Anno octavo

Georgii III. Regis.

An Act for making and maintaining a navigable Cut or Canal from the River *Severn*, at or near a Place called *Hawford*, in the Parish of *Claines*, in the County of *Worcester*, to or near a Place called *Chapel Bridge*, within the Borough of *Droitwich*, in the said County.



WHEREAS the making and maintaining a navigable Cut or Canal from the River Severn, at or near to the Entrance of the River Salwarp, into the said River Severn, within the Parish of Claines, in the County of Worcester, through the several Parishes of Claines, Martin, Hussingtree, and Salwarp, to or near a Place called Chapel Bridge, within the Borough of Droitwich, in the same County, for the Navigation of Boats, Barges, and other Vessels, will be of particular Advantage and Benefit to the Trade and Manufactures of the said Borough and County, and also of great publick Utility: And whereas the several Persons herein after-named are desirous, Preamble.

at their own proper Costs and Charges, to begin, carry on, complete, and maintain, the said navigable Cut or Canal, but cannot effect the same without the Aid and Authority of Parliament; may it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That George Burrish, John Amphlett, Nicholas Smithsend, John Brown, Esquires; John Wall Doctor of Physick, Edward Bearcroft, Thomas Holbeche, William Romney, James Walker, Richard Phillips, and Hugh Bennett, Gentlemen; Henry Roberts and Humfrey Penrice, Clerks; Rupert Dowey and Richard Norbury, Esquires; James Nash, Thomas Waldron, Richard Roberts, Henry Sacheverell Lander, and Edward Grainger, Gentlemen; Roger Williams Clerk, Robert Penrice Esquire, Edward Wheeler, John Collins, and Henry Robeson, Gentlemen; Robert Harrison and Morgan Greaves, Esquires; James Raby Gentleman, Love Derbie, Katherine Slade Hill, Mary Bonner, Elizabeth Hopwood, Mary Vernon, Dorothy Roberts, and Sarah Roberts, their several and respective Successors, Heirs, and Assigns, together with such Person or Persons as they, or the major Part of them at any General Meeting assembled, shall nominate and appoint under their Hands and Seals, are and shall be united into a Company for the better carrying on, making, completing, and maintaining, the said navigable Cut or Canal passable for Boats, Barges, and other Vessels, from the River Severn, at or near to the Entrance of the River Salwarp into the said River Severn, within the Parish of Claines, in the County of Worcester, through the several Parishes of Claines, Martin, Hussingtree, and Salwarp, to or near Chapel Bridge, within the Borough of Droitwich in the same County, according to the Rules, Orders, and Directions, herein after expressed and laid down; and shall, for that Purpose, be One Body Politick and Corporate, by the Name of The Company of Proprietors of the *Droitwich* Canal Navigation, and by that Name shall have perpetual Succession, and shall have a Common Seal, and by that Name shall and may sue and be sued, and also shall and may have Power and Authority to purchase Lands to them and their Successors, Heirs, and Assigns for the Use of the said Navigation, without incurring any of the Penalties or Forfeitures of the Statute of Mortmain; and the said Company of Proprietors,

Proprietors Names.

Their Power.

prietors, their Succeſſors, Heirs, 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 River Severn, at or near the Entrance of the River Salwarp, into the ſaid River Severn, within the Pariſh of Claines, in the ſaid County of Worceſter, through the ſeveral Pariſhes of Claines, Martin, Huſſingtree, and Salwarp, to or near Chapel Bridge, within the Borough of Droitwich aforeſaid, and to ſupply the ſaid Cut or Canal intended to be made by virtue of this Act, whilſt the ſame ſhall be making, and when made, from the Overflowings of the Salt Water or Waſte Brine running from the ſeveral Salt Pits or Salt Springs within the ſaid Borough of Droitwich aforeſaid; and alſo from and out of the ſaid River Salwarp, at any Place below the Town Mill in Droitwich aforeſaid, and from ſuch other Springs, Brooks, or Streams, as communicate with, or ſhall run into, the ſaid Cut or Canal, or ſhall be found in making the ſame; and alſo to divert or turn the Courſe of the ſaid River Salwarp, where the ſame ſhall be thought neceſſary; and to make ſuch Reſervoirs as ſhall be neceſſary for the Purpoſes of the ſaid Cut or Canal, for the more conveniently ſupplying the ſame with Water; and for the Purpoſes aforeſaid, the ſaid Company of Proprietors, their Succeſſors, Heirs, and Aſſigns, and their Agents, Servants, and Workmen, are hereby authorized and impowered, in, upon, or through, the Lands and Grounds of or belonging to the King's Majeſty, His Heirs, or Succeſſors, or of any other Perſon or Perſons, Bodies Politick, Corporate, or Collegiate whatſoever, to enter, and to bore, dig, cut, trench, ſough, remove, and lay, Earth, Stone, Rubbiſh, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matter and Thing which may be dug or got in the making of the ſaid Cut or Canal, or which may hinder, prevent, or obſtruct, the making, uſing, completing, extending, and maintaining, the ſame, and for making, uſing, completing, extending, and maintaining, of ſuch Trenches, Paſſages, Gutters, and Watercourſes, as ſhall be neceſſary and proper to convey Water to and from the ſaid Cut or Canal, according to the Tenor and Purport of this Act; and alſo to make, build, erect, and ſet up, in or upon the ſaid intended Cut or Canal, or upon the Lands adjoining or near the ſame reſpectively, ſuch and ſo many

Bridges, Tunnels, Aqueducts, Sluices, Locks, Weirs, Pens for Water, Stanks, Reservoirs, Drains, Wharfs, Quays, Loading-places, Weigh-beams, Cranes, and other Works, Ways, and Conveniencies, as and where the said Proprietors, their Successors, Heirs, and Assigns, shall think requisite and convenient for the Purposes of the said Navigation, and also, from time to time, to alter, repair, and amend the same; and to make, widen, and enlarge, any Bridges, Ways, Passages, Cuts, Locks, Tunnels, Aqueducts, Trenches, Sluices, or other Conveniencies, as well for the carrying and conveying Goods, Commodities, and other Things, to or from the said Cut or Canal, as for the carrying and conveying of all Manner of Materials necessary for the making, erecting, finishing, altering, repairing, or amending, the said Works of and belonging to the said Navigation; and also to place, lay, work, and manufacture, the said Materials on the Grounds near to the Place or Places where the said Works, or any of them, shall or are intended to be made, erected, repaired, or 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, and Ways, convenient for towing, hauling, 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, Heirs, and Assigns, shall think convenient; and also to dig, work up, and carry away, Clay for making of Brick, and to dig, take, and carry away, Soil, Clay, Gravel, or Stone, proper, requisite, or 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 the Ground whereon any House was erected, or a Garden, Yard, Park, Paddock, planted Walk, or Avenue to a House, or Lawn inclosed or adjoining to a Mansion-house) were made, planted, or set apart, before the First Day of November, One thousand seven hundred and sixty seven, and to construct, erect, and keep in Repair, any Piers, Arches, and other Works, in, upon, and across, any Rivers or Brooks, for the making, using, maintaining, and repairing, the said Cut or Canal, and the Towing-paths on the Sides thereof; and also to construct, erect, make,

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, Heirs, and Assigns, doing as little Damage as may be in the Premisses, and making Satisfaction, in manner herein after-mentioned for all Damages to be sustained by the Owners or Proprietors of any Mills now erected upon the said River Salwarp, or of such Lands, Tenements, or Hereditaments, Waters, Watercourses, Brooks, or Rivers respectively, as shall be taken, used, removed, diverted, or prejudiced, in or by the Execution of all or any of the Powers of this Act; and this Act shall be sufficient to indemnify the said Company of Proprietors, their Successors, Heirs, and Assigns, and their Servants, Agents, and Workmen, and all other Persons whatsoever, for what they or any of them shall do by virtue of the Powers hereby granted.

Lands may be entered for making Surveys.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Agents and Servants of the said Company of Proprietors, their Successors, Heirs, and Assigns, from time to time, and at all Times hereafter, to enter upon the Lands or Grounds of the 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; such Satisfaction, in case of any Dispute, to be settled, ascertained, and recovered, in like Manner as is herein after directed for Damages done to the Owners or Occupiers of Lands.

Canal not to be on the North Side of the Parsonage at *Salwarp*.

Provided always, and be it enacted by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to impower or authorize the said Company of Proprietors, their Successors, Heirs, or Assigns, or their Agents, Servants, or Workmen, to make the said navigable Cut or Canal on the North Side of the Parsonage House or School House within the Parish of Salwarp aforesaid; but that the same shall be carried on the South Side thereof: And

for that Purpose it shall and may be lawful for the said Company of Proprietors, their Successors, Heirs, or Assigns, or their Agents, Servants, or Workmen, to alter or turn any Road or Way that they shall think necessary, making Satisfaction for any Damages occasioned thereby; such Satisfaction, in case of any Dispute, to be settled, ascertained, and recovered, in like Manner as is herein after directed for Damages done to the Owners or Occupiers of Lands.

Breadth of the Canal and Towing-paths.

And be it further 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 Thirty two Yards in Breadth (except in such Places where the said Cut or Canal shall 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, Barges, and other Vessels, to turn or lie, not exceed Sixty Yards in Breadth in any of the said respective Places.

The Company to make the Canal of sufficient Breadth for 2 Vessels to pass.

Provided always, and it is hereby further enacted and declared, That the said Company of Proprietors, their Successors, Heirs, and Assigns, shall and they are hereby directed and required to make the said Cut or Canal of such Breadth that One Vessel may pass by another without Interruption; except in such Places where the Commissioners herein-after named, or any Nine or more of them, shall direct to the contrary, at some Meeting to be held for that Purpose; Notice of which Meeting, and the Purpose for which it is to be held, shall be given Twenty One Days at least before such Meeting in the Worcester Journal, or in such Manner as the said Commissioners, or any Five or more of them, shall direct.

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

And be it further enacted by the Authority aforesaid, That after any Parts of the said Lands or Grounds shall be so set out and ascertained as aforesaid, for making the said Cut or Canal, and other the Purposes and Conveniencies herein before-mentioned; it shall and may be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on behalf of themselves, their Heirs, and Successors, but also for and on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunaticks, Ideots, Femes-covert, or other Person or Persons, and to and for all Femes-covert

who

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

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

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

And whereas Differences may arise between the said Company of Proprietors and several Owners of, and Persons interested in, any Lands, Grounds, Tenements, Hereditaments, Mills, 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 Right Honourable Other Windsor, commonly called Lord Windsor; the Right Honourable William Dowdeswell, the Right Honourable Sir John Rushout Baronet, the Honourable Andrew Archer, the Honourable and Reverend William Harley, the Honourable and Reverend John Harley, the Honourable Thomas Lyttleton, the Honourable Edwin Sandys, the Honourable Martin Sandys, the Honourable John Ward, the Honourable William Ward, the Honourable Thomas Windsor, Sir Walter Blunt, Sir Walter Compton, Sir Herbert Perrott Pakington, Sir John Sebright, Sir Robert Throckmorton, Sir Edward Winnington, the Reverend Sir Richard Wrottesley Dean of Worcester, Baronets; John Aaron, William Amphlett, William Amphlett junior, Henry Archer, John Baker, Arthur Bagshaw, William Barnes, Henry Barnes, Nathaniel Barnes, Rowland Berkley, John Berwick, George Bedford, William Bedford, John Best, William Bentley, Thomas Best Clerk, Lucy Berkley Clerk, Henry Berkley Clerk, Thomas Berkley Clerk, Robert Berkley, Robert Blayney, John Blakeway, Edward Blakeway, Richard Bourne Doctor of Laws, Henry Crabb Boulton, Henry Bray, Richard Bradshaw, Thomas Bradley Clerk, James Brazier, Francis Brooks, William Bromley, Robert Bromley, Armel Browning, Thomas Brettell, William Bund, Benjamin Bullock, George Burrish, John Butler, Ferdinando Cardale, Richard Cafe, John Carver Clerk, Arthur Charlett, the Reverend Doctor Robert Job Charlton, James Clutton, Richard Clymer, Holland Cooksey, Thomas Cocks, Charles Cocks, John Cocks Clerk, Philip Cocks Clerk, Walter Cotton Clerk, Richard Colley, John Cocks, Joseph Cocks, Richard Cocks, John Dandridge, William Davenport Doctor of Laws, Joseph Dixon, Oliver Dixon, John Dowdeswell, George Draper, Thomas Evans Clerk, Thomas Foley, Thomas Foley junior, Edward Foley, Harry Thomas Foley Clerk, Philip Foley Clerk, John Fortiscue,

Commissioners Names.

Fortiſcue, Thomas Giles Clerk, Richard Glover, Thomas Griffin, John Griffin, Robert Harley, Robert Harriſon, Moſes Harper, Talbott Harris, John Harris, Aſton Harris, Charles Harris Clerk, Harry Windſor Harris, Thomas Hawkes, William Hemmington Clerk, Edward Hickman, Francis Highway, Thomas Highway, John Highway, Thomas Hill, Waldron Hill, Thomas Hill, Thomas Hill junior, Richard Cope Hopton, John Hodgetts, Francis Homfray, Francis Homfray junior, Robert Hunt, Francis Homfray of Wollaſton, John Hurtle, John Jefferys, Mathew Jefferys, Henry Vaughan Jefferys, William Jennings Clerk, Francis Ingram, John Ingram, Benjamin Johnſon, Anſelm Jones, James Johnſtone Doctor of Phyſick, John Karver, Benjamin Karver, John Keelinge, Joſeph Kindon, Edmund Knight, Edmund Knight junior, John Knight, Benjamin Lane, Edmund Lechmere, Nicholas Lechmere, Philips Littleton, Reginald Lygon, William Lygon, Martin of the College Pretinus, John Martin, William Mainwaring, John Martin Clerk, Charles Watkins Meyſey, Jeffery Moulding, Samuel Morris, the Reverend Doctor Treadway Naſh, James Naſh Clerk, Thomas Newnham, John Nicholls, Coningſby Norbury, Walter Noell, Richard Norris, George Norris, John Oldnall, William Oldnall, Francis Page, Harry Penrice Clerk, John Perrins, Benjamin Pearkes, Edward Penrice, John Penrice, Richard Perſehouſe, John Perrott, John Philpott, Reverend Phillips of Feckenham, Other Philpott Clerk, Thomas Phillips Clerk, John Pidcock, Daniel Piercy Clerk, John Pidcock, James Pratt of Bellington, James Pratt of Wildon, Thomas Pratt, Henry Pratt, Benjamin Pratt, Edward Purcell, Edmund Pytts, Jonathan Pytts, Wilſon Ayleſbury Roberts, Thomas Rogers, William Ruſſell, Edward Ruſſell, John Ruſhout, Samuel Sandys, Thomas Byrch Savage, the Reverend Severn of Abberley, Lockey Soley Clerk, Sheldon Stevens Clerk, Edward Stillingfleet Clerk, John Stone, John Steward, John Taylor, Thomas Taylor, John Taylor Clerk, John Ivory Talbot, John Talbot, John Thorneloe, Thomas Thomas Clerk, the Reverend Doctor John Tottie Archdeacon of Worceſter, Abraham Turner, Thomas Vernon of Worceſter, William Vernon Clerk, Thomas Vernon Clerk, Thomas Vernon, Gregory Watkins, William Wallis, the Reverend Doctor Samuel Wanley, the Reverend Doctor John Warren, John Waugh Clerk, John Waldron Clerk, John Walſh, James Weſt, Allen Wheeler, Allen Wheeler junior, William Wheeler, Thomas Jacob White, Charles Trubſhaw Withers, William Williams, George Williams, Mathew Wilſon, Pinſon

Wilmott Clerk, Edward Winnington, George Wigan Doctor in Divinity, William Woodhouse, Richard Woodhouse, James Woolley, John Wright, John Wylde Clerk, Thomas Yorke, and the Recorder, Bailiffs, and Justices of the Borough of Droitwich for the time being, 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, Heirs, and Assigns, or any of them, and the several Proprietors of, and Persons interested in, any Lands, Grounds, Tenements, Mills, Hereditaments, or Waters, that shall or may be affected or prejudiced by the Execution of any of the Powers hereby granted; and they the said Commissioners, or any Five or more of them, qualified as hereafter mentioned, are hereby impowered, by Writing under their Hands and Seals, with the Consent of the Parties concerned, to determine and adjust, from time to time, what Sum or Sums of Money shall be paid by the said Proprietors, their Successors, Heirs, and Assigns, or any of them, either by a clear 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, Mills, or Hereditaments, for or by reason of the making, altering, and turning, repairing or maintaining, the said Cut or Canal, Trenches, Passages, Gutters, Watercourses, Roads, Ways, or Sluices, or supplying the same, or any of them, with Water as aforesaid, or by the flowing, leaking, or oozing of the Water over or through the Banks of the said Cut or Canal, Trenches, or 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

Commissioners to determine Differences.

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, Heirs, and Assigns, their Agents, Workmen, or Servants, in case such Price or Value, Damages and Recompence, respectively cannot be settled, adjusted, and agreed for, by and between the said Company of Proprietors, and their Successors, Heirs, and Assigns, or any of them, and such Proprietors of, and Persons interested in, the said Lands, Mills, and Grounds as aforesaid: And if the said Company of Proprietors, their Successors, Heirs, 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, 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 after such Notice, neglect or refuse to treat, or shall not agree with the said Company of Proprietors, their Successors, Heirs, 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 evidence a clear Title to the Premisses which they are or shall be in Possession of, or to the Interest which they may claim therein; then, and in every such Case, the said Commissioners, or any Five or more of them, shall, and they are hereby impowered and required, from time to time, to issue a Warrant or Warrants under their Hands and Seals, to the Sheriff of the said County of Worcester for the time being; or in case such Sheriff or his Under Sheriff or either of them, shall happen to be One of the Company of

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

or shall refuse to treat,

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

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 One of the Coroners within the said County of Worcester, not interested as aforesaid, commanding such Sheriff or Coroner respectively, to impanel, summon, and return, a Jury; and the said Sheriff or Coroner respectively is hereby required accordingly to impanel, summon, and return, a Jury of Twenty four sufficient and indifferend Men, qualified according to the Laws of this Realm, to be returned for Trials of Issue 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 shall be appointed, not being less than Nine, nor more than Twenty Days after such Warrant shall be served upon the said Sheriff or Coroner 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, which Oaths, as well as the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Commissioners, or any Five or more of them, are hereby impowered to administer) shall enquire of, assess, and ascertain, the Sum 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 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 Jury; which said Verdict, and the Judgement thereupon pronounced by the said Commissioners, or any Five or more of them, shall

Jurors may be challenged.

Witnesses to be examined upon Oath.

shall be binding and conclusive to all Intents and Purposes, as well against the King's Majesty, His Heirs and Successors, as against all Bodies Politick, Corporate, and Collegiate, and all Persons whomsoever.

Satisfaction to be made to the Bishop of *Worcester*, &c.

Provided always, That the Satisfaction to be made for the Purchase of, or Damage done to, any Mills, Buildings, Land, or Ground, belonging to the Bishop of Worcester, or his Successors, or held by his or their Tenant or Tenants, shall be made by a clear annual Rent only, to be paid to such Person or Persons as shall be, or would have been, from time to time intitled to such Mills, Buildings, Land, or Ground.

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 shall refuse to give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent of this Act, or if any Person so summoned to give Evidence shall not appear, or appearing shall refuse to be sworn or examined, or to give Evidence; every Person so offending respectively, having no reasonable Excuse, to be allowed by the said Commissioners, or any Five or more of them, shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds; the said Penalties to be levied by 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.

And be it further 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, Heirs, 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, Heirs, 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, Heirs, 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, Heirs, and Assigns, shall have such Controversy or Dispute.

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

And be it further 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 summoning such Jury as aforesaid, first enter into a Bond with Two sufficient Sureties to the Treasurer to the said Company of Proprietors, their Successors, Heirs, 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, Heirs, 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 Damage as aforesaid.

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

And be it further enacted by the Authority aforesaid, That the said Commissioners shall not, nor shall any of them, be obliged by virtue of this Act to receive or take Notice of any Complaint or Complaints to be made by any Person or Persons whatsoever, for any Injury or Damage by him 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, Heirs, or Assigns, or to their known Agent or Agents, or to some Collector or Collectors of the Rates and Duties arising from the said Navigation, 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.

And

And be it further enacted by the Authority aforesaid, That all and every Person and Persons who, in any Examination to be taken by virtue of this Act, shall give false Evidence before the Commissioners, or any Five or more of them, or before any Justice 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. Penalty on giving false Evidence.

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 thenceforth be vested in, and become for ever the sole Property of the said Company of Proprietors, their Successors, Heirs, 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, Heirs, 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, (maintaining, and repairing, the said Cut or Canal, and Towing-paths on the Sides thereof, in or upon such Lands, Tenements, or Hereditaments, for which such Satisfaction shall be determined or assessed as aforesaid) and thereupon to make, erect, or do any Works, Upon Payment or Tender of the Monies, Proprietors may cut, dig, &c.

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, Heirs, or Assigns, shall think requisite; and to have, use, and enjoy, the same, to and for their own Use and Benefit for the Purposes of the said Navigation; and this Act shall be sufficient to indemnify the said Commissioners, the said Company of Proprietors, their Successors, Heirs, 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 or more of them, which shall be submitted to, and acquiesced in, by the Parties concerned; and also the said Verdicts and Judgements, being first signed by Five or more of the said 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, amongst the Records of the Quarter Sessions of the Peace for the said County of Worcester, 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 Seventy two Words, the Sum of Two Pence, and so in Proportion for any Number of Words; and immediately on such Payment and Entry of such Verdicts, Judgements, Sentences, Decrees, Orders, and other Proceedings, of the said Commissioners, 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, Heirs, and Assigns, and shall respectively be deemed in Law to be in the actual Seisin and 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, Bar-

gain and Sale 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 shall be made, but also shall extend to, and be deemed and construed to, bar the Dower and Dowers of the Wife and Wives of such Person and Persons, and all Estates Tail in Reversion or Remainder against the Issue or Issues of such Person and Persons, and all and every other Person and Persons whomsoever, as effectually as a Fine and Recovery, or either of them, would do if levied or suffered by the proper Parties in due Form of Law.

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 or for such other Person or Persons, and for such Estates, and for, upon, and subject to such Uses, Trusts, Limitations, Remainders, and Contingencies, as the Lands and Grounds for or in respect whereof such Purchase Money or Monies received in Exchange shall be paid as aforesaid were limited, settled, and assured, at the Times such Purchase Monies were so agreed for, ascertained, or assessed, respectively as aforesaid, or so many of such Uses as shall be then existing and capable of taking Effect; such Conveyances and Settlements, other than those which concern any Purchase or Exchange between any of the respective Land Owners as aforesaid, to be made at the

Expence of the said Company of Proprietors, their Successors, Heirs, and Assigns; and in the mean Time, and until such Purchase or 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 Rates, and Duties, hereby authorized to be taken by the said Company of Proprietors, their Successors, Heirs, and Assigns; and shall be paid to such Person and 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, Heirs, and Assigns, or any of them, or determined or 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 to and for the said Commissioners, or any Five or more of them, to appoint One or more Person or Persons to receive the 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 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 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, Heirs, 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, That in caſe the Damages and Coſts by this Act provided to be ſatisfied out of the Rates and Duties ariſing by the ſaid intended Navigation, ſhall not be paid and ſatisfied within the Space of Four Calendar Months after the ſame ſhall be ſo determined or aſſeſſed as aforeſaid; that then, and in ſuch Caſe, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, upon Complaint made to them by or on Behalf of the Perſon or Perſons ſuſtaining ſuch Damage, to iſſue their Warrant or Warrants under their Hands and Seals to the Sheriff of the ſaid County of Worceſter, authorizing and impowering him to raiſe or levy the Damages ſo to be determined and aſſeſſed by Diſtreſs and Sale of the Goods and Chattles of the ſaid Company of Proprietors, their Succeſſors, Heirs, and Aſſigns, or any of them, together with ſuch reaſonable Charges as the ſaid Commiſſioners, or any Five or more of them, ſhall in ſuch Warrant direct and appoint.

Deſtroying the Works made Felony.

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall wilfully, maliciouſly, and to the Prejudice of the ſaid Navigation, break, throw down, damage, or deſtroy, any Banks or other Works to be erected or made by virtue of this Act, ſuch Perſon or Perſons ſhall be adjudged guilty of Felony; and every ſuch Felon ſhall be ſubject and liable

to the like Pains and Penalties as in Cases of Felony; and the Court by and before whom such Person or Persons shall be tried and convicted shall 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.

Proprietors may raise 13,400*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, Heirs, and Assigns, to raise and contribute amongst themselves, in such Proportions as to them shall seem meet and convenient, for making and completing the said navigable Cut or Canal, the Sum of Thirteen thousand four hundred Pounds; and that the same be divided into such Number of Shares as hereafter directed, at the Rate of One hundred Pounds per Share; and that no Person subscribing thereunto, or becoming a Proprietor in such Navigation, do become a Proprietor of less than One Share, nor more than Seven Shares, either in his own Name, or in the Name of any other Person or Persons in Trust for him (except the same shall come to him by Will or Act in Law) on Pain of forfeiting to the said Company of Proprietors, their Successors, Heirs, and Assigns, all such Shares as aforesaid; and the Money so to be raised is hereby directed and appointed to be laid out and applied, in the First Place, for and towards the Payment, Discharge, and Satisfaction of all Fees and Disbursements for obtaining and passing this present Act of Parliament, and all other 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.

No Person to have more than 7 Shares in his own Name.

Money to be raised to be divided into 134 Shares of 100*l.* each.

And be it further enacted by the Authority aforesaid, That the said Sum of Thirteen thousand four hundred Pounds, or such Part thereof as shall be raised by the several Persons herein before named, and by such other Person or Persons who shall or may, at any Time within One Year from the passing of this Act, become a Subscriber or Subscribers to the said Navigation, shall be divided and distinguished into One hundred and thirty four

four equal Parts or Shares, at the Rate of One hundred Pounds per Share; and that the said several Shares shall be, and are hereby, vested in the said several Subscribers, and their several and respective Heirs and Assigns, as Real Estates, in the Nature of a Tenancy in Common, to their and every of their proper Use and Behoof, proportionable to the Sum they and each of them shall severally subscribe and pay thereunto; and every the Bodies Politick and Corporate, and every Person and Persons, their several and respective Successors, Heirs, and Assigns, who shall severally subscribe and pay in the Sum of One hundred Pounds, or such Sum or Sums as shall be damanded 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 hundred and thirty fourth Part of the Profits and Advantages that shall and may arise and accrue by virtue of the said Sum and Sums of Money to be raised, recovered, or received, by Authority of this Act, and so in Proportion for any greater Number of Shares, not exceeding Seven Shares to any One Person as aforesaid; and every Body Corporate or Politick, Person or Persons, having such Property of One hundred and thirty fourth Part or Share in the said Undertaking, and so in Proportion as aforesaid, shall bear and pay an adequate proportional Sum of Money towards carrying on the said Undertaking in Manner herein before and after enacted, directed, and appointed.

Additional Sum of 20,000*l.* may be raised, if necessary.

And be it enacted by the Authority aforesaid, That in case the said Sum of Thirteen thousand four hundred 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 to be made, and all necessary Charges and Expences relating thereunto; then, and in such Case, it shall and may be lawful to and for the said Company of Proprietors 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 Twenty 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 Seven Shares of the said Thirteen thousand four hundred 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 Thirteen thousand four hundred Pounds; any thing herein contained to the contrary thereof in any wise notwithstanding.

Subscribers to have a Vote for every Share,

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

by themselves or Proxies.

And be it further 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 George Inn in Droitwich, upon the Fourth Day of March, and the Second General Meeting upon the Third Day of June next ensuing, at such Place as the said Proprietors, or the major Part of them, at their said First Meeting, shall appoint; and the like General Assemblies or Meetings shall be held on the First Friday in March, and the First Friday in September in every Year for the future, between the Hours of Ten and Twelve of the Clock in the Forenoon; at which said First, or any other subsequent Meeting to be held by virtue of this Act, the Proprietors assembled, together with such Proxies as shall be then present, shall chuse Seven Persons, being Proprietors of Three or more Shares in the said Navigation; which Persons so chosen, or the major Part of them, shall be a Committee to manage the Affairs of the said Company of Proprietors, in such Manner as is herein after directed, and as shall from time to time be ordered by such General Assemblies as aforesaid; But if at any Time it shall appear to any Seven or more of such Proprietors, that for the more effectually putting this Act in Execution, a Special Meeting of Proprietors is necessary to be held, it shall be lawful for such Seven, or some of them, to cause Notice to be given thereof in the Worcester News Paper, or in such other Manner as the said Proprietors, their Successors, Heirs, or Assigns, shall, at any General Meeting, direct or appoint, declaring in such Notice 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 Meeting; and the Proprietors are hereby authorized to meet pursuant to such Notice, and to 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, shall be as valid, to all Intents and Purposes, as if the same were done at Meetings held in Manner herein before appointed.

General Assemblies for chusing a Committee.

Provided always, That the Committee to be chosen as aforesaid, 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

Committee to be under Controul of General Assembly.

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 kept at such Place or Places as the said Company of Proprietors, their Successors, Heirs, and Assigns, shall, from time to time, direct; and every Proprietor or Proprietors, upon every reasonable Desire, shall have free Access to such Book and Books for his, her, or their Inspection.

General Assemblies to consist of 50 Shares.

Provided always, That if at any such General Assembly, or Special Meeting of Proprietors, there shall not be Persons present who have Fifty such Shares as aforesaid, either as Principals or Proxies, no Choice of a Committee shall be made, or any Business touching the said Undertaking shall be transacted, 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 Fortnight following, and such Choice shall be then made of Persons to be of the Committee, and the Business of the said Undertaking transacted, as ought to have been made and done on the Day herein before appointed, had there been a sufficient Number of Votes; 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 10l. for each Share.

that in case of Failure of the Meeting of the Persons having Fifty 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 Five Shillings for each Share in the said Undertaking, to be applied out of the next Dividend of the Profits of the said Undertaking.

Power of General Assemblies.

And be it further enacted by the Authority aforesaid, That every such General Assembly shall have Power to call for, audit, and settle, all Accounts of Money laid out and disbursed on account of the said Navigation, with the Receiver or Receivers, and other Officer or Officers, to be by them appointed, or any other Person or Persons whatsoever employed by or concerned for or under them

them in and about the aforesaid Navigation, and to that Purpose shall have Power to adjourn themselves 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 full Power, from time to time, to make such Call or Calls of Money from the Proprietors of the said Navigation, to defray the Expences of, or to carry on the same, as they from time to time shall find wanting and necessary for those Purposes, so that no Call do exceed the Sum of Ten Pounds for every One hundred Pounds, and so as no Calls be made but at the Distance of Three Calendar Months at the least from each other; which Money so called for shall be paid to such Person or Persons, 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, so that no Purchase, Bargain, or other Matter, be done or transacted without the Concurrence of a Majority of the said Committee together assembled; and every Owner or Owners of One or more Part or Parts, Share or Shares, in the said Undertaking, shall pay his, her, or their Shares and Proportions of the Monies to be called for as aforesaid at such Time and Place as shall be appointed, of which One Calendar Month's Notice at least shall be given, by publishing the same in the Worcester News Paper, or in such other Manner as the said Proprietors, their Successors, Heirs, 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 of his, her, or their respective Share and Shares, Parts and Interests, in the said Navigation, and Undertaking: 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; such Person shall forfeit

forfeit his, her, and their respective Share and Shares, Parts and Interests, in the said Navigation, and Undertaking, and all the Profit and Benefit thereof; all which Forfeitures shall go to the rest of the Company of the Proprietors of the said Navigation, their Successors, Heirs, and Assigns, in Trust for and for the Benefit of 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 thereof 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 Forfeitures 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 and prosecuted for any Breach of Contract, or other Agreement between 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, Heirs, 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, and are hereby authorized, to make such new Rules, Bye-laws, and Orders, for the good Government of the said Company, for the good and orderly using the said Navigation, Tunnels, and Locks, and for the well-governing the Bargemen, Watermen, and Boatmen, who shall carry any Goods, Wares, and Merchandizes, upon any Part of the said Canal, and to impose and inflict such reasonable Fines or Forfeitures upon the Breakers of such new Rules, Bye-laws, or Orders, as to the major Part of such General Assembly shall seem meet, not exceeding the Sum of Five Pounds for any One Offence;

such Fines or Forfeitures to be levied and recovered by such Ways and Means as are herein after-mentioned; which said Rules, Bye-laws, and Orders, shall be put into Writing under the Common Seal of the said Company of Proprietors.

On Death of Subscribers before Shares completed,

And be it further enacted by the Authority aforesaid, That if any Owner or Owners of any Share or Shares in the said Undertaking shall happen to die before such Call or Calls shall have been made, for the full Sum to be advanced on each Share which he, she, or they, shall have been possessed of, or intitled to, without having made Provision by Will or otherwise how such Share and Shares shall be disposed of, and paid in upon Calls for the future; then, and in such Case, the Executors and Administrators of any such Owner so dying, and the Trustee or Trustees, Guardian or Guardians of any Infant, or other Person or Persons whatsoever, intitled to the Estate and Effects of such Owner deceased, shall be indemnified against such Infant or Infants, and other Persons whatsoever, for paying any Sum or Sums of Money when called for as aforesaid, to complete every such Subscription; and if such deceased Owner shall not have left Assets sufficient, or in case the Executor or Administrator, Trustee or Guardian, shall refuse or neglect to answer such Calls and Payments, the said Company of Proprietors shall be, and are hereby impowered, authorized, and required, to admit any other Person or Persons to be Proprietor or Proprietors of the Share and Shares of such deceased Owner, on Condition that he, she, or they, so admitted, do and shall, on or before such Admission, pay to the Executor or Administrator 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 or dispose of any Share or Shares he, she, or they shall and may be intitled to therein, subject to the Rules and Conditions herein mentioned; and any Purchaser or Purchasers shall for his, her, or their Security, as well as that of such Proprietor or Proprietors, have a Duplicate or Duplicates of the Deed of Bargain and Sale, or Conveyance made

unto him, her, or them, and executed by such Person or Persons of whom he, she, or they shall purchase the same, and also by the Purchaser or Purchasers; One Part whereof, duly executed both by the Seller and Purchaser, shall be delivered to the said Committee, or their Clerk for the time being, to be filed and kept for the Use of the said Company, and an Entry thereof shall be made in a Book or Books to be kept by the said Clerk for that Purpose, for which no more than One Shilling shall be paid; and the said Clerk is hereby required to make such Entry accordingly; and until such Duplicate of such Deed shall be so delivered unto the said Committee, and filed and entered as above directed, such Purchaser or Purchasers shall have no Part or Share or Profits of the said Navigation, paid 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 in 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 Form of the Sale or Transfer of the said Shares shall be as follows (to wit)

Form of the Sale.

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

Witness our Hands and Seals the
Day of in the Year of our Lord

And

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, Heirs, 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 true and perfect Accounts 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 all the other Acts, Proceedings, and Transactions, of the said Company of Proprietors, their Successors, Heirs, and Assigns, and of the said Committee, by virtue of and under the Authority of this Act; and that each of the said Proprietors, Landowners, and other Persons interested or concerned in, or affected by, the said Navigation, shall and may, at all convenient Times, have Recourse to and peruse and inspect the same, and also the Book or Books to be kept by the Clerk to the said Commissioners, gratis; and may demand and have Copies thereof, or of any Part thereof, paying Two Pence for every Seventy two 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 such Copy or Copies at the Rate or Time aforesaid, he shall, for every such Offence, pay and forfeit the Sum of Five Pounds: And whenever such Clerk or Clerks shall die, or quit the Service of the said Proprietors, it shall and may be lawful for the Committee of such Proprietors for the time being, or the major Part of them, to appoint some other fit Person in the Place of the Clerk so dying or quitting the Service of the said Proprietors, until the then next General Meeting, when a new Clerk shall be nominated and appointed by the said Company of Proprietors, their Successors, Heirs, and Assigns, for the Purposes aforesaid. Clerk to be appointed, and his Office.

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

Originals, and admitted as Evidence in all Courts whatsoever: And the said Commissioners, or any Five or more of them, may and are hereby required, at a Meeting to be held by them at the George Inn in Droitwich, and Clerk. appoint such Person as they shall think proper to be their Clerk; and, from time to time, to remove such Clerk, and appoint another in his Stead; which Clerk shall be paid for his Care and Trouble in the Execution of such Office, by the said Company of Proprietors, their Successors, Heirs, and Assigns.

Duties allowed to be taken. And be it further enacted by the Authority aforesaid, That in Consideration of the great Charges and Expences the said Company of Proprietors, their Successors, Heirs, 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, Heirs, 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 all and every or any Goods, Wares, Merchandizes, Commodities, or other Things whatsoever, that shall be carried or conveyed in any Boat, Barge, or other Vessel, in, upon, to, or from, any Part of the said intended navigable Cut or Canal, such Rates or Duties for the same (over and besides what shall or may be paid for the Freight or Carriage thereof) as the said Undertakers, their Successors, Heirs, and Assigns, shall think fit, not exceeding the several Rates and Duties herein after mentioned; that is to say,

The Duties. For every Ton of Salt, Coal, Stone, Slate, or Flags, navigated, carried, or conveyed upon the said intended Cut or Canal, or any Part thereof, the Sum of One Shilling and Six Pence; and so in Proportion for any greater or less Quantity than a Ton.

For every Quarter of Wheat, Rye, Beans, Pease, Malt, Barley, Oats, or any other Sort of Grain, the Sum of Four Pence.

For every Six Bushels of Meal, the Sum of Two Pence.

And for every Ton of Goods, Wares, Merchandize, and Commodities whatsoever, not before enumerated, the Sum of One Shilling and Six Pence; and so in Proportion for every greater or less Weight than a Ton.

Which

Which said Rates or Duties shall be paid to such Person or Persons, at such Place or Places, near to the Cut or Canal, in such Manner, and under such Regulations, as the said Company of Proprietors, their Successors, Heirs, and Assigns, shall direct or appoint; and in case of Refusal or Neglect of Payment of any such Rates or Duties, or any Part thereof, on Demand, to such Person or Persons as aforesaid, the said Company of Proprietors, their Successors, Heirs, and Assigns, may sue for the same by Action of Debt, or on the Case, in any Court of Record, or the Person or Persons to whom the same ought to have been paid, may, and he and they is and are hereby impowered, without any Warrant, to seize and detain any such Boat, or Vessel, or Goods, for or in respect whereof any Rates or Duties ought to have been paid, or any Part of such Goods, and to detain the same until Payment thereof, together with reasonable Charges for such Seizure and Distress; and if such Distress shall not be redeemed within Five Days after the taking thereof, the same shall be appraised and sold as the Law directs in case of Distress for Rent.

What Quantity of Timber deemed a Ton.

And, for the better ascertaining the Tonnage of Timber and Wood, be it further enacted by the Authority aforesaid, 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 estimated, deemed, and rated, as and for One Ton Weight.

Further Allowance for Goods remaining upon a Wharf.

Provided always, and be it enacted by the Authority aforesaid, That if any 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, Heirs, and Assigns, for above the Space of Twenty four Hours; then, and in such Case, the said Company of Proprietors, their Successors, Heirs, 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, Heirs, and Assigns, or their Agent or Agents, and the Owners of such Goods.

Commissioners to settle the Allowance in case of Dispute.

Provided nevertheless, and be it further enacted, That in case the said Company of Proprietors, and the Owners of Goods, shall not agree upon the Allowance to be made for Wharfage of Goods as aforesaid, the same shall be ascertained and settled by the said Commissioners, or any Five or more of them.

Exemption from Duties.

And be it further enacted by the Authority aforesaid, That all Dung, Soil, or Marl, used for Manure for the Improvement of the Lands and Grounds of such Person and Persons only whose Lands or Grounds shall or may be had or taken for or upon account of making the said Cut or Canal, or any Part thereof, shall not be charged with, or liable to pay, any of the Rates, or Duties, authorized to be taken by this Act, for being carried on the said Cut or Canal, or any Part thereof, but shall be freed and exempt from the same, so that the Things hereby exempted from the Payment of such Rates or Duties, do not pass through any Lock authorized to be made by virtue of this Act, but at such Times when the Water shall flow through such Gauge Paddle, or Arch of such Lock; and also that such Person or Persons who shall own or be concerned or employed in carrying Dung, Soil, or Marl, for Manure, as aforesaid, shall have free Liberty to make use of the Towing-paths belonging to the said Company of Proprietors, their Successors, Heirs, and Assigns; such Person or Persons making good any Damages that may be done to the Sides or Banks of the said Cut or Canal, or any Part thereof, by the loading, unloading, or discharging, any Boats or other Vessels; which Recompence or Satisfaction, in case of any Difference, shall be settled and ascertained by the said Commissioners, or any Five or more of them.

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

And be it further enacted by the Authority aforesaid, That the said Company of Proprietors, their Successors, Heirs, and Assigns, shall, at their First General Assembly, to be held by the Direction of this Act, fix the Rates or Duties to be taken by them by virtue of this Act; and that it shall and may be lawful to and for the said Company of Proprietors, their Successors, Heirs, or Assigns, at any General Assembly to be afterwards held for that Purpose, of which Three Months Notice shall be given in the Manner herein after-mentioned, to lessen or reduce all or any of the said Rates 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 all or any of the said Rates or Duties, so lessened, to any Sum or Sums of Money not exceeding the respective Rates and Duties herein before-mentioned; and that no Reduction of the Rates 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

and every Part thereof; and shall be made with the Consent of the Proprietors of at least Two Thirds of the Shares of the said Navigation.

Provided always, That such Alterations to be made, from time to time, in the said Rates or Duties, shall, before they are put in Force, have the Approbation of the said Commissioners, or any Five or more of them, at a Meeting to be held for that Purpose; Notice of the Time and Place of such Meeting being given in the Worcester News Paper, or by affixing the same on the Exchequer House in Droitwich aforesaid, at least Six Weeks before such Meeting; any thing in this Act to the contrary notwithstanding. and to be approved by the Commissioners.

And, for the more easy collecting the said Rates and Duties, be it further enacted by the Authority aforesaid, That the Master, Owner, or Manager, of every Boat, Keel, and other Vessel, navigated upon the said intended Cut or Canal, shall give a just Account, in Writing, signed by him or them (and in case the Loading, or any Part thereof, is Salt, shall also produce and shew his or their Permit) to the Collectors of the said Rates or Duties, at the Place or Places where they shall attend to receive the same, of what Quantities of Goods shall be in or belonging to each Boat or other Vessel; and if the Goods contained in such Boat shall be liable to pay different Rates or Duties, that then such Master, Owner, or Person, shall specify the several Quantities liable to the Payment of each different Rate or Duty; and in case of Neglect or Refusal to give such Account, or produce and shew such Permit or Permits, or if they shall give a false Account, such Person or Persons shall forfeit and pay to the said Company of Proprietors, their Successors, Heirs, and Assigns, the Sum of Ten Shillings for every Ton of Goods which shall be in such Boats or Vessels, of which such Account shall be so refused to be given, or of which such false Account shall be given, as the Case shall happen to be, over and above the respective Rates and Duties directed to be paid for the same: And in case of Neglect or Refusal to pay such Forfeiture or Forfeitures before-mentioned on Demand, or any Part thereof, to the said Company of Proprietors, their Successors, Heirs, and Assigns; the same shall be levied and recovered in such Manner and by such Methods as the said Rates and Duties, hereby granted to the said Company of Proprietors, their Successors, Heirs, and Assigns, are herein before directed and appointed to be levied and recovered. Masters of Boats to give an Account in Writing to the Collectors of the Particulars of the Goods, &c. on Penalty of 10*s. per* Ton.

And

In case of Difference concerning Weight of Goods,

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 Merchandizes, 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 Merchandizes 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 set forth in the Account given by such Master, Owner, or Person having the Care of the said Boat or Vessel; every such Master, Owner, or Person, having given such false Account as aforesaid, shall pay the Costs and Charges of such Weighing, Measuring, and Gauging; all which said Costs and Charges shall, upon Refusal of Payment when demanded, be levied and recovered in like Manner as the said Rates and Duties hereby granted are to be levied and recovered; but if such Goods, Wares, and Merchandizes, shall appear to be of the same, or of less Weight or Quantity than is set forth in the Account given by such Master, Owner, or Person, as aforesaid, that then the said Collector shall pay the Costs and Charges of such Weighing, Measuring, and Gauging, and shall also pay to such Master, Owner, or Person, or to the Owner or Owners of such Goods, Wares, and Merchandizes, such Damages as shall appear to the said Commissioners, or any Five or more of them, upon the Oath of One or more credible Witness or Witnesses, to have arisen from the Detention of their Boats or other Vessels; to be levied and recovered by the same Means, and in the same Manner, as any Sum or Sums of Money, to be assessed or awarded for Damages by virtue of this Act, is or are herein before directed and impowered to be levied and recovered.

Vessels to be detained, and Goods weighed, &c.

Navigation to be free on Payment of the Duties.

And be it further enacted by the Authority aforesaid, That all Persons whatsoever shall have free Liberty to navigate upon the said Cut or Canal, Trenches, Sluices, or Passages, with any Boats or Vessels not exceeding Thirteen Feet in Breadth, and to use 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, Heirs, and Assigns, not exceeding the Rates herein before-mentioned.

And be it further enacted by the Authority aforesaid, That no Boat or other Vessel, of less Burthen than Twenty 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, Heirs, or Assigns, or their principal Agents for the time being, in Writing first had and obtained. Vessels under 20 Tons not to pass Locks without Consent of Company.

And be it 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 Cut or Canal, to erect Bathing Houses, or to use any Pleasure-boat or Boats upon the said Cut or Canal, not passing through any Lock, without any Interruption, and without paying any Rate or Duty for the same; so as the same be not made use of for carrying any Goods, Wares, or Merchandize, and so as the same do not obstruct or prejudice the Navigation of the said intended Cut or Canal, or the Towing-paths on the Sides thereof. Land Owners may use Pleasure-boats.

And, to the end the said Navigation may be made and 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, Heirs, 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, and the 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; and that all such Arches, Tunnels, Drains, or other Passages, shall, from time to time, be supported, maintained, and kept in good and sufficient Repair, by the said Company of Proprietors, their Successors, Heirs, and Assigns: And if at any Time or Times, after One Calendar Month's Notice shall be given by or on the Behalf of any Owner or Occupier of the said adjacent Lands, who shall find him, her, or themselves, aggrieved by the Obstruction of any Watercourse, to any One of the said Committee for the time being, or to the known Agent or Collector of the said Rates or Duties, 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 Drains to be made into the Canal to convey the Water from the Lands adjoining, and how the same shall be maintained.

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 Expence thereof, to be ascertained by the said Commissioners, or any Five or more of them, shall be defrayed by the said Company of Proprietors, their Successors, Heirs, 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 said Rates or Duties, such Expences shall and may be levied and recovered 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 levied and recovered.

Brooks, &c. may be turned on Lands for watering them, but not to be hindered from running into Canal.

Provided always, and be it further enacted by the Authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to prevent the Tenants or Occupiers of the several Lands and Estates through which the said Cut or Canal is intended to be made, from turning the several Brooks or Streams intended to run into the said Cut or Canal, in order to water their respective Lands, so that such Turning do not hinder such Brooks or Streams from running into such Cut or Canal, after watering the respective Lands as aforesaid.

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, Heirs, and Assigns, shall, at their own proper Charges, divide, separate, and keep constantly divided and separated, the Towing-paths on each Side 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 Seven or more of them, with Posts and Rails, Hedges, Ditches, Trenches, Banks, or other Fences, sufficient to keep Sheep and other Cattle, from the Lands and Grounds adjoining to such Towing-paths; and shall, at their own proper Costs and Charges, from time to time, maintain and support the said Towing-paths, and the Fences so to be set up and made as aforesaid; and also shall, at their own Charges, make, erect, and set up, such and so many convenient Gates and Stiles, in and over all the Hedges and Fences so to be by them made as aforesaid; and also such Bridges, Arches, and Passages, over, or under, or through, the said Cut or Canal,

and Bridges, &c. to be made.

nal, and the said Trenches, Streams, and Watercourses, and of such Dimensions, and in such Manner, as the said Commissioners, or any Seven 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; and the said Company of Proprietors, their Successors, Heirs, 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 any Cut, Canal, Trench, or Watercourse, 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 Seven or more of them, shall adjudge proper; and all such Gates, Stiles, Bridges, Arches, and other Conveniencies, 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, Heirs, and Assigns: And in case the said Company of Proprietors, their Successors, Heirs, and Assigns, or their Agents, shall fail or neglect to make, erect, and set up, such Gates, Bridges, and Stiles, in and over the Fences on the Sides of the said Towing-paths, or such Bridges, Arches, and Passages, over, under, or through, the said Cut or Canal, and the said Trenches, Streams, and Watercourses, as aforesaid, of such Dimensions as herein before directed, for the Use and Convenience of the respective Owners or Occupiers of the Lands adjoining thereto, and to keep the same at all Times hereafter in good and sufficient Repair, in such Manner, as the said Commissioners, or any Seven or more of them, shall, from time to time, direct or appoint, for the Space of Three Calendar Months next after the Times appointed for those Purposes by the said Commissioners, or any Seven or more of them; then, in all or any of the Cases aforesaid, it shall and may be lawful to and for 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, or set up, all such Gates, Stiles, Bridges, Arches, Passages, and other Conveniencies aforesaid,

In case of Failure, the Commissioners to do it.

and to amend and repair the same, in such Manner as the said Commissioners, or any Seven or more of them, shall have directed as aforesaid; and all the reasonable Costs and Charges attending the same, to be settled and allowed by the said Commissioners, or any Seven or more of them, shall be repaid to such Person or Persons as aforesaid, by the said Company of Proprietors, their Successors, Heirs, 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 thereof, within the Time aforesaid, the same shall be levied and recovered, by the same Means, and in the same Manner, as any Sum or Sums of Money, to be assessed or awarded for Damages by virtue of this Act, is or are herein before directed and impowered to be levied and recovered.

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

And be it further enacted by the Authority aforesaid, That if the Owners or Occupiers of any Lands through which the said intended Cut or Canal shall be made, do or shall, at any Time or Times hereafter, find that the several Gates, Stiles, Bridges, Arches, Passages, and other Conveniencies, which the said Commissioners, or any Seven or more of them, shall have directed to be made by the said Company of Proprietors, their Successors, Heirs, and Assigns, in, upon, over, under, or through, the said Cut or Canal, or the Towing-paths thereof, are insufficient, either in the Number or Situation, for the commodious Use and Occupation of their respective Lands and Grounds; that then, and in every such Case, it shall and may be lawful to and for any such Owners or Occupiers of the said Lands for the time being, with the Consent and Approbation of the said Committe for the time being, or of the major Part thereof, upon Request made to them for that Purpose, or in case of their Refusal, for the Space of Ten Days after such Request, then with the Consent and Approbation of the said Commissioners, or any Seven or more of them, to make, fix, and erect, at their own Costs and Charges, One or more Gate or Gates, Stiles, Bridges, Passages, or other Conveniencies, of the same or the like Construction with others made and erected by the said Company of Proprietors, their Successors, Heirs, and Assigns, on, in, over, or near, the said Cut or Canal, or Towing-paths, in such Places as shall be found and judged most necessary and convenient for the better Use, Cultivation, and Improvement, or Occupation

of

of the said Lands and Grounds, and to repair and support the same, at their own Costs and Charges, as Occasion shall require, so as the Navigation of the said Cut or Canal be not prevented or obstructed thereby for any longer Time, or in any other Manner, than the same must necessarily be by making such Gates, Stiles, and Bridges.

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

Provided always, and be it 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, Heirs, or Assigns, to make, erect, or build, any Warehouse, Buildings, Quays, Wharfs, Cranes, or Weigh-beams, within the Distance of Two hundred Yards of any Dwelling-house, between the River Severn and the Borough of Droitwich, or in or upon any Fold-yard, Garden, Park, Paddock, planted Walk, or Avenue to a House, or Lawn inclosed, adjoining to any Mansion-house, that are used as such at the Time of passing this Act; or to take down or damage any Dwelling-house or Out-house, except as herein after is excepted, without the Consent of the Proprietor or Proprietors thereof respectively; or to cut down any Timber-wood, Brush-wood, or Under-wood, upon any of the Estates or Lands through or into which the said navigable Cut or Canal, Trenches, Sluices, Roads, Passages, or Conveniencies, or any Part thereof respectively, shall be made or carried (except such Timber-wood, Brush-wood, or Under-wood, as shall grow or be in or upon any of the Lands or Grounds which shall be set out and ascertained, taken, or used, for the making the said navigable Cut or Canal, Towing-paths, Trenches, Sluices, Roads, Passages, or Conveniencies respectively as aforesaid) and that the Proprietors of the respective Lands or Grounds on which such Timber-wood, Brush-wood, or Under-wood, shall grow at the Time of passing this Act, their Heirs or Assigns, shall have it in their Option to take such Timber-wood, Under-wood, and Brush-wood respectively, when fallen or cut down by the said Company of Proprietors, their Successors, Heirs, and Assigns, at such Price or Value as the same shall have been respectively estimated at, or purchased by, the said Company of Proprietors, their Successors, Heirs, and Assigns; which Timber-wood, Brush-wood, or Under-wood, so fallen by, or for the Use of, the said Company of Proprietors, their Successors, Heirs, or Assigns, shall and may be carried to and from any Part of the said Cut or Canal free from all Rates and Duties to be raised or levied by virtue of this Act; but in case the same shall not have been estimated at, or purchased by, them, upon a Valuation separate

or distinct from the Lands or Grounds upon which the same respectively shall grow, then at such Price or Value as shall be agreed on for that Purpose between such Owners of Lands and the said Company of Proprietors, their Successors, Heirs, and Assigns, or their Agents; or 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 taking down several Houses, &c. near the River *Salwarp*,

And whereas there are several small Dwelling-houses lying on the North Side of the River Salwarp, within the said Borough, some of which must necessarily be taken down, in order to turn the Course of the said River, and by Means thereof to carry the said Navigation to many of the principal Salt-works there; and there are also several Gardens on the North and South Sides of the said River, and a small Garden near Hawford Mill, which was lately taken off the Waste through which the said River must of Necessity be turned, or the said Cut or Canal be made; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Company of Proprietors, their Successors, Heirs, and Assigns, by themselves, their Deputies, Agents, and Servants, for the Use of the said Navigation only, to take down and remove any House or Houses, not exceeding Three in Number, now standing and being in a Row on the North Side of the said River, between the House of John Smith and the House of Thomas Bourne; and also to take down or remove any Walls, Sheds, or Pigstyes, and to make the said Cut or Canal, Towing-paths, and other Conveniencies; or to turn the present Stream or Brook running through the Borough of Droitwich, in, over, through, or upon, the Grounds where such Houses or Buildings, Walls, Gardens, and Fences, now stand or are, within that Part of the said Borough above described; first making Satisfaction for the same in such Manner as is directed to be made with respect to any Lands or Grounds which shall be taken or used for the Purposes of this Act.

making Satisfaction.

Proprietors to bring Canal so near *Chapel Bridge*, that Mr. *Norris* may load, &c. on his Lands, &c.

Provided also, and it is hereby further enacted, That the said Company of Proprietors shall, and they are hereby directed and required to, make and continue the said intended Cut or Canal so near to Chapel Bridge herein before-mentioned, that Vessels usually navigating on the said Canal may lie so as to be loaded and unloaded at the Land or Estate of Richard Norris, which lies near the said Bridge; and that a Bridge be built at the Expence of the said Company of Proprietors, their Successors, Heirs, or Assigns, for the Use of the said Richard

Norris

Norris and his Servants, over the River where it is intended to be turned through the said Land.

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

And be it further 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, from making, erecting, or using, any Wharfs, Quays, Landing-places, Cranes, Weigh-beams, or Warehouses, in or upon their respective Lands, Grounds, or Wastes, adjoining or near to the said Cut or Canal, 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 from 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, 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 and Duties that shall be paid for the Use or 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.

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

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

Grounds, or Wastes, comprised or described in such Notice; then, and in every such Case, the said Company of Proprietors, their Successors, Heirs, 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 a Wharf or Quay, or for erecting and building such sufficient Warehouses and Buildings, agreeable to such Plan or Plans so delivered to the Lord or Lords, Owner or Owners, as aforesaid, and by, after, or according to, no other Plan or Plans whatsoever, first making Satisfaction for the same, in such Manner as is directed with respect to other Lands or Grounds which shall be taken or used for the like or any other Purposes above-mentioned.

For erecting a Wharf on *Steynor's Yard.*

And be it further enacted by the Authority aforesaid, That in case the Owners or Proprietors of a certain Piece or Parcel of Land, within the said Borough of Droitwich, called or known by the Name of Steynor's Yard, or Steynor's Garden, through which the said Cut or Canal is intended to be made, shall not, within the Space of Twelve Calendar Months next after Notice in Writing shall be given to them, or their Agent or Rent-gatherer, by the said Company of Proprietors, their Successors, Heirs, and Assigns, or any Person or Persons on their Behalf, convert the said Yard or Garden into a Wharf for loading or landing of any Salt, Coal, or other Goods or Merchandize; and also build such Warehouses and other Buildings as in any such Notice or Notices shall, from time to time, be expressed and thought necessary by the said Company of Proprietors, their Successors, Heirs, or Assigns, for the Use of the said Navigation, or shall neglect or refuse to keep, continue, use, and repair the same, from time to time, for the Purposes aforesaid; that then, and in either of the said Cases, the said Company of Proprietors, their Successors, Heirs, and Assigns, shall and may, and they are hereby impowered to, take and make use of the said Piece or Parcel of Land, or any Part thereof, for the Purposes aforesaid; first making Satisfaction for the same, in such Manner as is directed with respect to other Lands or Grounds which shall be taken or used for the Purposes of this Act.

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

And 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 a black Ground, on both the Outsides of every such Boat or other Vessel,

so high as that the same shall not sink into the Water when the Vessel is full loaded; and shall also permit and suffer every such Boat or other Vessel to be measured, marked, and numbered, at the Expence of the Proprietors of the said Navigation, and shall permit the same to be measured whenever it shall be required by the said Company of Proprietors, their Successors, Heirs, or Assigns, 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, after the same shall be so put, deface, erase, or destroy, any Letter describing such Name as aforesaid, or shall refuse to have his, her, 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, Heirs, or Assigns, the Sum of Forty Shillings.

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 by any of the Boatmen or Persons 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 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, or any Buildings, 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 passed 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 Full Costs of Suit.

Boatmaster, &c. answerable for Damage done by the Crew.

And be it further enacted by the Authority aforesaid, That the said Company of Proprietors, their Successors, Heirs, 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

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

ent Breadth for admitting a Boat or Veſſel to turn about and lie, 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 and lying of any ſuch Boat or Veſſel.

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 or Perſons having the Care of ſuch Boat or Veſſel, ſhall not immediately upon Requeſt made, remove the ſame, ſuch Perſon ſhall, for every ſuch Offence, forfeit a Sum not exceeding Ten Shillings, nor leſs than Five Shillings, for every Hour ſuch Obſtruction ſhall continue; and it ſhall be lawful for the Agents or Servants of the ſaid Company of Proprietors, their Succeſſors, Heirs, and Aſſigns, or any of them, to cauſe any ſuch Boat or Veſſel to be unloaded, if neceſſary, and to be removed in ſuch Manner, as ſhall be proper for preventing ſuch Obſtruction in the Navigation, and to ſeize and detain ſuch Boat or Veſſel, and the Loading thereof, or any Part of ſuch Loading, until the Charges occaſioned by ſuch Removal, are paid: And if any Boat or Veſſel ſhall be ſunk in the ſaid Cut or Canal, or any Trench aforeſaid, and the Owner or Owners, Perſon or Perſons having the Uſe of ſuch Boat or Veſſel, ſhall not without Loſs of Time weigh or draw up the ſame, it ſhall be lawful for the Agents or Servants of the ſaid Company of Proprietors, their Succeſſors, Heirs, 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 thereby.

Veſſels ſunk, to be weighed up.

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 ſhall load any Boat or Veſſel with Timber, and ſuffer ſuch Timber to lie over the Sides of any ſuch Boat or Veſſel ſo loaded, or ſhall overload any Boat or other Veſſel navigating in or upon the ſaid Cut or Canal, Trenches, Sluices, or Paſſages, and when ſo overloaded ſhall put ſuch Boat or other Veſſel into the ſaid Cut or Canal, Trenches, Sluices, or Paſſages, ſo as by ſuch overloading, or otherwiſe, to obſtruct the Paſſage of any other Boat or Veſſel, and ſhall not immediately, upon Notice given to the Owner or Owners, Perſon or Perſons, having the Care of ſuch Boat or Veſſel ſo obſtructing the Paſſage as aforeſaid, haul

ſuch

such Boat or other Vessel back into such Place or Places as shall be proper for Boats or other Vessels to pass each other; every such Owner or Owners, Person or Persons, floating such Timber, or having the Care of such Boat or Vessel, shall forfeit and pay for every such Offence the Sum of Five Pounds to the said Company of Proprietors, their Successors, Heirs, 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 throw any Ballast, Gravel, Stones, or Rubbish, into any Part of the said Cut or Canal, or into any Trenches or Watercourses, to be made or maintained by virtue of this Act; every such Person shall, for every such Offence, forfeit a Sum not exceeding Five Pounds.

Regulations for Vessels passing the Locks.

And be it further 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 Locks longer than is necessary for his Boat or other Vessel to pass through any such Lock; and 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 Gates thereof; and in going up the said Cut or Canal, shall, so soon as he or they shall have passed with his or their Boat or other Vessel, out of the said Lock, shut the upper Gates of the said Lock, and afterwards draw the 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 where there shall be a Scarcity of Water in the said Cut or Canal, the Vessels going up the same, if within Sight of, and at a Distance not exceeding Three hundred Yards below a Lock, shall pass through such Lock before the Vessel coming down, and then the Vessel next above shall come down; and if there are more Vessels than One below and above any Lock at the same Time in such dry Season,

son, within the Distance aforesaid (at which Distance, a Post or Mark shall be set up or made to denote the same) such Vessel 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 Method, One Lock full of Water may serve Two or more Vessels; and every Person acting contrary to these Directions, and being convicted thereof before any Justice of the Peace, upon the Oath of One or more credible Witness or Witnesses, the Master or other Person having the Command of such Boat or Vessel, shall forfeit the Sum of Forty Shillings.

For preventing Water running over the Locks in waste.

And whereas in making the said navigable Cut or Canal several Springs and Streams will necessarily be intercepted, and a Part of the Water now used in working the Mills on the River Salwarp must be diverted for the Use of the said Navigation; therefore, to the end that the said Navigation may be made 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, Heirs, and Assigns, shall, and they are hereby required, at their own proper Costs and Charges, from time to time, to make or cause to be made Weirs or Wastes to carry off the Water which shall be more than is required for the Use of the said Navigation into the Pool of the Mill that shall be situate most near to any such Weir or Waste; and that the said Locks shall be made of such a Height as, when shut, all the Water over and above what shall be sufficient to supply the said Navigation, and to fill the Gauge Paddle, or Nich, intended to be made in every of the said Locks, shall run over the said Weirs into the said Mill-pool, and not over the said Locks, and that the Water shall not be wilfully wasted by leaving open the said Locks longer than shall be necessary for the proper Use thereof; and that the said Company of Proprietors, their Successors, Heirs, and Assigns, shall keep the said Locks, as also the Dams and Stanks on each Side of the said Canal, in good and sufficient Repair, in order to prevent as much as possible any Damage being sustained by the Occupiers of the said Mills, by the Water's being unnecessarily diverted therefrom; and if at any Time or Times hereafter the Owner or Occupier of such Mills respectively shall give Notice in Writing to any of the said Committee for the time being, or to the known Agent of the said Company of Proprietors, their Successors, Heirs, or Assigns, for the time being, of any such Locks or Dams

Dams being out of Repair, or of not being in sufficient Repair for the Purposes aforesaid, and the same shall not be within Twenty one Days of any such Notice given sufficiently repaired, if such Repairs can be reasonably made within that Time; that then it shall and may be lawful for any Person or Persons, having afterwards an Order from any Five or more of the said Commissioners, to amend and repair such Locks and Dams, and the reasonable Expence thereof, being ascertained by the said Commissioners, or any Five or more of them, shall be defrayed by the said Company of Proprietors, their Successors, Heirs, and Assigns; and for the Neglect and Refusal to pay and satisfy the same for the Space of Three Calendar Months after Demand upon their Agent or Agents, such Expence shall and may be recovered and levied in such Manner as the Costs and Charges of making and erecting Bridges and other Works by the Owners and Occupiers of Lands are by this Act directed and appointed to be recovered and levied.

Canal not under the Power of Commissioners of Sewers,

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

nor subject to Taxes.

And be it further enacted by the Authority aforesaid, That the said Rates and Duties to arise by virtue of this Act, shall at all Times hereafter be exempted from the Payment of any Taxes, Rates, Assessment, and Impositions whatsoever; any Law or Statute to the contrary notwithstanding.

Satisfaction to be made in Gross, or by annual Rent.

And be it further enacted by the Authority aforesaid, That in case any Bodies Politick, Corporate, or Collegiate, Trustees, or other Persons herein before made capable to sell or convey Lands, or any other Person or Persons who shall be Owner or Owners, or Occupier or Occupiers, of any Lands or Grounds through which the said intended Cut or Canal shall be made, or of any Mills from which any Water to supply the said Cut or Canal shall be diverted, shall chuse to have and receive a Satisfaction for the Value of the Lands or Grounds which shall be set out for the making the said Cut or Canal, and the Towing-paths, Wharfs, Quays, and other Works and Conveniencies to be made in pursuance of the Powers given by this Act, or for the Damages to be sustained by the taking or diverting of

any Water from such Mill Forges or Iron Works, by the Payment of clear annual Rents or Sums, in lieu of gross Sums to be to them in Hand paid; then, and in such Case, such Annual Rents or Sums (in case the said Company of Proprietors, their Successors, Heirs, or Assigns, and the Parties interested, cannot agree upon the same) shall be settled and ascertained by the said Commissioners, or any Five or more of them, in such Manner, and subject to the Verdict of a Jury, if required, as the Value of the Lands to be set out for the making of the said Cut or Canal and Towing-paths is by this Act directed to be settled and ascertained; and that such yearly Rents or Sums as shall be agreed on between the said Company of Proprietors, their Successors, Heirs, or Assigns, and the said Parties interested in such Lands, Grounds, or Mills, or shall be settled and ascertained as aforesaid, shall be charged on the Rates and Duties arising by virtue of this Act, and shall be paid by the said Company of Proprietors, their Successors, Heirs, or Assigns, as the same shall become due and payable; and in case the same shall not be paid within Twenty One Days next after the same shall become due and payable, it shall and may be lawful to and for the said Commissioners, or any 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 thereof, shall be to him, her, or them fully satisfied and paid; or such Bodies Politick, Corporate, or Collegiate, Trustees, or other Person or Persons to whom such yearly Rents or Sums shall be due and owing as aforesaid, may sue for, and recover the same, with Costs of Suit, by Action of Debt in any of his Majesty's Courts of Record; or otherwise, it shall and may be lawful to and for such Bodies Politick, Corporate, or Collegiate, Trustees, or other Person or Persons to whom such yearly Rents or Sums shall be due and owing as aforesaid, and he and they, and every of them, is and are hereby impowered to seize and detain any Boats, Vessels, or other Goods or Effects of the said Company of Proprietors, their Successors, Heirs, or Assigns, which shall be found upon the said Cut or Canal, or in, upon, or about the Wharfs, Quays, Warehouses, or other Works belonging thereto, and to detain the same until

Payment thereof, together with the reasonable Charges attending such Distress; and if such Distress shall not be redeemed within Five Days after such Distress made, and Notice thereof given in Writing, by affixing such Notice on some publick Place at any of the Wharfs or Quays belonging to the said Navigation, then such Boats, Vessels, or other Goods or Effects so distrained, shall and may be appraised and sold in such Manner as the Law directs in case of Distress for Rent, but so that the Goods or Effects of no other Person or Persons than the said Company of Proprietors, their Successors, Heirs, or Assigns, be seized or detained by virtue of the Powers hereby given.

Rights of Lords of Manors, &c. reserved.

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 Ground, 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 of Stone, 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, or Watercourses, or other Conveniencies aforesaid, or any of them; but all such Mines, and Quarries, are hereby reserved to such Lord or Lords of such Manor or Manors, or of such Common or Waste Ground, 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 of Stone, or Quarries, not thereby injuring, prejudicing, or obstructing, the said Cut or Canal, Towing-paths, Wharfs, Quays, Trenches, Sluices, Passages, Watercourses, or other the Conveniencies aforesaid, or any of them; any thing herein contained to the contrary notwithstanding.

Election of new Commissioners.

And, for continuing a sufficient Number of Commissioners for putting this Act in Execution, be it enacted by the Authority aforesaid, That when any Commissioner hereby appointed, or to be elected in Manner herein after-mentioned,

tioned, 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 dying or refusing to act, some other Person qualified as herein after mentioned; and all such Commissioners so appointed shall from the Time of their Appointments have the like Authority in all Things relating to the Execution of this Act, as if they had been expressly named and appointed Commissioners by this Act; Notice of the Time and Place of Meeting for the Appointment of every such Commissioner being first given in the Worcester News Paper, or in such other Manner as the said Commissioners, or any Nine or more of them, shall direct or appoint, Ten Days at least before the Meeting for such Election, and the Intention to proceed to such Election expressed in such Notice.

Qualification of Commissioners.

Provided always, That no Person shall be capable of acting 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 Acting, of an Estate of Freehold or Copyhold, in Lands, Tenements, or Hereditaments, of the yearly Value of One hundred Pounds; or possessed of, and intitled to, a Personal Estate of the clear Value of Two thousand Pounds; or unless he shall be eldest Son or Heir Apparent of a Peer of the Realm, or of a Person qualified to serve in Parliament as a Knight of a Shire: And if any Person hereby made incapable to act, shall nevertheless presume to act as a Commissioner, every Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person who will sue for the same; to be recovered, with Full Costs of Suit, by Action at Law, in any of His Majesty's Courts of Record at Westminster; in which Action no Essoin, Protection, Privilege, or Wager of Law, or more than One Imparlance, shall be allowed; and the Person so prosecuted shall prove that he is qualified as aforesaid, 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.

And

And be it further enacted by the Authority aforesaid, That no Meeting whatsoever of the said Commissioners, (except as after mentioned) shall at any Time or Times be had for putting in Execution any of the Powers or Authorities vested in them by virtue of this Act; nor any Order, Direction, or Appointment of the said Commissioners, or any of them, touching any of the Matters and Things herein contained, shall be binding and effectual, unless previous Notice of every such intended Meeting, shall be first given by inserting the same in the Worcester News Paper, or in such other Manner as the said Commissioners, or any Five or more of them, shall direct or appoint, at least Fourteen Days before every such intended Meeting of the said Commissioners, for any of the Purposes herein contained, every such Notice to specify the Time and Place of such Meeting or Meetings respectively, and the several Matters and Things then and there proposed to be done; and that every Meeting of the said Commissioners, by virtue of this Act, shall be publick; and that the Majority of the said Commissioners then present at every such Meeting, shall have Power and Authority to execute the Powers hereby vested in them, but not otherwise; any thing herein before contained to the contrary notwithstanding. Commissioners to give Notice of their Meetings.

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

I *A. B.* do swear, That I will, without Favour or Affection, truly and impartially, according to the best of my Skill and Knowledge, execute and perform all the Powers and Authorities established by an Act made in the Eighth Year of the Reign of His Majesty King *George* the Third, for making and maintaining a navigable Cut or Canal from the River *Severn*, at or near a Place called *Hawford*, in the Parish of *Claines*, in the County of *Worcester*, to or near a Place called *Chapel Bridge*, within the Borough of *Droitwich*, in the said County. Oath.

And be it further enacted by the Authority aforesaid, That such Persons as are in the Commission of the Peace for the said County of Worcester, may, and are hereby impowered to, act as Justices of the Peace in the Execution of this Act, notwithstanding their being Commissioners. Commissioners may act as Justices.

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 Commissioner shall have or accept any Place of Profit arising out of the Monies to be raised by virtue of this Act, such Person, during the Time of his holding and enjoying the same, shall be incapable of acting as a Commissioner under this Act.

Notice of Meeting of Commissioners.

And be it further enacted by the Authority aforesaid, That upon Application to be made by the said Company of Proprietors, their Successors, Heirs, and Assigns, or any Five or more of them, or by the Owners or Occupiers of any Grounds, Lands, Tenements, Mills, or Hereditaments, to be affected by the said intended navigable Cut or Canal, or any of the Works necessary or relating thereto, or any of them, unto the said Commissioners, or any Five or more of them, requesting them to appoint a General Meeting; such Commissioners, or any Five or more of them, shall, and they are hereby required, within Seven Days after such Request made, to give Notice in Manner aforesaid of a General Meeting to be held at such Time and Place as shall be specified in such Notice; such Time being not 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 and required, to assemble at the Time and Place so appointed, in order to put this Act in Execution; and may adjourn, and afterwards meet at such Time and Place as the Commissioners there assembled, or any Five or more of them, shall think proper and convenient: And if it shall happen that there shall not appear at any Meeting which shall be appointed to be held, a sufficient Number of Commissioners to act at such Meeting, and to adjourn to any other Time; then, and in such Case, the Clerk to the said Commissioners shall and may, by publick Notice to be given in Manner aforesaid, appoint the said Commissioners to meet at the House where the last Meeting of the said Commissioners was appointed to be held, on that Day Fortnight next after the Day on which the said last Meeting of the Commissioners was to have been held.

Meeting may be called at any Time.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for any Five or more of the said Commissioners, and they are hereby impowered, although they shall not be assembled at a Meeting to be held by virtue of this Act, from time to time, and at all Times, upon such Request made as aforesaid, by Notice in Writing signed by them, and published in Manner aforesaid, to summon a Meeting of the said Commissioners,

ers, at such Time and Place as shall be mentioned in such Notice, for the settling and ascertaining such Damages as are herein directed to be settled and ascertained, notwithstanding any Adjournment or Non-adjournment of the said Commissioners.

No Meeting but within 5 Miles of the Canal.

Provided always, That every Meeting of the Commissioners for hearing or determining any Complaint, Controversy, Dispute, or Difference, between the said Proprietors, their Successors, Heirs, and Assigns, or any other Person or Persons, shall be held at some Place within the County, near the Place where such Complaint or Dispute shall have arisen, and within Five Miles of some Part of the said Cut or Canal; and that no Order or Determination shall be made, unless the Majority of such Commissioners present at such respective Meeting shall concur therein; such Majority not being less than the respective Numbers authorized to make such Orders or Determinations.

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

And be it further enacted by the Authority aforesaid, That if the said Company of Proprietors, their Successors, Heirs, 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, the said Company of Proprietors, their Successors, Heirs, or Assigns, shall immediately 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, Heirs, 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 or Grounds to the said Company of Proprietors, their Successors, Heirs, or Assigns, as the said Commissioners, or any Seven or more of them, shall adjudge reasonable: And in case any Difference shall happen in ascertaining thereof by the said Commissioners, then as any Jury to be impanelled in the Manner herein before directed shall ascertain or award to be paid for the same.

Consideration Money, how to be awarded.

Provided always, That such Consideration to be ascertained by such Commissioners, or to be awarded by such Jury, shall not exceed the Sum or Sums of Money

first

first paid by the said Company of Proprietors, their Successors, Heirs, or Assigns, for the Purchase of such Lands or Grounds: And in case the said Company of Proprietors, their Successors, Heirs, 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, their Successors, Heirs, or Assigns, shall revert to and be thenceforth vested in the said several or respective Person or Persons, Bodies Politick, Corporate, or Collegiate, their Heirs, Successors, or Assigns: And in case an annual Rent shall have been paid for the said Lands or Grounds to be taken in Manner aforesaid for the Use of the said Navigation; then such Rents shall cease and determine, and such Sum or Sums of Money shall be paid for the Damages done to the said Lands or Grounds by the said Company of Proprietors, their Successors, Heirs, 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.

112 *lb.* Averdupoise, to be deemed a Cwt.

And be it further enacted by the Authority aforesaid, That One hundred and Twelve Pounds Averdupoise Weight shall be deemed and taken as and for One Hundred Weight within the Intent and Meaning of this Act.

Writings to be without Stamps.

And be it further enacted by the Authority aforesaid, That no Summons, Order, Determination, Judgement, Warrant, Contract, Agreement, Bond, or other Writing whatsoever, under the Hands and Seals of any Justices of the Peace, or of the said Commissioners, or 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; or removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record

cord at Westminster, any Law or Statute to the contrary notwithstanding.

Fines how to be recovered, &c.

And be it further enacted by the Authority aforesaid, That all Fines, Penalties, and Forfeitures, inflicted by this Act, or which shall be inflicted by virtue of any Rule, Order, or Bye-law, to be made in pursuance of this Act (of which, when produced, all Justices are hereby required to take Notice) the Manner of levying and recovering of which are not otherwise directed, shall be levied by Warrant under the Hand and Seal, or the Hands and Seals, of One or more Justice or Justices of the Peace of the said County of Worcester, or by the Bailiff or Justice of the Peace within the said Borough of Droitwich; which said Justice or Justices is and are hereby authorized to hear and examine Witnesses upon Oath, and to determine the same; and all such Fines, Penalties, and Forfeitures, the Application whereof is not herein before directed, shall be paid into the Hands of the Treasurer or Receiver of the Monies to be raised by virtue of this Act, and shall be applied and disposed of for the Use of the said Navigation, and to or for no other Use or Purpose whatsoever.

Application 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 any 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 Order, of the said Company of Proprietors, their Successors, Heirs, and Assigns, 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 the General or Quarter Sessions to be held in and for the said County of Worcester, and not elsewhere, who shall, in a summary

May, 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 Sessions of the Peace to be held for the said County, 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 judge reasonable.

Constables, &c. to execute Warrants.

And be it further enacted by the Authority aforesaid, That all and every Warrant and Warrants, that shall and may be granted by any Person or Persons enabled or impowered to grant the same by virtue of this Act, shall and may be directed to the Constable, Headborough, or other Officer, of the Township, Parish, or Place, where the Offender or Offenders shall reside or inhabit, or to any Special or other Constable, or Peace Officer, to be sworn for that Purpose; which Constable, Headborough, or other Officer, is hereby authorized and required to execute the same.

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, and not afterwards; and shall be laid and brought in the said County of Worcester, and not elsewhere; and the Defendant or Defendants

General Issue.

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 Demurring, or otherwise, Judgement shall be given against the

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. Treble Costs.

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

FINES.