



ANNO TRICESIMO NONO

# GEORGI II. REGIS.

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## Cap. 60.

An Act for authorizing the Company of Proprietors of the *Stratford-upon-Avon* Canal Navigation to vary the Course of certain Parts of the said Canal, directed to be made by an Act, passed in the Thirty-third Year of the Reign of His present Majesty; and also to make a Branch out of the said Canal; and also to vary the Course of a Navigable Cut directed to be made from the said *Stratford-upon-Avon* Canal, in the Parish of *Lapworth*, into the *Warwick* and *Birmingham* Canal, in the Manor of *Kingswood*, in the County of *Warwick*, by another Act, passed in the Thirty-fifth Year of the Reign of His present Majesty; and for amending the said Acts. [21st June 1799.]

**W**HEREAS an Act was passed in the Thirty-third Year of the Reign of His present Majesty, for making and maintaining a Navigable Canal from the *Worcester* and *Birmingham* Canal Navigation, in the Parish of *King's Norton*, into the Borough of *Stratford-upon-Avon*, and also certain Collateral Cuts from the said Canal; and by the said Act several Persons were united and made One Body Politick  
[Loc. & Per.] 10 C and

Preamble.  
33 Geo. III,  
and



and Corporate, by the Name and Stile of *The Company of Proprietors of the Stratford-upon-Avon Canal Navigation*, for making the said Canal and Collateral Cuts, and the several other Works necessary for carrying the said Act into Execution; and the said Company of Proprietors are directed to make the said Canal in such Line as is described and set forth in and by a certain Map or Plan, and Book of Reference, therein mentioned, to be deposited in the Offices of the Clerk of the Peace for each of the Counties of *Warwick* and *Worcester*: And whereas by another Act passed in the Thirty-fifth Year of the Reign of His said present Majesty, the said Company are authorized to make a Navigable Cut from and out of the said *Stratford-upon-Avon* Canal, in the Parish of *Lapworth*, into the *Warwick* and *Birmingham* Canal, in the Manor of *Kingswood*, in the County of *Warwick*, in such Line as is described and set forth in and by a certain other Map or Plan, and Book of Reference, therein mentioned, to be deposited at the Office of the Clerk of the Peace for the County of *Warwick*; and the said Company of Proprietors were authorized to raise, by Contribution amongst themselves, and by Mortgage of the said Navigation, certain Sums of Money in the said several Acts mentioned, for defraying the Expences of the said Undertaking: And whereas the said Company of Proprietors have, in pursuance of the said first-mentioned Act, made and completed a considerable Part of their said Canal, but find that it will require a greater Sum than they are authorized to raise to enable them to finish the same, and to make and complete the said Collateral Cuts, and also the said Cut into the *Warwick* and *Birmingham* Canal, and the other Works directed to be made by, and to answer the other Purposes of the several Acts above mentioned, and it is necessary that some Amendments should be made to the said Acts: And whereas it appears, upon a Re-survey of the Country through which the said Company of Proprietors are empowered to make some Parts of their Canal, which are yet unfinished, and also to make the said Cut into the *Warwick* and *Birmingham* Canal, that it will be more convenient for the Purposes of Navigation, and also advantageous to the Publick, if the said Company are empowered to vary the Lines thereof respectively as herein-after mentioned; and also that it will be a further Advantage to the Publick, if the said Company are empowered to make a Branch from and out of their said Canal, in the Parish of *Aston Cantloe*, as herein-after also mentioned: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the passing of this Act, it shall and may be lawful for the said Company of Proprietors, and they are hereby authorized and empowered to vary and deviate from the Lines described and set forth in the said Maps or Plans and Books of Reference respectively as aforesaid, within the several Parishes, Townships, and Places of *Lapworth*, *Kingswood*, *Rowington*, *Claverdon*, *Preston Bagot*, *Bearley*, and *Aston Cantloe*, in the said County of *Warwick*, and instead of making the said Canal and the said Cut in the said Parishes, Townships, and Places, according to the said Maps or Plans and Books of Reference, to make and complete the same according to a Map or Plan and Book of Reference herein-after mentioned, and directed to be authenticated by the Right Honourable the Speaker of the House of Commons; and also to make a Navigable Branch out of the said Canal,

authorized

35 Geo. III,  
recited.

The Company will not be able to finish the Works unless they are enabled to raise more Money.

The Advantage of varying some Parts of the Line of the Canal and the Cut, and of making a Branch from the Canal.

The Company empowered to vary the Line of the Canal in certain Parts, and to vary the Line of the *Lapworth* Cut, and to make a new Branch out of the Canal.



authorized to be made under the said first-mentioned Act, from a Close of Land in the Parish of *Aston Cantloe*, in the said County of *Warwick*, to the Turnpike Road called *The Birmingham and Stratford Turnpike Road*, also according to the said Map or Plan and Book of Reference.

II. And whereas a Survey has been made to ascertain the Practicability of making the said Variations and Branch hereby authorized to be made, and a Map or Plan, with a proper Book of Reference thereto, has been made in consequence thereof, in order to shew the Lines or Courses of the said intended Variations and Branch, be it therefore further enacted, That there shall be Two Parts made of the said Map or Plan and Book of Reference, which shall be certified by the Right Honourable the Speaker of the House of Commons; and one Part of the said Map or Plan and Book of Reference shall be deposited with the Clerk of the Peace for the said County of *Warwick*, and the other with the Clerk to the said Company of Proprietors, to either of which Maps or Plans and Books of Reference all Persons shall have Liberty to resort, and examine or make Extracts or Copies thereof, as Occasion shall require, paying to the respective Clerks for Copies of or Extracts from the said Book of Reference, and Map or Plan, after the Rate of Sixpence for every One hundred Words; and the said Maps or Plans and Books of Reference, so certified, or true Copies thereof, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere; and the Clerk for the Time being to the said Company of Proprietors, upon Twenty-one Days Notice to him given for that Purpose, shall and is hereby required, from Time to Time, to produce the said Map or Plan and Book of Reference, to be deposited with him as aforesaid, before the Commissioners for putting in Execution the said recited Acts and this Act, or any Jury or Juries to be impannelled by virtue thereof, at the Time and Place to be mentioned in such Notice, in order that the same may then and there be given in Evidence, such Clerk to the said Company of Proprietors having a reasonable Sum of Money allowed for his travelling Expences, Absence from Home, and Attendance on such Occasions.

Two Plans and Books of Reference shall be signed by the Speaker of the House of Commons.

III. And be it further enacted, That the said Company of Proprietors, in making the said Variations and Branch hereby authorized to be made, shall not deviate from the Course or Direction delineated in the said Map or Plan, and set forth in the said Book of Reference, nor cut, carry, or convey the said Variations or Branch, or any of them, into, through, across, or over any Part or Parts of the several Lands, Grounds, or Hereditaments, now or late belonging to, or reputed to belong to the several and respective Persons named or described in the said Book of Reference, other than such Part or Parts of such Lands, Grounds, or Hereditaments as are mentioned in the said Book of Reference, or belonging to any other Person not named in such Book of Reference, without the Approbation and Consent in Writing, signed by the Person or Persons to whom such Lands, Grounds, or Hereditaments do or shall respectively belong; but nothing herein contained shall extend to restrain or prevent the said Company of Proprietors from making any further Deviation from the said Course or Direction of the said Variations and Branch hereby authorized to be made, or any of them, in case all the Persons, to whom the Lands, Grounds, or Hereditaments, to be cut through or

The Company not to deviate from the Line laid down in the Plan, without the Consent of the Land Owners, except as herein-after mentioned.



made use of for the Purposes of such Deviations, shall belong, shall consent thereto.

The Company not to deviate in certain Parts without the Consent of the *Warwick* and *Birmingham* Canal Company.

IV. Provided nevertheless, and be it further enacted, That it shall not be lawful for the said Company to make the said intended Cut into the *Warwick* and *Birmingham* Canal to communicate therewith at any Place, other than described and laid down in the said Map or Plan, nor shall it be lawful for the said Company to make any Deviation from the Course or Direction of the said Variation hereby authorized to be made, between the Place where the said Cut shall communicate with the said *Warwick* and *Birmingham* Canal and *Preston* Mill, so as to carry the said Variation nearer to the *Warwick* and *Birmingham* Canal than as described and laid down in the said Map or Plan, (save and except the Deviation hereinafter authorized to be made through the Lands of *Benjamin Hildick*, *Benjamin Parnell* Esquire, *William Tibbatts*, *Sarah Perks* Widow, and *Elias Webb* Clerk), without the Consent of the said *Warwick* and *Birmingham* Canal Company in Writing under their Common Seal first had and obtained; any Thing herein contained to the contrary notwithstanding,

Describing a Part of the Line in which the Company may deviate not exceeding One hundred Yards.

V. Provided also nevertheless, That it shall be lawful for the said Company, in making that Part of the said intended Variations which lies between the intended Cut into the *Warwick* and *Birmingham* Canal and the Lands of the said *Elias Webb* Clerk, in the Parish of *Lapworth*, to deviate not exceeding One hundred Yards from the said Course or Direction, on the Side thereof, towards and into the Parish of *Rowington*, through the Lands of the said *Benjamin Hildick*, *Benjamin Parnell*, *William Tibbatts*, *Sarah Perks* Widow, and *Elias Webb* Clerk; any Thing herein contained to the contrary notwithstanding.

Errors in describing the Line not to prevent making the Canal.

VI. Provided always, and be it further enacted and declared, That the said Company of Proprietors shall and may make the said intended Variations and Branch hereby authorized to be made, or any of them, into, through, across, or over the Lands, Grounds, or Hereditaments of any Person or Persons whomsoever, whose Name or Names shall appear, to the Satisfaction of the said Commissioners, and be by them, or any Five or more of them, certified under their Hands, to have been by Mistake omitted in the said Book of Reference, or across any Roads, Brooks, or Rivulets, which shall so appear, and be certified to have been omitted by Mistake in Manner aforesaid, and also where it shall appear, to the Satisfaction of the said Commissioners, and be by them, or any Five or more of them, certified as aforesaid, that instead of the Name or Names of the Owner or Owners of such Lands, Grounds, or Hereditaments, the Name or Names of some other Person or Persons, to whom such last mentioned Lands, Grounds, or Hereditaments, do not belong, hath or have been inserted by Mistake in such Book of Reference; any Thing herein or in the said recited Acts contained to the contrary thereof in anywise notwithstanding.

The Powers of the former Acts extended to the making of the Variations

VII. And be it further enacted, That the said recited Acts, and the several Powers, Authorities, Provisions, Matters, and Things therein contained, so far as the Nature and Circumstances of the Case will admit, shall be used and exercised by the said Company of Proprietors, for making, completing, and maintaining the said Variations of their said Canal



Canal and the said Cut, and for making the aforesaid Branch, and for preserving, using, and maintaining the Canal and Cut so varied, and the said Branch, and for supplying the same with Water, and also for making, executing, and performing all such Locks, Reservoirs, Bridges, Towing Paths, and other Works, Matters, and Things, as the said Company of Proprietors shall think necessary or expedient to be made and done for the Benefit of the Navigation thereof, and for preserving and maintaining the same, in such and the like Manner as fully and effectually in all Respects, and to all Intents and Purposes, as if the said several Powers, Authorities, Provisions, Matters and Things, contained in the said recited Acts, or either of them, were repeated and re-enacted in the Body of this present Act, and as if such Parts of the said Canal, and the said Cut and Branch, and the other Works by this Act intended to be made, completed, and maintained, had been described in and by the said Acts, or either of them, as Part of the Canal and Cut, and other Works to be made and done by the said Company of Proprietors, by virtue of the said Acts, or either of them,

and Branch herein mentioned.

VIII. Provided always, and be it further enacted, That nothing in this Act or in the said former Acts contained, shall authorize the said Company of Proprietors to set out, appoint, or make use of any Towing Path on the Estate of *Thomas Fetherston* Esquire, in the said Parish of *Lapworth*, on the North Side of the said intended Cut, between the *Warwick Road* and *Kingwood Common*, without the Consent of the said *Thomas Fetherston*, or the Owner of the said Estate for the Time being, in Writing first had and obtained; nor to set out, appoint, or make use of any Towing Path on the Lands of the said *Benjamin Parnell*, in the said Parish of *Lapworth*, on the *Lapworth Side* of the said intended Canal, without the Consent of the said *Benjamin Parnell*, or the Owner or Owners of the same Lands for the Time being, in Writing, first had and obtained.

Directing how the Towing Path shall be made in a Part of Mr. *Fetherston's* and Mr. *Parnell's* Estates.

IX. Provided always, and be it further enacted, That it shall not be lawful for the said Company to make or cut, or begin to make or cut the said Branch through any Lands or Grounds in the said Parishes of *Bearley* and *Aston Cantloe*, or either of them, belonging to the College of *Saint Mary and Saint Nicholas*, otherwise called *King's College*, in *Cambridge*, until after the Expiration of One Year from the Time of passing this Act, without the Consent of the Provost, Fellows, and Scholars of the said College, under their Seal first had and obtained: Provided nevertheless, That in case the said College shall sell, or contract or agree to sell, the said Lands or Grounds within the Time aforesaid, that then it shall not be lawful for the said Company to make or cut, or to begin to make or cut, the said Branch through any of the said Lands or Grounds, without the Consent of the Person or Persons to whom the said College shall, within the Time aforesaid, sell, or contract or agree to sell, the said Lands or Grounds, or of his, her, or their Heirs or Assigns, first had and obtained in Writing.

The Branch not to be cut through the Lands belonging to *King's College* during a certain Time, without their Consent.

X. And, in order to prevent any Injury which *William Mills* Esquire, his Heirs or Assigns, or the Owner for the Time being of the aforesaid Mill called *Preston Mill*, now belonging to the said *William Mills*, shall or may sustain for or on account of the said Canal being to be made near to a Brook called *Preston Brook*, and parallel therewith, be it further enacted, That wherever the said Canal shall pass over or intersect the said

To prevent any Injury being done to *Preston Mill*.

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Brook called *Preston Brook*; that then and in every such Case the said Company of Proprietors shall, and they are hereby required to make good and sufficient Culverts, in order to convey under the said Canal the Waters of the said Brook, and all Rivulets and visible Streams which run into or communicate with the said Brook; and the said Company of Proprietors shall not take into their said Canal any Water whatever from the said Brook called *Preston Brook*, or the Rivulets or Streams communicating therewith, except what must unavoidably be taken by cutting through the Grounds on the Line of the said Canal: Provided always, That in all Cases when the said Company of Proprietors shall cut off, take away, divert, turn, alter, or diminish any Spring or Springs, Stream or Streams of Water, that have usually flowed into the said Brook called *Preston Brook*, that then and in every such Case the said Company of Proprietors shall, in lieu of any Water so diverted or taken, cause to be discharged or conveyed into the said Brook, at the upper End of the Meadow belonging to the said *William Mills*, above *Preston Mill* aforesaid, or at such other Place as the said *William Mills*, his Heirs or Assigns, shall appoint, over a Weir or Weirs, or by some other good and sufficient Ways or Devices, Quantity of Water at least equal to that which shall be so diverted or taken into the said Canal, such Weirs or Devices to be made and for ever thereafter repaired, maintained, and kept in Repair at the Expence of the said Company of Proprietors; and that such Weirs or Devices shall be made, and such Quantity of Water as aforesaid shall be ascertained within Twelve Calendar Months after the cutting of the said Canal to *Preston Mill* aforesaid, by Three indifferent Persons, One to be appointed by the said *William Mills* or the Owner of his said Estate for the Time being, One other by the said Company of Proprietors, and the Third by such Two Persons so to be appointed as aforesaid; and the said Three Persons, or any Two of them, shall ascertain such Quantity of Water to be taken for the said Canal over the said Weirs; and such Reference shall be at the Expence of the said Company of Proprietors: Provided always, That at all Times when the Water in the said Canal shall not be sufficiently high to afford such a Discharge of Water over the said Weir or Weirs into the said Brook as the said Persons, or any Two of them, shall ascertain, then and in every such Case it shall be lawful for the said *William Mills*, or the Owner or Owners for the Time being of his said Estate, or his or their Tenant or Tenants of the said Mill, and he, she, or they, is and are hereby empowered to lock down and keep close the next Lock below the said Weir or Weirs till such Time as such Quantity of Water as the said Persons, or any Two of them, shall ascertain, shall run over the said Weir or Weirs into the said Brook; any Thing in the said recited Acts or in this Act contained to the contrary notwithstanding.

The same Tonnage Rates to be taken on the varied as on the original Lines.

XI. Provided always, and be it further enacted, That such and the like Rates of Tonnage and Wharfage upon the said Canal and Cut, as are payable to the said Company of Proprietors by virtue of the said recited Acts, shall be paid to the said Company of Proprietors, notwithstanding the Variations or Alterations aforesaid, and with the like Powers of lowering and raising the same again as are given in the said recited Acts, or either of them, but subject nevertheless to the Provisions, Restrictions, and Limitations mentioned and provided in the said recited Acts and in this Act.

XII. And



XII. And in order to make Compensation to the Company of Proprietors of the said *Warwick* and *Birmingham* Canal Navigation for any Injury they may sustain in consequence of making the said Variations or Alterations; and cutting into their Canal at a different Place than where the Company of Proprietors of the *Stratford-upon-Avon* Canal Navigation were authorized to join and communicate with the said *Warwick* and *Birmingham* Canal, by the said last recited Act, be it further enacted, That, over and above the Rate of Eleven-pence *per* Ton, made payable to the said Company of Proprietors of the *Warwick* and *Birmingham* Canal, by the said recited Act of the Thirty-fifth Year of the Reign of His present Majesty, there shall be paid to the same Company, to and for their own Use and Benefit, for all Coal, Goods, and other Matters and Things which shall be navigated, carried, or conveyed, upon any Part of the said *Stratford-upon-Avon* Canal, between the *Worcester* and *Birmingham* Canal and the Place where the said *Stratford-upon-Avon* Canal shall be joined by the said intended Cut, authorized to be made by this Act, and shall pass along the said Cut into the said *Warwick* and *Birmingham* Canal, and for all Coal, Goods, and other Matters and Things which shall be navigated, carried, or conveyed from the said *Warwick* and *Birmingham* Canal, along the said Cut, into or upon the said *Stratford-upon-Avon* Canal, and along the same towards the said *Worcester* and *Birmingham* Canal, and also for all Coal which shall be landed upon either Side of the said Cut, (not being to be used for burning Lime upon either of the Banks of the said Cut, and except such Coal as shall be landed upon the Wharf, agreed to be made by the said *Thomas Fetherston* Esquire), and also for all Coal which shall be landed on either Side of the said Cut, within Half a Mile of the *Warwick* and *Birmingham* Canal, and used for burning Lime on either of the Banks of the said Cut, the additional Sum of One Halfpenny *per* Ton, and so in Proportion for a less Quantity than a Ton, to be ascertained, collected, levied, and recovered by the like Ways and Means, and in the like Manner as any other Rates or Tonnages payable to the Company of Proprietors of the *Warwick* and *Birmingham* Canal Navigation can or may, by virtue of the Act passed for making their said Canal, be ascertained, collected, levied, and recovered: Provided always, That no higher or greater Rate than One Penny Halfpenny *per* Ton *per* Mile shall be paid to the said Company of Proprietors of the said *Warwick* and *Birmingham* Canal Navigation for the passing upon any Part of the said *Warwick* and *Birmingham* Canal, between the Place where the same shall be joined by the said intended Cut and the Town of *Warwick*, of any Coal, Goods, and other Matters or Things subject to the Payment of the said additional Sum of One Halfpenny *per* Ton, herein-before made payable to the Company of Proprietors of the said *Warwick* and *Birmingham* Canal Navigation; any Thing contained in the said Act for making the said *Warwick* and *Birmingham* Canal, or in the said recited Act of the Thirty-fifth Year of His present Majesty, or in this Act, to the contrary thereof notwithstanding.

For making a Compensation to the *Warwick* and *Birmingham* Canal Company.

XIII: Provided always, and be it further enacted, That the same and no greater Sum shall be paid to the Company of Proprietors of the said *Warwick* and *Birmingham* Canal Navigation, for Lime and Lime Stone, which, having been navigated, carried, and conveyed upon any Part of the said *Stratford-upon-Avon* Canal, shall pass along the said intended Cut into or upon the said *Warwick* and *Birmingham* Canal, than the several Tonnages made payable to the Company of Proprietors of the said *Warwick*

Lime and Lime Stone passing from the *Stratford* into the *Warwick* and *Birmingham* Canal to be liable to the same Rates as heretofore, and



and *Birmingham* Canal, by virtue of the said recited Act of the Thirty-fifth Year of His present Majesty.

Directing what Tonnage shall be paid to the *Warwick* and *Birmingham* Company, between the intended Junction of the Cut with their Canal and the Place where it was intended to have joined it.

XIV. And whereas the said intended Cut, according to the Variations aforesaid, will join and communicate with the *Warwick* and *Birmingham* Canal, in the said Manor of *Kingswood*, about a Quarter of a Mile further from *Warwick* and nearer to *Birmingham*, than where the said Cut was to join and communicate with the said *Warwick* and *Birmingham* Canal, according to the said last mentioned Act, be it therefore enacted, That the said Company of Proprietors of the *Warwick* and *Birmingham* Canal shall be paid no higher or greater Tonnage for the said Distance, than after the Rate of One Penny Halfpenny *per Ton per Mile*, for all Coal, Goods, or other Things passing upon the said *Warwick* and *Birmingham* Canal, between the Place where the said intended Cut shall join and communicate with the said *Warwick* and *Birmingham* Canal, by virtue of this present Act, and where it was intended to communicate, by virtue of the said last mentioned Act, and that the said Distance shall be considered as a Quarter of a Mile, whether the same be more or less.

Coals conveyed out of the Cut, along the *Warwick* and *Birmingham* Canal, to pay the same Rates as if conveyed from *Birmingham* to the Junction of the Cut.

XV. Provided always, and be it further enacted, That in case any Coal shall at any Time be navigated, carried, and conveyed from the said Cut into or upon the said *Warwick* and *Birmingham* Canal, and along the same towards the Town of *Birmingham*, there shall be paid and payable to the Company of Proprietors of the *Warwick* and *Birmingham* Canal for all such Coals, (instead of any Rates which would be otherwise payable to them for the same, by virtue of the said Act for making the said *Warwick* and *Birmingham* Canal or this Act), the like Rates as would have been payable for such Coals in case the same had passed from the Town of *Birmingham* to the Place where the said *Warwick* and *Birmingham* Canal shall be joined by the said Cut.

The Rates to be paid for Coals passing out of the Cut along the *Warwick* and *Birmingham* Canal, and unloaded between the Junction and the Upper Lock at *Hatton Hill*.

XVI. Provided also, and be it further enacted, That in case any Coals shall at any Time be navigated, carried, or conveyed, from the said intended Cut into or upon the said *Warwick* and *Birmingham* Canal, and along the same towards the Town of *Warwick*, and shall be unloaded upon the Side of the said *Warwick* and *Birmingham* Canal, between the Place where the said intended Cut shall join the said *Warwick* and *Birmingham* Canal, and the Upper Lock on the said *Warwick* and *Birmingham* Canal, at *Hatton Hill*, there shall be paid and payable to the said Company of Proprietors of the *Warwick* and *Birmingham* Canal, for all such Coals, (instead of any Rates which would be otherwise payable to them for the same by virtue of the said Act for making the said *Warwick* and *Birmingham* Canal, or this Act), the like Rates as would have been payable for such Coals, in case the same had passed from the Town of *Birmingham* to the Place where the said Coals shall be unloaded, on the Line of the said *Warwick* and *Birmingham* Canal.

Penalty on evading Payment of the Rates granted to the *Warwick* and *Birmingham* Canal Company.

XVII. Provided likewise, and it is hereby enacted and declared, That if any Act or Thing whatsoever shall be done in order to or with Intent to avoid the Payment of any of the said Rates or Duties herein-before or herein-after by this Act made payable to the said Company of Proprietors of the said *Warwick* and *Birmingham* Canal, every Person doing or causing to be done any such Act or Thing, shall forfeit and pay to the said Company of Proprietors of the said *Warwick* and *Birmingham* Canal any Sum not exceeding Six Pounds nor less than Four Pounds for every



every such Offence, and also the Amount of the Rates or Duties which would have been payable to them if such Act had not been done.

XVIII. And be it further enacted, That all the Rates herein-before or herein-after made payable to the said Company of Proprietors of the said *Warwick and Birmingham Canal*, shall be paid to such Person or Persons at the Toll House or Toll Houses herein-after mentioned, or at such other Place or Places, near to the said hereby intended Cut or Canal, or to the said *Warwick and Birmingham Canal*, and at such Time or Times, and in such Manner, and under such Regulations, as the said Company of Proprietors of the said *Warwick and Birmingham Canal* shall, from Time to Time, direct or appoint; and such Person or Persons shall have the like Powers and Authorities for collecting and recovering Payment of such Rates or Duties as are by any Act or Acts now in force given to the said Company of Proprietors of the said *Warwick and Birmingham Canal*, or any Person acting under their Authority, for collecting or recovering any other Rates or Duties granted to them, or as are by this Act given to the said Company of Proprietors of the said *Stratford-upon-Avon Canal*, for collecting or recovering any of the Rates or Duties hereby or by the said herein recited Acts granted.

Rates to be paid at such Place or Places as the *Warwick and Birmingham Company* shall appoint.

XIX. And, for the better collecting the Rates or Duties herein-before and herein-after made payable to the Company of Proprietors of the *Warwick and Birmingham Canal*, and the more effectually to prevent the Payment thereof from being evaded, be it further enacted, That it shall and may be lawful for the said Company of Proprietors of the said *Warwick and Birmingham Canal*, at their own Costs and Charges, at any Time or Times to cause such Stop Gate or Stop Gates, Bar or Bars, to be put or placed upon or across the said intended Cut or Canal, at such Place or Places as they shall think proper, and also such Toll House or Toll Houses, of such reasonable and proper Size and Construction as they shall think fit, for the Use of the Collector or Collectors of the Rates or Duties made payable to them as aforesaid, to be erected at or near the Side of the said intended Cut or Canal, as near to the said Stop Gate or Stop Gates, Bar or Bars, as conveniently may be; and the said Company of Proprietors of the said *Warwick and Birmingham Canal Navigation* are hereby invested with the like Powers and Authorities for purchasing Lands, on which to erect such Toll House or Toll Houses, as are given to the Company of Proprietors of the said *Stratford-upon-Avon Canal* by this present Act, or the said recited Acts, or either of them, for purchasing Lands through which the said intended Cut may pass, and the Owners or Proprietors of such Lands are hereby empowered to convey the same to the said Company of Proprietors of the said *Warwick and Birmingham Canal* as fully as any incapacitated Persons are by this Act, or the said recited Acts, or either of them, empowered to convey Land for the Purposes of the said intended Cut.

Stop Gate to be erected on the Cut to prevent Evasion of the Tolls.

XX. And be it further enacted, That the Master, Owner, or other Person having the Care of any Boat or other Vessel navigating upon any Part of the said intended Cut, shall give to the said Collector or Collectors, or to any other Officer or Officers to be by the said Company of Proprietors of the said *Warwick and Birmingham Canal Navigation* appointed for such Purpose, at such Toll House or Toll Houses, or at any

Boat Owners, &c. to give an Account of Goods on Board, from whence brought, and where bound to.

[Loc. & Per.]

10 E

Place



Place or Places where he or they shall attend for that Purpose, a just and true Account in Writing of the Quantities and Weight of such Coals, Goods, Wares, Merchandize, and other Things, and of the Nature, Kind, or Sort thereof, which shall be contained in or upon such Boat or other Vessel, and from whence brought, and where the same are intended to be landed; and in case any such Person shall refuse or wilfully neglect to give such Account to the Officer demanding the same, or shall, with Intent to avoid the Payment of the said Rates or Duties hereby granted to the Company of Proprietors of the said *Warwick* and *Birmingham* Canal, or any Part thereof, give a false Account; or deliver any Part of such Lading at any other Place or Places than what is or are mentioned in such Account, every Person so offending shall forfeit and pay to the said Company of Proprietors of the said *Warwick* and *Birmingham* Canal Navigation any Sum not exceeding Twelve Shillings nor less than Eight Shillings for every Ton of Coals, Goods, Wares, Merchandize, or other Things, and so in Proportion for any less Quantity than a Ton, which shall be in, or be conveyed by any such Boat or other Vessel, and also the Amount of the Rates or Duties which would have been payable for such Coals, Goods, Wares, Merchandize, or other Things, to the said Company of Proprietors of the said *Warwick* and *Birmingham* Canal, in case the same had been navigated or conveyed along the said intended Cut into or upon the said *Warwick* and *Birmingham* Canal; and such Collector or Collectors, or other Persons, shall have the like Powers and Authorities, and shall be subject to the like Rules and Orders as the Collectors of the Rates or Duties payable to the said Company of Proprietors of the said *Stratford-upon-Avon* Canal Navigation, for the stopping and detaining any Boat or Vessel, and for weighing, measuring, or gauging any Goods, Wares, and Merchandize, which shall be therein contained, and the several other Powers, Authorities, and Provisions, contained in certain Acts passed in the Thirty-third and Thirty-sixth Years of the Reign of His present Majesty, or either of them, for making and maintaining the said *Warwick* and *Birmingham* Canal, and also in this Act, with respect to the ascertaining, enforcing, collecting, and levying, the Tolls, Rates, Duties, and Penalties, granted and made payable, shall be applied and enforced for the Purpose of ascertaining, collecting, and levying, the Tolls, Rates, Duties, and Penalties, hereby granted and made payable to the said Company of Proprietors of the said *Warwick* and *Birmingham* Canal Navigation.

No publick Wharf to be made by the *Stratford* Company or any other Person on the Cut, without the Consent of the *Warwick* and *Birmingham* Company; but this Act not to prevent Mr. *Fetherston* or his Heirs from making Wharfs, &c. in his Estate in *Lapworth*.

XXI. And be it further enacted, That it shall not be lawful for the said Company of Proprietors of the said *Stratford-upon-Avon* Canal Navigation, or any Person or Persons whomsoever, to make or cause to be made any Wharf, Quay, or Place, for landing and selling Coals, Lime, or other Things, between the Place where the intended Cut shall be made from the said *Stratford-upon-Avon* Canal, and the Place where the same shall now join and communicate with the said *Warwick* and *Birmingham* Canal, without the Consent of the said *Warwick* and *Birmingham* Canal Company first had and obtained in Writing under their Common Seal: Provided always, That nothing herein contained shall extend, or be construed to extend, to prevent the said *Thomas Fetherston*, his Heirs or Assigns, or the Owner of his Estate for the Time being, from making, erecting, or using, any Wharf, Quays, Landing Places, Weigh Beams, or Warehouses, in or upon his Lands, Grounds, or Wastes, in the Parish



of *Lapworth* aforeſaid, adjoining or near to the ſaid intended Cut, or from landing any Goods or other Things upon ſuch Wharf, Quays, or Landing Places, or upon the Banks lying between the ſame and the ſaid intended Cut, and for ſuch Purpoſes, and with ſuch Privileges, and ſubject to the ſame Limitations and Regulations as Lords of Manors and Landholders may make and erect ſuch Wharf, Quays, Landing Places, Warehouses, and other Buildings and Conveniences, by virtue and under the ſaid recited Act of the Thirty-third Year of the Reign of His preſent Maſteſty.

XXII. Provided alſo, and it is hereby enacted and declared, That in caſe any Coal, Merchandize, and other Things, ſhall be carried from ſuch Wharf or Wharfs, ſo to be made on the Land of the ſaid *Thomas Fetherſton*, over the ſaid *Warwick* and *Birmingham* Canal, the ſame ſhall pay the aforeſaid Rates of Eleven-pence and One Halfpenny *per* Ton to the ſaid *Warwick* and *Birmingham* Company for ſuch Coal, Merchandize, and other Things, which ſhall be carried from the ſaid Wharf or Wharfs over their ſaid Canal; and ſo in Proportion for any Quantity leſs than a Ton; but it is hereby declared that Lime and Limestone ſhall not be charged with any additional Rate by virtue of this Act.

If any Coal, &c. carried from ſuch Wharf of Mr. *Fetherſton* over the *Warwick* and *Birmingham* Canal, they are to pay the Rates to the Company of Proprietors of that Canal.

XXIII. Provided alſo, and it is hereby further enacted and declared, That in order to aſcertain the Quantity of Coal, Merchandize, and other Things, which ſhall be carried from ſuch Wharf or Wharfs over the ſaid *Warwick* and *Birmingham* Canal, and ſecure the Payment of the aforeſaid Rates of Eleven-pence Halfpenny *per* Ton to the ſaid *Warwick* and *Birmingham* Canal Company, the ſaid *Thomas Fetherſton*, his Heirs or Aſſigns, or the Owner of his Eſtate for the Time being, or the Perſon or Perſons who ſhall have the Care of ſuch Wharf or Wharfs, ſhall require the Perſon or Perſons fetching or carrying away from ſuch Wharf or Wharfs any ſuch Coal, Merchandize, or other Things, to make a Declaration of his Name and Place of Abode, and alſo of the Name and Place of Abode of the Perſon or Perſons by whom he is employed, and alſo of the Place and County whereunto ſuch Coal, Merchandize, and other Things, are to be conveyed, and the ſaid *Thomas Fetherſton*, his Heirs and Aſſigns, or the Owner of his Eſtate for the Time being, or the Perſon or Perſons who ſhall have the Care of ſuch Wharf or Wharfs, ſhall make a full and explicit Entry of ſuch Declaration, and of the Quantity of Coal, Merchandize, and other Things, ſo carried or conveyed from ſuch Wharf or Wharfs, in a Book or Books to be kept for that Purpoſe, and if it ſhall appear from ſuch Declaration that ſuch Coal, Merchandize, or other Things, are intended to be carried from ſuch Wharf or Wharfs over the laſt mentioned Canal, then and in every ſuch Caſe the ſaid *Thomas Fetherſton*, his Heirs or Aſſigns, or the Owner or Owners of his Eſtate for the Time being, or the Perſon or Perſons having the Care of ſuch Wharf or Wharfs for the Time being, ſhall, and he is hereby authorized and required to receive, for the Uſe of the ſaid *Warwick* and *Birmingham* Canal Company, the ſaid Rates of Eleven-pence Halfpenny for every Ton, and ſo in Proportion for any leſs Quantity than a Ton, of all ſuch Coal, Merchandize, or other Things, ſo fetched or carried away from ſuch Wharf or Wharfs, as ſhall appear from ſuch Declaration to be intended to be carried over the ſaid *Warwick* and *Birmingham* Canal, and ſhall keep and make up a regular Account of ſuch

For aſcertain- ing the Quantity of Coal, &c. carried from Mr. *Fetherſton's* Wharf over the *Warwick* and *Birmingham* Canal.



such Tonnage, and at the Expiration of every Twenty-eight Days shall deliver true Copies of such Account, and of the said Entries of the said Declarations, to the Clerk of the said *Warwick* and *Birmingham* Canal Company, and permit him, from Time to Time, to compare the said Copies with the said Books, and shall also, at the End of each Twenty-eight Days, pay the said Tonnage so received to the Clerk of the said Company for the said Company's Use: Provided also, That if any such Declaration as aforesaid, made by any Person or Persons respecting the Name and Place of Abode of himself, or his Master or Employer, shall afterwards appear to be false in any Respect, then and in such Case the Person or Persons making such false Declaration shall, on Conviction before any Justice of the Peace for the said County of *Warwick*, on the Oath of One credible Witness, forfeit and pay to the said *Warwick* and *Birmingham* Canal Company any Sum not exceeding Twelve Shillings nor less than Eight Shillings for every Ton, and so in Proportion for any less Quantity than a Ton, of Coal, Merchandize, or other Things, carried away from any such Wharf or Wharfs, under such false Declaration as aforesaid; and any Justice of the Peace of the same County is hereby authorized and required, upon Information being given to him upon the Oath of One credible Witness, to issue his Warrant for apprehending and bringing before the said Justice such Person or Persons as shall, by such Information, be charged with having been guilty of the Offence aforesaid.

Rates to be paid to the *Stratford* Company for Goods passing along their Canal and Cut, to or from Mr. *Fetherston's* Wharf.

XXIV. Provided always, and be it further enacted, That nothing in this present Act or in the said former Acts contained shall extend to empower the Company of Proprietors of the said *Stratford-upon-Avon* Canal Navigation to charge the said *Thomas Fetherston*, or the Owners for the Time being, of the Wharf to be made by him or them upon his Lands as aforesaid, with any greater Rate of Tonnage for all such Coal, Coke, Iron, Ironstone, and other Goods and Things (except Limestone) which shall be navigated, carried, or conveyed, upon any Part of the said Canal and Cut, to or from the Wharf of the said *Thomas Fetherston*, than the Sum of One Penny Halfpenny *per Ton per Mile*, and so in Proportion for any less Distance than a Mile, and for any Quantity less than a Ton; nor to charge the said *Thomas Fetherston*, and the Owner of the said Wharf for the Time being, with any greater Rate of Tonnage for all Lime and Limestone, which shall be navigated, carried, or conveyed, upon any Part of the said Canal and Cut, to or from the said Wharf of the said *Thomas Fetherston*, than the Sum of One Halfpenny *per Ton per Mile*, and so in Proportion for any Distance less than a Mile, and for any Quantity less than a Ton.

If any Wharf made between the Junction with the *Warwick* and *Birmingham* Canal and *Preston* Mill, all Coals, &c. sold at such Wharf to pay to the Company of Proprietors of the

XXV Provided always, and be it further enacted, That in case any Lord or Lords of any Manor or Manors, or the Owner or Owners of any Lands or Grounds through which the said intended Cut shall be made, or in case the said Company of Proprietors of the said *Stratford-upon-Avon* Canal Navigation, by virtue of the Powers herein-after given them, shall erect or cause to be erected any Wharf, Quay, or Place, for landing Coal, Merchandize, and other Things, for Sale, between the Place where the said intended Cut shall join and communicate with the said *Warwick* and *Birmingham* Canal and *Preston* Mill, that then and in each of such Cases all such Coals, Merchandize, and other Things, which shall be sold



fold at any such Wharf, Quay, or Landing Place, by any Person or Persons, between the said intended Junction and *Preston Mill*, shall pay unto the Company of Proprietors of the said *Warwick and Birmingham Canal* Navigation the aforesaid Rates of Eleven-pence and One Halfpenny per Ton for all such Coals, Merchandize, and other Things sold as aforesaid, whether the same shall be carried across the said *Warwick and Birmingham Canal* or not, over and above the Quantity of Two hundred Tons in any One Year, and so in Proportion for any Quantity less than a Ton.

the *Warwick and Birmingham Canal* the Rate of Eleven pence Halfpenny for all above Two hundred Tons in any One Year, whether carried over this Canal or not.

XXVI. And be it further enacted, That if any Lord or Lords of any Manor or Manors, or the Owner or Owners of any Lands or Grounds through which the said Canal, intended Cut, and Branch, is or shall be made, shall not within the Space of Twelve Calendar Months next after Notice given in Writing to him or them, or left at his or their usual or last Place or Places of Abode, by or on the Behalf of the said Company of Proprietors of the *Stratford Canal*, that any Part or Parts of such Lands, Grounds, or Wastes, is or are intended to be used by them for the Purpose of making Landing Places and Wharfs for the Use of the said Navigation, erect or cause to be erected a Wharf, Quay, or Landing Place, or Wharfs, Quays, or Landing Places, according to such Notice, and from Time to Time keep in good and substantial Repair such proper and sufficient Landing Places and Wharfs, for the Use of the said Navigation, as the said Commissioners shall think necessary, and on the respective Part or Parts of the Lands and Grounds described in such Notice, that then the said Company of Proprietors shall have full Power and Authority, without any Hindrance or Restraint whatsoever, to make use of such Land, Ground, or Waste, for making proper and sufficient Landing Places and Wharfs, according to such Notice as aforesaid, first making Satisfaction for the same in such Manner as by the said recited Act of the Thirty-third Year of His present Majesty is directed with respect to other Lands which shall be taken or used for the Purpose of the said Navigation.

If Lords of Manors, &c. do not make Wharfs on the Canal when required so to do, the Company may make them.

XXVII. Provided always, and it is hereby further enacted, That no more than Two hundred Tons of Coal, Merchandize, or other Things, shall be sold, carried, or conveyed in any One Year from all the Wharfs, Quays, or Landing Places, which shall or may be erected or made by virtue of either or both of the Two last preceding Clauses, between the Place where the said intended Cut shall join and communicate with the said *Warwick and Birmingham Canal*, and *Preston Mill*, without being liable to the Payment of the said Rates of Eleven-pence Halfpenny per Ton to the said *Warwick and Birmingham Canal Company*, whether the same shall be carried across the said *Warwick and Birmingham Canal*, or not.

No more than Two hundred Tons shall be exempt at such Wharfs from the Rates to the *Warwick and Birmingham Canal Company*.

XXVIII. Provided also, and it is hereby further enacted, That in order to ascertain the Quantity of Coal, Merchandize, and other Things, which shall be sold, carried, or conveyed, from all such Wharfs as before mentioned, the Person or Persons who shall be employed to take Care of each and every of such Wharf or Wharfs shall make, and, at the Expiration of every Twenty-eight Days after such Wharf or Wharfs shall be made, deliver unto the Clerk to the said *Warwick and Birmingham Canal Company* for the Use of the said Company, a just and true Account of all

An Account to be kept and delivered to the *Warwick and Birmingham Canal Company*, of the Quantity carried from each Wharf.

[Loc. & Per.]

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the



the Coals, Merchandize, and other Things, which shall be sold, carried; or conveyed from each of such Wharf or Wharfs, and at the same Time pay unto such Clerk, for the Use of the same Company, the Tonnage after the Rate last above-mentioned for all such Coals, Merchandize, and other Things so sold, carried, or conveyed as aforesaid.

If more Wharfs than one shall be erected, then the 200 Tons to be apportioned amongst them.

XXIX. Provided also, and it is hereby further enacted, That in case more Wharfs than one shall be erected by virtue of the Powers given by the aforesaid Two Clauses respecting the Erection of Wharfs, Quays, and Landing Places, then and in such Cases such a Quantity of Coal, Merchandize, or other Things, carried from each of such Wharfs as shall be an exact Proportion of the said Quantity of Two hundred Tons in each Year, apportioning the same according to the Number of such Wharfs, which shall be so erected, and no more, shall be exempt from the Payment of the said last before-mentioned Duty of Eleven-pence Halfpenny *per* Ton to the said *Warwick* and *Birmingham* Canal Company.

Recovery and Application of Penalties belonging to the *Warwick* and *Birmingham* Canal Company.

XXX. And be it further enacted, That all Penalties and Forfeitures, which are hereby declared to belong to the said *Warwick* and *Birmingham* Canal Company for Offences against this Act, for the levying and recovering or applying whereof no particular Mode is herein directed, shall, upon Proof of the Offences respectively before any Justice of the Peace for the County of *Warwick*, either by Confession of the Party or Parties, or by the Oath of One credible Witness (which Oath such Justice is hereby empowered and required to administer without Fee or Reward) be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice, (which Warrant such Justice is hereby empowered to grant), and the Overplus, after such Penalties and Forfeitures, and the Charges of such Distress and Sale, are deducted, shall be returned upon Demand to the Owner or Owners of such Goods and Chattels; and in case sufficient Distress cannot be found, or such Penalties or Forfeitures shall not be forthwith paid, it shall be lawful for such Justice, by Warrant under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol for the County of *Warwick*, there to remain, without Bail or Mainprize, for such Time as such Justice shall direct, not exceeding Two Calender Months, unless such Penalties or Forfeitures, and all reasonable Charges attending the same, shall be sooner paid and satisfied; and such Penalties and Forfeitures, when recovered or received, shall be paid to the Treasurer to the said Company of Proprietors of the said *Warwick* and *Birmingham* Canal for their Use.

XXXI. And whereas by the said recited Act of the Thirty-fifth Year of His present Majesty it is enacted, That in case the Money authorized to be raised and borrowed by virtue of the said recited Act of the Thirty-third Year of the Reign of His present Majesty should be found insufficient for making, completing, and maintaining the said Canal and Cut, and other the Works thereby authorized to be made, then and in such Case it should be lawful for the said Company of Proprietors to borrow and take up at Interest, upon the Credit of their said Undertaking, any further Sum of Money, not exceeding Ten thousand Pounds: Now, in order to enable the said Company of Proprietors to complete the said Canal, Cut, and Branch, and other the Works authorized to be made by



the said recited Acts and this Act, be it further enacted; That it shall be lawful for the said Company of Proprietors of the said *Stratford-upon-Avon* Canal Navigation, and they are hereby authorized and empowered to raise, either by Subscription among themselves, or by the Admission of new Subscribers, or otherwise, in Manner herein-after mentioned; any further Sum or Sums of Money, which, with the said Sum of Ten thousand Pounds; shall not exceed the Sum of Forty-five thousand Pounds, any Thing in the above recited Acts to the contrary notwithstanding; and in case the said Sum of Forty-five thousand Pounds; or any Part thereof, shall be raised by Subscription, the said Sum shall be divided into One thousand two hundred Quarter Shares, each Quarter Share to be of the Value of Thirty-seven Pounds and Ten Shillings, which Quarter Shares shall be deemed Personal Estate, and be transmissible as such; and all Persons who shall subscribe for, or otherwise become entitled thereto, and their several and respective Executors, Administrators, and Assigns, shall be, and they are hereby declared to be the Owners and Proprietors of the said Quarter Shares in the said Undertaking, and shall be, and they are hereby united to and incorporated with the said Company of Proprietors, and the several Powers, Directions, Penalties, Forfeitures, and other Provisions contained in the said recited Act of the Thirty-third Year of the Reign of His present Majesty, (subject nevertheless to the Provisions, Directions, and Regulations herein contained), shall extend to the calling for, raising, suing for, and recovering the several Sums to be subscribed for the said Quarter Shares, and for compelling and obliging the several Subscribers for or Proprietors of the said Quarter Shares to pay the respective Sums to be subscribed as aforesaid, and for transferring and entering the same, and in all other Respects relating thereto, in like Manner as if the same was Part of the Money authorized to be raised by virtue of the said recited Act of the Thirty-third Year of His present Majesty, or as if the said several Powers, Directions, Penalties, Forfeitures, and other Provisions contained in the said Act were repeated and re-enacted in this Act; and that all and every the Persons, and their several and respective Executors, Administrators, and Assigns, who shall severally subscribe and pay the Sum of Thirty-seven Pounds and Ten Shillings for each and every of the said Quarter Shares, shall be entitled to and receive the entire and nett Distribution of such proportionable Part of the Profits and Advantages that shall and may arise and accrue to the said Company of Proprietors, by virtue of the said recited Acts and this Act, as the Quarter Shares belonging to such Person or Persons as aforesaid shall bear to the whole Amount of the original Shares belonging to all and every the Proprietors in the said Navigation; and all and every the said Quarter Shares, and also the Persons respectively entitled thereto, shall be subject to the like Regulations and Provisions as the original Shares in the said Navigation are liable to; and that in the Qualification of Proprietors to vote in the General and other Assemblies of Proprietors, Four of such Quarter Shares shall be considered equal to One of the said Shares, but no Proprietor shall be entitled to give any Vote for less than Four Quarter Shares.

The Company empowered to raise a further Sum for completing the Works, and if it is raised by Subscription, the Money to be divided into Quarter Shares.

XXXII. And be it further enacted, That no One Call for Money from the Subscribers to and Proprietors of the said Quarter Shares shall exceed the Sum of Five Pounds on each Quarter Share, nor shall any such Calls be made within a less Distance to each other than Two Calendar Months;

For making Calls on the Subscribers to Quarter Shares.

and



and no Person shall be obliged or compelled to pay any such Money in consequence of any such Calls within a less Time than Thirty Days after the Calls shall have been made.

No Proprietor of original Shares compellable to contribute towards the Sum hereby authorized to be raised.

XXXIII. Provided always, and be it further enacted, That no Proprietor or Proprietors of the said *Stratford-upon-Avon* Canal Navigation shall be compelled or compellable to raise any Part of the said Sum of Forty-five thousand Pounds, or to subscribe for any of the said Quarter Shares, unless he, she, or they shall be willing so to do, and shall signify his, her, or their Consent in Writing to the Treasurer or Clerk of the said Company of Proprietors; any Thing herein contained to the contrary thereof notwithstanding.

The Company may raise additional Sum by Mortgage or Annuities.

XXXIV. Provided always, and be it further enacted, That in case the said Company of Proprietors shall think it more advisable or proper to raise the said Sum of Forty-five thousand Pounds or any Part thereof, by Mortgage of the Rates authorized to be collected on the said Canal, Cut, and Branch, or by granting Annuities with Benefit of Survivorship, or otherwise, payable out of the said Rates, or any of them, instead of raising the said Sum by Subscription among themselves, or by the Admission of new Subscribers, then it shall be lawful for the said Company either to borrow and take up at Interest, by any such Mortgage as aforesaid, from any Person or Persons, upon the Credit of the said Rates, or any of them, the said Sum of Forty-five thousand Pounds, or any Part thereof, or to raise any such Money by the Grant of any such Annuity or Annuities as aforesaid, to or for the Use of any Person or Persons who shall contribute, advance, and pay, into the Hands of the Treasurer to the said Company of Proprietors any such Sum or Sums of Money as the said Company shall agree upon for the absolute Purchase of any such Annuity or Annuities, to be paid and payable for any Term or Number of Years, or during the natural Lives of every such Contributor, or the natural Life of such Person as shall be nominated by or on the Behalf of such Contributor at the Time of the Payment of his or her Contribution or Purchase Money, and either with or without Benefit of Survivorship; and the said Company of Proprietors are hereby authorized and empowered to assign and make over their Interest and Property in the said Canal, Cut, and Branch, and the Rates to arise by virtue of the said Acts and of this Act, or any Part thereof, as a Security or Securities for any Sum or Sums of Money so to be borrowed, with Interest, to the Person or Persons who shall advance the same, or to his or their Trustee or Trustees, by Deed of Mortgage, in like Manner and Form, and with and subject to the like Powers and Directions for transferring every such Mortgage, and registering the same, and to the like Remedies, Regulations, and Provisions, touching and concerning the same, and the Interest to be thereby secured, as are mentioned or contained in and by the said recited Acts, or either of them, respecting the borrowing of Money, and the Securities to be made for the same.

If any of the Money is raised by Mortgage, any Proprietor may become Surety for Payment of

XXXV. Provided also, and be it further enacted, That in case the said Sum of Forty-five thousand Pounds, or any Part thereof, shall be borrowed on Mortgage as aforesaid, then and in such Case it shall be lawful for any Proprietor or Proprietors from Time to Time to become Surety for the Payment of the Interest thereof, or any Part thereof, and that all and every Sum and Sums of Money, which shall be advanced and paid by such



such Proprietor or Proprietors on account of such Interest, shall be raised and paid to him, her, or them, out of the Income and Rate, arising from the said Navigation, in preference to any Dividends being made and paid to the said Company; and that the Proprietor or Proprietors who shall become Surety for the Payment of such Interest, as aforesaid, shall be fully indemnified and saved harmless by the said Company against the Payment of such Interest, and all Damages, Costs, Charges, and Expences, by reason thereof.

the Interest, and any Money paid by him for such Interest to be repaid him before any Dividend made to the Company.

XXXVI. And be it further enacted, That the Grant of every such Annuity as aforesaid, shall be by Deed under the Common Seal of the said Company, according to the Form following; that is to say:

WE the Company of Proprietors of the *Stratford-upon-Avon* Canal Navigation, in consideration of the Sum of  
 to us paid by *A. B.* of \_\_\_\_\_ do hereby, by  
 virtue of an Act passed in the Thirty-ninth Year of the Reign of King  
*George* the Third, intituled, [*Set forth the Title of this Act*], grant unto  
 the said *A. B.* One Annuity or yearly Sum of \_\_\_\_\_  
 to be issuing out of all and singular the Rates arising by virtue of the  
 several Acts of Parliament made for or relating to the making and  
 maintaining the said *Stratford-upon-Avon* Canal Navigation, to hold unto  
 the said *A. B.* his Executors, Administrators, and Assigns, for the Term  
 of \_\_\_\_\_ Years, [*or as the Case shall be*, to hold unto the said *A. B.*  
 and his Assigns, during his natural Life, *or*, to hold unto the said *A. B.*  
 his Executors, Administrators, and Assigns, for and during  
 \_\_\_\_\_], and such Annuity or yearly Sum shall be payable and  
 paid at \_\_\_\_\_ upon the \_\_\_\_\_ yearly, by equal  
 Portions; and the first Payment thereof to be made upon the  
 Day of \_\_\_\_\_ next. Given under our Seal this  
 Day of \_\_\_\_\_

Form of Annuity.

And every such Grant shall be valid and effectual in the Law to all Intents and Purposes; and that all the Grantees of such Annuities shall be equally entitled to their Proportion of the said respective Annuities, without any Preference by reason of the Priority of Date of any such Grant, or on any other Account whatsoever; and an Entry or Memorial of every such Grant, containing the Date thereof, and an Account of the Name or Names of the Party or Parties, with their proper Additions, to whom the same shall have been made, and of the Consideration of such Grant, and of the Annuity granted, and the Duration thereof, shall, within Thirty Days next after the Date thereof, be written and inserted in a Book to be kept for that Purpose by the Clerk of the said Company of Proprietors; and all and every Person and Persons to whom any such Grant shall have been made, or who shall be entitled to the Annuity thereby secured, may from Time to Time assign or transfer his, her, or their Right and Title therein, to any Person or Persons according to the Form following; (that is to say),

I *A. B.* of \_\_\_\_\_ in consideration of the Sum of \_\_\_\_\_  
 to me paid by *C. D.* of \_\_\_\_\_  
 do hereby transfer unto the said *C. D.* a certain Grant made by the  
 Company of Proprietors of the *Stratford-upon-Avon* Canal Navigation,  
 bearing Date the \_\_\_\_\_ Day of \_\_\_\_\_ of an Annuity  
 of \_\_\_\_\_ [*Here mention the Duration of the Annuity*] and  
 [Loc. & Per.] \_\_\_\_\_ 10 G all



all my Right, Title, and Interest in and to the Annuity thereby secured,  
 to hold the same unto the said C. D. his Executors, Administrators, and  
 Assigns. In Witness whereof I have hereunto set my Hand and Seal  
 this                      Day of    A. B.

And every such Transfer shall, within Thirty Days after the Date thereof, be produced and notified to the Clerk of the said Company of Proprietors, who shall thereupon cause an Entry or Memorial to be made thereof, containing the Names of the Parties, and the Annuity thereby transferred, in the said Book, for which Entry such Clerk shall be paid the Sum of Two Shillings and Sixpence, and no more; and after such Entry made, every such Assignment shall entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the full Benefit of the original Grant; and it shall not be in the Power of such Person or Persons, who shall have made any such Transfer, at any Time afterwards to make void, release, or discharge the said Annuity, or any Part thereof.

Interest of Mortgages and Annuities to be paid in preference to any Dividends being made.

XXXVII. And be it further enacted, That the Annuities so to be granted, and the Interest of the Money for which such Mortgage or Mortgages shall be executed as aforesaid, shall be paid Half-yearly to the Person or Persons entitled thereto, in preference to any Dividends which shall be ordered, made, or paid to the Proprietors of the said Navigation, in respect of their Shares or Quarter Shares in the said Navigation, which they are or shall be entitled to by virtue of and under the said recited Acts, or this present Act.

Proprietors who have paid in full for their Shares, may have Five per Centum Interest thereon, up to the 25th Day of December next after the Cut is made navigable, unless any General Assembly order the Payment to stop sooner.

XXXVIII. And be it further enacted, That all and every Proprietor and Proprietors of Shares in the said Navigation, who have or has advanced and paid any Money in full for any Share or Shares in the said Navigation, or by way of Calls upon his, her, or their Share or Shares, under the Powers of the said recited Acts, shall be entitled to receive Interest after the Rate of Five Pounds *per Centum per Annum* in respect thereof, from the Time of Payment thereof respectively up to the Twenty-fifth Day of *December* next after the said intended Cut from the *Stratford-upon-Avon* Canal, to join and communicate with the *Warwick* and *Birmingham* Canal, shall become navigable, when and from which Time the Payment of Interest to all and every the Proprietors in the said Navigation shall cease and be no longer paid, any Thing in the said before recited Acts, or either of them, contained to the contrary thereof in anywise notwithstanding: Provided always, that nothing herein contained shall extend to prevent the said Company of Proprietors, at any General or Special Assembly called for that Purpose, from stopping the Payment of Interest to the said Proprietors before the said Cut from the *Stratford-upon-Avon* Canal into the *Warwick* and *Birmingham* Canal shall become navigable, in case they shall think proper so to do, or to make any Order for the stopping the Payment of the said Interest, or any Part thereof.

Executors and Administrators of deceased Proprietors and Trustees, or Guardians of Minors, &c. may pay on Calls.

XXXIX. And be it further enacted, That it shall be lawful for the Executors and Administrators of any deceased Proprietor or Proprietors of Shares or Quarter Shares in the said Navigation, and also for the Executors and Administrators of any Proprietor or Proprietors who may happen to die before Payment shall have been made of his, her, or their proportionable Share of the Monies to be raised by virtue of the said



Acts and of this Act, and who shall not have otherwise provided for the Payment thereof, and also to and for any Trustee or Trustees, Guardian or Guardians of any Infant, or other Person under legal Disabilities, to advance and pay all and every such Sum and Sums of Money as shall be called for under and by virtue of the Powers of the said recited Acts or this Act, in respect of the Share or Shares, or Quarter Share or Shares, belonging to the said deceased Proprietor, or to such Infant or other Person under any legal Disability; and all such Executors, Administrators, Trustees, and Guardians, shall be reimbursed, out of the Estate and Effects belonging to such deceased Proprietor, or to such Minor or other Person aforesaid, what he, she, or they shall advance and pay under and by virtue of the Powers of this Act, or such Executors, Administrators, Trustees, and Guardians may, and they are hereby authorized and empowered to raise the same by way of Mortgage of the said Shares or Quarter Shares; and if such deceased Proprietor or Proprietors shall not have left Assets to answer such Calls, or such Executors, Administrators, Trustees, or Guardians, shall refuse or neglect to answer such Calls as shall be made in pursuance of the Powers of this Act, the said Company of Proprietors shall be, and are hereby empowered and required to admit any of the present Proprietors of Shares in the said Navigation, or any other Person or Persons, to be a Proprietor or Proprietors of the Share or Shares, or Quarter Share or Shares, of such deceased Proprietor or Proprietors, or of such Infant or other Person under Disabilities, and that such Admission under the Common Seal of the said Company shall be as good and effectual in the Law as though an actual Transfer was made of such Share or Shares, or Quarter Share or Quarter Shares, by the Party or Parties possessed thereof, and such Proprietor or Proprietors, so admitted, shall and may hold and enjoy the Share or Shares, Quarter Share or Quarter Shares, to which he, she, or they shall be so admitted, absolutely freed and discharged of and from all Claims and Demands of all and every Person and Persons claiming under such deceased Proprietor or Proprietors, his, her, or their Executors or Administrators, and also against such Infant or other Person under Disabilities as aforesaid, provided that the Person or Persons so admitted do and shall, on or before such Admission, pay to the Executors or Administrators of such deceased Proprietor or Proprietors, or to the Trustee or Trustees, Guardian or Guardians of any such Infant or other Person entitled to such Share or Shares, or Quarter Share or Quarter Shares as aforesaid, the full Sum or Sums of Money which shall have been paid by such deceased Proprietor or Proprietors in his or her Life Time, or for or on Account of such Infant or other Person or Persons as aforesaid, by virtue of any Call or Calls, or otherwise, upon such Share or Shares, or Quarter Share or Quarter Shares, or such other Sum or Sums of Money as the same Share or Shares, Quarter Share or Quarter Shares, can be sold for under an Order of the General Assembly of the said Company, to be made for that Purpose, of which said intended Sale Twenty-eight Days Notice shall be given in the *London Gazette*, and in one of the *Birmingham* and *Worcester* Newspapers.

XL. Provided always, and be it further enacted, That in any Action to be brought by the said Company against any Owner or Owners of any Share or Shares, Quarter Share or Quarter 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 or payable from him, her, or them, for or by reason of any Call or Calls made or to be made

Directing how the Company are to bring Actions for compelling Subscribers to pay upon Calls.



made by virtue of the said recited Acts, or either of them, or of this present Act, it shall be sufficient for the said Company to declare and alledge that such Defendant or Defendants, being a Proprietor or Proprietors of such or so many Share or Shares, or Quarter Share or Quarter Shares, (as the Case may happen to be), of and in the said Navigation, is or are indebted to the said Company in such Sum or Sums of Money as the Call or Calls so 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, Quarter 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 Acts, or either of them, or of this Act, whereby an Action accrued to the said Company by virtue of the said Acts or either of them, or this Act, without setting forth the Special Matter, any Thing herein-before, or in the said recited Acts, contained to the contrary thereof in anywise notwithstanding: Provided also, That no such Action shall be brought by the said Company against any Owner or Owners of any Share or Shares, or any Quarter Share or Shares, of and in the said Navigation, until Notice in Writing be given by the Treasurer or Clerk of the said Company of Proprietors to the Owner or Owners thereof, or left at his, her, or their Dwelling House, or usual or last Place of Abode, Three Calendar Months next before such Action shall be brought, and in which Notice shall be contained a Statement and Account how much Money is due from the Person or Persons for his, her, or their Call or Calls in the said Undertaking; and that after such Notice given or left as aforesaid, it shall only be necessary to prove on the Trial of such Action that such Defendant or Defendants at the Time of making each Call, for and in respect of which such Action is brought, was or were a Proprietor or Proprietors liable to contribute to Calls, and that such Call was in Fact made without proving the Appointment of the Committee who made such Call, or any other Matter whatsoever; and the said Company shall thereupon be entitled to recover in respect of every such Call, unless it shall appear that such Call exceeded the Sum of Five Pounds for each Share, or Quarter Share, (as the Case may happen to be), or was made within the Distance of One Calendar Month in the Case of a Share under the said recited Acts, or of Two Calendar Months, in the case of a Quarter Share under the present Act, from some other Call; any Thing contained in the said recited Acts or this present Act to the contrary thereof in anywise notwithstanding.

If Calls not paid when made, the Company may sell the Shares.

XLI. Provided always, and be it further enacted, That in case any Proprietor of a Share or Shares in the said Navigation shall at any Time neglect or refuse to answer and pay the Calls made upon him or her, within the Time and in Manner prescribed by the said Acts, or either of them, for making such Payment, it shall be lawful for the said Company of Proprietors to cause to be sold the Share or Shares belonging to such Person, or so many thereof (if more than One), as will raise a sufficient Sum of Money to make good the Money so called for, with lawful Interest for such Money from the Time the same shall have been due, and also all Charges and Expences occasioned by such Neglect or Refusal, and by Writing under their Common Seal to convey the same to the Purchaser or Purchasers thereof, according to the Form, and in Manner by the said Act directed with respect to the Sale of Shares in the said Navigation; and every such Sale and Conveyance shall be as valid and effectual as if made by the former Owner; and out of the Monies arising  
by



by such Sale, the said Company of Proprietors are hereby empowered to deduct and retain the Sum due to them from such Person on account of his or her Share or Shares in the said Navigation, together with Interest for the same as aforesaid, and also all Expences attending such Neglect or Refusal and Sale; and if there shall be any Overplus of such Money the same shall, by the said Company of Proprietors, be paid upon Demand to the Person who was the Proprietor of the said Share or Shares before such Sale was made, his or her Executors or Administrators, the Person or Persons receiving such Money giving to the said Company of Proprietors a proper Receipt or Discharge for the same: Provided always, That nothing herein contained shall extend or be construed to extend to prevent the said Company of Proprietors from pursuing such other Remedies for recovering the Calls and Arrears of Calls due from the said Proprietors, or any of them, as are given and directed by the said recited Acts and this present Act, or any or either of them.

XLII. And be it further enacted, That, from and after the passing of this Act, it shall be lawful for any Person or Persons already possessed of Shares, or who shall become a Proprietor or Proprietors of Shares or Quarter Shares in the said Navigation, to hold any Number of Shares or Quarter Shares therein; any Thing in the said recited Acts contained to the contrary notwithstanding: Provided always, That it shall not be lawful for any Proprietor of the said Canal, at any General or Special Assembly of the said Company of Proprietors, to vote, either in Person or by Proxy, for any greater Number of Shares than Forty Shares; any Thing in the said recited Acts or in this present Act to the contrary notwithstanding.

Proprietors may hold any Number of Shares or Quarter Shares, but not vote for more than a certain Number.

XLIII. Provided always, and be it further enacted, That no Proprietor or Proprietors who shall be in Arrear in the Payment of any Sum or Sums of Money due or payable for or by reason of any Call or Calls made or to be made by virtue of the said recited Acts, or either of them, or of this present Act, exceeding Three Calls, shall be capable of being elected or acting on the Committee, or shall be entitled to vote in any publick Meeting or Assembly to be held under the Powers of the said Acts, or any or either of them, during the Time that such Call or Calls, exceeding Three Calls as aforesaid, shall be so in Arrear and unpaid.

No Proprietor who shall be in Arrear above Three Calls to be elected on the Committee to vote in the Assemblies.

XLIV. Provided always, and be it further enacted, That it shall be lawful for the Committee for the Time being of the said Company, from Time to Time to borrow the Whole or any Part of the said Sum of Forty-five thousand Pounds on their own Bonds, or on the Bonds of such other of the Proprietors who may be willing to become Surety for the same, either as an original Security, or by way of collateral Security to any Mortgage of the said Navigation to be executed as aforesaid; and that all such Sum or Sums of Money as shall be borrowed for the Use of the said Company, on the Bonds of the said Committee, or of any other Proprietors of the said Company, either collectively or individually, in pursuance of this Act, shall be repaid, with such Rate of Interest as shall be expressed in such Bonds respectively, out of the said Sum of Forty-five thousand Pounds, authorized to be raised under the Powers of this Act, or out of the Income and Rates arising from the said Navigation, in preference to any Dividends or Distribution of Profits among the Proprietors thereof; and that the Person or Persons, who shall enter into

The Money to be raised may be borrowed on the Bonds of the Committee, or of any other of the Proprietors.



such Bond or Bonds as aforesaid, shall be fully indemnified and saved harmless by the said Company of Proprietors against the Payment of the Principal Money and Interest for which such Bonds shall be given, and all Damages, Costs, Charges, and Expences, by reason thereof.

If the Company have Occasion to use any Part of any Common or Waste, a Conveyance from the Lord of the Manor deemed sufficient.

XLV. And be it further enacted, That in all Cases where there shall be Occasion to cut through, take, or use Part of any Common or Waste Ground, for the Purpose of making the said *Stratford upon-Avon* Canal, intended Cut, or Branch, the Conveyance thereof by the Lord or Lords, Lady or Ladies, of the Manor for the Time being, wherein the same shall be situate, or the Guardians or Trustees of any such Lord or Lady of such Manor, who shall be under any Disability or Incapacity of acting for themselves, shall be a good and sufficient Conveyance to the said Company of Proprietors for the Purpose of vesting in them the Fee Simple and Inheritance thereof, as fully and effectually as if every Person having Right of Common upon such Commons or Waste Grounds had joined in and executed such Conveyance; and that the Compensation to be paid for any Right of Common upon any such Commons or Waste Grounds as aforesaid, shall be paid by the said Company of Proprietors to the Churchwardens of the respective Parishes wherein such Commons or Waste Grounds shall lie, and shall be by such Churchwardens received and applied for such general and publick Purposes, within such Parishes respectively, as a Vestry of every such Parish, to be convened by such Churchwardens for that Purpose, shall direct; any Thing in the said recited Acts or in this present Act to the contrary thereof notwithstanding.

Directing how the Company shall be rated for the Land, &c. taken or belonging to them.

XLVI. And be it further enacted, That the said Company of Proprietors of the said *Stratford-upon-Avon* Canal shall from Time to Time be rated to all Parliamentary and Parochial Taxes, Rates, and Assessments, for and in respect of the Lands and Hereditaments taken and used by the said Company for the Purpose of the said Navigation, and all Warehouses and other Buildings erected or to be erected thereon by the said Company of Proprietors, by virtue of the said Acts and of this Act, in the same Proportions as other Lands, Grounds, and Buildings, adjoining or lying near the said Canal are or shall be rated; but it shall be lawful for the said Company to agree with any Owner or Owners of any Lands or Hereditaments of sufficient yearly Value, adjoining or lying near to the Lands or Hereditaments to be purchased or taken for the Purposes of the said Navigation, for an Exemption from all Rates, Taxes, and Assessments, in respect of such last-mentioned Lands and Hereditaments, and for charging the same upon the adjoining Lands and Hereditaments of such Person or Persons; and in all such Cases all the Parochial and other Taxes, Rates, and Assessments, which might be thereafter charged upon, or payable in respect of the Lands or Hereditaments to be so purchased or taken for the Purposes of the said Navigation, shall be rated and charged upon such adjoining Lands, and upon the Owners and Occupiers thereof, and the Lands and Hereditaments to be purchased for the Purposes of the said Navigation, shall be exempted and discharged therefrom.

The Company obliged to purchase

XLVII. And be it further enacted, That where the said Company of Proprietors shall cut through any Land or Ground, for the Purpose of the



the said *Stratford-upon-Avon* Canal and intended Cut and Branch, they shall be obliged to purchase not only such Part of the same Lands and Grounds as shall be actually taken or used, but also, at the Option of the Owner or Owners of such Land or Ground, the Remainder thereof, so as the same do not exceed Two Acres over and above the Land or Ground which shall be actually taken or used for the Purposes of the said Canal, Cut, or Branch, the Value thereof to be ascertained in the same Manner as by the said Act of the Thirty-third of His present Majesty is directed concerning the Land or Ground to be cut, taken, or used for the Purpose of the said Canal, in case the said Company of Proprietors and the Owner or Owners of such Land or Ground cannot agree for the Purchase Money or Price to be paid for the same; and that the Company of Proprietors shall also have Power to sell and convey such Land to any Person or Persons whomsoever, without the Intervention of the Commissioners appointed under or by virtue of the said Acts.

overplus  
Land, not ex-  
ceeding Two  
Acres, in  
certain Cases.

XLVIII. And be it further enacted, that all Conveyances of any Lands or other Hereditaments, to be made to the said Company of Proprietors, by virtue of the said recited Acts or this Act, shall be made according to the Form following; (*videlicet*),

‘ I *A. B.* of \_\_\_\_\_ in consideration of the Sum of \_\_\_\_\_  
 ‘ \_\_\_\_\_ to me paid, [*or*, in consideration of the Annual \_\_\_\_\_  
 ‘ Rent of \_\_\_\_\_ to me to be hereafter yielded and paid \_\_\_\_\_  
 ‘ by yearly or Half-yearly Payments, *as may be agreed upon*], by the  
 ‘ Company of Proprietors of the *Stratford-upon-Avon* Canal Navigation,  
 ‘ do hereby grant and release to the said Company, all [*describing the Pre-  
 ‘ mises to be conveyed*], and all my Right, Title, and Interest to and in  
 ‘ the same and every Part thereof, to hold to the said Company for ever,  
 ‘ by virtue and according to the true Intent and Meaning of the Acts  
 ‘ passed for making and maintaining the said *Stratford-upon-Avon* Canal.  
 ‘ In Witness whereof I have hereunto set my Hand and Seal this  
 ‘ \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_

Form of Con-  
veyance of  
Lands to the  
Company.

Which said Conveyance shall be kept by the Clerk of the said Company of Proprietors, who shall from Time to Time, when requested, deliver attested Copies thereof to any Person or Persons requesting the same, and shall have and receive Sixpence for every One hundred Words of each such attested Copy, and so in Proportion for any less Number of Words; and every such Conveyance as aforesaid, which shall be made to any Person or Persons, other than the said Company of Proprietors, shall be according to the following Form; (*videlicet*),

‘ I *A. B.* do hereby, by virtue and in pursuance of a certain Act,  
 ‘ intituled, [*insert the Title of the Act*], and by and with the Consent  
 ‘ and Approbation of \_\_\_\_\_ or more of the Commissioners  
 ‘ appointed under or by virtue of the said Acts, or either of them,  
 ‘ testified by their Signature hereto, and in consideration of the Sum of \_\_\_\_\_  
 ‘ \_\_\_\_\_ to me in Hand, paid by *C. D.* at or before the  
 ‘ Sealing and Delivery of these Presents, the Receipt whereof I do hereby  
 ‘ acknowledge, [*or*, in Exchange for certain Lands, situate  
 ‘ conveyed to me by *C. D.* by Writing under his Hand and Seal,  
 ‘ bearing even Date herewith], convey and assign to the said *C. D.* all  
 ‘ \_\_\_\_\_ [*describe*



‘ [describe the Premises], to hold to the said C. D. his Heirs and Assigns,  
 ‘ for ever. As Witness my Hand and Seal, this  
 ‘ Day of

And every such Conveyance shall be valid and effectual: Provided always, That all Contracts, Agreements, Bargains, Sales, and Exchanges, of any Lands, Tenements, and Hereditaments, which are of the Nature of Copyhold, shall be executed and completed by Surrender, in such and the same Manner as is mentioned and described in the said Act of the Thirty-third of His present Majesty, and as if this Act had not been made.

For making  
 Compensation  
 for Tythes.

XLIX. And be it further enacted, That full Recompence and Satisfaction shall be made by the said Company of Proprietors for all the Tythes, both Great and Small, which would have been issuing from or out of the Lands which shall be taken or made use of by them for the Purposes of the said Acts and this Act, to the several Persons who now are or at any Time hereafter might have become entitled to such Tythes, according to their respective Interests therein, such Tythes to be estimated at the Average Value of Four Years commencing at *Michaelmas-Day* One thousand seven hundred and ninety-four, and ending at *Michaelmas-Day* One thousand seven hundred and ninety-eight, such Value to be ascertained (in case of any Difference concerning the same) by Commissioners or a Jury, in like Manner as the Value of other Lands or Hereditaments is directed to be ascertained by the said first recited Act: Provided always, That such Recompence and Satisfaction shall be made to all Spiritual Persons by an annual Rent.

Owners of  
 Vessels who  
 shall pay any  
 Penalty or  
 Satisfaction  
 for their Ser-  
 vants to be  
 re imburbed  
 by them.

L. And be it further enacted, That in case the Owner or Owners of any Boat or Barge, or other Vessel employed on the said Navigation, shall be compelled to pay any Penalty, or to make Satisfaction for any Damages, by reason of any Neglect or Default done or committed by his or their Servants, Boatmen, or Watermen, or any of them, such Servants, Boatmen, or Watermen, and each and every of them, shall be liable to repay such Penalty or Satisfaction for Damages (with the Costs thereof) to such Owner or Owners, and in case of Non-payment upon Demand thereof, and Oath made by such 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 or hath not been repaid to him or them by such Servants, Boatmen, or Watermen, or any of them, although demanded (such Oath to be made before any One Justice of the Peace for the County where such Penalty and Satisfaction shall have been recovered), the Amount thereof shall be recovered in like Manner as any Penalty is to be recovered by virtue of the said recited Act of the Thirty-third of His present Majesty.

Penalty on  
 navigating  
 Vessels along  
 the Canal  
 without a  
 Helm and  
 Steerer.

LI. And be it further enacted, That no Boat, Barge, or other Vessel shall be used or navigated on the said Canal, Cut, or Branch, (except such as shall be used in repairing it), without a Helm, and a Steerer to attend it, who shall constantly attend at the Helm, and guide the Boat, Barge, or Vessel, while the same shall be drawn along the said Canal, Cut, or Branch, and in Default thereof the Master and Owner of every such



such Boat, Barge, or Vessel, shall, for every such Offence, forfeit and pay to the said Company of Proprietors any Sum not exceeding the Sum of Five Pounds, nor less than Twenty Shillings.

LII. And be it further enacted, That no Boat or other Vessel of less Burthen than Twenty Tons, nor any Boat or other Vessel used for carrying Passengers, or any other Persons not employed in navigating such Boat or other Vessel, shall be used or navigated upon the said Canal, Cut, or Branch, by any Person or Persons, without the Consent of the said Company of Proprietors, or the Committee of the said Company, upon Pain of forfeiting to the said Company of Proprietors any Sum not exceeding Ten Pounds, nor less than Five Pounds, for every such Offence.

Vessels under a certain Burthen, or carrying Passengers, not to pass along the Canal.

LIII. And be it further enacted, That every Master or Owner of any Boat, Barge, or other Vessel or Vessels, to be navigated on the said Canal, Cut, or Branch, shall, before the same be permitted to pass on the same, cause his Name and Place of Abode, and the Number of every such Boat, Barge, or other Vessel, to be entered in a Book to be kept at the said Company's Office at *Stratford-upon-Avon*, or *Hockley Port*, which Entry shall be made by the Company's Clerks at the said Offices respectively, *gratis*, and the said Boats, Barges, or other Vessels, shall be marked S. A. C. and numbered with a Plate of Cast Iron, to be delivered from such Office, and the Number to correspond with the Number entered in the Book kept in the Office, in which shall be entered the Name and Place of Abode of such Master or Owner as aforesaid, and for which Plate of Cast Iron such Master or Owner shall pay One Shilling and no more, and in Default thereof shall forfeit and pay to the said Company of Proprietors any Sum not exceeding Five Pounds, nor less than Twenty Shillings, for every Time any such Boat shall pass without such Entry being made, and the Boat, Barge, or other Vessel being marked and numbered as aforesaid.

Vessels to be entered with the Company, and numbered.

LIV. And whereas the said Company of Proprietors may have already purchased, or may hereafter purchase Lands or Buildings not necessary to be made use of for the Purposes of the said recited Acts or of this Act, be it therefore further enacted, That it shall be lawful for the said Company of Proprietors to sell any such Land or Buildings, and by Writing under their Common Seal to convey the same to the Purchaser or Purchasers thereof, according to the Form prescribed in this present Act for the Conveyance of Lands to the said Company, or to the like Effect; and every such Sale and Conveyance shall be valid and effectual, and the Money arising thereby shall be applied for the Purposes of the said recited Acts and this Act.

The Company may sell overplus Land.

LV. And be it further enacted, That if any Money or Recompence shall be paid for any Lands, Tenements, or Hereditaments, which shall be purchased, taken, or used, by virtue of the Powers of the said recited Acts and this Act, for the Purposes thereof, to any Corporation, Feme Covert, Infant, Lunatick, or Person under any other Disability or Incapacity as in the said Act of the Thirty-third Year of His said Majesty particularly mentioned, such Money shall, in case the same be not less than the Sum of One hundred Pounds, with all convenient Speed be invested in the Purchase of other Lands, Tenements, or Hereditaments,

For disposing of Purchase Monies.

[*Loc. & Per.*]

19 I

which



which shall be conveyed and settled upon, and subject to the like Uses, Trusts, and Limitations, as the said Lands, Tenements, or Hereditaments, belonging to such Corporation, or other Person as aforesaid, so to be purchased, taken, or used, were settled, limited, or assured; and in the mean Time, and until such Purchase can be made, such Money 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 Commissioners for executing the said Acts and 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 in the Purchase of Navy or Victualling Bills, or Exchequer Bills; and the Interest arising from the Money laid out in such Bills, and the Money received for the same, as they shall be respectively paid off by Government, shall be laid out, in the Name of the said Accountant General, in the Purchase of other Navy or Victualling Bills, or Exchequer Bills; all of which said Navy and Victualling Bills and Exchequer 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 shall be found and approved of by the said Commissioners, or any Five or more of them, and until the same shall, upon a Petition setting forth such Approbation, (to be preferred to the Court of Chancery in a summary Way, by the Person or Persons who would be entitled to the Rents and Profits of any of the Lands, Tenements, or Hereditaments to be purchased therewith, if the same were purchased and settled), be ordered to be sold by the said Accountant General for the completing such Purchase, in such Manner as the said Court shall think just and direct; and it shall and may be lawful for the said Court to make such Order or Orders, in a summary Way, touching the Payment or Application of the Monies to be paid into the Bank, and touching such Navy, Victualling, or Exchequer Bills, and the Interest thereof, in pursuance of the Directions of this Act, as the said Court shall think fit; but in case any such Money shall be less than the Sum of One hundred Pounds, and not less than the Sum of Twenty Pounds, then such Money shall be paid to such Person or Persons as the Party or Parties entitled thereto shall respectively nominate to receive the same, in Trust with all convenient Speed to be re-invested in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, upon, and subject to the like Uses, Trusts, Limitations, Remainders, and Contingencies, as the Lands, Tenements, Hereditaments, and Premises, which shall be purchased from them respectively by the said Commissioners, were respectively settled, limited, or assured to, upon, or subject to, at the Time of purchasing the same, or such of them as at the Time of making such Conveyances and Settlements shall be existing and capable of taking Effect; and in the mean Time, and until such Purchase or Purchases shall be made, the said Money shall be placed out by such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or other Person or Persons as aforesaid, in some of the Publick Funds, or on Government or Real Securities, in the Names of Two or more Persons, to be nominated by the Party or Parties interested therein, and to be approved of by the Commissioners, or any  
Five



Five or more of them; and the Dividends or Interest arising or to be produced from such Funds or Securities, shall be paid to such Person or Persons respectively, as would for the Time being be entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments, so to be purchased, conveyed, and settled, by virtue of this Act.

LVI. Provided also, and it is hereby enacted and declared, That it shall be lawful for the said Company of Proprietors, from Time to Time, at any General Assembly of the said Company, to be held after the passing of this Act, to make such Regulations and Alterations, touching the Form and Manner of transferring of any Shares already created, or to be created by the Authority of the said Acts or of this Act, as shall appear to them to be for the Benefit of the said Company, and the Persons interested in such Shares; and all such Regulations and Alterations shall be valid and binding; any Thing in the said recited Acts, or in this present Act, to the contrary notwithstanding.

The Company may alter the Manner of transferring Shares.

LVII. And be it further enacted, That it shall be lawful for the said Company of Proprietors to erect or otherwise provide any Warehouses or other Buildings for the depositing or keeping any Goods, Merchandize, or other Things, carried or conveyed, or intended to be carried or conveyed upon the said intended Canal, Cut, and Branch, at any Distance from the same respectively, which they shall judge necessary or convenient, and for that Purpose the said Company of Proprietors may and are hereby authorized and empowered to purchase, lease, or hire, any Ground or Buildings where they shall think proper for the Purpose aforesaid, and also for getting Clay and making Bricks for the Use of the said Canal and Works, provided the Owners and Proprietors of, and other Persons interested in such Ground or Buildings, and the Guardians, Committees, or Trustees, of such of them as shall be under any Disability or Incapacity of acting for themselves, shall be consenting to sell or lease the same, (and which Consent they are hereby respectively empowered to give), but not otherwise.

The Company may build Warehouses, etc. at any Distance from the Navigation and purchase Land for that Purpose, and for getting Clay and making Bricks.

LVIII. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby authorized and empowered, at any of their General Assemblies, by Writing under their Common Seal, at any Time or Times to let to farm the Rates hereby, or by the said recited Acts, granted, or any Part or Parts thereof, upon the Whole or any Part or Parts of the said Canal, Cut, or Branch, unto any Person or Persons, for any Time or Term they shall think proper, not exceeding Three Years from the Commencement of any Lease; and every such Lease shall be valid and effectual, and the Lessee or Lessees thereof, and also such Person or Persons as such Lessee or Lessees shall appoint to collect and receive the Rates so let, shall, during the Continuance of every such Lease be deemed Collectors of the Rates so let, and shall have the same Powers and Authority for collecting and recovering the same as if they had been appointed for that Purpose by the said Company of Proprietors, provided publick Notice of the Intention to let the said Tolls, or any Part thereof, be given by Writing under the Hands of the Committee, or any Nine or more of them, by Advertisement in One of the *Birmingham* and *Worcester* Newspapers, at least Thirty-one Days prior to any such General Assembly, at which the said Rates, or any Parts thereof,

The Company may lease their Rates.



are proposed to be let as aforesaid, and such Advertisement is continued to be published in such Paper till such General Assembly.

Penalty on  
Persons negli-  
gently injur-  
ing the Canal.

LIX. And be it further enacted, That if any Person shall negligently do any Act to the Prejudice of the said *Stratford-upon-Avon* Canal Navigation, every Person so offending shall forfeit and pay, for every such Offence, any Sum not exceeding Ten Pounds nor less than Forty Shillings.

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

Form of Con-  
viction.

County of }  
BE it remembered, That on the  
Day of in the Year of our Lord  
A. B. is convicted before  
me C. D. One of His Majesty's Justices of the Peace for the said County,  
[specifying the Offence, and Time and Place when and where the same was  
committed]. Given under my Hand and Seal the Day and Year afore-  
said.

The Powers  
of the former  
Acts to ex-  
tend to this  
Act.

LXI. And be it further enacted, That the said Acts, passed in the Thirty-third and Thirty-fifth Years of the Reign of His present Majesty, and all and every Clause, Article, Provision, Matter, and Thing, therein contained, (except such and so many of them, or such Parts thereof as are altered, varied, explained, amended, or repealed, by this Act), shall extend and be applicable to this present Act, and the Powers, Provisions, and Directions, hereof, in or so far as the same are compatible herewith.

Paying Ex-  
pences of the  
Act.

LXII. And be it further enacted, That the Costs and Charges of obtaining and passing this Act, and all Costs, Charges, and Expences, incident thereto, shall be borne, paid, and defrayed, by the said Company of Proprietors of the said *Stratford-upon-Avon* Canal Navigation, out of any Money received or to be received by virtue of the said recited Acts for making and maintaining the said *Stratford-upon-Avon* Canal and Cut, or of this Act.

Publick Act.

LXIII. And be it further enacted, That this Act shall be deemed and taken to be a Publick Act; and shall be judicially taken Notice of as such, by all Judges, Justices, and other Persons, without specially pleading the same.