Anno sexto

Georgii III. Regis.

An Act for making and maintaining a navigable Cut, or Canal, from the River *Severn*, between *Bewdley* and *Titton Brook*, in the County of *Worcester*, to cross the River *Trent*, at or near *Heywood Mill*, in the County of *Stafford*, and to communicate with a Canal intended to be made between the said River *Trent* and the River *Mersey*.



Whereas the making a Cut, or Canal, from the River Severn, at some Place between Bewdley and Titton Brook, through or near Kidderminster, in the County of Worcester, to or near Autherley, otherwise Alderſley, in the Parish of Tettenhall, near Wolverhampton, in the County of Stafford; and from thence to go by or near the River Penk, to or near Penkridge; and from thence to cross the River Trent, at or near a Place called Haywood Mill, in the said County of Stafford; and to join and communicate with a navigable Cut or Canal intended to be made between the River Trent, at or near Wilden Ferry in the County of Derby, and the River Mersey, for the Navigation of Boats, Barges, and other Vessels, with heavy Burthens, will open an easy Communication between the interior Parts of the Kingdom, and the several Ports Preamble.

of Hull, Liverpool, and Briſtol, and the Town of Manchester, and ſeveral other trading Towns; which will be of great Advantage, not only to the Trade carried on to and from the ſaid Ports and Towns, but to ſeveral different Manufactories, which abound in many Places through or near which the ſaid Cut or Canal is propoſed to be made; and will alſo tend to the Improvement of the adjacent Lands, the Relief of the Poor, and the Preſervation of the publick Roads; and moreover be of great Utility: And whereas the ſeveral Perſons hereinafter particularly named are deſirous, at their own proper Coſts and Charges, to begin, carry on, and complete, the ſaid navigable Cut or Canal intended to be made by virtue of this Act: Therefore, for obtaining and perfecting the good Ends and Purpoſes aforeſaid, 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,

Proprietors Names.

That from and after the Fourteenth Day from the paſſing of this Act, the Right Honourable Earl Gower, the Right Honourable Harry Earl of Stamford, the Reverend Sir Richard Wrottesley Dean of Worceſter, Sir Edward Littleton Baronet, the Honourble Thomas Clifford Eſquire, Thomas Anſon Eſquire, Thomas Fowler Eſquire, John Wightwick Eſquire, John Hodgetts Eſquire, Robert Barber Eſquire, Moreton Walhouſe Eſquire, John Sneyd Eſquire, John Bird Eſquire, Phineas Huſſey Eſquire, Nathaniel Barrett Gentleman, Oliver Dixon Gentleman, Captain Tuffnell, William Barrett, Peter Hinckes, Benjamin Molineux, George Molineux, Henry Wood junior, Joſeph Wood, James Perry, Thomas Tomkys, James Fieldhouſe, Joſeph Lane, Richard Price, James Stafford Clerk, Edward Shaw Clerk, Benjamin Clement Clerk, Thomas Hartſhorn Clerk, Thomas Mutchall Clerk, John Harris Clerk, George Baker Clerk, Benjamin Fawcett Clerk, Elizabeth Molineux, Elizabeth Jeſſon, Elizabeth Perſhouſe, Ann Perſhouſe, Hannah Short, John Haſſard, Thomas Horton, John Perſhouſe, William Perſhouſe, William Dudley, William Jones, William Haſlewood, Gilbert Stewart M. D. Thomas Smith, Thomas Maddock, Joſeph Jones, Henry Taylor, Littleton Powis, John Stephenſon, Samuel Garbett, John Weſton Smith, Ambroſe Tibbatts, Robert Wilſon, Richardſon, Thomas Marſon, Gregory Hickman, John Baker, William Wenman, Thomas Hayes, Thomas Horſeman, the Truſtees of Shadrach

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Shadrach Mulliner, John Lewis Petit M. D. Henry Wass, Richard Lowe, James Goodier, John Watson, Serjeant Hornblower, James Johnson M. D. John Broom junior, Nicholas Pearsall junior, Henry Penn, Benjamin Hanbury, Nicholas Penn, Thomas Richardson, Gregory Watkins Gentleman, Wilson Aylesbury Roberts, John Richardson, John Lane, Gentlemen; Richard Baynes Gentleman, James Croft, Thomas Eaton, James Henry Ashurst Esquire, John Skinner Esquire, Grace Lewis, Robert Chester, the Honourable General Harry Pulteney, Josiah Peele, George Wilson, Richard Mee, James Duberley, William Gaskill, their several and respective Successors, Heirs, and Assigns, together with such Person or Persons as they, or the major Part of them, at any General Meeting assembled, shall nominate and appoint, under their Hands and Seals, are and shall be united into a Company, for the better carrying on, making, compleating, and maintaining, the said navigable Cut or Canal, passable for Boats, Barges, and other Vessels, from the River Severn, at some Place between Bewdley and Titton Brook, through or near Kidderminster, in the County of Worcester, to or near Autherley, otherwise Aldersley, in the Parish of Tettenhall, near Wolverhampton, in the County of Stafford; and from thence to go by or near the River Penk, to or near Penkridge; and from thence to cross the River Sow, at a Place herein after mentioned; and from thence to cross the River Trent, at or near a Place called Haywood Mill, in the said County of Stafford, and to join and communicate with a navigable Cut or Canal intended to be made between the River Trent, at or near Wilden Ferry, in the County of Derby, and the River Mersey, according to the Rules, Orders, and Directions, herein after expressed and laid down; and shall, for that Purpose, be One Body Politick and Corporate, by the Name of The Company of Proprietors of the *Staffordshire* and *Worcestershire* Canal Navigation; and, by that Name, shall have perpetual Succession, and shall have a Common Seal; and, by that Name, shall and may sue and be sued; and also shall and may have Power and Authority to purchase Lands to them, and their Successors, and Assigns, for the Use of the said Navigation, without incurring any of the Penalties or Forfeitures of the Statute of Mortmain: And the said Company of Proprietors, their Successors, and Assigns, shall be, and are hereby authorized and impowered, from and after the Fourteenth Day from the passing of this Act, by themselves, their Deputies, Their Power.

Deputies, Agents, Officers, Workmen, Servants, and Assigns, to make and compleat a Cut or Canal, navigable and passable for Boats, Barges, and other Vessels, from the River Severn, at some Place between Bewdley and Titton Brook, through or near Kidderminster, in the County of Worcester, to or near Rutherley, otherwise Alderley, in the Parish of Tettenhall, near Wolverhampton, in the County of Stafford; and from thence to go by or near the River Penk, to or near Penkridge; and from thence to cross the River Sow, at a Place herein after mentioned; and from thence to cross the River Trent, at or near a Place called Haywood Mill, in the said County of Stafford, and to join and communicate with a navigable Cut or Canal intended to be made between the River Trent, at or near Wilden Ferry, in the County of Derby, and the River Mersey; and to supply the said Cut or Canal intended to be made by virtue of this Act, whilst the same shall be making, and when made, with Water from the Springs, Streams, and Watercourses, of or belonging to a certain Mill, called Penford New Mill, or by whatsoever Name the same is called or known, now in the Tenure or Occupation of Hervey Miller, and Situate, lying, and being, near Penford aforesaid, now or late belonging to John Taylor, Ironmonger, or such other Person or Persons as shall or may claim to be entitled to the same, or the Waters thereof, or any Part thereof; and also from such other Springs as shall be found in making the said Cut or Canal, and from such Brooks, Streams, and Watercourses, as are or shall be found within the Distance of Five hundred Yards from any Part of the said intended Cut or Canal; and also to make such Reservoirs, as shall be necessary for the Purposes of the said Cut or Canal, for the more conveniently supplying the same with Water; and for the Purposes aforesaid, the said Company of Proprietors, their Successors, and Assigns, and their Agents, Servants, and Workmen, are hereby authorized and impowered, in, upon, or through, the Lands and Grounds of or belonging to the King's Majesty, His Heirs, or Successors, or of any other Person or Persons, Bodies Politick, Corporate, or Collegiate, whatsoever, to enter and to bore, dig, cut, trench, sough, remove, and lay, Earth, Stone, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters and Things (except as herein after excepted) which may be dug or got in the making of the said Cut or Canal, or which may hinder

prevent, or obstruct, the making, using, completing, extending, and maintaining, the same; and for making, using, completing, extending, and maintaining, of such Trenches, Passages, Gutters, and Watercourses, as shall be necessary and proper to convey Water to and from the said Cut or Canal, according to the Tenor and Purport of this Act; and also to make, build, erect, and set up, in or upon the said intended Cut or Canal, or upon the Lands adjoining or near the same respectively, such and so many Bridges, Tunnels, Aqueducts, Sluices, Locks, Weirs, Pens for Water, Stanks, Reservoirs, Drains, Wharfs, Quays, Landing Places, Weigh-beams, Cranes, and other Works, Ways, and Conveniencies, as, and where, the said Proprietors, their Successors and Assigns, shall think requisite and convenient, for the Purposes of the said Navigation; and also, from time to time, to alter, repair, and amend, the same, and to make, widen, or enlarge, any Bridges, Ways, Passages, Cuts, Locks, Tunnels, Aqueducts, Trenches, Sluices, or other Conveniencies, as well for the carrying and conveying Goods, Commodities, and other Things, to or from the said Cut or Canal, as for the carrying and conveying of all Manner of Materials necessary for the making, erecting, finishing, altering, repairing, or amending, the said Works of and belonging to the said Navigation; and also to place, lay, work, and manufacture, the said Materials, on the Grounds near to the Place or Places where the said Works, or any of them, shall or are intended to be made, erected, repaired, or work'd; and also to make, maintain, repair, and alter, any Fences or Passages over, under, or through, the said Cut or Canal, or the Tunnels, Aqueducts, Sluices, Trenches, Passages, Gutters, Watercourses, and Sluices respectively, which shall communicate therewith; and also to make, set up, and appoint, such Towing Paths, Banks, and Ways, convenient for towing, haling, or drawing, of Boats, Barges, or other Vessels, passing in, through, or upon, the said Cut or Canal, as they the said Proprietors, their Successors, and Assigns, shall think convenient; and also to dig, take, and carry away, Soil, Clay, Gravel, or Stone, proper, requisite, and convenient, for carrying on and continuing the said Works and Undertaking, in or from any Grounds of any Person or Persons, adjoining or lying contiguous thereto (not being, at this Time, Ground whereon a House now stands, or a Garden, Yard, Park, Paddock, planted Walk, or Avenue to a House, or Lawn inclosed, or adjoining to a Mansion House)

House) and to construct, erect, and keep in Repair, any Piers, Arches, and other Works, in, upon, and across, any Rivers or Brooks, for the making, using, maintaining, and repairing, the said Cut or Canal, and the Towing Paths on the Side thereof; and also to construct, erect, make, and do all other Matters and Things, which they shall think necessary and convenient, for the making, effecting, extending, preserving, improving, compleating, and using, the said Navigation, in Pursuance and within the true Meaning of this Act; they the said Proprietors, their Successors, and Assigns, doing as little Damage as may be in the Premisses, and making Satisfaction, in Manner herein after mentioned, for all Damages to be sustained by the Owners or Proprietors of such Lands, Tenements, or Hereditaments, Waters, Watercourses, Brooks, or Rivers respectively, as shall be taken, used, removed, diverted, or prejudiced, 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, their Successors, and Assigns, and their Servants, Agents, and Workmen, and all other Persons whatsoever, for what they or any of them shall do by virtue of the Powers hereby granted.

Lands may be entered for making Surveys.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Agents and Servants of the said Company of Proprietors, their Successors, and Assigns, from time to time, and at all Times hereafter, to enter upon the Lands or Grounds of the said several Persons, Bodies Politick, Corporate, or Collegiate, through which the said Cut or Canal, and other Works hereby authorized, are intended to be made, in order to survey and take a Level of the same; and to set out and ascertain such Parts thereof as they shall think necessary or proper for the making such Cut or Canal, and other the Matters and Conveniencies aforesaid; such Agents or Servants making Satisfaction for the Damage they shall do thereby to the Occupiers of such Lands or Grounds for the time being, in case the same exceeds the Sum of One Shilling.

That the Canal shall not be made on the West Side of the River *Stour*, through the Parish of *Wolverley*.

And be it further enacted by the Authority aforesaid, That nothing herein contained shall impower or authorize the making the said Cut or Canal on the Western Side of the River Stour, through the Parish of Wolverley.

Canal not to go on the same Side the River with *Stourton* Castle.

Provided always, and be it enacted by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to impower or authorize the said

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said Company of Proprietors, their Successors, or Assigns, or their Agents, Servants, or Workmen, to make the said navigable Cut or Canal on the same Side of the River Stour with Stourton Castle, between the Junction of the Rivers Stour and Smestall, and a Bridge called Stourton Bridge.

Breadth of the Canal and Towing Paths.

Provided always, and be it enacted by the Authority aforesaid, That the Land or Ground to be taken or used for such Cut or Canal, and Towing Paths, and the Ditches, Drains, and Fences, to separate such Towing Paths from the adjoining Lands, shall not exceed Twenty six Yards in Breadth; except where the said Cut or Canal shall be carried over the River Sow, at or near an Oak Tree now standing or growing on Master Anson's Ground, called Tutor's Hill, and in such Places where the said Cut or Canal shall respectively be raised higher, or cut above five Feet deeper, than the present Surface of the Land, and in such Places where it shall be judged necessary for Boats and other Vessels to turn, lie, or pass each other; not Sixty Yards in Breadth in any of the said respective Places; nor shall any Land or Ground be set out, ascertained, contracted for, and sold, for the Purpose of making any navigable Cut, Trench, or Sluice, to convey Goods, Commodities, or other Things, to or from the said Cut or Canal, without the Consent of the Owner or Owners of the said Lands respectively, under his or their Hands, in Writing, first had and obtained, nor for more than One thousand Yards in Length with such Consent; any thing herein contained to the contrary notwithstanding.

Directing the Course of the Canal from the South Side of the River *Sow* to the River *Trent*.

Provided always, and be it enacted by the Authority aforesaid, That the said Company of Proprietors, their Successors, and Assigns, shall and are hereby required to make that Part of the said Cut or Canal from the South Side of the River Sow, and over the said River to the River Trent, in the Course and Direction hereinafter mentioned and described; that is to say, Through a Piece of Land belonging to Thomas Anson Esquire, in the said Parish of Colwich, in the County of Stafford, called Tutor's Hill, in a direct Line from an Oak Tree now standing therein, to the said River Sow, and to convey the same, upon proper Arches, over the said River Sow, and through the Close or Piece of Land in the Parish of Tixall, on the North Side of the said River, called or known by the Name of Hollis Close, now or late in the Occupation of John Tomkinson, and from thence to a certain Gate on the Side of the Lane leading from Hollis Ford to Tixall, into the Corner of a cer-

tain Meadow, called Hollis Meadow; and from thence over another Piece of Ground, now or late in the Occupation of the said John Tomkinson, commonly called and known by the Name of the Hollis, to the North West Corner of another Piece of Ground, also called or known by the Name of the Hollis, now or late in the Tenure or Occupation of William Cleggs, and from thence over the Lands called the Two Dead Moors, and little Meadow, to a certain Clump or Plantation of Trees in the West Corner of the Land called the Lees; and from thence over the Land called the Great Cow Leasow, to another Clump or Plantation of Trees in the East Corner of the said Land called the Lees; and from thence over the Land called the Ox Hays, into and over the Land called the Lower Brimsey, and to cross the River Trent from the said Lower Brimsey; or the Land called the Poles Rales, or as near the said Course and Direction from the River Sow to the River Trent, as the same can conveniently be made, but shall not deviate from the said described Course or Direction Northward, nor make any Towing Path or Paths, new Ways or Passages, on the North or West Side thereof between the said Rivers; except where it may be convenient and necessary to bring a new Road from the River Sow into the present old Road, leading from Hollis Ford to Tixall.

Obliging the Proprietors to make a Road from the *Stafford* Road to the River *Sow*.

And be it also enacted by the Authority aforesaid, That the said Company of Proprietors, their Successors, and Assigns, shall and are hereby also required, at their own Expence, to make a good and substantial new Road from the Stafford Road, over the Lands of the said Thomas Anson Esquire, to the said River Sow; and over the said River by a Bridge upon an Arch or Arches, to connect and join with the Arch or Arches upon which the said Cut or Canal is to be conveyed over the same as aforesaid, of a proper and convenient Breadth and Construction for Carriages to pass thereupon with Safety, and from thence carry on such Road until the same can most conveniently join the present Road leading to Tixall aforesaid, on the North Side the said River Sow, and from time to time, and at all Times hereafter, to maintain and keep the said Bridge, Arch and Arches, and the said Road at the End thereof, for Twenty Yards in Length, in good and sufficient Repair; and that it shall and may be lawful for the said Road and Bridge, so directed to be made as aforesaid, to be used and enjoyed in as full, free, and ample Manner, to all Intents and Purposes whatsoever, as the said present Road

Road leading from the said Stafford Road, across Hollis Ford to Tixall aforesaid, could, might, or ought to have been used or enjoyed, if this Act had not been made; and also, in Consideration thereof, that it shall and may be lawful for the said Company of Proprietors, their Successors, and Assigns, to dig, get, and carry the Stone from any Quarry, already opened, within the Parish of Tixall aforesaid, without paying any thing for the same, for the making the said Arches and Bridge only upon which the said Cut or Canal, and Road, is to be made over the said River Sow as aforesaid; and for that Purpose only in, upon, and over, the Lands lying within the Parish of Tixall aforesaid, doing as little Damage thereby as the Nature of the Thing will admit, and making full Satisfaction to the Proprietors of Tixall aforesaid for all or any such Damage to be done thereby.

Impowering Mr. *Anson* to shut up the present Road from the *Stafford* Road to the River *Sow*.

And be it further enacted and declared by the Authority aforesaid, That in Consideration of the said Thomas Anson's giving the Land for the making the said new Road, from the Stafford Road to the River Sow aforesaid, it shall and may be lawful to and for the said Thomas Anson, his Heirs, and Assigns, as soon as the said new Road shall be so made as aforesaid, to stop up and inclose that Part of the present Road leading from the said Stafford Road to the Ford in the River Sow aforesaid, adjoining on each Side thereof to the Lands of the said Thomas Anson, and being of much less Extent and Quantity than the Land so given by him for the said new Road, and from thenceforth peaceably and quietly to enjoy the same for ever, as his and their Estate and Inheritance.

Bodies Politick, *&c.* impowered to sell and convey.

And be it further enacted by the Authority aforesaid, That after any such Parts of the said Lands or Grounds shall be so set out and ascertained as aforesaid for making the said Cut or Canal, and other the Purposes and Conveniencies herein before mentioned, it shall and may be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, 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, Lunatics, Ideots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised, possessed of, or interested in, their own Right; and to and for every other Person and Persons whomsoever, who

are or shall be seised, possessed of, or interested in, any Lands or Grounds which shall be so set out and ascertained as aforesaid, or any Part thereof, to contract for, sell, and convey, unto the said Company of Proprietors, their Successors, and Assigns, or to such Person or Persons as they shall nominate and appoint, for the Use of the said Navigation, all or any Part of such Lands or Grounds which shall, from time to time, be set out and ascertained as aforesaid; and where, by making the said Cut or Canal, 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, and Collegiate, and other such Land Owners, by and with the Consent of the Commissioners, to be appointed as herein after mentioned, or any Five or more of them, to be testified by any Writing or Writings to be by them sealed and delivered in the Presence of, and attested by, Two or more credible Witnesses, to contract for, sell, and dispose of, or to convey in Exchange in lieu of other Lands, all or any Part of such Lands or Grounds, through which the said intended Cut or Canal shall be made, to any Person or Persons whomsoever, for such Price or Prices, in Money or other Equivalent, as to the said Commissioners, or any Five or more of them, shall seem reasonable; and that all such Contracts, Agreements, Sales, Conveyances, and Assurances, shall be valid and effectual in Law to all Intents and Purposes whatsoever; any Law, Statute, Usage, or Custom, to the contrary thereof in any wise notwithstanding: And all Bodies Politick, Corporate, or Collegiate, and all Persons whomsoever, so conveying or exchanging as aforesaid, are hereby indemnified for what he, she, they, or any of them, shall respectively do by virtue of or in pursuance of this Act; and that all such Contracts, Agreements, Sales, Conveyances, and Assurances (other than those which concern any Purchase or Exchange between any such respective Land Owners) so to be made as aforesaid, shall, at the Expence of the said Company of Proprietors, their Successors, and Assigns, be inrolled by the Clerks of the Peace of the respective Counties of Stafford and Worcester, as the Case shall require, and true Copies thereof shall be allowed to be good Evidence in all Courts whatsoever; for which Inrollment the Clerks of the Peace for the said respective Counties shall have and receive the Sum of Three Pence for every Two hundred Words,

Words, and so in Proportion for any greater or less Number of Words, and no more.

For preserving Copyhold Rights.

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

Commissioners Names.

And whereas Differences may arise between the said Company of Proprietors and the several Owners of, and Persons interested in, any Lands, Grounds, Tenements, Hereditaments, or Waters, which shall or may be affected or prejudiced by the Execution of any of the Powers hereby granted, touching the Purchase-money to be paid, or Recompence to be made to them respectively; be it therefore enacted by the Authority aforesaid, That Sir John Astley Baronet, George Adams Esquire, Charles Adderley Esquire, Edmund Aliblaster Esquire, Henry Arden Esquire, John Amphlett Esquire, William Amphlett Esquire, Henry Antrobus Clerk, Joseph Amplett Gentleman, William Averns, John Turnpenny Altree, Thomas Addenbrook, William Archer, Sir Walter Wagstaff Bagot Baronet, Sir Henry Bridgman Baronet, Sir Walter Blount Baronet, William Bagot Esquire, Richard Bagot Esquire, John Biddulph Esquire, John Wyrley Esquire, Thomas Bradney Esquire, Richard Boycott Esquire, Brook of Blacklands Esquire, John Baker Esquire, William Bund Esquire, William Bund Esquire, junior; Armell Browning Esquire, Bird of Hanch Hall Esquire, Charles Baldwyn Esquire, William Bromley Esquire, George Burrish Esquire, Robert Bromley Esquire, William Beard Esquire, Rowland Berkley Esquire, Richard Bourne Doctor of Laws, Walter Bagot Clerk, Thomas Bradley Clerk, James Ball Clerk, Lucy Berkley Clerk, Edward Berkley Clerk, Edward Best Clerk, Thomas Best Clerk, Upinham Bourne Gentleman, Thomas Baker, Francis Butter, Simon Burrows, Thomas Bagnall, Nathaniel Bradshaw, Thomas Bourne, Edward Bourcroft Gentleman, John Broome of Stanford, Thomas Brettell Gentleman, Jeremiah Brettell, John Bell, John Butler, John Bickley, the Right Honourable Lord Viscount Chetwynd, Sir Francis Charlton Baronet, the Honourable Bulkeley Coventry Esquire, William Chetwynd Esquire

of Stafford, William Chetwynd junior, Esquire; William Chetwynd Esquire of Brocton, William Conolly Esquire, Charles Corbett Esquire, Ashton Curzon Esquire, Arthur Charlett Esquire, Francis Clare Esquire, Thomas Cookes Esquire, William Carter Esquire, Holland Cooksey Esquire, Colonel Congreve, Robert Job Charlton Doctor of Laws, Brook Crutchley Gentleman, Jeremiah Caswell, Henry Crane, Sergeant Crane, Henry Crane junior, Gentleman, the Right Honourable the Earl of Donnegall, Sir Thomas Delves Baronet, the Right Honourable William Dowdeswell Esquire, Anthony Deane Esquire, Anthony Deane junior, Esquire; John Dovey Esquire, Rupert Dovey Esquire, Samuel Dickenson Clerk, Thomas Dovey Gentleman, John Downing, William Deakin, Thomas Downes, John Dandridge Gentleman, John Dandridge junior, Josiah Dineley Esquire, John Eld Esquire, John Eld junior, Esquire; Jeremiah Eginton Esquire, Thomas Evans Clerk, Thomas Foley Esquire, Thomas Foley junior, Esquire; Edward Foley Esquire, Charles Floyer Esquire, Henry Foliot Esquire, John Foliot Esquire, Harry Thomas Foley Clerk, Philip Foley Clerk, Robert Fowler Clerk, Thomas Fernyhaugh Gentleman, John Fleming, George Fieldhouse, Richard Fryer, Thomas Forster, William Finch, John Finch, Stephen Faulkner, John Foster, the Honourable George Harry Grey, commonly called Lord Grey; the Honourable John Grey Esquire, the Honourable Booth Grey Esquire, the Honourable John Grey the younger, Esquire; the Honourable Baptist Leveson Gower Esquire, Thomas Gifford Esquire, John Gifford Esquire, Walter Gough Esquire, Thomas Gilbert Esquire, Gildart of Norton Esquire, Green D. D. Thomas Giles Clerk, Joseph Green Gentleman, John Groome, Joseph Glover, John Gibbons, Michael Grazebrooke, Thomas Giles Esquire, Sir Lister Holt Baronet, Sir Samuel Hellier Knight, the Honourable Robert Harley Esquire, the Honourable and Reverend John Harley Archdeacon of Hereford, the Honourable and Reverend William Harley Clerk, Thomas Hoo Esquire, Christopher Horton Esquire, John Hurtle Esquire, Robert Harrison Esquire, Richard Cope Hopton Esquire, Richard Cope Hopton junior, Esquire; Joseph Harper Esquire, John Holden Esquire, Robert Harrison Clerk, Samuel Hemmings Clerk, Joseph Honeybourne Clerk, Charles Harris Clerk, Francis Highway Esquire, Thomas Highway Gentleman, James Horton, Aston Harris, Corbett Hale, Edward Hale, John Hale, Thomas Homer, John Harris, John Haden, Francis Homfray, Francis Homfray the younger, Robert

Robert Haneybourne, Waldron Hill, Edward Hickman Gentleman, William Horton, William Hawkesford, George Holyoake, Francis Holyoake, Thomas Hinckes, George Hatchet, William Hodgetts, John Herbert, Roger Holmes, Moses Harper, Francis Ingram Esquire, William Inge Esquire, William Inge Clerk, Swinfen Jervis Esquire, John Jervis Clerk, Anselm Jones Clerk, John Ingram Gentleman, John Jorden Gentleman, Richard Jorden, Stafford James, John Jassen, John Iddins, John Jeffereys, Richard Kenrick Esquire, Edward Knight Esquire, Clement Kymersley Esquire, John Kindon Gentleman, Joseph Kindon, John Carver, Edward Knight junior, John Knight, Richard Keelinge, Willis Kempson, John Keelinge, Benjamin Carver, Sir Robert Lawley Baronet, the Honourable Sir Richard Littleton Knight of the Bath, the Honourable William Littleton, John Burridge Leigh Esquire, Nathaniel Lister Esquire, Robert Launder Esquire, Reginald Lygon Esquire, Edmund Lechmere Esquire, Edmund Lechmere junior, Esquire, Nicholas Lechmere Esquire, Lancelot Lee Esquire, Fisher Littleton Esquire, Thomas Lloyd Esquire, Obadiah Lane Clerk, Walter Acton Moseley Esquire, Edward Manwaring Esquire, Thomas Mills Esquire, Hugo Meynell Esquire, Jeffery Moulding Esquire, John Martin Esquire, John Martin Clerk, Joseph Molineaux Gentleman, James Moseley, William Manfen, Walter Mahsfield, Richard Mee, Thomas Milward, Joseph Morris, Thomas Newnham Esquire, John Newton Esquire, Slade Nash Esquire, Samuel Newton Esquire, Tredway Nash D. D. Richard Norris Esquire, Titus Neve Clerk, George Norris Gentleman, John Odnall Gentleman, Hungerford Oliver, the Right Honourable Lord Pigot, Sir Herbert Pakington Baronet, Robert Pigot Esquire, Dryden Walter Pigot Esquire, John Perrot Esquire, Richard Pershouse Esquire, George Parker Esquire, Peter Petit Esquire, Nicholas Pearsall Gentleman, Thomas Parker Esquire, Dormer Parkhurst Esquire, Francis Page Esquire, Walford Philips Esquire, William Pigot Clerk, Other Philpott Clerk, John Pearsall Clerk, Thomas Plimley Gentleman, Edward Pearson, Thomas Pearson, Robert Prettie, Joseph Pearson, John Price, James Payton, William Perks, Thomas Watson Perks, John Pidcock, George Pearpoint, Robert Pardoe, Thomas Parker Gentleman, John Peasehouse Esquire, Robert Poel Esquire, Joseph Richards Esquire, Marshall Rider Esquire, William Roberts Esquire, Thomas Rogers Esquire, Thomas Rouse Esquire, William Robinson Clerk, Henry Roberts Clerk, Richard Roberts Gentleman, Edward Ruffell, Joseph Riley,

01 Riley, Thomas Rogers junior, Thomas Raybold, the Honourable Edwin Sandys Eſquire, Sir John Sebright Baronet, Ralph Sneyd Eſquire, William Swinerton Eſquire, Martin Sandys Eſquire, Jeremiah Smith Eſquire, Thomas Birch Savage Eſquire, William Bill Saunders Eſquire, Samuel Swinfen Eſquire, John Steward Eſquire, John Soley Eſquire, John Soley junior, Eſquire; Stanley of Stanley Eſquire, John Sanier Eſquire, Matthew Stubbs Eſquire, Abraham Spooner Eſquire, Iſaac Spooner Eſquire, Edward Stillingfleet Clerk, Joſiah Smart Clerk, Thomas Shaw Clerk, James Shaw, William Stokes, John Stubbs, William Sheldon, Thomas Spurrier, John Stone, Francis Stokes, Thomas Seager, Joſeph Smith, William Scott, John Scott, Sir Robert Throckmorton Baronet, the Honourable Frederick Thynne Eſquire, John Turton Eſquire, Joſeph Turton Eſquire, John Tottie D. D. John Taylor Clerk, Thomas Taylor Gentleman, John Thorneloe Gentleman, John Triſtram, John Tongue, Hope Tomkys, Abraham Turner Gentleman, Ambroſe Tibbetts, Thomas Vernon Eſquire, Thomas Vernon Eſquire of Worceſter, Richard Vernon Eſquire, Henry Vernon Eſquire, Thomas Vernon Clerk of Arely, William Vernon Clerk, the Honourable John Ward Eſquire, the Honourable William Ward Eſquire, Sir William Wolſeley Baronet, Sir Edward Winnington Baronet, the Reverend Sir Richard Wrotteſley Baronet, Dean of Worceſter; Sir Thomas Whitmore Knight, John Wrotteſley Eſquire, Edward Whitby Eſquire, Charles Trubſhaw Withers Eſquire, Francis Whitgrave Eſquire, Charles Walcott Eſquire, Richard Whitworth Eſquire, John Newport Wakeman Eſquire, George Wigan D. D. Samuel Wanley D. D. John Wild Clerk, William Wight Clerk, John Waugh Clerk, Paul White Clerk, Henry Wood Gentleman, John Webb of Yoxall, John Willington, John Wilkes, Thomas Wainwright, William Williams, John Walford, Thomas Yorke Gentleman, the Right Worſhipful the Mayor of the City of Worceſter for the time being, the Worſhipful the Mayor of the Borough of Stafford for the time being, the Worſhipful the Bailiff and capital Burgeſſes of the Borough of Bewdley for the time being; the Worſhipful Bailiff and Juſtice, and Aldermen, of the Borough of Kidderminſter for the time being; the Worſhipful the Mayor of Wolſall for the time being, the Bailiffs and Juſtices of the Borough of Droitwich for the time being; the Bailiffs and Magiſtrates of the City of Litchfield for the time being; Thomas Anſon Eſquire, John Carver Clerk, Vincent John Briſcoe Eſquire, George Cole-

man Esquire, Thomas Coates Esquire, Richard Dovey Clerk, Sambroke Freeman Esquire, Edwards Freeman Esquire, the Honourable John Levison Gower, Richard Groome Clerk, Thomas Hawkes of Dudley, David Lewis Esquire, the Honourable Thomas Lyttleton, Walter Noel Esquire, Nott Clerk, the younger; Robert Pigot Esquire, junior; William Wolseley Esquire, Henry Seymour Esquire, John Hayns Esquire, Henry Toye Bridgeman Esquire, Robert Barbor Esquire, John Dolphin Esquire, Sir Edward Littleton Baronet, the Reverend William Pigott junior, William Pigott Esquire, Slade Nash Esquire, shall be, and they, and their Successors, to be elected in Manner herein after mentioned, are hereby appointed Commissioners for the settling, determining, and adjusting all Questions, Matters, and Differences, which shall or may arise between the said Company of Proprietors, their Successors, and Assigns, or any of them, and the several Proprietors of and Persons interested in any Lands, Grounds, Tenements, Hereditaments, or Waters, that shall or may be affected or prejudiced by the Execution of any of the Powers hereby granted; and they the said Commissioners, or any Five or more of them, qualified as hereafter mentioned, are hereby impowered, by Writing under their Hands and Seals, with the Consent of the Parties concerned, to determine and adjust, from time to time, what Sum or Sums of Money shall be paid by the said Proprietors, their Successors, and Assigns, or any of them, either by an annual Rent or Payment, or by a Sum of Money in gross, to and at the Election of such Bodies Politick, Corporate, or Collegiate, Person or Persons respectively, who shall be so intitled or interested as aforesaid, for the absolute Purchase of the Lands or Grounds which shall be set out and ascertained as aforesaid, for making the said Cut or Canal, or any Part thereof, and other the Purposes herein mentioned; and also to determine and adjust the Recompence to be made for any Damages which may or shall be, at any Time or Times whatsoever, sustained by such Bodies Politick, Corporate, or Collegiate, or any Person or Persons respectively, being Owners of, or interested in, any Lands, Grounds, Tenements, or Hereditaments, for or by reason of the making, repairing, or maintaining, the said Cut or Canal, Trenches, Passages, Gutters, Watercourses, Roads, Ways, or Sluices, or supplying the same, or any of them, with Waters as aforesaid, or by the flowing, leaking, or oozing of the Water, over or through the Banks of the said Cut or Canal, Trenches, or

To determine Differences,

and settle Recompences.

or Sluices, or over or through any Passages, Gutters, or Watercourses, which shall be made pursuant to the Powers hereby given for conveying and communicating Water to or from the said Cut or Canal, or by not cleansing the said Watercourses, Trenches, or Passages; or by turning or diverting any Streams or Brooks into the same; or by Reason or Means of the Execution of any of the Powers herein contained, by the said Company of Proprietors, their Successors, and Assigns, their Agents, Workmen, or Servants, in case such Price or Value, Damages and Recompence respectively, cannot be settled, adjusted, and agreed for, by and between the said Company of Proprietors and their Successors and Assigns, or any of them, and such Proprietors of, and Persons interested in, the said Lands and Grounds as aforesaid: And if the said Company of Proprietors, their Successors and Assigns, for and on the Part and Behalf of themselves, or any such Body Politick, Corporate, or Collegiate, or other Person or Persons so interested or intitled as aforesaid, for and on his, her, or their Parts, shall refuse to submit any such Matter to the Determination of the said Commissioners, or shall be dissatisfied with any Determination which shall be by them made as aforesaid; and if any such Body Politick, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons, intitled or interested as aforesaid, shall refuse to receive, upon due Tender thereof made, such Purchase Money or annual Rent, or such Recompence as shall be so determined to be paid, or shall, upon Notice in Writing given to the principal Officer or Officers of such Body Politick, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at the Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers, of such Lands or Grounds, for the Space of Twenty Days next after such Notice, neglect or refuse to treat, or shall not agree with the said Company of Proprietors, their Successors, and Assigns, or by reason of Absence shall be prevented from treating, or through Disability by Nonage, Coverture, or other Impediment, cannot treat for themselves, or make such Agreement as shall be convenient for promoting the Navigation and other Works aforesaid, or shall not produce and evince a clear Title to the Premisses which they are or shall be in Possession of, or to the Interest which they may claim therein; then, and in every such Case, the said Commissioners, or any Five or more of them, shall, and they are hereby impowered and required,

If Parties refuse to submit to, or are dissatisfied with, the Determination of Commissioners,

or refuse to accept the Purchase Monies,

or to treat, or shall not agree;

Juries shall be impanelled to assess the Purchase Monies, &c.

quired, from time to time, to issue a Warrant or Warrants, under their Hands and Seals, to the Sheriff or Sheriffs of the said Counties of Stafford or Worcester for the time being respectively, in which the Matter or Matters shall arise; or, in case such Sheriff or Sheriffs, his or their Under Sheriff or Under Sheriffs respectively, or either of them, shall happen to be One of the Company of Proprietors of the said Navigation, or enjoy any Office of Trust or Profit under them, or shall be interested in the Matter in Question, then to the Coroner or Coroners, within the said Counties of Stafford or Worcester respectively, not interested as aforesaid, commanding such Sheriff or Coroner respectively to impanel, summon, and return, a Jury; and the said Sheriff or Coroner respectively is hereby required accordingly to impanel, summon, and return, a Jury of Twenty four sufficient and indifferent Men, qualified according to the Laws of this Realm, to be returned for Trials of Issues joined in his Majesty's Courts at Westminster, to appear before the said Commissioners, or any Five or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed, not being less than Nine nor more than Twenty Days after such Warrant shall be served upon the said Sheriff or Sheriffs, Coroner or Coroners respectively: And in case a sufficient Number of Jurymen shall not appear at the Time and Place appointed, as aforesaid, the said Sheriff or Coroner shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured, to attend that Service, being so qualified as aforesaid, to make up the said Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array: And the said Commissioners, or any Five or more of them, are hereby impowered to summon and call before them, all and every such Person and Persons as shall be thought necessary to be examined as Witnesses touching the Matters in Question; And the said Commissioners, or any Five or more of them, may order and authorize the said Jury, or any Six or more of them, to view the Place or Places, or Matter in Controversy; which Jury (upon their Oaths, to be administered by the said Commissioners, or any Five or more of them; and those Oaths, as well as the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Commissioners, or any Five or more of them, are hereby impowered to administer) shall enquire of, assess, and ascertain, the Sum

Commissioners to summon, swear, and examine Witnesses.

or

or Sums of Money, or annual Rent to be paid for the Purchase of such Lands or Grounds, or the Recompence to be made for the Damages that may or shall be so sustained as aforesaid: And the said Commissioners, or any Five or more of them, shall give Judgement for such Purchase Monies, Rent, or Recompence, so to be assessed by such Juries; which said Verdict, and the Judgement thereupon pronounced by the said Commissioners, or any Five or more of them, shall be binding and conclusive, to all Intents and Purposes, against the King's Majesty, His Heirs, and Successors, and against all Bodies Politick, Corporate, or Collegiate, and all Persons whomsoever.

Verdict of the Jury to be final.

Provided always, and be it enacted by the Authority aforesaid, That if any such Sheriff or Coroner, or his Deputy or Agent, shall make Default in the Premisses, every such Person shall, for every such Offence, forfeit the Sum of Twenty Pounds; and if any Person so summoned and returned as aforesaid upon such Jury, shall not appear, or appearing, shall refuse to give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent of this Act; or if any Person so summoned to give Evidence shall not appear, or appearing, shall refuse to be sworn or examined, or to give Evidence; every Person so offending respectively, having no reasonable Excuse to be allowed by the said Commissioners, or any Five or more of them, shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds; to be levied by virtue of any Warrant or Warrants, under the Hands and Seals of the said acting Commissioners, or any Five or more of them, by Distress and Sale of the Goods and Chattles of the Person or Persons so offending, rendering the Overplus to the Owner thereof, after such Penalty and the Charges of such Distress and Sale shall be deducted.

Penalties on the Sheriff, Coroner, Jurymen, and Persons summoned, who shall make Default.

Provided also, and be it enacted by the Authority aforesaid, That in all Cases where a Verdict or Assessment shall be given or made for more Monies, as a Recompense or Satisfaction for any Lands, Grounds, or Hereditaments, or for any Damage to be done to any Lands, Grounds, Hereditaments, or Property, of any Person or Persons whatsoever, than had been previously offered by, or on Behalf of, the said Company of Proprietors, their Successors, or Assigns, or than had been determined and assessed by the said Commissioners; that then all the Expences of summoning such Jury, and of taking such Inquest, shall be settled by the said Commissioners, and be defrayed by the said Company

Expences of Juries, how to be paid.

pany of Proprietors, their Successors, or Assigns: But if any Verdict or Assessment shall be given or made for no more or a less Sum than had been previously offered by, or on Behalf of, the said Company of Proprietors, their Successors, or Assigns, or than had been determined and assessed by the said Commissioners as aforesaid; then, and in every such Case, the Costs and Expences of summoning such Jury, and taking such Inquest, shall be settled in like manner by the said Commissioners, and be borne and paid by the Person or Persons with whom the said Company of Proprietors, their Successors, and Assigns, shall have such Controversy or Dispute.

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

Provided further, and be it enacted by the Authority aforesaid, That all and every Person or Persons making Complaint, and requesting such Jury, shall, before the said Commissioners shall be obliged to issue out their Warrant or Warrants for the summoning such Jury as aforesaid, first enter into a Bond, with Two sufficient Sureties, to the Treasurer to the said Company of Proprietors, their Successors, and Assigns, for the time being, in the Penalty of Fifty Pounds, to prosecute such his, her, or their Complaint, and to bear and pay the Costs and Expences of summoning such Jury, and taking such Inquest, in case a Verdict shall be given for no more or a less Sum than had been offered by or on Behalf of the said Company of Proprietors, their Successors, and Assigns, or than had been assessed by the said Commissioners, before the summoning and returning the said Jury or Juries, as a Recompence or Satisfaction for any Lands, Grounds, or Hereditaments, as Damages, as aforesaid.

Notice of Injury to Proprietors, before Complaint to Commissioners.

Provided moreover, and be it further enacted by the Authority aforesaid, That the said Commissioners shall not, nor shall any of them be obliged by virtue of this Act, to receive or take Notice of any Complaint or Complaints, to be made by any Person or Persons whatsoever, for any Injury or Damage by him, her, or them, sustained, or supposed to be sustained, by virtue of this Act, unless Application hath been, or shall be, made in relation thereto, by or on Behalf of such Person or Persons, to the said Company of Proprietors, their Successors, or Assigns, or their known Agent or Agents, or to some Collector or Collectors of the Tolls arising from the said Navigation in the County where the Cause of Complaint shall arise, 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.

Penalty on giving false Evidence.

And be it further enacted by the Authority aforesaid, That all and every Person or Persons who, in any Examination to be taken by virtue of this Act, shall give false Evidence before the Commissioners, or any of them, or before any Justices of the Peace, shall and may be prosecuted for the same; and upon Conviction thereof, shall be subject to such Punishments and Disqualifications, as any Person or Persons can or may be subject to for wilful and corrupt Perjury, by any of the Laws or Statutes of this Realm.

Upon Payment or Tender of the Monies, Proprietors may cut, dig, &c.

And be it further enacted by the Authority aforesaid, That upon Payment of such Sum or Sums of Money, or annual Rent, as shall be contracted or agreed for between the Parties, or determined and adjusted by the said Commissioners, or any Five or more of them, or assessed by such Juries in Manner respectively as aforesaid, for the Purchase of any such Lands or Grounds as aforesaid, to the Proprietors thereof, or other Persons intitled to receive such Money or Rent respectively, or legal Tender thereof made to such Proprietor or Proprietors, or other Person or Persons, or to the principal Officer or Officers of any such Body Politick, Corporate, or Collegiate, at any Time after the same shall have been so agreed for, determined, or assessed; or if the, she, or they, cannot be found, or shall refuse to accept such Money or Rent, upon Payment thereof to such Person or Persons as the said Commissioners, or any Five or more of them, shall, by Writing under their Hands, appoint, for the Use of, and to be paid upon Demand, without Fee or Reward, to such Proprietors or Persons respectively as aforesaid; then, and in such Case, such Lands and Grounds respectively, and the Fee Simple and Inheritance thereof, shall, from thenceforth, be vested in, and become for ever the sole Property of, the said Company of Proprietors, their Successors, and Assigns, to and for the Use of the said Navigation, but to or for no other Use or Purpose whatsoever; and it shall and may be lawful to and for the said Company of Proprietors, their Successors, and Assigns, their Agents, Workmen, and Servants, immediately to enter upon the same, and to dig, cut, trench, sough, and remove Earth, Stone, Rubbish, Trees, Roots of Trees, and all other Obstructions, for the making, using, maintaining, and repairing, the said Cut or Canal, and Towing Paths, on the Sides thereof, in or upon such Lands, Tenements, or Hereditaments, for which such

Satisfaction shall be deemed to be assessed as aforesaid; and thereupon to make Erect, or do, any Works, Matters, or Things, for the effecting and carrying on the said Navigation, and for the supporting and maintaining the same, as the said Company of Proprietors, their Successors, or Assigns, shall think requisite; and to have, use, and enjoy, the same, to and for their own Use and Benefit, for the Purposes of the said Navigation; and this Act shall be sufficient to indemnify, as well the said Commissioners, as the said Company of Proprietors, their Successors, and Assigns, and their Servants, Agents, and Workmen, for what they, or any of them, shall do by virtue of the Powers hereby granted.

Penalty on Evidence.

Verdict, &c. to be recorded by the Clerks of the Peace.

And be it further enacted by the Authority aforesaid, That all the Determinations of the said Commissioners, or any Five or more of them, which shall be submitted to, and acquiesced in, by the Parties concerned; and also the said Verdicts and Judgements, being first signed by Five or more of the Commissioners, who shall be present at the making of such Determinations, or the taking of such Verdicts, and pronouncing such Judgements respectively; shall be transmitted to, and kept by, the respective Clerks of the Peace, amongst the Records of the Quarter Sessions of the Peace for the said Counties of Stafford or Worcester respectively, as the Case shall require, and shall be deemed to be Records of the said Quarter Sessions to all Intents and Purposes; and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, as also the Involments of such Contracts, Agreements, Sales, and Conveyances, as are herein before mentioned, paying for each Inspection the Sum of One Shilling; and to take Copies thereof, without Stamps, paying for every Copy, not exceeding Two hundred Words, the Sum of Two Pence; and so in Proportion for any Number of Words; and immediately on such Payment and Entry of such Verdicts, Judgements, Sentences, Decrees, Orders, and other Proceedings, of the said Court and Juries, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, in Law and Equity, of the Person or Persons for whose Use such Money or Rent shall be paid, in, to, and out of, the said Lands, Tenements, Hereditaments, and Premises, shall vest in the said Company of Proprietors, their Successors, and Assigns, and they shall respectively be deemed in Law to be in the actual Seizin and Possession thereof, to all Intents and Purposes whatsoever,

ever, as fully and effectually, as if every Person having any Estate in the Premisses had actually conveyed the same to them by Lease and Release, Bargain and Sale, inrolled Feoffment with Livery of Seizin, Fine, and Recovery, or any other legal Conveyance whatsoever; and such Payment shall not only bar all Right, Title, Interest, Claim, and Demand, of the Person or Persons to whose Use such Payment shall be made, but also shall extend to and be deemed and construed to bar the Dower or Dowers of the Wife and Wives of such Person and Persons, and all Estates Tail, in Reversion or Remainder, against the Issue or Issues of such Person and Persons, and all and every other Person and Persons whomsoever, as effectually as a Fine and Recovery, or either of them, would do, if levied or suffered by the proper Parties in due Form of Law.

Such Purchase Monies to be laid out to the same Use.

And be it further enacted by the Authority aforesaid, That all Sums of Money which are to be paid to any Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees whatsoever, for or on Behalf of any Infants, Lunaticks, Ideots, Femes Covert, or other Cestuique Trusts, or to any Person or Persons whose Lands are limited in strict Settlement, for the Purchase or Exchange of any Lands or Grounds aforesaid, shall, in case the same exceed the Sum of Twenty Pounds, by such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees, Person or Persons, seized of Lands or Grounds so limited in strict Settlement, to be laid out, as soon as conveniently may be, in the Purchase of Lands, Tenements, and Hereditaments, in Fee Simple, and conveyed to, or to the Use of, such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees, 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, for or in respect whereof such Purchase Monies, or Monies received in Exchange, shall be paid as aforesaid, were limited, settled, and assured, at the Time such Purchase Monies were so agreed for, ascertained, or assessed, respectively, as aforesaid, or so many of such Uses as shall be then existing and capable of taking Effect; such Conveyances and Settlements, other than those which concern any Purchase or Exchange

Exchange between any of the respective Land Owners as aforesaid, to be made at the Expence of the said Company of Proprietors, their Successors, and Assigns; and in the mean Time, and until such Purchase and Purchases shall be made, the said Monies shall be placed out by such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees, Person or Persons, in some of the Publick Funds, or on Government or Real Securities, in the Names of Two or more Persons, the One to be nominated by the Party or Parties interested therein, and the other by the said Commissioners, or any Five or more of them; and the Interest arising or to be produced from such Funds or Securities, and also the annual Rent for such Lands, Grounds, Mills, Tenements, or Hereditaments, where a Rent shall be fixed upon as aforesaid, shall be a Rent Charge upon the Tolls, Rates, and Duties, hereby authorized to be taken by the said Company of Proprietors, their Successors, and Assigns, and shall be paid to such Person or Persons respectively as would for the time being be intitled to the Rents and Profits of such Lands, Tenements, and Hereditaments, so to be purchased, in case the same were purchased and settled pursuant to the Tenor and true Meaning of this Act.

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

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Five or more of them, may, and are hereby impowered to settle what Shares and Proportions of the Purchase Monies or Recompence for Damages which shall be so agreed for between the said Company of Proprietors, their Successors, and Assigns, or any of them, or determined and adjusted by the said Commissioners, or any Five or more of them, or assessed by the said Juries, in Manner respectively as aforesaid, shall be allowed to any Tenant or other Person having a particular Estate, Term, or Interest, in the Premisses, for his, her, or their respective Interests therein, except in such Cases where the same are herein directed to be laid out and invested in the Purchase of Lands, Tenements, or Hereditaments.

In Default of Payment, how the Monies are to be recovered.

And be it further enacted by the Authority aforesaid, That, in Default of Payment of such Sum or Sums of Money, and at such Times and in such Manner as shall be assessed and awarded for Damages of any Kind, by virtue of this present Act, by the said Commissioners, or any Five or more of them, it shall and may be lawful to and for the said Commissioners, or any Five or more of

them, to appoint One or more Person or Persons to receive the Tolls, Rates, and Duties, by this Act imposed, and thereout, in the first Place, to pay all such Damages so to be determined or assessed as aforesaid, with the Costs (if any) occasioned by such Refusal or Default of Payment; and the Money so to be received by such Person or Persons, shall and is hereby declared to be as so much Money received to the Use of such Person or Persons who shall be intitled to receive such Satisfaction for Damages as aforesaid, in Order and Course respectively as such Determinations shall be in Priority of Time; and after such Damages and Costs shall be paid and satisfied, the Power and Authority of such Receivers for the Purposes aforesaid shall cease and determine, or otherwise such Party or Parties so aggrieved shall and may have a Remedy for such Sum or Sums of Money so to be assessed and awarded, which shall not be paid according to the Judgement of the said Commissioners, or any Five or more of them, as aforesaid, by Action at Law in any of His Majesty's Courts of Record at Westminster, against the said Company of Proprietors, their Successors, and Assigns, to recover the same, with Full Costs of Suit.

If Costs and Damages not paid within Four Months, the same may be levied.

Provided always, and be it further enacted by the Authority aforesaid, That in case the Damages and Costs by this Act provided to be satisfied out of the Tolls arising by the said intended Navigation shall not be paid and satisfied, within the Space of Four Calendar Months after the same shall be so determined or assessed as aforesaid; that then, and in such Case, it shall and may be lawful to and for the said Commissioners, or any Five or more of them, upon Complaint made to them by or on Behalf of the Person or Persons sustaining such Damage, to issue their Warrant or Warrants, under their Hands and Seals, to the Sheriff of the said Counties of Stafford or Worcester respectively, as the Case shall be, authorizing and impowering him to raise or levy the Damages so to be determined and assessed, by Distress and Sale of the Goods and Chattles of the said Company of Proprietors, their Successors, and Assigns, or any of them, together with such reasonable Charges as the said Commissioners, or any Five or more of them, shall in such Warrant direct and appoint.

Destroying the Works made Felony.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall wilfully, maliciously, and to the Prejudice of the said Navigation, break, throw down, damage, or destroy, any Banks or other

Works

Works to be erected or made by virtue of this Act, or do any other wilful Hurt or Mischief to obstruct, hinder, or prevent the carrying on, compleating, supporting, and maintaining, the said intended Navigation; such Person or Persons shall be adjudged guilty of Felony, and every such Felon shall be subject and liable to the like Pains and Penalties as in Cases of Felony; and the Court by and before whom such Person or Persons shall be tried and convicted, shall and hereby have Power and Authority to transport such Felon, for the Space of Seven Years, to some of His Majesty's Plantations in America, in like Manner as other Felons are directed to be transported by the Laws and Statutes of this Realm.

Coal, Iron Stone, and other Minerals dug out of Lands, to be taken by the Owners.

Provided always, and be it further enacted by the Authority aforesaid, That all Coals, Glass House Pott Clay, Lime Stone, Iron Stone, Salt Rock, and other Minerals, which shall be found and dug up in making, carrying on, and compleating, the said Cut or Canal, or any other of the Works hereby authorized to be made, carried on, and compleated, shall be laid upon the Surface of the Lands, in some convenient Place near the said Works, at the Expence of the said Company of Proprietors, their Successors, and Assigns; and it shall and may be lawful to and for the Person or Persons respectively in whose Land or Grounds the said Coals, Glass House Pott Clay, Lime Stone, Iron Stone, Salt Rock, and other Minerals, shall be found and dug up, to take, carry away, and dispose of, the same to and for his and their own Use and Benefit; and that it shall and may be lawful to and for the Owner or Owners, Proprietor or Proprietors, of any such Mines, Glass House Pott Clay, Lime Stone, Salt Rock, or Minerals, which shall or may be discovered or cut in any Tunnel or Aqueduct which shall be made by virtue of this Act, to make a Sough or Soughs, Drain or Drains, to unwater or drain the remaining Part of such Mines, Salt Rock, or Minerals, and to discharge the Water arising and flowing from the same into such Tunnel or Aqueduct; provided that such Settling Places be made at convenient Distances in such Soughs or Drains as shall be approved and directed by the said Company of Proprietors, their Successors, or Assigns, or their principal Engineer for the time being, and cleansed as often as shall be necessary, at the Expence of the Person or Persons making the same, in order to prevent the Mud and Earth from being conveyed into such Tunnel or Aqueduct; and provided

Owners of Mines Liberty to make Soughs into the Navigation.

vided that such Part thereof as shall be under or within the Distance of Ten Yards from such Tunnel or Aqueduct, on either Side thereof, shall not exceed Four Feet in Breadth, and that the same shall be performed under the Direction and Inspection of the said Company of Proprietors, their Successors, or Assigns, or their principal Engineer for the time being; and that no Owner or Proprietor of any Mines or Minerals, their Workmen or Servants, or other Person whatsoever, shall, within Twenty Yards of any Tunnel, or under the same, open or carry on any Work for digging, getting, or discovering such Minerals, without the Consent of the said Company of Proprietors, their Successors, and Assigns; and that no Water shall be taken by the working or draining of such Mines lower than the Level of the Water in the said Canal, by any Works to be made, carried on, or erected, for getting such Coals, Glass House Pott Clay, Lime Stone, or Minerals, within Twenty Yards of the said Tunnel or Aqueduct, unless such Water shall be returned into the Navigation within such Tunnel or Aqueduct.

Proprietors may raise Money among themselves to carry on their Work.

And, to the End that the said Company of Proprietors may be further enabled to carry on so useful an Undertaking, be it enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Company of Proprietors, their Successors, and Assigns, to raise and contribute amongst themselves, in such Proportions as to them shall seem meet and convenient, a competent Sum of Money for making and compleating the said navigable Cut or Canal; provided that the said Sum do not exceed the Sum of Seventy thousand Pounds in the Whole, except as herein after mentioned; and that the same be divided into such Number of Shares as hereafter directed, at a Price not exceeding One hundred Pounds per Share; and that no Person subscribing thereunto, or becoming a Proprietor in such Navigation, do become a Proprietor of less than One Share, or more than Twenty Shares, either in his own Name, or in the Name of any other Person or Persons in Trust for him (except the same shall come to him by Will or Act in Law) upon Pain of forfeiting to the said Company of Proprietors, their Successors, and Assigns, all such Shares exceeding Twenty Shares as aforesaid; and the Money so to be raised is hereby directed and appointed to be laid out and applied, in the First Place, for and towards the Payment, Discharge, and Satisfaction, of all Fees and Disbursements for obtaining and passing this present Act of Parliament, and all other

other necessary Expences relating thereunto; and all the Residue and Remainder of such Money, for and towards making, compleating, and maintaining, the said navigable Cut or Canal, and other the Purposes of this Act, and to no other Use, Intent, or Purpose whatsoever.

The Money to be raised, to be divided into Shares.

And be it further enacted by the Authority aforesaid, That the said Sum of Seventy thousand Pounds, or such Part thereof as shall be raised by the several Persons herein before named, and by such other Person or Persons who shall or may, at any Time within One Year from the Passing of this Act, become a Subscriber or Subscribers to the said Navigation, shall be divided and distinguished into Seven hundred equal Parts or Shares, at a Price not exceeding One hundred Pounds per Share; and that the said Seven hundred Shares shall be, and are hereby vested in the said several Subscribers, and their several and respective Heirs and Assigns, to their and every of their proper Use and Behoof, proportionably to the Sum they and each of them shall severally subscribe and pay thereunto; and every the Bodies Politick and Corporate, and every Person and Persons, their several and respective Successors, Heirs, and Assigns, who shall severally subscribe and pay in the Sum of One hundred Pounds, or such Sum or Sums as shall be demanded in lieu thereof, towards carrying on and compleating the said intended Navigation, shall be intitled to and receive, after the said Navigation shall be compleated, the intire and neat Distribution of One Seven hundredth Part of the said Profits and Advantages that shall and may arise and accrue by virtue of the Sum and Sums of Money to be raised, recovered, or received, by the Authority of this Act; and so in Proportion for any greater Number of Shares, not exceeding Twenty Shares to any One Person as aforesaid; and every Body Corporate or Politick, Person or Persons, having such Property of One Seven hundredth Part or Share in the said Undertaking, and so in Proportion as aforesaid, shall bear and pay an adequate proportional Sum of Money towards carrying on the said Undertaking, in Manner herein after enacted, directed, and appointed.

If 70,000 *l.* not sufficient, a further Sum to be raised,

And be it enacted by the Authority aforesaid, That in case the said Sum of Seventy thousand Pounds, herein before authorized to be raised, shall be found insufficient for the making, compleating, and maintaining, the said navigable Cut or Canal, and other the Works hereby authorized to be made, and all necessary Charges and Expences relating thereunto; then, and in such Case, it shall and may be lawful to and for

the said Company of Proprietors, their Successors, and Assigns, to raise and contribute amongst themselves, in Manner and Form aforesaid, any further or other Sum of Money, for making, compleating, and maintaining, the said Navigation, not exceeding the Sum of Thirty thousand Pounds.

and 5 *l. per Cent.* to be paid till the Work is compleated.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Company of Proprietors, their Successors, and Assigns, and they are hereby required, out of the Money to be raised as aforesaid, during the Time the said Canal, and all Things necessary for making, compleating, and maintaining the same, shall be carrying on, and until the same shall be compleated and finished, to pay unto every Body Corporate or Politick, Person or Persons, their several respective Successors, Heirs, and Assigns, who shall severally subscribe and pay in the Sum of One hundred Pounds, or such Sum or Sums of Money as shall, from time to time, be demanded in respect thereof, towards carrying on and compleating the said Navigation, Interest for the same after the Rate of Five Pounds for every One hundred Pounds for One Year, from the Time that each of such Sum or Sums shall be so respectively advanced as aforesaid.

Subscribers to have a Vote for every Share,

And, to the end that all Matters and Things touching, concerning, or relating to, the carrying on and compleating the said Navigation, may be managed and conducted in the most beneficial Manner, be it further enacted by the Authority aforesaid, That every Body or Bodies Politick or Corporate, or other Person or Persons who shall, by virtue of this present Act, have subscribed or undertaken for One Seven hundredth Share of the said Navigation, shall be deemed a Proprietor for so much, and shall have a Vote in every publick Meeting or Assembly, to be held as hereafter appointed for carrying on the said Undertaking, which may be given by him, her, or them, or by his, her, or their Proxy or Proxies, duly constituted under his, her, or their Hand and Seal, or Hands and Seals; and such Vote or Votes by Proxy shall be good and sufficient, to all Intents and Purposes, as if such Principal or Principals had voted in Person; and any Body or Bodies Corporate or Politick, Person or Persons, who shall have more than One such Share, and not exceeding Twenty Shares, shall have Liberty by him, her, or themselves, or by his, her, or their Proxies, regularly constituted as aforesaid, to give One Vote for each such Share of One hundred Pounds for which he, she, or they, shall be a Subscriber, or become a Proprietor as aforesaid; and whatever Question, Election of

by themselves or Proxies.

proper

proper Officers, or other Matters or Things, ſhall be propoſed, diſcuſſed, or conſidered, in any publick Aſſembly to be held by virtue of this Act, ſhall be finally determined by the Majority of Votes and Proxies then preſent, computing One Vote for every Share; provided that no Perſon ſhall give or deliver more Proxies than for Five abſent Proprietors.

General Aſſemblies for chuſing a Committee.

And, to the end that all Matters and Things to be done and carried on by Virtue and Authority of this Act, may be the more regularly and methodically carried into Execution, be it enacted by the Authority aforeſaid, That the Firſt General Aſſembly or Meeting of the Proprietors for putting this Act in Execution, ſhall be held at the Red Lion Inn in Wolverhampton upon the Twenty fourth Day of June, and the Second General Meeting upon the Sixteenth Day of September next enſuing, at ſuch Place as the ſaid Proprietors, or the major Part of them, at their ſaid Firſt Meeting, ſhall appoint; and the like General Aſſemblies or Meetings ſhall be held on the Third Tueſday in March and the Third Tueſday in September in every Year for the future, at or before the Hour of Eleven of the Clock in the Forenoon; at which ſaid Firſt Meeting the Proprietors aſſembled, together with ſuch Proxies as ſhall be then preſent, ſhall chuſe Fifteen Perſons who are for the time being Proprietors of Three or more Shares in the ſaid Navigation; which Perſons ſo choſen ſhall be a Committee to manage the Affairs of the ſaid Company of Proprietors in ſuch Manner as is herein after directed, and as ſhall, from time to time, be ordered by ſuch General Aſſemblies as aforeſaid: But if at any Time it ſhall appear to any Fifteen or more of ſuch Proprietors, that for more effectually putting this Act in Execution, a Special Meeting of Proprietors is neceſſary to be held, it ſhall be lawful for ſuch Fifteen or more of them to cauſe Notice to be given thereof in the Birmingham and Worceſter News Papers, or in ſuch other Manner as the ſaid Proprietors, their Succeſſors, or Aſſigns, ſhall at any General Meeting direct or appoint, declaring in ſuch Notices the Place where, and the Time when, ſuch Meeting is to be held, the ſame not being leſs than Ten Days after ſuch Notice given, and likewiſe ſpecifying in every ſuch Notice the Reaſon for, and Intention of, ſuch Meetings reſpectively; and the Proprietors are hereby authorized to meet purſuant to ſuch Notices, and proceed to the Execution of the Powers by this Act given them with reſpect to the Matters ſo ſpecified only; and all ſuch Acts of the Proprietors, or the major Part of them, at ſuch Meetings aſſembled, ſuch major Part

not having, either as Principal or Proxies, less than Three hundred Shares, shall be as valid, to all Intents and Purposes, as if the same were done at Meetings held in Manner herein before appointed.

Committee to be under Controul of General Assembly.

Provided always, That such Committee shall, from time to time, be subject to the Examination and Controul of the said General Assembly, or other Meetings of the said Proprietors as aforesaid, and shall pay due Obedience to all such Orders and Directions in and about the Premisses, as they shall, from time to time, receive from the said Proprietors at any such General Assembly or other Meeting; such Orders and Directions not being contrary to any express Directions or Provisions in this Act contained.

Books to be kept.

And be it further enacted by the Authority aforesaid, That the Book and Books in which all the Accounts relating to the said Undertaking and Navigation shall be stated and settled, and all other Matters relating thereunto, shall be deposited and locked up in a Chest or Box, Chests or Boxes, to be kept at such Place or Places as the said Company of Proprietors, their Successors, and Assigns, shall, from time to time, direct; and the Key or Keys thereof the Committee for the time being shall have in their Custody or Power; and every Proprietor or Proprietors, upon every reasonable Desire, shall have free Access to such Book and Books for his, her, or their Inspection.

General Assemblies to consist of 300 Shares.

Provided always, That if at any such General Assembly there shall not be Persons present who have Three hundred such Shares as aforesaid, either as Principals or Proxies, no Choice of a Committee shall be made at that Time; but in such Case there shall be a new Assembly of the Proprietors of the said Navigation at the same Place upon that Day Three Weeks following, and such Choice shall be then made of Persons to be of the Committee as ought to have been made on the Day herein before appointed, had there then been a sufficient Number of Votes present; and the Persons then chosen to be of the said Committee, shall have the same Power which they would have had, and continue in such Offices until such Time as they would have done, had they been chosen on the said Day herein before appointed; and that in case of Failure of the Meeting of the Persons having Three hundred Votes as Principals or Proxies at such First Meeting, the whole Number of Principals who shall not be present at such Second Meeting, by him, her, or themselves, or his, her, or their Proxies, shall forfeit to the said Company of Proprietors, for every such Share which he, she, or they, shall then have in the said Navi-

Proprietors not meeting, shall forfeit for each Share 5l.

gation

gation and Undertaking, the Sum of Five Shillings for each Share in the said Undertaking, to be stopped out of the next Payment of Interest, or out of the next Dividend of the Profits of the said Undertaking, as the Case may happen.

Power of General Assemblies.

And be it further enacted by the Authority aforesaid, That every such General Assembly shall have Power to call for, audit, and settle, all Accounts of Money laid out and disbursed on account of the said Navigation, with the Receiver or Receivers, and other Officer or Officers to be by them appointed, or any other Person or Persons whatsoever employed by, or concerned for or under them, in and about the aforesaid Navigation; and to that Purpose shall have Power to adjourn themselves over from time to time, and from Place to Place, as shall be thought convenient by the Persons intitled to a Majority of Votes in Manner aforesaid; and every General Assembly, or such Committee met together by the Authority of this Act, shall have Power, from time to time, to make such Call or Calls of Money from the 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 Call do exceed the Sum of Ten Pounds for every One hundred Pounds, and so as no Calls be made but at the Distance of Three Calendar Months at the least from each other; which Money so called for shall be paid to such Person or Persons, and in such Manner, as the said General Assembly shall, from time to time, appoint and direct for the Use of the said Undertaking; and such Committee shall, until the next Annual or other General Assembly to be holden in Manner 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 buying and purchasing Lands, Liberties, and Materials, for the Use of the said Navigation, as in employing, ordering, and directing, the Work and Workmen, and in placing and displacing under Officers, Clerks, Servants, and Agents, and in making all Contracts and Bargains touching the said Undertaking, so that no such Purchase, Bargain, or other Matter, be done or transacted without the Concurrence of a Majority of the said Committee together assembled, such Majority not being less than Nine; and every Owner or Owners of One or more Part or Parts, Share or Shares, in the said Undertaking, shall pay his, her, or their, Shares and Proportions of the Monies to be called for as aforesaid, at such Time and Place as shall be appointed, of which Two Calendar

Months Notice at least shall be given, by publishing the same in the Birmingham and Worcester News Papers, or in such other Manner as the said Proprietors, their Successors, or Assigns, shall at any General Assembly direct or appoint: And if any Person or Persons shall neglect or refuse to pay his, her, or their, rateable or proportionable Part or Share of the said Money to be called for as aforesaid, at the Time and Place appointed by such General Assembly or Committee; he, she, or they, so neglecting or refusing, shall forfeit the Sum of Five Pounds for every One hundred Pounds of his, her, and their, respective Share and Shares, Parts and Interests, in the said Navigation, Undertaking, and Premisses: And in case such Person or Persons shall neglect to pay his, her, or their, rateable or proportionable Part or Share of the said Money to be called for as aforesaid, for the Space of Two Calendar Months after the Time appointed for Payment thereof as aforesaid; then he, she, or they, so neglecting, shall forfeit his, her, and their, respective Share and Shares, Parts, and Interests, in the said Navigation, Undertaking, and Premisses, and all the Profit and Benefit thereof; all which Forfeitures shall go to the rest of the Company of the Proprietors of the said Navigation, their Successors, and Assigns, in Trust for, and for the Benefit of, all the rest of the said Proprietors, in Proportion to their respective Interests.

Subscriber forfeiting his Share, shall have personal Notice, and the Forfeiture must be declared at a General Assembly.

Provided always, That no Advantage shall be taken of any Forfeiture of any Share or Shares of the said Undertaking, till after personal Notice to the Owner, nor unless the same shall be declared to be forfeited at some General Assembly of the said Company of Proprietors, who shall meet within Six Calendar Months next after such Forfeiture shall happen to be made; and every such Forfeiture shall be an Indemnification to and for every Proprietor and Proprietors so forfeiting, against all Action and Actions, Suits, or Prosecutions whatsoever, to be commenced or prosecuted for any Breach of Contract, or other Agreement, betwixt such Proprietor or Proprietors, so forfeiting, and the rest of the Proprietors, with regard to carrying on the said intended Navigation.

General Assemblies may make Bye-laws.

And be it further enacted by the Authority aforesaid, That the said Company of Proprietors, their Successors, and Assigns, for the time being, shall always have Power and Authority, at any General Assembly met as aforesaid, to remove or displace any Person or Persons chosen upon such Committee as aforesaid, or any other Officer or Officers under them; and to revoke, alter, amend, or change, any of the Rules and Directions herein before prescribed and laid down, with regard to

their Proceedings amongst themselves, as to the major Part of them shall seem meet (the Method of calling General 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, for the good and orderly using the said Navigation, Tunnels, and Locks, and for the well governing of the Bargemen, Watermen, and Boatmen, who shall carry any Goods, Wares, and Merchandizes, upon any Part of the said Canal, and to impose and inflict such reasonable Fines or Forfeitures upon the Breakers of such new Rules, Bye-laws, or Orders, as to the major Part of such General Assembly shall seem meet, not exceeding the Sum of Five Pounds for any One Offence; such Fines or Forfeitures to be levied and recovered by such Ways and Means as are herein after mentioned; which said Rules, Bye-laws, and Orders, being put into Writing, under the common Seal of the said Company of Proprietors, their Successors, and Assigns, shall be binding to, and observed by, all Parties, and shall be sufficient, in any Court of Law or Equity, to justify all Persons who shall act under the same.

On the Death of Subscribers, before Share compleated,

Provided also, and be it enacted by the Authority aforesaid, That if any Owner or Owners of any Share or Shares in the said Undertaking, shall happen to die before such Call or Calls shall have been made for the full Sum to be advanced on each Share which he, she, or they, shall have been possessed of, or intitled to, without having made Provision by Will, or otherwise, how such Share and Shares shall be disposed of, and paid in upon Calls for the future; then, and in such Case, the Executors and Administrators of any such Owner so dying, and the Trustee or Trustees, Guardian or Guardians, of any Infant, or other Person or Persons whatsoever, intitled to the Estate or Effects of such Owner deceased, shall be indemnified against all such Infant or Infants, and other Persons whatsoever, for paying any Sum or Sums of Money when called for as aforesaid, to compleat every such Subscription; and if such Owner deceased shall not have left Assets sufficient, or in case the Executor or Administrator, Trustee or Guardian, shall refuse or neglect to answer such Calls and Payments, the said Company of Proprietors shall be, and are hereby empowered, authorized, and required, to admit any other Person or Persons to be Proprietor or Proprietors of the Share and Shares of such Owner deceased, on Condition that he, she, or they, so admitted, do and shall, on or before such Admission, pay to the Executors or Administrators

Executors may do it.

nistrators of such deceased Owner, or the Trustee or Trustees, Guardian or Guardians, of any Infant or others intitled to his or her Effects, the full Sum and Sums of Money which shall have been paid by such Owner in his or her 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.

Shares may be disposed of.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the several Proprietors of such Navigation to sell and dispose of any Share or Shares he, she, or they, shall and may be intitled to therein, subject to the Rules and Conditions herein mentioned; and any Purchaser or Purchasers shall, for his, her, or their Security, as well as that of such Proprietor or Proprietors, have a Duplicate or Duplicates of the Deed of Bargain and Sale, or Conveyance made unto him, her, or them, and executed by such Person or Persons of whom he, she, or they, shall purchase the same; and also by the Purchaser or Purchasers; One Part whereof, duly executed both by the Seller and Purchaser, shall be delivered to the said Committee, or their Clerk for the time being, to be filed and kept for the Use of the said Company; and an Entry thereof shall be made in a Book or Books to be kept by the said Clerk for that Purpose, for which no more than One Shilling shall be paid, and the said Clerk is hereby required to make such Entry accordingly; and until such Duplicate of such Deed shall be so delivered unto the said Committee, and filed and entered as above directed, such Purchaser or Purchasers shall have no Part or Share of the Profits of the said Navigation, nor any Interest for his said Share paid unto him, her, or them, or any Vote as Proprietor or Proprietors.

After a Call, no Share to be sold till the Money paid.

And be it further enacted by the Authority aforesaid, That after any Call of such Monies shall be made by a General Assembly, or such Committee as aforesaid, no Person or Persons shall sell or transfer any Share which he, she, or they, shall then have in the said Undertaking, until the Monies called for, upon their respective Share or Shares so to be sold, shall be paid, upon the Penalty of forfeiting his, her, or their, respective Shares of the said Undertaking to the said Company, in Trust, for the Benefit of all the said Proprietors, unless the Person or Persons who shall be Vendor or Vendors shall, at the Time of such Transfer, pay the Money called for upon each Share so transferred, to the Treasurer of the said Company; such Forfeiture nevertheless to be notified and declared at a General Assembly in Manner above directed.

And

And be it further enacted by the Authority aforesaid, That the Sale of the said Shares shall be in the following Form; to wit, Form of the Sale.

I *A. B.* in Consideration of paid to me by *C. D.* do hereby bargain, sell, and transfer, to the said *C. D.* his Heirs, and Assigns, or more (Share or Shares, as the Case is) of the Undertaking of the *Staffordshire* and *Worcestershire* Canal Navigation, to hold to him the said *C. D.* his Heirs, and Assigns, subject to the same Rules and Orders, and on the same Conditions, that I held the same immediately before the Execution hereof: And I the said *C. D.* do hereby agree to accept of the said (Share or Shares) of the said Undertaking, subject to the same Rules, Orders, and Conditions. Witness our Hands and Seals, the Day of in the Year of our Lord

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Company of Proprietors, their Successors, and Assigns, or the major Part of them at any General Meeting assembled, and they are hereby authorized and required, from time to time, to nominate and appoint, by Writing under their Hands, a Person to be their Clerk; who shall, in a proper Book or Books to be provided for that Purpose, enter and keep a true and perfect Account of the Names and Places of Abode of the several Proprietors of the said intended Navigation, and of the several Persons who shall, from time to time, become Owners and Proprietors, or intitled to any Share or Shares of and in the said Navigation and Undertaking, and of all the other Acts, Proceedings, and Transactions, of the said Company of Proprietors, their Successors, and Assigns, by Virtue of, and under the Authority of this Act; and that each of the said Proprietors, Land Owners, and other Persons, interested or concerned in, or affected by, the said Navigation, 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 to the said Commissioners, gratis; and may demand and have Copies thereof, or of any Part thereof, paying Three Pence for every Two hundred Words so to be copied: And if any such Clerk or Clerks shall refuse to permit any such Person or Persons, so interested as aforesaid, to inspect or peruse such Book or Books, or refuse to make any such Copy or Copies at the Rate or Time aforesaid; he shall, for every such Offence, pay and forfeit the Sum Clerk to be appointed, and his Office.

of Five Pounds: And whenever such Clerk or Clerks shall dies or quit the Service of the said Proprietors, it shall and may be lawful for the Committee of such Proprietors for the time being, or any Nine of them, to appoint some other fit Person in the Place of the Clerk so dying or quitting the Service of the said Proprietors, until the then next General Meeting, when a new Clerk shall be nominated and appointed for the Purposes aforesaid.

Proceedings of Commissioners to be entered in a Book,

And be it further enacted by the Authority aforesaid, That all the Orders and Proceedings of the said Commissioners shall be regularly entered in a Book or Books, to be kept for that Purpose; and such Entries, being signed by such Number of the said Commissioners respectively as are impowered by this Act to make such Orders, or carry on such Proceedings, shall be deemed Originals, and admitted as Evidence in all Courts whatsoever.

and to be admitted as Evidence.

Clerk appointed.

And the said Commissioners, or any Five or more of them, may, and are hereby required, at a Meeting to be held by them at the Red Lion Inn in Wolverhampton aforesaid, on the Twenty fourth Day of June next, appoint, out of Three Persons to be nominated by the said Company of Proprietors, their Successors, and Assigns, such One of the said Three Persons as they the said Commissioners shall think proper, to be their Clerk; and, from time to time, remove such Clerk, and appoint another in his Stead, out of the Three Persons to be nominated as aforesaid; which Clerk shall be paid for his Care and Trouble in the Execution of such Office by the said Company of Proprietors, their Successors, and Assigns.

Tolls allowed to be taken.

And be it further enacted by the Authority aforesaid, That, in Consideration of the great Charges and Expences the said Company of Proprietors, their Successors, and Assigns, will be at in making, maintaining, and supplying with Water the said Cut or Canal, and in making and maintaining all the other Works hereby authorized to be made and erected, it shall and may be lawful to and for the said Company of Proprietors, their Successors and Assigns, from time to time, and at all Times hereafter, to ask, demand, take, and recover, to and for their own proper Use and Behoof, for Tonnage and Wharfage, for all Iron, Iron Stone, Coal, Stones, Timber, and other Goods, Wares, Merchandize, and Commodities whatsoever, which shall be navigated, carried, or conveyed, upon or through the said Cut and Canal, such Rates and Duties as the said Company of Proprietors, their Successors, and Assigns, shall think fit, not exceeding the Sum of One Penny

Halfpenny per Mile for every Ton of Iron, Iron Stone, Coal, Timber, Stone, and other Goods, Wares, Merchandize, and Commodities, which shall be navigated, carried, or conveyed, upon or through the said Cut or Canal, and so in Proportion for any greater or less Quantity than a Ton; which said Rates and Duties shall be paid to such Person or Persons, at such Place or Places near to the said Cut or Canal, in such Manner and under such Regulations as the said Company of Proprietors, their Successors, and Assigns, shall direct or appoint; and in case of Denial of Neglect of Payment of any such Rate or Duty, or any Part thereof, on Demand, to such Person or Persons as aforesaid, the said Company of Proprietors, their Successors, and Assigns, may sue for the same, by Action of Debt or upon the Case, in any Court of Record, or the Person or Persons to whom the said Tolls ought to have been paid may, and he and they is and are hereby impowered to seize and distrain any such Boat or Vessel or Goods, for or in respect whereof any Rates or Duties ought to be paid, or any Part of such Goods, and detain the same until Payment thereof, together with reasonable Charges for such Seizure and Distress; and if such Distress shall not be redeemed within Five Days after the taking thereof, the same shall be appraised and sold, as the Law directs in Cases of Distress for Rent.

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

Provided always, and be it further enacted by the Authority aforesaid, That if any Iron, Iron Stone, Coals, Lime, or other Goods whatsoever, which shall be so navigated, carried, or conveyed, shall remain upon any Wharf or Wharfs belonging to the said Company of Proprietors, their Successors, and Assigns, for above the Space of Twenty four Hours; then, and in such Case, the said Company of Proprietors, their Successors, and Assigns, shall be intitled to and receive such Allowance, over and above the Tonnage Rates herein before limited, as shall be agreed upon between the said Company of Proprietors, their Successors, and Assigns, or their Agent or Agents, and the Owner or Owners of such Iron, Iron Stone, Coals, or other Goods, or, in case of Difference concerning the same, as shall be ascertained by the said Commissioners, or any Five or more of them.

Lime to pay but One Third Part of the Rates.

Provided also, and be it further enacted by the Authority aforesaid, That Lime and Lime Stone shall not pay more than One Third Part of the Rates, Tolls, or Duties before mentioned; and that paving Stones, Gravel, Sand, and all other Materials for making and repairing of Roads (Lime Stone excepted) and also Dung, Soil, Marl, and all Sorts of Manure for the

Improvement

Improvement only of the Lands and Grounds of all and every Person and Persons whose Lands or Grounds shall or may be had or taken for or upon account of making the said Cut or Canal, or any Part thereof, shall not, nor shall any of them be charged with or liable to pay any of the Rates, Duties, or Tolls, authorized to be taken by this Act for being carried upon the said Cut or Canal, or any Part thereof, but shall be free and exempted from the same; so that the Things hereby exempted from the Payment of such Tolls or Duties do not pass through any Lock authorized to be made by virtue of this Act, but at such Times when the Water shall flow through the Gauge, Paddle, or Mitch, of such Lock: And also, that such Person or Persons who shall own, or be concerned, or employed in carrying paving Stones, Gravel, Sand, or other Materials, for the Repair of Roads, or Dung, Soil, Marl, or other Manure (except Lime and Lime Stone) shall have free Liberty to make use of the Towing Paths, Wharfs, or Quays, belonging to the said Company of Proprietors, their Successors, and Assigns; such Person or Persons not suffering such paving Stones, Gravel, Sand, or other Materials, for repairing Roads, or Dung, Soil, Marl, or other Manure, to lie upon such Wharfs or Quays longer than may be necessary for loading, unloading, and conveying the same from and to the several Places where they are put on board and unloaded, and making good any Damages that may be done to the Sides or Banks of the said Cut or Canal, or any Part thereof, by the loading, unloading, or discharging, any Boats or other Vessels; which Recompence or Satisfaction, in case of any Difference, shall be settled and ascertained by the said Commissioners, or any Five or more of them.

Rates to be fixed by Proprietors, and to be equal throughout the whole Navigation.

And be it further enacted by the Authority aforesaid, That the said Company of Proprietors, their Successors, and Assigns, shall, at their First General Assembly to be held by the Direction of this Act, fix the Rates, Tolls, or Duties, to be taken by them by virtue of this Act; which said Rates, Tolls, or Duties, shall be equal throughout the whole Length of the said Canal; and that it shall and may be lawful to and for the said Company of Proprietors, their Successors, or Assigns, at any General Assembly to be afterwards held for that Purpose, of which Three Months Notice shall be given in the Manner herein after mentioned, to lessen or reduce all or any of the said Rates, Tolls, and Duties, hereby granted, or so fixed at such First General Assembly, as they shall think proper; and may afterwards, from time to time,

time, at any General Assembly, of which such Notice shall be given as aforesaid, advance all or any of the said Rates, Tolls, or Duties, so lessened, to any Sum or Sums of Money, not exceeding the respective Rates, Tolls, and Duties, herein before mentioned; and that no Reduction of the Rates, Tolls, and Duties, hereby granted, shall be confined to any particular Part of the said Cut or Canal, but shall extend to and take Place upon the Whole and every Part thereof, and shall be made with the Consent of the Proprietors of at least Two Thirds of the Shares in the said Navigation: Provided always, That such Alterations, to be made from time to time in the said Rates, Tolls, or Duties, shall, before they are put in Force, have the Approbation of the said Commissioners, or any Twenty one or more of them, at a General Meeting to be held for that Purpose at the Red Lion in Wolverhampton in the County of Stafford aforesaid; Notice of such Meeting to be given in the Birmingham and Worcester News Papers, at least Six Weeks before such Meeting; any thing in this Act to the contrary notwithstanding.

Masters of Boats to give an Account, in Writing, to the Collectors, of the Particulars of the Goods, &c.

And for the more easy collecting the said Rates and Duties hereby laid and directed to be paid, be it further enacted by the Authority aforesaid, That the Masters, Owners, and Managers of every Boat, Keel, and other Vessel, navigating upon the said intended Cut or Canal, or on any Part thereof, shall give a just Account in Writing, signed by the Master, Owner, or Person having the Rule or Command of every such Boat or other Vessel, to the Collectors of the said Tonnage or Duties, at the Place or Places where they shall attend for that Purpose, of what Quantities of Goods shall be in or belonging to each Boat or other Vessel, from whence brought, and where they intend to land the same; but if the Goods contained in such Boat shall be liable to the Payment of different Tolls, then such Master, Owner, or Person, shall specify the Quantities liable to the Payment of each Toll; and in case they neglect or refuse to give such Account, or shall give a false Account, or shall deliver any Part of their Loading or Goods at any other Place or Places than what is or are mentioned in that Account, they shall forfeit and pay to the said Company of Proprietors, their Successors, and Assigns, the Sum of Ten Shillings for every Ton of Goods which shall be in such Boats or Vessels respectively, of which such Account shall be so refused to be given, or of which such false Account shall be given, or which shall be delivered out as aforesaid, as the Case shall happen to be, over and above the respective Rates and Duties they are obliged to pay for the same; and in case of Neglect,

on Penalty of Ten Shillings *per* Ton.

Refusal, or Denial of Payment, on Demand, of such Forfeiture or Forfeitures before mentioned, or any Part thereof, to the said Company of Proprietors, their Successors, and Assigns, that then, and in such Case, the same shall be recovered and levied in such Manner, and by such Methods, as the said Tolls, Rates, and Duties, hereby granted to the said Company of Proprietors, their Successors, and Assigns, are herein before directed and appointed to be recovered and levied.

What Quantity of Timber shall be deemed a Ton.

And, for the better ascertaining the Tonnage of Timber and Wood to be charged with the Payment of such Rates, Tolls, and Duties, as aforesaid, it is hereby enacted and declared, That Fifty Feet of round, or Forty Feet of square Oak, Ash, or Elm Timber, or Fifty Feet of Fir or Deal Balk, Poplar, and other Wood, shall be deemed, rated, and estimated, as and for One Ton Weight.

In case of Difference concerning Weight of Goods, Collector may weigh them, &c.

And be it further enacted by the Authority aforesaid, That if any Difference shall arise between any Collector of the said Rates and Duties, and the Master or Person having Charge of any Boat or Vessel, or the Owner of any Goods, Wares, or Merchandize, concerning the Weight and Quantity of the same; it shall be lawful for any such Collector to stop and detain any such Boat or Vessel, and to weigh, measure, gauge, or cause to be weighed, measured, or gauged, all such Goods, Wares, and Merchandize, as shall be therein contained: And in case the same shall, upon such weighing, measuring, or gauging, appear to be of greater Weight or Quantity than such Master, Owner, or Person having the Care of the said Boat or Vessel, affirmed the same to be; then the Master, Owner, or Person, so affirming, shall pay the Costs and Charges of such weighing, measuring, and gauging; all which said Costs and Charges, upon Refusal of Payment thereof upon Demand, shall and may be recovered and levied as the said Rates and Duties are hereby appointed to be recovered and levied: But if such Goods, Wares, and Merchandize, shall appear to be of the same or less Weight or Quantity than the Master, Owner, or Person, so declared the same to be; then the said Collector shall pay the Costs and Charges of such weighing, measuring, and gauging, and shall also pay to such Master or Person, or to the Owner or Owners of such Goods, Wares, and Merchandize, such Damages as shall appear to the said Commissioners, or any Five or more of them, upon the Oath of One or more credible Witness or Witnesses, to have arisen from such Detention; and in Default of immediate Payment thereof, the same shall be recovered from the Company of Proprietors of the said Navigation, their Successors, or

Assigns, by Action of Debt in any of His Majesty's Courts of Record.

Navigation to be free upon Payment of Tolls.

Provided always, and be it further enacted by the Authority aforesaid, That all Persons whatsoever shall have free Liberty to use, with Horses, Cattle, and Carriages, the private Roads and Ways, except the Towing Paths, and with Boats or other Vessels the navigable Cuts, Canals, or Sluices, to be made by virtue of this Act, for the Purpose of conveying Iron, Iron Stone, Coal, Stone, Timber, and other Goods, Wares, Merchandize, and Commodities whatsoever, to or from the said Cut or Canal, Trenches or Passages; and also to navigate upon the said Cut or Canal, Trenches, Sluices, or Passages, with any Boats or Vessels not exceeding Seven Feet in Breadth, and to use the said Wharfs or Quays for loading and unloading Iron, Iron Stone, Coals, and other Goods and Commodities, and the said Towing Paths for haling and drawing such Boats and Vessels; upon Payment of such Rates and Duties as shall be demanded by the said Company of Proprietors, their Successors, and Assigns, not exceeding the Rate herein before mentioned.

Vessels under 15 Tons not to pass Locks without Consent of Company.

Provided also, and be it enacted by the Authority aforesaid, That no Boat or other Vessel of less Burthen than Fifteen 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, their Successors, or Assigns, or their principal Agent for the time being, in Writing first had and obtained.

Allowing the Owners of Lands to use Pleasure Boats on the Canal.

Provided always, and it is hereby further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Owners and Occupiers of any Lands adjoining to the said Canal, to use any Pleasure Boat and Boats upon the said Canal, not passing through any Lock without the Consent of the said Company of Proprietors, their Successors, or Assigns, or their principal Agent for the time being, without any Interruption from the said Company of Proprietors, their Successors, or Assigns, and without paying any Rate or Duty for the same; so as the same be not made use of for carrying any Goods, Wares, or Merchandize; and so as the same shall and do not obstruct or prejudice the Navigation of the said intended Cut or Canal, or the Towing Paths on the Sides thereof.

Drains to be made into the Canal, to convey the Water from the Lands adjoining, and how the same shall be maintained.

And, to the End that the said Navigation may be carried on with as little Damage to private Property as possible, be it further enacted by the Authority aforesaid, That the said Company of Proprietors, their Successors, and Assigns, shall, and they are hereby required, at their own proper Costs and Charges, to make, or cause

cause to be made, such Arches, Tunnels, Drains, or other Passages, over, under, or into, the said Cut or Canal authorized to be made by this Act, and the said Trenches, Streams, and Watercourses, communicating therewith, and Towing Paths on the Sides thereof, of such Depth and Breadth as shall be sufficient at all Times to convey the said Water from the Lands adjoining or lying near to the said Cut or Canal, without obstructing or impounding the same; and that all such Arches, Tunnels, Drains, or other Passages, shall from time to time be supported, maintained, and kept in good and sufficient Repair, by the said Company of Proprietors, their Successors, and Assigns: And if at any Time or Times after One Calendar Month's Notice shall be given by or on Behalf of any Owner or Occupier, Owners or Occupiers, of the said adjacent Lands, who shall find him, her, or themselves, aggrieved by the Obstruction of the said Watercourses, to any One of the said Committee for the time being, or to the known Agent or Collector of Tolls of the said Proprietors for the time being, the said Arches, Tunnels, Drains, or other Passages, shall not be made, cleansed, repaired, and maintained, according to the true Intent and Meaning of this Act; it shall and may be lawful for any Person or Persons, having an Order in Writing for that Purpose from any Five or more of the Commissioners, from time to time, as often as there shall be Occasion, to make, cleanse, and repair such Arches, Tunnels, Drains, or other Passages; and the reasonable Expences thereof, to be ascertained by the said respective Commissioners, or any Five or more of them, shall be defrayed by the said Company of Proprietors, their Successors, and Assigns; and in case of Neglect or Refusal to satisfy the same for the Space of One Calendar Month after Demand thereof made upon their Agent or Agents, or upon any Collector of the Tolls upon the said Navigation, such Expences shall and may be recovered and levied in such Manner as the Costs and Charges of making and erecting Bridges and other Works, by the Owners or Occupiers of Lands, are by this Act directed and appointed to be recovered and levied.

Where Cattle deprived of Watering-places, others to be provided.

And be it further enacted by the Authority aforesaid, That where, by means of making the said navigable Cut or Canal, any Cattle which use to depasture in the adjacent Lands or Grounds shall be cut from and deprived of their usual Watering-places; that then, and in such Cases, the said Company of Proprietors, their Successors, and Assigns, shall, at their own proper Costs and Charges, set out and provide proper and convenient Places in the Lands adjoining to the said navigable

Cut

Cut or Canal, for Cattle to drink out of and water at, in every such Ground where they were heretofore accustomed to drink and water as aforesaid; and to supply the said Watering-places with Water from and out of the said Cut or Canal, if necessary.

Towing Paths to be fenced from the adjoining Lands, &c.

And be it further enacted by the Authority aforesaid, That the said Company of Proprietors, their Successors, and Assigns, shall, at their own proper Charges, divide and separate, and keep constantly divided and separated, the Towing Paths on each Side of the said Cut or Canal, and navigable Trenches or Passages, or such Part or Parts thereof as shall be found necessary by the said Commissioners, or any Five or more of them, with a sufficient Post and Rail, Hedge, Ditch, Trench, Bank, or other Fence, sufficient to keep in Sheep and other Cattle, to be set and made on the Lands or Grounds which shall be purchased by, conveyed to, or vested in, them as aforesaid, from the Lands or Grounds adjoining to such Towing Paths; and 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 Charges, make, erect, and set up, such and so many convenient Gates, Bridges, and Stiles, in and over all the Hedges and Fences to be by them so made on the Sides of such Towing Paths as aforesaid; and also such Bridges, Arches, and Passages, over, or under, or through, the said Cut or Canal, and the said Trenches, Streams, and Watercourses, and of such Dimensions, and in such Manner, as the said Commissioners, or any Five or more of them, shall, from time to time, judge necessary and appoint, for the Use of the Owners and Occupiers of the Lands and Grounds, or Hereditaments, adjoining to such Cut or Canal, Trenches, Streams, Watercourses, and Towing Paths, or any of them respectively: And the said Company of Proprietors, their Successors, and Assigns, shall not make the said Cut or Canal, or any Trench or Watercourse, or any Part thereof, in or across any common Highway, publick Bridleway, or Footpath, until such Time as they shall, at their own proper Charges, have made and perfected such Bridge or Bridges over, or covenient Passages through, or Arch or Arches under, the said Places where the said Cut, Canal, Trench, or Watercourse respectively, shall be intended to be made, for such Road, Way, or Path, and of such Dimensions, and in such Manner, as the said Commissioners, or any Five or more of them, shall adjudge proper; and all such Gates, Stiles, Bridges, and Bridges, &c. to be made.

Arches, and other Conveniencies to be made, shall, from time to time, be supported, maintained, and kept in sufficient Repair, by the said Company of Proprietors, their Successors, and Assigns.

In case of Failure, the Commissioners to do it.

And be it further enacted by the Authority aforesaid, That in case the said Company of Proprietors, their Successors, and Assigns, or their Agents, shall fail or neglect to make, erect, and set up, such Gates, Bridges, and Stiles, in and over the Fences on the Sides of the said Towing Paths, or such Bridges, Arches, and Passages over, under, or through, the said Cut or Canal, 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 adjoining thereto, of such Dimensions, and in such Manner, as the said Commissioners, or any Five or more of them, shall, from time to time, direct or appoint, for the Space of Three Calendar Months next after the Times to be appointed for those Purposes by the said Commissioners, or any Five or more of them; then, and in every such Case, it shall and may be lawful to and for every or any of the said Owners or Occupiers of the said adjacent Lands or Grounds, who shall find themselves or himself aggrieved by any such Failure or Neglect, to make, erect, and set up, all such Gates, Stiles, Bridges, Arches, Passages, Watering-places, and other Conveniencies aforesaid, as the said Commissioners, or any Five or more of them, shall have before directed or appointed to be made, erected, and set up, by the said Company of Proprietors, their Successors, and Assigns, as aforesaid; and all the reasonable Costs and Charges thereof, to be settled and allowed by the said Commissioners, or any Five or more of them, shall be repaid to the respective Owners or Occupiers of the said adjacent Lands, who shall have so made and erected the said Gates, Stiles, Bridges, Arches, Passages, Watering-places, or other Conveniencies as aforesaid, by the said Company of Proprietors, their Successors, and Assigns, within the Space of Twenty Days next after the same shall have been so settled and allowed, and an Account and Demand shall have been delivered and made thereof; and in Default of Payment of the said Costs and Charges within the Time aforesaid, the said Commissioners, or any Five or more of them, 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 the Goods and Chattles of the said Company of Proprietors, their Successors, and Assigns,

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in or upon the said Cut or Canal, or the Wharfs, Quays, or Warehouses, adjoining or near thereunto, and for the Use of such Person or Persons who shall have so laid out and expended the same as aforesaid, rendering to the said Company of Proprietors, their Successors, and Assigns, or to some of their Agents, the Overplus (if any such there be) after deducting the reasonable Charges of making such Distress and Sale, to be settled by the said Commissioners, or any Five or more of them; or otherwise, every or any of the said Owners or Occupiers of Lands, who shall have made, erected, or set up, any such Gates, Stiles, Bridges, Arches, Passages, Watering-places, or other Conveniencies as aforesaid, upon the Failure or Neglect of the said Company of Proprietors, their Successors, and Assigns, doing the same, or paying the said Costs and Charges as aforesaid, shall and may have such and the like Remedy against the Company of Proprietors, their Successors, and Assigns, for the Recovery of such Costs and Charges, by Action of Law, to be commenced and prosecuted in such Manner as in other Cases is in and by this Act mentioned and directed.

In case of Failure of Proprietors to repair, the Land Owners to do it.

And be it further enacted by the Authority aforesaid, That in case the said Posts, Rails, Hedges, Ditches, Trenches, Banks, or other Fences aforesaid, or the said Gates, Stiles, Bridges, Arches, Passages, Watering-places, or other Conveniencies, shall, by Time or any Accident, be damaged or out of Repair, it shall be lawful for the said respective Owners and Occupiers of Lands and Grounds on both or either of the Sides of the said navigable Cut or Canal, Trenches, or Passages, to apply to the said Commissioners, or any Five or more of them, giving at least Fourteen Days previous Notice of such intended Application to the said Proprietors, and of the Time and Place of making such Application, by inserting the same in the Birmingham and Worcester News Papers, or in such other Manner as the said Proprietors, their Successors, or Assigns, shall at any General Meeting direct or appoint; and the said Commissioners, or any Five or more of them, are hereby authorized, by their Warrant in Writing, under their respective Hands and Seals, to authorize and impower such Owner or Owners, Occupier or Occupiers, of Lands respectively, to do such Repairs as to them shall seem just, in case the said Proprietors shall not do the same within Twenty one Days from the making of such Order; and the said Owner or Owners, Occupier or Occupiers respectively, shall have and recover the Costs and Charges thereof by such Ways and Means as

as are herein before provided, for having and recovering the Costs and Charges of making, erecting, and setting up, the same originally, by the said Owner or Owners, Occupier or Occupiers respectively, in the Case of the said Proprietors failing or neglecting to make or erect the same.

Owners of Lands impowered to make Bridges at their own Expence.

Provided always, and be it enacted by the Authority aforesaid, That if the Owners or Occupiers of any Lands through which the said intended Cut or Canal shall be made, do or shall, at any Time or Times hereafter, find, upon Experience, that the several Gates, Stiles, Bridges, Arches, Passages, Watering-places, and other Conveniencies, which the said Commissioners, or any Five or more of them, shall have limited or directed to be made by the said Company of Proprietors, their Successors, and Assigns, in, upon, over, under, or through, the said Cut or Canal, or the Towing Paths thereof, are insufficient, either in the Number or Situation, for the commodious Use and Occupation of their respective Lands and Grounds on both Sides, or on either Side of the said Cut or Canal; that then, and so often, or in any such Case, it shall and may be lawful to and for every or any such Owners or Occupiers of the said Lands for the time being, with the Consent and Approbation of the said Committee for the time being, or of the major Part thereof, upon Request made to them for that Purpose; or in case of their Refusal for the Space of Ten Days after such Request, then with the Consent and Approbation of the said Commissioners, or any Five or more of them, to make, fix, and erect, at their own Costs and Charges, One or more Gate or Gates, Stiles, Bridges, Arches, Passages, Watering-places, or other Conveniencies, of the same or the like Construction with others made and erected by the said Company of Proprietors, their Successors, and Assigns, on, in, over, or near, the said Cut or Canal, or Towing Paths thereof, in such Places as shall be found and judged most necessary and convenient for the better Use, Cultivation, Improvement, or Occupation thereof; and to repair and support the same at their own like Costs and Charges, as Occasion shall require; so as the Navigation of, in, or upon, the said Cut or Canal, be not prevented or obstructed thereby for any longer Space of Time, or in any other Manner, than the same will necessarily be by any of the other Gates, Stiles, or Bridges, to be made or erected in or over the same Cut or Canal by the said Company of Proprietors, their Successors, and Assigns, as aforesaid.

Provided also, and it is hereby further enacted by the Authority aforesaid, That nothing in this Act contained shall

shall extend, or be construed to extend, to enable the said Proprietors, their Successors, or Assigns, to erect or build any Mill or Mills upon the said intended Cut or Canal hereby authorized to be made, or upon the Lands which shall be set out for the Towing Paths, Wharfs, or Quays, on the Sides thereof; or to convert, employ, or use, any Water that shall be brought into, or discharged out of, the said Cut or Canal, Trenches, or Sluices, hereby authorized to be made, to or for the Use of any Mill or Mills hereafter to be erected near the same; or to make, erect, or build, any Warehouses, Buildings, Quays, Wharfs, Cranes, or Weigh Beams, within the Distance of Fifty Yards of any Capital, or Mansion House, or in or upon any Fold, Yard, Garden, Park, Paddock, planted Walk, or Avenue to a House, or Lawn inclosed, adjoining to any Mansion House, that are used as such at this Time; or to take down or damage any Dwelling House or Out House, without the Consent of the Proprietor or Proprietors thereof respectively; or to cut down any Timber, Wood, Brush-wood, or Under-wood, upon any of the Estates or Lands through or into which the said navigable Cut or Canal, Trenches, Sluices, Roads, Passages, or Conveniencies, or any Part thereof respectively, shall be made or carried; except such Timber, Wood, Brush-wood, or Under-wood, as shall grow or be in or upon any of the Lands or Grounds which shall be set out and ascertained, taken, or used, for the making the said navigable Cut or Canal, Towing Paths, Trenches, Sluices, Roads, Passages, or Conveniencies respectively, as aforesaid; and that the Proprietors of the respective Lands or Grounds on which such Timber, Wood, Brush-wood, or Under-wood, shall grow, at the Time of passing this Act, their Heirs, or Assigns, shall have it in their Option to take such Timber, Wood, Under-wood, and Brush-wood, respectively, when fallen or cut down by the said Company of Proprietors, their Successors, and Assigns, at such Price or Value as the same respectively shall have been estimated at, or purchased by, the said Company of Proprietors, their Heirs, Successors, and Assigns; which Timber, Wood, Brush-wood, or Under-wood, so fallen by, or for the Use of the said Company of Proprietors, shall and may be carried to and from any Part of the said Cut or Canal, free from all Tolls and Duties to be raised or 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 or distinct from the Lands or Grounds upon which the same respectively shall 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

No Mills to be built on the Canal, or Towing Paths, or Warehouses, &c. in any Garden, &c.

Houses, not to be damaged, or Timber cut, except, &c.

Company, their Successors, and Assigns, or their Agents, or in case of any Difference of settling and ascertaining the same, then at such Price or Value as the said Commissioners, or any Five or more of them, shall direct and appoint.

Land Owners may erect Warehouses, &c. on their own Lands.

Provided always, and be it enacted by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to restrain or hinder the Lord or Lords of any Manor or Manors, or the Owner or Owners of any Lands or Grounds through which the said intended Cut or Canal shall be made, under or by virtue of this Act, from making, erecting, or using, any Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouses, in or upon their respective own proper Lands, Grounds, or Wastes, adjoining or near to the said Cut or Canal hereby authorized to be made, or from landing any Goods or Merchandize, or other Things thereupon, or upon the Banks lying between the same and the said new intended Cut or Canal, or for making and using proper and convenient Places for Boats or other Vessels to lie in, turn, or pass by each other; so that the making, erecting, or using, thereof respectively, shall and do not obstruct or prejudice the Navigation of the said intended Cut or Canal, or the Towing Paths on the Sides thereof; and all Rates, Dues, and Duties that shall be paid for the Use and Benefit of the said Wharfs, Quays, Landing Places, Cranes, Weigh Beams, and Warehouses respectively, shall be, and the same are hereby, vested in such Lord or Lords of such Manor or Manors, or the Owner or Owners of such Lands or Grounds, or Wastes, who shall make and erect such Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouses, upon their respective own proper Lands, Grounds, or Wastes respectively, his her, and their Heirs and Assigns, so that the Rates, Tolls, or Duties, granted to the said Company of Proprietors, their Successors, and Assigns, for the Tonnage and Wharfage, shall not be thereby reduced or altered.

But if not done within 12 Months after Notice, Proprietors may build.

Provided also, and be it enacted by the Authority aforesaid, That if any such Lord or Lords, Owner or Owners, shall not, within the Space of Twelve Calendar Months after Notice given in Writing, by or on Behalf of the said Company of Proprietors, their Successors, and Assigns, that any Part or Parts of such Lands, Grounds, or Wastes, is or are intended to be used by them for the Purpose of erecting Warehouses and Buildings for the Use of the said Navigation, make, erect, and maintain, and keep in substantial Repair, in the Opinion of the said Commissioners, or any Five or more of them, proper and sufficient Warehouses and Buildings, agreeable to a Plan

a Plan or Plans thereof, which is and are hereby required and directed to be delivered to such Lord or Lords, Owner or Owners, at the same Time or Times when such Notice or Notices shall be given as aforesaid, on the respective Part or Parts of the Lands, Grounds, and Wastes, comprized or described in such Notice; then, and in every such Case, the said Company of Proprietors, their Successors, and Assigns, shall have full and absolute Power and Authority, without any Hindrance or Restraint whatsoever, to make use of such Lands, Grounds, or Wastes, except such as are herein before particularly specified and excepted, for erecting and building such sufficient Warehouses and Buildings, agreeable to such Plan or Plans so delivered to the Lord or Lords, Owner or Owners, as aforesaid, and by, after, or according to, no other Plan or Plans whatsoever; first making Satisfaction for the same, in such Manner as is directed with respect to other Lands or Grounds which shall be taken or used for the like Purposes.

For ascertaining the Rate to be paid for Wharfage.

And be it further enacted by the Authority aforesaid, That no more than the Sum of Three Pence per Ton shall be demanded or taken for Wharfage, by any Person or Persons, Proprietor or Proprietors, Land Owner or Land Owners, who shall or may, at any Time hereafter, make, erect, or build, any Wharfs or Quays, on any Part of the said intended Cut or Canal, by virtue of this Act, unless the Goods, Wares, or Merchandize, which shall be laid thereon, shall remain or continue on such Wharf or Quay, for a longer Space of Time than Six Days.

Masters to put their Names on the Outside of their Boats.

And, for the better regulating of Masters of Boats, Bargemen, and others, employed by or under them respectively, and for the more easy Detection of any Thing by them, or any of them respectively, done, contrary to the Directions of this Act, be it further enacted by the Authority aforesaid, That every Master, or Person having the Rule or Command of any Boat or other Vessel, passing on the said intended Cut or Canal, shall cause his Name to be set in large painted White Capital Letters, on each of the Outsides of every such Boat or other Vessel, higher than the same shall sink into the Water when full loaded; and shall also permit and suffer every such Boat or other Vessel to be measured, at the Expence of the Proprietors of the said Navigation, and shall permit the same to be measured whenever it shall be required by the said Company of Proprietors, or such Person or Persons as shall be appointed by them for that Purpose; provided that no such Vessel shall be measured more than Four Times in any One Year: And every Owner, Master, or other Person, having the Rule or Command

Boats, &c. to be measured.

of

of any Boat or other Vessel, who shall refuse or neglect to put his Name on any such Boat or other Vessel, in Manner aforesaid, or shall alter, deface, erase, or destroy, any Letter describing such Name as aforesaid, or shall refuse to have his or their Boats or other Vessels measured as aforesaid; he or they shall, for every such Offence respectively, forfeit and pay to the said Company of Proprietors, their Successors, or Assigns, the Sum of Forty Shillings.

Boat Master or Owner made answerable for Damages done by the Crew.

And be it further enacted by the Authority aforesaid, That the Master or Owner of every Boat or other Vessel navigating within the Limits of the said Navigation, shall be and is hereby made answerable for any Damage, Spoil, or Mischief, that shall be done by his Boat or other Vessel, or any of the Boatmen or Watermen belonging to or employed in or about the same respectively, unto any of the Bridges, Weares, Locks, Dams, Engines, or other Works, in, upon, or near the said intended Cut or Canal, Trenches, Sluices, and Passages, or by loading or unloading any Boat or other Vessel; and for any Trespass or Damage that shall or may be done to the Owners or Proprietors of any Building, Erections, Lands, or Tenements, adjoining to the same, or any of them, other than is authorized by this Act: And the said Master or Owner of such Boat or Vessel shall and may be sued and prosecuted for the same in any Court of Record whatsoever; and if found guilty, or a Verdict pass against him, or Judgement be given against him, upon Demurrer or by Default, the Plaintiff in any such Case shall recover his Damages thereby sustained, with Double Costs of Suit.

Proper Places to be made for Boats to turn in and lie in for other Boats to pass by.

And be it further enacted by the Authority aforesaid, That the said Company of Proprietors, their Successors, and Assigns, shall and may, and they are hereby required, in such Parts of the said navigable Cut or Canal, Trenches, or Sluices, as shall not be of a sufficient Breadth for admitting a Boat or Vessel to turn about and lie, or Two Boats or other Vessels to pass each other, to open or cut proper Spaces or Places in the said Lands adjoining to the said intended navigable Cut or Canal, Trenches, or Sluices, at convenient Distances from each other, for the turning, lying, and passing, of any such Boat or Vessel; and that the said Boats or other Vessels, sailing, or being haled, or navigated, upon the said Canal, Trenches, or Sluices, shall, upon meeting any other Boat or Vessel, stop at or go back to and lie in the said Spaces or Places, in such Manner as the said Committee, or the major Part of them, under their Hands and Seals, shall direct and appoint.

And be it further enacted by the Authority aforesaid, That if any Boat or Vessel shall be placed in any Part of the said Cut or Canal, or of any Trench, Sluice, or Passage aforesaid, so as wilfully to obstruct the Navigation, and the Person having the Care of such Boat or Vessel shall not immediately, upon Request made, remove the same; he shall, for every such Offence, forfeit a Sum not exceeding Ten Shillings, nor less than Five Shillings, for every Hour such Obstruction shall continue; and it shall be lawful for the Agents or Servants of the said Company of Proprietors, their Successors, and Assigns, or any of them, to cause any such Boat or Vessel to be unloaded, if necessary, and to be removed in such Manner as shall be proper for preventing such Obstruction in the Navigation, and to seize and detain such Boat or Vessel, and the Loading thereof, or any Part of such Loading, until the Charges occasioned by such Removal are paid: And if any Boat or Vessel shall be sunk in the said Cut or Canal, or any Trench aforesaid, and the Owner or Owners, or Person or Persons, having the Use of such Boat or Vessel, shall not, without Loss of Time, weigh or draw up the same; it shall be lawful for the Agents or Servants of the said Company of Proprietors, their Successors, and Assigns, or any of them, to cause such Boat or Vessel to be weighed or drawn up, and to detain and keep the same till Payment be made of all the Expences necessarily occasioned relating thereto.

Vessels lying so as to obstruct the Navigation, to be removed.

Vessels sunk to be weighed up.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall float any Timber upon the said Cut or Canal, or shall load any Boat or Vessel with Timber, and suffer such Timber to lie over the Sides of any such Boat or Vessel so laden, or shall overlade any Boat or other Vessel navigating in or upon the said Cut or Canal, Trenches, Sluices, or Passages, and, when so overloaded, shall put such Boat or other Vessel into the said Cut, Canal, Trenches, Sluices, or Passages, so as by such overloading to obstruct the Passage of any other Boat or Vessel, and shall not immediately, upon Notice given to the Owner or Owners, Person or Persons, having the Care of such Boat or Vessel so obstructing the Passage as aforesaid, haile such Boat or other Vessel back into such Place or Places as shall be proper, or made for Boats or other Vessels to pass each other; every such Owner or Owners, Person or Persons, floating such Timber, or having the Care of such Boat or Vessel, shall forfeit and pay, for every such Offence, the Sum of Five Pounds to the said Proprietors, their Successors, and Assigns, to be laid out and employed towards maintaining the Works

Persons overloading and obstructing the Passage of the Canal, to forfeit Five Pounds.

of the said Navigation, and to no other Use or Purpose whatsoever.

Penalty on Persons throwing Ballast into the Canal.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall throw any Ballast, Gravel, Stones, or Rubbish, into any Part of the said Cut or Canal, or any Trenches, or Watercourses, to be made or maintained by virtue of this Act; every such Person shall, for every such Offence, forfeit a Sum not exceeding Five Pounds.

Regulations for Vessels passing the Locks.

Provided always, and be it enacted by the Authority aforesaid, That no Boatman, or his Agent, or Servants, navigating any Boat or other Vessel upon the said Cut or Canal, and passing with any Boat or other Vessel through any Lock to be made upon the said Cut or Canal, shall suffer the Water to remain in the Lock longer than is necessary for his Boat or other Vessel to pass through any such Lock; and also, that every such Boatman, or other Person as aforesaid, in going down the said Cut or Canal, shall shut the lower Gates of such Lock before he or they shall draw the Clows of the upper Gates thereof, and after he or they shall have brought his or their Boat or other Vessel into the said Lock, shall shut the upper Gates before he or they shall draw the Clows of the lower Gates thereof; and in going up the said Cut or Canal, shall, so soon as he or they shall have passed with his or their Boat or other Vessel out of the said Lock, shut the upper Gates of the said Lock, and afterwards draw the Clows of the lower Gates, unless there shall be then a Boat or other Vessel in Sight of the said Lock, coming down the said Cut or Canal, 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 Cut or Canal, the Vessel going up the same, if within Sight of and at a Distance not exceeding Three hundred yards below a Lock, shall pass through such Lock before the Vessel coming down, and then the Vessel next above shall come down; and if there are more Vessels than One below and above any Lock at the same Time in such dry Season, within the Distance aforesaid (at which Distance a Post or Mark shall be set up or made for that Purpose) such Vessels shall go up and come down at such Lock by Turns as aforesaid, till all the said Vessels going up or coming down shall have passed, by which Means One Lock full of Water may serve Two or more Vessels; and every Person offending in any of these Particulars, and being convicted thereof before any Justice of Peace, upon the Oath of One or more credible Witness or Witnesses, as also the Master or other Person having the Command

of

of such Boat or Vessel, shall forfeit the Sum of Forty Shillings.

And whereas, by making the said navigable Canal, several Springs and Streams will necessarily be intercepted, and a considerable Part of the Water that is now used in working the many Mills and Forges on the said Streams, must be diverted for the Use of the said Navigation: To the end therefore that the said Navigation may be carried on with as little Damage to private Property as possible, be it further enacted by the Authority aforesaid, That the said Company of Proprietors, their Successors, and Assigns, shall, and they are hereby required, at their own proper Costs and Charges, from time to time, to make, or cause to be made, below each Lock which shall be built upon the said Navigation, between Wolverhampton and the River Severn, a Weir or Waste to carry off the Water which shall be more than is required for the Use of the said Navigation, into the Pool of the uppermost Mill or Forge that shall be situate between any of the said Locks to be erected on the said Canal; and that the said Locks shall be made of such a Height, as, when shut, all the Water more than shall be sufficient to supply the said Navigation, and to fill the Gauge Paddle or Mitch intended to be made in every of the said Locks, shall run over the said Weirs into the said Mill or Forge-Pool, and not over the said Locks; and that the Water shall not be wilfully wasted, by leaving open the said Locks longer than shall be necessary for the proper Use thereof; and that the said Company of Proprietors, their Successors, and Assigns, shall keep the said Locks, as also the Dams and Stanks on each Side the said Canal, in good and sufficient Repair, in order to prevent, as much as possible, any Damage being sustained by the Occupiers of the said Mills and Forges, by the Waters being unnecessarily diverted therefrom: And if, at any Time or Times hereafter, the Owner or Occupier of such Mills or Forges respectively shall give Notice in Writing to any of the said Committee for the time being, or to the known Agent of the said Proprietors for the time being, of any such Locks or Dams being out of Repair, or of not being in sufficient Repair for the Purposes aforesaid, and the same shall not respectively be within Twenty one Days after any such Notice given sufficiently repaired, if such Repairs can be reasonably made within the said Twenty one Days; it shall and may be lawful for any Person or Persons, having afterwards an Order from any Five or more of the said Commissioners, to amend and repair such Locks and Dams; and the reasonable Expence thereof being ascertained by the said Commissioners, or

For preventing the Waters from running over the Locks in waste.

any Five or more of them, shall be defrayed by the said Company, their Successors, and Assigns; and for the Neglect and Refusal to pay and satisfy the same, for the Space of Three Calendar Months after Demand made upon their Agent or Agents, such Expence shall and may be recovered and levied in such Manner as the Costs and Charges of making and erecting Bridges and other Works, by the Owners and Occupiers of Lands, are by this Act directed and appointed to be recovered and levied.

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

Provided always, and be it enacted by the Authority aforesaid, That the said Cut or Canal, or any Works whatsoever to be made by virtue of the Powers of this Act, shall not be subject to the Controul, Direction, Survey, or Order of any Commission of Sewers, or to any Law or Statute relating to Sewers; any Thing, or any former Law or Statute, to the contrary notwithstanding.

Satisfaction to be made either in gross, or by annual Rent.

Provided always, and be it enacted by the Authority aforesaid, That in case any Bodies Politick, Corporate, or Collegiate, Trustees, or other Persons herein before capacitated to sell or convey Lands, or any other Person or Persons who shall be Owner or Owners, or Occupier or Occupiers, of any Lands or Grounds through which the said intended Cut or Canal shall be made, or of any Mills, Forges, or Iron Works, from which any Water to supply the said Cut or Canal shall be diverted, shall choose to have and receive a Satisfaction for the Value of the Lands or Grounds which shall be set out for the making of the said Cut or Canal; and the Towing Paths, Wharfs, Quays, and other Works, and Conveniencies, to be made in pursuance of the Powers given by this Act, or for the Damages to be sustained by the taking or diverting of any Water from such Mills, Forges, or Iron Works, by the Payment of annual Rents or Sums in lieu of gross Sums, to be to them in Hand paid; then, and in such Case, such annual Rents or Sums, in case the said Company of Proprietors, their Successors, or Assigns, and the said Parties interested, cannot agree upon the same, shall be settled and ascertained by the said Commissioners, or any Seven or more of them, in such Manner, and subject to the Verdict of a Jury, if required, as the Value of the Lands to be set out for the making of the said Cut or Canal, and Towing Paths, is by this Act directed to be settled and ascertained; and that such yearly Rents or Sums as shall be agreed on between the said Company of Proprietors, their Successors, or Assigns, and the said Parties interested in such Lands, Grounds, Mills, Forges, or Iron Works, or shall be so settled and ascertained as aforesaid, shall be charged on the

Rates and Duties arising by virtue of this Act; and shall be paid by the said Company of Proprietors, their Successors, or Assigns, as the same shall become due and payable; and in case the same shall not be paid within Twenty one Days next after the same shall become due and payable, it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, by an Order under their Hands and Seals, to appoint One or more Person or Persons to receive the Rates and Duties hereby granted and made payable, and to pay the same to such Person or Persons to whom such yearly Rents or Sums shall be due and unpaid as aforesaid, until such yearly Rents or Sums, with the Costs and Charges of recovering and receiving thereof, shall be to him, her, or them, fully satisfied and paid; or such Bodies Politick, Corporate, or Collegiate, Trustees, or other Person or Persons to whom such yearly Rents or Sums shall be due and owing as aforesaid, may 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 it shall and may be lawful to and for such Bodies Politick, Corporate, or Collegiate, Trustees, or other Person or Persons to whom such yearly Rents or Sums shall be due and owing as aforesaid, and he and they, and every of them, is and are hereby impowered to seize and distrain any Boats, Vessels, or other Goods or Effects, of the said Company of Proprietors, their Successors, or Assigns, which shall be found upon the said Cut or Canal, or in, upon, or about, the Wharfs, Quays, Warehouses, or other Works belonging thereto, and to detain the same until Payment thereof, together with the reasonable Charges attending such Distress; and if such Distress shall not be redeemed within Five Days after such Distress made, and Notice thereof given in Writing, by affixing such Notice on some publick Place at any of the Wharfs or Quays belonging to the said Navigation; then such Boats, Vessels, or other Goods or Effects so distrained, shall and may be appraised and sold in such Manner as the Law directs in case of a Distress for Rent, but so that the Goods or Effects of no other Person or Persons than the said Company of Proprietors, their Successors, or Assigns, be seized or detained by virtue of the Power hereby given.

Preserving Rights of Lords of Manors.

Provided always, and be it further enacted by the Authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to defeat, prejudice, or affect, the Right of any Lord or Lords of any Manor or Manors, Common or Waste Grounds; or of any Owner or Owners of any Lands or Grounds in, upon, or through,

through which the said Cut or Canal, Towing Paths, Wharfs, Quays, Trenches, Sluices, Passages, Watercourses, or Conveniencies aforesaid, or any of them, shall be made, to the Mines, Minerals, or Quarries, or to the Salt Springs, Brine or Rock Salt, lying or being within or under the Lands or Grounds to be set out or made use of for such Cut or Canal, Towing Paths, Wharfs, Quays, Trenches, Sluices, Passages, or Watercourses, or other Conveniencies aforesaid, or any of them; but all such Mines, Minerals, Quarries, Salt Springs, Brine and Rock Salt, are hereby reserved to such Lord or Lords of such Manor or Manors, or of such Common or Waste Grounds, and to such Owner or Owners of such Lands or Grounds respectively, their Heirs, or Assigns; and that it shall and may be lawful to and for the Lord or Lords of such Manor or Manors, Common or Waste Grounds, or such Owner or Owners of such Lands or Grounds respectively, subject to the Conditions and Restrictions herein contained, to take and carry away to his or their own Use such Mines, Minerals, or Quarries, and such Salt Springs, Brine and Rock Salt, not thereby injuring, prejudicing, or obstructing, the said Cut or Canal, Towing Paths, Wharfs, Quays, Trenches, Sluices, Passages, Watercourses, or other the Conveniencies aforesaid, or any of them; any thing herein contained to the contrary notwithstanding.

Their Rights to Fisheries preserved.

Provided always, and it is hereby enacted and declared, That the Lord and Lords, or Owner and Owners, of all and every Manor and Manors through which the said intended Cut or Canal shall be made, shall have and be intitled to the sole, several, and exclusive, Right of Fishery, of and in so much of the said Cut or Canal, Trenches and Sluices, as shall be made over or through the Common or Waste Lands within his, her, or their, Manor or Manors respectively; and also in, over, or through, any other Lands or Grounds lying within any such Manor or Manors wherein such Lord or Lords, or Owner or Owners, now have or hath, or are or is intitled to the Right of Fishery in the Pits, Ponds, and Waters, now being in such last mentioned Lands or Grounds respectively; and that the Owner or Owners of all other Lands or Grounds through which the said Cut or Canal shall be made, shall also have and be intitled to the like sole, several, and exclusive, Right of Fishery of, and in so much of the said Cut or Canal, Trenches and Sluices, as shall be made in, over, or through, his, her, or their, Lands or Grounds respectively, so as in the Use and Exercise of the said Right of Fishery, the said navigable

gable Cut or Canal, Trenches and Sluices, and the Towing Paths, Banks, or other Works and Conveniencies hereby authorized to be made, shall not be prejudiced or obstructed, or any Water drained or exhausted from or out of the said Cut or Canal, Trenches, or Sluices; and so as the said Company of Proprietors, their Successors, or Assigns, 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 Cut or Canal, Trenches, or Sluices, which shall be taken, killed, or destroyed, through or by Means of the letting off the Water out of the said Cut or Canal, Trenches, or Sluices, for or upon account of any Repairs or Works to be done in or about the same; and also that it shall and may be lawful for the Lord or Lords of such Manor or Manors, and the Owner or Owners of such Grounds, being qualified by Law so to do, to take and kill Game upon so much of the said Cut or Canal, Trenches, Sluices, Towing Paths, and other the Lands or Grounds to be set out for the Use of the said Navigation, as shall be made through their respective Lands or Grounds as aforesaid; any thing herein contained to the contrary notwithstanding.

Not to erect Houses, &c. without Consent of Land Owners.

And be it further enacted by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to impower the said Company of Proprietors, their Successors, or Assigns, to erect any Houses or other Buildings, except such Warehouses, Watch-houses, or other Works, as shall be necessary for making, using, preserving, and maintaining, the said Navigation, upon any of the Lands or Grounds which shall be set out and ascertained for the said Canal, or the Towing Paths, Wharfs, Quays, or other Conveniencies, for the Use of the said Navigation; or to plant any Trees on such Lands or Grounds, unless they shall first obtain the Consent of the Person or Persons who was or were Owner or Owners of such Lands or Grounds at the Time of the setting out the same, his, her, or their, Heirs or Assigns, under his, her, or their, Hand and Seal, or Hands and Seals respectively; and that in case any House or other Building, except as aforesaid, shall be erected, or any Trees shall be planted 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 the setting out the same as aforesaid, his, her, or their, Heirs or Assigns, to take or pull down, and remove such Houses and other

Buildings, and to cut down and carry away such Trees, without being guilty of any Trespass, or liable to any Action or Prosecution for so doing.

Persons on board having Nets, and not being qualified, to forfeit 5*l*.

And be it further enacted by the Authority aforesaid, That if any Person or Persons navigating or working, or being on board any Boat or other Vessel, within the Limits of the said intended Navigation (not being qualified by the several Laws and Statutes relating to Game) shall carry on board any Boat, or other Vessel, and shall use any Fishing Net, Gun, Engine, or other Instrument, for taking or destroying Fish or Game; such Person or Persons, 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 Counties of Stafford or Worcester respectively, shall, for every such Offence, forfeit and pay the Sum of Five Pounds; and in case any Master or other Person having the Command of any Boat or other Vessel, shall suffer or permit any Person or Persons, not being duly qualified as aforesaid, to have, carry on board, and make use of, any Fishing Net, Gun, Engine, or other Instrument, for taking or destroying Fish or Game, and being thereof convicted as aforesaid before One or more Justice or Justices of the Peace of either of the said Counties respectively, shall, for every such Offence, forfeit and pay the Sum of Five Pounds.

Election of new Commissioners.

And, for continuing a sufficient Number of Commissioners for putting in Execution all and every the Powers of this Act, be it enacted by the Authority aforesaid, That when any Commissioner hereby appointed, or to be elected in Manner herein after mentioned, shall die or refuse to act, the surviving or remaining Commissioners, or any Nine or more of them, shall, and they are hereby impowered, from time to time, by Writing under their Hands and Seals, to elect and appoint, in the Place of every Commissioner so dying or refusing to act, some other Person qualified as herein after mentioned: And all such Commissioners so appointed shall, from the Time of their Appointments, have the like Authority in all Things relating to the Execution of this Act, as if they had been expressly named and appointed Commissioners by this Act; Notice of the Time and Place of Meeting for the Appointment of every such new Commissioner being first given in the Worcester and Birmingham News Papers, and in such other publick Manner as the said Commissioners shall direct or appoint, Ten Days at least before such Meeting; and the Intention to proceed to such Election expressed in such Notice.

Provided always, and be it enacted by the Authority aforesaid, That no Person shall act as a Commissioner in any Case where he shall be any ways interested or concerned in the Matter in Question; nor shall any Commissioner act in the Execution of this Act, unless he shall be seized in his own Right, or in the Right of his Wife, and not as a Mortgagee or Mortgagees at the Time of such his acting, of an Estate of Freehold or Copyhold, in Lands, Tenements, or Hereditaments, of the yearly Value of One hundred Pounds, or unless he shall be eldest Son or Heir Apparent of a Peer, or of a Person qualified to serve as a Knight of a Shire in the said Counties, or either of them, over and above the Payment of all his just Debts: And if any Person, so being incapable, shall presume to act as a Commissioner, every such Person shall, for every such Offence, forfeit the Sum of Fifty Pounds to any Person who will 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 at Westminster, in which Action no Essoin, Protection, Privilege, or Wager of Law, or more than One Imparlance, shall be allowed; and such Person so prosecuted shall prove that he is qualified as above, or otherwise shall pay the said Sum of Fifty Pounds, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person hath acted as a Commissioner in the Execution of this Act. Qualification of Commissioners.

Provided always, and it is hereby further enacted by the Authority aforesaid, That no Meeting whatsoever of the said Commissioners shall, at any Time or Times, be had for putting in Execution any of the Powers or Authorities vested in them by virtue of this Act; nor any Order, Direction, or Appointment, of the said Commissioners, or any of them, touching any of the Matters and Things herein contained, shall be binding and effectual, unless previous Notice of every such intended Meeting shall be first given, and inserted in the Birmingham and Worcester News Papers, or in such other Manner as the said Company of Proprietors, their Successors, or Assigns, shall at any General Meeting direct or appoint, at least Fourteen Days before every such intended Meeting of the said Commissioners, for any of the Purposes herein contained; every such Notice to specify the Time and Place of such Meeting or Meetings respectively, and the several Matters and Things, then and there proposed to be done; and that every Meeting of the said Commissioners, by virtue of this Act, shall be Publick; and that the Majority of the said Commissioners, Commissioners to give Notice of their Meetings.

missioners, then present at every such Meeting (such Majority not being less than Three in Number of the said Commissioners) shall have Power and Authority to execute the Powers hereby vested in the said Commissioners, but not otherwise; any thing herein before contained to the contrary notwithstanding.

Provided always, That no Person shall act as a Commissioner, otherwise than in administering the following Oath, until he shall have taken and subscribed the Oath following before any Seven or more of the said Commissioners, who are hereby authorized and impowered to administer the same; videlicet,

Commissioner's Oath.

I *A. B.* do swear, That I will, without Favour or Affection, Hatred or Malice, truly and impartially, according to the best of my Skill and Knowledge, execute and perform the Powers and Authorities established by an Act made in the Sixth Year of the Reign of His Majesty King *George* the Third, *For making a navigable Cut, or Canal, called the* Staffordshire *and* Worcestershire Canal Navigation.

Commissioners may act as Justices.

And be it further enacted by the Authority aforesaid, That such of the said Commissioners who shall be in the Commission of the Peace for the said Counties of Stafford and Worcester, or either of them, shall and may, and is hereby impowered to act as a Justice of the Peace in the Execution of this Act, notwithstanding his being a Commissioner.

No Commissioner to act as such while he possesses any Place of Profit.

And be it further enacted by the Authority aforesaid, That if any Person appointed or to be appointed a Commissioner, by virtue of this Act, shall have or accept any Place of Profit arising out of the Tolls and Monies to be raised by virtue of this Act; such Person from and after his Acceptance of such Place of Profit, and during the Time of his holding and enjoying the same, and during the Time of his being Proprietor in the said Navigation, concerned in Interest in any Contract or Bargain, made or to be made for the Purposes of this Act, shall be incapable of acting as a Commissioner under this Act.

Meeting of Commissioners.

And be it further enacted by the Authority aforesaid, That, upon Application to be made by the said Proprietors, their Successors, and Assigns, or any Five or more of them; or by the Owners or Occupiers of any Grounds, Lands, Tenements, or Hereditaments, to be affected by the said intended navigable Cut or Canal, or any of the

the Works necessary or relating thereto, or any of them, unto the Commissioners appointed by and for the Purposes of this Act, or any Five or more of them, requesting them or desiring them to appoint a General Meeting of the Commissioners; the Commissioners so requested or applied to, or any Five or more of them, may and shall, and they are hereby respectively authorized and required, within Seven Days after such Request or Application made, to give Notice in Manner aforesaid of a General Meeting, to be held at such Time and Place as shall be specified in such Notice, such Time not being less than Fourteen nor more than Twenty one Days from the Day on which such Request shall be made to them as aforesaid; and the said Commissioners are hereby authorized, impowered, and required, to assemble at the Time and Place so to be appointed, in order to put this present Act, and the Powers and Authorities hereby given to and vested in them, in Execution, and shall then adjourn themselves, and afterwards meet at such Time and Place as the said Commissioners there assembled, or any Five or more of them, shall think proper and convenient: And if it shall happen that there shall not appear at any Meeting, which shall be appointed to be had or held by the said Commissioners, a sufficient Number of Commissioners to act at such Meeting, and to adjourn to any other Time; then, and in such Case, the Clerk of the said Commissioners shall and may, by publick Notice to be given in Manner aforesaid, appoint the said Commissioners to meet at the House where the last Meeting of the said Commissioners was appointed to be held, on that Day Fortnight next after the Day on which the last Meeting of the Commissioners was appointed to be held.

Meetings to be removed at any Time.

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

No Meeting but within Five Miles of Canal.

Provided also, That every Meeting of the Commissioners, for hearing or determining any Complaint, Controversy,

troversy, Dispute, or Difference, between the said Proprietors, their Successors, and Assigns, or any other Person or Persons, shall be held at some Place within the County where such Complaint or Dispute arises, and within Five Miles of some Part of the said Cut or Canal: And that no Order or Determination shall be made, unless the Majority of such Commissioners present at such respective Meeting shall concur therein; such Majority not being less than the respective Numbers authorised to make such Orders or Determinations.

If Lands not used within a certain Time, to be reconveyed.

Provided always, and be it further enacted by the Authority aforesaid, That if the said Company of Proprietors, their Successors, or Assigns, shall be in Possession of any Lands or Grounds, by virtue of this Act, for the Space of Ten Years, without making the said intended Navigation through the same respectively; or if the said Navigation shall be made and compleated, and afterwards discontinued or disused, for the Space of Five Years; then, and in either of the said Cases, from and immediately after the Expiration of the said Ten Years without making, or Five Years after disusing, the said Navigation as aforesaid, the said Company of Proprietors, their Successors, or Assigns, shall convey all their Right, Property, and Interest, in or to such Lands or Grounds respectively, unto the several and respective Persons, or Bodies Politick, Corporate, or Collegiate, or their Heirs, Successors, or Assigns, who were the Owners or Proprietors thereof immediately before the said Company of Proprietors, their Successors, or Assigns, became seized of the same, in case they or any of them shall think fit to become Purchasers thereof, and to pay such valuable Consideration for the said Lands or Grounds to the said Company of Proprietors, their Successors, or Assigns, as the said Commissioners, or any Seven or more of them, shall adjudge reasonable; and in case any Difference shall happen in ascertaining thereof by the said Commissioners, then, as any Jury, to be impanelled in the Manner herein before directed, shall ascertain or award to be paid for the same.

For ascertaining the Consideration Money;

Provided, That such Consideration, to be ascertained by such Commissioners, or to be awarded by such Jury, so to be impanelled as aforesaid, shall not exceed the Sum or Sums of Money first paid by the said Company of Proprietors, their Successors, or Assigns, for the Purchase of such Lands or Grounds: And in case the said Company of Proprietors, their Successors, or Assigns, upon the Payment or Tender of such valua-

and Conveyance of the Lands, &c.

ble Consideration as aforesaid for such Lands or Grounds, shall refuse or neglect to convey the same as aforesaid; then, and in such Case, such Lands or Grounds, upon Tender of such valuable Consideration as aforesaid to the said Company of Proprietors, their Successors, or Assigns, shall revert to, and be thenceforth vested in, the said several and respective Person or Persons, Bodies Politick, Corporate, or Collegiate, their Heirs, Successors, or Assigns: And in case an annual Rent shall have been paid for the said Lands or Grounds, to be taken in Manner aforesaid, for the Use of the said Navigation; then such Rents shall cease and determine, and such Sum or Sums of Money shall be paid for the Damages done to the said Lands or Grounds by the said Company of Proprietors, their Successors, or Assigns, to the Person or Persons, Bodies Politick, Corporate, or Collegiate, or their Heirs, Successors, or Assigns, to whom such Lands or Grounds shall be reconveyed or revert as aforesaid, as the said Commissioners or Jury respectively shall ascertain or award; such Sum or Sums of Money, in Default of Payment, at the Time to be fixed by such Commissioners or Jury respectively, to be recovered in such Manner as any other Damages are to be recovered by virtue of this Act.

For taking down Houses in the Town of *Kidderminster*, with the Consent of the Owners.

Provided always, and be it further enacted by the Authority aforesaid, That if the said Company of Proprietors, their Successors, or Assigns, shall think proper to make the said Cut or Canal through any Part of the Town or Borough of Kidderminster aforesaid; that then it shall and may be lawful for them the said Company of Proprietors, their Successors, and Assigns, by themselves, their Deputies, Agents, and Servants, for the Use of the said Navigation only, to take down and remove any House or Houses, or other Buildings, Walls, and Fences, within the said Town and Borough of Kidderminster, and to make the said Cut or Canal, and also Towing Paths and other Conveniencies, in, over, through, and upon, the Ground whereon the same stood; and also in, over, through, and upon, any Yard, Garden, or other Ground or Tenement within the said Town or Borough, first having the Consent in Writing of every Owner or Proprietor of, or Persons interested in, such Houses, Buildings, Walls, Fences, Yards, Gardens, Grounds, and Tenements, respectively; and it shall and may be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, and all other Trustees whatsoever; and

every Person and Persons whomsoever who are, or shall be seized, possessed of, or interested in, any such Houses, Buildings, Walls, Fences, Yards, Gardens, Grounds, and Tenements, or any Part thereof, to sell and convey the same, and all their Right, Title, and Interest therein, unto the said Company of Proprietors, their Successors, and Assigns, or to such Person or Persons as they shall nominate or appoint for the Use of the said Navigation; and such Sales and Conveyances shall, without any Fine or Recovery, or other Assurances in the Law, be valid and effectual, to all Intents and Purposes; and all such Bodies Politick, Corporate, or Collegiate, and all Persons whatsoever, are hereby indemnified for what they shall do by virtue and in pursuance of this Act.

For erecting Mile-stones;

And be it further enacted by the Authority aforesaid, That the said navigable Cut or Canal shall be measured, and Mile-stones erected on the Side thereof at the End of each Mile; and that all Goods, Wares, or Merchandize, which are made liable to the several Rates and Duties hereby imposed, that shall be navigated, carried, or conveyed upon the said Cut or Canal, up to or past any of the said Mile-stones so to be erected, shall be charged with and pay the said Rates, Tolls, and Duties, for One Mile, and so in Proportion for any greater Number of Mile-stones which they shall be carried up to or pass as aforesaid; and that Six Score Pounds Weight, Averdupoize, shall be deemed and taken as and for One hundred Weight, within the Intent and Meaning of this Act.

and declaring what shall be 120 lb. Weight.

Writings to be exempted from the Stamp Duties.

Provided always, and be it further enacted by the Authority aforesaid, That no Summons, Order, Determination, Judgement, Warrant, Contract, Agreement, Bond, or other Writing whatsoever, under the Hands and Seals of any Justices of the Peace, or of the said Commissioners, or of any of them, or any other Person or Persons whatsoever; or any Transfer of any Share or Shares, or other Writing whatsoever, made in pursuance of the Powers given in and by this present Act; shall be charged or chargeable with any Stamp or Duty whatsoever; and that no Proceeding to be had or taken in pursuance of this Act, shall be quashed or vacated for want of Form, or removed by Certiorari, or any other Writ or Process whatsoever, into any of his Majesty's Courts of Record at Westminster; any Law or Statute to the contrary notwithstanding.

Proceedings not to be quashed for want of Form.

For recovering Forfeitures.

And be it further enacted by the Authority aforesaid, That all Fines and Forfeitures inflicted by this Act, or which shall be inflicted by virtue of any Rule, Order, or Bye-law, to be made in pursuance of this Act, of which

when

when produced, such Justices is hereby required to take Notice, the levying and recovering of which are not particularly herein directed, shall be levied by Warrant under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace of the said Counties of Stafford or Worcester, or either of them; which said Justice or Justices is and are hereby authorized to hear and examine Witnesses upon Oath or Affirmation, and determine the same: And all such respective Fines, Forfeitures, and Penalties, by this Act imposed and inflicted, or authorized to be imposed and inflicted, the Application whereof is not herein before particularly directed, shall be paid into the Hands of the Treasurer or Receiver of the Monies to be raised by virtue of this Act; and shall be applied and disposed of for the Use of the said Navigation, and to or for no other Use or Purpose whatsoever. Application.

And be it further enacted by the Authority aforesaid, 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 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 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 any Irregularity in Distress, to recover only the special Damage.

Provided always, That any Person or Persons thinking himself, herself, or themselves, aggrieved by any Order or Judgement made or given in pursuance of any Rule, Bye-law, or Order, of the said Company of Proprietors, or by the Order or Determination of any Justice or Justices of the Peace, may, within Six Calendar Months after such Order shall have been made or given, complain to the Justices of the Peace at their General or Quarter Session to be held in and for the said County of Stafford, or Worcester respectively, where the Cause of Appeal shall arise, and not elsewhere; who shall, in a summary Way, either hear and determine the said Complaint at such General or Quarter Session, or, if they think proper, may adjourn the Hearing thereof to the next General or Quarter Session of the Peace to be held for the said Counties respectively; and, if they see Cause, may mitigate any Forfeiture or Fine, and may order any Money to be returned which shall have been Persons aggrieved may appeal to the Sessions.

levied

levied in pursuance of such Rule, Bye-law, Order, or Determination; and may also order such further Satisfaction to be made to the Party injured, as they shall judge reasonable.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action, Suit, or Information, shall be brought or commenced against any Person or Persons for any thing done, or to be done, in pursuance of this Act, or in the Execution of the Powers and Authorities, or the Orders and Directions, herein before given or granted, every such Suit or Information 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 Damages shall cease, and not afterwards; and shall be laid and brought in the said Counties of Stafford or Worcester respectively, where the Matters in Dispute 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 Action, Suit, or Information, shall be brought after the Time so limited for bringing the same, or shall be brought in any other County or Place than as aforesaid; then, and in such Case, the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become nonsuit, or suffer a Discontinuance of his, her, or their Action, Suit, or Information, after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if, upon Demurrer or otherwise, Judgement shall be given against the Plaintiff or Plaintiffs; the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for the same, as any Defendant or Defendants hath or have for Costs of Suit in other Cases by Law.

General Issue.

Treble Costs.

Publick Act.

And be it further enacted by the Authority aforesaid, 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.