ANNO TRICESIMO SEPTIMO

Georgii III. Regis.

CAP. XXIX.

An Act for making and maintaining a Navigable Canal from *Guinea Port*, in the Parish of *Saint Breock*, in the County of *Cornwall*, to *Dunmeer Bridge*, in the Parish of *Bodmin*, in the said County; and also a certain Collateral Cut from *Cotton Wood*, to or near to *Ruthern Bridge*, in the said Parish of *Bodmin*. [3d *March* 1797.]

WHEREAS the making and maintaining a Canal for the Navigation of Boats, Barges, and other Vessels, from a certain Place called *Guinea Port*, near *Wadebridge*, in the Parish of *Saint Breock*, in the County of *Cornwall*, to or near to a certain Bridge called *Dunmeer Bridge*, in the Parish of *Bodmin*, in the said County, and the making and maintaining of a Canal or Collateral Cut, for the Navigation of Boats, Barges, and other Vessels, from the said Canal, at or near to a certain Wood called *Cotton Wood*, in the Parish of *Bodmin*, in the said County, to or near to a certain Bridge called *Ruthern Bridge*, in the said Parish of *Bodmin*, will greatly facilitate, and render less expensive, the Carriage and Conveyance of Coals, Timber, Stone, Limestone, Slate, Tin, Lead, Corn, Lime, Sand, and Manure, and of all Wares, Goods, and other Articles, and will materially and considerably improve the Agriculture of the circumjacent Country, and will otherwise be of great Publick Advantage; but the same cannot be effected without the Aid and Authority of Parliament: Preamble.

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,

Proprietors. That the Right Honourable *Henry* Lord *Arundell*, the Right Honourable *Francis* Lord *De Dunſtanville*, Sir *John Wodehouſe* Baronet, Sir *John Saint Aubyn* Baronet, Sir *William Moleſworth* Baronet, *William Beard*, *Benjamin Bickley*, *Edward Bray*, *Felix Buckley*, *James Chapple* *John Colwell* M. D. *Iſaac Cook*, *James Cory* Clerk, *William Edington*, *Joſeph Edyvean*, *John Edyvean*, *William Elford*, *Jonathan Elford*, *James Ewer*, *William Flamank* D. D. *William Flamank* of *Saint Auſtell*, *Anthony Fletcher*, *William Fowler*, *Edward Fox*, *Philip George*, *William Gibbons*, *Edmund Gilbert* Clerk, *Walter Raleigh Gilbert*, *John Gill*, *William Gill*, *Edmund John Glynn*, *Goodwin*, *William Hamley*, *Lazarus Brain Larwell*, *James Liddell*, *Peter Lilly*, *Mathew Michel*, *Bennett Mitchell*, *John Moleſworth* Clerk, *William Moore*, *Mary Morgan*, *Deeble Peter*, *John Pomeroy*, *John Pomeroy* Clerk, *Charles Raſhleigh*, *Thomas Rawlings*, *Joſeph Wilcox Ricketts*, *William Rundle*, *William Sandys* Clerk, *Chriſtopher Sloggett*, *Orton Smith*, *Edward Stracey*, *Edward Stracey* junior, *Joſias Stracey*, *John Stracey*, *Arthur Tozer*, *Paul Treby Treby*, *Thomas Trevenen* Clerk, *John Tuckett*, *Philip Tuckett*, *Henry Overton Wills*, and *James Wynn*, together with ſuch Perſon or Perſons, Body or Bodies Politick, Corporate, or Collegiate, as they, or the major Part of them preſent at the Firſt General Aſſembly to be holden for the Purpoſes of this Act, ſhall nominate and appoint under their Hands and Seals, and their ſeveral and reſpective Succeſſors, Heirs, Executors, Adminiſtrators, and Aſſigns, being Proprietor or Proprietors of any Share or Shares in the Canal and Collateral Cut hereby authorized to be made, ſhall

Incorporated. be, and are hereby united into a Company for the carrying on, making, completing, and maintaining the ſaid intended Canal and Collateral Cut, navigable for Boats, Barges, and other Veſſels, according to the Rules, Orders, and Directions herein mentioned and expreſſed; and ſhall, for that Purpoſe, be One Body Politick and Corporate, by the Name and Style

Their Style. of *The Company of Proprietors of the Polbrock Canal*, and by that Name ſhall have perpetual Succeſſion, and a Common Seal, and by that Name ſhall and may ſue and be ſued, and alſo ſhall and may have Power and Authority, from and after the paſſing of this Act, to purchaſe Lands, Tenements, and Hereditaments, to them and their Succeſſors and Aſſigns, for the Uſe of the ſaid Canal and Collateral Cut, and for the ſeveral Works hereby authorized to be made, and for the ſeveral other Purpoſes herein mentioned, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain, and alſo to ſell any of the Lands, Tenements, or Hereditaments, purchaſed for the Purpoſes aforeſaid.

Proprietors to raiſe Money for making the Canal. II. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Company of Proprietors, to raiſe and contribute, amongſt themſelves, a competent Sum of Money for making and maintaining the ſaid Canal and Collateral Cut, and all the Feeders, Baſons, Aqueducts, Ways, Bridges, Quays, Wharfs, and all other Works and Conveniences belonging or requiſite thereto, not exceeding in the Whole the Sum of Eighteen thouſand Pounds (ſave and except as herein mentioned), and that the ſame ſhall be divided into Shares of Fifty Pounds each; and that no Perſon ſubſcribing thereto, or becoming a Proprietor in ſuch Canal and Collateral Cut, do become a Proprietor

of

of leſs than One Share, or of more than One hundred Shares, either in his own Name or in the Name or Names of any other Perſon or Perſons in Truſt for him or her (unleſs the ſame ſhall come to him or her by Will, Bequeſt, Deſcent, Right of Adminiſtration, or Marriage) upon Pain of forfeiting to the ſaid Company of Proprietors all ſuch Shares exceeding One hundred Shares; and that the ſaid Shares ſhall be and are hereby veſted in the ſeveral Perſons ſo ſubſcribing, and their ſeveral and reſpective Executors, Adminiſtrators, Succeſſors, and Aſſigns, to their and every of their proper Uſe and Benefit, proportionably to the Sums they ſhall ſeverally raiſe and contribute; and all Bodies Politick, Corporate, and Collegiate, and all Perſons, their ſeveral and reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, who ſhall ſeverally ſubſcribe for One or more Share or Shares, or ſuch Sum or Sums as ſhall be demanded in lieu thereof, towards carrying on and completing the ſaid Canal and Collateral Cut, and other the Purpoſes of the ſaid Subſcription, ſhall be entitled to and receive the entire and nett Diſtribution of an equal proportionable Part, according to the Money ſo by them reſpectively paid, of the Profits and Advantages that ſhall and may ariſe and accrue by the Rates and other Sums of Money to be raiſed, recovered, or received, by the ſaid Company of Proprietors, by the Authority of this Act; and every Body Politick, Corporate, and Collegiate, Perſon and Perſons, having ſuch Property in the ſaid Undertaking as aforeſaid, ſhall bear and pay a proportionable Sum towards carrying on the ſame, in Manner herein directed and appointed.

Shares to be Perſonal Eſtate.

III. And be it further enacted, That all and every the Shares and Proportions of all Bodies Politick, Corporate, and Collegiate, and all other Perſon and Perſons, of and in the ſaid Canal and Collateral Cut, or the Joint Stock or Fund of the ſaid Company of Proprietors, ſhall be deemed Perſonal Eſtate, and tranſmiſſible as ſuch, and not of the Nature of Real Property.

Subſcribers to have a Vote for every Share.

IV. And be it further enacted, That every Body Politick, Corporate, or Collegiate, and every Perſon who ſhall, by virtue of this Act, have ſubſcribed or undertaken for One Share in the ſaid Undertaking, his, her, or their reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, ſhall have a Vote in the General and Special Aſſemblies to be held as herein appointed for carrying on the ſaid Undertaking, for every ſuch Share, but not exceeding Ten Votes in the Whole, although poſſeſſed of more than Ten Shares; which Vote or Votes may be given by them, him, or her, or by their, his, or her Proxies or Proxy, conſtituted under the Seal of ſuch Body Politick, Corporate, or Collegiate, or the Hand and Seal of ſuch other Perſon, every ſuch Proxy being a Proprietor in the ſaid Undertaking; and every ſuch Vote by Proxy ſhall be as good and ſufficient, to all Intents and Purpoſes, as if ſuch Principal had voted in Perſon; and every Queſtion, Matter, or Thing, which ſhall be propoſed, diſcuſſed, or conſidered, in any General or Special Aſſembly of the ſaid Company of Proprietors, ſhall be determined by the Majority of Votes and Proxies then preſent, the Appointment of which Proxies may be made according to the Form following:

"I *A. B.*

Form of Appointment of Proxies.

'I *A. B.* of One of 'the Proprietors of the *Polbrock* Canal, do hereby nominate, conſtitute, 'and appoint *C. D.* of to be my 'Proxy, in my Name and in my Abſence to vote, or give my Aſſent or 'Diſſent to any Buſineſs, Matter, or Thing relating to the ſaid Canal or 'Collateral Cut, that ſhall be mentioned or propoſed at any Aſſembly of 'the Company of Proprietors of the ſaid Canal, in ſuch Manner as he the 'ſaid *C. D.* ſhall think proper, according to his Opinion and Judgement, 'for the Benefit of the ſaid Canal and Collateral Cut, or any Thing 'appertaining thereto. In Witneſs whereof, I have hereunto ſet my 'Hand and Seal, the Day of

Proprietors may raiſe an additional Sum if neceſſary.

V. And be it further enacted, That in caſe the Money herein-before authorized to be raiſed ſhall be found inſufficient for the making, completing, and maintaining of the ſaid Canal and Collateral Cut, and other the Works hereby authorized to be made, and all neceſſary Charges and Expences relating thereto, then and in ſuch Caſe it ſhall and may be lawful to and for the ſaid Company of Proprietors to raiſe and contribute, amongſt themſelves, in Manner and Form aforeſaid, and in ſuch Shares and Proportions as to them ſhall ſeem meet, or to raiſe, by the Admiſſion of new Subſcribers, any further or other Sum of Money for completing and perfecting the ſaid Undertaking, not exceeding in the Whole the Sum of Twelve thouſand Pounds; and every Body Politick, Corporate, or Collegiate, or other Perſon, being a Subſcriber towards raiſing ſuch further or other Sum of Money, ſhall be a Proprietor in the ſaid Undertaking, and ſhall have a like Vote, by themſelves, himſelf, or herſelf, or their, his, or her Proxies or Proxy, in reſpect of every Fifty Pounds of the ſaid additional Sum ſo to be raiſed, and ſhall alſo be liable to ſuch Forfeitures, and ſtand intereſted in all the Profits of the ſaid Canal and Collateral Cut, 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 Eighteen thouſand Pounds.

Power to raiſe Money by Mortgage.

VI. Provided always, That in caſe the ſaid Company of Proprietors, or the Committee to be appointed by virtue of this Act, ſhall be deſirous of raiſing the ſaid Sum of Twelve thouſand Pounds, or any Part thereof, by Mortgage of the ſaid Undertaking, it ſhall and may be lawful to and for the ſaid Company of Proprietors, or the ſaid Committee, to borrow and take up at Intereſt all or any Part of the ſaid Sum of Twelve thouſand Pounds, on the Credit of the Rates of the ſaid Canal and Collateral Cut, and to aſſign the Property of the ſaid Canal and Collateral Cut, and the Rates ariſing or to ariſe to the ſaid Company of Proprietors by virtue of this Act, or any Part thereof (the Coſts and Charges of aſſigning the ſame to be paid out of ſuch Rates), as a Security for any Sum or Sums of Money ſo to be borrowed, with Intereſt, to ſuch Perſon or Perſons, or to his, her, or their Truſtee or Truſtees, who ſhall advance the ſame; all which ſaid Aſſignments ſhall be made under the Common Seal of the ſaid Company of Proprietors, in the Form or to the Effect following; (that is to ſay),

'BY

Form of Mortgage.

'BY virtue of an Act of Parliament, made in the Thirty-ſeventh Year of the Reign of King *George* the Third, intituled, *An Act for making and maintaining a Navigable Canal from* Guinea Port, *in the Pariſh of* Saint Breock, *in the County of* Cornwall, *to* Dunmeer Bridge, *in the Pariſh of* Bodmin, *in the ſaid County, and alſo a certain Collateral Cut from* Cotton Wood, *to or near to* Ruthern Bridge, *in the ſaid Pariſh of* Bodmin; We, the Company of Proprietors of the *Polbrock* Canal, incorporated by and under the ſaid Act, in Conſideration of the Sum of to us in Hand paid by *A. B.* of Do hereby bargain, ſell, and aſſign unto the ſaid *A. B.* his Executors, Adminiſtrators, and Aſſigns, the ſaid Canal and Collateral Cut, and all and ſingular the Rates ariſing and payable to us by virtue of the ſaid Act, and all our Eſtate, Right, Title, and Intereſt, of, in, and to the ſame, to hold unto the ſaid *A. B.* his Executors, Adminiſtrators, and Aſſigns, until the ſaid Sum of with Intereſt for the ſame after the Rate of *per Centum per Annum*, ſhall be fully paid and ſatisfied. Given under our Common Seal, this Day of

And all Perſons to whom ſuch Aſſignment ſhall be made ſhall be equally entitled, one with the other, to their Proportion of the ſaid Rates and Premiſes, according to their 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; and a Memorial of every ſuch Aſſignment, containing the Date, Name or Names, Addition or Additions, of the Perſon or Perſons to whom made, the Sum of Money borrowed, and Rate of Intereſt, ſhall, within Thirty Days from the Date of every ſuch Aſſignment, be entered in One or more Book or Books, to be kept by the Clerk to the ſaid Company of Proprietors, which Book or Books ſhall and may be peruſed, at all ſeaſonable Times, by any of the Proprietors or Creditors of the ſaid Canal, and any other Perſons intereſted therein, without Fee or Reward; and the Perſon or Perſons to whom any ſuch Aſſignment ſhall be made as aforeſaid, or who ſhall be entitled to the Money due thereon, ſhall and may, from Time to Time, transfer his, her, or their Right or Intereſt therein, to any Perſon or Perſons, by Writing under his, her, or their Hand and Seal, or Hands and Seals, in the Form or to the Effect following:

Form of Transfer.

'I *A. B.* of in Conſideration of the Sum of paid by *C. D.* of Do hereby transfer a certain Mortgage made by the Company of Proprietors of the *Polbrock* Canal, to bearing Date the Day of for ſecuring the Sum of and all Intereſt now due and to become due thereon, and all my Right and Property therein, to the ſaid *C. D.* Executors, Adminiſtrators, and Aſſigns. Dated this Day of

And every ſuch Transfer ſhall, within Thirty Days after the Date thereof, be produced to the Clerk to the ſaid Company of Proprietors, who ſhall cauſe a Memorial to be made thereof, in like Manner as of the original Mortgages or Aſſignments, for which the ſaid Clerk ſhall be paid the Sum of One Shilling and no more; and every ſuch Entry made of ſuch Tranſfer

fer ſhall from thenceforth entitle ſuch Aſſignee or Aſſignees, his, her, or their Executors, Adminiſtrators, and Aſſigns, to the full Benefit of the original Mortgage; and it ſhall not from thenceforth be in the Power of any Perſon or Perſons who ſhall have made any ſuch Aſſignment, to make void, releaſe, or diſcharge the original Mortgage, or any Money thereby ſecured, or any Part thereof; and the Intereſt of the Money which ſhall be borrowed or raiſed by Mortgage as aforeſaid, ſhall be provided for and paid Half-yearly, to the ſeveral Perſons entitled thereto, before any Yearly or other Intereſt or Dividends due to the ſaid Company of Proprietors, or any of them, ſhall be paid, made, or divided.

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

Six Months Notice to be given of paying off Money.

VII. Provided always, and be it enacted, That no Sum or Sums of Money ſo lent and advanced on Mortgage, ſhall be paid off and diſcharged (ſave and except with the Conſent or Conſents of the Perſon or Perſons ſo lending and advancing ſuch Sum or Sums of Money) unleſs Six Months previous Notice, under the Common Seal of the ſaid Company of Proprietors, ſhall have been given to the Perſon or Perſons lending and advancing ſuch Sum or Sums of Money, of ſuch their Intention to pay off and diſcharge the ſame.

Aſſignees not to vote on Account of having lent Money.

VIII. Provided always, and be it enacted, That no Perſon to whom any ſuch Aſſignment ſhall be made or transferred as aforeſaid, ſhall be capable of acting or voting by virtue of ſuch Aſſignment, either as Principal or by Proxy, at any Aſſembly or Meeting of the ſaid Company of Proprietors, for or on Account of his or her having lent or advanced any Money on the Credit of any ſuch Aſſignment.

Firſt and other General Aſſemblies.

IX. And be it further enacted, That the Firſt General Aſſembly of the ſaid Company of Proprietors for putting this Act into Execution ſhall be held at the *White Hart* Inn, in the Town of *Bodmin*, upon the *Monday* Month after the paſſing of this Act, at the Hour of Twelve at Noon; and all future General Aſſemblies of the ſaid Company, except ſuch Aſſemblies as may be ſpecially convened, ſhall be held on the Firſt *Monday* in the Month of *June* in every Year, at the Hour of Twelve at Noon, at ſuch Place or Places as the ſaid Company of Proprietors, at their preceding General Aſſemblies, ſhall from Time to Time direct and appoint; of all which General Aſſemblies Fourteen Days previous Notice at the leaſt ſhall be given, by publick Advertiſement in ſome Newſpaper or Newſpapers uſually circulating in the County of *Cornwall*, or in ſuch other Manner as the ſaid Company of Proprietors, at their reſpective General Aſſemblies, ſhall direct; and the ſaid Company of Proprietors, at ſuch reſpective General or Special Aſſemblies, ſhall and may appoint a Chairman, and ſuch Chairman ſhall not only vote as a Proprietor or Proxy, but in caſe of an Equality of Votes ſhall have the deciſive or caſting Vote; and the ſaid Company of Proprietors, at their reſpective General Aſſemblies, ſhall and may chooſe and elect, out of ſuch of the ſaid Proprietors as at the Time of ſuch Election ſhall reſpectively be poſſeſſed, in their own Right, of Stock to the Amount of Two Shares at the leaſt in the ſaid Navigation, a Committee to manage the Affairs of the ſaid Company of Proprietors as herein directed, the ſaid Committee to conſiſt of Thirteen or more Perſons; and the ſaid Company of Proprietors ſhall have Power and

Authority, at any ſuch General Aſſembly, to remove and diſplace any Perſon or Perſons who ſhall have been choſen a Member or Members of ſuch Committee, or any Officer or Officers under them, and to revoke, alter, amend, or change, any of the Rules and Directions which may have been preſcribed and laid down by virtue of this Act, with regard to their Proceedings amongſt themſelves, as they ſhall think proper (the Method of calling General or Special Aſſemblies, and their Time and Place of meeting and voting, and appointing Committees, only excepted); and ſhall have Power to make ſuch new Rules, Bye Laws, and Orders, for the good Government of the ſaid Company and of the ſaid Committee, and of their Servants, Agents, or Workmen, and for the whole, complete, and total Superintendance and Management of the ſaid Canal and Collateral Cut, and of the Bargemen, Watermen, Boatmen, and others who ſhall carry any Goods, Wares, or Merchandize upon any Part of the ſaid Canal or Collateral Cut, as to the ſaid General Aſſemblies ſhall ſeem meet; and to impoſe and inflict ſuch reaſonable Fines or Forfeitures upon all Perſons who ſhall offend againſt any ſuch Rules, Bye Laws, or Orders, as to ſuch General Aſſembly ſhall ſeem meet, not exceeding the Sum of Five Pounds for any 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 Parties uſing or in anyway concerned in the ſaid Canal and Collateral Cut, and ſhall be ſufficient in any Court of Law or Equity to juſtify all Perſons who ſhall act under the ſame, provided that they be not inconſiſtent with or repugnant to the Laws of this Realm, or to the Proviſions and Directions in this Act contained, or to any of them; and every ſuch General Aſſembly ſhall have Power to call for, audit, and ſettle all Accounts of Money received, laid out, and diſburſed on Account of the ſaid Canal and Collateral Cut, by the Treaſurers, Receivers, or Collectors, of the Rates, and other Officers by them appointed, or by any other Perſon or Perſons whomſoever, employed by or concerned for or under them in and about the ſaid Canal and Collateral Cut, and the Works thereto belonging; but no Vote or Votes by Proxy ſhall be given, or have any Power, in or as to the Audit and Settlement of Accounts; and the ſaid Company of Proprietors ſhall have Power to adjourn themſelves from Time to Time to ſuch Place or Places as ſhall at ſuch General Aſſemblies be thought proper and convenient.

General Aſſemblies for chooſing Committees to conſiſt of 100 Shares.

X. Provided always, and be it further enacted, That if at any ſuch ſtated General Aſſembly there ſhall not be Perſons preſent who ſhall be poſſeſſed of or entitled unto at leaſt One hundred Shares in the ſaid Canal and Collateral Cut, either as Principals or Proxies, no Choice of any Committee, nor any Removal of any Perſon or Perſons from any ſuch Committee, nor any Election of any Perſon or Perſons in the Room of ſuch of the Members of any ſuch Committee who ſhall die or decline to act, ſhall be made at that Time; but in ſuch Caſe there ſhall be another Aſſembly of the ſaid Company of Proprietors of the ſaid Canal at the ſame Place, upon that Day Fortnight and ſo from Time to Time, until there ſhall be ſuch Perſons preſent at ſuch Aſſembly having ſuch Number of Shares as aforeſaid, and ſuch Choice, Removal, or new Appointment of any Member of any ſuch Committee, ſhall then take place, and not before; and the Perſons then choſen to be of any ſuch Committee ſhall have the ſame Powers which they would have had,

and ſhall continue in ſuch Office, until ſuch Time as they would have done, had they been choſen by any ſuch ſtated General Aſſembly on the Day firſt appointed for holding the ſame; and in caſe of Failure of the aſſembling of a ſufficient Number of Proprietors having ſuch Shares, as Principals or Proxies, at ſuch ſtated General Aſſembly, every Proprietor who ſhall not attend ſuch Second or adjourned Aſſembly, in Perſon or by Proxy, ſhall forfeit to the ſaid Company of Proprietors, for every Share which he or ſhe ſhall poſſeſs in the ſaid Canal or Undertaking, the Sum of Two Pounds; to be deducted out of his or her next ſucceeding Payment of Intereſt or Dividends of the Profits of the ſaid Undertaking, as the Caſe may happen; and in caſe no Intereſt or Dividends ſhall be payable to ſuch Perſon or Perſons making Default at aforeſaid, within Three Calendar Months next after the making of ſuch Default, then the Payment of the ſaid Forfeiture of Two Pounds may be recovered and enforced by the Ways and Means herein-after appointed for the Recovery of any other of the Penalties or Forfeitures impoſed by this Act.

Aſſembly of Proprietors may be ſpecially convened.

XI. And be it further enacted, That if it ſhall at any Time appear that, for the more effectually putting this Act into Execution, a Special Aſſembly of the ſaid Company of Proprietors is neceſſary to be held, it ſhall and may be lawful to and for any Twelve or more of the ſaid Proprietors, who may be poſſeſſed of or entitled unto Three Shares each at the leaſt in the ſaid Canal, to cauſe Fourteen Days Notice at leaſt to be given thereof in ſome Newſpaper or Newſpapers uſually circulating in the County of *Cornwall*, or in ſuch other Manner as the ſaid Company of Proprietors ſhall at any General Aſſembly direct or appoint, ſpecifying in ſuch Notice the Reaſon and Intention of requeſting ſuch Special Aſſembly, and the Time when and Place where the ſame ſhall be held, which Place ſhall be within Three Miles of the ſaid Canal or Collateral Cut; and the ſaid Proprietors are hereby authorized to meet purſuant to ſuch Notice, and ſuch of them as ſhall be preſent ſhall proceed to the Execution of the Powers by this Act given to the ſaid Company of Proprietors with reſpect to the Matters ſo ſpecified only; and all ſuch Acts of the Proprietors, or of the major Part of them, met together at every ſuch Special Aſſembly (provided ſuch major Part ſhall be poſſeſſed of at leaſt One hundred Shares in the ſaid Navigation, either as Principals or Proxies) ſhall be as valid, with reſpect to the Matters ſpecified in ſuch Notice, as if the ſame had been done at any ſtated General Aſſembly.

General Aſſembly to elect and appoint Officers;

and take Security from them.

XII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Company of Proprietors, at any General Aſſembly, and they are hereby authorized and required, from Time to Time, to nominate and appoint, by Writing under their Hands, or the Common Seal of the ſaid Company of Proprietors, a Treaſurer or Treaſurers, and one or more Collector or Collectors of the ſaid Rates, and alſo One or more Clerk or Clerks to the ſaid Company of Proprietors, and alſo to ſuch Committee, taking ſuch Security for the due Execution of their reſpective Offices as the ſaid Company of Proprietors ſhall think proper; and ſuch Clerk or Clerks ſhall, in a proper Book or Books to be provided by the ſaid Company of Proprietors for that Purpoſe, enter and keep a true and perfect Account of the Names and Places of Abode of the ſeveral Pro-

prietors of the ſaid Canal, and of the ſeveral Perſons who ſhall from Time to Time become Owners and Proprietors of or entitled to any Share or Shares therein, and of all Acts, Proceedings, and Tranſactions of the ſaid Company of Proprietors and Committee reſpectively; and each of the ſaid Proprietors of the ſaid Canal ſhall and may, at all convenient Times, have Recourſe to and peruſe and inſpect the ſame, and alſo the Book or Books to be kept by the Clerk or Clerks to the Commiſſioners herein nominated and appointed, *gratis*, and may demand and have Copies thereof, or of any Part thereof, paying for every One hundred Words ſo to be copied the Sum of Sixpence; and if any ſuch Clerk or Clerks to the ſaid Company or Committee, or to the Commiſſioners herein nominated and appointed, ſhall refuſe to permit any Proprietor or Proprietors ſo intereſted as aforeſaid, to inſpect and peruſe ſuch Book or Books of Proceedings, at all convenient Times and Seaſons, or refuſe to make any ſuch Copy or Copies at the Rate or Price aforeſaid, he ſhall, for every ſuch Offence forfeit and pay the Sum of Five Pounds; and in caſe, by Reaſon of any Negligence, Miſconduct, or Inability in any Treaſurer, Collector, or Clerk, to execute ſuch Office or Offices, it ſhall be requiſite to diſplace or remove him or them, then and in every ſuch Caſe it ſhall and may be lawful to and for the Proprietors aſſembled at any ſuch General or Special Aſſembly as aforeſaid, or for the Committee of the ſaid Proprietors, to remove any ſuch Treaſurer, Collector, or Clerk; and in caſe any ſuch Collector, Treaſurer, or Clerk, ſhall die, be ſo removed from, or quit the Service of the ſaid Company of Proprietors, or of the ſaid Committee, then it ſhall and may be lawful to and for the ſaid Company of Proprietors, at their ſaid General or Special Aſſemblies, or for the Committee of the ſaid Proprietors, to appoint any other fit Perſon or Perſons to execute ſuch Office or Offices, in the Place of the Perſon or Perſons who ſhall ſo die, be removed from, or quit the Service of the ſaid Proprietors, or of the ſaid Committee; but in caſe any ſuch new Appointment be made by the ſaid Committee, the ſame ſhall only continue until the next General or Special Aſſembly of the ſaid Proprietors, when the Appointment of ſuch Perſon or Perſons, to ſuch reſpective Office or Offices, ſhall either be confirmed, or ſuch other fit Perſon or Perſons appointed to ſucceed to ſuch Office or Offices as the ſaid Proprietors, at ſuch General or Special Aſſembly, may think proper.

Officers, &c. to account.

XIII. And be it further enacted, That all ſuch Officers and Perſons ſo to be appointed as aforeſaid ſhall, under their Hands, at ſuch Time and Times, and in ſuch Manner as the ſaid Company of Proprietors, or ſuch Committee, ſhall direct, deliver to the ſaid Company of Proprietors, or to ſuch Committee, or to ſuch Perſon or Perſons as they reſpectively ſhall appoint, true and perfect Accounts, in Writing, of all Matters and Things committed to their Charge by virtue of this Act, and alſo of all the Monies which ſhall have been by ſuch Officer or Officers, and Perſon or Perſons, reſpectively received by virtue and for the Purpoſes of this Act, and how much thereof hath been paid and diſburſed, and for what Purpoſes, together with the proper and legal Receipts or Vouchers for ſuch Payments; and ſhall pay all ſuch Monies as ſhall remain in their reſpective Hands to the ſaid Company of Proprietors, or to ſuch Committee, or to ſuch Perſon or Perſons as they reſpectively ſhall appoint; and

and if any ſuch Officer or Perſon ſhall refuſe to produce or deliver up ſuch Receipts or Vouchers, or to make Payment as aforeſaid, or ſhall not deliver to the ſaid Company of Proprietors, or to ſuch Committee, or to ſuch Perſon or Perſons as they reſpectively ſhall appoint, within Ten Days after being thereunto required by the ſaid Company of Proprietors, or by ſuch Committee, all Books, Papers, and Writings, in his or their Cuſtody or Power, relating to the Execution of this Act, or ſhall refuſe or neglect to pay ſuch Monies, as upon the Balance of any Account or Accounts ſhall appear to be in their reſpective Hands, to the ſaid Company of Proprietors, or to ſuch Committee, or as they reſpectively ſhall direct or appoint, then and in either of the Caſes aforeſaid, the ſaid Company of Proprietors may and are hereby authorized and empowered to bring, or cauſe to be brought, any Action or Actions againſt the Officer or Officers, Perſon or Perſons, ſo neglecting or refuſing as aforeſaid, in order for the Recovery of the Monies that ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons reſpectively; or if Complaint ſhall be made by the ſaid Company of Proprietors, or by ſuch Committee, or by ſuch Perſon or Perſons as they reſpectively ſhall appoint for that Purpoſe, of any ſuch Refuſal or Neglect as aforeſaid, to any Two or more of the Juſtices of the Peace for the County or Place wherein ſuch Officer or Officers, Perſon or Perſons, ſo neglecting or refuſing, ſhall be and reſide, ſuch Juſtices may and are hereby authorized and required, by a Warrant or Warrants under their Hands and Seals, to cauſe the Officer or Officers, Perſon or Perſons ſo refuſing or neglecting, to be brought before them, and upon his or their appearing, or not being to be found, to hear and determine the Matter in a ſummary Way; and if, upon the Confeſſion of the Party or Parties, or by the Teſtimony of any credible Witneſs or Witneſſes upon Oath, it ſhall appear to ſuch Juſtice, that any of the Monies that ſhall have been collected or raiſed by virtue of this Act, ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons, ſuch Juſtices may and are hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants under their Hands and Seals, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Officers, Perſon or Perſons reſpectively; and if no Goods or Chattels of ſuch Officer or Officers, Perſon or Perſons, can be found, ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of making and levying the ſame, then, and in any or either of the Caſes aforeſaid, ſuch Juſtices ſhall commit every ſuch Offender to the Common Gaol for the ſaid County of *Cornwall*, there to remain without Bail or Mainprize, until he ſhall give and make a true and perfect Account and Payment as aforeſaid, or until he ſhall compound with the ſaid Company of Proprietors, or with the ſaid Committee, and ſhall have paid ſuch Compoſition in ſuch Manner as they ſhall appoint, or until he ſhall deliver up ſuch Books, Papers, and Writings as aforeſaid, or give Satisfaction in reſpect thereof to the ſaid Company of Proprietors, or to ſuch Committee.

Powers of the Committees.

XIV. And be it further enacted, That no Member of the ſaid Committee (although he may be a Proprietor of many Shares in the ſaid Canal) ſhall have more than One Vote in any Committee, except the Chairman, who ſhall be choſen by and out of the ſaid Committee, and who, in caſe of an Equality of Votes upon any Queſtion which

may be agitated in the ſaid Committee, ſhall have the caſting Vote, although he may have given One Vote before; and that all the Powers and Authorities hereby veſted in, or directed to be exerciſed by the ſaid Committee, may be done and exerciſed by the major Part of them preſent at their reſpective Meetings, the whole Number preſent not being leſs than Five; and every ſuch Committee ſhall from Time to Time make Reports of their Proceedings to the ſaid General Aſſemblies, and, if required, to the ſaid Special Aſſemblies of the Proprietors, and ſhall obey their Orders and Directions; and the ſaid Committee ſhall (ſubject nevertheleſs at all Times to ſuch Orders and Directions as aforeſaid) meet at ſuch Times and Places, and ſhall from Time to Time adjourn themſelves to ſuch other Times and Places, as they ſhall think fit; but no Perſon holding any Place, Office, or Employment, under the ſaid Company, ſhall be capable of being choſen to ſerve upon any Committee during the Time of his Continuance in ſuch Place, Office, or Employment; and in order to defray the Expences of their Meetings, the ſaid Committee ſhall from Time to Time receive, out of the Capital Stock of the ſaid Proprietors, ſuch Sum or Sums of Money as ſhall be directed, adjuſted, and ſettled at ſuch General Aſſemblies; and the ſaid Committee (ſubject nevertheleſs at all Times to ſuch Orders and Directions as aforeſaid) ſhall make Agreements and Bargains with the Workmen, Agents, Undertakers, and other Perſons employed or concerned in making and completing the ſaid Canal and Collateral Cut, and all and every Part or Parts thereof; and ſhall, by themſelves, or their Clerk or Clerks aforeſaid, keep a full and true Account of all Money diſburſed, and Payments made, by the ſaid Committee, and by all and every Perſon and Perſons employed by or under them, and of all and every Sum and Sums of Money which they ſhall receive on Behalf or in reſpect of ſuch Canal or Collateral Cut, from any Collector or Collectors of the ſaid Rates, or other Officer or Officers, or from any other Perſon or Perſons whomſoever, employed in, or having any Concerns, Dealings, or Tranſactions with, the ſaid Canal or Collateral Cut, and Undertaking, or in or with any Part or Parts thereof; and ſhall regularly, by themſelves or their Clerk or Clerks as aforeſaid, write, inſert, and enter in a Book or Books, to be from Time to Time provided at the Expence of the ſaid Company of Proprietors for that Purpoſe, Notes, Minutes, or Copies (as the Caſe ſhall require) of every ſuch Contract, Bargain, Receipt, and Diſburſement, and of all other their Orders and Proceedings; which Book or Books ſhall be depoſited with and kept locked up under the Care and Direction of the ſaid Committee (provided always, that every Proprietor, upon every reaſonable Deſire, ſhall have free Acceſs thereto, as herein-before mentioned, for his or her Inſpection): And the ſaid Committee ſhall have Power, from Time to Time, to make ſuch Call or Calls of Money, from the Subſcribers to and Proprietors of the ſaid Navigation, to defray the Expences of or to carry on the ſame, as they from Time to Time ſhall find wanting and neceſſary for thoſe Purpoſes, ſo that no ſuch Call ſhall exceed the Sum of Ten Pounds for every Fifty Pounds, and ſo in Proportion for any greater or leſs Share or Intereſt which any Perſon or Perſons ſhall or may be poſſeſſed of or entitled unto in the ſaid Undertaking; and ſuch Calls ſhall not be made but at the Diſtance of Two Calendar Months at leaſt from each other, and Fourteen Days Notice at the leaſt ſhall be given of all ſuch Calls as aforeſaid, by Advertiſement in ſome Newſpaper or Newſpapers uſually circulating in the ſaid County of *Cornwall*; and ſuch Committee ſhall (ſubject

No Perſon holding any Office under the Company to be of the Committee.

Committees to make Calls.

(ſubject nevertheleſs to the Orders and Directions of ſuch Aſſemblies as aforeſaid) have full Power and Authority to direct and manage all and every the Affairs of the ſaid Company of Proprietors, as well in contracting for and purchaſing Meſſuages, Lands, Tenements, and other Hereditaments and Materials, for the Uſe of the ſaid Canal and Collateral Cut, as in employing, ordering, and directing the Works and Workmen, and in placing and diſplacing Under-Officers, Clerks, Servants, and Agents, and in making all Contracts and Bargains touching the ſaid Undertaking; and every Owner or Owners of any Share or Shares in the ſaid Undertaking ſhall pay his, her, or their rateable Proportions of the Monies to be called for as aforeſaid, to ſuch Perſon or Perſons, and at ſuch Time and Place, as the ſaid Committee ſhall from Time to Time appoint and direct; and if any Perſon or Perſons ſhall neglect or refuſe to pay his, her, or their rateable or proportionable Part of the ſaid Money ſo called for as aforeſaid, at the Time and Place appointed by ſuch Committee, or within Twenty-one Days next enſuing, he, ſhe, or they, ſo neglecting or refuſing, ſhall forfeit a Sum not exceeding Five Pounds for every Share; and in caſe ſuch Perſon or Perſons ſhall continue to neglect or refuſe to pay his, her, or their rateable Calls as aforeſaid, for the Space of Three Calendar Months next after the Time ſo appointed for Payment thereof, then he, ſhe, or they ſo neglecting or refuſing, ſhall forfeit his, her, or their reſpective Share and Shares in the ſaid Undertaking, and all the Profits and Benefits thereof; all which Shares ſo forfeited, ſhall be veſted in the ſaid Company of Proprietors of the ſaid Canal, in Truſt for and for the Benefit of all the Reſt of the ſaid Proprietors, in Proportion to their reſpective Intereſts in the ſaid Canal, or ſhall, at the Diſcretion of the ſaid General or Special Aſſemblies, be publickly ſold for the Uſe of the Reſt of the ſaid Proprietors, whoſe Shares and Intereſts ſhall not have been forfeited as aforeſaid: Provided nevertheleſs, That no Advantage ſhall be taken of any Forfeiture of any Share or Shares in the ſaid Canal, until Perſonal Notice ſhall have been given to, or Notice left at the uſual Place or Places of Abode of the Owner or Owners of ſuch Share or Shares reſpectively; and the ſame Share or Shares ſhall likewiſe be declared to be forfeited at ſome General or Special Aſſembly of the Company of Proprietors, within Three Calendar Months next after ſuch Forfeiture ſhall have been incurred.

Shares may be forfeited, but no Advantage to be taken of Forfeiture, without Perſonal Notice.

On the Death of Subſcribers before Share completed, Executors may do it.

XV. And be it further enacted, That if any Owner or Owners of any Share or Shares in the ſaid Canal, ſhall happen to die before ſuch Call or Calls ſhall have been made for the full Sum to be advanced on any Share or Shares which he, ſhe, or they ſhall have been poſſeſſed of, or entitled to, without having made Proviſion, by Will or otherwiſe, how or in what Manner ſuch Share or Shares ſhall be diſpoſed of, and how or by what Means the future Calls in reſpect thereof ſhall be paid to the ſaid Company of Proprietors, for the Purpoſe of the ſaid Canal, then and in ſuch Caſe the Executors or Adminiſtrators of any ſuch Owner ſo dying, or the Truſtee or Truſtees, Committee or Committees, of any Lunatic or Lunatics, Guardian or Guardians of any Infant or Infants, or of any other Perſon or Perſons entitled to the Eſtate and Effects of ſuch deceaſed Owner, ſhall be indemnified againſt all and every ſuch Infant or Infants, and againſt all and every other Perſon or Perſons whomſoever, for or on Account of his, her, or their having paid

any Sum or Sums of Money, when called for as aforeſaid, to complete every ſuch Subſcription; and if ſuch deceaſed Owner or Owners ſhall not have left Aſſets ſufficient, or in caſe the Executors or Adminiſtrators, Truſtee or Truſtees, Committee or Committees, Guardian or Guardians, ſhall refuſe or neglect to anſwer ſuch Calls, the ſaid Company of Proprietors ſhall be, and they are hereby authorized and required to admit any other Perſon or Perſons to be Proprietor or Proprietors of the Share or Shares of ſuch deceaſed Owner or Owners, 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 Owner or Owners, or to the Truſtee or Truſtees, Guardian or Guardians, of any Infant or Infants, or to any other Perſon or Perſons who may be entitled to his or her Effects, the full Sum and Sums of Money which ſhall have been paid by ſuch Owner or Owners, in his, her, or their Life Time by virtue of any Call or Calls, or otherwiſe, upon ſuch Share or Shares, or ſuch other Sum or Sums of Money as the ſame can be ſold for; and in caſe no Perſon or Perſons ſhall be found who is or are willing to be admitted on ſuch Condition as aforeſaid, then and in ſuch Caſe ſuch Share or Shares ſhall be forfeited to and become veſted in the Reſt of the ſaid Company of Proprietors, in Truſt for and for the equal Benefit of all the Reſt of the ſaid Proprietors, in Proportion to their reſpective Intereſts in the ſaid Canal, and ſhall be ſubject to be ſold and diſpoſed of in like Manner as other forfeited Shares may be ſold and diſpoſed of by virtue of this Act.

Shares may be ſold.

XVI. And be it further enacted, That it ſhall and may be lawful to and for the ſeveral Proprietors of the ſaid Canal, his, her, or their reſpective Executors or Adminiſtrators, to ſell and diſpoſe of any Share or Shares to which he, ſhe, or they may be entitled therein, ſubject to the Rules and Conditions herein mentioned; the Conveyance of which Shares ſhall be in the Form or to the Effect following:

Form of Conveyance of Shares.

'I *A. B.* of in Conſideration of paid to me by *C. D.* of do hereby bargain, ſell, aſſign, and transfer, to the ſaid *C. D.* the Sum of Capital Stock of and in the Canal called *The Polbrock Canal*, being Part [*or*, the Whole *as the Caſe may be*] of my Share in the ſaid Canal and Collateral Cut; to hold to the ſaid *C. D.* Executors, Adminiſtrators, and Aſſigns, ſubject to the ſame Rules, Orders, and Reſtrictions, and on the ſame Conditions, that I held the ſame immediately before the Execution hereof: And I the ſaid *C. D.* do hereby agree to take and accept the ſaid Capital Stock or Share of ſubject to the ſame Rules, Orders, Reſtrictions, and Conditions. As witneſs our Hands and Seals, the Day of

And on every ſuch Sale, the ſaid Deed of Conveyance (being executed by the Seller or Sellers, and the Purchaſer or Purchaſers, of ſuch Share or Shares) ſhall be kept by the ſaid Purchaſer or Purchaſers for his, her, or their Security, after the Clerk or Clerks to the ſaid Company of Proprietors ſhall have entered, in a proper Book or Books to be kept for that Purpoſe, a Memorial of ſuch Transfer and Sale for the Uſe of the ſaid Company, and have teſtified or indorſed the Entry of ſuch Memorial on

on the ſaid Deed of Sale or Transfer, for which no more than One Shilling ſhall be paid; and the ſaid Clerk or Clerks is or are hereby required to make ſuch Entry or Memorial accordingly; and until ſuch Memorial ſhall have been made and entered as above directed, ſuch Purchaſer or Purchaſers ſhall have no Part or Share of the Profits of the ſaid Canal and Collateral Cut, nor any Intereſt for ſuch Share or Shares paid to him, her, or them, nor any Vote in reſpect thereof as a Proprietor or Proprietors of the ſaid Canal and Collateral Cut.

After a Call, no Share to be ſold until ſuch Call ſhall be paid.

XVII. And be it further enacted, That after any Call of ſuch Money ſhall have been made by ſuch Committee as aforeſaid, no Perſon or Perſons ſhall ſell or transfer any Share or Shares which he, ſhe, or they ſhall poſſeſs in the ſaid Canal, on Pain of forfeiting his, her, or their reſpective Share or Shares therein to the ſaid Company of Proprietors, in Truſt for the Benefit of all the ſaid Proprietors, unleſs he, ſhe, or they, at the Time of ſuch Sale or Transfer, ſhall have paid and diſcharged to the Treaſurer of the ſaid Company of Proprietors, the whole and entire Sum of Money which ſhall have been called for upon each Share ſo ſold or transferred; ſuch Forfeiture nevertheleſs to be notified and declared at a General or Special Aſſembly, in Manner before directed.

Regulations as to the Acquiſition of Shares;

XVIII. And whereas much Inconvenience may ariſe by the frequent Change of the Right and Title to the Shares of and in the ſaid Canal, by the Marriage and Death of Proprietors; and it may be difficult in ſuch Caſes to aſcertain to whom the Dividends ariſing or becoming due upon ſuch Shares ought to be paid, and do belong: Be it therefore further enacted, That before any Perſon or Perſons, who ſhall claim any Part or Share of the Profits of the ſaid Canal, in Right

by Marriage;

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*, or a Maſter or Maſter Extraordinary in Chancery, or any one of His Majeſty's Juſtices of the Peace for the ſaid County of *Cornwall*; and the ſaid Judges, Maſters or Maſters Extraordinary in Chancery, and Juſtices of the Peace, are hereby authorized and empowered to ſwear any ſuch Perſon to ſuch Affidavit; and ſuch Affidavit ſhall be tranſmitted (Poſt or Carriage free) to the Clerk or Clerks to the ſaid Company of Proprietors 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

for Will or in Courſe of Adminiſtration.

and Sales of Shares in the ſaid Canal; and that before any Perſon or Perſons, who ſhall claim any Part or Share of the Profits of the ſaid Canal and Collateral Cut, 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 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*,

minſter, a Maſter or Maſter Extraordinary in Chancery, or one of His Majeſty's Juſtices of the Peace for the ſaid County of *Cornwall*, and ſhall alſo be tranſmitted (Poſt or Carriage free) to the ſaid Clerk or Clerks; who ſhall file and enter the ſame in Manner herein-before mentioned.

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

XIX. And, for the better Security of the ſeveral Proprietors of the ſaid Undertaking to their reſpective Shares therein; be it further enacted, That the ſaid Company of Proprietors ſhall, and they are hereby required, at any General Aſſembly, to cauſe the Names and proper Additions of the ſeveral Perſons who ſhall then be entitled to the Shares in the ſaid Undertaking, with the Number of the Shares, or the Amount of all the Subſcriptions which they are then reſpectively entitled to hold, and alſo the proper Number by which every 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 their Common Seal to be affixed thereto; and ſhall alſo cauſe a Ticket or Inſtrument, with the Common Seal of the ſaid Company affixed thereto, to be delivered to every ſuch Subſcriber upon Demand, ſpecifying the Share or Shares to which he or ſhe is entitled in the ſaid Undertaking, every ſuch Proprietor paying to the Clerk One Shilling, and no more, for every ſuch Ticket or Inſtrument; and ſuch Ticket or Inſtrument ſhall be admitted in all Courts whatſoever as Evidence of the Title of ſuch Subſcriber, his or her Executors, Adminiſtrators, and Aſſigns, to the Share or Shares therein ſpecified; but the Want of ſuch Ticket or Inſtrument ſhall not hinder or prevent the Owner of any of the ſaid Shares from ſelling or diſpoſing thereof.

Powers for making the Canal and Collateral Cut.

XX. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Company of Proprietors, and they are hereby authorized and empowered, to make and maintain a Canal navigable for Boats, Barges, and other Veſſels, from a certain Place called *Guinea Port*, near *Wadebridge*, in the Pariſh of *Saint Breock*, in the County of *Cornwall*, through the ſeveral Pariſhes, Townſhips, Hamlets, or Places of *Saint Breock*, *Bodmin*, and *Egloſhayle*, all in the County of *Cornwall*, to or near to a certain Bridge called *Dunmeer Bridge*, in the Pariſh of *Bodmin*, in the ſaid County; and alſo to make and maintain a Collateral Cut or Canal navigable for Boats, Barges, and other Veſſels, from the ſaid Canal, at or near to a certain Wood, called *Cotton Wood*, in the Pariſh of *Bodmin*, to or near to a certain Bridge, called *Ruthern Bridge*, in the Pariſh of *Bodmin*, in the ſaid County, through the ſaid Pariſh of *Bodmin*; and to ſupply the ſaid intended Canal and Collateral Cut, whilſt making, and at all Times for ever after the ſame ſhall be made, with Water from the River *Camel* or *Alan*, and from all Rivers, Brooks, Springs, Streams, Rivulets, and Watercourſes, which ſhall be found in digging or making the ſaid Canal and Collateral Cut, or any of them, or within the Diſtance of Two Thouſand Yards from the Head Level of the ſaid intended Canal and Collateral Cut, or within the Diſtance of Two Thouſand Yards from any other Part of the ſaid Canal and Collateral Cut, or either of them; and the ſaid Company of Proprietors are hereby alſo authorized and empowered, by themſelves, and their Deputies, Agents, Officers, and Workmen, to make, for the Purpoſe of ſupplying the ſaid Canal and Collateral Cut, or any Part or Parts thereof, with Water, ſuch and ſo many

many Soughs, Tunnels, Feeders, Aqueducts, and Channels, as they ſhall think fit for ſupplying the ſaid Canal and Collateral Cut with Water, and alſo to cleanſe, ſcour, cut, dig, open, deepen, enlarge, or ſtraighten, all 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 the ſaid River *Camel* or *Alan*, or of any other the Rivers, Streams, Brooks, and Watercourſes aforeſaid, for bringing Water into the ſaid Canal and Collateral Cut, and to make ſuch proper Trenches or Paſſages for Water, in, upon, or through the Lands adjoining or near the ſaid intended Canal and Collateral Cut, or Feeders, or any of them, or ſuch Streams, Brooks, or Watercourſes as aforeſaid, or any of them, as ſhall be neceſſary or proper for effecting the Purpoſes of this Act; and for the Purpoſes aforeſaid the ſaid Company of Proprietors, their Deputies, Agents, Officers, and Workmen, are hereby authorized and empowered to enter into and upon the Lands and Grounds of any Perſon or Perſons, Bodies Politick, Corporate, or Collegiate, whatſoever; and to ſurvey and take Levels of the ſame, or any Part thereof, and to ſet out and aſcertain ſuch Parts thereof, as they ſhall think neceſſary and proper for making the ſaid intended Canal and Collateral Cut; and any ſuch Feeder or Feeders, or Aqueduct or Aqueducts, and all ſuch other Works, Matters, and Conveniences as they ſhall think proper and neceſſary for making, preſerving, improving, completing, maintaining, and uſing the ſaid intended Canal and Collateral Cut, and other Works; and alſo to bore, dig, cut, trench, ſough, get, remove, take, and carry away and lay, Earth, Clay, Stone, Soil, Rubbiſh, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters or Things which may be dug or got in making the ſaid intended Canal and Collateral Cut, or other Works, or in making any Baſon or Baſons, Feeder or Feeders, Aqueduct or Aqueducts, in or out of the Lands or Grounds of any Perſon or Perſons adjoining or lying convenient thereto, and which may be neceſſary, requiſite, or proper, for making, carrying on, continuing, maintaining, or repairing, the ſaid intended Canal, Collateral Cut, or other Works, or which may hinder, prevent, or obſtruct the making, uſing or completing, extending and maintaining the ſame reſpectively, or the making, uſing, completing, extending, or maintaining of any ſuch Baſons, Feeders, Trenches, Paſſages, Aqueducts, and Watercourſes as aforeſaid, as ſhall be deemed neceſſary or proper to convey Water to the ſaid intended Canal and Collateral Cut, or any of them; and alſo to make, build, erect, and ſet up, in or upon the ſaid intended Canal and Collateral Cut, or other Works hereby authorized to be made, or any of them, or upon the Lands adjoining or near the ſame reſpectively, ſuch and ſo many Bridges, Piers, Arches, Tunnels, Aqueducts, Sluices, Locks, Flood Gates, Weirs, Pens for Water, Water Stanks, Baſons, Dams, 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 Conveniences, as and where the ſaid Company of Proprietors ſhall think requiſite or convenient for the Purpoſes of the ſaid Canal, Collateral Cut, and other Works, or any Part thereof; and alſo from Time to Time to alter, repair, and amend, or diſcontinue, the ſame; and to divert, alter, widen, enlarge, and extend, any Bridges, Ways, Roads, Paſſages, Cuts, Locks, Soughs, Tunnels, Baſons, Feeders, Aqueducts, Trenches, Sluices, or other Works and Conveniences, as well for the carrying and conveying of Coals, Stones,

Tin, Lead, and other Minerals, Goods, Wares, Merchandizes, and other Things, to and from the ſaid intended Canal and Collateral Cut, 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 intended Canal and Collateral Cut, and the Works of or belonging thereto, or uſeful for any Purpoſe therein; and alſo to place, lay, work, or manufacture the ſaid Materials on the Lands or 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, or alter, any Fences or Paſſages over, under, or through the ſaid intended Canal and Collateral Cut, or the Tunnels, Aqueducts, Soughs, Trenches, Paſſages, Feeders, Watercourſes, and Sluices reſpectively, which ſhall communicate therewith; and alſo to make, ſet out, and appoint, ſuch Towing Paths, Banks, Roads, and Ways, convenient for towing, haling, or drawing of Boats, Barges, and other Veſſels, paſſing upon the ſaid intended Canal or Collateral Cut, with Men, Horſes, or otherwiſe; and proper Places for Boats, Barges, and other Veſſels, navigated upon the ſaid intended Canal or Collateral Cut, 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 intended Canal and Collateral Cut, and Trenches, and the Towing Paths on the Sides thereof; and alſo 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, completing, and uſing the ſaid intended Canal and Collateral Cut, and other Works, in purſuance of and according to the true Intent and Meaning of this Act; they the ſaid Company of Proprietors, their ſeveral Deputies, Agents, Officers, and Workmen, 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 and Proprietors of and other Perſons intereſted in any Lands, Tenements, or other Hereditaments, Waters, Watercourſes, Brooks, or Rivers reſpectively, which ſhall be taken, uſed, removed, diverted, or prejudiced, for all Damages to be by them ſuſtained in or by the Execution of all or any of the Powers of this Act; and this Act ſhall be ſufficient to indemnify the ſaid Company of Proprietors, and their Deputies, Agents, Officers, and Workmen, and all other Perſons whomſoever, for what they, or any of them, ſhall do by virtue of the Powers hereby granted, ſubject to ſuch Proviſoes and Reſtrictions as are herein mentioned.

Power to make Rollers or Inclined Planes, *etc.*

XXI. Provided always, and be it further enacted, That if the ſaid Company of Proprietors ſhall think it neceſſary or expedient that Boats, Barges, or other Veſſels, Waggons, or other Carriages, or any Manure, Goods, Wares, or other Matters or Things, ſhould be conveyed over or along any Part or Parts of the intended Track or Line of the ſaid intended Canal or Collateral Cut, by Rollers, Inclined Planes, Railways, Waggon Ways, or Cranes, or in any other Manner than by and upon Water, then and in ſuch Caſe it ſhall and may be lawful to and for the ſaid Company of Proprietors to cauſe any ſuch Rollers, Inclined Planes, Railways, or other Works before mentioned, to be made, for ſuch

ſuch Purpoſe or Purpoſes, at ſuch Place or Places, in, upon, or near to the ſaid intended Canal or Collateral Cut, as they ſhall think proper; and the ſame, when ſo made, ſhall be taken and conſidered as Part or Parts of the ſaid intended Canal or Collateral Cut, and Works, hereby authorized to be made, in like Manner, and to all Intents and Purpoſes, as if ſuch Parts or Places had been made navigable.

Houſes, Gardens, &c. not to be injured, except ſuch as are mentioned.

XXII. Provided alſo, and be it further enacted, That nothing herein contained ſhall authorize or empower the ſaid Company of Proprietors, or any Perſon or Perſons acting by or under their Authority, to take, uſe, injure, or damage, for the Purpoſes of the ſaid Navigation, Canal, or Collateral Cut, or any other of the Purpoſes aforeſaid, any Houſe or other Building which was erected and built on or before the Twenty-firſt Day of *June* One thouſand ſeven hundred and ninety-ſix, or any Land or Ground which on the ſaid Twenty-firſt Day of *June*, was ſet apart and uſed as or for a Garden, Orchard, Yard, Park, Paddock, planted Walk or Avenue to a Houſe, without the Conſent of the Owners and Occupiers thereof; other than and except the ſeveral Houſes, Cottages, Buildings, Mills, Yards, Gardens, and Orchards herein-after mentioned, *videlicet*, a Houſe and Garden in the Pariſh of *Saint Breock*, the Property of *Charles Prideaux Brune* Clerk, in the Occupation of *William Nankivell*; a Houſe and Orchard in the ſaid Pariſh of *Saint Breock*, the Property of Sir *William Moleſworth* Baronet, in the Occupation of *William Carter*; a Tin Stamping Mill, in the ſaid Pariſh of *Saint Breock*, the Property of the ſaid Sir *William Moleſworth* Baronet, in the Occupation of the Adventurers of the *Polbrock Moor* Tin Stream Work; a Houſe and Orchards in the Pariſh of *Bodmin*, the Property of *William Flamank* Doctor of Divinity in the Occupation of *John Francis*; a Cottage in the ſaid Pariſh of *Bodmin*, the Property of the ſaid *William Flamank*, in the Occupation of *John Roſevear*; a Cottage in the ſaid Pariſh of *Bodmin*, the Property of the ſaid *William Flamank*, in the Occupation of *Jacob Beſt*; and a Mill in the ſaid Pariſh of *Bodmin*, the Property of the ſaid *William Flamank*, in the Occupation of *John Williams*.

Breadth of Canal and Towing Paths.

XXIII. And be it further enacted, That the Lands and Grounds to be taken or uſed for ſuch Canal and Collateral Cut, and for the Towing Paths thereto, and the Ditches, Drains, and Fences to ſeparate ſuch Towing Paths from the adjoining Lands, ſhall not exceed Thirty Yards in Breadth; except in ſuch Places where any Docks, Baſons, or Pens of Water ſhall be made, or where the ſaid Canal or Collateral Cut, or any Part thereof, ſhall be raiſed higher, or cut above Six Feet deeper, than the preſent Surface of the Land; and except in ſuch Places where it ſhall be judged proper, by the ſaid Company, for Boats and other Veſſels to turn, lie, or paſs each other; or where any Warehouſes, Cranes, or Weighing Beams may be erected; or where any Wharfs or other Places may be ſet out or appropriated for the Reception of any Coals, Lime, Limeſtone, or other Minerals, Timber, or other Goods, Wares, or Merchandizes, which ſhall be conveyed on the ſaid Canal or Collateral Cut; nor in any ſuch excepted Places, more than One Hundred and Fifty Yards in Breadth, without the Conſent of the Owner or Owners of the Lands and Hereditaments adjoining to the ſaid Canal or Collateral Cut, given under his, her, or their Hand and Seal or Hands and Seals.

XXIV. Pro-

XXIV. Provided always, and be it enacted, That it ſhall and may be lawful to and for the ſaid Company of Proprietors, to take and make uſe of certain Lands and Grounds at or near to a certain Place called *Guinea Port*, in the Pariſh of *Saint Breock*, near *Wadebridge* aforeſaid, for the Purpoſe of making a Baſon or Pen of Water for the Reception of Boats, Barges, and other Veſſels; and may thereon erect, or cauſe to be erected, any Warehouſes, Cranes, Weighing Beams, Watch Houſes, and other Buildings; ſo as no ſuch Lands and Grounds, ſo taken and made uſe of by the ſaid Proprietors for the Purpoſes aforeſaid, ſhall contain more than Two Statute Acres; and alſo to alter, repair, and make uſe of a certain Road or Way leading from *Guinea Port* aforeſaid, to a certain Bridge called *Tregudick Bridge*, in the Pariſh of *Saint Breock*, and from Time to Time to repair and amend the ſame, for the Purpoſe of conveying Sand, Coals, and other Articles, to and from the ſaid Canal. Baſon at *Guinea Port* to be made.

XXV. Provided alſo, and be it enacted, That it ſhall and may be lawful to and for the ſaid Company of Proprietors, to take and make uſe of certain Lands and Grounds at or near to a certain Place called *Stoney Lane Bridge*, in the ſaid Pariſh of *Bodmin*, for the Purpoſe of making a Baſon or Pen of Water for the Reception of Boats, Barges, and other Veſſels; and may thereon erect, or cauſe to be erected, any Warehouſes, Cranes, Weighing Beams, Watch Houſes, and other Buildings; ſo as no ſuch Lands and Grounds, ſo taken and made uſe of by the ſaid Proprietors for the Purpoſes aforeſaid, ſhall contain more than Two Statute Acres. *Stoney Lane Bridge.*

XXVI. And be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to enable the ſaid Company of Proprietors to erect or build any Houſe or other Building (other than Warehouſes, Toll Houſes, and Watch Houſes) for the Uſe of the ſaid intended Canal or Collateral Cut; or to plant any Trees upon the Lands which ſhall be ſet out for the Towing Paths, Wharfs, or Quays, on the Sides thereof, or in the Fences of ſuch Lands; or to convert or employ any Water which ſhall be brought into or diſcharged out of the ſaid Canal or Collateral Cut, or any of them, or any Trenches or Sluices hereby authorized to be made, for the Uſe of any Mill or Mills hereafter to be erected near the ſame; or to cut down any Timberwood, Bruſhwood, or Underwood, upon any of the Eſtates or Lands through or into which the ſaid Canal, Collateral Cut, Trenches, Sluices, Roads, Paſſages, Works, or Conveniencies, or any Part thereof reſpectively, ſhall be made; except ſuch Timberwood, Bruſhwood, or Underwood, as ſhall grow or be in or upon any of the Lands or Grounds which ſhall be taken or uſed for the making of the ſaid Canal, Collateral Cut, Towing Paths, Trenches, Sluices, Roads, Paſſages, or Conveniencies reſpectively as aforeſaid; and the Proprietors of the reſpective Lands and Grounds on which ſuch Timberwood, Bruſhwood, or Underwood ſhall ſtand or be growing at the Time of the Commencement of this Act, their Heirs or Aſſigns, ſhall have it in their Election to take ſuch Timberwood, Bruſhwood, or Underwood reſpectively, when felled or cut down by the ſaid Company of Proprietors, at ſuch Price or Value as the ſame reſpectively ſhall have been eſtimated at or purchaſed by the ſaid Company No Building to be erected on the Towing Paths, except for the Navigation.

pany of Proprietors; which ſaid Timberwood, Bruſhwood, or Underwood ſo to be felled by the ſaid Company of Proprietors, or by their Order, ſhall and may be carried and conveyed upon any Part of the ſaid Canal or Collateral Cut, free from all Rates to be raiſed and levied by virtue of this Act; but in caſe the ſame ſhall not have been eſtimated at or purchaſed by them upon a Valuation ſeparate and diſtinct from the Lands or Grounds upon which the ſame ſhall reſpectively grow, then at ſuch Price or Value as ſhall be agreed on for that Purpoſe between ſuch Proprietors or Owners of Land and the ſaid Company of Proprietors, or their Agents; or in caſe of any Difference in ſettling or aſcertaining the ſame, then at ſuch Price or Value as the Commiſſioners herein-after appointed, or any Three or more of them, ſhall direct or appoint; and if any Houſe or other Building ſhall be erected, or any Trees planted as aforeſaid, upon any ſuch Lands or Grounds, without ſuch Conſent as aforeſaid, it ſhall and may be lawful to and for the Perſon or Perſons who was or were Owner or Owners of ſuch Lands or Grounds, at the Time of ſetting out the ſame, his, her, or their Heirs or Aſſigns, to take, pull down, and remove ſuch Houſes, and other Buildings, or Trees, without being guilty of Treſpaſs, or being liable to any Action or Proſecution for ſo doing.

If old Roads are deſtroyed, new ones to be made.

XXVII. And be it further enacted, That when and as often as it ſhall be found neceſſary, by the ſaid Company of Proprietors, to make or cut through any Carriage or Horſe Road, be the ſame publick or private, or ſo much injure the ſame as to render the ſame impaſſable or inconvenient for Carriages or Horſes, or the Perſons entitled to the Uſe and Benefit thereof, the ſaid Company of Proprietors ſhall, at their own Expence, before any ſuch Road ſhall be taken, cut through, or injured, as aforeſaid, cauſe a good and ſufficient Carriage or Horſe Road (as the Caſe may be) to be ſet out and made inſtead thereof, and ſhall put, or cauſe to be put, the ſame in good and ſufficient Repair and Condition.

Plan and Book of Reference to be authenticated by the Speaker of the Houſe of Commons, and depoſited.

XXVIII. And whereas a Survey has been taken to aſcertain the Practicability of making the ſaid Canal and Collateral Cut, and a Map or Plan, with a proper Book of Reference thereto has been made in conſequence thereof, in order to ſhew the Line or Courſe of the ſaid Canal and Collateral Cut; be it therefore further enacted, That there ſhall be Two Parts made of the ſaid Map or Plan, and Book of Reference thereto, which ſhall be certified by the Right Honourable the Speaker of the Houſe of Commons, and ſeverally depoſited, One with the Clerk of the Peace for the ſaid County of *Cornwall*, and the other with the Clerk to the ſaid Company of Proprietors; to either of which Maps, Plans, and Books of Reference, all Perſons ſhall have Liberty to reſort, and to examine, or make Extracts from, or Copies of the ſame, as Occaſion ſhall require, paying to the ſaid reſpective Clerks, for Copies of or Extracts from the ſaid Book of Reference after the Rate of Sixpence for every One hundred Words; and the ſaid Maps or Plans, and Books of Reference, ſo certified, or true Copies thereof, ſhall be and are hereby declared to be good Evidence in all Courts of Law or elſewhere; and the Clerk for the Time being to the ſaid Company of Proprietors, upon Fourteen Days Notice to him given

for that Purpoſe, ſhall, and he is hereby required, from Time to Time, to produce the ſaid Map or Plan, and Book of Reference, to be ſo depoſited with him as aforeſaid, before the Commiſſioners to be appointed in Manner herein mentioned, or any Jury or Juries to be impannelled by virtue of 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; ſuch Clerk to the ſaid Company of Proprietors having a reaſonable Sum of Money allowed for his travelling Expences, Abſence from Home, and Attendance on ſuch Occaſions.

Not to deviate without Conſent.

XXIX. And be it further enacted, That the ſaid Company of Proprietors, in making the ſaid intended Canal and Collateral Cut, ſhall not deviate from the Courſe or Direction delineated in the ſaid Maps or Plans, and ſet forth in the ſaid Books of Reference, more than One hundred Yards from the Courſe or Direction ſpecified in the ſaid Map or Plan, without the Approbation and Conſent, in Writing, ſigned by the Perſon or Perſons to whom any Lands, Grounds, or Hereditaments, do or ſhall reſpectively belong, into, through, or over which any Deviation is deſired to be made; but nothing herein contained ſhall extend to reſtrain or prevent the ſaid Company of Proprietors from making any ſuch Deviation from the ſaid Courſe or Direction of the ſaid Canal, in caſe all the Perſons to whom the Lands, Grounds, or Hereditaments to be cut through or made uſe of for the Purpoſes of ſuch Deviation, ſhall belong, ſhall conſent thereto.

Land Owners omitted in the Book of Reference not to obſtruct the making of the Canal.

XXX. Provided always, and be it enacted, That the ſaid Company of Proprietors ſhall and may make the ſaid intended Canal, Collateral Cut, or Deviations from the ſame, and from the ſaid Towing Paths, into, through, acroſs, or over, the Eſtates, Lands, or Grounds, of any Perſon or Perſons whomſoever, into whoſe Eſtates, Lands, or Grounds, ſuch Deviations as aforeſaid ſhall extend, although their Names be not mentioned in the ſaid Book of Reference; or into the Eſtate or Eſtates, Lands, or Grounds, of any Perſon or Perſons whoſe Name or Names appear to the Satisfaction of the Commiſſioners herein appointed, or any Three or more of them, and be by them certified under their Hands to have been by Miſtake omitted in the ſaid Book of Reference; or that inſtead thereof the Name or Names of ſome other Perſon or Perſons, to whom ſuch laſt-mentioned Eſtates, Lands, or Grounds do not belong, hath or have been by Miſtake inſerted therein; any Thing herein contained to the contrary thereof notwithſtanding.

Bodies Politick empowered to ſell and convey Lands.

XXXI. And be it further enacted, That after any Lands, Grounds, Tenements, or Hereditaments ſhall be ſet out and aſcertained for making the ſaid Canal or Collateral Cut, or any Part or Parts thereof, and for providing and conſtructing the Wharfs, and other Works and Conveniencies herein-before mentioned, or any of them, it ſhall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Huſbands, Guardians, Truſtees and Feoffees in Truſt for charitable and other Purpoſes, Committees, Executors, and Adminiſtrators, and all other Truſtees and Perſons whomſoever, not only for and on Behalf of themſelves, their Heirs and Succeſſors, but alſo for and on Behalf of their Ceſtuique Truſts, whether Infants, Iſſue unborn, Lunaticks, Ideots, Femes Covert, or other Perſon or Perſons, and

and to and for all Femes Covert who are or ſhall be ſeiſed, poſſeſſed of, or intereſted, in their own Right, or entitled to Dower, or other Intereſt therein, and for every other Perſon or Perſons whomſoever, who is, are, or ſhall be ſeiſed, poſſeſſed of, or intereſted in any Lands, Grounds, Tenements, or Hereditaments, which ſhall be ſo ſet out and aſcertained for the Purpoſes aforeſaid, to contract for, ſell, and convey the ſame, and every Part thereof, unto the ſaid Company of Proprietors; and if it ſhall ſo happen that by making the ſaid Canal or Collateral Cut, or by the Conveyance of Water thereto, or by making or conſtructing any of the Works hereby authorized to be made, the Property of any Land Owner or Land Owners ſhall be ſeparated into ſmall Parcels, ſo as to render the Occupation thereof inconvenient, it ſhall and may be lawful to and for ſuch Bodies Politick, Corporate, or Collegiate, and ſuch other Perſon and Perſons ſo entitled or intereſted as aforeſaid, by and with the Conſent of the Commiſſioners herein appointed, or any Three or more of them, to be teſtified by Writing under their Hands and Seals, although they may not be aſſembled at any Meeting of the ſaid Commiſſioners to be held by virtue of this Act, to contract for, ſell, and diſpoſe of, or to convey in Exchange for other Lands, all or any Part of ſuch ſmall Parcels of Land ſo ſeparated, to any Perſon or Perſons whomſoever, for ſuch Price or Conſideration in Money, or other Equivalent, as ſhall to the ſaid Commiſſioners ſeem reaſonable; and all Bodies Politick, Corporate, or Collegiate, and all other Perſons whomſoever, ſo conveying or exchanging as aforeſaid, are hereby indemnified for what they ſhall reſpectively do in relation to any ſuch Sale or Exchange which he, ſhe, they, or any of them, ſhall make by virtue and in purſuance of this Act; and all ſuch Contracts, Agreements, Sales, Conveyances, and Aſſurances, ſhall be made at the Expence of the ſaid Company of Proprietors; and ſuch of them as ſhall be made of any Lands, Tenements, or other Hereditaments, to the ſaid Company of Proprietors, ſhall be made according to the following Form; *videlicet*,

Lands ſeparated into ſmall Parcels may be exchanged or ſold.

Contract and Sales to be made at the Expence of the Company.

Form of Conveyance to the Company.

'I *A. B.* of . 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 yearly, *or* half-yearly Payments, *as may be agreed*
'*upon*] by the Company of Proprietors of the *Polbrock* Canal, do hereby
'grant and releaſe to the ſaid Company all [*deſcribing the Premiſes to be*
'*conveyed*] and all my Right, Title, and Intereſt, to and in the ſame,
'and every Part thereof, to hold to the ſaid Company and their Succeſſors for ever, by virtue and according to the true Intent and
'Meaning of an Act of Parliament, made in the Thirty-ſeventh Year of
'the Reign of King *George* the Third, intituled, *An Act for making*
'*and maintaining a Navigable Canal from* Guinea Port, *in the Pariſh of*
'Saint Breock, *in the County of* Cornwall, *to* Dunmeer Bridge, *in the*
'*Pariſh of* Bodmin, *in the ſaid County*; *and alſo a certain Collateral Cut,*
'*from* Cotton Wood, *to or near to* Ruthern Bridge, *in the ſaid Pariſh of*
'Bodmin. In Witneſs whereof I have hereunto ſet my Hand and Seal
'this Day of in the Year of our Lord

Which ſaid Conveyances ſhall be kept by the Clerk or Clerks to the ſaid Company of Proprietors, who ſhall, from Time to Time, when requeſted,

queſted, deliver atteſted Copies thereof to any Perſon or Perſons requiring the ſame, and ſhall have and receive Sixpence for every One hundred Words of each ſuch atteſted Copy, and ſo in Proportion for any leſs Number of Words: And every ſuch Conveyance as aforeſaid, which ſhall be made to any Perſon or Perſons, other than the ſaid Company of Proprietors, ſhall be according to the following Form:

Form of Conveyance between Land-Owners.

'I *A. B.* of do hereby, by virtue and in purſuance of a certain Act of Parliament, made in the Thirty-ſeventh Year of the Reign of King *George* the Third, intituled, *An Act for making and maintaining a Navigable Canal from* Guinea Port, *in the Pariſh of* Saint Breock, *in the County of* Cornwall, *to* Dunmeer Bridge, *in the Pariſh of* Bodmin, *in the ſaid County*; *and alſo a certain Collateral Cut, from* Cotton Wood, *to or near to* Ruthern Bridge, *in the ſaid Pariſh of* Bodmin; and by and with the Conſent and Approbation of or more of the Commiſſioners appointed under or by virtue of the ſaid Act, teſtified by their Signature, and in Conſideration of the Sum of to me in Hand paid by *C. D.* of at or before the Sealing and Delivery of theſe Preſents, the Receipt whereof I do hereby acknowledge [*or*, in Exchange for certain Lands ſituate conveyed to me by the ſaid *C. D.* by Writing under his Hand and Seal, bearing even Date herewith] grant and releaſe to the ſaid *C. D.* all [*deſcribe the Premiſes*] to hold to the ſaid *C. D.* his Heirs and Aſſigns, for ever: As witneſs my Hand and Seal this Day of

And every ſuch Conveyance, to be made by virtue of this Act, in the Form and Manner aforeſaid, ſhall be valid and effectual, to all Intents and Purpoſes whatſoever, any Law, Statute, Uſage, or Cuſtom, to the contrary thereof in anywiſe notwithſtanding.

Satisfaction to be made,

XXXII. Provided always, and be it enacted, That all and every Body or Bodies Politick, Corporate, or Collegiate, Truſtees, or other Perſons, herein-before capacitated to ſell or convey Lands, Tenements, and other Hereditaments, or any other Owner or Owners, and the Occupier or Occupiers of any Lands, Tenements, or other Hereditaments, through, in, or upon which the ſaid Towing Paths, Quays, or other Works hereby authorized, are intended to be made, or of any Mills, or other Works, from which any Water to ſupply the ſaid Canal or Collateral Cut may or ſhall be taken or diverted, may accept and receive Satisfaction for the Value of ſuch Lands, Grounds, Tenements, Mills, Forges, or other Works, Water, and Hereditaments, and for the Damages to be ſuſtained by making and completing the ſaid Works herein-before directed, either in Groſs Sums, or by Annual Rents (except in Caſes of Spiritual Perſons) as ſhall be agreed upon, by and between the ſaid Parties intereſted reſpectively, or any of them, and the ſaid Company of Proprietors; and in caſe the ſaid Company of Proprietors and the ſaid Parties intereſted in ſuch Lands, Grounds, Tenements, or other Hereditaments, cannot agree as to the Amount or Value of ſuch Satisfaction, the ſame ſhall be aſcertained and ſettled by the Commiſſioners hereby appointed in ſuch Manner, and ſubject to ſuch Verdict of a Jury, if required, as is herein directed; and all ſuch Yearly Rents or Sums as ſhall be agreed on between the ſaid Company of Proprietors and the ſaid Parties intereſted in ſuch Lands,

If Parties cannot agree, Price to be ſettled by Commiſſioners, or a Jury.

Yearly Rents charged on the Rates.

Lands, Grounds, Tenements, or other Hereditaments, or as ſhall be ſo aſcertained and ſettled as aforeſaid, ſhall be charged on the Rates ariſing by virtue of this Act, and ſhall be paid by the ſaid Company of Proprietors, either Yearly or Half-yearly, as the ſame ſhall be agreed to become due and payable; and in caſe the ſame ſhall not be paid within Twenty Days next after the ſame ſhall ſo become due and payable, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Three or more of them, although not aſſembled at any Meeting to be held by virtue of this Act; and they are hereby required, by an Order under their Hands, to appoint One or more Perſon or Perſons to receive the Rates hereby granted and made payable, and to pay the ſame to ſuch Perſon or Perſons to whom ſuch Annual Rents or Sums ſhall be due and unpaid as aforeſaid; the ſaid Commiſſioners taking ſuch Security from every ſuch Perſon for the due and faithful Execution of his Office, as they ſhall judge proper and ſufficient; and every ſuch Perſon ſo appointed ſhall be deemed a Collector of the ſaid Rates, and ſhall have the ſame Power and Authority for collecting the ſame, and ſhall receive and retain thereout a reaſonable Satisfaction for his Trouble therein, in like Manner as if he had been appointed a Collector of the ſaid Rates by the ſaid Company of Proprietors, until ſuch Annual Rents or Sums, with all Coſts and Damages occaſioned by the Non-payment thereof, ſhall be fully ſatisfied and paid; or it ſhall and may be lawful to and for ſuch Bodies Politick, Corporate or Collegiate, Truſtees, or other Perſon or Perſons to whom ſuch Annual Rents or Sums ſhall be due and owing as aforeſaid, to ſue for and recover the ſame, with Coſts of Suit, by Action of Debt, in any of His Majeſty's Courts of Record; or otherwiſe to ſeize and diſtrain any Boats, Barges, Veſſels, or other Goods or Effects of the ſaid Company of Proprietors, which ſhall be found upon the ſaid Canal or Collateral Cut, or in or upon the Wharfs, Quays, Warehouſes, or other Works thereto belonging (Information of ſuch Diſtreſs being immediately given to the ſaid Company of Proprietors, by Notice in Writing delivered to ſome of their Clerks or Collectors of the Rates, or affixed to ſome of their Wharfs or Quays near to the Place where ſuch Diſtreſs was made) and to detain the ſame until Payment of ſuch Annual Rents or Sums then due and owing, together with the reaſonable Charges attending ſuch Diſtreſs; and if ſuch Diſtreſs ſhall not be redeemed within Five Days next after making the ſame, and Notice thereof given in Writing as aforeſaid, then ſuch Boats, Barges, Veſſels, or other Goods or Effects ſo diſtrained, ſhall and may be ſold or diſpoſed of in ſuch Manner as the Law directs in caſe of a Diſtreſs for Rent.

Commiſſioners, and their Qualification.

XXXIII. And be it further enacted, That every Perſon who ſhall, in his own Right, or in the Right of his Wife and not as a Mortgagee, or Truſtee, or Leſſee, be ſeiſed of or entitled unto a Freehold or Copyhold Eſtate, ſituate within the County of *Cornwall*, of the clear Yearly Value of Forty Pounds, over and above all Rents, Annuities, Incumbrances, and Reprizes, or of Leaſehold and Perſonal Eſtate of the Value of One thouſand Pounds, ſhall be and are hereby appointed Commiſſioners for ſettling, determining, and adjuſting all Matters, Queſtions, and Differences, which ſhall or may ariſe between the ſaid Company of Proprietors and the ſeveral Owners of, and Perſons intereſted in any Lands, Grounds, Tenements, Mills, Mines, Waters, or Hereditaments, which ſhall or may be taken, uſed, affected, or prejudiced by the Execution of any of the

Powers hereby granted; and every Perſon ſo qualified ſhall be and is hereby appointed a Commiſſioner for all other the Purpoſes of this Act for which Commiſſioners are hereby appointed: But no Perſon ſhall act, or be qualified to act, as a Commiſſioner for the Execution of the Powers hereby given to ſuch Commiſſioners, during the Time of his holding any Place of Profit ariſing out of the Rates to be collected by virtue of this Act, or of his being a Proprietor in the ſaid Canal and Collateral Cut, or concerned or intereſted in any Contract or Bargain to be made for the Purpoſes of this Act, or in any Caſe where he ſhall be any way intereſted or concerned in the Matter in Queſtion; or (except in adminiſtering the Oath herein-after mentioned) until he ſhall have taken and ſubſcribed an Oath to the Effect following, before any Three or more of the ſaid Commiſſioners, who are hereby authorized and required to adminiſter the ſame; *(videlicet)*,

Commiſſioners not to act where intereſted;

and to take Oath.

'I *A. B.* do ſwear, That I will truly and impartially, according to the Evidence which ſhall be laid before me, and to the beſt of my Skill and Judgement, execute and perform the Powers and Authorities veſted in me as a Commiſſioner by an Act of Parliament, made in the Thirty-ſeventh Year of the Reign of King *George* the Third, intituled, *An Act for making and maintaining a Navigable Canal from* Guinea Port *in the Pariſh of* Saint Breock, *in the County of* Cornwall, *to* Dunmeer Bridge, *in the Pariſh of* Bodmin, *in the ſaid County*; *and alſo a certain Collateral Cut, from* Cotton Wood, *to or near to* Ruthern Bridge, *in the ſaid Pariſh of* Bodmin; and that I am qualified to act as a Commiſſioner, according to the Directions of the ſaid Act.'

Oath of Commiſſioners.

And if any Perſon ſhall act as a Commiſſioner in the Execution of this Act, not being qualified as herein-before mentioned, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds, to any Perſon who ſhall ſue for the ſame; to be recovered, with full Coſts of Suit, by Action at Law in any of His Majeſty's Courts of Record; and ſuch Perſon ſo ſued ſhall prove that he is qualified as above, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof or Evidence on the Part of the Plaintiff or Plaintiffs, than that ſuch Perſon hath acted as a Commiſſioner in the Execution of this Act.

Penalty on Commiſſioners acting, no being qualified.

XXXIV. And be it further enacted, That any Juſtice of the Peace for the ſaid County, ſhall and may act as a Juſtice of the Peace in the Execution of this Act; but that no Perſon who ſhall have or accept of any Place of Profit under the ſaid Company of Proprietors, ſhall be capable of acting as a Juſtice of the Peace, in any Matter in the Execution of this Act, ſo long as he ſhall hold ſuch Place of Profit.

Juſtices of the Peace may act; but not while they hold any Place of Profit under the Act.

XXXV. And be it further enacted, That the ſaid Commiſſioners ſhall hold their Firſt Meeting for the Purpoſes of this Act, at ſuch Time and Place as they ſhall be thereunto required by the Firſt General Aſſembly of the ſaid Company of Proprietors, by Publick Advertiſement, as herein-after mentioned; and the ſaid Commiſſioners ſhall, and they are hereby required, at ſuch their Firſt Meeting, to appoint, out of three Perſons to be nominated by the ſaid Company of Proprietors, ſuch One of them, as the ſaid Commiſſioners ſhall think proper, to be their Clerk; and the ſaid Commiſſioners ſhall have Power from Time to Time, at any of their ſubſequent

Firſt Meeting of the Commiſſioners.

ſubſequent Meetings, to remove any ſuch Clerk, and appoint another in his Stead, out of Three Perſons to be nominated by the ſaid Company of Proprietors; and every ſuch Clerk ſhall be paid for his Care and Trouble in the Execution of his Office, by the ſaid Company of Proprietors; and all the Orders and Proceedings of the ſaid Commiſſioners, as well at their Firſt as at every ſubſequent Meeting, ſhall be regularly entered by their Clerk, in a Book to be kept for that Purpoſe, and to be provided from Time to Time by the ſaid Company of Proprietors; and ſuch Entries being ſigned by ſuch Number of Commiſſioners reſpectively, as are empowered by this Act to make ſuch Orders, or carry on ſuch Proceedings, or by their Clerk, by the Orders and Directions of ſuch Number of Commiſſioners as aforeſaid, who ſhall be aſſembled at any ſuch Meeting or Meetings, ſhall be deemed Originals, and ſhall be admitted as Evidence in all Courts of Law or Equity; but no ſuch Firſt or other Meeting whatſoever of the ſaid Commiſſioners, except ſuch Adjourned Meetings as herein-after mentioned, ſhall at any Time be had for putting into Execution any of the Powers or Authorities veſted in the ſaid Commiſſioners by this Act, unleſs Fourteen Days previous Notice (ſpecifying the Hour and Place at which ſuch Meeting is to be held), at leaſt of every ſuch intended Meeting, ſhall be given in ſome Newſpaper or Newſpapers uſually circulated in the ſaid County of *Cornwall*; and every Meeting of the ſaid Commiſſioners by virtue of this Act ſhall be held publickly; and no Order, Direction, or Determination of the ſaid Commiſſioners, or any of them, touching any of the Matters and Things herein contained (except in ſuch Caſes as are hereby otherwiſe directed) ſhall be valid and effectual unleſs the ſame ſhall be made or done at ſome Meeting to be held in purſuance of this Act; and all the Powers and Authorities by this Act given to or veſted in the ſaid Commiſſioners (except ſuch as may be executed without their being aſſembled at any Meeting or Meetings) 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 Five.

Proceedings of the Commiſſioners to be entered.

Commiſſioners may hold Meetings, on Application of the Company of Proprietors or other Perſons.

XXXVI. And be it further enacted, That upon any Application to be made, in Writing, by or on the Behalf of the ſaid Company of Proprietors, or by any Owner or Occupier of any Lands, Tenements, or Hereditaments, to be affected by the making and maintaining of the ſaid Canal or Collateral Cut, or any of the Works relating thereto, or upon any ſuch Application by or on the Behalf of any Body Politick, Corporate, or Collegiate, or Perſon or Perſons intereſted in any Matter to be determined by the ſaid Commiſſioners, to any Three or more of the ſaid Commiſſioners (although they ſhall not be then aſſembled together at a Meeting for the Purpoſes of this Act) requeſting or deſiring them to appoint a Special Meeting of the ſaid Commiſſioners, it ſhall and may be lawful to and for the ſaid Commiſſioners ſo requeſted or applied to, and they are hereby authorized and required, within Seven Days next after ſuch Requeſt or Application made, to give publick Notice, in Manner aforeſaid, of ſuch Meeting, to be held at ſuch Time and Place as they ſhall think proper, ſuch Time not being leſs than Fourteen, nor more than Twenty-one Days from the Day on which ſuch Requeſt or Application ſhall be made to them as aforeſaid; and the ſaid Commiſſioners are hereby authorized, empowered, and required, notwithſtanding any previous or intervening Adjournment of their Meetings, to aſſemble at the Time

and

and Place ſo to be appointed, in order to put into Execution the Powers and Authorities hereby given to and veſted in them, reſpecting any Matter for which ſuch Special Meeting ſhall be required; and in caſe the Buſineſs to be tranſacted at any General or Special Meeting of the ſaid Commiſſioners, to be held in purſuance of this Act, ſhall not be concluded and finiſhed on or within the Day appointed for ſuch Meeting, or if a ſufficient Number of Commiſſioners ſhall not attend for that Purpoſe, then and in every ſuch Caſe any One or more of the Commiſſioners who may be then preſent ſhall adjourn ſuch Meeting to ſuch Time and Place, or Times and Places, as ſuch One Commiſſioner, or the major Part of ſuch Commiſſioners, if there be more than One preſent at any ſuch Meeting or Meetings, ſhall think proper and convenient; but no ſuch Adjournment ſhall be made for a longer Time than One Calendar Month; and if it ſhall ſo happen that there ſhall not appear, at any Meeting to be held under the Powers of this Act, any Commiſſioner or Commiſſioners to adjourn, or if they ſhall omit to make an Adjournment, then and in every ſuch Caſe, and as often as the ſame ſhall ſo happen, any Clerk to the ſaid Commiſſioners ſhall and may, by publick Notice to be given in Manner aforeſaid, appoint the Commiſſioners to meet at the Houſe or Place where the laſt Meeting of the ſaid Commiſſioners was appointed to be held, within Fourteen Days next after the Day on which ſuch former Meeting was to have been held; or any Three or more of the ſaid Commiſſioners may, at any Time or Times, revive or continue the Meetings of the ſaid Commiſſioners, by calling another Meeting, to be held at ſuch Time or Times as any ſuch Three Commiſſioners ſhall appoint, and at any Place or Places within Five Miles of the ſaid Canal or Collateral Cut; publick Notice being given, in Manner aforeſaid, by the ſame Commiſſioners, of all ſuch Revivals and Continuations of the ſaid Meetings: Provided always, that every Special Meeting of the Commiſſioners to be held upon ſuch Requeſt or Application as aforeſaid, for hearing or determining any particular Complaint, Controverſy, Diſpute, or Difference, between the ſaid Company of Proprietors and any other Perſon or Perſons, ſhall be held at ſome Place within Seven Miles of the Place where ſuch Complaint or Diſpute ſhall ariſe.

Meetings to determine Diſputes, &c. to be held within Seven Miles of the Place where the Diſpute or Complaint ſhall ariſe

XXXVII. And be it further enacted, That the ſaid Commiſſioners ſhall be and they are hereby authorized and required, at any of their Meetings, to examine Witneſſes on Oath (which Oath any One of the ſaid Commiſſioners is hereby enabled to adminiſter) touching any Matter which may, in purſuance of this Act, be ſubmitted to the Conſideration of the ſaid Commiſſioners; and they are hereby empowered and enabled, by Writing under their Hands and Seals, to determine and adjuſt, from Time to Time, what Sum or Sums of Money ſhall be paid by the ſaid Company of Proprietors (either in Groſs or by an Annual Rent or Payment) for the abſolute Purchaſe of, or as a Recompence for the Uſe of the Lands, Grounds, or Hereditaments, which ſhall be ſo ſet out and aſcertained as aforeſaid, for the making the ſaid Canal or Collateral Cut, or for any other the Purpoſes of this Act, and alſo to adjuſt and determine the Compenſation to be made by the ſaid Company of Proprietors for any Damages which may or ſhall be at any Time or Times hereafter ſuſtained by any Bodies Politick, Corporate, or Collegiate, or by any Perſon or Perſons reſpectively, being Owners of or intereſted in any Lands, Grounds, Tenements, Mills, Mines, or other Hereditaments, for or by reaſon

Commiſſioners to examine Witneſſes on Oath, and to ſettle any Matters in Diſpute.

reaſon of the ſevering, dividing, or taking down the ſame, or by reaſon of the making, uſing, repairing, or maintaining the ſaid Canal or Collateral Cut, and the Baſons, Aqueducts, Feeders, Tunnels, Sluices, Trenches, Paſſages, Gutters, Watercourſes, Roads, Ways, Railways, or other Works or Conveniencies belonging thereto, or by ſupplying the ſame or any of them with Water as aforeſaid, or by the flowing, leaking, or oozing of Water over or through the Banks of the ſaid Navigation, Canal, Collateral Cut, Baſons, Sluices, and Trenches, or any of them, or over or through any Paſſages, Gutters, or Watercourſes which ſhall be made purſuant to the Powers hereby given, or by not cleanſing the ſame, or by diverting any Streams or Brooks into the ſame, or by reaſon or means of the Execution of any other of the Powers hereby given to the ſaid Company of Proprietors.

If Parties are diſſatisfied with the Determination of the Commiſſioners, Value to be aſcertained by a Jury.

XXXVIII. Provided always, and be it enacted, That if the ſaid Company of Proprietors, or their Committee for the Time being, or any ſuch Body Politick, Corporate, or Collegiate, Truſtee or Truſtees, or other Perſon or Perſons ſo intereſted or entitled as aforeſaid, ſhall be diſſatisfied with any ſuch Judgement or Determination, and ſhall give Notice thereof in Writing to any Three or more of the ſaid Commiſſioners, within Twenty-one Days next after ſuch Judgement or Determination ſhall have been made; or ſhall refuſe or neglect to ſubmit any ſuch Matter to the Determination of the ſaid Commiſſioners; or if any ſuch Body Politick, Corporate, or Collegiate, Truſtee or Truſtees, or other Perſon or Perſons, ſhall refuſe to receive, upon due Tender thereof made, ſuch Purchaſe Money, or the Firſt Payment of ſuch Annual Rent, or ſuch Recompence, as ſhall be ſo determined to be paid; or ſhall, upon Notice in Writing given to the principal Officer of any ſuch Body Politick, Corporate, or Collegiate, or to ſuch Truſtee or Truſtees, Perſon or Perſons reſpectively, or left at the laſt or uſual Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of any Lands or other Hereditaments, to be made uſe of for the Purpoſes of this Act, for the Space of Twenty-one Days next after ſuch Notice, neglect or refuſe to treat, or ſhall not agree with the ſaid Company of Proprietors, or by reaſon of Abſence or otherwiſe ſhall be prevented from treating, or through Diſability, by Non-age, Coverture, or other Impediment, cannot treat for themſelves, or make ſuch Agreement or Agreements as ſhall be neceſſary for the Purpoſes aforeſaid, or ſhall not, within the before-mentioned Space of Twenty-one Days, produce and fully diſcloſe the State of the Title to the Premiſes which they are or ſhall be in Poſſeſſion of, and to the Intereſt which they claim therein, then and in every ſuch Caſe the ſaid Commiſſioners ſhall and are hereby empowered and required to iſſue a Warrant, under their Hands and Seals, to the Sheriff of the County of *Cornwall*; and in caſe any ſuch Sheriff or his Under Sheriff ſhall be one of the Company of Proprietors, or enjoy any Office of Profit or Truſt under them, or ſhall be otherwiſe intereſted in the Matter in queſtion, then to any One of the Coroners of ſuch County who ſhall not be ſo intereſted as aforeſaid; and in caſe all the ſaid Coroners of ſuch County ſhall be ſo intereſted, then to the laſt Perſon who filled the Office of Sheriff of ſuch County then in being, and who ſhall not be intereſted as aforeſaid; commanding ſuch Sheriff, Coroner, or other Perſon to impannel, ſummon, and return a Jury, and the ſaid Sheriff, Coroner, or other Perſon

ſon 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 Trials of Iſſues in His Majeſty's Courts at *Weſtminſter*, to appear before the ſaid Commiſſioners at ſuch Time and Place as in ſuch Warrant ſhall be appointed, ſuch Time not being leſs than Fourteen nor more than Twenty-one Days after ſuch Warrant ſhall be ſerved upon the ſaid Sheriff, Coroner, or other Perſon; and in caſe a ſufficient Number of Jurymen ſhall not appear at the Time and Place ſo to be appointed as aforeſaid, the ſaid Sheriff, Coroner, or other Perſon, ſhall return other honeſt and indifferent Men of the Standers-by, or that can ſpeedily be procured to attend that Service (being ſo qualified as aforeſaid) to make up the ſaid Jury to the Number of Twelve; and every ſuch Jury and Juryman ſhall be liable and ſubject to the ſame Regulations, and to the ſame Pains and Penalties for Default, as if he and they had been returned for the Trial of any Iſſue joined in any of His Majeſty's Courts at *Weſtminſter*; 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 and required, by a Summons or Notice to be ſigned by any Three or more of the ſaid Commiſſioners, either previous to or at the Time of any ſuch Meeting or Meetings, to ſummon and call before them all and every Perſon or Perſons who ſhall be thought neceſſary to be examined as a Witneſs or Witneſſes touching the Matters in queſtion, and to hear and examine ſuch Witneſs or Witneſſes upon Oath; and the ſaid Commiſſioners may order and authorize the ſaid Jury, or any Six or more of them, to view the Place or Places, or Matter or Matters in queſtion; which Jury, upon their Oaths (which Oaths, as well as the Oaths to ſuch Perſon or Perſons as ſhall be called upon to give Evidence, the ſaid Commiſſioners are hereby empowered to adminiſter) ſhall enquire of, aſſeſs, and aſcertain the Sum of Money or Annual Rent to be paid for the Purchaſe of ſuch Lands, Tenements, or other Hereditaments, or the Recompence to be made for the Damages that ſhall or may be ſuſtained as aforeſaid, and ſhall aſſeſs ſeparate Damages for the ſame; and the ſaid Commiſſioners ſhall give Judgement for ſuch Purchaſe Monies, Rent, or Recompence, ſo to be aſſeſſed by ſuch Jury; which ſaid Verdict, and the Judgement thereupon pronounced, as aforeſaid, ſhall be ſigned by the ſaid Commiſſioners, and ſhall be binding and concluſive to all Intents and Purpoſes againſt all Bodies Politick, Corporate, or Collegiate, and all other Perſons, and ſhall not be removed by *Certiorari*, or other Proceſs, into any of His Majeſty's Courts of Record at *Weſtminſter*, or any other Court; any Law or Statute to the contrary thereof notwithſtanding.

Fine upon Sheriffs, &c. making Default.

XXXIX. And be it further enacted, That if the Sheriff, or other Perſon ſo directed to ſummon and return a Jury as aforeſaid, or his Deputy or Agent, ſhall make Default in the Premiſes, he ſhall, for every ſuch Offence, forfeit the Sum of Fifty Pounds; and if any Perſon ſo ſummoned and returned as aforeſaid upon ſuch Jury ſhall not appear, or appearing ſhall refuſe to be ſworn or 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 ſhall not appear, or appearing ſhall refuſe to be ſworn or examined, or to give Evidence, every Perſon ſo offending, having no reaſonable Excuſe, to be al-

lowed by the ſaid Commiſſioners, ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds, to be levied by virtue of any Warrant under the Hands and Seals of the ſaid Commiſſioners, by Diſtreſs and Sale of the Goods and Chattels of the Perſon ſo offending, rendering to ſuch Perſon the Overplus, after ſuch Penalty, and the Charges of ſuch Diſtreſs and Sale, ſhall be deducted; and every ſuch Penalty which ſhall be paid by or recovered from any Perſon who ſhall have been ſummoned to give Evidence as aforeſaid, ſhall go and be paid to the Perſon or Perſons who ſhall appear to the ſaid Commiſſioners to be injured by the Default of ſuch Perſon.

Expences of Commiſſioners, Witneſſes, and Jury, by whom to be paid.

XL. And be it further enacted, That whenſoever a Jury is or ſhall be called by the Commiſſioners as aforeſaid, or any Witneſs or Witneſſes is, are, or ſhall be examined by and before the ſaid Commiſſioners alone, or by and before the ſaid Commiſſioners and Jury jointly, as herein directed, the ſaid Commiſſioners ſhall, and they are hereby required, according to their Diſcretion, to give and award to each of the ſaid Jurors and Witneſſes in every ſuch Caſe ſuch ſeveral and reſpective Sum and Sums of Money as ſhall be a reaſonable Recompence for the Expences and Trouble of their Journey and Attendance; and in each and every Caſe where a Verdict ſhall be given for more Money, or for a greater Annual Rent, as a Recompence or Satisfaction for the abſolute Sale of any Lands, Tenements, or other Hereditaments, of any Perſon or Perſons whomſoever, or as a Compenſation for any Damages done or to be done to ſuch Lands, Tenements, or other Hereditaments, or other Property, than had been previouſly offered by or on Behalf of the ſaid Company of Proprietors before the Meeting of the ſaid Commiſſioners, or than had been by them determined and aſſeſſed as aforeſaid; or where any Verdict ſhall be found for any Damages, where the Diſpute is for Damages only, and where no Compenſation had been previouſly offered or tendered in reſpect thereof, by and on Behalf of the ſaid Company of Proprietors; or where, by reaſon of Abſence in Foreign Countries, or other Impediment or Diſability as aforeſaid, there ſhall not be found any Perſon or Perſons at Hand who may be legally capacitated to enter into a Contract with, and make Conveyances to, and receive Compenſation from, the ſaid Company of Proprietors as herein-before mentioned; then and in all ſuch Caſes all the Expences of calling ſuch Commiſſioners, ſummoning ſuch Jury, and taking ſuch Verdict, ſhall be ſettled by the ſaid Commiſſioners, and be defrayed by the ſaid Company of Proprietors; but if any Verdict ſhall be given for the ſame Sum or Rent that had been previouſly offered by or on Behalf of the ſaid Company of Proprietors, or had been ſo determined or aſſeſſed by the ſaid Commiſſioners, or for a leſs Sum than had been ſo previouſly offered, determined, or aſſeſſed; or in caſe no Damages ſhall be given by the Verdict, where the Diſpute is for Damages only; or in caſe of ſuch Refuſal to enter into Treaty with, or make Conveyances to, or receive Compenſations from the ſaid Company of Proprietors, by any Bodies Politick, Corporate, or Collegiate, or by any Perſon or Perſons whomſoever, who is or are, by the Proviſions of this Act or otherwiſe, legally capacitated to treat and convey or receive ſuch Compenſations as aforeſaid, then and in all ſuch Caſes (except where, by reaſon of Abſence or otherwiſe, any Perſon ſhall have been prevented from treating and agreeing as aforeſaid) the Coſts and Expences of calling a Meeting of ſuch

Commiſſioners, ſummoning ſuch Jury, and taking ſuch Verdict, 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 Concerns, Controverſies, or Diſputes; which ſaid Coſts and Expences, having been ſo ſettled, ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged, as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons; and the Payment or Tender of the Remainder of ſuch Sum or Sums of Money ſhall be deemed and taken, to all Intents and Purpoſes, to be a Payment or Tender of the whole Sum or Sums ſo aſſeſſed and adjudged.

Perſons requeſting Juries, to enter into Bonds to proſecute.

XLI. And be it further enacted, That all and every Perſon or Perſons, making Complaint and requeſting a Jury to be ſummoned, ſhall (before the ſaid Commiſſioners ſhall iſſue out their Warrant for that Purpoſe) enter into a Bond, with Two ſufficient Sureties, to the Treaſurer to the ſaid Company of Proprietors, in a Penalty of One hundred Pounds, with Condition to proſecute his, her, or their ſaid Complaint, and to bear and pay the Coſts and Expences of ſummoning ſuch Jury, and taking ſuch Verdict, in caſe the ſame ſhall be given for no greater or for a leſs Sum or Rent than had been offered by or on Behalf of the ſaid Company of Proprietors, or than had been aſſeſſed by the Commiſſioners before the ſummoning and returning the ſaid Jury or Juries, for the Purchaſe of, or as a Recompence for, any Lands, Tenements, or Hereditaments, or as a Compenſation for any Damages; or in caſe no Verdict ſhall be found for Damages, where the whole Diſpute was whether any Damage was or was not done as aforeſaid.

Notice of Injury to be given to Proprietors, before Complaint to the Commiſſioners.

XLII. And be it further enacted, That the ſaid Commiſſioners ſhall not, nor ſhall any of them, be obliged or allowed, by virtue of this Act, to receive or take Notice of any Complaint or Complaints, to be made by any Perſon or Perſons whomſoever, for any Injury or Damage by him, her, or them ſuſtained, or ſuppoſed to be ſuſtained, by virtue or in conſequence of this Act, unleſs Application ſhall have been made in relation thereto by or on Behalf of ſuch Perſon or Perſons, to the ſaid Company of Proprietors, or to their Treaſurer or Clerk, or to their known Agent or Agents, or to ſome Collector or Collectors of the Rates ariſing from the ſaid Canal, or Collateral Cut, reſiding neareſt to the Place where the Cauſe of Complaint ſhall ariſe, Fourteen Days at leaſt before ſuch Complaint ſhall be made to the ſaid Commiſſioners, within the Space of Six Calendar Months next after the Time that ſuch ſuppoſed Injury or Damage ſhall have been ſuſtained, or the doing or committing thereof ſhall have ceaſed.

What Satisfaction to be made for Tythes.

XLIII. And be it further enacted, That full Recompence, Satisfaction, and Compenſation ſhall be made by the ſaid Company of Proprietors, for all the Tythes, 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 Tythes, in caſe ſuch Lands had not been ſo taken or made uſe of, according to their reſpective Intereſts therein; ſuch Tythes to be eſtimated at the Average Value of Five 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, Tenements, 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 Tythes belonging to Spiritual Perſons, ſhall be made to ſuch Perſons by an Annual Rent.

Value of Lands and Damages to be aſcertained ſeparately.

XLIV. And be it further enacted, That the ſaid Commiſſioners and Juries reſpectively ſhall award all Determinations, Judgements, and Verdicts, which they ſhall reſpectively make and give in the Execution of the Powers hereby veſted in them, concerning the Value of Lands, Tenements, and other Hereditaments, ſeparately and diſtinctly from the Conſideration of any other Damages ſuſtained, or to be ſuſtained, by any Perſon or Perſons, in conſequence of the Execution of any of the Powers of this Act; and ſhall diſtinguiſh the Value ſet upon the Lands, Tenements, and other Hereditaments, and the Money aſſeſſed or adjudged for ſuch Damages as aforeſaid, ſeparately and apart from each other.

Power to enter and take Poſſeſſion of Lands, *etc.* on Payment or Tender of Purchaſe Money.

XLV. And be it further enacted, That upon Payment or legal Tender of ſuch Sum or Sums of Money, or giving ſuch Security as the ſaid Commiſſioners ſhall approve for Payment of any ſuch Annual Rent as ſhall have been contracted or agreed for between the Parties, or adjuſted and determined by the ſaid Commiſſioners, or aſſeſſed by ſuch Juries, in Manner reſpectively as aforeſaid, for the Purchaſe of any ſuch Lands, Tenements, or other Hereditaments, or as a Recompence for the Yearly Produce or Profits thereof, or as a Compenſation for Damages as herein mentioned, to the Proprietor or Proprietors of ſuch Lands, Tenements, or other Hereditaments, or to ſuch other Perſon or Perſons as ſhall be intereſted therein, or entitled to receive ſuch Money, Rent, or Compenſation reſpectively, at any Time after the ſame ſhall have been ſo agreed for, determined, or aſſeſſed; or if the Perſon or Perſons ſo entitled or intereſted, or any of them, cannot be found, or ſhall refuſe to receive the ſame, then upon the Inveſtment thereof in ſuch Publick Funds or Government Securities, bearing an Annual Intereſt, as the ſaid Commiſſioners ſhall by Writing under their Hands appoint, in caſe the ſame ſhall exceed the Sum of Twenty Pounds; and if the ſame ſhall not exceed the ſaid Sum, then on leaving or depoſiting the Money in the Hands of the Treaſurer to the ſaid Company of Proprietors for the Uſe of ſuch Perſon or Perſons ſo intereſted or entitled as aforeſaid; and in all or any of the ſaid Caſes, as often as the ſame ſhall happen, it ſhall and may be lawful to and for the ſaid Company of Proprietors, and their Agents, Workmen, and Servants, immediately to enter upon ſuch Lands, Tenements, and other Hereditaments reſpectively, (or, before ſuch Payment or Tender, by Leave of the Owners and Occupiers thereof), and then, and thereupon, ſuch Lands, Tenements, and other Hereditaments, together with the Yearly Profits thereof, and all the Eſtate, Uſe, Truſt, and Intereſt, of any Perſon or Perſons therein, ſhall from thenceforth be veſted in, and become the ſole Property of the ſaid Company of Proprietors, to and for the Purpoſes of this Act, for ever; and ſuch Tender, Payment, Inveſtment, or Depoſit, ſhall not only bar all Right, Title, Claim, Intereſt, and Demand, of the Perſon or Perſons to whom the ſame ſhall or ought to have been made, but alſo ſhall extend to,

and be deemed and conſtrued to bar the Dower of the Wife of every ſuch Perſon, and all Eſtates Tail, and other Eſtates in Reverſion and Remainder, of his, her, or their Iſſue, and of every other Perſon whomſoever therein: Provided nevertheleſs, that before ſuch Payment, Security, Tender, Inveſtment, or Depoſit as aforeſaid, it ſhall not be lawful for the ſaid Company of Proprietors, or any Perſon acting under their Authorities, to dig or cut the Lands or Grounds, or to take down, remove, or otherwiſe affect any Tenement, or other Hereditament, of the Perſon or Perſons entitled to ſuch Payment or Security, for the Purpoſe of making the ſaid Canal or Collateral Cut, without the Leave and Conſent of ſuch Perſon or Perſons reſpectively.

Verdicts to be recorded.

XLVI. And be it further enacted, That each and every Judgement and Determination of the ſaid Commiſſioners which ſhall be ſubmitted to, and acquieſced in by the Parties concerned, and each and every Verdict, ſhall be tranſmitted to and be kept by the Clerk of the Peace, or other Perſon having the Cuſtody of the Records of the Quarter Seſſions for the ſaid County of *Cornwall*, and ſhall be deemed to be Records of ſuch 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, paying for ſuch Inſpection the Sum of Sixpence, and to have Copies thereof, paying for every Copy the Sum of Sixpence for every One hundred Words, and ſo in Proportion for any greater or leſs Number of Words.

Purchaſe Money belonging to Corporations, *etc.* to be laid out to the ſame Uſes.

XLVII. And be it further enacted, That all Sums of Money paid to any Bodies Politick, Corporate, or Collegiate, Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, Committees, or other Truſtees, or Perſons acting as Guardians, Committees, or Truſtees, for or on Behalf of any Infants, Lunaticks, Ideots, Femes Covert, or other Ceſtuique Truſts, or to any Perſon or Perſons whoſe Lands or Eſtates are limited in ſtrict or other Settlement, for the Purchaſe or Exchange of, or the Damage to be done to, any Lands, Tenements, or Hereditaments, by virtue of the Powers herein contained, ſhall, in caſe the ſame ſhall exceed the Sum of Twenty Pounds, be laid out, as ſoon as conveniently may be, by ſuch Bodies Politick, Corporate, or Collegiate, Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, Committees, or other Truſtees, Perſon or Perſons aforeſaid, in the Purchaſe of Lands, Tenements, and Hereditaments, either in Fee Simple or ſuch other Tenure as the Owner or Owners of the Premiſes, which may have been appropriated or made uſe of for the Purpoſes of this Act, had therein at the Time the ſame ſhall be ſo appropriated or made uſe of; and which ſaid Lands, Tenements, and Hereditaments, ſo to be purchaſed, ſhall be conveyed to or to the Uſe of ſuch Bodies Politick, Corporate, or Collegiate, or to or for ſuch other Perſon or Perſons, and for ſuch Eſtates, and to, for, upon, and ſubject to ſuch Uſes, Truſts, Limitations, Remainders, and Contingencies, as the Lands and Grounds, Tenements or Hereditaments, for or in reſpect whereof ſuch Money ſhall be paid as aforeſaid, were limited, ſettled, and aſſured, at the Time when ſuch Money was ſo agreed for, aſcertained, or aſſeſſed reſpectively as aforeſaid, or for ſuch and ſo many of ſuch Uſes as ſhall be then exiſting and capable of taking Effect; and that ſuch Conveyances and

and Settlements ſhall 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 Money ſhall be placed out, by ſuch Bodies Politick, Corporate, or Collegiate, Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, Committees, or other Truſtees, Perſon or Perſons as aforeſaid, in ſome of the Publick Funds, or on Government or real Securities, producing an Annual Intereſt, in the Names of Three or more Perſons, to be nominated by the Parties intereſted therein, and to be approved of by the ſaid Commiſſioners; and the Intereſt ariſing or to be produced from any ſuch Funds and Securities, and alſo the Annual Rent for ſuch Lands, Tenements, and Hereditaments, where a Rent ſhall be fixed upon as aforeſaid, ſhall be paid to ſuch Perſon or Perſons reſpectively as would have been entitled, for the Time being, to the Rents and Profits of ſuch Lands and other Premiſes ſo to be purchaſed, in caſe the ſame had been purchaſed and ſettled purſuant to the Tenor and true Meaning of this Act; and the ſaid Commiſſioners ſhall, and are hereby empowered to ſettle what Shares and Proportions of the Purchaſe Money, or Compenſation for Damages which ſhall be ſo agreed for, determined, and adjuſted, or aſſeſſed in Manner reſpectively as aforeſaid, ſhall be allowed to any Tenant, Tythe Owner, or other Perſon or Perſons having a particular Eſtate, Term, or Intereſt, in the Premiſes, for his, her, or their reſpective Intereſt therein.

Commiſſioners to ſettle the Proportion of the Money to be paid to the ſeveral Perſons intereſted.

Damages not provided for, to be ſettled by Commiſſioners.

XLVIII. And be it further enacted, That if any Perſon or Perſons ſhall ſuſtain any Damage in his, her, or their Lands, Tenements, or other Hereditaments, by Reaſon of the Execution of any of the Powers given by this Act, and through or by Means not herein provided for, then and in every ſuch Caſe ſuch Damages ſhall be ſo ſettled by the ſaid Commiſſioners, or by a Jury as aforeſaid; and the ſame may be recovered, levied, and applied in Manner herein directed, with regard to other Damage.

Rates.

XLIX. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Company of Proprietors, from Time to Time, and at all Times hereafter, to aſk, demand, take, and recover, to and for their own proper Uſe and Behoof, the ſeveral Rates herein-after mentioned, for the Tonnage and Wharfage of all Timber, Sand, Lime, Manure, Minerals, Merchandize, and other Goods, Matters, and Things whatſoever, which ſhall be carried or conveyed upon the ſaid Canal and Cut, or either of them; (that is to ſay),

Rates of Tonnage.

For all Freeſtone, Limeſtone, Bricks, Tiles, Slates, Corn in the Straw, Hay, Straw, Faggots, Dung, Manure, Sand, Stones, and Clay, to be navigated and conveyed upon the ſaid Canal or Collateral Cut, the Sum of Two Pence *per* Ton *per* Mile; and ſo in Proportion for any greater or leſs Quantity than a Ton, or greater or leſs Diſtance than a Mile:

For all Cattle, Calves, Sheep, Swine, and other Beaſts, and all Coal, Charcoal, Coak, Culm, and Lime, and all rough Timber, Bark, Tin, Iron Stone, Pig Iron, and Pig Lead; and all Flour, Wheat, Barley, Oats, Beans, Peaſe, and Potatoes, the Sum of Three Pence *per* Ton *per* Mile; and ſo in Proportion for any greater or leſs Quantity than a Ton, or greater or leſs Diſtance than a Mile:

For

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

Tolls for paſſing on the Towing Paths, &c.

L. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Company of Proprietors, from Time to Time, to demand and take the ſeveral and reſpective Tolls following; (that is to ſay),

For every Horſe, Mare, Gelding, Mule, or Aſs, paſſing on any Towing Path, Railway, or Stone Road, belonging to the ſaid Company of Proprietors, (ſave and except ſuch as ſhall be haling or drawing any Boat, Barge, or other Veſſel, and ſuch as ſhall be going from Field to Field, or to or from Water or Paſture), before the ſame ſhall be permitted to paſs through any Bar or Gate, or Bars or Gates (which Bars and Gates the ſaid Company of Proprietors are hereby empowered to erect or cauſe to be erected) the Sum of One Penny:

For every Drove of Oxen or neat Cattle paſſing on any ſuch Towing Path, Railway, or Stone Road (ſave and except ſuch as ſhall be haling or drawing any Boat, Barge, or other Veſſel, and ſuch as ſhall be going from Field to Field, or to or from Water or Paſture), the Sum of Tenpence *per* Score, and ſo in Proportion for any greater or leſs Number:

For every Drove of Swine, Sheep, or Lambs, paſſing on any ſuch Towing Path, Railway, or Stone Road, (ſave and except ſuch as ſhall be going from Field to Field, or to or from Water or Paſture), the Sum of Five-pence *per* Score, and ſo in Proportion for any greater or leſs Number.

Tolls to be taken but Once a Day.

LI. Provided always, and be it enacted, That no ſuch Tolls ſhall be demanded or taken for any ſuch Horſe, Beaſt, or Cattle, more than Once in a Day, to be computed from Twelve of the Clock at Night, until Twelve of the Clock in the ſucceeding Night, or at any more than One Bar or Gate on the ſame Day for the ſame Horſe, Beaſt, or Cattle, on a Ticket or Tickets denoting the Payment of ſuch Toll or Tolls on that Day being produced to the Toll Gatherer or Toll Gatherers, which Ticket or Tickets all and every Toll Gatherer and Toll Gatherers ſhall, and he and they is and are hereby required to deliver on Payment of ſuch Toll or Tolls: Provided always, That it ſhall and may be lawful to and for the ſaid Company of Proprietors, and their Committee, from Time to Time, and when they ſhall reſpectively deem it neceſſary, to hinder and prevent any Horſe, Beaſt, or other Cattle, not haling or drawing any Boat, Barge, or other Veſſel, or not going from Field to Field, or to or from Water or Paſture, from paſſing along the ſaid Towing Paths, Railways, or Stone Roads.

Proportion of a Mile to be taken as a Mile.

LII. And be it further enacted, That in all Caſes where there ſhall be a Fraction of a Quarter of a Mile in the Diſtance which any Boat or other Veſſel ſhall be navigated or paſs upon the ſaid Canal and Collateral Cut, or either of them, ſuch Fraction ſhall, in aſcertaining the ſaid Rates, be deemed and conſidered as a whole Quarter of a Mile; and that in all Caſes where there ſhall be a Fraction of a Ton in the Weight of Lading in any Boat or other Veſſel ſo to be navigated on the ſaid Canal and Collateral Cut, or either of them, a Proportion of the ſaid Rates ſhall be

be demanded and taken by the ſaid Company of Proprietors for ſuch Fraction, according to the Number of Quarters of a Ton contained therein; and in all Caſes where there ſhall be a Fraction of a Quarter of a Ton in any ſuch Weight of Lading as aforeſaid, ſuch Fraction ſhall be deemed and conſidered as a whole Quarter of a Ton; all which ſaid Rates ſhall be paid to ſuch Perſon or Perſons, at ſuch Place or Places near to the ſaid Canal and Collateral Cut, or any Part thereof, in ſuch Manner, and under ſuch Regulations, as the ſaid Company of Proprietors ſhall direct or appoint; and in caſe of Denial or Neglect of Payment of any ſuch Rates, 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 of His Majeſty's Courts of Record at *Weſtminſter*; or the Perſon or Perſons to whom ſuch Rates or Tolls ought to have been paid may, and he and they is and are hereby empowered to ſeize the Goods or other Things for or in reſpect whereof any ſuch Rates ought to have been 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 until Payment thereof ſhall be made, together with reaſonable Charges for ſuch Seizure and Detention; and if ſuch Goods or other Things, Boat, Barge, or other Veſſel, Horſe or Horſes, Beaſts or Cattle, ſhall not be redeemed within Five Days next after the taking thereof, the ſame ſhall be ſold as the Law directs in Caſes of Diſtreſs for Rent: And the ſaid Company of Proprietors ſhall have full Power, from Time to Time, at any Special Aſſembly, to lower or reduce all or any of the ſaid Rates, and again to raiſe the ſame to ſuch Sums as they ſhall think proper, not exceeding the Sums before mentioned, as often as it ſhall be deemed neceſſary for the Intereſts of the Undertaking.

Recovery of Rates.

Rates may be altered.

Maſters of Boats to give an Account of their Lading.

LIII. And, for the better aſcertaining, and more eaſy and effectual collecting of the ſaid Rates hereby directed to be paid to the ſaid Company of Proprietors, be it further enacted, That the Maſter, Owner, or other Perſon or Perſons having the Care of any Boat, Barge, or other Veſſel, navigating upon the ſaid Canal and Collateral Cut, or upon any Part or Parts thereof, ſhall give to the Collector or Collectors of the ſaid Rates, or to any other Officer or Officers to be appointed for ſuch Purpoſe by the ſaid Company of Proprietors, at the Place or Places where he or they ſhall attend for that Purpoſe, a juſt Account, in Writing, ſigned by the Maſter, Owner, or other Perſon or Perſons having the Care of ſuch Boat, Barge, or other Veſſel, of the Quantities, Qualities, and Weight of the Goods and other Things which ſhall be embarked in or upon each ſuch Boat, Barge, or other Veſſel, from whence brought, and where the ſame is intended to be landed; and if the Goods or other Things contained in any ſuch Boat, Barge, or other Veſſel, ſhall be liable to the Payment of different Rates, then ſuch Maſter, Owner, or other Perſon or Perſons, ſhall ſpecify the Quantities liable to the Payment of each of the ſaid Rates; and in caſe he or they ſhall neglect or refuſe to give ſuch an Account, or ſhall refuſe to produce his or their Invoice or Bill of Lading, to the Officer demanding the ſame, or ſhall, with Intent to avoid the Payment of the ſaid Rates or Duties, or any Part of them, give a falſe Account, or ſhall deliver out any Part of ſuch Lading or Goods at any other Place or Places than what is or are mentioned

mentioned in ſuch Invoice or Bill of Lading, every Perſon ſo offending ſhall forfeit and pay the Sum of Five Shillings for every Ton of Goods or other Things, and ſo in Proportion for any leſs Quantity than a Ton, which ſhall be in or be conveyed by ſuch Boat, Barge, or other Veſſel reſpectively, of which, or of whoſe Lading ſuch Account ſhall be refuſed, or ſuch falſe Account given, or whoſe Lading ſhall be delivered out as aforeſaid, as the Caſe ſhall happen to be, over and above the aforeſaid reſpective Rates which ſhall be payable for the ſame.

What Quantities of Timber and Light Goods ſhall be deemed a Ton.

LIV. And, for the better aſcertaining the Tonnage of Stone, Timber, and other Goods, to be charged with the Payment of ſuch Rates as aforeſaid, and the Contents and Burthen of the Boats, Barges, and other Veſſels carrying and conveying ſuch Stone, Timber, and other Goods, Matters, and Things, on the ſaid Canal, or Collateral Cut, be it further enacted, That Forty Cubic Feet of round, and Fifty Cubic Feet of ſquare Oak, Aſh, Elm, or Beech Timber, and Fifty Cubic Feet of Fir or Deal Balk, Poplar, Birch, or other Timber or Wood, not cut into Scantlings, ſhall, for the Purpoſes of this Act, be reſpectively deemed, rated, and eſtimated as and for One Ton Weight; and that One Hundred and Twelve Pounds Weight Avoirdupois of Coal, Coak, Culm, Lime, Sand, Slate, Tin, Freeſtone, Limeſtone, and all other Commodities, ſhall, for the Purpoſes of this Act, be deemed, rated, or eſtimated as and for One Hundred Weight; and Two thouſand two hundred and forty Pounds Weight of all Commodities whatſoever ſhall, for the Purpoſes of this Act, be deemed One Ton; any Uſage of rating or eſtimating the ſame to the contrary hereof notwithſtanding: And if any Difference ſhall ariſe between any Collector of the ſaid Rates and the Maſter, Owner, or other Perſon having the Care or Charge of any Boat, Barge, or other Veſſel, or the Owner of any Goods, Wares, Merchandize, or other Things loaded or embarked therein, concerning the Meaſure of ſuch Timber, or concerning the Weight or Quantity of the Goods, Wares, Merchandize, or other Matters or Things therein embarked or contained, it ſhall and may be lawful to and for any ſuch Collector to ſtop and detain any ſuch Boat, Barge, or other Veſſel, and to weigh, meaſure, or gauge, or cauſe to be weighed, meaſured, or gauged, ſuch Boat, Barge, or other Veſſel, and all ſuch Timber, Goods, Wares, and Merchandize, or other Matters or Things as ſhall be therein embarked or contained; and in caſe the ſame ſhall, upon ſuch weighing, meaſuring, or gauging, appear to be of greater Meaſure, Weight, or Quantity, than the Account given thereof by ſuch Maſter, Owner, or other Perſon having the Care or Charge of ſuch Boat, Barge, or other Veſſel, then the ſame Maſter, Owner, or other Perſon giving in ſuch Account, ſhall pay the Coſts and Charges of ſuch weighing, meaſuring, and gauging; all which Coſts and Charges, upon Refuſal of Payment thereof upon Demand, ſhall and may be recovered and levied in the ſame Manner as the ſaid Rates are hereby appointed to be recovered and levied; but if ſuch Timber, Goods, Wares, Merchandize, or ſuch other Matters and Things, ſhall appear to be of the ſame or of leſs Weight or Quantity than the Account given thereof by the ſaid Maſter, Owner, or other Perſon, then the ſaid Collector ſhall pay the Coſts and Charges of ſuch weighing, meaſuring and gauging, and ſhall alſo pay to ſuch

In caſe of Difference concerning the Weight, Collector may weigh them.

Maſter, Owner, or other Perſon, or to the Owner or Owners of ſuch Goods, Wares, Merchandize, or other Things, ſuch Damages as ſhall appear to the ſaid Commiſſioners, upon the Oath of any credible Witneſs, (which Oath the ſaid Commiſſioners are hereby empowered and required to adminiſter), to have ariſen from ſuch Detention; and in Default of immediate Payment thereof, the ſame ſhall be recovered from the ſaid Company of Proprietors, by Action of Debt in any of His Majeſty's Courts of Record, or in ſuch other Manner as any of the Penalties or Forfeitures hereby impoſed upon the ſaid Company of Proprietors, their Agent, Servants, or Workmen, may be recovered and levied by virtue of this Act.

Power to fix the Price of ſmall Parcels.

LV. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Company of Proprietors, from Time to Time to aſcertain and fix the Price, or Sum or Sums of Money to be charged or taken for the Carriage of any Parcel (not exceeding Five hundred Pounds Weight) upon the ſaid Canal and Collateral Cut, or upon any Part thereof; and the ſaid Company of Proprietors ſhall, from Time to Time, cauſe to be printed, and affixed upon every publick Wharf on the ſaid Canal and Collateral Cut, in ſome conſpicuous Place, a Liſt or Account, aſcertaining and particularizing the Price, or Sum or Sums of Money, ſo to be charged or taken for the Carriage of ſuch Parcels as aforeſaid, upon the ſaid Canal or Collateral Cut; and in caſe any Owner or Maſter, or other Perſon having the Care of any Boat, Barge, or Veſſel, navigating or paſſing upon the ſaid Canal or Collateral Cut, or upon any Part or Parts thereof, after ſuch Liſt or Account, ſo aſcertaining and particularizing the Price, or Sum or Sums of Money, at which every ſuch Parcel ſhall be ſo carried and conveyed, ſhall be ſo fixed up as aforeſaid, ſhall demand or take, for the Carriage of any ſuch Parcel as aforeſaid, more than the Price, or Sum or Sums of Money, in ſuch Liſt or Account aſcertained and particularized for that Purpoſe, ſuch Owner, Maſter, or other Perſon, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds, nor leſs than Forty Shillings, at the Diſcretion of the Magiſtrates before whom ſuch Perſon ſhall be convicted.

Navigation to be free from Payment of Rates, under certain Reſtrictions.

LVI. And be it further enacted, That all Perſons whomſoever ſhall have free Liberty to uſe, with Horſes, Cattle, and Carriages, the Roads, Ways, and Paſſages, (except the Towing Paths, Railways, and Stone Roads), to be made by virtue of this Act, for the Purpoſe of conveying any Timber, Goods, Wares, Merchandize, and other Things, to or from the ſaid Canal or Collateral Cut, and every Part thereof, without paying any Thing for the Uſe of ſuch Roads, Ways, and Paſſages, and alſo to navigate and paſs upon, and uſe, the ſaid Canal and Collateral Cut, with any Boats, Barges, or other Veſſels, and to employ the Wharfs and Quays for loading and unloading ſuch Merchandize, Timber, and other Goods and Things, and alſo to uſe the ſaid Towing Paths with Horſes, and other Cattle, for haling 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 mentioned, and ſubject to the Rules and Regulations which ſhall be from Time to Time made by the ſaid Company of Proprietors, by virtue of the

the Powers herein granted; provided the ſaid Boats, Barges, or other Veſſels ſhall not, without the Conſent of the ſaid Company of Proprietors, or their General Committee, paſs upon the ſaid Canal and Collateral Cut, or either of them, at any other Times than between the Hours of Seven in the Morning and Five in the Evening, during the Months of *November*, *December*, *January*, and *February*; between the Hours of Five in the Morning and Eight in the Evening, during the Months of *March*, *April*, *September*, and *October*; and between the Hours of Four in the Morning and Nine in the Evening, during the Months of *May*, *June*, *July*, and *Auguſt*, in every Year.

Veſſels under Eight Tons Burthen not to paſs Locks without Conſent of Proprietors.

LVII. And be it further enacted, That no Boat, Barge, or other Veſſel laden with leſs than Eight Tons, ſhall paſs through any of the Locks to be made by virtue of this Act, without the Conſent of the ſaid Company of Proprietors, or their principal Agent for the Time being, in Writing, firſt had and obtained; or unleſs the Owner or Navigator of ſuch Boat, Barge, or other Veſſel, ſhall pay Tonnage according to the reſpective Rates herein-before ſpecified, equal to a Boat, Barge, or other Veſſel, laden with Eight Tons.

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

LVIII. And be it further enacted, That the Lord or Lords, Lady or Ladies, of any Manor or Manors, and the Owner or Owners of any Lands or Grounds near to, through, or by which the ſaid Canal, or Collateral Cut ſhall be made, may build, conſtruct, or uſe any Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouſes, in or upon his, her, or their reſpective own proper Lands, Grounds, or Waſtes, adjoining or near to the ſaid Canal or Collateral Cut, with neceſſary Ways and Roads to the ſame; and may land any Goods or Merchandize, Coal, Lime, Sand, Manure, Tin, Lead, or other Things, upon ſuch Wharfs, Quays, or Landing Places, or upon the Banks lying between the ſame and the ſaid Canal or Collateral Cut; and may make and uſe proper and convenient Places for Boats, Barges, and other Veſſels, to lie and turn in, and paſs by each other, ſo that the making, conſtructing, or uſing thereof reſpectively, do not obſtruct or prejudice the ſaid Canal or Collateral Cut, or any Towing Path on the Sides thereof reſpectively; and all Rates which ſhall be paid for the Uſe and Benefit of the ſaid Wharfs, Quays, Landing Places, Cranes, Weigh Beams, and Warehouſes reſpectively, ſhall be ſubject to the Power herein contained for the ſaid Commiſſioners to limit, aſcertain, and make Regulations of and concerning ſuch Rates of Wharfage, and are hereby veſted in ſuch Lord or Lords, Lady or Ladies of ſuch Manor or Manors, or in the Owner or Owners of ſuch Lands, Grounds, or Waſtes, who ſhall make, conſtruct, and erect the ſame reſpectively as aforeſaid, and his, her, and their Repreſentatives; ſo that the Rates and Powers herein granted to the ſaid Company of Proprietors ſhall not be thereby reduced, altered, or infringed.

If not done by Land Owners, or within a certain Time, Proprietors may build Wharfs, &c.

LIX. Provided always, and be it enacted, That if any Lord or Lady of a Manor, or Land Owner, ſhall not, within the Space of Six Calendar Months next after Notice given in Writing to him, her, or them, or left at his, her, or their uſual Place or Places of Abode, by or on Behalf of the ſaid Company of Proprietors, that any Part or Parts of ſuch Lands, Grounds, or Waſtes, is or are neceſſary or proper to be uſed for

the Purpoſe of making and erecting Warehouſes, Buildings, or other Conveniences as aforeſaid, for the Uſe of the ſaid Navigation, or for laying out and making neceſſary and convenient Roads for the Conveyance of Goods to and from the ſaid Canal or Collateral Cut, lay out, conſtruct, and make, and from Time to Time maintain and keep in good ſubſtantial Repair, ſuch proper and ſufficient Wharfs, Quays, Warehouſes, Buildings, Roads, and other Conveniences as aforeſaid, for the Uſe of the ſaid Canal and Collateral Cut, or either of them, as the ſaid Commiſſioners ſhall think neceſſary, on the reſpective Parts of the Lands, Grounds, or Waſtes, deſcribed in ſuch Notice, then and in ſuch Caſe it ſhall and may be lawful to and for the ſaid Company of Proprietors, without any Hindrance or Reſtraint whatſoever, to make uſe of any ſuch Lands, Grounds, or Waſtes, (not being the Ground whereon any Houſe or other Building ſtands, or any Garden, Orchard, Yard, Park, Paddock, planted Walk, Nurſery of Trees, or an Avenue to any Houſe), for erecting and conſtructing proper and ſufficient Wharfs, Warehouſes, Buildings, and other Conveniences as aforeſaid, and for laying out and making neceſſary and convenient Roads to and from the ſaid Canal or Collateral Cut, agreeably to ſuch Notice to be delivered as aforeſaid; they the ſaid Company of Proprietors firſt making Satisfaction for the ſame in ſuch Manner as is and hath been herein-before directed with reſpect to other Lands or Grounds, which ſhall be taken or uſed for the Purpoſes of this Act.

Further Allowance to the Company of Proprietors for Goods remaining upon their Wharfs a certain Time.

LX. And be it further enacted, That if any Tin, Coals, Culm, Stone, Timber, Sand, Slate, Lime, or any other Matters or Things whatſoever, which ſhall be carried and conveyed on the ſaid Canal or Collateral Cut, ſhall lie or remain upon any Wharf or Wharfs, Quay or Quays, belonging to the ſaid Company of Proprietors, or to any other Perſon or Perſons, and adjoining to the ſaid Canal or Collateral Cut, for above the Space of Twenty-four Hours, then and in ſuch Caſe the ſaid Company of Proprietors, or ſuch other Perſon or Perſons, ſhall be entitled to receive ſuch reaſonable Rates or Allowances, over and above the Rates herein-before authorized to be taken, as ſhall be agreed upon between the ſaid Company of Proprietors, or their Agent or Agents, or ſuch other Perſon or Perſons, and the Owner or Owners of ſuch Tin, Coals, Culm, Stone, Timber, Sand, Slate, Lime, Goods, Wares, Merchandize, or other Things.

Company of Proprietors not to uſe private Wharfs.

LXI. Provided always, and be it enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, ſo as to 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, Lady or Ladies of any Manor, or the Owner or Owners of any Lands or Grounds adjoining to or near to the ſaid Canal or Collateral Cut, for his, her, or their private excluſive Uſe only, nor to ſet up, erect, repair, or uſe any Crane or Weigh Machine in or upon any ſuch Wharf, Quay, or Landing Place, without the Conſent of the Owners or Occupiers thereof reſpectively; any Thing herein contained to the contrary thereof notwithſtanding.

LXII. And

LXII. And 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, Culverts, Drains, Sewers, or other Paſſages, over, under, by the Side of or into the ſaid Canal or Collateral Cut, and the Trenches, Streams, and Watercourſes communicating therewith, and the Towing Paths on the Sides thereof reſpectively, of ſuch Depth, Breadth, and Dimenſions as ſhall be ſufficient at all Times to convey the Water clear from the Lands adjoining or lying near to the ſaid Canal or Collateral Cut, without obſtructing or impounding 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 Canal or Collateral Cut, to the Prejudice of any of the Lands or Grounds contiguous thereto; and alſo to make proper Watering Places for Cattle in all Caſes where, by Means of the ſaid Canal or Collateral Cut, or any other of the Works hereby authorized to be made, any Perſon or Perſons occupying Lands adjacent thereto, ſhall be deprived of their ancient Watering Places, and to ſupply the ſame at all Times with Water; and that all ſuch Arches, Tunnels, Culverts, Drains, and other Paſſages, ſhall from Time to Time be ſupported, maintained, cleanſed, ſcoured, and kept in good and ſufficient Repair by the ſaid Company of Proprietors; and if at any Time or Times, after Thirty Days Notice in Writing ſhall, by or on the Behalf of any of the ſaid Owners or Occupiers of Lands adjoining or lying near to the ſaid Canal or Collateral Cut, or any other of the Works hereby authorized to be made, be given to the ſaid Company of Proprietors, or to their Clerk or Clerks, known Agent or Collector, that the ſaid Arches, Tunnels, Culverts, Drains, Back Drains, or other Paſſages, or any of them, is or are not made, cleanſed, maintained, and repaired, according to the true Intent and Meaning of this Act, it ſhall and may be lawful to and for any Perſon or Perſons to apply for and obtain an Order in Writing from any Three or more of the ſaid Commiſſioners, though not aſſembled at any Meeting, from Time to Time, as often as there ſhall be Occaſion (and the ſaid Commiſſioners are hereby authorized and required, at their Diſcretion, to grant ſuch Order as aforeſaid) enabling ſuch Perſon or Perſons to make, cleanſe, and repair ſuch Arches, Tunnels, Culverts, Drains, Back Drains, or other Paſſages accordingly, as well through the Lands or Grounds of the Perſon or Perſons obtaining ſuch Order as aforeſaid, as through any other Lands or Grounds in or through which ſuch Arches, Tunnels, Culverts, Drains, Back Drains, or other Paſſages, may, by the ſaid Order of ſuch Three or more Commiſſioners, be directed to be made; 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 Neglect or Refuſal to ſatisfy and defray ſuch Expences for the Space of Six Calendar Months next after Demand thereof made upon the ſaid Company of Proprietors, or upon their Clerk, or known Agent or Collector, ſuch Expences ſhall and may be recovered and levied in ſuch Manner as any other Money is by this Act directed to be recovered from the ſaid Company of Proprietors: Provided always, that ſuch Owner or Occupier of the ſaid contiguous or adjoining Lands ſhall, at the Time of making ſuch Complaint, have his or her reſpective Ditches, Drains,

Drains to be made to convey Water from the Lands adjoining;

and Watering Places for Cattle.

Paſſages for Water, and Watercourſes, leading to or from the Drains, Culverts, and Paſſages, of the ſaid Canal or Collateral Cut, and other Works as aforeſaid, and each and every of them, ſufficiently cleanſed and opened to convey Water into the ſame: Provided alſo, that nothing herein contained ſhall extend to enforce the admitting of any Water ariſing from Floods into the ſaid Canal or Collateral Cut, which may injure the ſame.

For fencing off Towing Paths, and making Bridges, &c.

LXIII. And be it further enacted, That the ſaid Company of Proprietors ſhall, at their own Coſts (within Six Calendar Months next after any Part of the ſaid Canal or Collateral Cut, and Towing Paths thereto belonging, ſhall be dug out and formed) divide and ſeparate, and keep conſtantly divided and ſeparated, the Towing Paths on each Side of the ſaid Canal and Collateral Cut, and the Trenches, Feeders, or Paſſages hereby authorized to be made on ſuch Part or Parts thereof reſpectively, as ſhall be declared neceſſary by the ſaid Commiſſioners, in caſe there ſhall be any Doubt or Diſpute about the ſame, from the adjoining Lands or Grounds, by Poſts and Rails, Hedges, Ditches, Trenches, Banks, or other Fences, ſufficient to keep off Sheep and other Cattle; the ſame to be ſet out and made on the Lands or Grounds which ſhall be purchaſed by, conveyed to, or veſted in the ſaid Company of Proprietors as aforeſaid; and the ſaid Company of Proprietors ſhall, at their own proper Coſts and Charges, from Time to Time maintain and ſupport the ſaid Towing Paths, and the ſaid Poſts, Rails, Hedges, Ditches, Trenches, Banks, and other Fences, ſo ſet up and made as aforeſaid; and alſo ſhall, at their own like Coſts and Charges, make, erect, and ſet up, and from Time to Time maintain and ſupport, ſuch and ſo many convenient Gates, Bridges, and Stiles, in, over, and through all the Hedges and Fences to be by them ſo made on the Sides of ſuch Towing Paths as aforeſaid, and alſo all ſuch Bridges, Fording Places, Arches, Culverts, and Paſſages, over, under, or by the Side of, or into the ſaid Canal or Collateral Cut, 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, at any of their publick Meetings, from Time to Time judge neceſſary and appoint, in caſe there ſhall be any Diſpute about the ſame, for the Uſe of the Owners and Occupiers of the Lands and Grounds, Mills, or Hereditaments adjoining to ſuch Canal or Collateral Cut, and other Works, or any of them reſpectively; and the ſaid Company of Proprietors ſhall not make the ſaid Canal or Collateral Cut, or any Trench or Watercourſe belonging to the ſame, in or acroſs any common Highway, publick Bridle Way, or Foot Path, until they ſhall, at their own proper Coſts and Charges, have made and perfected ſuch Bridge or Bridges, Fording Place or Fording Places, Paſſage or Paſſages, Arch or Arches, over, acroſs, or under the ſame Highway, publick Bridle Way, or Foot Path, of ſuch Dimenſions and in ſuch Manner as the ſaid Commiſſioners ſhall, at ſome publick Meeting, from Time to Time judge neceſſary and appoint, not being contrary to the true Intent and Meaning of this Act; and all ſuch Gates, Stiles, Bridges, Arches, Fording Places, and other Works and Conveniences ſo to be made as aforeſaid, ſhall from Time to Time, and at all Times thereafter, be ſupported, maintained, and kept in ſufficient Repair, by the ſaid Company of Proprietors; and in caſe the ſaid Company of Proprietors, or their Agents, ſhall refuſe or neglect to divide and ſeparate, and to keep divided and ſeparated, the

If Company do not fence off Towing Paths, and make Bridges, &c. Land Owners may do it at Company's Expence.

Towing Paths of the ſaid Canal and Collateral Cut, in Manner herein-before directed; or to make, erect, and ſet up, ſuch Gates, Bridges, and Stiles, in, over, and through the Fences on the Sides of the ſaid Towing Paths, or ſuch Bridges, Fording Places, Arches, Tunnels, Culverts, Drains, Back Drains, or other Paſſages, over, under, or by the Sides of, or into the ſaid Canal, or Collateral Cut, and the ſaid Trenches, Streams, and Watercourſes as aforeſaid; or to make ſuch Watering Places for Cattle, as herein-before directed, for the Uſe and Convenience of the reſpective Owners or Occupiers of the Lands, Mills, Tenements, or Hereditaments adjoining or near to the ſaid Canal or Collateral Cut; or to maintain and ſupport ſuch Gates, Stiles, Bridges, Arches, Fording Places, Paſſages, and Watering Places, when erected, ſet up, and made, of ſuch Dimenſions, and in ſuch Manner, as aforeſaid; for the Space of Six Calendar Months next after the Time to be appointed for thoſe Purpoſes by the ſaid Commiſſioners, or after Notice ſhall be given by or on the Behalf of the Owners or Occupiers of any ſuch Lands or other Hereditaments, who may be aggrieved by any ſuch Refuſal or Neglect, then, and in every ſuch Caſe, it ſhall and may be lawful to and for every or any of the Owners or Occupiers of the ſaid adjacent Lands, Grounds, Mills, Tenements, or Hereditaments, who ſhall find himſelf, herſelf, or themſelves aggrieved by ſuch Refuſal or Neglect, to make, erect, and ſet up, all ſuch Gates, Stiles, Bridges, Fording Places, Arches, Paſſages, Watering Places, and other Conveniences, 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 ſuch Works as aforeſaid, the ſaid Canal or Collateral Cut, 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 ſhall be neceſſary for the doing thereof; and all the reaſonable Coſts and Charges thereof (to be ſettled and allowed by the ſaid Commiſſioners) ſhall be repaid to the reſpective Owners or Occupiers of the ſaid adjacent Lands, Grounds, Mills, Tenements, or other Hereditaments, who ſhall have ſo erected and made, repaired or maintained ſuch Works as aforeſaid, by the ſaid Company of Proprietors, within the Space of Six Calendar Months next after the ſame ſhall have been ſo ſettled and allowed, and an Account and Demand in Writing ſhall have been delivered and made thereof to and from the ſaid Company of Proprietors, or any of their Clerks for the Time being; and in Default of Payment of the ſaid Coſts and Charges within the Time aforeſaid, the ſaid Commiſſioners ſhall, and they are hereby required, by Warrant under their Hands and Seals, to levy the ſaid Coſts and Charges by Diſtreſs and Sale of any of the Goods and Chattels of the ſaid Company of Proprietors which ſhall be found in or upon the ſaid Canal or Collateral Cut, or the Wharfs, Quays, or Warehouſes adjoining or near to the ſame, belonging to the ſaid Company, to be applied to and for the Uſe of ſuch Perſon or Perſons who ſhall have ſo incurred ſuch Coſts and Charges as aforeſaid, rendering to the ſaid Company of Proprietors, or to ſome of their known Agents or Collectors, the Overplus (if any) after deducting the reaſonable Charges of making ſuch Diſtreſs and Sale, to be ſettled by the ſaid Commiſſioners; and all or any of the ſaid Owners or Occupiers, upon Refuſal or Neglect of the ſaid Company of Pro-

prietors, to pay the ſaid Coſts and Charges as aforeſaid, ſhall and may alſo have ſuch and the like Remedy againſt the ſaid Company of Proprietors, for the Recovery thereof, by Action at Law, to be commenced and proſecuted in ſuch Manner as in other Caſes is in and by this Act directed.

If Bridges, *etc.* made by the Company, are inſufficient, Land Owners may make others at their own Expence.

LXIV. Provided always, and be it further enacted, That if the Owners or Occupiers of any Lands, Mills, Tenements, or other Hereditaments, through which the ſaid Canal or Collateral Cut ſhall be made, do or ſhall at any Time or Times hereafter, apprehend that any of the Gates, Stiles, Bridges, Fording Places, Paſſages, Arches, Tunnels, Drains, Back Drains, Trenches, or other Paſſages, Watering Places, and other Conveniences reſpectively, which the ſaid Commiſſioners ſhall have ſo directed or appointed to be made by the ſaid Company of Proprietors, are *inſufficient*, either in their Number or Situation, for the commodious Uſe and Occupation of the reſpective Lands, Grounds, Mills, Tenements, or Hereditaments on both Sides, or on either Side thereof, then, and in every ſuch Caſe, it ſhall and may be lawful to and for all or any ſuch Owners or Occupiers, with the Conſent and Approbation of the ſaid Committee, upon Requeſt made to them for that Purpoſe, or in caſe of their Refuſal for the Space of Sixty Days next after ſuch Requeſt, then with the Conſent and Approbation of the ſaid Commiſſioners, to make, fix, and erect, at their own Coſts and Charges, any ſuch other Gates, Stiles, Bridges, Fording Places, Paſſages, Arches, Culverts, Watering Places, or other Conveniences, of the ſame or the like Conſtruction with thoſe made and erected by the ſaid Company of Proprietors, in, over, or near to the ſaid Canal or Collateral Cut, or the Towing Paths thereof reſpectively, in ſuch Places as ſhall be found and adjudged moſt neceſſary and convenient, for the better Uſe, Cultivation, Improvement, or Occupation of ſuch Lands and other Hereditaments, and to repair and ſupport the ſame at their own like Coſts and Charges, as Occaſion ſhall require; ſo as that the Navigation be not prevented or obſtructed thereby for any longer Space of Time, or in any other Manner, than the ſame would neceſſarily have been if ſuch Gates, Stiles, Bridges, Fording Places, Paſſages, Arches, Watering Places, or other Conveniences had been made or erected by the ſaid Company of Proprietors.

Swivel or Draw Bridges to be ſhut after Veſſels have paſſed.

LXV. And be it further enacted, That if any Swivel Bridge or Draw Bridge, ſhall be laid over or acroſs the ſaid Canal or Collateral Cut, or any Cuts, Trenches, or Paſſages to be made by virtue of this Act, all and every Perſon or Perſons opening any ſuch Draw Bridge or Swivel Bridge ſhall, and he, ſhe, and they is and are hereby required and directed as ſoon as any Veſſel ſhall have paſſed any ſuch Bridge, to ſhut and faſten the ſame (except ſuch Bridges as may be erected for the private Uſe of Occupiers of Land); and every Perſon neglecting ſo to do, or wilfully opening any ſuch Swivel Bridge or Draw Bridge, when no Veſſel is to paſs through the ſame, ſhall forfeit and pay, for every ſuch Offence, the Sum of Forty Shillings; and in caſe any ſuch Bridge ſhall be left open longer than neceſſary for the Paſſage of any Veſſel as aforeſaid, through the Neglect or Careleſſneſs of any Perſon belonging to any ſuch Veſſel, then the Maſter or Owner of ſuch Veſſel ſhall forfeit and pay, for every ſuch Offence, the Sum of Forty Shil-

lings, One Moiety of which ſaid reſpective Penalties ſhall go to the Informer.

Works damaged by Floods to be repaired by the Company.

LXVI. And whereas it may happen, from Floods, or from ſome unexpected Accidents, that the Locks, Weirs, Flood Gates, Dams, Banks, Baſons, Trenches, or other Works of the ſaid Canal or Collateral Cut, may be injured or deſtroyed, and the adjacent Lands may thereby ſuffer Damage, and it may be neceſſary that the ſame ſhould be immediately repaired or rebuilt to prevent further Damage; be it therefore further enacted, That when and as often as any ſuch Caſe ſhall happen, it ſhall and may be lawful to and 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 Canal or Collateral Cut, and other Works or Conveniences, or any of them (not being the Ground whereon any Houſe or other Building ſtands, or an Orchard, Park, Paddock, Planted Walk, Nurſery for Trees, or Avenue to a Houſe), and to dig for, work, get, and carry away, and uſe, all ſuch Stones, Gravel, and other Materials as may be neceſſary or proper for the Purpoſes aforeſaid, without any previous Treaty whatſoever with the Owner or Owners, Occupier or Occupiers of, or other Perſon or Perſons intereſted in ſuch Lands, Grounds, or Hereditaments, or any of them, doing as little Damage thereby as the Nature of the Caſe will permit, and making Recompence for the ſame to the Owner or Owners, and Occupier or Occupiers thereof, or other Perſon or Perſons intereſted in ſuch Lands, Grounds, or Hereditaments, within the Space of Fourteen Days next after the ſame ſhall be demanded; which Damages, and the Compenſation to be made in reſpect thereof, ſhall be ſettled and determined, or aſſeſſed and recovered, by the Ways and Means herein-before preſcribed and directed with reſpect to other Damages to be done in or about the making and maintaining the ſaid Canal or Collateral Cut.

Enabling the Company to cleanſe the adjoining Watercourſes at the Land Owners Expence.

LXVII. And be it further enacted, That if at any Time hereafter the Ditches or Drains belonging to any Owner or Occupier of any Lands adjoining or lying contiguous to the ſaid Canal and Collateral Cut, and other Works, or either of them, ſhall, by reaſon of their being not ſufficiently cleanſed or opened, hinder and obſtruct the free Paſſage of the Water from the Drains, Culverts, and Paſſages, belonging to the ſaid Canal or Collateral Cut, and if the ſame ſhall not be perfectly cleanſed and opened within Three Calendar Months after Notice in Writing ſhall have been given thereof to ſuch Owner or Occupier, by the Clerk or any Agent of the ſaid Company of Proprietors, then and in ſuch Caſe it ſhall and may be lawful to and for the ſaid Company of Proprietors (an Order in Writing for that Purpoſe having been firſt obtained from any Three or more of the ſaid Commiſſioners, although not aſſembled at any Meeting) from Time to Time, as often as there ſhall be Occaſion, to open and cleanſe, or cauſe to be opened and cleanſed, the ſaid Ditches and Drains; and the reaſonable Expences thereof, when aſcertained and allowed by the ſaid Commiſſioners, ſhall be repaid to the ſaid Company of Proprietors by the Owners or Occupiers of ſuch Lands and Grounds to which the ſaid Ditches and Drains, ſo opened and cleanſed, ſhall belong; and in caſe of Refuſal or Neglect

Neglect to ſatisfy the ſame, for the Space of Three Calendar Months next after Demand ſhall have been made thereof from the reſpective Owner or Owners, Occupier or Occupiers of ſuch Lands and Grounds as aforeſaid, ſuch Charges and Expences ſhall and may be recovered in ſuch Manner as any Forfeitures or Penalties are herein directed to be recovered.

Maſters to put their Names on the Outſide of Boats.

LXVIII. And be it further enacted, That every Owner or Maſter of any Boat, Barge, or other Veſſel, not being a Pleaſure Boat, paſſing upon the ſaid Canal or Collateral Cut, 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 or Clerks to the ſaid Company of Proprietors, and ſhall alſo cauſe ſuch Name and Number, and alſo the Place to which every ſuch Boat, Barge, or other Veſſel ſhall belong, and the true Number of Tons Burthen thereof, to be painted in large White Capital Letters and Figures, on a Black Ground, Four Inches high at the leaſt, and of a proportionable Breadth, on the Outſide of the Head or Stern of every ſuch Boat, Barge, 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 Heights, and under ſuch Regulations as the ſaid Company of Proprietors ſhall from Time to Time direct, or other proper Means ſhall be uſed, under the Direction of the ſaid Company of Proprietors, ſo that the true Weight of the Lading on board may at all Times be aſcertained and ſhewn; and ſhall permit and ſuffer every ſuch Boat, Barge, or other Veſſel, to be gauged, weighed, or meaſured, and any Timber on board of the ſame to be meaſured, at the Expence of the ſaid Company of Proprietors, whenever it ſhall be required by them, or by any Perſon or Perſons appointed for that Purpoſe; and every Owner, Maſter, or other Perſon having the Care or Command of any Boat, Barge, or other Veſſel, or who ſhall navigate the ſame upon the ſaid Canal or Collateral Cut without having ſuch Name, Figures, and Index thereon, as are herein-before directed, or who ſhall alter, eraſe, deface, or deſtroy ſuch Name, Figures, or Index, or any Part thereof, or ſhall fix thereon any falſe Name, Figure, or Index; or who ſhall refuſe to permit and ſuffer ſuch Boat, Barge, or other Veſſel, to be gauged and meaſured; or ſhall wilfully ſuffer or permit any Boat, Barge, or other Veſſel, navigating upon or lying in the ſaid Canal or Collateral Cut, to be loaded or unloaded in any Lock, or in any other Part of the ſaid Canal or Collateral Cut, without a Stage being laid from the Side of ſuch Boat, Barge, or other Veſſel, to the Bank of the ſaid Canal or Collateral Cut, ſo as effectually to prevent any Soil or other Matter or Thing intended to be taken on board or diſcharged out of ſuch Boat, Barge, or other Veſſel, from falling into the ſaid Canal or Collateral Cut, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

Weight of the Lading of Veſſels to be marked.

Boat Owners to be accountable for Damages done by the Boatmen.

LXIX. And be it further enacted, That the Maſter or Owner of every Boat, Barge, or other Veſſel, navigating upon the ſaid Canal or Collateral Cut, ſhall be and is hereby made anſwerable for any Treſpaſs, Damage,

mage, Spoil, or Miſchief, that ſhall be done by his Boat, Barge, or other Veſſel, or by any of the Boatmen, Watermen, or other Perſon or Perſons belonging to or employed in or about the ſame reſpectively, to any of the Bridges, Weirs, Locks, Baſons, Dams, Banks, Engines, or other Works, in, upon, or belonging to the ſaid Canal or Collateral Cut, or to any of the Trenches, Aqueducts, Sluices, Paſſages, or other Works or Conveniences to be made by virtue of this Act, either by the loading or unloading of any Boat, Barge, or other Veſſel, or by any other Means whatſoever, or to the Owners or Proprietors of any Building, or other Erection, Lands, Tenements, or Hereditaments, adjoining or lying near to the ſaid Canal or Collateral Cut, by leaving open any Gate or Gates, Lock or Locks, Bridge or Bridges, or by any other Means whatſoever; and the ſaid Maſter or Owner of ſuch Boat, Barge, or other Veſſel, may be ſued and proſecuted for the ſame in any of His Majeſty's Courts of Record; and if a Verdict or Judgement ſhall be given againſt him, either on Proof made, or by Default, or upon Demurrer, the Plaintiff in any ſuch Caſe ſhall recover his Damages thereby ſuſtained, with full Coſts of Suit.

Maſters to recover from their Servants any Sums for their Defaults.

LXX. And be it further enacted, That in caſe the Maſter or Maſters, Owner or Owners, of any Boat, Barge, or other Veſſel as aforeſaid, employed on the ſaid Canal or Collateral Cut, ſhall be compelled to pay any Penalty, or to make Satisfaction for any Damage or Treſpaſs, by reaſon of any wilful Neglect or Default done or committed by his, her, or their Servants, Boatmen, or Watermen, or any of them, ſuch Servants, Boatmen, or Watermen, and each and every of them, ſhall be liable to repay ſuch Penalty or Damage (with the Coſts thereof) to ſuch Maſter or Maſters, Owner or Owners; and in caſe of Non-payment thereof upon Demand, and Oath made by ſuch Maſter or Maſters, Owner or Owners, of the Payment made by him, her, or them, of ſuch Penalty or Satisfaction for Damages, and that the ſame, and the Coſts thereof, have or hath not been repaid to him, her, or them, by ſuch Servants, Boatmen, or Watermen, or any of them, although demanded, (ſuch Oath to be made before any One Juſtice of the Peace for the County where ſuch Penalty and Satisfaction ſhall have been incurred or paid), the Amount thereof ſhall be recovered in like Manner as any Penalty is hereby directed to be recovered.

Places to be made for Boats to turn or lie in, or for other Boats to paſs.

LXXI. And be it further enacted, That the ſaid Company of Proprietors ſhall and may, in ſuch Parts of the ſaid Canal or Collateral Cut as ſhall not be of ſufficient Breadth for admitting a Boat, Barge, or other Veſſel, to turn about or lie whilſt another Boat, Barge, or Veſſel ſhall paſs by, or to admit Two Boats, Barges, or other Veſſels, to paſs each other, and they are in ſuch Caſes hereby empowered to make and cut proper Spaces or Openings into the Lands adjoining to the ſaid Canal or Collateral Cut, at convenient Diſtances from each other, for the turning, lying, or paſſing of any ſuch Boats, Barges, and other Veſſels; and all ſuch Boats, Barges, and other Veſſels which ſhall be haled or navigated upon the ſaid Canal or Collateral Cut, ſhall, upon meeting any other Boat, Barge, or other Veſſel navigating thereon, ſtop at, or go back to, and lie in the ſaid Spaces or Openings, in ſuch Manner as the ſaid Committee ſhall from Time to Time direct and appoint; and if any Boat, Barge, or other Veſſel ſhall be placed, or ſhall lie abreaſt in any

Veſſels obſtructing the Navigation

to beremoved; and Veſſels ſunk to be weighed up.

Part of the ſaid Canal or Collateral Cut, or any Trench, Sluice or Paſſage belonging thereto, not being moored at both Ends, or if any Perſon or Perſons navigating and having the Care of any Boat, Barge, or other Veſſel, ſhall wilfully obſtruct the Navigation of the ſaid Canal or Collateral Cut, by Means of the miſplacing or otherwiſe miſconducting ſuch Boat, Barge, or other Veſſel, and ſhall not, immediately upon Requeſt made, moor the ſame at both Ends, or alter the Situation of ſuch Boat, Barge, or other Veſſel, or otherwiſe ſtop or effectually ſecure the ſame, as the Caſe ſhall require, ſo as that the ſaid Obſtruction ſhall ceaſe and be removed, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Forty Shillings, and alſo the Sum of Five Shillings for every Hour during which ſuch Obſtruction ſhall continue after the making of ſuch Requeſt; and it ſhall and may be lawful to and for the Agents or Servants of the ſaid Company of Proprietors, or any of them, 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 or removing ſuch Obſtruction in the Navigation; and to ſeize and detain ſuch Boat, Barge, or other Veſſel, and the Loading thereof, or any Part of ſuch Loading, until the Charges occaſioned by ſuch Unloading and Removal ſhall be paid; and if any Boat, Barge, or other Veſſel ſhall be ſunk in any Part of the ſaid Canal, or Collateral Cut, or in any ſuch Baſon, Trench, or Sluice as aforeſaid, and the Owner or Owners, or other Perſon or Perſons having the Care of ſuch Boat, Barge, or other Veſſel, ſhall not, without Loſs of Time, weigh or draw up the ſame, it ſhall and may be lawful to and 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 in caſe the ſame ſhall not be redeemed, and all Expences paid, within the Space of Fourteen Days, to detain, keep, and uſe the ſame, or otherwiſe to ſell and diſpoſe thereof, for the Satisfaction of all the Expences neceſſarily incurred and occaſioned in and about the weighing or drawing up the ſame.

Penalty on Perſons overloading and obſtructing the Paſſage of the ſaid Canal, or throwing Ballaſt, &c. therein.

LXXII. And be it further enacted, That if any Perſon or Perſons ſhall float any Timber upon the ſaid Canal or Collateral Cut; or if any Perſon or Perſons ſhall ſuffer the Loading of any Boat, Barge, or other Veſſel, navigating thereon, to lie over the Sides thereof; or ſhall overload any Boat, Barge, or other Veſſel, navigating thereon, ſo as by any ſuch loading or overloading to obſtruct the Paſſage of any other Boat, Barge, or Veſſel, and ſhall not, immediately upon Notice given of ſuch Obſtruction, hale ſuch Boat, Barge, or Veſſel, into ſuch Place or Places, Opening or Openings, as ſhall be proper, or be made for the Purpoſe of enabling Boats, Barges, and other Veſſels, to paſs each other, or ſhall not otherwiſe remove the ſame Obſtruction, ſo as to make a free Paſſage for other Boats, Barges, or Veſſels, navigating thereon; every ſuch Owner or Owners, or other Perſon or Perſons, floating ſuch Timber, or having the Care of ſuch Boat, Barge, or other Veſſel, ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Five Pounds; and

Penalty on Perſons opening the Locks, or doing other Damage to the Navigation.

if any Perſon ſhall throw any Ballaſt, Sand, Gravel, Stones, or Rubbiſh, into any Part of the ſaid Canal or Collateral Cut, Trenches, Watercourſes, or Baſons, to be made by virtue of this Act, or ſhall wantonly or unneceſſarily open, or cauſe to be opened, any Lock, Gate, Paddle, Valve, or Clough, belonging to the ſaid Canal, or Collateral Cut,

or

or ſuffer any Boat, Barge, or other Veſſel to ſtrike or run upon any of the Bridges or Locks thereof, or if any Perſon or Perſons ſhall wilfully ſluſh or draw off, or cauſe to be ſluſhed or drawn off, the Water from any Part of the ſaid Canal or Collateral Cut, or ſhall leave any of the ſaid Valves or Cloughs open and running, after any Boat, Barge, or other Veſſel ſhall have paſſed any Lock belonging to the ſame, or ſhall draw, or cauſe to be drawn, any Paddle, Valve, or Clough, in any of the Lock Gates on the ſaid Canal or Collateral Cut, ſo as to miſpend or waſte the Water thereof, or ſhall wilfully obſtruct, hinder, or prevent, any Perſon in the Execution of this Act, every Perſon offending in any of the Caſes aforeſaid ſhall forfeit and pay, for every ſuch Offence, any Sum not exceeding Five Pounds, nor leſs than Forty Shillings; and if any Perſon ſhall wilfully and maliciouſly, and to the Prejudice of the ſaid Navigation, break, throw down, damage, or deſtroy, any Banks or other Works to be erected and made by virtue of this Act, every ſuch Perſon ſhall be adjudged guilty of Felony; and every ſuch Perſon ſo offending, and being thereof lawfully convicted, ſhall be ſubject to the like Pains and Penalties as in Caſes of Felony; and the Court by or before whom ſuch Perſon ſhall be tried and convicted, ſhall have Power and Authority to cauſe ſuch Perſon to be puniſhed in like Manner as Felons are directed to be puniſhed by the Laws and Statutes of this Realm, or in Mitigation of ſuch Puniſhment ſuch Court may award ſuch Sentence 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 or more credible Witneſs or Witneſſes, before One or more of His Majeſty's Juſtices of the Peace for the County or Place where ſuch Offence ſhall be committed, ſhall forfeit any Sum not more than Five Pounds, nor leſs than Forty Shillings, and alſo the Value or Amount of the Damage proved upon Oath to have been done, at the Diſcretion of ſuch Juſtice or Juſtices; ſuch Penalty and Damages, 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 and may be committed to the Common Gaol for the County or Place where ſuch Offence ſhall happen, for any Time not exceeding Six Calendar Months, at the Diſcretion of the Juſtice or Juſtices before whom ſuch Offender ſhall have been convicted.

Penalty on deſtroying the Works.

LXXIII. And be it further enacted, That no Boatman or other Perſon navigating or having the Care of any Boat, Barge, or other Veſſel upon the ſaid Canal or Collateral Cut, which ſhall paſs through any Lock to be made thereon, 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 alſo that every ſuch Boatman, or other Perſon as aforeſaid, in going down the ſaid Canal or Collateral Cut, ſhall, previous to his bringing his 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 Cloughs of the Upper Gates thereof, and after he ſhall have brought ſuch Boat, Barge, or other Veſſel through the ſaid Lock, he ſhall then ſhut the Upper Gates before he ſhall draw the Cloughs of the Lower Gates thereof; and in going up the ſaid Canal or Collateral Cut, towards the Head Level or Head Levels thereof, ſuch Boatman, or other Perſon, ſo ſoon as he ſhall have paſſed, with his Boat, Barge, or other

Regulations of Veſſels paſſing the Locks.

Veſſel, through the ſaid Lock, ſhall ſhut the Upper Gates of the ſame before he ſhall draw the Cloughs of the Lower Gates thereof, unleſs there ſhall then be a Boat, Barge, or other Veſſel coming down the ſaid Canal or Collateral Cut, in Sight of the ſaid Boatman or other Perſon paſſing ſuch Lock, in which Caſe the Lower Gates of the ſaid Lock ſhall be left ſhut, and the Upper Gates ſhall be left open; and in all dry Seaſons, when there ſhall be a Scarcity of Water in the ſaid Canal or Collateral Cut, the Boat, Barge, or other Veſſel ſo going up the ſame (if within Sight of a Boat, Barge, or other Veſſel ſo coming down) and at a Diſtance not exceeding Two hundred Yards below a Lock, ſhall paſs through ſuch Lock before the Boat, Barge, or other Veſſel coming down, and then ſuch other Boat, Barge, or other Veſſel, ſhall come down into the ſaid Lock; and if there ſhall be more Boats, Barges, or other *Veſſels* than One below and above any Lock at the ſame Time, in any ſuch dry Seaſon, within the Diſtance aforeſaid (which Diſtance ſhall be diſtinguiſhed by a Poſt or Mark to be made and ſet up for that Purpoſe) ſuch Boats, Barges, or other Veſſels ſhall go up and come down at ſuch Lock by Turns as aforeſaid, until all the Boats, Barges, and other Veſſels, ſo going up or coming down, ſhall have paſſed the ſame, by which Means One Lock full of Water may ſerve Two Boats, Barges, or other Veſſels; and any Perſon or Perſons acting contrary to theſe Directions, in paſſing any ſuch Lock or Locks, ſhall forfeit the Sum of Five Pounds for every ſuch Offence; but if any Queſtion or Diſpute ſhall ariſe on his or their Conviction, whether it was or was not a dry Seaſon at the Time of ſuch Offence committed, ſuch Queſtion ſhall be determined by the ſaid Commiſſioners.

Lock Keepers not to give Preference.

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

Canal not to be under the Power of Commiſſioners of Sewers.

LXXV. And be it further enacted, That the ſaid Canal or Collateral Cut, or any of the Works whatſoever to be made by virtue of this Act, ſhall not be ſubject to the Control, Direction, Survey, or Order, of any Commiſſioner of Sewers, or to any Law or Statute relating to Sewers whatſoever.

Rights of Lords of Manors and Land Owners to the Fiſhery preſerved.

LXXVI. And be it further enacted, That the Lord and Lords, Lady and Ladies of all and every Manor and Manors through or in which the ſaid Canal, Collateral Cut, Baſons, Feeders, Trenches, and Sluices, or any of them, ſhall be made, ſhall have and be entitled to the excluſive Right of Fiſhery of and in ſo much of the ſaid Canal, Collateral Cut, Baſons, Trenches, and Sluices thereto belonging, as ſhall be made over, under, or through the Common or Waſte Lands within his, her, or their Manors reſpectively, and as ſhall be made over or through any other Lands or Grounds in the Pits, Ponds, or Waters, whereof ſuch Lord or Lords, Lady or Ladies, now have or hath, or are or is entitled to the

Right of Fiſhery; and that the Owner or Owners of all other Lands or Grounds, through or in which the ſaid Canal, Collateral Cut, Baſons, Feeders, Trenches, and Sluices, or any of them, ſhall be made, ſhall alſo have and be entitled to the like Right of Fiſhery of and in ſo much of the ſaid Canal, Collateral Cut, or other Works, as ſhall be made in, over, under, or through his, her, or their Lands or Grounds reſpectively; ſo as that in the Uſe and Exerciſe of ſuch Rights of Fiſhery the ſaid Canal or Collateral Cut, or other Works hereby authorized to be made, ſhall not be prejudiced or obſtructed, or any Water drained or exhauſted from or out of the ſame; 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 Collateral Cut, or other Works, or any of them, which ſhall be taken, killed, or deſtroyed, through or by Means of the letting the Water out of them reſpectively, for the Purpoſes of the ſaid Canal or Collateral Cut, or other Works, or on Account of any Repairs or Works to be done in and about the ſame Canal or Collateral Cut, or other Works reſpectively; and it ſhall and may be lawful to and for the Lord or Lords, Lady or Ladies, of ſuch Manor or Manors, and for the Owner or Owners of ſuch Lands or Grounds (being qualified by Law ſo to do) to take and kill Game upon ſo much of the ſaid Canal or Collateral Cut, and other Works, as ſhall be made in or through their reſpective Lands or Grounds as aforeſaid; any Thing herein contained to the contrary notwithſtanding.

Power for Land Owners to uſe Pleaſure Boats.

LXXVII. And be it further enacted, That it ſhall and may be lawful to and for the Owners and Occupiers of any Lands or Hereditaments adjoining to the ſaid Canal or Collateral Cut, to uſe any Pleaſure Boat or Boats upon the ſame (not paſſing through any Lock or Locks, unleſs they ſhall firſt pay Tonnage equal to a Boat, Barge, or other Veſſel of Eight Tons, laden with Merchandize, or obtain the Conſent of the ſaid Company of Proprietors) without any Interruption from the ſaid Company of Proprietors, or any of their Officers or Agents, and without paying any Rate for the ſame; ſo as the ſame Pleaſure Boat or Boats be not made uſe of for carrying any Goods or other Things, and ſo as the ſame ſhall not obſtruct or prejudice the Navigation of the ſaid Canal or Collateral Cut, or the Towing Paths or other Works belonging thereto; provided that ſuch Boats do not in any Caſe paſs through any Lock except when the Water ſhall be running over the Waſte Weirs of ſuch Lock.

Mines reſerved to Lords of Manors and other Proprietors.

LXXVIII. Provided always, and be it further enacted, That nothing herein contained ſhall extend to prejudice or affect the Right of any Lord or Lords, Lady or Ladies, of any Manor or Manors, or of any Owner or Owners of any Lands or Grounds, in, upon, or through which the ſaid Canal or Collateral Cut, or any Towing Paths, Wharfs, Quays, Baſons, Feeders, Trenches, Sluices, Paſſages, Watercourſes, or other Conveniences aforeſaid, ſhall be made to the Mines and Minerals lying and being within or under the ſaid Lands or Grounds; but all ſuch Mines and Minerals are hereby reſerved to ſuch Lord or Lords, Lady or Ladies, of ſuch Manor or Manors, and to ſuch Owner or Owners of ſuch Lands or Grounds reſpectively; and it ſhall and may be

lawful to and for the Lord or Lords, Lady or Ladies, of ſuch Manor or Manors, and for 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 ſaid Canal or Collateral Cut, or any of the Works or Conveniences belonging thereto.

Company's Agents to be at Liberty to enter Lands or Mines to view the Works.

LXXIX. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Company of Proprietors, by themſelves, or their Agents or Servants, with the Conſent of any Three or more of the Commiſſioners herein mentioned, at any Time or Times, upon reaſonable Notice, in the Day Time, to enter upon any Lands through or near which the ſaid Canal or Collateral Cut, and Works hereby authorized to be made, ſhall be or paſs, wherein any Tin or other Mines ſhall or may have been dug, opened, or wrought, and likewiſe to enter into ſuch Tin or other Mines, and there to view, ſearch, and meaſure, latch-dial, and uſe all other Means for diſcovering the Diſtance of the ſaid Canal or Collateral Cut, and Towing Paths, from the working Parts of ſuch Mines reſpectively; and in caſe it ſhall appear that any Mine hath been opened or wrought under the ſaid Canal or Collateral Cut, or any of the Works belonging thereto, or ſo near thereto, as to endanger or damage the ſame, and that ſuch endangering and damaging of the Canal or Collateral Cut has been wilful, it ſhall and may be lawful to and for the ſaid Company of Proprietors, and for their Agents, Servants, or Workmen, at the Expence, Coſts, and Charges of the Owners or Proprietors of ſuch Mine or Mines, to enter into and upon ſuch Mine and Mines, and from Time to Time to uſe all reaſonable Ways and Means for repairing, ſupporting, ſuſtaining, ſecuring, and making ſafe, the ſaid Canal or Collateral Cut, Towing Paths, and other Works; and ſuch Expences, Coſts, and Charges ſhall, in caſe ſuch Mines ſhall have been ſo worked or wrought ſubſequent to the Commencement of this Act, be recovered by the ſaid Company of Proprietors, in caſe of Non-payment thereof upon Demand, in ſuch and the ſame Manner as any Penalty is herein directed to be recovered, and ſhall be paid into the Hands of the Treaſurer to the ſaid Company of Proprietors, for the Uſe and Benefit of the ſaid Company.

Subſcribers compelled to pay their Subſcriptions.

LXXX. And be it further enacted, That the reſpective Perſons who have ſubſcribed, or who ſhall hereafter ſubſcribe or advance any Money for and towards making and maintaining the ſaid Canal and Collateral Cut, and the other Works hereby authorized to be made, ſhall and are hereby required to pay the Sum or Sums by them reſpectively ſubſcribed (or ſuch Parts and Proportions thereof as ſhall from Time to Time be called for by the ſaid Committee of the ſaid Company of Proprietors, by virtue of the Powers and Directions of this Act) at ſuch Times and Places, and in ſuch Manner, as ſhall be directed by the ſaid Committee; and in caſe any of ſuch Subſcribers ſhall neglect or refuſe to pay the ſame at the Time and Place, and in Manner ſo required for that Purpoſe, the ſaid Company of Proprietors are hereby empowered to ſue for and recover the ſame in any Court of Law or Equity.

LXXXI. And

LXXXI. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted by this Act, or which ſhall be inflicted by any Rule, Order, or Bye Law, to be made in purſuance thereof, (the Levying and Recovery whereof is or are not particularly herein-before directed), ſhall, in caſe of Nonpayment thereof, on Conviction of the Offenders reſpectively, be levied by Diſtreſs and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of any Juſtice of the Peace for the County or Place wherein the Offence ſhall be committed, or the Offender ſhall be or reſide; and every ſuch Juſtice is hereby authorized and required to examine Witneſſes on Oath, and hear and determine the ſame; and all ſuch Fines, Forfeitures, and Penalties, (the Application whereof is not herein-before particularly directed), ſhall be paid into the Hands of the Treaſurer to the ſaid Company of Proprietors, and ſhall be applied and diſpoſed of for the Uſe of the ſaid Company; and the Overplus of the Money raiſed by ſuch Diſtreſs and Sale, after deducting the Fines, Penalties, or Forfeitures, and the Expences of ſuch Diſtreſs and Sale, ſhall be rendered to the Owner of the Goods and Chattels ſo diſtrained; and for Want of ſufficient Diſtreſs, and in caſe the Fine, Penalty, or Forfeiture ſhall not be forthwith paid, it ſhall be lawful for ſuch Juſtice, by Warrant under his Hand and Seal, to commit ſuch Offender to the Common Gaol or Houſe of Correction, there to remain, without Bail or Mainprize, for any Time not exceeding Six Calendar Months, unleſs ſuch Fine, Penalty, or Forfeiture, and all reaſonable Charges attending the Recovery thereof, ſhall be ſooner paid and ſatisfied. Fines and Forfeitures.

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

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

Form of Conviction.

'BE it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before me *C. D.* One of His Majeſty's Juſtices of the Peace for the County of [*ſpecifying the Offence, and the Time and Place when and where committed, as the Caſe may be*] contrary to an Act of Parliament paſſed in the Thirty-ſeventh Year of the Reign of King *George* the Third, intituled [*Here ſet forth the Title of the Act*]. Given under my Hand and Seal the Day and Year firſt above-mentioned.'

LXXXIV. And be it further enacted, That any Perſon or Perſons thinking himſelf, herſelf, or themſelves aggrieved by any Order or Judgement Perſons aggrieved may appeal to the

Quarter Seſſions.

ment made or given in purſuance of any Rule, Bye Law, or Order of the ſaid Company of Proprietors, or by any Order, Judgement, or Determination of any Juſtice or Juſtices of the Peace, relating to any Matter or Thing in this Act mentioned or contained, may within Six Calendar Months next after ſuch Order, Judgement, or Determination, ſhall have been made or given, (firſt giving Fourteen Days Notice of ſuch Complaint to the Perſon or Perſons againſt whom ſuch Complaint is intended to be made), complain to the Juſtices of the Peace at the General Quarter Seſſions to be held in and for the County in which the Cauſe of Appeal ſhall ariſe, who ſhall, in a ſummary Way, either hear and determine the ſaid Complaint at ſuch General Quarter Seſſions, or if they think proper may adjourn the Hearing thereof to the next General Quarter Seſſions of the Peace to be held for ſuch County; and the ſaid Juſtices may, if they ſee Cauſe, mitigate any Forfeiture or Fine, and may order any Money to be returned which ſhall have been levied in purſuance of ſuch Rule, Bye Law, Order, or Determination, and may alſo order and award ſuch further Satisfaction to be made to the Party injured, as they ſhall judge reaſonable; but no Proceedings to be had and taken in purſuance of this Act ſhall be quaſhed or vacated for Want of Form, or be removed by *Certiorari*, or by any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*, or elſewhere; any Law or Statute to the contrary notwithſtanding.

Proceedings not to be quaſhed for Want of Form, nor removed by *Certiorari*.

Limitation of Actions.

LXXXV. And be it further enacted, That if any Action or Suit ſhall be brought or commenced againſt any Perſon or Perſons, Bodies Politick, or Corporate, for any Thing done in purſuance of this Act, every ſuch Action or Suit ſhall be brought or commenced within Six Calendar Months next after the Fact committed; or in caſe there ſhall be a Continuation of Damages, then within Six Calendar Months next after the doing or committing ſuch Damage ſhall have ceaſed, and not afterwards; and ſhall be laid and brought in the County where the Matter in Diſpute or Cauſe of Action ſhall ariſe, and not elſewhere; and the Defendant or Defendants in ſuch Action or Suit 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 or Suit ſhall be brought after the Time ſo limited for bringing the ſame, or in any other County or Place than as aforeſaid, then and in every 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 or Suit, 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 other Caſes by Law.

Treble Coſts.

Publick Act.

LXXXVI. And be it further enacted, That this Act ſhall be allowed in all Courts whatſoever as a Publick Act; and all Judges, Juſtices, and other Perſons, are hereby required to take Notice of it as ſuch, without ſpecially pleading the ſame.

FINIS.