do. –	Cottage and Garden.
782	Samuel Hobbs	– –	Thomas Beaumont	Henſtridge	Orchard.
8	Mary Randall	– –	In Hand –	Do. –	Orchard.
9	James Huſon	– –	Robert Knight	Do. –	Orchard.
790	Rev. Wm. Biſhop	– –	In Hand –	Do. –	Orchard.
1	William Clark	– –	In Hand –	Do. –	Orchard.
2	Patience Lovell	– –	Richard Benjafield	Do. –	Cottage and Garden.
799	Mary Hobbs	– –	John Mullens	Do. –	Orchard.
800	Robert Gapper, Eſq.	– –	Sarah Oborne	Do. –	Orchard.
4	Wm. Charles Haviland Hiley, and the Rev. Rich. Auſtin	– –	George Guy	Do. –	Orchard.
5	Jonathan Hobbs	– –	Eliſha Legg	Do. –	Orchard.
7	Earl of Uxbridge	– –	Samuel Bliſs	Do. –	Milking Barton or Yard.
8	Robert Gapper, Eſq.	– –	Sarah Oborne	Do. –	Orchard.
810	Earl of Uxbridge	Sarah Oborne	Noah Ford	Do. –	Orchard.
11. 12	Mary Francis	– –	Benjamin Taylor,	Do. –	Hogſtye, or Cribhouſe, and Orchard.
14. 15	Earl of Uxbridge	Sarah Oborne	Noah Ford –	Do. –	Two Orchards.
17	Do. – –	William Langdon	In Hand –	Do. –	Orchard.
823	Patience Lovell	– –	Robert Lovell	Do. –	Orchard.
842	James Garrett, William Tite and Martha Garrett	– –	James Garrett	Temple Combe	Orchard.
3	John Longman	– –	Robert Young	Do. –	Orchard.
4	Sarah Abarrow	– –	Robert Lovell	Do. –	Orchard.
5	Earl of Uxbridge	– –	John Hiſcocks	Do. –	Orchard.
6	Richard Stacey	– –	In Hand –	Do. –	Orchard.
7	William Read	– –	In Hand –	Do. –	Orchard.
9	Overſeers of Abbas Combe	– –	In Hand –	Abbas Combe	Garden on the Waſte.
851	John Brine	– –	In Hand –	Do. –	Orchard.
3	Overſeers of Abbas Combe	– –	In Hand –	Do. –	Garden.
860	S. Doddington, Eſq.	– –	William Genge	Horſington.	Orchard.
1	Ditto	George Wadman	In Hand –	Do. –	Garden.
2	S. Bailward, Eſq.	– –	John Wadman	Do. –	Garden.
6	Silas Brooks	– –	In Hand –	Do. –	Cottage and Garden.
9	Mathew Allwood	– –	In Hand –	Do. –	Orchard and Garden.
871	J. A. Wickham, Eſq.	– –	Meſhac Hannam	Do. –	Orchard.
4	S. Bailward, Eſq.	– –	In Hand –	Do. –	Orchard.
5	S. Dodington, Eſq.	– –	William Genge	Do. –	Orchard.
905	Lazarus Bewſey	– –	John Skinner	North Cheriton	Orchard.
912. 13. 14. 15. 16.	John Longman	– –	Paul Mitchell	Maperton	Orchards.
939	William Webb, Eſq.	– –	Joſeph Foot	Wincanton	Garden.
941	Pariſh of Wincanton	– –	Paupers	Do. –	Garden.

No. on Plan.	Land Owners.	Leſſees.	Occupiers.	Pariſh.	Deſcription of Property.
942	Mathew Day	- -	In Hand -	Wincanton	Garden.
4	William Webb, Eſq.	- -	John Guyer	Do. -	Garden.
5. 6. 7.	R. Meſſiter, Eſq.	- -	In Hand -	Do. -	Garden and Orchards.
8	Thomas Light	- -	Abraham Pittman, Abraham Bond, and David Felthem	Do. -	Three Cottages and Garden.
9	Ditto - -	- -	David Davis and Elizabeth Mitchell	Do. -	Two Cottages and Garden.
950	Joſeph Vining	- -	In Hand -	Do. -	Cottage and Garden.
3	Philip Pittman	- -	In Hand -	Wincanton -	Garden, Cyderhouſe, and Orchard.
4	Do. -	- -	Abel Brooks -	Do. -	Orchard, Garden, and Barton.
5	Do. -	- -	In Hand -	Do. -	Booking Houſe.
958	Sarah Barns	- -	Edmund Phillips	Charlton Muſgrave -	Rickyard.
977	Sarah Paget	- -	John Richards	Wincanton	Orchard.
1001	Nath. Webb, Eſq.	Mary Robins	In Hand -	Charlton Muſgrave -	Orchard.
6	Do. -	Do. -	John Morrice	Do. -	Orchard.
1011	Edw. Phelips, Eſq.	- -	Thomas Pearce	Shepton Montague -	Orchard.
1031. 2	Edw. Morton Pleydell, Eſq.	- -	Henry Mead, Sen.	South Brewham	Barton and Garden.
1055	Harry Albin Martin, Eſq.	- -	Richard Kittle	Do. -	Orchard.
1115	R. Thiſtlethwaite, Eſq.	- -	Robert Auſtin	Witham Friary	Barton and Garden.
1121	John Baker	- -	Joſeph Butler	Do. -	Orchard and Garden.
1197	Earl of Cork	- -	In Hand -	Marſton Bigot	Nurſery.
1203	Marquis of Bath	William Rabbits in Truſt for Mary Dolland	Ambroſe Paps	Frome Selwood	Cottage and Garden.
4	Do. -	William Horton	John Turk	Do. -	Cottage and Garden.
1300	John Meares	- -	Robert Miles	Do. -	Garden.
1302	Thomas Bunn	- -	James Watts	Do. -	Garden, Orchard, and two Cowhouſes.
3	John Meares	- -	John French and Thomas Cannons	Do. -	Cottage and Garden.
1321	Samuel Allen	- -	In Hand -	Do. -	Garden and Barton.
2	Rev. J. Griffith and Edward Griffith -	- -	In Hand -	Do. -	Garden.
3	Tho. Champneys, Eſq. -	Rev. J. Griffith and Edward Griffith	James Underwood, Samuel Allen, Stephen Guy, and William Cuznea	Do. -	Four Garden Plots.
4	Rev. J. Griffith and Edward Griffith -	- -	Wm. Cuznea and Samuel Allen	Do. -	Three Garden Plots.
5	Tho. Champney, Eſq.	- -	Ralph Hodgkins	Do. -	Garden.
6	Tho. Champneys, Eſq.	- -	Joſeph Harrold	Do. -	Orchard and Garden.

No. on Plan.	Land Owners.	Leffees.	Occupiers.	Parish.	Description of Property.
1327	John Adlam	- - -	Joseph Trotman	Frome Selwood	Barton and Stable.
8	Sarah Webley	- -	John Hooper	Do. -	Garden, Tennis Court, Stable, Barn, and Two Small Stables.
9	Earl of Cork	Thomas Clement	In Hand -	Do. -	Garden and Woodhouse.
1330	Do.	John Mayo	In Hand -	Do. -	Cottage and Smith's Shop.
1	Do. - -	Thomas Clement	In Hand -	Do. -	Press Shop and Garden.
1380. 1.	Rev. John Methuen Rogers	- -	James Paine and William Wilcocks -	Rodden	Two Cottages and Garden.
2	Harry Edgell, Esq.	Jeremiah Prior	In Hand -	Standerwick	Orchard.
4	Marquis of Bath	Rev. John Methuen Rogers	John Pickford	Do. -	Orchard.
1397	Richard Hull	- -	In Hand -	Beckington	Orchard and Garden.
1400. 1	James Carpenter	- -	In Hand -	Do. -	Orchard.
4	John Newton	- -	In Hand -	Do. -	Orchard.
1430	William Whitaker	- -	In Hand -	North Bradley	House and Garden.
1	Thomas Whitaker Ledyard	- -	Thomas Silcocks and Thomas Barns	Do. -	Two Cottages and Garden.
7	Sarah West	- -	In Hand -	Do. -	Orchard.
1443	Joseph Houlton, Esq.	- -	John Bleck -	Do. -	Garden, Orchard, and Lime Kiln.
1448	Dan. Clutterbuck, Esq.	- -	William Jenkins	Do. -	Orchard.
1473	Benj. Hobhouse, Esq.	- -	Widow Dark	Wingfield	Orchard.

BRANCH TO THE COLLIERIES.

No. on Plan.	Land Owners.	Leſſees.	Occupiers.	Pariſh.	Deſcription of Property.
17	Tho. Champneys, Eſq.	- -	David Weſt	Frome Selwood	Garden, Yard, &c.
22. 23	Edward Barnard, Eſq.	- -	Iſaac Ayres	Do. -	Cottage, Garden, and Orchard.
4	Tho. Champneys, Eſq.	- -	Benjamin Colſton	Do. -	Orchard.
5	William Bull	John Hagley	Thomas Paine	Do. -	Orchard.
36	Robert Duran	- -	Eliz. Cox and Rich. Cayford	Elm -	Orchard and Garden.
124	James Flower	- -	Robert Parſons	Mells -	Orchard.
128	Cha. Knatchbull, Eſq.	- -	William Penny	Do. -	Cottage and Garden.
130	Do. -	- -	Thomas Beacham	Do. -	Stable.
1	Do. -	- -	Do. -	Do. -	Houſe, Cottage, and Garden.
5	Do. -	- -	Walter Short	Do. -	Houſe and Garden.
155	John Lambert, Eſq.	- -	John Chivers	Babington	Garden.
164	Henry Vagg	Thomas Lewis	James Robbins	Kilmerſdon	Garden.
6	Do. -	- -	William Brooks	Do. -	Garden.
8	Stephen Hill	- -	Thomas Lewis	Do. -	Orchard.
9	John James	- -	Thomas Lewis, C. Tucker, J. James and Co.	Do. -	Garden, Cottage, and Smith's Shop.
171	Do. -	- -	Charles Tucker	Do. -	Garden.
3	Tho. S. Jolliffe, Eſq.	James Matravers	William Flower	Do. -	Houſe, Stable, and Yard.
5	John Padfield	- -	In Hand -	Do. -	Houſe and Garden.
6	William Nuth	- -	In Hand -	Do. -	Garden.
186	Tho. S. Jolliffe, Eſq.	Richard and George Britan and John Lancaſhire	Steph. Hill and Co.	Do. -	Houſe, Paddock, and Garden.
7	Do. -	Joſeph Hancock	In Hand -	Do. -	Houſe and Garden.
190	William Miles	Stephen Hill	In Hand -	Holcombe	Orchard.
197	C. Knatchbull, Eſq.	- -	James Aſhman	Do. -	Garden.
220	William Briant	- -	In Hand -	Stratton on the Foſs	Garden.
222	Commiſſioners of Shepton Mallet Turnpike	- -	George Lambert	Do. -	Toll Houſe and Garden.
223	James Stock	- -	In Hand -	Do. -	Cottage and Garden.
225	Truſtees under the Will of the late H. Hip. Coxe, Eſq.	Samuel Briant	In Hand -	Midſummer Norton	Houſe, Stable, and Garden.

FINIS.