

ANNO REGNI
GEORGII III.
REGIS

Magnæ Britannia, Francia, & Hibernia,

TRICESIMO QUARTO.

At the Parliament begun and holden at *Westminster*, the Twenty-fifth Day of *November* *Annæ Domini 1790*, in the Thirty-first Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God, of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c.

And from thence continued, by several Prorogations, to the Twenty-first Day of *January 1794*; being the Fourth Session of the Seventeenth Parliament of *Great Britain*.



L O N D O N :

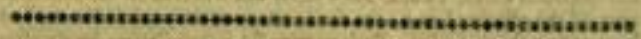
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ANNO REGNI GEORGI III (1794)



ANNO TRICESIMO QUARTO

Georgii III. Regis.



C A P. XCIII.

An Act for making and maintaining a Navigable Canal from the *Coventry Canal*, at or near *Marston Bridge*, in the Parish of *Bedworth*, in the County of *Warwick*, to a certain Close in the Parish of *Ashby de la Zouch*, in the County of *Leicester*, and for continuing the same from thence in One Line to the Limeworks at *Ticknall*, in the County of *Derby*, and in another Line to the Limeworks at *Cloudbill*, in the said County of *Leicester*, with certain Cuts or Branches from the said Canal.

[9th May 1794.]

15 D 1

WHEREAS

ANNO REGNI GEORGI III
R E G I S
TRICESIMO QUARTO
L O N D O N

Proprietors



HEREAS the making and maintaining a Navigable Canal for the Passage of Boats and other Vessels, from and out of the Coventry Canal Navigation, at or near a certain Bridge in the Parish of *Bedworth*, in the County of *Warwick*, called *Marston Bridge*, to or nearly to a Close in the Parish or Lordship of *Abby de la Zouch*, in the County of *Leicester*, in the Occupation of *William Hall*, called *Spwell* or *Black Ditch*, with a Cut or Branch therefrom, to or near to the Coal Mines at *Swadlowcote*, and *Church Gresley*, in the County of *Derby*, and also the making, maintaining, and continuing, the said Canal from, or from near the said Close called *Spwell* or *Black Ditch*, to or near to the Limestones at *Ticknall*, in the County of *Derby*, with a Cut or Branch therefrom, to or near to the Limestones and Lead Mines at *Stanton Harold*, in the said County of *Leicester*; and also the making, maintaining, and continuing, the said Canal from the said Close called *Spwell* or *Black Ditch*, to or near to the Limestones at *Cloodhill*, in the Parish of *Bredon*, in the said County of *Leicester*, will open an easy and advantageous Communication with divers Limestones, Lime Stone Quarries, Lead Mines, and Collieries, in the said Counties of *Leicester* and *Derby*, and with large and extensive Tracts of Land, abounding with Iron Stone, Lead, and Coal, and thereby the Conveyance of these Articles, and of all heavy Commodities, and other Goods, Wares, and Merchandize, will be greatly facilitated and rendered cheap and easy between several large and populous Cities, Towns, and Places, and will tend to the Improvement of the adjacent Lands, the Preservation of the publick Roads, and be of great publick Utility: And whereas the several Persons herein-after named, are willing and desirous, at their own Costs and Charges, to make and maintain such Canal and Cuts or Branches, but the same cannot be effected without the Aid and Authority of Parliament; may it therefore please Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Right Honourable *George Harry* Earl of *Stafford*, the Right Honourable *Robert Earl Ferrers*, the Right Honourable *Francis Rowles Hastings* Earl of *Maira*, the Right Honourable *Thomas Lord Viscount Westworth*, the Right Honourable Lady *Mary Stuart* Countess Dowager of *Bute*, the Right Honourable *George Bussy Villiers* Earl of *Jersey*, the Right Honourable *George Simon* Earl *Harcourt*, and Sir *Richard Satten* Barones, the Trustees of the late Dutchess Dowager of *Marborough's* Charity at *Saint Albans*; the Honourable *John Rowden*, Sir *Robert Burdett* Barones, Sir *George Beaumont* Barones, Sir *John Davours* Barones, Sir *Nigel Boswell Gresley* Barones, Sir *Henry Harpur* Barones; *Robert Abay*, *Thomas Arnold*, *Mary All*, *Mary All* the younger, *Elizabeth Alby*, *Francis Alby*, *Thomas Archer*, *Richard Ashley*, *Francis Ayard*, *Mary Atkins*, *James Adams*, *John Arneson*, the Reverend *John Ashpington*, *Henry Harvey Allen*, the Reverend *Thomas Adams*, *William Brown*, *George Birch*, *William Bindley*, *Edward Bailey*, *Hennad Barnaby*, *Charles Burton*, *Daniel Baker*, *Joseph Bath*, *Elizabeth Bulstrode*, *Sarah Bevington*, *Mary Bevington*, *Matthew Bainbridge*, *William Bryan*, *Samuel Bradley*, *Joseph Boulton*, *Thomas Boulton*, *William Bevington*, *Thomas Biddle*, *James Bishop*, *Storer Beaumont*, *John Blunt*,

Proprietors
Messrs.

Blunt, *James Boot*, *William Bishop*, *Robert Brewin*, *William Bedford*, *John Baker*, *Henry Battersworth*, *Robert Blant*, *Robert Borgest*, *Thomas Leick Brown*, *Thomas Burton*, *William Bayle*, *Samuel Beadmore*, *Mary Birch*, *Timothy Brown*, *Benjamin Blythe*, *Robert Bunny*, *Charles Bloomer*, *Flitcher Bailvoant*, *Godolphin William Burfen*, *Michael Buckley*, *Nicholas Buckley*, *James Blair*, *William Beardoe*, *William Beck*, *John Bath*, *Joseph Brakes*, *John Biddle*, *John Bailey*, *Francis Bardett*, *William Barleton*, the Reverend *Thomas Braithwaite*, *John Bredon*, *William Hibbs Beavan*, *John Brooke*, *Philip Box*, *Elize Bullis*, *Edward Bryers*, *Brewster*, *Benjamin Croghan*, *Samuel Clarke*, *Hannad Chapman*, *Dorothy Chapman*, *James Croshaw*, *John Cookson*, *Samuel Craven*, *John Cattel*, *Robert Croswell*, *Timothy Clarkin*, *Stephen Charlesworth*, *Thomas Caplen*, *William Callinan*, *Robert Coghber*, *Johab Cuthbert*, *John Craddock* the younger, the Reverend *John Clark*, the Reverend *John Cotes*, *Samuel Chapman*, *John Cape*, *William Cooper*, *Ward Cook*, *Thomas Cantrell*, *William Cury*, the Reverend *Charles Chambers*, *John Cooke*, *James Croshaw*, *Cox*, *Allen Choplin*, *Edward Coxall*, *William Daniel*, *James Dickens*, *Benjamin Dickens*, *Edward Dawson*, *Eliot Dawson*, *Benjamin Dewes*, *Benjamin Dewes* the younger, *John Drury*, *Daniel Dabyns*, *Thomas Daddley*, *William Dickenson*, *James Douglas*, *Francis Dickens*, *Thomas Dennis*, *Thomas Daby*, *Bernard Dewes*, *Edward Dickinson*, *William Davison*, *John Dakin*, the Reverend *John Edlowes*, *Charles Eskin*, *John Eskin*, *William Ellis*, *Sarah Ellis*, *Henry Evans*, *Richard Edlowes*, *Henry Edlowes*, *John Eames*, *Edward Evans*, *James Ella*, the Reverend *Gilpin Ebdale*, *Michael Ella*, *Samuel Eborall*, *William Everston*, *John Ella*, *Joseph Freeman*, *John Farmer*, *Richard Flungton*, *John Fox*, *William Fox*, *Joseph Farnell*, *Mary Fisher*, *Mary Fisher* the younger, *Thomas Firebrugh*, *William Fallows*, *John Foulter*, *Thomas Frer*, the Reverend *George Iff Isler*, *John Fletcher*, *Sarah Finny*, the Reverend *John Fisher* of *Cassington*, *John Fisher*, *Thomas Frerston*, *Thomas Fisher* of *Caldecote*, *Thomas Fisher* the younger of *Drayton Manor*, *Thomas Fivole*, *Elizabeth Farnis*, *William Firebrugh*, *Thomas Fisher* of *Meopham*, *John Freeman*, *Edward Ford*, *Thomas Fletcher*, the Reverend *John Fisher* of *Hilgham*, *Thomas Fisher* of *Lindly*, *Thomas Fletcher*, *Benjamin Fides*, *George Fillingham*, *Robert Charles Grewson*, *George Grewson*, *Francis Gaddy*, the Reverend *George Grewson*, *Thomas Gwinn*, *John Glover*, *Thomas Goddard*, *John Green* of *Birmingham*, *Michael Goodall*, *John Gifford*, *Ann Gould*, *Valentine Green*, *John Green* of *Blackley*, *Nathan Grainger*, *Benjamin Gosfrey*, *Thomas Goodwin*, *Elizabeth Gresley*, *George Granby*, *James Garner*, *Thomas Garner*, *John Geary*, *Edward Green*, *Thomas Goodall*, *Richard Gresley*, *John Gaudin*, *Charles Hastings*, *Nicholas Harb*, *John Harris*, the Reverend *Hugh Hughes*, *John Heyrick*, *Richard Harpur*, *James Hobberty*, *Abijah Hill*, *William Hill*, *Mary Harrison*, *George Hall*, *Francis Harris*, *Ralph Hudson*, *John Handley*, *William Hanson*, *William Herrick*, *John Herrick*, *John Hackett*, *Joseph Hough*, *Elizabeth Hackett*, *William Hancock*, *George Humphreys*, *John Harb*, *Elizabeth Heyrick*, *Edward Hodges*, *William Harding*, *Nicholas Hutchison M. D.*, *Abraham Hutton*, *William Hart*, the Reverend *Francis Harris*, *Gilbert Hutchison*, *Mary Hoad*, *William Harris*, *Henry Hadley*, *John Humphrey*, *Clay Hestall*, *John Harrison*, *Joseph Jacques Hutchison*, *Seab Hest*, *Robert Houghson*, the Reverend *Theophilus Henry Hastings*, *Thomas Harper M. D.*, *Thomas Hutchison*, *Thomas Hutton*, *Mary Harrison*, *Francis Hestall*, *Thomas Strong Hall*, *Isaac Hawkins*, the Reverend *Christ*

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Sarah Stanford, John Sherratt, Samuel Slater, Edward Stephenson, David Staley, Samuel Stubbs, William Sington, the Reverend William Bayshaw Stevens, John South the younger, John Sotter, Henry Soper, Robert Sturdy, the Reverend David Tinner, Samuel Tylcott, John Lewis Thacker, Thomas Theronwell, Susanab Thornley, Elizabeth Thornley, William Toulson, Harriet Tyndall, William Tetter, Sarah Tetter, Elizabeth Tetter, Samuel Turner, Francis Tanton the younger, Joseph Thacker, Ralph Tiddart, John Tanka, John Timms, Michael Thompson, Sarah Tyler, Dorothy Tyler, Thomas Thorpe, Samuel Twanley, the Reverend William Tyndall, Benjamin Treighton, James Trougton, Charles Upton, William Vincent, Sarah Vincent, Edward Harriopp Wigley, Richard Walker, William Wallaston, Benjamin Weston, Samuel Weston, Henry Wood, James Wyatt, Jonathan Willies, Paul Wähler, Thomas Wheldon, Joseph Woodhouse, Abraham Wallis, William Wähler, John Wood, Charles Wachorn, Samuel Pipe Wolfershan, Henry Wotton, Edward Ward, Thomas Willington, Edward Whitey, George Wheldon, Thomas Ward, Samuel Wyatt, Thomas Worthington, William Worthington junior, John Wadge, Martha Wähler, Catherine Whitey, Joseph Wählidge, Samuel Wähler, Joseph Wéalley, Wranfascia, William Wadd, Thomas Widders, William Worthington, Thomas Wilkes, Matilda Wilkes, Elizabeth Wilkes, Robert Wilkes, Thomas Wright, Jonathan Woodhouse, Robert Wilkins, Mary Wilkins, and Margaret Zwick, and such other Person or Persons as they, or the major Part of them, assembled at the First General Assembly to be holden for the Purposes of this Act, shall nominate and appoint, under their Hands; and the several and respective Successors, Executors, Administrators, and Assigns, of the Persons herein-before named, and of the Person or Persons so to be nominated, being Proprietors of any Share or Shares in the Navigation and Works hereby authorized to be made and carried on, shall be, and they are hereby accordingly united into a Company for the carrying on, making, completing, and maintaining, the said Navigable Canal and Cuts or Branches, for the Passage of Boats, and other Vessels, according to the Rules, Orders, and Directions herein-after mentioned and expressed; and shall for that Purpose be One Body Politick and Corporate, by the Name of *The Company of Proprietors of the Abby de la Zouch Canal*, and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued, and shall also have full Power and Authority to purchase Lands, Tenements, and Hereditaments, to them, their Successors and Assigns, for the Use of the said Undertaking, and also to sell and dispose of any of the said Lands, Tenements, and Hereditaments, so purchased, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain; and that it shall be lawful for the said Company of Proprietors, and their Successors, and they are hereby accordingly authorized and empowered, from and after the Second Day of June One thousand seven hundred and ninety-four, on which Day this Act shall commence and take Effect, by themselves, their Deputies, Agents, Officers, Workmen, Servants, or Assistants, to make, complete, maintain, and keep navigable and passable for Boats and other Vessels, a Canal from and out of the County Canal Navigation, at or near a certain Bridge in the Parish of *Bedworth*, in the County of *Warwick*, called *Marston Bridge*, into and through the Parishes, Townships, Hamlets, or Places, of *Bedworth*, *Marston Tabor*, and *Branwell*, in the Parish of *Balkington*, *Burton Hastings*, *Streeton Boffertale*, and a Manor or Place, called *Le Hyde or The Hyde*, in the Parish of *Hinchley*, in the County of *Warwick*; *Shredley* in the Parish of *Alton-Flowerville*, *Hinch-*

Proprietors united into a Company.

and declared to be a Body Politick and Corporate.

with Power to purchase Lands.

The Company empowered to make the proposed Canal.

Mort. Linc.

by, *Wye* in the Parish of *Hinckley*, *Higbaw*, *Stoke Golding*, and *Daddington*, in the Parish of *Hinckley*; *Sutton Cheney*, *Shenton*, and *Coton*, in the Parish of *Market-Bosworth*; *Market-Bosworth*, *Carleton*, in the Parish of *Market-Bosworth*; *Congham*, *Congham* in the several Parishes of *Market-Bosworth*, *Nailston*, and *Shackerston*; a Manor or Place, called *Copjall*, and *Seareston*, in the Parishes of *Smogston* and *Shackerston*, in the County of *Leicestershire*; *Mosham* and *Okebourne* in the several Parishes of *Streton-en-le-Field*, *Mosham*, and *Grasby*, in the Counties of *Leicestershire* and *Derby*; *Dunthorpe*, in the several Parishes of *Netherfeal*, *Mosham*, and *Grasby*, in the Counties of *Leicestershire* and *Derby*; *Abby de la Zouch*, *Bosthorpe*, in the Parishes of *Abby de la Zouch* and *Netherfeal*, and *Blackfordby* in the Parish of *Abby de la Zouch*, in the County of *Leicestershire*; to or nearly to the said Close, called *Ipwell* or *Black Ditch*, in the said Parish of *Abby de la Zouch*, with a Cut or Branch therefrom, from or from near a Close in the said Hamlet, *Loedship*, or *Liberty*, of *Blackfordby*, now or late belonging to *Thomas Fletcher*, and in the Occupation of *Thomas Harlow*, called *Furlong Close*, into and through the several Parishes, Towns, Townships, Hamlets, or Places, of *Kepton* and *Triball* in the County of *Derby*, to or near the *Lime-works* at *Triball* aforesaid, with a Cut or Branch therefrom, when thereto required, by the Right Honourable *Robert Earl Ferrers*, his Heirs or Assigns, in Manner herein after mentioned, from, or nearly from and through a Close in the Parish or Lordship of *Abby de la Zouch* aforesaid, now or late in the Occupation of *John Sharp*, called *Square Close*; and into and through the Parish, Town, Township, Hamlet, or Place, of *Stawton Harold*, in the said County of *Leicestershire*, to or near to the *Lime-works*, and *Lime-mines*, at *Stawton Harold* aforesaid: And also, to make, maintain, continue, and keep navigable and passable, for Boats and other Vessels, the said Canal, from or nearly from the said Close, called *Ipwell* or *Black Ditch*, into, through, or near other Parts of the said Parish or Lordship of *Abby de la Zouch*; and into, through, or near, the several Parishes, Towns, Townships, Hamlets, or Places of *Stawton Harold* aforesaid; and *Leant*, in the Parish of *Bredon*, *Calverton*, *Newbold*, and *Worthington* in the said Parish of *Bredon*, *Thringstone* in the Parish of *Whitwick*, *Calverton*, aforesaid; *Peggs Green*, in *Thringstone*, in the Parish of *Whitwick* aforesaid; *Thringstone*, *Worthington*, in the said Parish of *Bredon*, and *Bredon*, in the County of *Leicestershire*, to or near the *Lime-works* at *Cloudhill*, in the said Parish of *Bredon*; and the said Company of Proprietors are hereby fully authorized and empowered, by themselves, their Deputies, Agents, Workmen, or Servants, to supply the said intended Canal, and Cuts or Branches, whilst the same shall be making, and at all Times for ever after the same shall be made, with Water from all such Springs as shall be found in making the same, (except as herein-after is mentioned), and from all Rivers, Brooks, Streams, and Watercourses whatsoever, which are or shall be found within the

Cut or Branch to the Collieries at *Stawton Harold* and *Church Gresley*.

Continuation of Canal to *Triball*.

Cut or Branch to the *Lime-works* at *Stawton Harold*.

General Powers.

Distance of Two thousand Yards from any Part thereof, (except as hereafter excepted), or from any Reservoir or Reservoirs belonging thereto, to be made as after-mentioned; and for those Purposes, to cleanse, scour, or deepen, any such Rivers, Brooks, Streams, or Watercourses, or any others which may come or be brought into, or be necessary for the same respectively; and also to make One or more Reservoir or Reservoirs, (so as the same be made within the Distance of One Mile from the said Canal, Cuts, or Branches, or either of them), for the Purpose of supplying the said Canal, and Cuts or Branches, or any Part thereof with Water; and to make such and so many Feeders and Aqueducts, and to make, erect, and set up, such and so many Stop Gates, Weirs, Engines, Fire Engines, and other Machines, for supplying the said Canal and Cuts, or Branches and Reservoirs, with Water, and for carrying Water from any such Reservoir and Reservoirs to the said Canal and Cuts or Branches, or any Part thereof respectively, or for any other Purpose necessary for the better making and maintaining such Navigable Canal and Cuts, or Branches, as they the said Company of Proprietors, or their Successors, shall from Time to Time think proper and expedient: And for the better effectuating the Purposes aforesaid, the said Company of Proprietors, their Agents, Officers, Workmen, and Servants, are hereby empowered to go, enter, and pass, in, upon, over, under, or through, the Lands and Grounds, Rivers, Brooks, Streams, and Waters, of or belonging to the King's Majesty, His Heirs or Successors, or any other Person or Persons, Bodies Politick, Corporate, or Collegiate whatsoever, and to bore, dig, cut, trench, and fough, and to remove and lay Earth, Clay, Stone, Rubbish, Trees, Roots of Trees, Gravel, or Sand, or any other Matters and Things which may be dug or gotten in the making of the said Canal and Cuts or Branches, or the Tunnels, Trenches, Passages, Reservoirs, Sloices, Pens for Water, Guttres, Soughs, Ditches, Drains, or Watercourses, and other the Works of the said Canal, and Cuts or Branches, and each of them, or which may hinder, prevent, or obstruct, the making, completing, extending, maintaining, and using the same, or any of them respectively, according to the true Intent and Purport of this Act; and also to make, build, construct, and set up, in or upon the said Canal and Cuts or Branches, or upon the Lands adjoining to or near the same, such and so many Banks, Bridges, Tunnels, Aqueducts, Sloices, Locks, Weirs, Pens for Water, Drains, Wharfs, Warehouses, Quays, Landing Places, Weigh Beams, Cranes, Engines, Watchhouses, Dry Docks, and other Works, Roads, Ways, and Conveniencies, as and whenever the said Company of Proprietors shall think requisite, for the Purposes of the said Navigation; and also from Time to Time to divert, alter, repair, widen, enlarge, and amend the same, or any other Conveniencies of or belonging to the said Canal and Cuts or Branches respectively, as shall seem necessary or proper, as well for the Carriage and Conveyance of Coals and other Minerals, Timber, Corn, Merchandize, and all other Goods, Commodities, Matters, and Things whatsoever, to, from, and upon, the said Canal and Cuts or Branches as aforesaid, or for the like Carriage and Conveyance of all and all Manner of Materials which may be necessary or useful for the making, erecting, finishing, altering, repairing, amending, maintaining, and using, the said Canal and Cuts or Branches respectively, and the Works thereof; and also to place, lay, work, and manufacture any Materials on the Grounds where found, or near to the Place or Places where the said Works, or

any of them, shall be or are intended to be made, erected, repaired, or done; and also to make, maintain, repair, and alter, any Fences or Passages, over, under, or through, the said Canal and Cuts or Branches, and the Works and Conveniences which shall at any Time or Times hereafter belong thereto, or communicate therewith; and also to make, set out, and appoint, such Towing Paths, Banks, and Ways, convenient for towing, hauling, or drawing of Boats and other Vessels passing in, through, or upon, the said Canal and Cuts or Branches respectively, as they the said Company of Proprietors shall think convenient; and also to dig, take, and carry away, for the Use of the said Company of Proprietors, any Soil, Clay, Gravel, or Stone, which may be proper or convenient for making, carrying on, and continuing the said Canal, and Cuts or Branches, and Works; and also for the repairing, supporting, and maintaining, the same in or from any Grounds of any Person or Persons adjoining or lying contiguous or convenient thereto, (except as herein-after is excepted), and to construct, erect, alter, keep in Repair and use, any Aqueducts, Piers, Arches, and other Works, in, upon, and across, any Rivers or Brooks, for the making, using, maintaining, and repairing, the said Canal and Cuts or Branches, and the Towing Paths or Sides thereof respectively, in as to render the said Canal and Cuts or Branches passable throughout, by all Boats and other Vessels hereby authorized to navigate thereon, without Impediment; and also to construct and erect, do and perform, all other Matters and Things which shall be deemed necessary and convenient for the making, extending, preserving, improving, and completing and using, the said Canal and Cuts or Branches, and each and every of them, in pursuance and within the true Intent and Meaning of this Act; they the said Company of Proprietors, their Agents, Deputies, Officers, Workmen, and Servants, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and making Satisfaction in Manner herein-after mentioned for all such Damages as shall be sustained by the Owners and Proprietors, or Occupiers of, and other Persons interested in the Lands, Tenements, and Hereditaments, Rivers, Brooks, Waters, and Watercourses respectively, which shall be taken or used by or on the Behalf of the said Company of Proprietors, or which shall be prejudiced or damaged by being overflowed, or otherwise in surveying, setting out, making, maintaining, altering, repairing, and using, the said Navigation and other Works, and subject and liable to such Satisfaction for Damages as aforesaid; and the said Company of Proprietors, their Deputies, Servants, Agents, Workmen, and other Persons employed by or under the said Company, shall be indemnified for what they or any of them shall do by virtue and in due Execution of all or any of the Powers given to them by this Act.

II. Provided always, and be it enacted, That nothing in this Act contained shall extend, or be deemed, construed, or taken, to extend to give Power or Authority to the said Company of Proprietors, their or any of their Agents, Workmen, or Servants, or any other Person or Persons whatsoever at any Time or Times, to lead or take away any Water into or for the Use of the said Canal or other Works, from or out of a certain Spring arising in a certain Close in the Occupation of *William Loke*, in the Lordship of *Shuckley* aforesaid, near *Gospel Park*, or from or out of the Stream flowing from the same, by which the Mansion House of *Peas Asheton Corzon* Esquire, called *Gospel House*, is supplied with Water, nor in anywise divert the Course of, or injure, diminish,

or

or adulterate the said Spring or Stream, and that the said Company of Proprietors shall at their own Expence make, and at all Times hereafter keep in good and substantial Repair, a proper and sufficient Culvert, with proper and sufficient wooden Pipes for conveying the said Water under the said Canal and Towing Path, so that the said Water may at all Times hereafter run and flow from the said Spring, pure and undisturbed, through such Pipes, into the Pipes already laid, or to be laid, by the said *Peas Asheton Corzon*, his Heirs or Assigns, into the Reservoir in the Park of the said *Peas Asheton Corzon*, in *Gospel* aforesaid, as the same now doth, and hath for some Years past done, for the Use of the said *Peas Asheton Corzon*'s House and Family, as fully, freely, and beneficially as heretofore, without any Injury, Diminution, or Adulteration whatsoever, by Means of the cutting or making the said Canal.

III. And whereas the said *Peas Asheton Corzon* is apprehensive that his said Spring at *Shuckley* may, by the Execution of the said Navigable Canal, be destroyed or injured: And whereas the said Company of Proprietors have thereupon agreed to indemnify the said *Peas Asheton Corzon*, his Heirs and Assigns, from such Destruction or Injury of the said Spring (in case any such shall happen) in the Manner and by the Means herein-after provided, and to convey the Water of the said Spring to the Mansion House of the said *Peas Asheton Corzon* from the Reservoir in his Park, in the Manner herein-after mentioned: Be it therefore enacted, That in case, within Four Years after the said Canal shall become navigable, the Water of the said Spring shall, in consequence of the cutting and making of the said Canal, become so adulterated or diminished in Quantity, as to be unfit for or inadequate to the several Purposes to which the same is now applied or applicable, and shall continue in such State or Condition for the Space of Three Years from the Time when the said *Peas Asheton Corzon*, his Heir or Assigns, shall give Notice to the said Company of Proprietors of such Adulteration or Diminution thereof; then and in such Case the said Company of Proprietors shall immediately pay, or cause to be paid, to the said *Peas Asheton Corzon*, his Heir and Assigns, the Sum of Fifty thousand Pounds of lawful Money of Great Britain, in Compensation for, and full Satisfaction of, the Loss of the said Spring, or of the Use thereof; and in case within the said Space of Four Years from the Time the said Canal shall become navigable, the Water of the said Spring shall, in consequence of the cutting or making of the said Canal, become adulterated or diminished in Manner aforesaid, but shall within the Space of Three Years from the Time when the said *Peas Asheton Corzon*, his Heir or Assigns, shall give Notice to the said Company of Proprietors of such Adulteration or Diminution, be restored by the said Company of Proprietors, or otherwise return to such State and Condition as to be fit for and adequate to the Purposes to which the same is now applied or applicable, then the said Company of Proprietors shall immediately pay, or cause to be paid, to the said *Peas Asheton Corzon* his Heir or Assigns, the Sum of Ten Pounds of lawful Money of Great Britain, for each and every Day when the said Water shall have been so adulterated or diminished as aforesaid, as a Compensation to the said *Peas Asheton Corzon*, his Heir or Assigns, for such temporary Inconvenience; and in case the said Water should at any Time thereafter, in consequence of the

To indemnify the said *Peas Asheton Corzon*, for any Injury that may arise to his Spring near *Gospel Park*, in consequence of cutting the Canal.

6

cutting

Not to take any Water from the Spring of *Peas Asheton Corzon* Esq. aforesaid, near *Gospel Park*.

cutting or making of the said Canal, remain or be subject to such temporary Adulteration or Diminution, then the said Company of Proprietors shall, upon the First Day of January in each and every Year next ensuing any Year in which such temporary Adulteration or Diminution shall have happened, pay or cause to be paid to the said *Peter Agheson Carzon*, his Heirs or Assigns, the Sum of Ten Pounds for each and every Day when the said Water shall have been so adulterated or diminished as aforesaid in the Cause of such preceding Year; which said several Sums of Money herein-before directed to be paid by the said Company of Proprietors to the said *Peter Agheson Carzon*, his Heirs or Assigns, in the Events aforesaid, shall be and are hereby charged upon all the Rates, Funds, Tolls, and Revenues, granted and arising by and by virtue of this Act.

State of
executing
Compani-
ons for any
Trust that
may be done
in the County
of Middlesex
or of the
City of London.

IV. And be it further enacted, That in case the said Sum of Fifty thousand Pounds, or any other Sum or Sums of Money shall become due and payable to the said *Peter Agheson Carzon*, his Heirs or Assigns, by virtue of this Act, in respect of the said Spring or Water, and shall not be actually paid by the said Company of Proprietors to the said *Peter Agheson Carzon*, his Heirs or Assigns, within One Month next after the same shall become due and payable as aforesaid, and Demand thereof made in Writing by him or them on the said Company of Proprietors, and left with their Clerk or Clerks, or any other known Agent or Servant of them, it shall be lawful for the said Commissioners, or any Three or more of them, and they, or any Three or more of them, are hereby authorized and required, by an Order under their Hands, to appoint One or more Person or Persons to receive all and every the Rates hereby granted and made payable to the said Company of Proprietors, and from Time to Time to pay the same to the said *Peter Agheson Carzon*, his Heirs or Assigns, which Payments such Receiver or Receivers is and are hereby authorized and required to make on Account of the said Sum of Fifty thousand Pounds, or such other Sum or Sums of Money, the said Commissioners taking such Security from every such Receiver, for the due and faithful Execution of his said Trust, as they shall judge sufficient; and every Person so appointed shall be deemed a Receiver of the said Rates, Tolls, Funds, and Revenues, and shall have the same Power and Authority for collecting the same as if he had been appointed a Receiver of the said Rates, Funds, Tolls, and Revenues, by the said Company of Proprietors until the said Sum of Fifty thousand Pounds, or such other Sum or Sums of Money, with the Costs and Charges of recovering and receiving the same, shall be fully paid and satisfied to the said *Peter Agheson Carzon*, his Heirs and Assigns; or it shall be lawful for the said *Peter Agheson Carzon*, his Heirs or Assigns, to sue for and recover the Sum of Fifty thousand Pounds, or such other Sum or Sums of Money, with full Costs of Suit, by Action of Debt in any of His Majesty's Courts of Record, or otherwise, to seize and distrain any Boats, Vessels, or other Goods or Effects of the said Company of Proprietors, which shall be found upon the said Canal, or in or upon the Wharfs, Quays, Warehouses, or other Works thereto belonging, (Information of such Distress being immediately given to the said Company of Proprietors, by Notice in Writing, delivered to some One of their Clerks, Agents, Servants, Receivers, or Collectors of Rates, or affixed to some of the Wharfs or Quays, near to the Place where such Distress was made),

and to detain the same until Payment of the said Sum of Fifty thousand Pounds, or such other Sum or Sums of Money, together with reasonable Charges attending such Distress, and if the same shall not be redeemed within Ten Days next after making the said Distress, and Notice thereof given in Writing as aforesaid, then such Boats, Vessels, or other Goods or Effects distrained, shall or may be sold or disposed of in such Manner as the Law directs in Cases of Distress for Rent: Provided always, that it shall and may be lawful from Time to Time, and at all Times after the said Canal shall become navigable, to and for the Engineers, Surveyors, Agents, and Workmen, of the said Company of Proprietors, to enter into and upon the Lands and Grounds of the said *Peter Agheson Carzon*, in and through which the said Spring arises and flows, or is conducted or conveyed to the said Reservoir, in order to view the State and Condition of the Trenches, Pipes, Soughs, Culverts, Drains, or other Works, by which the same shall be so conducted and conveyed, and in case of any Accident or Injury, happening therein, by Reason or Means of the cutting or making of the said Canal, to repair, amend, and make good the same, in as at all Times to keep the same free from Adulteration, or from Failure in the Quantity of its Water; and in order to be fully satisfied and informed, if any such Adulteration or Failure should at any Time happen, whether the same doth so happen, or is occasioned by or in consequence of the cutting and making the said Canal: Provided also, that if any Difference or Dispute shall arise between the said *Peter Agheson Carzon*, his Heirs or Assigns, and the said Company of Proprietors, whether any such Adulteration or Failure in the Quantity of the Water of the said Spring as aforesaid shall have happened or been occasioned by or in consequence of the cutting and making the said Canal, such Difference and Dispute shall be determined and settled by the Award of any Three Persons as Arbitrators, One to be chosen by each of the said Parties to the said Agreement, within Ten Days after Notice, and Demand in Writing of a Reference, by either Party requiring such Reference, to the other Party, and the Third Person to be nominated by the said Two Persons, chosen as Arbitrators, or any Two of such Persons, such Award to be final; or in case the Parties cannot agree in such Reference, or in case of Delay in making such Award beyond One Month from the Date of such Appointment of Reference, then by a Special Jury, to be appointed or impannelled in such and the like Manner as in other Cases of a Determination by a Jury is by this Act directed and mentioned; and in case of any such Difference or Dispute, the said Sum of Fifty thousand Pounds, or other Sum or Sums of Money made payable by this Act in the Events aforesaid, shall not become due or be payable, nor any of the Remedies herein-before given, for recovering, receiving, and paying the same to the said *Peter Agheson Carzon*, his Heirs or Assigns, be put into Execution until the Fact, to be referred or tried by the said Jury, shall have been ascertained or found; and in case any such Difference or Dispute on the Part of the said Company of Proprietors should, in the Opinion of such Referees or Jury, which Opinion they are hereby authorized and directed to declare, appear to have been frivolous, or without a reasonable Ground or Foundation, the said Company of Proprietors shall pay the Costs out of Pocket incurred by such Reference or Trial, to be settled by the Clerk of the Peace for the County of *Leinster* for the Time being: Provided nevertheless, that if the said Sum of Fifty thousand

said Pounds shall become payable by the said Company of Proprietors to the said *Penn Asheton Curzon*, his Heirs or Assigns, by virtue of this Act, and any smaller Sum or Sums of Money shall have before been paid or become payable to him or them by virtue hereof, in Compensation for any temporary Adulteration or Diminution of the said Water, such smaller Sum or Sums of Money shall be retained or taken by the said *Penn Asheton Curzon*, his Heirs or Assigns, in Part Payment of the said Sum of Fifty thousand Pounds, and in case at any Time the Sums of Money actually paid by the said Company of Proprietors to the said *Penn Asheton Curzon*, his Heirs or Assigns, in Compensation for the temporary Adulteration or Diminution of the said Water, shall amount to the whole to the Sum of Fifty thousand Pounds, then and from thenceforth no farther Sum or Sums of Money shall be due or payable by the said Company of Proprietors to the said *Penn Asheton Curzon*, his Heirs or Assigns, for or in respect of any Adulteration or Diminution of the said Water; and all the Remedies and Powers given and provided by this Act, for raising and levying such Sum or Sums of Money, shall cease and determine, any Thing herein-before to the contrary notwithstanding, so that no more than the said Sum of Fifty thousand Pounds in the Whole shall in any Event be paid or payable by the said Company of Proprietors to the said *Penn Asheton Curzon*, his Heirs or Assigns, for or in respect of any Injury which may happen to the said Spring of Water, in consequence of the cutting or making of the said Canal.

Company is
to convey the
Water from
the Reservoir
to Gosfold
Park in Cap.
95. And also,
at their own Ex-
pense.

V. And be it further enacted, That the said Company of Proprietors, in further Performance of the said Agreement, shall, and they are hereby authorized and required, at their own Costs and Expenses, well and effectually to conduct and convey the Water of the said Spring in proper and sufficient Lead, Wooden, or Iron Pipes, up to and into the said Mansion House of the said *Penn Asheton Curzon* at Gosfold aforesaid, from the said Reservoir in his said Park, within the Space of Six Months from the Time the said Canal shall be made navigable in the said Lordship of Gosfold, and in case the said Company of Proprietors, or the Agents employed by them, shall refuse or neglect within the Time aforesaid, well and sufficiently to conduct and convey the Water of the said Spring in such proper and sufficient Pipes, up to and into the said Mansion House of the said *Penn Asheton Curzon* from the said Reservoir in the said Park, then and in such Case it shall and may be lawful for the said *Penn Asheton Curzon*, his Heirs or Assigns, and he, she, or they, is and are hereby empowered to conduct and convey the Water of the said Spring, in Manner aforesaid, up to and into the said Mansion House, from the said Reservoir, and that then and in such Case it shall and may be lawful for the said *Penn Asheton Curzon*, his Heirs or Assigns, and he, she, and they, is and are hereby empowered to recover all the Costs, Charges, and Expenses of and attending the conducting and conveying the said Water in such Pipes, and of the making and erecting a proper Forcing Pump, or other necessary Engine for forcing the Water of the said Spring from the said Reservoir through such Pipes, up to and into the said Mansion House, or from the said Company of Proprietors, in such and the like Manner, and by such and the like Means, as are herein provided and prescribed for the Recovery of Satisfaction for Damages which may be done by the said Company of Proprietors.

VI. Pro-

VI. Provided also, and be it further enacted, That the said Canal shall be made, kept, and maintained, through the Closets known by the Names of *The Crow Tree Close*, *The Crow Tree Meadow*, and *The Rough Close*, marked Numbers 200, 201, and 202, within the Manor of Gosfold, in the exact Line or Course marked in the Map or Plan herein-after described, to be certified by the Right Honourable the Speaker of the House of Commons.

Course of the
Canal through
the Manor of
Gosfold.

VII. And whereas it would be for the Accommodation of the said *Penn Asheton Curzon*, that that Part of the Line of the intended Canal in the said Parish of *Shackerston*, near his Mansion House and Pleasure Grounds should be varied; be it therefore further enacted, That it shall not be lawful for the said Company of Proprietors to make their said Canal through the Whole of the said Parish of *Shackerston*, in the Line or Course marked and described in the Map or Plan which hath been deposited with the Clerk of the Peace for the said County of *Leicester*, but that the said Canal shall be made through Part of the said Parish in the Line or Course herein-after described (and no other), that is to say, when the same shall be cut through and over certain Closets or Pieces of Arable, Meadow, or Pasture Ground in Gosfold aforesaid, belonging to the said *Penn Asheton Curzon*, called or known by the several Names of *Winters Rough Close*, *Pegg's Crow Tree Meadow*, and *Pegg's Crow Tree Close*, the Line of the said Canal shall be continued in a straight Direction nearly Eastward through Two other Closets of the said *Penn Asheton Curzon*, in *Shackerston* aforesaid, called *Watt's Pasture*, and *Lakin's Pasture*, and over Lands and Grounds belonging to *Jasper Leigh Goodwin* Esquire, in the Occupation of *Joseph Esq.*, to a certain Gate standing on the Publick Highway leading from *Newton to Biffen*, in the North-eastern Fence, dividing the Lands of the said *Jasper Leigh Goodwin* from Land of the Vicar of *Shackerston*, and from the said Gate, by the Side of or near the North-eastern Boundary of the Lands of the said *Jasper Leigh Goodwin*, to the Western Corner of a Close of *Thomas Strong Hall* Esquire, in *Shackerston* aforesaid, called *The Rye Road*, and thence in a South-eastern Direction over the said *Rye Road*, and other Closets of the said *Thomas Strong Hall*, called *The Walsall Close*, through the *Briest-hill Pond*, in the same Close, across the Road from *Shackerston to Heather*, the *Holme*, and *River Seyle*, to the *Willow Grove*, and from thence in a Southwardly Direction through the said *Willow Grove*, Part of the *Ox Hay*, through another Part of the said River, into and through the *Moss Hill* and *Moss Meadows*, through and across the Road leading from *Shackerston to Barton*, the *Pool*, and *Pool Close Meadows*, into the Line or Course, (as laid down in the Map or Plan by this Act directed to be certified by the Right Honourable the Speaker of the House of Commons), at the Lands of *Benjamin Cresshaw*, at or near the South Corner of the said *Pool Close Meadows*: Provided always, that the said Deviation from the Line or Course so marked and described in the said Map or Plan, shall not in anywise, in the Judgement of experienced Engineers, One to be appointed by the said Company of Proprietors, and the other to be appointed by the said *Penn Asheton Curzon*, his Heirs or Assigns, be considered to prejudice or affect the Guarantee as aforesaid, agreed to be given by the said Company of Proprietors to the said *Penn Asheton Curzon*, for the Preservation and Security of his said Spring; and if the said Deviation shall, in the Judgement of such Engineers, be considered as dangerous to the said Guarantee, then and in such Case only,

For deviating
the Line near
Mr. Curzon's
Moss, it is
to the Dis-
advantage.

that Part, if any, of the said Deviation from the said Line or Course, as marked in the said Map or Plan so deposited with the Clerk of the Peace for the said County of Leicester as aforesaid, shall be made, as shall in the Judgement of such Engineers be considered as safe, with respect to such Guarantee, as if no Deviation whatever therefrom was made: Provided also, that nothing in this Act contained shall extend, or be deemed, construed, or taken to extend, to give Power or Authority to the said Company of Proprietors, their or any of their Agents, Workmen, or Servants, or any other Person or Persons whomsoever, to make and erect any Wharf, Warehouse, Buildings, or Works whatsoever, in any Place nearer to the present Boundary of *Gosfald Park* aforesaid than One thousand Yards.

Foot Bridge to be made over the River *Seyf*, and the Canal, at *Shackerston* &c.

VIII. Provided always, and it is hereby enacted and declared, That a Foot Bridge shall be made over the River *Seyf*, Towing Path, and Canal, for the Use of the said *Thomas Strong Hall*, his Heirs and Assigns, from his new Garden, to the Close called *Ox Hay*; and that the Water in the *Holow* shall be raised at a high Level, and conveyed under the said River, Towing Path, and Canal, by a sufficient Pipe or Culvert, which shall be from Time to Time kept in Repair by the said Company, for the Purpose of feeding and supplying with Water the several Ponds of him the said *Thomas Strong Hall*, in the Close called *The Mount*; and that the said River *Seyf* shall be embanked, so as that the Water thereof shall flow fully and freely, as heretofore, to *Shackerston Mill*; and that a sufficient Drain or Outlet, either by a Culvert or otherwise, shall be made under or by the Side of the Canal or Towing Path, to let off the Water freely from the several Ponds of him the said *Thomas Strong Hall*, whenever he, or his Heirs or Assigns, shall think proper to empty the same; and that the Line or Course of the said Canal shall not be varied or altered, nor the same be made or cut nearer the new Garden or Manor House of him the said *Thomas Strong Hall*, in *Shackerston* aforesaid, than as delineated and described in the Map or Plan, to be certified by the Right Honourable the Speaker of the House of Commons; and that no Towing Path, Wharf, Warehouse, Place for Boats to lie, or for the lodging of Timber or Works whatsoever, shall be made or erected on the South Side of the said intended Canal, upon the Estate of the said *Thomas Strong Hall*, in *Shackerston* aforesaid, the necessary Abutments and Piers of Bridges excepted; any Thing contained in this Act to the contrary notwithstanding.

The Direction of the Canal through Mr. *Strong's* Estate.

IX. Provided always, and be it further enacted and declared, That nothing in this Act contained shall extend or be construed to extend to empower or enable the said Company of Proprietors, their Successors or Assigns, in making that Part of the Canal or Navigation, and in taking the Land to be used for the necessary Embankments thereof, which shall be made in, upon, and through, the Estate and Grounds of *John Simpson* Esquire, and *Jane* his Wife, in *Burton Hastings* aforesaid, to take the same in any other Manner than close to the Hedge at the Top of the Meadow now in the Occupation of *Edward Darlington*, marked and described, N^o 27. in the Map or Plan, to be certified by the Right Honourable the Speaker of the House of Commons, adjoining another Meadow belonging to *Henry Harvey* Esquire, nor in making that Part of the said Canal which shall pass through the Lands and Grounds of the said

John Simpson and *Jane* his Wife, in *Burton Hastings* aforesaid, other than above the Hedge which now parts the Meadow, marked and described in the said Map or Plan, to be certified as aforesaid, Number 21, and Number 22, in the Occupation of *Joseph Drwell*, from the upper Grounds, to leave the said Meadow untouched until the Course of the said Canal shall come opposite to a Poplar Tree in the Brook whereon the Water Level is cut or marked, from whence it shall be taken or carried across the said Meadow to the said Poplar Tree, and from thence it shall be continued and made over the remaining Part of the said Meadow, along by the Side of the said Brook, and as near thereto as possible.

X. Provided always, and be it further enacted and declared, That nothing in this Act contained shall extend or be construed to extend, to empower or enable the said Company of Proprietors, in making that Part of the said intended Canal or Navigation which shall pass through the Lands and Grounds of the Reverend *Dudley Charles Ryder*, and *Elizabeth Catherine* his Wife, in *Swarglow* aforesaid, in the Occupation of *John Abner*, marked Numbers 217, and 218, in the Map or Plan, to be certified by the Right Honourable the Speaker of the House of Commons, to take, or cause the same to be taken, in any other Manner than along the Easterly Side or Boundary of the said Lands and Grounds; any Thing herein contained to the contrary notwithstanding.

Direction of the Canal through Mr. *Ryder's* Estate at *Swarglow*.

XI. And be it further enacted, That the said Company of Proprietors shall, and they are hereby required at their own Expence, within Six Months after a Requisition made to them for that Purpose in Writing, delivered to their Clerk or Clerks, by or on the Behalf of *John Raper*, *Thomas Fenton*, and *James Fenton*, Esquires, or the Owners or Lessees for the Time being of the Coal Mines now belonging to the said *John Raper*, *Thomas Fenton*, and *James Fenton*, at *Swanington*, and at *Pegg's Green*, in the Liberty of *Thringstone*, in the Parish of *Worcester*, in the said County of *Leicester*, to erect and build, and at all Times thereafter to maintain and keep in good and sufficient Repair, One Swivel or Draw Bridge, for the Passage of Horses, Carts, and Carriages, over or across any convenient Part of the said Canal in *Pegg's Green* aforesaid, for the Use of the said *John Raper*, *Thomas Fenton*, and *James Fenton*, or the said Owners or Lessees of the said Coal Mines for the Time being, and their several and respective Tenants and Servants; and in case the said Company of Proprietors shall, for the Space of Six Calendar Months after such Requisition made as aforesaid, neglect or refuse to erect and build, or for the Space of Six Days after such Requisition, to repair such Bridge, then it shall and may be lawful to and for the said *John Raper*, *Thomas Fenton*, and *James Fenton*, or the said Owners or Lessees of the said Coal Mines for the Time being, or their Servants or Workmen, to erect and build, or to repair such Bridge as aforesaid, and all the reasonable Costs and Charges of such Erection and Building, or Repair, to be settled and allowed by the said Commissioners, shall be repaid to the said *John Raper*, *Thomas Fenton*, and *James Fenton*, or the said Owners or Lessees of the said Coal Mines for the Time being, who shall have so erected and built, or repaired, the said Bridge, by the said Company of Proprietors, within the Space of Six Calendar Months next after the same shall have been so settled and allowed, and an Account and Demand in Writing shall have

Bridge to be made to the Coal Mines at *Pegg's Green*.

in the County of Derby, belonging to *John Carr Brewer Esquire*, and called *Stretton Mill*, except in Times of Floods and wet Seasons, and when the said Rivers, Brook, or Rivulet, shall overflow their Banks, but that such Part of the Water of the said Rivers, Brook, or Rivulet, which shall or may be crossed by the said Canal, or any Reservoir, Conduktor, Aqueduct, or other Works appertaining thereto, shall be well and effectually tunnelled and conducted under such Canal, Reservoirs, Conduktors, or other Works, by the said Company of Proprietors, immediately into the former and ancient Course thereof, in such Manner as that the Whole thereof, except in such Times of Floods and wet Seasons, and when the said Rivers, Brook, or Rivulet, shall overflow their Banks, shall flow into the said Rivers, Brook, or Rivulet.

Power to
make Rollers,
Inclined
Planes, &c.

XVIII. And be it further enacted, That if the said Company of Proprietors shall judge it expedient, that Boats or other Vessels, Waggones or other Carriages, should be conveyed over or along any Part or Parts of the Line to be pursued in making the said Canal and Cuts, or Branches by Rollers, Inclined Planes, or in any other Manner than by Water, then, and in such Case, it shall and may be lawful for the said Company of Proprietors, to cause any Rollers, Inclined Planes, or other Works to be made for that Purpose, at such Place or Places, in the said Line as they shall think proper; and the same shall be considered to be Part of the said Works hereby authorized to be made, in like Manner, and to all Intents and Purposes, as if such Parts or Places were made navigable.

Houses, Gar-
dens, &c. not
to be dama-
ged.

XIX. And be it further enacted, That nothing in this Act contained, shall authorize or empower the said Company of Proprietors, or any other Person or Persons, to take, use, injure, or damage, any House or other Building, which was erected and built on or before the First Day of January in the Year of our Lord One thousand seven hundred and ninety-four, or any Land or Ground which, on the said First Day of January, was set apart and used as and for a Garden, Yard, Park, Paddock, Orchard, planted Walk, or Avenue to a House or Lawn, inclosed or adjoining to any House, without the Consent of the respective Owners thereof, other than and except a small Garden at *Stanton* aforesaid, belonging to the Reverend *Dudley Charles Ryder*, in the Occupation of *Edm. Farshaw* Widow; a Building used as a Shop and Coalhouses; Three Small Gardens, a Yard, and Barn, belonging to the said *Dudley Charles Ryder*, at *Snarleton* aforesaid, in the respective Occupations of *James Pearson*, *Joseph Parier*, *William Atwood*, *Thomas Mervitt*, and *John Atkins*; Three small Gardens belonging to *Joseph Wikes* and *Thomas Wikes Esquires*, at *Moocham* aforesaid, in the respective Occupations of *Robert Woodward*, *John Willman*, and *William Dodge*; a Garden and Plantation belonging to the Right Honourable the Earl of *Maira* in *Abby de la Zouch*, in the Occupation of *Middlemarch Clarke Pilkington*; an Orchard and Yard belonging to *Sir Henry Harpur* Baronet, at *Ticknall* aforesaid, in the Occupation of *Joseph Heslop*; a small Garden belonging to the said *Sir Henry Harpur* in *Ticknall* aforesaid, in the Occupation of *William Nevils*; a Yard and Orchard belonging to *Richard Cole* in *Ticknall* aforesaid, in the Occupation of *James Fynell*; a small Garden belonging to the said *Sir Henry Harpur* at *Ticknall* aforesaid, in the

the Occupation of *John Newbold*; a small Garden belonging to the said *Sir Henry Harpur*, in *Ticknall* aforesaid, in the Occupation of *Joseph Terraw*; a small Garden belonging to *Sir George Beaumont* Baronet, in *Newbold* aforesaid, in the Occupation of *John Knight*; Seven small Gardens and Yards at *Newbold* and *Worthington* aforesaid, belonging to the Right Honourable *Robert Earl Ferrers*, the said *Sir George Beaumont*, *John Myers* *Baillarde*, *William Parier*, and the Reverend *Thomas Beer*, Devisees in Trust under the Will of *Edward Danyson Esquire* deceased; *Joseph Bealides Esquire*, *William Jacques*, *John Husbison*, *Joseph Jacques Husbison*, *Richard*, *William Frearson*, *John Broadbent Esquire*, *Widow Jackson*, *Joseph Ward* and *Robert Ward*; *John Armitson*, *Michael Goodall*, *Thomas Wallis*, *Ann Curzon*, *William Forth Esquire*, and *William Stinson*, in the respective Occupations of *William Paxon*, *Thomas Stary*, *John Massey*, *Thomas Heywood*, *John Field*, *Joseph Ward*, and *John Hall*; a small Garden at *Colston* aforesaid, belonging to the said *Sir George Beaumont*, in the Occupation of *Ann Ward*; a small Garden at *Pegg's Green* aforesaid, belonging to *John Raper*, *Thomas Feston*, and *James Feston*, in the Occupation of *William Cooper*; a Barn, Scabie, and small Garden, belonging to the Right Honourable the Earl of *Stanford* in *Worthington* aforesaid, in the Occupation of *John Bailey*; another small Garden of the Earl of *Stanford* in *Worthington* aforesaid, in the Occupation of *Thomas Orton*.

XX. And be it further enacted, That the said Company of Proprietors shall, and they are hereby authorized and required at their own Expence, in case they shall be thereunto required, by the Right Honourable *Robert Earl Ferrers*, his Heirs or Assigns, to make, maintain, continue, and keep navigable for Boats and other Vessels, the said Cut or Branch, from or nearly from the said Close, in the Parish of *Abby de la Zouch* aforesaid, now or late in the Occupation of *John Sharp*, called *Square Close*, and from thence through the Inclosures of the said Earl, in the Lordship of *Stanton Harold*, over the Corner of the Park at *Stanton Harold* aforesaid, to within about One hundred and seventy Yards of his present Lime Works at *Stanton Harold* aforesaid; and in case the said Company of Proprietors shall, for the Space of Six Months next after such Requisition in Writing from the said *Robert Earl Ferrers*, his Heirs or Assigns, left with the Clerk or Clerks of the said Company of Proprietors, neglect or refuse to make such Cut or Branch as aforesaid, then, and in such Case, it shall be lawful for the said *Robert Earl Ferrers*, his Heirs or Assigns, at his and their own Expence, to make, or cause to be made, such Cut or Branch, to the Extent, and to and for such Purpose and in Manner above-mentioned, and to have, demand, ask, and recover, by Suit or Action at Law, in any Court of Record at *Westminster*, from the said Company of Proprietors, all such Costs, Charges, and Expences, as he the said *Earl Ferrers*, his Heirs or Assigns, shall or may actually and lawfully pay, sustain, incur, or be put unto, in making such Cut or Branch as aforesaid, or any Part thereof; and after such Cut or Branch is made, it shall and may be lawful for the said Earl, his Heirs and Assigns, to fill up the same at his or their Expence, whenever he or they shall think fit, provided that no Recompence or Satisfaction shall be made by the said Company of Proprietors to the said Earl, his Heirs or Assigns, for the Land or Ground to be used or taken for the said

Cut or Branch
to be made to
Earl Ferrers's
Use, or otherwise
when he shall
require it.

in the County of Derby, belonging to *John Cook Brown* Esquire, and called *Streeton Mill*, except in Times of Floods and wet Seasons, and when the said Rivers, Brook, or Rivulet, shall overflow their Banks, but that such Part of the Water of the said Rivers, Brook, or Rivulet, which shall or may be crossed by the said Canal, or any Reservoir, Conduitor, Aqueduct, or other Works appertaining thereto, shall be well and effectually tunnelled and conducted under such Canal, Reservoirs, Conduitors, or other Works, by the said Company of Proprietors, immediately into the former and ancient Course thereof, in such Manner as that the Whole thereof, except in such Times of Floods and wet Seasons, and when the said Rivers, Brook, or Rivulet, shall overflow their Banks, shall flow into the said Rivers, Brook, or Rivulet.

Power to
make Rollers,
Inclined
Planes, &c.

XVIII. And be it further enacted, That if the said Company of Proprietors shall judge it expedient, that Boats or other Vessels, Waggons or other Carriages, should be conveyed over or along any Part or Parts of the Line to be pursued in making the said Canal and Cuts, or Branches by Rollers, Inclined Planes, or in any other Manner than by Water, then, and in such Case, it shall and may be lawful for the said Company of Proprietors, to cause any Rollers, Inclined Planes, or other Works to be made for that Purpose, at such Place or Places, in the said Line as they shall think proper; and the same shall be considered to be Part of the said Works hereby authorized to be made, in like Manner, and to all Intents and Purposes, as if such Parts or Places were made navigable.

Heirs, Car-
riage, &c. not
to be dem-
olished.

XIX. And be it further enacted, That nothing in this Act contained, shall authorize or empower the said Company of Proprietors, or any other Person or Persons, to take, use, injure, or damage, any House or other Building, which was erected and built on or before the First Day of *January* in the Year of our Lord One thousand seven hundred and ninety-four, or any Land or Ground which, on the said First Day of *January*, was set apart and used as and for a Garden, Yard, Park, Paddock, Orchard, planted Walk, or Avenue to a House or Lawn, included or adjoining to any House, without the Consent of the respective Owners thereof, other than and except a small Garden at *Stanton* aforesaid, belonging to the Reverend *Dudley Charles Ryder*, in the Occupation of *Edna Farshaw* Widow; a Building used as a Shop and Coalhouses; Three Small Gardens, a Yard, and Barn, belonging to the said *Dudley Charles Ryder*, at *Stanton* aforesaid, in the respective Occupations of *James Pearson*, *Joseph Parker*, *William Atwood*, *Thomas Mervitt*, and *John Atkins*; Three small Gardens belonging to *Joseph Wicks* and *Thomas Wicks* Esquires, at *Meeham* aforesaid, in the respective Occupations of *Robert Woodward*, *John Willman*, and *William Dodge*; a Garden and Plantation belonging to the Right Honourable the Earl of *Mercia* in *Abby de la Zouch*, in the Occupation of *Middlemore Clarke Pilkington*; an Orchard and Yard belonging to *Sir Henry Harpur* Baronet, at *Ticknall* aforesaid, in the Occupation of *Joseph Hooper*; a small Garden belonging to the said *Sir Henry Harpur* at *Ticknall* aforesaid, in the Occupation of *William Nevill*; a Yard and Orchard belonging to *Richard Sale* at *Ticknall* aforesaid, in the Occupation of *James Pywell*; a small Garden belonging to the said *Sir Henry Harpur* at *Ticknall* aforesaid, in the

the Occupation of *John Newbald*; a small Garden belonging to the said *Sir Henry Harpur*, at *Ticknall* aforesaid, in the Occupation of *Joseph Ter-ram*; a small Garden belonging to *Sir George Beaumont* Baronet, in *Newbald* aforesaid, in the Occupation of *John Knight*; Seven small Gardens and Yards at *Newbald* and *Worthington* aforesaid, belonging to the Right Honourable *Robert Earl Ferrers*, the said *Sir George Beaumont*, *John Myers* *Balbrade*, *William Pechin*, and the Reverend *Thomas Beer*, Devisees in Trust under the Will of *Edward Darnley* Esquire deceased; *Joseph Heath* Esquire, *William Jacques*, *John Duffin*, *Joseph Jacques* Esquires, *Harbonds*, *William Frearson*, *John Broadhurst* Esquire, *Widow Jackson*, *Joseph Ward* and *Robert Ward*, *John Arden*, *Michael Gendall*, *Thomas Wallis*, *Ann Curzon*, *William Pechin* Esquire, and *William Stinson*, in the respective Occupations of *William Paxon*, *Thomas Drury*, *John Massey*, *Thomas Haywood*, *John Field*, *Joseph Wardle*, and *John Hall*; a small Garden at *Colerston* aforesaid, belonging to the said *Sir George Beaumont*, in the Occupation of *Ann Wardle*; a small Garden at *Pegg's Green* aforesaid, belonging to *John Raper*, *Thomas Feston*, and *James Feston*, in the Occupation of *William Cooper*; a Barn, Stable, and small Garden, belonging to the Right Honourable the Earl of *Stanford* in *Worthington* aforesaid, in the Occupation of *John Bailey*; another small Garden of the Earl of *Stanford* in *Worthington* aforesaid, in the Occupation of *Thomas Orten*.

XX. And be it further enacted, That the said Company of Proprietors shall, and they are hereby authorized and required at their own Expence, in case they shall be thereunto required, by the Right Honourable *Robert Earl Ferrers*, his Heirs or Assigns, to make, maintain, continue, and keep navigable for Boats and other Vessels, the said Cut or Branch, from or nearly from the said Close, in the Parish of *Abby de la Zouch* aforesaid, now or late in the Occupation of *John Sharp*, called *Square Close*, and from thence through the Inclosures of the said Earl, in the Lordship of *Stanton Harold*, over the Corner of the Park at *Stanton Harold* aforesaid, to within about One hundred and seventy Yards of his present Lime Works at *Stanton Harold* aforesaid; and in case the said Company of Proprietors shall, for the Space of Six Months next after such Requisition in Writing from the said *Robert Earl Ferrers*, his Heirs or Assigns, left with the Clerk or Clerks of the said Company of Proprietors, neglect or refuse to make such Cut or Branch as aforesaid, then, and in such Case, it shall be lawful for the said *Robert Earl Ferrers*, his Heirs or Assigns, at his and their own Expence, to make, or cause to be made, such Cut or Branch, to the Extent, and to and for such Purpose and in Manner above-mentioned, and to have, demand, ask, and recover, by Suit or Action at Law, in any Court of Record at *Westminster*, from the said Company of Proprietors, all such Costs, Charges, and Expences, as he the said *Earl Ferrers*, his Heirs or Assigns, shall or may actually and lawfully pay, sustain, incur, or be put unto, in making such Cut or Branch as aforesaid, or any Part thereof; and after such Cut or Branch is made, it shall and may be lawful for the said Earl, his Heirs and Assigns, to fill up the same at his or their Expence, whenever he or they shall think fit, provided that no Recompence or Satisfaction shall be made by the said Company of Proprietors to the said Earl, his Heirs or Assigns, for the Land or Ground to be used or taken for the said

Cut or Branch
to be made to
Earl Ferrers's
Inclosures
when he shall
require it.

Cut or Branch to be made on such Requisition as aforesaid; any Thing in this Act to the contrary notwithstanding.

Sir H. Harter,
may make a
Railway, &c.
from Canal.

XXI. And be it further enacted, That it shall be lawful for Sir Henry Harter of Cusick Hall in the County of Derby Baronet, his Heirs and Assigns, at his or their own Charge and Expence, to make a Railway, or Stone or other Road, from the Lordship of Cusick to join or communicate with the said Canal, at some convenient Place betwixt Number 383, and 392, marked in the Map or Plan, herein-after directed to be certified by the Right Honourable the Speaker of the House of Commons; provided that such Railway, Stone, or other Road, shall not pass over any Lands in the Lordship of *Stawston Harold*, nor be commenced or made until the said Earl Ferrers, his Heirs or Assigns, shall require the said Cut or Branch to be made to his Lime Works at *Stawston Harold*, or until the said Earl Ferrers, his Heirs or Assigns, shall make or cause to be made any Railway, Stone Road, or other such Road, from the said Lime Works at *Stawston Harold*, for the Purpose of conveying Lime or Lime Stone from the said Lime Works at *Stawston Harold*, to and upon the said Canal, or until the said Earl Ferrers or any Person or Persons who may hereafter be Owner or Owners of the said Lime Works, in the said Lordship of *Stawston Harold*, shall discontinue or shut up from Sale, or cause to be discontinued or shut up from Sale, by his or their Consent and Approbation, the said Lime Works; any Thing in this Act to the contrary thereof notwithstanding.

To enable W.
Abney Esq. to
make a Cut
or Railway
from the
Colliery into
the Canal near
Blaithford.

XXII. And be it further enacted, That it shall be lawful for William Abney of Menham Esquire, his Heirs or Assigns, to make a Collateral Cut or Canal, navigable and passable for Boats and other Vessels, or a Railway, or a Stone or other Road, from the Colliery of the said William Abney, situate and being in the Lordship of *Heather*, to join and communicate with the said Canal, at some convenient Place, at or near the Lordship of *Shakerston*; and for that Purpose from Time to Time, and all Times hereafter, if he or they shall think proper or expedient, to apply to Parliament, to enable him, at his own Expence, or by publick or private Subscription, as shall be by him or them judged most expedient to make such Collateral Cut or Canal, Railway or Stone or other Road, as aforesaid.

The Grant to
W. Ferrer Esq.
from the
Coal Mines
of his in the
County of
Normantia in
the Heath.

XXIII. And be it further enacted, That it shall be lawful for William Ferrer of Tylshere, in the County of Oxford Esquire, his Heirs or Assigns, if he or they shall think fit, to make a Collateral Cut or Canal, navigable and passable for Boats and other Vessels, or a Railway, or Stone or other Road, from any Coal or other Mines belonging to the said William Ferrer, in the Lordship of *Normantia in the Heath* in the said County of *Leicestershire*, to join and communicate with the Cut or Railway, or Stone or other Road, of the said William Abney Esquire, in case the same shall be made, and by that Means to communicate with the said Canal; or in case the said William Abney shall not make such Cut, Railway, or Stone or other Road, then to join or communicate directly with the said Canal at some convenient Place, and for that Purpose, from Time to Time, and at all Times hereafter, if he shall think it expedient to apply to Parliament, to enable him, at his own Expence, or

by publick or private Subscription, as shall be by him or them judged expedient, to make such Collateral Cut or Canal, Railway or Stone or other Road.

XXIV. And be it further enacted, That the said Company of Proprietors shall, and they are hereby authorized and required to make a Wharf at some convenient Place upon *Abby Wolds*, near the Parish of *Hart-berne*, at or near Number 554 in the Plan, hereafter directed to be certified by the Right Honourable the Speaker of the House of Commons, for the Accommodation of the Inhabitants of the Towns, Villages, and Places, near or adjoining thereto; and also another Wharf at some convenient Place, at or near *Green Hills Pasture*, in the Lordship of *Sutton Clewy* aforesaid, for the Accommodation of the Inhabitants of the Towns, Villages, and Places adjoining thereto.

For making a
Wharf near
Hartberne.

The time at
or near Green
Hills Pasture.

XXV. And be it further enacted, That such Parts of the said intended Canal or Canal from the said Clois called *Spissell* or *Black Ditch* to the said Lime Works at *Tykemill* and *Clewdall*, shall be well and effectually made navigable, and be completed within the Space of Five Years from the Time of the Commencement of this Act.

The Canal to
be completed
to the Lime
works within
Five Years.

XXVI. And whereas certain Levels and Surveys have been taken to ascertain the Profitability of making the said Canal and Cuts or Branches, and in Consequence thereof Four several Maps or Plans, and Four Books of Reference, have been made from such Levels and Surveys, of the Lands, Tenements, and Hereditaments, through, across, under, or over which the said Canal and Cuts or Branches are intended to be carried, and which belong, or are reputed to belong, to the several and respective Persons named or described in the said Books of Reference; be it further enacted, That the said Four several Maps or Plans, and Books of Reference, shall be certified by the Right Honourable the Speaker of the House of Commons, One of which said Plans and Books shall be deposited with and kept by the Clerk of the Peace for the said County of *Leicester*, One other of them with and by the Clerk of the Peace for the said County of *Derby*, One other of them with and by the Clerk of the Peace for the said County of *Warwick*, and the other of them with and by the Clerk or Clerks to the said Company of Proprietors for the Time being; which Plans and Books of Reference all Persons shall have Liberty to inspect and peruse, and make Extracts from and Copies thereof, or of any Part thereof, at all reasonable Times, on Payment to such respective Clerks of One Shilling for each Time of Inspection, and paying for every Copy not exceeding One hundred Words the Sum of Four-pence, and so in Proportion for any Number of Words; and the said Maps or Plans, and Books of Reference, so certified, or true Copies thereof, shall be, and they are hereby declared to be good Evidence in all Courts of Law and Equity, or elsewhere; and the said Company of Proprietors, upon Six Days Notice to them, or to their Clerk for the Time being, given for that Purpose, shall from Time to Time produce by their Clerk, or in case of his Absence, by some other Officer of the said Company, the Part of the said Map or Plan and Book of Reference so in their Custody, before the Commissioners herein-after appointed, and their Successors, or any Five or more of them, or before any Jury or Juries to be impannelled by

Levels and
Surveys have
been taken,
and Four
Plans and
Books of Re-
ference made.

The said Plans
and Books to
be witnessed
by the
Speaker.

and allowed to
be given in
Evidence.

victor of this Act, at the Time and Place to be mentioned in such Notice, in order that the same may be then and there given in Evidence as aforesaid.

Canal not to deviate from the Course laid down in the Plans.

XXVII. And be it further enacted, That the said Company of Proprietors, in making the said intended Canal and Cuts or Branches respectively, shall not deviate from the Course or Direction delineated in the said Maps or Plans, and set forth in the said Books of Reference, nor cut, carry, or convey, the said Canal and Cuts or Branches, or either of them, into, through, across, under, or over, any Part or Parts of the several Estates, Lands, Grounds, or Hereditaments, now or late belonging, or reputed to belong, to the said several and respective Persons named or described in the said Books of Reference, other than such Part or Parts as are mentioned in the said Books of Reference in that Behalf, nor belonging to any other Person nor named in such Books of Reference, without the Approbation and Consent in Writing, signed by the Person or Persons to whom such Estates, Lands, and Grounds, do or shall respectively belong.

Objection of Owners, &c. not to prevent making the said Canal.

XXVIII. Provided always, and be it further enacted, That the said Company of Proprietors shall and may make the said Canal and Cuts or Branches, or either of them, through, across, over, or under, the Estates, Lands, Grounds, and Hereditaments, of any Person or Persons whomsoever, in any Case or Contingency whatsoever, where it shall appear to the Satisfaction of the said Commissioners, or any Five or more of them, and be by them certified under their Hands, that the Name or Names of such Person or Persons hath or have been by Mistake omitted in the said Books of Reference, or across any Roads, Brooks, or Rivulets, which shall so appear, and be certified to have been omitted by Mistake as aforesaid; and also where it shall appear to the Satisfaction of the said Commissioners, and be by them so certified, that, instead of the Name or Names of the Owner or Owners of such Estates, Lands, Grounds, or Hereditaments, the Name or Names of some other Person or Persons to whom such last mentioned Estates, Lands, Grounds, or Hereditaments, do not belong, hath or have been inserted by Mistake in the said Books of Reference.

Breadth of Canal and Towing Paths.

XXIX. And be it further enacted, That the Lands or Grounds to be taken or used for such Canal and Cuts or Branches respectively, and for the Towing Paths to each, and the Ditches, Drains, and Fences, to separate such Towing Paths from the adjoining Lands, shall not exceed Twenty-four Yards in Breadth, except in such Places where any Docks, Basins, Reservoirs, or Pens for Water, shall be made, or where the said Canal and Cuts or Branches, or either of them, or any Part thereof, shall be raised higher or cut more than Five Feet deeper than the present Surface of the Land, and except in such Places where it shall be judged necessary for Boats and other Vessels to turn, lie, or pass each other; or where any Warehouses, Cranes, or Weigh Beams, may be erected, or where any Wharfs or other Places may be set out or appropriated for the Reception of any Coals, Lime, Lime Stone, or other Minerals, Timber, or other Goods, Wares, and Merchandize, which shall be conveyed by the said Navigation.

XXX. And

XXX. And be it further enacted, That after any such Part or Parts of the said Lands or Grounds shall be so set out and ascertained as aforesaid, for making the said Canal and Cuts or Branches, or any Part or Parts thereof, and for providing and constructing the Wharfs and other Works and Conveniences herein-before mentioned, or any of them, it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husband, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, and Administrators, and all other Trustees or Persons whomsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and for all Femes Covert, who are or shall be seized, possessed of, or interested in their own Right, and for every other Person or Persons whomsoever, who is, or are, or shall be seized, possessed of, or interested in any Lands, Grounds, or Hereditaments, which shall be so set out and ascertained as aforesaid, for the Uses and Purposes of the said Canal and Cuts or Branches, or any Part thereof, or any Works or other Conveniences thereto belonging, to contract for, sell, and convey, the same, and every Part thereof, 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; and if it shall happen that, by making the said Canal and Cuts or Branches, or either of them, the Property of any Land Owner or Land Owners shall be separated into small Parcels, so as to render the Occupation thereof inconvenient, it shall be lawful for such Bodies Politick, Corporate, or Collegiate, or such other Land Owners, to contract for, sell, and dispose of, or to convey in Exchange for other Lands, all or any Part of such small Parcels of Land, to any Person or Persons whomsoever, for such Price or Prices in Money, or Equivalent, as to such Land Owner or Land Owners shall seem reasonable, and 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 anywise notwithstanding; and all Bodies Politick, Corporate, or Collegiate, and all Persons whomsoever, in conveying or exchanging as aforesaid, are hereby indemnified for or in respect of any such Sale or Exchange which he, she, or they, or any of them, shall respectively make by virtue and in pursuance of this Act; and all such Contracts, Agreements, Sales, Conveyances, and Assurances, (except those between private Persons) shall be made at the Expence of the said Company of Proprietors; and all such Conveyances and Assurances of any Lands or other Hereditaments which shall be made to the said Company of Proprietors, shall be made according to the following Form, or any other Form of Words to the like Effect; *videlicet*,

I [or we] A. B. of the Sum of to me [or us] paid (or, in Consideration of the Annual Rent of to me [or us] to be hereafter yielded and paid) by the Company of Proprietors of the *Abby de la Zouch* Canal, do hereby grant and release to the said Company all [describing the Premises to be conveyed] and all my [or our] Right, Title, and Interests, to and in the same, and every Part thereof, to hold to the said Company for ever, by virtue and according to the true Intent and Meaning of the

Books Published respectively to all and every Land

to be made respectively of the said work

Land shall be separated into small Parcels by the Canal, they may be exchanged or sold.

the said work

Contracts and Sales (except between private Persons) to be made at the Expence of the Company of Proprietors.

Form of Conveyance to the Company.

Act of Parliament, passed for making and maintaining the said *Abby*
de la Zouch Canal. In Witness whereof I [or we] have hereunto set
 my Hand and Seal [or our Hands and Seals] this _____ Day
 of _____ in the Year of our Lord

Which said Conveyances shall be kept by the Clerk or Clerks to the said Company of Proprietors for the Time being, who shall from Time to Time deliver attested Copies thereof to any Person or Persons requesting the same, and shall have and receive Sixpence for every One hundred Words of each of such attested Copies, and so in Proportion for any greater or less Number of Words; and every such Conveyance as aforesaid, which shall be made to any Person or Persons other than the said Company of Proprietors, shall be according to the following Form, or any other Form of Words to the like Effect:

Form of a
 Conveyance
 to other
 Persons than the
 Company.

I A. B. of _____ do hereby, in Consideration
 of the Sum of _____
 to me in Hand paid by C. D. at or before the Sealing and Delivery of
 these Presents, the Receipt whereof I do hereby acknowledge, [or, in
 Exchange for certain Lands situated _____
 conveyed to me by C. D. by Writing under his Hand
 and Seal, bearing even Date herewith], convey and assign to the said
 C. D. all [describe the Premises] to hold to the said C. D. his Heirs and
 Assigns for ever. In Witness whereof, I have hereunto set my Hand
 and Seal this _____ Day of _____

And every such Conveyance shall be valid and effectual.

If Lands cut
 through and
 divided, so as
 what shall be
 left shall be
 less than One
 Acre, the
 Company of
 Proprietors
 shall take and
 purchase the same.

XXXI. And be it further enacted, That in making the said Canal and Cuts or Branches, any Pieces or Parcels of Ground shall be cut through or divided, so that what shall be left on each or either Side of the said Canal and Cuts or Branches respectively, shall be less than One Acre in Quantity, or less than Twenty Yards in Average Breadth throughout the whole Length thereof; and if the Owner or Owners of any such Pieces or Parcels of Ground shall not have any other Land or Ground adjoining or contiguous to what shall be so left on each or either Side of the said Canal and Cuts or Branches respectively, then, and in every such Case, the said Company of Proprietors shall also take and purchase the Piece or Parcel, Pieces or Parcels of Ground, to be left on each or either Side of the said Canal and Cuts or Branches respectively, being less than One Acre in Quantity, or less than Twenty Yards in Average Breadth throughout the whole Length thereof as aforesaid, and shall pay for the same, after the same Rate and in the same Manner as they shall pay for the Land or Ground adjoining thereto, which shall be taken and used for making the said Canal and Cuts or Branches respectively: Provided the Owner or Owners, or Person or Persons entitled to the Possession, or to the Rents and Profits of such small Pieces or Parcels of Ground respectively, shall require the said Company of Proprietors to take and purchase the same, but not otherwise.

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

XXXII. And be it further enacted, That all and every Body or Bodies Politick, Corporate, or Collegiate, Trustees, or other Persons herein-before capacitated to sell and convey Lands and other Hereditaments, or any other Owner or Owners, and the Occupier or Occupiers of any Lands or other Hereditaments,

Hereditaments, through, in, or upon which the said Canal and Cuts or Branches, Towing Paths, Quays, or other Works hereby authorized, are intended to be made, or any of them, or of any Mills or other Works, from which any Water to supply the said Canal and Cuts or Branches may or shall be diverted, may accept and receive Satisfaction to the Value of such Lands and Grounds, Mills, or other Works and Hereditaments, and for the Damages to be sustained by making and completing the said Works herein-before directed, either in Gross Sums or by Annual Rents, at the Option of the said Owners and Occupiers respectively, (except Rents and Vassals for or in respect of their Glebe Lands or Tythes, which is to be by Annual Rent only, as hereafter is mentioned and provided), and from and immediately after the Time of executing such Contract or Contracts, and Payment of the Money in such Cases, where Satisfaction shall be made by Payment of a Gross Sum, or giving Security for such Annual Rent, as the Case may be, the said Company of Proprietors may and shall be at Liberty to enter upon, and from thenceforth, for ever, to have, take, and enjoy, the said Lands, Grounds, and other Hereditaments, for the Uses and Maintenance of the said Canal and Cuts or Branches respectively, and for supplying the same with Water, without any Interruption or Evidon whatsoever; and in case the said Company of Proprietors, and the said Parties interested in such Lands and Grounds, or other Hereditaments, cannot agree as to the Amount or Value of such Satisfaction, the same shall be ascertained and sealed by the Commissioners herein-after appointed, in such Manner, and subject to such Verdict of a Jury, if required, as is hereafter directed.

If Parties
 cannot agree,
 Price of Land
 etc. to be
 settled by Com-
 missioners, or
 by a Jury.

XXXIII. And to the End and Intent that every such Body or Bodies Politick, Corporate, or Collegiate, Trustees or other Person, or any other Owners or Occupiers of any Lands or other Hereditaments, through, in, or upon which the said Canal and Cuts or Branches may pass, or any of the Works aforesaid be made or erected, and who shall or may, during the Execution of the said Canal and Cuts or Branches, or any of the Works aforesaid, sustain any temporary or occasional Damages, by Reason or Means of making the said Canal and Cuts or Branches, or any of the Works aforesaid, may have a speedy and competent Satisfaction for such Damages: Be it enacted, That the said Company of Proprietors shall, and they are hereby required yearly and every Year, at some convenient Time before Lady-day, to employ such able and experienced Person, as they shall think proper, to take an Account and make an Estimate and Valuation of all such temporary or occasional Damages sustained and incurred in each Year, and to within Twenty-one Days of Lady-day in every Year, who shall enter in a Book an Account of the several Particulars of all such Damages, and the Names and Residence of the Persons sustaining the same, with his Estimate thereupon, which Book the Person so employed shall deliver at the then next Meeting of the Committee of the said Company of Proprietors, for their Information and Examination into the Particulars thereof, and after the same shall have been examined into at such Meeting, the said Person so employed to make such Account and Estimate shall sign and subscribe such Book, which shall also be signed and subscribed by the Chairman of such Meeting, and then delivered to the Clerk of the said Company, in whose Hands it shall remain, in order that the same may be open to the Inspection of any Person or Persons injured or affected as aforesaid, his or their Agent or Agents, who shall or may have Liberty at all reasonable Times to have

For the Eng-
 speedy Satis-
 faction for
 temporary or
 occasional
 Damages.

Recourse

Recourse to and inspect the same; and every Person so injured or affected, who shall be satisfied with the Amount of Damage so estimated, shall and may, on Application for the same to the Clerk of the said Company, obtain of such Clerk, who is hereby required to give the same, an Order in Writing upon the Treasurer of the said Company, for the Amount of his Damages, as appearing estimated in such Book, and the Treasurer, upon receiving such Order, is hereby required to pay the Amount thereof, taking a Receipt from the Person producing the same; and in case any Person or Persons shall be dissatisfied with the Estimate of the Person so employed by the said Company as aforesaid, and shall refuse to accept and receive, upon due Tender made, the Amount thereof, fixed and ascertained in the said Book, every such Person shall and may obtain Satisfaction in such Manner as is herein appointed in respect to other Damages.

Commissioners

their Qualifications

XXXIV. And, for settling all Differences which may arise between the said Company of Proprietors, or between any other Person or Persons, and the several Owners of or Persons interested in any Lands, Grounds, Tenements, Waters, or other Hereditaments, which shall or may be taken, used, affected, or prejudiced, by Reason of the Execution of any of the Powers hereby granted; be it further enacted, That every Person seized in his own Right, or in the Right of his Wife, and not as Mortgagor, of a Freehold or Copyhold Estate, or possessed of and entitled to a Lease or Leases for a long Term of Years determinable on One or more Life or Lives, of an Estate situated within the said Counties of *Leicester, Derby, and Warwick*, some or One of them, of the clear Yearly Value of One hundred Pounds, and also the eldest Son or Heir Apparent of every Person having a Freehold or Copyhold Estate as aforesaid, within the said Counties, or some or One of them, of the clear Yearly Value of Three hundred Pounds, and also every Person residing within the said Counties, some or One of them, having a Personal Estate, or Real and Personal Estate together, of the Value of Three thousand Pounds, shall be, and is hereby appointed a Commissioner for settling, determining, and adjusting, all Matters, Questions, and Differences, which shall or may arise between the said Company of Proprietors, and such several Proprietors of and Persons interested in any Lands, Grounds, Tenements, Waters, or other Hereditaments as aforesaid.

Commissioners not to act where interested, and to take an Oath.

XXXV. Provided always, and be it further enacted, That no Person shall act as a Commissioner for the Execution of the Powers hereby given, in any Case where he shall be any way interested or concerned in the Matter in Question, nor (except in the Administration of the Oath herein-after mentioned) until he shall have taken and subscribed an Oath in the Words or to the Effect following, before any Three or more of the said Commissioners, who are hereby authorized and required to administer the same; *scilicet*,

Oath of Commissioners

I *A. B.* do swear, [or, being One of the People called Quakers, do affirm], that I am truly and *bona fide*, in my own Right, and not as Mortgagor, in the actual Possession and Enjoyment or Receipt of the Rents and Profits of a Freehold or Copyhold Estate, or possessed of or entitled to a Lease or Leases for a long Term of Years, determinable on One or more Life or Lives, of an Estate in the Counties of *Leicester, Derby, and Warwick*, some or One of them, of the clear Yearly

Value of One hundred Pounds, or am the eldest Son or Heir Apparent of a Person having a Freehold or Copyhold Estate in the Counties of *Leicester, Derby, and Warwick*, some or One of them, of the clear Yearly Value of Three hundred Pounds, or am possessed of a Personal Estate, or of a Real and Personal Estate together, of the Value of Three thousand Pounds, [or the Case may be], and that I will truly and impartially, according to the Evidence which shall be laid before me, and to the best of my Skill and Knowledge, execute and perform the Powers and Authorities vested in me as a Commissioner, by an Act of Parliament made in the Thirty-fourth Year of the Reign of His Majesty King George the Third, for making and maintaining a Navigable Canal, called *The Abby de la Zeebe Canal*.

So help me GOD!

And if any Person shall presume to act as a Commissioner, in the Execution of this Act, not being qualified in One or other of the Ways aforesaid, and not having taken and subscribed such Oath, (except in administering the said Oath), every such Person shall, for any such Offence, forfeit the Sum of Fifty Pounds to the Treasurer for the Time being of the said Company of Proprietors, for their Use, 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 Effray, Protection, Privilege, or Wager of Law, nor more than One Imparlane, shall be allowed; and such Person so fined shall prove that he is so qualified as above, and hath taken and subscribed the said Oath, or otherwise, shall pay the said Sum of Fifty Pounds, without any other Proof or Evidence on the Part of the Plaintiff, than that such Person hath acted as a Commissioner in the Execution of the said Act.

Penalty on Commissioners not being qualified

Commissioners may act as Justices of the Peace

XXXVI. And be it further enacted, That any of the said Commissioners, who shall be in the Commission of the Peace for the said Counties of *Leicester, Derby, or of Warwick*, or either of them, shall or may nevertheless, and he or they is and are hereby empowered to perform and discharge the Duties and Functions of a Justice of the Peace in the Execution of this Act; but that no Person, who shall have or accept any Place of Profit arising out of the Tolls, Rates, or other Dues to be raised by virtue of this Act, or shall be a Proprietor or interested in any Share or Shares of the said Navigation, shall be capable of acting as a Commissioner so long as he shall hold or be interested in such Place of Profit, Share, or Shares as aforesaid.

Commissioners may act as Justices of the Peace

Not act as Commissioners while they hold any Place of Profit, &c. in the Canal

XXXVII. And be it further enacted, That upon any Application in Writing, specifying the Cause thereof, to be made by the said Company of Proprietors, or by any Owner or Occupier of any Grounds, Lands, Tenements, or Hereditaments, to be affected or damaged by the said intended Navigation, or any other of the Works hereby authorized to be made or carried on, unto any Five or more of the said Commissioners, requesting or desiring them to appoint a Meeting of the said Commissioners, it shall be lawful for the said Commissioners so applied to, (although not assembled at a Meeting to be held by virtue of this Act), and they are hereby authorized and required, within Fourteen Days after such Request and Application made to them, to give Notice in One of the Newspapers published in each of the Counties of *Leicester, Derby, and Warwick*, of a

Meeting of Commissioners how to be called

Meeting of the said Commissioners, to be held at such Time and Place as shall be specified in such Notice, such Time not being less than Fourteen Days, nor more than Twenty-one Days, from the Day on which such Request shall be made to them as aforesaid; and the said Commissioners are hereby authorized and required to assemble at the Time and Place so to be appointed, in order to put this Act, and the Powers and Authorities hereby given to and vested in them, into Execution, and shall and may then adjourn themselves, and afterwards meet at such Time and Place as the said Commissioners assembled shall think proper and expedient; and if it shall happen that three shall not appear at any Meeting, which shall be so appointed to be had or held by the said Commissioners, a sufficient Number of Commissioners to act at such Meeting, and to adjourn to any other Time, then, and in such Case, and from Time to Time, as often as the same shall happen, the Clerk or Clerks to the said Commissioners, for the Time being, shall and may, by publick Notice to be given in the Manner aforesaid, appoint the said Commissioners to meet at the Time and Place where the last Meeting of the said Commissioners was appointed to be held, on that Day Fortnight next after the Day on which such last Meeting was appointed to be held: Provided always, that every Meeting of the said Commissioners, for hearing and determining any Complaint, Controversy, Dispute, or Difference, between the said Company of Proprietors, and any other Person or Persons, shall be publick, and be held at some Place within the County where such Complaint, Dispute, or Difference, shall arise, and within Ten Miles from some Part of the said Canal and Cuts or Branches; and that no Act, Order, or Proceeding, of the said Commissioners, nor any of them, in or relating to any of the Matters and Things hereby meant to be submitted to their Decision and Determination, (except in such Cases as are hereby otherwise ordered and provided for), shall be valid and effectual, unless the same shall be done or made at a Meeting to be held in pursuance of this Act, and of the Directions herein contained; and that all and singular the Powers and Authorities hereby given to or vested in the said Commissioners, shall and may from Time to Time be exercised by the Majority of the Commissioners assembled at such Meetings respectively as aforesaid, the whole Number present at such Meetings respectively not being less than Five; and at every such Meeting One of the Commissioners present shall be appointed President or Chairman, who, in case of an equal Division of Voices, shall have the decisive or casting Vote.

XXXVIII. And be it further enacted, That the said Commissioners shall be, and they are hereby authorized and required to examine Witnesses on Oath, or, being Quakers, on Affirmation, to be administered by them, touching any Matter in Dispute, to be referred to them under the Authority of this Act, and they are hereby empowered and enabled, by Writing under their Hands, to determine and adjudge, from Time to Time, upon any such Application as aforesaid, what Sum or Sums of Money shall be paid by the said Company of Proprietors, either in Gross, or by Annual Rent or Payment, at the Option of the Person or Persons with whom the said Company shall have such Dispute, for the absolute Purchase of, or as a Recompence for the Use of the Lands, Grounds, or Hereditaments, which shall be set out and appropriated as aforesaid, for making the said Canal and Cuts or Branches and other Works, or any Part thereof, and for other the Purposes herein mentioned; and shall also, separately and distinctly from

Meeting of
Commissioners
for the settling
Disputes in
the said
Tax-Bills of
the Canal.

Commissioners
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to be carried
by five
Five.

Commissioners
shall be
the Price of
Lands.

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any

any such Payment, in Gross or Annual Rent, as herein last before mentioned, adjust and determine the Compensation to be made by the said Company of Proprietors, for any Damages which may or shall be, at any Time or Times hereafter, sustained by any Bodies Politick, Corporate, or Collegiate, or by any Person or Persons respectively, being Owners or Occupors of or interested in any Lands, Grounds, Tenements, Waters, or other Hereditaments, for or by Reason of the making, using, repairing or maintaining the said Canal and Cuts or Branches respectively; or the Reservoirs, Tunnels, Sluices, Trenches, Passages, Gutters, Watercourses, Roads, Ways, or other Works or Conveniences, or by supplying the same, or any of them, with Water as aforesaid, or by the flowing, leaking, or noxing, of Water over or through the Banks of the said Canal and Cuts or Branches, Reservoirs, Sluices, or Trenches, or any of them, or over or through any Passages, Gutters, or Watercourses, which shall be made, pursuant to the Powers hereby given, or by not cleansing the same, or by Reason and Means of the Execution of any of the Powers herein contained, by the said Company of Proprietors.

XXXIX. Provided always, and be it further enacted, That if the said Company of Proprietors, or their Committee for the Time being, after such Application as aforesaid, shall be dissatisfied with any such Judgment or Determination, and shall give Notice thereof in Writing to the said Commissioners, or any Nine or more of them, within Seven Days next after the same shall have been made; or if, on the other Hand, any such Body Politick, Corporate, or Collegiate, or any Person or Persons so entitled or interested for and on his, her, or their Part or Parts, or for or on the Part of his, her, or their Cestuique Trusts, or any other incapacitated Person or Persons as aforesaid, shall be dissatisfied with the Determination of the said Commissioners, and shall refuse to accept such Purchase Money, or Annual Rent or Recompence, or other Compensation, so determined and adjudged by them the said Commissioners, upon due Tender thereof made by or on Behalf of the said Company of Proprietors, and shall give Notice in Writing to the said Commissioners, or any Nine or more of them, although not assembled at a Meeting, of such Refusal, within Seven Days after such Tender shall have been made, and the Party or Parties giving such Notice as aforesaid, shall therein request, that the Matter or Matters so in Dispute may be submitted to the Determination of a Jury; then, and in every such Case, the said Commissioners shall, and they are hereby empowered and required, from Time to Time, to issue a Warrant or Warrants under their Hands and Seals, to the Sheriff of the County in which the Matter in Question or Dispute shall arise; or in case such Sheriff shall happen to be One of the Company of Proprietors of the said Navigation, or shall enjoy any Office of Trust or Profit under them, or shall be otherwise interested in the Matter or Matters in Question, then to the Senior Coroner of the said County; and in case he shall be so interested, then to the next Coroner of such County in Point of Seniority, who shall not be so interested; and if all the Coroners shall be so interested as aforesaid, then to the last Person who filled the Office of Sheriff of the said County then in being, who shall not be so interested as aforesaid, commanding such Sheriff or Coroner, or other Person as aforesaid, and the Sheriff or Coroner, or such other Person, is hereby empowered and required to impanel, summon, and return, a Jury of Twelve sufficient and indifferent Men, qualified according to Law, to be returned

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a Jury to be
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for Trials of Issues joined in His Majesty's Courts of Record at Westminster, to appear before the said Commissioners, at such Time and Place as in such Warrant or Warrants shall be appointed; such Time being not less than Seven Days, nor more than Fourteen Days, after such Warrant shall have been served upon the said Sheriff, Coroner, or other Person respectively; and in case a sufficient Number of Jurymen shall not appear at the Time and Place appointed as aforesaid, the said Sheriff, Coroner, or other Person appointed as before mentioned, shall return other honest and indifferent Men of the By-lenders, or of others, who 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 every such Jury and Jurymen shall be liable and subject to the same Regulations, and to the same Pains and Penalties for Default, as if he and they had been returned for the Trial of any Issue, joined in any of His Majesty's Courts at Westminster; 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 are hereby empowered and required to summon and call before them, and to hear and examine on Oath, any Witnesses touching the Matters in Question, and may order and authorize the said Jury, or any Six or more of them, to view the Place and Places, or Matters or Things in Controversy; and such Jury shall, upon their Oaths, (which Oaths, as well as the Oaths of such Witnesses, the said Commissioners are hereby empowered and required to administer), inquire of, assess, ascertain, and give, a Verdict for the Sum or Sums of Money, or the Annual Rent or Rents, which shall be paid for the Purchase, or for the Hire and Use of such Lands or Grounds, Waters, or other Hereditaments, and the Compensation which shall be made for the Damages sustained as aforesaid; and the said Commissioners shall give Judgement for such Purchase Money, Rent, Recompence, or Compensation as aforesaid by such Jury; which said Verdict, and the Judgement thereupon pronounced by the said Commissioners, shall be binding and conclusive in all Intents and Purposes, against the King's Majesty, His Heirs and Successors, and against all Bodies Politick, Corporate, or Collegiate, and against all Persons whatsoever.

Witnesses may be examined on Oaths, and Jury to assess Damages.

Verdict of the Jury to be final.

If the Company of Proprietors do not choose to follow the Determination of the Commissioners, or if Persons are unwilling to deal with the Company, a Jury shall ascertain the Value of Lands, &c.

XI. And whereas it may happen, that the said Company of Proprietors may not choose to submit any such Matter to the Determination of Commissioners; and also that, by Reason of Absence in Foreign Countries, Outlawry, or other Impediment or Disability, not before provided for by this Act, there may not, in certain Cases, be found any Person or Persons who may be legally capacitated to treat and contract with the said Company of Proprietors for the speedy and absolute Sale and Conveyance to them of the Lands and Grounds, or other Hereditaments and Premises, which may be necessary and requisite for the Purposes of the said Canal and Cuts or Branches, or other Works and Conveniences, or concerning a proper Compensation for the Damages which may be done thereby to such Lands or other Premises as aforesaid; and it may also happen that the said Bodies Politick, Corporate, or Collegiate, or other Person or Persons who is or are under the Provisions in this Act contained, or otherwise legally capacitated to treat and contract with the said Company of Proprietors for such speedy and absolute Sale and Conveyance, and for such Compensation as aforesaid, or of the Interest which he, she, or they may hold therein, may severally refuse to enter into

any such Treaty or Contract, or submit the Matter to the Determination of Commissioners as aforesaid; be it therefore enacted, That in either of these Cases, whensoever the same shall happen, it shall be lawful for the said Company of Proprietors, after Notice in Writing given to the principal or other known Officer or Officers of such Body Politick, Corporate, or Collegiate, or to the Tenant or Lesants, Occupier or Occupiers, or other Persons interested in the Use, Produce, or Fruits of such Lands, Grounds, Hereditaments, and Premises respectively, or left at the Place or Places of his, her, or their usual Abode, for the Space of Seven Days, to make Application to the said Commissioners, who shall, and they are hereby empowered and required forthwith, to summon and return a Jury, in Manner herein-before directed, and to summon and call before them, and before the said Jury, and to examine on Oath, to be administered by the said Commissioners, all and every such Person and Persons as shall be thought necessary to be examined as Witnesses touching the Matter in Question; and may order and authorize the said Jury, or any Six of them, to view the Premises; and the said Jury shall, on their Oaths, assess and ascertain the Sum or Sums of Money, or Annual Rent or Rents, which ought to be paid for the absolute Purchase of the Premises in Question, or the Compensation which ought to be made for the Damages which may or shall be sustained as aforesaid; and the said Commissioners shall give Judgement accordingly for and respecting the same, which shall be binding and conclusive against all and every Person and Persons whomsoever, as herein-before declared and enacted.

XII. And be it further enacted, That whensoever a Jury is or shall be called by the Commissioners as aforesaid, or any Witness or Witnesses shall be examined by and before the said Commissioners alone, or by and before the said Commissioners and Jury jointly, as herein-before directed, the said Commissioners shall, and they are hereby required, according to their Discretion, to give and award to each of the said Jurors and Witnesses, in every such Case, such Sum or Sums of Money as shall be a reasonable and moderate Recompence for the Expenses and Trouble of their Journey and Attendance; and in each and every Case, where a Verdict shall be given for more Money, or for a greater Annual Rent, as a Recompence or Satisfaction for the absolute Sale of any Lands, Grounds, Waters, or other Hereditaments, of any Person or Persons whomsoever, or as a Compensation for any Damages done to such Lands or other Premises than had been previously offered by or on Behalf of the said Company of Proprietors for the Time being, before the Meeting of the said Commissioners, or than had been by them determined and assessed as aforesaid; or where any Verdict shall be found for any Damages, where the Dispute is for Damages only, and where no Compensation had been previously offered or tendered in respect thereof, by and on Behalf of the said Company of Proprietors; or where, by reason of Absence in Foreign Countries, Outlawry, or other Impediment or Disability as aforesaid, there shall not be found any Person or Persons at Hand who may be legally capacitated to enter into Contract with, and make Conveyances to, or receive Compensations from, the said Company of Proprietors, as herein-before mentioned; then, and in all such Cases, all the Expenses of calling such Commissioners, summoning such Jury, and taking such Verdict, shall be settled by the said Commissioners, and be

Expence of calling Meeting of Commissioners, and of Jury and Witnesses, to be ascertained by Commissioners.

defrayed by the said Company of Proprietors; but if any Verdict shall be given for the same Sum or Rent that had been previously offered by or on Behalf of the said Company of Proprietors, or had been so determined or assessed by the said Commissioners, or for a less Sum than had been so previously offered, determined, or assessed, or in case no Damages shall be given by the Verdict, where the Dispute is for Damages only, or in case of Refusal to enter into Treaty with or make Conveyances to, or receive Compensation from, the said Company of Proprietors, by any Body Politick, Corporate, or Collegiate, or by any Person or Persons whomsoever, who is or are, by the Provisions of this Act, or otherwise, legally expensated to treat and convey, or receive such Compensations as aforesaid, then, and in all such Cases, except where, by Reason of Absence or otherwise, any Person shall have been prevented from treating or agreeing as aforesaid, the Costs and Expences of calling a Meeting of such Commissioners, summoning such Jury, and taking such Verdict, 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 shall have such Controversy, Controversies, or Disputes; which said Costs and Expences, having been so settled, shall and may be deducted out of the Money so assessed and adjudged, where the same shall exceed such Costs and Expences, as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Sum or Sums of Money shall be deemed and taken, to all Intents and Purposes, to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged; or if the Dispute or Controversy shall be for Damages only, and no such Damages shall be given or assessed by the said Jury or Commissioners, then, and in such Case, the said Company of Proprietors shall and may recover of and from the Person or Persons making Appeal to the said Commissioners or Jury, the Costs to be assessed as aforesaid, by such Commissioners, in any of His Majesty's Courts at Westminster, with full Costs of Suit.

Person re-
questing Je-
m. in order
to prosecute

XLII. Provided always, and be it further enacted, That all and every Person or Persons making Complaint, and requesting a Jury as aforesaid, shall, before the said Commissioners shall issue out their Warrant for that Purpose, enter into a Bond with Two sufficient Sureties, to the Treasurer or Treasurers of the said Company of Proprietors for the Time being, in a Penalty of Fifty Pounds, with Condition to prosecute his, her, or their said Complaint, and to bear and pay the Costs and Expences of summoning such Jury, and taking such Verdict, in case the same shall be given for no greater or for a less Sum or Rent than had been offered by or on Behalf of the said Company of Proprietors, or than had been assessed by the Commissioners, before the summoning and returning the said Jury or Juries, for the Purchase of, or as a Recompence for any Lands, Grounds, or other Hereditaments, or as a Compensation for any Damages, or in case no Verdict shall be found for Damages, where the whole Dispute was whether any Damage was or was not done as aforesaid.

Notice of De-
m. to be
given to the
Company of

XLIII. And be it further enacted, That the said Commissioners shall not, nor shall any of them be obliged or allowed by virtue of this Act, to receive or take Notice of any Complaint or Complaints to be made by
any

any Person or Persons whomsoever, for any Injury or Damage by him, her, or them sustained, or supposed to be sustained, unless Application shall have been made in relation thereto by or on Behalf of such Person or Persons, to the said Company of Proprietors, or to their Clerk or Clerks, known Agent or Agents, or to some Collector or Collectors of the Tolls arising from the said Navigation, in the County where the Cause of Complaint shall arise, within the Space of Twelve 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.

the Proprietors before Complaint to the Commissioners

XLIV. And be it further enacted, That if any Sheriff, Under Sheriff, Conner, or other Person herein-before directed to act in the Place of such Sheriff, shall make Default in the Premises, 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 any such Jury, shall not attend, or attending shall refuse to give his Verdict on Oath, or shall in any Manner wilfully neglect his Duty, or if any Person so summoned to give Evidence shall not appear, or appearing shall refuse to be examined upon Oath, (or, being One of the Persons called Quakers, on his Admission); or to give Evidence, every Person so offending respectively, having no reasonable Excuse, to be allowed by the said Commissioners, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on Sheriffs, &c. making Default

XLV. And be it further enacted, That all and every Person or Person who, in any Examination to be taken by virtue of this Act, shall wilfully and corruptly give false Evidence before the said Commissioners, or before any such Jury so to be impanelled, or before any Justice of the Peace, may be prosecuted for the same, and upon Conviction thereof shall be subject to such Penalties and Disqualifications as any Person or Persons shall or may be subject to for wilful and corrupt Perjury by any of the Laws or Statutes of this Realm.

Perjury on Persons giving false Evidence

XLVI. And be it further enacted, That the said Commissioners and Justices respectively, shall award all Determinations, Judgements, and Verdicts, which they shall respectively make and give in the Execution of the Powers hereby vested in them, concerning the Value of the Lands, Tenements, or other Hereditaments, separately and distinctly from the Consideration of Damages sustained or to be sustained as aforesaid, and shall distinguish the Value set upon the Lands or other Hereditaments, and the Money assessed or adjudged for Damages, separately and apart from each other.

Verdict for Value of Lands and Damages to be distinguished separately

XLVII. And be it further enacted, That all the Determinations of the said Commissioners, which shall be submitted to and acquiesced in by the Parties concerned, and also the said Judgements and Verdicts, being first signed by the Commissioners present at the making of such Determinations, or taking such Verdicts, and pronouncing such Judgements respectively, shall be transmitted to, and kept by, the respective Clerks of the Peace, amongst the Records of the Quarter Sessions, from Time to Time, in such of the said Counties of Leicester, Derby, or Warwick, wherein such Dispute, respecting which such Determination, Judgement, or Verdict, shall

Determination or Commissioners and Verdicts to be recorded

shall

shall be given or made, shall arise, and shall be deemed to be Records of such Court of 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, paying for such Inspection the Sum of One Shilling, and to take Copies thereof, paying for every Copy, not exceeding One hundred Words, the Sum of Four-pence, and so in Proportion for any greater or less Number of Words.

Money to be paid for Damages of any Kind, how to be recovered.

XLVIII. And be it further enacted, That, in case of Default or Refusal of Payment by the said Company of Proprietors, of such Sum or Sums of Money, and at such Times, and in such Manner, as shall be awarded and assessed for Recompence or Damages of any Kind, by virtue of this Act, it shall be lawful for the said Commissioners assembled at a Meeting to be held as aforesaid, or the major Part of them, and they are hereby authorized and required, under their Hands, to appoint One or more Person or Persons, from whom the said Commissioners so assembled, or the major Part of them, shall take a proper Security, to collect and receive the Tolls, Rates, and Duties, by this Act imposed, or any of them, and thereout, in the first Place, to pay all such Damages so to be awarded or assessed as aforesaid, and the Costs (if any) occasioned by such Default or Refusal of Payment thereof, together with legal Interest for the same, to be computed from the Time such Damages shall be awarded or assessed, and also the Costs and Expences of collecting and receiving the said Tolls, Rates, or Duties, and the Money to be received by such Person or Persons shall be, and is hereby declared to be as so much Money received to and for the Use of the Person or Persons who shall be entitled to receive such Satisfaction for Damages as aforesaid, in Order and Course respectively, as such Award or Assessment shall be in Priority of Time; and after such Damages, Interest, and Costs, shall be paid and satisfied, the Power and Authority of such Receiver or Receivers for the Purposes aforesaid, shall arise and determine, or otherwise the Party or Parties so aggrieved shall and may recover such Sum or Sums of Money so to be awarded or assessed, and which shall not be paid as aforesaid, with Interest and Costs for the same, by Action at Law in any of His Majesty's Courts of Record at Westminster, against the said Company of Proprietors, with full Costs of Suit, or otherwise it shall be lawful for the said Commissioners, assembled at a Meeting to be held as aforesaid, or the major Part of them, in case such Damages, Interest, and Costs, shall not be satisfied and paid within the Space of Three Calendar Months after such Damages shall be awarded or assessed as aforesaid, on Complaint to them, by and on the Behalf of the Person or Persons sustaining such Damages, to issue their Warrant or Warrants, under their Hands and Seals, to the Sheriff of the said Counties of Leicester, Derby, and Warwick respectively, authorizing and requiring him to levy and raise such Damages, Interest, and Costs, as aforesaid, by Distress and Sale of any of the Goods and Chattels of the said Company of Proprietors, together with such reasonable Charges as the said Commissioners shall, in such Warrant or Warrants, direct and appoint to be paid.

Annual Rents to be paid for Lands charged on the Toll.

XLIX. And be it further enacted, That such Annual Rents as shall be agreed upon or settled and ascertained to be paid for any Lands, Grounds, or Hereditaments, taken for the Purposes of this Act as aforesaid,

paid, issuing out of the said Canal, and Cuts or Branches, shall be charged on the Tolls, Rates, or Duties, hereto-after granted to the said Company of Proprietors, and shall be paid by them as the same shall become due and payable; and in case any such Annual Rent shall be in Arrear, and unpaid for the Space of Thirty Days next after the same shall respectively become due and payable, it shall be lawful for the said Commissioners, or any Five or more of them, although not assembled at any Meeting, by an Order under their Hands, to appoint One or more Person or Persons to receive the said Tolls, Rates, or Duties, and to pay the same to such Person or Persons, to whom such Annual Rent or Rents so in Arrear shall be due, the said Commissioners taking such Security from every such Collector for the due Execution of his Office, as they shall judge proper and sufficient, and the Power and Authority of every such Collector shall continue until such Annual Rent or Rents, so in Arrear, with the Costs and Charges of recovering and receiving thereof, shall be fully satisfied and paid, or such Person or Persons, to whom such Annual Rent or Rents shall be due and owing, may sue for and recover the same, with Costs of Suit, by Action of Debt, in any of His Majesty's Courts of Record at Westminster; or otherwise it shall be lawful for such Person or Persons, and he and they is and are hereby empowered, to seize and detain any Boats or Vessels, Waggons, Carriages, or other Goods, and Effects of the said Company of Proprietors, which shall be found on the said Canal, and Cuts or Branches, or in, upon, or about the Wharfs, Quays, Warehouses, or other Works, belonging to the said Company, and to detain the same until Payment of such Rent or Rents, together with the reasonable Charges attending such Distress; and if such Distress shall not be redeemed within Five Days after the same shall be taken, and Notice thereof given in Writing, by affixing such Notice on some publick Place at any of the Wharfs, Quays, or Toll Houses, belonging to the said Company of Proprietors, then such Boats, Vessels, Waggons, Carriages, or other Goods or Effects so distrained, shall and may be appraised and sold, in such Manner as the Law directs in Cases of Distress for Rent; but so as that no Goods or Effects of any Person or Persons be seized or distrained by virtue of the Powers hereby given, other than such as are the Property of the said Company of Proprietors for the Time being, or their Assigns.

and Rates, with Power to recover the same.

no doubt but that the said Goods or Effects shall be sold in such Manner as the Law directs in Cases of Distress for Rent.

L. And be it further enacted, That all Contracts, Agreements, Bargains, Sales, and Exchanges, of or concerning any Lands, Tenements, or Hereditaments, which shall be Copyhold, or of the Nature of Copyhold, shall be executed and completed by Surrender thereof, in the respective Courts of the Manors whereof such Lands, Tenements, or Hereditaments, shall be held according to the Custom of the said Manors respectively; and such Lands, Tenements, or Hereditaments, shall remain and continue subject to such and the same Fines, Rents, and Services, as are due and payable, and of Right accustomed, in such and the same Manner as if this Act had not been made, unless the Lords of the Manors for the Time being, whereof such respective Copyhold Hereditaments shall be holden, shall be desirous of enfranchising the same, in which Case such Lords shall be competent so to do, notwithstanding they shall be seized or entitled to the same Manors respectively, for a less Interest than an Estate of Inheritance in Fee Simple.

To be observed by Copyhold Rights.

Compensation
to be made
for Tythes.

LI. And be it further enacted, That full Recompence and Satisfaction shall be made by the said Company of Proprietors for all the Tythes, both Great and Small, of the Lands which shall be taken or made use of by them for the Purposes of this Act, to the several Persons entitled to such Tythes, (except to the Owner or Proprietor of the Great Tythes, arising from the Common or Waste Ground herein-after mentioned, called *Abby Woods*, who is to be compensated for such Tythes in the Manner herein-after mentioned), according to their respective Interests therein, such Tythes to be estimated at the Average Value of the Three Years immediately preceding the passing of this Act, and (in case of any Difference concerning the same) such Value to be ascertained in like Manner as the Value of any Lands or Hereditaments is herein-before directed to be ascertained: Provided, that the Recompence and Satisfaction to be given by virtue of this Act, for all Glebe Lands and Tythes, belonging to Spiritual Persons, shall be made to such Persons by an Annual Rent.

Trustees appointed for
securing Mo-
ney, at which
Lands taken on
Abby Woods
shall be valu-
ed.

LII. And be it further enacted, That the Lord of the Manor of *Abby de la Zouch* for the Time being, and *Francis Barlett* Esquire, and his Heirs, shall be, and they are hereby constituted and appointed Trustees, for the Purpose of receiving of and from the said Company of Proprietors, such Sums and Sums of Money, at which the Commonable Lands on *Abby Woods*, taken for the Purposes of the said Navigation, shall be valued, such Value to be ascertained by the said Commissioners, in like Manner as the Value of any Lands and Hereditaments is herein-before directed to be ascertained by them, and for paying out and investing the said Sum and Sums of Money, together with the growing Interest and Dividends thereof, from Time to Time, as the same shall accrue, in such of the Publick Funds or Government Securities, bearing an Annual Interest, as the said Trustees, or any Two of them, or the Trustees thereof for the Time being, or the major Part of them, shall from Time to Time by Writing under their Hands appoint, in the Names of the Trustees, for investing and laying out all such Sum and Sums of Money, at which such Commonable Lands on *Abby Woods*, as shall be taken for the Purposes of the said Navigation, shall be valued, there to accumulate until an Inclosure (if any) of *Abby Woods* shall take place: which said Sum and Sums of Money, and the Accumulations thereof, shall on such Inclosure be paid by the said Trustees to such Person or Person as shall be nominated and appointed by a Majority in Number of such of the Land Owners, having a Right of Common on the said *Woods*, as shall attend at a Meeting convened for that Purpose, by Publick Advertisements, in the said County of *Leinster*, to be by such Person or Persons as shall be so appointed to receive the same, applied towards defraying the Expences of obtaining an Act for the Inclosure of the said *Woods*, and such other Charges to which the Lord of the Manor and Proprietors of Land, entitled to Right of Common on *Abby Woods*, shall or ought to contribute in Proportion to their several Interests, as the same shall be ascertained by the Commissioners, or other Persons appointed to divide and inclose the said Commons: Provided always, that the Recompence and Satisfaction to be made and given for and in respect of all and every the Pools and Ponds of Water upon the said Common, called *Abby Woods*, and which shall or may be taken or used

used for the Purposes of the said Navigation, by virtue of the Powers of Provisions of this Act, or any of them, shall at all Times be paid to the Lord or Lords of the said Manor for the Time being; any Thing in this Act contained to the contrary notwithstanding.

LIII. Provided also, and be it enacted, That in case no Inclosure of *Abby Woods* shall take place within the Space of Twenty Years, from the Commencement of this Act, then the said Trustees shall, and they are hereby authorized and required to pay the Whole or any Part of the said Monies so vested in them as aforesaid, and the Accumulations thereof, unto such Person or Persons, and to be applied in such Manner, as shall be determined by the Lord of the Manor, Impropriator, or Owner of the Great Tythes, and a Majority in Number of such of the Land Owners, having Right of Common on *Abby Woods*, as shall attend at a Meeting convened for that Purpose by Publick Advertisements, in the County of *Leinster*, the Impropriator or Owner of the said Great Tythes bring first paid and allowed thereout such a Proportion of the said Money as shall be agreed upon at such Meeting as above mentioned for or in Lieu of such Great Tythes: Provided always, that in case such Inclosure as aforesaid shall take place, the Impropriator or Owner of the Great Tythes shall be paid out of the said Money arising from such Commonable Land as shall be taken for the Purposes of the said Navigation, a Part and Proportion thereof at and after the same Rate as he shall be allowed by the Terms for such Inclosure in Lieu of his Great Tythes therefrom arising.

Value of
Lands on
Abby Woods
to be
applied to the
Lord of the
Manor, &c.
shall appear.

LIV. Provided also, and be it enacted, That the Receipts and Acquittances of the Person or Persons appointed by the Majority in Number of such of the Proprietors of Land entitled to Right of Common on *Abby Woods*, as shall attend at such Meeting as aforesaid, shall be sufficient and full Discharges to the Trustees (for the Time being) for the Sums of Money therein expressed to be received, and the said Trustees paying the same shall not, after such Receipts or Acquittances shall be so given, be answerable for the Misapplication or Non-application thereof, or of any Part thereof.

Receipts of
Persons so ap-
pointed, a full
Discharge to
the Trustees.

LV. Provided also, and be it further enacted, That in case the Trustees for the Time being of the said Monies, at which the said Commonable Lands on *Abby Woods* shall be valued as aforesaid, shall omit or refuse to pay the same Monies and the Accumulations thereof, or any Part thereof, to such Person or Persons as shall be appointed in Manner aforesaid to receive the same, then and in such Case the Person or Persons authorized to receive the same, may sue for and recover the same against the said Trustees for the Time being, with full Costs of Suit, by Action of Debt in any of His Majesty's Courts of Record at *Windsor*.

Money may
be sued for in
case of Non-
payment.

LVI. And be it further enacted, That on Payment or legal Tender of such Sum or Sums of Money, or giving such Security as the said Commissioners shall approve of for such Annual Rent as shall have been contracted or agreed for between the Parties, or determined and adjusted by the said Commissioners, or assessed by such Juries, in Manner respectively as aforesaid for the Purchase of any Lands, Tenements, or other Hereditaments, or as a Recompence for the yearly Produce or Profits thereof, or as a Compensation for Damages, as herein-before mentioned, to the Proprietor

Proprietors
may take full
Interest of
Lands, &c.
as Payment.

or Proprietors of such Lands and Premises, or to such other Person or Persons as shall be interested therein, or entitled to receive such Money, Rent, or Compensation respectively, at any Time after the same shall have been so agreed for, determined, or assented; or if the Person or Persons so entitled or interested, or any of them, cannot be found, then upon the Investiture thereof, in such Publick Funds or Government Securities, bearing an Annual Interest, as the said Commissioners shall by Writing under their Hands appoint, in case the same shall exceed the Sum of Twenty Pounds, and if the same shall not exceed the said Sum, then, on leaving the Money in the Hands of the Treasurer to the said Company for the Use of such Proprietor, or other Person or Persons respectively, and in all or any of the said Cases, as often as the same shall so happen, it shall be lawful for the said Company of Proprietors and their Agents, Workmen, or Servants, immediately to enter upon such Lands, Grounds, and other Hereditaments respectively, or before such Tender or Payment of Money, Rent, or Compensation, by Lease of the Owners and Occupiers thereof, to be signified in Writing under their Hands; and then and thereupon such Lands, Grounds and other Hereditaments, and the Fee Simple and Inheritance thereof, together with all the said Yearly Profits, shall from thenceforth be vested in and become the sole Property of the Company, their Successors and Assigns, to and for the Uses and Purposes of this Act, and such Tender, Payment, or Inheritance, shall not only bar all Right, Title, Claim, Interest, and Demand, of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to and shall be deemed and construed to bar the Dower and Dowry of the Wife and Wives of such Person and Persons, and all Estates Tail, Tenancies by the Courts of England, and other Estates in Reversion and Remainder, of his, her, or their Issues, and of every other Person or Persons whomsoever.

LVII. And be it further enacted, That all Sums of Money which are to be paid to any Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Tenants for Life, except Rectors and Vicars for their Glebe Lands or Tythes, or in Tail, Executors, Administrators, Husbards, Guardians, Committees, or other Trustees whomsoever, for or on Behalf of any Infants, Lunatics, Idiots, Femes Covert, or other Cestruigque Trusts, or to any Person or Persons whose Lands are limited in strict Settlement, for the Purchase or Exchange of any Lands or Grounds as aforesaid, shall, in case the same shall exceed the Sum of Twenty Pounds, be laid out, as soon as conveniently may be, by such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Tenants for Life, except as aforesaid, or in Tail, or other Person or Persons as aforesaid, in the Purchase of Lands, Tenements, or Hereditaments in Fee Simple, which shall be conveyed to or to the Use of such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or to or for such other Person or Persons, and for such Estates, and in, for, upon, and subject to, such Uses, Trusts, Limitations, Remainders, and Contingencies, as the Lands and Grounds, Tenements, or Hereditaments, for or in respect whereof such Purchase Money so to be received shall be paid as aforesaid, were limited, settled, and assured, at the Time when such Monies were so agreed for, ascertained, or assented respectively as aforesaid, or for such and so many of such Uses as shall be then existing and capable of taking Effect; and that such Conveyances and

Settlements

Part of the Money of Lands belonging to Bodies Politick, etc. to be laid out to the same Use.

or the Estate of the Purchaser in the Publick Funds.

Settlements shall be made, (other than those which concern any Purchase or Exchange between any of the respective Land Owners as aforesaid) at the Expence of the said Company of Proprietors; and in the mean Time, and until such Purchase or Purchases shall be made, the said Monies shall be placed out by such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Tenants for Life, except as aforesaid, or in Tail, Executors, Administrators, Husbards, Guardians, Committees, or other Trustees, Person or Persons, in some of the Publick Funds, or in Government or Real Securities, producing an Annual Interest in the Names of Two Persons, One to be nominated by the Party or Parties interested therein, and the other by the said Commissioners, or any Five or more of them, and the Interest arising or to be produced from any such Funds and Securities, and also the Annual Rent for such Lands, Tenements, or other Hereditaments, where a Rent shall be fixed upon as aforesaid, shall be paid to such Person or Persons respectively as would have been entitled, for the Time being, to the Rents and Profits of such Lands and other Premises, in case the same had been purchased and settled, pursuant to the Tenor and true Meaning of this Act.

LVIII. Provided always, That in all such Cases, the said Commissioners shall first settle what Shares and Proportions of the Purchase Money and Compensation for Damages, which shall be agreed for, determined, and adjudged or assented, in Manner respectively as aforesaid, shall be allowed to any Tenant, or other Person or Persons having a particular Estate, Term, or Interest, for his, her, or their respective Interests therein.

Commissioners to settle the Proportions of the Money to be paid to Proprietors.

LIX. And be it further enacted, That if the said Company of Proprietors shall be in Possession of any Lands or Grounds which shall be purchased or taken by them, in pursuance of this Act, for the Space of Ten Years from the Time of the purchasing the same respectively, without making the said intended Canal and Cuts, or Branches, or other Works hereby authorized to be made through or upon the same; or if the said Canal and Cuts, or Branches, and other Works, shall be made and completed, and afterwards discontinued or dilated 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 of Five Years after dilating the said Canal and Cuts or Branches, and other Works as aforesaid, the said Company of Proprietors shall convey all their Estate, Right, Property, and Interest, in and to such Lands or Grounds respectively, unto the several and respective Persons, Bodies Politick, Corporate, or Collegiate, who was or were the Owners or Proprietors thereof, immediately before the said Company of Proprietors became seized of the same, or unto the respective Heirs, Successors, or Assigns, of such Persons, Bodies Politick, Corporate, or Collegiate, in case they shall respectively think fit to become Purchasers thereof; and to pay such valuable Consideration for such Lands or Grounds to the said Company of Proprietors, as the said Commissioners for the Time being, assembled at a Meeting to be held as aforesaid, at the major Part of them, shall judge reasonable; or in case any Difference shall arise in ascertaining the same by the said Commissioners, then as a Jury, to be impanelled in the Manner herein before directed, shall ascertain or award to be paid for the same, so that such Consideration, to be ascertained by such Commissioners, or to be awarded by such Jury, doth not exceed the Sum or Sums first paid by the said Com-

Lands not used by the Company, to be re-conveyed to the original Owners.

13 O

pany

pany of Proprietors for the Purchase of such Lands or Grounds; and that, in case the said Company of Proprietors, upon Payment or Tender to them of such valuable Consideration as aforesaid, for such Lands or Grounds, shall refuse or neglect to convey the same as aforesaid, then, and in such Case, such Lands or Grounds shall thereupon revert to and be from thenceforth vested in the said several and respective Persons, Bodies Politick, Corporate, or Collegiate, their Heirs, Successors, or Assigns; and in case an Annual Rent shall have been paid for such Lands or Grounds, then such Rent shall cease and determine, and such Sum or Sums of Money shall be paid for the Damage done to the same Lands or Grounds by the said Company of Proprietors, to the Person or Persons, Bodies Politick, Corporate, or Collegiate, or their Heirs, Successors, or Assigns, to whom such Lands or Grounds shall be reconveyed or revert as aforesaid, as the said Commissioners or Jury 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.

Remedy for
Damages not
before pro-
vided for.

LX. And be it further enacted, That if at any Time or Times hereafter any Person or Persons shall sustain any Damages in his, her, or their Lands, Tenements, Hereditaments, or Property, by reason of the Execution of any of the Powers hereby given, for which a Compensation is not herein before provided, then, and in every such Case, such Damages shall from Time to Time be settled and ascertained by the said Commissioners, or assailed by a Jury, and the Sum or Sums of Money to be paid for the same, shall be levied, recovered, and applied, in such and the same Manner as is herein before directed, with respect to such Damages as are herein before provided for, and the Money to be paid as a Recompence for the same.

For levelling
the Rubbish,
&c. thrown
on the ad-
join-
ing Lands,
and covering
it with the
Soil.

LXI. Provided always, and be it further enacted, That before any Clay, Gravel, Sand, Rubbish, or other Materials, (except Soil), to be dug or got in the cutting or making of the said intended Navigation, and not used for some of the Works thereof, shall be laid upon any Land adjoining or near thereto, all the Soil of such Land, and also of the Lands so cut for the said Navigation within the Depth of Nine Inches, shall be taken and removed, and shall be laid in distinct Heaps from such Clay, Gravel, Sand, Rubbish, and other Materials, (except as aforesaid), and shall be in a proper and husband-like Manner, most convenient for Cultivation, levelled within the Space on such Land adjoining or near to the said Navigation from whence the Soil shall have been previously removed as aforesaid, and the whole of the aforesaid Soil shall be in like Manner spread upon and over the Surface of the said levelled Materials, so and in such Manner as to render it as fit and proper as may be for the Purpose of Vegetation, Culture, and Husbandry, and that such levelling of Materials, and carrying and spreading of Soil thereon as aforesaid, shall be fully and effectually done and completed in each and every Close or separate Piece of Ground, in or through which the said Navigation shall pass or go, within Three Calendar Months next after the same shall be cut and made through such Close or separate Piece of Ground; and that, if the said Company of Proprietors, or any others employed by or under them, shall refuse or neglect, within the respective Times aforesaid, to remove the said several Soils, and level the said Materials, and then carry and spread the said Soils

in Manner herein specified and directed, then and in every such Case it shall be lawful for the Owner or Owners, Occupier or Occupiers for the Time being of the Close, Lands, or Grounds, wherein or whereon the Subject of such Refusal or Neglect shall be or arise, and he, she, and they respectively is and are hereby empowered to cause the Clay, Gravel, Sand, Rubbish, Materials, and Soils respectively, concerning which such Refusal or Neglect shall be made or arise, to be respectively removed, turned over, separated, levelled, and spread, so and in such Manner as to effect the bringing the Soil to the Surface, and thereby rendering the Land fit and proper for the Purposes aforesaid, and that then and in every such Case it shall and may be lawful for all and every such Owners or Occupiers, and he, she, and they, is and are hereby empowered to recover all the Costs, Charges, and Expences, of and attending the Work which he, she, or they respectively shall so do or cause to be done as aforesaid of and from the said Company of Proprietors, in such and the like Manner and by such and the like Means as are herein provided and prescribed for the Recovery of Satisfaction for Damages to be done by the said Company of Proprietors.

LXII. And whereas the said Navigation, when made and completed, will be of great Advantage to the Owners and Workers of Coal Mines and other Mines already opened, or which may be opened, contiguous or near to the Course thereof; and it may be necessary, for the better Supply thereof, that the Water to be raised by the Fire Engines, or other Machines erected or to be erected for draining the said Mines, should be discharged into the said Navigation, or into some Part or Parts thereof; be it therefore enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby authorized and empowered, at all Times to have, divert, and take, the Water to be raised or drained by Means of any Fire Engine, Machine, Sough, or Level, already or hereafter to be erected, made, or opened, in or upon any Lands or Mines within the Distance of One Mile from the said Navigation, or any Part thereof, without paying any Recompence or Satisfaction for such Water as aforesaid, unless the Owners or Workers of such Mines shall be desirous of using such Water, for the Purpose of working any Mills or Engines, erected or to be erected, in which Case the said Proprietors shall not be authorized to take such Water, without previously making an adequate Compensation for the same, to the Owners or Workers of such Mines; and it shall be lawful for the said Company of Proprietors to make and construct any Reservoirs, Tunnels, Trenches, Aqueducts, Feeders, or other Conveniencies, which may be requisite to convey such Water to the said Navigation, and to supply the same therewith, doing as little Injury thereby as possible, to any Mines lying under or near the said Reservoirs, Tunnels, Trenches, Aqueducts, and Feeders, or any of them, and making Recompence for such Injury (if any) to the Owners or Workers of such Mines, and paying for such Lands as may be taken for, or be damaged by the making or constructing the same, in Manner as hath been herein before directed, and provided for other Lands to be taken and used, or for Damages to be occasioned by or in the Execution of the Powers given by this Act.

Power to
take Water
from Mines

LXIII. Provided always, and be it further enacted, That nothing herein contained shall extend to affect the Right of any Lord or Lords, Lady or Ladies, of any Manour or Manours, or of any Owner or Owners

Power
reserved to
Lords of Ma-
nours, and
of

other Proprietors.

of any Lands or Grounds, in, upon, or through which the said Canal and Cuts or Branches, or any of them, or any Towing Paths, Wharfs, Quays, Reservoirs, Trenches, Sluices, Passages, Watercourses, or other Conveniences aforesaid, shall be made to the Mines and Minerals lying and being within or under the said Lands or Grounds; but all such Mines and Minerals are hereby reserved to such Lord or Lords, Lady or Ladies of such Manor or Manors, and to such Owner or Owners of such Lands or Grounds respectively, their respective Heirs, Executors, Administrators, and Assigns; and it shall be lawful for the Lord or Lords, Lady or Ladies of such Manor or Manors, and for such Owner or Owners, of such Lands or Grounds respectively, subject to the Conditions and Restrictions hereinafter mentioned, to work, get, drain, take, and carry away to his, her, or their own Use, such Mines and Minerals, not thereby injuring, prejudicing, or obstructing, the said Navigation, or the Works or Conveniences thereof as aforesaid, or any of them.

Costs, &c. to be paid by the Proprietors, in respect of the digging the Canal, &c. to be paid by the Proprietors.

Regulations respecting the working of Mines, &c. Substrating to private Persons under or near the Canal.

LXIV. And be it further enacted, That all Coals, Lime Stone, Iron Stone, and other Minerals, which shall be found and dug up in making the said Canal and Cuts, or Branches, or any of them, or any other Works hereby authorized to be made, shall be laid upon the Surface of the Lands, in some convenient Place near the same, at the Expence of the said Company of Proprietors; and it shall be lawful for the Persons in whose Lands such Coal, Lime Stone, Iron Stone, and other Minerals, shall be found and dug up, to carry away and dispose of the same, to and for their own Use and Benefit; and that it shall be lawful for the Proprietors of any such Mines, Lime Stone, Iron Stone, and other Minerals, which shall or may be discovered, or cut in any Tunnel or Aqueduct which shall be made by virtue of this Act, to make a Sough or Drain, to water or drain the remaining Part of such Mines or Minerals, and to discharge the Water arising or flowing from the same into such Tunnel or Aqueduct, provided, that such discharging Places be made at convenient Distances in every such Sough or Drain, as shall be approved of and directed by the said Company of Proprietors, or their Engineers; and that the same shall be cleared as often as shall be necessary at the Expence of the Person or Persons to whom the same shall belong, in order to prevent the Mud and Earth from being conveyed into such Tunnel or Aqueduct; and provided that such Part of the Sough or Drain as shall be under or within the Distance of Ten Yards from such Tunnel or Aqueduct, on either Side thereof, shall not exceed Four Feet in Breadth; and that the same shall be made under the Direction and Inspection of some Engineer belonging to the said Company of Proprietors, and that no Owner or Proprietor of any Mines or Minerals, nor his Workmen or Servants, or other Person whatsoever, shall on any Account open, dig, sink, or carry on any Work for the getting of Coal, Lime Stone, Iron Stone, or other Minerals, under or within the Distance of Ten Yards from the said Canal and Cuts or Branches respectively, or any Reservoir or Towing Path to be made as aforesaid, (except as hereinafter mentioned), without the Consent of the said Company of Proprietors, in Writing, under their Common Seal for that Purpose first had and obtained.

Proprietors to pay certain Expenses incurred by the said Owners.

LXV. Provided always, and it is hereby enacted, That the said Company of Proprietors shall from Time to Time pay, or cause to be paid, to the Owner or Worker of such Mines, all such Losses and extraordinary Expences

Expences as shall fall upon such Owner or Worker, in consequence of his working the same, according to the Directions of this Act; and if any Question or Dispute shall arise between the said Company of Proprietors, and the Owner or Worker of any such Mine, his or her Heirs, Executors, Administrators, or Assigns, touching the Amount of such Difference, the same shall be settled and determined in the Manner herein before provided, with respect to other Matters in Dispute between the said Company and any other Person or Persons.

LXVI. Provided also, and be it further enacted, That when any Mine of Coal, Iron Stone, or other Mineral, or any Vein thereof, shall extend beyond the Limits herein-before allowed for working the same, it shall be lawful for the Owners or Workers of any such Mine, without such Consent as aforesaid, from Time to Time to make sufficient and necessary Gate Ways, Head Ways, or Tunnels, and also sufficient and necessary Air and Water Gutters, on each Side of such Gate Ways, Head Ways, or Tunnels, under the said Canal and Cuts or Branches, and Towing Paths respectively, and under any Ground where such Owners or Workers are restrained from opening, digging, sinking, or carrying on any Work for getting such Coal, Iron Stone, or other Minerals, beyond such Limits as aforesaid, so as such Gate Ways do not exceed Seven Feet in Height or Breadth, and so as such Head Ways or Tunnels do not exceed Four Feet and a Half in Height or Breadth, and so as such Air and Water Gutters, on both Sides of such Gate Ways, Head Ways, or Tunnels, do not exceed Eighteen Inches in Height or Breadth, and so as all such Gate Ways and Head Ways be not made nearer together than Six Feet; any Thing herein-before contained to the contrary thereof notwithstanding.

but the Owners of such Mines may make Gateways, &c. at certain Distances.

LXVII. And, for the better discovering of Persons who shall open or carry on any Work for getting of Coals, Iron Stone, or other Minerals, contrary to the Directions of this Act, be it further enacted, That it shall be lawful for the said Company of Proprietors, by themselves, their Agents or Servants, from Time to Time, and at all Times hereafter, to enter upon any Lands or Grounds through or near which the said Canal and Cuts or Branches, Towing Paths, Reservoirs, or other Works hereby authorized to be made, shall be or pass, and wherein any Coal, Iron Stone, or other Mineral or Mine shall or may be dug or opened; and likewise to enter into such Coal Pits or other Mines, and there to view, search, measure, latch, and use any other Means for discovering the Distance of the said Canal and Cuts or Branches, Towing Paths, Reservoirs, or other Works, from the working Parts of such Mines; and in case it shall appear that any such Mine hath been worked, or any such Coal, Iron Stone, or other Mineral, got contrary to the Directions of this Act, it shall be lawful for the said Company of Proprietors, their Agents, Servants, or Workmen, at the Costs and Charges of the Owners or Workers of such Mine, to enter into and upon such Mine, and from Time to Time to use all necessary and reasonable Ways and Means for repairing, supporting, sustaining, securing, and making safe, the said Canal and Cuts or Branches, Towing Paths, Reservoirs, or other Works, such Costs and Charges to be recovered by the said Company of Proprietors, in case of Nonpayment thereof upon Demand, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at Westminster, in which no Effusion

if Mines are worked contrary to the Directions of this Act, the Company may enter and search the same.

Provision, or Wager of Law, nor more than One Imparlance, shall be allowed.

Before work-
ing Mines are
cut by the Canal,
Notice to be
given to the
Company.

LXVIII. And be it further enacted, That when and as often as the Owner or Worker of any Mine of Coal, Iron Stone, Lime Stone, or other Minerals, lying under or within the Distance herein-before limited from the said Canal and Cuts or Branches, or any of them, or any Towing Path, Reservoir, Tunnel, Aqueduct, or other Works, to be made in pursuance of this Act, shall be desirous of working the same, then and in every such Case, such Owner or Worker shall give Notice in Writing under his Hand, of such Intention, to the Clerk or Clerks to the said Company of Proprietors, at least Ten Days before he shall begin or continue to work such Mine, the said Notice to be given after such Mine shall have been worked to within Ten Yards of the Canal, Cuts or Branches, Towing Path, Reservoir, Tunnel, Aqueduct, or other Work; and upon the Receipt of such Notice, it shall be lawful for the said Company of Proprietors to inspect, or cause such Mines to be inspected, in order to determine what Coal, Iron Stone, or other Mineral, may be come at and be actually gotten, without Prejudice or Damage to the said Canal, Cuts, or Branches, or any such Towing Path, Reservoir, Tunnel, Aqueduct, or other Works as aforesaid; and if the said Company of Proprietors shall refuse or neglect to inspect such Mine, or to cause the same to be inspected within the Space of Ten Days after Receipt of such Notice, then it shall be lawful for the Owner or Worker of such Mine, and he is hereby authorized to work such Part of the said Mine as may be under the said Canal, Cuts, or Branches, or any such Towing Path, Reservoir, Tunnel, Aqueduct, or other Works as aforesaid, or within the Distance aforesaid; and if the said Company shall make such Inspection as aforesaid, then they shall and are hereby required, within Thirty Days after such Inspection made, to determine whether or not they will permit the Owner to work such Mine; and if, upon such Inspection as aforesaid, the said Company of Proprietors shall refuse to permit the Owner or Worker of such Mine to work any such Part thereof as may be under the said Canal, Cuts, or Branches, or any such Towing Path, Reservoir, Tunnel, Aqueduct, or other Works as aforesaid, or within the Distance aforesaid, or in any other Manner obstruct or prevent such Owner from getting the same, then, and in such Case, the said Company of Proprietors shall, within Three Months after such Refusal or Obstruction as aforesaid, pay or cause to be paid to such Owner or Worker such Price for the same, after the like Rate as the next adjoining Mines of equal Quality shall have been really and bona fide sold for or be estimated or valued at; and if any Question or Dispute shall arise between the said Company of Proprietors and the Owner or Worker of any such Mine, his or her Heirs, Executors, or Administrators, touching the same, the Matter of such Question or Dispute shall be settled and determined by the said Commissioners, or shall be subject to the Verdict of a Jury, if required, in such and the same Manner as the Value of the Lands to be purchased for the making of the said Canal, Cuts, or Branches, and other Works, is herein-before directed to be settled and ascertained.

To oblige
Proprietors of
Fire Engines
near the Ca-

LXIX. And be it further enacted, That all and every Owner or Owners, Worker or Workers, of any Mines, whose Coals or other Minerals shall at any Time or Times hereafter be carried and conveyed upon the said

said Navigation, or upon any Part or Parts thereof, shall, and they and each of them are hereby required to cause to be lifted and thrown up all such Water as shall from Time to Time be raised by any Fire Engine or other Machine erected, or to be erected or used, for the Purpose of working the said Mine, to such a Height or Level as may be sufficient to convey such Water into the said Navigation: Provided nevertheless, that such Owners or Workers shall not be compelled to raise or throw up the said Water at their own Expence to any greater Height or Level than may be necessary for draining and discharging the same from the said Mines; but that if the said Company of Proprietors shall, at any Time, think it expedient for the Purpose of the Navigation, that the Owner or Owners of such Fire Engines and other Machines, or any of them, should raise the Water out of their or any of their Mines, to such greater Height or Level as aforesaid, and shall give Notice in Writing under their Seal, or under the Hand of their Clerk or Clerks for the Time being, requiring the said Water to be raised, and thereby thrown into the said Canal and Cuts or Branches, or either of them, then and in such Case the Owner or Owners, Worker or Workers of such Fire Engines or other Machines shall, and they and each of them is and are hereby required to lift and throw up such Water, according to such Notice, and the said Company of Proprietors shall and they are hereby directed to make Compensation, from Time to Time, to the Owners or Workers of such Fire Engines or Machines, for all extraordinary Expences which may thereby be incurred, and for all Damages (if any) which may be occasioned thereby, either by an Annual Rent, or by a Sum of Money in Gross, at the Option of any such Owners or Workers, and if any Owners or Workers of any such Fire Engines or other Machines, or any of them, shall at any Time think proper to discontinue to work the same, they and each of them shall give Notice, in Writing, of such Intention to the said Company of Proprietors, or their Committee for the Time being, who shall have Liberty, at any Time after such Notice given, to treat and contract for the absolute Purchase of such Fire Engines or other Machines, with their Appurtenances, or of the Interest which any such Occupier may hold or possess therein, and may, in such Case, continue to work and use the same, for the Benefit of the said Navigation, according to the Terms of such Contract or Purchase; and if the said Company of Proprietors, or their Committee for the Time being, or the Owner or Occupier of such Fire Engines or other Machines, or any of them, shall not agree concerning the Amount of such Purchase Money, or other Recompence or Compensation, or whether the same shall be paid by an Annual Rent, or by a Sum of Money in Gross, in any of the Cases herein-before mentioned, the same shall be settled and determined by the said Commissioners, or advised by a Jury in the Manner herein before provided with respect to the Satisfaction to be made by the said Company of Proprietors for Lands to be taken for the Use of the said Navigation; but if the said Company of Proprietors shall refuse or decline to enter into any Treaty or Contract, for or in respect of such Fire Engines or other Machines, or any of them, for the Space of Three Calendar Months after the Delivery of such Notice, then (but not before) the Owners or Workers thereof may sell the same to any other Person or Persons, or otherwise lawfully dispose of them, or any of them, as they shall think fit: Provided always, that nothing herein contained shall enable the said Company of

and to lift their
Water into
the same.

but in case
Order, at the
Company's
Expence.

but if such
Fire Engines,
&c. shall be
discontinued,
the Company
may purchase
the same.

Proprietors

Proprietors to take the Water, to be raised by such Fire Engines or other Machines, without previously making adequate Compensation for the same to the Owners or Workers of the Mines where such Water is to be raised, in all Cases where such Owners or Workers shall be desirous of using such Water, for the Purpose of working any Mills or Engines, either erected or to be erected.

Steam En-
gines may be
erected,

Not to be da-
maged the Ca-
nal.

LXX. And whereas sundry Improvements have lately been made upon Steam Engines, whereby they are become particularly applicable to various Manufactures now used: And whereas such Engines will consume considerable Quantities of Coal, and by the Tonnage thereupon promote the Interest of the said Navigation, as well as of the said Manufactures; but the Engines can only be erected where cold Water can be obtained to condense the Steam, on which Account, as well as for the better Supply of the same with Coals, it would be convenient to erect such Steam Engines as near as may be to the said Navigation; be it therefore enacted, That it shall be lawful for all Persons whatsoever, who now or hereafter shall or may possess any Lands or Grounds within the Distance of Two hundred Yards from the said Canal and Cuts or Branches, or either of them, to make a Communication between the Water of the same and such Steam Engine or Engines so to be erected as afore- said, by Means of One or more Metal Pipe or Pipes of sufficient Strength and Thickness, and so constructed in every Respect as to prevent any Leakage or Waste, and to draw from such Canal and Cuts or Branches such Quantities of Water as shall be sufficient to supply the said En- gines: Provided always, that every Proprietor of such Engine or Engines shall return to the said Canal and Cuts or Branches in each and every Day, whilst he shall use the same, a Quantity of Water equal to that which he has drawn from it, so that no Obstruction shall arise therefrom to the Navigation of the said Canal and Cuts or Branches in any such Day; and provided also, that such Water as shall be so taken, shall be applied to the Working of the said Engines, and to no other Use or Purpose whatsoever; and that every Person laying any Pipe or Pipes into the said Canal and Cuts or Branches, or either of them, for such Purpose, shall, and they are hereby required to make good the Banks of the said Canal and Cuts or Branches respectively, and to repair, at his or their own proper Costs and Charges, all such other Damages as may arise by the laying of the said Pipe or Pipes, in such Manner, and at such Times, as shall cause as little Let, Hindrance, or Molestation, as can be, to the Navigation upon the said Canal and Cuts or Branches, or to the Persons using the same; provided also, that no Person shall take any Water from the said Canal and Cuts or Branches, for the Use of such Engines, without giving Two Calendar Months previous Notice, in Writing, of such his or her Intention, to the Committee of Proprietors of the said Navigation, in order that the said Committee may appoint a Person or Persons to inspect into the Premises on their Behalf, and take care that the said Pipe or Pipes is or are of a proper Strength and Thickness, and laid in the Banks in a proper Manner, according to the true Intent and Meaning of this Act; and also provided, that if any Disputes shall arise between the said Proprietors or their said Committee, and any Person or Persons who shall be desirous of taking Water out of the said Canal and Cuts or Branches, or either of them, for the Purposes of such Engines or Engines, or who shall

shall be, at any Time hereafter, in the Use of taking the same therefrom, all such Disputes shall be finally settled and determined as herein-before directed and provided with regard to other Disputes.

LXXI. And be it further enacted, That if the Owner or Proprietor of any Water Mill, or Water Mills, now being upon any Part of the Rivers, Streams, or Brooks of Water, which shall be used for the Purposes of the said intended Navigation, whose Mill or Mills may be injured thereby, shall choose to sell and dispose of the same, and shall give Notice, in Writing, under his or her Hand, of such his or her Desire, to the said Company of Proprietors, or their Clerk, within Twelve Calendar Months next after the said Navigation shall be completed, it shall be lawful for the said Company of Proprietors, and they are hereby required to purchase such Mill or Mills, with the Houses, Gardens, and other Appurtenances adjoining, for the Accommodation of the Millers, (not exceeding Two Rods of Ground to any such Mill), at the full Worth of the same at the Time of the Commencement of this Act; which Mill or Mills it shall be lawful for the said Company to work and use, from Time to Time, as they may think proper; and if any Dispute shall arise about the Price of any such Mill or Mills, the same shall be settled by the said Commissioners, or a Jury, in the Manner herein-before mentioned and appointed respecting the purchasing of Lands for the said Undertaking; and in case any Owner or Owners of any Mill or Mills, which shall be deprived of some Part of the Water which now supplies the same, shall refuse to sell his, her, or their Mill or Mills, it shall be lawful for the said Company of Proprietors, and they are hereby required, at their Costs and Charges, to cause the Wheels of such Mill or Mills to be altered and improved by widening the Soles thereof, or otherwise, so as to give them more Power, and to render such Mill or Mills at least as valuable as they are at present.

Mills injured
by the Naviga-
tion, to be
purchased by
the Company,
if so required
by the Owners.

or otherwise
altered and
improved.

LXXII. And be it further enacted, That the said Company of Proprietors shall, at their own proper Costs and Charges, divide and separate, and keep constantly divided and separated, the said Towing Paths on the Sides of the said intended Canal and Cuts or Branches, and the Trenches, Feeders, and Aqueducts, to be made by virtue of this Act, or such Parts of such Trenches, Feeders, and Aqueducts, and in such Manner as shall be thought necessary by the said Commissioners, from the Lands and Grounds adjoining to such Towing Paths, Trenches, Feeders, and Aqueducts respectively, with good sufficient Posts, Rails, Hedges, Ditches, or other Fences, to be set or made on the Lands or Grounds which shall be purchased by, conveyed to, or vested in the said Company as afore- said; and also shall at their own Costs and Charges, make, erect, and set up, and from Time to Time maintain and support in good and effectual Repair, such and so many convenient Gates and Siles upon and across the said Towing Paths, and in and through the Hedges and Fences to be by them so made on the Sides of such Towing Paths as afore- said, and also such Bridges, Arches, Culverts, Drains, or Passages, over, under, or by the Side of, or into the said Canal and Cuts or Branches, and the Trenches, Feeders, and Aqueducts communicating therewith, at such Places, and of such Dimensions, and in such Manner, as the said Commissioners shall from Time to Time judge necessary and appoint, (in case there shall be any Dispute about the same), for the Use of the Owners and Occupiers of the Lands,

Towing
Paths, to be
divided off
from adjoining
Lands.

Gates and
Siles to be
erected on
Towing
Paths, &c.

Grounds, or Hereditaments, adjoining to such Canal and Cuts or Branches, Trenches, Streams, Watercourses, and Towing Paths, and of all Persons who now have, or hereafter may have a Right to any Way over or through the Lands or Grounds which shall be used for making the said Canal and Cuts or Branches, Trenches, Streams, Watercourses, or Towing Paths, or any of them respectively; and that the said Company of Proprietors shall also make such proper and convenient Watering Places for Cattle, where, by Means of the said Canal and Cuts or Branches, or other Works hereby authorized to be made, Cattle shall have been deprived of the Watering Places which they were heretofore accustomed to drink and water at, and at all Times supply the same with Water in such Manner as the said Commissioners, in case of any Dispute about the same, shall direct; and also that the said Company of Proprietors shall, whenever the Works to be made in pursuance of this Act shall interfere with any River or Watercourse heretofore used for watering the Farms or Grounds contiguous or adjoining thereto, convey and secure the same Water in such Manner that the Enjoyment thereof may be continued to such Farms and Grounds, in as ample and beneficial a Manner as the same has heretofore been used and accustomed; and that the said Company of Proprietors shall not make the said Canal and Cuts or Branches, or any Trench or Watercourse, in or across any publick Highway, Bridle Way, or Foot Way, until such Time as they shall at their own proper Charges have made and perfected such Bridge or Bridges over, or other convenient Passages through, or Arch or Arches under, the said Places where the said Canal and Cuts or Branches, Trenches, or Watercourses respectively, shall be intended to be made, or such Dimensions, and in such Manner, as the said Commissioners shall adjudge proper; and all such Gates, Sills, Fences, Bridges, Arches, and other Conveniencies to be made by the said Company of Proprietors for the Purposes aforesaid, either with or without the Direction of the said Commissioners, shall from Time to Time be supported, maintained, and kept in sufficient Repair, by the said Company of Proprietors; and in case it shall be found necessary to alter or widen any Arch or Arches now existing, for the Purposes of the said Navigation, the same shall afterwards be repaired, from Time to Time, at the joint and equal Expence of the Person or Persons now liable to repair the same, and of the said Company of Proprietors.

Towing Paths to be used as Highways, &c. by the Owners of Lands.

LXXIII. And be it further enacted, That all Owners and Occupiers of Land adjoining to which the said Towing Paths shall be made, shall have free Liberty to use the same as a Footway, Horseway, or Driveway, for their Cattle to, from, or through, their respective Lands, and to or from their respective proper Watering Places; and in case any such Person or Persons as aforesaid shall not give Way to the Horses which shall be employed in halting Boats or other Vessels passing along the said Canal, or shall wilfully cause or suffer his, her, or their Horses or Cattle to stop or interrupt the Horses employed in halting Boats or other Vessels as aforesaid, every such Person shall for every such Offence forfeit any Sum not exceeding Five Pounds nor less than Twenty Shillings, at the Discretion of the Justice to whom Complaint shall be made; and all Persons authorized to use the said Towing Paths by themselves, or with Horses, (not drawing), or other Cattle as aforesaid, shall be liable to the like Penalties and Forfeitures for any Trespass or Neglect herein before specified, as Owners or Drivers of Horses employed in halting Boats or other Vessels as aforesaid are subject, liable to by this Act; and that no Person or Persons, Horse or Horses, except

except as aforesaid, and except such as shall be used and employed for the Purpose of making or repairing the said Towing Paths, and the Works hereby authorized to be made and erected, shall be permitted to use and pass upon the said Towing Paths.

LXXIV. And, to the End that the said Navigation may be carried on with as little Damage to private Property as possible; be it further enacted, That the said Company of Proprietors shall, and they are hereby required, at their own proper Costs and Charges, as soon as the Nature of the Case will admit, to make, or cause to be made, such Arches, Tunnels, Culverts, or Drains, or other Passages over or under, by the Side of or into the said Canal and Cuts or Branches, and the Trenches, Streams, and Watercourses communicating therewith, and the Towing Paths on the Sides thereof respectively, of such Depth, Breadth, and Dimensions, as shall be sufficient at all Times to convey the Water clear from the Lands adjoining or lying near to the said Canal and Cuts or Branches, without obstructing or impounding the same, and likewise to make, or cause to be made, such Back Drain or Drains, as may be necessary, and shall be sufficient to carry off any Water which may pass through any of the Banks of the said Canal and Cuts or Branches, or either of them, to the Prejudice of any of the Lands or Grounds contiguous thereto; and that all such Bridges, Arches, Tunnels, Culverts, Drains, and other Passages, shall from Time to Time be supported and kept in good and sufficient Repair, by the said Company of Proprietors; and if at any Time after Twenty-one Days Notice in Writing shall, by or on Behalf of any of the said Owners or Occupiers of Lands adjoining or lying near to the said Canal and Cuts or Branches, or either of them, who shall find him, her, or themselves aggrieved, be given to the said Company of Proprietors, or to their Clerk or Clerks, known Agent or Collector, that the said Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages, or any of them, shall not be made, cleaned, and repaired, according to the true Intent and Meaning of this Act, it shall be lawful for any Person or Persons to apply for and obtain an Order in Writing, from the said Commissioners, at any Meeting, from Time to Time, as often as there shall be Occasion, (and the said Commissioners are hereby authorized and required, at their Discretion, to grant such Order as aforesaid), enabling such Person or Persons to make, cleanse and repair such Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages accordingly, and the reasonable Expences thereof, (to be ascertained by the said Commissioners), shall be defrayed by the said Company of Proprietors; and in case of Neglect or Refusal to satisfy and defray such Expences for the Space of Two Calendar Months, after Demand thereof made upon the said Company of Proprietors, or upon their Clerk or known Agent or Collector, such Expences shall and may be recovered and levied in such Manner as the Purchase Money or Annual Rent for Lands is directed to be recovered by this Act: Provided always, that such Owner or Occupier of the said contiguous or adjoining Lands shall, at the Time of making such Complaint, have his or her respective Ditches, Drains, Passages for Water and Watercourses leading to or from the Drains, Culverts, and Passages of the said Canal and Cuts or Branches respectively, sufficiently cleaned and opened to convey Water into the same; and provided also, that nothing herein contained shall extend to enforce the admitting of any Water arising from Floods, into the said Canal

Drains, etc. to be made to carry Water from the Lands adjoining, etc. and how the same shall be maintained.

Land Owners aggrieved by the Obstruction of the Company's Watercourses may cleanse them at the Company's Expence.

If each Owner, etc. shall have his own Watercourses in good order.

No Flood Water to be admitted into the Canal or Towing Paths.

and Cuts or Branches, or any of them, which may injure the said Navigation.

Canal to be
made.

LXXV. And be it further enacted, That the said Company of Proprietors shall, at their own Expence, well and effectually provide the Sides of the said intended Navigation or Canal, in all Places where necessary or proper, through the Closets, Lands, and Grounds, of all and every of the said Owners and Proprietors, so and in such Manner as to prevent as much as possible the Water ozing through such Sides, to the Detriment of the Parts of the said Closets, Lands, or Grounds, lying below the said intended Navigation.

For letting of
Water
through Mel-
bourne Brook
into the
River.

LXXVI. And whereas it is apprehended that Damage may be done by great Floods or Inundations, to the Lands of or belonging to the Right Honourable Francis Russell Hastings Earl of Moira, situate and being in the Parish of Melbourne in the County of Derby, and also the Lands of or belonging to the Right Honourable Peerless Lord Viscount Melbourne in the Kingdom of Ireland, situate and being in the said Parish of Melbourne, and in the Liberty of Derby Hills, in the said County of Derby, lying below the Level of the said intended Canal, in case the Increase of Waters, brought into the said Canal by Means of Floods and Inundations, shall not have a sufficient Outlet through some Water-course or Brook running into the River Trent; be it therefore enacted, That in case any such Damage shall or may be done, the said Company of Proprietors for the Time being shall, and they are hereby directed and required, at their own proper Costs and Charges, to make or cause to be made such sufficient Weir or Weirs on the Side of the said Canal, and to deepen and widen the several Rivulets or Brooks called Melbourne Brook, Wilson Brook, and Scotch Brook, in the Parish of Melbourne, and in the Liberty of Derby Hills, or such of them as may be necessary and essential for the letting off the waste Water through Melbourne Brook into the River Trent, at or near Wilson Cill, in the said County of Derby.

Bridges to be
made over
the Canal in
certain
Grounds.

LXXVII. And be it further enacted, That the said Company of Proprietors shall, and they are hereby authorized and required at their own Expence, for the more convenient Occupation of the Lands of John Simpson Esquire and Jane his Wife, Philippa Greve Widow, William Burleton Esquire, Mary Piddick, and the said Peter Aylston Curzon, to erect and build over the said Canal, Three proper and sufficient Carriage Bridges, with easy Allents on both Sides the same, within the Grounds belonging to the said John Simpson and Jane his Wife, at such Places as the said John Simpson and Jane his Wife, or the future Owner or Owners for the Time being of their Estate at Burton Hastings shall direct, by Writing under his, her, or their Hand or Hands; and also to erect and build over the said Canal as many such proper and sufficient Bridges, within the Grounds respectively belonging to the said Philippa Greve and William Burleton, not exceeding on an Average Three Bridges in One Mile, and at such Places as the said Philippa Greve and William Burleton respectively, or their respective Heirs, shall direct by Writing under her, his, or their Hand or Hands; and also, One such Bridge within a Close in Oultshope aforesaid, called The Cow Pasture, belonging to the said Mary Piddick, at such Place as she the said Mary Piddick, or her Heirs shall

shall direct, and also Three such Bridges within the Grounds belonging to the said Peter Aylston Curzon, at such Places as the said Peter Aylston Curzon, his Heirs or Allents, shall direct, and at all Times for ever thereafter to keep and maintain the said Bridges in good and sufficient Repair, for the Use only of the said John Simpson and Jane his Wife, and the Person or Persons who shall or may for the Time being be entitled to the Estate at Burton Hastings aforesaid, now belonging to them the said Philippa Greve, William Burleton, Mary Piddick, and Peter Aylston Curzon respectively, and his, her, and their respective Heirs, and his, her, and their respective Tenants, Servants, and others, authorized and allowed to pass and repass over the same.

LXXVIII. And be it further enacted, That in case the said Company of Proprietors, or their Agents, shall refuse or neglect to divide and separate, and to keep divided and separated, the Towing Path of the said Navigation, in Manner herein-before directed, or to make, erect, and set up, such Gates, Bridges, and Scales, in, over, and through, the Fences on the Sides of the said Towing Path, or such Bridges, Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages, 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, Mills, and Hereditaments, adjoining or near to the said Canal and Cuts or Branches respectively, or to well and effectually maintain and support such Gates, Scales, Bridges, Fences, Arches, Passages, and Watering Places, when erected, set up, and made of such Dimensions, and in such Manner as aforesaid, for the Space of Three Calendar Months next after the Times to be appointed for those Purposes by the said Commissioners; then, and in every such Case, it shall be lawful for every or any of the Owners or Occupiers of the said adjacent Lands, Grounds, Mills, and Hereditaments, who shall find himself, herself, or themselves, aggrieved by such Refusal or Neglect, to make, erect, and set up, all such Gates, Scales, Bridges, Fences, Arches, Passages, Watering Places, and other Conveniences as are by this Act, or by the said Commissioners shall be directed or appointed to be made, erected, and set up, by the said Company of Proprietors as aforesaid; and so as aforesaid to maintain, repair, and support, the same from Time to Time as Occasion shall require; so that in making and maintaining such Works as aforesaid, the said Canal and Cuts or Branches respectively, or the Banks thereof, shall not be stopped nor injured for any longer Space of Time, or in any other Manner, than the same would necessarily have been if such Gates, Scales, Bridges, Fences, Passages, Arches, Watering Places, or other Conveniences of the like Dimensions or Constructions had been made or erected by the said Company of Proprietors for the Time being as aforesaid; and all the reasonable Costs and Charges thereof, to be settled and allowed by the said Commissioners, shall be repaid to the respective Owners or Occupiers of the said adjacent Lands, Grounds, Mills, or other Hereditaments, who shall have so erected and made and repaired, or maintained such Works as aforesaid, by the said Company of Proprietors, within the Space of Three Calendar Months next after the same shall have been so settled and allowed, and an Account and Demand in Writing shall have been delivered and made thereof, to and from the said Company of Proprietors, or their Clerk or Clerks; and in Default of Payment of the said Costs and Charges within the

Time aforesaid, the said Commissioners 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 any of the Goods and Chattels of the said Company of Proprietors which shall be found in or upon the said Canal and Cuts or Branches, or the Wharfs, Quays, or Warehouses, adjoining or near to the same, belonging to the said Company, to be applied to and for the Use of such Person or Persons who shall have so incurred such Costs and Charges as aforesaid, rendering to the said Company of Proprietors, or to some of their known Agents or Collectors, 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 otherwise, every or any of the said Owners or Occupiers, upon Refusal or Neglect of the said Company of Proprietors to pay the said Costs and Charges as aforesaid, shall and may have such and the like Remedy against the said Company of Proprietors and their Successors, for the Recovery thereof, by Action at Law, to be commenced and prosecuted in such Manner as in other Cases in and by this Act is directed.

If Bridges made by the Company are insufficient, Land Owners may make others at their own Expence.

LXXXIX. Provided always, and be it further enacted, That if the Owners or Occupiers of any Lands or other Hereditaments, through which the said Canal and Cuts or Branches, or either of them, shall be made, do or shall at any Time or Times hereafter find, upon Experience, that the several Gates, Stiles, Bridges, Passages, Arches, Tunnels, Drains, Back Drains, Trenches, or other Passages, Watering Places, and other Conveniences respectively, which the said Commissioners shall have so directed or appointed to be made by the said Company of Proprietors, are insufficient, either in their Number or Situation, for the commodious Use and Occupation of their respective Lands, Grounds, Mills, or Hereditaments, on both Sides, or on either Side thereof, then, and so often, or in any such Case, it shall be lawful for all or any of such Owners or Occupiers to make, fix, or erect, at their own Costs and Charges, such Gates, Stiles, Bridges, Passages, Arches, Watering Places, or other Conveniences, of the same or the like Construction with others made and erected by the said Company of Proprietors, in, over, or near to the said Canal and Cuts or Branches, or the Towing Paths thereof respectively, in such Places as shall be found and adjudged most necessary and convenient for the better Use, Cultivation, Improvement, or Occupation, of such Lands and other Hereditaments, 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 Canal and Cuts or Branches, or either of them, be not prevented or obstructed thereby, for any longer Space of Time, or in any other Manner, than the same most necessarily have been, if such Gates, Stiles, Bridges, Passages, Arches, Watering Places, or other Conveniences, had been made or erected by the said Company of Proprietors for the Time being as aforesaid: Provided, that all and singular the Bridges to be made over the said Canal and Cuts or Branches, by the said Company of Proprietors, by virtue of this Act, shall not fall more than One Inch in each Foot, from the Crown or Top of the Arch to the finishing of the Ground, or Road, at the Bottom.

Bridges not to fall more than One Inch in each Foot.

LXXX. And

LXXX. And be it further enacted, That the said Company of Proprietors shall be liable to be indicted at Common Law, for not making Stone or Brick Bridges, in all Highways over or across the said intended Canal and Cuts or Branches, together with proper Wing Walls, Ramparts, and Side Banks, or other good, safe, and substantial Fences, from the Summit of the Bridge to the Level of the Road on either Side, and also for not repairing and keeping in Repair, all Bridges, Wing Walls, Ramparts, Side Banks, Fences, and Approaches as aforesaid, to be erected and made by virtue of this Act, in any Highway, over and across the said Canal and Cuts or Branches, or either of them, and the said Company of Proprietors shall also be liable to pay the Costs of all such Prosecutions, upon Proof of Six Weeks Notice being given to, or left at the House of the Clerk or any of the Clerks of the said Company, previous to the Commencement of such Prosecutions, by the Surveyor of the Highways, on either Side of the said intended Canal and Cuts or Branches, or either of them, and on Conviction of the Defendants.

Company liable to be indicted at Common Law for not making Stone or Brick Bridges over the Canal, and for not repairing of Bridges, and to pay Costs.

LXXXI. Provided always, and be it enacted, That if it shall appear to the said Company of Proprietors, or their Engineer or Engineers, that on Account of the Situation of any Bridge intended to be made in any such aforesaid Highway, a Wooden, Swivel, or Draw Bridge, would be more convenient to the Publick than a Bridge of Stone or Brick, or that the Approach herein-before directed to be made by the said Company of Proprietors cannot be made without very great Expence, or so little Ascend as One Inch in each Foot, then, and in every such Case, upon Application being made to the Justices who shall be assembled at any General Quarter Session of the Peace which shall be held for the County or District, as the Case may require, by or on Behalf of the said Company of Proprietors, it shall be lawful for such Justices, upon Proof of Six Weeks Notice having been previously given of such intended Application to the Surveyor of the Highways within the Parish or Township wherein any such aforesaid Bridge is intended to be built, to enquire into the Premises, and to order, direct, and determine, whether any such aforesaid Bridge shall be of Stone or Brick, or a Wooden, Swivel, or Draw Bridge, and of what Ascend the Approach herein-before directed to be made by the said Company of Proprietors, shall be; and the said Company of Proprietors shall conform to the Determination of the said Justices therein; and the said Company of Proprietors shall be liable to be indicted at Common Law for not making, and also for not repairing any such Swivel, Wooden, or Draw Bridge, in the same Manner as they are herein-before made liable to be indicted for not making and repairing Stone and other Bridges, and shall also in like Manner be liable to Costs.

Justices of Peace, in every Case, to determine what Bridge shall be made.

LXXXII. Provided always, That nothing herein contained shall authorize the making the said intended Canal and Cuts or Branches, or any Part thereof, nor any Railway or other Road, across, over, or through, any other of the included Lands or Grounds, Parcel of the Trust Estate of the late Edward Dawson Esquire of Lang Wharfen, than those particularized in the said Map or Plan and Book of Reference, without the Consent in Writing of the Trustees or other Owners of such included Lands or Grounds, for the Time being, first had and obtained,

Consent not to go over any other of the Clauses of the Trust Estate of the late Edward Dawson Esquire of Lang Wharfen, than those particularized in the said Map, &c.

and that the said Company of Proprietors shall at their own Expence, previous to their completing the cutting of the said intended Canal and Cuts or Branches, through the Cloies, Lands, or Grounds, Parcel of the before-mentioned Truist Estate, in the Lordship or Liberties of *Stoke Newington* aforesaid, make and erect, and for ever after keep in good Repair, One Carriage Bridge at the least, with raised Abutments thereto, in such Part or Parts of such Cloies, Lands, or Grounds, as the Trustees or other Owner thereof, at the Time of making such Bridge, shall direct or appoint.

Company to
excuse the ad-
joining Water
courses at the
Land Owners
Expence.

LXXXIII. And be it further enacted, That if at any Time hereafter the Ditches or Drains belonging to any Owner or Occupier of Lands adjoining or lying contiguous to the said Canal and Cuts or Branches, and other Works, or any of them, shall, by Reason of their being not sufficiently cleaned or opened, hinder or obstruct the Course of the Water from the Drains, Coverts, and Passages, belonging to the said Navigation; and if the same shall not be perfectly cleaned and opened within One Calendar Month after Notice in Writing shall have been given thereof to such Owner or Occupier, by the Clerk or Clerks, or any Agent of the said Company of Proprietors, it shall then be lawful for the said Company of Proprietors (in Order in Writing for that Purpose having been first obtained from the said Commissioners) from Time to Time, as often as there shall be Occasion, to open and cleanse, or cause to be opened and cleansed, the said Ditches or Drains, and the reasonable Expences thereof, when ascertained and allowed by the said Commissioners, shall be repaid to the said Company of Proprietors, by the Owners or Occupiers of such Lands and Grounds, to which the said Ditches or Drains so opened and cleansed shall belong; and in case of Refusal to satisfy the same for the Space of Two Calendar Months after Demand shall have been made thereof, from the respective Owner or Occupier of such Lands and Grounds as aforesaid, such Charges and Expences shall and may be recovered in such Manner as Forfeitures and Penalties are by this Act directed to be recovered.

Damaged
Locks to be
repaired by the
Company.

LXXXIV. And whereas it may happen, from Floods, or from some unexpected Accidents, that the said Canal and Cuts or Branches, or the Locks, Weirs, Flood Gates, Dams, Banks, Trenches, Aqueducts, or other Works, or some of them respectively, belonging to the said Company of Proprietors, may be damaged or destroyed, and the adjacent Lands thereby likewise endangered or damaged, and it may be necessary that the same should be immediately repaired or rebuilt, to prevent further Damage; be it therefore enacted, That when and so often as any such Accident shall happen, it shall be lawful for the said Company of Proprietors, from Time to Time, or their or any of their Servants, Agents, or Workmen, without any previous Application to the said Commissioners, and without any Delay or Interruption from any Person or Persons whomsoever, to enter any Lands, Grounds, or Hereditaments, adjoining or near to the said Canal and Cuts or Branches, or other Works, or any of them, (not being the Ground whereon any House stands, or an Orchard, Park, Paddocks, Garden, or Ground planted as a Nursery for Trees, or an Avenue to a House), and to dig for, get, work, take, and carry away and use such Stone, Gravel, and other Materials, as

may be necessary or proper for the Purposes aforesaid, without any previous Treaty whatsoever, with the Owner or Owners, Occupier or Occupiers of, or other Person or Persons interested in such Lands, Grounds, Hereditaments, or any of them, doing thereby as little Damage as the Nature of the Works will admit of, and making Recompence to the Person or Persons sustaining the same, within the Space of Three Calendar Months next after the same shall be demanded, for all Damages which may be done by Means of the digging for, getting, working, taking, carrying away, and using such Stone, Gravel, and Materials, or any of them; which Damages, and the Satisfaction and Recompence to be made in respect thereof, shall be adjusted, assessed, ascertained, settled, and determined, by the Ways and Means herein-before prescribed, with respect to any other Damages done in the making and completing of the said Navigation.

LXXXV. And to the End that the said Company of Proprietors may be enabled to carry on and complete the said Undertaking, be it enacted, That it shall be lawful for the said Company of Proprietors, to raise and contribute among themselves, in such Proportion as to them shall seem meet and convenient, a competent Sum of Money for making and completing the said Canal and Cuts or Branches, and all the Works and Conveniences to the same belonging, or requisite and useful thereto respectively, so as that the same do not exceed the Sum of One hundred and fifty thousand Pounds in the Whole (except as herein-after mentioned); and the Money so to be raised is hereby directed and appointed to be laid out and applied, in the First Place, for and towards Payment, Discharge, and Satisfaction, of all Fees and Disbursements in obtaining and passing this Act, and for making the Surveys, Plans, and Estimates, preparatory and incident thereto, and all other Expences relating to the same; and all the Residue and Remainder of such Money shall be used and applied for and towards the making, completing, and maintaining, the said Canal and Cuts or Branches, and the other Works respectively, and for other the Purposes of this Act; and the said Sum of One hundred and fifty thousand Pounds shall be divided and distinguished into One thousand five hundred equal Parts and Shares, not exceeding One hundred Pounds per Share; which Shares shall be numbered in Numerical Progression, and shall be deemed Personal Estate, and shall be transmissible as such, and subject to the Statutes for Distribution of Intestates Estates; and the said One thousand five hundred Shares shall be, and are hereby veiled in the said several Subscribers, and their several and respective Executors, Administrators, and Assigns, to their and every of their proper Use and Behoof, proportionably to the Sum which they and each of them shall severally subscribe and pay thereunto; and all and every Bodies Politick and Corporate, and all and every Person or Persons, and their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe and pay the Sum of One hundred Pounds, or such Sum or Sums as shall be demanded in Lieu thereof, towards carrying on and completing the said Navigation, shall be entitled to and receive, after the same shall be completed, the entire and neat Distribution of a proportionable 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; and every Body

Company en-
powered to
raise Money
among them-
selves.

Corporate and Politick, Person or Persons, having such Property of One fifteenth hundredth Part or Share in the said Undertaking, and so in Proportion as aforesaid, shall bear and pay an adequate proportional Sum of Money towards carrying on the said Undertaking, in Manner herein after directed and appointed: And in case the said Sum of One hundred and fifty thousand Pounds shall at any Time or Times be deemed or found insufficient for the making, completing, and maintaining the said Canal and Cuts or Branches, and other the Works hereby authorized to be made, and for the defraying all necessary Charges and Expences relating thereto, then, and in such Case, it shall and may be lawful for the said Company of Proprietors, or the major Part of them present at any General Assembly of the said Proprietors, to raise and contribute among themselves, in such Shares and Proportions, and in Manner and Form as herein-before directed, or by the Admission of new Subscribers (as to them shall seem meet), any further or other Sum of Money for completing and perfecting the said Navigation, not exceeding the Sum of Fifty thousand Pounds, and every such new Subscriber (if any shall become a Proprietor in the said Navigation and Undertaking) shall be entitled to exercise and enjoy the same Powers, Privileges, and Advantages, and shall also be liable to the same Restrictions, Penalties, and Forfeitures, as if such further or other Sum, hereby allowed to be subscribed for and raised, had been Part or Parcel of the said Original Subscription; but in case the said Company of Proprietors, or the major Part of them present at such General Assembly, shall be rather desirous to raise such further and other Sum, or any Part thereof, by Mortgage of the said Navigation and Undertaking, instead of Contribution or Subscription, then, and in such Case, it shall be lawful for the said Company of Proprietors, or the major Part of them then present, at any General Assembly, to borrow and take up at legal Interest, or they may borrow on Mortgage of and from any Person or Persons who shall be willing to advance and lend the same upon the Credit of the said Navigation, any such further Sum or Sums of Money, not exceeding the said Sum of Fifty thousand Pounds, as to them shall seem fit and convenient; and they are hereby fully authorized and empowered to assign and make over the said Canal and Cuts or Branches, and Undertakings, and the Tolls, Rates, and Duties arising and to arise by virtue of this Act, or any of them, or any Part thereof, as a Security for any Sum or Sums of Money to be borrowed, with Interest, to the Person or Persons, or to his, her, or their Trustee or Trustees, who shall advance the same, under the Common Seal of the said Company, by Deed of Mortgage, as herein-after directed; and in case it shall be found necessary or expedient that the said Company of Proprietors, or their Successors, should raise a certain Sum of Money by Deed of Mortgage or Assignment, (as hath been herein-before provided and set forth), such Deed shall be made under the Common Seal of the said Company, and in the Form or to the Effect following: (that is to say),

Form of a Mortgage.

WE the Company of Proprietors of the *Company de la Zouche Canal*, by virtue of an Act passed in the Thirty-fourth Year of the Reign of His Majesty King George the Third, for making and maintaining the said Canal, in Consideration of the principal Sum of
to be paid by
of
do hereby bargain, sell, and transfer,
unto

unto the said
and Duties, arising by virtue of the said Act, and also the said Navigation and Undertaking, and all the Right, Title, and Interest, of us, the said Company of Proprietors of, in, and to the same, to hold unto the said
Executors, Administrators, and Assigns, until the said Sum of
together with Interest for the same, after the Rate of
per Centum per Annum shall be fully paid off and discharged. Given under our Common Seal, the
Day of
in the Year of our Lord

And all and every Person and Persons to whom such Mortgage or Mortgages shall be made, shall be equally entitled to his, her, or their Proportion of the said Tolls, Rates, Duties, and Premises, according to the respective Sums in such Mortgage or Mortgages mentioned to be advanced, without any Preference by Reason of the Priority of Date of any such Mortgage, or on any other Account whatsoever; and the Money so to be borrowed is hereby directed and appointed to be laid out and applied for and towards the making, completing, and maintaining, the said Navigation and Works hereby authorized to be made for the Purposes of this Act, and to no other Use or Purpose whatsoever, and an Entry or Memorial of every such Mortgage, containing the Date thereof, and the Name or Names of the Party or Parties (with their proper Additions) to whom the same shall have been made, and of the Sum of Money borrowed, together with the Rate of Interest to be paid thereon, shall, within Thirty Days next after the Date thereof, be written and inserted gratis, in One or more Book or Books to be kept for that Purpose, by the Clerk or Clerks to the said Company of Proprietors, which Book or Books shall and may be perused, at all reasonable Times, by the Proprietors and Creditors of the said Navigation, without Fee or Reward, and all and every Person and Persons to whom any such Mortgage shall have been made, or who shall be entitled to the Money thereby secured, may, from Time to Time, assign or transfer his, her, or their Right, Title, Interest, or Benefit therein, to any Person or Persons whomsoever, which Transfer shall be made in the Words or to the Effect following: (that is to say),

Mortgages to be equally entered.

Mortgages to be entered in a Book.

I, [or we] of
in Consideration of the Sum of
paid by
of
do hereby transfer a certain Mortgage, made by the Company of Proprietors of the *Company de la Zouche Canal*, bearing Date on the
Day of
for securing the principal
and the Interest
now due, and hereafter to become due thereon, and all my [or our] Right and Property therein, to the said
his [her, or their] Executors, Administrators, and Assigns. In Witness whereof, I [or we] have hereto set my Hand and Seal, [or our Hands and Seals], this
Day of
in the
Year of our Lord

Form of a Transfer of Mortgage.

And every such Transfer shall, within Thirty Days after the Date thereof, be produced and notified to the Clerk or Clerks to the said Company of Proprietors, who shall thereupon cause an Entry or Memorial to be made thereof,

Entry and Memorial to be made of such Transfers thereof.

thereof, containing the Date, Names of the Parties, and the Sum of Money thereby transferred in the said Book or Books, to be kept for entering the said original Mortgage, for which last-mentioned Entry the said Clerk or Clerks shall be paid the Sum of Two Shillings and no more; and after such Entry made, every such Assignment shall entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the full Benefit of the original Mortgage, and every such Assignee may in like Manner assign again, *velles quodlibet*; and it shall not be in the Power of such Person or Persons, who shall have made any such Assignment or Assignments, at any Time afterwards, to make void, release, or discharge, the original Mortgage, or any Money thereby secured, or any Part thereof; and the Interest of the Money to be so borrowed by Mortgage as aforesaid, shall be paid Half-yearly to the several Persons entitled thereto, in Preference to any Interest or Dividends due and payable by virtue of this Act to the said Company of Proprietors.

The Interest of the Money borrowed to be so paid Half-yearly.

Interest of Mortgages has to be recovered.

LXXXVI. Provided always, and be it further enacted, That in case such Interest, or any Part thereof, shall be behind or unpaid by the Space of Thirty Days next after the same shall become due and payable as aforesaid, and have been demanded, then it shall be lawful for the said Commissioners, and they are hereby required, on Application to them made by any Creditor or Creditors, whose Interest shall be so in Arrear, by an Order under their Hands and Seals, to appoint One or more Person or Persons to receive the Whole, or any Part or Parts of the said Tolls, Rates, or Duties, liable to pay such Interest, and the Money so to be received, by such Person or Persons, shall be so received to and for the Use and Benefit of the Person or Persons to whom such Interest in Arrear shall be due, and shall be paid to him, her, or them accordingly, until the Interest so in Arrear, as well as the Interest which shall accrue and grow due, whilst the Person or Persons so to be appointed as aforesaid shall be in the Receipt of such Tolls, Rates, and Duties, together with the Costs and Charges of recovering, receiving, and paying the same, in Manner as aforesaid, shall be fully satisfied and paid; and after all such Interest and Costs shall be fully paid and satisfied, the Power and Authority of such Receiver shall cease; or otherwise such Arrear may be sued for and recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at Westminster.

Names of Proprietors to be entered, and Tickets of their Shares delivered to them.

LXXXVII. And, for the better Security of the several Proprietors of the said Undertaking to their respective Shares therein, be it further enacted, That the said Company of Proprietors shall and are hereby required, at their Second General Assembly, to cause the Names and proper Additions of the several Persons who shall be entitled to the Shares in the said Undertaking, with the Number of Shares to which they are respectively entitled, and also the proper Number by which every such Share shall be distinguished, to be fairly and distinctly entered in a Book to be kept by the said Company, and after such Entry to cause their Common Seal to be affixed therein, and shall also cause a Ticket or Instrument, with the Common Seal of the said Company affixed thereto, to be delivered to every such Subscriber upon Demand, for every Share to which he or she is entitled in the said Undertaking, every such Proprietor paying to the Clerk Two Shillings and Sixpence, and no more, for every such Ticket or Instrument, and such Ticket or

Instrument shall be admitted in all Courts whatsoever, as Evidence of the Title of such Subscriber, his or her Executors, Administrators, and Assigns, to the Share therein specified; but the Want of such Ticket or Instrument shall not hinder or prevent the Owner of any of the said Shares from selling or disposing thereof; and which said Ticket or Instrument may be in the Words, or to the Effect following, *videlicet*,

* *Abby de la Zouch Canal, N^o*

THESE are to certify that *A. B.* of _____ is a Proprietor of the Share or Number _____ being One Share of the *Abby de la Zouch Canal*, subject to the Rules, Regulations, and Orders, of the said Company, and that the said *A. B.* his [her, or their] Executors, Administrators, [or Successors] and Assigns, is and are entitled to the Profits and Advantages of such Share. Given under the Common Seal of the said Company the _____ Day of _____ in the Year of our Lord

LXXXVIII. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby required, out of the Money to be raised as aforesaid, during the Time their said Canal and Cuts or Branches, and all Things necessary for making, completing, and maintaining the same, shall be carrying on, and until the same shall be completed and finished, to pay unto every Body Politick, Corporate, and Collegiate, or other Person or Persons, their several and respective Successors, Executors, Administrators, and Assigns, who has or have subscribed, or shall hereafter subscribe, the Sum of One hundred Pounds, or any larger Sum than One hundred Pounds, and shall have paid and advanced the same, or such Sum or Sums of Money as shall from Time to Time have been demanded, in respect thereof, towards carrying on and completing the said Canal and Cuts or Branches, 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 have been so respectively advanced as aforesaid, unless the Majority of the said Proprietors present at any General Assembly shall resolve or determine that such Interest shall not be paid, or that a lower Rate of Interest shall be paid in respect of such Subscription or Advancement.

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

LXXXIX. And be it further enacted, That every Body or Bodies Politick or Corporat, or other Person or Persons, who shall, by virtue of this Act have subscribed or undertaken for a Share of One hundred Pounds of and in the said Canal, and his, her, and their Successors, Executors, Administrators, and Assigns, shall be and be deemed a Proprietor and a Constituent Part of the said Corporation hereby created, and shall have a Vote in every General Assembly to be held as herein-after appointed for carrying on the said Undertaking, and which may be given by him, her, or them, or his, her, or their Proxy or Proxies, such Proxy or Proxies being a Proprietor or Proprietors of One or more Share or Shares in the said Undertaking duly constituted under his, her, or their Hand or Hands, and such Vote or Votes by Proxy shall be as valid as if such Principal or Principals had voted in Person, and any Body or Bodies

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

lier Politick, Corporate, or Collegiate, or any Person or Persons who shall have more than One Share of and in the said Navigation, shall have Liberty by him, her, or themselves, or by his, her, or their Proxy or Proxies, regularly constituted, as herein-after directed, to give One Vote for each such Share, for which he, she, or they, shall be a Subscriber, or shall become a Proprietor as aforesaid; and whatever Question or Questions, as to the Election of proper Officers, or the Determination of other Matters and Things, shall be proposed, discussed, or considered, in any General Assembly of the said Proprietors, to be held by virtue of this Act, the same shall be finally settled by the Majority of Votes and Proxies then present, computing One Vote for every Share: Provided nevertheless, that no Body or Bodies Politick, Corporate, or Collegiate, or any Person, shall be entitled to give more than Ten Votes on Account of his, her, or their Number of Shares in the said Navigation, and that no Person shall give or deliver more Proxies than for the Proprietors of Thirty Shares; and the Appointment of every Proxy shall be made in the Words or to the Effect following:

but not to have more than Ten Votes, nor all as Proxy for more than Thirty Shares.

Power of Proxy.

I ^{of} One of the Proprietors of the *Comp^y de la Zeech* Canal, do hereby nominate, constitute, and appoint ^{of} in my Name and in my Absence to vote and give my Assent or Dissent to any Matter, Business, or Thing, relating thereto, which shall be proposed at any General Assembly of the Proprietors of the said Canal, at all Times hereafter, until I shall revoke this Appointment by Notice in Writing, under my Hand, to the Clerk or Clerks, or One of them for the Time being, of the said Company of Proprietors. In Witness whereof, I have hereunto set my Hand and Seal this ^{Day of} in the Year of our Lord

And at every such General Assembly One of the Proprietors present shall be appointed Chairman, and shall not only have his Vote or Votes as Proprietor, but in case of an Equality of Votes shall have the decisive or casting Vote.

Such and other Clauses in Acts, Acts, and their Powers.

Xc. And be it further enacted, That the First General Assembly of the Proprietors for putting this Act in Execution shall be held at the Queen's Head in *Stoby de la Zeech*, upon the First Day of July One thousand seven hundred and ninety-four, and the Second General Assembly upon the First Day of October then next ensuing, at such Place as the said Proprietors, or the major Part of them present at their said First Assembly, shall appoint, and the like Assemblies shall be held on the First Monday in April and the First Monday in October in every Year for the future, at the Hour of Eleven of the Clock in the Forenoon, and such General Assemblies, and the major Part of the Proprietors then and there assembled, (together with such Proxies as aforesaid), shall chuse and elect Thirteen Persons, being each a Proprietor, at the Time of such Election, of Three or more Shares of the said Navigation, to be a Committee to manage the Affairs of the said Company of Proprietors, as herein-after directed; and the said Company of Proprietors shall always have Power and Authority at any such General Assembly to remove and displace any Person or Persons who shall have been chosen a Member or Members of such Committee, or any Officer or Officers under them,

Committee to be appointed.

and

and to revoke, alter, amend, and change, any of the Rules and Directions herein prescribed and laid down, with regard to their Proceedings among themselves, as to the major Part of them shall seem meet, the Method of calling General and Special Assemblies, and their Time and Place of meeting, and voting and appointing Committees, only excepted, and shall have Power to make such new Rules, Bye Laws, and Orders, for the good Government of the said Company, and the Committee, and their Servants, Agents, and Workmen, and for the whole, complete, and total Superintendance and Management of the said Navigation, and of the Barge-men, Watermen, Boatmen, and others who shall carry any Goods, Wares, or Merchandize, upon any Part of the said Navigation, as to the said General Assembly shall seem meet and fitting, and to impose and inflict such reasonable Fines or Forfeitures upon the Person or Persons who shall break or not observe such new Rules, Bye Laws, or Orders, as to the major Part of such General Assembly shall seem meet, and not exceeding the Sum of Five Pounds for any Offence, which said Rules, Bye Laws, and Orders, being reduced into Writing under the Common Seal of the said Company of Proprietors, shall be binding upon and observed by all Parties using or in any ways concerned in the said Navigation, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same, provided that they be not repugnant to the Laws of this Realm, or the Provisions and Directions in this Act contained, or to any of them; and every such General Assembly shall have Power to call for, audit, and settle, all Accounts of Money received, laid out, and expended, on Account of the said Navigation, by the Treasurers, Receivers, Toll-gatherers, and other Officers by them appointed, or by any other Person or Persons whomsoever employed by or concerned for or under them, in and about the said Navigation, and its Works and Appurtenances; but no Vote nor Votes by Proxy shall be given, nor have any Power in or as to the Audit and Settlement of Accounts; and the said Company of Proprietors shall have Power to adjourn themselves from Time to Time, to such Place or Places as shall at such General Assemblies be thought meet and convenient by the Persons then present, having either as Principals or Proxies a Majority of Votes.

XCI. Provided always, and be it further enacted, That if at any such General Assembly there shall not be Persons present who have a Right to vote for Four hundred such Shares of and in the said Navigation, either as Principals or Proxies, no Choice of a Committee, nor any Removal of any Person or Persons from the said Committee, nor any Election of any Person or Persons in the Room of those who shall die, or be so removed, shall be made, nor any other Business whatever transacted at that Time, but in any such Case there shall be another Assembly of the Proprietors of the said Navigation at the same Place, on that Day Fortnight, and so from Time to Time until there shall be Persons present at such General Assembly, having such Number of Shares as aforesaid, and then such Choice, Removal, or new Appointment, of any Member of such Committee, shall take place, or other Business be transacted, and not before, and the Persons then chosen to be of the said Committee shall have the same Powers as they would have had, and shall continue in such Offices until such Time as they would have done, had they been chosen by the said First Assembly herein-before appointed, and in case

General Assembly shall not be sufficient for choosing a Committee.

of

of Failure of the assembling of a sufficient Number of Proprietors having Four hundred Votes as Principals or Proxies at such First Assembly, every Proprietor who shall not attend such Second Meeting, in Person or by Proxy, shall forfeit to the said Company of Proprietors, for every Share which he or she shall possess in the said Navigation or Undertaking, the Sum of Five Shillings, to be deducted out of the next succeeding Payment of Interest or Dividend of the Profits of the said Undertaking, as the Case may happen.

Assembly of Proprietors may be specially convened.

XCVII. And be it further enacted, That if it shall at any Time appear that, for the more effectually putting this Act in Execution, a Special Assembly of the whole Number of Proprietors, or of so many of them as can be conveniently called together, is necessary to be held, it shall be lawful for any Seven or more of them to cause Fifteen Days Notice at least to be given thereof in One of the Newspapers, published in each of the Counties of *Leicester, Derby, and Warwick*, or in such other Manner as the said Proprietors shall at any General Assembly direct or appoint, specifying in such Notice, the Reason and Intend of requesting such Special Assembly, and the Time when, and Place where, the same shall be held; and the said Proprietors are hereby authorized to meet pursuant to such Notice, and proceed to the Execution of the Powers by this Act given to them, with respect to the Matters so specified only, and all such Acts of the Proprietors, or of the major Part of them, met together at such Assemblies specially convened, having a Right to vote for Four hundred Shares at least or and in the said Navigation, either as Principals or Proxies, shall be as valid with respect to the Matters specified in such Notice, as if the same had been done at General Assemblies.

General Assembly to elect and appoint Officers.

and take Security from them.

XCVIII. And be it further enacted, That it shall be lawful for the said Company of Proprietors, or the major Part of them, who shall be so present at any such General or Special Assembly, and they are hereby authorized and required, from Time to Time, to nominate and appoint, by Writing under their Hands, a Treasurer or Treasurers, and One or more Receiver or Receivers, Collector or Collectors, and also a Clerk or Clerks to the said Company of Proprietors, who shall also be Clerk or Clerks to the said Committee, and to the said Commissioners, taking such Security for the due Execution of their respective Offices, as the said Company of Proprietors shall think proper, and such Clerk or Clerks shall, in a proper Book or Books to be provided by the said Company of Proprietors for that Purpose, enter and keep a true and perfect Account of the Names and Places of Abode of the several Proprietors of the said Navigation; and of the several Persons who shall from Time to Time become Owners and Proprietors of, or entitled to, any Share or Shares therein, and of all other Acts, Proceedings and Transactions of the said Company of Proprietors, and of the Committee for the Time being, and of the said Commissioners, by virtue of and under the Authority of this Act; and each of the said Proprietors of the said Navigation shall and may, at all convenient Times, have Recourse to and peruse and inspect the same *gratis*, and may demand and have Copies thereof, or of any Part thereof, paying for every One hundred Words, so to be copied, the Sum of Four-pence; and if any such Clerk or Clerks shall refuse to permit any of the Proprietors so interested as aforesaid, to inspect or peruse such Book or Books of Proceedings as

all convenient Times and Seasons, or shall refuse to make any such Copy or Copies at the Rate or Price aforesaid, he shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and whenever any such Clerk or Clerks shall die, or be removed, or quit the Service of the said Proprietors and Committee or Commissioners, it shall be lawful for the Committee of the said Proprietors for the Time being, or any Five or more of them, to appoint some other fit Person or Persons, in the Place of the Clerk or Clerks so dying, quitting, or being removed, until the then next General Assembly, when the same, or some other Clerk or Clerks, shall be nominated or appointed for the Purpose aforesaid; and all such Treasurers, Receivers, Collectors, and Clerks, and all other Officers of the said Company of Proprietors, who may at any Time resign or be removed, and the respective Executors or Executrices, Administrators or Administratrices, and each and every of them, of any such Officers who may die, shall, within Twenty Days after Notice given in Writing, to him, her, or them, for that Purpose, produce and deliver up to the said Committee, for the Time being, all Books, Accounts, Papers, or Writings whatsoever, relative to the Execution of such respective Offices, which shall be in his, her, or their, Custody or Power; and every such Officer and other Person as aforesaid, neglecting or refusing to deliver up such Books, Accounts, Papers, or Writings, shall, for every such Neglect or Refusal, forfeit and pay to the said Company of Proprietors any Sum not exceeding One hundred Pounds.

and they on Resignation, shall give up their Books, &c.

XCV. And be it further enacted, That no Resolution shall be taken or Business done, (except for the Purpose of Adjournment), at any of the Meetings of the said Committee, unless Five Persons of such Committee shall be present; nor shall the Treasurer or Treasurers issue any Sum or Sums of Money for the Use of the said Company, without an Order, signed by a Majority of the Committee present at such Meeting, and never by fewer than Three of them, (except as herein is particularly provided, in the Case of temporary Damages), and all such Orders for the Payment of Money shall be entered in the Company's Books; and the Treasurer or Treasurers shall be allowed all his or their Expences in the Execution of his or their Office, and the Clerk or Clerks shall be entrusted with Money from Time to Time, by an Order in Writing signed by a Majority of the said Committee, upon the Treasurer or Treasurers, to enable him or them to pay petty Expences, and such small Sums as shall be found necessary, and he or they shall account for the same to the Committee, who shall regularly examine and sign the said Accounts as often as they shall see fit; and the said Treasurer or Treasurers Accounts shall be examined and compared with the Books of the said Committee every Half Year, and shall be made up, and the Balance settled and signed by the said Committee, or any Three of them.

No Resolutions to be done at a Committee, unless Five Persons present.

Clerk to be entrusted with Money to pay petty Expences, and to account to the Committee.

Treasurers to put their Accounts.

XCVI. And be it further enacted, That no Member of the said Committee, although he may be a Proprietor of many Shares in the said Navigation, shall have more than One Vote in the said Committee, except the Chairman, who shall be chosen by and out of the said Committee, and who, in case of an Equality of Votes upon any Question agitated in the said Committee, shall have the casting Vote, although he shall have given One Vote before; and such Committee shall, from Time to Time,

Powers of the Committee and Regulations respecting same.

make Report of their Proceedings, to the said General Assemblies of the Proprietors, and shall obey their Orders and Directions, and the said Committee shall (subject nevertheless, at all Times, to such Orders and Directions as aforesaid) meet at such Times and Places, and shall from Time to Time adjourn themselves to such other Time and Place as they shall think fit, and, in order to defray the Expence of these Meetings, the said Committee shall from Time to Time receive out of the Capital Stock of the said Proprietors, such Sum or Sums of Money as shall be adjudged and settled at such General Assemblies, and the said Committee shall make Agreements and Bargains with the Workmen, Agents, Undertakers, and other Persons employed or concerned in making and completing the said Navigation and other Works, and all and every Part and Parts thereof, and shall, by themselves or their Clerk or Clerks as aforesaid, keep a full and true Account of all Money disbursed, and Payments made by the said Committee, and by all and every Person and Persons employed by or under them, and of all and every Sum and Sums of Money which they shall receive on Behalf or in respect of such Navigation, from any Receiver or Receivers, Toll-gatherer or Toll-gatherers, or other Officer or Officers, or from any other Person or Persons whomsoever, employed in, or having any Concerns, Dealings, or Transactions relative to the said Navigation, or in or with any Part or Parts thereof, and shall regularly by themselves, or their Clerk or Clerks as aforesaid, enter in a Book or Books to be from Time to Time provided at the Expence of the said Company of Proprietors for that Purpose, Notes, Minutes or Copies, (as the Case shall require), of every such Contract, Bargain, Receipt, and Disbursement, and of all other their Orders and Proceedings; which Book or Books shall be deposited with, or kept locked up under the Care and Direction of the said Committee: Provided always, that every Proprietor, upon every reasonable Request, shall have free Access thereto, as herein before mentioned, for his or her Inspection; and the said Committee shall have Power, from Time to Time, to make such Call or Calls of Money, from the Subscribers to and 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 such Call or Calls exceed the Sum of Ten Pounds for every One hundred Pounds, and shall not be made but at the Interval of Two Calendar Months at least from each other; and such Committee shall (subject nevertheless to the Control of such General Assemblies as aforesaid) have full Power and Authority to direct and manage all and every the Affairs of the said Company of Proprietors, as well in contracting for and purchasing Lands, Messuages, Tenements, and other Hereditaments 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; and every Owner or Owners of any One or more Share or Shares in the said Undertaking shall pay his or their rateable or proportional Share of the Monies to be called for as aforesaid, to such Person or Persons, at such Time and Place as the said Committee shall, from Time to Time, appoint and direct; and if any Person or Persons shall neglect or refuse to pay his, her, or their, rateable or proportional Part of the said Money, so called for as aforesaid, at the Time and Place appointed by such Committee, or within Thirty

Committee
may make
Calls.

and appoint
Officers and
make Con-
tracts.

Days next ensuing, he, she, or they, by neglecting or refusing, shall forfeit a Sum not exceeding Five Pounds for every Share; and in case such Person or Persons shall continue to neglect or refuse to pay his, her, or their Calls as aforesaid, for the Space of Six Calendar Months after the Time so appointed for Payment thereof, then he, she, or they, by neglecting or refusing, shall forfeit his, her, or their respective Share and Shares in the said Navigation, and all the Profits and Benefits thereof, all which Shares, so forfeited, shall go and be vested in the Rest of the Company of Proprietors, in Trust for and for the Benefit of all the Rest of the said Proprietors, in Proportion to their respective Interests in the said Navigation: Provided always nevertheless, that no Advantage shall be taken of any Forfeiture of any Share or Shares in the said Navigation, until after Notice shall have been given to, or left at the usual Place or Places of Abode, of the Owner or Owners of such Share or Shares respectively, by the Clerk or Clerks to the said Company of Proprietors, and until the same Share or Shares shall likewise be declared to be forfeited at some General or Special Assembly of the Company of Proprietors, within Thirty Days next after such Forfeiture shall have been incurred; and every such Forfeiture shall be an Indemnification and Discharge to and for every Proprietor, so forfeiting, against all and every Action and Actions, Suits, and Prosecutions whatsoever, to be commenced or prosecuted for any Breach of Contract, or other Agreement between the Proprietor or Proprietors, incurring such Forfeiture, and the Rest of the Proprietors, with regard to carrying on the said intended Navigation and Undertaking.

Shares may be
forfeited.

but no Ad-
vantage to be
taken of a
Forfeiture of
Shares, with-
out Notice.

XCVI. And be it further enacted, That in case any Owner or Owners of any Share or Shares in the said Navigation shall happen to die before such Call or Calls shall have been made for the full Sums to be advanced on each Share which he, she, or they, shall have been possessed of or entitled to, without having made Provision by Will, or otherwise, how or in what Manner such Share or Shares shall be disposed of, and how or by what Means the future Calls in respect thereof shall be paid to the said Company of Proprietors, for the Purposes of the said Navigation, then and in such Case the Executor or Executors, Administrator or Administrators, of any such Owner so dying, or the Trustee or Trustees, Committee or Committees, Guardian or Guardians, of any Infant or Infants, or of any other Person or Persons entitled to the Estate and Effects of such Owner or Owners deceased, shall be indemnified against all and every such Infant or Infants, and against all and every other Person or Persons whomsoever, for or on Account of his, her, or their having paid any Sum or Sums of Money, when called for as aforesaid to complete every such Subscription, and if such Owner or Owners deceased, shall not have left Assets sufficient, or in case any such Executor or Administrators, Trustee or Trustees, Guardian or Guardians, or other Person or Persons, shall refuse or neglect to answer such Calls, the said Company of Proprietors shall be, and they are hereby authorized and required to admit any other Person or Persons to be Proprietor or Proprietors of the Share or Shares of such Owner or Owners, 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 Owners, or to the Trustee or Trustees, Guardian or Guardians of such Infant or Infants, or to any other Person or Persons who may be entitled to his or her Effects, the full Sum or Sums of

On the Death
of Subscrib-
ers before
Sums com-
pleted, Exe-
cutors or Ad-
ministrators
may complete
the same.

Money which shall have been paid by such Owner or Owners, in his, her, or their Lifetime, by virtue of any Call or Calls, or otherwise, upon such Share or Shares, or such other Sums or Sums of Money as the same can be sold for; and in case no such Person or Persons shall be found who is or are willing to be admitted on such Conditions as aforesaid, then and in such Case such Share or Shares shall be forfeited to and become vested in the Rest of the Company of Proprietors of the said Navigation, their Successors and Assigns, in Trust for, and for the Benefit of all the said Proprietors, in Proportion to their respective Interests in the said Navigation.

Shares may be sold.

XCVII. And be it further enacted, That it shall be lawful for the several Proprietors of the said Navigation, his, her, or their respective Executors or Administrators, to sell and dispose of any Share or Shares to which he, she, or they may be entitled therein, subject to the Rules and Conditions herein mentioned and provided; and the Form of Conveyance for such Sales shall be in the following Words, or to the like Effect, varying the Names and Descriptions of the contracting Parties as the Case may require:

Form of Sale and Conveyance of Shares.

I *A. B.* in Consideration of paid to me by
C. D. do hereby bargain, sell, and transfer, to the said *C. D.* my [or our] Share [or Shares, as the Case may be] of the Navigation and Undertaking called the *Styby de la Zouch Canal*, to hold to him the said *C. D.* his Executors, Administrators, and Assigns, subject to the same Rules, Orders, and Restrictions, 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 take and accept the said Share, [or Shares], subject to the same Rules, Orders, Restrictions, and Conditions. As
 Witnesses our Hands and Seals, the Day of
 in the Year of our Lord

And on every such Sale, the said Deed of Conveyance, executed by the Seller or Sellers, and the Purchaser or Purchasers, of such Share or Shares, shall be kept by the said Purchaser or Purchasers for his, her, or their Security, after the Clerk of the said Company shall have entered (in a Book) a Memorial of such Transfer and Sale, to be kept for the Use of the said Company, and have relished or indorsed the Entry of such Memorial on the said Deed of Sale or Transfer, for which no more than Two Shillings and Sixpence shall be paid; and the said Clerk is hereby required to make such Entry or Memorial accordingly; and unless and until such Memorial shall have been made and entered as above directed, such Purchaser or Purchasers shall have no Part of the Profits of the said Canal, nor any Interest for such Share or Shares paid unto him, her, or them, or any Vote as a Proprietor or Proprietors of the said Navigation.

After a Call, no Share to be sold, until the Call be answered.

XCVIII. And be it further enacted, That after any Call of Money shall have been made by such Committee as aforesaid, no Person or Persons shall sell or transfer any Share or Shares which he, she, or they shall possess in the said Navigation, unless he, she, or they, at the Time of such Sale or Transfer, shall have paid and discharged to the Treasurer or Treasurers of the said Company of Proprietors, the whole and entire Sum of

Money which shall have been called for upon each Share so sold or transferred.

XCIX. And whereas much Inconvenience may arise by the frequent Transfer and Sale of the Right and Title to the Shares of the said Canal, by the Marriage and Death of Proprietors, and it may be difficult in such Cases to ascertain to whom the Dividends arising from or becoming due upon such Shares, ought to be paid and do belong; be it therefore enacted, That, before any Person or Persons who shall claim any Part or Share of the Profits of the said Canal, in Right of Marriage, shall be entitled to receive the same, an Affidavit containing a Copy of the Register of such Marriage, or the Effect of such Register, shall be made and sworn to by some credible Person, before One of the Judges at *Westminster*, a Master or Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, and shall be transmitted to the Clerk of the said Company, who shall file the same, and make an Entry thereof in the Book or Books which shall be kept by the said Clerk for the Entry of Transfers and Sales of Shares in the said Canal; and that before any Person or Persons who shall claim any Part or Share of the Profits of the said Canal, by virtue of any Bequest or Will, or in a Course of Administration, shall be entitled to receive the same, the said Will, or the Probate Copy thereof, shall be produced and shewn to the said Clerk, or an Affidavit containing a Copy of so much of such Will as shall relate to the Share or Shares of the Testator, or the Letters of Administration, in case any such Proprietor shall have died intestate, shall be made and sworn to by an Executor or Executors of such Will, or by an Administrator or Administrators of the Estate and Effects, (as the Case may happen to be), or affirmed, in case of such Executor or Administrator being a Quaker, before One of the Judges at *Westminster*, a Master or Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, and shall also be transmitted to the said Clerk, who shall file and enter the same in Manner herein-before mentioned.

Registration as to the Acquisition of Shares, by Marriage.

or Will, or in a Course of Administration.

C. And, in Consideration of the very great Charge and Expence which the said Company of Proprietors must incur in making and maintaining all the Works hereby authorized to be made and maintained, be it further enacted, That it shall be lawful for the said Company of Proprietors, from Time to Time, and at all Times hereafter, to ask, demand, take, and recover, to and for their own proper Use and Behoof, the several Rates and Duties herein-after mentioned, for the Tonnage of all Minerals, Merchandize, and other Goods, Matters, and Things whatsoever, which shall be carried or conveyed upon the said Canal and Cuts or Branches, or any of them; (that is to say),

Rates of Tonnage.

For all Coals, Lime, and Slate, One Penny Farthing per Ton per Mile:

For Iron Stone, Building Stone, Grinding Stone, Lime Stone, Bricks and Tiles, and for all Cattle, Sheep, Swine, and other Beasts, Three Farthings per Ton per Mile:

For Cotton, Wool, and Hops, Cuen, Timber, Bark, Wrought Iron, Cheese, and all other Articles, (except Dung, Adhes, Mari, and Clay, for Manure, Gravel, Sand, and Stones, for Roads), Two-pence per Ton per Mile.

Exemption
from Toll.

CI. Provided always, and be it enacted, That none of the said Rates shall be payable or demanded, or taken by virtue of this Act, for or in respect of any Dung, Ashes, Marl, or Clay, for Manure, nor for any Gravel, Sand, or other Materials to be used for the Purpose only of making or repairing any publick Roads, and that the Person or Persons who shall own or be concerned or employed in carrying such Dung, Ashes, Marl, and Clay, for Manure, or Gravel, Sand, or other Materials for Roads, shall have free Liberty to make use of the Towing Paths, Wharfs, or Quays, belonging to the said Company of Proprietors, such Person or Persons not suffering such Articles or Things to be upon such Wharfs or Quays longer than may be necessary for the loading, unloading, and conveying thereof from and to the several Places where they are to be put on Board and unloaded, and so that the same do not pass through any Lock, except at such Times only as the Water shall flow over the Waite Weir next above such Lock.

For ascertain-
ing the Low-
weight of Lime.

CII. And, for ascertaining the Tonnage of Lime and Lime Stone to be charged with the Payment of such Tolls, Rates, or Duties as aforesaid, it is hereby enacted and declared, That in such Cases where the Owner or Owners, Renter or Renters, of any Lime Kilns or Lime Works, shall be desirous of conveying their Lime or Lime Stone along the said intended Navigation Cuts or Branches, Railways or Stone or other Roads, or any Part thereof, in Carriages, Boxes, or Cases, appropriated for the Purpose, the Carriages, Cases, or Boxes, for conveying the same, shall be made of such Dimensions and Size, and in such Form, as the said Company of Proprietors shall approve; and for the Ascertainment of the Weight, that such Carriages, Cases, or Boxes, are capable of containing, the same shall be measured or gauged by the said Company of Proprietors, or such Person or Persons as they shall appoint as their Agent for that Purpose, who shall estimate the Weight of a Ton at One hundred and twenty Pounds per Hundred Weight Averdupois, and calculate the same at the Time when the Lime or Lime Stone shall be put into such Carriages, Cases, or Boxes, immediately from the Kiln or Place of burning; and that such Company, or their Agent, shall fix upon every of such Carriages, Cases, or Boxes, a Mark descriptive of the Weight, that such Carriages, Cases, or Boxes, shall have been as aforesaid ascertained to be capable of containing; and that the Tolls, Rates, and Duties, hereby imposed upon Lime and Lime Stone shall be collected and taken according to the Weight so ascertained by such Mark, without further Regard to the Quantity of Lime or Lime Stone to be contained in any of such Carriages, Cases, or Boxes; and that Carriages, Cases, or Boxes so marked, or the Lime or Lime Stone therein contained, shall not be liable to be further weighed or measured in the Passage thereof upon the said intended Navigation, Railways, or Stone or other Roads, or any Part or Parts thereof, any Thing in this Act contained to the contrary thereof in anywise notwithstanding; and that it shall not be lawful for any Person or Persons whatsoever, whilst the Mark descriptive of such Weight as aforesaid shall be plainly visible on such Carriages, Cases, or Boxes, to impede or hinder the Passage thereof along the said intended Navigation, Railways, Stone or other Roads, or any Part or Parts thereof; and that no Owner or Owners of any of such Carriages, Cases, or Boxes, or any Servant or Agent of theirs, shall alter or vary any such Mark, or make any Alteration by which the

Dimensions of any of such Carriages, Cases, or Boxes, shall or may be increased, without giving Fourteen Days previous Notice thereof to the said Company, or their Clerk, under the Penalty of Five Pounds for every such Alteration, to be levied and recovered in the same Manner as other Fines and Forfeitures, the Manner of levying and recovering whereof is not hereby particularly directed, are leviable and recoverable under this Act; and that in case the said Company shall, for the Space of Fourteen Days after such Notice given to them, or their Clerk, by the Owner or Owners of any such Carriage, Case, or Box as aforesaid, neglect or refuse to attend by their Agent, and inspect the measuring and gauging, or varying or altering of the same, then, and in every such Case, it shall not be lawful for the said Company to recover, in any such Case of the Default or Neglect of themselves, or their Agent, any Penalty hereby imposed for any false Measure or Mark put upon any such Carriage, Case, or Box; and that in such Cases where it may be found most convenient for the Owner or Owners, Renter or Renters, of any Lime Works or Lime Kilns, to put such Lime immediately into any Boat or other Vessel, without having previously made use of such Carriages, Cases, or Boxes, for conveying it from the Lime Kilns or Lime Works, or Place where burnt, to such Boats or other Vessels, the Owner or Renter of every such Lime Work or Lime Kiln, or his or her Agent or Agents, shall be required to deliver to the Master of such Boat, or other Vessel, a Bill of Lading, specifying the Number of Tons of Lime so delivered from the Kiln or Place of burning, according to the Rate aforesaid; but as from the Increase of the Weight of such Lime before it may be discharged from the Boats or other Vessels, it may be difficult for the said Company of Proprietors, or their Agents, to ascertain whether such Bill of Lading may contain a true Account of the Quantity of Lime so delivered, it shall be lawful for the said Commissioners, or any Five or more of them, at a Meeting to be held by them, of which at least Twenty-eight Days Notice shall be given in some *Lighter* or *Dorset* Weekly Newspaper, in case any shall be published, and if not, by Notice affixed up in such Part of the Towns of *Langley*, *Dorset*, and *Abby de la Zouch*, where Proclamations are usually affixed, affixing in such Notice, the Purpose of such intended Meeting, to ascertain and determine by due Experiments the extreme Increase of Weight such Lime is liable to acquire during its Passage, and to fix and ascertain a due Allowance that shall be made for such Increase; and if the Weight of such Lime, when delivered from any Boats or Vessels, shall not exceed the Weight specified in the Bill of Lading, together with the additional Weight to be allowed by such Determination of the said Commissioners, then it shall not be lawful for the said Company of Proprietors to levy any Penalty on the Master or Owner of such Boat or Vessel, for any Excess of Weight over and above the Weight specified in such Bill of Lading.

CIII. Provided nevertheless, That in all Cases where any Boat or other Vessel shall be navigated or pass by any Post, or Mark, or Place, where such Post or Mark had or ought to have stood, or been fixed, on the Sides of the said Canal, Cuts, or Branches, and regulating the Length of Half a Mile, the said Rates, Tolls, and Duties, shall be paid for a full Half Mile, although such Boat or other Vessel shall not have actually passed the full Half Mile; and that in all Cases where the Weight of the

Tolls to be
paid for a
full Half Mile,
and for a full
Half Mile.

Lading contained in any such Boat, or other Vessel, shall not make up an even Half of a Ton, yet the said Rates, Tolls, or other Duties, which would be payable for a full Half of a Ton, shall be paid to the said Company, or their Successors, for any less Quantity.

Penalty for
carrying Ex-
emptions
without being
entitled there-
to.

CIV. Provided also, and be it further enacted, That if any Person or Persons shall claim a Right to carry or convey any Articles on the said Canal and Cuts or Branches, or either of them, free and exempt from the Payment of the Rates, Tolls, or Duties before mentioned, who shall not be entitled to such Exemption, or shall use or dispose of any of the Articles hereby exempted from the Payment of such Rates, Tolls, and Duties, for any other Purposes than those in respect of which such Articles are hereby exempted therefrom, and shall be thereof convicted before any Justice of the Peace, every such Person so offending shall, for every such Offence, forfeit and pay to the said Company of Proprietors, or their Successors, any Sum not exceeding Five Pounds, nor less than Forty Shillings.

Master of
Boats to give
an Account in
Writing to
the Collectors
of the parties
of the Goods.

and the Quantity
of each.

CV. And be it further enacted, That the Master, Owner, or Manager, of every Boat or other Vessel navigating upon the said Canal and Cuts or Branches, or upon any Part or Parts thereof, shall give to the Collectors of the said Rates or Tolls, Wharfage, or other Dues, or to any other Officers to be appointed for such Purpose by the said Company of Proprietors, at the Place or Places where he or they shall attend for that Purpose, a just Account in Writing, signed by the Master, Owner, or other Person or Persons, having the Rule or Command of such Boat or other Vessel, of the Quantities of Goods, and of their Nature, Sort, or Kind, which shall be embarked in or upon such Boat or other Vessel, from whence brought, and where the same is intended to be landed; but if the Goods contained in any such Boat or other Vessel shall be liable to the Payment of different Rates and Tolls, and other Dues, then such Master, Owner, or other Person or Persons, shall specify the Quantities liable to the Payment of each of the said Rates, Tolls, or other Dues; and in case he or they shall neglect or refuse to give such Account, or shall refuse to produce his or their Invoice or Bill of Lading to the Officer demanding the same, or shall give a false Account, or shall deliver any Part of such Lading or Goods at any other Place or Places than what is or are mentioned in that Account, every Person so offending shall forfeit and pay to the said Company of Proprietors the Sum of Twenty Shillings for every Ton of Goods, and so in Proportion for any less Quantity than a Ton, which shall be in or conveyed by such Boats or other Vessels respectively, of which or of whose Lading such Accounts shall be refused, or such false Accounts given, or whose Lading shall be delivered out as aforesaid, as the Case shall happen to be, over and above the respective Rates, Tolls, and Dues, which shall be payable for the same.

For deter-
mining the
Weight of
Timber and
light Goods.

CVI. And, for the better ascertaining the Tonnage of Timber or Wood, to be charged with the Payment of such Rates and other Duties as aforesaid, and the Contents and Burthen of the Boats and other Vessels carrying and conveying such Timber or Wood, and also other Goods, Matters, and Things, on the said Canal or Cuts or Branches, it is hereby enacted and declared, That Forty Feet of Ash, Oak, or

Elm

Elm Timber, and Fifty Feet of Fir or Deal, Balk, Poplar, Beech, Birch, or other Wood, (not cut into Scantlings), shall be respectively deemed, rated, and estimated, as and for One Ton Weight, and that One hundred and twenty Pounds Weight Averdupois shall be deemed and taken as and for One hundred Weight of Coal, Cook, or Lime, and One hundred and twelve Pounds Weight Averdupois of all other Articles, any Usage of rating or estimating the same to the contrary hereof notwithstanding; and if any Differences shall arise between any Collector of the said Rates and other Dues, and the Master or other Person having the Care, Charge, or Rule, of any Boat or other Vessel, or the Owner of any Goods, Wares, or Merchandise, loaded or embarked therein, concerning the Measure of such Timber, or concerning the Weight or Quantity of the Goods, Wares, or other Matters or Things therein embarked or contained, it shall be lawful for any such Collector to stop and detain any such Boat or other Vessel, and to weigh, measure, and gauge, or cause to be weighed, measured, or gauged, all such Timber, Goods, Wares, and Merchandise, or other Matters or Things as shall be therein embarked or contained; and in case the said Timber, or the said other Matters and Things, or any of them, shall, upon such weighing, measuring, or gauging, appear to be of greater Measure, Weight, or Quantity, than such Master, Owner, or other Person having the Care or Charge of such Boat or other Vessel, affirmed the same to be, then the Master, Owner, or other Person, so affirming, shall pay the Costs and Charges of such weighing, examining, measuring, and gauging; all which said Costs and Charges, upon Refusal of Payment upon Demand, shall and may be recovered and levied in the same Manner as the said Rates and Dues are hereby authorized to be recovered and levied; but if such Timber, Goods, Wares, and Merchandise, or such other Things, shall appear to be of the same or of a less Weight or Quantity than the Master, Owner, or other Person, so affirmed 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 other Person, or to the Owner or Owners of such Goods, Wares, or Merchandise, such Damages as shall appear to the said Commissioners, on the Oath or Oaths of One or more credible Witnesses or Witnesses, (which Oath or Oaths the said Commissioners are hereby empowered and required to administer), to have arisen from such Detention; and in Default of immediate Payment thereof, the same shall be recovered from the said Company of Proprietors by Action of Debt, in any of His Majesty's Courts of Record at Westminster.

In case of Dis-
crepancy con-
cerning the
Weight of
Goods, Col-
lector may
weigh them.

CVII. And be it further enacted, That in case any Differences or Disputes shall arise by Reason or on Account of any Sum or Sums of Money that shall or may be demanded or taken for Wharfage by the said Company of Proprietors, or any Land Owner or Land Owners, or other Person or Persons who shall or may at any Time hereafter make, erect, or build, any Wharfs or Quays on any Part of the said intended Canal and Cuts or Branches, by virtue of this Act, such Disputes and Differences shall and may be settled by the said Commissioners; and that it shall be lawful for the said Company of Proprietors to make, erect, repair, and use, any Crane or Cranes, Weighing Machine or Weighing Machines, upon every Wharf or Quay, for the more convenient loading, unloading, and weighing, of any Goods, in case the Proprietors of such Wharfs or

For settling
Disputes
concerning
Wharfage.

18 Y

Quays

Quays shall refuse to make, erect, and use the same, within Three Calendar Months after they shall have received Notice in Writing for that Purpose from the said Company of Proprietors, and to take such Rates or Prices for the Weighing or Cranage as shall, in case of Dispute, be settled by the said Commissioners.

Power for Proprietors to regulate and fix the Prices of small Parcels under Five hundred Pounds Weight.

CVIII. And be it further enacted, That it shall be lawful for the said Company of Proprietors, from Time to Time, at any General or Special Assembly of Proprietors, (with the Consent of the Commissioners), to make such Bye Law or Bye Laws, for ascertaining and fixing the Price, or Sum or Sums of Money to be charged or taken for the Carriage of any Parcel not exceeding Five hundred Pounds Weight upon the said Canal and Cuts or Branches respectively, or upon any Part of them, as to them shall seem fitting and reasonable; and the said Company of Proprietors shall from Time to Time print and affix, (or cause to be printed and affixed), upon every Publick Wharf on the said Canal and Cuts or Branches, in some conspicuous Place there, a List or Account, ascertaining and particularizing the Price or Sum or Sums of Money to be charged or taken for the Carriage of such Parcels, or any of them; and in case any Owner or Master, or other Person belonging to any Boat or other Vessel navigated or passing upon the said Canal and Cuts or Branches, or upon any Part or Parts thereof, after such printed Paper so ascertaining and particularizing the Price or Sum or Sums of Money at which every such Parcel shall be so carried and conveyed, shall be fixed up as aforesaid, shall demand or take more than the Price, or Sum or Sums of Money in such printed Paper ascertained and particularized, such Owner, Master, or other Person, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, and such Bye Laws shall be valid and binding upon all Persons whomsoever.

Rates, Tolls, and Duties, how to be recovered.

CIX. And be it further enacted, That the Rates, Tolls, and Duties, hereby authorized to be taken, shall be paid to such Person or Persons, at such Place or Places, upon or near to the said Canal and Cuts or Branches, and in such Manner and under such Regulations as the said Company of Proprietors shall direct or appoint; and in case of Neglect or Refusal to pay any such Rates, Tolls, or Duties, or any Part thereof, unto the Person or Persons who shall be appointed to receive the same as aforesaid, it shall be lawful for the said Company of Proprietors to sue for the same by Action of Debt, or upon the Case, in any of His Majesty's Courts of Record at Westminster; or it shall be lawful for the Person or Persons to whom such Rates, Tolls, or Duties ought to have been paid, and he and they in and are hereby fully authorized and empowered to seize and detain any Boat, or other Vessel, Goods, Wares, or Merchandize, for or in respect of which any such Rates, Tolls, or Duties ought to be paid as aforesaid, or any Part of such Goods, Wares, or Merchandize, and to detain the same respectively until full Payment shall be made of such Rates, Tolls, or Duties; and all Arrears of the same which may be then due from the Owner of such Boat or Vessel, Goods, Wares, or Merchandize, to the said Company of Proprietors, together with the reasonable Costs and Charges of such Seizure and Detainer; and in case such Distress shall not be redeemed within Fourteen Days after the taking thereof, the same shall and may be appraised and sold as the Law directs in Cases of Distress for Rent.

CX. And

CX. And be it further enacted, That it shall be lawful for the said Company of Proprietors from Time to Time, at any General or Special Assembly to be held for that Purpose, (of which Two Calendar Months Notice at the least shall be given in Manner herein-before mentioned), to lower or reduce such of the said Rates, Tolls, and Duties, so fixed as aforesaid, as the said Company of Proprietors shall think proper, and afterwards from Time to Time, at any General or Special Assembly, (of which the like Notice shall be given), to advance and raise all or any of the said Rates, Tolls, and Duties, so to be advanced or raised as aforesaid, shall not in any Case exceed the respective Rates, Tolls, and Duties herein-before authorized to be taken, but no Alteration of the said Rates, Tolls, and Duties, shall be made without the Consent in Writing of so many of the said Proprietors as shall be possessed of at least Two Thirds of the whole Number of Shares in the said Undertaking.

Company may from Time to Time vary the Tolls.

CXI. And be it further enacted, That as soon as conveniently may be after the said Canal and Cuts or Branches shall be completed, the said Company of Proprietors shall cause the same to be measured, and Stones, or Posts, with proper Inscriptions, to be erected, and for ever after maintained on the Sides thereof respectively, at the Distance of the Fourth Part or Quarter of a Mile from each other.

Stones to be erected every Quarter of a Mile.

CXII. And be it further enacted, That the said Company of Proprietors shall from Time to Time be rated to all Parliamentary and Parochial Rates, Taxes, Assessments, and Impositions, for or in respect of the Lands and Grounds to be purchased or taken, and the Warehouses and other Buildings to be erected or set up by the said Company, in pursuance of this Act, in such and the same Proportion as, but not at an higher Value or improved Rent than other Lands and Buildings lying near or adjacent thereto, are or shall for the Time being be rated, or as the same Lands, Grounds, Warehouses, and other Buildings, so to be purchased and taken and erected, would have been rateable in case the same had continued in their former State, and not been used for the Purposes of the said Navigation or Undertaking.

The Company to be rated to Taxes, etc. for the Lands, etc. sold by them in the same Proportion as adjoining Lands.

CXIII. And be it further enacted, That all and every Person and Persons shall have free Liberty to use, with Horses, Cattle, and Carriages, the Private Ways and Roads belonging to the said Company of Proprietors (except the Towing Paths) for the conveying Goods, and other Things to and from the said Canal, Cuts, or Branches, and the Wharfs, Quays, or Landing Places, belonging thereto, and also with Boats and other Vessels to navigate, pass upon, and use, the said Canal, Cuts or Branches, and Roads respectively, for the Purpose of conveying any Iron Stone, Coals, Lime, Goods, Merchandize, Commodities, Matters, or Things whatsoever thereon respectively; and also to use the said Wharfs, Quays, and Landing Places, for the loading and unloading of any Goods or other Things, and the said Towing Paths for the hauling and drawing of such Boats and Vessels, upon Payment of such Rates, Tolls, and Duties, as shall be demanded by the said Company of Proprietors for the same, not exceeding the several Rates, Tolls, and Duties herein-mentioned, and subject always to the Rules, Orders, Bye Laws, and Regulations,

Navigation to be free on Payment of Tolls.

lations, which shall from Time to Time be made by the said Company of Proprietors, by virtue of the Powers herein granted.

The Company
may make
Regulations
for the
passing Locks.

CXIV. And be it further enacted, That it shall be lawful for the said Company of Proprietors from Time to Time to make such Rules, Orders, and Regulations, for or relating to the passing of any Locks to be made by virtue of this Act, with any Boats or other Vessels, as they shall think proper; and that all such Rules, Orders, and Regulations, being published in such Manner as the said Company, assembled at any Meeting to be held as herein-before mentioned, or the major Part of them so assembled, shall direct, shall be binding upon and be conformed to by the Owners, Masters, or Persons, having the Care or Conduct of such Boats or other Vessels as aforesaid, upon Pain of forfeiting a Sum not exceeding Five Pounds, nor less than Twenty Shillings for every Default.

Boats, or
other Vessels
Twenty Tons
Burthen
shall pass
Locks, but
no other
Conditions.

CXV. Provided always, and be it further enacted, That no Boat or other Vessel, liable to pay any Tonnage under this Act, of less Burthen than Twenty Tons, shall pass through any of the Locks to be made by virtue of this Act, without the Consent of the said Company of Proprietors, or some or One of their Officers for the Time being, in Writing first had and obtained, unless the Owner, Master, or Person having the Care of such Boat or other Vessel, shall pay the same Tonnage as for a Boat or Vessel of Twenty Tons Burthen; but all Boats or Vessels which shall be proceeding to take in Ladings, or which shall have discharged their Ladings, shall be permitted to go and return without paying any Rate, (so as the same be empty), and shall not obstruct or prejudice the Navigation of the said Canal and Cuts or Branches, or any of them, or the Towing Paths on the Sides thereof respectively.

Boats, or
other Vessels
Twenty Tons
Burthen,
to be
Toll free.

Vessels
having
so as to
obstruct
the
Navigation,
to be
removed,
and Vessels
sunk to be
weighed up.

CXVI. And be it further enacted, That if any Person or Persons, navigating, and having the Care of any Boat or other Vessel, shall wilfully obstruct the Navigation of the said Canal and Cuts or Branches, or either of them, by Means of the misplacing or otherwise misconducting any Boat or other Vessel, and shall not immediately, upon Request made, moor the same at both Ends, or alter the Situation of such Boat or other Vessel, or otherwise stop or effectually secure the same, as the Case shall require, so as that the said Obstruction shall cease and be removed, every Person so offending shall for every such Offence forfeit a Sum not exceeding Ten Shillings nor less than Five Shillings, and also a like Sum for every Hour during which such Obstruction shall continue, and it shall be lawful for the Agents or Servants of the said Company of Proprietors, or any of them, to cause any such Boat or other Vessel to be unloaded, if necessary, and to be removed in such Manner as shall be proper for preventing such Obstruction in the said Navigation, and to seize and detain such Boat or other Vessel, and the Loading thereof, or any Part of such Loading, until the Charges occasioned by such Unloading and Removal shall be paid; and if any Boat or other Vessel shall be sunk on any Part of the said Canal or Cuts or Branches, or in any such Trench or Sluice as aforesaid, and the Owner or Owners, or other Person or Persons having the Care of such Boat or other Vessel, shall not without Loss of Time weigh or draw up the same, it shall be
lawful

lawful for the Agents or Servants of the said Company of Proprietors, or any of them, to cause such Boat or Vessel to be weighed or drawn up, and to detain and keep the same until Payment shall be made of all the Expenses thereby necessarily incurred and occasioned, and if such Payment shall not be made within the Space of Fourteen Days, then it shall be lawful for the said Company of Proprietors to sell and dispose of such Boat or other Vessel, with the Loading thereof, in such Manner as the Law directs in Cases of Distress for Rent in Arrear, rendering to the former Owner of such Boat or other Vessel, the Overplus, after such Expenses and the Charges of such Sale shall be deducted.

CXVII. And be it further enacted, That if any Lock Keeper, Wharfinger, or other Servant belonging to the said Company of Proprietors, shall give any Preference, or shew any Partiality to any Boat or other Vessel, in passing through any Lock or Locks upon the said intended Canal, Cuts, or Branches, or any of them, or in loading or unloading any Goods or other Things, at any of the Wharfs, Warehouses, Weigh Beams, Cranes, and other Machines belonging to the said Company of Proprietors, every Person so offending shall forfeit and pay the Sum of Twenty Shillings to the Informer.

To prevent
the Lock
Keepers giving
any Preference.

CXVIII. And be it further enacted, That every Boat or other Vessel passing through any Lock or Locks on the said Navigation with a less Loading than Twenty Tons, at any Time or Times when there shall be Water sufficient to enable Boats or other Vessels to pass such Lock or Locks, with a Loading or Burthen of Twenty Tons, shall pay to the said Company of Proprietors for the Time being, as a Lock Due for Water or Water, the Sum of One Shilling at each Lock, which such Boat or Vessel shall so pass through, and also shall pay a Tonnage Rate of Twenty Tons of Lading, in the same Manner as if such Boat or Vessel had actually on Board such Twenty Tons of Lading; but if at any Time there shall not be sufficient Water in such Lock or Locks to enable such Boat or Vessel to pass through the same with Twenty Tons Weight of Lading, then, and in every such Case, it shall be lawful for all such Boats and other Vessels to pass any such Lock or Locks with any less Weight of Lading than Twenty Tons, and the Owner, or the Person having the Rule or Command of such Boat or other Vessel, shall not be compellable to pay any Lock Due, for any greater Weight of Lading than shall at such Time be actually on Board the same Vessel: Provided, that such Lading shall not be less than the Water will enable such Boat or other Vessel to carry; any Thing in this Act to the contrary notwithstanding.

Vessels
passing
Locks with
less than
Twenty Tons
Loading
shall pay
one
Shilling
Twenty Tons.

CXIX. Provided also, and be it enacted, That in all Cases where there shall be Occasion for Boats or other Vessels of not greater Width than Half the Width of the largest Locks to be made by virtue of this Act, and having on Board not more than Twenty Tons of Lading to pass any such Lock, the same shall be subject to the Payment of the like Rates, as if such Boats or other Vessels had on Board Twenty Tons of Lading, unless Two of such Boats or other Vessels shall pass such Lock together, in which Case they shall pay for at least Ten Tons each.

Regulation of
Tonnage for
Boats of less
Width of
the largest
Locks.

stages, such Person or Persons, being convicted thereof in Manner aforesaid, shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds, nor less than Twenty Shillings, at the Discretion of such Justice of the Peace, which said Forfeiture or Forfeitures shall be levied and recovered in the same Manner as any other Penalty or Forfeiture is by this Act directed to be levied and recovered, and the Money arising by such Forfeiture or Forfeitures shall be applied in the Manner following, (that is to say), One Half thereof shall be paid to the Informer, and the other Half to the Poor of the Township or Parish where such Offence shall be committed; any Thing herein contained to the contrary notwithstanding; but no such Swing Bridge or Draw Bridge shall be on any Pretence laid over or across any Publick Road or Foot Path.

Penalty on Person who shall damage the Canal, &c.

CXXIV. And be it further enacted, That if any Person or Persons shall wilfully, maliciously, and to the Prejudice of the said Canal and Cuts or Branches, or any of them, break, throw down, damage, or destroy, any Bank or Banks, or other Works to be erected or made by virtue of this Act, or do any other wilful Hurt or Mischief in, or obstruct, hinder, or prevent the carrying on, completing, supporting, or maintaining of the said Canal and Cuts or Branches, or any other Works by this Act authorized to be made, such Person or Persons, being lawfully convicted, shall be adjudged guilty of Felony, and every such Felon shall be subject to the like Pains and Penalties as in Cases of Felony, or in Mitigation of such Punishment, the Court, by or before whom such Person shall be convicted, may, if they shall think fit, award such Sentence as the Law directs in Cases of Petit Larceny; or otherwise, every Person so offending, and being thereof lawfully convicted on the Oath of One credible Witness, before One or more of His Majesty's Justices of the Peace for the County or Place where such Offence shall be committed, shall for every such Sum not less than the Value of the Damage proved upon Oath to be done, at the Discretion of such Justice or Justices, such Forfeiture or Penalty, together with reasonable Costs, to be levied by Distress and Sale of the Goods and Chattels of such Offender, rendering the Overplus (if any) to such Offender, or such Offender shall and may be committed to the Common Gaol for the County or Place where such Offence shall happen, for any Time not exceeding Six Calendar Months, at the Discretion of the Justice or Justices before whom such Offender shall be convicted, provided that such Pains or Penalties shall not extend to any Owner of Lands obstructing the Works attempted to be carried on, until such Satisfaction shall have been made or tendered to him in the Manner herein-before directed.

Lords or Ladies of Manors, and Land Owners may erect Wharfs.

CXXV. And be it further enacted, That any Owner or Owners of any Lands or Grounds, near to, through, or by which the said Canal and Cuts or Branches, or either of them, shall be made by virtue of this Act, may build, construct, or use, any Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouses, in or upon his, her, or their respective own proper Lands and Grounds adjoining or near to the said Canal and Cuts or Branches, or any Part thereof; and that any Lord or Lords, Lady or Ladies, of any Manor or Manors through or by the Side of which the said Canal and Cuts or Branches, or any of them shall pass, may build, construct, and use, such Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouses, on the Waste or Wastes

within such Manor or Manors, and every of such Owners, Lord or Lords, Lady or Ladies, may land any Coal, Lime, Goods, or Merchandise, or other Things thereupon, or upon the Banks between the same and the said Canal and Cuts or Branches, or any of them, and may load or unload Goods over the Towing Path, doing as little Damage thereby as may be; and may make and use proper and convenient Places for Boats and other Vessels to lie and turn in, and pass by each other, without the Molestation or Hindrance of the said Company of Proprietors, or any other Persons whomsoever, and may lay out and make proper and convenient Ways or Roads to and from the said Navigation, so that the making, constructing, or using thereof respectively, shall not obstruct or prejudice the Navigation of the said Canal and Cuts or Branches, or any Part thereof, or the Towing Path on the Sides thereof respectively; and all Rates of Wharfage, and other Dues and Duties which shall be paid for the Use of the said Wharfs, Quays, Landing Places, Cranes, Weigh Beams, and Warehouses respectively, shall be, and are hereby vested in such Lord or Lords, Lady or Ladies, of such Manor or Manors, or in the Owner or Owners of such Lands or Grounds, who shall make, construct, and erect, the Conveniences respectively as aforesaid, and in his, her, and their respective Heirs and Assigns, so that the Rates, Tolls, and other Dues, Duties, and Powers, herein granted to the said Company of Proprietors shall not be thereby reduced or altered; provided that if any such Lord or Lady or Land Owner, within the Space of Twelve Calendar Months next after Notice given in Writing to him, her, or them, or left at his, her, or their usual Place or Places of Abode, by or on Behalf of the said Company of Proprietors for the Time being, that any Part or Parts of such Lands, Grounds, or Wastes, is or are intended to be used by them, for the Purpose of making and erecting Wharfs, Warehouses, Buildings, or other Conveniences as aforesaid, for the Use of the said Navigation, or for laying out and making necessary and convenient Roads for the Conveyance of Goods to and from the said Canal and Cuts or Branches, or any of them, shall not lay out, construct, and make, and from Time to Time maintain and keep in good and substantial Repair, such proper and sufficient Wharfs, Warehouses, Buildings, Roads, and other Conveniences as aforesaid, for the Use of the said Navigation, as the said Company shall think necessary, on the respective Parts of the Lands, Grounds, or Wastes, described in such Notice, then and in such Case the said Company of Proprietors shall have full Power and Authority, without any Hindrance or Restraint whatsoever, to make use of any such Lands, Grounds, or Wastes, (not being the Ground whereon any House or other Buildings stand, or any Orchard, Yard, Park, Paddock, planted Walk, Nursery for Trees, or an Avenue to any House), for erecting and constructing proper and sufficient Wharfs, Warehouses, Buildings, and other Conveniences as aforesaid, and for laying out and making necessary and convenient Roads to and from the said Canal and Cuts, or Branches, or any of them respectively, agreeable to such Notice, to be delivered as aforesaid, they the said Company of Proprietors first making Satisfaction for the same, in such Manner as is herein before directed, with respect to other Lands or Grounds which shall be taken or used for the Purposes of this Act.

but if not done within Twelve Months after Notice, Proprietors may erect same.

stages, such Person or Persons, being convicted thereof in Manner aforesaid, shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds, nor less than Twenty Shillings, at the Discretion of such Justice of the Peace, which said Forfeiture or Forfeitures shall be levied and recovered in the same Manner as any other Penalty or Forfeiture is by this Act directed to be levied and recovered, and the Money arising by such Forfeiture or Forfeitures shall be applied in the Manner following, (that is to say), One Half thereof shall be paid to the Informer, and the other Half to the Poor of the Township or Parish where such Offence shall be committed; any Thing herein contained to the contrary notwithstanding; but no such Swivel Bridge or Draw Bridge shall be on any Pretence laid over or across any Publick Road or Foot Path.

Penalty on
Persons who
fully de-
stroying the
Canal, &c.

CXXIV. And be it further enacted, That if any Person or Persons shall wilfully, maliciously, and to the Prejudice of the said Canal and Cuts or Branches, or any of them, break, throw down, damage, or destroy, any Bank or Banks, or other Works to be erected or made by virtue of this Act, or do any other wilful Hurt or Mischief in, or obstruct, hinder, or prevent the carrying on, completing, supporting, or maintaining of the said Canal and Cuts or Branches, or any other Works by this Act authorized to be made, such Person or Persons, being lawfully convicted, shall be adjudged guilty of Felony, and every such Felon shall be subject to the like Pains and Penalties as in Cases of Felony, or in Mitigation of such Punishment, the Court, by or before whom such Person shall be convicted, may, if they shall think fit, award such Sentence as the Law directs in Cases of Petit Larceny; or otherwise, every Person so offending, and being thereof lawfully convicted on the Oath of One credible Witness, before One or more of His Majesty's Justices of the Peace for the County or Place where such Offence shall be committed, shall for every such Sum not less than the Value of the Damage proved upon Oath to be done, at the Discretion of such Justice or Justices; such Forfeiture or Penalty, together with reasonable Costs, to be levied by Distress and Sale of the Goods and Chattels of such Offender, rendering the Overplus (if any) to such Offender, or such Offender shall and may be committed to the Common Gaol for the County or Place where such Offence shall happen, for any Time not exceeding Six Calendar Months, at the Discretion of the Justice or Justices before whom such Offender shall be convicted, provided that such Pains or Penalties shall not extend to any Owner of Lands obstructing the Works attempted to be carried on, until such Satisfaction shall have been made or tendered to him in the Manner herein-before directed.

Lords or
Ladies of
Manors, and
Land Own-
ers may erect
Wharfs.

CXXV. And be it further enacted, That any Owner or Owners of any Lands or Grounds, near to, through, or by which the said Canal and Cuts or Branches, or either of them, shall be made by virtue of this Act, may build, construct, or use, any Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouses, in or upon his, her, or their respective own proper Lands and Grounds adjoining or near to the said Canal and Cuts or Branches, or any Part thereof; and that any Lord or Lords, Lady or Ladies, of any Manor or Manors through or by the Side of which the said Canal and Cuts or Branches, or any of them shall pass, may build, construct, and use, such Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouses, on the Waste or Wastes

within

within such Manor or Manors, and every of such Owners, Lord or Lords, Lady or Ladies, may land any Coal, Lime, Goods, or Merchandise, or other Things thereupon, or upon the Banks between the Line and the said Canal and Cuts or Branches, or any of them, and may load or unload Goods over the Towing Path, doing as little Damage thereby as may be; and may make and use proper and convenient Places for Boats and other Vessels to lie and turn in, and pass by each other, without the Molestation or Hindrance of the said Company of Proprietors, or any other Persons whomsoever, and may lay out and make proper and convenient Ways or Roads to and from the said Navigation, so that the making, constructing, or using thereof respectively, shall not obstruct or prejudice the Navigation of the said Canal and Cuts or Branches, or any Part thereof, or the Towing Path on the Sides thereof respectively; and all Rates of Wharfage, and other Dues and Duties which shall be paid for the Use of the said Wharfs, Quays, Landing Places, Cranes, Weigh Beams, and Warehouses respectively, shall be, and are hereby vested in such Lord or Lords, Lady or Ladies, of such Manor or Manors, or in the Owner or Owners of such Lands or Grounds, who shall make, construct, and erect, the Conveniences respectively as aforesaid, and in his, her, and their respective Heirs and Assigns, so that the Rates, Tolls, and other Dues, Duties, and Powers, herein granted to the said Company of Proprietors shall not be thereby reduced or altered; provided that if any such Lord or Lady or Land Owner, within the Space of Twelve Calendar Months next after Notice given in Writing to him, her, or them, or left at his, her, or their usual Place or Places of Abode, by or on Behalf of the said Company of Proprietors for the Time being, that any Part or Parts of such Lands, Grounds, or Wastes, is or are intended to be used by them, for the Purpose of making and erecting Wharfs, Warehouses, Buildings, or other Conveniences as aforesaid, for the Use of the said Navigation, or for laying out and making necessary and convenient Roads for the Conveyance of Goods to and from the said Canal and Cuts or Branches, or any of them, shall not lay out, construct, and make, and from Time to Time maintain and keep in good and substantial Repair, such proper and sufficient Wharfs, Warehouses, Buildings, Roads, and other Conveniences as aforesaid, for the Use of the said Navigation, as the said Company shall think necessary, on the respective Parts of the Lands, Grounds, or Wastes, described in such Notice, then and in such Case the said Company of Proprietors shall have full Power and Authority, without any Hindrance or Restraint whatsoever, to make use of any such Lands, Grounds, or Wastes, (not being the Ground whereon any House or other Buildings stand, or any Orchard, Yard, Park, Paddock, planted Walk, Nursery for Trees, or an Avenue to any House), for erecting and constructing proper and sufficient Wharfs, Warehouses, Buildings, and other Conveniences as aforesaid, and for laying out and making necessary and convenient Roads to and from the said Canal and Cuts or Branches, or any of them respectively, agreeable to such Notice, to be delivered as aforesaid, they the said Company of Proprietors first making Satisfaction for the same, in such Manner as is herein before directed, with respect to other Lands or Grounds which shall be taken or used for the Purposes of this Act.

but if not
done within
Twelve
Months after
Notice, Pro-
prietors may
erect same.

Company, or
others, not to
be private
Wharfs, with
out Consent
of Owners.

CXXVI. And be it further enacted, That nothing herein contained shall authorize or empower the said Company of Proprietors, or any Person or Persons, to make use of any Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouses, which shall be erected or made by the Lord or Lords, Lady or Ladies, of any Manor, or the Owner or Owners of any Lands or Grounds adjoining or near to the said Canal, or any such Cuts or Branches as aforesaid, for his, her, or their own private Use only, or to set up, erect, or use any Cranes or Weighing Machines, in or upon any such Wharfs, Quays, or Landing Places, without the Consent of such Lord or Lords, Lady or Ladies, Owner or Owners; and in case any such Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouses, shall, at any Time or Times hereafter, be used by the said Company of Proprietors, or any other Person or Persons, with such Consent as aforesaid, then the same shall be so used, subject to such Regulations in regard to Rates and Duties, as are herein-before specified with regard to all other publick Wharfs.

No Building
to be erected
on the Towing
Paths, except
for the Naviga-
tion.

CXXVII. And be it further enacted, That nothing in this Act contained shall be construed to extend to enable the said Company of Proprietors to erect and build any House, Mill, or other Building, other than Warehouses, Toll Houses, and Watchhouses, for the Use of the said intended Canal and Cuts or Branches, or any of them, upon the Lands which shall be set out for the Towing Paths, Wharfs, or Quays, on the Sides thereof, or to convert or apply any Water that shall be brought into or discharged out of the said Canal and Cuts or Branches, Trenches or Sluices, hereby authorized to be made, for the Use of any Mill or Mills, (except Mills purchased by the said Company as herein-before mentioned), near the same, or to cut down any Timber Wood, Brushwood, or Underwood, upon any of the Estates or Lands through or into which the said Canal, Cuts or Branches, Trenches, Sluices, Roads, Passages, Works, or Conveniences, or any Part thereof respectively shall be made, except such Timber Wood, Brushwood, or Underwood, as shall grow or be in or upon any of the Lands or Grounds which shall be taken or used for the making of the said Canal, Cuts, or Branches, Towing Paths, Trenches, Sluices, Roads, Passages, or Conveniences respectively as aforesaid; and the Proprietors of the respective Lands and Grounds on which such Timber Wood, Brushwood, or Underwood, shall stand or be growing at the Time of the Commencement of this Act, their Heirs or Assigns, shall have it in their Election to take such Timber Wood, Brushwood, or Underwood respectively, when felled and cut down by the said Company of Proprietors, at such Price or Value as the same respectively shall have been estimated at, or purchased by the said Company of Proprietors; which said Timber Wood, Brushwood, or Underwood, is to be felled by the said Company of Proprietors, or by their Order, shall and may be carried and conveyed upon any Part of the said Navigation, free from all Tolls and Duties to be raised and levied by virtue of this Act; but in case the same shall not have been estimated at, or purchased by them, upon a Valuation separate or distinct from the Lands or Grounds upon which the same shall respectively grow, then at such Price or Value as shall be agreed on for that Purpose between such Owners of Land, and the said Company of Proprietors or their Agents, or in case of any Difference in settling or ascertaining the same,

then at such Price or Value as the said Commissioners shall direct or appoint; and if any House, Mill, or other Building, should be erected upon any such Lands or Grounds, without such Consent as aforesaid, it shall be lawful for the Person or Persons who was or were Owner or Owners of such Lands or Grounds at the Time of setting out the same, his, her, or their Heirs and Assigns, to take, pull down, and remove, such Houses, Mills, and other Buildings, without being guilty of Trespass, or liable to any Action or Prosecution for so doing.

CXXVIII. And be it further enacted, That in case the Owner or Proprietor of any Mine or Mines of Coal, Lime, Lime Stone, or other Minerals, lying within the Distance of Two thousand Yards from the said intended Canal, Cuts or Branches, or any of them, shall find it expedient and necessary to make any Railway or Road to convey the Coals, Lime, Lime Stone, or other Minerals, from any such Mine or Mines, to the said Canal, Cuts, or Branches, or any of them, over or through his or her own Lands, or over or through the Lands or Grounds of some other Person or Persons, that then, and in every such Case, it shall be lawful for such Person or Persons, being the Owner or Owners of such Lands or Grounds, within the Distance of Two thousand Yards from the said Canal, Cuts, or Branches, or any of them, over which such Railway or Road is intended to be made, to treat and agree with the Owner or Proprietor of such Mine or Mines for the Damage the Owner or Owners of any such Lands or Grounds shall or may sustain by making any such Railway or Road as aforesaid; and in case the Owner or Owners of any such Lands or Grounds, and the Owner or Proprietor of any such Mine or Mines, cannot agree concerning the Recompence to be made for such Loss or Damage as aforesaid, that then it shall be lawful for the Owner or Proprietor of such Mine or Mines, to apply to the said Commissioners to ascertain the Course and Direction, and also the Distance, not exceeding the Length of Two thousand Yards for which any Railway or Road shall be made, and the said Commissioners shall, upon such Application, appoint a Meeting for ascertaining and fixing the Course and Direction, and also the Length, of such Railway or Road, of which Meeting Fourteen Days previous Notice shall be given in Writing by such Owner or Proprietor of such Mine or Mines, to the Owner or Owners of such Lands or Grounds, which Notice shall also express the Line or Course and Distance of such intended Railway or Road respectively; and the said Commissioners shall view the Place in Question, and examine Evidence upon Oath, touching the same, which Oath any One of the said Commissioners is hereby empowered and required to administer; and if it shall appear to the Commissioners assembled at such Meeting, that such Railway or Road is necessary, proper, and fitting to be made, or if such Owner or Owners of any such Lands or Grounds, and such Owner or Proprietor of such Mine or Mines as aforesaid, shall agree in the Premises, or if any such Railway or Road shall be made through the Lands or Grounds only of the Owner or Proprietor of such Mine or Mines, then, and in any such Cases, but not otherwise, it shall be lawful for the Owner or Proprietor of such Mine or Mines to make and open a Communication between any such Mine or Mines, and the said Canal, Cuts, or Branches, or any of them, by making and opening such Railway or Road, according to the Direction of the said Commissioners, or the major Part of them present at such Meeting, and use the same with Horses, Carts, and

Power for
Owners of
Mines to
make Rail-
ways for con-
veying Coals,
&c. to the
Canal.

Carriages, over and through the Lands or Grounds of such Person or Persons as aforesaid, (not being the Site of a Dwelling House, or a Garden, Yard, Park, Paddock, or Avenue to a House, or Lawn inclosed or adjoining to a Mansion House), in such Manner as to the Owner or Proprietor of such Mine or Mines respectively shall seem expedient, so that the same be done without any Injury or Damage to the said Navigation, and so as the Owner or Proprietor of such Mine or Mines shall make full Satisfaction for all Damage to be sustained by the Owner or Owners of such Lands or Grounds, by Reason of the making such Railway or Road, and in case the Owner or Proprietor of any such Mine or Mines, and the Owner or Owners of any such Lands cannot agree, touching the Satisfaction to be made, then the same shall be settled and ascertained by the said Commissioners in such Manner, and subject to the Verdict of a Jury, if required, as the Value and Retemperance for the Lands to be taken for making the said Canal and Cuts or Branches, is by this Act directed to be settled and ascertained, and in Default of Payment of such Sum or Sums of Money, the same shall and may be recovered, with Costs, by Action of Debt, in any of His Majesty's Courts of Record at Westminster.

Masters to put their Names on the Outside of Boats.

CXXIX. And, for the better Regulation of Masters of Boat, Barges, and other Vessels, and Boatmen, and others employed by or under them, and for the more easy Detection of any Thing by them done, contrary to the Directions of this Act; be it further enacted, That every Owner, Master, or Person, having the Rule or Command of any Boat or other Vessel passing upon the said Canal and Cuts or Branches, or either of them, shall cause his Name and Place of Abode, and the Number of his or her Boat, or other Vessel, to be entered with the Clerk or Clerks to the said Company of Proprietors, and shall also cause such Name and Number to be painted in large White Capital Letters and Figures on a Black Ground Six Inches high, at the least, and of a proportionable Breadth, on the Outside of the Head or Stern of every such Boat or other Vessel, higher than the Place to which the same shall sink into the Water, when full laden; and also shall, and is hereby required to fix on each Side of such Boat or other Vessel, correct Indexes of Copper, Lead, or other Metal, or to adopt such other Means as the said Company of Proprietors shall direct, for the Purpose of ascertaining and shewing the Number of Tons on Board, and shall permit and suffer every such Boat or other Vessel to be gauged, weighed, or measured, at the Expense of the said Company of Proprietors, whenever it shall be required by them, or any Person or Persons appointed for that Purpose, provided that no such Vessel shall be gauged or measured more than Twice in One Year; and every Owner, Master, or other Person having the Rule or Command of any Boat or other Vessel, who shall navigate the same, upon the said intended Canal and Cuts or Branches, or any of them, without having such Name, Figures, and Index thereon, as are hereinbefore directed, or shall alter, erase, deface, or destroy, the same, or any Part thereof, or shall fix any false Name, Figures, or Index, or shall refuse to permit and suffer the same to be gauged and measured, shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings nor less than Ten Shillings.

Boat Owners to be accountable for De-

CXXX. And be it further enacted, That the Master or Owner of every Boat or other Vessel navigating upon the said Canal and Cuts or Branches,

or any of them, shall be, and is hereby made answerable for any Trespass, Damage, Spoil, or Mischief, which shall be done by his Boat, or other Vessel, or by any of the Boatmen, Watermen, or other Person or Persons belonging to or employed in or about the same respectively, to any of the Bridges, Weirs, Locks, Dams, Engines, or other Works, is, upon, or near the said Canal and Cuts or Branches, or any of them, either by the loading or unloading of any Boat or other Vessel, or by any other Means whatsoever, or to the Owners or Proprietors of any Buildings or other Erections, Lands, Tenements, or Hereditaments, adjoining to the same or to any of them; and such Masters or Owners and each and every of them shall also be answerable for the safe keeping and proper Delivery of all Goods, Wares, Merchandize, and all other Matters and Things which shall be carried or conveyed by their Boats and other Vessels, and shall make Satisfaction for any Damage which may be done to the same by the Dishonesty or wilful Neglect of their Boatmen, Watermen, or other Servants, or any of them, in like Manner as Common Carriers are by Law liable and responsible, and the said Master or Owner of such Boat or other Vessel may be sued and prosecuted for the same, in any Court of Record whatsoever, or for the Counties of *Leinster*, of *Derby*, or of *Warwick* (as the Case may happen), or in any of His Majesty's Courts of Record at Westminster; and if a Verdict or Judgement shall be given against him, either on Proof made, or by Default, or upon Demurrer, the Plaintiff, in any such Case, shall recover his Damages thereby sustained, with full Costs of Suit.

CXXXI. And be it further enacted, That in case the Owner or Master of any Boat, or other Vessel employed on the said Navigation, shall be compelled to pay any Penalty, or to make Satisfaction for any Damages by Reason of any Dishonesty of, or any wilful Neglect or Default done or committed by his or their Servants, Boatmen, or Watermen, or any of them, such Servants, Boatmen, or Watermen, and each and every of them, shall be liable to pay such Penalty or Damages, with the Costs thereof, to such Owner or Master; and in case of Non-payment upon Demand thereof, and Oath made by such Owner or Master of the Payment made by him or them of such Penalty, or Satisfaction for any such Damage, and that the same and the Costs thereof have or hath not been repaid to him or them by such Servants, Boatmen, or Watermen, or any of them, although demanded, such Oath to be made before One Justice of the Peace for the County where such Penalty and Satisfaction shall have been recovered, the Amount thereof shall be levied by Warrant under the Hand and Seal of such Justice, by Distress and Sale of the Goods and Chattels of such Servant or Servants as aforesaid, together with all Costs and Charges attending such Distress and Sale; and the said Amount, when so recovered, exclusive of the Costs of such Distress and Sale, shall be paid to such Owner or Master, in Discharge of such Penalty, Satisfaction, and Costs, so by him paid for the Act or Default of such Servant or Servants as aforesaid; and in case no sufficient Distress can be had, such Justice of the Peace shall, and he is hereby required to commit such Servant or Servants to the Common Gaol, or to any House of Correction for the Counties of *Leinster*, of *Derby*, or of *Warwick*, as the Case may be, there to remain without Bail or Mainprize for any Time not exceeding One Month.

Masters to recover from their Servants any Sums paid for their Negligence or Default.

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

CXXXII. And be it further enacted, That the said Canal and Cuts or Branches, or any of the Works whatsoever to be made by virtue of this Act, shall not be subject to the Control, Direction, Survey, or Order of any Commissioners of Sewers, or to any Law or Statute relating to Sewers whatsoever.

Allowing Land Owners to carry Mares Tolls.

CXXXIII. And be it further enacted, That it shall be lawful for any Person or Persons, owning or occupying any Lands or Grounds through or by the Side of which the said Canal and Cuts or Branches, or any Part thereof, or any Works thereunto belonging, shall pass, to have and use any Boats or other Vessels, for the Carriage or Conveyance of any Dung, Marble, Soil, or Compost, (Lime or Lime Stone excepted), upon the said Canal, Cuts, or Branches, or any Part thereof, to and from his, her, or their Lands or Grounds, through or by the Side of which the said Canal and Cuts or Branches, or any of them, shall so pass, for the Improvement thereof, without paying any Toll, Rate, or Duty whatsoever, to the said Company of Proprietors for the same; but no such Boats or other Vessels shall, at any Time, pass through any Lock without paying the Tonnage, Rates, Tolls, or Duties, to which other Boats or Vessels, passing through the same would be liable by virtue of this Act.

Right of Fishery reserved to Lords of Manors and Land Owners.

CXXXIV. And be it further enacted, That the Lord and Lords, Lady and Ladies, of all and every Manor and Manors, through which the said Canal and Cuts or Branches, any or either of them, shall be made, shall have and be entitled to the Right of Fishery of and in so much of the said Canal and Cuts or Branches, Reservoirs, Trenches, and Sluices, as shall be made over, under, or through, the Common or Waste Lands within his, her, or their Manors respectively, and also in, over, or through, any other Lands or Grounds in the Pits, Ponds, or Waters of which such Lord or Lords, Lady or Ladies, now have or hath, or are or is entitled to the Right of Fishery, and that the Owner or Owners of all other Lands or Grounds through which the said Canal and Cuts or Branches, Reservoirs, Trenches, and Sluices, or any of them, shall be made, shall also have and be entitled to the like Right of Fishery of and in so much of the said Canal and Cuts or Branches, or other Works, as shall be made in, over, under, or through his, her, or their Lands or Grounds respectively, so as that in the Use and Exercise of the said Right of Fishery, the said Canal and Cuts or Branches, and other Works hereby authorized to be made, shall not be prejudiced or obstructed, or any Water drained or exhausted from or out of the same, and so as the said Company of Proprietors, 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 destroying of any Fish in the said Canal and Cuts or Branches, or other Works, any or either of them, which shall be taken, killed, or destroyed, through or by Means of the letting off the Water out of them respectively, on Account of any Repairs or Works to be done, in and about the same, provided Notice be given in some Newspaper, published and circulated in either of the said Counties of *Leicester*, or *Derby*, or of *Warwick*, where the said Right of Fishery is situate, whenever it shall or may be necessary to let off such Water for the Repairs or Amendment of the said Works Fourteen Days previous to the letting off the same, except on any sudden and emergent

Occasion for such Repairs; and it shall be lawful for the Lord or Lords, Lady or Ladies, of such Manor or Manors, and for the Owner or Owners of such Lands or Grounds, (being qualified so to do), to take and kill Game upon so much of the said Canal and Cuts or Branches, or any of them, and other Works, as shall be made through their respective Lands or Grounds as aforesaid; any Thing herein contained to the contrary thereof notwithstanding.

CXXXV. And be it further enacted, That if any Person or Persons navigating, working, or being on Board any Boat or other Vessel within the Limits of the said Navigation, (not being qualified by the several Laws and Statutes of this Realm relating to Game), shall have or keep on Board any Boat, or other Vessel, any Fishing Net, Gun, Engine, or other Instruments, for taking or destroying Fish or Game, and shall use the same for such Purpose, all and every such Person or Persons, being thereof lawfully convicted, on Oath of One or more Witnesses or Witnesses, before One or more of His Majesty's Justices of the Peace for either of the said Counties of *Leicester*, or *Derby*, or of *Warwick*, where the Offence shall be committed, shall for every such Offence forfeit and pay the Sum of Ten Shillings over and above all other Penalties inflicted by Law on such Offences; and in case any Master, or other Person, having the Command of any Boat or other Vessel upon the said Canal and Cuts or Branches, or other Works, or any Part thereof, shall permit or suffer any Person or Persons, not being duly qualified as aforesaid, to have and keep on Board, and make use of any such Fishing Net, Gun, Engine, or other Instrument, and shall be thereof convicted as aforesaid, before One or more Justice or Justices of the Peace of either of the said Counties respectively, he shall for every such Offence forfeit and pay the Sum of Ten Shillings.

Persons on Board any Boat having Nets, not being qualified, to be liable to a.

CXXXVI. And be it further enacted, That it shall be lawful for the Owners and Occupiers of any Lands adjoining to the said Canal and Cuts or Branches, or any of them, to use any Pleasure Boat or Boats upon the said intended Canal and Cuts or Branches, or any of them, not passing through any Lock, (unless there shall be Waste Water flowing over the Weirs of such Lock), without any Interruption from the said Company of Proprietors, and without paying any Rate for the same, so as the same Pleasure Boat be not made use of for carrying any Goods or other Things, or any Person or Persons for Hire, and so as the same shall not obstruct or prejudice the Navigation of the said Canal and Cuts or Branches, or any of them, or the Towing Paths on the Sides thereof.

Power for Land Owners to use Pleasure Boats.

CXXXVII. And be it further enacted, That the several Persons who have already subscribed, or who shall hereafter subscribe any Money for and towards the making and maintaining of the said Canal and Cuts or Branches, and other Works hereby authorized to be made, shall and is, and they are hereby required to pay the Sum or Sums of Money by them respectively subscribed or to be subscribed, or such Part or Parts thereof as shall from Time to Time be called for by the said Company of Proprietors, or the Committee of the said Company for the Time being, under and by virtue of the Powers and Directions of this Act, at such Times and Places as shall be appointed for that Purpose by the said Company of Proprietors, or the said Committee, in the Manner herein

To compel Payment of Subscriptions.

before mentioned; and, in case any Person or Persons shall neglect or refuse to pay the same, at the Time and in the Manner required for that Purpose, it shall be lawful for the said Company of Proprietors to sue for and recover the same in any of His Majesty's Courts of Record at Westminster, with full Costs of Suit.

The Third of the Proprietors may make further Application to Parliament for Power to give other Communications with the Canal.

CXXXVIII. And whereas the major Part of the Proprietors of the said Navigation may hereafter judge it expedient to make Application to Parliament for Power to make Navigable Communications with the said Canal, by Side Cuts, Branches, or otherwise, but by Reason of Infancy or otherwise may not be able to obtain the Consent and Concurrence of all the Proprietors; he it therefore enacted, That in case the Persons entitled to Two Thirds of the Shares in the said Canal, shall at any General Assembly of the said Company of Proprietors think it proper to make any such Application to Parliament as aforesaid, it shall be lawful for them to order and cause the Common Seal of the said Company of Proprietors to be affixed to any Petition for that Purpose, and such Application may be proceeded in and prosecuted, and any Money arising by virtue of this Act, may be applied in defraying the Expenses incurred by or in Consequence of any such Application, and the same shall be deemed to be the Act of the Whole of the said Company of Proprietors, in like Manner, and as fully and effectually as if every One of the said Proprietors had been capable of acting for himself or herself, and had attended such General Assembly and concurred therein; and it shall be lawful for the said Guardians, Trustees, or Committees, of the Proprietors of any such Shares, being Minors, Lunatics, or under any other Disability or Incapacity of acting for themselves, and the Executors or Administrators of any deceased Proprietors of such Shares, to apply any of the Money which shall come to their Hands as Guardians, Trustees, Committees, Executors, or Administrators as aforesaid, towards defraying the proportionable Shares of the Expenses incurred by and in Consequence of any such Application, which shall be payable by the Persons on whose Behalf they act, or to raise Money for that Purpose by Mortgage of any such Shares, which Mortgage they are hereby authorized to make by Writing under their Hands and Seals, and the same shall be valid and effectual.

For giving a Compensation to Sir George Beaumont, in respect of his Collieries at Colston.

CXXXIX. And whereas it is apprehended that the making and maintaining the said Canal may be injurious to the Owners or Proprietors for the Time being, of certain Collieries or Coalmines now working, and which may hereafter be worked upon the Lands and Grounds of or belonging to Sir George Beaumont Baronet, situate in the Parish of Coleorton in the County of Leicesters; and the said Company of Proprietors have agreed that an adequate Compensation shall be made to the said Sir George Beaumont, his Heirs and Assigns, or the Person or Persons seized of the said Collieries or Coalmines for the Time being, for such Injury (if any such shall happen) yearly and every Year, during the Term of Thirty Years, to be computed from the Thirty-first Day of December, in the First Year in which the said Canal or any Part or Parts thereof shall be navigated by Boats, Barges, or other Vessels; which said Compensation shall be ascertained, regulated, and settled, from Time to Time, in the Manner and Form herein-after particularly mentioned and provided, and not otherwise: (that is to say), Provided always, and it is hereby enacted,

That

That in case the Stacks of Coals, the same being of the Quality or Sort called *The Colerston Nether Coal*, or the Main Seam of Coal got or won at the said Collieries or Coalmines, or any of them, shall in any of the respective Years of the said Term of Thirty Years be really and *bona fide* sold at any Price or Prices, such Price or Prices not being comparatively lower than the Price for which Coal of the Quality or Sort aforesaid, shall be generally sold at the Collieries in that Neighbourhood in such respective Years, and which upon an Average shall not amount to or exceed a Price or Sum for each Stack of Coals so sold, rateable and in Proportion to the Price or Sum of Four thousand seven hundred and sixty-six Pounds and Four Shillings, for Six thousand six hundred and sixty-six Stacks of Coals, (each Stack of Coals weighing Fifty hundred Weight, or threebushes, and every such Year being computed from the Thirty-first Day of December, to the Thirty-first Day of December then next ensuing), then the said Company of Proprietors shall and will from Time to Time, within the Space of Two Calendar Months next ensuing the Thirty-first Day of December, in each and every of the respective Years of the said Term of Thirty Years, in which such Average Price or Prices of the said Stacks of Coals shall not amount to or exceed a Price or Sum for each Stack of Coals so sold, rateable and in Proportion to the Price or Sum of Four thousand seven hundred and sixty-six Pounds and Four Shillings, for Six thousand six hundred and sixty-six Stacks of Coals, satisfy and pay unto the said Sir George Beaumont, his Heirs and Assigns, or the Person or Persons seized of the said Collieries or Coalmines for the Time being, such Sum or Sums of lawful Money of Great Britain, as, together with the Price or Prices of the whole Quantity or Total Number of Stacks of Coals sold at the said Collieries or Coalmines, or any of them, in each and every such Year, will amount to a Price or Sum for each Stack of Coals so sold, rateable and in Proportion to the said Price or Sum of Four thousand seven hundred and sixty-six Pounds and Four Shillings, for Six thousand six hundred and sixty-six Stacks of Coals: Provided nevertheless, that this Act shall not extend to entitle or authorize the said Sir George Beaumont, his Heirs or Assigns, or the Person or Persons seized of the said Collieries or Coalmines for the Time being, to have or receive of or from the said Company of Proprietors, any Compensation whatsoever for or in respect of any greater Quantity or Number of Stacks of Coals, sold at the said Collieries or Coalmines in any One Year, than Six thousand six hundred and sixty-six Stacks of Coals.

CXL. Provided also, and it is hereby enacted, That if the said Company of Proprietors shall at any Time or Times, during the said Term of Thirty Years, be desirous of purchasing the Stacks of Coals sold at the said Collieries or Coalmines respectively, or any of them, at a higher Rate or Price than the current Rate or Price at which the said Stacks of Coals shall from Time to Time be sold by the said Sir George Beaumont, his Heirs and Assigns, or the Person or Persons seized of the said Collieries or Coalmines for the Time being, for the Purpose of saving harmless and indemnifying the said Company of Proprietors from the Payment of the Compensation herein-before made payable to the said Sir George Beaumont, his Heirs and Assigns, or the Person or Persons so seized as aforesaid, and shall for that Purpose deliver Proposals in Writing, signed by the Clerk or Treasurer of the said Company of Proprietors to the

Power for the Company to purchase Coals at Sir George Beaumont's Collieries for the Purpose of indemnifying them from the said Compensation.

Head Officer or Agent of the said Sir George Beaumont, his Heirs and Assigns, or of the Person or Persons so seized attending the said Collieries or Coalmines, stating the Quantity or Number of Stacks of Coals the said Company of Proprietors are desirous of purchasing, and the Price or Prices which they agree to give for the same, (such Price or Prices always exceeding the current Rate or Price at which the said Stacks of Coals shall from Time to Time be sold by the said Sir George Beaumont, his Heirs and Assigns, or the Person or Persons so seized as aforesaid), then, and in every such Case, it shall be lawful for the said Company of Proprietors from Time to Time to purchase, and the said Sir George Beaumont, his Heirs and Assigns, and the Person or Persons so seized as aforesaid, on Payment of the said Purchase Money, shall, and he and they is and are hereby required to sell to the said Company of Proprietors at the said Collieries or Coalmines, or any of them, the Quantity or Number of Stacks of Coals expressed in such Proposals respectively, at the Rate or Price therein mentioned, or to relinquish his and their Demand upon the said Company of Proprietors, for or in respect of such Quantity or Number of Stacks of Coals as he or they shall decline to sell, according to such Proposals; provided nevertheless, that this Act shall not extend to entitle or authorize the said Company of Proprietors to purchase any greater Quantity or Number of Stacks of Coals at the said Collieries or Coalmines, or any of them, in any One Year, than shall be sufficient to save harmless and indemnify them the said Company of Proprietors from and against the Payment of the Sum or Sums of Money herein-before made payable by them to the said Sir George Beaumont, his Heirs and Assigns, or the Person or Persons seized of the said Collieries or Coalmines for the Time being, in the same Year, for or in respect of such Compensation as aforesaid, and that the Quantity or Number of Stacks of Coals, by this Act authorized to be purchased by the said Company of Proprietors as aforesaid, shall not in any Case exceed Six thousand six hundred and sixty-six Stacks of Coals in any One Year.

Declaring
how such
Compensation
Money may
be recovered.

CXLI. And be it further enacted, That all and every such Sum or Sums of Money as shall from Time to Time become due and payable to the said Sir George Beaumont, his Heirs and Assigns, or the Person or Persons seized of the said Collieries or Coalmines for the Time being, for or by Reason of such Compensation as aforesaid, shall be paid to him and them by the said Company of Proprietors, out of, and shall be charged and chargeable upon the Capital or Joint Stock of the said Company of Proprietors, and the Rates, Tolls, and Duties, by this Act granted or made payable, and in case the same or any Part or Parts thereof shall not be fully paid and satisfied within the Term herein-before limited and appointed for Payment thereof, it shall be lawful for the said Sir George Beaumont, his Heirs and Assigns, or the Person or Persons seized of the said Collieries or Coalmines for the Time being, to sue for and recover the same, with full Costs of Suit, in any of His Majesty's Courts of Record at Westminster, by Action of Debt or on the Case, or the same or any Part or Parts thereof shall and may be levied or recovered by all or any of the Ways or Means, and in the Manner and Form in and by this Act provided or mentioned, for any Person or Persons recovering Satisfaction for Damages done to his, her, or their, Lands or Grounds in the Execution of this Act.

CXLII. And

CXLII. And be it further enacted, That in case any Dispute or Difference shall arise between the said Sir George Beaumont, his Heirs or Assigns, or the Person or Persons seized of the said Collieries or Coalmines for the Time being, and the said Company of Proprietors touching the Quantum of the Compensation to be paid to the said Sir George Beaumont, his Heirs or Assigns, or the Person or Persons seized as aforesaid, or otherwise concerning the Premises, it shall be lawful for the said Sir George Beaumont, his Heirs and Assigns, or the Person or Persons seized as aforesaid respectively, and he and they is and are hereby required from Time to Time, when and so often as any such Difference or Dispute shall arise, or within Three Calendar Months afterwards, by Writing under his or their Hand and Seal, or respective Hands and Seals, to nominate and appoint some One indifferent Person, as Arbitrator on his or their Part and Behalf, and to signify in Writing such Nomination and Appointment to the said Company of Proprietors or their Clerk; and that it shall be lawful for the said Company of Proprietors, and they are hereby required from Time to Time, when and as often as any such Difference or Dispute shall arise, or within Three Calendar Months afterwards, by Writing under their Common Seal to nominate and appoint some other indifferent Person as Arbitrator on their Part and Behalf, and to signify in Writing such Nomination and Appointment to the said Sir George Beaumont, his Heirs and Assigns, or the Person or Persons seized as aforesaid; and that it shall be lawful for the said Commissioners, or any Five or more of them, and they are hereby required, from Time to Time, within Three Calendar Months after Notice in Writing shall have been given to them or their Clerk for the Time being, by the said Sir George Beaumont, his Heirs and Assigns, or the Person or Persons seized as aforesaid, or by the said Company of Proprietors or their Clerk, for that Purpose, to appoint a Meeting of the said Commissioners to be holden at a certain Time and Place, not being more than Three Calendar Months, nor less than Twenty Days after such Notice given to them as aforesaid, and the said Commissioners, or any Five or more of them, shall, and they are hereby required to meet accordingly, and then and there, by Writing under their respective Hands and Seals, to nominate and appoint some Third indifferent Person to act with the said Arbitrators, and to signify in Writing such Nomination and Appointment within Ten Days after the same shall be made to the said Sir George Beaumont, his Heirs and Assigns, or the Person or Persons seized as aforesaid, or to his or their known Agent or Attorney, and to the said Company of Proprietors or their Clerk; which said Three Persons, so to be nominated and appointed Arbitrators as aforesaid, or any Two of them, shall settle and determine the Quantum of the Compensation to be in paid by the said Company of Proprietors to the said Sir George Beaumont, his Heirs and Assigns, or the Person or Persons seized as aforesaid, and all such Differences and Disputes as may happen to arise between the said Sir George Beaumont, his Heirs and Assigns, or the Person or Persons seized as aforesaid, and the said Company of Proprietors, concerning the Premises by the Examination of Witnesses upon Oath, (which Oath they are hereby authorized to administer), and also by the Inspection of any Books, Papers, or Writings, which the said Sir George Beaumont, his Heirs or Assigns, or the Person or Persons seized as aforesaid, or the said Company of Proprietors shall think proper to produce to the said Arbitrators, or by such other Ways or Means as the said Arbitrators, or any Two of them, shall think

For settling
Differences
touching
such Cases
proceeding by
Arbitration.

think fit, (regard being always had by the said Arbitrators to the Directions and Provisions first herein before contained for computing the Quantum of the said Compensation), and the said Arbitrators, or any Two of them, shall, previous to their holding any Meeting for the Purposes aforesaid, give or cause to be given Notice in Writing of the Time and Place of such their Meeting to the said Sir George Beaumont, his Heirs and Assigns, or the Person or Persons seized as aforesaid, or his or their known Agent or Attorney, and to the said Company of Proprietors or their Clerk respectively, Five Days at the least before every such Meeting shall be held; and the said Arbitrators, or any Two of them, shall, in the Course of Two Calendar Months from the Time of their first Meeting, (which they are hereby required to hold) within One Calendar Month after the last Nomination and Appointment of such Three Arbitrators as aforesaid, award and determine, by Writing, under their Hands and Seals, or under the Hands and Seals of any Two of them, the Quantum of the Compensation to be so paid by the said Company of Proprietors to the said Sir George Beaumont, his Heirs and Assigns, or the Person or Persons seized as aforesaid, and also award, settle, and determine, all Matters and Things in Difference or Dispute between the said Parties concerning the Premises, and shall deliver Copies of their said Award to the said Sir George Beaumont, his Heirs and Assigns, or the Person or Persons seized as aforesaid, or his or their known Agent or Attorney, and to the said Company of Proprietors or their Clerk, within the Time last mentioned, which said Award shall bind and be final and conclusive to the said Sir George Beaumont, his Heirs and Assigns, and the Person or Persons seized as aforesaid, and to the said Company of Proprietors and their Successors, and all Persons claiming under him, them, or any of them, or in his or their Right respectively.

Commissioners shall appoint an Arbitrator for either Party negative to appoint One.

CXLIII. Provided always, and it is hereby enacted and declared, That if the said Sir George Beaumont, his Heirs or Assigns, or the Person or Persons seized of the said Collieries or Coalmines for the Time being, or the said Company of Proprietors respectively, shall at any Time or Times neglect or refuse to nominate and appoint an Arbitrator on his and their Part and Behalf respectively, or to signify in Writing such Nomination and Appointment in the Manner herein before directed or mentioned, for the Space of Three Calendar Months after such Nomination and Appointment shall have been made and notified by the other Party as aforesaid, it shall be lawful for the said Commissioners, or any Five or more of them, and they are hereby required from Time to Time to proceed to nominate and appoint some One indifferent Person as Arbitrator, on the Part and Behalf of the Party so neglecting or refusing, as last mentioned, and to signify such Nomination and Appointment to each of the said respective Parties interested, in such Manner and Form as is herein before mentioned and directed, with respect to the Nomination and Appointment of such Third Arbitrator by the said Commissioners.

On Death or Refusal to act, other Arbitrators may be appointed.

CXLIV. And be it further enacted, That if any Person who shall be nominated and appointed an Arbitrator in pursuance of this Act, shall refuse to act, or die pending the Matter in Reference, then, and in every such Case, some other indifferent Person shall and may be nominated and appointed to act in his Place and Stead, in like Manner as is herein before mentioned and appointed, with respect to such original Nomination and Appointment:

Appointment: Provided, and be it hereby enacted and declared, that all Fees and Expences payable to or on Account of the said Arbitrators, shall be paid by the said Company of Proprietors.

Company to pay the Expences of Arbitration.

CXLV. And be it further enacted, That it shall be lawful for the said Company of Proprietors, or their Clerk or Clerks, and the said Arbitrators, or any of them respectively, at all reasonable Times, without Fee or Reward, to inspect all Books and Accounts in the Custody or Power of the said Sir George Beaumont, his Heirs and Assigns, or of the Person or Persons seized of the said Collieries or Coalmines for the Time being, which may conduce to the manifesting or ascertaining the Quantum of the Compensation to be paid from Time to Time by the said Company of Proprietors to the said Sir George Beaumont, his Heirs and Assigns, or the Person or Persons seized as aforesaid, and the Person or Persons having the Custody of the said Books and Accounts respectively shall, and he and they is and are hereby required to produce and shew the same to the said Company of Proprietors, or their Clerk or Clerks, and to the said Arbitrators, or any of them respectively.

Power for the Company and Arbitrators to inspect the Accounts of the Collieries.

CXLVI. And whereas it is apprehended by the Proprietors of the County Canal that the making the said intended Canal to communicate with the said County Canal will be of considerable Injury to the said Proprietors, and it is agreed that the Rate of Tonnage herein after mentioned, (over and above all other Tolls, Rates, and Duties whatsoever), shall be made payable to the said County Canal Company, as a Compensation for such Injury; be it therefore enacted, That it shall be lawful for the said Company of Proprietors of the said County Canal, to ask, demand, take, and receive, to and for their own proper Use and Benefit, for all Coals, Goods, Merchandise, and other Things, which shall be navigated, carried, or conveyed, upon any Part of the said *Abby de la Zouch* Canal, and which shall afterwards or from thence be navigated, carried, or conveyed, into or upon the said County Canal, or the *Oxford* or *Grand Junction* Canals, or any or either of them, and also for all such Coals, Goods, Merchandise, and other Things which shall be navigated, carried, or conveyed, upon any Part or Parts of the said *Grand Junction*, *Oxford*, or *County* Canals, or any or either of them, and which shall afterwards or from thence be navigated, carried, or conveyed into or upon the said *Abby de la Zouch* Canal, the Sum of Five pence per Ton, (over and above all other Tolls, Rates, and Duties, payable to the said County Canal Company), and so in Proportion for any greater or less Quantity than a Ton; and in case it shall at any Time hereafter happen, that any Navigable Cut or Communication shall be made with the said *Abby de la Zouch* Canal, by Means whereof any such Coals, Goods, Merchandise, or other Things, may be navigated, carried, or conveyed, from the said *Abby de la Zouch* Canal, into or upon the *Oxford* or *Grand Junction* Canals, or from either of the said last mentioned Canals, into or upon the said *Abby de la Zouch* Canal, without passing upon the said County Canal, then and in every such Case it shall be lawful for the said Company of Proprietors of the County Canal, to ask, demand, take, and receive, to and for their own proper Use and Benefit, for all such Coals, Goods, Merchandise, and other Things, such and the same Sum

Compensation to be made to the County Canal Company.

and Sums of Money or Rates of Tonnage as if the same actually passed to or from the said *Abby de la Zouch Canal*, at the proposed Junction with the said *Coventry Canal* at *Marsden Bridge* aforesaid, and were navigated between *Marsden Bridge* and the *Oxford Canal*, by the Course of the said *Coventry Canal*, as the same is now used; which said respective Rates of Tonnage herein-before granted and made payable to the Company of Proprietors of the said *Coventry Canal*, or herein-before authorized to be demanded, taken, and received, by the said Company of Proprietors, shall be paid to such Person or Persons at such Place or Places upon or near to the said *Abby de la Zouch Canal* and the said *Coventry Canal*, or either of them, and in such Manner and under such Regulations as the Company of Proprietors of the said *Coventry Canal* shall direct or appoint; and in case of Refusal or Neglect of Payment the Company of Proprietors of the said *Coventry Canal* shall and may sue for and recover 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 ought to be paid, or who shall be appointed by the Company of Proprietors of the said *Coventry Canal* to collect the same, may, and he and they is and are hereby authorized to seize and distrain the Coals, Goods, or other Things, for or in respect whereof such Rates ought to be paid, or any Part thereof, or the Boat or other Vessel laden therewith, and detain the same until Payment thereof, together with the reasonable Charges of such Distress, and if such Distress shall not be redeemed within Five Days after the taking thereof, the same shall be sold as the Law directs in Cases of Distress for Rent.

The said
Tolls to be
taken by the
Company of
Proprietors
of the
*Abby de la
Zouch Canal*
shall here-
after be made
at *Griff*
instead of
*Marsden
Bridge*.

CXLVII. And whereas the Place of Junction of the said intended *Abby de la Zouch Canal* with the said *Coventry Canal*, since the said Agreement as aforesaid with the Company of Proprietors of the said *Coventry Canal* was made, hath been altered, and the same is considered most convenient, and is now determined to be made at a Place called *Marsden Bridge*, upon the said *Coventry Canal*, instead of *Griff*, where it was originally intended to be made, being Three Furlongs nearer to the Junction of the said *Coventry Canal* with the *Oxford Canal* and to the said City of *Coventry*, than *Griff* aforesaid; and in order that the said Alteration shall not affect the Terms and Compensation intended to be made by the said Agreement with the said Company of Proprietors of the said *Coventry Canal*, in respect to the Junction and Communication with the said *Coventry Canal*; be it enacted, That it shall and may be lawful to and for the said Company of Proprietors of the said *Coventry Canal*, to sue, demand, take, and receive, to and for their own proper Use and Benefit, for all Coals, Goods, Merchandises, and other Things which shall be navigated, carried, or conveyed, from the said *Abby de la Zouch Canal*, into, upon, and along, the said *Coventry Canal*, or from the said *Coventry Canal*, into, upon, and along, the said intended *Abby de la Zouch Canal*, over and above the Rate or Compensation of Five-pence per Ton aforesaid, such and the same Tolls, Rates, and Duties, as if the said Junction of the said intended Canal with the said *Coventry Canal* was actually made at *Griff* aforesaid, being Three Furlongs farther distant from the said Junction of the *Coventry Canal* with the *Oxford Canal* and the City of *Coventry*, than *Marsden Bridge*.

Bridge aforesaid, the Point of Junction intended by this present Act; any Thing herein-before contained to the contrary in anywise notwithstanding.

CXLVIII. And, in order to prevent the diminishing the Quantity of Water in the said *Coventry Canal*, by Reason or Means of making the said *Abby de la Zouch Canal*, be it further enacted, That the said Company of Proprietors shall, and are hereby required to make and construct the said *Abby de la Zouch Canal*, so as that the same shall be carried from the Foot of the First Lock on *Abby Wash*, to and to communicate with the said *Coventry Canal*, upon a dead Level, and without any Lockage within that Space, or at the Junction of the said Canals, and that no Water shall be drawn or taken from any Part of the said *Abby de la Zouch Canal*, so to be made upon a dead Level as aforesaid, by any Person or Persons whomsoever, by Means of any Lock, Engine, or otherwise howsoever, either for the Purpose of supplying any other Part of the said *Abby de la Zouch Canal*, or any Cut which shall be made to communicate therewith, besides the said *Coventry Canal*, except for the Purpose of working Steam or Fire Engines, for the Use of Manufactures, the Water for which shall be again returned into the said *Abby de la Zouch Canal*, or except at such Times as the Waters shall run over the Waste Weirs of the *Coventry Canal*, between *Coventry* and *Atherstone*.

For prevent-
ing any Dimin-
ution of
Water in the
*Coventry Can-
al*.

CXLIX. And for the better collecting of the Rates so made payable to the Company of Proprietors of the said *Coventry Canal* as aforesaid, be it further enacted, That it shall be lawful for the Company of Proprietors of the said *Coventry Canal* to cause a Toll House to be erected at or near the Side of any Part of the said *Abby de la Zouch Canal*, for the Use of the Person or Persons appointed to collect the said Rates, and also to place a Stop Gate or Bar across such Part of the said *Abby de la Zouch Canal* as they shall think proper, and may from Time to Time remove such Toll House, and erect the same at any other Place or Places at or near the Side of the said *Abby de la Zouch Canal*, and may also remove such Stop Gate or Bar, and place the same across any other Part of the said *Abby de la Zouch Canal* as they shall think proper; and it shall be lawful for the Collector or Collectors of the said Rates, by Means of such Stop Gate or Bar, to stop or prevent the Passage of any Boat or other Vessel upon the said *Abby de la Zouch Canal*, until Payment of the Rates, which shall be payable by virtue of this Act to the Company of Proprietors of the said *Coventry Canal*, for the Coals, Goods, or other Things, on Board such Boat or other Vessel.

Toll House to
be erected for
collecting
Rates, payable
to the Compa-
ny of Proprietors
of the said
Coventry Canal.

CL. And be it further enacted, That the several Powers, Authorities, Penalties, and Provisions, contained in any Act or Acts of Parliament, for making and maintaining the said *Coventry Canal*, with respect to the ascertaining the Rates and Dues thereby granted, shall be applied and enforced for the Purpose of ascertaining the Rates hereby granted to the Company of Proprietors of the said *Coventry Canal*, or hereby authorized to be demanded, taken, and received, by the said Company, as fully and effectually as if the same were repeated and re-enacted in the Body of this present Act; and if any Person shall do or cause to be done any Act with Intent to evade the Payment of the said Rates,

The same
Powers to be
applied for en-
forcing Pay-
ment of the
Rates as are
given in the
*Coventry Can-
al Act*.

Rates, he or she shall, for every such Offence, forfeit and pay to the Company of Proprietors of the said Coventry Canal, the Sum of Five Pounds.

Power for the Company of Proprietors to collect the Rates.

CLL. Provided always, That it shall be lawful for the Company of Proprietors of the said Coventry Canal, from Time to Time, to lessen or reduce the Rates hereby granted and made payable to them, and again from Time to Time to advance and raise the same, so as not to exceed the Rates hereby granted to, or authorized to be taken by, the Company of Proprietors of the said Coventry Canal.

Wharves to be built from the said Rates.

CLII. Provided always, and be it further enacted, That no Person shall, by virtue of this Act, be subject to or charged with the Payment of the said Rate of Five-pence per Ton to the Company of Proprietors of the said Coventry Canal, for or in respect of any Coen or other Grain, or any Sheep or other Cattle, or any Iron Stone, or Wrought Iron, got or made upon or near the Banks of the said *Abby de la Zouch* Canal, or for any Dung, Ashes, Marle, for Manure, Gravel, Sand, and Stones, for Repairs of Roads; and if any Person shall claim and take the Benefit of any such Exemption, not being entitled thereto, he shall for every such Offence forfeit and pay to the Company of Proprietors of the said Coventry Canal Navigation, the Sum of Ten Pounds.

Compensation to be made to the Landlord when any Wharf is taken.

CLIII. And whereas the Company of Proprietors of the *Leicester* Navigation have been and still continue to be at very large Expences, in making a Communication by Railways and Water Levels, between the Basin of the Company of Proprietors of the said Navigation, and the several Coal Works and Mines now opened and worked, or hereafter to be opened and worked, in the several Parishes, Townships, or Places of *Swanston* and *Colerston*, and in *Thringston Common*, all in the said County of *Leicester*, for the Benefit and Accommodation of the Owners and Lessees of the said Coal Works and Mines, the Whole of which Expences will exceed Thirty thousand Pounds: And whereas it is pretended by the said Company of Proprietors of the *Leicester* Navigation, that the said Coal, or some Part thereof, to be got at the said Coal Works and Mines, may be navigated and carried upon the said intended Canal, when the same shall be made between *Abby Woods* and the *Coventry* Canal, or into the *Coventry* Canal, to the great Injury of the said Company of Proprietors of the *Leicester* Navigation, and to the great Detriment of the Inhabitants of the several Counties of *Leicester*, *Rutland*, and *Northampton*, who have hitherto been chiefly supplied with that Article of Fuel from the said Works and Mines: To prevent which Injury and Detriment, be it enacted, That it shall be lawful for the said Company of Proprietors of the *Leicester* Navigation, from Time to Time, and at all Times hereafter, to ask, demand, take, and receive, to and for their own proper Use and behoof, for the Tonnage of all Coals which shall be carried and conveyed from any Coal Works, Mines, or Places, now opened and worked, or hereafter to be opened and worked, in the Parishes, Townships, or Places of *Swanston* and *Colerston*, or either of them, or in *Thringston Common*, upon the said *Abby de la Zouch* Canal, and which shall pass into and along the same Canal beyond the Close or Piece of Ground in the Lordship or Liberty of *Blossford* in the said County

County of *Leicester*, marked in the Map or Plan of the said Canal herein before directed to be certified by the Right Honourable the Speaker of the House of Commons, with the Number 315, the Sum of Two Shillings and Sixpence per Ton, which said Rate of Tonnage herein-before granted and made payable to the Company of Proprietors of the said *Leicester* Navigation, or herein-before authorized to be demanded, taken, and received, by the same Company of Proprietors, shall be paid to such Person or Persons, at such Place or Places, upon or near the said *Abby de la Zouch* Canal, and near to the said Close, numbered 315 as aforesaid, in such Manner and under such Regulations as the Company of Proprietors of the said *Leicester* Canal Navigation shall direct or appoint, and shall not be liable to be reduced or varied by the Company of Proprietors of the *Abby de la Zouch* Canal, any Thing herein contained to the contrary thereof notwithstanding; and in case of Refusal or Neglect of Payment, the Company of Proprietors of the said *Leicester* Navigation shall and may sue for and recover 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 ought to be paid, or who shall be appointed by the Company of Proprietors of the said *Leicester* Navigation to collect the same, may, and he and they is and are hereby authorized to seize the Coal for or in respect whereof such Rates ought to be paid, or any Part thereof, or the Boat or other Vessel laden therewith, and detain the same until Payment thereof, together with the reasonable Charges of such Seizure and Detention; and if such Coal, Boat, or other Vessel, shall not be redeemed within Four Days after the taking thereof, the same shall be sold as the Law directs in case of Distress for Rent.

Power for the Company of Proprietors to inspect Accounts, Books of Lock Keepers or Wharfingers.

CLIV. And be it further enacted, That it shall be lawful for the said Company of Proprietors, or their Clerk or Clerks, at all reasonable Times, without Fee or Reward, to inspect all Books and Accounts to be kept by, or which shall be in the Custody or Power of, any Lock Keeper or Wharfinger acting under the Authority of the said Proprietors of the *Abby de la Zouch* Canal, which may conduce to the manifesting or ascertaining the Tonnage to be paid under the Authority of this Act to the said Company of Proprietors of the *Leicester* Navigation, or which may detect any Fraud in the Non-payment thereof; and the Person or Persons having the Custody of the said Books and Accounts respectively shall, and he and they is and are hereby required, at all reasonable Times, to produce and shew the same to the said Company of Proprietors, or their Clerk or Clerks.

Toll House may be erected for collecting Rates for the Leicester Navigation Company.

CLV. And for the better collecting of the Rates so made payable to the Company of Proprietors of the said *Leicester* Navigation, be it further enacted, That it shall be lawful for the Company of Proprietors of the said *Leicester* Navigation, at their own Costs, Charges, and Expences, and not otherwise, to cause a Toll House to be erected at or near the Side of any convenient Part of the said intended *Abby de la Zouch* Canal, near to the said Close marked 315 in the said Plan, for the Use of any Person or Persons who may be appointed by the said Company of Proprietors of the *Leicester* Navigation to collect the said Rates, and also to place a Stop Gate or Bar across such Part of the said *Abby de la Zouch* Canal, as

they shall think proper, and may, from Time to Time, remove such Toll House, and erect the same at any other convenient Place or Places at or near the Side of the said *Abby de la Zouch Canal*, and may also remove such Stop Gate or Bar, and place the same across any other Part of the said *Abby de la Zouch Canal*, as they shall think proper; and it shall be lawful for the Collector or Collectors of the said Rates, by Means of such Stop Gate or Bar, to stop or prevent the Passage of any Boat or Vessel laden with Coal from the said Coal Works and Mines now opened, or hereafter to be opened, in the several Parishes, Townships, or Places of *Stannington and Colerston*, and of *Flemington Common*, upon the said *Abby de la Zouch Canal*, until Payment of the Rates which shall be payable by virtue of this Act to the said Company of Proprietors of the said *Leicesters Navigation*, for the Custom Board such Boat or other Vessel.

The Five Pounds may be applied for in reducing the Rates in the Leicesters Navigation Act.

CLVI. And be it further enacted, That the several Powers, Authorities, Penalties, and Privileges contained in the Act of Parliament for making and maintaining the said *Leicesters Navigation*, with respect to the ascertaining the Rates and Dues thereby granted, shall be applied and enforced for the Purpose of ascertaining the Rates hereby granted to the said Company of Proprietors of the *Leicesters Navigation*, or hereby authorized to be demanded, taken, and received by them, as fully and effectually as if the same were repeated or re-enacted in the Body of this present Act; and if any Person shall do, or cause to be done, any Act with Intent to evade the Payment of the said Rates, he or she shall, for every such Offence, *forfeit and pay* to the said Company of Proprietors of the *Leicesters Navigation*, the Sum of Five Pounds.

How to take any Water which may be wanted to supply the Water Levels belonging to the Leicesters Navigation Company.

CLVII. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend, to empower the said Company to use any of the Water which may be wanted to supply the Water Levels belonging to the *Leicesters Navigation*, nor to diminish any of the Powers for that Purpose granted by an Act, intituled, *An Act for making and maintaining a Navigable Communication between the Loughborough Canal and the Town of Leicesters*, and for making and maintaining a Communication by Railways or Stone Roads and Water Levels from several Places and Mines to the said Loughborough Canal, and for continuing the same by passing along the said Canal to the said Navigable Communication, all in the County of Leicesters; any Thing herein contained to the contrary notwithstanding.

For Recovery and satisfaction of Fines and Penalties.

CLVIII. And be it further enacted, That all Fines and Forfeitures inflicted by this Act, or which shall be inflicted by any Rule, Order, or Bye Law, to be made in pursuance thereof, the levying and Recovery of which Fines and Forfeitures are not particularly herein-before directed, shall, in case of Non-payment thereof, or Conviction of the Offenders respectively, be levied by Distress and Sale of such Offender's Goods and Chattels, by Warrant under the Hand and Seal of any Justice of the Peace for either of the Counties of *Leicesters*, or *Derby*, or of *Westminster*, where the Offence shall be committed, who is, and are hereby authorized and required to examine Witnesses, on Oath, (or if Quakers, an Affirmation), and hear and determine the same, and all such respective Fines, Forfeitures, and Penalties, the Application whereof

is not herein-before particularly directed, shall be paid into the Hands of the Treasurer or Clerk to the said Company of Proprietors for the Time being, and shall be applied and disposed of for the Use of the said Company; and the Overplus of the Money raised by such Distress, after deducting the Penalties and Expenses thereof, shall be rendered to the Owner of the Goods and Chattels so distrained and sold, and for want of sufficient Distress, the Offender shall be sent to the Common Gaol for the County in which such Offence shall be committed, for a Term not exceeding Three nor less than One Calendar Month, as such Justice shall think proper.

CLIX. And be it further enacted, That where any Distress shall be made, for any Sum or Sums of Money, to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor shall 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 or Trespassers *ad minus*, on Account of any Irregularity which shall be afterwards committed by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage in an Action upon the Case.

Distress not unlawful for Want of Form.

CLX. And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That every Justice of the Peace, before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form, or in any other Form of Words to the same Effect, as the Case shall require; *videlicet*,

Form of Conviction.

BE it remembered, that on the _____ Day of _____ in the Year of our Lord _____ A. B. is convicted before me C. D. One of His Majesty's Justices of the Peace, for the County of _____ (Specifying the Offence and the Time and Place where and where committed, as the Case may be). Given under my Hand and Seal, the Day and Year first above mentioned.

CLXI. And be it further enacted, That any Person or Persons thinking himself, herself, or themselves aggrieved by any Order, Judgement, or Determination of any Justice or Justices of the Peace, may, within Six Calendar Months, after such Order, Judgement, or Determination shall have been made, (first giving Fourteen Days Notice that such Complaint is intended to be made), complain to the Justices of the Peace at the General Quarter Sessions to be held in and for either of the said Counties of *Leicesters*, or *Derby*, or of *Westminster*, in which the said Cause of Appeal shall arise, and not elsewhere; which Justices shall, in a summary Way, either determine the Complaint at such General Quarter Sessions of the Peace to be held for the said Counties respectively, or if they think proper, may adjourn the Hearing thereof to the next General Quarter Sessions of the Peace to be held for the said Counties respectively, and if they see Cause, the said Justices may mitigate any Forfeiture or Fine, and may order any Money to be returned, which shall have been levied in pursuance of such Order or Determination, and may also order such further

Appel.

Proceedings
not to be
qualified for
Writ of
Cessari, nor
removed by
Cessari.

further Satisfaction to be made to the Party injured as they shall judge reasonable; but no Proceedings to be had and taken in pursuance of this Act shall be qualified or vacated for Want of Form, or be removed by Cessari, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster; any Law or Statute to the contrary notwithstanding.

Execution of
Actions.

CLXII. And be it further enacted, That if any Action, Suit, or Information, shall be brought or commenced against any Person or Persons, for any Thing done in pursuance of this Act, or in Execution of the Powers and Authorities, or the Orders and Directions herein-before given, 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 Three Calendar Months next after the doing or committing such Damages shall have ceased, and not afterwards; and such Action, Suit, or Information, shall be laid and brought within the said Countees of Leicester, of Derby, or of Warwick respectively, where the Matter in Dispute shall arise, and not elsewhere; and the Defendant in such Action or Suit shall and may plead the

General Issue.

General Issue, and give this Act or 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 so 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 all such Cases, the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become nonsuited, or suffer Discontinuance of his, her, or their Action, Suit, or Information, after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or, if upon Demurrer or otherwise, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for the same as any Defendant or Defendants hath or have for Costs of Suit in other Cases by Law.

Treble Costs.

Publick Act.

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

FINIS.