



ANNO SEXTO

GEORGII IV. REGIS.

Cap. clxiii.

An Act for making and maintaining a navigable Canal from *Tarras Pill* in the Parish of *Duloe* in the County of *Cornwall*, to or near *Moors Water* in the Parish of *Liskeard* in the said County, and for making several Roads to communicate there-with. [22d June 1825.]

WHEREAS the making and maintaining of a Canal navigable for Boats, Barges, and other Vessels, from or from near a Place on the *Looe* River called *Tarras Pill* in the Parish of *Duloe* in the County of *Cornwall*, to or near to *Moors Water* in the Parish of *Liskeard* in the said County, with Two Roads for Horses, Waggons, and other Carriages to communicate therewith, one of such Roads commencing from or near the Head of the said Canal at *Moors Water* aforesaid, and terminating at or near a certain Place called *Dean Well* in the Borough of *Liskeard* in the said County of *Cornwall*, and the other of such Roads commencing from or near a certain Place called *Eooe Mills* in the said Parish of *Liskeard*, and terminating at or near a certain Place called *Banka Mill* in the Parish of *Saint Cleer* in the said County of *Cornwall*, will tend to the Improvement of the Estates and Property in the Vicinity of the said Canal and Roads, and will greatly facilitate and render less expensive the Conveyance of Coals, Timber, Stone, Slate, Copper, Tin, Lead, Corn, Sand, Lime, Manure, and all Goods, Wares, and other Articles, and will be the Means of effectually working the Tin, Copper, and Lead Mines, and

[Local.]

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also

also the Slate and other Quarries in the said County of *Cornwall*, by enabling the Proprietors to get Materials at a reduced Rate, and large Quantities of Timber fit for His Majesty's Royal Navy may be then brought from the interior Part of *Cornwall* to the Port of *Looe* in the said County, at a considerable Reduction in the Price of Carriage, and the same will otherwise be of great public Utility: And whereas the several Persons herein-after named are willing and desirous, at their own Expence, to make and maintain the said Canal and Roads, and such other Works as are herein-after mentioned, but the same cannot be accomplished 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 Honourable *Edward Granville Eliot* commonly called Lord *Eliot*, the Honourable *John Walpole*, Sir *Manassah Massa Lopez* Baronet, Sir *William Pringle*, *John Allen*, *Edmund Aunger*, *Samuel Benny*, *James Bennicke*, *William Best*, *William Boase*, *Nicholas Body*, *Francis Bone*, *William Bone*, *Thomas Bond*, *John Borrow*, *William Borrow*, *Henry Borrow*, *John Botterell*, *John Bowden*, *John Buller*, *John Bunt*, *Henry Bütten*, *John Bütten*, *Elizabeth Cater*, *James Carpenter*, *Thomas Coath*, *William Chapman*, *John Clinick*, *Francis Crago*, *John Crago*, *William Crago*, *Joseph Crabb*, *Matthew Daniell*, *William Dawe*, *Susan Dawe*, *Richard Doidge*, *Nicholas Dyer*, *Jonathan Elford*, *James Drummond*, *Buller Elphinstone*, *William Foulkes*, *Edward Geach*, *Davies Gilbert*, *Julius Glanville*, *Edward Glanville*, *James Glencross*, *Peter Glubb*, *Jacob Grigg*, *John Haine*, *John Hawken*, *John Hender*, *Samuel Hender of Saint Cleer*, *Samuel Hender of Liskeard*, *William Henwood*, *Joseph Hicks*, *Richard Hill*, *Richard Hocken*, *William Hodges*, *Mary Ann Hunking*, *Thomas Jago*, *John Jane*, *John Jope*, *William Jope*, *James Isbells*, *Joseph Key*, *William Knight*, *John Knight*, *Richard Knight*, *John Langford*, *Walter Langford*, *James Richards Lapenotiere*, *John Longmaid*, *John Lyne*, *Benjamin Lyne*, *John Martin*, *James Massey*, *William Mayne*, *John Mayne*, *William Menhenick*, *John Menhenick*, *John Milton*, *John Toup Nicholas*, *John Oliver*, *Thomas Parkin*, *Samuel Parnell*, *John Patrick*, *John Pearse*, *Samuel Pett*, *Francis Pett*, *Richard Philp*, *John Philp*, *John Rabey*, *William Radford*, *William Radmore*, *Robert Rean*, *Johanna Reed*, *George Richards of West Looe*, *George Richards of Talland*, *Richard Rogers*, *Anthony Rogers the younger*, *John Rogers*, *Gustavus Sargent*, *William Sargent*, *Thomas Sargent*, *Mary Sandercock*, *William Scantelbury*, *John Shapcott*, *Henry Shapcott*, *John Sibly*, *Samuel Snell*, *Hugh Snell*, *Thomas Sobey*, *John Sowden*, *Samuel Sowden*, *William Sowden*, *Thomas Sowden*, *Rowland Stevenson*, *Thomas Stephens*, *Andrew Stephens*, *John Taunton*, *Petherick Tamblyn*, *John Tamblyn*, *Robert Thomas*, *William Thomas*, *Francis James Thomas*, *Henry Tregenna*, *James Ivey Tremayne*, *Edmund Venning*, *William Westlake*, *John West*, *Robert Webb*, *Thomas Willetts the younger*, *John Williams*, *John Wynall*, and *James White*, their several and respective Successors, Executors, Administrators, or Assigns, or such of them as shall from Time to Time be possessed of any Share or Shares in the said Canal, Roads, and other Works hereby authorized to be made and carried on, and also such other Person or Persons, Body or Bodies

Politic,

Proprietors
incorporated,
and empow-
ered to pur-
chase and
sell Lands.

Politic, Corporate, or Collegiate, as shall from Time to Time be possessed of any Share or Shares therein, shall be and they are hereby united into a Company for the making, completing, maintaining, and carrying on the said intended Canal, Roads, and other Works hereby authorized to be made, according to the Rules, Orders, and Directions herein-after expressed, and for that Purpose are and shall be One Body Politic and Corporate, by the Name and Style of "The *Liskeard and Looe Union Canal Company*," and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued, and also shall and may have Power and Authority to purchase, in manner by this Act directed, Lands, Tenements, and Hereditaments, to them and their Successors and Assigns, for the Use of the said Canal and Roads, and the several Works hereby authorized to be made, and for the several other Purposes herein mentioned, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain, and also to sell any of the Lands, Tenements, or Hereditaments purchased for the Purposes aforesaid.

II. And be it further enacted, That it shall be lawful for the said Company, and they are hereby authorized and empowered, by themselves, or by their Deputies, Agents, Officers, Workmen, or Servants, to form, make, complete, and maintain a Canal navigable for Boats, Barges, and other Vessels, from or from near a Place on the *Looe River* called *Tarras Pill*, in the Parish of *Duloe* in the County of *Cornwall*, to or near to *Moors Water* in the Parish of *Liskeard* in the said County, with Two Roads for Horses, Waggon's, and other Carriages, one of such Roads commencing from or near the Head of the said Canal at *Moors Water*, to or near to *Dean Well* in the Borough of *Liskeard* in the said County of *Cornwall*, and the other of such Roads commencing from or near a certain Place called *Looe Mills* in the said Parish of *Liskeard*, and terminating at or near a certain Place called *Banka Mill* in the Parish of *Saint Cleer* in the said County of *Cornwall*; and also to supply the said intended Canal at all Times for ever while making, and after the same shall be made, with Water from all such Rivers, Lakes, Brooks, Springs, Streams, Rivulets, Waters, and Watercourses, which are or shall flow to or be found in digging or making the said Canal, and also to make, sink, and drive such and so many Reservoirs, Drains, Tunnels, Levels, Perforations, Feeders, Aqueducts, and Channels, and to make, erect, and set up such and so many Weirs, Steam Engines, Water Wheels, and other Machines, with proper Shafts and Tunnels thereto, for supplying the said Canal with Water, and for conveying Water to and from the same, and for the better making and maintaining of such Canal, as they the said Company shall from Time to Time think proper and expedient, and to enlarge, widen, cleanse, scour, divert, alter, or vary such Roads or Ways, and the Course of such Rivers, Brooks, Streams, or Watercourses, which are or is situated within the Line of the said intended Canal and Roads, or which shall or may prevent, hinder, or otherwise obstruct the making of the said Canal and Roads.

III. And whereas the said Canal cannot be effectually supplied with Water but from a certain River, commonly called the *Looe River*, on the Line of which the said Canal is proposed to be cut, and the

Power to
make Canal,
Roads, &c.

Company
may take
Water from
the Looe
Head

River and
the Crylla
Rivulet :

Head of which Canal is within One hundred Yards of the said River, and the same need not be diverted from its Channel till within Two hundred Yards of the Head of the said Canal: And whereas the Consent of all the Owners and Occupiers of Lands adjoining to and interested in the said River *Looe* hath been obtained to the using of the Water therein for the Purposes of the said Canal, and the Consent of all the Owners and Occupiers of the Lands through which it will be necessary to convey the Water from a Rivulet or Stream called the *Crylla* Rivulet for the Use of the said Canal hath also been obtained; be it therefore enacted, That it shall and may be lawful for the said Company from Time to Time to supply the said Canal whilst making, and at all Times thereafter, with Water from the said River called the *Looe* River, or any Part thereof, and also from the said Rivulet or Stream called the *Crylla* Rivulet, in the Proportion, at the Times, and in the Manner herein-after mentioned.

And may use
a Portion of
the Crylla as
a Feeder.

IV. And be it further enacted, That for the Purpose of the Navigation of the said Canal, it shall be lawful for the said Company, and they are hereby authorized and empowered, by themselves, or by their Deputies, Servants, Agents, and Workmen, to supply the said Canal, after the same shall have been made, and during the Months of *April, May, June, August, September, and October* in every Year, but at no other Times, with such Proportion and so much of the Water of a certain Rivulet commonly called or known by the Name of the *Crylla*, in the said Parish of *Saint Cleer*, in the County of *Cornwall*, being one of the tributary Streams of the River *Fowey*, as shall not at any Time exceed or amount to more than so many Cubic Feet of Water *per Minute*, as shall be ascertained in the Manner herein-after mentioned to be One Fifty-fourth Part or Proportion of the Current running under *Lostrwithiel* Bridge at the Period also herein-after mentioned, and shall also be reduced and diminished, intermitted and withheld, and also shall be taken and enjoyed only at the Times and in the Manner herein-after particularly expressed; that is to say, the Point or Place at which such Supply of Water may be taken up shall be upon the Course of the said *Crylla* Rivulet above its Confluence with a certain other Rivulet called the *Sibley Back*, otherwise the *Trekeive*; and in order that the said Supply of Water may not be wasted, nor applied by the said Company to any other Purpose than the Navigation of the said Canal, the said Company shall and will, and they are hereby authorized and required to make and construct a separate and independent Feeder Channel, with proper Aqueducts, from the Point at which the said *Crylla* Rivulet shall be so diverted as aforesaid, so as that such Supply shall not be mingled or connected with any other Stream or Water, unless with such Waters or Streams as may be received into the said Feeder Channel for the sole and *bonâ fide* Use of the Navigation of the said Canal, to a Reservoir which may and shall be constructed and formed by the said Company at or near to the Head of the said Canal at *Moors Water* aforesaid, together with a certain other Channel for the Conveyance of the surplus and waste Water of the said Rivulet into the River *Fowey* from a certain Weir and other Works to be made as herein-after mentioned, at or near a Place called *Redgate* in the Parish of *Saint Cleer* aforesaid, to that Part of the said River *Fowey* which shall

shall be nearest to the said Weir and Works; and at such Point where the said *Crylla* Rivulet shall be so diverted as aforesaid, the said Company shall and may, and they are hereby authorized and required to make a sufficient Hatch or other sufficient Works capable of diverting or withholding the said *Crylla* Rivulet, as Occasion shall require; and also upon the Course of the said Feeder Channel, at some convenient and suitable Place at or near *Redgate* aforesaid, the said Company shall and may, and they are hereby authorized and required to make and construct a Weir, having an horizontal Coping, in Height One Foot above the highest ordinary Floods of the said *Crylla* Rivulet, and in Width not exceeding Three Inches; and also shall further make and construct, for the Water within and behind the said Weir, an open Channel or Basin, not exceeding in Depth Four Feet and in Width Ten Feet, and bounded and maintained on the Northern and Southern Sides of the said Channel or Basin by sufficient and effectual Dams, which on the Southern Side shall be of Masonry at least One Foot higher than the Coping of the said Weir, and shall and may in the said Southern Wall construct and form a Perforation or Aperture of such exact Size and Dimension as shall deliver or permit to escape from the said Channel or Basin into the Feeder Channel connected with the said Canal Reservoir, so many Cubic Feet of Water *per* Minute as shall be fixed and ascertained, not to exceed the said proportioned Supply, and deliver the Surplus and Excess of the said *Crylla* Rivulet from the said Channel or Basin into the said River *Fowey* as aforesaid; and shall and will make and construct, as well at the Point where the said *Crylla* Rivulet shall be so diverted as aforesaid, as also at the Point where such Weir and other Works shall be so constructed near *Redgate* as aforesaid, such Hatches or Valves as shall be capable and fully efficient, when Occasion shall require, to effectually close the said Channel, and also the said Perforation or Aperture, and thereby withhold the said *Crylla* Rivulet, or the said proportioned Supply therefrom, from the said respective Feeder Channels as aforesaid, and also capable of being securely fastened and locked, and which said Hatch or Valve at *Redgate* aforesaid shall be so closed and locked and kept closed and locked by the Superintendant of the said Feeder to be appointed as herein-after is mentioned, at such Times as the said Supply of Water shall not be required for the Purposes of the Navigation of the said Canal as herein-after mentioned, so that the said *Crylla* Rivulet may then run into the River *Fowey* by such new Channel from *Redgate* as aforesaid; and all which said Hatches or Valves, as well at the Point where the said Rivulet shall be so diverted as aforesaid, as also at *Redgate* aforesaid, shall be by the said Superintendant of the said Feeder closed and locked, and kept closed and locked, and all Keys thereof deposited with and kept by the Mayor of *Lostwithiel* for the Time being, during the Months of *January*, *February*, *March*, *July*, *November*, and *December* in every Year, so that during such Time the same *Crylla* Rivulet may run only in its present Course or Channel; and such Canal Reservoir as aforesaid shall be so made as to be capable of containing at least Two thousand Cubic Yards of Water, and to be connected and communicate with and feed the said Canal only by a Pipe or Sluice at the Bottom of the said Reservoir, capable of being opened or closed; and the said Company shall and may (except only when the said Pipe or Sluice

[*Local.*]

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shall

shall be actually using for the Purpose of necessarily feeding and supplying the said Canal for the Purposes of Navigation) keep the said Pipe effectually closed, so and in such Manner as to keep the Summit Level of the said Canal full without the said Supply being wasted; and also the said Company shall and will, and they are hereby empowered and required so to do at all Times hereafter, as often as it shall happen that the said Summit Level shall be so full as that the same shall discharge by Overflow, give Notice to the Superintendant of the said Feeder, and immediately thereupon, and within the Space of Two Hours from the Commencement of such Overflow, the aforesaid Hatch or Valve so regulating the Water supplied by the said *Crylla* Rivulet as aforesaid, shall be by the said Superintendant of the said Feeder closed and locked, and kept closed and locked until the Water in the said Canal Reservoir, having been *bonâ fide* applied to the Purposes of the said Canal Navigation, shall be again reduced to the Quantity of One thousand Cubic Yards, which said Quantity shall be ascertained by a certain and permanent Gauge to be kept fixed to the said Reservoir by the said Company, so that the same may at all Times be ascertained; and on due Notice of such Reduction, the said Superintendant of the said Feeder shall again open the said Hatch or Valve for the Supply of the said Water as aforesaid; and all such Weirs, Basins, Channels, Walls, Aqueducts, Hatches, Valves, Locks, Gauges, and all other the Works aforesaid, shall be originally made and constructed, and also shall thereafter, from and after the making the same, be constantly well and sufficiently repaired and kept in repair by and at the Expence of the said Company: Provided always, that neither such Supply of Water, nor any Part thereof, shall be hereafter taken from the said *Crylla* Rivulet, until the said Canal, together with the said Reservoir, Feeding Channel, and all other Works, shall in all respects have been fully made and completed; and such Certificate of the due Admeasurement of the said proportionate Supply, and of the Fitness and Propriety of the aforesaid Works for the Regulation and Use thereof, shall have been lodged with the Clerk of the Peace as herein-after mentioned; and neither the said *Crylla* Rivulet nor any Part thereof shall or may be used or applied by the said Company, nor any other Person or Persons, to any Purpose or Purposes whatsoever than for a sufficient *bonâ fide* Supply of Water for the said Canal Navigation, nor be by them used or taken at any other Time or in any other Manner than as aforesaid.

Appointment
of Surveyors
by the Canal
Company,
and by the
Corporation
of Lostwithiel.

V. Provided always, and be it further enacted, That the said Quantity of Water *per* Minute, so constituting One Fifty-fourth Part of the Amount of the Current of the said River *Fowey* at *Lostwithiel* Bridge, and to be supplied by the said *Crylla* Rivulet as aforesaid, shall be measured, ascertained, and determined by Two Surveyors, One to be named by the said Company, by some Writing under their Common Seal, and the other by the said Mayor and Corporation of *Lostwithiel*, by some Writing under their Common Seal; and in case the said Company or the said Mayor and Corporation shall after Twenty Days Notice in Writing from the other of them, refuse, neglect, or decline to appoint a Surveyor on their respective behalf, or in case the said Two Surveyors when so named as aforesaid shall differ either as to the Time, Mode, or Results of such Admeasurements, or in

any other Manner in or about any of the Acts hereby directed to be by them concurrently performed; then and in either of the above Cases, the said Admeasurement, or other Act or Acts, shall be ascertained, determined, or performed by some Civil Engineer to be nominated for that Purpose in Writing by the Sheriff of the said County of *Cornwall* for the Time being; and also that the Examination and Admeasurement of the Current of the said River *Forwey* at *Lostwithiel* Bridge, for the Purpose of ascertaining such relative Proportion of One Fifty-fourth as aforesaid, shall be made and take place on the earliest Day after the Tenth Day of *June* One thousand eight hundred and twenty-six, which shall happen not to have been preceded by any Fall of Rain at *Lostwithiel* Bridge aforesaid during the Seventy-two Hours next previous thereto; and such Two Surveyors as aforesaid, or in such Cases as aforesaid such Engineer as aforesaid, shall also ascertain and determine the Fitness, Propriety, and Sufficiency of such Weirs, Basins, Channels, Dams, Walls, Hatches, Valves, Locks, Aqueducts, Pipes, Gauges, and Reservoirs, and all other the Works which are herein-before directed to be made for the Supply of the said Water from the said *Crylla* Rivulet, and the Regulation thereof as aforesaid; and shall also ascertain and determine that the same has been constructed and completed according to the Powers, Authorities, and Requisitions herein contained; and that the said respective Appointments of the said Two Surveyors, and a Certificate or Certificates of such Examination, Admeasurement, and of the Results and Determination thereof as aforesaid, under the respective Hands and Seals of the said Surveyors or of the said Civil Engineer in such Cases as aforesaid, the Truth of which said Certificate or Certificates shall be verified by the Oaths of the said Two Surveyors, or of the said Civil Engineer, before some Justice of the Peace of the said County of *Cornwall*, and attested by him as having been so verified, shall be deposited with the Clerk of the Peace of the said County of *Cornwall*, to be kept among the Records of the said County, and shall be good Evidence in all Courts of Law and elsewhere; and all Costs and Expences of such Examination, Admeasurement, and Determination shall be divided and paid, one Moiety by the said Company, and the other Moiety by the said Mayor and Corporation of *Lostwithiel*.

VI. Provided also, and be it further enacted, That no Supply of Water from the said *Crylla* Rivulet, for the Purposes of the said Canal Navigation as aforesaid, shall at any Time or Times hereafter be taken or used under the Authority of this Act, unless a Person or Persons, not exceeding Two, (to be nominated by the said Company by Writing under their Common Seal, and approved by the said Mayor and Corporation by some Writing under their Common Seal, and which said Appointment and Approval shall have been lodged with the Clerk of the Peace among the Records of the said County), shall be appointed a Superintendant or Superintendants of the said Feeder and Supply of Water from the said *Crylla* Rivulet as aforesaid, and shall for the Time being be actually holding and exercising the Office of Superintendant; which said Superintendant or Superintendants the said Company do and shall in all respects pay, support, and maintain for the Purposes aforesaid, as being Agents of the said Company, and also pay and discharge the Costs and Expences of his or their respective Appointment, and the Approval thereof, and of all

Appointment of Superintendant of the Feeder by the Company, subject to the Approbation of the Mayor, &c. of *Lostwithiel*.

Acts consequential thereto: Provided always, that if the said Mayor of *Lostwithiel* shall at any Time refuse or neglect or decline to approve of the Persons so nominated by the said Company as Superintendants as aforesaid, it shall be lawful for the Sheriff of the said County for the Time being, upon the Application of the said Company, of his own sole Authority, to appoint the same or some other fit and proper Person or Persons as such Superintendant or Superintendants for any Term or Terms not exceeding One whole Year from the Date of such Appointment: Provided also, that if the said Superintendant or Superintendants shall fail or neglect to observe all or any or either of the Acts or Things herein-before on their or his respective Parts or Part directed to be done or performed in respect of or in relation to the said Supply of Water from the said *Crylla* Rivulet, or the Care or Regulation thereof as aforesaid; or if the said Superintendant or Superintendants shall wilfully or knowingly permit or suffer any Person or Persons to divert or diminish, alter, waste, or use any of the Water of the said *Crylla* Rivulet, or of the said Supply therefrom, or of the said Canal Reservoir, save and except under the Authorities and Powers of this Act, and shall not within Ten Days next after his or their Knowledge of such wrongful Act or Acts as aforesaid, report and make the same known, with all the Circumstances thereof, to the Mayor of *Lostwithiel* for the Time being, or his Deputy for the Time being, such Mayor or Deputy being resident within the said Borough of *Lostwithiel*; then and in every such Case, and for every such Failure, Neglect, Concealment, or Offence respectively, and as often as the said Superintendant or Superintendants shall be convicted thereof before any Justice of the Peace of the said County of *Cornwall*, the said Superintendant or Superintendants shall forfeit and pay any Sum not exceeding Five Pounds to the said Mayor and Corporation of *Lostwithiel*; which said Penalty, with all Costs attending such Conviction, may and shall, if the same shall not be paid within Ten Days after such Conviction, be levied and recovered by Distress and Sale of any Goods or Chattels vested in the said Company, or of any Goods or Chattels of the Treasurer of the said Company, under a Warrant to be issued for that Purpose by any Justice of the Peace for the said County of *Cornwall*.

Remedy for Neglect in the Company in repairing, &c. the Weirs and other Works.

VII. Provided always, and be it further enacted, That if the said Company, or their or any or either of their Deputies, Officers, Agents, Servants, or Workmen, shall neglect or fail to observe or perform all or any or either of the Acts or Things herein-before on the Part of the said Company directed to be done, observed, or performed in respect of or in relation to the said Supply of Water from the said *Crylla* Rivulet, or the Care or Regulation thereof, or the Repair, Maintenance, and Preservation of any of the Works belonging to or concerning the same, or otherwise howsoever made under the Authority of this Act, then and in every such Case (and independent of the lawful Remedies to which any other Person or Persons may rightfully have against the said Company), a Right of Action and also of Suit in Equity for or in respect of such Neglect or Failure shall accrue to the said Mayor and Corporation of *Lostwithiel* for the Recovery of Damages, and for the obtaining a sufficient Remedy thereof, as if the same had been the Breach of an express Contract by the said Company with the said Mayor and Corporation for the doing, performance,

or

or observance of such Acts or Things, or by some other lawful Action or Suit.

VIII. And for removing any Apprehension of Injury to the Navigation of the River *Fowey*, or to the Use and Occupation thereof, by the Diversion or Subtraction of the said *Crylla* Rivulet, or a Proportion thereof as aforesaid, be it enacted, That in case at any Time or Times any such Injury shall, in the Judgment of the Mayor, Aldermen, and Capital Burgesses of the Borough of *Lostwithiel* aforesaid, in Common Council assembled, have been or be occasioned by any such Diversion or Subtraction as aforesaid, and they shall make Complaint thereof in Writing under their Common Seal to the said Company, then and in such Case, and as often as the Case shall happen, and within Twenty Days next after making and delivering such Complaint, the said Company shall by Writing under their Common Seal appoint One Engineer as an Arbitrator, and the said Mayor, Aldermen, and Capital Burgesses shall by Writing under their Common Seal appoint One other Engineer as an Arbitrator, and within Fourteen Days next after such Appointment shall be made, the said Arbitrators shall appoint an Umpire, and within Twenty Days next after such Appointments of an Umpire, the said Arbitrators shall meet together and inquire into, hear, and determine the Matter of the said Complaint, that is to say, whether such Injury as aforesaid has been or is occasioned by such Diversion or Subtraction as aforesaid, and shall draw up and execute an Award in Writing under their Hands accordingly; and in case they shall, upon such Inquiry as aforesaid, determine that such Injury as aforesaid has been or is occasioned by any such Diversion or Subtraction as aforesaid, then and in such Case the said Arbitrators shall in and by the said Award also determine what other Works will in their Judgment be necessary to be done to preserve the Navigation of the said River *Fowey* upon the whole in as good a State as if such Diversion and Subtraction had not taken place, and then and in such Case the said Company shall at their own Expence cause such Works to be done accordingly: Provided always, that in case the said Arbitrators shall not agree in such Determination or Award as aforesaid, such Umpire as aforesaid shall inquire into, hear, and determine, and also draw up and execute an Award in Writing under his Hand and Seal, in such Manner in all respects as is herein-before directed to be done and performed by the said Two Arbitrators; and in case the said Arbitrators or Umpire so appointed shall die, or refuse or neglect to act, or shall not settle the Matters aforesaid, and make an Award within the Space of Three Calendar Months next after Notice given to them of such their Appointment, then another Arbitrator, Arbitrators, or Umpire, shall be appointed in manner aforesaid; and in case the said Company shall fail to appoint an Arbitrator on their Behalf within the Time herein-before limited, or such Arbitrators as aforesaid, when so appointed, shall not coincide and agree in the Appointment of an Umpire as aforesaid, then an Arbitrator on behalf of the said Company, or an Umpire, as the Case may require, shall be appointed by the Sheriff of the said County of *Cornwall* for the Time being, and such Arbitrator, Arbitrators, or Umpire so appointed in either of the Cases aforesaid, shall severally and respectively have and enjoy the like Powers and Authorities as are hereby vested or hereby intended

Remedy for any Injury to the Fowey Navigation to be determined by Two Engineers, to be appointed by the Company and the Mayor and Corporation of *Lostwithiel*.

to be vested in the Arbitrator and Umpire first mentioned: Provided also, that in case the said Arbitrator or Umpire shall be of Opinion that Injury has been occasioned to the said Navigation by any such Subtraction or Diversion, as aforesaid, then the said Company shall and they are hereby authorized and required to defray all the Charges and Expences incident to the said Arbitration and Award; but if the said Arbitrators or Umpire shall decide that no such Injury as aforesaid shall have been or be occasioned, then the said Mayor, Aldermen, and Capital Burgesses shall and they are hereby authorized and empowered and required to defray all the Charges and Expences incident to the said Arbitration and Award: Provided also, that the said respective Appointments of any Arbitrator or Umpire, under the Authority herein-before contained, and their or his Award as aforesaid, shall be deposited with the Clerk of the Peace of the said County, to be kept among the Rolls of the said County.

Company not
to divert cer-
tain Waters.

IX. Provided always, and be it further enacted, That in making and maintaining the said intended Canal, it shall not be lawful for the said Company to cut off or divert the Water of any of the Rivers, Rivulets, Streams, Brooks, Springs, or Watercourses which unite with or fall or are discharged into the River *Fowey*, for the Purposes of the said Canal, or any of the Works authorized by this Act, save and except such Proportion of the said Rivulet called the *Crylla* as aforesaid, upon the Terms, Provisions, and Restrictions herein-before contained.

Power to en-
ter Lands.

X. And be it further enacted, That for the Purposes of this Act the said Company, their Deputies, Servants, Agents, and Workmen, are hereby authorized and empowered to enter into and upon the Lands and Grounds of any Person or Persons, Bodies Politic, Corporate, or Collegiate whatsoever, and to survey and take Levels of the same or any Part thereof, and to set out and ascertain such Part or Parts thereof as they shall think necessary and proper for making, completing, maintaining, improving, and using the said intended Canal, Roads, and other Works and Conveniences hereby authorized to be made, and there to bore, dig, cut, trench, and drain, and also to remove, take, carry away, and lay any Earth, Clay, Stone, Soil, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters or Things which may be dug or got in making, or which may hinder, prevent, or obstruct the making, carrying on, maintaining, or repairing the said Canal, Cuts, Feeders, Tunnels, Aqueducts, Roads, and other Works respectively, according to the true Intent and Meaning of this Act; and also to make Roads and other Ways, as well for the carrying and conveying of all Manner of Materials necessary or intended for the making, erecting, finishing, altering, repairing, widening, enlarging, or improving the said Canal, Roads, and other Works hereby authorized, as also for the Purposes of the said intended Navigation, and for the carrying and conveying of Goods, Wares, Merchandize, and other Things to and from the said Canal, and for the landing, loading, housing, regulating, and preserving the same; and also to make, build, drive, erect, and set up in or upon the said Canal or Roads, or in or upon the Lands adjoining thereto, such and so many Bridges, Tunnels, Soughs, Drains, Aqueducts, Culverts, Sluices, Locks, Flood Gates, Weirs, Banks, Dams,

Dams, Pens for Water, Water Tanks, Reservoirs, Basins, Wharfs, Quays, Warehouses, Toll Houses, Watch Houses, Landing Places, Weighing Beams, Cranes, Docks, Machines, and other Works, Ways, Roads, Gates, Fences, and Conveniences, as and when the said Company shall think requisite and convenient, and also from Time to Time to alter, repair, and amend or discontinue the same or any of them, and to place, lay, work, or manufacture any Materials on the Lands or Grounds adjoining to the Place or Places where the said Works or any of them shall be carrying on; and also from Time to Time to make, maintain, repair, and alter any Fences, Roads, or Passages unto, from, over, under, through, or near the said Canal, Roads, or the Tunnels, Aqueducts, Soughs, Trenches, Gutters, Watercourses, and Sluices which shall communicate therewith; and also to make, set out, and appoint such Towing Paths, Banks, Roads, and Ways for the towing, hauling, or drawing of Barges, Boats, Lighters, Rafts, and other Vessels passing upon the said Canal with Men, Horses, or otherwise, and such convenient Places for Barges, Boats, and other Vessels and Rafts to turn, lie, or pass each other in, as the said Company shall think proper and expedient; and also to dig, raise, take, and carry away any Soil, Clay, Gravel, Sand, or Stone which shall be proper, requisite, and convenient for the making, carrying on, maintaining, and repairing the several Works aforesaid, or any of them, in or from the Grounds of any Person or Persons adjoining or lying convenient thereto; and also to construct, erect, set up, make, and do all and every or any other Works, Matters, and Things whatsoever requisite and necessary for the making, completing, repairing, improving, carrying on, maintaining, and using the said Canal, Roads, and other Works, in pursuance of and within the true Intent and Meaning of this Act; they the said Company, their Deputies, Agents, Servants, and Workmen, 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 to the Owners or Proprietors, and Tenants or Occupiers of, and all Persons interested in the Lands, Tenements, Hereditaments, Waters, Watercourses, Brooks, or Rivers respectively which shall be taken, used, removed, diverted, or prejudiced, for all Damages to be by them sustained in or by the Execution of all or any of the Powers of this Act; and this Act shall be sufficient to indemnify the said Company, and their Deputies, Servants, Agents, and Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted, subject to such Provisoes and Restrictions as are herein-after mentioned.

Making Satisfaction for Damages.

XI. And be it further enacted, That if the said Company shall deem it expedient that Boats, Barges, or other Vessels should be conveyed over or along any Part or Parts of the Line herein directed to be pursued in making the said Canal and Roads by Rollers, inclined Planes, or in any other Manner than by means of Locks or Sluices; then and in such Case it shall be lawful for the said Company to cause any Rollers, inclined Planes, or other Works to be made for that Purpose at such Parts 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

Power to make Rollers or inclined Planes, &c.

and Purposes as if such Parts or Places were made navigable and passable.

Book of Reference to remain with Clerk of the Peace.

XII. And whereas a Map or Plan, describing the Line or Course of the said Canal, Roads, and Feeder Channels, and the Lands and Grounds in and through which the same are respectively to be carried or made, together with a Book of Reference thereto, containing Lists of the Names of the Owners and Occupiers, or reputed Owners and Occupiers of such Lands and Grounds, have been deposited at the Office of the Clerk of the Peace for the said County of *Cornwall*; be it therefore enacted, That the said Map or Plan and Book of Reference so deposited shall remain with and be kept by the said Clerk of the Peace; and all Persons interested in any Manner therein shall have liberty to inspect, peruse, and make Extracts from and Copies of the same at seasonable Times, on Payment of One Shilling for every such Inspection, and paying for every Copy, not exceeding Seventy-two Words, the Sum of Sixpence, and so in proportion for any greater Number of Words; and the said Map or Plan and Book of Reference, or true Copies thereof, or of so much thereof as shall relate to any Matter which may be in question, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere.

Not to deviate more than 100 Yards.

XIII. And be it further enacted, That the said Company in making the said intended Canal, Roads, and Feeder Channels, shall not deviate or extend more than One hundred Yards from the Line, Course, or Direction delineated in the said Map or Plan.

No Advantage to be taken of any Error or Omission in the said Book of Reference.

XIV. Provided always, and be it further enacted, That no Advantage shall be taken of or against the said Company, or any Interruption be given to the making of the said Canal, Roads, and other Works hereby authorized to be made, on account of any Error or Omission in the said Map or Plan, or Book of Reference, in case it shall appear to any Two or more Justices of the Peace acting for the said County of *Cornwall*, and be certified in Writing under their Hands, that such Error or Omission proceeded from Mistake.

Houses, &c. not to be taken.

XV. Provided also, and be it further enacted, That nothing in this Act contained shall extend to authorize or empower the said Company, or any other Person or Persons, to take, use, injure, or damage any House or Building, or any Ground which, upon the First Day of *January* One thousand eight hundred and twenty-five, was the Site of any House or other Building, or any Park, Avenue, planted Walk, Lawn, or Pleasure Ground, nor any Yard, Garden, or Orchard, without the Consent in Writing of the respective Owners and Occupiers thereof (other than and except such as are specified in the Schedule hereunto annexed): Provided always, that if the said Company shall not, within the Space of Five Years, to be computed from the passing of this Act, agree for or cause to be valued and paid for, as in this Act is mentioned, any Houses, Buildings, or other Premises which they are by this Act empowered to purchase, or so much thereof as shall be deemed necessary or proper for the Purposes of this Act, then and from thenceforth those Powers which are hereby granted to

to them for such Purpose only, shall cease, determine, and be utterly null and void.

XVI. Provided always, and be it further enacted, That in all Cases where it shall be found necessary for the Purposes of this Act to divert or turn any Brook, Stream, or Watercourse, or to cut through or to injure any Carriage or Horse Road or Footway, either public or private, or to take down or injure any Bridge or Bridges, either public or private, so as to render the same impassable or inconvenient for Travellers or Carriages, or the Persons entitled to the Use thereof, or to divert or turn any such Road or Way, the said Company shall, at their own Expence, first make a Cut or Channel for such Brook, Stream, or Watercourse, or a temporary Bridge or Bridges of no less Width than the former; and when such Cut or Channel shall be completed and finished, the Part of the Bed or Channel of the Brook, Stream, or Watercourse so to be taken, used, diverted, and turned, shall be and become vested in Fee Simple in the said Company, with full Power for them to sell or dispose of the same, in such Manner and Form, and under such Regulations as are herein-after directed with respect to Lands which shall be purchased by the said Company, and not found necessary to be made use of for the Purposes of the said Navigation, or as near thereto as the Case will admit; and such Bridge or Bridges so to be built or otherwise enlarged, and such Road or Footway so to be altered as aforesaid, shall be for ever thereafter repaired and kept in Repair by the Person or Persons who were by Law bound to repair the old Bridge, Road, or Way, before such Alteration or Diversion; and further, that the Materials of the Bridges so to be taken down or enlarged shall be and become the absolute Property of the said Company.

Before any Brook or Road is diverted or injured, others are to be made.

XVII. And be it further enacted, That the Lands or Grounds to be taken and used for the said Canal and Roads, and the Towing Paths, Banks, and Side Drains thereof, and the Ditches and Fences for separating such Towing Paths, Banks, and Side Drains from the adjoining Lands, shall not exceed Twenty-five Yards in Breadth, measured horizontally, except in such Places where any Reservoir, Basin, Sluice, or Weir shall be made, or where the said Canal and Roads shall be raised higher or shall be cut more than Ten Feet deeper than the present Surface of the Land, and than except in such Places where it shall be judged necessary for Boats, Barges, and other Vessels or Rafts to turn, lie; or pass each other, or where any Warehouse, Crane, or Weighing Beam shall be erected, or where any Wharf shall be made for the Landing or Delivery of any Goods, Wares, or Merchandize, which shall be carried or conveyed on the said Canal and Roads, nor more than Seventy Yards in Breadth in any Place except where the said Canal and Roads shall pass through or over any Common or Waste Lands, or where the Owner or Owners of any Lands or Grounds through which the said Canal and Roads shall pass shall consent to the same being made wider in or through his, her, or their Lands or Grounds respectively.

Breadth of Canal.

XVIII. And be it further enacted, That after any Lands, Grounds, or Hereditaments shall be set out and ascertained for making the said

[*Local.*]

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Canal,

Bodies Politic, &c. empowered to

sell and convey Lands for the Purposes of this Act.

Canal, Roads, Reservoirs, Wharfs, and other Works and Conveniences hereby authorized to be made, or any of them, or any Part thereof, it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, or for any other partial or qualified Estate or Interest, Husbands, Guardians, Trustees, and Feoffees in Trust for charitable and other Purposes, Committees, Executors and Administrators, and all other Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of the Person or Persons entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, and for and on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest therein, and for every other Person or Persons whomsoever who is or are or shall be seised, possessed of, or interested in any Lands, Grounds, or Hereditaments which shall be so set out and ascertained for the Purposes aforesaid, to contract for, sell, and convey the same and every Part thereof unto the said Company; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be made at the Expence of the said Company, and shall be made according to the following Form, or as near thereto as the Circumstances of the Case will admit; (that is to say),

Form of Conveyance to the Company.

I of _____ in consideration of the Sum _____ to me paid by the *Liskeard* and *Looe* Union Canal Company, do hereby in pursuance and by virtue of the Power in that behalf contained in an Act passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled [*here insert the Title of this Act*], grant, release, assign, and confirm unto the said Company all [*here insert the proper Description of the Lands or Hereditaments intended to be conveyed*], and all my Estate, Right, Title, and Interest therein, to hold unto and to the Use of the said Company and their Successors for ever, according to the true Intent and Meaning of the said Act. In witness whereof I have hereunto set my Hand and Seal the _____ Day of _____ in the Year _____ of our Lord

Conveyances, &c. to be good in Law.

And that all such Conveyances and Assurances as aforesaid shall be good, valid, and effectual in the Law to all Intents and Purposes, and shall operate and be as a Merger of all outstanding Terms of Years, and be a complete Bar of all Estates Tail, and other Estates, Rights, Titles, Trusts, and Interests whatsoever.

For settling Contracts respecting Copyhold and Customary Lands.

XIX. And be it further enacted, That if any Contract, Agreement, Bargain or Sale, of or concerning any Lands, Tenements, or Hereditaments to be purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, shall be made or entered into of or concerning any Lands, Tenements, or Hereditaments which shall be Copyhold or Customary, or of the Nature of Copyhold or Customary, the same shall be executed and completed by Surrender thereof in the Court of the Manor of which the same is or are holden, according to

the Custom of such Manor, and such Lands, Tenements, and Hereditaments shall continue subject to the same Fines, Rents, and Services as are due and payable, and of Right accustomed, in the same Manner as if this Act had not been made, unless the Lord or Lords, Lady or Ladies of the Manor for the Time being shall be willing and desirous to enfranchise the same, in which Case such Lord or Lords, Lady or Ladies, is and are hereby empowered so to do, notwithstanding he, she, or they shall be seised of or entitled to the same Manor or Manors for a less Interest than an Estate of Inheritance in Fee Simple; but inasmuch as the vesting and continuing of such Copyhold or Customary Premises in the said Company would prevent such Lord or Lords, Lady or Ladies from receiving the Benefit of Fines, Heriots, and other Services due upon Death, Descent, or Alienation, in like Manner as he, she, or they would have done in case such Copyhold or Customary Premises had continued the Property of Individuals, the said Lord or Lords, Lady or Ladies of the said Manor or Manors, in case he, she, or they shall decline to enfranchise the respective Parcels of Copyhold or Customary Lands, Tenements, and Hereditaments, which shall be so purchased by or vested in the said Company for the Purposes aforesaid, shall be entitled to and shall be paid by the said Company a reasonable Recompence and Satisfaction for the Loss that will arise to him, her, or them, in respect of such Fines, Heriots, or other Services, the Enjoyment of which shall be diminished or lost by the vesting and continuing such Copyhold or Customary Premises in a Body Corporate; which Recompence and Satisfaction, if not settled by Agreement between the Parties, shall be ascertained and settled by the Verdict of a Jury as is directed by this Act.

XX. And be it further enacted, That it shall be lawful for the said Company, by Indenture under their Common Seal, to sell, grant, and convey, by way of absolute Sale, all such of the Messuages, Buildings, Lands, Tenements, or Hereditaments which shall be purchased by and conveyed to the said Company, as shall not be wanting for the said Canal, Roads, and other Works hereby authorized, or any Part or Parts thereof, either together or in Parcels, by public Auction or private Contract, for such Sum or Sums of Money as can be reasonably had or gotten for the same; and all such Grants and Conveyances shall be valid and effectual; and upon Payment of the Money which shall arise by such Sale or Sales of such Messuages, Lands, Tenements, or Hereditaments, or any Parts or Parcels thereof, or of any Lands by virtue of this Act, it shall be lawful for the Treasurer or Treasurers of the said Company for the Time being to sign and give Receipts for the Money for which the same shall be sold, (which Receipts shall be sufficient Discharges to the Purchaser or Purchasers for the Money for which such Premises shall be so sold, or for so much thereof as in such Receipts shall be acknowledged or expressed to be received), and such Person or Persons shall not be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Purchase Money, or any Part thereof; which said Money shall be applied by the said Company for the same or the like Purposes as the Money hereby authorized to be raised is directed to be applied; provided that the said Company before they shall contract for the
absolute

Company
empowered
to resell.

Offer of Re-
sale to be
first made to
the former
Owners.

absolute Sale and Disposal of any such Messuages, Lands, Tenements, and Hereditaments, shall first offer to resell or sell the same to the Owner or Owners of the adjoining Lands, at a Price to be fixed on by the said Company; and in case of Difference in that respect, then the Price at which the same shall be resold or sold shall be adjusted and settled by a Jury, in like Manner as the Price for any Land to be taken in pursuance of this Act is herein directed to be settled, in case of Difference or Dispute as to the Value thereof; and in case such Owner or Owners of the adjoining Lands to whom such Offer shall be made, shall not then and thereupon agree, or shall refuse to repurchase or purchase the same, upon Affidavit being made and sworn before a Master or a Master Extraordinary of the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the said County of *Cornwall*, by some Person or Persons no way interested in the said Premises, stating that such Offer was made by or on behalf of the said Company, and that such Offer was not then and thereupon agreed to, or was refused by such Person or Persons to whom the same was so made, such Affidavit shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was not agreed to, or was refused by the Person or Persons to whom it was made, as the Case may be.

Satisfaction
to be made.

XXI. Provided always, and be it further enacted, That all and every Body or Bodies Politic, Corporate, or Collegiate, Trustees, or other Persons herein-before capacitated or enabled to sell and convey Lands, Tenements, or Hereditaments, or any other Owner or Owners, and the Occupier or Occupiers of any Lands, Rivulets, Streams, Waters, Tenements, or Hereditaments, or Rights, Interests, or other Property therein whatsoever, through, in, or over which the said Canal, Roads, or other Works hereby authorized are intended to be made, or whereby, or in, over, or through which, or as to which the said Canal, Roads, Diversion, Diminution, or Alteration of any Rivulets, Stream or Streams, Water or Waters, or other Works hereby authorized, shall or may affect or concern, or any of them, shall receive Satisfaction for the Value of such Lands, Rivulets, Streams, Waters, Tenements, and Hereditaments, Rights, Interests, and Property, and for the Damages to be sustained in making and completing the said Works herein-before directed, in gross Sums, as shall be agreed upon by and between the said Owners and Occupiers respectively, or any of them, and the said Company; and from and immediately after the Time of making and executing such Sale and Conveyance, or any Contract or Contracts for the same, the said Company may and shall be at liberty to enter upon, and from thenceforth for ever to have, take, and enjoy the said Lands, Rivulets, Streams, Waters, Tenements, and Hereditaments, Rights, Interests, and Property for, the Use and Maintenance of the said Canal, Roads, and other Works, and for supplying the said Canal with Water; and in case the said Company and the said Parties interested in such Lands, Rivulets, Streams, Waters, Tenements, and Hereditaments, Rights, Interests, or Property, cannot or do not agree as to the Amount or Value of such Satisfaction, the same shall be ascertained and settled by the Verdict of a Jury, as is herein-after directed.

XXII. And

XXII. And for settling all Differences which may arise between the said Company and the several Owners of or Persons interested in the Lands, Tenements, or other Hereditaments which shall or may be taken, used, affected, damaged, or prejudiced in pursuance or execution of the Powers hereby granted, touching the Purchase Money or Recompence to be paid or made for the same respectively; be it further enacted, That if any Body Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons so interested, entitled, or empowered to sell as aforesaid, for and on behalf of himself, herself, or themselves, or for or on behalf of their respective Cestuique Trusts, or of the Person or Persons entitled in Remainder after them as aforesaid, or if any other incapacitated Person or Persons as aforesaid shall refuse to accept such Purchase Money, Recompence, or Satisfaction as shall be offered by the said Company or their Agent by or on their behalf, and shall give Notice thereof in Writing to the said Company within Fourteen Days next after such Offer shall have been made, and the Party or Parties giving such Notice as aforesaid shall therein request that the Matter or Matters in dispute may be submitted to the Determination of a Jury; or if any such Body Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons seised or possessed of or interested in any such Lands or other Hereditaments as aforesaid, or entitled or empowered to sell as aforesaid, shall neglect or refuse to treat, or shall not agree with the said Company, or with any Person or Persons authorized by them concerning the same, or shall by reason of Absence be prevented from treating, or shall by reason of Nonage or other Impediment, not provided for by this Act, be incapable of treating or making such Agreements as shall be expedient for enabling the said Company to proceed in the making and carrying on of the said Canal, Roads, and other the Works aforesaid, then and in any or either of the said several Cases the said Company shall, and they are hereby empowered and required, from Time to Time to issue a Warrant or Warrants under their Common Seal, to the Sheriff of the said County of *Cornwall*, or in case such Sheriff or his Under Sheriff shall happen to be one of the said Company, or enjoy any Office of Trust or Profit under them, or shall be otherwise interested in the Matter in question, then to any one of the Coroners of the said County not interested as aforesaid, or if all the Coroners shall be so interested, then to the last Persons or Person then in being who filled the Office of Sheriff of the same County, and who shall not be interested as aforesaid, commanding such Sheriff or Coroner, or other Person, to impanel, summon, and return, and the said Sheriff, Coroner, or other Person is hereby accordingly authorized, empowered, and required to impanel, summon, and return a Jury of at least Eighteen sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for the Trial of Issues joined in His Majesty's Courts of Record at *Westminster*, to appear before the Justices of the Peace of the said County of *Cornwall*, at some Court of General or Quarter Sessions of the Peace to be holden for the same County, or at some Adjournment thereof; as in such Warrant or Warrants shall be appointed, and out of such Jury so to be impanelled, summoned, and returned, a Jury of Twelve Men shall be drawn in such Manner as Juries for Trials of Issues joined in His Majesty's Courts of Record at *Westminster*; and

In case the Parties refuse, or are incapable to treat, the Value to be settled by a Jury.

Jury to be summoned by the Sheriff or Coroner;

or Person who shall have last filled the Office of Sheriff, and be disinterested.

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 shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, being so qualified as aforesaid, to make up the said Jury to the Number of Twelve, and all Parties concerned shall and may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the Clerk of the Peace for the said County of *Cornwall*, or his Deputy, is hereby empowered and required to summon and call before the said Justices all and every Person and Persons who shall be thought necessary to be examined as Witness or 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 or Places or Matter in controversy; and such Jury, upon their Oaths, (or being of the Society of Persons called *Quakers*, upon their solemn Affirmations, which Oaths and solemn Affirmations, as well as the Oaths and solemn Affirmations to such Person or Persons as shall be called upon to give Evidence, the said Justices are hereby empowered to administer), shall inquire of, assess, and ascertain, and give a Verdict for the Sum or Sums of Money to be paid for the Purchase of such Lands, Grounds, Tenements, or Hereditaments as aforesaid, and also what other separate and distinct Sum or Sums of Money shall be paid by way of Recompence, either for the Damages which shall or may before that Time have been so sustained as aforesaid, or for the future temporary or perpetual Continuance of any recurring Damages which shall have been so occasioned as aforesaid, and the Cause or Occasion of which shall have been only in part obviated, repaired, or remedied by the said Company, and which can or will be no further obviated, repaired, or remedied by them; and the said Justices shall accordingly give Judgment for such Purchase Money, Recompence, or Compensation as shall be assessed by such Jury; which said Verdict, and the Judgment to be thereupon pronounced as aforesaid, shall be binding and conclusive to all Intents and Purposes against and upon all Bodies Politic, Corporate, or Collegiate, and all other Persons whomsoever, provided that not less than Ten Days Notice in Writing of the Time and Place of Meeting of the said Justices and Jury shall be given by the Clerk of the said Company to the Party or Parties with whom such Controversy shall arise, by leaving such Notice at the Dwelling House of such Person or Persons, or the Clerk or Agent of any such Body Politic, Corporate, or Collegiate, or with some Tenant or Occupier of the Premises to be valued, or respecting which any such Question shall arise.

Penalty on
Sheriff, &c.
making De-
fault.

XXIII. And be it further enacted, That if such Sheriff or his Deputy, or any Coroner or other Person herein-before authorized and directed to act in the Stead of such Sheriff, shall make default in the Premises, he shall for every such Offence forfeit the Sum of Fifty Pounds; and if any Person so to be summoned and returned upon any such Jury as aforesaid, shall not appear without sufficient Excuse, or appearing shall refuse to be sworn or give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent of this Act, or if any Person so to be summoned to give Evidence as aforesaid shall not appear, on being paid or tendered a reasonable Sum

for his, her, or their Costs and Expences, or appearing shall refuse to be sworn, examined, or to give Evidence, then and in such Case every such Person so offending shall forfeit and pay for every such Offence, for the Benefit of the Party for whom or on whose Account such Jury or Witness shall be summoned, any Sum not exceeding Ten Pounds, to be levied by virtue of any Warrant or Warrants under the Hand and Seal of any One of the said Justices, by Distress and Sale of the Goods and Chattels of the Person or Persons so offending, rendering to him or them the Overplus of the Money thereby produced, after such Penalty and the Charges of such Distress and Sale shall be deducted.

XXIV. And be it further enacted, That every such Jury and Juryman as aforesaid shall also be liable and subject to the same Regulations, Pains, and Penalties, as if such Jury and Juryman had been returned for the Trial of any Issue joined in any of His Majesty's Courts of Record at *Westminster*; and all and every Person and Persons who in any Examination to be taken by virtue of this Act upon their Oath, or (being of the Society of Persons called *Quakers*) upon their solemn Affirmation, shall wilfully and corruptly give false Evidence before any such Jury, or before any Justice of the Peace acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject and liable to the same Pains and Penalties to which Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable.

Juries to be under the same Regulation as those of the Courts at Westminster.

XXV. And be it further enacted, That in every Case where a Verdict shall be given by any such Jury for more Money than shall have been previously offered for or on behalf of the said Company or their Committee of Management as a Recompence or Satisfaction for any such Lands, Tenements, or Hereditaments as aforesaid, or for any such Estate, Right, or Interest therein, or for any Damages that may have been sustained by any Person or Persons as aforesaid, all the Costs and Charges incurred in summoning, impannelling, and returning such Jury, taking such Inquisition, and the Attendance of Witnesses, and recording the Verdict or Judgment thereon, shall be borne by the said Company out of the Monies to be raised by virtue of this Act; and in case such Costs and Expences shall not be paid to the Party or Person entitled to receive the same, within Ten Days after Demand made thereof from the said Company, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels vested in the said Company, or of any Goods or Chattels of the Treasurer or Treasurers of the said Company (unless such Treasurer or Treasurers shall pay such Costs and Charges out of any Monies received by him by virtue of this Act, which he is hereby authorized to do), under a Warrant to be issued for that Purpose by any Justice of the Peace for the said County of *Cornwall*, which Warrant any such Justice is hereby authorized and required to issue under his Hand and Seal, on Application made to him for the Purpose by the Party or Persons entitled to receive such Costs and Expences; and in every Case where a Verdict shall be given by any such Jury for no more or for less Money than shall have been previously offered by or on behalf of the said Company or their Committee of Management

By whom Expences of Juries shall be paid.

as

as such Recompence or Satisfaction as aforesaid, all the Costs and Charges incurred as aforesaid shall be borne in equal Proportions by the Party or Parties refusing or neglecting to treat or agree as before mentioned, and by the said Company; but in Cases where any Person or Persons, Party or Parties, shall have been prevented by Absence from entering into any Treaty with the said Company, the Costs and Charges so incurred shall be borne by the said Company in manner aforesaid; and in all Cases where any Difference shall arise touching the Amount of the said Costs and Charges, the same shall be settled and ascertained by any Justice of the Peace for the said County of *Cornwall*, not interested in the Matter in question, who is hereby authorized and required to examine into and settle the same, and to appoint a Time and Place for Payment thereof; and where the Costs shall be payable by the Party or Parties having had any such Disagreement or Dispute with the said Company as aforesaid, the Amount thereof, having been first paid by the said Company, may be deducted by them out of the Monies awarded to be paid to such Party or Parties, as so much Money advanced for his, her, or their Use; and the Payment or Tender of the Balance of such Money shall be deemed and taken, to all Intents and Purposes whatsoever, to be a Payment or Tender of the whole Money awarded and adjudged to such Party or Parties; or otherwise, if such Costs and Charges be not paid on Demand, after being so ascertained as aforesaid, the same may be recovered by the said Company from the Party or Parties liable to the Payment thereof, by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*, together with full Costs of Suit.

Persons requesting Juries to enter into a Bond to prosecute their Complaint and pay Expences.

XXVI. And be it further enacted, That all and every Person and Persons with whom the said Company may have any such Controversy or Dispute as aforesaid, and shall request that the Matter in question shall be referred to the Determination of a Jury, shall, before the said Company shall be obliged to give out their Warrant or Warrants for the summoning of such Jury, first enter into a Bond with Two sufficient Sureties to the Treasurer or Treasurers of the said Company for the Time being, in a Penalty of One hundred Pounds, to prosecute such his, her, or their Complaint, and to bear and pay the Expences of summoning such Jury and taking such Inquest, and of summoning and the Attendance of Witnesses, in case such Costs and Expences shall fall upon him, her, or them to be paid according to the true Intent and Meaning of this Act.

No Complaint to be taken notice of, unless Notice be given to the Company within Six Months.

XXVII. And be it further enacted, That the said Company shall not be obliged by virtue of this Act to receive or take notice of any Complaint or Complaints to be made by any Person or Persons whomsoever, for any Injury or Damage by him, her, or them sustained or supposed to be sustained by virtue or in consequence of this Act, unless Notice in Writing shall have been given in relation thereto by or on behalf of such Person or Persons to the said Company, within the Space of Six Calendar Months next after the Time that such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased; provided, however, that the Limitation hereby made shall not extend to any future accruing or recurring

recurring or continuing Injury or Damage, or deprive any Person or Persons from such Compensation as aforesaid for any such future accruing, recurring, or continuing Injury or Damage.

XXVIII. And be it further enacted, That the said Juries shall award all Determinations, Judgments, and Verdicts, which they shall respectively make and give concerning the Value of Lands, Streams, Waters, Tenements, and Hereditaments, Rights, Interests, or Property, separately and distinctly from any Damages sustained or to be sustained as aforesaid, and shall distinguish the Value set upon the Lands, Streams, Waters, Tenements, and other Hereditaments, Rights, Interests, and Property, and the Money assessed or adjudged for such Damages as aforesaid, separately and apart from each other.

Value of
Lands and
Damages to
be ascertain-
ed separately.

XXIX. And be it further enacted, That the said Juries shall and they are hereby respectively empowered to settle what Shares and Proportions of the Purchase Money or Compensation for Damages, which shall be agreed for, determined, and adjusted, or assessed in Manner as aforesaid, shall be allowed to any Tenant or other Person or Persons having a particular Estate, Term, or Interest in the Premises, for such his, her, or their Interest or respective Interests therein.

Compensa-
tion Money
to be appor-
tioned.

XXX. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or assessed by any Jury or Juries in manner aforesaid, for the Purchase of any such Lands or Hereditaments, or as a Recompence for the yearly Produce or Profit thereof, or as a Compensation for Damages as herein-before mentioned, to the Proprietor or Proprietors of such Lands and Premises, or such other Person or Persons as shall be interested therein, or entitled to receive such Money or Compensation respectively, within One Calendar Month after the same shall have been so agreed for, determined, or awarded; or if the Person or Persons so entitled or interested, or any of them, cannot be found, or shall refuse to receive the same, or shall not be able to make a good Title to, or shall refuse to execute a Conveyance or Conveyances of the Premises which shall be required for the Purposes of this Act, then upon Payment of the said Sum or Sums of Money into the Bank of *England* as herein-after directed and required, for the Use of such Person or Persons so interested or entitled as aforesaid, it shall be lawful for the said Company and their Agents, Servants, or Workmen immediately to enter upon such Lands, Grounds, or other Hereditaments respectively, and then and thereupon such Lands and other Hereditaments, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Use, Trust, Term, and Interest of any Person or Persons therein, shall from thenceforth become vested in and become the sole Property of the said Company to and for the Purposes of this Act for ever; and such Tender, Payment, or Investiture shall not only bar all Right, Title, Interest, Claim, 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

Power to
enter Lands
upon Pay-
ment or Ten-
der of Pur-
chase Money.

Dower of the Wife of every such Person, and all Estates Tail and other Estates in Reversion and Remainder of his, her, and their Issue, and of every other Person whomsoever therein.

Verdicts of
Juries to be
recorded.

XXXI. And be it further enacted, That all the said Verdicts and Judgments shall be kept by the Clerk of the Peace of the said County of *Cornwall* amongst the Records of the Quarter Sessions of the said County, and shall be deemed Records 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 free Liberty to inspect the same, paying for each Inspection the Sum of One Shilling and no more, and also to make Copies thereof, paying for each Copy after the Rate of Sixpence for every One hundred Words.

Mortgagees
to convey.

XXXII. And be it further enacted, That all and every Person and Persons who shall have any Mortgage or Mortgages on any Lands, Tenements, or Hereditaments to be taken or used for the Purposes of this Act, shall, on Payment or Tender of the Principal Money and Interest due thereon, together with the Amount of Three Calendar Months Interest on the said Principal Money by the said Company, or their Clerk or Agent, immediately convey, assign, and transfer such Mortgage or Mortgages to the said Company, or to such Person or Persons as they shall appoint; or in case such Mortgagee or Mortgagees shall have Notice in Writing from the said Company, or their Clerk or Agent, that they will pay off and discharge the Principal Money and Interest which shall be due on the said Mortgage or Mortgages at the End or Expiration of Three Calendar Months (to be computed from the Day of giving such Notice), then at the End of such Three Calendar Months, upon Payment of the Principal and Interest so due, such Mortgagee or Mortgagees shall convey, assign, or transfer his, her, or their Interest in the Premises to the said Company, or to such Person or Persons as they shall appoint, for the Use and Purposes of this Act; and in case such Mortgagee or Mortgagees shall refuse to convey or assign as aforesaid on such Tender or Payment, then all Interest on every such Mortgage shall from thenceforth cease and determine: Provided always, that in case the Sum due for Principal and Interest upon any such Mortgage or Mortgages shall amount to more than the real Value of the Premises, to be ascertained as directed by this Act, then the said Company shall not be liable to pay the Mortgagee or Mortgagees more than the real Value of the Premises so ascertained as aforesaid, or the Residue thereof, after such Allowance and Payment thereout to any Lessee or Tenant as herein-before directed: Provided also, that in case any such Mortgagee shall neglect or refuse to convey and assign as aforesaid, then upon Payment of the Principal Money and Interest due on any such Mortgage into the Bank of *England* at the End of Three Calendar Months from the Day of giving such Notice as aforesaid, for the Use of such Mortgagee or Mortgagees, the Cashier or Cashiers of the Bank shall give a Receipt or Receipts for the said Money, in like Manner as is by this Act directed in Cases of other Payments into the Bank, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of every such Mortgagee, and

and also of every Mortgagor or Owner of the same Premises, and of all and every Person and Persons in trust for him, her, or them, or any of them, shall vest in the said Company to all Intents and Purposes whatsoever.

XXXIII. And be it further enacted, That if any Money shall be paid or agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments, or for any other Matter, Right, or Interest of what Nature or Kind soever, purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or any other Person or Persons whomsoever under any Disability or Incapacity, as herein-before mentioned, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account *ex parte* the *Liskeard* and *Looe* Union Canal Company, pursuant to the Method prescribed by an Act made in the First Year of the Reign of King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase or Redemption of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments; or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Lands, and Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court of Exchequer, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person

Application of Compensation when amounting to or exceeding 200*l*.

1 G. 4. c. 35.

or

or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased and settled, in case such Purchase or Settlement were made.

Where less than 200*l.* and exceeding 20*l.*

XXXIV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, with the Approbation of the said Company, to be signified in Writing under their Common Seal, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option and with the like Approbation, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said Company, such Nomination and Approbation to be signified in Writing under the Hands or Seals of the nominating and approving Parties, in order that such Principal Money, and the Dividends arising thereon, may be applied in manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Exchequer.

Where less than 20*l.*

XXXV. Provided always, and be it further enacted, That where such Money so agreed or awarded to be paid as last before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so purchased, taken, or used for the Purposes of this Act, for his, her, or their own Use and Benefit, or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out a good Title, &c.

XXXVI. And be it further enacted, That in case the Person or Persons to whom such Sum or Sums of Money shall be so ordered or awarded to be paid as aforesaid, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Company, or shall refuse to execute such Conveyance or Conveyances, or in case such Person or Persons, to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Company to order the said Sum or Sums so awarded to be paid into the Bank

of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court; which said Court, upon the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for the same, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

XXXVII. Provided always, and be it further enacted, That when any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Exchequer; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

In case of disputed Titles, the Person in Possession to be deemed lawfully entitled.

XXXVIII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments, to be purchased, taken, or used under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Bank of *England*, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order

The Court of Exchequer may order Expence of Purchases to be paid by the Company.

[Local.]

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the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Company out of the Monies to be raised by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Empowering Surveyor General of the Duchy of Cornwall to contract for the Sale of Lands belonging to the Duchy.

XXXIX. And whereas Part of the Lands or Grounds and Buildings in, over, or through which the said Canal, Roads, and other Works are respectively intended to be made or carried, belong to and form Parcel of the Duchy of *Cornwall*; be it therefore enacted, That it shall be lawful for the Surveyor General of the said Duchy now or for the Time being, to contract and agree with the said Company for the absolute Sale and Conveyance to them and their Successors, for the Purposes of this Act, of all such Lands, Grounds, Buildings, and Hereditaments belonging to and Parcel of the said Duchy of *Cornwall*, as they the said Company shall think necessary or proper for the making, completing, maintaining, improving, and using of the said intended Canal, Roads, and other Works and Conveniences hereby authorized to be made, or any of them, at or for such Price or Sum, or respective Prices or Sums, as shall be mutually fixed and agreed upon by and between the said Surveyor General and the said Company as the Value thereof; and in case such Surveyor General and the said Company cannot agree as to the Price to be paid for or the Value of the Lands, Grounds, Buildings, or Hereditaments belonging to the said Duchy, and required to be taken or used for the Purposes of this Act, then the same shall be ascertained and settled by the Verdict of a Jury in the same or the like way and manner as herein-before is directed respecting the Amount to be paid for or the Value of other Lands, Tenements, or Hereditaments to be taken or used for the Purposes of this Act; and the Amount of such Sum or Sums of Money as shall be so fixed and agreed upon, or ascertained and settled (as the Case may be), as and for the Price or Value of such Lands, Grounds, Buildings, or Hereditaments belonging to the said Duchy, and required for the Purposes of this Act, shall be paid by the said Company into the Bank of *England*, to be there received by the Cashiers of the Bank, and accounted for and invested in the Manner herein-after directed.

The Bank to open an Account with the Duchy.

XL. And be it further enacted, That the Governor and Directors of the Bank of *England* shall and they are hereby required to open an Account in their Books under the Title of "The Account of the Duchy of *Cornwall*," and carry to the Credit of such Account the several Monies directed as aforesaid to be paid to the Cashiers of the Bank for or on account of the Purchase of such Lands, Grounds, Buildings, and Hereditaments of the said Duchy of *Cornwall*; and whensoever the Surveyor General of the said Duchy of *Cornwall* shall have contracted and agreed with the said Company for the Sale to them of any such Lands, Grounds, Buildings, or Hereditaments as aforesaid, or when the Price to be paid for or the Value of the same Lands, Grounds, Buildings, or Hereditaments shall have been ascertained and settled by the Verdict of a Jury in manner herein-

before

before provided for, then and in either of the said Cases, the said Surveyor General shall and he is hereby authorized and required to grant and deliver unto the said Company a Certificate under his Hand, specifying the Premises so purchased by the said Company, and the Amount of the Purchase Money to be paid for the same, and the said Cashiers of the Bank, or One of them, shall, upon the Production of such Certificate, accept and receive from the said Company the Purchase Monies therein specified, and at the Foot or on the Back of such Certificate acknowledge the Receipt of the said Monies without Fee or Reward, and the Certificate and Receipt shall be afterwards brought to the Office of the Auditor of the Duchy of *Cornwall*, and be there forthwith enrolled in proper Books to be provided and kept for that Purpose separate and apart from the other Business and Proceedings of the said Office, and the said Auditor, or his lawful Deputy, having enrolled the said Certificate and Receipt, shall attest the same under his Hand, and return the said Certificate and Receipt to the said Company or their Clerk for the Time being; and from and immediately after such Enrolment, and thenceforth for ever, all and every the Lands, Grounds, Buildings, and other Hereditaments which shall be so required and purchased by the said Company as aforesaid, and the Inheritance thereof in Fee Simple (subject to any existing Lease or Leases), shall be vested in the said Company, and their Successors and Assigns, for the Purposes of this Act; and the said Company, and their Successors and Assigns, shall by force and virtue of this Act be and become and be adjudged, deemed, and taken to be in the actual Seisin and Possession of the same Lands, Grounds, Buildings, and Hereditaments, and shall hold and enjoy the same for the Purposes aforesaid in as full and ample a Manner to all Intents and Purposes whatsoever as the Duke of *Cornwall* for the Time being, his Heirs or Successors, Dukes of *Cornwall*, might, could, or ought to have held and enjoyed the same.

On the Enrolment of the Certificate, the Lands purchased to vest in the Company.

XLI. And be it further enacted, That all and every Sum and Sums of Money which shall be paid into the Bank of *England* under or by virtue of this Act on account of the Duchy of *Cornwall*, shall from Time to Time be laid out, by Order of the Council or Commissioners of the Revenue of the said Duchy for the Time being, in the Purchase of Three Pounds *per Centum* Bank Annuities in the Name of the Duke of *Cornwall*, in which Name the Governor and Company of the Bank of *England* are hereby authorized and required to permit Transfers to be made of the Annuities, Funds, or Stocks so to be purchased, and such Transfers to be accepted by the Receiver General of the Duchy of *Cornwall* or his Deputy, for or in the Name of the Duke of *Cornwall*, and the said Receiver General or his Deputy is hereby required to accept the same accordingly; and all and singular the Annuities so to be purchased and accepted, shall remain invested in the Name of the Duke of *Cornwall*, and shall not be transferred or transferrable to any Person or Persons whomsoever; and all the Dividends shall from Time to Time be paid by the said Governor and Company into the Hands of the said Receiver General of the Duchy of *Cornwall* for the Time being, or his Deputy, and shall by force and virtue of this Act be deemed and taken by Law to be Part of the Revenues of the said Duchy of *Cornwall*, and shall be from Time to Time

Application of the Monies to be paid into the Bank to the Account of the Duchy of *Cornwall*.

Time answered, accounted for, applied, and appropriated to such and the same Uses and Purposes as the other Revenues of the said Duchy of *Cornwall*.

Company empowered to raise 13,000*l.* among themselves.

XLII. And be it further enacted, That it shall be lawful for the said Company to raise and contribute amongst themselves, in such Proportions as to them shall seem meet and convenient, such Sum or Sums of Money as they shall think necessary for making, maintaining, carrying on, and completing the said Canal, Roads, and other Works and Conveniences hereby authorized to be made, not exceeding in the whole the Sum of Thirteen thousand Pounds (except as herein-after is mentioned), and the same shall be divided into such Number of Shares as herein-after directed.

Whole of Expence to be subscribed before Work is commenced.

XLIII. And whereas the probable Expence of making the said Canal, Roads, and other Works hereby authorized to be made will amount to the Sum of Thirteen thousand Pounds; and the Sum of Ten thousand four hundred and fifty Pounds, being more than Fourth Parts of such Expences, has been already subscribed by several Persons, under a Contract, binding themselves, their Heirs, Executors, Administrators, and Assigns, for the Payment of the several Sums by them subscribed respectively; be it therefore further enacted, That the whole of the said Sum of Thirteen thousand Pounds shall be subscribed in like manner before any of the Powers and Provisions given by this Act shall be put in force.

Application thereof.

XLIV. And be it further enacted, That the Money so to be raised as aforesaid, or a sufficient Part thereof, shall be laid out and applied in the first Place in Payment, Satisfaction, and Discharge of the Costs, Charges, and Expences attending the obtaining and passing of this Act, and the making of the proper Surveys, Plans, and Estimates, and the doing and providing of all the Matters and Things preparatory and previous thereto; and all the Residue of such Money, or so much thereof as shall be necessary, shall be applied and disposed of for or towards the making, carrying on, completing, and maintaining of the said Canal, Roads, and other Works respectively, and for other the Purposes of this Act.

The Money raised to be divided into Shares, which shall be numbered in Progression.

XLV. And be it further enacted, That the said Sum of Thirteen thousand Pounds shall be divided into Shares of Twenty-five Pounds each, and no Person shall take or subscribe for less than One Share in the said Undertaking, and such Shares shall be numbered in regular numerical Progression, and every Share shall for ever afterwards be distinguished by the Number to be appointed for the same, and the said Shares shall be and they are hereby vested in the several Persons, Bodies Politic and Corporate, subscribing for and undertaking to raise and contribute the same, and their respective Executors, Administrators, Successors, and Assigns, to and for their own respective Use and Benefit, according and proportionably to the Number of Shares which they shall respectively subscribe for and undertake to raise and contribute; and all Persons, Bodies Politic and Corporate, and their respective Executors, Administrators, Successors, and Assigns, who shall severally subscribe for any Share or Shares in the said

said Undertaking, and pay such Sum or Sums of Money as shall be demanded on account thereof (not exceeding in the whole their proportionable Part of the said Sum of Thirteen thousand Pounds), towards the carrying on and completing the said Canal, Roads, and other Works hereby authorized to be made, shall be entitled to and receive, after the said Canal and Roads or other Works shall be completed, a due and just Proportion, according to their respective Number of Shares, of the clear Profits and Advantages which shall or may arise or accrue by or from the Rates, Tolls, Duties, and other Monies to be raised, recovered, or received by virtue of this Act, according to the true Intent and Meaning thereof, and shall also from Time to Time bear and pay a like due and just Proportion of the Money wanted for carrying on the said Navigation, Roads, and Undertaking, in the Manner herein-after directed.

XLVI. And be it further enacted, That all and every the Shares and Proportions of all Bodies Politic, Corporate, and Collegiate, and all other Person and Persons, of and in the said Canal, Roads, and Undertaking, or the joint Stock or Fund of the said Company, shall be deemed Personal Estate, and transmissible as such, and not of the Nature of Real Property.

Shares to be
Personal
Estate.

XLVII. And for the better securing to the several Subscribers towards the said Undertaking their respective Shares therein, be it further enacted, That the said Company shall, as soon as the same can or may be done, cause the Names and Additions of the several Persons who shall be entitled to any Share or Shares in the said Undertaking, and the Number of Shares to which they shall be 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 Clerk to the said Company, and after such Entry to cause the Common Seal of the said Company to be affixed thereto, which said Book shall from Time to Time be altered and corrected, and new Books from Time to Time shall be sealed with the said Common Seal as the Change of Proprietors and Transfer of Shares shall render necessary or expedient; and the said Clerk shall also cause as many Tickets or Instruments to be prepared as there shall be Shares in the said Undertaking, bearing respectively the same Numbers as in the said Books, and the Common Seal of the said Company to be affixed to each of such Tickets or Instruments, and thereupon to cause to be delivered to every Subscriber towards the said Undertaking, upon Demand, a Ticket or Tickets specifying the Share or Shares to which he or she is entitled in the said Undertaking; and every such Subscriber shall pay to the Clerk to the said Company Two Shillings and Sixpence, and no more, for every such Ticket or Instrument; and every such Ticket or Instrument shall be admitted as Evidence in all Courts whatsoever of the Title of such Subscriber, his or her Executors, Administrators, Successors, or Assigns, to the Share therein specified, but the Want of any such Ticket or Instrument shall not hinder or prevent the Owner of any Share or Shares from selling or disposing thereof, or from receiving annually his or her Share of the Profits of the said Navigation and Undertaking in respect thereof.

Names of
Proprietors,
and the Num-
bers of their
Shares, to be
entered in a
Book.

[Local.]

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XLVIII. And

Company
empowered
to raise a fur-
ther Sum of
10,000l. by
Mortgage.

XLVIII. And be it further enacted, That if the said Sum of Thirteen thousand Pounds herein-before authorized to be raised shall be found insufficient for the making, completing, and maintaining of the said Canal, Roads, and other Works hereby authorized to be made, and for defraying all the necessary Charges and Expences relating thereto; then and in such Case it shall be lawful for the said Company, after an Order or Resolution for that Purpose shall be made at a Special General Meeting of the said Company to be called for that Purpose (of which Meeting Ten Days previous Notice shall be given in some Newspaper or Newspapers published or usually circulated within the said County of *Cornwall*), to raise any further or other Sum or Sums of Money for perfecting and completing the said Navigation, Roads, and other Works, not exceeding the Sum of Ten thousand Pounds, by Mortgage of the said Undertaking, as to them shall seem meet and convenient; and the said Company are hereby accordingly fully authorized and empowered to grant, assign, and make over to any Person or Persons lending any such Money, or any Part or Parts thereof; or by way of collateral Security to any Person or Persons who shall borrow such Sum of Money, or any Part or Parts of such Sum of Money, for the Use of the said Company, the several Tolls, Rates, and Duties granted to them by this Act, or any Part thereof, and the said Canal, Roads, and other Works, or any of them, or any Part thereof (the Costs and Charges of which Assignment shall be paid out of the said Tolls, Rates, and Duties), as a Security for the Sum or Sums of Money so to be borrowed, together with Interest for the same, unto the Person or Persons who shall lend and advance any such Sum or Sums of Money for the Use of the said Company, or unto his, her, or their Trustee or Trustees; all which Assignments or Mortgages shall be made by Deed in Writing under the Common Seal of the said Company, in the Form or to the Effect following; (that is to say),

Form of
Mortgage.

BY virtue of an Act passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled [*insert the Title of this Act*], we, the *Liskeard* and *Looe* Union Canal Company, incorporated by virtue of the said Act; in consideration of the Sum of _____ of lawful Money of *Great Britain* to us paid by _____ of _____ do hereby bargain, sell, and assign unto the said _____ his Executors, Administrators, and Assigns; the said Canal, Roads, and other Works; and all and singular the Tolls, Rates, and Duties granted, or arising and payable to us by virtue of the said Act, and all the Estate, Right, Title, and Interest of us the said Company of, in, to, or out of the same respectively; to hold unto the said _____ his 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 and satisfied. Given under our Common Seal this _____ Day of _____

Or in any other Form, or to any other Effect which may be better adapted to the Circumstances under which any such Sum of Money shall be borrowed, or collateral Security given; and all Persons to whom

whom such Assignments or Mortgages shall be made shall be equally entitled (one with the other) to the said Tolls, Rates, Duties, and Premises thereby assigned, according and in proportion to the Sums by them respectively lent and advanced on the Credit thereof as aforesaid, without any Preference by reason of the Priority of Date of any such Assignment or Mortgage, or upon any other Account whatsoever; and the Money so to be borrowed as aforesaid shall be applied and disposed of for the making, carrying on, completing, and maintaining the said Canal, Roads, and other Works hereby authorized to be made, and for carrying the several Powers and Authorities hereby given into execution.

XLIX. And be it further enacted, That an Entry or Memorial of every such Assignment or Mortgage as aforesaid, containing the Date thereof, the Name or Names and Additions of the Party or Parties to whom the same shall be made, and the Sum thereby secured, with the Rate of Interest to be paid for the same, shall within Twenty-eight Days from the Date thereof be made and entered in a Book to be kept for that Purpose by the Clerk to the said Company for the Time being, and such Book shall and may be perused *gratis* at any reasonable Times by any of the Proprietors or Creditors of the said Undertaking; and all and every Person or Persons to whom any such Assignment or Mortgage shall be made as aforesaid, or who shall be entitled to the Money thereby secured, shall and may from Time to Time assign, transfer, and set over his or her Right, Title, or Interest therein, unto any Person or Persons whomsoever, either by Indorsement thereon or otherwise; which Transfer shall and may be made by a Deed in Writing in the Form or to the Effect following; (that is to say),

A Memorial of every Mortgage to be made by the Company's Clerk.

Mortgages may be transferred.

‘ I of _____ in consideration of the Sum _____
 ‘ of _____ to me paid by _____
 ‘ do hereby transfer the _____
 ‘ within Mortgage [or a certain Mortgage made to me by the *Liskeard*
 ‘ and *Looe* Union Canal Company, bearing Date the _____
 ‘ Day of _____], and the Principal Sum of _____
 ‘ thereby secured, and the Interest now due and _____
 ‘ hereafter to grow due for the same, and all my Right and Property _____
 ‘ therein, unto the said _____ his Executors,
 ‘ Administrators, and Assigns. In witness whereof I have hereunto
 ‘ set my Hand and Seal this _____ Day of _____’

Form of Transfer.

And every such Transfer shall within Twenty-eight Days from the Date thereof be produced to the Clerk to the said Company, who shall thereupon cause an Entry or Memorial thereof, to the same Purport and Effect as herein-before directed with respect to the original Assignment or Mortgage, to be made or entered in the Book to be kept for entering the Memorials of such original Assignments or Mortgages, and for which the said Clerk shall be paid the Sum of Two Shillings and Sixpence and no more; and after such Entry shall be made, but not before, such Transfer shall entitle the Assignee or Assignees therein named, and his, her, or their Executors, Administrators, and Assigns, to the full Benefit of the original Mortgage.

Memorials Transfers to be made before the Assignees shall be entitled.

L. And

Interest of
Money bor-
rowed to be
first paid.

L. And be it further enacted, That the Interest of such Money as shall 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 Proprietors of the said Company, or any of them, and shall from Time to Time be fully paid and discharged or provided for before the yearly or other Interest and Dividends due to the said Proprietors be paid, made, or divided.

Proprietors
entitled to
vote in re-
spect of
Shares.

LI. And be it further enacted, That all and every Person and Persons, Body and Bodies Politic, Corporate, or Collegiate, and their respective Executors, Administrators, Successors, and Assigns, who shall by virtue of this Act have subscribed or undertaken for or become entitled to or be in the actual Possession of any Share or Shares for or towards raising the Sum or Sums of Money hereby authorized to be raised, shall have a Vote or Votes at all Meetings of the said Company to be held in pursuance of this Act, for or in respect of the Share or Shares for or to which he, she, or they shall have so subscribed, undertaken, or become entitled or possessed, in manner following; (that is to say), for or in respect of Two Shares One Vote, for or in respect of Four Shares Two Votes, for or in respect of Five Shares Three Votes, and for or in respect of any additional Number of Five Shares Two Votes; but no such Proprietor or Proprietors shall be entitled to vote at any such Meetings in respect of One Share only, or for any less Number of Shares than Five after the first Five Shares for which he, she, or they is or are hereby authorized to vote; and every Question, Matter, or Thing which shall be proposed, discussed, or considered at any Meeting of the said Company to be held in pursuance of this Act, shall be determined by the Majority of Votes then present.

Proprietors
may vote by
Proxy.

LII. Provided always, and be it further enacted, That it shall be lawful for every such Body Politic, Corporate, or Collegiate, entitled to vote at Meetings of the said Company to be held in pursuance of this Act, by Writing under their Common or Corporate Seal, and also for all and every other Person and Persons entitled to vote as aforesaid, by Writing under his, her, or their Hand or Hands, and in case of Infancy, Idiocy, or Lunacy of any such Person or Persons, then for his, her, or their Guardian or Guardians, Committee or Committees, by Writing under the Hand or Hands of such Guardian or Guardians, Committee or Committees, to constitute and appoint any other Proprietor or Proprietors entitled to vote in respect of his, her, or their own Share or Shares in the said Undertaking, his, her, or their Proxy or Proxies, to vote at any such Meetings of the said Company; and every such Vote by Proxy shall be as good and valid to all Intents and Purposes as if the Principal or Principals had voted in Person.

Appointment
of Proxy.

LIII. And be it further enacted, That the Appointment of every Proxy to vote under and by virtue of this Act, shall and may be made in the Form or to the Effect following; (that is to say),

I of Proprietor [or Guardian Form.
a Proprietor] of
 Shares in the *Liskeard* and *Looe* Union Canal Navigation, do
 hereby nominate, constitute, and appoint
 to be my Proxy [or Proxy of the said
], in my [or his, or her] Name and in my [or
 his, or her] Absence to vote and give my [or his, or her] Assent or
 Dissent to any Business, Matter, or Thing relating to the said Navi-
 gation, which shall be mentioned or proposed at any Meeting of the
 said Company or any Adjournment thereof, in such Manner as he
 the said shall think proper, according
 to his Judgment, until I [or the said]
 shall revoke this Appointment by Notice in Writing to the Clerk of
 the said Company. In witness whereof I have hereunto set my
 Hand and Seal this Day of
 One thousand eight hundred

And every such Appointment shall be produced to the Clerk of the said Company, and entered in a Book to be kept by him for that Purpose, before any Vote shall be given in respect of such Appointment, which Book shall be sufficient Authority for any Proxy to give his Vote or Votes, without Production of his Appointment at the Time of voting, until the same is revoked.

Appointment
of Proxies to
be entered in
a Book.

LIV. Provided always, and be it further enacted, That no Proprietor of any Shares in the said Undertaking shall be entitled to vote either in Person or by Proxy at any Meeting of the said Company in respect of such Shares, unless the same shall be standing in the Name of such Proprietor in the Book herein-before directed to be made and kept at and immediately before such Meeting, nor unless the Sums of Money from Time to Time to be called for by the Committee of Management for the Time being, to be appointed as hereinafter directed, and due and payable at or before any such Meeting, in respect of all and every the Shares of such Proprietors, and all Arrears thereof, shall have been duly paid to the Treasurer or Treasurers of the said Company.

Proprietors
not entitled
to vote in
respect of
Shares, until
Calls are paid.

LV. And be it further enacted, That the First General Meeting of the said Company for putting this Act into Execution shall be held in the Town of *Liskeard* upon the Fourth *Tuesday* next after the passing of this Act, of which Meeting not less than Six Days Notice shall be given by public Advertisement in some One or more Newspaper or Newspapers published or usually circulated within the said County of *Cornwall*; and all future Meetings of the said Company (except such Special Meetings as hereinafter mentioned) shall be held upon the First *Tuesday* in *February* in every Year, at the Hour of Eleven of the Clock in the Forenoon, in the said Town of *Liskeard*, or at such other Place or Places as the said Company at the preceding General Meeting shall from Time to Time direct, of which future General Meeting not less than Seven Days Notice (both Days inclusive) shall be given by public Advertisement in such public Newspaper or Newspapers as herein-before mentioned, or in such other
 [Local.] 52 K Manner

First and
other General
Meetings of
Company.

Manner as the said Company at their respective General Meetings shall direct.

Chairman to be appointed, who shall have the casting Vote.

LVI. And be it further enacted, That at every such Meeting as aforesaid, One of the Proprietors present shall be appointed President or Chairman, who shall not only have a Vote or Votes as a Proprietor or Proxy, but shall also, in case of an equal Division, have the decisive or casting Vote; and if at any Time Two or more Persons shall be proposed as President or Chairman, and shall have an equal Number of Votes, then the Person so appointed shall draw Lots for the said Office.

Appointment of Treasurer and Clerks.

LVII. And be it further enacted, That the said Company shall, at the First General Meeting, and afterwards from Time to Time when necessary, at any future General Meeting, elect and choose, and under their Common Seal appoint a Treasurer or Treasurers, and Clerk or Clerks to the said Company: Provided always, that the said Company shall and they are hereby required to take Security from every Person who shall hereafter be appointed Treasurer of the said Company, for the faithful Execution of his Office, before he shall enter thereupon; and whenever any such Treasurer or Clerk shall die, or be removed, or quit the Service of the said Company, it shall be lawful for the Committee of Management of the said Company from Time to Time to appoint some other Person in the Place of the Treasurer or Clerk so dying, or being removed, or quitting, until the next General Meeting of the said Company, when the Clerk or Clerks, Treasurer or Treasurers so appointed, or some other Clerk, Treasurer or Treasurers, shall be nominated and appointed for the Purposes aforesaid.

Treasurer and Clerk not to be the same Person.

LVIII. Provided always, and be it further enacted, That it shall not be lawful for the said Company to appoint the Person who may be appointed their Clerk in the Execution of this Act, or the Partner or Partners of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk, or of his Partner or Partners, the Treasurer for the Purposes of this Act, or to appoint any Person who may be appointed Treasurer, or the Partner or Partners of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, the Clerk to the said Company; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person or Persons, being the Partner or Partners of any such Clerk, or the Clerk or other Person or Persons in the Service or Employ of any such Clerk, or of his Partner, shall accept the Office of Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer, or of his Partner, shall accept the Office of Clerk in the Execution of this Act, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered 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 by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

LIX. And be it further enacted, That the said Company shall and they are hereby required from Time to Time to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the Purposes of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed and paid; and such Book or Books shall, at all seasonable Times, be open to the Inspection of the said Company, and every Creditor of the Rates or Tolls hereby granted, without Fee or Reward; and the said Company or Creditors, or any of them, shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit, or shall not permit the said Company or Creditors to inspect the same, and to take Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds for each Default, to be levied, recovered, and applied in manner hereinafter provided.

Accounts to be kept of Receipts and Disbursements, which shall be open to Inspection.

LX. And be it further enacted, That the said Company shall, at their First General Meeting which shall be held next after the passing of this Act, and also at every succeeding General Meeting of the said Company, to be held in the Month of *February* in each Year, or at some Adjournment thereof respectively, nominate and appoint Nine Persons from and out of the Proprietors of the said Company, to constitute a Committee of Management for managing and conducting the Affairs, Concerns, and Business of the said Undertaking, who shall continue in their Offices for the Space of One Year from the Day of Election, or until others or another shall be duly elected in their or any of their Places: Provided always, that it shall be lawful for the said Company again to nominate and appoint any Member or Members of the said Committee going out of Office to be a Member or Members of the said Committee of Management for the ensuing Year.

Committee of Management.

LXI. And be it further enacted, That in case any Person nominated and appointed to be a Member of the said Committee of Management shall die, or refuse to act, or shall cease to be a Proprietor of the said Undertaking, or shall hold any Place of Profit, or be concerned or interested in any Contract or Contracts under the said Company, or shall be a Dealer either directly or indirectly in any Article, Matter, or Thing used by the said Company, it shall be lawful for the said Company at a General or Special Meeting of the said Company, to nominate and appoint from and out of the said Company, some other Proprietor or Proprietors of the said Undertaking to be a Member or Members of the said Committee in the Room or Stead of the Member or Members so dying, refusing to act, ceasing to be qualified, or holding any Place, Office, Employment, or Contract under the said Company as aforesaid; and every Person so nominated and appointed shall have the like Powers and Authorities, and shall be subject to the like Rules, Orders, Regulations, and Restrictions, as the Person in whose Room or Stead he shall be nominated and appointed, and shall continue in Office as a Member of the said Committee

For supplying Vacancies in Committee by Death, &c.

Committee for such Time and no longer as the Person in whose Room or Stead he shall be so nominated and appointed would have continued in Office.

Accounts to
be laid before
General
Meetings.

LXII. And be it further enacted, That at the Second and every succeeding Annual General Meeting of the said Company, an Account of all the Monies received, laid out, and disbursed respecting the said Canal, Roads, and other Works, by the Committee, or by the Clerk, Treasurer, Collector of Rates, and other Persons whomsoever employed about the said Undertaking, brought up to the Period of Twenty-eight Days before such annual Meeting, shall be laid before the said Proprietors to be audited and settled, and such Account shall be deposited with the Clerk to the said Company during the Seven Days immediately preceding such General Meeting, for the Purpose of being inspected by the Proprietors of Shares in the said Company, who shall have free Access thereto at all seasonable Times during such Seven Days; and the said Committee for the Time being shall also from Time to Time make Reports of their Proceedings, and of every material Occurrence respecting the said Undertaking, to the General Meeting of the said Company, and shall at all Times be subject to and obey the Orders and Directions of such General Meeting.

Regulations
for Meetings
of Committee
of Manage-
ment.

LXIII. And be it further enacted, That the said Committee of Management shall at their first and every other Meeting to be held in pursuance of this Act, elect a Chairman out of the Members of such Committee then present, to preside at such Meeting; and any Three Members of the said Committee of Management (but not less) shall be a sufficient Number to constitute a Meeting for the Purpose of doing all Acts, Matters, and Things, and exercising all the Powers and Authorities hereby directed to be done by and vested in such Committee; and all Questions, Matters, and Things which shall be proposed, discussed, or considered by the said Committee at their said Meetings, shall be decided and determined by the Majority of Members then present, but no Member shall have more than One Vote at such Meetings, save and except, in case of an equal Division, the Chairman shall, besides his own Vote, always have the casting Vote; and if at any Meeting Two or more Persons shall be proposed to fill the Office of Chairman, and shall have an equal Number of Votes, then the Persons so proposed shall draw Lots for the same; and the said Committee shall 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, (subject nevertheless to the Orders and Directions of the General Meetings of the said Company): Provided always, that if at any Meeting of the said Committee there shall not attend so many Members as are hereby required to constitute a Meeting for exercising the Powers hereby vested in such Committee, then and in such Case, and when and so often as the same shall happen, the Meeting shall be adjourned by the Member or Members then present, or if no Member be present, by the Clerk to the Company, or such other Person as shall attend in his Place, as they or he shall respectively think fit.

LXIV. And

LXIV. And be it further enacted, That it shall be lawful for the said Committee of Management, and they are hereby authorized from Time to Time to nominate and appoint a Superintendant or Superintendants of the Works of the said Company, if they shall think expedient, and such Engineers, Surveyors, Collectors of the Tolls, Rates, and Duties herein-after granted, and other Officers, (except such as are directed to be appointed only by General Meetings of the said Company), as the said Committee of Management shall think proper and expedient for the better carrying the Purposes of this Act into Execution, (the said Committee always taking good and sufficient Security from all Collectors and other Officers who shall have the Care and Custody of any Monies to be raised and received by virtue of this Act, for the faithful Discharge of the Trust reposed in them), and also from Time to Time to discharge and dismiss any such Superintendants, Engineers, Surveyors, Collectors, or other Officers, and appoint others in their Stead, as there shall be Occasion; and all such Superintendants, Engineers, Surveyors, Collectors, and other Officers of the said Company who shall at any Time quit or be dismissed from the Service of the said Company, and their Executors and Administrators, and the respective Executors and Administrators of those who may happen to die, shall immediately thereupon produce and deliver up to the said Committee of Management, or such Person or Persons as they shall direct, all Books, Accounts, Writings, and Papers whatsoever, which shall be in the Custody or Power of such Superintendants, Engineers, Surveyors, Collectors, or other Officers, Executors, or Administrators respectively, in anywise relating to the said Undertaking; and the said Committee of Management shall also have full Power and Authority, and they are hereby required annually, (or oftener if they shall think fit), to call for, audit, and settle all Accounts of Money received, paid, laid out, and disbursed for or on account of the said Company, by the Treasurer or Treasurers, Collector, and other Officers so to be appointed as aforesaid, or by any other Person or Persons to be employed on behalf of the said Company in or about the said intended Navigation and Undertaking.

Officers to be appointed by Committee of Management.

LXV. And be it further enacted, That every such Treasurer, Superintendant, Engineer, Surveyor, Clerk, Collector, and every other Officer and Person so to be appointed as aforesaid, shall, under his or their Hands, at such Time or Times, and in such Manner as the said Company or their Committee of Management shall direct, deliver to the said Company or Committee, or to such Person or Persons as they shall respectively appoint, true and perfect Accounts in Writing of all Matters and Things committed to his or their Charge by virtue of this Act, and also of all Monies which shall have been by such Treasurer, Superintendant, Engineer, Surveyor, Clerk, Collector, Officer or Officers, and Person or Persons respectively received by virtue and for the Purposes of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper and legal Receipts or Vouchers for such Payments, and shall pay all such Monies as shall remain in his or their respective Hands to the said Company or Committee, or to such Person or Persons as they shall respectively appoint; and if any such Treasurer, Superintendant, Engineer, Surveyor, Clerk, Collector, Officer, or

Officers to account.

[Local.]

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Person

Person shall refuse to produce and deliver up such Accounts, Receipts, or Vouchers, or to make Payment as aforesaid, or shall not deliver to the said Company or Committee, or to such Person or Persons as they shall respectively appoint, within Twenty-one Days after their being thereunto required by the said Company or Committee, all Books, Papers, and Writings in his or their Custody or Power relating to the Execution of this Act, or shall refuse or neglect to pay such Monies as upon the Balance of any Account or Accounts shall appear to be in his or their respective Hands to the said Company or Committee, or as they respectively shall direct or appoint, then and in any of the Cases aforesaid, the said Company may and they are hereby authorized and empowered to bring or cause to be brought any Action or Actions against the Treasurer, Superintendant, Engineer, Surveyor, Clerk, Collector, Officer or Officers, Person or Persons so neglecting or refusing as aforesaid, for the Recovery of the Monies that shall be in his or their Hands respectively; or if Complaint shall be made by the said Company or by the said Committee, or such Person or Persons as they shall respectively appoint for that Purpose, of any such Refusal or Neglect as aforesaid, to any One or more of the Justices of the Peace for the County, City, or Place wherein the said Treasurer, Superintendant, Engineer, Surveyor, Clerk, Collector, Officer or Officers, Person or Persons so neglecting or refusing shall be or reside, such Justice or Justices may, and he and they is and are hereby authorized and required, by a Summons under his and their Hand or Hands, to cause the Treasurer, Superintendant, Engineer, Surveyor, Clerk, Collector, Officer or Officers, Person or Persons so neglecting or refusing, to appear before him or them, and upon his and their appearing, or having been summoned and not appearing, without giving some reasonable Excuse for such Nonappearance to the Satisfaction of such Justice or Justices, or not being to be found, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party or Parties, or by the Testimony of any One or more credible Witness or Witnesses upon Oath or Affirmation (which Oath or Affirmation such Justice or Justices is and are hereby empowered to administer), it shall appear to such Justice or Justices that any of the Monies which shall have been collected and raised by virtue of this Act shall be in the Hands of such Treasurer, Superintendant, Engineer, Surveyor, Clerk, Collector, Officer or Officers, Person or Persons, such Justice or Justices may, and is and are hereby authorized and required, upon Nonpayment thereof, by a Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to cause such Monies to be levied by Distress and Sale of the Goods and Chattels of such Treasurer, Superintendant, Engineer, Surveyor, Clerk, Collector, Officer or Officers, Person or Persons respectively; and if no Goods or Chattels of the Person or Persons against whom such Warrant shall be granted, sufficient to answer and satisfy the said Money and the Charges of making and levying the same, can be found, or if such Officer or Officers, Person or Persons, shall still persist in refusing or neglecting to deliver up all such Books, Papers, and Writings as aforesaid, to the said Company or to the said Committee, or as they respectively shall appoint, then and in any of the Cases aforesaid, such Justice or Justices shall commit every such Offender to the Common Gaol for such County, City, or Place, there to remain without

Bail or Mainprize until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Company or with the said Committee, and shall have paid such Composition in such Manner as they respectively shall appoint, and until he shall deliver up such Books, Papers, and Writings as aforesaid, or give Satisfaction in respect thereof to the said Company or to the said Committee: Provided always, that no Treasurer, Superintendent, Engineer, Surveyor, Clerk, Collector, Officer, or Person so committed for want of sufficient Distress, shall be confined or detained in Prison by virtue of this Act for any longer Space than Six Calendar Months.

LXVI. And be it further enacted, That all Books, Accounts, Writings, and Papers whatsoever, which shall be in the Custody of any such Treasurer, Superintendent, Engineer, Surveyor, Clerk, Collector, and every other Officer, so to be appointed as aforesaid, his Executors or Administrators respectively, in any ways relating to the said intended Navigation and Undertaking, shall be, and the same are hereby declared to be, and shall be construed and deemed and taken to be, the Right and Property of the said Company.

Books, Accounts, &c. declared to be the Property of the Company.

LXVII. And be it further enacted, That the said Committee of Management shall have full Power and Authority to contract for and purchase all such Lands, Tenements, Hereditaments, and all such Matters and other Things as shall and may be wanted for the said Canal, Roads, and other Works hereby authorized to be made, and to treat and agree with any Person or Persons whomsoever touching the Compensation to be made for any Damages to be done in the Exercise of the Powers hereby given, and to enter into and make such Contracts or Agreements with any Engineer or Engineers, Surveyors, Agents, Workmen, Servants, or other Persons, in and about or for the carrying on the said Navigation, Roads, and other Works, or any Part thereof, as shall be thought expedient; and to enter into and make all such Contracts, Bargains, and Agreements whatsoever, touching or in anywise concerning the said Undertaking, as they shall think proper; and to order and direct how the several Works shall from Time to Time be carried on; and shall also from Time to Time have the Custody of the Common Seal of the said Company, and may use the same in such Manner and for such Purposes as they shall think fit, by the Use whereof the said Company shall be bound, and generally to direct and manage all and singular the Affairs and Business of the said Company, and to do, execute, and perform all Acts, Matters, and Things which the said Company are by this Act authorized and empowered to do, save and except such only as are hereby expressly directed to be done by the Proprietors at large at any Meeting or Meetings of such Proprietors to be held as herein mentioned.

Committee of Management may contract for Purchase of Lands, &c.

LXVIII. And be it further enacted, That the said Committee of Management shall at their respective Meetings enter or cause to be entered into Books, to be provided for that Purpose at the Expence of the said Company, a full and true Account of all Monies disbursed and Payments made by such Committee, and by all and every

Proceedings of Committee to be entered in proper Books.

Person

Person and Persons employed by or under them, and all Monies which shall be paid or received by them for or on account of the said Company, and also a full and true Account and proper Notes and Minutes of every Contract, Bargain, and Agreement which shall be entered into by them for or on behalf of the said Company, and of all and singular their Orders, Transactions, and Proceedings whatsoever in and about the Affairs and Business of the said Company; and all reasonable Expences to be incurred at or by the Meetings of the said Committee of Management shall be paid and defrayed out of the Cash or Stock of the said Company, and such Committee of Management shall and may from Time to Time draw for the Amount of such Expences respectively upon the Treasurer or Treasurers to the said Company, but no other Money shall be issued or paid by the said Treasurer or Treasurers for or on account of the said Company without an Order being made for that Purpose at a General Meeting of the said Company, or without a Draft or Order signed by Three or more of the Members of the said Committee of Management; and every such Book, and all other Books, Papers, and Writings belonging to the said Company, shall at all reasonable Times be open to the Inspection of all the said Proprietors, who may take Copies thereof or Extracts therefrom without Fee or Reward.

Special Meeting of Proprietors how to be called.

LXIX. And be it further enacted, That if it shall at any Time appear to the said Committee of Management, or to any Three or more Proprietors of Two Shares at least in the said Undertaking, to be necessary or expedient to call a Special Meeting of the Proprietors at large of the said Company, for the more effectually putting this Act into execution, or in order to take their Opinion respecting any Matters or Things to be done in or about the said Navigation and Undertaking, or respecting any Matter or Thing in which the Interest of the said Navigation, Roads, and Undertaking, the Extent of its Trade, or the Interests of the Proprietors, is or are in any respect implicated or concerned, it shall be lawful for the said Committee of Management, pursuant to an Order or Resolution for that Purpose to be made at any Meeting of the same Committee, or for any Three or more of the Proprietors of Two Shares or more of the said Undertaking, to call a Special Meeting of the Proprietors at large by public Advertisement in some Newspaper or Newspapers published or usually circulated in the said County of *Cornwall*, specifying in such Advertisement the Cause of calling such Special Meeting, and the Time and Place when and where the same shall be held (the Time not being less than Ten Days after such Notice shall be given), and the said Company are hereby authorized and required to meet according to such Notice, and to take into consideration the Matters to be submitted to them by the said Committee of Management, or expressed in such Requisition and specified in such Notice; and the Decision and Determination of the Proprietors present at such Meeting, or the major Part of them, according to the Number of Votes they shall have a Right to give either as Principals or Proxies, respecting such Matters only, shall be binding and conclusive upon the rest of the Proprietors to all Intents and Purposes; and shall be acted upon accordingly.

LXX. And

LXX. And be it further enacted, That the said Company shall have full Power and Authority from Time to Time, at any General Meeting of the said Company, to adjourn themselves to such Place or Places as shall be thought proper and convenient, and to remove or displace any Person or Persons who shall have been chosen an Officer or Officers under them, and also to make such Rules, Orders, and Bye Laws as to them shall seem meet and proper for the good Government of the said Company, and for regulating the Proceedings of the said Committee of Management, and for regulating of all Officers, Workmen, and Servants to be employed in or about the Affairs or Business of the said Company, and for the well and orderly using of the said intended Canal and Roads, and the Locks, Sluices, Weirs, Rollers, Feeders, Hatches, Reservoirs, Wells, Trenches, Levels; Dams, Wharfs, Cranes, Warehouses, Towing Paths, Ways, Roads, Grates, Bridges, Culverts, Engines, and other Works thereto belonging, and for regulating the Commencement, Continuance, Suspension, Cessation, Turn, and Order of the passing and repassing and navigating of all Vessels, Boats, Barges, and Rafts, Persons, Horses, and Carriages, and the Bars, Poles, Wheels, Engines, and other Implements to be used above or with all such Vessels, Boats, Barges, and Rafts as shall from Time to Time be used upon the said Canal, Roads, Towing Paths, Ways, or Wharfs, and the conveying of all Goods, Wares, and Merchandize which shall be navigated or conveyed thereon, and for the orderly Behaviour of all Bargemen, Watermen, Boatmen, and others, who shall be employed in carrying or conveying any such Goods, Wares, or Merchandize, and for the Superintendance and Management of the said Navigation in all other respects whatsoever; and from Time to Time to alter and repeal such Rules, Orders, and Bye Laws, or any of them, and to make others, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against such Rules, Orders, and Bye Laws, or any of them, not exceeding the Sum of Five Pounds for any One Offence, as to the said Company shall seem meet and expedient; and all Rules, Orders, and Bye Laws so to be made as aforesaid, being reduced into Writing, with the Common Seal of the said Company thereto affixed, shall be binding upon and be observed by all Persons using or in anywise concerned in the said Works, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act upon the same; provided that such Rules, Orders, and Bye Laws be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain and Ireland* called *England*, or any of the express Directions or Provisions of this Act; and provided that Copies of such Rules, Orders, and Bye Laws, or such of them as shall concern or relate to the using of the said intended Canal, Roads, and Works, and the Tunnels, Locks, Roads, and Ways belonging thereto, or to the Conduct and Behaviour of Bargemen, Watermen, Boatmen, or others conveying Goods thereon, or to the Conduct and Behaviour of any Officers, Servants, or other Persons employed in or about the Navigation, Roads, and Works, or of the Persons resorting to or making use thereof, shall be painted in large Characters on Boards, and such Boards shall be affixed and continued in some conspicuous Places upon or near adjoining all the Wharfs on the said Navigation,

Company
may remove
Officers and
make Bye
Laws.

Publication
of Bye Laws.

[Local.]

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and

and renewed as often as the same shall be obliterated or defaced, and shall be subject to Appeal in manner herein-after mentioned.

Committee
empowered
to make Calls.

LXXI. And be it further enacted, That the Committee of Management shall have full Power and Authority from Time to Time at any Meeting of the said Committee to be held in pursuance of the Powers and Provisions of this Act, to make such Call or Calls for Money from the several Proprietors of the said Canal, Roads, and other Works, in order to defray the Expences of carrying on the same, as they shall from Time to Time find wanting and necessary for those Purposes, so that no such Call shall exceed the Sum of Ten Pounds for or in respect of every Share in the said Canal, Roads, and other Works, and so that no such Calls shall be made except at a Distance of Three Weeks at least from each other, and so that Fourteen Days Notice at least shall be given of every such Call in some Newspaper or Newspapers published or usually circulated in the said County of *Cornwall*, or otherwise as the Committee of Management shall from Time to Time order and direct; all which Money so to be called for as aforesaid shall be paid into the Hands of the Treasurer or Treasurers of the said Company, to be issued, paid, and applied for carrying on the said Navigation and Undertaking, in such manner as the said Committee of Management shall from Time to Time order and direct.

Subscribers
to pay the
Calls upon
their Sub-
scriptions.

LXXII. And be it further enacted, That the respective Persons who have subscribed or who shall or may hereafter subscribe to advance any Money for and towards the said Canal, Roads, and other Works hereby authorized to be made, or shall be the Owner or Owners, Proprietor or Proprietors of any Share or Shares in the said Undertaking, shall and they are hereby respectively required to pay the Sum or Sums of Money by them respectively subscribed, or such Parts and Proportions thereof as shall from Time to Time be called for by the Committee of Management for the Time being, by virtue of the Powers and Directions of this Act, to such Person or Persons, at such Times and Places, and in such Manner as shall be directed by the said Committee; and in case any of such Subscribers shall neglect or refuse to pay the same at the Time and Place and in Manner so required for that Purpose, the said Company are hereby empowered to sue for and recover the same, with Interest at the Rate of Five Pounds *per Centum per Annum* from the Time appointed for Payment thereof, in any Court of Law or Equity.

For enforcing
Payment of
Calls.

LXXIII. And for the better enforcing the Payment of such Calls, be it further enacted, That if any Person or Persons upon whom any Call or Calls for Money shall or may hereafter be made under or by virtue of this Act, for or in respect of any Share or Shares in the said Undertaking, shall neglect or refuse to pay his, her, or their rateable or proportionable Share or Shares of the said Money to be called for and raised by virtue of this Act, for the Space of Thirty Days next ensuing any such Call, he, she, or they so neglecting or refusing shall forfeit and pay the Sum of Twenty Shillings for every Share he, she, or they shall have in the said Undertaking; and if such Person,

or Persons shall continue to neglect or refuse to pay his, her, or their rateable or proportionable Share or Shares of the said Money to be called for and raised as aforesaid, for the Space of Three Calendar Months next after such Call or Calls shall have been appointed to be paid as aforesaid, then and in such Case it shall be lawful for the said Company at some General or Special General Meeting to be held after such Neglect or Refusal, to declare all and every or any of the Share or Shares of such Person or Persons so neglecting or refusing as aforesaid to be forfeited, and from thenceforth the said Share or Shares so declared to be forfeited as aforesaid, and all the Profit and Benefit thereof, shall be vested in the said Company, their Successors and Assigns, to and for the Uses and Purposes herein-after mentioned: Provided always, that no Share or Shares of and in the said Undertaking shall be forfeited or vested in or shall accrue to the said Company, until Notice in Writing thereof shall be given by the Clerk of the said Company to the Person or Persons, or to the Clerk or Clerks, or other Head Officer or Officers of the Body or Bodies Politic, Corporate, or Collegiate, in whose Name or Names such Share or Shares shall at the Time of giving such Notice stand registered in the Books of the said Company, or left at his, her, or their Dwelling Houses or usual or last known Place of Abode, Ten Days at the least previous to such Share or Shares vesting in or accruing to the said Company, provided such Place or Places of Abode shall be known to the Clerk of the said Company; and in case the same shall be unknown to the Clerk of the said Company, such Notice shall be published in the *London Gazette*, and such other public Newspaper or Newspapers as the said Committee shall order and direct, in which Notices respectively shall be contained a Statement and Account of how much Money is due from such Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, for his, her, or their Share or Shares in the said Undertaking; and no such Share or Shares shall be forfeited to or vested in the said Company, if the Owner or Owners of such Share or Shares shall pay what shall appear by such Statement to be due, together with legal Interest on the same, and the aforesaid Penalties for Nonpayment, and all Expences attending the Application for the same, within the Time specified in such Notice, any thing contained in this Act to the contrary thereof in anywise notwithstanding.

LXXIV. And be it further enacted, That in all Actions Proceedings brought by the said Company against any Person or Persons who hath or have subscribed, or who shall hereafter subscribe or advance any Money for or towards the said Undertaking, or against any Owner or Owners, Proprietor or Proprietors, of any Share or Shares in the said Undertaking, to recover any Sum or Sums of Money due and payable to the said Company for or by reason of any Call or Calls made by virtue of this Act, it shall be sufficient for the said Company to declare and allege that the Defendant or Defendants being an Owner or Owners, Proprietor or Proprietors of such and so many Share or Shares in the said Undertaking, is or are indebted to the said Company in such Sum or Sums of Money as the Call or Calls in arrear shall amount to, for such and so many Call or Calls of such and so many Sum or Sums of Money upon such and

so many Share or Shares belonging to the Defendant or Defendants (as the Case may happen to be), whereby an Action hath accrued to the said Company by virtue of this Act, without setting forth the special Matter; and on the Trial of such Action it shall be only necessary to prove that the Defendant or Defendants at the Time of making such Call or Calls was or were an Owner or Owners, Proprietor or Proprietors of some Share or Shares in the said Undertaking, and that such Call or Calls was or were in fact made, and that such Notice was given thereof as is directed by this Act, and the said Company shall thereupon be entitled to recover what shall appear due, and no Wager of Law shall be allowed in any such Action.

Company
empowered
to sell for-
feited Shares.

LXXV. And be it further enacted, That when any Share or Shares of the said Undertaking shall, by virtue of this Act, have become forfeited to or vested in the said Company as aforesaid, then and in every such Case it shall be lawful for the said Company, or their Committee of Management for the Time being, and they are hereby authorized and empowered, from Time to Time to sell or cause to be sold, by public Auction or private Contract, and by Writing under the Common Seal of the said Company to assign and transfer such and so many of the Share or Shares of such Defaulter or Defaulters as the said Company or their said Committee shall from Time to Time find necessary and direct to be sold, unto such Person or Persons as shall become the Purchaser or Purchasers thereof, his, her, or their Executors, Administrators, and Assigns; and such Assignment and Transfer shall be good, valid, and effectual against the Owner or Owners of every such Share or Shares so forfeited to or vested in the said Company and sold as aforesaid, and all Persons claiming under him, her, or them: Provided always, that in case the Money produced by the Sale of any such Share or Shares shall be more than sufficient to pay any such Arrears as aforesaid and legal Interest thereon, together with the Penalties incurred by Nonpayment, and the Expences attending the Sale or Sales thereof, the Surplus arising from such Sale shall be paid to the Person or Persons to whom such Share or Shares shall have belonged: Provided also, that the said Company shall not by virtue of this Act at any Time or Times sell or transfer, or direct to be sold or transferred, any more of such Shares of such Defaulter or Defaulters than shall be sufficient, as near as may be at the Time of such Sale, to pay the Arrears due from such Defaulter or Defaulters for or on account of such Call or Calls, and the Interest, Penalties, and Expences attending the same; and from and after the Payment of every the Call or Calls to be made by virtue of this Act, and the Interest, Penalties, and Expences as aforesaid, any Share or Shares vested in the said Company as aforesaid, which shall remain in their Hands unsold, shall revert to and again become the Property of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, to whom such Share or Shares shall have before belonged, in such manner as if such Calls had been duly and regularly paid: Provided also, that every such Forfeiture, after the same shall be taken advantage of by the rest of the said Company as aforesaid, shall be an absolute Indemnification and Discharge to and for the Proprietor or Proprietors so forfeiting, against all Actions, Suits, and

ferred, such Forfeiture nevertheless to be declared at a General Meeting in manner before directed.

Regulations
as to Acquisition of
Shares :

By Marriage :

By Will, or
in Course of
Administration :

By any other
Means.

The Persons
whose Names
appear in the
Register
Book to be
deemed the
Proprietors :

LXXVIII. And whereas much Inconvenience may arise by the frequent Transfer of the Shares of and in the said Undertaking by the Marriage or Death of Proprietors, and it may be difficult in such Cases to ascertain to whom the Dividends arising or becoming due upon such Shares ought to be paid and do belong; be it therefore further enacted, That before any Person or Persons, who shall claim any Part of the Profits of the said Undertaking in right of Marriage, shall be entitled to receive the same, or be entitled to vote in respect of any Shares, an Affidavit, containing a Copy of the Register of such Marriage, shall be made and sworn to by some credible Person before a Master or a 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 Clerks for the Entry of Transfers and Sales of Shares in the said Undertaking; and before any Person or Persons who shall claim any Part of the Profits of the said Undertaking by virtue of any Bequest or Will, or in the Course of Administration, shall be entitled to receive the same, or be entitled to vote in respect of any Shares, the said Will, or the Probate thereof, or the Letters of Administration, shall be produced and shown to the said Clerk, or a Copy of so much of such Will as shall relate to the Share or Shares of the Testator, or of the Letters of Administration, in case the Proprietor shall have died Intestate, shall be made and sworn to by the Executor or Executors of such Will, or by an Administrator or Administrators of the Estate and Effects of such Intestate (as the Case may be), before a Master or a 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 the Manner herein-before mentioned; and in all Cases other than as herein-before mentioned where the Right and Property in One or more Share or Shares in the said Undertaking shall pass from the original Proprietor or Proprietors thereof to any other Person or Persons by any other legal Means than by a Transfer or Assignment thereof as herein directed, an Affidavit shall be made and sworn to by Two credible Persons before a Master or a Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, stating the Manner in which such Share or Shares hath or have passed to such other Person or Persons, and such Affidavit shall be transmitted to the Clerk of the said Company, who shall thereupon enter or register the Name or Names of every such new Proprietor or Proprietors in the Register Book or List of Proprietors in the said Undertaking.

LXXIX. And be it further enacted, That the Bodies Politic and Corporate, and all and every Person and Persons whose Name or Names shall at any Time hereafter stand in the Register Book or List of the Proprietors of the said Company, either as a Proprietor or Proprietors of One or more Share or Shares in the said Canal, Roads, and other Works, whether as original Subscribers, or as Successors, Executors, Administrators, or Assigns of original Subscribers, shall be deemed

deemed and taken to be Proprietors of the several Shares standing in the said Books in his, her, or their respective Names, and shall be subject and liable to the Payment of all and every Call and Calls made and to be made thereon; and all Actions, Suits, Forfeitures, and Penalties to which such Proprietors of Shares in the said Navigation are made subject and liable by this Act, and all Notices by this Act required to be given previous to Forfeiture of Shares to the Proprietors thereof, shall, if given to the Persons appearing by the Register Book of the said Company to be such Proprietor or Proprietors, or their Representatives, be in all respects good, sufficient, and conclusive; and all Payments of Interest and Dividends due and to grow due on any such Shares, shall be made to such Persons as by the said Book of the said Company shall so appear to be Proprietors thereof: Provided always, and be it further enacted, that no Assignment or Transfer of any Share or Shares, or other Instrument giving Title to any such Share or Shares, which shall not have been brought to the said Clerk to be enrolled and registered as directed by this Act, shall be given or admitted as Evidence either to defeat any Action or Suit brought or to be brought by the said Company to recover the said Calls, or to entitle any Person or Persons to recover any Share or Shares forfeited to the said Company, to make the said Company liable to the Payment of Interest or Dividends to any other Person or Persons than such as appear upon the said Book to be Proprietors of the said Shares; but that in all such Cases, unless where it shall be expressly proved that the said Book is defective by reason of some Neglect or Default of the said Clerk, the said Book shall be considered as sufficient and conclusive Evidence of the Right and Title in and to the said Shares.

And no other Person to be entitled till Transfer registered.

LXXX. And in consideration of the Charges and Expences which the said Company must sustain and incur in making and maintaining the said Canal, Roads, and other Works appertaining thereto, hereby authorized to be made and maintained; be it further enacted, That it shall be lawful for the said Company from Time to Time and at all Times hereafter to ask, demand, take, recover, and receive, to and for the proper Use and Behoof of the said Company, the several Rates herein-after mentioned for Tonnage of the several Articles, Matters, and Things which shall be navigated, carried, or conveyed in, upon, or along the said Canal and Roads hereby authorized to be made, or any Part thereof respectively; (that is to say),

The Company empowered to demand Rates for Goods conveyed upon the Canal.

For all Limestone, Culm or Coal for burning Lime, Sand, Oreweed, Dung, or any other kind of Manure (Salt and burnt Lime excepted), Building Stone, Freestone, Granite, Clay, and Stone used for making Roads, the Sum of Three-pence Halfpenny *per Ton per Mile*, and so in proportion for any greater or less Quantity than a Ton, or greater or less Distance than a Mile:

For Lime, the Sum of Seven-pence *per Ton per Mile*, and so in proportion for any greater or less Quantity than a Ton, or greater or less Distance than a Mile:

For all Wheat, Barley, Oats, Bran, Flour, Meal, and Potatoes, the Sum of Ten-pence *per Ton per Mile*, and so in proportion for any greater

greater or less Quantity than a Ton, or greater or less Distance than a Mile:

For all Tin Ore, Copper Ore, Lead Ore, Iron Stone, Antimony, Manganese, and all other Metals, Semi-metals, and Minerals not smelted, Coals and Culm (not used for burning Lime), the Sum of Seven-pence *per Ton per Mile*, and so in proportion for any greater or less Quantity than a Ton, or greater or less Distance than a Mile:

For all Tin, Copper, Lead, Iron, and all other Metals having been smelted, Bricks, Tiles, Timber, Charcoal, Deals, Faggots, Wood, Bark, Seeds, Vetches, Peas, Paper, old Junk or Rags, Salt, and all other Goods, Wares, Merchandize, and Things whatsoever, Hay, Straw, Cattle, Calves, Sheep, Swine, and other Beasts, the Sum of Thirteen-pence Halfpenny *per Ton per Mile*, and so in proportion for any greater or less Quantity than a Ton, or greater or less Distance than a Mile.

Fractions of a Ton in the Weight of the Goods, how to be charged.

LXXXI. And be it further enacted, That in all Cases where there shall be a Fraction of a Ton in the Weight of Lading in any Boat, Barge, Vessel, or Raft, which shall be navigated, carried, or used upon the said Canal or Roads, a Proportion of the said Rates shall be demanded and taken by the said Company for such Fraction, according to the Number of Quarters of a Ton contained therein; and in all Cases where there shall be a Fraction of a Quarter of a Ton in any such Weight of Lading as aforesaid, such Fraction shall be deemed and considered as a whole Quarter of a Ton; and in all Cases where there shall be a Fraction of a Quarter of a Mile in the Distance which any Boat or other Vessel shall be navigated upon the said Canal, or pass on the said Roads, such Fraction shall, in ascertaining the said Rate, be deemed and considered as a whole Quarter of a Mile.

Table of Tolls to be fixed up.

LXXXII. And be it further enacted, That a Table or Tables of the Rates or Tolls which shall or may be from Time to Time payable or demandable, painted in large Characters on a Board or Boards, shall be affixed and continued at the Place or Places where such Rates or Tolls shall be payable, received, or taken, and renewed as often as the said Rates or Tolls shall be altered, or as the Board or Boards shall be obliterated or defaced: Provided always, that it shall not be lawful for the said Company to demand or take, or cause to be demanded or taken, any Rates or Tolls by this Act granted, but for and during such Time as the Board so painted as aforesaid shall remain affixed at such Office.

For Payment of Wharfage.

LXXXIII. And whereas it may be found expedient for the said Company to make, build, and erect proper Wharfs and Cranes for loading and landing the Goods, Wares, Merchandize, Commodities, and other Things which may be landed, loaded, received, and forwarded at and from the said Wharfs; be it therefore further enacted, That (in consideration of the Expences which the said Company will by such Means sustain, and of the public Accommodation and Convenience which they will also thereby afford,) it shall and

may be lawful for the said Company from Time to Time and at all Times to ask, demand, take, recover, and receive, to and for their own proper Use and Behoof, for every Ton of Goods, Wares, Merchandize, Commodities, and other Things which shall be loaded from or landed upon any of the said Wharfs, and which shall remain thereupon not more than Seventy-two Hours, any Sum not exceeding Nine-pence; and for every Day or Part of a Day that they shall so remain after the said first Seventy-two Hours, such further Sum as shall be determined by the said Committee of Management, not exceeding Sixpence.

LXXXIV. Provided always, and be it further enacted, That it shall not be lawful for any Person or Persons who shall have landed or laid any Goods, Wares, or Merchandize, or any other Thing whatsoever, upon any of the Quays, Wharfs, or Landing Places to be made by virtue of this Act, to permit the same or any Part thereof to remain longer than Seventy-two Hours, without the Licence of the Committee of Management of the said Company, or the Agent or Collector of the said Company at any such Wharf, Quay, or Landing Place, first had and obtained for that Purpose; and if any such Goods, Wares, and Merchandize, or other Things so landed or laid upon any of the said Wharfs, Quays, or Landing Places, shall remain thereupon for a longer Space than Seventy-two Hours without such Licence as aforesaid, it shall be lawful for any such Collector or Agent of the said Company, or other Person authorized by them for that Purpose, to remove such Goods, Wares, and Merchandizes, or other Things, to a Place of Safety, and there detain the same till Payment of the Charges of such Removal and Detention; and if such Charges shall not be paid within Five Days after Demand by the Collector or Agent of the said Company, the Goods and Chattels so removed, or a sufficient Part thereof, shall and may be sold for Payment of such Charges, and the Expences attending such Sale; such Charges and Expences, in case of Dispute, to be settled and determined by any One or more Justice or Justices of the Peace for the said County of *Cornwall*.

Goods not to remain upon Wharfs for more than 72 Hours without Leave.

LXXXV. And be it further enacted, That the Rules and Regulations respecting the loading or landing Goods and other Things, and the Continuance thereof upon the said Wharfs, and a Table of the Sum or Sums to be paid for Wharfage, shall be respectively painted in large Characters on a Board or Boards, and such Board or Boards shall be affixed and continued on some conspicuous Place or Places at all the Wharfs of the said Navigation, and shall be respectively renewed as often as the same Rules and Regulations, Sum or Sums for Wharfage, or any of them, shall be altered, or as the said Boards or any of them shall be obliterated or defaced.

Table of Tolls for Wharfage to be fixed up.

LXXXVI. And be it further enacted, That the Rates, Tolls, and Duties herein-before authorized to be demanded and taken by the said Company shall be paid to such Person or Persons, at such Place or Places upon or near to the said Canal and Roads, and in such Manner and under such Regulations as the Committee of Management shall in that Behalf direct or appoint; and in case of Neglect or Refusal to pay such Rates, Tolls, or Duties, or any Part thereof, unto the Person or Persons who shall be appointed to receive the

For Recovery of Rates and Tolls.

[Local.]

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same,

same, it shall be lawful for the said Company to sue for and recover the same by Action of Debt or upon the Case in any of His Majesty's Courts of Record at *Westminster*; and in every such Action it shall be sufficient for the Plaintiffs to declare that under and by virtue of a certain Act of Parliament passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled [*here set forth the Title of this Act*], the said Company, or their Assignees or Mortgagees, were lawfully possessed of or entitled to such Tolls, Rates, or Duties as in and by the said Action are sought to be recovered, and to allege when, where, how, and wherefore such Tolls, Rates, or Duties accrued and became payable to the said Plaintiffs; 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 is and are hereby authorized and empowered to seize and distrain the Goods, Wares, Merchandize, or Commodities for or in respect of which such Rates, Tolls, or Duties ought to have been paid as aforesaid, or any Part thereof, and the Boat, Barge, or other Vessel or Raft laden therewith, or any other Boat, Barge, Vessel, or Raft, Goods or Commodities belonging to the Owner of such first-mentioned Boat, Barge, Vessel, or Raft, and lying or being upon the said Canal or Roads hereby authorized to be made, or upon any Wharf, or in any Warehouse adjoining thereto, 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, Barge, Vessel, or Raft to the said Company, together with the reasonable Costs and Charges of such Seizure and Distress; and in case such Distress shall not be redeemed within Six Days from the taking thereof, the same shall and may be appraised and sold as the Law directs in cases of Distress for Rent.

Justices
to settle
Amount of
Rates due.

LXXXVII. Provided always, and be it further enacted, That if any Dispute shall arise concerning the Amount of any such Rates, Tolls, or Duties due, or of the Charges occasioned by any such Distress as aforesaid, it shall be lawful for the Person or Persons so distraining to retain such Distress, until the Amount of the Rates, Tolls, or Duties due shall be ascertained by some Justice of the Peace for the said County of *Cornwall*, who, on Application made to him for that Purpose, shall examine the Matter on the Oath of the Parties, or of a Witness or Witnesses, and shall determine the Amount of the Rates, Tolls, or Duties due, or of the Charges of distraining the same, and it shall be lawful for such Justice to award such Costs to either Party as in his Discretion shall seem proper; and if such Costs to be so awarded shall not forthwith be paid, such Justice shall and may grant his Warrant for levying the same by Distress and Sale of the Goods and Chattels of the said Company, or of the Person or Persons liable to pay the said Costs (as the Case may be), rendering the Overplus (if any), after defraying such Costs, and the Expences attending such Distress and Sale, to the Owner or Owners of such Goods and Chattels so distrained.

For Recovery
of Warehouse
Rent.

LXXXVIII. And be it further enacted, That it shall be lawful for the said Company to detain any Goods, Wares, or Merchandize which shall or may be deposited in any Warehouse of the said Company,

pany, until the Warehouse Rent in respect of such Goods, Wares, and Merchandize shall be fully paid and satisfied; and in case of Non-claim of the said Goods, Wares, and Merchandize, or on Nonpayment of such Warehouse Rent within the Space of Two Calendar Months next after the same shall have been so deposited, to sell and dispose thereof, by public Auction or private Contract, as they shall think best, and out of the Monies to arise by such Sale or Sales, pay and satisfy themselves such Warehouse Rent, and all Costs, Charges, and Expences attending such Sale or Sales, rendering the Overplus (if any be), upon Demand, to the Owner or Owners thereof, Oath being first made in Writing (if required) by such Owner or Owners of his or their Right and Title to the Property so sold and disposed of, before some Justice of the Peace for the said County of *Cornwall*, which Oath any such Justice is hereby duly authorized and required to administer: Provided always, that Ten Days at least before any such Sale shall be made by the said Company, Notice thereof shall be given by Advertisement in some Newspaper published or usually circulated within the said County of *Cornwall*, containing a Description of the Goods so deposited, and stating the Amount of Warehouse Rent due for the same.

LXXXIX. And be it further enacted, That it shall be lawful for the Committee of Management for the Time being of the said Company, from Time to Time to lower and reduce all or any of the Rates, Tolls, and Duties herein-before by this Act authorized to be taken, and afterwards from Time to Time again to advance and raise all or any of the said Rates, Tolls, or Duties which shall have been so lowered or reduced: Provided always, that the Rates, Tolls, and Duties so to be advanced or raised as aforesaid, shall not in any Case exceed the respective Sums herein limited and appointed.

Committee of Management may vary the Tolls.

XC. And be it further enacted, That it shall be lawful for the said Committee of Management, by any Instrument in Writing under their Hands and the Common Seal of the said Company, to let or demise all or any Part or Parts of the Rates, Tolls, and Duties arising from or to be payable under or by virtue of this Act, for any Term not exceeding Three Years at any one Time, to any Person or Persons, for the highest Rent that can be had or gotten for the same, either by public Bidding or otherwise; provided that Two Calendar Months previous Notice be given in some of the public Newspapers published or usually circulated in the County of *Cornwall*, of the Intention of the said Committee of Management to lease or demise the said Rates, Tolls, or Duties; and so that the Person or Persons renting the same shall give satisfactory Security to the said Committee of Management, by Articles in Writing, for the true Performance of his, her, or their Bargain, Contract, or Agreement with them; and the Person or Persons so renting the said Duties shall have full Power and Authority to ask, demand, collect, and receive the same, and shall in every respect be deemed and taken to be a Collector or Collectors appointed by the said Committee of Management.

Power to demise the Tolls.

XCI. And be it further enacted, That the Tonnage of all Goods, Merchandize, Articles, and other Things whatsoever, conveyed upon and along the said Canal or Roads, shall be ascertained and charged according

Mode of ascertaining Weight of Goods.

according to the real Weight thereof, save and except such Goods as are usually denominated Light Goods, of which Forty Cubic Feet shall be deemed and taken to be One Ton; and in all Cases One hundred and twelve Pounds Weight Avoirdupoise shall be deemed and taken as for One Hundred Weight, and Twenty such Hundred Weight as One Ton, any Usage to the contrary thereof notwithstanding.

Masters of Boats, &c. to give an Account of Lading.

XCII. And be it further enacted, That the Master, Owner, or other Person having the Care of any Boat, Barge, or other Vessel or Raft navigating upon the said Canal or Navigation, or any Part thereof, shall from Time to Time give in a just and true Account in Writing, signed by him, to the Collector or Collectors of the said Tolls, Rates, or Duties, at the Place or Places where they shall attend for that Purpose, of the several Quantities, Qualities, and Weight of the Goods, Wares, Merchandize, and Commodities contained in every Boat, Barge, or other Vessel or Raft, or of which such Raft shall consist, and of the Place from whence brought, or where intended to be landed or carried, and also the Quantities, Qualities, or Weight of such Goods, Wares, Merchandize, or Commodities, as shall have been discharged or taken out of such Boat, Barge, or other Vessel, or from any Raft, within the Limits of the said Navigation, before their Arrival at the Place where such Account is to be given; and if such Goods, Wares, Merchandize, or Commodities shall be liable to the Payment of different Rates, then such Master or Owner, or other Person shall specify the Quantities liable to the Payment of such Rate; and in case any such Master, Owner or other Person shall neglect or refuse to give such Account, or refuse to produce his Invoice or Bill of Lading to such Collector or Collectors, if demanded, or shall give a false Account thereof, or shall deliver any Part of his Lading or Goods at any other Place or Places than what shall be mentioned in such Account, every Person so offending shall forfeit and pay to the said Company the Sum of Five Pounds for every such Offence, over and above all the Tolls, Rates, or Duties which shall be payable for such Goods, Wares, Merchandize, or Commodities.

In case of any Dispute respecting the Weight of Goods, Collectors may weigh, &c.

XCH. And be it further enacted, That if any Difference shall arise between any Collector of the said Tolls, Rates, or Duties, and the Master or Person having Charge of any Boat, Barge, or other Vessel or Raft, or the Owner of any Goods, Wares, Merchandize, or other Commodities on board thereof, concerning the Weight or Quantity of any such Goods, Wares, Merchandize, or Commodities, it shall be lawful for any such Collector to stop and detain any such Boat, Barge, or other Vessel or Raft, and to weigh, measure, and gauge, or cause to be weighed, measured, and gauged, all such Goods, Wares, Merchandize, and Commodities as shall be therein contained; and in case the same shall, upon such weighing, measuring, and gauging, appear to be of greater Weight or Quantity than such Master, Owner, or other Person affirmed or stated the same to be, then the said Master, Owner, or other Person having the Care of such Barge, Boat, or other Vessel or Raft, shall pay the Costs and Charges of such weighing, measuring, and gauging; and such Costs and Charges, in case of Refusal of Payment thereof upon Demand, shall and may be levied

and recovered in the same Manner as the said Tolls, Rates, or Duties are hereby appointed to be levied and recovered; but if such Goods, Wares, Merchandize, and Commodities shall appear to be of the same Weight and Quantity, or of less Weight and Quantity than the said Master, Owner, or other Person declared the same to be, then the said Company shall pay the Costs and Charges of such weighing, measuring, or gauging, and shall also pay to such Master, Owner, or other Person, or to the Owner or Owners of such Goods, Wares, Merchandize, and Commodities, such Damages as shall appear to One or more of His Majesty's Justices of the Peace acting in and for the County of *Cornwall*, on the Oath of One or more credible Witness or Witnesses, to have arisen from such Detention; and in default of immediate Payment thereof by the said Company, or by such Collector (as the Case may be), the same shall be recovered from the said Company, or the said Collector (as the Case may be), by Distress and Sale of his Goods and Chattels, by Warrant under the Hand and Seal of the said Justice, or otherwise by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*.

XCIV. And be it further enacted, That in case it shall at any Time be made appear to any Justice, upon the Complaint of the said Company, or upon the Oath of One or more credible Witness or Witnesses, that such Stoppage and Detention, and weighing, measuring, and gauging, was without reasonable Ground or Belief, or was vexatious on the Part of such Collector, then the said Collector shall himself pay the Costs and Charges of such weighing, measuring, or gauging, and shall also pay to such Master or other Person, or to the Owner or Owners of such Goods, Wares, Merchandize, and Commodities, such Damages as shall appear to the said Justice, on the Oath of One or more credible Witness or Witnesses, to have arisen from such Detention.

If Collector detains Goods vexatiously, to pay Damages.

XCV. And be it further enacted, That it shall be lawful for the Justices present at any General Quarter Sessions of the Peace to be held in and for the said County of *Cornwall*, upon Application to be made by the said Company, or their Committee of Management for the Time being, from Time to Time to ascertain and fix the Price or Sum or Sums of Money to be charged or taken for the Carriage of any Parcel not exceeding Two Hundred Weight upon the said Canal or Roads, or any Part thereof; and the said Company shall from Time to Time cause to be painted on Boards, and affixed upon every public Wharf upon the said Canal, in some conspicuous Place, 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 as aforesaid upon the said Canal; and in case any Owner or Master, or other Person having the Care of any Boat or other Vessel navigating or passing upon the said Canal, or any Part or Parts thereof, after such List or Account, 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 so fixed as aforesaid, shall demand or take for the Carriage of any Parcel as aforesaid more than the Price or Sum or Sums of Money in such List or Account ascertained and particularized for that Purpose, such Owner, Master, or other Person shall

Justices, on Application of Company, to fix the Sums to be paid for Parcels.

[*Local.*]

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shall

shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings, at the Discretion of the Justice before whom such Person shall be convicted.

Navigation
to be free on
Payment of
Tolls.

XCVI. And be it further enacted, That all and every Person and Persons shall have free Liberty to use with Horses, Cattle, or Carriages, the private Ways and Roads belonging to the said Company, (except the Towing Paths), for the conveying any Goods, Wares, Merchandize, or other Things to and from the said intended Canal and Roads, and the Wharfs, Quays, and Landing Places belonging thereto, and also with Boats, Barges, and other Vessels and Rafts, to navigate, pass upon, and use the said Canal for the Purpose of conveying any Goods, Wares, Merchandize, or Commodities 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 hauling and drawing of such Boats, Barges, and other Vessels and Rafts, upon Payment of such Rates, Tolls, and Duties for the same respectively as shall be demanded by the said Company, not exceeding the several Rates, Tolls, and Duties herein-before mentioned, and subject always to the Rules, Orders, Bye Laws, and Regulations which shall from Time to Time be made by the Committee of Management, by virtue of the Power by this Act given in that Behalf.

No Person to
keep a Pas-
sage Boat.

XCVII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to enable any Person or Persons (except the said Company or any Person acting by or under their Authority), to keep or use any Boat or other Vessel for the Conveyance of Passengers for Hire or Reward along the said Canal; and if any Person shall convey any Passenger upon the said Canal for Hire or Reward in any Boat or other Vessel, or upon any Raft, every Person so offending shall forfeit and pay for every Passenger so conveyed any Sum not exceeding Twenty Shillings.

Lords of
Manors and
others may
erect Wharfs.

XCVIII. And be it further enacted, That it shall be lawful for the Lord or Lords, Owner or Owners of any Manor, Lands, or Grounds by or through which the said intended Canal and Roads shall be made, and for the Lessee or Lessees of such Owner or Owners, to make, erect, and set up, either for his, her, or their own private Use, or for the Use of the Public, any Wharfs, Quays, Landing Places, Cranes, Weighbeams, or Warehouses, in or upon his, her, or their respective Lands or Grounds adjoining or near to the said Canal, or any Basins connected therewith, and to make and lay out proper Ways and Roads to the same, across any Lands belonging to the said Company, and to land any Goods or other Things upon such Wharfs, Quays, or Landing Places, or upon the Banks lying between the same and the said Canal, and also to make and use proper and convenient Places for Boats, Barges, and other Vessels to lie and turn in, and pass each other, so that the making or using thereof respectively do not obstruct or prejudice the Navigation of the said Canal, or the Passage on the Towing Paths thereof; and all Rates or Tolls which shall be demanded and paid for the Use of such of the said Wharfs, Quays, Landing Places, Cranes, Weighbeams, and Warehouses respectively

as shall be erected by such Lord or Lords, Owner or Owners, Lessee or Lessees, for the Use of the Public, not exceeding the Rates hereinbefore limited for Wharfage, shall be and the same are hereby accordingly vested in such Lord or Lords, Owner or Owners, Lessee or Lessees, as the Case may be, who shall make and erect such Wharfs, Quays, Landing Places, Cranes, Weighbeams, and Warehouses as aforesaid, and his, her, or their respective Heirs and Assigns, or his, her, or their respective Executors, Administrators, or Assigns, as the Case may be.

XCIX. And be it further enacted, That if any such Lord or Lords, Owner or Owners, shall not, within the Space of Six Calendar Months next after Notice in Writing shall be given to him, her, or them, or left at his, her, or their usual Place or Places of Abode, under the Hand of the Clerk of the said Company, on behalf of the said Company, stating that any Part or Parts of his, her, or their Lands or Grounds is or are necessary or proper for erecting and making any public Wharfs, Quays, Landing Places, Cranes, Weighbeams, or Warehouses, or for making and laying out any Road or Roads for the Conveyance of Goods to and from the said Canal, give Notice in Writing to the said Clerk of his, her, or their Intention to erect and make, and shall not forthwith proceed to erect and make, and within Nine Calendar Months from the Date of such last-mentioned Notice, erect and lay out, and afterwards from Time to Time maintain and keep in good and substantial Repair, such proper and sufficient Wharfs, Quays, Landing Places, Cranes, Weighbeams, Warehouses, and Roads for the Use of the Public on the respective Part or Parts of the Lands or Grounds to be described in such Notice, then and in such Case the said Company shall have full Power and Authority, without any Hindrance or Restraint whatsoever, to make use of such Part or Parts of such Lands or Grounds for erecting and building proper and sufficient Wharfs, Quays, Landing Places, Cranes, Weighbeams, and Warehouses, and for making and laying out proper and convenient Roads to and from the said Canal agreeably to such Notice so given by the said Clerk as aforesaid, they the said Company first making Satisfaction for the same in such manner as is herein-before directed with respect to any Lands or Grounds which shall be taken or used by the said Company for the Purposes of this Act.

If they refuse,
Company
may erect.

C. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Company or any Person or Persons to make use of any Wharfs, Quays, Landing Places, Cranes, Weighbeams, or Warehouses, which shall be made, erected, and set up by the Lord or Lords, Owner or Owners of any Manor, Lands, or Grounds adjoining or near to the said Canal, for his, her, or their own private Use only, or to erect or set up any Cranes or Weighing Machines in or upon any private Wharfs, Quays, or Landing Places, without the Consent in Writing of such Lord or Lords, Owner or Owners.

Private
Wharfs not
to be used by
Company
without Con-
sent.

CI. And be it further enacted, That in case any Person or Persons navigating or intrusted with the Care of any Boat, Barge, or other Vessel

Penalty on
Persons evad-
ing Tolls.

Vessel or Raft upon the said Canal or any Part thereof, shall, with Intent to avoid or evade the due Payment of any of the Tolls, Rates, or Duties hereby made payable, load, unload, or take into or upon any Boat, Barge, or other Vessel or Raft, any Goods, Wares, Merchandize, or Commodities whatsoever liable to pay any of the Tolls, Rates, or Duties herein-before mentioned, at any other Place or Places than at the public or private Wharfs or Quays upon or belonging to the said Navigation, without having previously obtained Permission in Writing for that Purpose from the Committee of Management, or from some one of the Agents or Collectors of the Tolls to the said Company, or in case any Person or Persons shall do any other Act with Intent to evade the Payment of the said Tolls, Rates, or Duties, every Person so offending shall for every such Offence forfeit and pay to the said Company the Sum of Five Pounds.

Places to be made for Vessels to turn and pass each other.

CII. And be it further enacted, That it shall be lawful for the said Company and they are hereby required, in such Parts of the said Canal as shall not be of sufficient Breadth for admitting a Boat, Barge, or other Vessel or Raft to turn about, or for Two Boats, Barges, or other Vessels or Rafts to pass each other, to open and cut proper Spaces and Places in the Lands adjoining to the said Canal, at convenient Distances from each other, for the turning and passing of such Boats, Barges, or other Vessels or Rafts, that all Boats, Barges, or other Vessels or Rafts passing upon the said Canal shall, upon meeting any other Boat, Barge, Vessel, or Raft, stop at, or go back to, and lie in the said Spaces or Places to be made for that Purpose, in such manner as the Committee of Management shall from Time to Time direct and appoint.

Penalty on Boats, &c. obstructing the Navigation.

CIII. And be it further enacted, That if any Boat, Barge, or other Vessel or Raft shall be placed in any Part of the said Canal, or of the Trenches, Sluices, or Passages belonging thereto, so as to obstruct the Navigation or Passage thereon, and the Person having the Care of such Boat, Barge, Vessel, or Raft shall not immediately remove the same, or alter the Position thereof, upon Request made for that Purpose, he shall for every such Offence forfeit and pay a Sum not exceeding Twenty Shillings, and shall moreover forfeit and pay a Sum not exceeding Five Shillings for every Hour during which such Obstruction shall continue after such Request for Removal thereof shall be made as aforesaid; and it shall be lawful for any of the Collectors, Agents, or Servants of the said Company to cause any such Boat, Barge, Vessel, or Raft to be unladen, if necessary, and to be removed in such manner as shall be requisite for preventing any further Obstruction therefrom, and to seize and detain such Boat, Barge, Vessel, or Raft, and the Lading thereof, or any Part of such Lading, until the said Penalty or Penalties, and the Charges of such unloading or removal, shall be paid.

Boats, &c. sunk, to be weighed up.

CIV. And be it further enacted, That if any Boat, Barge, Vessel, or Raft shall be sunk in any Part of the said Canal, and the Owner or Owners, or Person or Persons having the Care thereof shall not without Loss of Time weigh or draw up the same, it shall be lawful for the Agents or Servants of the said Company, or any of them, to cause such Boat,

Boat, Barge, Vessel, or Raft to be weighed and drawn up, and detain and keep the same, until Payment shall be made of all Expences thereby necessarily incurred or occasioned.

CV. And be it further enacted, That every Owner, Master, or Person having the Charge or Command of any such Boat, Barge, or other Vessel, shall from Time to Time, when thereunto required, permit and suffer the same to be gauged and measured by such Person or Persons as shall be appointed for that Purpose by the said Company or their Committee of Management; and every Owner, Master, or other Person having the Charge or Command of any Boat, Barge, or other Vessel, who shall refuse to permit any such Boat, Barge, or other Vessel to be gauged and measured as aforesaid, and also any Owner, Master, or other Person who shall have the Charge and Command of any Boat, Barge, Vessel, or Raft, who shall navigate the same upon the said Canal, or who shall cause or permit such Boat, Barge, Vessel, or Raft to be at any Time unloaded without a Stage being laid from the Side of such Boat, Barge, Vessel, or Raft to the Bank of the said Canal, in order to prevent any Dirt or Rubbish falling into the same, shall for every such Offence respectively forfeit and pay any Sum not exceeding Five Pounds.

CVI. And be it further enacted, That the Master or Owner of every Boat, Barge, Vessel, or Raft navigating or passing upon the said Canal, shall be and he is hereby made answerable for all Damage, Spoil, or Mischief as shall be done by his Boat, Barge, Vessel, or Raft, or the Horses used in drawing the same, or by any of the Boatmen, Watermen, or others belonging to or employed in or about the same respectively, unto any of the Bridges, Weirs, Locks, Dams, Engines, Trenches, Sluices, or other Works in, upon, or belonging to the said Canal, either by loading or unloading, or navigating any such Boat, Barge, Vessel, or Raft, or by any other Means whatsoever, and also for any Trespasses or Damage that shall or may be committed or done to the Owners or Occupiers of any Buildings, Lands, or Tenements adjoining or lying near the said Canal, by leaving open Gates or otherwise, and for any Trespass whatsoever, contrary to the said several Directions and Restrictions in this Act contained or any of them; and every such Master or Owner shall, upon Conviction before any One Justice of the Peace, either upon Confession or upon the Oath or Oaths of One or more credible Witness or Witnesses (which Oath or Oaths such Justice is hereby empowered and required to administer), pay the Person or Persons injured the Damages to be ascertained by such Justice, provided such Damages do not exceed the Sum of Ten Pounds; and upon Nonpayment on Demand the same shall be levied by Distress and Sale of the Goods and Chattels of such Master or Owner, in like Manner as any other Penalties or Forfeitures are by this Act directed to be levied, or if the Damages shall exceed the Sum of Ten Pounds, then the same may be sued for and recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*.

CVII. And be it further enacted, That if any Master or Masters, Owner or Owners of any Boat, Barge, Vessel, or Raft navigating or passing

[Local.]

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passing

Boats, &c. to be gauged when required by the Company.

Owners of Boats, &c. answerable for Damage done by their Vessels, Horses, or Servants.

Owners may recover from their Servants.

passing on the said Canal, shall be compelled to pay any Penalty, or to make Satisfaction for any Damage or Trespass by reason of any wilful Act, Neglect, or Default of his or their Servant or Servants, Boatmen or Watermen, or any of them, then and in such Case every such Servant, Boatman, or Waterman shall be liable to repay such Penalty or Satisfaction for Damages or Trespass, with the Costs attending the same, to such Master or Masters, Owner or Owners; and in case of Nonpayment thereof upon Demand and Oath made by such Master or Masters, Owner or Owners, of the Payment made by him or them of such Penalty or Satisfaction for Damages, and that the same and the Costs thereof have 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 any One or more of the Justices of the Peace for the said County of *Cornwall*), the Amount thereof shall be recovered in like Manner as any Penalty is hereby directed to be recovered.

Penalty on
Persons ob-
structing the
Navigation,
wasting the
Water, &c.

CVIII. And be it further enacted, That if any Person or Persons shall float any Timber upon the said Canal without having the same properly hooded or otherwise secured, agreeable to the Directions of the Committee of Management of the said Company, or shall navigate on the said Canal any Boat or Vessel laden with Timber, which shall lie over the Sides of such Boat or Vessel, in such a Way as to obstruct the Passage of any other Boat, Vessel, or Raft, and shall not immediately upon Notice given of such Obstruction, haul or draw back such Boat or Vessel into such Place or Places as shall be made or be proper for Boats or other Vessels to pass each other, or shall not otherwise remove the same so as to make a free Passage for other Boats, Vessels, or Rafts; or if any Person or Persons shall wilfully throw any Ballast, Gravel, Stones, Rubbish, or other Matter or Thing into any Part of the said Canal, or into any Trenches, Sluices, or Passages for Water, to be made in pursuance of this Act; or if any Person or Persons shall wantonly or unnecessarily open or draw, or cause to be opened or drawn, any Lock, Paddle, Valve, or Sluice belonging to the said Canal, or shall wilfully flush or draw off, or cause to be flushed or drawn off, the Water from any Part of the said Navigation, or from any Part of the said Rivulet called the *Crylla*, or from the said Channel so crossing the said Canal with the Water of the said Rivulet as aforesaid, or from the said Reservoir; or shall leave any of the Gates or Sluices of any Lock open after any Boat, Vessel, or Raft shall have passed through the same, (except in such Cases as herein-before otherwise ordered), or shall wilfully obstruct, hinder, or prevent any Person in the Execution of this Act; every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Twenty Pounds.

Punishment
of Persons
wilfully de-
stroying
Works.

CIX. And be it further enacted, That if any Person or Persons shall wilfully, maliciously, and to the Prejudice of the said Navigation, break, throw down, or destroy any Bridge or Bridges, Bank or Banks, Lock or Locks, Erections or Buildings, or other Works to be erected and made by virtue of this Act, every Person so offending, being lawfully convicted, shall be transported as Felons are directed to be transported by the Laws and Statutes
of

of this Realm, for any Term not exceeding Fourteen Years; or otherwise the Court before whom such Person shall be convicted, may, in mitigation of such Punishment (if they shall think fit) award such other Punishment as the Law directs in Cases of Petit Larceny.

CX. And be it further enacted, That if any Person or Persons shall throw, cast, or lay on any Part of any Road, Bank, or Towing Path belonging to the said Canal, any Dung or other Manure, Dust, Ashes, Rubbish, or other Matter, otherwise than on the Wharfs and other Places to be made and provided for the loading and unloading of Goods, Wares, and Merchandize, every such Person so offending shall forfeit and pay any Sum not exceeding Forty Shillings, to be recovered and applied in such Manner as other Penalties under this Act are directed to be recovered and applied.

Penalty for leaving Rubbish, &c. on the Towing Paths.

CXI. And be it further enacted, That in case any Person or Persons shall bathe in the said Canal, or in any Waterway, Feeder, or Pond, being the Property of the said Company, without the Permission of the said Company or their Agents, it shall be lawful for any Justice of the Peace for the said County of *Cornwall*, and he is hereby required, upon Complaint made to him by One or more credible Witness or Witnesses of any such Offence, to issue a Warrant to apprehend the Party or Parties so accused, or it shall be lawful for any Person or Persons who shall see such Offence committed, to apprehend, and also for any Person or Persons to assist in apprehending, the Offender or Offenders, and by Authority of this Act, without any other Warrant, to deliver him, her, or them into the Custody of a Peace Officer, in order to be secured and conveyed before some Justice of the Peace for the said County; and on the Party or Parties accused being brought before some Justice, such Justice shall proceed to examine upon Oath any Witness or Witnesses who shall appear or be produced to give Evidence touching such Offence, and such Party or Parties being convicted either by his, her, or their Confession, or upon such Evidence as aforesaid, shall for every such Offence respectively, and if more than One, shall severally forfeit and pay any Sum not exceeding Forty Shillings; and in case such Offender or Offenders shall not upon Conviction forthwith pay such Penalty by him, her, or them incurred, such Justice is hereby required to commit such Offender or Offenders to the Common Gaol or House of Correction of the said County, there to be kept to hard Labour for any Time not exceeding One Calendar Month, and such Offender or Offenders shall not be discharged before the Expiration of the Time for which he, she, or they shall be so committed, unless such Penalty as aforesaid be sooner paid.

Penalty on Persons bathing in Canal.

CXII. And be it further enacted, That if any Lock Keeper, Wharfinger, or other Person employed by or serving or belonging to the said Company, shall give any undue Preference or show any Partiality to any Boat, Barge, Vessel, or Raft in passing through any Lock or Locks upon the said Canal, or in loading or unloading any Goods or Things at any of the Wharfs, Warehouses, Weighbeams, Cranes,

Penalty on Lock Keepers giving any Preference.

Cranes, or other Machines belonging to the said Company, every Person so offending shall upon Conviction forfeit and pay any Sum not exceeding Forty Shillings.

Enabling
Company to
cleanse
Ditches and
Drains ad-
joining Ca-
nal.

CXIII. 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 other Works, or any of them, shall by reason of their not being sufficiently cleansed or opened, hinder and obstruct the free Passage of the Water from the Drains, Culverts, and Passages belonging to the said Navigation, and if the same shall not be perfectly cleansed and opened within Twenty-one Days after Notice in Writing shall have been given thereof to, or left at the Place of Abode of such Owner or Occupier by the Clerk or Agent for the said Company, it shall then be lawful for the said Company (an Order in Writing for the said Purpose having been first obtained from any Two or more Justices of the Peace for the said County of *Cornwall*), 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 Justices or any Two of them, shall be repaid to the said Company by such Owner or Occupier as aforesaid; and in case of Refusal to satisfy the same for the Space of Three Calendar Months after Demand shall have been made thereof, such Charges and Expences shall and may be recovered and levied in such Manner as Forfeitures and Penalties are hereinafter directed to be recovered.

Regulating
Ascent to
Bridges.

CXIV. And be it further enacted, That in all Places where it may be necessary to erect or build any Bridge or Bridges to communicate with any public Carriage Road, the Ascent to every such Bridge for the Purpose of such Road shall not be more than One Foot in Thirteen Feet, and a good and sufficient Fence shall be made on each Side of every such Bridge, which Fence shall not be less than Four Feet above the Surface of such Bridge.

For fencing
off Canal,
Towing
Paths, &c.

CXV. And be it further enacted, That the said Company shall at their own Costs divide and separate, and keep constantly divided and separated, the said Canal, Roads, Towing Paths, Trenches, or Passages, or such Part or Parts thereof respectively as shall be declared necessary by any Two or more Justices of the Peace of the said County of *Cornwall*, from the adjoining Lands or Grounds, by Posts, Rails, Hedges, Ditches, Trenches, Banks, or other Fences, sufficient to keep off Sheep and other Cattle, as well as for the due Protection of Gardens and Garden Grounds to be set out and made on the Lands or Grounds which shall be purchased by, conveyed to, or vested in the said Company as aforesaid; and the said Company shall, at their own proper Costs and Charges, from Time to Time maintain and support the said Towing Paths, and the said Posts, Rails, Hedges, Ditches, Trenches, Banks, and other Fences to be set up and made as aforesaid, and also shall, at their like Costs and Charges, make, erect, and set up, and from Time to Time maintain and support such and so many convenient Bridges across the said Canal, or any Aqueduct,
Conductor,

Conductor, or Watercourse leading into the same, and also Gates and Stiles in and through all the Hedges and Fences to be by them so made on the Side of such Towing Paths as aforesaid, in such manner as any Two or more Justices of the Peace of the said County shall from Time to Time judge necessary and appoint, for the Use of the Owners and Occupiers of the Lands and Grounds or Hereditaments adjoining to such Canal; and the said Company shall not make the said Canal or any Part thereof, or any Trench or Watercourse belonging to the same, in or across any common Highway, public Bridleway, or Footpath, until they shall, at their own Costs and Charges, have made and provided a good and sufficient temporary Road, Bridleway, or Footpath, for the Accommodation of all Persons whomsoever, and until a good and sufficient Bridge or Bridges, Passage or Passages, over, across, or under the said Highway, Bridleway, or Footpath shall be made and perfected, and all such Gates, Stiles, Bridges, Arches, and other Works and Conveniences so to be made as aforesaid, shall from Time to Time thereafter be supported, maintained, and kept in sufficient Repair by the said Company.

CXVI. And be it further enacted, That in case the said Company and their Agents shall refuse or neglect to divide and separate, and to keep divided and separated, the said Canal, Roads, and Towing Paths in manner herein-before directed, or to make, erect, and set up Gates, Bridges, and Stiles in, over, and through the Fences on the Side of the said Towing Paths, or such Bridges, Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages, for the Use and Convenience of the respective Owners or Occupiers of Lands or Hereditaments adjoining or near to the said Canal, or to maintain and support such Gates, Stiles, and Bridges when erected, set up, and made, of such Dimensions and in such Manner as aforesaid, for the Space of Thirty Days next after the Times to be appointed by the said Justices as aforesaid, after Notice shall have been given by or on behalf of the Owner or Owners, Occupier or Occupiers of any such Lands or other Hereditaments, who shall find themselves aggrieved by any such Refusal or Neglect, to the said Company, 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, or Hereditaments, who shall find himself, herself, or themselves aggrieved as aforesaid, to make, erect, and set up all such Gates, Stiles, and Bridges, and other Conveniences as shall be necessary, and shall have been before directed or appointed by the said Justices to be made, erected, and set up by the said Company as aforesaid, and to maintain, repair, and support the same from Time to Time as Occasion shall require, so that in making and maintaining such Works, the said Navigation, or the Banks thereof, or the Feeders belonging thereto, shall not be stopped or injured for any longer Space of Time, or in any other Manner than shall be necessary for the doing thereof; and all the reasonable Costs and Charges thereof, to be settled and allowed by the said Justices, shall be repaid to the respective Owners or Occupiers of the said adjacent Lands, Grounds, or other Hereditaments, who shall have so erected and made, repaired or maintained such Works as aforesaid, by the said Company; and the said Owners and Occupiers, upon Refusal of the said Company to pay the said Costs and Charges as aforesaid,

If Company do not fence off Towing Paths, make Bridges, &c. Land Owners may do it at the Company's Expence.

shall and may recover the same by Distress and Sale of the Goods and Chattels of the said Company, in the same Manner as any other Costs and Charges are hereby directed to be levied and recovered.

Land Owners
may make
others at their
own Ex-
pence.

CXVII. Provided always, and be it further enacted, That if any Owners or Occupiers of any Lands or other Hereditaments by or through which the said Canal shall be made, shall at any Time or Times hereafter choose to erect other Gates, Stiles, Bridges, Passages, Tunnels, Drains, Back Drains, Trenches, or other Passages and Conveniences, than such as the said Justices shall have so directed or appointed to be made by the said Company, then and so often and in any such Case it shall be lawful for all or any of such Owners or Occupiers, with the Approbation and Consent of the Committee of Management of the said Company, to make, fix, and erect, at their own proper Costs and Charges, such Gate or Gates, Stiles, Bridges, Passages, Tunnels, or other Conveniences, of the same or like Constructions with others made by the said Company in, over, or near to the said Canal or the Towing Paths thereof, in such Places as the said Owners and Occupiers shall judge 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 that the Navigation of, in, or upon the said Canal be not prevented or obstructed thereby for any longer Space of Time, or in any other Manner, than the same would necessarily have been if such Gates, Stiles, Bridges, Passages, Tunnels, or other Conveniences had been made or erected by the said Company as aforesaid.

Empowering
Company to
get Materials
to repair
Works da-
maged by
Floods, &c.

CXVIII. And whereas it may happen, from Floods or from some unexpected Accidents, that the Locks, Weirs, Flood Gates, Dams, Banks, Trenches, or other Works of the said Navigation and Roads may be injured or destroyed, and the adjacent Lands may thereby suffer Damage, and it may be necessary that the same should be immediately repaired or rebuilt, to prevent further Damages; be it therefore enacted, That when and as often as any such Case shall happen, it shall be lawful for the said Company from Time to Time, or for their or any of their Servants, Agents, or Workmen, without any Delay or Interruption from any Person or Persons whomsoever, to enter into any Lands, Grounds, or Hereditaments adjoining or near to the said Canal and other Works or Conveniences, or any of them (not being the Ground whereon any House or other Building stands, or Garden, Orchard, Park, Paddock, planted Walk, Nursery Ground, or Avenue to a House), and to dig for, work, get, and carry away, and use all such Stones, 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 and Grounds or Hereditaments, or any of them, doing as little Damage thereto as the Nature of the Case will permit, and making Recompence for the same to the Owners and Occupiers or other Persons interested in such Lands, Grounds, or Hereditaments, within the Space of Ten Days next after the same shall be demanded; which Damages, and the Compensation to be made in respect thereof, shall be settled and determined

determined, or assessed and recovered by the Ways herein prescribed and directed with respect to other Damages to be done by making and completing the said Navigation.

CXIX. Provided always, and be it further enacted, That the said Company shall make ample and full Satisfaction and Compensation to the Owner and Owners of any Lands, Hereditaments, and Premises that may be prejudiced or damaged by reason of any Floods or Accidents happening by reason or in consequence of the making of the said Canal and other Works, for all such Damage or Loss which they may respectively sustain by reason of any such Floods or Accidents so happening as aforesaid, the same to be ascertained and settled, in case of any Difference, in manner aforesaid.

Compensation in case of Damage by Floods.

CXX. 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 given by this Act, 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 or assessed 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 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.

Compensation for Damages not herein-before provided for.

CXXI. And be it further enacted, That if any Person or Persons navigating or working, or being on board any Boat, Barge, Vessel, or Raft upon the said Canal, shall carry with him or them, or have on board any Boat, Barge, Vessel, or Raft, any Fishing Net, Gun, Engine, or other Instrument for taking or destroying Fish or Game (not being qualified by Law so to do), such Person or Persons shall for every such Offence, being convicted thereof before any One Justice of the Peace on the Confession of the Party offending, or on the Oath of One or more credible Witness or Witnesses, forfeit and pay any Sum not exceeding Five Pounds; and in case any Master or other Person having the Rule or Command of any Boat, Barge, Vessel, or Raft, shall knowingly suffer or permit any Person (not being duly authorized so to do), to have, carry on board, or make use of any Fishing Net, Gun, Engine, or other Instrument for taking or destroying any Fish or Game, every such Master or Person shall for every such Offence, being in manner aforesaid convicted thereof, forfeit and pay any Sum not exceeding Five Pounds.

Penalty on Bargemen, &c. carrying Fishing Nets or Guns.

CXXII. And be it further enacted, That it shall be lawful for the Owners and Occupiers of the respective Lands or Grounds lying adjoining or near to the said Canal, or any other Person or Persons whomsoever, to cut or make, either upon their own Lands or upon the Lands of other Persons, with the Consent of such other Persons, any collateral Branch or Branches from their respective Lands or Grounds to communicate with the said Canal, or for making at their own Expence such Openings in the Sides of the said Canal as may be necessary and convenient for effecting such Communication; and the

Allowing the Owners of Lands to cut Branch Canals.

said

said Company shall not receive any Tonnage for the passing of any Goods or other Things along such Branch or Branches so to be made by any such Owner or Occupier, or Person or Persons as aforesaid.

In case of Nonpayment of Compensation for Damages, &c. the same to be levied by Distress.

CXXIII. And be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace in pursuance of this Act, as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage, Spoil, or Injury of any Nature or Kind whatsoever done or committed by the said Company, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Company to the Party or Parties entitled to receive the same within Ten Days after Demand in Writing shall have been made from the said Company, in pursuance of the Direction or Order made by such Justice or Justices, and in which Demand the Order of such Justice or Justices shall be stated, then and in such Case, the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Company by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices, which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal, or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned on Demand to the said Company, or to their Treasurer for the Time being, as the Case may be: Provided always, that it shall be lawful for such Treasurer to retain, out of any Monies which he shall have received or shall receive in pursuance of this Act, all such Damages, Costs, Charges, and Expences as he shall have sustained or been put unto by virtue of any such Warrant as aforesaid.

Damages and Charges, in case of Dispute, to be settled by Justices.

CXXIV. And be it further enacted, That where any Damages or Charges are directed or authorized to be paid or recovered in addition to any Penalty or Penalties for any Offence or Offences in this Act mentioned, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled and determined by the Justice or Justices of the Peace by or before whom any Offender shall be convicted of any such Offence or Offences, who is hereby authorized and required, on Nonpayment thereof, to levy such Damages by Distress and Sale of the Offender's Goods and Chattels, in manner by this Act directed for the levying of any Penalties or Forfeitures.

For Recovery of Penalties.

CXXV. And be it further enacted, That all Complaints and Informations of and for Offences against this Act, or any Rule, Order, or

Bye Law to be made in pursuance thereof, except in Cases where the Manner of hearing and determining thereof is herein-before otherwise directed, shall and may be made before One or more Justice or Justices of the Peace for the County or Place wherein the Offence shall be committed, and such Justice or Justices is and are hereby authorized and empowered to take Cognizance thereof, and to summon the Person or Persons complained of to appear before him or them, or upon Complaint upon Oath to issue his or their Warrant or Warrants for the Apprehension of any such Person or Persons, and upon appearing or not appearing of such Person or Persons pursuant to such Summons, or upon such Person or Persons being apprehended with such Warrant, to hear the Matter of every such Complaint and Information, by Examination of any Witness or Witnesses upon Oath, and to make such Determination thereon as such Justice or Justices shall think proper; and upon Conviction of any Person, such Justice or Justices shall and may issue a Warrant under his or their Hand and Seal, or Hands and Seals, for levying the Fine, Penalty, or Forfeiture by virtue of this Act, or of any Bye Law made in pursuance thereof, imposed for such Offence, by Distress and Sale of the Goods and Chattels of the Persons so convicted; and it shall be lawful for such Justice or Justices to order any Person so convicted to be detained and kept in the Custody of any Constable or other Peace Officer, until it can be ascertained whether such Person hath any Goods and Chattels whereon such Fine, Penalty, or Forfeiture can be levied; and in case sufficient Goods or Chattels of any Person liable to pay any such Fine, Penalty, or Forfeiture, cannot be found whereon to make such Distress, and such Fine, Penalty, or Forfeiture shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justice, either by the Confession of the Offender or Offenders or otherwise, that the Offender or Offenders hath or have not sufficient Goods and Chattels whereon such Penalties, Forfeitures, Fines, Costs, and Charges may be levied were a Warrant of Distress issued, such Justice shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justice and Justices, and he or they is and are hereby authorized and required, by Warrant under his or their Hand and Seal or Hands and Seals, to commit such Offender to the Common Gaol or House of Correction for any Term not exceeding Three Calendar Months, unless such Penalty or Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied; and all such Fines, Penalties, and Forfeitures, when recovered, shall, where the Application is not otherwise directed by this Act, be paid into the Hands of the Overseers of the Poor of the Parish or Place where such Offence shall be committed, and shall be applied and disposed of towards the Relief of the Poor of such Parish or Place, and the Overplus (if any), arising from such Distress and Sale, after Payment of the Penalty, and the Costs and Charges attending the same, shall be returned upon Demand to the Owner of the Goods and Chattels so distrained.

CXXVI. And be it further enacted, That it shall be lawful for any Person or Persons who shall see any Offence committed against this
 [Local.] 52 S Act

For Apprehension of Offenders.

Act by any Person destroying or doing any wilful Damage to the said Canal, Roads, or any other Works by this Act authorized to be made, contrary to any of the Provisions herein-before contained, to apprehend and detain any such Offender without any Warrant or other Authority than this Act, and to convey such Offender or cause him to be conveyed by some Constable or other Peace Officer before any Justice of the Peace for the said County of *Cornwall*, who shall forthwith proceed against such Offender according to the Provisions in this Act contained.

Form of Conviction.

CXXVII. And be it further enacted, That all and every Justice and Justices 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 of Words, or to the same Effect; (that is to say),

‘ to wit. } BE it remembered, That on [Time of Conviction], at [Place
 ‘ of Conviction], [Name of Offender], of [Addition of
 ‘ Offender], was duly convicted before me [or us], [Name and Style of
 ‘ convicting Justice or Justices], for that the said [Name of Offender],
 ‘ on [Time of committing Offence], at [Place of committing Offence],
 ‘ did [here state the Offence against the Act according to the Fact],
 ‘ contrary to the Form of the Statute made in the Sixth Year of the
 ‘ Reign of His Majesty King George the Fourth, intituled [here set
 ‘ forth the Title of this Act]; and I [or we] do therefore declare and
 ‘ adjudge that the said [Name of Offender] has forfeited for the said
 ‘ Offence the Sum of [Fine], or shall be committed to [Place of
 ‘ Imprisonment], for the Space of [Time of Imprisonment]. Given
 ‘ under my Hand and Seal [or our Hands and Seals], the Day and
 ‘ Year first above written.’

Distress not unlawful for Want of Form.

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

Proceedings not to be quashed for Want of Form, or removed by Certiorari.

CXXIX. And be it further enacted, That no Proceedings to be had and taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari or any other Writ or Process whatsoever into any of His Majesty's Courts of Record at *Westminster*, or elsewhere.

CXXX. And

CXXX. And be it further enacted, That if any Person or Persons who shall be summoned as a Witness or Witnesses to attend and give Evidence before any Justice of the Peace, touching any Matter of Fact contained in the Information or Complaint of any Offence committed against this Act, either on the Part of the Prosecutor or the Person or Persons accused, shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, having been paid or tendered a reasonable Sum for his, her, or their Costs and Charges (without a reasonable Excuse for his, her, or their Refusal or Neglect) or appearing, shall refuse to be examined upon Oath (or in case of a Quaker or Quakers, on solemn Affirmation), and to give Evidence before such Justice of the Peace, then and in either of the said Cases every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, to be recovered in like Manner as any Penalty imposed by this Act may be recovered.

For compelling Witnesses to attend.

CXXXI. Provided always, and be it further enacted, That any Person or Persons thinking himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of any Rule, Bye Law, or Order of the said Company, or by the Order or Determination of any Justice or Justices of the Peace in pursuance of this Act, may, within Four Calendar Months after such Order shall be made or given, complain to the Justices of the Peace at the General or Quarter Sessions of the Peace, to be held for the County or Place where the Cause of Action shall have arisen, the Person or Persons appealing having first given at least Fourteen clear Days Notice in Writing of such Appeal, and of the Nature and Matter thereof, to the Person or Persons appealed against, or to the Clerk of the said Company, and forthwith after such Notice entering into a Recognizance before some Justice of the Peace of the said County, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order and Award of the said Court thereupon; and the said Justices, upon due Proof of such Notice and Recognizance having been given and entered into, shall in a summary Way hear and determine such Complaint at such General or Quarter Sessions of the Peace to be held for the said County, or if they think proper adjourn the Hearing thereof until the next General or Quarter Sessions of the Peace to be held for the said County, and if they see cause may mitigate any Forfeitures or Fines, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye Law, Order, or Determination, and shall and may also award such further Satisfaction to be made to the Party injured, or such Costs to either of the Parties, as they shall judge reasonable and proper; and all such Determinations of the said Justices shall be final, binding, and conclusive upon all Parties, to all Intents and Purposes whatsoever.

Appeal to Quarter Sessions.

CXXXII. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person or Persons, or Party or Parties, to serve any Notice or Notices upon the said Company,

For Service of Notices, &c. on the Company.

Company, or any Writ or Writs or other legal Proceedings, the Service thereof upon any One of the Members of the said Committee of Management, or upon the Clerk or Clerks of the said Company, or left at the Office or usual Place of Abode of such Clerk or Clerks, or at the Office of the said Company, or in case the same respectively shall not be found or known, then Service upon any Agent or Officer of the said Company, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively upon the said Company.

Limitation of
Actions.

CXXXIII. And be it further enacted, That if any Action, Suit, or Information shall be brought or commenced by any Person or Persons for any thing done or to be done in pursuance of this Act, or in execution of the Powers and Authorities, or the Orders and Directions herein-before given or granted, every such Suit or Information shall be brought or commenced within Six Calendar Months next after the Fact shall have been committed, or in case there shall be a Continuance of Damages, then within Six Calendar Months next after the doing or committing of such Damage shall have ceased, and not afterwards, and shall be laid or brought in the County where the Matter in dispute shall arise, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by Authority of this Act; and if it shall appear to have been so done, or if any Action, Suit, or Information shall be brought after the Time so limited for bringing the same, or shall be brought in any other County than as aforesaid, then and in such Case the Jury shall find for the Defendant or Defendants; and in such Case also, or if the Plaintiff or Plaintiffs shall become nonsuited, or suffer a Discontinuance of his, her, or their Action or Actions, Suits or Information, after the Defendant or Defendants shall have appeared thereto, or if any Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for the Recovery of the same as any Defendant or Defendants hath or have in other Cases at Law.

General
Issue.

If Canal not
completed in
Five Years,
Powers to
cease.

CXXXIV. And be it further enacted, That in case the said intended Canal, Roads, and other Works hereby authorized to be made, shall not have been completed and made (unless prevented by inevitable Accidents) within the Space of Five Years, to be computed from the passing of this Act, then, and from and after the Expiration of the said Term of Five Years, all the Powers, Authorities, and Privileges given by this Act shall cease and determine, save only and except as to so much (if any) of the said intended Canal, Roads, and other Works as shall have been declared and certified to have been completed within the said Term by the Justices of the Peace of the said County of *Cornwall*, assembled at any General Quarter Sessions of the Peace to be holden for the said County at any Time before the

The SCHEDULE to which the foregoing Act refers.

Parishes.	Description of Property.	Owners.	Occupiers.
Duloe	Garden	John Eliot	Stephen Johns.
Ditto	Orchard	The same	Richard Southern.
Ditto	Orchard	Thomas Bewes, Esq.	Henry Bennett.
Ditto	Garden	The same	Thomas Every.
Ditto	Orchard	The same	The same.
Ditto	Orchard	The same	The same.
Saint Kean	Orchard	Nicholas Moon	Thomas Hony.
Ditto	Orchard	The same	The same.
Ditto	Orchard	William Rashleigh, Esq.	William Oliver and others.
Ditto	Orchard	The same	Robert Oliver.
Ditto	Cottage	Nicholas Moon	William Jane.
Liskeard	Orchard or Garden	Duke of Cornwall	Henry Ibbotson.
Ditto	Plantation	The same	The same.
Ditto	Orchard	Richard Dyer Mary Abraham	William Hambly.
Ditto	Garden	Anna Maria Agar	John Bremacombe.
Ditto	Plantation	Edmund Carthew, Esq.	Edmund Carthew, Esq.
Ditto	Plantation	The same	The same.

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