ANNO TRICESIMO SEXTO

Georgii III. Regis.

CAP. XCV.

An Act for authorizing the Company of Proprietors of the *Warwick* and *Braunſton* Canal Navigation to vary the Courſe of a certain Part of the ſaid Canal; and for amending and altering the Act, made in the Thirty-fourth Year of the Reign of His preſent Majeſty, for making the ſaid Canal.

[14th *May* 1796.]

WHEREAS by an Act of Parliament made in the Thirty-fourth Year of the Reign of His preſent Majeſty, certain Perſons and their Succeſſors, incorporated by the Stile of *The Company of Proprietors of the Warwick and Braunſton Canal Navigation*, are authorized to make a Navigable Canal out of and from the *Warwick* and *Birmingham* Canal, then cutting or intended to be cut, in the Pariſh of *Budbrooke*, in the County of *Warwick*, into the *Oxford* Canal, in the Pariſh of *Braunſton*, in the County of *Northampton*, according to a Plan thereof, to be authenticated by the Right Honourable the Speaker of the Houſe of Commons, as directed by the ſaid Act: And whereas the ſaid Company of Proprietors have proceeded in the Execution of the ſaid Act, and made a conſiderable Part of their Canal, but now find that if the ſame was to be completed in the Line preſcribed as aforeſaid, between a Place or Road called *The Foſſe Road*, in the Pariſh of *Offchurch*, in the ſaid County of *Warwick*, and the Pariſh of *Braunſton* aforeſaid, it would be attended with much Inconvenience and Prejudice to the Company, and would be

Preamble. 34 *Geo.* III. Cap. 38.

be incommodious for Navigation, as a Tunnel of more than Eight hundred Yards in Length muſt be made thereon: And whereas the ſaid Company of Proprietors have lately cauſed Surveys to be made, whereby it appears that if the above mentioned Part of the Line of their Canal was abandoned, and inſtead thereof it was carried from the ſaid Place or Road, called *The Foſſe Road*, in the Pariſh of *Offchurch* aforeſaid, through the ſeveral Pariſhes, Hamlets, Townſhips, or Places of *Offchurch*, *Baſcote*, *Long Itchington*, *Stockton*, *Burdingbury*, *Lemington Haſtings*, *Broadwell* otherwiſe *Bradwell*, *Grandborough*, *Caldecot*, and *Napton*, into the ſaid *Oxford* Canal, in the Pariſh of *Napton*, all in the ſaid County of *Warwick*, it would be much more beneficial to the ſaid Company of Proprietors, more commodious for Navigation, and the Advantages to ariſe to the Publick from the ſaid Canal be more eaſily attained, and much increaſed, and the ſame may be done for leſs Expence, as there will not be any Tunnel on this Line of Canal: But the ſame cannot be effected without the Aid of Parliament: And whereas the ſaid Act, in ſome Reſpects, requires Amendment and Alteration: 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, from and after the paſſing of this Act, the ſaid in Part recited Act, and every Clauſe, Matter, and Thing therein contained, ſo far as the ſame relates to or concerns the making and maintaining the Part of the ſaid Navigable Canal from the ſaid Road or Place called *The Foſſe Road*, in the Pariſh of *Offchurch* aforeſaid, in the ſaid County of *Warwick*, into the ſaid *Oxford* Canal, in the Pariſh of *Braunſton*, in the County of *Northampton*, be, and the ſame is hereby repealed, and made abſolutely null and void to all Intents and Purpoſes whatſoever; and inſtead thereof be it enacted, That it ſhall be lawful for the ſaid Company of Proprietors, and they are hereby authorized and empowered to make, complete, and maintain the ſaid Canal from the ſaid *Foſſe Road*, in the Pariſh of *Offchurch* aforeſaid, through a Part of the ſaid Pariſh of *Offchurch*, and through the ſeveral Pariſhes, Hamlets, Townſhips, or Places of *Baſcote*, *Long Itchington*, *Stockton*, *Burdingbury*, *Lemington Haſtings*, *Broadwell* otherwiſe *Bradwell*, *Grandborough*, *Caldecot*, and *Napton*, to join and communicate with the ſaid *Oxford* Canal, in the ſaid Pariſh of *Napton*, all in the ſaid County of *Warwick*, and to make, erect, execute, do, and perform, all ſuch Works, Matters, and Things, as ſhall be requiſite and convenient for making, completing, and maintaining the ſaid Part of their Canal, and ſupplying the ſame with Water, according to the true Intent and Meaning of this Act, and the ſaid recited Act; and the ſeveral Powers, Authorities, Proviſions, Exceptions, and other Matters and Things therein contained, ſo far as the Nature and Circumſtances of the Caſe will admit (ſubject to the ſeveral Alterations, Additions, and Amendments hereby made to the ſaid Act) ſhall be uſed and exerciſed by the ſaid Company of Proprietors, their Deputies, Agents, Officers, Workmen, and Servants, and ſhall be applied, enforced, and put in Execution for making, completing, preſerving, and maintaining, the ſaid Part of the ſaid Canal, and for ſupplying the ſame from Time to Time with Water, and alſo for making, erecting, doing, and performing, all ſuch other Works, Matters, and Things, as they ſhall think neceſſary and expedient, for the Benefit of the Navigation of the ſaid Part of the ſaid Canal, and any Roads to or from the ſame, and for defraying the Expences thereof,

The Company empowered to make a Variation in the Line of their Canal.

and the ſame ſhall and may alſo be uſed and exerciſed by the Owners and Proprietors of Lands lying near or adjoining to the ſaid Part of the ſaid Canal, in ſuch and the like Manner, and as fully and effectually, to all Intents and Purpoſes; and the ſeveral Powers and Authorities by the ſaid recited Act veſted in the Commiſſioners thereby appointed ſhall and may likewiſe be uſed and exerciſed by them for the Purpoſes mentioned and expreſſed in the ſaid Act, as fully, amply, and effectually, to all Intents and Purpoſes whatſoever, as if the ſeveral Powers and Authorities veſted in the ſaid Company of Proprietors and Commiſſioners reſpectively, and other Proviſions, Matters, and Things contained in the ſaid recited Act, were repeated and re-enacted in the Body of this preſent Act, and as if the ſaid Part of the ſaid Canal and other Works by this Act authorized to be made, completed, and maintained, had been deſcribed in the ſaid Act as Part of the Works to be made and done by virtue of the ſaid Act; and the like Exemptions from the Payment of ſuch Rates of Tonnage and Wharfage as are allowed by the ſaid recited Act for or in reſpect of any Articles which ſhall be navigated, carried, or conveyed upon the Canal directed to be made by the ſaid recited Act, ſhall be allowed for or in reſpect of the like Kind of Articles which ſhall be navigated, carried, or conveyed upon the ſaid Variation of the ſaid Canal herein-before deſcribed, and intended to be made by virtue of this Act.

To change the Style of the Company.

II. And whereas, from the Variation hereby authorized to be made in the ſaid Canal, it is neceſſary to alter the Style of the ſaid Company of Proprietors; be it therefore enacted, That, from and immediately after the paſſing of this Act, the ſaid Company of Proprietors ſhall be incorporated, ſtyled, and called by the Name of *The Company of Proprietors of the Warwick and Napton Canal Navigation*, inſtead of by the Name of *The Company of Proprietors of the Warwick and Braunſton Canal Navigation*, by which they are at preſent incorporated and ſtyled, and by the ſaid Name of *The Company of Proprietors of the Warwick and Napton Canal Navigation*, ſhall be One Body Politick and Corporate, and by that Name ſhall have perpetual Succeſſion, and a Common Seal, and by that Name ſhall and may ſue and be ſued, and do and perform all other Acts and Things, inſtead of by the Name of *The Company of Proprietors of the Warwick and Braunſton Canal Navigation*; and the ſaid Canal ſhall alſo be called *The Warwick and Napton Canal Navigation*, inſtead of *The Warwick and Braunſton Canal Navigation*.

Surveys have been taken of the Variation.

III. And whereas divers Levels and Surveys have been taken to aſcertain the Practicability of making the ſaid Part of the ſaid Canal from the *Foſſe Road* aforeſaid, in the Pariſh of *Offchurch*, into the *Oxford* Canal, in the Pariſh of *Napton* aforeſaid, and a Map or Plan thereof, and a Book of Reference thereto, have been made in conſequence of ſuch Levels and Surveys through, acroſs, under, or over the ſeveral Eſtates, Lands, or Grounds, now or late belonging or reputed to belong to the ſeveral and reſpective Perſons particularly mentioned in the ſaid Book of Reference; be it therefore further enacted and declared, That there ſhall be Two Parts made of the ſaid Map or Plan and Book of Reference, which ſhall be certified by the Right Honourable the Speaker of the Houſe of Commons for the Time being, and ſeverally depoſited and

Map and Book of References to be authenticated,

kept in the Office of the Clerk of the Peace for the County of *Warwick*, and with the Clerk to the ſaid Company of Proprietors for the Time being, to which all Perſons ſhall have Liberty to reſort, and make Extracts or Copies thereof, as Occaſion ſhall require, paying to the ſaid reſpective Clerks, after the Rate of Three-pence for every One hundred Words; and the ſaid Maps or Plans and Books of Reference ſo certified, or a true Copy or Copies thereof, ſhall be, and is and are hereby declared to be good Evidence in all Courts of Law or elſewhere; and the Clerk to the ſaid Company of Proprietors for the Time being, upon Six Days Notice to him given for that Purpoſe, ſhall from Time to Time produce the ſaid Map or Plan and Book of Reference in his Cuſtody, before the Commiſſioners appointed in and by the ſaid recited Act, and their Succeſſors, or any Jury or Juries to be impannelled by virtue of the ſaid recited Act or this Act, at the Time and Place to be mentioned in ſuch Notice, in order that the ſame may be then and there given in Evidence.

and allowed in Evidence.

Not to deviate from the Line laid down in the Plan without Conſent.

IV. And be it further enacted, That the ſaid Company of Proprietors, in making the ſaid intended Canal, ſhall not deviate from the Courſe or Direction delineated in the ſaid Map or Plan, unleſs the Perſon or Perſons, to whom the Lands and Grounds through which any Deviation ſhall be propoſed to be made do or ſhall belong, ſhall give his, her, or their Conſent thereto in Writing under his, her, or their Hand or Hands.

Land Owners on that Part of the Canal which is repealed by this Act at Liberty to relinquiſh their Shares.

V. And whereas ſeveral Perſons, Bodies Politick, Corporate, or Collegiate, being Owner or Owners, Proprietor or Proprietors, or in the actual Poſſeſſion, or entitled to the Rents and Profits of Lands lying on that Part of the Line of the ſaid intended Canal between the *Foſſe Road* aforeſaid, in the Pariſh of *Offchurch* aforeſaid, in the ſaid County of *Warwick*, and the *Oxford* Canal at *Braunſton*, in the County of *Northampton*, and which is by this Act directed to be abandoned by the ſaid Company of Proprietors, have, on Account of their ſeverally being Owner or Owners, Proprietor or Proprietors, or in the actual Poſſeſſion, or entitled to the Rents and Profits of ſuch Lands as aforeſaid, ſeverally ſubſcribed for and become poſſeſſed of and entitled unto One or more Share or Shares in the ſaid Canal, and have ſeverally covenanted or undertaken to pay different Sums of Money towards making, completing, and maintaining the ſaid Canal and Works, and have actually paid to the Company's Treaſurers ſeveral Sums of Money on ſuch Shares: And whereas it hath been propoſed that the ſeveral Perſons, Bodies Politick, Corporate, or Collegiate, who is or are poſſeſſed of ſuch Shares as aforeſaid, ſhall, on Account of the ſaid Variation of the Line of the ſaid Canal, and on their reſpectively giving Notice to the Clerk to the ſaid Company, as herein-after is mentioned, be at Liberty to relinquiſh and give up the ſeveral Shares which he, ſhe, or they is or are poſſeſſed of as aforeſaid, and that the ſaid Company ſhall repay to ſuch Perſon and Perſons reſpectively all ſuch Sum and Sums of Money which he, ſhe, or they ſhall have advanced and paid on ſuch Shares, and that the ſaid Shares ſhall immediately become veſted in the ſaid Company, and that they ſhall be at Liberty to diſpoſe thereof in the ſame Manner as the Overplus Shares in the ſaid Navigation, which now remain undiſpoſed of: Be it therefore further enacted, That it ſhall and may be lawful to and for

for the ſeveral Perſon or Perſons, Bodies Politick, Corporate, or Collegiate, being Owner or Owners, Proprietor or Proprietors, or in the actual Poſſeſſion, or entitled to the Rents and Profits of Premiſes lying on that Part of the Line of the ſaid intended Canal between the *Foſſe Road* aforeſaid, in the Pariſh of *Offchurch* aforeſaid, in the ſaid County of *Warwick*, and the *Oxford* Canal, in the Pariſh of *Braunſton* aforeſaid, in the ſaid County of *Northampton*, and through which that Part of the ſaid Canal was intended to be cut, or which was intended to be taken or uſed for the Works thereof, and which is directed to be abandoned by this Act, within Three Months after the paſſing of this Act, to relinquiſh and give up the ſeveral Shares in the ſaid Canal, which he, ſhe, or they has or have ſubſcribed for, or is or are poſſeſſed of, on giving Ten Days Notice to the Clerk or Clerks for the Time being to the ſaid Company of Proprietors, of his, her, or their Intention of relinquiſhing and giving up ſuch Shares; and after ſuch Notice given by ſuch Perſon or Perſons as aforeſaid, the ſeveral Shares which he, ſhe, or they was or were poſſeſſed of in the ſaid Canal ſhall immediately become veſted in the ſaid Company of Proprietors, their Succeſſors, and Aſſigns, and they are hereby fully authorized and empowered to diſpoſe of ſuch relinquiſhed Shares to any new or freſh Subſcriber or Subſcribers to the ſaid Canal, who ſhall be willing to take the ſame within Two Years after the paſſing of this Act, in the ſame Manner, and as fully, abſolutely, and effectually, to all Intents and Purpoſes whatſoever, as the ſaid Company of Proprietors are by the ſaid recited Act empowered to diſpoſe of the remaining or ſurplus Shares in the ſaid Canal; any Thing in this Act or the ſaid recited Act contained to the contrary thereof in anywiſe notwithſtanding.

Company to repay to the Land Owners relinquiſhing Shares the Money they may have advanced.

VI. Provided always, and be it further enacted, That the ſaid Company of Proprietors ſhall, and they are hereby required to repay or cauſe to be repaid to the ſaid ſeveral and reſpective Perſons, Bodies Politick, Corporate, or Collegiate, being Owners or Proprietors, or in the actual Poſſeſſion, or entitled to the Rents and Profits of Lands lying on that Part of the ſaid intended Canal between the *Foſſe Road* aforeſaid and the *Oxford* Canal, in the Pariſh of *Braunſton*, in the County of *Northampton* aforeſaid, and who ſhall have given Notice as aforeſaid to the Clerk or Clerks to the ſaid Company, within Three Months after the paſſing of this Act, of his, her, or their Intention of relinquiſhing ſuch Shares, and to their ſeveral and reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, all ſuch Sum and Sums of Money which have from Time to Time been paid or advanced by ſuch Perſons, Bodies Politick, Corporate, or Collegiate reſpectively, within Nine Months after Application made to the ſaid Company for that Purpoſe, and the ſaid Perſon and Perſons, Bodies Politick, Corporate, and Collegiate, and their ſeveral and reſpective Succeſſors, Heirs, Executors, Adminiſtrators, and Aſſigns, from and immediately after the paſſing of this Act, ſhall be acquitted, releaſed, and diſcharged of and from the Payment of any further or other Sum or Sums of Money, or any Call hereafter to be made on ſuch Shares, notwithſtanding they have executed any Agreement, Undertaking, or Writing, or ſhall have made any Promiſe, or entered into any Undertaking whatſoever for that Purpoſe; any Thing contained in the ſaid recited Act or this Act to the contrary thereof in anywiſe notwithſtanding.

VII. And

Regulations as to the Acquiſition of Shares by Marriage;

VII. And whereas much Inconvenience may ariſe by the frequent Transfer and Sale of the Right and Title to the Shares of and in the ſaid Navigation by the Marriage and Death of Proprietors, and it may be difficult in ſuch Caſes to aſcertain to whom the Dividends ariſing or becoming due upon ſuch Shares ought to be paid and do belong: And whereas no Proviſion is made in the ſaid recited Act for preventing any ſuch Inconvenience; for Remedy whereof, be it further enacted, That before any Perſon or Perſons, who ſhall claim any Part or Share of the Profits of the ſaid Navigation in Right of Marriage, ſhall be entitled to receive the ſame, an Affidavit, (or Affirmation of a Perſon being a Quaker), containing a Copy of the Regiſter of ſuch Marriage, or the Effect of ſuch Regiſter, or of the actual Solemnization of ſuch Marriage, 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 or Clerks to the ſaid Company for the Time being, who ſhall file the ſame, and make an Entry thereof in the Book or Books which ſhall be kept by the ſaid Clerk or Clerks for the Entry of Transfers and Sales of Shares in the ſaid Navigation; and that before any Perſon or Perſons who ſhall claim any Part or Share of the Profits of the ſaid Navigation by virtue of any Bequeſt or Will, or in a Courſe of Adminiſtration, ſhall be entitled to receive the ſame, the ſaid Will, or the Probate Copy thereof, ſhall be produced and ſhewn to the ſaid Clerk or Clerks, or an Affidavit containing a Copy of ſo much of ſuch Will as ſhall relate to the Share or Shares of the Teſtator, or 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 or Clerks, who ſhall file and enter the ſame in Manner herein-before mentioned.

or Will, or in Courſe of Adminiſtration.

The Company empowered to raiſe a further Sum of Money if neceſſary.

VIII. And whereas the Company of Proprietors of the ſaid *Warwick* and *Napton* Canal, by their Deſcription of the Company of Proprietors of the *Warwick* and *Braunſton* Canal are by the ſaid recited Act empowered, in caſe the Sum of One hundred thouſand Pounds thereby authoriſed to be raiſed ſhould be found inſufficient for the making, completing, and maintaining, the ſaid Navigable Canal and other Works, by the ſaid recited Act authorized to be made, and all neceſſary Charges and Expences relating thereunto, to raiſe and contribute amongſt themſelves in Manner and Form as in the ſaid recited Act is mentioned, or to borrow or take up at Intereſt on their Bond or Bonds, or on a Mortgage or Mortgages of the Tolls and Duties granted by the ſaid recited Act, under their Common Seal, any further or other Sum of Money for completing and maintaining the ſaid Navigation, not exceeding the Sum of Thirty thouſand Pounds: And whereas it may be neceſſary to raiſe a further Sum of Money, over and above the ſaid Sum of One hundred thouſand Pounds, to complete the ſaid Canal to *Napton* aforeſaid, and the Works and Buildings neceſſary thereto, and it is proper that the ſaid Company of Proprietors of the *Warwick* and *Napton* Canal ſhould be empowered to raiſe ſuch further Sum of Money, not exceeding the ſaid Sum of Thirty thouſand Pounds, for the Purpoſes laſt mentioned:

Be it therefore enacted, That in caſe the ſaid Sum of One hundred thouſand Pounds, authorized to be raiſed by the ſaid recited Act, ſhall be found inſufficient for the making, completing, and maintaining, the ſaid Navigable Canal and other Works authorized to be made by the ſaid recited Act and this Act, and all neceſſary Charges and Expences relating thereunto, the ſaid Company of Proprietors ſhall be, and they are hereby authorized to raiſe and contribute amongſt themſelves, or to borrow or take up at Intereſt on their Bond or Bonds, or on a Mortgage or Mortgages of the Tolls and Duties granted by this Act, under their Common Seal, any further or other Sum or Sums of Money for completing and maintaining the ſaid Navigation, not exceeding in the Whole the Sum of Thirty thouſand Pounds; and if all, any, or either of the ſaid Proprietors ſhall advance and pay any Proportion or Proportons of ſuch further Sum as ſhall or may be wanted for the Purpoſes aforeſaid, then and in ſuch Caſe it ſhall and may be lawful to and for the ſaid Company of Proprietors, their Succeſſors and Aſſigns, and they are hereby fully authorized and empowered, at any General Meeting to be held in purſuance of the ſaid recited Act or this Act, to order and direct a proportionate Share of the Dividends, Profits, and Produce of the ſaid Navigation to be paid unto and amongſt ſuch of the Proprietors who ſhall, in purſuance of this Act, or the ſaid recited Act, advance and raiſe all or any Part of ſuch further Sum as ſhall or may be wanted as aforeſaid, and not exceeding the ſaid Sum of Thirty thouſand Pounds, according to, and in Proportion to, the Sum advanced by each Proprietor reſpectively, over and above and in Proportion to the Dividends which ſuch Proprietor or Proprietors will be entitled unto in Right of his, her, or their original Share or Shares in the ſaid Canal; any Thing in the ſaid recited Act or this Act contained to the contrary thereof in anywiſe notwithſtanding.

Rates of Tonnage.

IX. 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, inſtead of the Rates or Duties granted and made payable to them by the ſaid recited Act, to aſk, demand, take, recover, and receive, to and for their own proper Uſe and Behoof, the ſeveral Rates or Duties hereinafter mentioned, for the Tonnage of all Coals, Goods, Wares, Merchandize, and Things, which ſhall be carried or conveyed upon the ſaid Navigation; (that is to ſay),

For all Coals, Goods, Wares, Merchandize, and other Things, (except Lime and Limeſtone) which ſhall be navigated, carried, or conveyed, upon or along any Part of the ſaid Canal for leſs than Six Miles, and paſs any Lock or Locks thereon, One Shilling *per* Ton, and ſo in Proportion for a leſs Quantity than a Ton:

For all Coals, Goods, Wares, Merchandize, and other Things, (except Lime and Limeſtone), which ſhall be navigated, carried, or conveyed, upon on along any Part of the ſaid Canal, Six Miles or more, and not exceeding Eight Miles, Two-pence *per* Ton *per* Mile, and ſo in Proportion for a leſs Quantity than a Ton:

For all Coals, Goods, Wares, Merchandize, and other Things, (except Lime and Limeſtone), which ſhall be navigated, carried, or conveyed, upon or along any Part of the ſaid Canal more than Eight Miles, and not exceeding Thirteen Miles, Two-pence *per* Ton *per* Mile for the Firſt

Eight Miles, and One Penny *per* Ton for every Mile beyond the Eight Miles, not exceeding Thirteen Miles:

For all Coals, Goods, Wares, Merchandize, and other Things, (except Lime and Limeſtone), which ſhall be navigated, carried, or conveyed, along any Part of the ſaid Canal, and not paſs a Lock or Locks thereon, the Sum of One Penny Halfpenny *per* Ton *per* Mile, and ſo in Proportion for a leſs Quantity than a Ton:

For all Coals, Goods, Wares, Merchandize, and other Things, (except Lime and Limeſtone), which ſhall be navigated, carried, or conveyed, upon or along the Whole of the ſaid Canal, or along any Part thereof more than Thirteen Miles, the Sum of One Penny Halfpenny *per* Ton *per* Mile, and ſo in Proportion for a leſs Quantity than a Ton:

For all Coals, Goods, Wares, Merchandize, and other Things, which ſhall be navigated, carried, or conveyed upon or along any Part of the ſaid Canal leſs than a Mile, the ſame Tonnage or Sum of Money *per* Ton as ſuch Articles would have been liable to have paid if the ſame had been navigated on the ſaid Canal the whole Length of a Mile, and ſo in Proportion for a leſs Quantity than a Ton.

Certain Abatements and Exemptions.

X. Provided always, That after the Rate of One Half of the above Tolls or Duties, and no more, ſhall be demanded or taken for the Tonnage of any Lime or Limeſtone which ſhall be navigated, carried, or conveyed upon or along the ſaid Canal, or any Part thereof: Provided alſo, that no more than after the Rate of Two-pence *per* Ton *per* Mile ſhall be demanded or taken for the Tonnage of any Coals, Goods, Wares, Merchandize, or other Things, which ſhall be navigated, carried, or conveyed, upon or along any Part of the ſaid *Warwick* and *Napton* Canal, not exceeding Five Miles from the ſaid *Warwick* and *Birmingham* Canal: Provided alſo, that no more than One Penny Halfpenny *per* Ton *per* Mile ſhall be demanded or taken for the Tonnage of any Freeſtone which ſhall be navigated, carried, or conveyed, upon or along the ſaid *Warwick* and *Napton* Canal, or any Part thereof; but it is hereby declared, that if ſuch Freeſtone ſhall be navigated, carried, or conveyed, upon or along any Part of the ſaid Canal for Part of a Mile, the ſame Tonnage or Sum of Money *per* Ton ſhall be paid as ſuch Freeſtone would have been liable to have paid if the ſame had been navigated on the ſaid Canal the whole Length of a Mile: And it is hereby further declared, that no Toll or Duty whatſoever ſhall be demanded or taken for any empty Boat or other Veſſel paſſing along any Part of the ſaid Canal for the Purpoſe of fetching Freeſtone; all which ſaid Rates or Dues ſhall be paid to ſuch Perſon or Perſons at ſuch Place or Places near to the ſaid Canal, in ſuch Manner, and under ſuch Regulations, as the ſaid Company of Proprietors, or the Committee for the Time being, ſhall direct or appoint; and in caſe of Denial or Neglect of Payment of any ſuch Rates or Dues, or any Part thereof on Demand, to the Perſon or Perſons appointed to receive the ſame 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, or the Perſon or Perſons to whom the ſaid Rates or Dues ſhall be ſo directed or appointed to be paid, may, and he and they is and are hereby empowered to ſeize and diſtrain any ſuch Boat or Veſſel, or Goods for or in reſpect whereof ſuch Rates or Dues ought to be paid, or any Part of ſuch Goods, and detain the ſame until Payment thereof, together with reaſonable Charges for ſuch Seizure and Diſtreſs; and

and if ſuch Diſtreſs ſhall not be redeemed within Five Days after the taking thereof, the ſame ſhall be appraiſed and ſold as the Law directs in Caſes of Diſtreſs for Rent.

Tonnages granted to the *Oxford* Company by the ſaid recited Act repealed.

XI. And whereas the Company of Proprietors of the *Oxford* Canal Navigation are by the ſaid recited Act empowered to aſk, demand, take, and receive, to and for their own Uſe and Behoof, (over and above all the Rates of Tonnage, or Duties, which they were, are, or ſhould be entitled unto), for or in reſpect of any Coals, Goods, Merchandize, or other Things, navigated or paſſing in or upon any Part of the ſaid *Oxford* Canal, by virtue of any Act or Acts of Parliament in force at the Time of paſſing the ſaid recited Act (except as in the ſaid Act is excepted) the Rates or Duties therein-after mentioned; be it therefore enacted, That all the Rates of Tonnage, or Duties, which are by the ſaid recited Act granted to the ſaid Company of Proprietors of the *Oxford* Canal Navigation, or which ſhall ariſe and accrue to them in any Manner whatſoever under or by virtue of the ſaid recited Act, ſhall be, and they are hereby repealed and made abſolutely null and void to all Intents and Purpoſes whatſoever; any Thing in the ſaid recited Act or this Act contained to the contrary thereof in anywiſe notwithſtanding.

Tolls granted to the *Oxford* Company on all Goods, &c. navigated on the *Oxford* Canal out of the intended Canal.

XII. And whereas the making the ſaid intended Canal, in the Courſe or Direction herein-before deſcribed may be injurious to the ſaid Company of Proprietors of the *Oxford* Canal Navigation, unleſs Proviſion be made for preventing any ſuch Injury; be it therefore enacted, That it ſhall be lawful for the Company of Proprietors of the ſaid *Oxford* Canal Navigation to aſk, demand, take, and receive, to and for their own Uſe and Behoof, (over and above all the Rates of Tonnage or Duties which they were, are, or ſhall be entitled unto), for or in reſpect of any Coals, Goods, Merchandize, or other Things, navigated or paſſing in or upon any Part of the ſaid *Oxford* Canal, by virtue of any Act or Acts of Parliament now in force, (except the ſaid recited Act of the Thirty-fourth of *George* the Third, and alſo except as herein-after excepted), the Rates or Duties herein-after mentioned; (that is to ſay),

For all Coals which ſhall be navigated out of the ſaid intended Canal into the ſaid *Oxford* Canal, (except ſuch as ſhall be *bona fide* navigated into the Grand Junction Canal), the Sum of Three Shillings and Fourpence *per* Ton:

For all Goods, Wares, Merchandize, and Things, which ſhall be navigated out of the ſaid intended Canal into the ſaid *Oxford* Canal, or out of the ſaid *Oxford* Canal into the ſaid intended Canal, (except ſuch as ſhall be *bona fide* navigated into or out of the ſaid Grand Junction Canal, or from the *Coventry* Canal, or from any intermediate Place between the ſaid *Coventry* Canal and the ſaid intended Canal, and alſo except Lime, Limeſtone, and Manure), the Sum of Five Shillings and Twopence Halfpenny *per* Ton, and ſo in Proportion for a leſs Quantity than a Ton:

For all Coals which ſhall be navigated out of the ſaid intended Canal into the ſaid *Oxford* Canal, and along the ſame into the ſaid Grand Junction Canal, the Sum of Two Shillings and Nine-pence *per* Ton, and no more, and ſo in Proportion for a leſs Quantity than a Ton:

For

For all Goods, Wares, Merchandize, and other Things (except Coals, Lime, Limeſtone, and Manure), which ſhall be *bona fide* navigated out of the ſaid intended Canal into the ſaid *Oxford* Canal, and along the ſame into the ſaid Grand Junction Canal, or out of the ſaid Grand Junction Canal into the ſaid *Oxford* Canal, and along the ſame into the ſaid intended Canal, the Sum of Four Shillings and Four-pence *per* Ton, and no more, and ſo in Proportion for a leſs Quantity than a Ton:

For all Coals which ſhall paſs out of the ſaid intended Canal into the ſaid *Oxford* Canal, and along the ſame towards *Braunſton*, and be laid down on the Banks of ſuch Canal, and not carried into the Grand Junction Canal, the uſual Tonnages for Coals on the ſaid *Oxford* Canal for the Diſtance they ſhall paſs along the ſame Canal, over and above the ſaid Two Shillings and Nine-pence *per* Ton:

For all Goods, Wares, Merchandize, and other Things, (except Coals, Lime, Limeſtone, and Manure) which ſhall paſs out of the ſaid intended Canal into the ſaid *Oxford* Canal, and along the ſame towards *Braunſton*, and be laid down on the Banks of the ſaid *Oxford* Canal, and not carried into the ſaid Grand Junction Canal, or from any Place on the ſaid *Oxford* Canal between *Braunſton* and *Napton* aforeſaid, along the ſaid *Oxford* Canal, into the ſaid intended Canal, the uſual Mile Tonnages payable for ſuch Goods, Wares, Merchandize, and other Things (except as aforeſaid) on ſuch Canal, for the Diſtance they ſhall be navigated along the ſame, over and above the ſaid Four Shillings and Four-pence *per* Ton:

For all Lime and Limeſtone which ſhall paſs out of the ſaid intended Canal into the ſaid *Oxford* Canal, and along the ſame into the ſaid Grand Junction Canal, the Sum of Sixpence *per* Ton, and no more, and ſo in Proportion for a leſs Quantity than a Ton:

For all Lime and Limeſtone which ſhall paſs out of the ſaid intended Canal into the ſaid *Oxford* Canal, and not afterwards navigated into or along the ſaid Grand Junction Canal, or any Part thereof, the Sum of Sixpence *per* Ton, and ſo in Proportion for a leſs Quantity than a Ton, over and above the uſual Rates of Tonnage payable to the ſaid *Oxford* Canal Company for ſuch Articles navigated upon the ſaid Canal.

But not to take any more Tonnage for Coals or Goods going out of the intended Canal into Grand Junction Canal, or vice verſa.

XIII. Provided nevertheleſs, and be it further enacted, That no further or other Rates or Duties than the reſpective Sums herein-before particularly granted to the Company of Proprietors of the *Oxford* Canal Navigation, ſhall be paid or payable to them for or in reſpect of any Coals, Goods, Merchandize, or other Things, which ſhall be navigated or conveyed from and out of the ſaid intended Canal, along the ſaid *Oxford* Canal, immediately unto and into the ſaid Grand Junction Canal, or out of the ſaid Grand Junction Canal, along the ſaid *Oxford* Canal, immediately unto and into the ſaid intended Canal, or from and out of the ſaid intended Canal, along the *Oxford* Canal, to or towards the *Coventry* Canal, and upon no other Part of the ſaid *Oxford* Canal; but nothing herein contained ſhall prejudice, leſſen, or defeat the Right of the Company of Proprietors of the *Oxford* Canal to have and receive all Rates and Duties which are not varied and compenſated for by this Act.

Extending certain Provisions re-

XIV. And be it further enacted, That the ſeveral Clauſes contained in the ſaid recited Act, for the preventing any Evaſion of the Rates or Du-

ties thereby granted to the Company of Proprietors of the *Oxford* Canal Navigation, and for empowering the Company of Proprietors of the ſaid *Oxford* Canal Navigation to put or place ſuch Stop Gate or Stop Gates, Bar or Bars, upon or acroſs the ſaid intended Canal, for the better collecting the Rates or Duties by the ſaid recited Act made payable to the Company of Proprietors of the ſaid *Oxford* Canal Navigation, and the more effectually to prevent the Payment thereof from being evaded, and for the requiring the Maſter, Owner, or other Perſon having the Care of any Boat or other Veſſel, navigating upon any Part of the ſaid intended Canal, within Six Miles from the Junction thereof with the ſaid *Oxford* Canal, to give an Account in Writing of the Quantities and Weight of ſuch Coals, Goods, Wares, Merchandize, and other Things, and of the Nature, Sort, or Kind thereof, which ſhall be contained in or upon ſuch Boat or other Veſſel, and from whence brought, and where the ſame are intended to be landed, and the ſeveral Powers, Authorities, Proviſions, and other Matters and Things therein contained, ſo far as the Nature and Circumſtances of the Caſe will admit, ſhall be uſed and exerciſed by the Company of Proprietors of the ſaid *Oxford* Canal, their Deputies, Agents, Officers, Workmen, and Servants, and ſhall be applied, enforced, and put in Execution for the preventing any Evaſion of the Rates or Duties herein-before granted to the Company of Proprietors of the ſaid *Oxford* Canal Navigation, and for empowering the Company of Proprietors of the ſaid *Oxford* Canal Navigation to put or place ſuch Stop Gate or Stop Gates, Bar or Bars, upon or acroſs the ſaid intended Termination of the ſaid Canal, and alſo a Toll Houſe or Toll Houſes at ſuch Place or Places, within the Diſtance of Six Miles from the Junction thereof with the ſaid *Oxford* Canal, as they ſhall think proper, for the better collecting the Rates or Duties herein before granted and made payable to the Company of Proprietors of the ſaid *Oxford* Canal Navigation, and the more effectually to prevent the Payment thereof from being evaded, and for the requiring the Maſter, Owner, or other Perſon, having the Care of any Boat or other Veſſel navigating upon any Part of the ſaid intended Canal, within Six Miles from the Junction thereof with the ſaid *Oxford* Canal, to give an Account in Writing of the Quantities and Weight of ſuch Coals, Goods, Wares, Merchandize, and other Things, and of the Nature, Sort, or Kind thereof, which ſhall be contained in or upon ſuch Boat or other Veſſel, and from whence brought, and where the ſame are intended to be landed, as fully and effectually, to all Intents and Purpoſes, as if the ſaid ſeveral Clauſes, and the Powers, Authorities, Proviſions, and other Matters and Things therein contained, were repeated and re-enacted in the Body of this preſent Act.

ſpecting the Oxford Canal Company in the old Act to this Act.

XV. And be it further enacted, That all the Rates or Duties herein-before made payable to the Company of Proprietors of the ſaid *Oxford* Canal Navigation ſhall be paid to ſuch Perſon or Perſons at the Toll Houſe or Toll Houſes herein-before mentioned, or at ſuch other Place or Places, near to the ſaid intended Canal, within Six Miles of the Junction thereof with the *Oxford* Canal, or at ſuch Place or Places near to the ſaid *Oxford* Canal, and at ſuch Time or Times, and in ſuch Manner, and under ſuch Regulations as the ſaid Company of Proprietors of the ſaid *Oxford* Canal ſhall from Time to Time direct or appoint, and ſuch Perſon or Perſons ſhall have the like Powers and Authorities for collecting and recovering Payment of ſuch Rates or Duties as are, by any Act or Acts of Parliament already made, given to the Company of Proprietors of the *Oxford* Canal Navigation, or any Perſon acting under their

Tonnage to be paid within Six Miles of the Junction, or as ſhall be appointed.

Authority, for collecting or recovering any other Rates or Duties granted to them, or as are by this Act or the said recited Act given to the Company of Proprietors of the said intended Canal, for collecting or recovering any of the Rates or Duties granted by the said recited Act or this Act.

Coals, &c. navigated on the intended Canal only, not to pay any Tonnage to the *Oxford* Company.

XVI. Provided always, and it is hereby enacted and declared, That nothing in this Act or the said recited Act shall extend or be construed to extend to authorize or empower the Company of Proprietors of the said *Oxford* Canal to have, take, demand, or receive, any Tolls, Rates, or Duties whatsoever, for or in respect of any Coals, Goods, Wares, Merchandize, or other Things whatsoever, which shall or may be conveyed upon or along the said intended Canal, or any Part or Parts thereof, and shall not enter into, or come out of or across the said *Oxford* Canal, or be liable to either of the Penalties in the said recited Act mentioned.

Guarantee of *Willoughby Wharf* repealed.

XVII. And whereas it is enacted by the said recited Act, that if after the said intended Canal shall be completed or made use of, it shall appear in any Year (to be computed from the Day any Boat or other Vessel shall first pass from the said intended Canal into or upon the said *Oxford* Canal, or from the *Oxford* Canal into or upon the said intended Canal, that the Quantity or Number of Tons of Coals navigated along the said *Oxford* Canal, and laid down annually at a certain Wharf on the said *Oxford* Canal, called *The Willoughby Wharf*, shall not amount to Three hundred and twenty-four Tons, then and in every such Case, and so often, the Company of Proprietors of the said intended Canal shall pay to the said Company of Proprietors of the said *Oxford* Canal Navigation the Sum of Two Shillings and Nine-pence *per* Ton for every Ton of Coals which the Quantity in such Year navigated upon the said *Oxford* Canal, and laid down at the said Wharf, shall be less than Three hundred and twenty-four Tons: And whereas it is conceived that the said Company of Proprietors of the *Oxford* Canal will not sustain any Injury in respect of the said *Willoughby Wharf*, on Account of the said intended Canal entering into the said *Oxford* Canal at the Parish of *Napton* aforesaid: Therefore be it enacted, That the said last recited Clause for guaranteeing the said *Oxford* Canal Company against any Loss they might sustain at the said *Willoughby Wharf* shall be and is hereby repealed, and made absolutely null and void to all Intents and Purposes.

If a Reduction of Tonnage on the *Oxford* Canal, North of *Braunston*, shall be made, then the Tonnages hereby granted to the Oxford Company shall be reduced in Proportion.

XVIII. Provided always, and be it further enacted, That if at any Time hereafter the Tonnage on Coals, or any other Goods, Wares, Merchandize, or Things, (except Lime and Limestone), which shall be navigated, carried, or conveyed from the Junction of the *Oxford* Canal with the *Coventry* Canal to the respective Junctions of the said *Oxford* Canal with the Grand Junction Canal and the intended Canal, or from such respective Junctions of the said *Oxford* Canal with the said Grand Junction Canal and the said intended Canal, shall hereafter by any Means be lowered or reduced below the said respective Sums of Three Shillings and Four-pence and Two Shillings and Nine-pence *per* Ton on Coals, and Five Shillings and Two-pence Halfpenny and Four Shillings and Four-pence *per* Ton on other Goods, Wares, Merchandize, or Things, then and in every such Case the said Tonnages of Three Shillings and Four-pence and Two Shillings and Nine-pence *per* Ton on Coals, and Five Shillings and Two-pence Halfpenny and Four Shillings and Four-pence *per* Ton on such

ſuch other Goods, Wares, Merchandize, and Things hereby granted to the ſaid Company of Proprietors of the ſaid *Oxford* Canal, ſhall likewiſe be lowered and reduced in an equal Degree, to all Intents and Purpoſes whatſoever, for ſuch Time and on ſuch Articles only whereon ſuch Lowering or Reduction of ſuch Tonnage ſhall have taken place as aforeſaid; any Thing contained in this Act, or any other Act of Parliament, or any Law or Uſage to the contrary notwithſtanding.

Top Water to be kept Six Inches higher than the *Oxford* Canal at the Junction, according to the preſent Firſt Lock Weir on the Canal North of *Braunſton*, and Stop Lock to be erected.

XIX. And, in order to prevent any Water being drawn or taken out of the ſaid *Oxford* Canal into the ſaid intended Canal at the Place of their Junction, be it further enacted, That before any Boat, Barge, or other Veſſel, ſhall be permitted to paſs from the ſaid intended Canal into or upon the ſaid *Oxford* Canal, or from the ſaid *Oxford* Canal into or upon the ſaid intended Canal, a Stop Lock ſhall be, by and at the Expence, Coſts, and Charges, of the Company of Proprietors of the ſaid intended Canal, erected, and for ever thereafter ſupported, repaired, and maintained, on the ſaid intended Canal, at or as near as may be to the Place where the ſame will join the ſaid *Oxford* Canal, of ſuch Form and Dimenſions, and in ſuch Manner as that the Top Water on the Summit of the ſaid intended Canal ſhall at all Times be ſupported and kept Six Inches higher than the Top Water in the *Oxford* Canal at the Place where the ſaid intended Canal and the ſaid *Oxford* Canal ſhall join, according to the preſent Firſt Lock Weir on ſuch Canal North of *Braunſton* aforeſaid, and that ſome Perſon ſhall from Time to Time be appointed by the ſaid Company of Proprietors of the ſaid *Oxford* Canal to be Keeper of ſuch Stop Lock, who ſhall have the Management thereof, and any ſuch Perſon may be removed by the Company of Proprietors of the ſaid *Oxford* Canal Navigation at their Will and Pleaſure, and another appointed in his Stead; and a reaſonable Annual Salary ſhall be paid to every ſuch Lock Keeper by the Company of Proprietors of the ſaid intended Canal; and if at any Time or Times ſuch Top Water on the Summit of the ſaid Canal ſhall not be Six Inches higher than the ſaid Top Water of the ſaid *Oxford* Canal at the ſaid Place of Junction, according to the preſent Firſt Lock Weir on ſuch Canal North of *Braunſton* aforeſaid, then no Boat, Barge, or other Veſſel, ſhall paſs into the ſaid *Oxford* Canal from the ſaid intended Canal, or into the ſaid intended Canal from the ſaid *Oxford* Canal, until ſuch Top Water on the ſaid intended Canal ſhall be again raiſed to the ſaid Heighth of Six Inches above the Top Water in the ſaid *Oxford* Canal, according to the preſent Firſt Lock Weir on ſuch Canal North of *Braunſton* aforeſaid, without the Conſent of the Company of Proprietors of the ſaid *Oxford* Canal; any Thing in this Act contained to the contrary notwithſtanding.

Tonnages granted to the *Oxford* Company to go in Aid of Guarantee-ſhip.

XX. And whereas, by virtue of an Act, paſſed in the Thirty-third Year of the Reign of His preſent Majeſty, for making the Grand Junction Navigation, certain Rates are granted and made payable to the Company of Proprietors of the *Oxford* Canal Navigation, and in caſe ſuch Rates, together with certain other Rates ariſing to the Company of Proprietors of the *Oxford* Canal Navigation, as therein mentioned, ſhall not amount to the Yearly Sums of Five thouſand Pounds, and Ten thouſand Pounds, in the reſpective Caſes therein ſpecified, the Company of Proprietors of the Grand Junction Canal are anſwerable to the ſaid Company of Proprietors of the *Oxford* Canal Navigation for the Deficiency; be

be it therefore further enacted, That the Rates or Duties by this Act granted and made payable to the Company of Proprietors of the *Oxford* Canal Navigation (except of Lime and Limeſtone) as far as the ſame ſhall ariſe and be payable in reſpect of any Coals, Goods, Wares, and Merchandize paſſing from the ſaid intended Canal into the ſaid *Oxford* Canal, and from thence into the Grand Junction Canal, and of ſuch Goods, Wares, and Merchandize, paſſing from the ſaid Grand Junction Canal into the ſaid *Oxford* Canal, and from thence into the ſaid intended Canal, ſhall be deemed and taken, and are hereby declared to be Part of the Rates or Duties for making up the ſaid reſpective Yearly Sums of Five thouſand Pounds and Ten thouſand Pounds, and ſhall, for that Purpoſe, be added to, and go in Aid of, the other Rates herein-before mentioned to be payable and ariſing to the Company of Proprietors of the *Oxford* Canal Navigation.

Oxford Company empowered to reduce their Tonnage and raiſe it again.

XXI. Provided always, and be it further enacted, That it ſhall and may be lawful to and for the Company of Proprietors of the *Oxford* Canal Navigation, from Time to Time to leſſen or reduce any or either of the Rates or Duties hereby or by any other Act or Acts of Parliament, granted and made payable to them, and again, from Time to Time to advance and raiſe all or any of the ſaid Rates or Duties ſo leſſened ſo as not to exceed the Rates or Duties ſo granted and made payable, and ſo that no ſuch Reduction of the ſaid Rates or Duties, which may operate to leſſen the Produce of the ſaid yearly Sums of Five thouſand Pounds and Ten thouſand Pounds, be made without the Conſent of the Company of Proprietors of the ſaid Grand Junction Canal, under their Common Seal; and in caſe any ſuch Reduction ſhall operate to leſſen the Produce of the ſaid ſeveral Sums of Five thouſand Pounds and Ten thouſand Pounds, the ſaid Company of Proprietors of the ſaid *Oxford* Canal ſhall, and they are hereby required again to advance and raiſe ſuch Rates or Duties, as ſoon as may be after they ſhall be thereunto requeſted by Writing under the Common Seal of the ſaid Grand Junction Canal Company.

Bridge to be built over the *Oxford* Canal for Horſes, &c. haling Boats, &c. to paſs over.

XXII. Provided always, and be it further enacted, That it ſhall and may be lawful to and for the Company of Proprietors of the ſaid intended Canal to erect, build, and ſupport, a convenient Bridge or Bridges over and acroſs the ſaid *Oxford* Canal, and the Towing Paths thereof, in the Pariſh of *Braunſton* aforeſaid, or ſome other convenient Place, acroſs the *Oxford* Canal, in ſuch Manner that Horſes or other Beaſts of Draught, which ſhall or may be employed in haling or drawing Boats or other Veſſels out of the ſaid intended Canal into and along the *Oxford* Canal and Grand Junction Canal aforeſaid, and out of thoſe Canals, or either of them, into and along the ſaid intended Canal, may paſs and go over commodiouſly and without Interruption, ſo that a Towing Path of the clear Breadth of Four Feet is left for the Uſe of the *Oxford* Canal and Grand Junction Canal, and ſo that in and by the erecting and building of ſuch Bridge or Bridges the Trade and Commerce along the ſaid *Oxford* Canal and Grand Junction Canal is not delayed or interrupted.

For making Compenſation to the Grand Junction Canal Company.

XXIII. And whereas the making the ſaid intended Variation of the Courſe of the ſaid Canal may be injurious to the Company of Proprietors of the Grand Junction Canal, unleſs Proviſion be made for preventing ſuch Injury; be it therefore enacted, That it ſhall and may be lawful

ful for the Company of Proprietors of the ſaid Grand Junction Canal to aſk, demand, take, and receive, to and for their own proper Uſe and Benefit, (over and above all the Rates of Tonnage or Duties which they are or ſhall be entitled to), for or in reſpect of any Coals, Goods, Merchandize, or other Things, (except Lime and Limeſtone), navigating or paſſing from and out of the ſaid *Warwick* and *Napton* Canal into the ſaid *Oxford* Canal, and which ſhall immediately, or at any Time afterwards, be navigated or conveyed upon any Part of the ſaid *Oxford* Canal, between the intended Junction of the ſaid *Warwick* and *Napton* Canal at *Napton* aforeſaid, and the City of *Oxford*, or from any ſuch Part of the ſaid *Oxford* Canal into the ſaid *Warwick* and *Napton* Canal, the Rate or Duty of Sixpence *per* Ton, and ſo in Proportion for a leſs Quantity than a Ton; which ſaid Rate or Duty ſhall be paid to ſuch Perſon or Perſons, at or as near the Toll Houſe herein-after mentioned as conveniently may be, within One hundred Yards from the Junction with the *Oxford* Canal, in ſuch Manner and under ſuch Regulations as the ſaid Company of Proprietors of the Grand Junction Canal ſhall from Time to Time direct or appoint, ſo that no unneceſſary Delay or Interruption be given to the Trade paſſing upon the ſaid *Warwick* and *Napton* Canal; and the ſeveral Powers, Authorities, and Proviſions, contained in an Act of Parliament of the Thirty-third Year of the Reign of His preſent Majeſty, for making and maintaining the ſaid Grand Junction Canal, and alſo in this Act, with reſpect to the aſcertaining, enforcing, collecting, and levying the Tolls, Rates, Duties, and Penalties thereby or by virtue of this Act granted and made payable, ſhall, according to the Nature and Circumſtances of the reſpective Caſes, extend to and be applied, enforced, and put in Execution, for the Purpoſe of aſcertaining, collecting, and levying the Rates, Duties, and Penalties, hereby granted and made payable to the ſaid Company of Proprietors of the Grand Junction Canal, in like Manner and as fully and effectually as if the ſame were here repeated and re-enacted and expreſsly given for thoſe Purpoſes.

For collecting the Rate payable to the Grand Junction Canal Company, and to prevent Evaſion.

XXIV. And, for the better collecting the Rate or Duty herein-before made payable to the Company of Proprietors of the Grand Junction Canal, and the more effectually to prevent the Payment thereof from being evaded; be it further enacted, That it ſhall and may be lawful for the ſaid Company of Proprietors of the Grand Junction Canal, at any Time or Times, to cauſe ſuch Stop Gate or Bar to be put or placed upon or acroſs the ſaid *Warwick* and *Napton* Canal at ſuch Place, within One hundred Yards from the Junction of the ſaid *Warwick* and *Napton* Canal with the ſaid *Oxford* Canal, as they ſhall think proper, and alſo ſuch Toll Houſe as they ſhall think fit for the Uſe of the Collector or Collectors of the Rate or Duty made payable to them as aforeſaid, to be erected at or near the Side of the ſaid *Warwick* and *Napton* Canal, as near to the ſaid Stop Gate or Bar as conveniently may be; and the ſaid Company of Proprietors of the Grand Junction Canal are hereby inveſted with the like Powers and Authorities for purchaſing Lands on which to erect ſuch Toll Houſe, with neceſſary Conveniencies and Accommodations thereto as are given to them by any Act of Parliament for purchaſing Lands through which the ſaid Grand Junction Canal hath been or may be made; and the Owners or Proprietors of ſuch Lands are hereby empowered and required to convey the ſame to the ſaid Company of Proprietors of the Grand Junction Canal, in like Manner, and as fully,

as any incapacitated Perſons are by any Act of Parliament empowered to convey Land to the ſaid Company of Proprietors for the Purpoſes of the ſaid Grand Junction Canal.

For collecting the Rate payable to the *Oxford* Canal Company, and to prevent Evaſion.

XXV. And be it further enacted, That the ſeveral Powers and Proviſions contained in the ſaid recited Act of the Thirty-fourth Year of the Reign of His preſent Majeſty, for making and maintaining the ſaid *Warwick* and *Braunſton* Canal, to prevent any Evaſion of the Rates or Duties thereby granted to the Company of Proprietors of the *Oxford* Canal Navigation, ſhall, ſo far as the Nature and Circumſtances of the Caſe will admit, extend to, and be uſed and exerciſed by the Company of Proprietors of the Grand Junction Canal, their Deputies, Agents, Officers, Workmen, and Servants, and ſhall be applied, enforced, and put in Execution, for the preventing any Evaſion of the reſpective Rates or Duties herein-before granted to the ſaid Company of Proprietors of the Grand Junction Canal, and the Company of Proprietors of the *Oxford* Canal Navigation reſpectively, in like Manner, and as fully and effectually, in all Reſpects, and to all Intents and Purpoſes, as if the ſaid Powers and Proviſions were repeated and re-enacted in the Body of this Act, and expreſsly given or granted to them for that Purpoſe.

Rate not to be payable until the Grand Junction Canal is completed from *Braunſton* to *Bliſworth*.

XXVI. Provided always, and be it further enacted, That the ſaid Rate or Duty of Sixpence *per* Ton, herein-before granted to the ſaid Company of Proprietors of the ſaid Grand Junction Canal, ſhall not commence or become payable to them before that Part of the ſaid Grand Junction Canal from *Braunſton* to *Bliſworth* ſhall be completely Navigable; any Thing in this Act contained to the contrary thereof in anywiſe notwithſtanding.

For making a Compenſation to Sir *William Wheler*.

XXVII. And whereas by the ſaid firſt recited Act the ſaid Company of Proprietors thereby incorporated were compelled to take all the Limeſtone which ſhould be dug up in making the ſaid Canal and Towing Path through the Grounds of Sir *William Wheler* Baronet, in the Pariſh of *Lemington Haſtings*, in the ſaid County of *Warwick*, in the Courſe directed by the ſaid recited Act, and to pay him Sixpence *per* Ton for the ſame: And whereas very little, if any, Limeſtone will be dug up in making the Canal and Towing Path through his Grounds in the Courſe hereby directed, and conſequently he will loſe the Advantage he would have derived under the ſaid recited Act by the immediate Sale of a conſiderable Quantity of Limeſtone; therefore be it enacted, That the ſaid Company of Proprietors ſhall take of the ſaid Sir *William Wheler* Five Acres of Land in Three different Plots, Parts of his Lands and Grounds in the Hamlet of *Broadwell*, in the Pariſh of *Lemington Haſtings* aforeſaid, under which there ſhall be a good Rock of Limeſtone, which Plots of Land ſhall be fixed upon by the Engineer or other Agent for the ſaid Company, and ſhall not be nearer to the ſaid Canal, on the Towing Path Side thereof, than Twenty-one Feet, nor nearer the ſaid Canal, on the other Side thereof, than Fifteen Feet, nor ſhall either of ſuch Plots of Land, in the extreme Part or Parts thereof, be at a greater Diſtance from the ſaid Canal than Eight hundred Yards; that the ſaid Company of Proprietors ſhall, in Nine Months after the paſſing of this Act, pay unto the ſaid Sir *William Wheler*, his Executors, Adminiſtrators, or Aſſigns, the Sum of One hundred and Ten Guineas *per* Acre for the ſaid Five

Five Acres of Land, and ſhall have and be poſſeſſed of full Power and Authority to cauſe all the Limeſtone which now lies under ſuch Plots of Land as ſhall be ſo fixed upon to be dug up, carried away, and converted to and for their own Uſe or Benefit; and that the ſaid Company of Proprietors ſhall pay unto the ſaid Sir *William Wheler* ſuch Annual Rent for the ſaid Five Acres of Land, and the Roads to and from the ſame, for ſuch Term or Number of Years, by ſuch Proportions, and on ſuch Days in each Year, as ſhall be fixed or determined upon by Two indifferent Perſons, One of them to be choſen by the ſaid Company of Proprietors, or their Committee for the Time being, and the other of them to be choſen by the ſaid Sir *William Wheler*, his Heirs or Aſſigns, or by a Third indifferent Perſon or Umpire, to be nominated by ſuch Two indifferent Perſons, who ſhall be choſen in Manner aforeſaid, in caſe they ſhall not agree reſpecting the ſame; and that the ſaid Company of Proprietors ſhall take all poſſible Care of the Soil which ſhall be dug up in getting ſuch Limeſtone, and level the Ground as the Limeſtone is got, in order that the Land may be uſeful again as ſoon as poſſible; and that in caſe any Limeſtone ſhall be dug or got up in the making the Canal and Towing Path in the Courſe by this Act directed through the Lands of the ſaid Sir *William Wheler*, in the ſaid Hamlet of *Broadwell*, and Pariſh of *Lemington Haſtings*, then and in ſuch Caſe the ſaid Company of Proprietors ſhall pay unto the ſaid Sir *William Wheler*, his Heirs and Aſſigns, Sixpence *per* Ton for all ſuch Limeſtone as ſhall be ſo dug or got up, and the ſame ſhall belong to and be the Property of the ſaid Company of Proprietors, and be diſpoſed of by them as they ſhall think proper, for their own Uſe; any Thing in the ſaid recited Act or this Act contained to the contrary notwithſtanding.

Power for Sir *William Wheler* to make a Side Cut.

XXVIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Sir *William Wheler*, his Heirs and Aſſigns, at his and their own Coſts, Charges, and Expences, to make a Side Cut or Canal, navigable for Boats or other Veſſels, out of his Lands or Grounds, in the ſaid Pariſh of *Lemington Haſtings*, through the adjacent Grounds, with the Conſent of the Owners thereof reſpectively, into the Canal by this Act directed to be made, the Bottom of which Side Cut or Canal ſhall in every Part be upon a Level with the Bottom of the Canal by this Act directed to be made, and the Top Water in ſuch Side Cut or Canal ſhall always be kept upon a Level with the Top Water in the Canal by this Act directed to be made, at the Place of their Junction; and that if the ſaid Sir *William Wheler*, his Heirs or Aſſigns, ſhall make ſuch Side Cut or Canal, then and in ſuch Caſe he and they ſhall make, and for ever afterwards repair, ſupport, and maintain a good and ſufficient Bridge, Six Feet wide at the leaſt, in the Line of the Towing Path of the Canal by this Act directed to be made, for the convenient Paſſage of Horſes or other Beaſts of Draught employed in drawing, haling, or towing of Boats, Barges, and other Veſſels along ſuch Canal, and of all other Horſes and Beaſts, and alſo of all Perſons having Occaſion to go along ſuch towing Path, and alſo a good and ſufficient Wall Fence or Rails, Three Feet high, on that Edge or Side of ſuch Bridge which ſhall be next to ſuch Side Cut or Canal; and alſo ſhall and will, at his and their own Coſts, Charges, and Expences, build or erect, and for ever afterwards ſupport, repair, and maintain, a Stop Lock, Water-tight, at the Place where ſuch Side Cut or Canal ſhall enter

enter into or communicate with the ſaid Canal hereby directed to be made, the lower Sill of which Lock ſhall be upon a Level with the Bottom of ſuch laſt mentioned Canal at that Place, and ſuch Lock ſhall be ſo conſtructed as at all Times effectually to prevent any Water being let, taken, or drawn out of ſuch laſt mentioned Canal by Means of the ſaid Side Cut or Canal; but no Boats or other Veſſels coming out of or going into the ſaid Side Cut or Canal, ſhall be navigated along any Part of the Canal by this Act directed to be made, laden with leſs than Twenty Tons, without the Conſent of the ſaid Company of Proprietors, or their Engineer or Agent for the Time being.

Compenſation to *Francis Wheler* Eſquire.

XXIX. And whereas by the ſaid recited Act the ſaid Company of Proprietors were compelled to take all the Limeſtone which ſhould be dug up in making the ſaid Canal and Towing Path, in the Grounds of *Francis Wheler* Eſquire, in the Pariſh of *Lemington Haſtings*, in the ſaid County of *Warwick*, in the Courſe directed by the ſaid recited Act, and to pay him Sixpence *per* Ton for the ſame: And whereas no Part of the Canal by this Act authorized or directed to be made to *Napton* aforeſaid will paſs through any Lands or Grounds belonging to the ſaid *Francis Wheler*, and conſequently he will loſe the Advantage he would have derived under the ſaid recited Act by the immediate Sale of a conſiderable Quantity of Lime Stone: And whereas the ſaid *Francis Wheler*, in Conſideration of the Sum of Three hundred Pounds being ſecured to be paid to him, his Heirs, Executors, Adminiſtrators, or Aſſigns, in Manner herein-after mentioned, hath conſented and agreed that a Canal ſhall be made into the ſaid *Oxford* Canal at *Napton* aforeſaid, in the Courſe deſcribed and directed by this Act, and that the ſaid Company of Proprietors ſhall not be obliged to make any Canal into or through his Grounds, in the Pariſh of *Lemington Haſtings* aforeſaid; therefore be it enacted, That the ſaid Company of Proprietors ſhall, and they are hereby required, within Six Months after the paſſing of this Act, to pay or cauſe to be paid unto the ſaid *Francis Wheler*, his Heirs, Executors, Adminiſtrators, or Aſſigns, the Sum of Three hundred Pounds of good and lawful Money of *Great Britain*, as a Compenſation for his being deprived of the Benefits he might have received under and by virtue of the ſaid recited Act.

Power for the ſaid *Francis Wheler* to make a Side Cut.

XXX. And be it further enacted, That it ſhall and may be lawful to and for the ſaid *Francis Wheler*, his Heirs and Aſſigns, at his and their own Coſts, Charges, and Expences, to make a Side Cut or Canal, Navigable for Boats or other Veſſels out of his Lands or Grounds, in the ſaid Pariſh of *Lemington Haſtings*, through the adjacent Grounds, with the Conſent of the Owners thereof reſpectively, into the Canal by this Act directed to be made, the Bottom of which Side Cut or Canal ſhall in every Part be upon a Level with the Bottom of the Canal by this Act directed to be made, and the Top Water in ſuch Side Cut or Canal ſhall always be kept upon a Level with the Top Water in the Canal by this Act directed to be made, at the Place of their Junction; and that if the ſaid *Francis Wheler*, his Heirs or Aſſigns, ſhall make ſuch Side Cut or Canal, then and in ſuch Caſe he and they ſhall make, and for ever afterwards repair, ſupport, and maintain a good and ſufficient Bridge, Six Feet wide at the leaſt, in the Line of the Towing Path of the Canal by this Act directed to be made, for the convenient Paſſage of

of Horſes or other Beaſts of Draught employed in drawing or towing of Boats, Barges, and other Veſſels, along ſuch Canal, and of all other Horſes and Beaſts, and alſo of all Perſons having Occaſion to go along ſuch Towing Path, and alſo a good and ſufficient Wall Fence or Rails, Three Feet high, on that Edge or Side of ſuch Bridge which ſhall be next to ſuch Side Cut or Canal, and alſo ſhall and will, at his and their own Coſts, Charges, and Expences, build or erect, and for ever afterwards ſupport, repair, and maintain a Stop Lock, Water-tight, at the Place where ſuch Side Cut or Canal ſhall enter into or communicate with the ſaid Canal hereby directed to be made, the lower Sill of which Lock ſhall be upon a Level with the Bottom of ſuch laſt-mentioned Canal at that Place, and ſuch Lock ſhall be ſo conſtructed as at all Times effectually to prevent any Water being let, taken, or drawn out of ſuch laſt-mentioned Canal by Means of the ſaid Side Cut or Canal; but no Boats or other Veſſels coming out of or going into the ſaid Side Cut or Canal, ſhall be navigated along any Part of the Canal by this Act directed to be made, laden with leſs than Twenty Tons, without the Conſent of the ſaid Company of Proprietors, or their Engineer or Agent for the Time being.

Power for the Truſtees of certain Lands in the Pariſh of *Lemington Haſtings*, belonging to the Poor, to make a Side Cut.

XXXI. And be it further enacted, That it ſhall and may be lawful to and for Sir *Theophilus Biddulph* Baronet, Sir *William Wheler* Baronet, *Francis Wheler* Eſquire, and the Reverend *Charles Wheler*, as Truſtees of certain Lands in the Pariſh of *Lemington Haſtings*, belonging to the Poor of that Pariſh, their Heirs and Aſſigns, at their own Coſts, Charges, and Expences, to make a Side Cut or Canal navigable for Boats or other Veſſels out of their Lands or Grounds in the ſaid Pariſh of *Lemington Haſtings*, through the adjacent Grounds, with the Conſent of the Owners thereof reſpectively, into the Canal by this Act intended to be made, the Bottom of which Side Cut or Canal ſhall in every Part be upon a Level with the Bottom of the Canal by this Act directed to be made, and the Top Water in ſuch Side Cut or Canal ſhall always be kept upon a Level with the Top Water in the Canal by this Act directed to be made, at the Place of their Junction; and that if the ſaid Sir *Theophilus Biddulph*, Sir *William Wheler*, *Francis Wheler*, and the Reverend *Charles Wheler*, as Truſtees as aforeſaid, their Heirs or Aſſigns, ſhall make ſuch Side Cut or Canal, then and in ſuch Caſe they ſhall make and for ever afterwards repair, ſupport, and maintain, a good and ſufficient Bridge, Six Feet wide at the leaſt, in the Line of the Towing Path of the Canal by this Act directed to be made, in caſe ſuch Towing Path ſhall be on the ſame or North Side of ſuch Canal, for the convenient Paſſage of Horſes or other Beaſts of Draught employed in drawing or towing of Boats, Barges, and other Veſſels along ſuch Canal, and of all other Horſes and Beaſts, and alſo of all Perſons having Occaſion to go along ſuch Towing Path, and alſo a good and ſufficient Wall, Fence, or Rails, Three Feet High, on that Edge or Side of ſuch Bridge which ſhall be next to ſuch Side Cut or Canal, and alſo ſhall and will, at their own Coſts, Charges, and Expences, build or erect, and for ever afterwards ſupport, repair, and maintain, a Stop Lock Water-tight, at the Place where ſuch Side Cut or Canal ſhall enter into or communicate with the ſaid Canal hereby directed to be made, the lower Sill of which Lock ſhall be upon a Level with the Bottom of ſuch laſt mentioned Canal at that Place, and ſuch Lock ſhall be ſo conſtructed as at all

Times effectually to prevent any Water being let, taken, or drawn out of ſuch laſt mentioned Canal by Means of the ſaid Side Cut or Canal; but no Boats or Veſſels coming out of or going into the ſaid Side Cut or Canal, ſhall be navigated along any Part of the Canal by this Act directed to be made, laden with leſs than Twenty Tons, without the Conſent of the ſaid Company of Proprietors, or their Engineer or Agent for the Time being.

If Sir *William Wheler* and Mr. *Wheler* do not keep their Stop Locks water-tight, the Company may ſtop up their Side Cuts.

XXXII. Provided always, and be it further enacted, That in caſe the ſaid Sir *William Wheler* and *Francis Wheler*, and the ſaid Truſtees for the Poor of *Lemington Haſtings* aforeſaid reſpectively, or either of them, or their or either of their Heirs or Aſſigns, ſhall at any Time or Times hereafter, purſuant to the Powers herein-before given them, reſpectively make and complete a Side Cut or Canal into the Canal by this Act directed to be made, and ſhall not for ever afterwards reſpectively ſupport, repair, and maintain, a Stop Lock, water-tight, at the Places where ſuch Side Cuts or Canals ſhall reſpectively enter into or communicate with the ſaid Canal hereby directed to be made, ſo as at all Times effectually to prevent any Water being let, taken, or drawn out of ſuch laſt-mentioned Canal by Means of the ſaid Side Cuts or Canals, or either of them, it ſhall be lawful for the ſaid Company of Proprietors of the *Warwick* and *Napton* Canal, or their Engineer for the Time being, at the Coſts, Charges, and Expences of the ſaid Sir *William Wheler* and *Francis Wheler*, and the ſaid Truſtees for the Poor of *Lemington Haſtings* aforeſaid reſpectively, or their reſpective Heirs or Aſſigns, to ſtop up ſuch Side Cuts or Canals reſpectively, and to put or place One or more Bank or Banks of Earth acroſs the ſame reſpectively, at or near the Places where they ſhall reſpectively enter into or communicate with the ſaid Canal by this Act directed to be made, in order to prevent any Water being let, taken, or drawn out of ſuch laſt-mentioned Canal by Means of the ſaid Side Cuts or Canals reſpectively; and in caſe the ſaid Sir *William Wheler* and *Francis Wheler*, and the ſaid Truſtees for the Poor of *Lemington Haſtings* aforeſaid, or either of them, or their or either of their Heirs or Aſſigns, ſhall refuſe or neglect to re-imburſe the ſaid Company of Proprietors the Expences they ſhall be put unto in ſtopping up the ſaid Side Cuts or Canals reſpectively, within Three Calendar Months after Demand made thereof by any Clerk or Agent of the ſame Company of Proprietors to them reſpectively, (an Account of the Particulars of ſuch Charges and Expences being firſt delivered, by the Perſon making ſuch Demand, to the Perſon to whom the ſame ſhall be made), the ſame ſhall and may be recovered by Action of Debt in any of His Majeſty's Courts of Record at *Weſtminſter*.

Publick Act

XXXIII. And be it further enacted, That this Act ſhall be deemed 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.

FINIS.