



ANNO TRICESIMO NONO & QUADRAGESIMO

GEORGI III. REGIS.

Cap. 56.

An Act to enable the Company of Proprietors of the *Oakham* Canal, to raise Money for completing the said Canal; and also for altering and amending an Act, passed in the Thirty-third Year of the Reign of His present Majesty, for making the said Canal.

[20th June 1800.]

WHEREAS by an Act, passed in the Thirty-third Year of the Reign of His present Majesty, intituled, *An Act for making and maintaining a Navigable Cut or Canal from the Melton Mowbray Navigation in the County of Leicester, to Oakham in the County of Rutland*, certain Persons were incorporated by the Name of *The Company of Proprietors of the Oakham Canal*, and were authorized to make a Navigable Canal out of and from a certain Place or Close called *Mill Close Homestead*, in the Parish of *Melton Mowbray* in the County of *Leicester*, into a certain Place or Close called *Cutts Close*, in the Parish of *Oakham* in the County of *Rutland*, and to make and erect Wharfs, Warehouses, and other Buildings and Conveniencies necessary to the said Navigation; and the said Company were thereby authorized to raise and contribute, amongst themselves, a competent Sum of Money for making, completing, and maintaining the said Navigation and other Works and Conveniencies, not exceeding the Sum of Fifty-six thousand Pounds, and if that Sum should be found insufficient for those Purposes, the said Company were also authorized to

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raise

raise and contribute, in Manner aforesaid, or by the Admission of any Subscribers, any further Sum for completing the said Navigation not exceeding Twenty thousand Pounds, or to borrow and take up at Interest all or any Part of the said Sum of Twenty thousand Pounds on Mortgage or Security of the Tolls, Rates, or Duties arising by virtue of the said Act: And whereas the said Company of Proprietors have proceeded in making and completing certain Parts of the said Canal and Works by the said Act authorized to be made, and have not only expended therein the Whole of the said Sum of Fifty-six thousand Pounds by the said Act authorized to be raised, (after deducting the Calls and Proportions of sundry Persons who are become insolvent, or are in Arrear), but are indebted in considerable Sums for Lands marked and set out, or taken and used, for the said Canal and other Works; and the said Company of Proprietors have not been able to borrow or raise any Part of the said Sum of Twenty thousand Pounds by the Ways and Means in the said recited Act mentioned, and they are now unable to raise any further Sum of Money whatsoever, although about Ten Miles of the Line of the said Canal out of Fifteen Miles, the whole Extent thereof, have been cut and completed: And whereas it is expedient that divers Alterations and Amendments should be made in the said Act, and that some further Powers should be granted in order to render the same more effectual; in order therefore to prevent Delay in carrying on and completing the said Works, which would be attended with Injury to the said Company and the Publick: May it please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for the said Company of Proprietors of the *Oakham* Canal, and they are hereby authorized and empowered, to raise or borrow any further Sum or Sums of Money, not exceeding in the Whole the Sum of Thirty thousand Pounds, (although the Whole of the said Sums of Fifty-six thousand Pounds and Twenty thousand Pounds allowed to be raised by the said recited Act may not have been raised); and to take up the same at legal or less Interest from such Persons as shall be willing to lend the same, any Thing contained in the said recited Act, or any other Law, Usage, or Provision to the contrary notwithstanding; and the Money so to be raised shall be applied in defraying the Expences of obtaining and passing this Act, and all other Expences relating thereto, and paying off and discharging the Debts owing by the said Company of Proprietors, and of carrying on and completing the several Works authorized to be done and completed by the said Act; and the said Sum of Thirty thousand Pounds, or such Part thereof as the said Company of Proprietors, or the Committee of the said Company for the Time being shall think proper to be raised, shall or may be raised by all, any, or either of the Ways or Means as the said Company of Proprietors, are already authorized to raise any Money by virtue of the said recited Act, or by creating new or additional Shares, or by Mortgage; any Thing in the said recited Act or this Act to the contrary thereof in anywise notwithstanding.

Power to
raise a further
Sum of
Money.

Power to
create new
Shares.

II. And it is hereby further enacted and declared, That it shall and may be lawful for the said Company of Proprietors, or the Committee of the said Company for the Time being, to raise the said Sum of Thirty thousand

thousand Pounds, or such Part or Parts thereof as they from Time to Time shall think fit, by creating such Number of new or additional Shares as they shall think requisite for that Purpose, and by disposing of the same to such Person or Persons as to them shall from Time to Time seem meet and convenient, or by such other Ways and Means as they shall from Time to Time think expedient or necessary.

III. Provided also, and it is hereby further enacted and declared, That if the said Company of Proprietors, or the said Committee for the Time being, shall think it most expedient to borrow the said Sum of Thirty thousand Pounds, or any Part or Parts thereof, by Bonds or by Promissory Notes under the Common Seal of the said Company respectively, it shall and may be lawful for them so to do; and that the Principal Monies to be so raised by such Bonds or Notes, shall be made payable in such Manner, and at such Time or Times, with such legal or less Rate of Interest as the said Company, or the said Committee for the Time being shall think proper, and either with or without Power in the Holders of such Bonds or Notes to have an Option of being admitted to hold such Number of Shares in the said Canal, for and in lieu of the Principal Monies to be secured by such Bonds or Notes, as the said Company, or the said Committee shall from Time to Time think proper, or as shall be agreed upon between them and the respective Parties advancing any Money upon any such Bonds or Notes, the Particulars of such Options being at all Times expressed in the Conditions of the said Bonds, or in the said Notes, and the Rates authorized to be taken, and which shall arise and be taken by virtue of the said recited Act and this Act, shall be a Security for any Sum or Sums of Money so to be borrowed, on any such Bonds or Notes as aforesaid, with Interest to the Person or Persons who shall from Time to Time be entitled to such Securities, and the Principal Money and Interest thereby secured; the Form of which Bonds and Notes, and the proper Registry and Entry thereof in the Company's Books, shall from Time to Time be regulated and adjusted by the said Company or the said Committee as they shall think fit; and all and every Persons and Person to whom any such last-mentioned Securities shall be given in pursuance of this Act, towards raising the said Sum of Thirty thousand Pounds, with or without such Option as aforesaid, shall be equally entitled to a Claim or Lien on and to a Proportion of the said Rates according to the respective Sums mentioned thereby to be secured or advanced, without any Preference by reason of the Priority of Date of any such Securities.

Power to borrow Money on Bonds and Promissory Notes.

IV. And be it further enacted, That all and every Persons or Person shall be compelled to answer and make good all Engagements, Contracts, or Agreements whatsoever which they already have entered into, or shall hereafter enter into with the said Company of Proprietors, for contributing or advancing any Sum or Sums of Money for the Purposes of this Act, or of the said recited Act; and that in Default thereof, the said Company of Proprietors shall and may have full Power and Authority to sue for and recover any such Sum or Sums of Money which shall have been so agreed to be advanced, of and from all and every such Person or Persons making or entering into any such Contracts or Agreements, by Action of Debt in any of His Majesty's Courts of Record at *Westminster*, together with Interest and full Costs of Suit; and that in any Action to be brought by the said Company of Proprietors against any Owner or

Compelling Persons to make good their Engagements.

Owners

Owners of any Share or Shares of and in the said Navigation, to recover the Amount of any Sum or Sums of Money now due and payable, or hereafter to become due and payable from him, her, or them, for or by reason of any Call or Calls made or to be made by virtue of the said recited Act or this Act, it shall be sufficient for the said Company of Proprietors of the *Oakham* Canal to declare and alledge that such Defendant or Defendants, being a Proprietor or Proprietors of such or so many Share or Shares (as the Case may happen to be) of and in the said Navigation, is or are indebted to the said Company of Proprietors of the *Oakham* Canal in such Sum or Sums of Money as the Call or Calls in Arrear shall amount unto, for such or so many Call or Calls, of such or so many Sum or Sums of Money upon such or so many Share or Shares belonging to such Defendant or Defendants (as the Case may happen to be) duly made upon such Defendant or Defendants, according to the Authority of the said recited Act or this Act, whereby an Action accrued to the said Company of Proprietors, by virtue of the said Act or Acts, without setting forth the Special Matter; any Thing in the said recited Act contained to the contrary thereof in anywise notwithstanding.

Mode of
creating new
Shares.

V. And be it further enacted and declared, That the said Company of Proprietors, or the Committee of the said Company for the Time being, shall be and they are hereby authorized and empowered from Time to Time to create such Number of new Shares, for the Purpose of answering all Claims that may be legally made for the same by any Person or Persons whomsoever, in pursuance of any such Bonds or Notes that shall or may be issued by the said Company, or the said Committee, under the Common Seal of the said Company, with any such Options as aforesaid, the better to enable them to raise the said Sum of Thirty thousand Pounds, or such Part thereof for which any such Bonds or Notes shall be issued; and the respective Shares or Proportions of any Shares which shall or may be created by virtue of this Act, shall be entitled to such and the same Powers, Provisions, and Advantages, and be liable to such and the same Restrictions, Penalties, and Forfeitures, as if the same were Part of the Shares already created, and now vested in the several and respective Proprietors of the said *Oakham* Canal, and as if the same had been originally subscribed for by such Person or Persons respectively, and the full Sum of One hundred Pounds for each such Share had been actually paid for the same, according as the several Calls were made and became due upon the Proportions of original Shares; and the Admission of all and every Persons and Person to any such new Share or Shares, by any Order or Orders, Resolution or Resolutions of the said Company of Proprietors, or of the said Committee for the Time being, shall be good and effectual Titles of such Person or Persons, and his, her, or their respective Executors and Administrators, on his, her, or their Payment to the said Company of the Purchase Money or Price agreed for the same, or delivering up to be cancelled any such Bonds or Notes with such Options as aforesaid, whereon any such legal Claims to any such Share shall have been made.

VI. Provided also, and it is hereby enacted and declared, That the said Company of Proprietors, or the said Committee, may raise the Sum of Fifteen thousand Pounds, Part of the said Sum of Thirty thousand Pounds, if they see fit, of and from the several present Proprietors of
Shares

Shares in the said Canal, their respective Successors, Executors, Administrators, and Assigns, in a due Proportion, according to the Number of Shares each Proprietor is or shall be entitled to in the said Canal; provided that the Money so to be raised shall not exceed the Sum of Thirty Pounds *per Centum* upon each Capital Sum or Share of One hundred Pounds in the said Navigation.

VII. Provided also, That the Money raised and to be raised and borrowed by virtue of the said recited Act and this Act, by all or any of the Ways and Means aforesaid, shall not exceed in the Whole the principal Sum of Eighty-six thousand Pounds.

No more than 86,000*l.* to be raised by virtue of both Acts.

VIII. And be it further enacted, That every General Assembly of the said Company of Proprietors, or any Five or more of the Committee appointed or to be appointed according to the Directions of the said recited Act, shall have Power from Time to Time to make such Call or Calls in respect of the said Sum of Fifteen thousand Pounds of the Monies to be raised by virtue of this Act, from the Proprietors of Shares in the said Canal, to defray the Expences of carrying on and completing the said Navigation and other Works, as they from Time to Time shall find wanting and necessary for that Purpose; so that no One Call do exceed the Rate of Five Pounds *per Centum* upon each Capital Share, (being One Sixth of the whole Sum of Thirty Pounds *per Centum*); and so as no Call be made but at the Distance of One Calendar Month at least from each other; and so as no more than Two Thirds of the whole Sum be called for within the Space of Twelve Calendar Months from the passing of this Act; which Money so called for shall be paid to such Person or Persons, and in such Manner and for such and the same Uses and Purposes, as the Monies directed to be called for by the said recited Act are directed to be applied: Provided always, That no Proprietor shall be liable to advance and pay the additional Sum of Thirty Pounds *per Centum*, hereby authorized to be raised upon each Share of One hundred Pounds in the said Undertaking, in case he or she shall, within One Calendar Month next after the First Call or Instalment shall become payable, give Notice in Writing under his or her Hand, to the Committee or the Clerk to the said Company of Proprietors, of his or her Intention to forfeit his or her original Share or Shares therein: Provided also, That no such Forfeiture, nor any Thing herein-contained, shall debar or prevent the said Company of Proprietors or their Committee from recovering any Arrears that may be due to the said Company of Proprietors upon any such original Shares before the passing of this Act.

Power to make Calls

IX. And it is hereby further enacted and declared, That it shall be lawful for the said Company of Proprietors, or the said Committee for the Time being, at any Time or Times after the passing of this Act, to enter into such Treaties, and to make such Agreements as they shall think fit, with any of the Proprietors of Shares in the said Undertaking, who have not paid or shall not pay the Whole of the Calls, for the compromising and settling the Claims of the said Company for such Arrears of Calls on any such Shares, and the Interest due for the same, by compounding the same or otherwise as to the said Company or the said Committee shall from Time to Time seem meet and convenient; and which said Power of compromising or compounding any such Claims, it is

Power to enable the Company to compound for the Arrears of Calls.

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hereby expressly declared, shall extend to authorize and make legal any Agreement whatsoever with any such Proprietors, for relinquishing or giving up the Whole or any Part of their present Shares; and in all Cases where any such Agreement for relinquishing any such Shares, shall be made between the said Company or the said Committee and such Proprietor or Proprietors, all such Shares so relinquished shall be and the same are hereby declared to be for ever extinguished and forfeited, as if the same had never been created; and further, that it shall be lawful for the said Company or the said Committee, at any Time after the Expiration of Twelve Calendar Months from the passing of this Act, by any Order or Resolution of the said Company or the said Committee, to declare and determine that all, every, or any of the present Shares of any Person or Persons whomsoever, not having then paid up Arrears of Calls due thereon respectively, and the Interest for the same, from the respective Times when such Calls ought to have been paid until the same shall be paid, have been relinquished and are forfeited.

Company authorized to sell forfeited Shares.

X. And be it further enacted, That in case any Forfeiture or Forfeitures shall in Manner aforesaid be declared to be made of any Share or Shares in the said Canal, such forfeited Share or Shares shall become vested in the said Company of Proprietors, and it shall be lawful for such Company of Proprietors to make Sale thereof for the best Price or Prices that can be gotten for the same; and the Money arising from such Sale or Sales shall be paid to the Treasurer, and placed to the Credit of the Company's Account, to be applied towards the Execution and finishing of the Works of the said Canal; and the Purchaser of every forfeited Share so sold shall be liable to pay and contribute the Sum of Thirty Pounds *per Centum*, in like Manner as the Proprietors of original Shares are by this Act made liable to.

Power to collect additional Tolls.

XI. And whereas in consideration of the great additional Expence which the said Company of Proprietors have already sustained, and will necessarily be put to, in making the said Canal beyond what was estimated when the Rates of Tonnage granted by the said recited Act were settled and fixed, it is reasonable that they should be authorized to collect some additional Rates of Tonnage towards answering such additional Expence; be it therefore further enacted, That in addition to the Rates of Tonnage by the said recited Act authorized to be taken, it shall be lawful for the said Company of Proprietors, over and above the Rates of Tonnage and Wharfage they are entitled to receive by virtue of the said recited Act, from Time to Time and at all Times hereafter, to ask, demand, recover, receive, and take, to and for their own proper Use, such Sum and Sums of Money as they shall think fit, not exceeding the several Rates and Duties herein-after mentioned; that is to say,

For all Coals which shall be navigated, carried, or conveyed upon the said Navigation, the Sum of One Penny Halfpenny *per Ton per Mile*, so that to whatever Extent the same shall be carried on the said intended Navigation, without being landed or unloaded, the Amount of such Payment *per Ton* shall in no Case exceed the Sum of One Shilling and Sixpence:

For all Iron, Timber, Coaks, and other Goods, Wares, and Merchandizes, (except as in the said recited Act is excepted), which shall be navigated,

navigated, carried, or conveyed upon the said Navigation, the Sum of Two-pence *per Ton per Mile*, so that to whatever Extent the same shall be carried or conveyed upon the said intended Canal, without being landed or unloaded, the Amount of such Payment *per Ton* shall in no Case exceed the Sum of Two Shillings:

For all Lime, Lime Stone, Stones, and Bricks to be used for Building, and Materials for paving and repairing Roads, Half of the Rates, Tolls, and Duties hereby authorized to be taken on Coals.

XII. And be it further enacted, That the said Rates of Tonnage hereby granted shall and may be ascertained, collected, levied, and recovered, by such and the like Ways and Means, in such and the like Proportions and Manner, and shall be subject to such and the like Exemptions, and to such and the like Powers of reducing and afterwards advancing the same again, as the Rates of Tonnage granted and made payable to the said Company of Proprietors in and by the said recited Act are thereby directed to be ascertained, collected, levied, recovered, and are subject to; and that the said Rates hereby granted shall be applicable and applied to such and the like Purposes, and shall be liable to and charged with all Charges, Payments, Rents, Debts, Dues, and Sums of Money, as the said Rates granted by the said Act are applicable or liable to or charged with by virtue of the said Act, or are or shall be by Law applicable or liable to or charged with, in the same Manner as if the said Rates hereby granted had been granted by the said Act.

To be recoverable, &c. in like Manner as the former Tonnage Rates.

XIII. And whereas a Bill is now depending in Parliament for enabling the Company of Proprietors of the Navigation from the *Leicester* Navigation to *Melton Mowbray*, in the County of *Leicester*, to complete their Navigation, and to discharge the Debts contracted by them in the making thereof, and for amending the Act, passed in the Thirty-first Year of the Reign of His present Majesty, for making and maintaining the said Navigation, whereby the said Company of Proprietors of the Navigation from the *Leicester* Navigation to *Melton Mowbray* are applying for Powers to take additional Tonnage Rates on Iron, Timber, and other Goods, Wares, and Merchandizes; be it further enacted, That when and so often as the said Company of Proprietors of the Navigation from the *Leicester* Navigation to *Melton Mowbray* shall alter the additional Tonnage Rates or Duties by their said intended Act granted on Iron, Timber, and other Goods, Wares, and Merchandizes which shall be navigated, carried, or conveyed from or out of the said *Oakham* Canal through and out of the *Melton* Bason, the said Company of Proprietors of the *Oakham* Canal, or their Committee for the Time being, upon Seven Days Notice of the Day on which such Alteration is to take place, to be given to their Clerk by the Clerk of the Navigation from the *Leicester* Navigation to *Melton Mowbray*, shall from Time to Time vary, by reducing or increasing, the additional Tonnage Rates or Duties hereby granted and made payable on Iron, Timber, or other Goods, Wares, and Merchandizes which shall be navigated, carried, or conveyed on the *Oakham* Canal, and which shall afterwards pass through the *Melton* Bason, so as that the said Company of Proprietors of the *Oakham* Canal shall at all Times take the same Proportion of the additional Tonnages, Rates, and Duties hereby granted on the above-mentioned Articles, as the Company of Proprietors of the Navigation from the *Leicester* Navigation to

For reducing the additional Tonnage on Merchandize in the Proportion the *Melton* Company reduce theirs.

Melton

Melton Mowbray shall receive upon the same Articles by virtue of their intended Act.

For obtaining an additional Supply of Water from *Langham Brook* in certain Cases.

XIV. And whereas it is by the said recited Act enacted, that the said Act shall not authorize the said Company of Proprietors, or any Person or Persons acting under their Authority, to take, for the Use or Supply of the said Canal, any Water from or out of the *Langham Brook*, or any of the Streams or Watercourses which run into or supply the said Brook, except such Water as may be taken into any Reservoir in Time of Floods; which said Restriction may prevent the summit Level of the said Canal from being sufficiently supplied with Water; be it therefore enacted, That the said recited Restriction shall be and the same is hereby repealed and made void; and it shall be lawful for the said Company of Proprietors, their Successors and Assigns, and they are hereby empowered, to take and convert to the Uses of the said Navigation, the Whole of the said Stream of Water called *The Langham Brook*, provided that the said Company of Proprietors, their Successors and Assigns, shall and do, by a certain Weir to be made and kept up near to that Part of the said intended Canal where the same is now fixed and made, return the surplus Water from and out of the said Canal, upon the summit Level back again into the said Stream called *Langham Brook*.

Company not to take any Water from *Langham Brook* in certain Cases.

XV. Provided always, and be it further enacted, That if it shall happen that during the Month of *June* in every succeeding Year there shall not be a Sufficiency of Water to supply any Wash Dyke or Wash Dykes that may be made for the Purpose of washing Sheep of or belonging to the Occupiers of Land in the Lordship of *Burley*, then that it shall be lawful for the Right Honourable *George Earl of Winchilsea and Nottingham*, Lord of the said Manor of *Burley*, to take and convert to his own Use and the Use of his Tenants, the Whole of the said Stream of Water called *Langham Brook*, during the Whole or any Part of the said Month of *June* in any succeeding Year, for the Purposes aforesaid, any Thing in the said recited Act to the contrary notwithstanding: Provided also, That proper and full Compensation be at all Times made to the said Earl of *Winchilsea and Nottingham*, his Heirs and Assigns, by the said Company of Proprietors of the *Oakham Canal*, for all Damages which may be occasioned by Reason of their taking and using the aforesaid Stream of Water, such Damages to be ascertained by the same Persons, and in the same Manner, as any Damages are directed by the said recited Act to be ascertained and compensated for.

Compensation to be made for Damages by Loss of Water.

For obtaining an additional Supply of Water from *Saxby Brook* in certain Cases.

XVI. And whereas the said Company of Proprietors are by the said Act also restrained from taking or drawing any Water out of the Brooks, Springs, or Streams of Water running or flowing through or found in or upon the Lands or Grounds late of the Right Honourable *Robert Earl of Harborough*, deceased, in *Saxby* and *Wymondham*, in the said County of *Leicester*, without the Licence or Consent of the said Earl, his Heirs, or Assigns, in Writing for that Purpose first had and obtained; and it is found that if the said Company of Proprietors are deprived of the Use of all the Water in the Stream called *Saxby Brook*, the Navigation of a considerable Part of the said Canal near the said Brook will be greatly obstructed; be it therefore enacted, That it shall be lawful for the said Company of Proprietors, their Successors and Assigns, at all Times here-
after

after to take and convert to their own Use One full Half Part or Proportion of the Waters of *Saxby Brook* aforesaid, to be ascertained by a Gauge Weir mathematically constructed, in such Manner as shall be thought most adviseable, and shall be agreed upon by the said Company of Proprietors and the Heirs or Assigns of the said Earl of *Harborough*, deceased, or such Person or Persons as shall be by them deputed and appointed for that Purpose; which said Half Part or Proportion of the said Stream of Water shall be conducted into the said Canal by a sufficient Feeder across the Lands and Grounds of the said late Earl of *Harborough* in *Saxby* aforesaid, into such Part of the Tenth Pond of the said Canal as shall be found most advantageous to the said Company of Proprietors.

XVII. Provided always, and be it further enacted, That if it shall so happen that, during any Part of the Month of *June* in every succeeding Year, the Half Part of the said Brook remaining to the said Earl shall be insufficient to supply the Wash Dyke or Wash Dykes upon the said Stream in *Saxby* aforesaid with Water for the Purpose of washing the Sheep of or belonging to the Occupiers of Land in *Saxby* aforesaid, then that the said Company of Proprietors shall supply the said Wash Dyke or Dykes in the said Lordship of *Saxby*, with a sufficient Quantity of Water for the Purpose of washing Sheep, by turning the said Half Part or Proportion of the Waters of the said Stream or Brook called *Saxby Brook* into its original Course, during such Time or Times as the other Moiety of the said Stream or Brook shall, in the said Month of *June* in every such succeeding Year, be found insufficient for that Purpose: Provided also, that proper and full Compensation be at all Times made to the said Earl of *Harborough*, his Heirs and Assigns, by the said Company of Proprietors, for all Damages which shall be occasioned by reason of the obtaining the Moiety of the aforesaid Stream of Water, such Damages to be ascertained by the same Persons and in the same Manner as any Damages are directed by the said recited Act to be ascertained and compensated for.

Company not to take any Water from *Saxby Brook* in certain Cases.

Compensation to be made for Damage by Loss of Water.

XVIII. And whereas it is by the said recited Act also provided and enacted, That it shall not be lawful for the said Company of Proprietors to enter into or upon any of the Lands or Grounds of the said *Robert* late Earl of *Harborough*, in *Saxby* and *Wymondham* aforesaid respectively, for the Purpose of cutting, making, or using the said Navigation, or any Works belonging thereto, without the Consent of the said Earl, his Heirs or Assigns, first had and obtained, until all the other Parts of the said Navigation shall be cut, made, and completed; which said Proviso and Restriction is found very inconvenient; be it therefore enacted, That when and so soon as the said Company of Proprietors of the *Oakham Canal* shall have cut and completed the said Canal up to and as far as *Saxby Bridge*, so as to make the same navigable, then that the said last-recited Proviso and Restriction shall become repealed and made void to all Intents and Purposes whatsoever; any Thing in the said recited Act contained to the contrary notwithstanding.

Lands in *Saxby* and *Wymondham*.

XIX. And whereas Inconveniencies have arisen to many of the Proprietors and others, by reason of the General Quarter Sessions of the Peace for the County of *Rutland*, at *Easter* and *Michaelmas*, frequently happening on the Days appointed for holding the General Assemblies of

For altering the Time of the General Assemblies.

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the said Company of Proprietors; for preventing which in future, be it enacted, That, from and after the passing of this Act, all the General Assemblies of the said Company of Proprietors shall be held on the First Monday in April and the First Monday in October in every Year, instead of the First Thursday in April and the First Thursday in October, as in the said recited Act is directed and appointed; any Thing therein contained to the contrary notwithstanding.

To prevent
Waste of
Water.

XX. And, for preventing any unnecessary or wilful Waste of the Waters of the said Canal, be it further enacted, That no Vessel whatever shall pass through any of the Locks upon this Canal without the Consent of the said Company of Proprietors, or their Clerk or Surveyor for the Time being, first had and obtained in Writing, unless such Vessel shall pay a Duty or Rate equal to what would be paid by a Vessel loaded with Twenty-five Tons, or unless such Vessel shall be returning after having passed upon the said Canal with an equal or greater Burthen than Twenty-five Tons; any Thing in the said first-recited Act or this Act to the contrary thereof notwithstanding.

Penalty on
unauthorized
Persons using
Towing
Paths.

XXI. And whereas in and by the said recited Act it is enacted, That all Owners and Occupiers of Land adjoining to which the Towing Paths shall be made, shall have free Liberty to use the same as a Footway and Bridleway to, from, or through their respective Lands; but there is no Penalty provided by the said Act to be levied on any Person or Persons using and passing upon the said Towing Paths, who are not by the said recited Act entitled so to do, or who shall suffer any Horse, Beast, or other Cattle to depasture thereupon; be it therefore further enacted, That if in case after the passing of this Act, any Person or Persons on Horseback or driving any Horses, Cattle of any Kind, or Beasts of Burthen, not being (under the Provisions of the said recited Act) entitled to use and pass upon the said Towing Paths, shall use and pass, or drive any Horses, Beasts, or other Cattle upon the same or any Part or Parts thereof, or shall suffer any Horses, Beasts, or other Cattle to depasture thereupon, or on any Part or Parts thereof, every such Person shall for every such Offence forfeit and pay to the said Company of Proprietors, or their Treasurer, any Sum not exceeding Ten Pounds nor less than Five Pounds for the Use of the said Company of Proprietors, upon Conviction of the Offender or Offenders before any One Justice of the Peace acting for the Place, County, or District where such Offence shall be committed, by the Oath of One or more Witness or Witnesses, which Oath such Justice is hereby empowered to administer; and in case such Penalty and Satisfaction is not forthwith paid, it shall be lawful for such Justice, by Warrant under his Hand and Seal, to cause the same to be levied by Distress and Sale of such Horses, Beasts, and other Cattle so found and taken trespassing or depasturing as aforesaid.

Penalty on
Persons open-
ing Locks,
wasting Wa-
ter, &c.

XXII. And be it further enacted, That if any Person or Persons whomsoever shall wilfully or through Carelessness or Negligence open or cause to be opened any Lock, Paddle, Valve, or Clough, belonging to the said Navigation, or if any Person shall wilfully flush or draw off the Water, or cause the same to be drawn off, from any Part of the said Navigation; or shall leave any of the Cloughs open, after any Boat or other Vessel shall have passed any Lock belonging to the said Navigation; or if any Person

Person or Persons shall draw or cause to be drawn any Paddle, Valve, or Clough, belonging to the said Navigation, or cut or bore through the Banks of the said Canal, so as to mispend or waste the Water therein, by the like or any other Means, or shall wilfully or maliciously do any other Act to the Prejudice of the said Navigation, every Person offending in any of the Particulars aforesaid, and being thereof convicted before One or more Justice or Justices of the Peace for the Place or District where such Offence is committed, by the Oath of One or more Witness or Witnesses, shall forfeit and pay for every such Offence or Offences, any Sum not exceeding Twenty Pounds nor less than Forty Shillings, at the Discretion of such Justice or Justices, and in Default of Payment of the same, shall be committed to the Common Gaol or House of Correction belonging to the Place or District where the Offence was committed, there to remain and be kept to hard Labour for the Space of Three Calendar Months, unless such Penalty shall be sooner paid.

XXIII. And be it further enacted, That where any Lands or Tenements belonging to any Corporation or Body Politick, or to the Trustees or Feoffees of any Charity, or for any publick Use or Purpose, or to any Tenant in Tail, or for Life or Lives, or for Years determinable on any Life or Lives, or for Years absolute, (other than Tenants at Rack Rent), shall be sold or taken for the Purposes of this Act, the Purchase Money for the same, if the Sum shall not amount unto Twenty Pounds, shall be paid to the Person or Persons for the Time being entitled to the Rents and Profits of the Lands or Tenements so sold or taken, but if such Purchase Money shall amount unto the Sum of Twenty Pounds or upwards, the same shall with all convenient Speed be laid out in the Purchase of Lands or Hereditaments, to be conveyed and limited to the same Uses as the Lands or Tenements, so sold or taken, stood previously limited to; and in the mean Time, and until such Purchase shall be made, if the Sum shall amount unto Twenty Pounds, but shall not amount unto One hundred Pounds, the same shall be paid unto Two or more Persons, to be nominated by the Party or Parties interested in Possession, with the Approbation of the Commissioners of this Act, or any Five or more of them, in Trust, to be laid out by and in the Names of the Persons so nominated and appointed, in the Purchase of Stock in some of the Publick Stocks or Funds, for the Benefit of all the Parties interested according to their respective Rights and Interests therein; and if the Sum or Purchase Money shall amount to One hundred Pounds or upwards, the same shall be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Trustees of this Act, pursuant to the Method prescribed by the Act of the Twelfth Year of King *George* the First, Chapter the Thirty-second, and the General Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of King *George* the Second, Chapter the Twenty-fourth, and shall, when so paid in, be laid out by the said Accountant General in the Purchase of Navy Bills, Victualling Bills, or Exchequer Bills, and the Money received for the same, as they shall be respectively paid off by Government, shall be again laid out by the said Accountant General in the Purchase of other Navy Bills, Victualling Bills, or Exchequer Bills; all which said Bills shall be deposited in the Bank, in the Name of the said Accountant General, and shall there remain until a proper Purchase or Purchases be found
and

Application
of the Money
arising from
the Sale of
settled Estates:

and approved of by the said Court, and until the same Bills shall, upon a Petition to be preferred to the said Court of Chancery in a summary Way, by the Person or Persons who would be entitled to the Rents and Profits of the Hereditaments intended to be purchased therewith, if such Purchase were then actually made, be ordered to be sold by the said Accountant General for completing such Purchase, in such Manner as the said Court shall think just and direct; and in the mean Time the Interest arising from all such Navy Bills, Victualling Bills, or Exchequer Bills, shall be paid to such Person or Persons respectively, as would for the Time being be entitled to the Rents and Profits of the Hereditaments intended to be purchased therewith, if such Purchase were then actually made.

Altering
Time limited
for complet-
ing the Navi-
gation, &c.

XXIV. And whereas it is by the said recited Act enacted, That if the said Company of Proprietors should be in Possession of any Lands or Grounds for Ten Years without using the same, or if the said Navigation should be made and completed, and afterwards discontinued or disused for Five Years, the said Company of Proprietors should convey their Interest in such Lands to the former Owners thereof, upon Payment of such Consideration as therein mentioned; and it is expedient to enlarge the Times so limited; be it therefore enacted, That instead of the said Space of Ten Years, the Term of Fifteen Years, and instead of the said Space of Five Years the Term of Ten Years, shall be respectively limited and allowed for the several Purposes in the said Act mentioned.

XXV. And be it further enacted, That the Committee which shall be constituted or appointed at the Time of passing this Act, shall meet within Ten Days after the passing thereof, and put the same, and the Powers hereby given to them, into Execution.

For paying
the Expences
of this Act.

XXVI. And be it further enacted, That the Costs and Charges of the obtaining and passing this Act, and all other Costs, Charges, and Expences relating to or concerning the same, or anyways incident thereto, shall be borne, paid, and defrayed by the said Company of Proprietors out of the First Monies which shall be received or raised by virtue of the said recited Act or this Act.

Publick Act.

XXVII. And be it further enacted, That this Act shall be adjudged, deemed, and taken to be a Publick Act, and shall be judicially taken Notice of as such, by all Judges, Justices, and others, without the same being specially pleaded.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1800.