Anno nono

Georgii III. Regis.

An Act for making and maintaining a navigable Canal, from the *Coventry* Canal Navigation to the City of *Oxford*.

WHEREAS the making a navigable Cut or Canal from the Coventry Canal Navigation, at a Place called Longford, near the City of Coventry, through or near the several Parishes, Hamlets, or Places of Anſty, Shilton, Comb, Brinklow, Eaſenhall, by the North of Cathian Lane, to Fennis Field in Newnham, Newbold, Brownſover, Clifton, Hill Morton, Barby, Wanley, Granborough, Willoughby, Brannſton, Wolfhamcote, Lower Shuckburgh, Napton, Prior's Hardwick, Wormleighton, Fenny Compton, Claydon, Clattercott, Cropredy, Preſcott, Edgecott, Little Burton Hardwick, Horley, Neithrop, Banbury, Bodicot, Adderbury, Aynho, Souldren, Somerton, Upper Heyford, Lower Heyford, Northbrooke, Kirtlington, Tackley, Bletchingdon, Shipton, Preamble.

tons Thrup, Kidlington, Baggbrooke, Yarnton, and Woolvercut, in the ſeveral Counties of the ſaid City of Coventry, Warwick, Northampton, and Oxford, to the City of Oxford, would open commercial Intercourſes between the ſaid Cities of Coventry and Oxford, and ſeveral inland Counties, Towns, and Places, where conſiderable Trades and Manufactures are carried on and eſtabliſhed; and would alſo open an eaſy Acceſs to different Collieries lying in the ſeveral Counties of the City of Coventry, Warwick, and elſewhere; and contribute to the Relief and Convenience of the poor Inhabitants reſiding near the Courſe of the ſaid Cut or Canal; and tend to the Improvement of the adjacent Lands, the Preſervation of the Roads, and be of great publick Utility: And whereas the ſeveral Perſons hereinafter named are deſirous, at their own proper Coſts and Charges, to begin, carry on, and complete the ſaid navigable Cut or Canal, intended to be made by virtue of this Act: May it therefore pleaſe Your Majeſty, that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the paſſing of this Act, Samuel Allen, John Allen, Benjamin Aplin, John Auſtin, Abraham Awſons John Barber, William Barker, James Barnard, the Marquis of Blandford, Elizabeth Bradley, William Barrett, Stucley Bayntun, Lord Beauchamp, George Beaver, Sarah Beavis, Thomas Bever, Samuel Benwell, Thomas Bennett, John Bird, Francis Blick, John Blincowe ſenior, John Blincowe junior, Charles Bowles, Oldfield Bowles, Gamaliel Hodgkinſon Bobart, Philip Brown, Joſeph Brooks, Richard Burgh, Francis Burton, John Burrow, Richard Burford, Charles Butler, the Duke of Buccleugh, William Calcutt, William Calcutt, Thomas Cartwright, Joſeph Carter, James Clarke, John Clark, Thomas Clay, Job Coles, George Coles, Charles Collins, Mary Conyers, Nathaniel Cox, Charles Croſs, Bartholomew Churchill, Bartholomew Churchill junior, Thomas Crowley, William Dadley, Sir James Daſhwood, Ann Davis, John Davis, J. Davey, William Draper, Thomas Deſaguliers, George Dixon, Sir Charles Cottrell Dormer, William Drought, Henry Drought, David Durell, James Etty, Edward Freeman, John Finden, John Fitzwater, Thomas Fothergill, Jonah George, Thomas Green, Joſhua Green, Thomas Gregory, Ann Gibbard, Samuel Gibbons, T. Griffith, Edmund,

Proprietors Names:

mund Goodenough, James Golby, Edward Gore, Lord Guildford, Sir Richard Glyn, William Habcraft, James Habewell, William Halford, Nicholas Halse, Earl Harcourt, Colonel William Harcourt, Edward Harper, Joseph Hawtyn, Zachariah Hindes, Benjamin Holloway, Samuel Horne, Elisha Hydon, William Jackson, John Jones, Richard Jennings, John Izard, John Keep, R. R. Kenning, Joseph Kilner, John King, I. King, John Kirkman, Lionel Lampit, Elizabeth Leaver, Theophilus Leigh, William Lewis, Thomas Little, Cater Love, Edward Lock, William Long, Posthumus Lloyd, the Duke of Marlborough, John Mander, Henry Medcalfe, Thomas Mileham, William Millachip, Lord Newnham, Sir Roger Newdigate, Francis Newdigate, John Newman, Thomas Newell, Richard Nicholl, John Noel, Richard Norman, Charles Nourse, Francis Page, William Palmer, Doctor William Parker, Richard Parrott, Grace Parsons, William Priest, John Phillips, Fitzherbert Potter, M. Pope, John Remmington, Reynolds and Company, Francis Rowden, Benjamin Rudge, Walter Ruding, Roger Ruding, Sarah Ruding, John Rushworth, Thomas Sayer, J. Sayer, Lord Charles Spencer, Lord Robert Spencer, Robert Spendlove, John Stevens, Richard Steane, Richard Smallbones, Robert Simson, Patrick Simson, James Shepley, Richard Skinner, Henry Smith, Lilley Smith, William Southam, William Squire, Robert Tate, John Taylor, George Taylor, Richard Tawney, John Tracey, Dorothy Tristram, John Treacher, Thomas Twisleton, Bryan Troughton, Henry Turner, Charles Turner, Edward Villers, William Vivian, Thomas Walker, John Walker, Richard Wace, Mary Warren, Elizabeth Warren, Nathan Wetherell, Hicks Wells, Francis Wheler, John Wheatley, John Willes, Samuel Willday, James Williams, William Wickham, Thomas Wise, Richard Wootton senior, Charles Wyatt, Charles Wyatt, Thomas Youick, Bernard Yates, Elizabeth Crooke, George Horne D. D. Thomas Hawkins, Jefferson D. D. Thomas Jackson, Francis King, Thomas Power, Sophia Pleydell, Wetherell, Robert Whalley, M. D. **their respective Executors, Administrators, and Assigns, together with such Person or Persons as they, or the major Part of them, at any General Meeting assembled, shall nominate and appoint under their Hands and Seals, are and shall be united into a Company, for the better carrying on, making, completing, and maintaining the said navigable Cut or Canal, intended to be made by virtue of this Act, passable for Boats, Barges, and other Vessels, according**

ding to the Rules, Orders, and Directions, herein after expressed; and shall for that Purpose be One Body Politick and Corporate, by the Name of The Company of Proprietors of the *Oxford* Canal Navigation; and by that Name shall have perpetual Succession, and a Common Seal, and by that Name shall and may sue and be sued, and also shall and may have Power and Authority to purchase Lands to them, and their Successors and Assigns, for the Use of the said Navigation, without incurring any of the Penalties and Forfeitures of the Statute of Mortmain; and the said Company of Proprietors, their Successors, and Assigns, shall be, and are hereby authorized and impowered, from and after the passing of this Act, by themselves, their Deputies, Agents, Officers, Workmen, Servants, and Assigns, to make and complete a Cut or Canal navigable and passable for Boats, Barges, and other Vessels, from the said Coventry Canal Navigation, at Longford aforesaid, through or near the several Parishes, Hamlets, and Places herein before-mentioned, to the City of Oxford; and supply the said Cut or Canal, whilst the same shall be making, and when made, with Water from such Springs as shall be found in making the said Cut or Canal, and from such Brooks, Streams, and Watercourses, as are or shall be found within the Distance of One thousand Yards from any Part of the said intended Cut or Canal, and within the Distance of Five Miles from any Part of the said Cut or Canal which lies upon the Summit between the Two intended Locks, from which the Water will fall North and South; and in case a sufficient Supply cannot be found within the Distance of Five Miles aforesaid, then to take and convey Water by such Ways and Means, and for the Purposes aforesaid, on the North West Side of the Hills called Edge Hills, as far as Brails, under such Regulations, and subject to such Provisions for supplying with Water the several Places through which the same shall be conveyed, as the Commissioners herein appointed, or any Five or more of them, shall direct and appoint, so as the ancient Springs in the several Parishes of Alscott, Lower Tysoe, Middle Tysoe, Upper Tysoe, Compton, Wenderton, and Brails, be not diverted or intercepted, to the Prejudice of the Proprietors of Lands in the said Parishes, or any of them; and also to make such Reservoirs, Side Cuts, or Drains, as shall be necessary for the Purposes of the said Cut or Canal, within the Distance above-mentioned, for the more conveniently supplying the said Cut or Canal with Water;

Their Stile.

Power to make the Canal.

Water; and for that Purpose, in, upon, and through the Lands or Grounds of or belonging to the King's Majesty, His Heirs, or Successors, or of any other Person or Persons, Bodies Politick, Corporate, or Collegiate whatsoever, to enter, and to bore, dig, cut, trench, sough, remove, and lay Earth, Stone, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters and Things, except as herein after is excepted, which may be dug or got in the making thereof, or which may hinder, prevent, or obstruct, the making, using, completing, extending, and maintaining, the said navigable Cut or Canal, and for making, using, completing, extending, and maintaining, of such Trenches, Passages, Gutters, and Watercourses, as shall be necessary and proper to convey Water to and from the said Cut or Canal, according to the Tenor and Purport of this Act; and also to make, build, erect, and set up, in or upon the said intended Cut or Canal, or upon the Lands adjoining or near the same respectively, such and so many Bridges, Tunnels, Aqueducts, Sluices, Locks, Weirs, Pens for Water, Stanks, Reservoirs, Drains, Wharfs, Quays, Landing-places, Weigh-beams, Cranes, and other Works, Ways, Roads, and Conveniencies, as and where they the said Proprietors, their Successors and Assigns, shall think requisite and convenient for the Purposes of the said Navigation; and also from time to time to alter, repair, and amend the same, and to make, widen, or enlarge, any Bridges, Ways, Roads, Passages, Cuts, Locks, Tunnels, Aqueducts, Trenches, Sluices, or other Conveniencies, as well for the carrying and conveying Goods, Commodities, and other Things, to or from the said Cut, Canal, or Navigation, as for the carrying and conveying of all Manner of Materials necessary for the making, erecting, finishing, altering, repairing, or amending, the said Works of and belonging to the said Navigation; and also to place, lay, work, and manufacture, the said Materials on the Grounds near to the Place or Places where the said Works, or any of them, shall and are intended to be made, erected, repaired, or done; and also to make, maintain, repair, and alter, any Fences or Passages over, under, or through, the said Cut or Canal, or the Tunnels, Aqueducts, Soughs, Trenches, Passages, Gutters, Watercourses, and Sluices respectively, which shall communicate therewith; and also to make, set up, and appoint, such Towing-paths, Banks, Roads, and Ways, convenient for towing, haling, or drawing of

Boats, Barges, or other Vessels, passing in, through, or upon, the said Cut or Canal, as they the said Proprietors, their Successors and Assigns, shall think convenient; and also to dig, take, and carry away, Soil, Clay, Gravel, or Stone, proper, requisite, and convenient, for carrying on and continuing the said Works and Undertakings, in or from any Grounds of any Person or Persons adjoining or lying contiguous thereto, (not being a House, Garden, Yard, Park, Paddock, planted Walk, or Avenue to a House, or Lawn inclosed or adjoining to a Mansion-house); and to construct, erect, and keep in Repair, any Piers, Arches, and other Works, in, upon, and across, any Rivers or Brooks, for the making, using, maintaining, and repairing, the said Cut or Canal, and Towing-paths on the 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 in the Premisses, and making Satisfaction in Manner herein after mentioned to the Owners or Proprietors of such Lands, Tenements, or Hereditaments, Waters, Watercourses, Brooks, or Rivers respectively, as shall be taken, used, removed, diverted, or prejudiced, for all Damages to be by them sustained in or by the Execution of all or any of the Powers of this Act; and this Act shall be sufficient to indemnify the said Company of Proprietors, their Successors and Assigns, and their Servants, Agents, and Workmen, and all other Persons whatsoever, for what they, or any of them, shall do by virtue of the Powers hereby granted.

If any Dam or Reservoir shall be made beyond 5 Miles on the North Side of *Edge Hills* towards *Brails*, another Reservoir is to be made for the Use of the Country.

Provided always, and be it further enacted, That in all Places where the said Company of Proprietors shall make, or cause to be made, any Dam or Reservoirs beyond the Distance of Five Miles as aforesaid on the North West Side of Edge Hills towards Brails, for preserving a Body of Water for the Supply of the said Feeder in Times of Drought, another Reservoir shall be first made, and at all Times kept in Repair, at the Expence of the said Company of Proprietors of the said Canal, of certain Dimensions, to be determined by the Commissioners herein appointed, or any Five or more of them, for the Use of the Country, so situated as first to catch and receive all such Waters and Floods as are designed to fall into the said Company's Reservoir,

voir, to the Intent that the Country may be at all Times first supplied with Water as far as the Season will permit; and that no Communication be made between the said publick Reservoirs and those made for the Use of the Canal, except by the overflowing of such publick Reservoirs; but a good and free Communication shall be made by proper Sluices, or other sufficient Means, from the said publick Reservoirs, to those Springs or Parts from whence the Waters and Floods would naturally be conducted into the Country if no such Reservoirs or such Feeder had been made.

Canal may be extended, with Leave, by navigable Branches to any Quarry or Lime-stone Pit, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Company of Proprietors, their Successors and Assigns, by the Ways and Means, and subject to the Regulations, Provisions, and Rates of Tonage herein contained, to extend the said intended Canal by any navigable Branch or Branches to any Quarry or Pit of Lime-stone; so that the same lie within the Distance of Five Miles from the said intended Canal, and the Consent of the Land-owner or Land-owners for at least Two Thirds of the Length of such navigable Branch, be previously obtained by Writing under his, her, or their Hand or Hands; and so that no Water be taken from the said Canal for the supplying any Lock or Locks to be made upon any Part of the said navigable Branch.

Canal may be carried thro' Gardens, &c. made since 29 *Sept.* 1768.

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

No Quays, Wharfs, &c. to be made upon certain Lands, and only One Towing-path.

Provided always, and be it further enacted by the Authority aforesaid, That nothing in this Act contained shall be construed to extend to impower the said Company of Proprietors, their Successors or Assigns, to make or erect in any of the Lands of the Right Honourable the Lord Craven, situate between Hoppesford Lordship and Stretton Fields, any Quay, Wharf, Crane, Weighing

ing Beam, Mill, Warehouses or other Buildings, or to open or cut any Place or Places in any of the said Lands of the said Lord Craven, for admitting any Boat or Vessel to turn about or lie; and that only One Towing-path shall be made to the said Canal on any of the Lands of the said Lord Craven, which Towing-path shall only be on the South Side of the said Canal,

Canal not to be carried within 600 Yards of the Houses of Sir *Francis Skipwith* or Sir *Edward Boughton*, Barts.

Provided also, and it is hereby further enacted, That the said navigable Cut or Canal, or any of the Works belonging thereto, shall not be made within Six hundred Yards of the Mansion-house of Sir Francis Skipwith Baronet, at Newbold Revell in the County of Warwick; or so as to occasion the Water near the said House to rise higher or prevent it running off as fast as it usually has done; or make the said Canal within Six hundred Yards of the Mansion-house of Sir Edward Boughton Baronet, in the Parish of Newbold upon Avon, called Lawford Hall,

Canal and Towing-path may be carried over the Homestead,

And it is further enacted by the Authority aforesaid, That the said Canal, and the Towing-path thereof (if the same shall be made in and over the Homestead of Jonah George of Banbury aforesaid, Gentleman) shall be cut, made, and taken from and out of the Extremities or Eastward Part of the said Homestead which adjoin or lie next to the River Charwell, the now Boundary of the said Homestead; and that the said Towing-path to be made for that Part of the said Canal which shall be made in and over the said Homestead, shall be made on that Part of the said Homestead which doth now lie next or adjoining to the said River.

Lands may be entered for making Surveys.

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

Provided

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

Breadth of the Canal and Towing-paths.

No Ground to be set out, &c. for making any Cut, &c. without Consent of the Owners.

And be it enacted by the Authority aforesaid, That after any such Parts of the said Lands and Grounds shall be so set out and ascertained as aforesaid for making the said Cut or Canal, and other the Purposes and Conveniencies herein before mentioned, it shall and may be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees in Trust, Committees, Executors, and Administrators, and all other Trustees whatsoever, not only for or on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunaticks, Ideots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, and to and for every other Person and Persons whomsoever who are or shall be seised, possessed of, or interested in, any Lands or Grounds which shall be so set out and ascertained as aforesaid, or any Part thereof, to contract for, sell, and convey, unto the said Company of Proprietors, their Successors, and Assigns, or to such Person or Persons as they shall nominate and appoint, for the Use of the said Navigation, all or any Part of such Lands or Grounds which shall, from time to time, be so set out and ascertained as aforesaid, either in Consideration of a Sum of Money to be paid in Gross, or of an annual Rent or Payment to be

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

charged

charged and secured as herein after mentioned: And where by making the said Cut or Canal the Property of any Land-owner shall be separated into small Parcels, so as to render the Occupation thereof inconvenient, it shall and may be lawful to and for such Bodies Politick, Corporate, and Collegiate, and other such Land-owners, by and with the Consent of the Commissioners to be appointed as herein after mentioned, or any Five or more of them, to be testified by any Writing or Writings to be by them sealed and delivered in the Presence of and attested by Two or more credible Witnesses, to contract for, sell, and dispose of, or to convey in Exchange in lieu of other Lands, all or any Part of such Lands or Grounds through which the said intended Cut or Canal shall be made, to any Person or Persons whomsoever, for such Price or Prices, in Money or other Equivalent, as to the said Commissioners, or any Five or more of them, shall seem reasonable; and that all such Contracts, Agreements, Sales, Conveyances, and Assurances, shall be valid and effectual in Law to all Intents and Purposes whatsoever; any Law, Statute, Usage, or Custom, to the contrary thereof, in any wise notwithstanding: And all Bodies Politick, Corporate, or Collegiate, and all Persons whomsoever, so conveying or exchanging as aforesaid, are hereby indemnified for what he, she, they, or any of them, shall respectively do by virtue of or in pursuance of this Act; and that all such Contracts, Agreements, Sales, Conveyances, and Assurances (other than those which concern any Purchase or Exchange between any such respective Land-owners) 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 County wherein such Lands or Grounds shall be situate respectively, and true Copies thereof shall be allowed to be good Evidence in all Courts whatsoever; for which Inrolment shall be paid to the aforesaid Officers respectively making the same the Sum of Two Pence for every Two hundred Words, and so in proportion for any greater or less Number of Words, and no more.

Preserving Copyhold Rights.

And be it further enacted, That all Contracts, Agreements, Bargains, Sales, and Exchanges of any Lands which are of the Nature of Copyhold, shall be executed and completed by Surrender thereof in the respective Courts of the Manors whereof such Lands are held, according to the Custom of the said Manors respectively; and shall remain and continue subject to such and the same

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.

And whereas Differences may arise between the said Company of Proprietors and the several Owners of and Persons interested in any Lands, Grounds, Tenements, Hereditaments, or Waters, which shall or may be affected or prejudiced by the Execution of any of the Powers hereby granted, touching the Purchase-money to be paid, or Recompence to be made to them respectively; be it therefore enacted by the Authority aforesaid, That the Right Honourable George Spencer, commonly called Marquis of Blandford; the Right Honourable Robert Bertie, commonly called Lord Robert Bertie; the Right Honourable Robert Earl of Catherlough in the Kingdom of Ireland, the Right Honourable George Lord Greville, Son and Heir Apparent of Earl Warwick; the Right Honourable Frederick North, commonly called Lord North; the Right Honourable Francis Seymour Conway, commonly called Lord Viscount Beauchamp, Son and Heir Apparent of the Earl of Hertford; the Right Honourable James Lord Lifford, Lord High Chancellor of Ireland; the Right Honourable the Earl of Inchequin in the Kingdom of Ireland, the Right Honourable Charles Spencer, commonly called Lord Charles Spencer; the Right Honourable Robert Spencer, commonly called Lord Robert Spencer; the Right Honourable Philip Viscount Wenman in the Kingdom of Ireland, the Right Honourable George Villiers, commonly called Lord Villiers; the Right Honourable George Simons Harcourt, commonly called Lord Newnham; the Right Honourable Bazil Fielding, commonly called Lord Fielding; the Right Honourable Greville, commonly called Lord Greville; the Honourable George Shirley, the Honourable Charles Greville, the Honourable Robert Greville, the Honourable Henry Seymour Conway, the Honourable Henry Grenville, the Honourable Robert Lee, the Honourable John Buckley Coventry, the Honourable Charles Sloane Cadogan, the Honourable Richard Wenman, the Honourable Captain Peregrine Bertie, the Honourable Thomas Francis Wenman, the Honourable Henry Seymour Conway, the Honourable Thomas Craven, the Honourable William Craven, the Honourable and Reverend Brownlow North, the Honourable Fulk Greville, Sir Charles Mordaunt, Sir Lister Holt, Sir Robert Burdett, Sir Richard Philipps, Sir William Bagot, Sir Edward Boughton, Sir Henry Bridgman, Sir Edward Astley, Commissioners.

Sir Charles Shuckburgh, Sir William Wheeler, Sir Theophilus Biddulph, Sir Francis Skipwith, Sir Roger Newdigate, Sir Henry John Parker, Sir Rowland Hill, Sir Robert Lawley, Sir Henry Gough, Sir James Dashwood, Sir John Danvers, Sir John Cope, Sir Charles Cope, Sir William Boothby, Sir George Oxenden, Sir John Read, Sir Cecil Bishop, Sir John Guise, Sir Thomas Stapleton, Sir Francis Knollys, Sir Richard Glyn, Sir William Burnaby, Sir Hans Fowler, Sir Hildebrand Jacobs, Sir Gregory Turner, Sir Harry Harpur, Sir Banks Jenkinson, Sir Monoux Cope, Baronets; Sir Robert Ladbroke, Sir Charles Cotterel Dormer, Sir Charles Price, Sir Charles Hardy, Knights; Henry Harvey Aston, Gilbert Adderley, Richard Ainge, Claudius Amyand, Samuel Aylworth, Charles Adderley, the Reverend James Ansell, John Aubrey, Richard Aldworth, Henry Alnatt, Thomas Abell, Samuel Adams, Samuel Acton, Robert Ayre, John Austin, Francis Aycough D. D. Simon Whorwood A Deane, Humphry Adams, William Whorwood A Deane, the Reverend John Alcock, Arthur Annesley, the Reverend Anthony Apperley, Benjamin Aplin, Henry Ashhurst, Samuel Allen, John Allen, John Austin, Benjamin Aplin, A. Awson, Clarke Adams, Abraham Awson, Lumley Arnold, John Arnold, Thomas Arnold, the Reverend Francis Annesley, William Bromley, Egerton Bagot, Samuel Bracebridge, George Biddulph, Thomas Blencoe, John Bird, Robert Bird, John Bird junior, Thomas Burgh M. D. Edward Boughton, William Bayntun, the Reverend Blythe of Baginton, Francis Turner Blythe, Thomas Bree Clerk, Paul Bayne, Edward Bowater, Richard Bowater, John Burroughs, Askell Bucknall, Joseph Boultbee, Robert Burton, John Beardsley, Thomas Brockhurst, the Reverend John Boyce Clerk, the Reverend William Bell Clerk, Dionysius Bradley, William Burleton, Walter Bracebridge, Abraham Bracebridge, Joseph Bullock, Robert Brown, Edward Barber, Charles Bowles, William Batson, Henry Beck, Henry Beeston, George Blunt, Henry Bishop, John Bray, John Bedwell, Thomas Bright, John Barot, Peregrine Bertie, Thomas Blackall, Charles Brookes, William Bray, William Bartholomew, John Bishop, Thomas Blake, Anthony Blagrave, Thomas Bacon, Nathaniel Bacon, John Bush, George Baskerville, Richard Browne D. D. of Lawnton, the Reverend Philip Browne of Bletchingdon, Jonathan Bush, Phanuel Bacon D. D. John Barber, Richard Bedwell of Staunton Harcourt, John Bedwell, William Blackall, the Reverend John Blake, the Reverend William Bradshaw, John Breedon, the

the Reverend Bridges, Thomas Bouchier, Thomas Trollope Browne, John Brewer, John Burton D. D. the Bailiffs of Burford for the time being, the Mayor, Aldermen, Capital Burgeſſes, Recorder, and Town Clerk of Banbury for the time being; the Reverend John Blandy, John Brown D. D. the Reverend Blombergh of Oddington, the Reverend James Burton, the Reverend Henry Blackſtone, William Blackſtone, the Reverend John Banks, Francis Baſſet, Oldfield Bowles, Thomas Bower, Francis Burton, James Burton Clerk, Jeremiah Bentham, John Barber, William Barker, James Barnard, William Barrett, Stucley Bayntun, George Beaver, Thomas Beaver, Samuel Benwell, Thomas Bennett, John Bird, Francis Blick, John Blincoe, John Blincoe junior, Charles Bowles, Oldfield Bowles, Gamaliel Hodgkinſon Bobart, Philip Brown, Joſeph Brooks, Richard Burgh, Francis Burton, John Burrow, Richard Burford, Charles Butler, William Bromley, John Bird, John Bird junior, William Bird, Thomas Biker, Abraham Bracebridge, Michael Baxter, James Birch, Richard Burgh, Samuel Brookes, James Boydall, Charles Belcher, John Beynon, Francis Blick, William Belcher, the Reverend John Blythe, William Bagſhaw, John Barber, the Reverend Bligh, Shrieve Botery, the Reverend Doctor Beardmore, the Reverend Bowles, William Chetwynd, Robert Child, Thomas Craven, Wenman Coke, Henry Carver, Henry Carver junior, Charles Colmore, Godfrey Clarke, Edward Chambers, Edmund Chambers, Thomas Chambers, Charles Chadwicke, Thomas Cockes, William Chamberlain, Edward Croxall of Shuſtock, Edward Crofts, James Newſon Craggs, William Cleeve, Stanes Chamberlayne, John Clarke ſenior, John Clarke junior, Rupert Clarke, Edward Carter, Richard Chamberlayne, Thomas Connoly, Thomas Chamberlaine, the Reverend John Cox of Yarnton, John Clarke, Thomas Cartwright, George Cave, William Coventry, John Creſwell, Thomas Coker, John Carner, John Caſtle, John Collier, Paul Collins, Charles Craven, Joſhua Collier, Richard Clement, Thomas Creſpe, Edward Clarke, John Coker, the Reverend Francis Carr, Richard Carter, the Reverend Ralph Church, Thomas Cooper of Southweſton, Thomas Corniſh, Richard Carter, William Chapman, Thomas Cogers, the Reverend Thomas Cockerille, the Bailiffs of Chipping Norton for the time being, John Mordaunt Cope, James Edward Colliton, the Reverend Edward Cooper Doctor of Laws, John Caillaud, Robert Child, the Reverend Thomas Cooke, William Calcutt, William Calcott,

decott, Thomas Cartwright, Joſeph Carter, James Clarke, John Clarke, Thomas Clay, Job Coles, George Coles, Charles Collins, Nathaniel Cox, Charles Croſs, Bartholomew Churchill, Bartholomew Churchill junior, Thomas Crowley, Stanes Chamberlayne, the Mayor, Aldermen, and Common Council of the City of Coventry for the time being; Nathaniel Cox, William Cleeve, Joſeph Cater, Joſeph Craner, Thomas Collett, John Clarke, Abraham Clarke, Thomas Chapman, Bennett Chambers, Richard Clay, Thomas Cratern, Abraham Claſſon, William Henry Chauncy, the Reverend William Digby LL. D. William Dilk, Edward Derby, John Dolphin, the Reverend Richard Dovee, William Daniel, the Reverend Joſeph Davie, John Dewes, Court Dewes, Thomas Dabbs, the Reverend William Dickins, Edward Dudley, William Danby, John Danvers, John Dadwell, John Dobſon, John Danley, Chriſtopher D'Oyley, James Lenox Dutton, Abell Dottin, George Davis, the Reverend John D'Oyley, Henry Dawkins, Charles Daſwood, the Reverend James Daſhwood, Henry Watkin Daſhwood, William Draper, David Durell D. D. William Dadley, John Davies, J. Davey, William Draper, Thomas Deſaguliers, George Dixon, William Drought, Henry Drought, David Durell, the Reverend Thomas Dadley, William Dilk, William Daniel, the Reverend Joſeph Davie, William Dadley, Thomas Dawes, the Reverend William Daniel, the Reverend Doctor Davy, William Evans, William Eboral, William Ebourne, Charles Eyre, Paul Elers, John Egerton, Edward Ernle LL. D. James Etty, the Reverend Thomas Edwards D. D. Joſeph Ebourne, Charles Elliott, William Elliott, John Eld, Charles England, Francis Eyre, the Reverend Everard, Thomas Fiſher, Thomas Fiſher of Springfield, John Farmer, the Reverend Farrer, William Feak, Thomas Lee Featherſtone, Thomas Featherſtone, Edward Farmer, John Freekleton, John Frederick, Robert Fittiplace, the Reverend Robert Foley of Kingham, Sambrooke Freeman, Gaſcoigne Frederick, Henry Fane, Fry D. D. Charles Fettiplace, Edward Freeman, John Fitzwater, Thomas Fothergill, John Farmer, Edward Freeman, William Freeman, William Fowler, Richard Freeman, Fox, Benjamin Gates, Richard Geaſt, William Green D. D. Henry Green, Harry Gough, William Gower, Thomas Groor, Arthur Gregory, Thomas Gibbs, Sherrington Groſvenor, William Goodwin, Fulke Greville, William Grove, William Gibbs, Edward Gibbs, William Dixwell Grimes, Abraham Dixwell Grimes, Samuel Garbett, Graham,

ham, Peregrine Greathead, the Reverend John Ruſſel Greenhill, William Guy, Francis Greenway, William Gomm, John Gun, Thomas Goſtelow, William Gwinn, James Gallopine, Edward Gore, the Reverend Thomas Gregory of Hordley, Foulk Greville, John Goodenough, Jonah George, Thomas Green, Joſhua Green, Thomas Gregory, Samuel Gibbons, Griffith, Edmund Goodenough, James Golby, Edward Gore, Thomas Green, Richard Gilbert, Nathaniel Gerrard, Thomas Gilbert, Samuel Gibbons, George Godfrey, Richard Grey D. D. William Godfrey, Bethel Grimes, the Reverend Gill, Goodwin, the Reverend Doctor Green, John Hewett, William Hunt, Andrew Hackett, Andrew Hackett junior, Thomas Hill, Samuel Hill, Richard Hill, Edward Horner, Tobias Harvey, John Harvey, William Holbech, William Holbech junior, John Hunt, William Herſley, the Reverend William Huddesford, the Reverend Charles Hall, Fleetwood Hinton, Thomas Holden, the Reverend Thomas Hall, Richard Hayward, Robert Hughes, the Reverend Thomas Hall D. D. Richard Hopkins, William Hurſt, Edward Horne, Robert Hanyrden, Bartholomew Harris, Thomas Horne, Charles Harris, John Higford, David Hughes, Edward Harriſon, Henry Hall, the Reverend Benjamin Holloway ſenior, the Reverend Benjamin Holloway junior, Edward Halſey, Thomas Hunt D. D. George Huddeſford D. D. William Haywood, Luke Hodges, Thomas Horde of Coote, George Howard, John Heade, Samuel Horne, George Hervey, Thomas Hacker, Hinde D. D. the Reverend Mathew Howes, the Reverend Richard Hawkins, Thomas Hall, the Reverend James Harrington, the Mayor, Aldermen, Recorder, and Town Clerk of Henley for the time being; William Holbech, the Reverend Richard Harrington, Thomas Hamſon D. D. the Reverend Samuel Hainerſley, the Reverend Hodgkinſon, Thomas Harriſon D. D. the Reverend James Hakewell, Robert Hucks, John Hacker, John Yardley Horne, the Reverend John Hopkins, the Reverend Charles Hoſkins, William Habcraft, James Habewell, William Halford, Nicholas Halſe, Colonel Harcourt, Edward Harper, Joſeph Hatwyn, Zachariah Hindes, Benjamin Holloway, Samuel Horne, Eliſha Hydon, Richard Hopkins, William Holbech, John Hewett, Martin Holbeche, Henry Homer, the Reverend William Huddlesford, Richard Hayward, James Haddow M. D. Joſeph Hewett, Edward Harper, Edward Harrold, Richard Hall, Thomas Harris, William Holbech, the Reverend Hackwell, the Reverend Doctor Harriſon,

the Reverend Hughes, the Reverend Hopkins, William Jeſſon, Pudſey Jeſſon, Charles Jennens, William Inge, John Ingram, John Jennings, William Jennings, Richard Jennens, Richard Jackſons Clerk, Edward Jordan, Henry Jenkins, Thomas James, Henry Ingram, John Jordain, Richard Jennings, Henry James, the Reverend William Jennings, John Jones, William Jackſon, John Jones, Richard Jennings, John Izard, Edward Inge, William Inge, Francis Keck, Anthony James Keck, William Kingſmill, Simon Kempſon, the Reverend John Key Clerk, William Powell Kent, the Reverend Joſeph Key Clerk, Edward King, John Knottesford, John King, Francis Knapp, John Knapp, the Reverend William Knight, Walter Knight, Richard Knollys, Robert Keening, John Keep, R. A. Kenning, Joſeph Kilner, John King, King, John Kirkham, Edward King, John Kirkman ſenior, John Kirkman junior, Simon Knight, George Lucy, the Reverend Maſter Langley, John Ludford, Mathew Liſter, William Liggon, Thomas Leving, Thomas Loggin, Fiſher Lyttelton, David Lewis, Richard Lilley, Thomas Little, Robert Ladbroke, the Reverend Thomas Liptrott, Phillips Lyttleton, Heneage Legge, Theophilus Leigh D. D. John Lenthall, William Lenthall, Richard Lyddall, John Loveday, John Lyon, Heretage Lenton, George Lewen, James Lamb, William Ledwell, James Luck D. D. the Reverend James Lee, James Leigh, the Reverend Joſhua Lowry, Robert Lovegrove junior, William Leybourne, James Lacy of Northleigh, William Leybourne Leybourne, Lionel Lampit, Theophilus Leigh, William Lewis, Thomas Little, Edward Lock, William Long, Poſthumus Lloyd, John Ludford, John Ludford junior, John Lucas, Thomas Luckman, Jeremiah Lowe, John Lowke, Cater Love, William Lovett, John Lucas, the Reverend Mathew Lamb, John Metcalfe, Edward Metcalfe, John Maſon, Thomas Martin, John Morton, Saunderſon Miller, Francis Maſon, the Reverend James Muſgrave LL. D. the Reverend Thomas Middleton, the Reverend Gilbert Mabbott, John Moore D. D. the Reverend Mulſo, Thomas Moore, the Reverend Strengſham Maſter, Robert Mann, Edward Mundy, Sanderſon Miller, the Reverend Eliſha Millechamp, the Reverend John Mills, Thomas Mertibois, Thomas Maſon, the Reverend John Martin, John Mordaunt, John Maſon, John Mander, Henry Medcalfe, Thomas Mileham, William Millachipp, the Reverend John Mills, John Mordaunt, Edward Moy, John Minſter, John Muſton, John Mander, George Montagu, John Montagu,

tagu, Clement Newſam, Fettiplace Nott, Thomas Neale, William Newell, Philip Newman, John Nourſe, Thomas Naſh, the Reverend John Noel, Nicholſon D. D. John Newell, William Norman, Adam Newman, Robert Nedham, the Reverend Henry Newſon, Thomas Newell, James Nabbs, the Reverend Newbury of Thane, the Reverend John Neeve, Samuel Norman, Charles Nourſe, Thomas Nicholes, John Nicholes, the Reverend Neve of Middleton Stoney, John Nourſe junior, the Reverend Richard Nicoll, Richard Neville Neville, Francis Newdigate, John Newman, Thomas Newell, Richard Nichol, John Noel, Richard Norman, Charles Nourſe, John Newcomb, the Reverend Nicholls, John Oakley, the Vice Chancellor, Heads of Houſes, and Proctors, of the Univerſity of Oxford; William Oakley, Henry Oxenden, George Oxenden, the Mayor, Recorder, Aldermen, Aſſiſtants, Bailiffs, and Town Clerk, of the City of Oxford for the time being; Rowland Farmer Okeover, Samuel Oldham, John Oram, Philip Powis ſenior, Robert Parſons, George Phipps, Thomas Price, Thomas Pudley, Richard Plummer, the Reverend Payne of Swarford, Thomas Paynton, Francis Page, Thomas Potter, Fairmeadow Penyſton, Lewis Pryce, John Pryor, Charles Peers, Charles Price, Thomas Powell ſenior, Penyſton Powney, Thomas Powell junior, the Reverend James Parker, the Reverend John Pimel, Rober Parker D. D.
Powis junior, James Leigh Perrot, Henry Parker D. D. Robert Palmer, William Perrot, William Prowett, the Reverend Benjamin Pye, Francis Penroſe, John Phillips, Charles Porter Packwood, Benjamin Palmer, John Palmer, Charles Palmer, William Palmer, Perkins of Marſton, William Parker, Robert Parker, John Parker, the Reverend James Parker, Henry Pye, Dormer Parkhouſe, the Reverend Maſter Parker, Philip Peers, Watſon Powell, the Reverend James Powell, Richard Parrott John Parthericke, Francis Page, William Palmer, Doctor William Parker, Richard Parrott, William Prieſt, John Phillips, Fitzherbert Potter, Pope, William Palmer, James Powell, Richard Parrott, Simon Pickering, Charles Parker, Wilſon Ayleſbury Roberts, John Ruſſell, Edward Reppington, Thomas Rawlins, Juſtinian Rainſford, John Rudge, Edward Rudge, Thomas Rollinſon ſenior, Rollinſon junior, Thomas Read, Robert Robinſon, William Ruſſell, George Ruck, George Read, John Raine, John Read, Alexander Ready, the Reverend John Ruſſell of Souldern, William Read, Daniel Rich, John Read, the Reverend Benjamin Rudge, Chriſtopher

Chriſtopher Robinſon D. D. the Reverend Jones Read, John Remington, Reynolds and Company, Francis Rowden, Benjamin Rudge, Walter Ruding, Roger Ruding, John Rudſworth, Samuel Reader, John Shuckburgh, George Stoughton, John Smith, Richard Smith, John Stanton, George Stanton, William Sadler, George Shirley, Samuel Savage, Charles Savage, William Sneyd, John Sneyd Mayor of Stratford, the Reverend Thomas Shaw, Henry Steward, William Shakeſpeare, Timothy Stoughton, Thomas Shewer, Miller Sadler, the Reverend John Sherwood, Abraham Spooner, Thomas Skipwith, Francis Skipwith, John Shipton, John Ship junior, Samuel Seagrave Clerk, Gilbert Saxan, John Sanders, John Smith, Richard Smith, Thomas Smith, Robert Standard, the Reverend Robert Selwood, Gabriel Seymour, Robert Spindler, Thomas Snell, the Reverend John Stevens, Samuel Sandys, the Reverend Philip Stubbs, the Reverend Thomas Stockwood, John Shorter, John Sutton, the Reverend William Stevens, George Shutz, William Lowndes Stone, Joſeph Smith, Thomas Smith, the Reverend Martin Stapleton, the Reverend John Sydenham, the Reverend Gilbert Stevens, the Reverend James Stopes, Peter Sarney, Henry Stevens, John Spencer, Ward Smith, Richard Southby, Sharp D. D. Sayer, William Stevens of Hencott, John Skinner, Hardinge Stracey, James Sayer, Thomas Sayer, Sayer, Robert Spendlove, John Stevens, Richard Sleane, Richard Smalbones, Robert Simpſon, Simſon, James Shepley, Richard Skinner, Henry Smith, Lilley Smith, William Southam, William Squire, George Scott, William Stanton, Iſaac Spooner, Thomas Lander Smith, David Shakeſpear, Charles Shuman, Patrick Simpſon, Thomas Soden, John Stanton, Lilly Smith, George Salmon, William Sutton, Samuel Sutton, the Reverend John Spencer, Joſeph Townſend, Edward Taylor, the Reverend Ludford Taylor, Samuel Taylor, the Bailiffs of Tamworth for the time being, John Harvey Thurſby, Henry Talbot, Richard Taylor, Robert Thornhill, Walter Tipping, Edward Taylor, John Taylor, Samuel Trotman, Fiennes Trotman, Taylor of Sandford, Clement Tookey, Richard Taylor, Richard Thomſon, William Taylor, John Travel, George Townſhend, John Traver, Jethers Tull, John Theedham, Fiennes Twiſeldon, William Turton, John Tilſon, Samuel Toovey, William Toovey of Henley, Ralph Thrale, Henry Thrale, the Reverend William Thompſon, the Reverend William Thomas, Thomas Twiſeldon, Francis Twiſeldon, Joſeph Tyrrell,

Tyrrell, William Toovey of Wathington, the Reverend Tookey of Eweline, John Treacher, Richard Tawney, William Taylor, Robert Tate, John Taylor, George Taylor, Richard Tawney, John Tracey, John Treacher, Thomas Twiſelton, Bryan Troughton, Henry Turner, Charles Turner, Edward Ludford Taylor, the Reverend Samuel Trotman, Lieutenant Colonel Twiſleton, Francis Twiſleton, Charles Henry Talbot,
Taylor, Robert Veſey, Thomas Vernon, the Reverend George Underwood, Henry Vernon, the Reverend William Vaughan, William Vanderſtegan, Richard William Vyſe, John Venour, Edward Villers, William Vivian, Thomas Pen Vernon, William Villers, William Wright, William Wheeler, Chriſtopher Wren, John Walford, Mathew Walford Mayor of Warwick, Robert Whadcock, Mathew Wiſe, Henry Wiſe, Mathew Wiſe of Lemington, John Willes, Mathew Wraffon, John Wilcox, Charles Gregory Wade, Stanford Wolferſton, Thomas Walford, William Wright ſenior, William Wright junior, William Willington, the Reverend John Warner, James Weſt, William White, James Weſt junior, James Wigby, William Wilſon, John Wyrley, the Reverend Thomas Williams, the Reverend Charles Wheeler, William Webſter, Charles Ward, Thomas Ward, John Webb, the Reverend John Willis, Knightly Whitwick, Thomas Watſon, James Wright, John Willes of Aſtrop in the County of Northampton, Charles Willes of Whitchford in the County of Warwick Clerk, John Willis, William Walker, John Walker, Borlace Warren, John Wheeler, Thomas Whorwood, William Wykham, William Wright, the Reverend Francis Wroughton, John Wiſe, Richard Wykham, the Reverend John Woodford, Samuel Wilmot, John Walter, John Wiſe of Drayton, John Wilder, William White, the Reverend William Worceſter Wilſon, the Reverend Henry Whitfield, the Reverend William Wickham, the Reverend Samuel Walker, Thomas Weſtear, Simon Wiſdom, Francis Weſtie, the Mayor, Aldermen, and Town Clerk of Woodſtock for the time being; Thomas Worſley, Henry Whorwood, Thomas Walker of Begbrook, the Reverend Edward Williams, Thomas Willats of Caverſham, Richard Way of Thame, James Way of Thame, the Reverend James Williams, Groves Wheeler, Thomas Walker, John Walker, Richard Wace, N. Wetherell, Hicks Wells, Francis Wheler, John Wheatley, John Willes, Samuel Willday, James Williams, William Wickham, Thomas Wiſe, Richard Wootton ſenior, Charles Wyatt, Charles Wyatt, Francis Wheeler, Chriſtopher Wright, David Williams, Stephen Watſon, George Watſon, the

Reverend Charles Wheler, the Reverend Thomas Williams, Michael Woodhull, William Wykham, the Reverend Richard Wykham, [illegible] Walsorth, the Reverend [illegible] Walford, Thomas Young senior, Thomas Young junior, Richard Young, Thomas Yonick, and Francis Yarborough D. D. shall be, and they and their Successors, to be elected in Manner herein after mentioned, and also all and every the Owners of Lands through which the said Cut or Canal shall pass, 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 hereinafter mentioned, are hereby impowered, by Writing under their Hands and Seals, with the Consent of the Parties concerned, to determine and adjust from time to time what Sum or Sums of Money shall be paid by the said Proprietors, their Successors, and Assigns, or any of them, either by an annual Rent or Payment, or by a Sum of Money in Gross, to and at the Election of such Bodies Politick, Corporate, or Collegiate, Person or Persons respectively, who shall be so intitled or interested as aforesaid, for the absolute Purchase of the Lands or Grounds which shall be set out and ascertained as aforesaid for making the said Cut or Canal, or any Part thereof, and other the Purposes herein mentioned; and also to determine and adjust the Recompence to be made for any Damages which may or shall be at any Time or Times whatsoever sustained by such Bodies Politick, Corporate, or Collegiate, or any Person or Persons respectively, being Owners of or interested in any Lands, Grounds, Tenements, or Hereditaments, for or by reason of the making, repairing, or maintaining, the said Cut or Canal, Reservoirs, Trenches, Passages, Gutters, Watercourses, Roads, Ways, or Sluices, or supplying the same, or any of them, with Water as aforesaid, or by the flowing, leaking, or oozing of the Water over or through the Banks of the said Cut or Canal, Reservoirs, 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

Commissioners are to settle Differences between Proprietors and Owners of Lands, &c.

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

and, in case they refuse to submit to their Determination,

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

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

ſuſtained as aforeſaid; and the ſaid Commiſſioners, or any Five or more of them, ſhall give Judgement for ſuch Purchaſe-monies, Rent, or Recompence, ſo to be aſſeſſed by ſuch 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 Purpoſe againſt the King's Majeſty, His Heirs and Succeſſors, and againſt all Bodies Politick, Corporate, or Collegiate, and all Perſons whomſoever.

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

And be it further 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, refuſe to give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent of this Act; or if any Perſon ſo ſummoned to give Evidence, ſhall not appear, or appearing, refuſe to be ſworn and 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 Owners thereof, after ſuch Penalty and the Charges of ſuch Diſtreſs and Sale ſhall be deducted.

Expences of the Jury how to be borne.

And be it further enacted, That in all Caſes where a Verdict or Aſſeſſment ſhall be given or made for more Monies, as a Recompence or Satisfaction for any Lands, Grounds, or Hereditaments, or for any Damage to be done to any Lands, Grounds, Hereditaments, or Property of any Perſon or Perſons whatſoever, than had been previouſly offered by or on Behalf of the ſaid Company of Proprietors, their Succeſſors or Aſſigns, or than had been determined and aſſeſſed by the ſaid Commiſſioners; that then, all the Expences of ſummoning ſuch Jury, and of taking ſuch Inqueſt, ſhall be ſettled by the ſaid Commiſſioners, and be defrayed by the ſaid Company of Proprietors, their Succeſſors or Aſſigns: But if any Verdict or Aſſeſſment ſhall be given or made for no more or a leſs Sum than had been previouſly of-

fered by or on Behalf of the said Company of Proprietors, their Successors or Assigns, or than hath been determined or assessed by the said Commissioners as aforesaid; then, and in every such Case, the Costs and Expences of summoning such Jury, and taking such Inquest, shall be settled in like Manner by the said Commissioners, and be borne and paid by the Person or Persons with whom the said Company of Proprietors, their Successors, and Assigns, shall have such Controversy or Dispute.

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

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

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

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 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 happen, within the Space of Six Calendar Months next after the Time that such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

Penalty on giving false Evidence.

And be it further enacted, That all and every Person or Persons who, in any Examination to be taken by virtue of this Act, shall give false Evidence before

the

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

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

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

the supporting and maintaining the same, as the said Company of Proprietors, their Successors, or Assigns, shall think requisite; and to have, use, and enjoy, the Premisses to and for their own Use and Benefit, for the Purposes of the said Navigation, discharged of all Rights and Claims whatsoever thereon; and this Act shall be sufficient to indemnify as well the said Commissioners, as the said Company of Proprietors, their Successors, and Assigns, and their Servants, Agents, and Workmen, for what they, or any of them, shall do by virtue of the Powers hereby granted.

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

And be it further enacted by the Authority aforesaid, That all the Determinations of the said Commissioners, or any Five of them, which shall be 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 Clerk of the Peace for the County wherein such Verdicts shall respectively be given, amongst the Records of the Quarter Sessions of the Peace for the said County, and shall be deemed to be Records of the said Quarter Sessions to all Intents and Purposes; and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, as also the Inrolments of such Contracts, Agreements, Sales, and Conveyances, as are herein before mentioned, paying for each Inspection the Sum of One Shilling; and to take Copies thereof, without Stamps, paying for every Copy, not exceeding Two hundred Words, the Sum of Two Pence, and so in proportion for any Number of Words; and immediately on such Payment, and Entry of such Verdicts, Judgements, Sentences, Decrees, Orders, and other Proceedings of the said Court and Juries, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, in Law and Equity of the Person or Persons for whose Use such Money or Rent shall be paid, in, to, and out of, the said Lands, Tenements, Hereditaments, and Premisses, shall vest in the said Company of Proprietors, their Successors, and Assigns, and they shall respectively be deemed in Law to be in the actual Seisin or Possession thereof to all Intents and Purposes whatsoever, as fully and effectually as if every Person having

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

Purchase-monies due to Corporations and Trustees, to be laid out to the same Uses.

And be it further enacted by the Authority aforesaid, That all Sums of Money which are to be paid to any Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees whatsoever, for or on Behalf of any Infants, Lunaticks, Idiots, 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 exceeds the Sum of Twenty Pounds, by such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees, Person or Persons seised of Lands or Grounds so limited in Strict Settlement, be laid out as soon as conveniently may be in the Purchase of Lands, Tenements, and Hereditaments, in Fee-simple, and conveyed to or to the Use of such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees, or to and for such other Person or Persons, and for such Estates, and to, for, upon, and subject to, such Uses, Trusts, Limitations, Remainders, and Contingencies, as the Lands or Grounds, for or in respect whereof such Purchase-money or Monies received in Exchange shall be so paid as aforesaid, were limited, settled, and assured, at the Times such Purchase-monies were so agreed for, ascertained, or assessed respectively as aforesaid, or so many of such Uses as shall be then existing and capable of

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

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

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

In Default of Payment, Rates to be liable.

And be it further enacted by the Authority aforesaid, That in Default of Payment of such Sum or Sums of Money, and at such Times, and in such Manner, as shall be assessed and awarded for Damages of any Kind by

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

If Costs and Damages be not paid within Four Months, the same to be levied upon the Company.

Provided always, That in case the Damages and Costs of 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 Months after the same shall be so determined or assessed as aforesaid; that then, and in such Case, it shall and may be lawful to and for the said Commissioners, or any Five or more of them, upon Complaint made to them by or on Behalf of the Person or Persons sustaining such Damage, to issue their Warrant or Warrants under their Hands and Seals to the Sheriff or Sheriffs of the said City and County of the City of Coventry, and Counties of Warwick, Northampton, and Oxford respectively, as the Case shall be, authorizing and impowering such Sheriff or Sheriffs to levy and raise the Damages, so to be determined and assessed, by Distress and Sale of the Goods and Chattles of the said Company of Proprietors, their Successors and Assigns, together with such reasonable Charges as the said Commissioners, or any Five or more of them, shall in such Warrant direct and appoint.

And

Annual Rents how recoverable.

And be it further enacted, That all and every such yearly Rents or Sums as shall be agreed upon or settled and ascertained as aforesaid, shall be charged and chargeable on the Rates and Duties arising by virtue of this Act, and shall be paid by the said Company of Proprietors, their Successors, or Assigns, as the same shall become due and payable; and in case of Non-payment thereof, within Twenty one Days next after the same shall become due, it shall and may be lawful to and for the said Commissioners, or any Five or more of them, by an Order under their Hands and Seals, to appoint One or more Person or Persons to receive the Rates and Duties hereby granted and made payable, and to pay the same to such Person or Persons to whom such yearly Rents or Sums shall be due and unpaid as aforesaid, until such yearly Rents or Sums, with the Costs and Charges of recovering and receiving the same, shall be fully satisfied and paid; or otherwise the said yearly Rents or Sums may be sued for and recovered with Costs, by Action of Debt, in any of His Majesty's Courts of Record at Westminster, or, at the Election of the Parties intitled thereto respectively, may be recovered by Distress and Sale of the Goods and Chattles of the said Company of Proprietors, their Successors, and Assigns, in such Manner as the Law directs in Cases of Distress for Rent; but so nevertheless that the Goods or Chattles of no other Person or Persons than the said Company of Proprietors, their Successors, or Assigns, be seized or detained by virtue of the Power hereby given.

Punishing Persons destroying the Works.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall wilfully, maliciously, and to the Prejudice of the said Navigation, break, throw down, damage, or destroy, any Banks or other Works to be erected or make by virtue of this Act, such Person or Persons shall be guilty of Felony, and shall be subject and liable to the like Pains and Penalties as in Cases of Felony; and the Court by and before whom such Person or Persons shall be tried and convicted shall and hereby have Power and Authority to transport such Felon, for the Space of Seven Years, to some of His Majesty's Plantations in America, in like Manner as other Felons are directed to be transported by the Laws and Statutes of this Realm; or, in Mitigation of such Punishment, may, if they think fit, award such Sentence as the Law directs in Cases of Petit Larcency.

And

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

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

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, and Assigns, or their principal Engineer for the time being; and that no Water shall be taken or drained out of the said Canal, or from any of the Springs, Streams, or Brooks, that supply the same, between the said City of Coventry and the First Lock upon the said navigable Canal in the County of Warwick, unless such Water shall be returned into the said Canal above the said Lock.

To make Communications with the Canal with the Consent of the Company.

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

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

And, to the End that the said Company of Proprietors may be enabled to carry on so useful an Undertaking, be it enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Company of Proprietors, their Successors, and Assigns, to raise and contribute amongst themselves, and in such Proportions as to them shall seem meet and convenient, a competent Sum of Money for making and compleating the said navigable Cut or Canal, provided that the said Sum do not exceed the Sum of One hundred and fifty thousand Pounds in the Whole (except as herein after mentioned) and that the same be divided into such Number of Shares as herein after 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 or more than Fifty Shares (except as herein after mentioned) either in his own Name, or in the Name of any Person or Persons in Trust for him (unless the same shall come to him by Will or Act in Law) upon pain of forfeiting to the said Company of Proprietors, their Successors, and Assigns, all such Shares exceeding Fifty Shares as aforesaid; and the Money so to be raised is hereby enacted and appointed to be laid out and applied in the First Place for and towards the Payment, Discharge, and Satisfaction, of the Fees and Disbursements for obtaining and passing this

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

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, compleating, and maintaining, the said navigable Cut or Canal, and other the Purposes of this Act, and to no other Use, Intent, or Purpose whatsoever.

The Money to be raised to be divided into 1500 Shares of 100*l.* each.

And be it further enacted by the Authority aforesaid, That the said Sum, or such Part thereof as shall be raised by the several Persons herein before named, shall be divided and distinguished into Fifteen hundred equal Parts or Shares, at a Price not exceeding One hundred Pounds per Share; and that the said Fifteen hundred Shares shall be, and are hereby vested in the several Persons before described, and their several and respective Executors, Administrators, and Assigns, to their and every of their proper Use and Behoof, proportionable to the Sum they and each of them shall severally subscribe and pay thereunto; and all and every the said Shares shall be deemed to be Personal Estate, and transmissible as such, and not of the Nature of real Property; and all Bodies Politick and Corporate, Person and Persons, their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe and pay in the Sum of One hundred Pounds, or such Sum or Sums as shall be demanded in lieu thereof, towards carrying on and completing the said intended Navigation, shall be intitled to and receive, after the said Navigation shall be completed, the intire and neat Distribution of One Fifteen hundredth Part of the Profits and Advantages that shall and may arise and accrue by virtue of the Sum and Sums of Money to be raised, recovered, or received, by the Authority of this Act, and so in proportion for any greater Number of Shares, not exceeding Fifty Shares as aforesaid, except nevertheless as herein after mentioned; and every Body Corporate or Politick, Person or Persons, having such Property of One Fifteen hundreth 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.

Five per Cent. to be paid till the Work is completed.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Company of Proprietors, their Successors and Assigns, and they are hereby required, out of the Money to be raised as aforesaid, during the Time the said Canal, and all

Things

Things necessary for making and maintaining the same, shall be carried on, and until the same shall be completed and finished, to pay unto every Body Corporate or Politick, Person or Persons, their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe and pay in the Sum of One hundred Pounds, or such Sum or Sums of Money as shall, from time to time, be demanded in respect thereof, towards carrying on and completing the said Navigation, Interest for the same after the Rate of Five Pounds for every One hundred Pounds for One Year, from the Time that each of such Sum or Sums shall be respectively advanced as aforesaid; such Interest to be paid and payable at the respective Towns of Coventry, Banbury, or Oxford, at the Option of the Person or Persons intitled thereto.

Subscribers to have a Vote for every Share, by themselves or Proxy.

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 all and 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 Fifteen hundredth Share of the said Navigation, shall be deemed a Proprietor for so much, and shall have a Vote in every publick Meeting or Assembly to be held as hereafter appointed for carrying on the said Undertaking; which Vote may be given by him, her, or them, or by his, her, or their Proxy or Proxies duly constituted under his, her, or their Hand and Seal, or Hands and Seals; and such Vote or Votes by Proxy shall be good and sufficient to all Intents and Purposes, as if such Principal or Principals had voted in Person: And any Body or Bodies Corporate or Politick, Person or Persons, who shall have more than One such Share, and not exceeding Fifty Shares, except as herein after-mentioned, shall have Liberty by him, her, or themselves, or by his, her, or their Proxies regularly constituted as aforesaid, to give One Vote for each such Share of One hundred Pounds for which he, she, or they shall be a Subscriber, or become a Proprietor as aforesaid; and whatever Question, Election of Officers, or other Matters or Things shall be proposed, discussed, or considered, in any publick Assembly to be held by virtue of this Act, shall be finally determined by the Majority of Votes and Proxies then present, computing One Vote for every Share; provided that no Person shall give or deliver more Proxies than for Five absent Proprietors.

And

And be it enacted by the Authority aforesaid, That in case the said Sum of One hundred and fifty thousand Pounds, herein before authorized to be raised, shall be found insufficient for the making, compleating, and maintaining the said navigable Cut or Canal, and other the Works hereby authorized to be made, and all necessary Charges and Expences relating thereto; then, and in such Case, it shall and may be lawful to and for the said Company of Proprietors to raise and contribute amongst themselves, in Manner and Form aforesaid, or by the Admission of new Subscribers, any further or other Sum of Money for compleating and perfecting the said Navigation, not exceeding the Sum of Fifty thousand Pounds; and towards raising such further or other Sum, any Member or Members of the said Company of Proprietors shall and may subscribe and become Proprietor of any Number of Shares not exceeding Fifty Shares therein, at the Price aforesaid, although such Member or Members, or those under whom he or they became intitled, was or were originally a Subscriber or Subscribers for Fifty Shares of the said One hundred and fifty thousand Pounds; and every Subscriber towards raising such further or other Sum shall have a like Vote, by himself or his Proxy, in respect of every such Share in the said additional Sum so to be raised, and shall also stand interested in all the Profits and Powers of the said Navigation, proportionably to the Sum he or they may subscribe thereto, as generally and extensively, to all Intents and Purposes, as if such further or other Sum hereby allowed to be subscribed for and raised had originally been Part of the said One hundred and fifty thousand Pounds; any thing herein contained to the contrary thereof in any wise notwithstanding. For raising an additional Sum of 50,000 *l.* if necessary.

And, to the End that all Matters and Things to be done and carried on by virtue and Authority of this Act, may be the more regularly and methodically carried into Execution; be it enacted by the Authority aforesaid, That the First General Assembly or Meeting of the Proprietors for putting this Act in Execution shall be held at the Three Tuns in Banbury aforesaid, upon the Twenty first Day after the passing of this Act; and the Second General Meeting at the Place aforesaid, upon the First Monday in October next; and the like General Assemblies or Meetings shall be held on the First Monday in April and the First Monday in October, in every Year for the future, at or before the Hour of Twelve of the Clock in General Assemblies for choosing a Committee.

the Forenoon: At which said First Meeting, the Proprietors assembled, together with such Proxies as shall be then present, shall choose Three several Committees; each of them to consist of Twenty one Persons who, for the time being, are Proprietors of Five or more Shares in the said Navigation; One of the said Committees to meet at Coventry, and supervise the Management and Execution of the said Canal from Longford to Wormleighton; another of the said Committees to meet at Banbury, and supervise the Management and Execution of the said Canal from Wormleighton to Aynho; and the other of the said Committees to meet at Oxford, and supervise the Management and Execution of the said Canal from Aynho to Oxford: And the said Persons, so chosen, shall be and become separate and distinct Committees 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 directed by such General Assemblies as aforesaid: But if at any Time it shall appear to any Fifteen or more of such Proprietors that, for more effectually putting this Act in Execution, a Special Meeting of Proprietors is necessary to be held, it shall be lawful for such Fifteen or more of them to cause Notice to be given thereof in the Coventry and Oxford News-papers, and in such other Manner as the said Proprietors, their Successors, or Assigns, shall at any General Meeting direct or appoint; declaring in such Notices the Place where, and the Time when, such Meeting is to be held, the same not being less than Fifteen Days after such Notice given, and likewise specifying in every such Notice the Reason for, and Intention of, such Meetings respectively; and the Proprietors are hereby authorized to meet pursuant to such Notices, and proceed to the Execution of the Powers by this Act given them with respect to the Matters so specified only; and all such Acts of the Proprietors, or the major Part of them, at such Meetings assembled, (such major Part not having, either as Principals or Proxies, less than Five hundred Shares) shall be as valid to all Intents and Purposes as if the same were done at Meetings held in Manner herein before appointed.

Committees to be under the Controul of the General Assembly.

Provided always, That such Committees respectively shall, from time to time, make Reports of their Proceedings to the said General Assemblies, and 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 Meetings; such Orders and Directions not being contrary to any express Directions or Provisions in this Act contained.

Books to be kept.

And be it further enacted by the Authority aforesaid, That the Book and Books in which all the Accounts relating to the said Undertaking and Navigation shall be stated and settled, and all other Matters relating thereunto, shall be deposited and locked up in a Chest or Box, Chests or Boxes, to be kept for each respective District 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 said respective Committees or 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 500 Shares.

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

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

the Profits of the said Undertaking, as the Case may happen.

Power of General Assemblies.

And be it further enacted by the Authority aforesaid, That every such General Assembly shall have Power to call for, audit, and settle, all Accounts of Money laid out and disbursed concerning the said Navigation, with the Receiver or Receivers, and other Officer or Officers to be by them appointed, or any other Person or Persons whatsoever employed by, or concerned for, or under them, in and about the aforesaid Navigation; and for that Purpose shall have Power to adjourn themselves over from time to time, and from Place to Place, as shall be thought convenient by the Persons intitled to a Majority of Votes in Manner aforesaid; and every General Assembly, or such Committees, respectively 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 Call 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 Committees respectively shall, until the next Annual or other General Assembly to be holden in Manner as aforesaid, have full Power and Authority within their respective Divisions to direct and manage all and every the Affairs of the said Company of Proprietors, as well in buying and purchasing Lands, Liberties, and Materials, for the Use of the said Navigation, as in employing, ordering, and directing the Work and Workmen, and in placing and displacing Under Officers, Clerks, Servants, and Agents, and in making all Contracts and Bargains touching the said Undertaking; so that no such Purchase, Bargain, or other Matter, be done or transacted without the Concurrence of a Majority of the said respective Committees together assembled, such Majority not being less than Five; and such Committees may respectively adjourn themselves from time to time as they see Occasion; and every the Owner or Owners of One or more Part or Parts, Share or Shares, in the said Undertaking, shall pay

his,

his, her, or their Shares and Proportions of the Monies to be called for as aforesaid, at such Time and Place as shall be appointed, of which Two Calendar Months Notice at least shall be given, by publishing the same in the Coventry and Oxford News Papers; 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 Proprietors, in proportion to their respective Interests.

Subscribers to have Notice, before they forfeit their Shares.

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

General Assemblies may make Bye-laws.

And be it further enacted by the Authority aforesaid, That the said Company of Proprietors, their Successors, and Assigns, for the time being, shall always have

Power and Authority, at any General Assembly met as aforesaid, to remove or displace any Person or Persons chosen upon such Committee or Committees 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, By-laws, and Constitutions, for the good Government of the said Company for the good and orderly using of the said Navigation, and all such Warehouses, Wharfs, Passages, Locks, Tunnels, and other Things that shall be made for the same, and of and concerning all such Vessels, Goods, and Commodities, as shall be navigated and conveyed thereon; and also for the well governing of the Bargemen, Watermen, and Boatmen, who shall carry any Goods, Wares, and Merchandize, upon any Part of the said Canal; and from time to time to alter or repeal the said Bye-laws and Constitutions, and to impose and inflict such reasonable Fines or Forfeitures upon all Persons offending against the same, as to the major Part of such General Assembly shall seem meet, not exceeding the Sum of Five Pounds for any One Offence, such Fines and Forfeitures to be levied and recovered by such Ways and Means as are herein after mentioned; which said Rules, Bye-laws, and Constitutions, being put into Writing under the Common Seal of the said Company of Proprietors, shall be binding to, and observed by, all Parties, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same.

Where Subscribers die, before Shares completed,

And be it further enacted, That if any Owner or Owners of any Share or Shares in the said Undertaking shall die before such Call or Calls shall have been made for the full Sum to be advanced on each Share which he, she, or they, shall have been possessed of, or intitled to, without having made Provision by Will or otherwise how such Share or 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 dying, and the Trustee or Trustees, Guardian or Guardians, of any Infant, or other Person or Persons whatsoever, intitled to the Estate or Effects of such Owner deceased, shall be indemnified against

all

all such Infant or Infants, and other Persons whatsoever, for paying any Sum of Money when called for as aforesaid to complete every such Subscription; and if such Owner deceased shall not have left Assets sufficient, or in case the Executor, Administrator, Trustee, or Guardian, shall refuse or neglect to answer such Calls and Payments, the said Company of Proprietors shall be and are hereby impowered, authorized, and required, to admit any other Person or Persons to be Proprietor or Proprietors of the Share and Shares of such Owner deceased, on Condition that he, she, or they, so admitted, do and shall, on or before such Admission, pay to the Executors or Administrators of such deceased Owner, or the Trustee or Trustees, Guardian or Guardians, of any Infant, or others intitled to his or her Effects, the full Sum and Sums of Money which shall have been paid by such Owner in his or her Life-time by virtue of any Call or Calls or otherwise upon such Share or Shares, or such other Sum or Sums of Money as the same can be sold for. Executors may compl'ete the Payment.

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 Assignment or Conveyance made unto him, her, or them, and executed by such Person or Persons of whom he, she, or they, shall purchase the same, and also by the Purchaser or Purchasers; One Part whereof, duly executed both by the Seller and Purchaser, shall be delivered to the Committee or the Clerk for the time being acting for the Oxford Division, to be filed and kept for the Use of the said Company; and an Entry thereof shall be made in a Book or Books to be kept by the said Clerk for that Purpose, for which no more than One Shilling shall be paid, and the said Clerk is hereby required to make such Entry accordingly; and until such Duplicate of such Deed shall be so delivered unto the said Committee or Clerk as aforesaid, and filed and entered as above directed, such Purchaser or Purchasers shall have no Part or Share of the Profits of the said Navigation, nor any Interest for his said Share paid to him, her, or them, or any Vote as Proprietor or Proprietors. How Shares may be disposed of.

And

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 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 Under or Unders shall, at the Time of such Transfer, pay the Money called for upon each Share so transferred to the Treasurer or Treasurers of the said Company, or One of them; such Forfeiture nevertheless to be notified and declared at a General Assembly in Manner above directed.

And be it further enacted by the Authority aforesaid, That the said Shares shall be sold, assigned, and transferred, in the following Form (to wit)

Form of the Sale and Transfer of Shares.

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

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

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 appoint, by Writing under their Hands, Three Persons to be their Clerks to the said Navigation; videlicet, One for such Part thereof as lies between Longford and Wormleighton, another for such Part thereof as lies between Wormleighton and Aynho, and the other for such Part thereof as lies between Aynho and Oxford; which said Clerks shall respectively, in proper Books to be provided for that Purpose, enter and keep true and perfect Accounts of the Names and Places of Abode of the several Proprietors of the said

intended Navigation, and of the several Persons who shall from time to time become Owners and Proprietors or intitled to any Share or Shares of and in the said Navigation and Undertaking, and of all the other Acts, Proceedings, and Transactions, of the said Company of Proprietors, their Successors, and Assigns, by virtue of and under the Authority of this Act; and that each of the said Proprietors, Land-owners, and other Persons interested or concerned in or affected by the said Navigation, shall and may at all convenient Times have Recourse to and peruse and inspect such Books gratis, and may demand and have Copies thereof, or any Part thereof, paying Two Pence for every Two hundred Words so to be copied; and if either of the said Clerks shall refuse to permit any such Person or Persons, so interested as aforesaid, to inspect such Books, or refuse to make Copies or Extracts thereof at the Rate or Time aforesaid, he shall, for every such Offence, forfeit and pay the Sum of Five Pounds.

Proceedings to be entered in Books.

And be it further enacted, That the said respective Clerks to the said Company of Proprietors for the time being, or some other competent Person or Persons to be appointed by the said Company, their Successors, and Assigns, but to be approved of by the said Commissioners, or any Five or more of them, shall, from time to time, attend the said Commissioners at all Meetings to be by them held for the Purpose of executing this Act; and that all Orders and Proceedings of the said Commissioners shall be entered by such Clerks in Books to be kept for that Purpose; such Books to be open at all seasonable Times to the Inspection of any Person desirous of seeing and examining the same without Fee or Reward; and the said Orders and Proceedings, when so entered as aforesaid, shall be signed by such Number of the said Commissioners respectively, as by this Act are impowered and required to make such Orders and carry on such Proceedings, and shall also be attested by One of the said Clerks as a Witness thereto; and being so signed and attested shall be deemed Originals, and admitted as Evidence without further Proof in all Courts whatsoever.

Books to be admitted in Evidence.

And be it further enacted by the Authority aforesaid, That, in Consideration of the great Charges and Expences the said Company of Proprietors, their Successors, and Assigns, will be at in making, maintaining, and supplying with Water the said Cut or Canal, and in making and maintaining all other Works hereby authorized to be made and erected, it shall and may be

lawful to and for the said Company of Proprietors, their Successors, and Assigns, from time to time, and at all Times hereafter, to ask, demand, take, and recover, to and for their own proper Use and Behoof, for Tonnage and Wharfage for all Coal, Stones, Timber, and other Goods, Wares, Merchandize, and Commodities whatsoever, which shall be navigated, carried, or conveyed upon or through the said Cut and Canal, or any Side Branch or Branches thereof, except such Branch or Branches as shall or may be made by the Owner or Owners over his or their own Lands as aforesaid, such Rates and Duties as the said Company of Proprietors, their Successors, and Assigns, shall think fit, not exceeding the Sum of One Penny Halfpenny per Mile for every Ton of Coals, Timber, Stone, and other Goods, Wares, Merchandize, and Commodities, which shall be navigated, carried, or conveyed, upon or through the said Cut or Canal, or any Side Branch or Branches thereof (except as before excepted) and so in proportion for a greater or less Quantity than a Ton; which said Rates and Duties shall be paid to such Person or Persons, at such Place or Places near to the said Cut or Canal, in such Manner, and under such Regulations, as the said Company of Proprietors, their Successors, and Assigns, shall direct and appoint; and in case of Denial or Neglect of Payment of any such Rate and Duty, or any Part thereof, on Demand, to such Person or Persons as aforesaid, the said Company of Proprietors, their Successors, and Assigns, may sue for the same by Action of Debt, or upon the Case, in any Court of Record; or the Person or Persons to whom the said Rates or Duties ought to have been paid, may and he and they is and are hereby impowered to seize and detain such Boat or Vessel or Goods, for or in respect whereof any Rates or Duties ought to be paid, or any Part of such Goods, and detain the same until Payment thereof, together with reasonable Charges for such Seizure and Distress; and if such Distress shall not be redeemed within Four Days after the taking thereof, the same to be appraised and sold as the Law directs in case of Distress for Rent.

Rates of Tonnage.

Proprietors of the *Coventry* Navigation shall have the Tonnage of all Coals upon a certain Part of the *Oxford* Navigation,

Provided nevertheless, and be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Company of Proprietors of the Coventry Canal Navigation, their Successors, and Assigns, or such Person or Persons as they shall appoint for that Purpose, from time to time, and at all Times hereafter, to ask, demand, take, and recover, all the Rates and

Duties

Duties payable by virtue of this Act, for all Coals which shall be navigated, carried, or conveyed, upon any Part or Parts of the said intended Cut or Canal, within Two Miles from the Junction thereof with the Coventry Canal at Longford aforesaid; which said Rates and Duties, so to be collected and received, shall and are hereby vested in the said Company of Proprietors, their Successors, and Assigns; and shall and may be collected and levied by them, or such Person or Persons as they shall appoint, in such Manner, and by such Ways and Means, and with such and the like Remedies and Powers for collecting and levying thereof, as any Rates or Duties granted by this Act can or may be collected or levied; and the same, when received, shall be applied and disposed of to and for the several Uses, Intents, and Purposes, as the several Rates and Duties granted by an Act made in the Eighth Year of the Reign of His present Majesty, intituled, An Act for making and maintaining a navigable Canal from the City of *Coventry*, to communicate, upon *Fradley Heath* in the County of *Stafford*, with a Canal now making between the Rivers *Trent* and *Mersey*, are thereby directed to be applied and disposed of, and to no other Use or Purpose whatsoever; and that it shall and may be lawful for the said Company of Proprietors of the Navigation intended to be made by virtue of this Act, or such Person or Persons as they shall appoint for that Purpose, to ask, demand, receive, and take all the Rates and Duties payable by the said recited Act for all Goods, Wares, and Merchandizes (except Coals) which shall be navigated, carried, or conveyed upon any Part or Parts of the said Canal intended to be made by virtue of this Act, and afterwards upon the said Coventry Canal, within Three Miles and an Half from the Junction of the said Two Canals at Longford aforesaid towards Coventry; which last-mentioned Rates and Duties, so to be collected and received, shall and are hereby vested in the said Company of Proprietors of the Oxford Canal Navigation, their Successors, and Assigns; and shall and may be collected and levied by them, or such Person or Persons as they shall appoint, in such Manner, and by such Ways and Means, and with the like Remedies and Powers for collecting and levying thereof, as any of the Rates or Duties directed to be paid by the said recited Act can or may be collected and levied; and the same, when received, shall be applied and disposed of to and for the several Uses, Intents, and Purposes, as the several Rates and Duties granted by this present Act

and the Proprietors of *Oxford* Navigation the Tonage of all Goods, &c. upon a certain Part of the *Coventry* Navigation.

Act are directed to be applied and disposed of, and to no other Use or Purpose whatsoever; any Thing contained in the said recited Act or in this present Act to the contrary hereof in any wise notwithstanding.

Particular Exemptions.

Provided always, and be it further enacted by the Authority aforesaid, That Lime and Lime-stone shall not pay more than One Third Part of the Rates or Duties before mentioned; and that Paving Stones, Gravel, Sand, and all other Materials for making and repairing of Roads, Dung, Soil, Marl, and all Sorts of Manure for Land respectively, shall not, nor shall any of them be charged with, or liable to pay any of the Rates or Duties authorized to be taken by this Act for being carried upon the said Cut or Canal, Trenches, Sluices, or Passages, or any Part thereof, but shall be free and exempted from the same, so that the Things hereby exempted from the Payment of such Rates or Duties do not pass through any Lock, authorized to be made by virtue of this Act, but at such Times when the Water flows over such Lock; and also that such Person or Persons who shall own or be concerned or employed in carrying Paving Stones, Gravel, Sand, or other Materials, for the Repair of Roads, or Dung, Soil, Marl, or other Manure (except Lime and Lime-stone) for Land, shall have free Liberty to make use of the Towing-paths, Wharfs, or Quays, belonging to the said Company of Proprietors, their Successors, and Assigns; such Person or Persons not suffering such Paving Stones, Gravel, Sand, or other Materials for repairing Roads, or Dung, Soil, Marl, or other Manure, to lie upon such Wharfs or Quays longer than may be necessary for loading, unloading, and conveying the same from and to the several Places where they are put on board and unloaded, and making good any Damages that may be done to the Sides or Banks of the said Cut or Canal, or any Part thereof, by the loading, unloading, or discharging, any Boats or other Vessels; which Recompence and Satisfaction, in case of any Difference, shall be settled and ascertained by the said Commissioners, or any Five or more of them.

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

And be it further enacted by the Authority aforesaid, That if any Iron, Iron-stone, Coals, Lime for the Improvement of Land, or other Goods whatsoever, which shall be so navigated, carried, or conveyed, shall remain upon any Wharf or Wharfs belonging to the said Company of Proprietors, their Successors, and Assigns, for above the Space of Twenty four Hours; then,

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

Rates to be fixed by Proprietors, and to be approved of by Commissioners.

And be it further enacted by the Authority aforesaid, That the said Company of Proprietors, their Successors, and Assigns, shall, at their First General Assembly, fix the Rates or Duties to be by them taken by virtue of this Act; which said Rates or Duties shall be equal throughout the whole Length of the said Canal; and that it shall and may be lawful to and for the said Company of Proprietors, their Successors, and Assigns, at any General Assembly to be afterwards held for that Purpose, of which Three Months Notice shall be given in the Manner herein after mentioned, to lessen or reduce the said Rates and Duties hereby granted, or so fixed at such First General Assembly, as they shall think proper; and may afterwards, from time to time, at any General Assembly, of which such Notice shall be given as aforesaid, advance the said Rates, Tolls, or Duties, so lessened, to any Sum or Sums of Money not exceeding the Rates and Duties herein before mentioned; and that no Reduction of the Rates and Duties hereby granted shall be confined to any particular Part of the said Cut or Canal, but shall extend to and take place upon the Whole and every Part thereof, and shall be made with the Consent of the Proprietors of at least Two Thirds of the Shares in the said Navigation: Provided always, that such Alterations to be made from time to time in the said Rates or Duties shall, before they are put in Force, have the Approbation of the said Commissioners, or any Nine or more of them, at a General Meeting to be held for that Purpose at The Three Tuns, or some other Inn in Banbury aforesaid; of which Meeting Notice shall be given in the Coventry and Oxford 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

navigating upon the said intended Cut or Canal, or on any Part thereof, shall give a just Account in Writing, signed by the Master, Owner, or Person having the Rule or Command of every such Boat or other Vessel, to the Collectors of the said Tonnage or Duties, at the Place or Places where they shall attend for that Purpose, of what Quantities of Goods shall be in or belonging to each Boat or other Vessel, from whence brought, and where they intend to land the same; and in case they neglect or refuse to give such Account, or shall give a false Account, or shall deliver any Part of their Loading or Goods at any other Place or Places than what is or are mentioned in the Account, they shall forfeit and pay to the said Company of Proprietors, their Successors, and Assigns, the Sum of Twenty Shillings for every Ton of Goods which shall be in such Boat or Vessel respectively of which such Account shall be so refused to be given, or of which such false Account shall be given, or which shall be delivered out as aforesaid, as the Case shall happen to be, over and above the Rates and Duties they are obliged to pay for the same; and in case of Neglect, Refusal, or Denial of Payment, on Demand, of such Forfeiture or Forfeitures before mentioned, or any Part thereof, to the said Company of Proprietors, their Successors, and Assigns, that then, and in such Case, the same shall be recovered and levied in such Manner, and by such Methods, as the said 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 20 *s. per* Ton.

For ascertaining Tonnage of Timber.

And, for the better ascertaining the Tonnage of Timber and Wood, be it enacted and declared, That Fifty Feet of round or Forty Feet of square Oak, Ash, or Elm Timber, or Fifty Feet of Fir or Deal, Balk, Poplar, and other Wood, shall be deemed, rated, and estimated, as and for One Ton Weight.

In case of Difference concerning Weight of Goods, Vessels to be detained, and Goods weighed, &c.

And be it further enacted, That if any Difference shall arise between any Collector of the said Rates and Duties, and the Master or Person having Charge of any Boat or Vessel, or the Owner of any Goods, Wares, or Merchandizes, concerning the Weight and Quantity of the same, it shall be lawful for any such Collector to stop and detain any such Boat or Vessel, and to weigh, measure, or gauge, or cause to be weighed, measured, or gauged, all such Goods, Wares, and Merchandize, as shall be therein contained; and in case the same shall, upon such Weighing, Measuring, or

Gauging, appear to be of greater Weight or Quantity than such Master, Owner, or Person having the Care of the said Boat or Vessel, affirmeth the same to be, then the Master, Owner, or Person so offending, shall pay the Costs and Charges of such Weighing, Measuring, and Gauging; all which said Costs and Charges, upon Refusal of Payment thereof upon Demand, shall and may be recovered and levied as the said Rates and Duties are hereby appointed to be recovered and levied: But if such Goods, Wares, and 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 Merchandize, such Damages as shall appear to the said Commissioners, or any Five or more of them, on the Oath of One or more credible Witness or Witnesses, to have arisen from such Detention; and in Default of immediate Payment thereof by the Collector, the same shall be recovered from the Company of Proprietors of the said Navigation, their Successors, or Assigns, by Action of Debt, in any of His Majesty's Courts of Record.

Navigation to be free upon Payment of Rates.

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

signs, by virtue of the Powers herein before granted for and concerning the said Navigation.

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

Provided always, That no Boat or other Vessel, of less Burthen than Fifteen Tons, shall pass through any of the Locks to be made by virtue of this Act, without the Consent of the said Company of Proprietors, their Successors or Assigns, or their principal Agent for the time being, in Writing first had and obtained.

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

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

by the same for the Space of One Month after Demand thereof made upon their Agent or Agents, or upon any Collector of the said Rates or Duties upon the said Navigation, such Expences shall and may be recovered and levied in such Manner as the Costs and Charges of making and erecting Bridges and other Works by the Owners or Occupiers of Lands are by this Act directed and appointed to be recovered and levied.

Where Catt'e are deprived of Watering-places, others to be provided.

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

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

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

and Bridges, &c. to be made.

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

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 Cut or Canal, and the said Trenches, Streams, and Watercourses as aforesaid, or to make such Watering-places for Cattle as herein before directed, for the Use and Convenience of the respective Owners or Occupiers of the Lands adjoining thereto, and of such Dimensions, and in such Manner, as the said Commissioners, or any Five or more of them, shall from time to time direct or appoint; or to maintain and support such Bridges, Arches, and Watering-places, when erected, set up, or made, for the Space of Three Calendar Months next after the Times to be appointed for those Purposes by the said Commissioners, or any Five or more of them; then, and in every such Case, it shall and may be lawful to and for every or any of the said Owners or Occupiers of the said adjacent Lands or Grounds, who shall find themselves or himself aggrieved by any such Failure or Neglect, to make, erect, and set up, all such Gates, Stiles, Bridges, Arches, Passages, and Watering-places, as the said Commissioners, or any Five or more of them, shall have before directed or appointed to be made, erected, and set up, by the said Company of Proprietors, their

Succeſſors, and Aſſigns as aforeſaid, and to maintain, repair, and ſupport, the ſaid Bridges, Arches, and Watering-places, from time to time as Occaſion ſhall require; and all the reaſonable Coſts and Charges thereof, to be ſettled and allowed by the ſaid Commiſſioners, or any Five or more of them, ſhall be repaid to the reſpective Owners or Occupiers of the ſaid adjacent Lands who ſhall have ſo made and erected the ſaid Gates, Stiles, Bridges, Arches, Paſſages, and Watering-places, or have repaired and maintained the ſame as aforeſaid, by the ſaid Company of Proprietors, their Succeſſors, and Aſſigns, within the Space of Twenty Days next after the ſame ſhall have been ſo ſettled and allowed, and an Account and Demand ſhall have been delivered and made thereof; and in Default of Payment of the ſaid Coſts and Charges within the Time aforeſaid, the ſaid Commiſſioners, or any Five or more of them, ſhall, and they are hereby required, by Warrant under their Hands and Seals, to levy the ſaid Coſts and Charges by Diſtreſs and Sale of the Goods and Chattles of the ſaid Company of Proprietors, their Succeſſors, and Aſſigns, in or upon the ſaid Cut or Canal, or the Wharfs, Quays, or Warehouſes, adjoining or near the ſame, to and for the Uſe of ſuch Perſon or Perſons who ſhall have ſo laid out and expended 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; otherwiſe every or any of the ſaid Owners or Occupiers of Land, who ſhall have made, erected, ſet up, or maintained, or repaired any ſuch Gates, Stiles, Bridges, Arches, or Watering-places as aforeſaid, upon the Failure or Neglect of the ſaid Company of Proprietors, their Succeſſors, and Aſſigns, doing the ſame, or paying the ſaid Coſts and Charges as aforeſaid, ſhall and may have ſuch and the like Remedy againſt the ſaid Company of Proprietors, their Succeſſors, and Aſſigns, for the Recovery of ſuch Coſts and Charges by Action at Law, to be commenced and proſecuted in ſuch Manner as in other Caſes is in and by this Act directed.

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

And be it enacted, That if the Owners or Occupiers of any Lands, through which the ſaid intended Cut or Canal ſhall be made, do or ſhall at any Time or Times thereafter find upon Experience that the

several Gates, Stiles, Bridges, Arches, Passages, and Watering-places, which the said Commissioners, or any Five or more of them, shall have limited or directed to be made by the said Company of Proprietors, their Successors and Assigns, in, upon, over, and under, the said Cut or Canal, or the Towing-paths thereof, are insufficient either in Number or Situation for the commodious Use and Occupation of their respective Lands and Grounds on both Sides, or on either Side, of the said Cut or Canal; that then and so often, or in any such Case, it shall and may be lawful to and for every or any such Owners or Occupiers of the said Lands for the time being to make, fix, and erect, at their own Costs and Charges, One or more Gate or Gates, Stiles, Bridges, Arches, Passages, or Watering-places, of the same or the like Construction with others made and erected by the said Company of Proprietors, their Successors and Assigns, on, in, over, or near, the said Cut or Canal, or Towing-paths thereof, in such Places as shall be found and judged most necessary and convenient for the better Use, Cultivation, Improvement, or Occupation thereof, and to repair and support the same at their own like Costs and Charges as Occasion shall require; so as the Navigation of, in, or upon, the said Cut or Canal be not prevented or obstructed thereby for any longer Space of Time, or in any other Manner, than the same will be necessarily by any of the other Gates, Stiles, or Bridges, to be made or erected in or over the said Cut or Canal by the said Company of Proprietors, their Successors and Assigns as aforesaid, and so as no Damage or Injury be thereby done to any of the Works of the said Navigation.

No Mills to be built on the Canal, &c. in any Garden, &c.

Provided always, That nothing in this Act contained shall extend, or be construed to extend, to enable the said Proprietors, their Successors or Assigns, to erect or build any Mill or Mills upon the said intended Cut or Canal hereby authorized to be made, or upon the Lands which shall be set out for the Towing-paths, Wharfs, or Quays, on the Sides thereof, or to convert, employ, or use any Water that shall be brought into or discharged out of the said Cut or Canal, Trenches or Sluices, hereby authorized to be made, to or for the Use of any Mill or Mills hereafter to be erected near the same; or to make, erect, or build, any Warehouses, Buildings, Quays, Wharfs, Cranes, or Weigh-beams, within the Distance of Fifty Yards of any Capital or Manor House, or in or upon any Fold, Yard, Garden, Park, Paddock, planted Walk, or Avenue to a House, or Lawn

inclosed

inclosed and adjoining to any Mansion House that were made, planted, inclosed, and enjoyed as such, before the Twenty ninth Day of September, One thousand seven hundred and fifty eight; or to take down or damage any Dwelling-house or Out-house, without the Consent of the Proprietor or Proprietors thereof respectively; or to cut down any Timber-wood, Brush-wood, or Under-wood, upon any of the Estates or Lands through or into which the said navigable Cut or Canal, Trenches, Sluices, Roads, Passages, or Conveniencies, or any Part thereof respectively, shall be made or carried (except such Timber-wood, Brush-wood, or Under-wood, as shall grow or be in or upon any of the Lands or Grounds which shall be set out and ascertained, taken, or used, for the making the said navigable Cut or Canal, Towing-paths, Trenches, Sluices, Roads, Passages, or Conveniencies respectively as aforesaid); and that the said Proprietors of the respective Lands or Grounds on which such Timber-wood, Brush-wood, or Under-wood, shall grow at the Time of passing this Act, their Heirs and Assigns, shall have it in their Option to take such Timber-wood, Under-wood, and Brush-wood respectively, when fallen or cut down by the said Company of Proprietors, their Successors and Assigns, at such Price or Value as the same respectively shall have been estimated to, or purchased by, the said Company of Proprietors, their Successors and Assigns; which Timber-wood, Brush-wood, or Under-wood, so fallen by or for the Use of the said Proprietors, shall and may be carried to and from any Part of the said Cut or Canal free from all Rates and Duties to be raised or levied by virtue of this Act; but in case the same shall not have been estimated to, or purchased by, them upon a Valuation separate or distinct from the Lands or Grounds upon which the same shall respectively grow, then at such Price or Value as shall be agreed on for that Purpose between such Proprietors or Owners of Land and the said Company, their Successors, and Assigns, or their Agent; or in case of any Difference of settling or ascertaining the same, then at such Price or Value as the said Commissioners, or any Five or more of them, shall direct and appoint.

Houses not to be damaged, &c.

And be it further enacted by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to restrain or hinder the Lord or Lords of any Manor or Manors, or the Owner or Owners of any Lands or Grounds through which the said intended Cut or Canal shall be made under or by virtue

Land-owners may erect Warehouses, &c.

of this Act, from making, erecting, or using any Wharfs, Quays, Landing places, Cranes, Weigh-beams, or Ware-houses, in or upon their respective own proper Lands, Grounds, or Wales adjoining or near to the said Cut or Canal hereby authorized to be made, or from landing any Goods or Merchandize or other Things thereupon, or upon the Banks lying between the same and the said new intended Cut or Canal, or for making or using proper and convenient Places for Boats or other Vessels to lie in, turn, or pass by each other; so that the making, erecting, or using thereof respectively, shall and do not obstruct or prejudice the Navigation of the said intended Cut or Canal, or the Towing-paths on the Sides thereof. And all Rates, Dues, and Duties, that shall be paid for the Use and Benefit of the said Wharfs, Quays, Landing-places, Cranes, Weigh-beams, and Warehouses respectively, shall be, and the same are hereby vested in such Lord or Lords of such Manor or Manors, or the Owner or Owners of such Lands, or Grounds, or Wales, who shall make and erect such Wharfs, Quays, Landing-places, Cranes, Weigh-beams, or Warehouses, upon their respective own proper Lands, Grounds, or Wales respectively, his, her, and their Heirs and Assigns; so that the Rates, Tolls, or Duties, granted to the said Company of Proprietors, their Successors, and Assigns, for Tonnage and Wharfage, shall not be thereby reduced or altered.

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

Provided always, That if any such Lord or Lords, Owner or Owners, shall not, within the Space of Twelve Months after Notice given in Writing by or on Behalf of the said Company of Proprietors, their Successors, and Assigns, that any Part or Parts of such Lands, Grounds, or Wales, is or are intended to be used by them for the Purpose of erecting Warehouses and Buildings for the Use of the said Navigation, make, erect, and maintain, in substantial Repair, in the Opinion of the said Commissioners, or any Five or more of them, proper and sufficient Warehouses and Buildings agreeable to a Plan or Plans thereof, which is and are hereby required and directed to be delivered to such Lord or Lords, Owner or Owners, at the same Time or Times when such Notice or Notices shall be given as aforesaid, on the respective Part or Parts of the Lands, Grounds, and Wales, comprized or described in such Notice; then, and in every such Case, the said Company of Proprietors, their Successors, and Assigns, shall have full and absolute Power and Authority, without any Hindrance or Restraint whatsoever, to

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

For ascertaining the Rate of Wharfage.

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

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

And for the better regulating of Masters of Boats, Bargemen, and others, employed upon the said intended Cut or Canal; be it further enacted by the Authority aforesaid, That every Master or Person having the Rule or Command of any Boat or other Vessel passing on the said intended Cut or Canal, shall cause his Name to be set in large painted White Capital Letters on each of the Outsides of every such Boat or other Vessel, higher than the same shall sink into the Water when full loaded; and shall also permit and suffer every such Boat or other Vessel to be measured, at the Expence of the Proprietors of the said Navigation, whenever it shall be required by the said Company of Proprietors, or such Person or Persons as shall be appointed by them for that Purpose; provided that no such Vessel shall be measured more than Four Times in any One Year: And every Owner, Master, or other Person having the Rule or Command of any Boat or other Vessel, who shall refuse or neglect to put his Name on any such Boat or other Vessel in Manner aforesaid, or shall alter, deface, erase, or destroy, any Letter describing such Name as aforesaid, or shall refuse to have his or their Boats or other Vessels measured as aforesaid; he or they shall, for every such Offence respectively, forfeit and pay to the said Company of Proprietors, their Successors, or Assigns, the Sum of Forty Shillings.

Boats to be measured.

Boat-master or Owner made answerable for Damage done by the Crew.

And be it further enacted by the Authority aforesaid, That the Master or Owner of every Boat or other Vessel, navigating within the Limits of the said Navigation, shall be, and is hereby made answerable for any Damage, Spoil, or Mischief, that shall be done by

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, Weirs, Locks, Dams, Engines, or other Works in, upon, or near, the ſaid intended Cut or Canal, Trenches, Sluices, and Paſſages, or by loading or unloading any Boat or other Veſſel; and for any Treſpaſs or Damage that ſhall or may be done to the Owners or Proprietors of any Building, Erections, Lands, or Tenements, adjoining to the ſame, or any of them, other than is authorized by this Act; and the ſaid Maſter or Owner of ſuch Boat or Veſſel ſhall and may be ſued and proſecuted for the ſame in any Court of Record whatſoever; and if found guilty, or a Verdict paſſed againſt him, or Judgement be given againſt him upon Demurrer or by Default, the Plaintiff in any ſuch Caſe ſhall recover his Damages thereby ſuſtained, with Double Coſts of Suit.

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

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

Regulations for Veſſels paſſing the Locks.

Provided always, and be it enacted, That no Boatman, or his Agent or Servants, navigating any Boat or other Veſſel upon the ſaid Cut or Canal, and paſſing with any Boat or other Veſſel through any Lock to be made upon the ſaid Cut or Canal, ſhall ſuffer the Water to remain in the Lock longer than is neceſſary for his Boat or other Veſſel to paſs through any ſuch Lock; and alſo that every ſuch Boatman, or other Perſon as aforeſaid, in going down the ſaid Cut or Canal, ſhall ſhut the lower Gates of ſuch Lock before he or they ſhall draw the Cloughs of the upper Gates thereof; and after

be

he or they shall have brought his or their Boat or other Vessel into the said Lock, shall shut the upper Gates before he or they shall draw the Cloughs of the lower Gate thereof; and in going up the said Cut or Canal shall, so soon as he or they shall have passed with his or their Boat or other Vessel out of the said Lock, shut the upper Gates of the said Lock, and afterwards draw the Cloughs of the lower Gates, unless there shall be then a Boat or other Vessel in Sight of the said Lock coming down the said Cut or Canal; in which Case the lower Gates of the said Lock shall be left shut, and the upper Gate shall be left open; and in all dry Seasons, when there shall be a Scarcity of Water in the said Cut or Canal, the Vessel going up the same, if within Sight of and at a Distance not above Three hundred Yards below a Lock, shall pass through such Lock before the Vessel coming down, and then the Vessel next above shall come down; and if there are more Vessels than One below and above any Lock at the same Time in such dry Season, within the Distance aforesaid (at which Distance a Post or Mark shall be set up or made for that Purpose) such Vessels shall go up and come down in 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 forfeit the Sum of Forty Shillings.

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

And be it further enacted by the Authority aforesaid, That if any Boat or Vessel shall be placed in any Part of the said Cut or Canal, or of any Trench, Sluice, or Passage aforesaid, so as wilfully to obstruct the Navigation, and the Person having the Care of such Boat or Vessel shall not immediately, upon Request made, remove the same; he shall, for every such Offence, forfeit and pay any Sum not exceeding Ten Shillings, nor less than Five Shillings for every Hour such Obstruction shall continue; and it shall be lawful for the Agents or Servants of the said Company of Proprietors, their Successors, and Assigns, or any of them, to cause any such Boat or Vessel to be unloaded, if necessary, and to be removed in such Manner as shall be proper for preventing such Obstruction in the Navigation; and to seize and detain such Boat or Vessel and the Loading thereof, or any Part of such Loading, until the Charges occa-

Veſſels ſunk to be weighed up.

ſioned by ſuch Removal are paid; and if any Boat or Veſſel ſhall be ſunk in the ſaid Cut or Canal, or any Trench aforeſaid, and the Owner or Perſon having the uſe of ſuch Boat or Veſſel ſhall not, without Loſs of Time, weigh or draw up the ſame, it ſhall be lawful for the Agents or Servants of the ſaid Company of Proprietors, their Succeſſors, and Aſſigns, or any of them, to cauſe ſuch Boat or Veſſel to be weighed or drawn up, and to detain and keep the ſame till Payment be made of all the Expences neceſſarily occaſioned relating thereto.

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

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall float any Timber upon the ſaid Cut or Canal, or load any Boat or Veſſel with Timber, ſo that the ſame ſhall lie over the Sides of any ſuch Boat or Veſſel ſo laden, or ſhall overload any Boat or Veſſel navigating in or upon the ſaid Cut or Canal, Trenches, Sluices, or Paſſages, and, when ſo overloaded, ſhall put ſuch Boat or other Veſſel into the ſaid Cut, Canal, Trenches, Sluices, or Paſſages, ſo as to obſtruct the Paſſage of any other Boat or Veſſel, and ſhall not immediately, upon Notice given to the Owner or Perſon having the Care of ſuch Boat or Veſſel ſo obſtructing the Paſſage as aforeſaid, hale ſuch Boat or other Veſſel back into ſuch Place or Places as ſhall be proper or made for Boats or other Veſſels to paſs each other; every ſuch Owner, or Perſon floating ſuch Timber, or having the Care of ſuch Boat or Veſſel, ſhall forfeit and pay for every ſuch Offence the Sum of Five Pounds to the ſaid Proprietors, their Succeſſors and Aſſigns; to be laid out and employed towards maintaining the Works of the ſaid Navigation, and to no other Uſe or Purpoſe whatſoever.

Penalty on throwing Ballaſt into the Canal.

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

Canal not under the Power of the Commiſſioners of Sewers.

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

And be it enacted by the Authority aforeſaid, That if any Perſon or Perſons navigating or working, or being

ing 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 with him or them, or have on board any Boat or other Veſſel, any Fiſhing Net, Gun, Engine, or other Inſtrument for taking or deſtroying, and with an Intent to take and deſtroy, Fiſh or Game; ſuch Perſon or Perſons, being thereof lawfully convicted by his own Confeſſion, or 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 ſaid City and County of the City of Coventry, the Towns of Banbury and Woodſtock, the City of Oxford, or for the Counties of Warwick, Northampton, or Oxford, according to the Place where the Fact ſhall happen, ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Pounds; and in caſe any Maſter or other Perſon having the Command of any Boat or other Veſſel, ſhall knowingly ſuffer or permit any Perſon or Perſons, not being duly qualified as aforeſaid, to have, carry on board, or make uſe of, any Fiſhing Net, Gun, Engine, or other Inſtrument for taking or deſtroying Fiſh or Game, and being thereof convicted as aforeſaid, before One or more Juſtice or Juſtices of the Peace of any of the ſaid Cities or Counties reſpectively where the Fact ſhall happen, ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Pounds.

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

And, for continuing a ſufficient Number of Commiſſioners for putting this Act in Execution, be it enacted by the Authority aforeſaid, That when any of the Commiſſioners hereby appointed, or to be elected in Manner herein after mentioned, ſhall die or refuſe to act, the ſurviving or remaining Commiſſioners, or any Five 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 in this Act; Notice of the Time, Place, and Purpoſe of ſuch Meetings being given Fourteen Days at leaſt before all ſuch Meetings.

Election of new Commiſſioners.

And be it further enacted by the Authority aforeſaid, That no Perſon ſhall act as a Commiſſioner in any Caſe where he ſhall be any ways intereſted or concern-

Qualification of Commiſſioners.

ed in the Matter in Question; and that no Commissioner herein before appointed, or who shall be elected by virtue of this Act, shall act as a Commissioner unless he shall be seised in his own Right, or in the Right of his Wife, and not as a Mortgagee or Mortgagees, at the Time of such his Acting, of an Estate of Freehold or Copyhold, in Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds, or shall be possessed of a Personal Estate to the Amount of Three thousand Pounds, over and above what is sufficient to pay off all his just Debts; unless he shall be eldest Son or Heir Apparent of a Peer of the Realm, or of a Person qualified to be elected and serve as a Knight of a Shire for that Part of Great Britain called England: And if any Person hereby declared incapable to act as a Commissioner, shall nevertheless presume to act as such, every Person so offending shall, for every Offence, forfeit the Sum of Fifty Pounds to any Person who shall 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, Wager of Law, or more than One Imparlance shall be allowed; and such Person so prosecuted shall prove that he is qualified as before mentioned, or otherwise shall pay the said Sum of Fifty Pounds, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person hath acted as a Commissioner in the Execution of this Act.

Provided always, That no Person shall act as a Commissioner in any Case (except 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 to any other of the Commissioners; videlicet,

The 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 Judgement, execute and perform the Powers and Authorities established in me by virtue of an Act made in the Ninth Year of the Reign of His Majesty King *George* the Third, for making and maintaining a navigable Canal, from the *Coventry* Canal Navigation to the City of *Oxford*.

So help me GOD.

Provided

Provided always, That such Commissioners who are Justices of the Peace for the said City and County of the City of Coventry, the Towns of Banbury and Woodstock, or for the City of Oxford, in respect of Charter Constitutions, and also such of the said Commissioners who are or shall be in the Commissions of the Peace for the said Counties of Warwick, Northampton, and Oxford, shall and may and they are hereby respectively impowered to act as Justices of the Peace in the Execution of this Act, within the Limits of their respective Jurisdictions, notwithstanding their being Commissioners. Commissioners may act as Justices.

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

And be it further enacted by the Authority aforesaid, That upon any Application to be made by the said Proprietors, their Successors, and Assigns, or any Five or more of them, or by any of the Owners or Occupiers of any Grounds, Lands, Tenements, or Hereditaments, to be affected by the said intended navigable Cut or Canal, or any of the Works necessary or relating thereto, unto the Commissioners appointed by and for the Purposes of this Act, or any Five or more of them, desiring them to appoint a General Meeting of the Commissioners; the Commissioners so applied to, or any Five or more of them, may and shall and they are hereby respectively authorized and required, within Seven Days after such Request or Application made, to give Notice in Manner hereby directed of a General Meeting to be held at such Time and Place as shall be specified in such Notice, such Time not being less than Fourteen Days or 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 Upon Application made by any of the Owners of Lands, or by Five Proprietors, Commissioners may meet.

themselves, and afterwards meet at such Place as the said Commissioners there assembled, or any Seven or more of them, shall think proper and convenient: And if it shall happen that there shall not appear at any Meeting, which shall be appointed to be had or held by the said Commissioners, a sufficient Number of Commissioners to act at such Meetings, and to adjourn to any other Time; then, and from time to time as often as the Case shall happen, they shall be deemed adjourned until that Day Three Weeks, at the same Place where the Meeting was last held: And all Meetings of the said Commissioners by virtue of this Act shall be publick; and the Majority of the said Commissioners present at every such Meeting (such Majority not being less than Five in Number of the said Commissioners) shall have Power and Authority to execute the Powers hereby vested in the said Commissioners, but not otherwise; any thing herein contained to the contrary thereof in any-wise notwithstanding.

Meetings may be called at any Time by 5 Commissioners.

Provided nevertheless, 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 hereby directed, to summon a Meeting of the said Commissioners at such Time and Place as shall be mentioned in such Notices, for the settling and ascertaining such Damages as are herein directed to be settled and ascertained, notwithstanding any Adjournment or Non-adjournment of the said Commissioners.

Notice of Commissioners Meetings.

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

to

to the succeeding Day, or if such Day be Sunday to the Day after, and in like Manner from Day to Day, and may meet again at the same or any other convenient Place, and proceed in such Business until the same is finished, without any Notice to be given of the Meetings held by such last-mentioned Adjournment.

No Meeting to be held but within Five Miles of the Canal.

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

Preserving Rights of Lords of Manors, &c.

Provided always, and be it further enacted by the Authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to defeat, prejudice, or affect, the Right of any Lord or Lords of any Manor or Manors, Common or Waste Grounds, or of any Owner or Owners of any Lands or Grounds in, upon or through which the said Cut or Canal, Towing-paths, Wharfs, Quays, Trenches, Sluices, Passages, Watercourses, or Conveniencies aforesaid, or any of them, shall be made, to the Mines, Minerals, or Quarries, lying or being within or under the Lands or Grounds to be set out or made use of for such Cut or Canal, Towing-paths, Wharfs, Quays, Trenches, Sluices, Passages, Watercourses, or other Conveniencies aforesaid, or any of them; but all such Mines, Minerals, and Quarries, are hereby reserved to such Lord or Lords of such Manor or Manors, or of such Common or Waste Grounds, and to such Owner or Owners of such Lands or Grounds respectively, their Heirs or Assigns; and that it shall and may be lawful to and for the Lord or Lords of such Manor or Manors, Common or Waste Grounds, or such Owner or Owners of such Lands or Grounds respectively, subject to the Conditions and Restrictions herein contained, to take and carry away to his or their Use such Mines, Minerals, or

Quarries, not thereby injuring, prejudicing, or obstructing the said Cut or Canal, Towing-paths, Wharfs, Quays, Trenches, Sluices, Levels, Passages, Watercourses, or other the Conveniencies aforesaid, or any of them; any Thing herein contained to the contrary notwithstanding.

Their Rights of Fisheries preserved.

And be it further enacted and declared, That the Lord and Lords, or Owner and Owners of all and every Manor and Manors through which the said intended Cut or Canal shall be made, shall have and be intitled to the sole, several, and exclusive Right of Fishery of and in so much of the said Cut or Canal, Trenches, and Sluices, as shall be made over or through the Common or Waste Lands within his or their Manor or Manors respectively, and also in, over, or through, any other Lands or Grounds lying within any such Manor or Manors wherein such Lord or Lords, Owner or Owners, now have or hath, or are or is intitled to the Right of Fishery in the Pits, Ponds, and Waters, now being in such last mentioned Lands or Grounds respectively; and that the Owner or Owners of all other Lands or Grounds through which the said Cut or Canal shall be made, shall also have and be intitled to the like sole, several, and exclusive Right of Fishery of and in so much of the said Cut or Canal, Trenches, and Sluices, as shall be made in, over, or through, his, her, or their Lands or Grounds respectively, so as the Use or Exercise of the said Right of Fishery the said navigable Cut or Canal, Trenches, and Sluices, and the Towing-paths, Banks, or other Works and Conveniencies hereby authorized to be made, shall not be prejudiced or obstructed, or any Water drained or exhausted from or out of the said Cut or Canal, Trenches, or Sluices; and so as the said Company of Proprietors, their Successors, and Assigns, or their Agents, Servants, or Workmen, or any of them, shall not be liable to any Penalty, Action, or Prosecution, for or by reason of the taking or destroying of any Fish in the said Cut or Canal, Trenches, or Sluices, which shall be taken, killed, or destroyed, through or by means of the letting off the Water out of the said Cut or Canal, Trenches, or Sluices, for or upon account of any Repairs or Works to be done in or about the same; and also that it shall and may be lawful to and for the Lord or Lords of such Manor or Manors, and the Owner or Owners of such Lands and Grounds (being qualified by Law so to do) to take and kill Game upon so much of the said Cut or Canal, Trenches, Sluices, Towing-

paths,

paths, and other the Lands or Grounds to be set out for the Use of the said Navigation, as shall be made through their respective Lands or Grounds as aforesaid; any thing herein contained to the contrary notwithstanding.

Not to erect Houses, &c. without the Consent of Land-owners.

And be it further enacted by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to impower the said Company of Proprietors, their Successors, or Assigns, to erect any Houses or other Buildings, except such Warehouses, Watch-houses, or other Works, as shall be necessary for making, using, preserving, and maintaining, the said Navigation, upon any of the Lands or Grounds which shall be set out and ascertained for the said Canal, or the Towing-paths, Wharfs, Quays, or other Conveniencies, for the Use of the said Navigation; or to plant any Trees on such Lands or Grounds; unless they shall first obtain the Consent of the Person or Persons who was or were Owner or Owners of such Lands or Grounds at the Time of the setting out the same, his, her, or their Heirs or Assigns, under his, her, or their Hand and Seal or Hands and Seals respectively: And that in case any House or other Building (except as aforesaid) shall be erected, or any Trees shall be planted upon any such Lands or Grounds without such Consent as aforesaid; it shall and may be lawful to and for the Person or Persons who was or were Owner or Owners of such Lands or Grounds at the Time of the setting out the same as aforesaid, his, her, or their Heirs or Assigns, to take or pull down and remove such Houses and other Buildings, and to cut down and carry away such Trees, without being guilty of any Trespass, or liable to any Action or Prosecution for so doing.

For allowing the Use of Pleasure Boats, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Owners and Occupiers of any Lands adjoining to the said Canal, to use upon such Canal any Pleasure Boat or Boats, or any other Boat or Boats, for the Purpose of Husbandry only, or for conveying Cattle from one Farm or Part of a Farm or Lands to any other Farm or Lands of the same Owner or Occupier, without the Interruption of the said Company of Proprietors, their Successors, or Assigns, Agent or Agents, and without paying any Rate or Duty for the same; so as such Boats do not pass above the Distance of Two Miles upon the said Canal; and so as such Boat or Boats be not above Seven Feet in Breadth, and do not pass through any Lock, or be employed for carrying any Goods, Wares,

or Merchandize, to Market or for Sale, or any Person or Persons for Hire; and so as the same shall not obstruct or prejudice the Navigation of the said intended Cut or Canal, or the Towing-paths on the Sides thereof, or obstruct any Boats passing upon the said Navigation liable to pay the Rates and Duties hereby granted; and the Owner of all such Pleasure Boats or other Boats shall, in his own Lands, make convenient Places for such Boats to lie in, and shall not suffer them to be moored or remain upon the said Canal.

Lands not used within a certain Time, to be re-conveyed.

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

the

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

Writings to be without Stamps.

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

Proceedings not to be quashed for want of Form.

For erecting Mile-stones.

And be it further enacted, That the said navigable Cut or Canal shall be measured, and Mile-stones erected on the Side thereof at the End of each Mile; and that all Goods, Wares, and Merchandizes, which are made liable to the several Rates and Duties hereby imposed, that shall be navigated, carried, or conveyed, upon the said Cut or Canal up to or past any of the said Mile-stones so to be erected, shall be charged with and pay the said Rates 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 whereas it is apprehended that the conveying of Coals from the said intended Navigation to the City

That no Coals, Culm, or Cinders, shall be conveyed down the Rivers *Isis*, *Charwell*, or *Thames*, below *Oxford*.

of London, or to any Place between the Cities of Oxford and London, down the Rivers Isis, Charwell, or Thames, may be detrimental to the Coasting Trade of this Kingdom; be it therefore further enacted, That no Coal or Culm, or Cinders burnt from Coal or Culm, which shall have passed upon the said intended Navigation, or any Part thereof, shall be conveyed down the said Rivers Isis, Charwell, and Thames, or any of them, or any Part or Parts of them, between Oxford and London, by any Barge, Boat, or other Vessel, on pain of Forfeiture of every such Barge, Boat, or Vessel, and of all such Coal, Culm, or Cinders, as shall be on Board the same; and also on pain of forfeiting the Sum of Fifty Pounds by the Owner or Owners of every such Barge, Boat, or Vessel; such respective Forfeitures to be recovered by any Person who will sue for the same by Action of Debt or Trover, as the Case shall require, in any of His Majesty's Courts of Record at Westminster.

For recovering Fines, &c.

And be it further enacted, That all Fines and Forfeitures inflicted by this Act, or by any Rules, Bye-laws, or Constitutions, made by the said Company of Proprietors, their Successors and Assigns, by the Authority thereof, the levying and recovering of which said Fines and Forfeitures are not herein before particularly directed, shall be levied by Warrant under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace of the said City and County of the City of Coventry, the Towns of Banbury and Woodstock, the City of Oxford, or the said Counties of Warwick, Northampton, or Oxford; which said Justice or Justices is and are hereby authorized, within the Limits of their respective Jurisdictions, to hear and examine Witnesses upon Oath, and determine the same, and may, according to his or their Discretion, mitigate any Fine or Forfeiture herein before allowed to be mitigated; and all such respective Fines, Forfeitures, and Penalties, by this Act imposed and inflicted, or authorized to be imposed and inflicted, the Application whereof is not herein before particularly directed, shall be paid into the Hands of the Treasurer or Receiver of the Monies to be raised by virtue of this Act, and shall be applied and disposed of for the Use of the said Navigation, and to or for no other Use or Purpose whatsoever.

Application.

Distress not unlawful for want of Form,

And be it further enacted by the Authority aforesaid, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the

Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser *ab initio* on account of any Irregularity which shall afterwards be committed by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage in an Action upon the Case.

nor the Parties distraining deemed Trespassers *ab initio*.

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

Persons aggrieved may appeal to the Quarter Sessions;

who are to determine the Matter in a summary Way.

And be it further enacted by the Authority aforesaid, That if any Action, Suit, or Information, shall be brought or commenced against any Person or Persons for any Thing done or to be done in pursuance of this Act, or in the Execution of the Powers and Authorities, or the Orders and Directions herein before given or granted, every such Suit or Information shall be brought or commenced within Six Calendar Months next after the Fact committed; or, in case there shall be a Continuation of Damages, then within Six Calendar Months next after the doing or committing such Damages shall cease, and not afterwards; and shall be laid and brought in the

Limitation of Actions.

said City or County where the Matters in Dispute shall arise, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue. 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 Plain- Treble Costs. tiffs, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for the same as any Defendant or Defendants hath or have for Costs of Suit in other Cases by Law.

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

FINIS.