Anno octavo

Georgii III. Regis.

An Act for making and maintaining a navigable Cut or Canal from *Birmingham* to *Bilſtone*, and from thence to *Autherley*, there to communicate with the Canal now making between the Rivers *Severn* and *Trent*; and for making collateral Cuts up to ſeveral Coal Mines.



WHEREAS the making a Cut or Canal for the Navigation of Boats, Barges, and other Veſſels, with heavy Burthens, from the Town of Birmingham, in the County of Warwick, to or near Smethwick, Oldbury, Tipton Green, and Bilſtone, in the reſpective Counties of Warwick and Stafford, by or near ſeveral large Coal Mines, and Lime Stone Quarries; and from or near the ſaid Town of Bilſtone, to or near Autherley, otherwiſe Alderſley, in the Pariſh of Tettenhall, near Wolverhampton, in the ſaid County of Stafford, there to join and communicate with the Canal now making, or intended to be made, between the Rivers Severn and Trent; and alſo the making of Two collateral Cuts up to or as near to the ſaid Coal Mines, and Lime Stone Quarries, as conveniently may be, will Preamble.

will be of great Advantage to the Towns of Birmingham, Bilſtone, and Wolverhampton, and to the ſeveral Counties of Warwick, Stafford, Northampton, Oxford, Glouceſter, and Worceſter; and will alſo open a more eaſy and beneficial Communication between the ſaid Town of Birmingham and the ſeveral Ports of Briſtol, Hull, and Liverpool, and moreover be of great public Utility: And whereas the ſeveral Perſons herein after particularly named are deſirous, at their own proper Coſts and Charges, to begin and carry on, and complete the ſaid navigable Cut or Canal, and collateral Cuts, intended to be made by virtue of this Act: Wherefore for obtaining and perfecting the good Ends and Purpoſes aforeſaid; May it pleaſe your Majeſty, that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the paſſing of this Act, the Right honourable the Earl of Hartford, the Right honourable the Earl of Dartmouth, Sir Lifter Holt Baronet, Charles Colmore Eſquire, Ann Colmore, Thomas Anſon Eſquire, John Steyd Eſquire, Jervoiſe Clarke Eſquire, Henry Carver Eſquire, Peter Capper, Mathew Boulton, John Turner junior, John Hetle, Francis Garbett, Eſquire, Charles Gaſcoigne Eſquire, Samuel Galton, Joſeph Wilkinſon, William Welch, John Lane, Daniel Ruſton, Joſiah Ruſton, John Hale, Maria Lhuile, William Jones, John Baker, James Perry, Thomas Weſtley, Daniel Winwood, Rachel Swadlin, Sarah Johnſon Spinſter, John Meredith junior, Joſeph Geaſe, Thomas Bagnall, Thomas Silveſter junior, John Whitehouſe, Richard Wright, Henry Vennor, Samuel Rembertson, Joſeph Oakley, Phebe Meredith, Sarah Whitehouſe, William Hunt, John Grew, John Kane, Thomas Ruſſell, William Turner, Henry Carver junior, John Wright, John Wall, John Aſh M. D. James Farguharſon, Thomas Lee, John Scott, James Cooper, Edward Carver, Richard Jeſſon, Mary Jeſſon, Benjamin Brett, John Oſeland, Thomas Highway, John Lee, Richard Nock Parkes, John Francis, Michael Lakin, Hannah Perkins, John Gibbons, James Dallaway, John Cope, Joſeph Barker, William Butler, Thomas Salt of Rudgley, Peter Capper junior, Mary Rider, John Kirkman, Thomas Ward, Rebecca Jeſſon, Henry Venour, Willis Kempſon, John Bickley, John Hanſon, John Moody, Richard Rabone, John Gold, William Grice, John Startin, Elias Wallin, Joſeph Cotterell, William Small M. D. William John Banner,

Proprietors Names.

4

Banner, Francis Farghuarſon Eſquire, John Iddins junior, John Meredith ſenior, Thomas Allen Eſquire, Edward Palmer, Elizabeth Savage, Mary Savage, Ann Savage, John Turton, James Alſton, Iſaac Whitehouſe, Richmond Aſton, Thomas Hanſon, their ſeveral and reſpective Succeſſors, Heirs, and Aſſigns, together with ſuch Perſon and 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, and collateral Cuts, 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 *Birmingham* 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, their Succeſſors, and Aſſigns, ſhall be, and they are hereby authorized and impowered, from and after the Fourteenth Day from the paſſing of this Act, by themſelves, their Deputies, Agents, Officers, Workmen, Servants, and Aſſigns, to make and complete a Cut or Canal navigable or paſſable for Boats, Barges, and other Veſſels, from a certain Field called Newhall Ring, adjoining to the Town of Birmingham, in the County of Warwick, and from ſuch other Place or Places, in or near the ſaid Town of Birmingham, as may be found convenient, to or near Smethwick, Oldbury, Tipton Green, and Bilſtone, in the reſpective Counties of Warwick and Stafford, by or near ſeveral large Coal Mines and Lime Stone Quarries; and from or near the ſaid Town of Bilſtone, to go by and as near to the ſaid Town of Wolverhampton as the Level will admit of, on, to, or near, Autherley, otherwiſe Alderſley, in the Parish of Tettenhall, in the ſaid County of Stafford, there to join and communicate with the Canal now making, or intended to be made, between the ſaid Rivers Severn and Trent; and alſo to make and complete Two collateral Cuts, up or as near to ſuch Coal Mines as conveniently may be; (that is to ſay) the One of the ſaid collateral Cuts to begin and

be made from that Part of the said Canal which is intended to be made, over or through the Lands of Abney Widow, at or near Oldbury aforesaid, and to go and be continued from thence by or near Girt's Green, and Brickhouse Lane, up or near to Wednesbury Hollow-way; and the other collateral Cut to begin and be made from that Part of the said Canal which is intended to be made at or near a Place called Toll End, and to go and be continued from thence up or near to a Place called Ocker Hill; and to supply the said Cut or Canal, and collateral Cuts, intended to be made by virtue of this Act, whilst the same shall be making, and when made, with Water, from all Springs, Brooks, Streams, and Watercourses, as shall be found in making the said Cut or Canal, and collateral Cuts, and from such Brooks, Streams, and Watercourses, as are or shall be found within the Distance of One thousand Yards from any Part of the said intended Cut or Canal, or collateral Cuts; and also to make such Reservoirs as shall be necessary for the Purposes of the said Cut or Canal, and collateral Cuts, for the more convenient supplying the same with Water, for the Purposes aforesaid; and for making, using, compleating, extending, and maintaining, of such Trenches, Passages, Gutters, and Watercourses, as shall be necessary and proper to convey Water to and from the said intended Cut or Canal, and collateral Cuts, according to the Tenor and Purport of this Act; the said Company of Proprietors, their Successors, and Assigns, and their Agents, Servants, and Workmen, are hereby authorized and impowered, in, upon, or through, the Lands and Grounds of, or belonging to, the King's Majesty, his Heirs, or Successors, or of any other Person or Persons, Bodies Politick, Corporate, or Collegiate whatsoever (not being, at this Time, Ground whereon a House stands, or a Garden, Yard, Park, Paddock, planted Walk, or Avenue to a House, Lawn inclosed, or adjoining to, a Mansion House) to enter, and to bore, dig, cut, trench, sough, remove, take, carry away, and lay, Earth, Soil, Clay, Stone, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters and Things, which may be dug or got in the making of the said Cut or Canal, or collateral Cuts, or out of any Lands or Grounds of any Person or Persons adjoining or lying contiguous thereto, and which may be proper, requisite, or convenient, for carrying on, continuing, or repairing, the same, or which may hinder, prevent, or obstruct, the making, using, com-

completing, extending, and maintaining, the same; and also to make, build, erect, and set up, in or upon the said intended Cut or Canal, and collateral Cuts, or upon the Lands adjoining or near the same respectively, such and so many Bridges, Tunnels, Aqueducts, Sluices, Locks, Weirs, Pens for Water, Stanks, Reservoirs, Drains, Wharfs, Quays, Landing-places, Weigh-beams, Cranes, and other Works, Ways, and Conveniencies, as and where (except as before excepted) the said Proprietors, their Successors, and Assigns, shall think requisite and convenient for the Purposes of the said Navigation, and also, from time to time, to alter, repair, amend, widen, or enlarge the same, or any other of the Conveniencies above mentioned, as well for the carrying and conveying Goods, Commodities, and other Things, to or from the said Cut or Canal, and collateral Cuts, as for the carrying and conveying of all Manner of Materials necessary for the making, erecting, finishing, altering, repairing, amending, widening, or enlarging, 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 be 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 collateral Cuts, 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 Roads, Towing-paths, Banks, and Ways, convenient for towing, haling, or drawing, of Boats, Barges, or other Vessels, passing in, through, or upon, the said Cut or Canal, or collateral Cuts, as they the said Proprietors, their Successors, and Assigns, shall think convenient; 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 collateral Cuts, and the Towing-paths on the Sides thereof; and also to construct, erect, make, and do, all other Matters and Things which they shall think necessary and convenient for the making, effecting, extending, preserving, improving, completing, and using, the said Navigation, in pursuance and within the true Meaning of this Act; they the said Proprietors, their Successors, and Assigns, doing as little Damage as may

be

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

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

Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to enable the said Proprietors, their Successors, or Assigns, to erect or build any House, or other Building (other than such Warehouses and Watchhouses to be built as herein directed) for the Use of the said Navigation, or any Mill or Mills upon the said intended Canal or Cuts, hereby authorized to be made, or upon the Lands which shall be set out for the Towing-paths, Wharfs, or Quays, on the Sides thereof, or to convert, employ, or use any Water that shall be brought into, or discharged out of, the said Canal or Cuts, Trenches or Sluices, hereby authorized to be made, to or for the Use of any Mill or Mills hereafter to be erected near the same, or to plant any Trees on such Lands or Grounds, or to make, erect, or build, any Warehouses, Watchhouses, Buildings, Quays, Wharfs, Cranes, or Weigh-beams, within the Distance of Fifty Yards of any Capital or Manor-house, or in or upon any Fold-yard, Garden, Park, Paddock, planted Walk, or Avenue to a House, or Lawn inclosed, adjoining to any Mansion-house, that are used as such at this Time; or to take down or damage any Dwelling-house, or Out-house, without the Consent of the Proprietor or Proprietors thereof, under his, her, or their Hands and Seals 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, or collateral Cuts, 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 of the said navigable Canal or Cuts, Towing-paths, Trenches,

Trenches, Sluices, Roads, Paſſages, or Conveniencies reſpectively as aforeſaid) and that the Proprietors of the reſpective Lands and Grounds on which ſuch Timber-wood, Bruſh-wood, or Under-wood, ſhall grow at the Time of paſſing this Act, their Heirs or Aſſigns, ſhall have it in their Option to take ſuch Timber-wood, Under-wood, and Bruſh-wood reſpectively, when fallen or cut down by the ſaid Company of Proprietors, their Succeſſors, and Aſſigns, at ſuch Price or Value as the ſame reſpectively ſhall have been eſtimated, or purchaſed by, the ſaid Company of Proprietors, their Succeſſors, and Aſſigns; which Timber-wood, Bruſh-wood, or Under-wood, ſo fallen by, or for the Uſe of, the ſaid Company of Proprietors, ſhall and may be carried to and from any Parts of the ſaid Canals and Cuts, free from all Tolls and Duties to be raiſed and levied by virtue of this Act; but in caſe the ſame ſhall not have been eſtimated at, or purchaſed by, them, upon a Valuation ſeparate or diſtinct from the Lands or Grounds upon which the ſame reſpectively ſhall grow, then at ſuch Price or Value as ſhall be agreed on for that Purpoſe between ſuch Proprietors or Owners of Lands and the ſaid Company of Proprietors, their Succeſſors, 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 Commiſſioners, herein after mentioned, or any Five or more of them, ſhall direct and appoint; and if any Houſe, or other Building, except as aforeſaid, ſhall be erected, or any Trees ſhall be planted, upon any ſuch Lands or Ground, without ſuch Conſent as aforeſaid, it ſhall and may be lawful to and for the Perſon or Perſons who was or were Owner or Owners of ſuch Lands or Grounds, at the Time of the ſetting out the ſame as aforeſaid, his, her, or their Heirs or Aſſigns, to take, pull down, and remove, ſuch Houſes, and other Buildings, and to cut and carry away ſuch Trees, without being guilty of a Treſpaſs, or being liable to any Action or Proſecution for ſo doing.

Lands may be entered for making Surveys.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Agents and Servants of the ſaid Company of Proprietors, their Succeſſors, and Aſſigns, from time to time, and at all Times hereafter, to enter upon the Lands or Grounds of the ſeveral Perſons, Bodies Politick, Corporate, or Collegiate, through which the ſaid Cut or Canal, collateral Cuts, Roads, Ways, 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, collateral Cuts, Roads, Ways, Watters, and Conveniencies aforesaid; such Agents or Servants making Satisfaction for the Damage they shall do thereby to the Occupiers of such Lands or Grounds for the time being, in case the same exceeds the Sum of One Shilling.

Breadth of the Canal and Towing-paths.

Provided always, and be it further enacted, That the Land or Ground to be taken or used for such Cut or Canal, and collateral Cuts, and Towing-paths, and the Ditches, Drains, and Fences, to separate such Towing-paths from the adjoining Lands, shall not exceed Twenty six Yards in Breadth (except in such Places where the said Cut or Canal, or collateral Cut, shall respectively be raised higher, or cut above Five Feet deeper than the present Surface of the Land) and in such Places where it shall be judged necessary for Boats, and other Vessels, to turn, lie, or pass each other, not more than Sixty Yards in Breadth in any of the said respective Places; nor shall any Land or Ground be set out, ascertained, contracted for, and sold for the Purpose of making any navigable Cut, Trench, or Sluice, to convey Goods, Commodities, or other Things, to or from the said Cut or Canal (except for the making of the said Two collateral Cuts as aforesaid) without the Consent of the Owner or Owners of the said Lands respectively, under his or their Hands, in Writing, first had and obtained, nor for more than One thousand Yards in Length, with such Consent; any thing herein contained to the contrary notwithstanding.

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

And be it further enacted, That after any such Parts of the said Lands or Grounds shall be so set out and ascertained as aforesaid, for making the said Cut or Canal, or collateral Cuts, Roads, 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, and Administrators, and all other Trustees whatsoever, not only for and on the behalf of themselves, their Heirs, and Successors, but also for and on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunaticks, Idiots, Femes-covert, or other Person or Persons, and to and for all Femes-covert who are or shall be seised, possessed of, or interested in their own Right, and to and for every other Person or Persons whomsoever who are or shall be seized, possessed

of,

of, or interested in, any Lands or Grounds which shall be so set out, and ascertained as aforesaid, or any Part thereof, to contract for, sell, and convey, unto the said Company of Proprietors, their Successors, and Assigns, or to such Person or Persons as they shall nominate and appoint, for the Use of the said Navigation, all or any Part of such Lands or Grounds which shall, from time to time, be set out and ascertained as aforesaid: And where by making the said Cut or Canal, or collateral Cuts, 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 all other Land Owners, under any Disability as aforesaid, 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, and 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, or collateral Cuts, shall be made, to any Person or Persons whomsoever, for such Price or Prices in Money, or other Equivalent, as to the said Commissioners, or any Five or more of them, shall seem reasonable; and that all such Contracts, Agreements, Sales, Conveyances, and Assurances, shall be valid and effectual in Law to all Intents and Purposes whatsoever; any Law, Statute, Usage, or Custom, to the contrary thereof in any wise notwithstanding: And all Bodies Politick, Corporate, or Collegiate, and other 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 all such Contracts, Agreements, Sales, Conveyances, and Assurances (other than those which concern any Purchase or Exchange between any such respective Land Owners) so to be made as aforesaid, shall, at the Expence of the said Company of Proprietors, their Successors, and Assigns, be inrolled by the Clerk of the Peace of the respective Counties of Warwick and Stafford, as the Case shall require; 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 respective Counties shall have and receive the Sum of Three Pence for every Two hundred Words,

and

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

Copyhold Rights preserved.

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

And whereas Differences may arise between the said Company of Proprietors and the several Owners of, and Persons interested in, any Lands, Grounds, Tenements, Hereditaments, or Waters, which shall or may be affected or prejudiced by the Execution of any of the Powers hereby granted, touching the Purchase-money to be paid or Recompence to be made to them respectively; be it therefore further enacted, That

Commissioners Names.

Sir John Astley, Henry Archer, Henry Harvey Aston, Charles Adderley, Abney, the Reverend James Ansell, John Ash M. D. Edward Audley, Joseph Adams, John Amphlett, William Amphlett, Joseph Amphlett, Thomas Addenbrook, Thomas Anson, George Adams, the Right Honourable Lord Robert Bertie, the Right Honourable Lord Viscount Beauchamp, Sir Robert Burdett, Sir Edward Boughton, Sir Thomas Broughton, Sir Henry Bridgman, Sir Walter Wagstaff Bagot, William Bromley, William Bagot, Egerton Bagot, Francis Burdett, John Bird, John Bird junior, Thomas Biker, Paul Bayne, Matthew Boulton, William Biddle, Joseph Boultbee, Randalph Bradburne, John Baskerville, Gilbert Bradgate, Samuel Birch, John Ball, Robert Burton, William Bentley, William John Banner, Francis Turner Blythe, James Baker, John Blythe, Thomas Bingham, William Burleton, Abraham Bracebridge, George Birch, Nathaniel Barret, Robert Barber, John Baker, the Reverend Best, Brook of Black Lands, John Bickley, Aaron Bourne, Thomas Baker, Thomas Burne, Walter Bagot Clerk, Richard Bagot, Thomas Bradney, the Right Honourable the Lord Viscount Chetwynd in the Kingdom of Ireland, the Right Honourable Henry Seymour Conway, the Honourable Thomas Craven, the Honourable William Craven, the Honourable John Chichester, the Honourable William Chetwynd, Jervice Clarke, Henry Carver, Henry Carver junior, Charles Colmore,

Colmore, Godfrey Clarke, Thomas Clarke *senior*, Thomas Clarke *junior*, Edward Croxall, Edward Crofts, Robert Child, Simon Collins, Stanes Chamberlayne, Peter Capper, Joſeph Careleſs, Charles Corbett, Benjamin Clements **Clerk**, Benjamin Corſon, Jervoiſe Clarke, John Carver **Clerk**, Aſheton Curzon, Brook Crutchley, Rowland Carr, Thomas Conolly, Jeremiah Caſwell, **the Right Honourable the Earl of** Donnegall, **the Honourable** Henry Damer, **the Honourable** John Damer, **the Honourable** Lionel Damer, **the Honourable and Reverend** Digby **D. D.** **the Reverend** Thomas Dadley, William Dilk, **the Reverend** Richard Dovey, William Daniel, **the Reverend** Joſeph Davie, John Dews, John Dews **the younger**, Thomas Dabbs, Edward Dudley, Joſeph Duncombe, James Dowler, James Dallaway, Oliver Dixon, John Dolphin, Richard Dyott, Anthony Deane, Thomas Ebdell, William Eborall, John Eld, Jeremiah Egginton, James Egginton, George Evans, **the Right Honourable Lord** Fielding, Thomas Fiſher **of** Springfield, John Farmer, James Farmer, John Ford, John Fothergill, James Farguharſon, Thomas Fowler, Thomas Foley, Thomas Foley **junior**, John Fleming, James Fieldhouſe, Charles Floyer, Charles Floyer **of** Hints, Thomas Ferryhough, George Fieldhouſe, Richard Fryer, John Fryer, **the Right Honourable the Lord** Greville, **the Right Honourable** George Harry Grey, **commonly called Lord** Grey, **the Honourable** Booth Grey, **the Honourable** John Grey **junior**, Richard Geaſt, Arthur Gregory, John Greſwould, **the Reverend** William Greenwood **D. D.** Fulk Greville, William Grove, Edward Gibbs, William Dixwell Grimes, Samuel Garbett, Francis Garbett, Samuel Galton, Joſhua Glover, Jonathan Greir, John Gold, William Grice, Francis Goodall, John Groome, Groome **M. D.** Gildart **of** Norton, John Gifford, Thomas Gifford, Thomas Gilbert, Richard Gough, Thomas Gibbons, **Sir** Liſter Holte, **Sir** Henry Harpur, **Sir** Samuel Hellyer, William Holbeche, John Hewitt, William Hunt, Joſhua Harborne, Andrew Hackett, Andrew Hackett **junior**, William Holbeche, Martin Holbeche, John Hunt, John Hall, William Horſley, **the Reverend** William Huddesford, **the Reverend** Charles Hall, John Howlette, Fleetwood Hinton, Thomas Holden, **the Reverend** Thomas Hall, Richard Hayward, Richard Hopkins, Edward Hector, Hawkes, Hurſt, Samuel Harvey, Gregory Hicks, Thomas Hoo, Thomas Hayes, Corbett Hale, John Hodgetts, Peter Hinckes, Thomas Hartſhorn **Clerk**, John Haſſard, Gregory Hickman, Phineas Huſſey, William Hodgetts, George Holyoake, Francis Holyoake,

Chriſtopher Houghton, Thomas Hector, Roger Holmes, Clement Hinnerſley, William Hodſon of Penkridge, William Horton, Edward Hickman, the Reverend Jackſon, William Jeſſon, Richard Jee, Charles Jennens, William Inge, John Ingram, John Jennings, William Jennings, Richard Jennens, Richard Jackſon Clerk, Edward Jordan, John Jeſſon, Swinten Jervis, William Inge Clerk, Thomas Jones, John Jorden, Richard Jorden, Thomas Keck, William Kinſmill, Edward King, John Knuttesford, William Kettle, John Kettle, William Kempſon, John Keeling, the Right Honourable James Lord Lifford, Lord High Chancellor of Ireland; Sir Robert Lawley, Sir Edward Littleton, George Lucy, Mathew Liſter, William Liggon, David Lewis, Simon Luttrell, John Ludford, the Reverend Thomas Liptrott, Phillips Littleton, John Lane, John Lane, Sampſon Lloyd, Sampſon Lloyd the younger, Thomas Lee, John Lane, Robert Lawley, Fiſher Littleton, Nathaniel Liſter, Joſeph Lane, John Levett, Thomas Levett, Robert Lander, Sir Charles Mordaunt, John Mordaunt, the Reverend John Mills, the Reverend George Malbon Clerk, Edward Moy, Robert Moore, Thomas Minors, James Male, John Moody, Benjamin Molineux, George Molineux, Joſeph Molineux, James Marſh Clerk, James Moſeley, Walter Acton Moſeley, Richard Molineux, John Marſhall, John Manley, Walter Manſell, William Manſell, Hugo Meynell, John Molineux, Sir Roger Newdigate, Fettiplace Nott, Rowland Oakeover, Charles Oaks, John Oſeland, the Right Honourable Sir Thomas Parker Knight, Lord Chief Baron of the Court of Exchequer; the Right Honourable George Lord Pigott in the Kingdom of Ireland, Sir Henry Parker, Benjamin Palmer, George Port, William Palmer, Chriſtopher Preſton, William Parker, Charles Packwood, the Reverend James Powell, Richard Parrott, Prinſep, Thomas Pemberton, Francis Parrott, Henry Perkins, James Perry, Peter Petit, John Lewis Petit M. D. Edward Pearſon, Thomas Pearſon, William Perks, Joſeph Pearſon, John Powney, Pulteney, John Perſhouſe, William Perſhouſe, Richard Pearſehouſe, William Pigott Clerk, Dormer Parkhurſt, John Parkes, Amos Parkes, Robert Pritty, Richard Price, Samuel Richards, John Ruſſell, Thomas Ruſſell, Richard Rabone, Thomas Raby, Marſhall Rider, Thomas Rogers, James Raby, Thomas Raybold, Sir Francis Skipwith, Sir Charles Shuckburgh, George Scott, Edward Southwell, William Staunton, Walter Sadler, Miller Sadler, Abraham Spooner, Thomas Skipwith, Francis Skipwith, Iſaac Spooner, William Small M. D. Samuel Sea-

Seagrave Clerk, Joseph Smith, Thomas Salt, John Smith, Abraham Spooner, Isaac Spooner, Gilbert Steuart, Francis Stokes, Edward Shaw Clerk, Samuel Swinten, William Stafford, John Sparrow, Thomas Smith, Lawrence Stanley, Jonas Slaney Clerk, Plowden Slaney, Jacob Smith of Walsall, John Weston Smith, the Honourable Henry Frederick Thynne, the Bailiffs of Tamworth, John Taylor, John Taylor junior, James Tomkinson, John Turner senior, John Turner, William Turner, Joseph Thomas, Joseph Turton, Thomas Tomkys, Ambrose Tibbatts, Ambrose Tibbatts junior, John Turton M. D. John Turton, Charles Vere, the Reverend William Vyse, John Venor, Henry Venour, Henry Vernon, Sir William Wheeler, Sir Richard Wrottesley, the Honourable John Ward, the Honourable William Ward, Christopher Wren, the Mayor of Warwick, Robert Whadcock, Mathew Wyse, Henry Wise, John Webb, John Willington, Thomas Walford, James West, William White, James West junior, William Wilson, John Wyrley, the Reverend Charles Wheeler, Thomas Watson, Knightley Wightwick, John Walter, William Welch, John Wilkinson, Thomas Westley, John Wightwick, Moreton Walhouse, Joseph Wood, Henry Wood junior, William Wenman, Edward Whitby, George Wood, James Whitgrave, Thomas Wightwick, John Wilkes, John Wrottesley, shall be, and they and their Successors, to be elected in Manner herein after mentioned, are hereby appointed Commissioners for the settling, determining, and adjusting all Questions, Matters, and Differences, which shall or may arise between the said Company of Proprietors, their Successors, and Assigns, or any of them, and the several Proprietors of, and Persons interested in, any Lands, Grounds, Tenements, Hereditaments, or Waters, that shall or may be affected or prejudiced by the Execution of any of the Powers hereby granted; and they the said Commissioners, or any Five or more of them, qualified as hereafter mentioned, are hereby impowered, by Writing under their Hands and Seals, to determine and adjust, from time to time, what Sum or Sums of Money shall be paid by the said Proprietors, their Successors, and Assigns, or any of them, either by an annual Rent or Payment, or by a Sum of Money in Gross, to and at the Election of such Bodies Politick, Corporate, or Collegiate, Person or Persons respectively, who shall be so intitled or interested as aforesaid, for the absolute Purchase of the Lands or Grounds which shall be set out and ascertained as aforesaid, for making the said Cut or Canal, or collateral Cuts, or any Part thereof, and other the Purposes herein mentioned; Commissioners to determine Differences.

tioned; and also to determine and adjust the Recompence to be made for any Damages which may or shall be at any Time or Times whatsoever sustained by such Bodies Politick, Corporate, or Collegiate, or any Person or Persons respectively, being Owners of, or interested in, any Lands, Grounds, Tenements, or Hereditaments, for or by reason of the making, repairing, or maintaining, the said Cut or Canal, and collateral Cuts, Fences, 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 ouzing of the Water over or through the Banks of the said Cut or Canal, or collateral Cuts, 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 collateral Cuts, or by not cleansing the said Watercourses, Trenches, or Passages, or by turning or diverting any Streams or Brooks into the same, or by Reason or Means of the Execution of any of the Powers herein contained, by the said Company of Proprietors, and their Successors and Assigns, their Agents, Workmen, or Servants, in case such Price or Value, Damage or Recompence, respectively cannot be settled, adjusted, and agreed, by and between the said Company of Proprietors, their Successors, and Assigns, or their Agent or Agents for the time being, and such Proprietors of, and Persons interested in, the said Lands and Grounds as aforesaid: And if the said Company of Proprietors, their Successors, and Assigns, for and on the Part and Behalf of themselves, or any such Body Politick, Corporate, or Collegiate, or other Person or Persons so interested or intitled as aforesaid, for and on his, her, or their Parts, shall refuse to submit any such Matter to the Determination of the said Commissioners, or shall be dissatisfied with any Determination which shall be by them made as aforesaid; and if any such Body Politick, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons intitled or interested as aforesaid, shall refuse to receive, upon due Tender thereof made, such Purchase-money or annual Rent, or such Recompence as shall be so determined to be paid, or shall, upon Notice in Writing given to the principal Officer or Officers of such Body Politick, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at the Place or Places of his, her, or their Abode, or with the Tenant or

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

or Tenants, Occupier or Occupiers, of such Lands or Grounds, for the Space of Twenty Days next after such Notice, neglect or refuse to treat, or shall not agree with the said Company of Proprietors, their Successors, and Assigns, or by reason of Absence shall be prevented from treating, or through Disability, by Nonage, Coverture, or other Impediment, cannot treat for themselves, or make such Agreement as shall be convenient for promoting the Navigation and other Works aforesaid, or shall not produce or evince a clear Title to the Premisses which they are or shall be in Possession of, or to the Interest which they may claim therein; then, and in every such Case, the said Commissioners, or any Five or more of them, shall, and they are hereby impowered and required, from time to time, to issue a Warrant or Warrants under their Hands and Seals, to the Sheriff or Sheriffs of the said Counties of Warwick and Stafford for the time being respectively, in which the Matter or Matters shall arise; or in case such Sheriff or Sheriffs, his or their Under Sheriff or Under Sheriffs respectively, or either of them, shall happen to be One of the Company of Proprietors of the said Navigation, or enjoy any Office of Trust or Profit under them, or shall be otherwise interested in the Matter in Question, then to the Coroner or Coroners within the said Counties of Warwick and Stafford respectively, not interested as aforesaid, commanding such Sheriff or Coroner respectively, to impanel, summon, and return, a Jury; and the said Sheriff or Coroner respectively is hereby required accordingly to impanel, summon, and return, a Jury of Twenty four sufficient and indifferent Men, qualified according to the Laws of this Realm, to be returned for Trials of Issues joined in His Majesty's Courts at Westminster, to appear before the said Commissioners, or any Five or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed, not being less than Nine, nor more than Twenty Days after such Warrant shall be served upon the said Sheriff or Sheriffs, Coroner or Coroners, respectively: And in case a sufficient Number of Jurymen shall not appear at the Time and Place appointed as aforesaid, the said Sheriff or Coroner shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, being so qualified as aforesaid, to make up the said Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the

or shall refuse to treat,

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

Jurors may be challenged.

Witnesses to be examined upon Oath.

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 said 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 Oath, to be administered by the said Commissioners, or any Five or more of them, and those Oaths, as well as the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Commissioners, or any Five or more of them, are hereby impowered to administer) shall enquire of, assess, and ascertain, the Sum and 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, Rents, or Recompence, so to be assessed by such Juries; which said Verdict, and the Judgement thereupon pronounced by the said Commissioners, or any Five or more of them, shall be binding and conclusive to all Intents and Purposes, against the King's Majesty, his Heirs and Successors, and against all Bodies Politick, Corporate, or Collegiate, and all Persons whomsoever.

Penalty on Sheriff, &c. making Default.

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

Fine not to exceed 5*l.*

the

the Charges of such Distress and Sale, shall be deducted.

Provided also, and be it further enacted, That in all Cases where the Verdict or Assessment shall be given or made for more Monies, as a Recompence or Satisfaction for any Lands, Grounds, or Hereditaments, or for any Damage to be done to any Lands, Grounds, Hereditaments, or Property of any Person or Persons whatsoever, than had been previously offered by or on Behalf of the said Company of Proprietors, their Successors, or Assigns, or than had been determined or 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, or any Five or more of them, and be defrayed by the said Company of Proprietors, their Successors, or Assigns: But if any Verdict or Assessment shall be given or made for no more or a less Sum than had been previously offered by or on Behalf of the said Company of Proprietors, their Successors, or Assigns, or than had been determined and assessed by the said Commissioners as aforesaid; then, and in every such Case, the Costs and Expences of summoning such Jury, and taking such Inquest, shall be settled in like Manner by the said Commissioners, or any Five or more of them, and be borne and paid by the Person or Persons with whom the said Company of Proprietors, their Successors, and Assigns, shall have such Controversy or Dispute. Expences of the Jury how to be paid.

Provided likewise, and be it further enacted, 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, and Assigns, for the time being, in the Penalty of Fifty Pounds, to prosecute such his, her, or their Complaint, and to bear and pay the Costs and Expences of summoning such Jury, and taking such Inquest, in case a Verdict shall be given for no more or a less Sum than had been offered by or on Behalf of the said Company of Proprietors, their Successors, and Assigns, or than had been assessed by the said Commissioners before the summoning and returning the said Jury or Juries, as a Recompence or Satisfaction for any Lands, Grounds, or Hereditaments, or Damage as aforesaid. Persons requesting a Jury, to enter into Bond to prosecute.

Provided

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

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

Penalty on giving false Evidence.

And be it further enacted, That all or 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 of them, or before any of the Justices of the Peace, shall and may be prosecuted for the same; and, upon Conviction thereof, shall be subject to such Punishments and Disqualifications as any Person or Persons can or may be subject to for wilful and corrupt Perjury, by any of the Laws or Statutes of this Realm.

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

And be it further enacted, That upon Payment of such Sum or Sums of Money, or annual Rent, as shall be contracted or agreed for between the Parties, or adjusted or determined 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 they 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

in such Case, such Lands and Grounds respectively, and the Fee-simple and Inheritance thereof, shall from thenceforth be vested in and become for ever the sole Property of the said Company of Proprietors, their Successors, and Assigns, to and for the Use of the said Navigation; but to or for no other Use or Purpose whatsoever: And it shall and may be lawful to and for the said Company of Proprietors, their Successors, and Assigns, their Agents, Workmen, and Servants, immediately to enter upon the same, and to dig, cut, trench, sough, and remove Earth, Stone, Rubbish, Trees, Roots of Trees, and all other Obstructions, (for the making, using, maintaining, and repairing) the said Cut or Canal, collateral Cuts, and Towing-paths on the Sides thereof, in or upon such Lands, Tenements, or Hereditaments, for which such Satisfaction shall be determined or assessed as aforesaid) and thereupon to make, erect, or do any Works, Matters, or Things, for the effecting and carrying on the said Navigation, and for the supporting and maintaining the same, as the said Company of Proprietors, their Successors, or Assigns, shall think requisite; and to have, use, and enjoy, the same, to and for their own Use and Benefit for the Purposes of the said Navigation; and this Act shall be sufficient to indemnify as well the said Commissioners, as the said Company of Proprietors, their Successors, and Assigns, and their Servants, Agents, and Workmen, for what they, or any of them, shall do by virtue of the Powers hereby granted.

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

And be it further enacted, That all Determinations of the said Commissioners, or any Five or more of them, which shall be submitted to and acquiesced in, by the Parties concerned; and also the said Verdicts and Judgements, being first signed by Five or more of the Commissioners who shall be present at the making of such Determinations, or the taking of such Verdicts, and pronouncing such Judgements respectively, shall be transmitted to and kept by the respective Clerks of the Peace, amongst the Records of the Quarter Sessions of the Peace for the said Counties of Warwick and Stafford respectively, as the Case shall require, and shall be deemed to be Records of the said Quarter Sessions to all Intents and Purposes; and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, as also the Inrolments of such Contracts, Agreements, Sales, and Conveyances, as are herein before-mentioned, paying for each Inspection the Sum of

One Shilling; and to take Copies thereof, without Stamps, paying for every Copy, not exceeding Two hundred Words, the Sum of Three 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 Courts and Juries, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, at Law or in Equity, of the Person or Persons for whose Use such Money or Rent shall be paid, in, to, and out of, the said Lands, Tenements, Hereditaments, and Premisses, shall vest in the said Company of Proprietors, their Successors, and Assigns, and they shall respectively be deemed in Law to be in the actual Seisin 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, Bargain and Sail inrolled, Feoffment with Livery of Seisin, Fine and Recovery, or any other legal Conveyance whatsoever; and such Payment shall not only bar all Right, Title, Interest, Claim, and Demand, of the Person or Persons to whose Use such Payment shall be made, but also shall extend to, and be deemed and construed to, bar the Dower 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 or Recovery, or either of them, would have done if the same had been levied or suffered by the proper Parties in due Form of Law.

Purchase-monies how to be applied.

And be it further enacted, 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

in the Purchase of Lands, Tenements, and Hereditaments, in Fee-simple, and conveyed to such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or such other Person or Persons as aforesaid, 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, and Assigns; and in the mean Time, and until such Purchase and Purchases shall be made, the said Monies shall be placed out by such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or other Person or Persons as aforesaid, in some of the publick Funds, or on Government or real Securities, in the Names of Two or more Persons, 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 as well the Interest arising or to be produced from such Funds or Securities, as also the annual Rent of such Lands, Grounds, Tenements, or Hereditaments, where a Rent shall be fixed upon as aforesaid, shall be paid to such Person or Persons respectively as would for the time being be intitled to the Rents and Profits of such Lands, Tenements, and Hereditaments so to be purchased, in case the same were purchased and settled pursuant to the Tenor and true Meaning of this Act; and such annual Rent shall be a Rent Charge upon the Tolls, Rates, and Duties, hereby authorized to be taken.

Commissioners to proportion the Money.

And be it further enacted, 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 Recompences for Damages, which shall be so agreed for by the said Company of Proprietors, their Successors, and Assigns, or any of them, or determined and adjusted by the said Commissioners, or any Five or more of them, or assessed by the said Juries in Manner respectively as aforesaid, shall be allowed to any Tenant or other Person having a particular

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, 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 to be paid by the said Company of Proprietors, their Successors, or Assigns, for Damages of any Kind by virtue of this present Act by the said Commissioners, or any Five or more of them; it shall and may be lawful to and for the said Commissioners, or any Five or more of them, to appoint One or more Person or Persons to receive the Tolls, Rates, and Duties, by this Act imposed; and thereout, in the First Place, to pay all such Damages, so to be determined or assessed as aforesaid, with the Costs (if any) occasioned by such Refusal or Default of Payment; and the Money, so to be received by such Person or Persons, shall and is hereby declared to be as so much Money received to the Use of such Person or Persons who shall be intitled to receive such Satisfaction for Damages as aforesaid, in Order and Course respectively as such Determination 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 be paid according to the Judgement of the said Commissioners, or any Five or more of them as aforesaid, by Action at Law in any of His Majesty's Courts of Record at Westminster against the said Company of Proprietors, their Successors, and Assigns, to recover the same with full Costs of Suit.

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

Provided always, and be it further enacted, That in case the Damages and Costs by this Act provided to be satisfied out of the Tolls arising by the said intended Navigation, shall not be paid and satisfied within the Space of Four Calendar Months after the same shall be so determined or assessed as aforesaid; that then, and in such Case, it shall and may be lawful to and for the said Commissioners, or any Five or more of them, upon Complaint made to them by or on the 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

said Counties of Warwick and Stafford respectively, as the Case shall be, authorizing and impowering him to levy the Damages so to be determined and assessed by Distress and Sale of the Goods and Chatties of the said Company of Proprietors, their Successors and Assigns, or any of them, together with such reasonable Charges as the said Commissioners, or any Five or more of them, shall in such Warrant direct and appoint.

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

Provided always, and be it further enacted by the Authority aforesaid, That all Coals, Glasshouse Pot Clay, Lime Stone, Iron Stone, and other Minerals, which shall be found and dug up, in making, carrying on, and compleating the said Cut or Canal, and collateral Cuts, or any other Works hereby authorized to be made, carried on, and compleated, shall be laid upon the Surface of the Lands in some convenient Place near the said Works, at the Expence of the said Company of Proprietors, their Successors, and Assigns; and it shall and may be lawful to and for the Person or Persons respectively, in whose Land or Ground the said Coals, Glasshouse Pot Clay, Lime Stone, Iron Stone, and other Minerals, shall be found and dug up, to take, carry away, and dispose of, the same to and for his and their own Use and Benefit: And that it shall and may be lawful to and for the said Owner or Owners, Proprietor or Proprietors, of any such Mines, Glasshouse Pot Clay, Lime Stone, Iron Stone, and other Minerals, which shall or may be discovered or cut in any Tunnel or Aqueduct which shall be made by virtue of this Act, to make a Sough or Soughs, Drain or Drains, to unwater or drain the remaining Part of such Mines or Minerals, and to discharge the Water arising and flowing from the same into such Tunnel or Aqueduct: Provided that such Settling Places be made at convenient Distances in such Soughs or Drains as shall be approved and directed by the said Company of Proprietors, their Successors or Assigns, or their principal Engineer for the time being, and cleansed as often as shall be necessary at the Expence of the Person or Persons making the same, in order to prevent the Mud and Earth from being conveyed into such Tunnel or Aqueduct; and provided that such Part thereof as shall be under or within the Distance of Ten Yards from such Tunnel or Aqueduct, on either Side thereof, shall not exceed Four Feet in Breadth; and that the same shall be performed under the Direction and Inspection of the said Company of Proprietors, their Successors or Assigns, or their principal Engineer for the time being; and that no Owner

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

or Proprietor of any Mines or Minerals, their Workmen, or Servants, or other Person whatsoever, shall, within Twenty Yards of any Tunnel, or under the same, open or carry on any Work for digging, getting, or discovering, such Minerals, without the Consent of the said Company of Proprietors, their Successors, and Assigns, and that no Water shall be taken by the working or draining of such Mines lower than the Level of the Water in the said Canal, and collateral Cuts, by any Works to be made, carried on, or erected, for getting such Coals, Glasshouse Pot Clay, Lime Stone, Iron Stone, or Minerals, within Twenty Yards of the said Tunnel or Aqueduct, unless such Water shall be returned into the Navigation, within such Tunnel or Aqueduct.

Mines not to be worked within Twelve Yards of the Canal.

And be it further enacted by the Authority aforesaid, That no Owner or Proprietor, Owners or Proprietors of any Mines or Minerals, their Workmen, or Servants, or other Person whatsoever, shall, on any Account whatever, open, dig, sink, or carry on any Work, for the getting of Coal, Lime Stone, Iron Stone, or Mineral, within the Distance of Twelve Yards from the said intended Canal or Cuts as aforesaid; nor shall any Coals or other Mineral be got under the said Canal or Cuts, or the Towing-paths thereof, or under any Part or Parts thereof, or within or under any Land or Ground lying within the Distance of Twelve Yards of either Side of the said Canal or Cuts, on any Account whatsoever, without the Consent of the said Proprietors, their Successors, and Assigns, in Writing under their Common Seal for such Purpose, first had and obtained.

Method of proceeding when Mines, &c. extend under the Canal.

Provided always nevertheless, That when and so often as any Coal Mine shall be got up to, or within the Distance aforesaid of the said Canal or collateral Cuts, and such Coal Mine or Vein of Coal shall continue to extend itself and run under the said Canal, or collateral Cuts, or any Part thereof, it shall and may be lawful for the Owner or Owners of such Mine, without any such Consent as aforesaid, from time to time, to dig, cut, drive, and make Head Ways or Tunnels under the said Canal, and collateral Cuts, and the Towing-paths thereof, for the further and better getting such Coal, Iron Stone, or other Minerals, so as such Head Ways or Tunnels do not exceed Six Feet in Height, nor Four Feet in Breadth; any thing herein contained to the contrary thereof in any wise notwithstanding.

And, for the better discovering of and bringing to Justice all and every Person and Persons who shall or may open, dig, sink, or carry on, any Work, for the getting of Coal or other Mineral, under the said intended Cut or Canal, or collateral Cuts, or the Towing-paths thereof, or within the Distance aforesaid from the Sides thereof; be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, their Successors, and Assigns, by themselves, their Agents, and Servants, from time to time, and at all Times after the passing of this Act, to enter upon the Lands or Grounds of the several Persons, Bodies Politic, Corporate, or Collegiate, through or near which the said intended Cut or Canal, and the said Two collateral Cuts, and other Works hereby authorized, are intended to be made, shall pass, wherein any Coal Mine, or other Mines, shall or may be, from time to time, dug or opened; and likewise into such Coal or other Mines to enter, and there to view, search, measure, latch, and use all other Means for the discovering the Distance of the said intended Cut or Canal, collateral Cuts, and Towing-paths, from such Part and Parts of the said Mine or Mines, as shall or may be, from time to time, at Work, got or getting, so that the Distance of the nearest Approach of such Coal or other Mine working or getting to the said intended Cut or Canal, collateral Cuts, and Towing-paths, may be thereby fully ascertained and determined; and in case it shall appear that any Mine or Mines have been worked or got, within the Distance aforesaid, from the said intended Cut or Canal, collateral Cuts, and Towing-paths, or any other Works hereby authorized, whereby the said Cut or Canal, or collateral Cuts, or Towing-paths, or other Works, shall or may be endangered, it shall and may be lawful to and for the said Company of Proprietors, their Successors, and Assigns, and to and for their Agents, Servants, and Workmen, at the Expence, Costs, and Charges, of the Owner or Owners, Proprietor or Proprietors, of such Mine or Mines, to enter into and upon such Mine or Mines, and, from time to time, to use all necessary and reasonable Ways and Means for repairing, supporting, sustaining, securing, and making safe, the said Canal, Cuts, Towing-paths, and other Works, and such Expences, Costs, and Charges, shall be recovered by the said Company of Proprietors, their Successors, and Assigns, in such and the same Manner, and, when recovered, paid into the Hands of the Treasurer or Receiver for the time being

Method of discovering when Mines are working under the Canal.

Proper Works to be made to support the Canal, &c. at Owners Expence.

ing of the Monies to be raised by virtue of this Act, for such and the same Uses, as all Fines and Forfeitures herein after inflicted by this Act, the recovering and levying of which are not herein particularly directed, are herein after by virtue of this Act directed to be applied and disposed of.

Miners to give Notice of their Intention to work within Twelve Yards of Canal;

Provided always nevertheless, and it is hereby further enacted and declared, That when, and so often as, any Coal Mine shall be hereafter worked, and got within the Distance aforesaid of the said Canal or collateral Cuts, and the Person or Persons who hath or have worked, or got the same within the Distance aforesaid, shall be desirous to get that Part of the said Mine lying under the said Canal or collateral Cuts, or within the Distance aforesaid; then, and in such Case, the Worker or Workers of the said Mines shall give Notice in Writing, under his, her, or their Hands, of such his, her, or their Minds or Intentions, to the Clerk for the time being of the said Company of Proprietors, at least Three Calendar Months before he, she, or they, shall begin to work, or get any Part of such Mines, so lying within the Distance aforesaid of the said Canal or collateral Cuts, and upon the Receipt of such Notice, it shall and may be lawful for the said Company of Proprietors, their Successors, and Assigns, to inspect, or cause such Mines to be inspected, in order to determine what Coal may be come at, and be actually gotten; and if the said Company of Proprietors, their Successors, or Assigns, shall fail or neglect to inspect, or cause such Mines to be inspected, within Thirty one Days after the Receipt of such Notice; then it shall and may be lawful for the Worker or Workers of such Mines, and he, she, and they, are hereby authorized to work, and get such Part of the said Mine, lying under the said Canal or collateral Cuts of the said Company of Proprietors, or within the Distance aforesaid; and if, upon such Inspection as aforesaid, the said Company of Proprietors, their Successors, or Assigns, shall refuse to permit the Owner or Owners, Worker or Workers, of the said Mines, to work and get such Part of the said Mine, lying under the said Canal or collateral Cuts of the said Company of Proprietors, within the Distance aforesaid, or any Part thereof, as they might from time to time have come at, and actually gotten, or in any other Manner obstruct or prevent them from getting the same; that then the said Company of Proprietors, their Successors, and Assigns shall, within Three Calendar Months after such Refusal or Obstruction as aforesaid, pay,

and if the Proprietors refuse Liberty to work, they are to pay for the Coal that might be got.

pay, or cause to be paid, to the Proprietor or Proprietors of such Mine, in case such Proprietor or Proprietors shall be the actual Worker or Workers of such Mine, such Price or Prices for the same, as the next adjoining Mines of equal Quality shall have been really and bona fide sold for, or be estimated or valued at; but in case such Mine or Mines shall be occupied or worked by any Person or Persons other than the Owner or Proprietor of the same; then the said Company of Proprietors, their Successors, and Assigns, shall, within the Time aforesaid, pay to such Person or Persons, Worker or Workers of such Mines, such proportional Sum or Sums of Money or annual Payment for the same, as such Person or Persons, Workers or Occupiers as aforesaid, shall have originally paid, or be liable to pay, for such Mine or Mines: And if any Question or Dispute shall arise between the said Company of Proprietors, their Successors, or Assigns, and the Worker or Workers of the said Mines, their Executors, or Administrators, touching any of the Matters aforesaid; then 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 for the making of the said Canal, and Cuts, and Towing-paths, is by this Act directed to be settled and ascertained, and in Default of Payment of such Sum or Sums of Money, the said Commissioners, or any Five or more of them, are hereby impowered and required, by Warrant under their Hands and Seals, to levy the same, by Distress and Sale of the Goods and Chattles of the said Company of Proprietors, their Successors, or Assigns, in or upon the said Canal, or Cuts, or the Wharfs, Quays, or Warehouses, adjoining or near to the same, to and for the Use of the Worker or Workers of the said Mine, their Executors or Administrators.

Destroying the Works made Felony.

And be it further enacted, That if any Person or Persons shall wilfully, maliciously, and to the Prejudice of the said Navigation, break, thrown 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 and hereby have Power and Authority to transport such Felon for the Space of Seven Years to some of His Majesty's Plantations in America,

rica, 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 55,000*l.* among themselves to carry on their Work.

And, to the end that the said Company of Proprietors may be further enabled to carry on so useful an Undertaking, be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, their Successors and Assigns, to raise and contribute amongst themselves, in such Proportions as to them shall seem meet and convenient, a competent Sum of Money for making and compleating the said navigable Cut or Canal, and collateral Cuts, Roads, and other Ways, Works, and Conveniencies to the same belonging, or requisite thereto respectively, provided that the said Sum do not exceed the Sum of Fifty five thousand Pounds in the Whole, except as herein after-mentioned, and that the same be divided into such Number of Shares as hereafter directed, at a Price not exceeding One hundred Pounds per Share; and that no Person subscribing thereto, or becoming a Proprietor in such Navigation, do become a Proprietor of less than One Share, or more than Ten Shares, either in his own Name, or in the Name of any other Person or Persons in Trust for him (except the same shall come to him by Will or Act in Law) upon Pain of forfeiting to the said Company of Proprietors, their Successors and Assigns, all such Shares exceeding Ten Shares, except as herein after-mentioned; 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 collateral Cuts, and other the Purposes of this Act, and to no other Use, Intent, or Purpose whatsoever.

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

Money to be raised to be divided into 550 Shares of 100*l.* each.

And be it further enacted, That the said Sum of Fifty five thousand Pounds, or such Part thereof as shall be raised by the several Persons herein before named, and by such other Person or Persons who shall or may, at any Time within One Year from the passing of this Act, become a Subscriber or Subscribers to the said Navigation, shall be divided and distinguished into Five hundred and fifty equal Parts or Shares, at a Price not exceeding

ing One hundred Pounds per Share; and that the said Five hundred and fifty Shares shall be, and are hereby, vested in the said several Subscribers, and their several and respective Heirs and Assigns, to their and every of their proper Use and Behoof, proportionably to the Sum they and each of them shall severally subscribe and pay thereunto; and every the Bodies Politick and Corporate, and every Person and Persons, their several and respective Successors, Heirs, and Assigns, who shall severally subscribe and pay the Sum of One hundred Pounds, or such Sum or Sums as shall be demanded in lieu thereof, towards carrying on and completing the said intended Navigation, shall be intitled to, and receive, after the said Navigation shall be completed, the intire and neat Distribution of One five hundred and fiftieth Part of the Profits and Advantages that shall and may arise and accrue by virtue of the Sum and Sums of Money to be raised, recovered, or received, by the Authority of this Act, and so in Proportion for any greater Number of Shares, not exceeding Ten Shares, except as herein mentioned, to any One Person as aforesaid; and every Body Corporate or Politick, or Person or Persons, having such Property of One five hundred and fiftieth Part or Share in the said Undertaking, and so in Proportion as aforesaid, shall bear and pay an adequate proportional Sum of Money towards carrying on the said Undertaking in Manner herein after enacted, directed, and appointed.

Additional Sum of 15,000*l.* may be raised, if necessary.

And be it further enacted, That in case the said Sum of Fifty five thousand Pounds, herein before authorized to be raised, shall be found insufficient for the making, completing, and maintaining the said navigable Cut or Canal, and collateral Cuts, and other the Works hereby authorized to be made, and all necessary Charges and Expences relating thereunto; then, and in such Case, it shall and may be lawful to and for the said Company of Proprietors, their Successors and Assigns, to raise and contribute amongst themselves, in Manner and Form aforesaid, any further or other Sums of Money for completing and maintaining the said Navigation, not exceeding the Sum of Fifteen thousand Pounds; and towards raising such further or other Sum or Sums, any Member or Members of the said Company of Proprietors, shall and may subscribe and become a Proprietor of any Number of Shares, not exceeding Five Shares therein, at the Prices aforesaid, although such Member or Members, or those under whom he or they became intitled, was or were originally a Subscriber or Subscribers

ſcribers for Ten Shares of the ſaid Fifty five thouſand Pounds; and every Subſcriber towards raiſing ſuch further or other Sum ſhall have a like Vote by himſelf or 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 or Sums hereby allowed to be ſubſcribed for and raiſed had originally been Part of the ſaid Fifty five thouſand Pounds; any thing herein contained to the contrary thereof in any wiſe notwithſtanding.

Intereſt at 5*l. per Cent.* to be paid to Subſcribers out of the Money raiſed, whilſt the Works are carrying on.

And be it further enacted, That it ſhall and may be lawful to and for the ſaid Company of Proprietors, their Succeſſors and Aſſigns, and they are hereby required, out of the Money to be raiſed as aforeſaid, during the Time the ſaid Canal and Cuts, and all Things neceſſary for making, compleating, and maintaining, the ſame, ſhall be carrying on, and until the ſame ſhall be completed and finiſhed, to pay unto every Body Corporate and Politick, Perſon or 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 of Money as ſhall from time to time be demanded in reſpect thereof, towards carrying on and completing the ſaid Navigation; Intereſt for the ſame after the Rate of Five Pounds for every One Hundred Pounds, for One Year, from the Time that each of ſuch Sum or Sums ſhall be ſo reſpectively advanced as aforeſaid, unleſs the Majority of the ſaid Proprietors preſent at any General Meeting ſhall conſent in Manner aforeſaid to poſtpone the Payment thereof.

Subſcribers to have a Vote for every Share,

And, to the end that all Matters and Things touching, concerning, or relating to, the carrying on and completing the ſaid Navigation, may be managed and conducted in the moſt beneficial Manner, be it further enacted, That every Body or Bodies Politick or Corporate, or other Perſon or Perſons, who ſhall by virtue of this preſent Act have ſubſcribed or undertaken for One five hundred and fiftieth 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, ſuch Proxy or Proxies being a Proprietor or Proprietors in the ſaid Navigation, duly conſtituted under his, her, or their

by themſelves or Proxies.

Hand

Hand and Seal, or Hands and Seals; and such Vote or Votes by Proxy, shall be good and sufficient to all Intents and Purposes, as if such Principal or Principals had voted in Person; and any Body or Bodies Corporate or Politick, Person or Persons, who shall have more than One such Share, and not exceeding Ten Shares, except as herein before excepted, shall have Liberty, by him, her, or themselves, or by his, her, or their Proxies, being Proprietors as aforesaid, regularly constituted as aforesaid, to give One Vote for each such Share of One hundred Pounds, for which he, she, or they, shall be a Subscriber, or become a Proprietor as aforesaid; and whatever Question, Election of proper Officers, or other Matters, or Things, shall be proposed, discussed, or considered, in any public Assembly to be held by virtue of this Act, shall be finally determined by the Majority of Votes and Proxies then present, computing One Vote for every Share; provided that no Person shall give or deliver more Proxies than for Five absent Proprietors.

General Assemblies for chusing a Committee.

And to the End that all Matters and Things, to be done and carried on by virtue and Authority of this Act, may be the more regularly and methodically carried into Execution, be it further enacted, That the First General Assembly, or Meeting of the Proprietors for putting this Act into Execution, shall be held at The Swan Inn in Birmingham upon the last Friday in the Month of March next ensuing; and the Second General Meeting upon the last Friday in the Month of September then next following, 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 like Days and Months in every Year for the future, at or before the Hour of Ten of the Clock in the Forenoon; at which said First Meeting the Proprietors assembled, together with such Proxies as shall be then present, shall chuse Fifteen Persons, who are for the time being Proprietors of Three or more Shares in the said Navigation; which Persons so chosen, shall be a Committee to manage the Affairs of the said Company of Proprietors, in such Manner as is herein after directed, and as shall from time to time be ordered by such General Assemblies as aforesaid: But if at any Time it shall appear to any Fifteen or more of such Proprietors, that for the more effectually putting this Act in Execution, a Special Meeting of Proprietors is necessary to be held, it shall be lawful for such Fifteen, or more of them, to cause Notice thereof to be given

in the Birmingham News Papers, and in such other Manner as the said Proprietors, their Successors, and 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 and Intention of such Meetings respectively; 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 (such major Part not having, either as Principals or Proxies, less than Two hundred and fifty Shares) shall be as valid, to all Intents and Purposes, as if the same were done at Meetings held in Manner herein before appointed.

Committee to be under Controul of General Assembly.

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

Books to be kept.

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

General Assemblies to consist of 250 Shares.

Provided always, That if at any such General Assembly there shall not be Persons present who have Two hundred and fifty such Shares as aforesaid, either as Principals or Proxies, no Choice of a Committee shall be made at that Time; but in such Case there shall be a new Assembly of the Proprietors of the said Navigation at the same Place, upon that Day Three Weeks following, and such Choice shall be then made of Persons

sons to be of the Committee as ought to have been made on the Day herein before appointed, had there then been a sufficient Number of Votes present; and the Persons then chosen to be of the said Committee shall have the same Power which they would have had, and continue in such Offices until such Time as they would have done had they been chosen on the same Day herein before appointed: And that in case of Failure of the Meeting of the Persons having Two hundred and 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 stopt out of the next Payment of Interest, or out of the next Dividend of the Profits of the said Undertaking, as the Case may happen.

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

And be it further enacted, That every such General Assembly shall have Power to call for, audit, and settle, all Accounts of Money laid out and disbursed on account of the said Navigation, with the Receiver or Receivers, and other Officer or Officers, to be by them appointed, or any other Person or Persons whatsoever employed by or concerned for or under them in and about the aforesaid Navigation, and for that Purpose shall have Power to adjourn themselves over from Time to Time, and from Place to Place, as shall be thought convenient by the Persons intitled to a Majority of Votes in Manner aforesaid; and every General Assembly, or such Committee met together by the Authority of this Act, shall have Power, from time to time, to make such Call or Calls of Money from the Proprietors of the said Navigation, to defray the Expences of, or to carry on the same, as they from time to time shall find wanting and necessary for those Purposes, so that no Call do exceed the Sum of Ten Pounds for every One hundred Pounds, and so as no Calls be made but at the Distance of Three Calendar Months at the least from each other; which Money so called for shall be paid to such Person or Persons, and in such Manner as the said General Assembly shall, from time to time, appoint and direct for the Use of the said Undertaking; and such Committee shall, until the next Annual or other General Assembly to be holden in Manner as aforesaid, have full Power and Authority to direct

Power of General Assemblies.

rect and manage all and every the Affairs of the said Company of Proprietors, as well in buying and purchasing Lands, Liberties, and Materials, for the Use of the said Navigation, as in employing, ordering, and directing, the Work and Workmen, and in placing and displacing Under Officers, Clerks, Servants, and Agents, and in making all Contracts and Bargains touching the said Undertakings, so that no such Purchase, Bargain, or other Matter, be done or transacted without the Concurrence of a Majority of the said Committee together assembled, such Majority not being less than Nine; and every Owner or Owners of One or more Part or Parts, Share or Shares, in the said Undertaking, shall pay his, her, or their Shares and Proportions of the Monies to be called for as aforesaid at such Time and Place as shall be appointed, of which Two Calendar Months Notice at least shall be given, by publishing the same in the Birmingham News Papers, and in such other Manner as the said Proprietors, their Successors, or Assigns, shall at any General Assembly direct or appoint; and if any Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Part or Share of the said Money to be called for as aforesaid, at the Time and Place appointed by such General Assembly or Committee; he, she, or they, so neglecting or refusing, shall forfeit the Sum of Five Pounds for every One hundred Pounds of his, her, and their respective Share and Shares, Parts and Interests, in the said Navigation, Undertaking, and Premisses: And in case such Person or Persons shall neglect to pay his, her, or their rateable or proportionable Part or Share of the said Money to be called for as aforesaid, for the Space of Two Calendar Months after the Time appointed for Payment thereof as aforesaid, then he, she, or they, so neglecting, shall forfeit his, her, and their respective Share and Shares, Parts and Interests, in the said Navigation, Undertaking, and Premisses, and all the Profit and Benefit thereof; all which Forfeitures shall go to the rest of the Company of the Proprietors of the said Navigation, their Successors, and Assigns, in Trust for and for the Benefit of all the rest of the said Proprietors, in Proportion to their respective Interests.

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

Provided always, That no Advantage shall be taken of any Forfeiture of any Share or Shares of the said Undertaking, 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

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 or prosecuted for any Breach of Contract, or other Agreement betwixt such Proprietor or Proprietors so forfeiting and the rest of the Proprietors, with regard to carrying on the said intended Navigation.

General Assemblies may make Bye-laws.

And be it further enacted, That the said Company of Proprietors, their Successors, and Assigns, for the time being, shall always have Power and Authority, at any General Assembly met as aforesaid, to remove or displace any Person or Persons chosen upon such Committee as aforesaid, or any other Officer or Officers under them, and to revoke, alter, amend, or change, any of the Rules and Directions herein before prescribed and laid down with regard to their Proceedings amongst themselves, as to the major Part of them shall seem meet (the Method of calling General Assemblies, and their Time and Place of Meeting, and voting and appointing Committees, only excepted) and shall have Power to make such new Rules, Bye-laws, and Orders, for the good Government of the said Company, for the good and orderly using the said Navigation, Tunnels, and Locks, and for the well-governing of the Bargemen, Watermen, Boatmen, and others, who shall carry any Goods, Wares, and Merchandizes, upon any Part of the said Canal and Cuts; and to impose and inflict such reasonable Fines or Forfeitures upon the Breakers of such new Rules, Bye-laws, or Orders, as to the major Part of such General Assembly shall seem meet, not exceeding the Sum of Five Pounds for any One Offence; such Fines or Forfeitures to be levied and recovered by such Ways and Means as are herein after-mentioned; which said Rules, Bye-laws, and Orders, being put into Writing under the Common Seal of the said Company of Proprietors, their Successors, and Assigns, shall be binding to and observed by all Parties, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same.

On Death of Subscribers before Shares completed,

Provided also, and be it further enacted, 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

ing made Provision by Will or otherwise how such Share and Shares shall be disposed of, and the Money paid in upon Calls for the future; then, and in such Case, the Executors and Administrators of any such Owner so dying, and the Trustee or Trustees, Committee or Committees, Guardian or Guardians of any Infant, or other Person or Persons whatsoever, intitled to the Estate or Effects of such Owner deceased, shall be indemnified against all such Infant or Infants, and other Persons whatsoever, for paying any Sum or Sums of Money when called for as aforesaid, to complete any such Subscription; and if such Owner deceased shall not have left Assets sufficient, or in case the Executor or Administrator, Trustee or Guardian, shall refuse or neglect to answer such Calls and Payments, the said Company of Proprietors shall be, and are hereby impowered, authorized, and required, to admit any other Person or Persons to be Proprietor or Proprietors of the Share and Shares of such Owner deceased, on Condition that he, she, or they, so admitted, do and shall, on or before such Admission, pay to the Executors or Administrators of such deceased Owner, or the Trustee or Trustees, Committee or Committees, 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, That it shall and may be lawful to and for the several Proprietors of such Navigation to sell and dispose of any Share or Shares he, she, or they shall and may be intitled to therein, subject to the Rules and Conditions herein mentioned; and any Purchaser or Purchasers shall for his, her, or their Security, as well as that of such Proprietor or Proprietors, have a Duplicate or Duplicates of the Deed of Bargain and Sale and 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

Shilling shall be paid; and the said Clerk is hereby required to make such Entry accordingly; and until such Duplicate of such Deed shall be so delivered unto the said Committee, and filed and entered as above directed, such Purchaser or Purchasers shall have no Part or Share of the Profits of the said Navigation, nor any Interest for his Share, paid unto him, her, or them, or any Vote as Proprietor or Proprietors.

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

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

And be it further enacted, That the Conveyance for the Sale of the said Shares shall be in the following Form (to wit)

Form of the Sale.

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

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

Clerk to be appointed, and his Office.

And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, their Successors, and Assigns, or the major Part of them, at any General Meeting assembled, and they are hereby authorized and required, from time to time, to nominate and

and appoint, by Writing under their Hands, a Person to be their Clerk, who shall, in a proper Book or Books to be provided for that Purpose, enter and keep a true and perfect Account of the Names and Places of Abode of the several Proprietors of the said intended Navigation, and of the several Persons who shall, from time to time, become Owners and Proprietors, or intitled to any Share and Shares of and in the said Navigation, and Undertaking, and of all the Acts, Proceedings, and Transactions, of the said Company of Proprietors, their Successors, and Assigns, by virtue of and under the Authority of this Act; and that each of the said Proprietors, Land-owners, and other Persons interested or concerned in, or affected by, the said Navigation, shall and may, at all convenient Times, have Recourse to and peruse and inspect the same, and also the Book or Books to be kept by the Clerk of the said Commissioners, gratis; and may demand and have Copies thereof, or any Part thereof, paying Three Pence for every Two hundred Words so to be copied; and if any such Clerk or Clerks shall refuse to permit any such Person or Persons, so interested as aforesaid, to inspect or peruse such Book or Books, or refuse to make any such Copy or Copies at the Rate or Time aforesaid, he shall, for every such Offence, pay and forfeit the Sum of Five Pounds.

Commissioners Books,

And be it further enacted, That all the Orders and Proceedings of the Commissioners shall be regularly entered in a Book or Books to be kept for that Purpose; and such Entries, being signed by such Number of the said Commissioners respectively as are impowered by this Act to make such Orders, or carry on such Proceedings, shall be deemed Originals, and admitted as Evidence in all Courts whatsoever: And 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 Swan Inn in Birmingham, appoint out of Three Persons to be nominated by the said Company of Proprietors, their Successors, and Assigns, such One of the said Three Persons, as they the said Commissioners shall think proper to be their Clerk; and, from time to time, remove such Clerk, and on such Removal, or in case such Clerk shall die or quit the Service of the said Proprietors, to appoint another in his Stead out of the Three Persons to be nominated as aforesaid; which Clerk shall be paid for his Care and Trouble in the Execution of such Office, by the said Company of Proprietors, their Successors, and Assigns.

and Clerk.

And

And be it further enacted, That in Consideration of the great Charge and Expence which the said Company of Proprietors, their Successors, and Assigns, will be at in making, maintaining, and supplying with Water, the said Cut or Canal, and collateral Cuts, and in making and maintaining all the other Works hereby authorized to be made and erected; it shall and may be lawful to and for the said Company of Proprietors, their Successors, and Assigns, from time to time, and at all Times hereafter, to ask, demand, take, and recover, to and for their own proper Use and Behoof, for Tonnage and Wharfage for all Coal, Iron, Iron Stone, Stones, Timber, and other Goods, Wares, Merchandizes, and Commodities whatsoever, which shall be navigated, carried, and conveyed, upon or through the said Canal and collateral Cuts, such Rates and Duties as the said Company of Proprietors, their Successors, and Assigns, shall think fit, not exceeding the Sum of One Penny Halfpenny per Mile, for every Ton of Coal, Iron, Iron Stone, Timber, Stone, or other Goods, Wares, Merchandizes, and Commodities, which shall be navigated, carried, or conveyed upon or through the said Canal or Cuts; and so in Proportion for any greater or less Quantity than a Ton: Which said Rates and Duties, shall be paid to such Person or Persons, at such Place or Places, near to the said Canal or Cuts, in such Manner, and under such Regulations, as the said Company of Proprietors, their Successors, and Assigns, shall direct and appoint; and in case of Denial or Neglect of Payment of any such Rate or Duty, or any Part thereof, on Demand, to such Person or Persons as aforesaid, the said Company of Proprietors, their Successors, and Assigns, may sue for the same by Action of Debt, or upon the Case, in any Court of Record, or the Person or Persons to whom the said Tolls ought to have been paid, may, and he and they is and are hereby impowered, to seize and distrain any such Boat, or Vessel, or Goods, for or in respect whereof any Rates or Duties ought to be paid, or any Part of such Goods, and detain the same until Payment thereof, together with reasonable Charges for such Seizure and Distress; and if such Distress shall not be redeemed within Five Days after the taking thereof, the same shall be appraised and sold as the Law directs in Cases of Distress for Rent.

Duties allowed to be taken.

The Duties.

Provided always, and be it further enacted, That if any Coal, Iron, Iron Stone, Lime, or other Goods whatsoever, which shall be so navigated, carried, or conveyed, shall remain upon any Wharf or Wharfs belong-

Further Allowance for Goods remaining upon a Wharf.

ing to the said Company of Proprietors, their Successors, and Assigns, for above the Space of Twenty four Hours; then, and in such Case, the said Company of Proprietors, their Successors, and Assigns, shall be intitled to, and receive such Allowance, over and above the Tonnage Rates herein before limited, as shall be agreed upon between the said Company of Proprietors, their Successors, and Assigns, or their Agent or Agents, and the Owner or Owners of such Coal, Iron, or Iron-Stone, or other Goods, or in case of Difference concerning the same, as shall be ascertained by the said Commissioners, or any Five or more of them.

Exemptions from Duties.

Provided also, and be it further enacted, That Lime and Lime-Stone shall not pay more than One Third Part of the Rates, Tolls, or Duties before-mentioned, and that Paving Stones, Gravel, Sand, and all other Materials for making and repairing of Roads (Lime-Stone excepted) and also Dung, Soil, Marl, and all Sorts of Manure, for the Improvement only of the Lands and Grounds of all and every Person and Persons whose Lands or Grounds shall or may be had or taken for or upon account of making the said Canal or collateral Cuts, or any Part thereof, shall not, nor shall any of them, be charged with, or liable to pay, any of the Rates, Duties, or Tolls, authorized to be taken by this Act, for being carried upon the said Canal or collateral Cuts, or any Part thereof, but shall be free and exempted from the same, so that the Things hereby exempted from the Payment of such Tolls or Duties, do not pass through any Lock authorized to be made by virtue of this Act, but at such Times when the Water shall flow over or through the Gauge Paddle or Pitch of such Lock; and also that such Person or Persons who shall own or be concerned or employed in carrying Paving Stones, Gravel, Sand, or other Materials for the Repair of Roads, or Dung, Soil, Marl, or other Manure (except Lime and Lime-Stone) shall have free Liberty to make use of the Towing-paths, Wharfs, or Quays, belonging to the said Company of Proprietors, their Successors or Assigns; such Person or Persons not suffering such Paving Stones, Gravel, Sand, or other Materials for repairing Roads, or Dung, Soil, Marl, or other Manure, to lie upon such Wharfs or Quays longer than may be necessary for loading, unloading, and conveying, the same from and to the several Places where they are put on Board and unloaded, and making good any Damages that may be done to the Sides or Banks of the said Cut or Canal, or Cuts, or any Part thereof,

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, That the said Company of Proprietors, their Successors and Assigns, shall, at their First General Assembly, to be held by the Direction of this Act, fix the Rates, Tolls, or Duties, to be taken by them by virtue of this Act; which said Rates, Tolls, or Duties, shall be equal throughout the whole Length of the said Canal and collateral Cuts; and that it shall and may be lawful to and for the said Company of Proprietors, their Successors, and Assigns, at any General Assembly to be afterwards held for that Purpose, of which Three Months Notice shall be given in the Manner herein after-mentioned, to lessen or reduce all or any of the said Rates, Tolls, and Duties, hereby granted, or so fixed at such First General Assembly, as they shall think proper; and may afterwards, from time to time, at any General Assembly, of which such Notice shall be given as aforesaid, advance all or any of the said Rates, Tolls, or Duties, so lessened, to any Sum or Sums of Money not exceeding the respective Rates, Tolls, and Duties herein before-mentioned; and that no Reduction of the Rates, Tolls, and Duties, hereby granted, shall be confined to any particular Part of the said Canal or collateral Cuts, but shall extend to, and take place upon, the Whole and every Part thereof; and shall be made with the Consent of the Proprietors of at least Two Thirds of the Shares in the said Navigation.

and to be approved by the Commissioners.

Provided always, That such Alterations to be made, from time to time, in the said Rates, Tolls, or Duties, shall, before they are put in Force, have the Approbation of the said Commissioners, or any Twenty one or more of them, at a General Meeting to be held for that Purpose at the Swan Inn in Birmingham aforesaid; Notice of such Meeting to be given in the Birmingham News Papers, at least Six Weeks before such Meeting; any thing in this Act to the contrary notwithstanding.

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

And, for the more easy collecting the said Rates and Duties hereby laid and directed to be paid, be it further enacted by the Authority aforesaid, That the Masters, Owners, and Managers, of every Boat, Keel, and other Vessel, navigating upon the said intended Canal and collateral Cuts, or any Part thereof, shall give a just Account, in Writing, signed by the Master, Owner, or Person having the Command or Rule of every such

Boat

Boat or other Vessel, to the Collectors of the said Tonnage or Duties, at the Place or Places where they shall attend for that Purpose, of what Quantities of Goods shall be in or belonging to each Boat or other Vessel, from whence brought, and where they intend to land the same; and if the Goods contained in such Boat shall be liable to the Payment of different Tolls, then such Master, Owner, or Person, shall specify the Quantities liable to the Payment of each Toll; and in case they neglect or refuse to give such Account, or shall give a false Account, or shall deliver any Part of their Loading or Goods at any other Place or Places than what is or are mentioned in that Account, they shall forfeit and pay to the said Company of Proprietors, their Successors and Assigns, the Sum of Ten Shillings for every Ton of Goods which shall be in such Boats or Vessels respectively, of which such Account shall be so refused to be given, or of which such false Account shall be given, or which shall be delivered out as aforesaid, as the Case shall happen to be, over and above the respective Rates and Duties they are obliged to pay for the same: And in case of Neglect, Refusal, or Denial, of Payment on Demand of such Forfeiture or Forfeitures before-mentioned, or any Part thereof, to the said Company of Proprietors, their Successors and Assigns; that then, and in such Case, the same shall be recovered and levied in such Manner, and by such Methods, as the said Tolls, Rates, and Duties, hereby granted to the said Company of Proprietors, their Successors and Assigns, are herein before directed and appointed to be recovered and levied.

on Penalty of 10*s. per* Ton.

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

What Quantity of Timber deemed a Ton.

And be it further enacted, That if any Difference shall arise between any Collector of the said Rates and Duties, and the Master and Persons 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 and may be lawful for any such Collector to stop and detain any such Boat or Vessel, and to weigh, measure, gauge, or cause to be weighed, measured, or gauged, all such Goods, Wares, and Merchandizes as shall be therein contained; and in case the

In case of Difference concerning Weight of Goods,

same

6

same shall, upon such weighing, measuring, or gauging, appear to be of greater Weight or Quantity than such Master, Owner, or Person having the Care of the said Boat or Vessel affirmed the same to be; then the Master, Owner, or Person, so affirming, shall pay the Costs and Charges of such Weighing, Measuring, and Gauging; all which said Costs and Charges, upon Refusal of Payment upon Demand, shall and may be recovered and levied as the said Rates and Duties are hereby appointed to be recovered and levied; but if such Goods, Wares, and Merchandizes, shall appear to be of the same or less Weight or Quantity than the Master, Owner, or Person so declared the same to be, then the said Collector shall pay the Costs and Charges of such Weighing, Measuring, and Gauging, and shall also pay to such Master, or Person, or to the Owner or Owners of such Goods, Wares, and 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 such Detention; and in Default of immediate Payment thereof, the same shall be recovered from the Company of Proprietors of the said Navigation, their Successors or Assigns, by Action of Debt in any of His Majesty's Courts of Record.

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

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

Navigation to be free on Payment of the Duties.

Provided also, and be it further enacted by the Authority aforesaid, That no Boat or other Vessel, of less Length than Seventy Feet, shall pass through any of the Locks to be made by virtue of this Act, without the

Limitation of the Length of Boats.

Consent of the said Company of Proprietors, their Successors, or Assigns, or their principal Agent for the time being, in Writing first had and obtained.

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

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

Works by the Owners or Occupiers of Lands are by this Act directed and appointed to be recovered and levied.

And be it further enacted, That where, by means of making the said navigable Cut or Canal, or collateral Cuts, any Cattle which used to depasture in the adjacent Lands or Grounds shall be cut from and deprived of their usual Watering-places; that then, and in such Cases, the said Company of Proprietors, their Successors, and Assigns, shall, at their own proper Costs and Charges, set out and provide proper and convenient Places in the Lands adjoining to the said navigable Cut or Canal, and collateral Cuts, for Cattle to drink out of, and water at, in every such Ground where they were heretofore accustomed to drink and water as aforesaid, and to supply the said Watering-places with Water from and out of the said Cut or Canal, and collateral Cuts, if necessary. Where Cattle are deprived of Watering-places, others to be provided.

And be it further enacted by the Authority aforesaid, That the said Company of Proprietors, their Successors, and Assigns, shall, at their own proper Charges, divide and separate, and keep constantly divided and separated, the Towing-paths on each Side of the said Canal or Cuts, and navigable Trenches or Passages, or such Part or Parts thereof as shall be found necessary by the said Commissioners, or any Five or more of them, with a sufficient Post and Rails, Hedge, Ditch, Trench, Bank, or other Fence, sufficient to keep in Sheep and other Cattle, to be set and made on the Lands or Grounds, which shall be purchased by, conveyed to, or vested in them as aforesaid, from the Lands or Grounds adjoining to such Towing-paths; and shall, at their own proper Costs and Charges, from time to time, maintain and support the said Towing-paths, and the said Posts, Rails, Hedges, Ditches, Trenches, Banks, and other Fences so set up and made as aforesaid; and also shall, at their own Charges, make, erect, and set up, and from time to time, maintain and support such and so many convenient Gates, Bridges, and Stiles, in and over all the Hedges and Fences to be by them so made on the Sides of such Towing Paths as aforesaid; and also such Bridges, Arches, and Passages, over, or under, or through, the said Canal or Cuts, and the said Trenches, Streams, and Watercourses, and of such Dimensions, and in such Manner, as the said Commissioners, or any Five or more of them, shall, from time to time, judge necessary and appoint, for the Use of the Owners and Occupiers of the Lands

Towing-paths to be fenced from the adjoining Lands, &c. and Bridges, &c. to be made.

Lands and Grounds, or Hereditaments, adjoining to such Canal or Cuts, Trenches, Streams, Watercourses and Towing-paths, or any of them respectively; and the said Company of Proprietors, their Successors, and Assigns, shall not make the said Canal or Cuts, or any Trench or Watercourse, or any Part thereof, in or across any common Highway, publick Bridle-way, or Foot-path, until such Time as they shall, at their own proper Charges, have made and perfected such Bridge or Bridges over, or convenient Passages through, or Arch or Arches under, the said Places where the said Canal or Cuts, Trench, or Watercourse respectively, shall be intended to be made for such Road-way, or Path, and of such Dimensions, and in such Manner, as the said Commissioners, or any Five or more of them, shall adjudge proper; and all such Gates, Stiles, Bridges, 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, and Assigns.

In case of Failure, the Commissioners to do it.

And be it further enacted, That in case the said Company of Proprietors, their Successors, and Assigns, or their Agents, shall fail or neglect to make, erect, and set up, such Gates, Bridges and Stiles, in and over the Fences on the Sides of the said Towing-paths, or such Bridges, Arches, and Passages, over, under, or through, the said Canal or Cuts, and the said Trenches, Streams, and Watercourses, as aforesaid, or to make such Watering Places for Cattle as herein before directed, for the Use and Convenience of the respective Owners or Occupiers of the Lands adjoining thereto, or from time to time to repair, maintain, and support such Bridges, Arches, and Watering Places, when made, erected, and set up, of such Dimensions, and in such Manner, as the said Commissioners, or any Five or more of them, shall, from time to time, direct or appoint, for the Space of Three Calendar Months next after the Times to be appointed for those Purposes by the said Commissioners, or any Five or more of them; then, and in such Case, it shall and may be lawful to and for every or any of the said Owners or Occupiers of the said adjacent Lands or Grounds, who shall find themselves or himself aggrieved by any such Failure or Neglect, to make, erect, and set up, all such Gates, Stiles, Bridges, Arches, Passages, Watering Places, and other Conveniencies aforesaid, as the said Commissioners, or any Five or more of them, shall have before directed or appointed to be made, erected, and set up, by the said Company of Proprietors, their

their Successors, and Assigns as aforesaid, and, from time to time, to repair and support the said Bridges, Arches, and Watering-places, as Occasion shall require (in case, upon Application to the said Commissioners, after Two Calendar Months previous Notice to the Treasurer or Clerk of the said Proprietors of such intended Application, the said Commissioners, or any Five or more of them, shall authorize and direct such Repairs as aforesaid) and all the reasonable Costs and Charges thereof respectively, shall be settled and allowed by the said Commissioners, or any Five or more of them, and shall be repaid to the respective Owners or Occupiers of the said adjacent Lands, who shall have so made and erected the said Gates, Stiles, Bridges, Arches, Passages, Watering-places, or other Conveniences as aforesaid, by the said Company of Proprietors, their Successors and Assigns, within the Space of Twenty Days next after the same shall have been so settled and allowed, and an Account and Demand shall have been delivered and made thereof; and on Default of Payment of the said Costs and Charges within the Time aforesaid, the said Commissioners, or any Five or more of them, shall, and they are hereby required, by Warrant under their Hands and Seals, to levy the said Costs and Charges by Distress and Sale of the Goods and Chattles of the said Company of Proprietors, their Successors, and Assigns, in or upon the said Canal or Cuts, or the Wharfs, Quays, or Warehouses, adjoining to or near the same, to and for the Use of such Person or Persons who shall have so laid out and expended the same as aforesaid, rendering to the said Company of Proprietors, their Successors, and Assigns, or to some of their Agents, the Overplus (if any such there be) after deducting the reasonable Charges of making such Distress and Sale, to be settled by the said Commissioners, or any Five or more of them; or otherwise every or any of the said Owners or Occupiers of Lands, who shall have made, erected, or set up, any such Gates, Stiles, Bridges, Arches, Passages, Water-places, and other Conveniencies as aforesaid, upon the Failure or Neglect of the said Company of Proprietors, their Successors, and Assigns, doing the same, or paying the said Costs and Charges as aforesaid, shall and may have such and the like Remedy against the said Company of Proprietors, their Successors, and Assigns, for the Recovery of such Costs and Charges, by Action of Law to be commenced and prosecuted in such

Manner as in other Cases is in and by this Act mentioned and directed.

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

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

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

Provided also, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to restrain or hinder the Lord or Lords of any Ma-

nor or Manors, or the Owner or Owners of any Lands or Grounds through which the said intended Canal and Cuts shall be made under or by virtue of this Act, from making, erecting, or using, any Wharfs, Quays, Landing-places, Cranes, Weigh-beams, or Warehouses, in or upon their own respective proper Lands, Grounds, or Wastes, adjoining or near to the said Canal or Cuts hereby authorized to be made, or from landing any Goods or Merchandizes or other Things thereupon, or upon the Banks lying between the same and the said intended Canal and Cuts, 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, shall not obstruct or prejudice the Navigation of the said intended Canal or Cuts, or the Towing-paths on the Sides thereof; and all Rates, Dues, and Duties, that shall be paid for the Use and Benefit of the said Wharfs, Quays, Landing-places, Cranes, Weigh-beams, and Warehouses respectively, shall be, and the same are hereby, vested in such Lord or Lords of such Manor or Manors, or the Owner or Owners of such Lands, or Grounds, or Wastes, who shall make and erect such Wharfs, Quays, Landing-places, Cranes, Weigh-beams, or Warehouses, upon their own respective proper Lands, Grounds, or Wastes respectively, his, her, and their Heirs and Assigns, so that the Rates, Tolls, or Duties, to the said Company of Proprietors, their Successors, and Assigns, for Tonnage and Wharfage, shall not be thereby reduced or altered.

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

Provided moreover, and be it further enacted, That if any such Lord or Lords, Owner or Owners, shall not within the Space of Twelve Calendar Months after Notice given in Writing by or on Behalf of the said Company of Proprietors, their Successors and Assigns, that any Part or Parts of such Lands, Grounds, or Wastes, is or are intended to be used by them for the Purpose of erecting Warehouses and Buildings for the Use of the said Navigation, make, erect, and maintain, and keep in substantial Repair, in the Opinion of the said Commissioners, or any Five or more of them, proper and sufficient Warehouses and Buildings agreeable to a Plan or Plans thereof, and which is and are hereby required and directed to be delivered to such Lord or Lords, Owner or Owners, at the same Time or Times when such Notices shall be given as aforesaid, on the respective Part or Parts of the Lands, Grounds, and Wastes, comprised or described in such Notice; then, and in every such Case, the said Company of Proprietors,

lors, their Successors, and Assigns, shall have full and absolute Power and Authority, without any Hindrance or Restraint whatsoever, to make use of such Lands, Grounds, or Wastes (except such as are herein before particularly specified and excepted) for erecting and building such sufficient Warehouses and Buildings, agreeable to such Plan or Plans so delivered to the Lord or Lords, Owner or Owners, as aforesaid, and by, after, or according to, no other Plan or Plans whatsoever, first making Satisfaction for the same, in such Manner as is directed with respect to other Lands or Grounds which shall be taken or used for the like Purposes.

Wharfage Duties.

And be it further enacted, That nothing shall be demanded or taken for Wharfage by any Lord or Lords, Land Owner or Land Owners, who shall or may, at any Time hereafter, make, erect, or build, any Wharfs or Quays on any Part of the said intended Canal or Cuts, by virtue of this Act, in respect of Coals, or other Goods or Merchandize, which shall be loaded into, or discharged from, any Boats or other Vessels, and which shall not lie upon such Wharfs or Quays for any longer Time than Six Hours; and that no more than the Sum of One Penny Halfpenny per Ton shall be demanded or taken for the Wharfage of Coals, Stone, or Brick; nor more than Three Pence per Ton for the Wharfage of any other Goods or Merchandize, where the same shall be respectively placed upon such Wharfs or Quays, and shall not remain or continue thereupon for a longer Space of Time than Six Days; and that it shall and may be lawful for the said Company of Proprietors, their Successors and Assigns, to make, erect, repair, and use, any Crane or Cranes, Weighing-machine or Weighing-machines, upon every such Wharf or Quay, for the more convenient loading, unloading, and weighing, of any such Coals or other Goods, in case the Proprietors of such Wharfs or Quays shall refuse to make and erect the same, within Three Calendar Months after they shall have received Notice in Writing for that Purpose from the said Company of Proprietors, their Successors, or Assigns.

And, for the better regulating of Masters of Boats, Bargemen, and others employed by or under them respectively, and for the more easy Detection of any thing by them, or any of them respectively, done, contrary to the Directions of this Act; be it further enacted,

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

That every Master, or Person having the Rule or Command of any Boat or other Vessel passing on the said intended Canal or Cuts, shall cause his Name to be set

in

in large painted white Capital Letters on each of the Outſides of every ſuch Boat or other Veſſel, higher than the ſame ſhall ſink into the Water when full loaded; and ſhall alſo permit and ſuffer every ſuch Boat or other Veſſel to be meaſured, at the Expence of the Proprietors of the ſaid Navigation, and ſhall permit the ſame to be meaſured whenever it ſhall be required by the ſaid Company of Proprietors, or ſuch other Perſon or Perſons as ſhall be appointed by them for that Purpoſe, provided that no ſuch Veſſel ſhall be meaſured more than Four Times in any One Year; and every Owner, Maſter, or other Perſon having the Rule or Command of any Boat or other Veſſel, who ſhall refuſe or neglect to put his Name on any ſuch Boat or other Veſſel in Manner aforeſaid, or ſhall, alter, efface, 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 or Aſſigns, the Sum of Forty Shillings. Boats, &c. to be meaſured.

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

And be it further enacted, That the ſaid Company of Proprietors, their Succeſſors, or Aſſigns, ſhall and may, and they are hereby required, in ſuch Part of the ſaid navigable Canal or Cuts, Trenches or Sluices, as ſhall not be of ſufficient Breadth for admitting a Boat or Proper Places to be made for Boats to turn and lie in for other Boats to paſs.

Veſſel to turn about and lie, or Two Boats or Veſſels to paſs each other, to open or cut proper Spaces or Places in the ſaid Lands adjoining to the ſaid intended navigable Canal or Cuts, Trenches or Sluices, at convenient Diſtances from each other, for the turning, lying, and paſſing, of any ſuch Boat or Veſſel; and that the ſaid Boats or other Veſſels, ſailing, or being haled or navigated, upon the ſaid Canal, Cuts, Trenches, or Sluices, ſhall, upon meeting any other Boat or Veſſel, ſtop at, or go back to, and lie in, the ſaid Spaces or Places, in ſuch Manner as the ſaid Committee, or the major Part of them, under their Hands and Seals, ſhall direct and appoint.

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

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

Veſſels ſunk, to be weighed up.

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

And be it further enacted, That if any Perſon or Perſons ſhall float any Timber upon the ſaid Canal or Cuts, or ſhall load any Boat or Veſſel with Timber, and ſuffer ſuch Timber to be over the Sides of any ſuch Boat or Veſſel ſo laden, or ſhall overlade any Boat

or other Vessel navigating in or upon the said Canal or Cuts, Trenches, Sluices, or Passages, and when so overloaded shall put such Boat or other Vessel into the said Canal or Cuts, Trenches, Sluices, or Passages, so as by such overloading to obstruct the Passage of any other Boat or Vessel, and shall not immediately, upon Notice given to the Owner or Owners, Person or Persons, having the Care of such Boat or Vessel so obstructing the Passage as aforesaid, hale such Boat or other Vessel back into such Place or Places as shall be proper or made for Boats or other Vessels to pass each other; every such Owner or Owners, Person or Persons, floating such Timber, or having the Care of such Boat or Vessel, shall forfeit and pay for every such Offence the Sum of Five Pounds to the said Proprietors, their Successors, and Assigns, to be laid out and employed towards maintaining the Works of the said Navigation, and to no other Use or Purposes whatsoever.

Penalty on Persons throwing Ballast into the Canal.

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

Regulations for Vessels passing the Locks.

Provided always, and be it enacted, That no Boatman, or his Agent or Servants, navigating any Boat or other Vessel upon the said Canal or Cuts, and passing with any Boat or other Vessel through any Lock to be made upon the Canal or Cuts, shall suffer the Water to remain in the Lock longer than is necessary for his Boat or other Vessel to pass through any such Lock; and also that every such Boatman, or other Person as aforesaid, in going down the said Canal or Cuts, shall shut close 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 close the upper Gates before he or they shall draw the Cloughs of the lower Gates thereof; and in going up the said Canal or Cuts, shall, so soon as he or they shall have passed with his or their Boat or other Vessel out of the said Lock, shut close 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 Canal or Cuts, in which Case, the lower Gates of the said Lock shall be left shut, and the upper Gates shall be open:

open: And in all dry Seasons when there shall be a Scarcity of Water in the said Canal or Cuts, the Vessel going up the same, if within Sight of, and at a Distance not exceeding Three hundred Yards below a Lock, shall pass through such Lock before the Vessel coming down, and then the next Vessel shall come down; and if there are more Vessels than One below and above any Lock at the same Time in such dry Season, within the Distance aforesaid (at which Distance a Post or Mark shall be set up or made for that Purpose) such Vessels shall go up and come down at such Locks by Turns as aforesaid, till all the said Vessels going up or coming down shall have passed, by which Means One Lock full of Water may serve Two or more Vessels; and every Person offending in any of these Particulars, and being convicted thereof before any Justice of the Peace, upon the Oath of One or more credible Witness or Witnesses, as also the Master or other Person, having the Command of such Boat or Vessel, shall, for every such Offence, forfeit the Sum of Forty Shillings.

For preventing Water running over the Locks in waste.

And whereas by making the said navigable Canal or Cuts, several Springs and Streams will necessarily be intercepted, and a considerable Part of the Water that is now used in working the Mills and Forges on the said Streams must be diverted for the Use of the said Navigation; to the end therefore that the said Navigation may be carried on with as little Damage to private Property as possible, be it further enacted by the Authority aforesaid, That the said Company of Proprietors, their Successors, and Assigns, shall, and they are hereby required, at their own proper Costs and Charges, from time to time, to make, or cause to be made, repaired, and maintained, a Weir or Waste, at or near the Top of each Lock to be made upon the said Navigation, in order to carry off the Water which shall be more than is required for the Use of the said Navigation into the Pool of such Mill or Forge from whence such Water shall be taken or diverted, where the Level will admit thereof; and that the said Locks shall be made of such a Height as, when shut, all the Water more than shall be sufficient to supply the said Navigation, and to fill the Gauge Paddle or Mich intended to be made in every of the said Locks, shall run over the said Weirs into the said Mills or Forge-pool, and not over the said Locks, and that the Water shall not be wilfully wasted by leaving open the said Locks longer than shall be necessary for the proper Use thereof; and that

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

Canal not under the Power of Commissioners of Sewers.

And be it further enacted, That the said Canal and Cuts, or any Work 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 Commissioners of Sewers, or to any Law or Statute relating to Sewers; any thing or any former Law or Statute to the contrary notwithstanding.

Rights of Lords of Manors, &c. reserved.

Provided always, and be it further enacted, 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 Canal or Cuts, Towing-paths, Wharfs, Quays, Trenches, Sluices, Passages, Watercourses, or Conveniencies aforesaid, or any of them, shall be made, to the Mines, Minerals, or Quarries, lying or being

within or under the Lands or Grounds to be set out or made use of for such Canal, Cuts, Towing-paths, Wharfs, Quays, Trenches, Sluices, Passages, or Watercourses, or other Conveniencies aforesaid, or any of them; but all such Mines, Minerals, and Quarries, are hereby reserved to such Lord or Lords of such Manor or Manors, or of such Common or Waste Grounds, and to such Owner or Owners of such Lands or Grounds respectively, their Heirs, or Assigns; and that it shall and may be lawful to and for the Lord or Lords of such Manor or Manors, Common or Waste Ground, 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, her, and their own Use, such Mines, Minerals, and Quarries, not thereby injuring, prejudicing, or obstructing, the said Canal, Cuts, Towing-paths, Wharfs, Quays, Trenches, Sluices, Passages, Watercourses, or other the Conveniencies aforesaid, or any of them; any thing herein contained to the contrary notwithstanding.

Their Rights to Fisheries preserved.

Provided also, and it is hereby enacted and declared, That the Lord and Lords, or Owner and Owners of all and every Manor and Manors through which the said intended Canal or Cuts shall be made, shall have and be intitled to the sole, several, and exclusive Right of Fishery of and in so much of the said Canal, Cuts, Trenches, and Sluices, as shall be made over or through the Common or Waste Lands within his, her, or their Manor or Manors respectively, and also in, over, or through, any other Lands or Grounds lying within any such Manor or Manors, wherein such Lord or Lords, or Owner or Owners, now have or hath, or are or is intitled to the Right of Fishery, in the Pits, Ponds, and Waters, now being in such last-mentioned Lands or Grounds respectively; and that the Owner or Owners of all other Lands or Grounds through which the said Canal or Cuts shall be made, shall also have, and be intitled to, the like sole, several, and exclusive Right of Fishery, of and in so much of the said Canal or Cuts, Trenches and Sluices, as shall be made in, over, or through, his, her, or their Lands or Grounds respectively, so as in the Use and Exercise of the said Right of Fishery, the said navigable Canal or Cuts, Trenches, and Sluices, and the Towing-paths, Banks, or other Works and Conveniencies hereby authorized to be made, shall not be prejudiced or obstructed, or any Water drained or exhausted

from or out of the said Canal or Cuts, Trenches, or Sluices, and so as the said Company of Proprietors, their Successors, or Assigns, or their Agents, Servants, or Workmen, or any of them, shall not be liable to any Penalty, Action, or Prosecution, for or by reason of the taking or destroying of any Fish in the said Canal or Cuts, Trenches, or Sluices, which shall be taken, killed, or destroyed, through or by means of the letting off the Water out of the said Canal or Cuts, Trenches, or Sluices, for or upon account of any Repairs or Works to be done in or about the same; and also that it shall and may be lawful for the Lord or Lords of such Manor or Manors, and the Owner or Owners of such Grounds (being qualified by Law so to do) to take and kill Game upon so much of the said Canal and Cuts, Trenches, Sluices, Towing-paths, and other the Lands or Grounds to be set out for the Use of the said Navigation, as shall be made through their respective Lands or Grounds as aforesaid; any thing herein contained to the contrary notwithstanding.

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

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

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

Provided always, and be it further enacted, That if the said Company of Proprietors, their Successors, or Assigns, shall be in Possession of any Lands or Grounds by virtue of this Act for the Space of Ten Years, without making the intended Navigation through the same respectively,

respectively, or if the said Navigation shall be made and completed, and afterwards discontinued or disused for the Space of Five Years; then, and in either of the said Cases, from and immediately after the Expiration of the said Ten Years, without making, or Five Years after disusing the said Navigation as aforesaid, the said Company of Proprietors, their Successors, and Assigns, shall convey all their Right, Property, and Interest, in or to such Lands or Grounds respectively, unto the several and respective Persons, or Bodies Politick, Corporate, or Collegiate, or their Heirs, Successors, or Assigns, who were the Owners or Proprietors thereof immediately before the said Company of Proprietors, their Successors, or Assigns, became seised of the same, in case they or any of them shall think fit to become Purchasers thereof, and to pay such valuable Consideration for such Lands or Grounds to the said Company of Proprietors, their Successors, or Assigns, as the said Commissioners, or any Five 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; so that such Consideration to be ascertained by such Commissioners, or to be awarded by such Jury to to be impanelled as aforesaid, do not exceed the Sum or Sums of Money first paid by the said Company of Proprietors, their Successors, or Assigns, for the Purchase of such Lands or Grounds: And in case the said Company of Proprietors, their Successors, or Assigns, upon the Payment or Tender of such valuable Consideration as aforesaid for such Lands or Grounds, shall refuse or neglect to convey the same as aforesaid; then, and in such Case, such Lands or Grounds, upon Tender of such valuable Consideration as aforesaid to the said Company of Proprietors, their Successors, or Assigns, shall revert to and be thenceforth vested in the said several and respective 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 Rent shall cease and determine, and such Sum or Sums of Money shall be paid for the Damages done to the said Lands or Grounds by the said Company of Proprietors, their Successors, or Assigns, to the Person or Persons, Bodies Politick, Corporate, or Collegiate, or their Heirs, Successors, or Assigns, to whom such Lands or Grounds

Consideration Money how to be ascertained.

Grounds shall be reconveyed or revert as aforesaid, as the said Commissioners or Jury 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.

Election of new Commissioners.

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

Qualification of Commissioners.

Provided always, and be it further enacted, That no Person shall act as a Commissioner in any Case where he shall be any ways interested or concerned in the Matter in Question; nor shall any Commissioner act in the Execution of this Act, unless he shall be seised in his own Right, or in the Right of his Wife, and not as a Mortgagee or Mortgagees, at the Time of such his Acting, of an Estate of Freehold and Copyhold, Freeholds or Copyholds, in Lands, Tenements, or Hereditaments, of the yearly Value of One hundred Pounds; or unless he shall be an eldest Son or Heir Apparent of a Peer, or of any Person qualified to serve as Knight of a Shire in the said Counties, or either of them, over and above the Payment of all his just Debts; or unless he be possessed of a Personal Estate to the Amount or Value of Two thousand Pounds: And if any Person so being incapable, shall presume to act as a Commissioner, every such Person shall, for every such Offence, forfeit the Sum of Fifty Pounds to any Person who will sue for the same; to be recovered, with Full Costs of Suit,

by Action at Law, in any of his Majesty's Courts of Record at Westminster; in which Action no Essoin, Protection, Privilege, or Wager of Law, or more than One Imparlance, shall be allowed; and such Person so prosecuted shall prove that he is qualified as above, or otherwise shall pay the said Sum of Fifty Pounds, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person hath acted as a Commissioner in the Execution of this Act.

Commissioners to give Notice of their Meetings.

Provided also, and it is hereby further enacted, That no Meeting whatsoever of the said Commissioners, shall at any Time or Times be had for putting in Execution any of the Powers or Authorities vested in them by virtue of this Act; nor any Order, Direction, or Appointment of the said Commissioners, or any of them, touching any of the Matters and Things herein contained, shall be binding and effectual, unless previous Notice of every such intended Meeting, shall be first given and inserted in the Birmingham News Papers, and in such other Manner as the said Company of Proprietors, their Successors, or Assigns, shall at any General Meeting direct or appoint, at least Fourteen Days before 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 (such Majority not being less than Three in Number) shall have Power and Authority to execute the Powers hereby vested in the said Commissioners, but not otherwise; any thing herein before contained to the contrary notwithstanding.

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

Oath.

I *A. B.* do swear, That I will, without Favour or Affection, Hatred or Malice, truly and impartially, according to the best of my Skill and Knowledge, execute and perform the Powers and Authorities established by an Act made in the Eighth Year of the Reign of His Majesty

King *George* the Third, for making a navigable Cut or Canal called *The Birmingham Canal Navigation*.

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

And be it further enacted, That if any Person appointed, or to be appointed a Commissioner, by virtue of this Act, shall have or accept any Place of Profit arising out of the Tolls and Monies to be raised by virtue of this Act, such Person, from and after his Acceptance of such Place of Profit, and during the Time of his holding and enjoying the same, and during the Time of his being Proprietor in the said Navigation, concerned in Interest in any Contract or Bargain made or to be made for the Purposes of this Act, shall be incapable of acting as a Commissioner under this Act. No Commissioner to act as such while he possesses any Place of Profit.

And be it further enacted, That upon Application to be made by the said Proprietors, their Successors, and Assigns, or any Five or more of them, or by the Owners or Occupiers of any Grounds, Lands, Tenements, or Hereditaments, to be affected by the said intended navigable Canal or Cuts, or any of the Works necessary or relating thereto, or any of them, unto the Commissioners appointed by and for the Purposes of this Act, or any Five or more of them, requesting them or desiring them to appoint a General Meeting of the Commissioners; the Commissioners so requested or applied to, or any Five or more of them, may, and shall, and they are hereby respectively authorized and required, within Seven Days after such Request or Application made, to give Notice in Manner aforesaid of a General Meeting to be held at such Time and Place as shall be specified in such Notice; such Time not being less than Fourteen nor more than Twenty one Days from the Day on which such Request shall be made to them as aforesaid; and the said Commissioners are hereby authorized, impowered, and required, to assemble at the Time and Place so to be appointed, in order to put this present Act, and the Powers and Authorities hereby given to, and vested in them, in Execution; and shall then adjourn themselves, and afterwards meet at such Time and Place as the said Commissioners there assembled, or any Five or more of them, shall think proper and convenient: And if it shall happen that there shall not appear at any Meeting which shall be appointed Notice of Meeting of Commissioners.

appointed to be had or held by the said Commissioners, a sufficient Number of Commissioners to act at such Meeting, and to adjourn to any other Time; then, and in such Case, the Clerk of the said Commissioners shall and may, by publick Notice to be given in Manner aforesaid, appoint the said Commissioners to meet at the House where the last Meeting of the said Commissioners was appointed to be held, on that Day Fortnight next after the Day on which the said last Meeting of the Commissioners was appointed to be held.

Meeting may be called at any Time.

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

No Meeting but within 5 Miles of the Canal.

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

Mile-stones to be erected.

And be it further enacted, That the said navigable Canal and Cuts shall be measured, and Mile-stones erected on the Side thereof at the End of each Mile; and that all Goods, Wares, and Merchandizes, which are made liable to the several Rates and Duties hereby imposed, that shall be navigated, carried, or conveyed, upon the said Canal or Cuts, up to, or past any of, the said Mile-stones so to be erected, shall be charged with and pay the said Rates, Tolls, and Duties, for One Mile, and so in Proportion for any greater Number of Mile-stones which they shall be carried up to, or pass, as aforesaid; and that Six Score Pounds Weight Avoirdupoize,

poize, shall be deemed and taken as and for One hundred Weight, within the Intent and Meaning of this Act.

If Canal not compleated to *Autherley* within Six Months after finished to *Birmingham*, the Proprietors of the *Trent* Navigation to do it, and to be reimbursed all Expences by these Proprietors.

Provided always, and be it further enacted, That in case the said Company of Proprietors, their Successors, or Assigns, shall not make, carry on, and complete, the said intended Navigation, so that the same may, within Six Calendar Months next after it shall be finished, and continued to the said Town of Birmingham, be made to communicate with the Canal now making between the Rivers Trent and Severn, at or near Autherley, otherwise Aldersley aforesaid, so as to make and effect a free, easy, and perfect Communication between the said Town of Birmingham, and the said Canal now making between the said Rivers; then, and in such Case, it shall and may be lawful to and for the said Company of Proprietors of the Staffordshire and Worcestershire Canal Navigation, their Successors or Assigns; and they are hereby impowered to make, carry on, and compleat the Navigation hereby authorized and intended to be made, so as to cause the same to communicate with the Canal now making between the Rivers Trent and Severn, at or near Autherley, otherwise Aldersley aforesaid, and to repair, support, and maintain, the same, from time to time, as Occasion shall require; and all the Costs and Charges thereof shall be settled and allowed by the Commissioners appointed by this Act, or any Five or more of them, and shall be repaid to the said last mentioned Company of Proprietors, their Successors, or Assigns, within the Space of Six Calendar Months next after the same shall have been so settled and allowed, and an Account thereof delivered, and Demand of Payment made, to the Proprietors of the Navigation hereby intended to be made, their Successors, or Assigns, or known Agents, and in Default of Payment of the said Costs and Charges, within the Time aforesaid, the said Commissioners, or any Five or more of them, shall, and are hereby impowered and required, by Warrant under the Hands and Seals of any Five or more of them, to levy the said Costs and Charges by Distress and Sale of the Goods and Chattles of the said last mentioned Company of Proprietors, their Successors, or Assigns, in or upon the said Canal or Cuts, and the Wharfs, Quays, and Warehouses, adjoining or near to the same respectively, to and for the Use of the said Company of Proprietors of the Staffordshire and Worcestershire Canal Navigation, their Successors, or Assigns, and such Commissioners may, moreover, in Manner aforesaid, appoint One or more Persons to receive the Tolls, Rates, and Duties,

hereby granted to the Proprietors of the Navigation hereby intended to be made, of such Part of the said Canal and Cuts, as shall be made and finished by the said Company of Proprietors of the Staffordshire and Worcestershire Canal Navigation, and thereout, in the first Place, pay all such Costs and Charges, rendering to the said last-mentioned Company, their Successors, or Assigns, or their Agents and Overseers of the said Canal and Cuts, the Overplus (if any such there be) after deducting the reasonable Charge of making such Distress and Sale, to be settled by the said Commissioners, or any Five or more of them, and after such Costs and Charges shall be so paid and satisfied, the Power of the said Receiver to be appointed by the said Commissioners, shall cease and determine, or otherwise, the said Company of Proprietors of the Staffordshire and Worcestershire Canal Navigation, their Successors, and Assigns, upon the Failure or Neglect of the said Company of Proprietors of the Navigation hereby intended to be made, their Successors, or Assigns, to do the same, or pay the Costs and Charges as aforesaid, shall and may have a Remedy against the said last-mentioned Company, their Successors, or Assigns, for the Recovery of such Costs and Charges, by Action at Law in any of His Majesty's Courts of Record at Westminster, with full Costs of Suit.

Writings to be without Stamps.

Provided always, and be it further enacted, That no Summons, Order, Determination, Judgement, Warrant, Contract, Agreement, Bond, or other Writing whatsoever, under the Hands and Seals of any Justices of the Peace, or of the said Commissioners, or of any of them, or any other Person or Persons whatsoever, or any Transfer of any Share or Shares, or other Writing whatsoever made in pursuance of the Powers given in and by this present Act, shall be charged or chargeable with any Stamp or Duty whatsoever; and that no Proceeding to be had or taken in pursuance of this Act, shall be quashed or vacated for want of Form.

Fines how to be recovered, &c.

And be it further enacted, That all Fines and Forfeitures inflicted by virtue of 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, such Justice is hereby required to take Notice) the levying and recovering of which are not hereby particularly directed, shall be levied by Warrant under the Hand and Seal, or Hands and Seals, of One or more Justice, or Justices of the Peace of the said Counties of Warwick and Stafford, or either of them; which said Justice

ſtice or Juſtices is and are hereby authorized to hear and examine Witneſſes upon Oath, and Affirmation, and to determine the ſame; and all ſuch reſpective Fines, Forfeitures, and Penalties, by this Act impoſed and inflicted, or authorized to be impoſed and inflicted, the Application whereof is not herein before particularly directed, ſhall be paid into the Hands of the Treaſurer or Receiver of the Monies to be raiſed by virtue of this Act, and ſhall be applied and diſpoſed of for the Uſe of the ſaid Navigation, and to or for no other Uſe or Purpoſe whatſoever.

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

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

Perſons aggrieved may appeal to the Quarter Seſſions.

Provided always, That any Perſon or Perſons thinking himſelf, herſelf, or themſelves, aggrieved by any Order or Judgement made or given in purſuance of any Rule, Bye-law, or Order, of the ſaid Company of Proprietors, or by 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 Quarter Seſſion to be held in and for the ſaid Counties of Warwick and Stafford reſpectively, where the Cauſe of Appeal ſhall ariſe, and not elſewhere, who ſhall, in a ſummary Way, either hear and determine the ſaid Complaint at ſuch General Quarter Seſſion, or, if they think proper, may adjourn the hearing thereof to the next General Quarter Seſſion of the Peace to be held for the ſaid Counties reſpectively, and if they ſee Cauſe, may mitigate any Forfeiture or Fine, and may order any Money to be returned which ſhall have been levied in purſuance of ſuch Rule, Bye-law, Order, or Determination, and may alſo order ſuch further Satisfaction to be made to the Party injured, as they ſhall judge reaſonable.

And

Limitation of Actions.

And be it further enacted, That if any Action, Suit, or Information, shall be brought or commenced against any Person or Persons, for any thing done or to be done in pursuance of this Act, or in the Execution of the Powers and Authorities, or the Orders and Directions herein before given or granted, every such Suit or Information shall be brought or commenced within Six Calendar Months next after the Fact committed, or in case there shall be a Continuation of Damages, then within Six Calendar Months next after the doing or committing such Damages shall cease, and not afterwards; and shall be laid and brought in the same Counties of Warwick and Stafford respectively where the Matters in dispute shall arise, and not elsewhere; and the Defendant or Defendants in such Action or Suit, shall

General Issue.

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 upon Demurring, or otherwise, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants

Treble Costs.

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.

Publick Act.

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

FINIS.