ANNO TRICESIMO SEPTIMO

Georgii III. Regis.

CAP. LI.

An Act for enabling the Company of Proprietors of the *Leiceſter* Navigation to finiſh and complete their ſeveral Works, and to diſcharge the Debts contracted in the making thereof; and for amending an Act paſſed in the Thirty-firſt Year of the Reign of His preſent Majeſty, for making the ſaid Navigation, and ſeveral other Works in ſuch Act mentioned.

[3d *May* 1797.]

WHEREAS, by an Act paſſed in the Thirty-firſt Year of the Reign of His preſent Majeſty, intituled, *An Act for making and maintaining a Navigable Communication between the* Loughborough *Canal and the Town of* Leiceſter, *and for making and maintaining a Communitation by Railways or Stone Roads, and Water Levels, from ſeveral Places and Mines to the ſaid* Loughborough *Canal, and for continuing the ſame, by paſſing along the ſaid Canal to the ſaid Navigable Communication, all in the County of* Leiceſter; certain Perſons therein named, and their Succeſſors, Executors, Adminiſtrators, or Aſſigns, incorporated by the Stile of *The Company of Proprietors of the Leiceſter Navigation*, are authorized to make a Navigable Communication for Boats, Barges, and other Veſſels, between the *Loughborough* Canal and the Town of *Leiceſter*, by making certain Cuts or Canals, and by rendering the Rivers *Soar* and *Wreake* navigable in

Preamble recites Act 31 *Geo.* III, Cap. 65.

in Manner therein mentioned; and also to make several Railways or Stone Roads and Water Levels therein specified, in order to make a Communication between certain Places and Mines in the County of *Leicester* and the said *Loughborough* Canal, and to raise any Sum of Money towards defraying the Expences thereof, not exceeding Forty-six thousand Pounds, and if the said Sum should be found insufficient, they were also enabled to raise the further Sum of Twenty thousand Pounds: And whereas the said Company of Proprietors are proceeding in making the said Navigable and other Communications so authorized to be by them made as aforesaid, and have nearly completed the same, in which Works they have already not only raised and expended the said Two Sums of Forty-six thousand Pounds and Twenty thousand Pounds, which they were enabled to raise as aforesaid, but have also contracted Debts to the Amount of nearly the Sum of Fourteen thousand Pounds, and some Parts of the said Works are still incomplete: In order therefore to prevent Delay in completing the Whole of the said Works, and to enable the said Company of Proprietors to pay and discharge the several Debts owing from them, and which have arisen from the carrying on of the same Works hitherto, and to answer the other Purposes herein-after mentioned: May it please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the said Company of Proprietors, and they are hereby authorized and empowered to raise and contribute amongst themselves, in the Manner and by the Means expressed in the said recited Act, as to the raising of the said Two Sums of Forty-six thousand Pounds and Twenty thousand Pounds, any Sum or Sums of Money, not exceeding in the Whole the Sum of Eighteen thousand Pounds, any Thing in the said recited Act to the contrary notwithstanding, such Money to be advanced by the respective Proprietors in Proportion to the Number of Shares they are respectively possessed of in the said Undertaking, in Addition to the Sums already advanced upon or in respect of such Shares; and the Money so to be raised shall be applied in defraying the Expences preparatory to and attending the obtaining and passing of this Act, and also the Expences of finishing and completing the several Communications and Works aforesaid, and in discharging the said several Debts owing from the said Company as aforesaid, and for no other Purpose whatsoever; and the several Powers, Directions, Penalties, Forfeitures, and other Provisions contained in the said recited Act, shall extend to the calling for, raising, suing for, and recovering, the respective Proportions of the said several Proprietors of the said Sum of Eighteen thousand Pounds, and compelling and obliging them to pay such their several Proportions, and in all other Respects relating thereto, in like Manner as if the same were Part of the Money to be raised by virtue of the said recited Act, or as if the several Powers, Directions, Penalties, Forfeitures, and other Provisions were repeated and re-enacted in this Act; and that all and every of the said Proprietors, for or in respect of such their several Proportions of the said Sum of Eighteen thousand Pounds, which shall be advanced by them as aforesaid, shall be entitled to and receive the entire and net Distribution of a proportionable Part of the Profits and Advantages that shall and may arise and accrue to the said Company of Proprietors, by virtue of the said recited Act and this Act, in the same Manner as if the said Sum of Eighteen thousand Pounds had been directed by the said recited Act to

Company empowered to raise a further Sum not exceeding 18,000*l.*

be raiſed, and had been thereunder raiſed by the ſaid ſeveral Proprietors amongſt themſelves, in Addition to the ſaid Two ſeveral Sums of Forty-ſix thouſand Pounds and Twenty thouſand Pounds.

Power to raiſe the Money by Mortgage, or by Annuities.

II. Provided always, and be it further enacted, That in caſe the ſaid Company of Proprietors, at any General Half Yearly Aſſembly, or at any Special Aſſembly of the ſaid Company of Proprietors, convened according to the ſaid recited Act, ſhall think it more adviſable or proper to raiſe the ſaid Sum of Eighteen thouſand Pounds, or any Part thereof, by Mortgage of the Rates authorized to be collected by virtue of the ſaid recited Act and of this Act, or by granting Annuities payable out of the ſaid Rates, or any of them, inſtead of raiſing the ſame by the Ways and Means herein-before mentioned, then it ſhall be lawful for the ſaid Company of Proprietors either to borrow and take up at Intereſt by any ſuch Mortgage, or by granting Annuities as aforeſaid upon the Credit of the ſaid Rates, or any of them, the ſaid Sum of Eighteen thouſand Pounds, or any Part thereof, in the Manner and Form preſcribed by the ſaid recited Act; and the ſaid Company of Proprietors are hereby accordingly authorized and empowered to aſſign and make over their Intereſt and Property in the ſaid Undertaking and Works, and the Rates to ariſe by virtue of the ſaid recited Act and of this Act, or any Part thereof, as a Security or Securities for any Sum or Sums of Money ſo to be borrowed, with Intereſt, to the Perſon or Perſons who ſhall advance the ſame, or to his, her, or their Truſtee or Truſtees, by Deed of Mortgage or Grant of Annuities, in like Manner and Form, and with and ſubject to the like Powers and Directions for transferring or aſſigning of every ſuch Mortgage, or ſuch Grant of Annuity, and regiſtering the ſame, and to the like Remedies, Regulations, and Proviſions, touching and concerning the ſame, and the Intereſt ariſing therefrom, as are mentioned and contained in and by the ſaid recited Act of the Thirty-firſt Year of the Reign of His preſent Majeſty, reſpecting the borrowing of Money, and the Securities to be made for the ſame; provided alſo, that in caſe any Part of the ſaid Sum of Eighteen thouſand Pounds ſhall be borrowed by the ſaid Company of Proprietors as aforeſaid, the ſame ſhall not be to a leſs Amount than the Sum of Two thouſand Pounds.

Money advanced by ſome of the Proprietors for making a Reſervoir on *Charnwood* Foreſt, to be taken in part of their reſpect ve Proportions of the 18,000*l.* to be raiſed.

III. And whereas ſome of the ſaid Proprietors, but not the Whole of them, have advanced the Sum of Five Pounds on each Share they poſſeſs in the ſaid Undertaking and Works (over and above their reſpective due Proportions of the ſaid Two ſeveral Sums of Forty-ſix thouſand Pounds and Twenty thouſand Pounds) in order to make a Reſervoir upon *Charnwood* Foreſt, by the ſaid Act authorized to be made, in order to ſupply the ſaid Water Levels with Water, which Sums ſo advanced amount together to the Sum of One thouſand eight hundred and eighty Pounds, which has been applied in the making the ſaid Reſervoir, and by which the ſame is now nearly made complete; be it therefore enacted, That the Sums of Money ſo advanced by ſome of the ſaid Proprietors for making the ſaid Reſervoir ſhall be received and taken on Account and in Part of their reſpective Shares of the Sums to be raiſed and contributed by them reſpectively under this Act for the Purpoſes aforeſaid, and that ſuch Proprietors ſhall, out of the Income ariſing from the Rates of Tonnage taken or to be hereafter taken on the Navigation, Undertaking, and Works, by virtue of the ſaid recited Act and of this Act, be entitled to have and receive Intereſt, after the Rate of Five Pounds *per Centum per Annum*, from

from the reſpective Times of their Advancement of the ſame, until the Firſt Call ſhall be made according to this Act; but that in caſe the ſaid Company of Proprietors, inſtead of raiſing and contributing amongſt themſelves the Whole of the ſaid Sum of Eighteen thouſand Pounds, hereby authorized to be raiſed as aforeſaid, ſhall determine to raiſe the ſame, or any Part or Parts thereof, not being leſs than the Sum of Two thouſand Pounds, as aforeſaid, by Mortgage or granting of Annuities as aforeſaid, that then the ſaid Sums of Money ſo raiſed and contributed as aforeſaid (making together One thouſand eight hundred and eighty Pounds) for making the ſaid Reſervoir, ſhall be repaid to the Proprietors reſpectively, having advanced the ſame as aforeſaid, out of the Money ſo to be borrowed as aforeſaid, together with Intereſt thereon from the reſpective Times of Advancement thereof till the ſame ſhall be duly repaid.

But if the 18,000*l.* or any Part or Parts thereof, ſhall be borrowed, the ſaid Money advanced to make the ſaid Reſervoir to be paid thereout.

Company empowered to collect additional Tolls.

IV. And whereas, in Conſideration of the great additional Expence the ſaid Company of Proprietors have ſuſtained and been put unto in making the ſaid Navigation, Canals, Railways, and Water Levels and Reſervoir, directed to be made by the ſaid recited Act, beyond what was eſtimated and propoſed when the Rates of Tonnage and Wharfage, payable by virtue of ſuch Act, were ſettled and fixed, and of the further additional Expence which the ſaid Company of Proprietors will ſtill neceſſarily be put unto in fully completing the ſame Works, it is reaſonable that they ſhould be authorized to collect ſome additional Rates towards anſwering ſuch additional Expence; be it therefore further enacted, That, from and after the paſſing of this Act, it ſhall be lawful for the ſaid Company of Proprietors (over and above the Rates of Tonnage and Wharfage they are entitled to take and receive by virtue of the ſaid recited Act) to aſk, demand, take, and recover, for their own Uſe and Behoof, the ſeveral additional Rates of Tonnage herein-after mentioned, for all Coals which ſhall be carried and conveyed upon the ſaid Navigation, between the *Loughborough* Canal and the Town of *Leiceſter*, or on any Part or Parts thereof, except as herein-after is expreſsly provided to the contrary; that is to ſay,

For all Coals which ſhall be navigated, carried, or conveyed upon the ſaid Navigation, from the *Loughborough* Canal to *Lady's Bridge* or *Weſt Bridge*, the Sum of Sixpence *per* Ton:

For all Coals which ſhall be navigated, carried, or conveyed upon any Part of the ſaid Navigation, between the *Loughborough* Canal and *Lady's Bridge*, the Sum of One Half Penny *per* Ton *per* Mile, except Coals which ſhall be navigated, carried, or conveyed from the *Loughborough* Canal to the Junction of the ſaid Rivers *Wreake* and *Soar*, and along the ſaid River *Wreake*, and paſſing upon the Navigation to *Melton Mowbray*, in the ſaid County:

And for all Coals which ſhall be navigated, carried, or conveyed upon the ſaid firſt-mentioned Navigation, from the ſaid *Loughborough* Canal, into and along the ſaid River *Wreake*, and paſſing upon the ſaid *Melton Mowbray* Navigation, Three-pence *per* Ton, except as herein-after is expreſsly provided to the contrary:

Which ſaid additional Rates hereby granted ſhall and may be aſcertained, collected, levied, and recovered by ſuch and the like Ways and Means, and in ſuch and the like Proportions and Manner, and ſubject to ſuch and the like Exemptions, as the Rates of Tonnage and Wharfage granted and made

made payable to the ſaid Company of Proprietors, in and by the ſaid recited Act of the Thirty-firſt Year of the Reign of His preſent Majeſty, are thereby directed to be aſcertained, collected, levied, and recovered, and are ſubject to.

When the *Leiceſter* Navigation Company receive 5 *l. per Cent. per Ann.* the additional Tonnage to be taken off Coals paſſing on the Union Canal, beyond *Aileſton* Mill.

V. Provided always, and it is hereby enacted and declared, That, from Time to Time and at all Times for ever hereafter, as often and as long as the net and clear Income ariſing to the ſaid Company of Proprietors of the *Leiceſter* Navigation, from the Tolls to be raiſed under and by virtue of the ſaid Act, paſſed in the Thirty-firſt Year of the Reign of His preſent Majeſty, and from the additional Tolls authorized to be raiſed under and by virtue of this preſent Act, ſhall, without or excluſive of the additional Tolls which under this preſent Act can, ſhall, or may be demanded from the Company of Proprietors of the *Leiceſterſhire* and *Northamptonſhire* Union Canal, eſtabliſhed under an Act paſſed in the Thirty-third Year of the Reign of His preſent Majeſty, or from any Perſons trading on or navigating the Canal of the ſaid laſt-mentioned Company, when and as often as the ſame Proprietors and Perſons reſpectively ſhall navigate the ſaid Union Canal and paſs thereon, either in going or returning further than to or from a Place called *Aileſton Mill*, in the Pariſh of *Aileſton*, in the ſaid County of *Leiceſter*, be ſufficient to enable the ſaid Company of Proprietors of the *Leiceſter* Navigation to divide and pay, for each and every or any Year, beginning on the Firſt Day of *July*, at and after the Rate of Five Pounds *per Centum per Annum* on the Sum of Ninety-two thouſand Pounds (which Sum, and no more, is for this Purpoſe to be taken as the Capital Stock or Sum of the ſaid Company) then and ſo often, for and during ſuch Time or Times reſpectively, although ſuch Payment or Dividend ſhall not be actually made, the Company of Proprietors of the *Leiceſterſhire* and *Northamptonſhire* Union Canal, and all Perſons trading on or navigating the Canal of the ſaid laſt mentioned Company, when and as often as the ſame Proprietors and Perſons reſpectively ſhall navigate the ſaid Union Canal, and paſs thereon, either in going or returning, further than to or from the ſaid Place called *Aileſton Mill*, ſhall, at the Times and for the Periods next herein-after limited, be exempted, freed, and diſcharged, and they are hereby exempted, freed, and diſcharged of and from the additional Tolls authorized to be raiſed or impoſed under this Act; any Thing herein-before contained to the contrary thereof notwithſtanding.

For aſcertaining the Commencement and Continuance of ſuch Exemption.

VI. And, for aſcertaining the Time of the Commencement and Continuance of ſuch Exemptions, it is hereby further enacted and declared, That the ſaid Exemptions ſhall from Time to Time commence from the Completion of every or any Year ending on the laſt Day of *June*, in which the net and clear Income of the ſaid Company of Proprietors of the *Leiceſter* Navigation, ariſing from the Tolls authorized to be raiſed under and by virtue of the ſaid Act, paſſed in the Thirty-firſt Year of the Reign of His preſent Majeſty, and from the additional Tolls authorized to be raiſed under and by virtue of this preſent Act (excluſive as aforeſaid) ſhall enable them to pay or divide Five Pounds *per Centum per Annum* on the ſaid Capital of Ninety-two thouſand Pounds, and ſhall continue to the End of the Year to commence or be computed as aforeſaid, and thenceforth to the End of every ſubſequent Year, until the net and clear Income of the ſaid Company of Proprietors of the *Leiceſter* Navigation,

gation, arising from the Means above mentioned, and exclusive as aforesaid, shall prove insufficient to answer and pay Five Pounds *per Centum per Annum* on the said Capital of Ninety-two thousand Pounds; any Thing herein-before contained to the contrary thereof notwithstanding.

Allowing certain Exemptions from Tolls.

VII. Provided also, and it is hereby enacted and declared, That, from Time to Time and at all Times for ever hereafter, as often as and as long as the Company of Proprietors of the *Leicestershire* and *Northamptonshire* Union Canal, and the Persons trading and navigating on the same Canal, further than to or from the Place called *Aileston Mill* as aforesaid, shall be entitled to the Exemption herein-before contained (and after an Allowance to them of the Benefit of the same Exemption) the net and clear Income arising to the said Company of Proprietors of the *Leicester* Navigation, from the Tolls to be raised under and by virtue of the said Act, passed in the Thirty-first Year of the Reign of His present Majesty, and from the additional Tolls authorized to be raised under and by virtue of this present Act, shall, without or exclusive of the additional Tolls which under this present Act can, shall, or may be demanded from the Company of Proprietors of the *Leicestershire* and *Northamptonshire* Union Canal, or from any Persons trading on or navigating the Canal of the said last-mentioned Company, when and as often as the same Proprietors and Persons respectively shall navigate the said Union Canal, and pass thereon further than to or from a Place called *Aileston Mill* as aforesaid, or which can, shall, or may be demanded from any Person or Persons for or in respect of Coals which shall be navigated, carried, or conveyed upon the said first-mentioned Navigation from the said *Loughborough* Canal, into and along the said River *Wreake*, and passing upon the *Melton Mowbray* Navigation, be sufficient to enable the said Company of Proprietors of the *Leicester* Navigation to divide and pay for each and every or any Year, beginning on the First Day of *July*, at and after the Rate of Five Pounds *per Centum per Annum* on the Sum of Ninety-two thousand Pounds (which Sum, and no more, is for the Purpose of this present Provision to be taken as the Capital Stock or Sum of the said Company) then and so often for and during such Time and Times respectively, although such Payment or Dividend shall not be actually made, the Person or Persons by whom or on whose Behalf Coals shall be navigated, carried, or conveyed upon the said first-mentioned Navigation, from the said *Loughborough* Canal into and along the said River *Wreake*, and passing upon the said *Melton Mowbray* Navigation, shall, at the Times and for the Periods herein-after limited, be exempted, freed, and discharged, and they are hereby exempted, freed, and discharged from the additional Tolls authorized to be raised or imposed in this Act for or in respect of the said last-mentioned Coals; any Thing herein-before contained to the contrary thereof notwithstanding.

Ascertaining the Commencement and Continuance of Exemption from Tolls.

VIII. And, for ascertaining the Time of the Commencement and Continuance of the said last-mentioned Exemption, be it further enacted and declared, That the same Exemption shall from Time to Time commence from the Completion of every or any Year ending on the last Day of *June*, in which the net and clear Income of the said Company of Proprietors of the *Leicester* Navigation, arising from the Tolls authorized to be raised under and by virtue of the said Act, passed in the Thirty-first Year of the Reign of His present Majesty, and from the additional

Tolls authorized to be raiſed under and by virtue of this preſent Act, ſhall (without and excluſive of the ſaid Two ſeveral Exemptions) enable them to pay and divide Five Pounds *per Centum per Annum* on the ſaid Capital of Ninety-two thouſand Pounds, and ſhall continue to the End of the Year, to commence or be computed as aforeſaid, and thenceforth to the End of every ſubſequent Year, until the net and clear Income of the ſaid Company of Proprietors of the *Leiceſter* Navigation, ariſing from the Means above-mentioned and excluſive as aforeſaid, ſhall prove inſufficient to anſwer and pay Five Pounds *per Centum per Annum* on the ſaid Capital of Ninety-two thouſand Pounds; any Thing herein-before contained to the contrary thereof notwithſtanding.

That the Proviſion for Exemption ſhall, as far as relates to Two Third Parts of ſuch Exemption, affect the Commencement or ſhorten the Continuance of a certain Exemption in favour of the *Leiceſterſhire* and *Northamptonſhire* Canal.

IX. Provided alſo, and it is hereby further enacted and declared, That the Proviſion hereby made for the ſaid laſt mentioned Exemption ſhall, to the Extent of and as far as relates to Two Third Parts (the Whole in Three Parts to be divided) of the Amount of ſuch Exemption, neither affect or poſtpone the Commencement or ſhorten the Continuance of the ſaid firſt mentioned Exemption in Favour of the Proprietors of the *Leiceſterſhire* and *Northamptonſhire* Union Canal, and the Perſons trading or navigating on the ſame Canal, further than to or from the ſaid Place called *Aileſton Mill* as aforeſaid, and that on the contrary thereof the ſaid additional Tolls hereby impoſed on Coals, which from Time to Time ſhall be navigated, carried, or conveyed upon the ſaid firſt mentioned Navigation, from the ſaid *Loughborough* Canal into and along the ſaid River *Wreake*, and paſſing into the ſaid *Melton Mowbray* Navigation ſhall, as between the ſaid Company of Proprietors of the *Leiceſter* Navigation, and the ſaid Company of Proprietors of the *Leiceſterſhire* and *Northamptonſhire* Union Canal, and to the Extent of Two Parts in Three (the Whole in Three equal Parts to be divided) of the Amount of ſuch Exemption, and no further, from Time to Time, notwithſtanding a temporary Exemption from the ſaid Tolls, be carried to the Account of the net Income of the ſaid additional Tolls, in the ſame Manner as if Two Third Parts of the ſame additional Tolls were actually received during the Times of ſuch Exemption from the ſame, to the Intent, and ſo that the ſaid Company of Proprietors of the *Leiceſterſhire* and *Northamptonſhire* Union Canal, and the Perſons trading or navigating on the ſame Canal as aforeſaid, may, as far as relates to the Two Third Parts of the ſaid additional Tolls on the *Melton Mowbray* Navigation, but no further, have the Benefit of the ſaid firſt mentioned Exemption, in the ſame Manner as if no other Exemption was contained in this preſent Act; and that an Account ſhall accordingly be made, rendered, and kept of Two Third Parts of all additional Tolls which might have been impoſed or raiſed on Coals paſſing upon the *Melton Mowbray* Navigation as aforeſaid, in caſe no Exemption was made in this preſent Act for or in reſpect of the ſame Coals; provided that none of the Clauſes or Proviſions herein contained, relating to or concerning the *Melton Mowbray* Navigation, ſhall controul, affect, or be deemed to extend to the Exemption from Tolls herein contained, on Coals paſſing into the *Oakham* Canal; any Thing herein-before contained to the contrary thereof in anywiſe notwithſtanding.

Clerks or Treaſurers of *Leiceſter* Navigation Com-

X. Provided likewiſe, and it is hereby further enacted and declared, That from Time to Time, when and as often and as long as the additional Tolls authorized to be impoſed or taken under and by virtue of the

pany to verify Accounts Half Yearly, and deliver Copies.

the Proviſions of this Act, ſhall be demanded from the Proprietors and Perſons reſpectively, who may become entitled to be exempted in Manner herein-before mentioned, the Clerk or Treaſurer, Clerks or Treaſurers for the Time being of the ſaid Company of Proprietors of the *Leiceſter* Navigation, ſhall, Twice in every Year (that is to ſay), on the Firſt Day of *January* and the Firſt Day of *July* in every Year, or within One Calendar Month next after the ſame Days reſpectively, make out and ſettle a true, full, and juſt Particular of all the Receipts, Diſburſements, and Payments for or on Account of the ſaid Company of Proprietors of the *Leiceſter* Navigation during the preceding Six Calendar Months ending on the laſt Day of *June* and the laſt Day of *December*, and alſo a Duplicate thereof, and ſhall verify the ſame Account and Duplicate on Oath before One of the Commiſſioners appointed by the ſaid Act, paſſed in the Thirty-firſt Year of the Reign of His preſent Majeſty, or before ſome One Juſtice of the Peace for the County of *Leiceſter*, and having verified the ſame as aforeſaid, ſhall, without Fee or Reward, and within the Time herein-before ſpecified, deliver One Part of the Account ſo verified, and containing the Jurat or Certificate of the ſaid Commiſſioner or Juſtice, by whom the ſaid Oath ſhall have been adminiſtered, to the Clerk for the Time being of the Company of Proprietors of the *Leiceſterſhire* and *Northamptonſhire* Union Canal, or any Agent or Agents whom the ſaid Company of Proprietors of the *Leiceſterſhire* and *Northamptonſhire* Union Canal ſhall from Time to Time authorize to receive the ſame, provided the ſaid Company of Proprietors of the *Leiceſterſhire* and *Northamptonſhire* Union Canal, or the Perſons trading or navigating the ſame Canal further than to or from the ſaid Place called *Aileſton Mill*, ſhall within the preceding Year have been charged with the ſaid additional Tolls, and ſo as the ſaid Clerk of the Union Canal Company, or other Perſon or Perſons authorized to receive the ſaid Account, ſhall be reſident within Sixteen Miles from the Town of *Leiceſter*, or ſo as the ſaid Clerk or other Agent or Agents of the ſaid Company of Proprietors of the *Leiceſterſhire* and *Northamptonſhire* Union Canal, reſiding at a greater Diſtance than aforeſaid, ſhall perſonally demand from the Clerk or Treaſurer of the Company of Proprietors of the *Leiceſter* Navigation the Account to be delivered as aforeſaid, and alſo deliver the other Part or Duplicate of the Account ſo verified as aforeſaid, and containing the Jurat or Certificate of the Commiſſioner or Juſtice by whom the ſaid Oath ſhall have been adminiſtered, to the Clerk for the Time being of the Company of Proprietors of the *Melton Mowbray* Navigation, or any Agent or Agents whom the ſame Company of Proprietors ſhall from Time to Time authorize to receive the ſame, ſo as the Clerk of the *Melton Mowbray* Navigation, or the Perſon or Perſons authorized to receive the ſaid Account, ſhall be reſident within Sixteen Miles from the Town of *Leiceſter*, or ſo as the ſaid Clerk or other Agent or Agents of the ſaid Company of Proprietors of the *Melton Mowbray* Navigation, reſiding at a greater Diſtance than aforeſaid, ſhall perſonally demand from the Clerk or Treaſurer of the Company of Proprietors of the *Leiceſter* Navigation the Account to be delivered as aforeſaid.

Original Accounts to be produced.

XI. And be it further enacted, That from Time to Time, when and as often and as long as all or any Part of the additional Tolls, authorized to be impoſed or taken under or by virtue of the Proviſions of this Act, ſhall be demanded from the Proprietors and Perſons reſpectively

who may become entitled to be exempted in Manner herein-before mentioned, or any of them, or all or any Part of the ſame additional Tolls ſhall have been taken or demanded within the preceding Six Calendar Months, it ſhall be lawful for the General Committee for the Time being of the Company of Proprietors of the *Leiceſterſhire* and *Northamptonſhire* Union Canal, and alſo of the Company of Proprietors of the *Melton Mowbray* Navigation, or for any Special Committee of both or either of the ſame Companies of Proprietors, to be appointed for that Purpoſe, or for any Clerk or Clerks, Agent or Agents of the ſaid General or Special Committees reſpectively, Twice in every Year (that is to ſay), Once between the Months of *January* and *June*, and Once between the Months of *July* and *December*, and for One Day or ſeveral Days, at each of the ſaid Times, to require the Production, Peruſal, and Inſpection, at the Town of *Leiceſter* aforeſaid, of all the original Accounts of the Company of Proprietors of the *Leiceſter* Navigation, relating to the ſaid Navigation, and the Receipts, Diſburſements, and Payments on Account thereof, and all the Entries relating to the ſame Receipts, Payments, and Diſburſements reſpectively, which ſhall occur from the Time of the paſſing of this Act, and alſo to demand and require any ſuch Explanation or Information touching the ſame Accounts and Entries, and the Particulars thereof, as ſuch General or Special Committees reſpectively, or their Agent or Agents, ſhall from Time to Time think neceſſary; and that the ſame Accounts, and all Vouchers relating thereto, ſhall from Time to Time, at the Times and Place herein-before appointed, and without Fee or Reward, be produced by the Treaſurer or Treaſurers, Clerk or Clerks, of the ſaid *Leiceſter* Navigation Company to the ſaid General or Special Committees reſpectively, or to their reſpective Agent or Agents, and that ſuch General or Special Committees reſpectively, or their reſpective Agent or Agents, ſhall or may be at Liberty, and is and are hereby authorized to take Copies of, or make Extracts from the ſame Receipts, Entries, and Vouchers reſpectively, or any of them, or any Part of the ſame reſpectively.

If Accounts not ſo verified and produced, or if the Perſon verifying the ſame be guilty of Forſwearing, the Exemption to take place for that Year:

XII. And be it further enacted, That when and as often as neither the Clerk or Clerks, Treaſurer or Treaſurers for the Time being of the ſaid Company of Proprietors of the *Leiceſter* Navigation, ſhall deliver ſuch Account as is hereby directed to be delivered by him or them, or ſhall be guilty of Perjury or Forſwearing in verifying the ſaid Accounts, or any One or more of the Items of the ſame Accounts, on Oath, or if the original Books of Account and Vouchers, or any One of them, relating to the Receipts, Payments, and Diſburſements of the ſaid Company of Proprietors of the *Leiceſter* Navigation as aforeſaid, or any reaſonable Explanation or Information concerning the Particulars of the ſame Accounts, Entries, and Vouchers, ſhall be withheld from the ſaid Committee or Committees of the Company of Proprietors of the *Leiceſterſhire* and *Northamptonſhire* Union Canal, or of the Company of Proprietors of the *Melton Mowbray* Navigation, or the Agent or Agents of the ſame Committee or Committees, then and ſo often the Neglect or Omiſſion of ſuch Clerk and Treaſurer, Clerks or Treaſurers, to deliver ſuch Accounts, or the Perjury or Forſwearing of them, or either of them, in verifying the ſaid Accounts, or any of the Items therein, or the withholding the ſaid original Books, Vouchers, Explanation, or Information as aforeſaid, ſhall, as againſt One or both of the ſaid Companies

nies of Proprietors, as the Caſe ſhall require, according to the Extent of ſuch Default or Miſconduct as aforeſaid, from Time to Time be conſidered and taken to be full and concluſive Evidence that the net and clear Income of the ſaid Company of Proprietors of the *Leiceſter* Navigation for the preceding Year, ending on the laſt Day of *June*, was equal to or exceeding the Rate of Five Pounds *per Centum per Annum* on the ſaid Capital of Ninety-two thouſand Pounds, excluſive as aforeſaid, and the Perſons entitled to the Benefit of the Exemption herein-before contained ſhall have and be entitled to the Benefit of the ſaid Exemption for the next Year, beginning from the Firſt Day of *July* next after the End of the Year to which ſuch Yearly Account ſhall relate.

And any additional Tolls taken during that Time to be recovered with Treble Coſts.

XIII. And be it further enacted, That when and as often as the additional Tolls to be raiſed or impoſed by virtue of this Act ſhall be demanded and taken, either by the ſaid Company of Proprietors of the *Leiceſter* Navigation, or by any Perſon or Perſons acting under them, or by their Authority, from any Perſon or Perſons entitled to the Benefit of the Exemption herein-before contained, during ſuch Time or Times as ſuch Perſon or Perſons reſpectively ſhall be entitled to the Benefit of the ſaid Exemption, the Money which ſhall be demanded and paid for or on Account of the ſaid additional Tolls, contrary to the Proviſion herein-before contained, for an Exemption againſt the ſame Tolls, together with Treble Coſts of Suit, ſhall or may be recovered by the Perſon or Perſons reſpectively by whom or on whoſe Account the ſaid additional Tolls ſhall be paid, or by his, her, or their Executors or Adminiſtrators in an Action or Actions on Promiſes, to be brought againſt the ſaid Company of Proprietors of the *Leiceſter* Navigation, in any of His Majeſty's Courts at *Weſtminſter*, for ſo much Money had and received by the ſaid Company of Proprietors of the *Leiceſter* Navigation, to the Uſe of the Perſon or Perſons reſpectively by whom or on whoſe Account ſuch Payment or Payments reſpectively ſhall have been made; any Law or Uſage to the contrary notwithſtanding.

No Money to be expended in making any Works for the Accommodation of particular Perſons.

XIV. Provided always, and it is hereby further enacted and declared, That no Sum or Sums of Money which at any Time or Times, and from Time to Time hereafter, either under the Proviſions of this preſent Act, or under any Compoſition, Contract, or Agreement, to be made at any Time or Times hereafter by the ſaid Company of Proprietors of the *Leiceſter* Navigation, ſhall be expended by the ſame Company of Proprietors in making or erecting any Cuts, Culverts, Weirs, or other Works, for the Accommodation or Benefit of any particular Perſon or Perſons, or which ſhall be paid or allowed by them either in the Groſs, or as an Annual or other ſtated Payment by way of Indemnity, or as a Compenſation for the Diminution of the Tolls of any Turnpike Gates, or by way of Indemnity or Compenſation to the Proprietors of adjoining Navigations, or for the Purpoſe of ſecuring to the Creditors or Truſtees of the ſaid Turnpikes, or the Proprietors of the ſaid Navigations, a certain Income, ſhall, as to and againſt the ſaid Company of Proprietors of the *Leiceſterſhire* and *Northamptonſhire* Union Canal, be conſidered, allowed, or taken to be a Part of the ſaid Sum or Capital of Ninety-two thouſand Pounds, or a Part of the Yearly or Half Yearly Diſburſements of the ſaid Company of Proprietors of the *Leiceſter* Navigation, ſo as to ſuſpend or poſtpone the Time of Commencement or Time of Conti-

nuance of the Exemption from the ſaid additional Tolls, which is herein-before contained in Favour of the ſaid Company of Proprietors of the *Leiceſterſhire* and *Northamptonſhire* Union Canal, and that no ſuch Sum or Sums of Money ſhall be entered or included in any of the Accounts to be rendered and given as aforeſaid, to the ſaid Company of Proprietors of the *Leiceſterſhire* and *Northamptonſhire* Union Canal, or to the Committee or Committees, Agent or Agents, of the ſame Company, but nothing herein contained ſhall extend, or be conſtrued to extend, to give to the ſaid Company of Proprietors of the *Leiceſterſhire* and *Northamptonſhire* Union Canal, the Benefit of any Exemption for or in reſpect of the remaining One Third Part of the additional Tolls chargeable or charged on the *Melton Mowbray* Navigation, during ſuch Time or Times as the Exemption from the ſaid additional Tolls ſhall, under the Proviſions herein-before contained, be ſubſiſting in Favour of the Perſons carrying Coals on the ſame Navigation.

Exempting Coals paſſing into the *Oakham* Canal from the additional Tolls.

XV. Provided always, and be it further enacted, That nothing herein contained ſhall extend to authorize or empower the ſaid Company of Proprietors of the *Leiceſter* Navigation, their Agents or Servants, or any other Perſon or Perſons, to take, collect, charge, or receive the additional Rates, Tolls, or Duties contained in this Act, or any of them, or any Part or Parts thereof, upon, for, or in reſpect of any Coals or other Things which ſhall be navigated, carried, or conveyed upon the ſaid Navigation between *Loughborough* and *Leiceſter*, or any Part thereof, through the ſaid Navigation called *The Melton Mowbray Navigation*, into and upon another Navigation called *The Oakham Canal*, but that all Coals and other Things which ſhall be ſo navigated, carried, or conveyed through the ſaid *Leiceſter* and *Melton Mowbray* Navigations into the ſaid *Oakham* Canal as aforeſaid, ſhall, from Time to Time and at all Times for ever hereafter, be charged and chargeable with no higher Rates, Tolls, and Duties, than the ſame were charged or chargeable with before the paſſing of this Act; any Thing in this Act contained to the contrary thereof notwithſtanding.

For making an Aperture through a certain Weir for the Paſſage of Water to the Dwelling Houſe of Sir *Charles Grave Hudſon*.

XVI. And whereas the ſaid Company of Proprietors of the *Leiceſter* Navigation, have lately erected a Weir acroſs the ſaid River *Soar*, in the Lordſhips of *Thurmaſton* and *Birſtall*, or one of them, in the ſaid County of *Leiceſter*, whereby the Quantity of Water theretofore flowing down the ancient Courſe of the ſaid River by *Wanlip Hall*, the Dwelling Houſe of Sir *Charles Grave Hudſon* Baronet, is oftentimes ſo conſiderably leſſened, as to be rendered incommodious to the ſaid Sir *Charles Grave Hudſon*, for Remedy whereof be it further enacted, That the ſaid Company of Proprietors of the *Leiceſter* Navigation ſhall, before the End of One Calendar Month next after the paſſing of this Act, at their own Expence, make or cauſe to be made an Aperture through the ſaid Weir of Six Inches Square at the leaſt, and thenceforth from Time to Time and at all Times keep open the ſaid Aperture for the due and free Paſſage of Water through the ſame, at the Will and Pleaſure of the ſaid Sir *Charles Grave Hudſon*, and of the Perſon or Perſons who for the Time being for ever ſhall be the Owner or Owners of *Wanlip Hall* aforeſaid, and that the ſaid Aperture ſhall be fixed in the ſaid Weir at leaſt Two Feet under the loweſt navigable Head of Water of the ſaid *Leiceſter* Navigation; and that there ſhall be placed in a proper Manner againſt the

ſaid Aperture a Gate, Shuttle, or other Stop, to prevent Water paſſing through the ſaid Aperture at any Time or Times after the ſame ſhall be made as aforeſaid, whilſt the ſaid Sir *Charles Grave Hudſon*, or the Owner or Owners for the Time being of *Wanlip Hall* aforeſaid, ſhall be drawing down the Head of Water in Front of the ſaid Hall, or whilſt the ſaid Company of Proprietors, or their Agents or Servants, are drawing off the Water of the ſaid Navigation for any Purpoſe of cleanſing or repairing the ſame; and that the ſaid Company of Proprietors ſhall alſo, before the End of One Calendar Month after the paſſing of this Act, put and place Flaſh Boards upon the ſaid Weir, ſo as that the Tops of the ſaid Flaſh Boards ſhall not be lower than the preſent Heighth of the Weir of the ſaid Sir *Charles Grave Hudſon*, in the Lordſhip of *Wanlip* aforeſaid, above *Wanlip Hall*, and thenceforth for ever keep up ſuch Flaſh Boards in good Order and Repair; provided that the ſaid Flaſh Boards ſhall at all Times for ever hereafter be taken down at the Times of Floods by the Agent or Agents of the ſaid Company, ſuch Agent or Agents giving Two Hours Notice every Time of taking off the ſaid Flaſh Boards, to the ſaid Sir *Charles Grave Hudſon*, or the Owner or Owners for the Time being of *Wanlip Hall* aforeſaid, or to any Agent or Servant at the ſaid Hall, or to any Tenant of the ſaid Sir *Charles Grave Hudſon* reſident in the Village of *Wanlip* aforeſaid, and that immediately on ſuch Notice being ſo given, the Agents or Servants of the ſaid Sir *Charles Grave Hudſon*, or of the Perſon or Perſons who for the Time being ſhall be the Owner or Owners of *Wanlip Hall* aforeſaid, ſhall draw and keep up the Flood Gates by the Side of the ſaid River *Soar* oppoſite to *Wanlip Hall* aforeſaid, to facilitate the paſſing off of every ſuch Flood; and in caſe the ſaid Flood Gates ſhall not be drawn up before the Expiration of the ſaid Two Hours, and be kept up until the Floods in every Caſe ſhall have paſſed off and ſubſided, the ſaid Sir *Charles Grave Hudſon*, and the Owner and Owners of *Wanlip Hall* aforeſaid for the Time being for ever, ſhall forfeit and pay for every Offence or Omiſſion the Sum of Five Pounds, to be recovered and diſpoſed of in ſuch Manner as Forfeitures and Penalties are by the ſaid recited Act of the Thirty-firſt Year of the Reign of His preſent Majeſty directed to be recovered and diſpoſed of (the Manner of recovering and levying of which is not therein otherwiſe directed) and as is by this Act further provided for; provided that at all Times when Floods ſhall have paſſed off and ſubſided as aforeſaid, the ſaid Company of Proprietors ſhall replace the ſaid Flaſh Boards on the ſaid firſt mentioned Weir.

Empowering Sir *Charles Grave Hudſon* to erect a certain Stop Gate.

XVII. And be it further enacted, That it ſhall and may be lawful unto and for the ſaid Sir *Charles Grave Hudſon*, and the Owner or Owners for the Time being for ever of *Wanlip Hall* aforeſaid, at any Time or Times after the paſſing of this Act, at his, her, or their own Expence, to erect and make or cauſe to be erected and made Stop Gates at or near the ſaid firſt mentioned Weir, for the Paſſage and Communication of Pleaſure Boats, or other Veſſels proper to be uſed on the ſaid *Leiceſter* Navigation, to and from the private Water of the ſaid Sir *Charles Grave Hudſon*, being the ancient Courſe of the ſaid River *Soar* and the ſaid *Leiceſter* Navigation, and to uſe all or any Part of the ſaid laſt mentioned Navigation with the ſaid Boats and other Veſſels upon the ſame Terms, under Payment of the ſame Tolls, and ſubject to the ſame Orders and Regulations in every Reſpect, and to the ſame Penalties for

any Diſobedience or Non-performance of the ſame, as are provided and ſtipulated in the ſaid recited Act of the Thirty-firſt Year of the Reign of His preſent Majeſty, and in this Act, in regard to other Boats and Veſſels paſſing on or uſing the ſame Navigation, or as if ſuch Terms, Tolls, Orders, and Regulations were here repeated and re-enacted, any Thing herein contained to the contrary thereof in anywiſe notwithſtanding; and that whenever the ſaid Stop Gates ſhall be opened for ſuch Paſſage or Communication as aforeſaid, the ſame ſhall be ſhut immediately after the Boat or other Veſſel ſhall have paſſed through the ſame; and in every Caſe where the ſame ſhall not be ſo ſhut, the Perſon or Perſons leaving the ſame open, and being thereof convicted before One or more Juſtice or Juſtices of the Peace for the ſaid County of *Leiceſter*, by the Oath of One or more Witneſs or Witneſſes, which Oath ſuch Juſtice or Juſtices is and are hereby empowered to adminiſter, ſhall forfeit and pay, for every ſuch Offence, a Sum not exceeding Five Pounds, nor leſs than Twenty Shillings, at the Diſcretion of ſuch Juſtice or Juſtices, ſuch Penalties in every Caſe to be recovered and diſpoſed of in ſuch Manner as Forfeitures and Penalties are by the ſaid recited Act of the Thirty-firſt Year of the Reign of His preſent Majeſty, directed to be recovered and diſpoſed of (the Manner of recovering and levying of which is not therein otherwiſe directed), and as is by this Act further provided for.

Lands damaged by Floods belonging to *William Pochin* Eſq. to be repaired and maintained by the *Leiceſter* Canal Company.

XVIII. And whereas ſeveral Lands belonging to *William Pochin*, of *Barkby*, in the ſaid County of *Leiceſter* Eſquire, in the Pariſh of *Barkby* aforeſaid, lying near or contiguous to the ſaid *Leiceſter* Navigation, have been, by reaſon of ſuch Contiguity, injured by Floods; for Remedy whereof, be it further enacted, That the ſaid Company of Proprietors ſhall at their own Coſts and Charges make and conſtruct, and from Time to Time repair, uphold, and maintain, or cauſe to be made and conſtructed, and from Time to Time repaired, upheld, and maintained, all ſuch Works, Matters, and Things, as any Civil Engineer, to be appointed from Time to Time by the ſaid *William Pochin*, his Heirs and Aſſigns, or the Owner or Owners of his ſaid Eſtate for the Time being, ſhall declare neceſſary or proper for the better defending the ſame Lands from Damage or Injury by Floods, and for the Purpoſe of carrying off the Water or facilitating the Paſſage thereof in Time of Floods, with as little Damage as may be to the ſaid Lands of the ſaid *William Pochin*, ſuch Works, Matters, and Things to be made and conſtructed, and from Time to Time repaired, upheld, and maintained by and at the Expence of the ſaid Company of Proprietors, in ſuch Manner and within ſuch Time or Times as ſuch Civil Engineer ſhall think proper and direct; and on every or any Default thereof by the ſaid Company of Proprietors, it ſhall be lawful for the ſaid *William Pochin*, his Heirs and Aſſigns, or the Owner or Owners of his ſaid Eſtates for the Time being, to cauſe ſuch Works, Matters, and Things, as aforeſaid to be made and conſtructed, and from Time to Time repaired, upheld, and maintained as aforeſaid, and to recover of the ſaid Company of Proprietors all the Coſts, Charges, and Expences, incurred by him or them in or about the making, conſtructing, repairing, upholding, and maintaining, all ſuch Works, Matters, and Things as laſt aforeſaid, by Action at Law in any of His Majeſty's Courts of Record at *Weſtminſter*, with full Coſts of Suit.

XIX. And

No Paſſage Boats to paſs on the Navigation but upon ſuch Terms as ſhall be agreed upon.

XIX. And be it further enacted, That no Paſſage Boats or Veſſels which may be intended or uſed for the Purpoſe of carrying Paſſengers and ſmall Parcels, ſhall be permitted to paſs upon the ſaid *Leiceſter* Navigation or Water Levels, or any of them, but upon ſuch Terms as may be fixed or agreed upon between the Committee for the Time being of the ſaid *Leiceſter* Navigation, and the Perſon or Perſons who may be deſirous to navigate or make uſe of ſuch Paſſage Boats or Veſſels as aforeſaid, except ſuch Pleaſure Boats or other Veſſels that from Time to Time may paſs to and from the ſaid Private Water of the ſaid Sir *Charles Grave Hudſon*, or the Owner or Owners for the Time being for ever of *Wanlip Hall* aforeſaid.

Enlargement of Penalty on Perſons not giving true Accounts of their Lading.

XX. And whereas by the ſaid recited Act of the Thirty-firſt Year of the Reign of His preſent Majeſty, it is enacted, for the more eaſy collecting the Rates and Duties thereby authorized to be taken, that the Maſter, Owner, or Manager, of every Boat or other Veſſel, Waggon or other Carriage, navigating upon the ſaid Navigation or Water Levels, or paſſing upon the ſaid Railways or Roads, or any Part thereof, ſhould give a juſt Account in Writing, ſigned by him, to the Collectors of the ſaid Rates and Duties, at the Place or Places where they ſhall attend for that Purpoſe, of the Quantities, Qualities, and Weights of Goods, Wares, and Merchandizes, which ſhall be in or belong to each Boat or other Veſſel, Waggon or other Carriage, from whence brought, and where the ſame is or are intended to be landed, and alſo of the Quantities, Qualities, and Weight of ſuch Goods as ſhall have been diſcharged or taken out of ſuch Boat or other Veſſel, Waggon or other Carriage, as therein mentioned, before their Arrival at the Place where ſuch Account is to be taken; and that in caſe ſuch Maſter, Owner, or Manager of any ſuch Boat or other Veſſel, Waggon or other Carriage, ſhall neglect or refuſe to give ſuch Account, or ſhall give a falſe Account, he ſhall forfeit and pay to the ſaid Company of Proprietors the Sum of Twenty Shillings for every ſuch Offence, over and above the reſpective Rates and Duties directed to be paid for the ſame by the ſaid recited Act: And whereas the ſaid Forfeiture is greatly inadequate to the Offence, and on Account of the Smallneſs thereof, the Maſters, Owners, or Managers of ſuch Boats or other Veſſels, Waggons or other Carriages as aforeſaid, may be induced either to neglect or refuſe to give in to the Collectors of the ſaid Rates and Duties ſuch Account as aforeſaid, or otherwiſe to give in falſe Accounts of their Lading; be it therefore further enacted, That in caſe any ſuch Maſter, Owner, or Manager of any ſuch Boat or other Veſſel, Waggon or other Carriage, ſhall neglect or refuſe to give a juſt and true Account, according to the Directions of the ſaid recited Act, of the Quantities, Qualities, and Weights of Goods, Wares, and Merchandizes, which ſhall be in or belong to the ſame reſpectively, he ſhall forfeit and pay to the ſaid Company of Proprietors any Sum not exceeding Five Pounds, nor leſs than Twenty Shillings *per* Ton for every ſuch Offence, over and above the reſpective Rates and Duties directed to be paid for the ſame by the ſaid firſt-mentioned recited Act and this Act, to be recovered in the ſame Manner as the ſaid Penalty of Twenty Shillings for every Offence of the like Kind is directed to be levied and recovered by the ſaid firſt-mentioned recited Act.

XXI. And

Empowering Magiſtrates to puniſh Offenders by Impriſonment in Default of Diſtreſs.

XXI. And whereas, by the ſaid firſt-mentioned recited Act, it is enacted, that all Fines, Penalties, and Forfeitures, thereby inflicted, or which ſhall be inflicted by any Rule, Order, or Bye Law to be made in purſuance thereof, the Manner of levying and recovering of which is not therein particularly directed, ſhall be levied and recovered by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant of One or more Juſtice or Juſtices of the Peace for the ſaid County of *Leiceſter* or Borough of *Leiceſter* reſpectively, as the Offence may happen and be committed within their reſpective Juriſdictions; but there is not in the ſaid Act any Power or Authority in ſuch Juſtice or Juſtices, in any ſuch Caſe or Caſes, for Want of ſufficient Diſtreſs to puniſh the Offender or Offenders by Impriſonment; be it therefore further enacted, That in all and every ſuch Caſe of Want of ſufficient Diſtreſs as aforeſaid, and in caſe the Fine, Penalty, or Forfeiture, ſhall not be forthwith paid, it ſhall be lawful for the ſaid Juſtice or Juſtices, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit every ſuch Offender to the Common Gaol or Houſe of Correction for the ſaid County or Borough reſpectively, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unleſs ſuch Fine, Penalty, or Forfeiture, and all reaſonable Charges attending the Recovery thereof, ſhall be ſooner paid and ſatisfied.

Inflicting Penalties on unauthorized Perſons uſing Towing Paths.

XXII. And whereas, in and by the ſaid recited Act of the Thirty-firſt Year of the Reign of His preſent Majeſty, it is enacted, that no Perſon or Perſons, Horſe or Horſes, except as therein mentioned, and except ſuch as ſhall be uſed and employed for the Purpoſe of making or repairing the Towing Paths therein mentioned, and the Works thereby authorized to be made and erected, ſhall be permitted to uſe and paſs upon the ſaid Towing Paths, but there is no Penalty provided by the ſaid Act to be levied on any Perſon or Perſons uſing and paſſing upon the ſaid Towing Paths, who are not by the ſaid recited Act entitled ſo to do; be it therefore further enacted, That in caſe, after the paſſing of this Act, any Perſon or Perſons on Horſeback or on Foot, or driving any Horſes, Cattle of any Kind, or Beaſts of Burthen, not being under the Proviſions in the ſaid recited Act entitled to uſe and paſs upon the ſaid Towing Paths, ſhall uſe and paſs upon the ſame, or any Part or Parts thereof, every ſuch Perſon ſhall, for every ſuch Offence, forfeit any Sum not exceeding Five Pounds, nor leſs than Forty Shillings, at the Diſcretion of the Juſtice to whom Complaint ſhall be made, to be levied, recovered, and diſpoſed of in the ſame Manner as by the ſaid recited Act is directed in reſpect of all Fines, Penalties, and Forfeitures thereby inflicted, (the Manner of recovering and levying which is not therein otherwiſe directed), and as is by this Act further provided for.

Owners or Occupiers of Lands not to take any Remedy againſt the Company for Obſtruction of Company's Drains, &c. unleſs the Drains, &c. belonging to

XXIII. And whereas, by the ſaid firſt mentioned recited Act, the ſaid Company of Proprietors are required to make proper Drains and Paſſages for Water, over, under, and into the ſaid Navigation and Water Levels, and to keep the ſame in good and ſufficient Repair; and in caſe of any Obſtruction thereof, and One Calendar Month's Notice in Writing given, as therein mentioned, by or on Behalf of the Owner or Occupier, Owners or Occupiers of the adjacent Lands, who ſhall find himſelf, herſelf, or themſelves aggrieved by ſuch Obſtruction, the ſame

such Owner or Owners be open and cleanſed.

Drains and Paſſages for Water ſhall not be made, cleanſed, and repaired, according to the ſame recited Act, the making, cleanſing, and repairing thereof is duly provided for to be done at the Expence of the ſaid Company of Proprietors, under the Direction of the Commiſſioners acting under ſuch the ſame Act, but there is not any Proviſion made in the ſame recited Act for compelling the ſaid Owners of the ſaid adjacent Lands to cleanſe and keep open the Watercourſes and Paſſages for Water leading to and from the Drains, Culverts, and Paſſages of the ſaid Navigation, Canals, and Water Levels; be it therefore further enacted, That from the Time of paſſing this Act, no Owners or Occupiers of Lands adjoining or near to the ſaid Navigation, Canals, and Water Levels, or any Part or Parts thereof, ſhall have or take any Remedy againſt the ſaid Company of Proprietors for any Obſtruction of any Drains or Paſſages for Water, over, under, or into the ſaid Navigation, Canals, and Water Levels, or for any Default in making the ſame, or any Part thereof, unleſs every ſuch Owner or Occupier ſhall, at the Time of making his or her Complaint, according to the ſaid recited Act, have his or her reſpective Ditches, Drains, Paſſages for Water and Watercourſes, leading to or from the Drains, Culverts, and Paſſages, of the ſaid Navigation, Canals, or Water Levels, and every Part thereof, ſufficiently cleanſed and open to convey Water into the ſame; provided that nothing herein contained ſhall extend to enforce the admitting of any Water ariſing from Floods into the ſaid Navigation, Canals, and Water Levels, or any Part or Parts thereof.

Enabling the Company to cleanſe the adjoining Drains, &c. at the Land Owners Expence.

XXIV. And be it further enacted, That if at any Time hereafter the Ditches or Drains belonging to any Owner or Occupier of Lands adjoining or lying contiguous to the ſaid Navigation, Canals, Water Levels, and other Works, or any of them, ſhall, by Reaſon of their not being ſufficiently cleanſed or opened, hinder and obſtruct the Watercourſe or Watercourſes from the Drains, Culverts, and Paſſages, belonging to the ſaid Navigation, Canals, and Water Levels, or any of them, and if the ſame ſhall not be perfectly cleanſed and opened within One Calendar Month after Notice in Writing ſhall have been given thereof to ſuch Owner or Occupier by any Clerk or Agent of the ſaid Company of Proprietors of the *Leiceſter* Navigation, it ſhall then be lawful for the ſaid Company of Proprietors, (an Order in Writing for that Purpoſe having been firſt obtained from any Five or more of the Commiſſioners appointed under the ſaid Firſt recited Act, although not aſſembled at a Meeting held as in the ſaid Act is mentioned), 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 or 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 or Grounds, to which the ſaid Ditches and Drains ſo opened and cleanſed ſhall belong; and in caſe of Refuſal to ſatisfy the ſame for the Space of Two Calendar Months after Demand ſhall have been made thereof by any ſuch Clerk or Agent from the reſpective Owners or Occupiers of ſuch Lands and Grounds as aforeſaid, ſuch Charges and Expences ſhall and may be recovered and diſpoſed of in ſuch Manner as Forfeitures and Penalties are by the ſaid Firſt mentioned recited Act directed to be recovered and diſpoſed of, (the Manner of recovering and levying of which

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is not therein otherwiſe directed) and as is by this Act further provided for.

Authorizing Proprietors of Shares to create Charges on their Shares.

XXV. And whereas Doubts are entertained on the Right of Proprietors of Shares in the *Leiceſter* Navigation, to impoſe any Charge on the ſame Shares without actually transferring the ſame Shares: And whereas it will be convenient to enable the ſaid Proprietors to impoſe any Charge on their Share or Shares; be it therefore further enacted and declared, and it is hereby enacted and declared, That it ſhall and may be lawful to and for each and every or any Proprietor of a Share or Shares in the ſaid *Leiceſter* Navigation, by Will, Deed, or other Inſtrument in Writing, to make any Charge on the ſame Share or Shares, or any Part of the ſame reſpectively, and that all and every ſuch Charge or Charges ſhall be effectual to all Intents and Purpoſes, ſo as the ſame Charge or Charges ſhall be made or impoſed by an Inſtrument or Inſtruments in Writing, and ſo as every ſuch Inſtrument or Inſtruments, or the material Parts thereof, as far as the ſame ſhall relate to ſuch Charge or Charges, ſhall be entered, in the Books of the ſaid Company of Proprietors of the *Leiceſter* Navigation, in the ſame Manner as the Transfers of Shares are to be entered, and ſo as no ſuch Inſtrument or Inſtruments ſhall be binding at Law to give any Priority of Claim or Title, or any Intereſt, in the ſaid Undertaking, until the ſame reſpectively is or are entered as aforeſaid, and ſo as the Party or Parties entitled to ſuch Charge or Charges ſhall not have any Vote for or in reſpect of ſuch Charge or Charges, and ſo as ſuch Charge or Charges ſhall not prevent the Right of the Perſon or Perſons entitled to a Share or Shares, ſubject to ſuch Charge or Charges as aforeſaid, to vote for or in reſpect of ſuch Share or Shares, or abridge his or their Powers, Right, or Ownerſhip, any further or otherwiſe than to give to the Party or Parties entitled to ſuch Charge or Charges, the Right of calling on the Company of Proprietors of the *Leiceſter* Navigation, or their Clerk or Treaſurer for the Time being, to receive ſuch Charge or Charges out of the Income or Dividends of the Share or Shares of the Perſon or Perſons by whom ſuch Charge or Charges ſhall be impoſed.

Duplicate of the Entry of ſuch Shares to be indorſed on the Transfer, and to be filed.

XXVI. And it is hereby further enacted and declared, That the Clerk or Clerks for the Time being of the ſaid Company of Proprietors of the *Leiceſter* Navigation, ſhall be entitled to a Fee not exceeding One Shilling for every ſuch Entry, and not exceeding One Shilling for every Search for the ſame, and that a Copy or Duplicate of every ſuch Entry ſhall, by the Clerk for the Time being of the ſaid Company, without any further Fee or Reward, be indorſed or made on the particular Inſtrument or Transfer which is to be delivered to the Committee of the ſaid laſt-mentioned Company, or their Clerk, and filed and kept for the Uſe of the ſaid Company, according to the Directions contained in the ſaid laſt-mentioned Act of Parliament, as the Inſtrument or Transfer by which the Perſon or Perſons making ſuch Charge became entitled to the Share or Shares on which ſuch Charge ſhall be impoſed.

Regulations as to the Acquiſition of Shares by Marriage, Will, or Adminiſtration.

XXVII. And whereas much Inconvenience may ariſe by the frequent Transfer and Sale of the Right and Title to the Shares of and in the ſaid Undertaking, 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 are to be paid, and do belong; be it there-

fore further enacted, That before any Perſon or Perſons, who ſhall claim any Part or Share of the Profits of the ſaid Undertaking in Right of Marriage, ſhall be entitled to receive the ſame, an Affidavit, containing a Copy of the Regiſter of ſuch Marriage, or the Effect of ſuch Regiſter, ſhall be made and ſworn to by ſome credible Perſon, before One of the Judges at *Weſtminſter*, a Maſter or Maſter Extraordinary in Chancery, or One of His Majeſty's Juſtices of the Peace, and ſhall be tranſmitted to the Clerk or Clerks to the ſaid Company of Proprietors of the *Leiceſter* Navigation for the Time being, who ſhall file the ſame, and make an Entry thereof in the Book or Books which ſhall be kept by the ſaid Clerk or Clerks for the Entry of Transfers and Sales of Shares in the ſaid Undertaking; and that before any Perſon or Perſons, who ſhall claim any Part or Share of the Profits of the ſaid Undertaking by virtue of any Bequeſt or Will, or in a Courſe of Adminiſtration, ſhall be entitled to receive the ſame, the ſaid Will, or the Probate Copy thereof, ſhall be produced and ſhewn to the ſaid Clerk or Clerks, or an Affidavit, containing a Copy of ſo much of ſuch Will as ſhall relate to the Share or Shares of the Teſtator, or of the Letters of Adminiſtration, in caſe the Proprietor ſhall have died inteſtate, ſhall be made and ſworn to by an Executor or Executors of ſuch Will, or by an Adminiſtrator or Adminiſtrators of the Eſtate and Effects (as the Caſe may happen to be) before One of the Judges at *Weſtminſter*, a Maſter or Maſter Extraordinary in Chancery, or One of His Majeſty's Juſtices of the Peace, and ſhall alſo be tranſmitted to the ſaid Clerk or Clerks, who ſhall fine and enter the ſame in Manner herein-before mentioned

Publick Act. XXVIII. And be it further enacted, That this Act ſhall be deemed and taken to be a Publick Act, and ſhall be judicially taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons, without ſpecially pleading the ſame.

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