Anno octavo

Georgii III. Regis.

An Act for making and maintaining a navigable Canal from the City of *Coventry*, to communicate upon *Fradley Heath*, in the County of *Stafford*, with a Canal now making between the Rivers *Trent* and *Merſey*.

WHEREAS the making a navigable Cut or Canal from the City of Coventry, at or near certain Places called Biſhop Gate and Gosford Green, or one or both of them, through the ſeveral Pariſhes, Hamlets, or Places, of The Holy Trinity, Foleſhill, and Exhall, in the County of the ſaid City; and Bedworth, Chilvers Coton, Nuneaton, Caldecott, Hartſhill, Mancester, Atherſtone, Merivale, Whittington, Grindon, Poleſworth, Amington, and Tamworth, in the County of Warwick; and Tamworth, Bonehill, Dunſtall, Hoppas, Tamhorne, Whittington, Huddlesford, Streethay, and Fradley, in the County of Stafford, to communicate upon Fradley Heath, with the navigable Canal now completing between the Rivers Trent and Merſey, Preamble.

Merſey, would open commerical Intercourſes between the ſaid City of Coventry, and the Ports of Liverpool and Hull, and ſeveral inland Counties, Towns, and Places, where conſiderable Trades and Manufactures are carried on and eſtabliſhed; would alſo open an eaſy Acceſs to different Collieries between the ſaid City of Coventry and Tamworth, and contribute to the Relief and Convenience of the poor Inhabitants reſiding near the Courſe of the ſaid Cut or Canal, and tend to the Improvement of the adjacent Land, the Preſervation of the Roads, and be of great publick Utility: And whereas the ſeveral Perſons herein after-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: Wherefore, 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, That from and after the paſſing of this Act, the Right Honourable the Earl of Hertford, the Right Honourable Lord Archer, the Right Honourable Lady Mary Greatheed, Sir Roger Newdigate Baronet, Richard Hopkins, John Ludford, Francis Newdigate, James Birch, Francis Wheler, Thomas Green, Joſeph Hewitt, Robert Bird, John Bird the younger, John Shuckburgh, Joſeph Mackferſon Neale, Eſquires; the Reverend William Parker Doctor in Divinity, Thomas Bree, Edward Ludford Taylor, James Parker, Anthony Bliſs, Thomas Lucas, Joſeph Rann, Richard Chapman, John Jaques, Arthur Miller, John Ruſhworth, Samuel Brookes, Henry Homer, William Huddesford, Clerks; Alderman John Kirkman, Alderman Edward Freeman, Alderman John Hewitt, Alderman John Remington, Thomas Burgh Doctor of Phyſick, Richard Burgh, Cater Love, Samuel Oldham, Joſeph Cater, John Sing, John Stanton, Abraham Awſon, Edward Villers, William Cleeve, Thomas Little, William Dadley, Jeremiah Lowe, Richard Clay, Walter Griffin, Thomas Clay, Bryan Troughton the younger, Thomas Lander Smith, Richard Steane, Samuel Reader, George Huddesford, Lilley Smith, Charles England, John Hill, James Soden, John Watts, Thomas Pen Vernon, Charles Weſton, William Grant, Edward Harrold, Francis Blick, Thomas Bennett, Samuel Gibbons, Poſthumus Lloyd, Thomas Jackſon, Nathaniel Cox, Robert Reynolds, Edward Harper, John Mander,

Proprietors Names.

Charles Parker, Hugh Jones, Charles Elliott, Caleb Savage, Thomas Noxon, John Beynon, William Daniel, David Shakeſpear, Joſeph Worceſter, George Owen, Francis Beaufoy, William Gulſon, Joſeph Twigger, Chriſtopher Hooke, John Oram, Richard Nicholl, Edward Atkyns, Thomas Reader, Simon Reader, John Farmer, John Hollyer, Samuel Wilday, William Freer, Benjamin Bindley, Andrew Porteous, Edward Dudley, Bryan Troughton of London, John Pickering, Henry Knight, James Jones, William Bentley, John Jeffery, Patrick Simpſon, John Harrold, Edward Harrold the younger, Abel Gravenor, William Oſborne, William Jackſon, Miſtreſs Mary Conyers, Miſtreſs Catherine Knightley, Elizabeth Smith, Anna Gilbert, Elizabeth Awſon, Mary Awſon, Elizabeth Bree, Elizabeth Mallory, Elizabeth Buſby, Mary Wightwick, Frances Wightwick, Ann Wightwick, Suſanna Everton, Eſther Browne, Abigail Todd, Mary Todd, Mary Smith, Margaret Chambers, Ann Cox, Frances Weſtley, Ann Gibbard, Sarah Wood, and Mary Fox Widow, their ſeveral and reſpective Executors, Adminiſtrators, 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, completing, and maintaining, the ſaid navigable Cut or Canal intended to be made by virtue of this Act, paſſable for Boats, Barges, and other Veſſels, according to the Rules, Orders, and Directions, herein after expreſſed; and ſhall, for that Purpoſe, be One Body Politick and Corporate, by the Name of The Company of Proprietors of the *Coventry* Canal Navigation, and by that Name ſhall have perpetual Succeſſion and a Common Seal, and by that Name ſhall and may ſue and be ſued, and alſo ſhall and may have Power and Authority to purchaſe Lands to them and their Succeſſors and Aſſigns for the Uſe of the ſaid Navigation, without incurring any of the Penalties and 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 paſſing of this Act, by themſelves, their Deputies, Agents, Officers, Workmen, Servants, and Aſſigns, to make and complete a Cut or Canal navigable and paſſable for Boats, Barges, and other Veſſels, from the ſaid City of Coventry, at or near Biſhop Gate and Gosford Green aforeſaid, or One or both of them, through or near the ſeveral Pariſhes, Hamlets, or Places, of Their Power.

The Holy Trinity, Foleſhill, and Exhall, in the County of the ſaid City; and through or near Bedworth, Chilvers Coton, Nuneaton, Caldecott, Hartſhill, Manceſter, Atherſtone, Merivale, Whittington, Grindon, Poleſworth, and Tamworth, in the ſaid County of Warwick, by or near ſeveral large Coal Mines, and Tamworth, Bonehill, Dunſtall, Hoppas, Tamhorne, Whittington, Huddlesford, Streethay, and Fradley, in the County of Stafford, to communicate upon Fradley Heath aforeſaid, with the ſaid Canal now making between the Rivers Trent and Merſey, and 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 Brooks or Streams called Sow and Arnhale; and alſo from ſuch 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 One thouſand 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, within the Diſtance above-mentioned, for the more conveniently ſupplying the ſaid Cut or Canal with Water; and, for that Purpoſe, in, upon, and through, the Lands or 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 is excepted) which may be dug or got in the making thereof, or which may hinder, prevent, or obſtruct, the making, uſing, completing, extending, and maintaining, the ſaid navigable Cut or Canal, 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, Roads, and Conveniencies, as and where they the ſaid Proprietors, their Succeſſors, and Aſſigns, ſhall think requiſite and convenient for the Purpoſes

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, Roads, 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, Canal, or Navigation, 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 and are intended to be made, erected, repaired, or done; and also to make, maintain, repair, and alter, any Fences or Passages over, under, or through, the said Cut or Canal, or the Tunnels, Aqueducts, Soughs, Trenches, Passages, Gutters, Watercourses, and Sluices respectively, which shall communicate therewith; and also to make, set up, and appoint, such Towing-paths, Banks, Roads, 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 Undertakings in or from any Grounds of any Person or Persons adjoining or lying contiguous thereto (not being a House, Garden, Yard, Park, Paddock, planted Walk, or Avenue to a House, or Lawn inclosed and adjoining to a Mansion-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 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, completing, 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, to the Owners or Proprietors of such Lands, Tenements, or Hereditaments, Waters, Watercourses, Brooks,

Brooks, or Rivers respectively, as shall be taken, used, removed, diverted, or prejudiced, for all Damages to be by them sustained in or by the Execution of all or any of the Powers of this Act; and this Act shall be sufficient to indemnify the said Company of Proprietors, their Successors, and Assigns, and their Servants, Agents, and Workmen, and all other Persons whatever, for what they or any of them shall do by virtue of the Powers hereby granted.

Canal may be carried thro' Gardens, &c. made since 24 *June*, 1767.

Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to hinder or prevent the said Company of Proprietors, or any Person or Persons employed by them, from making and conducting the Course of the said Cut or Canal through or over any Lands or Grounds whatsoever, which on the Twenty fourth Day of June, One thousand seven hundred and sixty seven, was or were not a Garden, Yard, Park, Paddock, Planted Walk, or Avenue to a House, or any Lawn inclosed and adjoining to a Mansion-house; any thing in this Act contained to the contrary in any wise notwithstanding.

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.

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 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, or where any Crane may be erected,

erected, nor 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 Purposes of making any navigable Cut, Trench, or Sluice, to convey Coals, Goods, 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; any thing herein contained to the contrary notwithstanding.

How the Canal shall be made over the Lands of the Persons hereafter mentioned; *viz.* Mr. *Baxter*;

Provided always, and be it enacted by the Authority aforesaid, That nothing in this Act contained shall be construed to extend to enable the said Company of Proprietors, their Successors or Assigns, to erect any Warehouse, Quay, or Wharf, Crane, or Weighing Beam, or to erect or make any Lock or Building, Road or Way, to the said intended Canal, in the Lawn, Gardens, Walks, or Lands of Michael Baxter, Gentleman, on the South West Front or Side of his Mansion-house in Atherstone, or to make any Cut or Canal of the Breadth before ascertained, for Boats or other Vessels to turn, lie, or pass each other, or exceeding with the Towing-path Twenty six Yards in Width, in the said Lands of the said Michael Baxter, or to divert or take the small Stream of Soft Water brought through his Fish Ponds and Stews made in the same Lands, without the Consent of the said Michael Baxter, or his Heirs, in Writing first had and obtained; any thing herein contained to the contrary notwithstanding: And that if the said intended Canal be cut through any of the said Lands of the said Michael Baxter, the same be made in as direct a Line as conveniently may be cross the same, and according to the late Survey, at the Distance of Four hundred Yards at least from his said House, in case such Distance shall not occasion the cutting the said Canal more than Six Feet and a half in Depth in the Whole; and that One Towing-path only shall be made on the Side of the said Canal through the said Lands, and fenced and maintained at the Expence of the said Company of Proprietors, their Successors or Assigns, in such Manner as the said Michael Baxter, his Heirs or Assigns, shall require; and that One convenient Bridge of Communication, for Carriages and Cattle to pass, for the private Use of the said Michael Baxter, his Heirs and Assigns, shall be made and maintained cross the said Cut or Canal, in the said Lands of the said Michael Baxter, if the said Canal be cut through or in the same, at the Expence of the said Company of Proprietors, their Successors or Assigns,

where the said Michael Baxter, or his Heirs, shall desire or require the same: And also One other convenient private Bridge, for Carriages and Cattle to pass, in the Lands of Nathaniel Newton, in Atherstone and Mancester, contracted to be purchased by the said Michael Baxter, called The Raven Hill Farm, and Allotment in Atherstone Fields, laid out as a private Way or Road of Communication with or to the same Farm, now in the Occupation of the said Michael Baxter, if the said Canal shall be cut or made in, through, or cross the same, or any or either of them, where the said Michael Baxter shall direct or appoint.

The late Mr. *Stratford's* Avenue;

Provided always, and be it enacted by the Authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to authorize or impower the said Company of Proprietors, their Successors, or Assigns, or their Agents, Servants, or Workmen, or any other Person or Persons employed by them, or any of them, to make the said navigable Cut or Canal, or to exercise any of the Powers or Authorities given by this Act, at any greater Distance than One hundred and twenty Yards from the Watling Street Road, through or over the Avenue leading from the said Watling Street Road, to the Mansion-house of the late Francis Stratford Esquire, at Merevale, in the said County of Warwick; or through or over any of the Lands belonging to the said Mansion-house, at any greater Distance than as aforesaid from the said Watling Street Road, or to make any Towing-path on that Side of the said Cut or Canal which shall be next to the said Mansion-house; but that the said Cut or Canal, in the Course or Direction thereof in the said Avenue, if the said Canal shall be carried through the same, and also in the Lands of Francis Burges Gentleman, and John Underwood, in Merevale aforesaid, shall be carried by the Side of, or as near to, the said Watling Street Road as conveniently may be; any thing herein contained to the contrary thereof in any wise notwithstanding.

Dr. *Hector*;

Provided always, and be it further enacted by the Authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to enable the said Company of Proprietors, their Successors, or Assigns, to make the said intended Navigation, or any of the Works hereby authorized, in, upon, or through, the Lands of Brook Hector of the City of Litchfield, Doctor of Physick; situate and lying in the Parishes of Whittington and Merevale aforesaid, or either of them; save and except such of his Lands as are situate in certain

common Fields called Norrington and Hademoor Common Fields, in the said Parish of Whittington.

Provided always, and be it enacted by the Authority aforesaid, That in making the said Cut or Canal from Polesworth, through the Lordships of Dordon and Grendon aforesaid, the said Company of Proprietors, their Successors, and Assigns, shall, and they are hereby enjoined and required to conform to the Course and Direction herein after mentioned and described; that is to say, From Polesworth aforesaid, the said Cut or Canal shall be conducted into the said Lordship of Dordon, at a Meadow called Brooke's Meadow, belonging to John Moseley Gentleman, and through the same Meadow, as near as conveniently may be, to the Fence on the South End thereof, and from thence into and over several Meadows or Pastures now the Estate of the Right Honourable Robert Bertie, commonly called Lord Robert Bertie, in the Holding of William Sant, called Birch's Meadow, Hoohill Meadow, and Thompson's Birches, by the respective Fences on the South West Side of the same Meadows, into and over a Close called Sandyway Close, unto a Lane called Meadow Lane, and over the same into another Piece of Land belonging to the said Lord Robert Bertie, called Sandyway Close, and over and along the same into several Pieces of Land belonging to the said Lord Robert Bertie, called Port Pieces, and over and along the same by the Fences on the North East Sides of Two of the said Port Pieces, into and over another Piece of Land belonging to the said John Moseley, called Middle Field, otherwise The Shoulder of Mutton Close, into the Road leading from Polesworth to Grendon, called The Polesworth Road, and over the said Road into a Piece of Land belonging to the said Lord Robert Bertie, in the Holding of Richard Woolley and Walter Coleman, called Fish Pool Close, and through the same, as near as conveniently may be, to the Fence on the South Side thereof, and from thence into another Close of the said Lord Robert Bertie, called Fish Pool Close, in the Holding of Jeremiah Brierly, and over the same Close and several other Closes belonging to the said Lord Robert Bertie, in the Holding of the said Jeremiah Brierly, called Nether Field Close (now into Two Parts divided) the Nether Field Close and The Flaits, by the respective Fences on the North East Side of the same Closes into another Close, called Spon Lane Close, belonging to the said Lord Robert Bertie, in the Holding of John Thompson, and over the same, by the Fence on the North East

The Right Hon. Lord *Robert Bertie.*

Side thereof, into or near a Lane called Spon Lane, and over the same into a Piece of common Ground, called Bradley Green, in the Lordship of Grendon aforesaid, and along the said Green, in a strait Line about the Middle thereof, into another Piece of Ground belonging to the said Lord Robert Bertie, now in the Holding of Elizabeth Healey Widow, called Maggot's Wilday, continuing the same strait Line from Bradley Green aforesaid over the said Close, called Maggot's Wilday, to the Lordship of Wittington; and that the said Company of Proprietors, their Successors, and Assigns, shall not deviate from the said described Course or Direction in any of the aforesaid Lands of the said Lord Robert Bertie, without the Consent of the said Lord Robert Bertie, or such other Person or Persons who, for the time being, shall be intitled to the Freehold and Inheritance thereof, in Writing first had and obtained.

Restrictions as to Locks, &c. between *Meadow Lane* and *Bradley Green*, in *Grindon*.

Provided also, That nothing in this Act contained shall extend, or be construed to extend, to enable the said Company of Proprietors, their Successors, or Assigns, in any of the aforesaid Lands of the said Lord Robert Bertie, situate between the Town of Polesworth and Bradley Green aforesaid, to build any Mill, or Warehouse, or Buildings, or to make any Quay, Wharf, Crane, or Weighing Beam, or to open or cut any Place or Places for admitting any Boat or Vessel to turn about and lie, so as in any Manner to extend the said Canal and the Towing-path thereof to any greater Breadth than Twenty six Yards; or to enable the said Company of Proprietors, their Successors, or Assigns, at any greater Distance than Thirty Yards from the South East Side of the said Lane called Meadow Lane, to erect any Lock in any of the Lands of the said Lord Robert Bertie, lying between the said Lane and Bradley Green, without the Consent of the said Lord Robert Bertie, or such other Person or Persons who for the time being shall be intitled to the Freehold or Inheritance of the said Lands, in Writing first had and obtained; and that from Meadow Lane to Bradley Green aforesaid only One Towing-path shall be made; and that the same shall be divided and fenced from the Lands adjoining by making and maintaining, at the Expence of the said Company of Proprietors, from time to time, a sunk Fence or Ha-Ha, and Posts and Rails set down in the same, and raising a Green Turf Bank, so as to cover the Gravel of the said Towing-path from being seen from Grendon Hall, or the Gardens in the South West Front of the same, or such other Fence between the

Towing path how to be fenced.

the said Lane and Bradley Green as shall be thought necessary and required by the said Lord Robert Bertie, or such Person or Persons who for the time being shall be intitled to the Freehold or Inheritance of the said Lands; any thing herein before contained to the contrary thereof in any-wise notwithstanding.

Provided always, and be it enacted by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to authorize or empower the said Company of Proprietors, their Successors, or Assigns, or their Agents, Servants, or Workmen, or any of them, to make the said intended Canal, or execute any of the Powers in this Act contained, in the Avenue to the Manor House of Charles Edward Repington Esquire, called Amington Hall, or in the Gardens, Walks, Park, or Lands, of the said Charles Edward Repington on the North Side of the River Anker, in Little Amington, in the County of Warwick; any thing herein before contained to the contrary notwithstanding. Mr. *Repington.*

Provided always nevertheless, and it is hereby further enacted and declared, That nothing in this Act contained shall extend, or be deemed, construed, or taken, to extend, to give Power or Authority to the said Company of Proprietors, their Successors, Executors, Administrators, or Assigns, or any of them, their or any of their Agents, Workmen, or Servants, or any other Person or Persons whatsoever, to make or carry the said intended Cut or Canal in, through, or along, the Orchard of or belonging, or near adjoining, to the Messuage or Mansion-house at Tamhorne aforesaid, in the said County of Stafford, Part of the Estate of the Honourable Lionel Damer, and now in the Tenure or Occupation of Master Christopher Astley, or any Part thereof, or in, through, or along, any Land or Ground that lieth between the said Messuage or Mansion-house and the said Orchard; but that such intended Cut or Canal shall be made and carried in, through, or along, Part of a certain Close or Parcel of Ground called Lightwood Lane Piece, and as near as conveniently may be to the Hedge or Fence which divideth the said Orchard from the said Close or Parcel of Ground called Lightwood Lane Piece, being other Part of the Estate of the said Lionel Damer, and now in the Tenure of the said Master Astley, and which lieth on or towards the North West Side of and adjoineth upon the said Orchard; any thing in this present Act contained to the contrary notwithstanding. The Hon. Mr. *Damer.*

Bodies Politick, &c. impowered to sell and convey to the Company of Proprietors,

And be it enacted by the Authority aforesaid, That after any such Parts of the said Lands and 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, Feoffees in Trust, Committees, Executors, and 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, Lunaticks, Ideots, Femes-covert, or other Person or Persons, and to and for all Femes-covert who are or shall be seised, possessed, or interested in their own Right, and to and for every other Person and Persons whomsoever who are or shall be seized, 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 so set out and ascertained as aforesaid, either in Consideration of a Sum of Money to be paid in Gross, or of an Annual Rent or Payment to be charged and secured upon the herein after mentioned, by and according to the Election of such Bodies Politick, Corporate, or Collegiate, Person or Persons respectively who shall be so intitled or interested as aforesaid: And where by making the said Cut or Canal the Property of any Land Owner 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 Con-

and to sell or exchange where Lands are separated into small Parcels.

tracts, 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 be made as aforesaid, shall, at the Expence of the said Company of Proprietors, their Successors, and Assigns, be inrolled by the Clerk of the Peace for the County wherein such Lands or Grounds shall be situate respectively; and true Copies thereof shall be allowed to be good Evidence in all Courts whatsoever; for which Inrolment shall be paid, to the aforesaid Officers respectively making the same, the Sum of Two Pence for every Two hundred 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 completed 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.

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 the Honourable Andrew Archer, Sir John Astley Baronet, Henry Archer, Henry Aston, Charles Adderley, the Reverend James Ansel, Thomas Anson, George Adams, John Amphlett, Joseph Amphlett, William Averne, Thomas Addenbrooke, William Archer, William Abney, Abraham Awson, the Right Honourable Robert Bertie, commonly called Lord Robert Bertie;

Commissioners Names.

Bertie; the Right Honourable Lord Viscount Beauchamp, Sir Robert Burdett, Sir Walter Wagstaff Bagot, Sir Edward Boughton, Sir Henry Bridgman, Sir Thomas Broughton, Baronets; Francis Burdett, William Bromley, William Bagot, Egerton Bagot, John Bird, John Bird junior, William Bird, Thomas Biker, Paul Baine, William Biddle, Joseph Boultbee, Gilbert Bradgate, Robert Burton, Francis Turner Blythe, William Burleton, Abraham Bracebridge, Benjamin Bartlet, Michael Baxter, the Reverend Walter Bagot, Richard Bagot, James Birch, John Beardsley, George Birch, Robert Bird, Thomas Burgh M. D. Richard Burgh, Samuel Brookes, Thomas Brockhurst, Edward Bibbins senior, James Boydall, Charles Belcher, John Beynon, Francis Blick, William Belcher, Thomas Bradley, John Bird of Hanch Hall, William Beard, Uppingham Bourne, John Bradbourne, Simon Burroughs, the Reverend John Blythe, William Bentley, Edward Ball, Samuel Ball, Joseph Barratt, Samuel Butler, the Right Honourable William Lord Viscount Chetwynd of the Kingdom of Ireland, the Honourable Henry Seymour Conway, the Honourable Thomas Craven, the Honourable William Craven, the Honourable John Chichester, William Chetwynd of Brocton, George Chetwynd, James Chetwynd, the Reverend Thomas Clare, Henry Carver, Cliffe, Charles Colemere, Godfrey Clarke, Thomas Clarke senior, Thomas Clarke junior, Edward Croxall, Edward Crofts, Robert Child, Simon Collins, Stanes Chamberleyne, the Mayor, Aldermen, and Common Council, of the City of Coventry for the time being, Nathaniel Cox, William Cleeve, Joseph Cater, Joseph Craner, Thomas Collett, John Clarke, Abraham Clarke, Thomas Chapman, Bennet Chambers, Richard Clay, William Chetwynd junior, Jervis Clarke, Charles Corbett, Thomas Cobb, Francis Cobb, Thomas Cratern, Thomas Clay, John Cole, the Right Honourable the Earl of Donnegall, the Honourable Henry Damer, the Honourable John Damer, the Honourable Lionel Damer, the Honourable and Reverend Digby D. D. Richard Dyott, John Dyott, the Reverend Thomas Dadley, William Dilk, the Reverend Richard Dovey, William Daniel, the Reverend Joseph Davie, the Reverend John Dodson, John Dews, John Dews the younger, Thomas Dabbs, Edward Dudley, Thomas Dakin, William Dadley, Thomas Dawes, John Dester, Thomas Ebdell, William Eborall, the Reverend Thomas Edwards D. D. Joseph Ebourne, Charles Elliott, William Elliott, John Eld, Jeremiah Egerton, Thomas Evans, George Evans, Allen

Allen England, Joſeph England, Charles England, the Right Honourable Bazil Fielding, commonly called Lord Fielding; Ralph Floyer, John Farmer, Thomas Fiſher of Springfield, Edward Freeman, William Freeman, Charles Floyer, Thomas Fernyhaugh, George Fieldhouſe, Thomas Forſter, William Fowler, Joſiah Flavell, the Right Honourable Finch, commonly called Lord Guernſey; the Right Honourable George Harry Grey, commonly called Lord Grey; the Right Honourable Greville, commonly called Lord Greville; the Honourable John Grey ſenior, the Honourable John Grey junior, the Honourable Booth Grey, the Honourable Fulk Greville, Richard Geaſt, Arthur Gregory, the Reverend William Greenwood D. D. William Grove, Edward Gibbs, William Dixwell Grimes, Thomas Green, Richard Gilbert, Nathaniel Gerrard, Thomas Gilbert, Samuel Gibbons, George Godfrey, Sir Liſter Holt, Sir Harry Harpur, Baronets; John Hewett of Shire Oaks, Richard Hopkins, Thomas Strong Hall, Joſeph Harper, William Holbech, Brook Hector M. D. John Hewitt, William Hunt, Joſhua Harbourne, Andrew Hackett, Andrew Hackett junior, Martin Holbeche, John Hunt, Henry Homer, John Hall, William Horſley, the Reverend William Huddesford, the Reverend Charles Hall, John Howlette, Fleetwood Hinton, Thomas Holden, the Reverend Thomas Hall, Richard Hayward, James Haddow M. D. Joſeph Hewitt, Chriſtopher Hooke, Edward Harper, Edward Harrold, Richard Hall, Sir Samuel Hellyar, Chriſtopher Horton, Thomas Hurdman, William Hope M. D. Peter Hinckes, John Hughes, Richard Higgins, George Holyoake, Roger Holmes, John Hawkes, Joſeph Heath, William Harding, John Homer, William Inge, the Reverend Richard Jackſon, William Jeſſon, Richard Jee, Charles Jennens, John Ingram, John Jennings, William Jennings, Richard Jennens, the Reverend Richard Jackſon, Edward Jordan, Edward Inge, Swinfen Jervis, Stafford James, William Inge, Thomas Keck, William Kinſmill, Edward King, John Knuttesford, John Kirkman ſenior, John Kirkman junior, Clement Kynnerſley, Richard Keeling, Wallis Kempſon, John Keeling, the Right Honourable James Lord Lifford Lord High Chancellor of Ireland, Sir Robert Lawley Baronet, Sir Edward Littleton, George Lucy, Mathew Liſter, William Liggon, David Lewis, Simon Lutterell, John Ludford, John Ludford junior, the Reverend Thomas Liptrot, Philips Lyttleton, Fiſher Littleton, Thomas Burridge Leigh, John Levett, Thomas Levett, Robert Lander, the Reverend Richard Levett, Robert Lawley, Thomas Little, Poſthumus Lloyd, John Lucas, Thomas

Luckman, Jeremiah Lowe, John Lowke, Cater Love, Thomas Lucas, Walter Lyon, Henry Lakin, Sir Charles Mordaunt, the Reverend John Mills, John Mordaunt, Edward Moy, the Reverend Mitchell Rector of Grendon, John Minſter, John Muſton, the Reverend George Malborn, Walter Acton Moſely, Edward Mainwaring, Thomas Mills, William Moody, John Moſeley, Samuel Malkin, John Mander, John Meredith, Joſiah Marſhall, Humphry Milner, Sir Roger Newdigate Baronet, Fettiplace Nott, Samuel Newton, John Newton, Thomas Nutt, Rowland Farmer Oakeover, Charles Oakes, Leak Okeover, Samuel Oldham, William Oſborne, John Oram, James Oldersſhaw, the Right Honourable Sir Thomas Parker, Lord Chief Baron of the Court of Exchequer; Sir Henry Parker, Benjamin Palmer, William Palmer, Chriſtopher Preſton, William Parker, Charles Packwood, the Reverend James Powell, Richard Parrott, Thomas Prinſep, Thomas Parker, Robert Pigot, Dryden Pigot, Dormer Packhurſt, the Reverend James Pipe, George Parker, Edward Pearſon, the Reverend William Piggott, the Reverend Samuel Pipe, the Right Honourable the Lord Pigot, George Port, James Parker, William Porter, George Porter, John Pickering, Charles Parker, Simon Pickering, Marſhall Rider, Thomas Rogers, William Robinſon, Joſeph Riley, Carey Robinſon, Nathaniel Rider, Charles Edward Reppington, the Reverend William Robinſon, Samuel Reader, John Remington, Robert Reeve, John Ruſhworth, Joſeph Rann, John Roby, Edward Ruſs, Sir Francis Skipwith, Sir Charles Shuckburgh, Baronets; George Scott, William Stanton, Walter Sadler, Miller Sadler, Abraham Spooner, Thomas Skipwith, Francis Skipwith, Iſaac Spooner, the Reverend Samuel Seagrave, Ralph Sneyd, John Sneyd, Plowden Slaney, William Swinnerton, the Reverend Saurey of Elford, Thomas Seward, Joſiah Smart, Burſlem Sparrow, Thomas Spurrier, Stephen Simpſon, Charles Simpſon, Edward Southwell, John Shuckburgh, Robert Simpſon M. D. Thomas Lander Smith, David Shakeſpear, Charles Shuman, Patrick Simſon, James Soden, Richard Steane, Thomas Soden, John Stanton, Lilley Smith, John Swinfen, Samuel Swinfen, the Honourable Henry Frederick Thynne, the Bailiffs of Tamworth, Edward Ludford Taylor, James Tomkinſon, James Tomkinſon the younger, Henry Tomkinſon, Edward Tomkinſon, Thomas Thacker, Bryan Troughton, Edward Thurlo, Richard Taylor, the Honourable George Venables Vernon, Charles Vere, the Reverend William Vyſe, John Venor, Thomas Pen Vernon,

Edward Villers, William Villers, Vernon, Henry Vernon, John Vaughton, the Honourable John Ward, Sir John Eardley Wilmot Knight, Lord Chief Justice of his Majesty's Court of Common Pleas; Sir Thomas Whitmore, Sir William Wolseley, the Reverend Sir Richard Wrottesley, Christopher Wren, the Mayor of Warwick, Robert Whadcock, Mathew Wyse, Henry Wyse, John Webb, John Willington, Thomas Walford, James West, William White, James West junior, William Wilson, John Wyerley, the Reverend Charles Wheeler, Thomas Watson, Knightley Wightwick, Francis Woolferston, Samuel Whalley, Littleton Woolferston, Francis Wheler, Christopher Wright, John Wrottesley, John Wyrley, Stanford Wolferston, William Wilson, John Watts, David Williams, Moreton Wallace, Francis Woodcock, Littleton Wolferstan, and John Wilson, 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 herein after 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,

Commissioners to determine Differences.

Paſſages, Gutters, Watercouſes, Roads, Ways, or Sluices, or ſupplying the ſame, or any of them, with Water as aforeſaid, or by flowing, leaking, or ouzing of the Water over or through the Banks of the ſaid Cut or Canal, Trenches, 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, 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 Bodies 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

If the Parties are diſſatisfied with the Determination of the Commiſſioners,

or ſhall refuſe to treat,

Premisses they are in Possession of, or to the Interest they claim; then, and in every such Case, the said Commissioners, or any Five or more of them, shall, and they are hereby impowered and required, from time to time, to issue a Warrant or Warrants under their Hands and Seals, to the Sheriff or Sheriffs of the said City and County of the City of Coventry, and the said Counties of Warwick and Stafford, 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 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 City of Coventry, and the County of the same City, and the said Counties of Warwick and Stafford respectively, not interested as aforesaid, commanding such Sheriff or Coroner respectively, 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

Commissioners to issue a Warrant to the Sheriff to impanel a Jury to assess the Purchase-monies, &c.

Jurors may be challenged.

Witnesses to be examined upon Oath.

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 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.

Penalty on Sheriff, &c. making Default.

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 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 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.

Fine not to exceed 5*l*.

Expences of the Jury how to be paid.

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 Recompence 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 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 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, or Damages as aforesaid.

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

Provided moreover, and be it 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

of Complaint shall happen, 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 he, 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 thence forth 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

and Towing-paths on the Sides thereof, in or upon such Lands, Tenements, or Hereditaments, for which such Satisfaction shall be determined or 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 Premisses to and for their own Use and Benefit for the Purposes of the said Navigation, discharged of all Rights and Claims whatsoever thereon; 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.

Verdicts, &c. to be recorded by the Clerk of the Peace.

And be it further enacted by the Authority aforesaid, That all the Determinations of the said Commissioners, or any Five of them, which shall be summitted 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 Clerk of the Peace for the County wherein such Verdicts shall respectively be given, amongst the Records of the Quarter Sessions of the Peace for the said County, 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 Inrolments 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 Proceedings, of the said Court of 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 Premisses, 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 Seisin or Possession thereof to all Intents and Purposes whatsoever, 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 Sail inrolled, Feoffment with Livery of Seisin, Fine, 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 was 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 any Fine or Recovery, or either of them, would do if levied or suffered by the proper Parties in due Form of Law.

Purchase-monies how to be applied.

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, seised of Lands or Grounds so limited in Strict Settlement, 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 and 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 or Grounds for or in respect whereof such Purchase Money or Monies received in Exchange shall be so paid as aforesaid were limited, settled, and assured, at the Times such Purchase Monies

nies 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 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, or 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 proportion the Money.

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, Tolls, &c. to cease.

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 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.

Damages, &c. not paid within 4 Months, are to be levied on the Company.

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 or Sheriffs of the said City and County of the City of Coventry, and Counties of Warwick and Stafford respectively, as the Case shall be, authorizing and impowering such Sheriff or Sheriffs to levy and raise 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, together

together with such reasonable Charges as the said Commissioners, or any Five or more of them, shall in such Warrant direct and appoint.

Annual Rents how recoverable.

Provided always, and be it further enacted, That all and every such yearly Rents or Sums as shall be agreed upon, or settled and ascertained as aforesaid, shall be charged and chargeable 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 of Non-payment thereof, within Twenty one Days next after the same shall become due; it shall and may be lawful to and for the said Commissioners, or any Five 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 the same, shall be fully satisfied and paid; or otherwise the said yearly Rents or Sums may be sued for and recovered with Costs, by Action of Debt, in any of His Majesty's Courts of Record at Westminster, or, at the Election of the Parties intitled thereto respectively, may be recovered by Distress and Sale of the Goods and Chattles of the said Company of Proprietors, their Successors, and Assigns, in such Manner as the Law directs in Cases of Distress for Rent; but nevertheless that the Goods or Chattles 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.

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 to be erected or made by virtue of this Act, such Person or Persons shall be 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; or, in Mitigation of such Punishment, may,

if they think fit, award such Sentence as the Law directs in Cases of Petit Larceny.

Penalty on Persons obstructing the Works.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall wilfully and maliciously do any Hurt or Mischief to obstruct, hinder, or prevent the carrying on, completing, supporting, or maintaining, the said intended Navigation, or any Works hereby authorized to be made; every Person so offending shall forfeit any Sum not exceeding Five Pounds, nor less than Forty Shillings, or shall be committed to the House of Correction for the County where the Offence shall be committed, for any Time not exceeding One Calendar Month, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

Coals, &c. dug out of Lands, to be taken by the Owners.

Provided always, and be it further enacted by the Authority aforesaid, That all Coals, Iron Stone, Salt Rock, and other Minerals, which shall be found and dug up in making, carrying on, and completing the said Cut or Canal, or any other of the Works hereby authorized to be made, carried on, and completed, 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 Lands or Grounds the said Coals, 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, 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 the remaining Part of such Mines, Salt Rocks, 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 that such Part thereof as shall be under or within the Distance of Ten Yards from such Tunnel or

Owners of Mines have Liberty to make Soughs into the Navigation;

Aqueduct,

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 Water shall be taken or drained out of the said Canal, or from any of the Springs, Streams, or Brooks, that supply the same, between the said City of Coventry and the First Lock upon the said navigable Canal, in the County of Warwick, unless such Water shall be returned into the said Canal above the said Lock.

and to make Communications with the Canal, with the Consent of the Company of Proprietors.

Provided always, That nothing herein contained shall extend, or be construed to extend, to hinder or restrain the said Owner or Owners of any Mines or Minerals to work, carry on, and drain the same, or with the Consent of the said Company of Proprietors under their Common Seal, to make Communications with the said Canal by any navigable Cut or Canal, Sluice or Sluices, through his or their own Lands and Estate, in such Manner as they shall think proper, so that no Injury or Damage be done thereby to the said Canal.

Proprietors may raise 50,000*l.* 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, and in such Proportions as to them shall seem meet and convenient, a competent Sum of Money for making and completing the said navigable Cut or Canal; provided that the said Sum do not exceed the Sum of Fifty 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 or more than Ten Shares (except as herein after-mentioned) either in his own Name, or in the Name of any other Person or Persons in Trust for him, (unless 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 Ten Shares aforesaid; and the Money so to be raised is hereby enacted 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

No Person to have more than 10 Shares in his own Name.

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

Money to be raised to be divided into 500 Shares of 100 *l.* each.

And be it further enacted by the Authority aforesaid, That the said Sum, or such Part thereof as shall be raised by the several Persons herein before named, shall be divided and distinguished into Five hundred equal Parts or Shares, at a Price not exceeding One hundred Pounds per Share; and that the said Five hundred Shares shall be, and are hereby, vested in the several Persons before named, and their several and respective Executors, Administrators, 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 all and every the said Shares shall be deemed to be Personal Estate, and transmissible as such, and not of the Nature of Real Property; and all Bodies Politick and Corporate, Person and Persons, their several and respective Successors, Executors, Administrators, 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 completing the said intended Navigation, shall be intitled to, and receive, after the said Navigation shall be completed, the intire and neat Distribution of One five hundredth Part of the 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 Ten Shares as aforesaid, except nevertheless as herein after-mentioned; and every Body Corporate or Politick, Person or Persons, having such Property of One five hundredth Part or Share in the said Undertaking, and so in Proportion as aforesaid, shall bear and pay an adequate and proportional Sum of Money towards carrying on the said Undertaking in Manner herein after enacted, directed, and appointed.

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

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 and maintaining the same shall be carried on, and until the same shall be completed and finished, to pay unto every Body Corporate or Politick,

litick, Person or Persons, their several and respective Successors, Executors, Administrators, 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 completing the said Navigation, Interest for the same after the Rate of Five Pounds for every Hundred Pounds, for One Year, from the Time that each of such Sum or Sums shall be respectively advanced as aforesaid.

And, to the end that all Matters and Things, touching, concerning, or relating to, the carrying on and completing the said Navigation, may be managed and conducted in the most beneficial Manner; be it further enacted, 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 Five 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 Vote 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 every Body or Bodies Corporate or Politick, Person or Persons, who shall have more than One such Share, and not exceeding Ten Shares (except as herein after mentioned) 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 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.

Subscribers to have a Vote for every Share,

by themselves or Proxies.

And be it enacted by the Authority aforesaid, That in case the said Sum of Fifty thousand Pounds, herein before authorized to be raised, shall be found insufficient for the making, completing, and maintaining the said navigable Cut or Canal, and other the Works hereby authorized

Additional Sum of 30,000*l.* may be raised if necessary.

thorized to be made, and all necessary Charges and Expences relating thereto; then, and in such Case, it shall and may be lawful to and for the said Company of Proprietors to raise and contribute amongst themselves, in Manner and Form aforesaid, or by the Admission of new Subscribers, any further or other Sum of Money for completing and perfecting the said Navigation, not exceeding the Sum of Thirty thousand Pounds; and towards raising such further or other Sum, any Member or Members of the said Company of Proprietors, shall and may subscribe and become Proprietor of any Number of Shares, not exceeding Five Shares therein, at the Price aforesaid, although such Member or Members, or those under whom he or they became intitled, was or were originally a Subscriber or Subscribers for Ten Shares of the said Fifty thousand Pounds; and every Subscriber towards raising such further or other Sum shall have a like Vote by himself or his Proxy in respect of every such Share in the said additional Sum so to be raised, and shall also stand interested in all the Profits and Powers of the said Navigation, proportionably to the Sum he or they may subscribe thereunto, as generally and extensively to all Intents and Purposes, as if such further or other Sum hereby allowed to be subscribed for and raised had originally been Part of the said Fifty thousand Pounds; any thing herein contained to the contrary thereof in any wise notwithstanding.

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 White Bear Inn in Coventry, upon the Twenty first Day after the passing of this Act, and the Second General Meeting at the Place aforesaid upon the last Tuesday in September next, and the like General Assemblies or Meetings shall be held on the last Tuesday in March, and the last 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 Twenty one Persons, who are for the time being Proprietors of Two 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

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 Coventry and Birmingham News Papers, and 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 Principals or Proxies, less than Two 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.

Provided

General Assemblies to consist of 200 Shares.

Provided always, That if at any such General Assembly there shall not be Persons present who have Two 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 at 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

Proprietors not meeting shall forfeit 10 s. for each Share.

that in case of Failure of the Meeting of the Persons having Two 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 Navigation and Undertaking, the Sum of Ten 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 concerning 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 for 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 to that Amount be made but at the Distance of

Three

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 Five; and every the 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 Coventry and Birmingham News Papers, and 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 Suc-

ceſſors, 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 Conſtitutions, for the good Government of the ſaid Company, for the good and orderly uſing the ſaid Navigation, and all ſuch Warehouſes, Wharfs, Paſſages, Locks, Tunnels, and other Things that ſhall be made for the ſame, and of and concerning all ſuch Veſſels, Goods, and Commodities, as ſhall be navigated and conveyed thereon; and alſo for the well-governing of the Bargemen, Watermen, and Boatmen, who ſhall carry any Goods, Wares, and Merchandize, upon any Part of the ſaid Canal, and, from time to time, to alter or repeal the ſaid Bye-laws and Conſtitutions, and to impoſe and inflict ſuch reaſonable Fines or Forfeitures upon all Perſons offending againſt the ſame, as to the major Part of ſuch General Aſſembly ſhall ſeem meet, not exceeding the Sum of Five Pounds for any One Offence; ſuch Fines

and Forfeitures to be levied and recovered by such Ways and Means as are herein after-mentioned; which said Rules, Bye-laws, and Constitutions, being put into Writing under the Common Seal of the said Company of Proprietors, 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 Death of subscribers before Shares completed,

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 the Money 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 of Money when called for as aforesaid, to complete every such Subscription; and if such Owner deceased shall not have left Assets sufficient, or in case the Executor, Administrator, Trustee, or Guardian, shall refuse or neglect to answer such Calls and Payments, the said Company of Proprietors shall be; and are hereby impowered, 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 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.

Executors may do it.

Shares may be disposed of, and the Manner directed.

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 thereon, subject to the Rules and Conditions herein mentioned; and any Purchaser or Purchasers shall for his, her,

her, or their Security, as well as that of such Proprietor or Proprietors, have a Duplicate or Duplicates of the Deed of Assignment, 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 to 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 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, assign, and transfer, to the said *C. D.* his Executors, Administrators, and Assigns, Shares *(as the Case is)* in the *Coventry* Canal Navigation, to hold to him the said *C. D.* his Executors, Administrators, 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

the said *C. D.* do hereby agree to accept thereof, subject to the said Rules, Orders, and Conditions.

Witness our Hands and Seals this 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 gratis; and may demand and have Copies thereof, or of any Part thereof, paying Two 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 and peruse such Book or Books, or refuse to make any Copy or Copies at the Rate or Time aforesaid, he shall, for every such Offence, forfeit and pay the Sum of Five Pounds. Clerk to be appointed, and his Office.

And be it further enacted, That the Clerk to the said Company of Proprietors for the time being, or some other competent Person to be appointed by the said Company, their Successors, and Assigns, but to be approved of by the said Commissioners, or any Five or more of them, shall, from time to time, attend the said Commissioners at all Meetings to be by them held for the Purpose of executing this Act; and that all Orders and Proceedings of the said Commissioners shall be entered by such Clerk in a Book or Books to be kept for that Purpose, such Book or Books to be open at all seasonable Times to the Inspection of any Person desirous Clerk to attend Commissioners, and make Entries of their Proceedings; which being signed, are made Evidence.

of seeing and examining the same, without Fee or Reward; and the said Orders and Proceedings, when so entered as aforesaid, shall be signed by such Number of the said Commissioners respectively, as by this Act are impowered and required to make such Orders, and carry on such Proceedings, and shall also be attested by the said Clerk as a Witness thereto; and being so signed and attested, shall be deemed Originals, and admitted as Evidence without further Proof, in all Courts whatsoever.

If Clerk not approved, a new One to be appointed.

Provided always, That in case the Person appointed by the said Company of Proprietors to attend the said Commissioners as their Clerk, shall be by any Five or more of them disapproved, the said Company of Proprietors, their Successors, and Assigns, shall, upon Notice of such Disapprobation given them by such Commissioners, immediately proceed to a new Appointment, and so from time to time until the said Company of Proprietors, their Successors, or Assigns, shall appoint a Clerk, of whom the said Commissioners, or any Five or more of them, shall approve.

Tolls allowed to be taken.

And be it further enacted by the Authority aforesaid, That in Consideration of the great Charges and Expences of 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 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 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, or any Side Branch or Branches thereof (except such Branch or Branches as shall or may be made by the Owner or Owners of any Mines or Minerals over his or their own Lands as aforesaid, 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 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, or any Side Branch or Branches thereof (except as before excepted) and so in Proportion for a greater

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 and appoint; and in case of Denial or Neglect of Payment of any such Rate and 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 detain 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 Four Days after the taking thereof, the same to be appraised and sold as the Law directs in Cases of Distress for Rent.

For reducing the Tolls on certain Things, and exempting others from Payment of Tolls.

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, Dung, Soil, Marl, and all Sorts of Manure for Land respectively, shall not; nor shall any of them be charged with, or liable to pay, any the Rates, Duties, or Tolls, authorized to be taken by this Act, for being carried upon the said Cut or Canal, Trenches, Sluices, or Passages, 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 over 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) for Land, 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 and Satisfaction, in case of any Difference, shall be settled and ascertained by the said Commissioners, or any Five or more of them.

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

Provided always, and be it enacted by the Authority aforesaid, That if any Iron, Iron Stone, Coals, Lime for the Improvement of Land, 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 Coals or other Goods, or in case of Difference concerning the same, as shall be ascertained by the said Commissioners, or any Five of them.

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

And be it further enacted by the Authority aforesaid, That the said Company of Proprietors, their Sucessors, and Assigns, shall, at their First General Assembly, fix the Rates, Tolls, or Duties, to be by them taken 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, and 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 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, at any General Assembly, of which such Notice shall be given as aforesaid, advance the said Rates, Tolls, or Duties, so lessened, to any Sum or Sums of Money not exceeding the 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.

and not to be altered but at a General Meeting, &c.

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 Nine or more of them, at a General Meeting to be held for that Purpose at the White Bear, or some other publick Inn in Coventry aforesaid; of which Meeting Notice shall be given in the Coventry and Birmingham 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; 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 Boat or Vessel 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 Rates and Duties they are obliged to pay for the same: And in case of Neglect, 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 Suc-

on Penalty of 10 *s. per* Ton.

ceſſors, and Aſſigns, are herein before directed and appointed to be recovered and levied.

For aſcertaining Tonnage of Timber.

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,

Veſſels to be detained, and Goods weighed, &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, or 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, on the Oath of One or more credible Witneſs or Witneſſes, to have ariſen from ſuch Detention; and in Default of immediate Payment thereof by the Collector, 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.

Provided

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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 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, 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 Coals, and other Goods, 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, and subject always to the Rules, Bye-laws, and Constitutions, which shall from time to time be made by the said Company of Proprietors, their Successors and Assigns, by virtue of the Powers herein before granted for and concerning the said Navigation.

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.

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 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

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 in Writing, 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 are 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 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 or Canal for Cattle to 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 Costs and Charges,

Charges, divide and separate the Towing-paths on the Side or Sides 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, from the Lands or Grounds adjoining to such Towing-paths, 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; and shall, at their own Costs and Charges, maintain and support the same; and also shall, at their own Charges, make, erect, and set up, and, from time to time, maintain and support 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, Fords, and Passages, over, 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 Bridle-way, or Foot-path, until such Time as they shall, at their own proper Charges, have made and perfected such Bridge or Bridges over, or convenient 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 Bridges, Arches, Fords, and Passages, so 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.

and Bridges, &c. to be made.

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

In case of Failure, the Commissioners to do it,

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, and 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, or to maintain and support such Bridges, Arches, and Watering-places, when erected, set up, or made, 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, and Watering-places, 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 to maintain, repair, and support, the said Bridges, Arches, and Watering-places, from time to time, as Occasion shall require; 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, and Watering-places, or have repaired and maintained the same 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, in or upon the said Cut or Canal, or the Wharfs, Quays, or Warehouses, adjoining or near the same, to and for the Use of such Person or Persons who shall have so laid out and expended

and levy the same on Goods of Proprietors.

pended the same as aforesaid, tendering 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, set up, or maintained or repaired, any such Gates, Stiles, Bridges, Arches, or Watering-places, 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 said Company of Proprietors, their Successors, and Assigns, for the Recovery of such Costs and Charges, by Action at Law to be commenced and prosecuted in such Manner as in other Cases is in and by this Act mentioned and directed.

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 thereafter, find upon Experience that the several Gates, Stiles, Bridges, Arches, Passages, and Watering-places, 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, or under, the said Cut or Canal, or the Towing-paths thereof, are insufficient, either in 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, to make, fix, and erect, at their own Costs and Charges, One or more Gate or Gates, Stiles, Bridges, Arches, Passages, or Watering-places, 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 said Cut or Canal by the said Company of Proprietors, their Successors, and Assigns, as aforesaid, and so as no Damage or Injury be thereby done to any of the Works of the said Navigation.

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

Provided also, and it is hereby further enacted by the Authority aforesaid, That nothing in this Act contained 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 Manor-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 were made, planted, inclosed, and enjoyed as such, before the said Twenty fourth Day of June, One thousand seven hundred and sixty seven; 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 said 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 and 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

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

Successors,

Succeſſors, and Aſſigns, at ſuch Price or Value as the ſame reſpectively ſhall have been eſtimated to, or purchaſed by, the ſaid Company of Proprietors, their 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 to, 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 the Land and the ſaid Company, their Succeſſors, and Aſſigns, or their Agent; and in caſe of any Difference of ſettling or aſcertaining the ſame, then at ſuch Price or Value as the ſaid Commiſſioners, or any Five or more of them, ſhall direct and appoint.

For erecting a Crane near *Tamworth*.

And be it enacted by the Authority aforeſaid, That the ſaid Company of Proprietors, their Succeſſors, and Aſſigns, ſhall, and they are hereby required to erect, and, from time to time, maintain and keep in Repair, upon ſome Part of the Bank of the ſaid Cut or Canal next to the Town of Tamworth, where the ſaid Canal ſhall croſs the River Tame, a good, ſufficient, and proper Crane, Machine, or Engine, for the Purpoſe and Convenience of lading and unlading Goods into, and out of, Boats and Veſſels navigating upon the ſaid Cut or Canal and the ſaid River Tame, without demanding or receiving any Gratuity, Toll, or Money, for building and maintaining the ſame, or for the Uſe thereof.

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 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 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, 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 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, comprised 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, for erecting such sufficient Warehouses and Buildings, agreeable to such Plan or Plans so delivered as aforesaid, first making Satisfaction for the same, in such Manner as is directed with respect to other Land or Grounds which shall be taken and used for the like Purposes.

And

And be it further enacted, 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 Merchandizes, which shall be laid thereon, shall remain or continue on such Wharf or Quay for a longer Time than the Space of Six Days. For ascertaining the Rate of Wharfage.

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, 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 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. Masters to put their Names on the Outside of their Boats. Boats, &c. to be measured.

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, Wears, Locks, Dams, Engines, or other Works, in, upon, or near, the Boatmaster, &c. answerable for Damage done by the Crew.

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 and lie in for other Boats to pass.

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.

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 Cloughs 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 Cloughs of the lower Gate thereof; and in going up the said Cut or Canal, shall, so soon as he or they

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 Cloughs 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 above 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 these Particulars, and being convicted thereof before any Justice of the Peace upon the Oath of One or more credible Witness or Witnesses, as also the Master or other Person having the Command of such Boat or Vessel, shall forfeit the Sum of Forty Shillings.

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

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 and pay any 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 Person having the Use of such Boat or Vessel, shall not without Loss of

Vessels sunk, to be weighed up.

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.

Persons overloading and obstructing the Passage of the Canal to forfeit 5*l.*

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 load any Boat or Vessel with Timber so that the same shall lie over the Sides of any such Boat or Vessel so laden, or shall overload any Boat or 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 to obstruct the Passage of any other Boat or Vessel, and shall not immediately, upon Notice given to the Owner or Person having the Care of such Boat or Vessel so obstructing the Passage as aforesaid, hale 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 Person 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 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 wilfully 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.

Canal not 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 former Law or Statute to the contrary notwithstanding.

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

Provided always, and be it 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

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ing to Game) shall carry with him or them, or have on Board any Boat or other Vessel, any Fishing Net, Gun, Engine, or other Instrument, for taking or destroying, and with an Intent to take and destroy, Fish or Game; such Person or Persons, being thereof lawfully convicted by his own Confession, or the Oath of One or more credible Witness or Witnesses, before One or more of His Majesty's Justices of the Peace for the said City and County of the City of Coventry, and Counties of Warwick and Stafford respectively, according to the Place where the Fact shall happen, 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 knowingly suffer or permit any Person or Persons, not being duly qualified as aforesaid, to have, carry on Board, or 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 any of the said Counties respectively where the Fact shall happen, 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 thereby; Notice of the Time and Place of Meeting for the Appointment of every such new Commissioner being first given in the Coventry and Birmingham News Papers, or in such other publick Manner as the said Commissioners shall direct, Fourteen Days at least before such Meeting, and the Intention to proceed to such Election shall be expressed in such Notice.

Qualification of Commissioners.

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 seised 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 shall be possessed of a Personal Estate to the Amount of Three thousand Pounds, over and above the Payment of all his just Debts; or unless he shall be eldest Son or Heir Apparent of a Peer, or of a Person qualified to be elected and serve as a Knight of a Shire within the Realm of England: And if any Person so incapable shall presume to act as a Commissioner, every such Person shall, for every 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 alowed; 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.

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 Five or more of the said Commissioners, who are hereby authorized and impowered to administer the same; videlicet,

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 Eighth Year of the Reign of His present Majesty, for making and maintaining a navigable Canal, called *The* Coventry *Canal Navigation*.

So help me G O D.

Commissioners may act as Justices.

And be it further enacted by the Authority aforesaid, That such of the said Commissioners who are or may be Justices of the Peace for the said City and County of

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the City of Coventry, in respect of Charter Constitutions, and also such of the said Commissioners who are or shall be in the Commissions of the Peace for the said Counties of Warwick and Stafford, shall and may, and they are hereby respectively impowered to act as Justices of the Peace in the Execution of this Act within the Limits of their Jurisdictions, notwithstanding their being Commissioners.

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 and collected by Authority of the same, such Person, from and after his accepting, and during the Time of his holding and enjoying, such Place of Profit, and during the Time of his being a Proprietor in the said Navigation, or 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 the same.

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 any of 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 Works necessary or relating thereto, unto the Commissioners appointed by and for the Purposes of this Act, or any Five or more of them, desiring them to appoint a General Meeting of the Commissioners; the Commissioners so 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 hereby directed, 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 Place as the said Commissioners there assembled, or any Seven 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 Meetings, and to adjourn to any other Time, they shall, from time to time, as often as the Case shall so happen, be deemed adjourned until that Day Three Weeks at the same Place; and all Meetings of the said Commissioners by virtue of this Act shall be publick; and the Majority of the said Commissioners present at every such Meeting (such Majority not being less than Five 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 contained to the contrary thereof in any wise notwithstanding.

Meeting may be called 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 hereby directed, 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.

Notice of Commissioners Meetings directed.

Provided always, and be it further enacted, That no Meeting of the said Commissioners shall be good or effectual for any of the Purposes of this Act, unless previous Notice of the Time and Place thereof, and the Business proposed to be done, under the Hand of the Clerk for the time being attending the said Commissioners, shall be first published in the Coventry and Birmingham News Papers, or such other Manner as the said Company of Proprietors, their Successors, and Assigns, shall at any General Meeting appoint, at least Fourteen Days before every such intended Meeting of the said Commissioners, unless the Business to be transacted at any Meeting, of which such Notice has been given as aforesaid, shall not be concluded on the Day mentioned in such Notice; in which case the Commissioners, or any Five or more of them, may, from time to time, adjourn to the succeeding Day, or if such Day be Sunday, to the Day after, and in like Manner from Day to Day, and may meet again at the same or any other convenient Place, and proceed in such Business

siness until the same is finished, without any Notice to be given of the Meetings held by such last-mentioned Adjournments.

No Meeting but within 5 Miles of the Canal.

Provided also, That every Meeting of the Commissioners for hearing or determining any Complaint, Controversy, 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, 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 Meeting respectively shall concur therein; such Majority not being less than the respective Numbers authorized to make such Orders or Determinations; and that no Order or Determination of the said Commissioners, duly made, shall be revoked or altered, unless Twelve Commissioners shall be present and concur therein; and the Commissioners, at all their Meetings, shall defray their own Expences.

Rights of Lords of Manors, &c. preserved:

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 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, 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, Watercourses, or other Conveniencies aforesaid, or any of them; but all such Mines, Minerals, and Quarries, 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, not thereby injuring, prejudicing, or obstructing, the said Cut or Canal, Towing-paths, Wharfs, Quays, Trenches, Sluices, Levels,

Levels, 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 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 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 Lands or 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

tive Lands or Grounds as aforesaid; any thing herein contained to the contrary notwithstanding.

Not to erect Houses, &c. without the 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.

Pleasure-boats, &c. allowed.

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 upon such Canal any Pleasure-boat or Boats, or any other Boat or Boats for the Purpose of Husbandry only, or for conveying Cattle from one Farm, or Part of a Farm or Lands, to any other Farm or Lands of the same Owner or Occupier, without the Interruption of the said Company of Proprietors, their Successors, or Assigns, Agent or Agents, and without paying any Rate or Duty for the same, so as such Boats do not pass above the Distance of Two Miles upon the said Canal; and so as such Boat or Boats be not above Seven Feet in Breadth, and do not pass through any Lock, or be employed for carrying any Goods, Wares, or Merchandize, to Market or for Sale, or any Person or Persons for Hire; and so as the same shall not obstruct or prejudice the Navigation

of the said intended Cut or Canal, or the Towing-paths on the Sides thereof, or obstruct any Boats passing upon the said Navigation liable to pay Toll; and the Owner of all such Pleasure-boats or other Boats shall, in his own Lands, make convenient Places for such Boats to lie in, and shall not suffer them to be moored or remain upon the said Canal.

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 completed, 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 seised 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 and Grounds to the said Company of Proprietors, their Successors, or Assigns, as the said Commissioners, or any Five or more of them, shall judge 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; 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 valuable 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,

prietors, 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 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.

Writings to be without Stamps.

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, or under the Hand and Seal of any Justices of the Peace, or of the said Commissioners, or 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 Proceedings to be had or taken in pursuance of this Act, shall be quashed or vacated for Want of Form.

Mile-stones to be erected,

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, and Merchandizes, 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 Tolls to be taken thereat.

Fines how to be recovered, &c.

And be it further enacted, That all Fines and Forfeitures inflicted by this Act, or by any Rules, Bye-laws, or

or Constitutions, made by the said Company of Proprietors, their Successors, and Assigns, by the Authority thereof, the levying and recovering of which said Fines and Forfeitures are not herein before particularly 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 City and County of the City of Coventry, and the said Counties of Warwick and Stafford; which said Justice or Justices is and are hereby authorized, within the Limits of their respective Jurisdictions, to hear and examine Witnesses upon Oath, and determine the same, and may, according to his or their Discretion, mitigate any Fine or Forfeiture herein before allowed to be mitigated; 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 and for no other Use or Purpose whatsoever.

Application of Monies.

Persons aggrieved by any Irregularity in Distress, to recover only the special Damage.

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 Proceedings 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 may appeal to the Quarter Sessions.

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 Constitution, 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 Sessions to be held in and for the said City and County of the City of Coventry, and Counties

Counties of Warwick and Stafford 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 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 think 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 City or County 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 Public Act; and all Judges, Justices, and other Persons, are hereby required to take Notice of it as such, without specially pleading the same.

FINIS.