



ANNO QUADRAGESIMO TERTIO

GEORGI II. REGIS.

Cap. 130.

An Act for making and maintaining a Navigable Canal from and out of the River *Tamar* at or near *Morwellham Quay*, to the Town of *Tavistock*, and also a certain Collateral Cut to lead from the said Canal to *Mill Hill Bridge*, in the County of *Devon*.
[27th July 1803.]

WHEREAS the making and maintaining of a Canal for the Navigation of Boats, Barges, and other Vessels from and out of the River *Tamar*, at or near a certain Place called *Morwellham Quay*, in the Parish of *Tavistock*, in the County of *Devon*, to the Town of *Tavistock* in the said County, and the making and maintaining of a Collateral Cut for the Navigation of Boats, Barges, and other Vessels from the said Canal to or near a certain Bridge called *Mill Hill Bridge*, in the said Parish and County, will greatly facilitate and render less expensive the Carriage and Conveyance of Coals, Timber, Stone, Limestone, Slate, Lead, Corn, Sand, Lime, Manure, and of all Goods, Wares, and other Articles, and will materially assist the Commerce and Agriculture of the circumjacent Country, and will otherwise be of great publick Advantage; but the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and
[Loc. & Per.] 27 K Temporal,

Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Most Noble *John Duke of Bedford, Henry Beauford, John Bennett, Edward Biley, Caroline Bray, Edward Bray, Edward Atkyns Bray, William Bray, Samuel Brown, Joseph Hankins Burge, John Phillipps Carpenter, John Commins, Mary Dobson, John Jefford Ford, John Gill, William Gill (of Tavistock), William Gill (of Newton), John Gotobed, John Gray, Samuel Hammond, Thomas Lakin Hawkes, the Reverend Nicholas Thomas Heineken, John Holmes, John Hornbrook, Saunders Hornbrook, Thomas Jones, John Iggulden the younger, John Isaac, Philip Kelly the younger, James Lee, John Martineau, Peter Martineau, John Scott Martineau, Andrew Paton, William Rundle, the Reverend Richard Sleeman, William Sleeman, Samuel Smith, Timothy Smith, Daniel Ward, John Ward, John Weekes, and the Reverend Richard Vyvyan Willesford, and their several and respective Successors, Executors, Administrators, and Assigns, being Proprietor or Proprietors of any Share or Shares in the Canal and Collateral Cut hereby authorized to be made, shall be and are hereby*

Incorporated. united into a Company for the carrying on, making, completing, and maintaining the said intended Canal and Collateral Cut passable for Boats, Barges, and other Vessels, according to the Rules, Orders, and Directions herein-after mentioned and expressed; and shall for that Purpose be One

Their Style. Body Politick and Corporate, by the Name and Style of *The Company of Proprietors of the Tavistock Canal*, and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued, and also shall and may have Power and Authority from and after the passing of this Act to purchase Lands, Tenements, and Hereditaments to them and their Successors and Assigns, for the Use of the said Undertaking, and for the several Works hereby authorized to be made, and for the several other Purposes herein mentioned, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain, and also to sell any of the Lands, Tenements, or Hereditaments purchased for the Purposes aforesaid.

Proprietors to raise Money among themselves for making the Canal.

II. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors to raise and contribute amongst themselves a competent Sum of Money for making and maintaining the said Canal and Collateral Cut, and all the Feeders, Basons, Aqueducts, Quays, Wharfs, and all other Works and Conveniencies belonging or requisite thereto, not exceeding in the Whole the Sum of Forty thousand Pounds (save and except as herein mentioned); which said Sum of Money shall be laid out and applied in the First Place in discharging the Charges and Expences of obtaining and passing this Act, and the making the proper Surveys, Plans, and Estimates, and the doing and providing of all the Matters and Things preparatory and previous thereto, and then in the making, completing, and maintaining the said Canal and Collateral Cut, and other requisite Works and Conveniencies for putting this Act into Execution; and that the same Sum of Forty thousand Pounds shall be divided into Shares of One hundred Pounds each; and that no Person subscribing thereto, or becoming a Proprietor in such Canal and Collateral Cut, do become a Proprietor of less than One Share, or of more than Fifty Shares, either in his own Name, or in the Name or Names of any other Person or Persons in Trust for him or her, (unless the same shall come to him or her by Will, Bequest, Descent,

Right

Right of Administration, or Marriage), upon Pain of forfeiting to the said Company of Proprietors all such Shares exceeding Fifty Shares; and that the said Shares shall be and are hereby vested in the several Persons so raising and contributing the same, and their several and respective Executors, Administrators, Successors, and Assigns, to their and every of their proper Use and Benefit, proportionably to the Sums they shall severally raise and contribute; and all Bodies Politick, Corporate, and Collegiate, and all Persons, their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe for One or more Share or Shares, or such Sum or Sums as shall be demanded in lieu thereof, towards carrying on and completing the said Undertaking, and other Purposes of the said Subscription, shall be entitled to and receive, after the said Canal and Collateral Cut shall be completed, the entire and net Distribution of an equal proportionable Part, according to the Money so by them respectively paid, of the Profits and Advantages that shall and may arise and accrue by the Rates, and other Sums of Money to be raised, recovered, or received by the said Company of Proprietors, by the Authority of this Act; and every Body Politick, Corporate, and Collegiate, Person and Persons having such Property in the said Undertaking as aforesaid, shall bear and pay a proportionable Sum towards carrying on the same, in Manner herein directed and appointed.

III. And be it further enacted, That all and every the Shares and Proportions of all Bodies Politick, Corporate, and Collegiate, and all other Person and Persons of and in the said Canal and Collateral Cut, or the Joint Stock or Fund of the said Company of Proprietors, shall be deemed Personal Estate, and transmissible as such, and not of the Nature of Real Property.

Shares to be
Personal
Estate.

IV. And be it further enacted, That every Body Politick, Corporate, or Collegiate, and every Person who shall by virtue of this Act have subscribed or undertaken for One Share in the said Undertaking, his, her, or their respective Successors, Executors, Administrators, and Assigns, shall have a Vote for every such Share, but not exceeding Twenty Votes in the Whole, although possessed of more than Twenty Shares in the stated General and Special General Assemblies, to be held as herein appointed for carrying on the said Undertaking; which Vote or Votes may be given by them, him, or her, or by their, his, or her Proxies or Proxy, constituted under the Seal of such Body Politick, Corporate, or Collegiate, or the Hand of such other Person, every such Proxy being a Proprietor in the said Undertaking; and every such Vote by Proxy shall be as good and sufficient to all Intents and Purposes as if such Principal had voted in Person; and every Question, Matter, or Thing which shall be proposed, discussed, or considered in any stated General or Special General Assembly of the said Company of Proprietors, shall be determined by the Majority of Votes and Proxies then present, computing One Vote to every Share: Provided nevertheless, that no Person shall vote for more than Twenty Shares as aforesaid, or shall act as Proxy for more than Twenty absent Proprietors, such Votes by Proxy or Proxies in the Whole not to exceed Twenty Votes or Shares; the Appointment of which Proxies may be made according to the Form following; (that is to say),

Subscribers to
have a Vote
for every
Share not ex-
ceeding
Twenty.

‘ I A. B.

Form of Ap-
pointment of
Proxies.

‘ I A. B. of One of the Proprietors of the Ta-
‘ vistock Canal, do hereby nominate, constitute, and appoint C. D. of
‘ to be my Proxy, in my Name and in my Ab-
‘ sence, to vote or give my Assent or Dissent to any Business, Matter, or
‘ Thing relating to the said Undertaking, that shall be mentioned or
‘ proposed at any Assembly of the Company of Proprietors of the said
‘ Undertaking, in such Manner as he the said C. D. shall think proper,
‘ according to his Opinion and Judgement, for the Benefit of the same,
‘ or any Thing appertaining thereto. In Witness whereof I have hereunto
‘ set my Hand, the Day of

Proprietors
may raise an
additional
Sum amongst
themselves, if
necessary.

V. And be it further enacted, That in case the Money herein-before
authorized to be raised shall be found insufficient for the making, com-
pleting, and maintaining of the said Canal and Collateral Cut, and other
the Works hereby authorized to be made, and all necessary Charges and
Expences relating thereto, then and in such Case it shall and may be law-
ful to and for the said Company of Proprietors to raise and contribute
amongst themselves, in Manner and Form aforesaid, and in such Shares
and Proportions as to them shall seem meet, or to raise by the Admission
of new Subscribers, any further or other Sum of Money for completing
and perfecting the said Undertaking, not exceeding in the whole the Sum
of Ten thousand Pounds; and every Body Politick, Corporate, or Col-
legiate, or other Person, being a Subscriber towards raising such further
or other Sum of Money, shall be a Proprietor in the said Undertaking,
and shall have a like Vote by themselves, himself, or herself, or their,
his, or her Proxies or Proxy, in respect of every One hundred Pounds
of the said additional Sum so to be raised, and shall also be liable to such
Forfeitures, and stand interested in all the Profits of the said Canal and Col-
lateral Cut, in Proportion to the Sum they, he, or she shall or may sub-
scribe thereunto, as generally and extensively to all Intents and Purposes
as if such further or other Sums hereby allowed to be subscribed for and
raised had originally been Part of the said Sum of Forty thousand
Pounds.

Power to raise
Money by
Mortgage.

VI. Provided always, That in case the said Company of Proprietors,
or the Committee of Management for the Time being, shall be desirous
of raising the said Sum of Ten thousand Pounds, or any Part thereof, by
Mortgage of the said Undertaking, it shall and may be lawful to and for
the said Company of Proprietors, or the said Committee, to borrow and
take up at Interest all or any Part of the said Sum of Ten thousand
Pounds on the Credit of the said Canal and Collateral Cut, and to assign
the Property of the said Canal and Collateral Cut, and the Rates aris-
ing or to arise to the said Company of Proprietors by virtue of this
Act, or any Part thereof (the Costs and Charges of assigning the same
to be paid out of such Rates), as a Security for any Sum or Sums of
Money so to be borrowed, with Interest, to such Person or Persons, or
to his, her, or their Trustee or Trustees, who shall advance the same;
all which said Assignments shall be made under the Common Seal of the
said Company of Proprietors, in the Form or to the Effect following;
(that is to say),

‘ BY

BY virtue of an Act passed in the Forty-third Year of the Reign of
 King George the Third, intituled, [here insert the Title of this Act].
 We the Company of Proprietors of the *Tavistock* Canal, incorporated
 by and under the said Act, in Consideration of the Sum of
 to us in Hand, paid by *A. B.* of
 do hereby bargain, sell, and assign unto the said *A. B.* his Executors,
 Administrators, and Assigns, the said Canal and Collateral Cut, and all
 and singular the Rates arising and payable to us by virtue of the said
 Act, and all our Estate, Right, Title, and Interest of, in, and to the
 same, to hold unto the said *A. B.* his Executors, Administrators, and
 Assigns, until the said Sum of with
 Interest for the same, after the Rate of *per Centum*
per Annum, shall be fully paid and satisfied. Given under our Com-
 mon Seal, this Day of

And all Persons to whom any such Assignment shall be made shall be
 equally entitled One with the other to their Proportion of the said Rates
 and Premises, according to their respective Sums in such Assignments
 mentioned to be advanced, without any Preference by reason of Priority
 of any such Assignments or on any other Account; and a Memorial of
 every such Assignment, containing the Date, Name or Names, Addition
 or Additions of the Person or Persons to whom made, the Sum of Mo-
 ney borrowed, and Rate of Interest shall, within Thirty Days from the
 Date of every such Assignment, be entered in One or more Book or
 Books to be kept by the Clerk to the said Company of Proprietors, which
 Book or Books shall and may be perused at all seasonable Times by any
 of the Proprietors or Creditors of the said Navigation, and any other
 Persons interested therein, without Fee or Reward; and the Person or
 Persons to whom any such Assignment shall be made as aforesaid, or who
 shall be entitled to the Money due thereon, shall and may from Time to
 Time transfer his, her, or their Right or Interest therein, to any Person
 or Persons, by Writing under his, her, or their Hand and Seal, or Hands
 and Seals, in the Form or to the Effect following; (that is to say),

I *A. B.* of in Consideration of the Sum of
 paid by *C. D.* of
 do hereby transfer a certain Mortgage made by the Company of Pro-
 prietors of the *Tavistock* Canal, to bearing Date the
 Day of for securing the Sum of
 and all Interest now due and to become due thereon;
 and all my Right and Property therein, to the said *C. D.* Exe-
 cutors, Administrators, and Assigns. Dated this
 Day of

And every such Transfer shall, within Thirty Days after the Date thereof,
 be produced to the Clerk to the said Company of Proprietors, who shall
 cause a Memorial to be made thereof in like Manner as of the original
 Mortgages or Assignments, for which the said Clerk shall be paid the
 Sum of Two Shillings and Sixpence, and no more; and every such
 Entry made of such Transfer shall from thenceforth entitle such Assignee
 or Assignees, his, her, or their Executors, Administrators, and Assigns
 to the full Benefit of the original Mortgage; and it shall not from thence-
 forth be in the Power of any Person or Persons who shall have made

any such Assignment, to make void, release, or discharge the original Mortgage, or any Money thereby secured, or any Part thereof; and the Interest of the Money which shall be borrowed or raised by Mortgage as aforesaid, shall be provided for and paid Half-yearly to the several Persons entitled thereto, before any yearly or other Interest or Dividends due to the said Company of Proprietors, or any of them, shall be paid, made, or divided.

Six Months
Notice to be
given of pay-
ing off Money.

VII. Provided always, and be it enacted, That no Sum or Sums of Money so lent and advanced on Mortgage, shall be paid off and discharged (save and except with the Consent or Consents of the Person or Persons so lending and advancing such Sum or Sums of Money), unless Six Calendar Months previous Notice, under the Common Seal of the said Company of Proprietors, shall have been given to the Person or Persons lending and advancing such Sum or Sums of Money, of such their Intention to pay off and discharge the same.

Assignees not
to vote on ac-
count of hav-
ing lent
Money.

VIII. Provided always, and be it enacted, That no Person to whom any such Mortgage or Assignment shall be made or transferred as aforesaid, shall be capable of acting or voting by virtue of such Mortgage or Assignment, either as Principal or by Proxy, at any Assembly or Meeting of the said Company of Proprietors, for or on Account of his or her having lent or advanced any Money on the Credit of any such Mortgage or Assignment.

Place and Ex-
pences of
Meetings.

IX. And be it further enacted, That all the Meetings of the stated General and Special General Assemblies, and of the Committee of Management, and of the Commissioners herein-after appointed, and all other Meetings to be held under and by virtue of this Act, shall be held at some Place in the Town of *Tavistock* in the County of *Devon*, or within Five Miles thereof; and that at all and every of such Meetings (the Meetings of the Commissioners excepted), the Parties composing the same shall pay their own Expences, the Hire of any Room in which the Meetings shall be held only excepted.

First and other
General As-
semblies.

X. And be it further enacted, That the First General Assembly of the said Company of Proprietors for putting this Act into Execution, shall be held at the Guildhall in *Tavistock* aforesaid upon the *Monday* Month after the passing of this Act, at the Hour of Ten in the Forenoon; and all future General Assemblies of the said Company, except such Special General Assemblies as herein-after mentioned, shall be held on the First *Monday* in the Month of *August* in every Year, at the Hour of Ten in the Forenoon; of all which General Assemblies Ten Days previous Notice at the least shall be given by publick Advertisement in some Newspaper or Newspapers usually circulating in the County of *Devon*, or in such other Manner as the said Company of Proprietors at their respective General Assemblies shall direct; and the said Company of Proprietors at such respective General or Special General Assemblies shall and may appoint a Chairman, and such Chairman shall not only vote as a Proprietor or Proxy, but in case of an Equality of Votes shall have the decisive or casting Vote; and if upon any Election of a Chairman Two or more Persons shall be proposed to fill that Office, and shall have

have an equal Number of Votes, then the Persons so proposed shall draw Lots for the same.

XI. And be it further enacted, That, for the better carrying the Purposes of this Act into Execution, all the Affairs and Business of the said Company of Proprietors (except with respect to such Matters as are by this Act expressly directed to be done at a Meeting or Meetings of the Proprietors at large), shall be transacted and managed by a Committee, to be called *The Committee of Management*; and that the Owner or Proprietor for the Time being of the Estate through which the said intended Canal and Collateral Cut are to be made, and *William Adam* of *Lincoln's Inn*, in the County of *Middlesex*, Esquire, or other the Auditor for the Time being of the said Estate, and *Edward Bray* Esquire, *William Bray* Esquire, the Reverend *Richard Sleeman*, *John Phillipps Carpenter* Esquire, *Henry Beauford* Esquire, the Reverend *Richard Vyvyan Willesford*, *John Hornbrook*, *John Commins*, *William Rundle*, *Saunders Hornbrook*, and *William Gill*, and their Successors, to be elected as herein-after mentioned, shall be and are hereby appointed and constituted the Committee of Management of the said Company of Proprietors; and that the said *Edward Bray*, *William Bray*, *Richard Sleeman*, *John Phillipps Carpenter*, *Henry Beauford*, *Richard Vyvyan Willesford*, *John Hornbrook*, *John Commins*, *William Rundle*, *Saunders Hornbrook*, and *William Gill*, and their Successors to be elected as herein-after directed, shall continue to be Members of such Committee of Management, until they shall respectively die, resign, or cease to reside for the Space of Three Calendar Months within the Town of *Tavistock* aforesaid, or within Ten Miles thereof, or shall cease to be the Proprietors respectively of Two or more Shares in the said Undertaking, or shall accept any Office or Place of Profit under the said Company of Proprietors, or shall be any way interested or concerned in any Contract to be made by virtue of this Act, or any Work or Business to be done under the same; and that if any Member of the said Committee of Management, or the Successor of any Member (other than the Owner or Proprietor for the Time being of such Estate, or such Auditor as aforesaid) shall cease to reside for the Space of Three Calendar Months within the Town of *Tavistock* aforesaid, or within Ten Miles thereof, or shall cease to be the Proprietor of Two or more Shares in the said Undertaking, or shall accept any Office or Place of Profit under the said Company of Proprietors, or shall be any way interested or concerned in any Contract to be made by virtue of this Act, or any Work or Business to be done under the same, he shall no longer act or be capable of acting as a Member of such Committee, and his Place in the same shall become vacant, and some other Person shall be elected in his Stead in the Manner herein-after directed.

Committee of Management appointed.

XII. And be it further enacted, That if any Person (other than such Owner or Proprietor, or Auditor as aforesaid), shall presume to act as a Member of the said Committee of Management, without being resident in the Town of *Tavistock* aforesaid, or within Ten Miles thereof, or without being the Proprietor of Two or more Shares in the said Undertaking, or during the Time he shall hold any Office or Place of Profit under the said Company of Proprietors, or be any way interested or concerned in any Contract to be made by virtue of this Act, or any Work

Penalty on acting as a Committee Man without being eligible.

or

or Business to be done under the same, he shall for every such Offence forfeit and pay the Sum of One hundred Pounds, together with full Costs of Suit, to any Person who shall sue for the same in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, or otherwise.

For filling up Vacancies in the Committee.

XIII. And be it further enacted, That upon any Vacancy happening in the Committee of Management for the Time being, by Death or otherwise, the Clerk to the said Company of Proprietors shall, within One Calendar Month after every such Vacancy shall happen, cause Notice thereof in Writing to be given to or left for the Owner or Proprietor for the Time being of the Estate through which the said intended Canal and Collateral Cut are to be made, at his Dwelling House; and the said Company of Proprietors shall, at the next stated General Meeting which shall take place after the Expiration of One Calendar Month from the Time that such Notice shall have been so given or left, elect and choose out of such Three Persons eligible to be elected Members of the said Committee, as shall for that Purpose be then nominated by such Owner or Proprietor as aforesaid, by any Writing under his Hand, (and which Nomination he is hereby authorized to make) a Person to supply the Vacancy, whereof Notice shall have been so given or left; and if such Owner or Proprietor as aforesaid shall refuse, neglect, or decline to nominate Three Persons as aforesaid, then the said Company of Proprietors shall elect and choose some eligible Person to supply such Vacancy: Provided always, that no Person shall be eligible to be elected a Member of the Committee of Management, unless he shall have been resident within the said Town of *Tavistock*, or within Ten Miles thereof, Six Calendar Months at the least previous to such Election, and unless at the Time of such Election he shall be the Proprietor of Two or more Shares in the said Undertaking, or if at the Time of such Election he shall hold any Office or Place of Profit under the said Company of Proprietors, or be anyway interested or concerned in any Contract to be made by virtue of this Act, or any Work or Business to be done under the same.

The Remainder of the Committee may act till Vacancies filled up.

XIV. And be it further enacted, That until any Vacancy or Vacancies in the said Committee of Management shall be filled up, it shall be lawful for the remaining Members of the said Committee to use and exercise all and every the Powers and Authorities given by this Act to the Committee of Management, in the same Manner to all Intents and Purposes as if the whole Number of the said Committee was complete.

First and other Meetings of the Committee.

XV. And be it further enacted, That a General Meeting of such Committee of Management shall be held for putting this Act in Execution, at the Guildhall in *Tavistock* aforesaid, on the Third *Tuesday* next after the passing of this Act; and a like General Meeting of the Committee of Management shall afterwards be held Four Times in every Year for the future, on the First *Tuesday* in the Months of *September*, *December*, *March*, and *June* respectively, at Ten of the Clock in the Forenoon; and it shall be lawful for the Committee of Management to adjourn themselves from Time to Time as they shall think proper and expedient.

Chairman to be elected.

XVI. And be it further enacted, That the Committee of Management shall at their First and every other Meeting to be held in pursuance of this

this Act, elect a Chairman out of the Members of such Committee then present, to preside at such Meeting; and that any Five or more Members of such Committee, but not less, shall be a sufficient Number to constitute a Meeting for the Purpose of doing all the Acts, Matters, and Things, and exercising all the Powers and Authorities hereby directed to be done by and vested in such Committee; and that all Questions, Matters, and Things, which shall be proposed, discussed, or considered by the said Committee at their Meetings to be held in Manner aforesaid, shall be decided and determined by the Majority of Members then present; but no Member shall have more than One Vote at any such Meeting, save and except that in the case of an equal Division, the Chairman shall always have a casting Vote; and if upon any Election of a Chairman, as aforesaid, Two or more Persons shall be proposed to fill that Office, and shall have an equal Number of Votes, then the Persons so proposed shall draw Lots for the same: Provided always, that if on the Day appointed for any such Meeting of the Committee of Management as aforesaid, there shall not attend so many Members of such Committee as are hereby required to constitute a Meeting for exercising the Powers hereby vested in such Committee, then and in such Case, and when and so often as the same shall happen, the Meeting shall be adjourned to that Day Fortnight by the Member or Members then present; or if no Member shall be present, by the Clerk to the said Company of Proprietors, or such other Person as shall attend in his Place.

XVII. And be it further enacted, That the Vote or Votes of the Owner or Proprietor for the Time being of the Estate through which the said intended Canal and Collateral Cut are to be made, and of the said *William Adam*, or other the Auditor for the Time being of the said Estate, shall and may be given at any Meeting of the Committee of Management, by him or them, or by his or their Proxy or Proxies duly constituted under his or their respective Hands, such Proxy or Proxies being respectively Proprietors of Two or more Shares in the said Undertaking; and that every such Vote by Proxy shall be as good and valid to all Intents and Purposes as if the Principal or Principals had voted in Person; and the Appointment of every such Proxy may be made in the Form, or to the Effect following; that is to say,

The Proprietor for the Time being of the Estate through which the Navigation is to be made, and his Auditor, may vote in the Committee by Proxy.

I *A. B.* Owner or Proprietor of the Estate through which the *Tavistock* Canal is intended to be [*or is*] made [*or C. D.* Auditor of the Estate through which the said Canal and Collateral Cut are [*or is*] to be made], do hereby nominate, constitute, and appoint *E. F.* to be my Proxy, in my Name and in my Absence to vote and give my Assent or Dissent to any Business, Matter, or Thing relating to the Undertaking called *The Tavistock Canal*, which shall be mentioned or proposed at any General or Adjourned Meeting of the Committee of Management of the Company of Proprietors of the said Undertaking, in such Manner as he the said *E. F.* shall think proper, according to his Opinion and Judgement, for the Management and Benefit of the said Undertaking, or any Thing appertaining thereto, until I shall revoke this Appointment by Notice in Writing to the Clerk to the said Company of Proprietors. In Witness whereof, I have hereunto set my Hand, the
Day of

Form of Proxy.

[*Loc. & Per.*]

27 M

And

And the Person or Persons who shall be appointed to act as such Proxy or Proxies, shall at the Meetings of the said Committee of Management be deemed and considered in all Respects as Members thereof.

Committee of Management may appoint Officers;

taking Security from those who are to have Custody of Money.

Officers quitting or discharged, and Executors of those dying, to deliver up Books, etc. under a Penalty.

Committee to settle Accounts of Officers at the General Meeting in June.

Committee may make Calls for Money.

XVIII. And be it further enacted, That it shall and may be lawful for the Committee of Management at any such General Meeting as aforesaid, and they are hereby authorized and required from Time to Time to nominate and appoint, by Writing under their Hands, a Treasurer, and One or more Collector or Collectors of the Tolls, Rates, and Duties granted by this Act, and also a Clerk or Clerks to the said Company of Proprietors, and such Engineers, Surveyors, and other Officers as the said Committee of Management shall think proper and expedient for the better carrying the Purposes of this Act into Execution, the said Committee always taking good and sufficient Security from the Treasurer, Collectors, and other Officers who shall have the Care or Custody of any Money to be raised or received by virtue of this Act, for the faithful Discharge of the Trusts reposed in them; and also from Time to Time to discharge and dismiss any such Treasurers, Clerks, Engineers, Surveyors, Collectors, or other Officers, and appoint others in their Stead as there shall be Occasion; and that all such Treasurers, Clerks, Engineers, Surveyors, Collectors, and all other Officers of the said Company of Proprietors, who shall at any Time quit or be dismissed from the Service of the said Company, and the respective Executors or Administrators of those who may happen to die, shall immediately thereupon produce and deliver up to the said Committee of Management, or to such Person or Persons as they shall direct, all Books, Accounts, Writings, and Papers whatsoever which shall be in the Custody or Power of such Treasurers, Engineers, Clerks, Surveyors, Collectors, or other Officers, Executors or Administrators respectively, in any wise relating to the said intended Navigation; and the said Committee of Management shall have full Power and Authority, and they are hereby required, at the General Meeting to be held in the Month of *June* as aforesaid, to call for, audit, and settle all Accounts of Money received, paid, laid out, and disbursed up to that Time, for or on Account of the said Company of Proprietors by the Treasurer, Collectors, and other Officers so to be appointed as aforesaid, or by any other Person or Persons to be employed on Behalf of the said Company, in or about the said intended Navigation: Provided always, that it shall be lawful for the said Committee to call for, audit, and settle such Accounts, or any of them, oftener than Once a Year if they shall deem it proper and expedient so to do.

XIX. And be it further enacted, That the Committee of Management shall also have full Power and Authority from Time to Time, at any such General Meeting as aforesaid, to make such Call or Calls for Money from the several Subscribers to and Proprietors of the said Undertaking, in order to defray the Expences of carrying on the same, as they shall from Time to Time find wanting and necessary for those Purposes; so that no such Call shall exceed the Sum of Ten Pounds for or in respect of every Share in the said Undertaking; and so that no such Calls be made but at the Distance of Three Calendar Months at least from each other; and so that Twenty-eight Days Notice at least shall be given of every such Call by Advertisement in some Newspaper usually circulated

circulated in the said County of *Devon*, and also in some *London* Newspaper or Newspapers; all which Money so to be called for as aforesaid, shall be paid into the Hands of the Treasurer of the said Company of Proprietors, to be issued, paid, and applied, for carrying on the said Undertaking in such Manner as the said Committee of Management shall from Time to Time order and direct; and that the said Committee of Management shall also have full Power and Authority at every such General Meeting as aforesaid, on Behalf of the said Company of Proprietors, to contract for and purchase all such Lands, Tenements, or Hereditaments, and all such Materials and other Things as shall or may be wanted for the said Navigation and other Works hereby authorized to be made, and to treat and agree with any Person or Persons whomsoever, touching the Compensation to be made for any Damages to be done in the Exercise of the Powers hereby given, and to enter into and make such Contracts or Agreements with any Engineer or Engineers, Surveyors, Agents, Workmen, Servants, or other Persons in and about, or for the carrying on of the said Navigation and other Works, or any Part thereof, as shall be thought expedient, and to enter into and make all such other Contracts, Bargains, and Agreements whatsoever, touching or in any wise concerning the said Undertaking, as they shall think proper; and to order and direct how the several Works shall from Time to Time be carried on, and generally to direct and manage all and singular the Affairs and Business of the said Company of Proprietors, and to do, execute, and perform all Acts, Matters, and Things which the said Company are by this Act authorized and empowered to do, save and except such only as are hereby expressly directed to be done by the Proprietors at large, at any Meeting or Meetings of such Proprietors to be held as herein mentioned.

May contract for and purchase Lands, etc.

and may generally manage the Business of the Company.

XX. And be it further enacted, That the Committee of Management shall enter or cause to be entered into Books to be provided for that Purpose at the Expence of the said Company of Proprietors, a full and true Account of all Money disbursed and Payments made by such Committee, and by all and every Person and Persons employed by or under them, and of all Monies which shall be paid to or received by them respectively for or on Account of the said Company of Proprietors, and also a full and true Account or proper Notes and Minutes of every Contract, Bargain, and Agreement which shall be entered into by them respectively, for or on Behalf of the said Company of Proprietors, and of all and singular their respective Orders, Transactions, and Proceedings whatsoever, in and about the Affairs and Business of the said Company, but that no Money shall be issued or paid by the Treasurer to the said Company of Proprietors, for or on Account of the said Company, without an Order being made for that Purpose by the Committee of Management at any such General or adjourned Meeting as aforesaid; and every such Book and all other Books, Papers, and Writings belonging to the said Company of Proprietors, shall at all reasonable Times be open to the Inspection of all the said Proprietors, who may take Copies thereof or Extracts therefrom without Fee or Reward.

Committees to enter their Proceedings.

Money not to be issued by Treasurer without an Order of the Committee.

XXI. And be it further enacted, That the Committee of Management shall also have full Power and Authority from Time to Time, at any such

Committee of Management may make Bye Laws.

such General Meeting as aforesaid, to make such Rules, Orders; and Bye Laws, as to them shall seem meet and proper for the good Government of the said Company of Proprietors, and for regulating the Proceedings of the said Committee of Management, and for the regulating of all Officers, Workmen, and Servants, to be employed in and about the Affairs or Business of the said Company of Proprietors, and for the well and orderly using of the said intended Navigation, and the Basons, Tunnels, Locks, and Aqueducts thereto belonging, and for regulating the passing and repassing of all Vessels, Boats, and Barges, and the conveying of all Goods, Wares, and Merchandizes, which shall be navigated or conveyed thereon, and for the orderly Behaviour of all Bargemen, Watermen, Boatmen, and others who shall be employed in carrying or conveying any such Goods, Wares, or Merchandizes, and for the Superintendance and Management of the said Navigation and Undertaking in all other Respects whatsoever; and from Time to Time to alter or repeal such Rules, Orders, and Bye Laws, or any of them, and to make others, and impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against such Rules, Orders, and Bye Laws, or any of them, not exceeding the Sum of Five Pounds for any One Offence, as to the said Committee of Management shall seem meet and expedient; and all Rules, Orders, and Bye Laws, so to be made as aforesaid, being reduced into Writing, and the Common Seal of the said Company thereto affixed by the said Committee of Management, shall be binding upon and be observed by all Persons using or in any wise concerned in the said Navigation, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same; provided that such Rules, Orders, and Bye Laws, be not repugnant to the Laws of that Part of the United Kingdom called *England*, or any of the express Directions or Provisions of this Act; and provided that Copies of such Rules, Orders, and Bye Laws, or of such of them as shall concern or relate to the using of the said intended Navigation, and the Basons, Tunnels, Locks, and Aqueducts, belonging thereto, or to the Conduct and Behaviour of Bargemen, Boatmen, Watermen, and others conveying Goods thereon, or to the Conduct and Behaviour of any Officers, Servants, or other Persons employed in or about the said Navigation, or of the Persons resorting to or making use thereof, shall be written or printed in large Characters, and be fixed and continued in some conspicuous Place or Places upon all the Wharfs on the said Navigation.

Committee of Management may call Special Meetings of Proprietors at large.

XXII. And be it further enacted, That if it shall at any Time appear to the Committee of Management to be necessary or expedient to call a Special Meeting of the Proprietors at large for the more effectually putting this Act in Execution, or in order to take their Opinion respecting any Matter or Thing to be done in or about the said Undertaking, it shall be lawful for the said Committee of Management, pursuant to an Order or Resolution for that Purpose, to be made at any General Meeting of the same Committee, to call a Special Meeting of the Proprietors at large, by publick Advertisement in some Newspaper published or usually circulated in the said County of *Devon*, and also in some *London* Newspaper or Newspapers, specifying in such Advertisement the Cause of calling such Special Meeting, and the Time and Place when and where the same shall be held, the Time not being less than Fourteen Days after such

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Notice

Notice shall be given; and the said Company of Proprietors are hereby authorized and required to meet pursuant to such Notice, and to take into Consideration the Matters to be submitted to them by the said Committee of Management, and specified in such Notice, and the Decision and Determination of the Proprietors present at such Meeting, or the major Part of them, according to the Number of Votes they shall have a Right to give, either as Principals or Proxies, respecting such Matters, shall be binding and conclusive upon the rest of the Proprietors to all Intents and Purposes, and shall be observed and acted upon accordingly.

XXIII. And be it further enacted, That every Proprietor of any Share or Shares in the said Undertaking shall from Time to Time pay his or her Proportion of the Money so to be called for as herein-before is mentioned into the Hands of the Treasurer to the said Company; at such Time and Place as shall be appointed for that Purpose by the Committee of Management making such Call, and of which such Notice shall be given as herein-before is directed; and that if any Person or Persons shall neglect or refuse to pay his, her, or their proportionable Part of the Money so to be called for as aforesaid, at the Time and Place which shall be appointed for that Purpose in Manner aforesaid, it shall be lawful for the said Company of Proprietors in case they shall so think fit, to sue for and recover the same in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or the Person or Persons so refusing or neglecting to pay such his, her, or their proportionable Part of such Money as aforesaid, shall forfeit to the said Company of Proprietors the Sum of Ten Pounds for every Share which he, she, or they shall have or possess in the said Undertaking; and in case any such Person or Persons shall neglect or refuse to pay his, her, or their proportionable Part of the Money so to be called for as aforesaid, for the Space of One Calendar Month after the Time to be appointed for Payment thereof as aforesaid, and the same shall not have been sued for by the said Company of Proprietors as aforesaid, or if sued for shall not have been recovered by them, then and in such Case the Person or Persons so neglecting or refusing shall absolutely forfeit all his, her, or their Share, Part, and Interest whatsoever in the said Undertaking, and all Profit and Advantage thereof, and all Money theretofore advanced by him, her, or them on Account thereof, to and for the Use and Benefit of the other Proprietors of the said Undertaking; and all Shares that shall or may be so forfeited, shall be vested in the said Company of Proprietors, in Trust for and for the Benefit of all the rest of the said Proprietors, in Proportion to their respective Interests in the said Undertaking, or shall, at the Discretion of the Committee of Management of the said Company of Proprietors, be sold by the said other Proprietors by publick Auction for the most Money that can be gotten for the same, and the Produce thereof shall be divided amongst them in Proportion to their respective Shares and Interests in the said Navigation and Undertaking.

XXIV. Provided always nevertheless, That no Advantage shall be taken of such Forfeiture of any Share or Shares in the said Navigation and Undertaking as aforesaid, until after personal Notice shall be given by the Treasurer or Clerk of the said Company of Proprietors to the Owner or Owners thereof, or until Notice in Writing signed by such Treasurer

[*Loc. & Per.*]

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Proprietors to pay their Shares of the Money called for at the Place appointed.

And the Persons making Default to forfeit 10^l. for every Share.

And if Calls not answered in One Month, Shares to be forfeited.

But Shares not to be forfeited without Notice, nor without being declared forfeited at a General Meeting of Committee.

Forfeiture of Shares to be an Indemnity to Persons forfeiting.

or Clerk shall be left at his, her, or their usual or last Place or Places of Abode, nor unless the same shall be declared to be forfeited at some General Meeting of the Committee of Management within Six Calendar Months next after such Forfeiture shall have been incurred: Provided also, that every such Forfeiture, after the same shall be taken Advantage of by the rest of the said Company of Proprietors as aforesaid, shall be an absolute Indemnification and Discharge to and for the Proprietor or Proprietors so forfeiting against all Actions, Suits, and Prosecutions for any Breach of Contract or other Agreement between such Proprietor or Proprietors so forfeiting, and the rest of the said Company, with regard to the future carrying on and Management of the said intended Navigation and Undertaking.

Directing the Proceeding in Actions for Calls.

XXV. And be it further enacted, That in Actions brought by the said Company against any Owner or Owners of any Share or Shares in the said Undertaking, to recover any Sum or Sums of Money due and payable to the said Company for or by reason of any Call or Calls made by virtue of this Act, it shall be sufficient for the said Company to declare and alledge that the Defendant or Defendants, being a Proprietor or Proprietors of such or so many Share or Shares in the said Canal and Collateral Cut, is or are indebted to the said Company in such Sum or Sums of Money as the Call or Calls in Arrear shall amount unto, for such or so many Call or Calls of such or so many Sum or Sums of Money upon such or so many Share or Shares belonging to the said Defendant or Defendants (as the Case may happen to be), whereby an Action hath accrued to the said Company by virtue of this Act, without setting forth the Special Matter; and on the Trial of such Action it shall only be necessary to prove that the Defendant or Defendants, at the Time of making such Call or Calls, was or were a Proprietor or Proprietors of some Share or Shares in the said Canal and Collateral Cut, and that such Call or Calls was or were in fact made, and that such Notice thereof was given as is directed by this Act, without proving the Appointment of the Committee who made such Call or Calls, or any other Matter whatsoever; and the said Company shall thereupon be entitled to recover what shall appear due, unless it shall appear that any such Call exceeded the Sum of Ten Pounds for every Sum of One hundred Pounds, or was made within the Distance of Three Calendar Months from the last preceding Call, or without Notice given as aforesaid; and after Judgement shall be given for the said Company in any such Action, Execution shall not be stayed by reason of any Writ of Error brought by the Defendant or Defendants therein, unless such Defendant or Defendants, with Two sufficient Sureties, shall first become bound to the said Company by Recognizance, to be acknowledged in the Court in which such Judgement shall be given, in double the Sum adjudged to the said Company by such Judgement, to prosecute the said Writ of Error with Effect, and also if the said Judgement be affirmed, or the said Writ of Error be nonprossed, to satisfy and pay the Debt, Damages, and Costs adjudged by the said Judgement, and all Costs and Damages to be awarded for Delay of Execution.

On the Death of Subscribers their Executors may complete the Payment of Shares.

XXVI. And be it further enacted, That if any Owner or Owners of any Share or Shares in the said Undertaking shall happen to die before such Call or Calls shall have been made for the full Sum to be advanced on

tions, and on the same Conditions that I held the same immediately before the Execution hereof; and I the said C. D. do hereby agree to take and accept the said Capital Stock or Share sub-ject to the same Rules, Orders, Restrictions, and Conditions. As Witnesses our Hands and Seals, the Day of

And on every such Sale the said Deed of Conveyance (being executed by the Seller or Sellers and the Purchaser or Purchasers of such Share or Shares) shall be kept by the said Purchaser or Purchasers for his, her, or their Security, after the Clerk or Clerks to the said Company of Proprietors shall have entered in a proper Book or Books to be kept for that Purpose, a Memorial of such Transfer and Sale, for the Use of the said Company, and have testified or indorsed the Entry of such Memorial on the said Deed of Sale or Transfer, for which no more than Two Shillings and Sixpence shall be paid; and the said Clerk or Clerks is or are hereby required to make such Entry or Memorial accordingly; and until such Memorial shall have been made and entered as above directed, such Purchaser or Purchasers shall have no Part or Share of the Profits of the said Undertaking, nor any Vote in respect thereof as a Proprietor or Proprietors of the said Undertaking.

No Shares shall be sold after a Call till the Money is paid.

XXVIII. And be it further enacted, That after any Call of such Money shall have been made by such Committee as aforesaid, no Person or Persons shall sell or transfer any Share or Shares which he, she, or they shall possess in the said Undertaking, on pain of forfeiting his, her or their respective Share or Shares therein to the said Company of Proprietors, in Trust for the Benefit of all the said Proprietors, unless he, she, or they, at the Time of such Sale or Transfer, shall have paid and discharged to the Treasurer of the said Company of Proprietors, the whole and entire Sum of Money which shall have been called for upon each Share so sold or transferred, such Forfeiture nevertheless to be notified and declared in the Manner herein-before directed with respect to the Forfeiture of Shares for not answering the Calls to be made thereon as aforesaid.

Directions as to what shall be done respecting Shares in Cases of Marriage and Death.

XXIX. And whereas much Inconvenience may arise by the frequent Change of the Right and Title to the Shares of and in the said Undertaking, by the Marriage and Death of Proprietors, and it may be difficult in such Cases to ascertain to whom the Dividends arising or becoming due upon such Shares ought to be paid and do belong; be it therefore further enacted, That before any Person or Persons who shall claim any Part or Share of the Profits of the said Undertaking in Right of Marriage shall be entitled to receive the same, an Affidavit, containing a Copy of the Register of such Marriage, or the Effect of such Register, shall be made and sworn to by some credible Person, before One of the Judges at *Westminster* a Master or Master Extraordinary in Chancery, or any One of His Majesty Justices of the Peace; and the said Judges, Master or Master Extraordinary in Chancery, and Justices of the Peace, are hereby authorized and empowered to swear any such Person to such Affidavit; and such Affidavit shall be transmitted, at the Expence of the Party or Parties, to the Clerk to the said Company of Proprietors for the Time being, who shall file the same and make an Entry thereof in the Book or Books which shall be kept by the said Clerk for the Entry of Transfers and Sales of Shares;

Shares; and that before any Person or Persons who shall claim any Part or Share of the Profits of the said Undertaking, by virtue of any Bequest or Will, or in a Course of Administration, shall be entitled to receive the same, the said Will, or the Probate Copy thereof, shall be produced and shewn to the said Clerk, or an Affidavit containing a Copy of so much of such Will as shall relate to the Share or Shares of the Testator, or of the Letters of Administration in case the Proprietor shall have died intestate, shall be made and sworn to by an Executor or the Executors of such Will, or by an Administrator or the Administrators of the Estate and Effects (as the Case may happen to be), before One of the Judges at *Westminster*, a Master or Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, and shall also be transmitted at the Expence of the Parties to the said Clerk, who shall file and enter the same in Manner herein-before mentioned.

XXX. And whereas in Cases where the original Subscriber of One or more Share or Shares in the said Undertaking shall die, become Insolvent or Bankrupt, or go out of the Kingdom, or shall transfer his Right and Interest to some other Person, and no Register shall be made of the Transfer thereof with the said Clerk, as directed by this Act, it may not be in the Power of the said Company of Proprietors, or their Treasurer or Clerk, to know who is the Owner or Proprietor of such Share or Shares, in order to give him, her, or them Notice or Notices of Calls made on such Share or Shares as is hereby required, and to maintain any Action or Actions against him, her, or them for the Recovery of the same, or for the Purpose of paying safely to him, her, or them, the Dividends to which he, she, or they may be entitled by virtue thereof; be it further enacted, That in all the Cases aforesaid, where the Right and Property in One or more Share or Shares in the said Undertaking, shall pass from the original Proprietor thereof to any other Person or Persons by any other legal Means than by a Transfer or Conveyance thereof as herein directed, which is hereby required to be produced to the said Clerk, for the Purpose herein expressed, an Affidavit shall be made and sworn to by some credible Person, before One of His Majesty's Justices of the Peace, stating the Manner in which such Share or Shares hath or have passed to such other Person or Persons, and which Affidavit shall be transmitted to the Clerk to the said Company of Proprietors, to the Intent that he may and he is hereby required to enter and register the Name or Names of every such new Proprietor or Proprietors in the Register Book or List of Proprietors in the said Undertaking, to be kept in the Office of the said Clerk, and that in all or any of the said Cases it shall be lawful for the said Committee of Management, at any General Meeting, after Notice shall be given by the said Treasurer or Clerk to the Owners or Persons claiming by such Affidavit to be Owner or Owners thereof, and such Person or Persons shall not have paid his, her, or their Proportion of the Money become payable by virtue of any Call or Calls as aforesaid, to declare the same Share or Shares to be forfeited, and in such Case the same shall be and become forfeited, and sold, and disposed of in such Manner as the said Committee of Management shall direct, or otherwise become consolidated in the General Fund of the said Company.

For ascertaining the Proprietorship of Shares in certain Cases.

Names of Proprietors and the Number of their Shares to be entered in a Book, and Tickets with the Numbers delivered to them.

XXXI. And, for the better Security of the several Proprietors of the said Undertaking, as to their respective Shares therein, be it further enacted, That the said Company of Proprietors, or their Committee of Management, shall, as soon as the same can or may be done, cause the Names and proper Additions of the several Persons who shall be entitled to the Shares in the said Undertaking, with the Number of the Shares, or the Amount of all the Subscriptions which they are then entitled to hold, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Book to be kept by the Clerk to the said Company of Proprietors, and after such Entry to cause their Common Seal to be affixed thereto, and shall also cause a Ticket or Instrument with the Common Seal of the said Company affixed thereto, to be delivered to every such Subscriber upon Demand, specifying the Share or Shares to which he or she is entitled in the said Undertaking, every such Proprietor paying to the Clerk Two Shillings and Sixpence, and no more, for every such Ticket or Instrument; and such Ticket or Instrument shall be admitted in all Courts whatever as Evidence of the Title of such Subscriber, his or her Executors or Administrators and Assigns, to the Share or Shares therein specified; but the Want of such Ticket or Instrument shall not hinder or prevent the Owner of any of the said Shares from selling or disposing thereof; and in case any such Ticket or Instrument shall become defaced, worn out, or damaged, then upon the same being brought to the Committee, they shall order another to be made out in its Place, and so also in case the same shall have been totally destroyed or lost, and so proved to be to the Satisfaction of the Committee; and such new Ticket or Instrument shall be thereupon entered by the Clerk in the same Manner, and upon the same Terms, as the original Ticket or Instrument.

For the Purpose of making and recovering Calls the Persons whose Names are standing in the Company's Books as Proprietors, are to be deemed the actual Proprietors.

XXXII. And be it further enacted, That the Bodies Politick and Corporate, and all and every Person and Persons whose Names shall at any Time hereafter stand in the said Register Book or List of Proprietors of the said Company, either as a Proprietor or Proprietors of One or more Share or Shares in the said Undertaking, whether as Subscribers, or as Successors, Executors, Administrators, or Assignees of Subscribers, shall be deemed and taken to be the Proprietors of the several Shares standing in the said Book in their respective Names, and shall be subject and liable to the Payment of all and every Call and Calls made and to be made thereon, and to all Actions, Suits, Forfeitures, and Penalties to which original Proprietors of Shares in the said Undertaking are made subject and liable by this Act; and that all Notices hereby required to be given previous to the Forfeitures of Shares to the Proprietors thereof, shall, if given to the Persons appearing by the said Register Book of the said Company to be such Proprietor or Proprietors, or their Representatives, or left at his, her, or their last or most usual Place of Abode, be in all Respects good, sufficient, and conclusive; and all Payments of Dividends due and to grow due on any such Shares, shall be made to such Persons as by the said Book of the said Company shall so appear to be Proprietors thereof; and that no Assignment, Transfer, Bargain, or Sale of any Share or Shares, or other Instrument giving Title to any such Share or Shares, which shall not have been inrolled or registered as directed by this Act, shall be given or admitted as Evidence, either

to defeat any Action or Suit brought or to be brought by the said Company of Proprietors to recover the said Calls, or to entitle any Person or Persons to recover any Share or Shares forfeited to the Company of Proprietors, or to make the said Company of Proprietors liable to the Payment of Dividends to any other Person than such as appear upon the said Book to be Proprietors of the said Shares, but that in all such Cases the said Book shall be considered as sufficient and conclusive Evidence of the Proprietorship of the said Shares.

XXXIII. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, and they are hereby authorized and empowered to make and maintain a Canal navigable for Boats, Barges, and other Vessels from and out of the River *Tamar*, at or near a certain Place called *Morwellham Quay*, in the Parish of *Tavistock*, in the County of *Devon*, to the Town of *Tavistock* in the said County; and to make and maintain a Collateral Cut or Canal, navigable for Boats, Barges, and other Vessels, from the said intended Canal at or near a certain Place called *Crebar*, in the said Parish and County, to or near a certain Bridge called *Mill Hill Bridge* in the said Parish and County, and to supply the said intended Canal and Collateral Cut whilst making, and at all Times for ever after the same shall be made, with Water from the River *Tavy*, at or near the Town of *Tavistock* aforesaid, and from all Rivers, Brooks, Springs, Streams, Rivulets, and Watercourses which shall be found in digging or making the said Canal and Collateral Cut, or either of them, or within the Distance of Five thousand Yards from the same; and the said Company of Proprietors are hereby also authorized and empowered by themselves and their Deputies, Agents, Officers, and Workmen, to make, for the Purpose of supplying the said Canal and Collateral Cut, or any Part or Parts thereof with Water, such and so many Soughs, Tunnels, Feeders, Aqueducts, and Channels as they shall think fit; and also to cleanse, scour, cut, dig, open, deepen, enlarge, or straighten all Streams, Brooks, or Watercourses, which come or may be brought into or made to communicate therewith respectively; and to dig, cut, or raise the Banks of any of the Streams, Brooks, and Watercourses aforesaid, for bringing Water into the said Canal and Collateral Cut; and to make such proper Trenches or Passages for Water in, upon, or through the Lands adjoining or near the said intended Canal and Collateral Cut, or Feeders, or any of them, or such Streams, Brooks, or Watercourses as aforesaid, or any of them, as shall be necessary or proper for effecting the Purposes of this Act; and for the Purposes aforesaid, the said Company of Proprietors, their Deputies, Agents, Officers, and Workmen are hereby authorized and empowered to enter into and upon the Lands and Grounds of any Person or Persons, Bodies Politick, Corporate, or Collegiate whatsoever, and to survey and take Levels of the same or any Part thereof, and to set out and ascertain such Parts thereof as they shall think necessary and proper for making the said intended Canal and Collateral Cut, and any such Feeder or Feeders, or Aqueduct or Aqueducts, and all such other Works, Matters, and Conveniencies as they shall think proper and necessary for making, preserving, improving, completing, maintaining, and using the said intended Canal and Collateral Cut, and other Works; and also to bore, dig, cut, trench, sough, get, remove, take and carry away, and lay Earth, Clay, Stone, Soil, Rubbish, Trees,

Powers for
making the
Canal and
Collateral Cut.

Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters or Things which may be dug or got in making the said intended Canal and Collateral Cut or other Works, or in making any Bafon or Bafons, Feeder or Feeders, Aqueduct or Aqueducts in or out of the Lands or Grounds of any Person or Persons adjoining or lying convenient thereto, and which may be necessary, requisite, or proper for making, carrying on, continuing, maintaining, or repairing the said intended Canal and Collateral Cut, or other Works, or which may hinder, prevent, or obstruct the making, using, completing, extending, and maintaining the same respectively, or the making, using, completing, extending, or maintaining of any such Bafons, Feeders, Trenches, Passages, Aqueducts, and Watercourses as aforesaid, as shall be deemed necessary or proper to convey Water to the said intended Canal and Collateral Cut, or any of them; and also to make, build, erect, and set up, in or upon the said intended Canal and Collateral Cut or other Works hereby authorized to be made, or any of them, or upon the Lands adjoining or near the same respectively, such and so many Bridges, Piers, Arches, Tunnels, Aqueducts, Sluices, Locks, Flood Gates, Wiers, Pens for Water, Water Stanks, Bafons, Dams, Drains, Wharfs, Quays, Houses, Warehouses, Toll Houses, Watch Houses, Landing Places, Weighing Beams, Cranes, Fire Engines, Water Engines, or other Machines, Dry Docks and other Works, Ways, Roads, and Conveniencies, as and where the said Company of Proprietors shall think requisite or convenient for the Purposes of the said Canal, Collateral Cut, and other Works, or any Part thereof; and also from Time to Time to alter, repair, and amend or discontinue the same, and to divert, alter, widen, enlarge, and extend any Bridges, Ways, Roads, Passages, Cuts, Locks, Soughs, Tunnels, Bafons, Feeders, Aqueducts, Trenches, Sluices, or other Works and Conveniencies, as well for the carrying and conveying of Coals, Stones, and other Minerals, Goods, Wares, Merchandizes, and other Things to and from the said intended Canal and Collateral Cut, as for the carrying and conveying of all Manner of Materials necessary for the making, erecting, finishing, altering, repairing, maintaining, amending, widening, or enlarging the said intended Canal and Collateral Cut, and the Works of or belonging thereto, or useful for any Purpose therein; and also to place, lay, work, or manufacture the said Materials on the Lands or Grounds near to the Place or Places where the said Works or any of them shall be or are intended to be made, erected, repaired, or done, and also to make, maintain, repair, and alter any Fences or Passages over, under, or through the said intended Canal and Collateral Cut, or the Tunnels, Aqueducts, Soughs, Trenches, Passages, Feeders, Watercourses, and Sluices respectively which shall communicate therewith; and also to make, set out, and appoint such Towing Paths, Banks, Roads, and Ways convenient for towing, haling, or drawing of Boats, Barges, and other Vessels passing upon the said intended Canal or Collateral Cut, with Men, Horses, or otherwise, and proper Places for Boats, Barges, and other Vessels navigated upon the said intended Canal or Collateral Cut, to turn, lie, or pass each other as they the said Company of Proprietors shall think convenient, and to construct, erect, and keep in Repair any Piers, Arches, Aqueducts, and other Works in, upon, and across any Rivers or Brooks, for the making, using, maintaining, and repairing of the said intended Canal and Collateral Cut and Trenches, and the Towing Paths on the Sides thereof; and also to construct, erect, make, and do all other Matters and Things which

which they shall think convenient and necessary for the making, effecting, extending, preserving, improving, completing, and using the said intended Canal and Collateral Cut, and other Works, in pursuance of and according to the true Intent and Meaning of this Act, they the said Company of Proprietors, their several Deputies, Agents, Officers, and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and making Satisfaction in Manner herein-after mentioned to the Owners and Proprietors of and other Persons interested in any Lands, Tenements, or other Hereditaments, Waters, Watercourses, Brooks, or Rivers respectively, which shall be taken, used, removed, diverted, or prejudiced, for all Damages to be by them sustained, in or by the Execution of all or any of the Powers of this Act; and this Act shall be sufficient to indemnify the said Company of Proprietors and their Deputies, Agents, Officers, and Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted, subject to such Provisoos and Restrictions as are herein-after mentioned.

XXXIV. Provided always, and be it further enacted, That if the said Company of Proprietors shall think it necessary or expedient that Boats, Barges, or other Vessels, Waggon or other Carriages, or any Manure, Goods, Wares, or other Matters or Things should be conveyed over or along any Part or Parts of the intended Track or Line of the said intended Canal or Collateral Cut, by Rollers, Inclined Planes, Railways, Waggon Ways, or Cranes, or in any other Manner than by and upon Water, then and in such Case it shall and may be lawful to and for the said Company of Proprietors to cause any such Rollers, Inclined Planes, Railways, or other Works before mentioned, to be made for such Purpose or Purposes, at such Place or Places in, upon, or near to the said intended Canal or Collateral Cut as they shall think proper, and the same when so made shall be taken and considered as Part or Parts of the said intended Canal or Collateral Cut and Works hereby authorized to be made, in like Manner and to all Intents and Purposes as if such Parts or Places had been made navigable.

Power to
make Rollers
or inclined
Planes, &c.

XXXV. And be it further enacted, That all and every Lock and Locks which shall be made, shall be of the Width in the Clear of Five Feet, or of Nine Feet and Nine Inches, or of some intermediate Width between the said Dimensions; and all and every such Lock and Locks shall be of the Length of Twelve Feet and Six Inches, or of some Multiple of Twelve Feet and Six Inches, exclusive of the Space necessary for the opening of the Gates of the said Lock or Locks.

Breadth and
Length of
Locks.

XXXVI. Provided also, and be it further enacted, That nothing herein contained shall authorize or empower the said Company of Proprietors, or any Person or Persons acting by or under their Authority to take, use, injure, or damage, for the Purposes of the said Canal or Collateral Cut, or any other of the Purposes aforesaid, any House or other Building which was erected and built on or before the Twenty-fifth Day of *March* One thousand eight hundred and three, or any Land or Ground which on the said Twenty-fifth Day of *March* was set apart and used as or for a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a
[Loc. & Per.] 27 P House,

Houses, Gar-
dens, etc. not
to be injured,
except such as
are men-
tioned.

House, without the Consent of the Owners and Occupiers thereof, other than and except the several Houses, Cottages, Buildings, Yards, Gardens, and Orchards specified in the Schedule hereunto annexed or hereunder written.

Breadth of
Canal and
Towing
Paths.

XXXVII. And be it further enacted, That the Lands and Grounds to be taken or used for such Canal and Collateral Cut, and for the Towing Paths thereto, and the Ditches, Drains, and Fences to separate such Towing Paths from the adjoining Lands, shall not exceed Twenty-five Yards in Breadth, except in such Places where any Docks, Basons, or Pens of Water shall be made, or where the said Canal or Collateral Cut, or any Part thereof shall be raised higher or cut above Five Feet deeper than the present Surface of the Land, and except in such Places where it shall be judged proper by the said Company for Boats and other Vessels to turn, lie, or pass each other, or where any Warehouses, Cranes, or Weighing Beams may be erected, or where any Wharfs or other Places may be set out or appropriated for the Reception of any Coals, Lime, Limestones, or other Minerals, Timber, or other Goods, Wares, or Merchandizes which shall be conveyed on the said Canal or Collateral Cut, nor in any such excepted Places more than One hundred and fifty Yards in Breadth, without the Consent of the Owner or Owners of the Lands and Hereditaments adjoining to the said Canal or Collateral Cut, given under his, her, or their Hand and Seal or Hands and Seals.

No Building
to be erected
on the Tow-
ing Paths, ex-
cept for the
Navigation.

XXXVIII. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to enable the said Company of Proprietors to erect or build any Warehouse, House, Mill, or other Building whatsoever (other than Toll Houses and Watch Houses), for the Use of the said intended Canal or Collateral Cut, without the Consent of the said *John Duke of Bedford*, or his Heirs, first had in Writing, or to enable the said Company to plant any Trees upon the Lands which shall be set out for the Towing Paths, Wharfs, or Quays on the Sides thereof, or in the Fences of such Lands, or to convert or employ any Water which shall be brought into or discharged out of the said Canal or Collateral Cut, or either of them, or any Trenches or Sluices hereby authorized to be made for the Use of any Mill or Mills hereafter to be erected near the same, or to use, apply, or divert the Water of the said River *Tavy*, or of any other River, Stream, Rivulet, Brook, or Watercourse, for any other Purpose than for the Use of the said intended Navigation, without such Consent as aforesaid, or to cut down any Timberwood, Brushwood, or Underwood upon any of the Estates or Lands through or into which the said Canal, Collateral Cut, Trenches, Sluices, Roads, Passages, Works, or Conveniencies, or any Part thereof respectively shall be made, except such Timberwood, Brushwood, or Underwood as shall grow or be in or upon any of the Lands or Grounds which shall be taken or used for the making of the said Canal, Collateral Cut, Towing Paths, Trenches, Sluices, Roads, Passages, or Conveniencies respectively as aforesaid; and the Proprietors of the respective Lands and Grounds on which such Timberwood, Brushwood, or Underwood shall stand or be growing at the Time of the passing of this Act, their Heirs or Assigns, shall have it in their Election to take such Timberwood, Brushwood, or Underwood respectively, when felled or cut down by the
said

said Company of Proprietors, at such Price or Value as the same respectively shall have been estimated at or purchased by the said Company of Proprietors; which said Timberwood, Brushwood, or Underwood, so to be felled by the said Company of Proprietors, or by their Order, shall and may be carried and conveyed upon any Part of the said Canal or Collateral Cut free from all Rates to be raised and levied by virtue of this Act; but in case the same shall not have been estimated at or purchased by them upon a Valuation separate and distinct from the Lands or Grounds upon which the same shall respectively grow, then at such Price or Value as shall be agreed on for that Purpose between such Proprietors or Owners of Land and the said Company of Proprietors, or their Agents; or in case of any Difference in settling or ascertaining the same, then at such Price or Value as the Commissioners herein-after appointed, or any Three or more of them, shall direct or appoint; and if any House, Mill, or other Building shall be erected, or any Trees planted as aforesaid upon any such Lands or Grounds without such Consent as aforesaid, it shall and may be lawful to and for the Person or Persons who was or were Owner or Owners of such Lands or Grounds at the Time of setting out the same, his, her, or their Heirs or Assigns, to take, pull down, and remove such Houses, Mills, and other Buildings, or Trees, without being guilty of Trespass, or being liable to any Action or Prosecution for so doing.

XXXIX. And be it further enacted, That when and as often as it shall be found necessary by the said Company of Proprietors to make or cut through any Carriage or Horse Road, be the same publick or private, or so much injure the same as to render the same impassable or inconvenient for Carriages or Horses, or the Persons entitled to the Use and Benefit thereof, the said Company of Proprietors shall, at their own Expence, before any such Road shall be taken, cut through, or injured as aforesaid, cause a good and sufficient Carriage or Horse Road (as the Case may be) to be set out and made instead thereof, and shall put, or cause to be put the same in good and sufficient Repair and Condition.

If old Roads are destroyed, new ones to be made.

XL. And whereas a Survey has been taken to ascertain the Practicability of making the said Canal and Collateral Cut, and a Map or Plan, with a proper Book of Reference thereto, has been made in consequence thereof, in order to shew the Line or Course of the said Canal and Collateral Cut; be it therefore further enacted, That there shall be Two Parts made of the said Map or Plan and Book of Reference thereto, which shall be certified by the Right Honourable the Speaker of the House of Commons, and severally deposited, One with the Clerk of the Peace for the said County of *Devon*, and the other with the Clerk to the said Company of Proprietors; to any of which Maps, Plans, and Books of Reference, all Persons shall have Liberty to resort, and to examine, or make Extracts from or Copies of the same as Occasion shall require, paying to the said respective Clerks for Copies of or Extracts from the said Book of Reference 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

Plan and Book of Reference to be authenticated by the Speaker of the House of Commons, and deposited.

Time

Time being to the said Company of Proprietors, upon Fourteen Days Notice to him given for that Purpose, shall and he is hereby required from Time to Time to produce the said Map or Plan and Book of Reference to be so deposited with him as aforesaid before the Commissioners to be appointed in Manner herein mentioned, or any Jury or Juries to be impannelled by virtue of this Act, at the Time and Place to be mentioned in such Notice, in order that the same may be then and there given in Evidence, 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.

Not to deviate
without Con-
sent.

XLI. And be it further enacted, That the said Company of Proprietors in making the said intended Canal and Collateral Cut shall not deviate from the Course or Direction delineated in the said Maps or Plans, and set forth in the said Books of Reference, without the Approbation and Consent of the said *John Duke of Bedford* or his Heirs, and of the Person or Persons to whom any Lands, Grounds, or Hereditaments do or shall respectively belong, into, through, or over which any Deviation is desired to be made; but nothing herein contained shall extend to restrain or prevent the said Company of Proprietors from making any such Deviation from the said Course or Direction of the said Navigation, in case the said Duke or his Heirs, and all the Persons to whom the Lands, Grounds, or Hereditaments to be cut through or made use of for the Purposes of such Deviation shall belong, shall consent thereto.

Bodies Poli-
tick empow-
ered to sell and
convey Lands.

XLII. And be it further enacted, That after any Lands, Grounds, Tenements, or Hereditaments shall be set out and ascertained for making the said Canal or Collateral Cut, or any Part or Parts thereof, and for providing and constructing the Wharfs and other Works and Conveniencies herein-before mentioned, or any of them, it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbards, Guardians, Trustees, and Feoffees in Trust for charitable and other Purposes, Committees, Executors, and Administrators, and all other Trustees and Persons whomsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their *Cestuique* Trusts, whether Infants, Issue unborn, Lunaticks, Idiots, Femmes Covert, or other Person or Persons, and to and for all Femmes Covert who are or shall be seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest therein, and for every other Person or Persons whomsoever who is, are, or shall be seised, possessed of, or interested in any Lands, Grounds, Tenements, or Hereditaments which shall be so set out and ascertained for the Purposes aforesaid, to contract for, sell, and convey the same and every Part thereof unto the said Company of Proprietors; and all Bodies Politick, Corporate, or Collegiate, and all other Persons whomsoever so conveying as aforesaid, are hereby indemnified for what they shall respectively do in relation to any such Sale which he, she, they, or any of them shall make by virtue and in pursuance of this Act; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be made at the Expence of the said Company of Proprietors; and such of them as shall be made of any Lands, Tenements, or other Hereditaments to the said Company

Contracts and
Sales to be
made at the
Expence of
the Company.

Company of Proprietors, shall be made according to the following Form;
(videlicet),

I A.B. of _____ in Consideration of the Sum of _____
to me paid [or, in Consideration of the annual Rent _____
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 *Tavistock Canal*, do hereby grant and release to the
said Company, all [*describing the Premises 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 and their Successors for ever, by virtue and
according to the true Intent and Meaning of an Act of Parliament made
in the Forty-third Year of the Reign of King *George the Third*, intituled,
An Act [here insert the Title of the Act.] In Witness whereof I have
hereunto set my Hand and Seal, this _____ Day of _____
in the Year of our Lord _____

Form of Conveyance to the Company.

Which said Conveyances shall be kept by the Clerk or Clerks to the said Company of Proprietors, who shall from Time to Time, when requested, deliver attested Copies thereof to any Person or Persons requiring 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 to be made by virtue of this Act, in the Form and Manner aforesaid shall be valid and effectual to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom to the contrary thereof in any wise notwithstanding.

XLIII. Provided always, and be it enacted, That all and every Body or Bodies Politick, Corporate, or Collegiate, Trustees, or other Persons herein-before capacitated to sell or convey Lands, Tenements, and other Hereditaments, or any other Owner or Owners, and the Occupier or Occupiers of any Lands, Tenements, or other Hereditaments, through, in, or upon which the said Towing Paths, Quays, or other Works hereby authorized, are intended to be made, or of any Mills or other Works from which any Water to supply the said Canal or Collateral Cut may or shall be taken or diverted, may accept and receive Satisfaction for the Value of such Lands; Grounds, Tenements, Mills, Forges, or other Works, Water, and Hereditaments, and for the Damages to be sustained by making and completing the said Works herein-before directed, either in gross Sums or by annual Rents, as shall be agreed upon by and between the said Parties interested respectively, or any of them, and the said Company of Proprietors, or their Committee of Management for the Time being; and in case the said Company of Proprietors or their said Committee and the said Parties interested in such Lands, Grounds, Tenements, or other Hereditaments cannot agree as to the Amount or Value of such Satisfaction, the same shall be ascertained and settled by the Commissioners hereby appointed, in such Manner, and subject to such Verdict of a Jury, if required, as is herein directed; and all such yearly Rents or Sums as shall be agreed on between the said Company of Proprietors, or their said Committee, and the said Parties interested in such Lands, Grounds, Tenements, or other Hereditaments, or as shall be so ascertained and settled as aforesaid, shall be charged on the Rates arising by virtue of this Act, and shall be paid by the said Company of Proprietors, either

Satisfaction to be made.

If Parties cannot agree Price to be settled by Commissioners or a Jury.

Yearly Rent charged on the Rates.

[Loc. & Per.]

27 2

yearly

yearly or Half-yearly, as the same shall be agreed to become due and payable; and in case the same shall not be paid within Twenty Days next after the same shall so become due and payable, it shall and may be lawful to and for the said Commissioners, or any Three or more of them, although not assembled at any Meeting to be held by virtue of this Act, and they are hereby required, by an Order under their Hands, to appoint One or more Person or Persons to receive the Rates hereby granted and made payable, and to pay the same to such Person or Persons to whom such annual Rents or Sums shall be due and unpaid as aforesaid, the said Commissioners taking such Security from every such Person for the due and faithful Execution of his Office as they shall judge proper and sufficient; and every such Person so appointed shall be deemed a Collector of the said Rates, and shall have the same Power and Authority for collecting the same, and shall receive and retain thereout a reasonable Satisfaction for his Trouble therein, in like Manner as if he had been appointed a Collector of the said Rates by the said Company of Proprietors, until such annual Rents or Sums, with all Costs and Damages occasioned by the Non-payment thereof, shall be fully satisfied and paid; or it shall and may be lawful to and for such Bodies Politick, Corporate, or Collegiate, Trustees, or other Person or Persons to whom such annual Rents or Sums shall be due and owing as aforesaid, to sue for and recover the same with Costs of Suit by Action of Debt in any of His Majesty's Courts of Record, or otherwise to seize and distrain any Boats, Vessels, or other Goods or Effects of the said Company of Proprietors which shall be found upon the said Canal or Collateral Cut, or in or upon the Wharfs, Quays, or other Works thereto belonging (Information of such Distress being immediately given to the said Company of Proprietors by Notice in Writing, delivered to some of their Clerks or Collectors of the Rates, or affixed to some of their Wharfs or Quays near to the Place where such Distress was made), and to detain the same until Payment of such annual Rents or Sums then due and owing, together with the reasonable Charges attending such Distress; and if such Distress shall not be redeemed within Five Days next after the making the same, and Notice thereof given in Writing as aforesaid, then such Boats, Vessels, or other Goods or Effects so distrained, shall and may be sold or disposed of in such Manner as the Law directs in case of a Distress for Rent.

Commission-
ers and their
Qualifications.

XLIV. And be it further enacted, That every Person who shall in his own Right, or in the Right of his Wife, and not as Mortgagee, or Trustee, or Lessee, be seised of or entitled unto a Freehold or Copyhold Estate, situate within the Counties of *Devon* or *Cornwall*, or the City and County of the City of *Exeter*, or either of them, of the clear yearly Value of Fifty Pounds, over and above all Rents, Annuities, Incumbrances, and Reprizes, shall be and are hereby appointed Commissioners for settling, determining, and adjusting all Matters, Questions, and Differences which shall or may arise between the said Company of Proprietors and the several Owners of and Persons interested in any Lands, Grounds, Tenements, Mills, Mines, Waters, or Hereditaments which shall or may be taken, used, affected, or prejudiced by the Execution of any of the Powers hereby granted; and every Person so qualified shall be and is hereby appointed a Commissioner for all other the Purposes of this Act for which Commissioners are hereby appointed; but no Person shall act or be qualified

lified to act as a Commissioner for the Execution of the Powers hereby given to such Commissioners during the Time of his holding any Place of Profit arising out of the Rates to be collected by virtue of this Act, or of his being a Proprietor in the said Canal and Collateral Cut, or concerned or interested in any Contract or Bargain to be made for the Purposes of this Act, or in any Case where he shall be any way interested or concerned in the Matter in question, or (except in administering the Oath herein-after mentioned) until he shall have taken and subscribed an Oath to the Effect following before any Two or more of the said Commissioners, who are hereby authorized and required to administer the same; (*videlicet*),

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

‘ I *A. B.* do swear, That I will truly and impartially, according to the Evidence which shall be laid before me, and to the best of my Skill and Knowledge, execute and perform the Powers and Authorities vested in me as a Commissioner by an Act, passed in the Forty-third Year of the Reign of King *George* the Third, intituled, [*here insert the Title of this Act*] and that I am qualified to act as a Commissioner according to the Directions of the said Act.

Oath of Commissioners.

‘ So help me GOD.’

And if any Person shall act as a Commissioner in the Execution of this Act, not being qualified as herein-before mentioned, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person who shall sue for the same, to be recovered with full Costs of Suit by Action at Law in any of His Majesty's Courts of Record; and such Person so sued shall prove that he is qualified as above, or otherwise shall pay the said Penalty without any other Proof or Evidence on the Part of the Plaintiff or Plaintiffs than that such Person hath acted as a Commissioner in the Execution of this Act.

Penalty on Commissioners acting, not being qualified.

XLV. And be it further enacted, That any of the said Commissioners who are or shall be Justices of the Peace for the said Counties, or either of them, shall and may, notwithstanding their being Commissioners, act as Justices of the Peace in the Execution of this Act; but that no Person who shall have or accept of any Place of Profit arising out of the Rates to be raised by virtue of this Act, or shall be a Proprietor of any Share or Shares of the said Undertaking, or shall be concerned or interested in any Contract or Bargain made or to be made for or on Account of the said Undertaking, shall be capable of acting as a Justice of the Peace in any Matter respecting the same, so long as he shall hold or be interested in such Place of Profit, Share or Shares, Contract or Bargain as aforesaid.

Commissioners may act as Justices of the Peace, but not while they hold any Place of Profit under this Act.

XLVI. And be it further enacted, That upon Application to be made in Writing by or on the Behalf of the said Company of Proprietors, or their Committee of Management, or by any Owner or Occupier of any Lands, Tenements, or Hereditaments to be affected by the said Canal or Collateral Cut, or other Works, unto any Three or more Persons qualified to act as Commissioners for the Purposes of this Act, requesting them to appoint a General Meeting of the said Commissioners, the Commissioners so applied to shall and they are hereby required within Seven Days after such Request to give Notice of a General Meeting, to be held at such Time

Commissioners Meetings.

Clerk to be appointed.

Proceedings to be entered and signed.

Notice of Meetings.

Time and Place as shall be expressed in such Notice, such Time not being less than Fourteen nor more than Twenty-one Days from the Day on which such Request shall be made; and the said Commissioners shall and they are hereby required at such their First Meeting to appoint out of Three Persons to be nominated by the said Committee of Management, such One of them as the said Commissioners shall think proper to be their Clerk, and the said Commissioners may, if they shall think proper, from Time to Time at any of their subsequent Meetings, remove any such Clerk, and appoint another in his Stead out of Three Persons to be nominated by the said Committee of Management; and every such Clerk shall be paid for his Time, Care, and Trouble in the Execution of his Office, by the said Company of Proprietors; and all the Orders and Proceedings of the said Commissioners, as well at their First as at every subsequent Meeting, shall be regularly entered by their Clerk in a Book to be kept for that Purpose, and to be provided from Time to Time by the said Company of Proprietors, and such Entries being signed by such Number of Commissioners respectively as are empowered by this Act to make such Orders, or carry on such Proceedings, or by their Clerk, by the Orders and Directions of such Number of Commissioners as aforesaid, who shall be assembled at any such Meeting or Meetings, shall be deemed Originals, and shall be admitted as Evidence in all Courts of Law or Equity; but no such First or other Meeting whatsoever of the said Commissioners, except such adjourned Meetings as hereinafter mentioned, shall at any Time be had for putting into Execution any of the Powers or Authorities vested in the said Commissioners by this Act, unless Fourteen Days previous Notice at least of every such intended Meeting shall be given in some Newspaper usually circulating in the Counties of *Devon* and *Cornwall*, and every Meeting of the said Commissioners by virtue of this Act shall be held publickly; and no Order, Direction, or Determination of the said Commissioners, or any of them, touching any of the Matters and Things herein contained (except in such Cases as are hereby otherwise directed), shall be valid and effectual, unless the same shall be made or done at some Meeting to be held in pursuance of this Act; and all the Powers and Authorities by this Act given to or vested in the said Commissioners (except such as may be executed without their being assembled at any Meeting or Meeting), shall and may from Time to Time be exercised by the Majority of the Commissioners present at every such Meeting, the whole Number present at any such Meeting not being less than Five; and at every such Meeting One of the said Commissioners present shall be appointed Chairman, who, in case of an equal Division of Voices, shall have the casting Vote.

To appoint Special Meetings when required.

XLVII. And be it further enacted, That, from Time to Time, upon any Application to be made in Writing by or on the Behalf of the said Company of Proprietors, or their Committee of Management, or by any Owner or Occupier of any Lands or Hereditaments to be affected by the making of the said Canal, Collateral Cut, or Works, to the Clerk of the said Commissioners, requesting him to appoint a Special Meeting of the said Commissioners, the said Clerk shall and he is hereby authorized and required within Fourteen Days next after such Request or Application made, to give publick Notice in Manner aforesaid of such Meeting, to be held at such Time and Place as shall be specified in such Notice, such
Time

Time not being less than Fourteen nor more than Twenty-one Days from the Day on which such Request or Application shall be made to him as aforesaid; and the said Commissioners are hereby empowered and required, notwithstanding any previous or intervening Adjournment of their Meetings, to assemble at the Time and Place so to be appointed, in order to put into Execution the Powers and Authorities hereby given to and vested in them respecting any Matter for which such Special Meeting shall be required; and in case the Business to be transacted at any General or Special Meeting of the said Commissioners, to be held in pursuance of this Act shall not be finished on or within the Day appointed for such Meeting, or if a sufficient Number of Commissioners shall not attend for that Purpose, then and in such Case any One or more of the Commissioners who may be then present shall adjourn such Meeting to such Time and Place, or Times and Places as such One Commissioner, or the major Part of such Commissioners if there shall be more than One present at any such Meeting or Meetings, shall think proper and convenient; but no such Adjournment shall be made for a longer Time than Two Calendar Months; and if it shall happen that there shall not appear at any Meeting to be held under the Powers of this Act any Commissioner or Commissioners to adjourn, or if they shall omit to make an Adjournment, then and in such Case and as often as the same shall so happen, the Clerk to the said Commissioners shall and may by publick Notice, to be given in Manner aforesaid, appoint the Commissioners to meet at the House or Place where the last Meeting of the said Commissioners was appointed to be held, or was holden, within Twenty-one Days next after the Day on which such former Meeting was to have been held, or was holden; or any Three or more of the said Commissioners may at any Time or Times revive or continue the Meetings of the said Commissioners, by calling another Meeting to be holden at such Time or Times as any such Three Commissioners shall appoint, publick Notice being given in Manner aforesaid by the same Commissioners, of all such Revivals and Continuations of the said Meetings: Provided always, that every Special Meeting of the Commissioners, to be held upon such Request or Application as aforesaid, for hearing or determining any particular Complaint, Controversy, Dispute, or Difference between the said Company of Proprietors and any other Person or Persons, shall be held at *Tavistock* aforesaid, or within Five Miles thereof.

Commissioners may adjourn all Meetings.

XLVIII. And be it further enacted, That the said Commissioners shall be and they are hereby authorized and required, at any of their Meetings, to examine Witnesses on Oath, to be administered by them, touching any Matter which may in pursuance of this Act be submitted to the Consideration of the said Commissioners; and they are hereby empowered by Writing under their Hands and Seals, to determine and adjust from Time to Time, what Sum or Sums of Money shall be paid by the said Company of Proprietors (either in Gross or by an annual Rent or Payment), for the absolute Purchase of or as a Recompence for the Use of the Lands, Grounds, or Hereditaments, which shall be so set out and ascertained as aforesaid, for making the said Canal or Collateral Cut, or for any other the Purposes of this Act, and also to adjust and determine the Compensation to be made by the said Company of Proprietors, for any Damages which may or shall be at any Time or Times hereafter sustained by any

Their Power of fixing the Price of Lands taken for the Canal, and to settle Compensation.

Bodies Politick, Corporate or Collegiate, or by any Person or Persons respectively, being Owners of or interested in any Lands, Grounds, Tenements, Mills, Mines, or other Hereditaments, for or by reason of the severing, dividing, or taking down the same, or by reason of the making, using, repairing, or maintaining the said Canal or Collateral Cut, and the Basons, Aqueducts, Feeders, Tunnels, Sluices, Trenches, Passages, Gutters, Watercourses, Roads, Ways, Railways, or other Works or Conveniencies belonging thereto, or by supplying the same or any of them with Water as aforesaid, or by the flowing, leaking, or oozing of Water, over or through the Banks of the said Canal, Collateral Cut, Basons, Sluices, and Trenches, or any of them, or over or through any Passages, Gutters, or Watercourses, which shall be made pursuant to the Powers hereby given, or by not cleansing the same, or by diverting any Streams or Brooks into the same, or by reason or Means of the Execution of any other of the Powers hereby given to the said Company of Proprietors or their said Committee.

If Parties are dissatisfied with the Determination of the Commissioners, Value to be ascertained by a Jury.

XLIX. Provided always, and be it further enacted, That if the said Company of Proprietors or their Committee of Management for the Time being, or any such Body Politick, Corporate or Collegiate, Trustee or Trustees, or other Person or Persons so interested or entitled as aforesaid, shall be dissatisfied with any such Judgement or Determination, and shall give Notice thereof in Writing to any Three or more of the said Commissioners, within Twenty-one Days next after such Judgement or Determination shall have been made, or shall refuse or neglect to submit any such Matter to the Determination of the said Commissioners, or if any such Body Politick, Corporate or Collegiate, Trustee or Trustees, or other Person or Persons, shall refuse to receive upon due Tender thereof made, such Purchase Money, or the First Payment of such annual Rent, or such Recompence as shall be so determined to be paid, or shall upon Notice in Writing given to the principal Officer of any such Body Politick, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at the last or usual Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers, of any Lands or other Hereditaments to be made use of for the Purposes of this Act, for the Space of Twenty-one Days next after such Notice, neglect or refuse to treat, or shall not agree with the said Company of Proprietors or their said Committee, or by reason of Absence or otherwise, shall be prevented from treating, or through Disability by Nonage, Coverture, or other Impediment, cannot treat for themselves, or make such Agreement or Agreements as shall be necessary for the Purposes aforesaid, or shall not within the before mentioned Space of Twenty-one Days, produce and fully disclose the State of the Title to the Premises which they are or shall be in Possession of, and to the Interest which they shall claim therein, then and in every such Case the said Commissioners shall and are hereby empowered and required to issue a Warrant under their Hands and Seals to the Sheriff of the County of *Devon*; and in case such Sheriff or his Under Sheriff shall be One of the Company of Proprietors, or enjoy any Office of Profit or Trust under them, or shall be otherwise interested in the Matter in question, then to any One of the Coroners of the said County, who shall not be so interested as aforesaid; and in case all the said Coroners of the said County shall be so interested, then to the last Person

Person who filled the Office of Sheriff of the said County then in being, and who shall not be interested as aforesaid, commanding such Sheriff, Coroner, or other Person to impanel, summon, and return a Jury, and the said Sheriff, Coroner, or other Person is hereby required accordingly to impanel, summon, and return a Jury of Twelve sufficient and indifferent Men, qualified according to the Laws of this Realm, to be returned for the Trials of Issues in His Majesty's Courts at *Westminster*, to appear before the said Commissioners at such Time and Place as in such Warrant shall be appointed, such Time not being less than Fourteen nor more than Twenty-one Days after such Warrant shall be served upon the said Sheriff, Coroner, or other Person; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid, the said Sheriff, Coroner, or other Person shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service (being so qualified as aforesaid) to make up the said Jury to the Number of Twelve; and every such Jury and Jurymen shall be liable and subject to the same Regulations, and to the same Pains and Penalties for Default, as if he and they had been returned for the Trial of any Issue joined in any of His Majesty's Courts at *Westminster*; and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Commissioners are hereby empowered and required, by a Summons or Notice to be signed by any Three or more of the said Commissioners, either previous to or at the Time of any such Meeting or Meetings, to summon and call before them all and every Person or Persons who shall be thought necessary to be examined as a Witness or Witnesses touching the Matters in question, and to hear and examine such Witness or Witnesses upon Oath; and the said Commissioners may order and authorize the said Jury or any Six or more of them to view the Place or Places, or Matter or Matters in question; which Jury upon their Oaths (which Oaths as well as the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Commissioners are hereby empowered to administer), shall enquire of, assess, and ascertain the Sum of Money or annual Rent to be paid for the Purchase of such Lands, Tenements, or other Hereditaments, or the Recompence to be made for the Damages that shall or may be sustained as aforesaid, and shall assess separate Damages for the same; and the said Commissioners shall give Judgement for such Purchase Monies, Rent, or Recompence so to be assessed by such Jury; which said Verdict, and the Judgement thereupon pronounced as aforesaid, shall be signed by the said Commissioners, and shall be binding and conclusive to all Intents and Purposes against all Bodies Politick, Corporate or Collegiate, and all other Persons, and shall not be removed by *Certiorari* or other Process into any of His Majesty's Courts of Record at *Westminster*, or any other Court; any Law or Statute to the contrary thereof notwithstanding.

L. And be it further enacted, That if the Sheriff or other Person so directed to summon and return a Jury as aforesaid, or his Deputy or Agent, shall make Default in the Premises, he shall for every such Offence forfeit the Sum of Fifty Pounds; and if any Person so summoned and returned as aforesaid upon such Jury shall not appear, or appearing shall refuse to be sworn or to give his Verdict, or in any other Manner wilfully neglect

Fine upon
Sheriffs, etc.
making De-
fault.

neglect his Duty contrary to the true Intent of this Act, or if any Person so summoned to give Evidence shall not appear, or appearing shall refuse to be sworn or examined, or to give Evidence, every Person so offending, having no reasonable Excuse, to be allowed by the said Commissioners, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be levied by virtue of any Warrant under the Hands and Seals of the said Commissioners, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to him the Overplus after such Penalty, and the Charges of such Distress and Sale shall be deducted; and every such Penalty which shall be paid by or recovered from any Person who shall have been summoned to give Evidence as aforesaid shall go and be paid to the Person or Persons who shall appear to the said Commissioners to be injured by the Default of such Person.

Persons giving false Evidence may be prosecuted.

LI. And be it further enacted, That all and every Person and Persons who, in any Examination to be taken by virtue of this Act, shall wilfully give false Evidence before the said Commissioners, or before any such Jury, or before any Justice of the Peace, acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be liable to the same Pains and Penalties as Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable to.

Expences of Commissioners, Witnesses, and Jury, by whom to be paid.

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

for the same Sum or Rent that had been previously offered by or on Behalf of the said Company of Proprietors, or had been so determined or assessed by the said Commissioners, or for a less Sum than had been so previously offered, determined, or assessed, or in case no Damages shall be given by the Verdict where the Dispute is for Damages only, or in case of such Refusal to enter into Treaty with, or make Conveyances to, or receive Compensations from the said Company of Proprietors, by any Bodies Politick, Corporate, or Collegiate, or by any Person or Persons whomsoever, who is or are by the Provisions of this Act, or otherwise legally capacitated to treat and convey or receive such Compensation as aforesaid, then and in all such Cases (except where by reason of Absence or otherwise any Person shall have been prevented from treating and agreeing as aforesaid), the Costs and Expences of calling a Meeting of such Commissioners, summoning such Jury, and taking such Verdict shall be settled in like Manner by the said Commissioners, and be borne and paid by the Person or Persons with whom the said Company of Proprietors shall have such Concerns, Controversies, or Disputes, which said Costs and Expences having been so settled, shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Sum or Sums of Money shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged.

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

Persons requesting Juries to enter into Bonds to prosecute.

LIV. And be it further enacted, That the said Commissioners shall not nor shall any of them be obliged or allowed by virtue of this Act to receive or take Notice of any Complaint or Complaints to be made by any Person or Persons whomsoever, for any Injury or Damage by him, her, or them sustained or supposed to be sustained by virtue or in consequence of this Act, unless Application shall have been made in relation thereto, by or on Behalf of such Person or Persons to the said Company of Proprietors, or to their Committee of Management, or to their Treasurer or Clerk or to their known Agent or Agents, or to some Collector or Collectors of the Rates arising from the said Navigation, residing nearest to the Place where the Cause of Complaint shall arise, Fourteen Days at the least before such Complaint shall be made to the said Commissioners,

Notice of Injury to be given to Proprietors before Complaint to the Commissioners.

[Loc. & Per.]

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within

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

Verdict to Value of Lands and Damages to be ascertained separately.

LV. And be it further enacted, That the said Commissioners and Juries respectively shall award all Determinations, Judgements, and Verdicts; which they shall respectively make and give in the Execution of the Powers hereby vested in them concerning the Value of Lands, Mills, Tenements, and other Hereditaments, separately and distinctly from the Consideration of any other Damages sustained or to be sustained by any Person or Persons in consequence of the Execution of any of the Powers of this Act, and shall distinguish the Value set upon the Lands, Tenements, and other Hereditaments, and the Money assessed or adjudged for such Damages as aforesaid, separately and apart from each other.

Power to enter and take Possession of Lands, etc. on Payment or Tender of Purchase Money.

LVI. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money, or giving such Security as the said Commissioners shall approve for Payment of any such annual Rent as shall have been contracted or agreed for between the Parties, or adjusted and determined by the said Commissioners, or assessed by such Jury in Manner respectively as aforesaid, for the Purchase of any such Lands, Waters, Mills, Tenements, or other Hereditaments, or as a Recompence for the yearly Produce or Profits thereof, or as a Compensation for Damages as herein mentioned, to the Proprietor or Proprietors of such Lands, Waters, Mills, Tenements, or other Hereditaments, or to such other Person or Persons as shall be interested therein, or entitled to receive such Money, Rent, or Compensation respectively, at any Time after the same shall have been so agreed for, determined, or assessed, or if the Person or Persons so entitled or interested, or any of them, cannot be found, or shall refuse to receive the same, then upon the Investment thereof in such publick Funds or Government Securities, bearing an annual Interest as the said Commissioners shall by Writing under their Hands appoint, in case the same shall exceed the Sum of Twenty Pounds; and if the same shall not exceed the said Sum, then on leaving or depositing the Money in the Hands of the Treasurer to the said Company of Proprietors for the Use of such Person or Persons so interested or entitled as aforesaid; and in all or any of the said Cases, as often as the same shall happen, it shall and may be lawful to and for the said Company of Proprietors, and their Agents, Workmen, and Servants, immediately to enter upon such Lands, Grounds, Mills, Tenements, and other Hereditaments respectively, (or before such Payment or Tender, by Leave of the Owners or Occupiers thereof) and then and thereupon such Lands and Grounds, Waters, Mills, Tenements, and other Hereditaments, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall from thenceforth be vested in and become the sole Property of the said Company of Proprietors to and for the Purposes of this Act for ever, and such Tender, Payment, Investment, or Deposit, shall not only bar all Right, Title, Claim, Interest, and Demand of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail, and other Estates in Reversion and Remainder, of his, her, or their Issue, and of every other Person whomsoever therein :

therein: Provided nevertheless, that before such Payment, Security, Tender, Investment, or Deposit as aforesaid, it shall not be lawful for the said Company of Proprietors, or any Person acting under their Authority, to dig or cut the Lands or Grounds, or to take down, remove, or otherwise affect any Mill, Tenement, or other Hereditament of the Person or Persons entitled to such Payment or Security for the Purpose of making the said Canal or Collateral Cut, without the Leave and Consent of such Person or Persons respectively.

LVII. And be it further enacted, That each and every Judgement and Determination of the said Commissioners, which shall be submitted to and acquiesced in by the Parties concerned, and each and every Verdict shall be transmitted to and kept by the Clerk of the Peace, or other Persons having the Custody of the Records of the Quarter Sessions of the said County of *Devon*, and shall be deemed to be Records of such Quarter Sessions to all Intents and Purposes, and the same or true Copies thereof shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of Sixpence, and to have Copies thereof, paying for every Copy the Sum of Sixpence for every One hundred Words, and so in Proportion for any greater or less Number of Words.

Verdicts to be recorded.

LVIII. And be it further enacted, That all Sums of Money which are to be paid to any Bodies Politick, Corporate, or Collegiate, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees, or Persons acting as Guardians, Committees, or Trustees for or on Behalf of any Infants, Lunatics, Idiots, Females Covert, or other *Cestuique* Trusts, or to any Person or Persons whose Lands or Estates are limited in strict or other Settlement, for the Purchase or Exchange of or the Damage to be done to any Lands, Tenements, or Hereditaments by virtue of the Powers herein contained, shall be paid and applied in Manner following; (that is to say), in case the same shall amount to or exceed the Sum of Two hundred Pounds, it shall with all convenient Speed 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 *ex parte* the *Tavistock* Canal Company, together with the Name or Names of such Person or Persons as Three of the Commissioners for executing this Act shall by Writing signed by them direct and appoint, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Redemption or Purchase of the Land Tax, or Discharge of any Debt or Debts, or such other Charge or Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Intents, or Purposes, or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses,

Purchase Monies or Compensations due to Corporate Bodies, Minors, etc. to be laid out to the same Uses.

Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance or Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase and Settlement were made; and in case the Money so payable to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments in respect whereof the same shall be paid, or of his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, or other Person or Persons acting as such as aforesaid, to be signified in Writing under their respective Hands, be paid into the Bank in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Three of the said Commissioners (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Appointment of the Court of Chancery; and in case the Money payable to such Corporation, or to any Person under Disability or Incapacity as aforesaid, shall not exceed Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments in respect whereof the same shall be paid, in such Manner as the said Commissioners shall think fit; or to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, or other Person or Persons acting as such, to and for the Use and Benefit of such Person or Persons so entitled respectively; and the Receipt or Receipts of the Person or Persons to whom the said Commissioners shall direct the same to be paid, shall be sufficient Discharges for the same.

For determining Question of Title to Money, etc.

LIX. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the

upon the said Canal or Collateral Cut, and which shall pass the said intended Tunnel, whether the same be carried or conveyed the whole Length of the said Canal or Collateral Cut, or on any Part of them, or either of them, the Sum of Two Shillings *per* Ton, and so in Proportion for any greater or less Quantity than a Ton :

For all Coals, Coke, Culm, Lime, Timber, Bark, Corn, Grain, and all other Goods, Wares, Merchandize, and Things whatsoever, carried and conveyed upon the said Canal or Collateral Cut, and which shall pass the said intended Tunnel, whether the same shall be carried and conveyed the whole Length of the said Canal or Collateral Cut, or on any Part of them, or either of them, the Sum of Three Shillings *per* Ton, and so in Proportion for any greater or less Quantity than a Ton :

For all Stone for Building, Dung, Earth, Sand, Clay, Bricks, Tiles, Slates, Ores (made merchantable), Iron, and Metals carried and conveyed upon the said Canal or Collateral Cut, but which shall not pass the said intended Tunnel, whether the same shall be carried and conveyed the whole Length of the said Canal or Collateral Cut, or any Part of them, or either of them, the Sum of One Shilling *per* Ton, and so in Proportion for any greater or less Quantity than a Ton :

For all Coals, Coke, Culm, Lime, Timber, Bark, Corn, Grain, and all other Goods, Wares, Merchandize, and Things whatsoever carried and conveyed upon the said Canal or Collateral Cut, but which shall not pass the said intended Tunnel, whether the same shall be carried and conveyed the whole Length of the said Canal or Collateral Cut, or on any Part of them, or either of them, the Sum of One Shilling and Sixpence *per* Ton, and so in Proportion for any greater or less Quantity than a Ton.

The Duke of Bedford the Owner of certain Quays.

LXII. And whereas the said *John* Duke of *Bedford* is the Owner or Proprietor of certain Quays on the said River *Tamar*, called *Morwellham Quay* and *New Quay*, the Property in which said Quays will be greatly injured by the said intended Navigation, when the same shall be made and opened for general Use; and it is just that a Satisfaction should be made to the Parties interested therein for the Loss which they may sustain thereby; and it hath been agreed that the said Duke, as the Owner or Proprietor of the said Quay called *New Quay*, shall be compensated by the Payment of an annual Sum, not exceeding Sixty Pounds *per Annum*, to be paid out of the Rates next herein-after mentioned, and also that the said Duke and the other Parties interested in the said Quay called *Morwellham Quay*, shall be compensated by the Receipt of all the Rates next herein-after mentioned, over and above the said Sum of Sixty Pounds *per Annum*; but that the said Duke and the said other Parties interested in the said Quay called *Morwellham Quay*, shall receive no Compensation whatever until the Sum aforesaid shall be levied and paid over to the said Duke or other the Person who for the Time being shall be entitled to the Rents and Profits of the said Quay called *New Quay*; be it therefore enacted, That in Addition to the said several Rates herein-before made payable, the said Company of Proprietors shall from Time to Time, and at all Times hereafter ask, demand, take, receive, and recover, as and for the Satisfaction and Compensation to the Owner or Proprietor, Owners or Proprietors for the Time being of the said Quays, the
respective

respective Rates, Tolls, and Duties next herein-after mentioned; (that is to say),

For all Slate Stone which shall be carried and conveyed on any Part of the said Canal, and which on its Passage to or from the same shall pass the said Quay called *Morwellham Quay* without being landed at the said Quay, the Sum of Three-pence *per* Ton, and so in Proportion for any greater or less Quantity than a Ton:

Rates of Tonnage for the Compensation to the Owners of *Morwellham Quay* and *New Quay*.

For all Limestone which shall be carried and conveyed on any Part of the said Canal, and which on its Passage to or from the same shall pass the said Quay without being landed at the said Quay, the Sum of Sixpence *per* Ton, and so in Proportion for any greater or less Quantity than a Ton:

For all Ores (made merchantable), Iron, Bricks, Tiles, Clay, Sand, Earth, and Dung which shall be carried and conveyed on any Part of the said Canal, and which on their or its Passage to or from the same shall pass the said Quay without being landed at the said Quay, the Sum of Sixpence *per* Ton, and so in Proportion for any greater or less Quantity than a Ton:

For all other Goods, Merchandize, Matters, and Things whatsoever which shall be carried and conveyed on any Part of the said Canal, and which on their Passage to or from the same shall pass the said Quay without being landed at the said Quay, the Sum of One Shilling *per* Ton, and so in Proportion for any greater or less Quantity than a Ton.

And the said Company of Proprietors shall in a proper Book, to be provided by them for that Purpose, keep a separate and true Account of all the Rates received by them from Time to Time, as and for the Satisfaction and Compensation to the Owner or Owners of the said Quays called *Morwellham Quay* and *New Quay*, and which said Book is to be open for Inspection at all seasonable Times to any Person or Persons interested therein; and the said Company of Proprietors shall on the First Day of *January* in every Year (unless the same shall happen on a *Sunday*, and then on the next Day), pay over the Sum of Sixty Pounds *per Annum*, or so much of the Monies as they shall have received for such Rates if less than Sixty Pounds *per Annum* to the said *John Duke of Bedford*, or other the Person who for the Time being shall be entitled to the Rents and Profits of the said Quay called *New Quay*, and the Remainder of such Monies over and above the said Sum of Sixty Pounds *per Annum* to the Lessees or Assignees of the said Quay called *Morwellham Quay*, during the Residue of a Term of Fifty-one Years from *Lady Day* One thousand eight hundred and three, which they now have in the said Quay; and from and after the Expiration of the said Term, the said Company of Proprietors shall from Time to Time for ever pay over, by like yearly Payments, such Remainder of the said Rates as aforesaid to the said *John Duke of Bedford*, or other the Person who for the Time being shall be entitled to the Rents and Profits of the said Quay called *Morwellham Quay*.

LXIII. Provided always, and be it further enacted, That no Rate whatsoever shall be payable or demanded or taken by virtue of this Act, for or in respect of any Ores, Rubbish, or Waste brought from any Lode

Exemption from Rates.

or

Lodes on the Line of the said intended Canal and Collateral Cut, or either of them, and carried to the dressing Floors or Places for lodging Waste, but nevertheless the same is to be carried at such Times only as when the Conveyance thereof will not interrupt the regular Navigation of the said Canal and Collateral Cut, or either of them; nor shall any Rate whatsoever be payable or demanded, or taken by virtue of this Act for or in respect of any Goods, Merchandize, Articles, or Things, of what Nature or Kind soever, which, having passed the said Tunnel and paid the Tonnage Rates before described, shall be removed to any other Part of the said Canal and Collateral Cut, or either of them: Provided also, that if any Person shall claim and take the Benefit of any such Exemption not being entitled thereto, he shall for every such Offence forfeit any Sum not exceeding Five Pounds.

Fractions in
Tonnage and
Recovery of
Rates.

LXIV. And be it further enacted, That in all Cases where there shall be a Fraction of a Ton in the Weight of Lading in any Boat, Barge, or other Vessel so to be navigated on the said intended Canal and Collateral Cut, or either of them, a Proportion of the said Rates shall be demanded and taken by the said Company of Proprietors for such Fraction, according to the Number of Quarters of a Ton contained therein; and in all Cases where there shall be a Fraction of a Quarter of a Ton in any such Weight of Lading as aforesaid, such Fraction shall be deemed and considered as a whole Quarter of a Ton; all which said Rates shall be paid to such Person or Persons, at such Place or Places, near to the said Canal or Collateral Cut, or any Part thereof, in such Manner and under such Regulations as the said Committee of Management at some General Meeting or Meetings shall direct or appoint; and in case of Denial or Neglect of Payment of any such Rates or any Part thereof on Demand, to the Person or Persons appointed to receive the same as aforesaid, the said Company of Proprietors may sue for the same by Action of Debt or upon the Case, in any of His Majesty's Courts of Record at *Westminster*; or the Person or Persons to whom such Rates ought to have been paid, may and he and they is and are hereby empowered to seize the Goods or other Things for or in respect whereof any such Rates ought to have been paid, or any Part thereof, or the Boat, Barge, or other Vessel laden therewith, and detain the same until Payment thereof shall be made; and also until Payment of all Arrears of the said Rates which may be due from the Owner or Owners of such Boat, Barge, or other Vessel to the said Company of Proprietors, together with reasonable Charges for such Seizure and Detention; and if such Goods or other Things, Boat, Barge, or other Vessel shall not be redeemed within Five Days next after the taking thereof, the same shall be sold as the Law directs in Cases of Distress for Rent; and the said Committee of Management shall have full Power from Time to Time, at any General Meeting, to lower or reduce all or any of the said Rates (except the Rate intended for the Compensation of the Proprietors of the said Quays), and again to raise the same to such Sums as they shall think proper, not exceeding the Rates before mentioned, as often as it shall be deemed necessary for the Interest of the Undertaking.

Basin Dues.

LXV. And be it further enacted, That in Addition to the several Rates herein-before mentioned there shall be paid and payable to the said Company

Company of Proprietors, for all Ships or Vessels that shall enter the intended Canal Balon at *Morwellham*, the Sum of One Penny *per* Ton for each and every Time that the said Ships or Vessels shall enter the same, and that the same shall be paid and recoverable, and reducible in like Manner as before expressed with regard to the other Rates made payable to the said Company of Proprietors.

LXVI. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, and they are hereby authorized and empowered at any of their General or Special General Assemblies by Writing under their Common Seal, at any Time or Times, to let to Farm the Rates hereby made payable (except the Rate intended for the Compensation to the Proprietors of the said Quays), or any Part or Parts thereof, upon the Whole or any Part or Parts of the said Canal and Collateral Cut, unto any Person or Persons, for any Time or Term they shall think proper, not exceeding Seven 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 Power 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 by the Committee of Management, or any Five or more of them, or their Clerk, by Advertisement published and continued in such Newspaper as aforesaid, at least Thirty Days prior to any such General Assembly, at which the said Rates or any Part thereof are proposed to be let as aforesaid.

Company empowered to leave the Rates.

LXVII. And, for the better ascertaining and more easy and effectual collecting of the said Rates hereby directed to be paid to the said Company of Proprietors; be it further enacted, That the Master, Owner, or other Person or Persons having the Care of any Boat, Barge, or other Vessel, navigating upon the said Canal and Collateral Cut, or upon any Part or Parts thereof, shall give to the Collectors of the said Rates, or to any other Officers to be appointed for such Purpose by the said Committee of Management, at the Place or Places where he or they shall attend for that Purpose, a just Account in Writing signed by the Master, Owner, or other Person or Persons having the Care of such Boat, Barge, or other Vessel, of the Quantities, Qualities, and Weight of the Goods and other Things which shall be embarked in or upon each such Boat, Barge, or other Vessel, from whence brought, and where the same is intended to be landed; and if the Goods or other Things contained in any such Boat, Barge, or other Vessel, shall be liable to the Payment of different Rates, then such Master, Owner, or other Person or Persons shall specify the Quantities liable to the Payment of each of the said Rates; and in case he or they shall neglect or refuse to give such an Account, or shall refuse to produce his or their Invoice, or Bill of Lading, to the Officer demanding the same, or shall with Intent to avoid the Payment of the said Rates or Duties, or any Part of them, give a false Account, or shall deliver out any Part of such Lading or Goods at any other Place or Places than what is or are mentioned in such Invoice or Bill of Lading, every Person so

Masters of Boats to give an Account of their Ladings.

[*Loc. & Per.*]

27 U

offending

offending shall forfeit and pay the Sum of Five Shillings for every Ton of Goods or other Things, and so in Proportion for any less Quantity than a Ton, which shall be in or be conveyed by such Boat, Barge, or other Vessel respectively, of which or of whose Lading such Account shall be refused, or such false Account given, or whose Lading shall be delivered out as aforesaid, as the Case shall happen to be, over and above the aforesaid respective Rates which shall be payable for the same.

What Quantities of Timber and light Goods shall be deemed a Ton.

In case of Difference concerning the Weight, Collector may weigh them.

LXVIII. And, for the better ascertaining the Tonnage of Stone, Timber, and other Goods, to be charged with the Payment of such Rates as aforesaid, and the Contents and Burthen of the Boats, Barges, and other Vessels carrying and conveying such Stone, Timber, and other Goods, Matters, and Things, on the said Canal or Collateral Cut; be it further enacted and declared, That Forty Cubic Feet of round and Fifty Cubic Feet of square Oak, Ash, Elm, or Beech Timber, and Fifty Cubic Feet of Fir or Deal Balk, Poplar, Birch, or other Timber, or Wood not cut into Scantlings, shall for the Purposes of this Act be respectively deemed, rated, and estimated as and for One Ton Weight; and that One hundred and twelve Pounds Weight Avoirdupoise of Coal, Coke, Culm, Lime, Freestone, Limestone, and all other Commodities, shall for the Purposes of this Act be deemed, rated, or estimated as and for One Hundred Weight; and Two thousand two hundred and forty Pounds Weight of all Commodities whatsoever shall for the Purposes of this Act be deemed One Ton, any Usage of rating or estimating the same to the contrary hereof notwithstanding; and if any Difference shall arise between any Collector of the said Rates, and the Master, Owner, or other Person having the Care or Charge of any Boat, Barge, or other Vessel, or the Owner of any Goods, Wares, Merchandize, or other Things loaded or embarked therein, concerning the Measure of such Timber, or concerning the Weight or Quantity of the Goods, Wares, Merchandize, or other Matters or Things therein embarked or contained, it shall and may be lawful to and for any such Collector to stop and detain any such Boat, Barge, or other Vessel, and to weigh, measure, or gauge, or cause to be weighed, measured, or gauged, such Boat, Barge, or other Vessel, and all such Timber, Goods, Wares, and Merchandize, or other Matters or Things as shall be therein embarked or contained; and in case the same shall upon such weighing, measuring, or gauging, appear to be of greater Measure, Weight, or Quantity than the Account given thereof by such Master, Owner, or other Person having the Care or Charge of such Boat, Barge, or other Vessel, then the same Master, Owner, or other Person giving in such Account, shall pay the Costs and Charges of such weighing, measuring, and gauging; all which Costs and Charges, upon Refusal of Payment thereof upon Demand, shall and may be recovered and levied in the same Manner as the said Rates are hereby appointed to be recovered and levied; but if such Timber, Goods, Wares, Merchandize, or such other Matters and Things shall appear to be of the same or of less Weight or Quantity than the Account given thereof by the said Master, Owner, or other Person, then the said Collector shall pay the Costs and Charges of such weighing, measuring, and gauging, and shall also pay to such Master, Owner, or other Person, or to the Owner or Owners of such Goods, Wares, Merchandize, or other Things, such Damages as shall appear to the said Commissioners, upon the Oath of any credible Witness (which Oath the said Commissioners

missioners are hereby empowered and required to administer), to have arisen from such Detention; and in Default of immediate Payment thereof, the same shall be recovered from the said Company of Proprietors, by Action of Debt in any of His Majesty's Courts of Record, or in such other Manner as any of the Penalties or Forfeitures hereby imposed upon the said Company of Proprietors, their Agents, Servants, or Workmen, may be recovered and levied by virtue of this Act.

LXIX. And be it further enacted, That it shall and may be lawful to and for the said Committee of Management from Time to Time at any General Meeting, to ascertain and fix the Price or Sum or Sums of Money to be charged or taken for the Carriage of any Parcel (not exceeding Five hundred Pounds Weight), upon the said Canal and Collateral Cut, or upon any Part thereof; and the said Committee of Management shall from Time to Time cause to be printed and affixed upon every publick Wharf on the said Canal and Collateral Cut, in some conspicuous Place, a List or Account ascertaining and particularizing the Price or Sum or Sums of Money so to be charged or taken for the Carriage of such Parcels as aforesaid upon the said Canal or Collateral Cut; and in case any Owner or Master, or other Person having the Care of any Boat, Barge, or other Vessel, navigating or passing upon the said Canal or Collateral Cut, or upon any Part or Parts thereof, after such List or Account so ascertaining and particularizing the Price or Sum or Sums of Money at which every such Parcel shall be so carried and conveyed, shall be so fixed up as aforesaid, shall demand or take for the Carriage of any such Parcel as aforesaid more than the Price or Sum or Sums of Money in such List or Account ascertained and particularized for that Purpose, such Owner, Master, or other Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings, at the Discretion of the Magistrate before whom such Person shall be convicted.

Power to fix
the Price of
small Parcels.

LXX. And be it further enacted, That all Persons whomsoever shall have free Liberty to use with Horses, Cattle, and Carriages the Roads, Ways, and Passages (except the Towing Paths) to be made by virtue of this Act, for the Purpose of conveying any Timber, Goods, Wares, Merchandize, and other Things to or from the said Canal or Collateral Cut, and every Part thereof, without paying any Thing for the Use of such Roads, Ways, and Passages; and also to navigate and pass upon and use the said Canal and Collateral Cut with any Boats or Vessels, and to use and employ the said Wharfs and Quays for loading and unloading such Merchandize, Timber, and other Goods and Things; and also to use the said Towing Paths with Horses and other Cattle for haling and drawing such Boats and Vessels, upon Payment of such Rates as shall be demanded by the said Company of Proprietors, not exceeding the respective Sums herein mentioned, and subject to the Rates and Regulations which shall be from Time to Time made by the said Committee of Management by virtue of the Powers herein granted; provided the said Boats or other Vessels shall not without the Consent of the said Company of Proprietors, or the said Committee, pass upon the said Navigation at any other Times than between the Hours of Seven in the Morning and Five in the Evening during the Months of *November, December, January,* and *February;*

Navigation to
be free from
Payment of
Rates, under
certain Re-
strictions.

February; between the Hours of Five in the Morning and Eight in the Evening during the Months of *March, April, September, and October*, and between the Hours of Four in the Morning and Nine in the Evening during the Months of *May, June, July, and August* in every Year.

Vessels under Two Tons Burthen not to pass Locks without Consent of Proprietors.

LXXI. And be it further enacted, That no Boat, Barge, or other Vessel of less Burthen than Two Tons, shall pass through any of the Locks, or over or upon any of the inclined Planes or Railways to be made by virtue of this Act, without the Consent of the said Committee of Management, or their principal Agent for the Time being, in Writing first had and obtained, or unless the Owner or Navigator of such Boat, Barge, or other Vessel shall pay Tonnage equal to a Boat, Barge, or other Vessel of Two Tons respectively as aforesaid.

Further Restrictions respecting passing Locks.

LXXII. And be it further enacted, That in case any Lock or Locks upon the said Canal or Collateral Cut shall be of the Length of Twenty-five Feet or upwards, it shall and may be lawful to and for the said Company of Proprietors to demand and take a Rate equal to the Rate payable for Four Tons for the Passage through the said Lock or Locks of any Boat or other Vessel, or any Number of Boats or other Vessels, although such Boat or Vessel, or Collection of Boats or Vessels shall not weigh Four Tons.

Drains to be made to convey Water from the Land adjoining.

LXXIII. And be it further enacted, That the said Company of Proprietors shall and they are hereby required, at their own proper Costs and Charges, to make or cause to be made such Arches, Tunnels, Culverts, Drains, Sewers, or other Passages over, under, by the Side of, or into the said Canal or Collateral Cut, and the Trenches, Streams, and Watercourses communicating therewith, and the Towing Paths on the Sides thereof respectively, of such Depth, Breadth, and Dimensions as shall be sufficient at all Times to convey the Water clear from the Lands adjoining or lying near to the said Canal or Collateral Cut, without obstructing or impounding the same, and likewise to make or cause to be made such Back Drain or Drains as may be necessary and shall be sufficient to carry off any Water which may ooze or pass through any of the Banks of the said Canal or Collateral Cut to the Prejudice of any of the Lands or Grounds contiguous thereto; and also to make proper Watering Places for Cattle in all Cases where by Means of the said Canal or Collateral Cut, or any other of the Works hereby authorized to be made, any Person or Persons occupying Lands adjacent thereto shall be deprived of their antient Watering Places, and to supply the same at all Times with Water; and that all such Arches, Tunnels, Culverts, Drains, and other Passages shall from Time to Time be supported, maintained, cleansed, scoured, and kept in good and sufficient Repair by the said Company of Proprietors; and if at any Time or Times after Thirty Days Notice in Writing shall, by or on the Behalf of any of the said Owners or Occupiers of Lands adjoining or lying near to the said Canal or Collateral Cut, or any other of the Works hereby authorized to be made, be given to the said Company of Proprietors, or to their Clerk or Clerks, known Agent or Collector, that the said Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages, or any of them, is or are not made, cleansed, maintained,

maintained, and repaired according to the true Intént and Meaning of this Act, it shall and may be lawful to and for any Person or Persons to apply for and obtain an Order in Writing from any Three or more of the said Commissioners, though not assembled at any Meeting, from Time to Time, as often as there shall be Occasion (and the said Commissioners are hereby authorized and required at their Discretion to grant such Order as aforesaid), enabling such Person or Persons to make, cleanse, and repair such Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages accordingly, as well through the Lands or Grounds of the Person or Persons obtaining such Order as aforesaid, as through any other Lands or Grounds in or through which such Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages may by the said Order of such Three or more Commissioners be directed to be made; and the reasonable Expences thereof (to be ascertained by the said Commissioners) shall be defrayed by the said Company of Proprietors; and in case of Neglect or Refusal to satisfy and defray such Expences for the Space of Three Calendar Months next after Demand thereof made upon the said Company of Proprietors, or upon their Clerk, or known Agent or Collector, such Expences shall and may be recovered and levied in such Manner as any other Money is by this Act directed to be recovered from the said Company of Proprietors: Provided always, that such Owner or Occupier of the said contiguous or adjoining Lands shall at the Time of making such Complaint have his or her respective Ditches, Drains, Passages for Water, and Watercourses leading to or from the Drains, Culverts, and Passages of the said Canal or Collateral Cut, and other Works as aforesaid, and each and every of them sufficiently cleansed and opened to convey Water into the same: Provided also, that nothing herein contained shall extend to enforce the admitting of any Water arising from Floods into the said Canal or Collateral Cut which may injure the same.

LXXIV. And be it further enacted, That the said Company of Proprietors shall, at their own Costs (within Six Calendar Months next after any Part of the said Canal or Collateral Cut and Towing Paths thereto belonging shall be dug out and formed), divide and separate, and keep constantly divided and separated the Towing Paths on each Side of the said Canal or Collateral Cut, and the Trenches, Feeders, or Passages hereby authorized to be made on such Part or Parts thereof respectively as shall be declared necessary by the said Commissioners, in case there shall be any Doubt or Dispute about the same, from the adjoining Lands or Grounds, by Posts and Rails, Hedges, Ditches, Trenches, Banks, or other Fences, sufficient to keep off Sheep and other Cattle, the same to be set out and made on the Lands or Grounds which shall be purchased by, conveyed to, or vested in the said Company of Proprietors as aforesaid; and the said Company of Proprietors shall at their own proper Costs and Charges from Time to Time maintain and support the said Towing Paths, and the said Posts, Rails, Hedges, Ditches, Trenches, Banks, and other Fences so set up and made as aforesaid; and also shall at their own like Costs and Charges make, erect, and set up, and from Time to Time maintain and support such and so many convenient Gates, Bridges, and Stiles in, over, and through all the Hedges and Fences to be by them so made on the Sides of such Towing Paths as aforesaid; and also all such Bridges, Forging Places, Arches, Culverts, and Passages over, under, or by the

For fencing
off Towing
Paths, and
making
Bridges, etc.

[Loc. & Per.]

27 X

Side

Side of or into the said Canal or Collateral Cut, and the Feeders, Trenches, and Aqueducts communicating therewith, and the Towing Paths on the Sides thereof, of such Dimensions and in such Manner as the said Commissioners shall at any of their publick Meetings from Time to Time judge necessary and appoint, in case there shall be any Dispute about the same, for the Use of the Owners and Occupiers of the Lands and Grounds, Mills, or Hereditaments adjoining to such Canal or Collateral Cut and other Works, or any of them respectively; and the said Company of Proprietors shall not make the said Canal or Collateral Cut, or any Trench or Watercourse belonging to the same, in or across any common Highway, publick Bridleway, or Footpath, until they shall at their own proper Costs and Charges have made and perfected such Bridge or Bridges, Fording Place or Fording Places, Passage or Passages, Arch or Arches over, across, or under the same Highway, publick Bridleway, or Footpath, of such Dimensions and in such Manner as the said Commissioners shall at some publick Meeting from Time to Time judge necessary and appoint, not being contrary to the true Intent and Meaning of this Act; and all such Gates, Stiles, Bridges, Arches, and other Works and Conveniencies so to be made as aforesaid, shall from Time to Time and at all Times thereafter be supported, maintained, and kept in sufficient Repair by the said Company of Proprietors; and in case the said Company of Proprietors or their Agents shall refuse or neglect to divide and separate, and to keep divided and separated, the Towing Paths of the said Navigation in Manner herein-before directed, or to make, erect, and set up such Gates, Bridges, and Stiles in, over, and through the Fences on the Sides of the said Towing Paths, or such Bridges, Fording Places, Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages over or under, or by the Sides of or into the said Canal or Collateral Cut, and the said Trenches, Streams, and Watercourses as aforesaid, or to make such Watering Places for Cattle as herein-before directed, for the Use and Convenience of the respective Owners or Occupiers of the Lands, Mills, Tenements, or Hereditaments adjoining or near to the said Canal or Collateral Cut, or to maintain and support such Gates, Stiles, Bridges, Arches, Passages, and Watering Places when erected, set up, and made of such Dimensions, and in such Manner as aforesaid, for the Space of Six Calendar Months next after the Time to be appointed for those Purposes by the said Commissioners, or after Notice shall be given by or on the Behalf of the Owners or Occupiers of any such Lands or other Hereditaments, who may be aggrieved by any such Refusal or Neglect, then and in every such Case it shall and may be lawful to and for every or any of the Owners or Occupiers of the said adjacent Lands, Grounds, Mills, Tenements, or Hereditaments, who shall find himself, herself, or themselves aggrieved by such Refusal or Neglect, to make, erect, and set up all such Gates, Stiles, Bridges, Fording Places, Arches, Passages, Watering Places, and other Conveniencies as the said Commissioners shall have before directed or appointed to be made, erected, and set up by the said Company of Proprietors as aforesaid, and to maintain, repair, and support the same from Time to Time as Occasion shall require, so that in making and maintaining such Works as aforesaid, the said Canal or Collateral Cut, or the Banks thereof, or the Feeders or Aqueducts belonging thereto, shall not be stopped or injured for any longer Space of Time, or in any other Manner than shall be necessary for the doing thereof,

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

thereof, and all the reasonable Costs and Charges thereof (to be settled and allowed by the said Commissioners) shall be repaid to the respective Owners or Occupiers of the said adjacent Lands, Grounds, Mills, Tenements, or other Hereditaments, who shall have so erected and made, repaired or maintained, such Works as aforesaid, by the said Company of Proprietors within the Space of Six Calendar Months next after the same shall have been so settled and allowed, and an Account and Demand in Writing shall have been delivered and made thereof, to and from the said Company of Proprietors, or any of their Clerks for the Time being; and in Default of Payment of the said Costs and Charges within the Time aforesaid, the said Commissioners shall and they are hereby required by Warrant under their Hands and Seals, to levy the said Costs and Charges by Distress and Sale of any of the Goods and Chattels of the said Company of Proprietors which shall be found in or upon the said Canal or Collateral Cut, or the Wharfs, Quays, or Warehouses adjoining or near to the same, belonging to the said Company, to be applied to and for the Use of such Person or Persons who shall have so incurred such Costs and Charges as aforesaid, rendering to the said Company of Proprietors, or to some of their known Agents or Collectors, the Overplus (if any) after deducting the reasonable Charges of making such Distress and Sale, to be settled by the said Commissioners; and all or any of the said Owners or Occupiers, upon Refusal or Neglect of the said Company of Proprietors to pay the said Costs and Charges as aforesaid, shall and may also have such and the like Remedy against the said Company of Proprietors for the Recovery thereof by Action at Law, to be commenced and prosecuted in such Manner as in other Cases is in and by this Act directed.

LXXV. Provided always, and be it further enacted, That if the Owners or Occupiers of any Lands, Mills, Tenements, or other Hereditaments through which the said Canal or Collateral Cut shall be made, do or shall at any Time or Times hereafter apprehend that any of the Gates, Stiles, Bridges, Fording Places, Passages, Arches, Tunnels, Drains, Back Drains, Trenches, or other Passages, Watering Places, and other Conveniencies respectively, which the said Commissioners shall have so directed or appointed to be made by the said Company of Proprietors, are insufficient either in their Number or Situation for the commodious Use and Occupation of the respective Lands, Grounds, Mills, Tenements, or Hereditaments on both Sides, or on either Side thereof, then and in every such Case it shall and may be lawful to and for all or any such Owners or Occupiers, with the Consent and Approbation of the said Committee of Management, upon Request made to them for that Purpose, or in case of their Refusal for the Space of Seventy Days next after such Request, then with the Consent and Approbation of the said Commissioners, to make, fix, and erect at their own proper Costs and Charges any such other Gates, Stiles, Bridges, Fording Places, Passages, Arches, Culverts, Watering Places, or other Conveniencies, of the same or the like Construction with those made and erected by the said Company of Proprietors in, over, or near to the said Canal or Collateral Cut, or the Towing Paths thereof respectively, in such Places as shall be found and adjudged most necessary and convenient for the better Use, Cultivation, Improvement, or Occupation of such

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

Lands and other Hereditaments, and to repair and support the same at their own like Costs and Charges as Occasion shall require, so as that the Navigation of, in, or upon the said Canal or Collateral Cut be not prevented or obstructed thereby for any longer Space of Time or in any other Manner than the same would necessarily have been if such Gates, Stiles, Bridges, Fording Places, Passages, Arches, Watering Places, or other Conveniencies had been made or erected by the said Company of Proprietors.

Swivel or
Drawbridges
to be shut after
Vessels have
passed.

LXXVI. And be it further enacted, That if any Swivelbridge or Drawbridge shall be laid over or across the said Canal or Collateral Cut, or any Cuts, Trenches, or Passages to be made by virtue of this Act, all and every Person or Persons opening any such Drawbridge or Swivelbridge, shall, and he and they is and are hereby required and directed, so soon as any Vessel shall have passed any such Bridge, to shut and fasten the same (except such Bridges as may be erected for the private Use of Occupiers of Land); and every Person neglecting so to do, or wilfully opening any such Swivelbridge or Drawbridge when no Vessel is to pass through the same, shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds nor less than Forty Shillings; and in case any such Bridge shall be left open longer than necessary for the Passage of any Vessel as aforesaid, through the Neglect or Carelessness of any Person belonging to any such Vessel, then the Master or Owner of such Vessel shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds nor less than Forty Shillings, One Moiety of which said respective Penalties shall go to the Informer.

Works da-
maged by
Floods to be
repaired by
the Company.

LXXVII. And whereas it may happen from Floods, or from some unexpected Accidents, that the Aqueducts, Locks, Weirs, Floodgates, Dams, Banks, Basons, Trenches, or other Works of the said Canal or Collateral Cut, may be injured or destroyed, and the adjacent Lands may thereby suffer Damage, and it may be necessary that the same should be immediately repaired or rebuilt to prevent further Damage; be it therefore further enacted, That when and as often as any such Case shall happen, it shall and may be lawful to and for the said Company of Proprietors from Time to Time, or for their or any of their Servants, Agents, or Workmen, without any Delay or Interruption from any Person or Persons whomsoever, to enter into any Lands, Grounds, or Hereditaments adjoining or near to the said Canal or Collateral Cut, and other Works or Conveniencies, or any of them (not being the Ground whereon any House or other Building stands, or an Orchard, Park, Paddock, planted Walk, Nursery for Trees, or Avenue to a House), and to dig for, work, get, and carry away and use all such Stones, Gravel, and other Materials, as may be necessary or proper for the Purposes aforesaid, without any previous Treaty whatsoever with the Owner or Owners, Occupier or Occupiers of or other Person or Persons interested in such Lands, Grounds, or Hereditaments, or any of them, doing as little Damage thereby as the Nature of the Case will permit, and making Recompence for the same to the Owner or Owners and Occupier or Occupiers thereof, or other Person or Persons interested in such Lands, Grounds, or Hereditaments, within the Space of Fourteen Days next after the same shall be demanded; which Damages

Damages and the Compensation to be made in respect thereof shall be settled and determined, or assessed, and recovered by the Ways and Means herein-before prescribed and directed with respect to other Damages to be done in or about the making and maintaining the said Canal or Collateral Cut.

LXXVIII. And be it further enacted, That if at any Time hereafter the Ditches or Drains belonging to any Owner or Occupier of any Lands adjoining or lying contiguous to the said Canal and Collateral Cut and other Works, or any of them, shall by reason of their being not sufficiently cleansed or opened, hinder and obstruct the free Passage of the Water from the Drains, Culverts, and Passages belonging to the said Canal or Collateral Cut, and if the same shall not be perfectly cleansed and opened within Three Calendar Months after Notice in Writing shall have been given thereof to such Owner or Occupier by the Clerk or any Agent of the said Company of Proprietors, then and in such Case it shall and may be lawful to and for the said Company of Proprietors (an Order in Writing for that Purpose having been first obtained from any Three or more of the said Commissioners, although not assembled at any Meeting), from Time to Time as often as there shall be Occasion, to open and cleanse, or cause to be opened and cleansed the said Ditches and Drains, and the reasonable Expences thereof, when ascertained and allowed by the said Commissioners, shall be repaid to the said Company of Proprietors by the Owners or Occupiers of such Lands and Grounds to which the said Ditches and Drains so opened and cleansed shall belong; and in case of Refusal or Neglect to satisfy the same for the Space of Three Calendar Months next after Demand shall have been made thereof from the respective Owner or Owners, Occupier or Occupiers of such Lands and Grounds as aforesaid, such Charges and Expences shall and may be recovered in such Manner as any Forfeitures or Penalties are herein directed to be recovered.

Enabling the Company to cleanse the adjoining Watercourses at the Land Owners Expence.

LXXIX. And be it further enacted, That the Lord or Lords, Lady or Ladies of any Manor or Manors, and the Owner or Owners of any Lands or Grounds through which the said Canal or Collateral Cut shall be made, may build, construct, or use any Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouses in or upon his, her, or their respective own proper Lands, Grounds, or Wastes adjoining or near to the said Canal or Collateral Cut, with necessary Ways and Roads to the same, and may land any Goods or Merchandize, Coal, Lime, or other Things upon such Wharfs, Quays, or Landing Places, or upon the Banks lying between the same and the said Canal or Collateral Cut, and may make and use proper and convenient Places for Boats and other Vessels, to lie and turn in and pass by each other, so that the making, constructing, or using thereof respectively do not obstruct or prejudice the said Canal or Collateral Cut, or any Towing Path on the Sides thereof respectively.

Lords of Manors and Land Owners may erect Wharfs, etc.

LXXX. Provided always, and be it further enacted, That if any Lord or Lady of a Manor, or Land Owner, shall not within the Space of Twelve Calendar Months next after Notice given in Writing to him, her, or them, or left at his, her, or their usual Place or Places of Abode, by or on Behalf of the said Company of Proprietors, that any Part or Parts

If not done by Land Owners, or within a certain Time, Proprietors may build Wharfs, etc.

[Loc. & Per.]

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of such Lands, Grounds, or Wastes is or are necessary or proper to be used for the Purpose of making and erecting Warehouses, Buildings, or other Conveniencies as aforesaid, for the Use of the said Navigation, or for laying out and making necessary and convenient Roads for the Conveyance of Goods to and from the said Canal or Collateral Cut, lay out, construct, and make, and from Time to Time maintain and keep in good and substantial Repair such proper and sufficient Wharfs, Quays, Warehouses, Buildings, Roads, and other Conveniencies as aforesaid, for the Use of the said Navigation, as the said Commissioners shall think necessary on the respective Parts of the Lands, Grounds, or Wastes described in such Notice, then and in such Case it shall and may be lawful to and for the said Company of Proprietors, without any Hindrance or Restraint whatsoever, to make use of any such Lands, Grounds, or Wastes (not being the Ground whereon any House or other Building stands, or any Garden, Orchard, Yard, Park, Paddock, planted Walk, Nursery of Trees, or an Avenue to any House), for erecting and constructing proper and sufficient Wharfs, Warehouses, Buildings, and other Conveniencies as aforesaid, and for laying out and making necessary and convenient Roads to and from the said Canal or Collateral Cut, agreeably to such Notice to be delivered as aforesaid; they the said Company of Proprietors making Satisfaction for the same, in such Manner as is and hath been hereinbefore directed with respect to other Lands or Grounds which shall be taken or used for the Purposes of this Act.

Further Allowance to the Company of Proprietors for Goods remaining upon their Wharfs a certain Time.

LXXXI. And be it further enacted, That if any Coals, Culm, Stone, Timber, Sand, Slate, Lime, or any other Matters or Things whatsoever, which shall be carried and conveyed on the said Canal or Collateral Cut, shall lie or remain upon any Wharf or Wharfs, Quay or Quays belonging to the said Company of Proprietors for above the Space of Twenty-four Hours, then and in such Case the said Company of Proprietors shall be entitled to receive such reasonable Rates or Allowance, over and above the Rates hereinbefore authorized to be taken, as shall be agreed upon between the said Company of Proprietors, or their Agent or Agents, and the Owner or Owners of such Coals, Culm, Stone, Timber, Sand, Slate, Lime, Goods, Wares, Merchandize, or other Things.

Company not to use private Wharfs.

LXXXII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend so as to empower the said Company of Proprietors or any Person or Persons to make use of any Wharf, Quay, Landing Place, Crane, Weigh Beam, or Warehouse which shall be set out, erected, or made by the Lord or Lords, Lady or Ladies of any Manor, or the Owner or Owners of any Lands or Grounds through which the said Canal or Collateral Cut shall be made, for his, her, or their private exclusive Use only, nor to set up, erect, repair, or use any Crane or Weighing Machine in or upon any such Wharf, Quay, or Landing Place, without the Consent of the Owners or Occupiers thereof respectively, any Thing herein contained to the contrary notwithstanding,

Penalty on Persons taking in or unloading Goods, unless at public or private Wharfs.

LXXXIII. And be it further enacted, That if any Person or Persons navigating or having the Care of any Boat, Barge, or other Vessel upon the said Canal and Collateral Cut, or either of them, shall, with Intent to avoid the Payment of any of the Rates or Duties hereby made payable, load,

load, unload, or take into any such Boat, Barge, or other Vessel any Goods, Wares, Merchandize, or Commodities whatsoever at any other Place or Places than at the publick or private Wharfs or Quays upon or belonging to the said Canal or Collateral Cut, without having first obtained a Consent in Writing for that Purpose from the Committee of Management, or some One of the Agents or Collectors of the Tolls to the said Company of Proprietors, or if any Person shall do any other Act with Intent to evade the Payment of any of the said Rates or Duties, every Person so offending shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds nor less than Forty Shillings.

LXXXIV. And be it further enacted, That every Owner or Master of any Boat, Barge, or other Vessel, not being a Pleasure Boat, passing upon the said Canal or Collateral Cut, shall cause his or her Name and Place of Abode, and the Number of his or her Boat, Barge, or other Vessel to be entered with the Clerk or Clerks to the said Company of Proprietors, and shall also cause such Name and Number, and also the Place to which every such Boat, Barge, or other Vessel shall belong, and the true Number of Tons Burthen thereof, to be painted in large white Capital Letters and Figures on a black Ground, Four Inches high at the least, and of a proportionable Breadth, on the outside of the Head or Stern of every such Boat, Barge, or other Vessel, higher than the Place to which the same shall sink into the Water when full laden; and also shall and is hereby required to fix on each Side thereof respectively correct Indexes of Copper, Lead, or other Metal, of such graduated Dimensions, and of such convenient Heights, and under such Regulations as the said Committee of Management shall from Time to Time direct; or other proper Means shall be used under the Direction of the said Committee of Management, so that the true Weight of the Lading on board may at all Times be ascertained and shewn; and shall permit and suffer every such Boat, Barge, or other Vessel to be gauged, weighed; or measured, and any Timber on board of the same to be measured at the Expence of the said Company of Proprietors, whenever it shall be required by them or by any Person or Persons appointed for that Purpose; and every Owner, Master, or other Person having the Care or Command of any Boat, Barge, or other Vessel, or who shall navigate the same upon the said Canal or Collateral Cut, without having such Name, Figures, and Index thereon as are herein-before directed, or who shall alter, erase, deface, or destroy such Name, Figures, or Index, or any Part thereof, or shall fix thereon any false Name, Figure, or Index, or who shall refuse to permit and suffer such Boat, Barge, or other Vessel to be gauged and measured, or shall wilfully suffer or permit any Boat, Barge, or other Vessel navigating upon, or lying in the said Canal or Collateral Cut, to be loaded or unloaded in any Lock, or in any other Part of the said Canal or Collateral Cut, without a Stage being laid from the Side of such Boat, Barge, or other Vessel to the Bank of the said Canal or Collateral Cut, so as effectually to prevent any Soil or other Matter or Thing intended to be taken on board or discharged out of such Boat, Barge, or other Vessel from falling into the said Canal or Collateral Cut, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

LXXXV. And be it further enacted, That the Master or Owner of every Boat, Barge, or other Vessel navigating upon the said Canal or Collateral

Masters to put their Names on the Outside of Boats.

Weight of the Lading of Vessels to be marked.

Boat Owners to be accountable for Damages done by the Boatmen.

teral Cut, shall be and is hereby made answerable for any Trespafs, Damage, Spoil, or Mischief, that shall be done by his Boat, Barge, or other Vessel, or by any of the Boatmen, Watermen, or other Person or Persons belonging to or employed in or about the same respectively, to any of the Bridges, Weirs, Locks, Basons, Dams, Engines, or other Works in, upon, or belonging to the said Canal or Collateral Cut, or to any of the Trenches, Aqueducts, Sluices, Passages, or other Works or Conveniencies to be made by virtue of this Act, either by the loading or unloading of any Boat, Barge, or other Vessel, or by any other Means whatsoever, or to the Owners or Proprietors of any Building or other Erection, Lands, Tenements, or Hereditaments adjoining or lying near to the same Canal or Collateral Cut, by leaving open any Gate or Gates, Locks, or Bridges, or by any other Means whatsoever; and the said Master or Owner of such Boat, Barge, or other Vessel, may be sued and prosecuted for the same in any of His Majesty's Courts of Record; and if a Verdict or Judgement shall be given against him, either on Proof made, or by Default, or upon Demurrer, the Plaintiff in any such Case shall recover his Damages thereby sustained, with full Costs of Suit.

Masters to recover from their Servants any Sum for their Default.

LXXXVI. And be it further enacted, That in case the Master or Masters, Owner or Owners of any Boat, Barge, or other Vessel as aforesaid, employed on the said Canal or Collateral Cut, shall be compelled to pay any Penalty or to make Satisfaction for any Damage or Trespafs by reason of any wilful Neglect or Default done or committed by his, her, or their Servants, Boatmen, Watermen, or any of them, such Servants, Boatmen, or Watermen, and each and every of them, shall be liable to repay such Penalty or Damage (with the Costs thereof) to such Master or Masters, Owner or Owners; and in case of Nonpayment thereof upon Demand and Oath made by such Master or Masters, Owner or Owners, of the Payment made by him, her, 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, her, 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 incurred or paid), the Amount thereof shall be recovered in like Manner as any Penalty is hereby directed to be recovered.

Places to be made for Boats to turn or lie in, or for other Boats to pass.

LXXXVII. And be it further enacted, That the said Company of Proprietors shall and may, in such Parts of the said Canal or Collateral Cut, as shall not be of sufficient Breadth for admitting a Boat, Barge, or other Vessel, to turn about or lie whilst another Boat, Barge, or Vessel shall pass by, or to admit Two Boats, Barges, or other Vessels to pass each other, and they are in such Cases hereby empowered to make and cut proper Spaces or Openings into the Lands adjoining to the said Canal or Collateral Cut, at convenient Distances from each other, for the turning, lying, or passing of any such Boats, Barges, and other Vessels; and all such Boats, Barges, and other Vessels which shall be haled or navigated upon the said Canal or Collateral Cut, shall, upon meeting any other Boat, Barge, or other Vessel navigating thereon, stop at or go back to and lie in the said Spaces or Openings, in such Manner as the said Committee of Management shall from Time to Time direct and appoint; and

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if any Boat, Barge, or other Vessel, shall be placed or shall lie abreast in any Part of the said Canal or Collateral Cut, or any Trench, Sluice, or Passage belonging thereto, not being moored at both Ends; or if any Person or Persons navigating and having the Care of any Boat, Barge, or other Vessel, shall wilfully obstruct the Navigation of the said Canal or Collateral Cut, by Means of the misplacing or otherwise misconducting such Boat, Barge, or other Vessel, and shall not immediately, upon Request made, moor the same at both Ends, or alter the Situation of such Boat, Barge, or other Vessel, or otherwise stop or effectually secure the same, as the Case shall require, so as that the said Obstruction shall cease and be removed, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, and also the Sum of Five Shillings for every Hour during which such Obstruction shall continue after the making of such Request; and it shall and may be lawful to and for the Agents or Servants of the said Company of Proprietors, or any of them, to cause any such Boat, Barge, or other Vessel to be unloaded if necessary, and to be removed in such Manner as shall be proper for preventing or removing such Obstruction in the Navigation, and to seize and detain such Boat, Barge, or other Vessel, and the Loading thereof, or any Part of such Loading, until the Charges occasioned by such unloading and Removal shall be paid; and if any Boat, Barge, or other Vessel shall be sunk in any Part of the said Canal or Collateral Cut, or in any such Basin, Trench, or Sluice as aforesaid, and the Owner or Owners, or other Person or Persons having the Care of such Boat, Barge, or other Vessel, shall not without Loss of Time weigh or draw up the same, it shall and may be lawful to and for the Agents or Servants of the said Company of Proprietors, or any of them, to cause such Boat, Barge, or other Vessel, to be weighed or drawn up; and in case the same shall not be redeemed, and all Expences paid within the Space of Fourteen Days, to detain, keep, and use the same, or otherwise to sell and dispose thereof for the Satisfaction of all the Expences necessarily incurred and occasioned in and about the weighing or drawing up the same, rendering the Overplus of every such Sale or Sales to the Owner or Owners of such Boat, Barge, or other Vessel on Demand.

Vessels obstructing the Navigation to be removed, and Vessels sunk to be weighed up.

LXXXVIII. And be it further enacted, That if any Person or Persons shall float any Timber upon the said Canal or Collateral Cut, or if any Person or Persons shall suffer the Loading of any Boat, Barge, or other Vessel navigating thereon, to lie over the Sides thereof, or shall overload any Boat, Barge, or other Vessel navigating thereon, so as by such Loading or overloading to obstruct the Passage of any other Boat, Barge, or Vessel, and shall not immediately upon Notice given of such Obstruction, hale such Boat, Barge, or Vessel into such Place or Places, Opening or Openings as shall be proper or be made for the Purpose of enabling Boats, Barges, and other Vessels to pass each other, or shall not otherwise remove the same Obstruction, so as to make a free Passage for other Boats, Barges, or Vessels navigating thereon, every such Owner or Owners, or other Person or Persons floating such Timber, or having the Care of such Boat, Barge, or other Vessel, shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds; and if any Person shall throw any Ballast, Gravel, Stones, or Rubbish into any Part of the said Canal or Collateral Cut, Trenches, Watercourses, or Basins to be made by virtue of

Penalty on Persons overloading and obstructing the Passage of the said Canal, or throwing Ballast, &c. therein.

Penalty on Persons opening the Locks or doing other Damage to the Navigation.

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this Act, or shall wantonly or unnecessarily open or cause to be opened any Lock Gate, Paddle, Valve, or Clough belonging to the said Canal or Collateral Cut, or suffer any Boat, Barge, or other Vessel to strike or run upon any of the Bridges or Locks thereof; or if any Person or Persons shall wilfully flush or draw off, or cause to be flushed or drawn off the Water from any Part of the said Canal or Collateral Cut, or shall leave any of the said Valves or Cloughs open and running, after any Boat, Barge, or other Vessel shall have passed any Lock belonging to the same, or shall draw or cause to be drawn any Paddle, Valve, or Clough in any of the Lock Gates on the said Canal or Collateral Cut, so as to mispend or waste the Water thereof; or shall wilfully obstruct, hinder, or prevent any Person in the Execution of this Act, every Person offending in any of the Cases aforesaid shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds nor less than Forty Shillings; and if any Person shall wilfully and maliciously, and to the Prejudice of the said Navigation, break, throw down, damage, or destroy any Banks or other Works to be erected and made by virtue of this Act, every such Person shall be adjudged guilty of Felony, and every such Person so offending, and being thereof lawfully convicted, shall be subject to the like Pains and Penalties as in Cases of Felony, and the Court by or before whom such Person shall be tried and convicted shall have Power and Authority to cause such Person to be punished in like Manner as Felons are directed to be punished by the Laws and Statutes of this Realm; or in Mitigation of such Punishment, such Court may award such Sentence as the Law directs in Cases of Petit Larceny; or otherwise every Person so offending, and being thereof lawfully convicted on the Oath of One or more credible Witness or Witnesses, before One or more of His Majesty's Justices of the Peace for the County of *Devon*, shall forfeit any Sum not less than Forty Shillings, and also the Value or Amount of the Damage proved upon Oath to have been done, at the Discretion of such Justice or Justices; such Penalty and Damages, together with reasonable Costs, to be levied by Distress and Sale of the Goods and Chattels of such Offender, rendering the Overplus (if any) to such Offender; or such Offender shall and may be committed to the Common Gaol for the said County for any Time not exceeding Six Calendar Months, at the Discretion of the Justice or Justices before whom such Offender shall have been convicted.

LXXXIX. And be it further enacted, That no Boatman or other Person navigating or having the Care of any Boat, Barge, or other Vessel upon the said Canal or Collateral Cut, which shall pass through any Lock to be made thereon, shall suffer the Water to remain in such Lock longer than is necessary for his Boat, Barge, or other Vessel to pass through the same; and also that every such Boatman or other Person as aforesaid, in going down the said Canal or Collateral Cut, shall, previous to his bringing his Boat, Barge, or other Vessel into any Lock, shut the Lower Gates of such Lock, and the Sluices thereto belonging, before he shall draw the Cloughs of the Upper Gates thereof; and after he shall have brought such Boat, Barge, or other Vessel through the said Lock, he shall then shut the Upper Gates before he shall draw the Cloughs of the Lower Gates thereof; and in going up the said Canal or Collateral Cut, towards the Head Level or Head Levels thereof, such Boatman or other Person,

so

Penalty on
destroying the
Works.

Regulations
of Vessels
passing the
Locks.

so soon as he shall have passed with his Boat, Barge, or other Vessel through the said Lock, shall shut the Upper Gates of the same before he shall draw the Cloughs of the Lower Gates thereof, unless there shall then be a Boat, Barge, or other Vessel coming down the said Canal or Collateral Cut in Sight of the said Boatman or other Person passing such Lock, in which Case the Lower Gates of the said Lock shall be left shut, and the Upper Gates shall be left open; and in all dry Seasons when there shall be a Scarcity of Water in the said Canal or Collateral Cut, the Boat, Barge, or other Vessel so going up the same (if within Sight of a Boat, Barge, or other Vessel so coming down), and at a Distance not exceeding Two hundred Yards below a Lock, shall pass through such Lock before the Boat, Barge, or other Vessel coming down, and then such other Boat, Barge, or other Vessel shall come down into the said Lock; and if there shall be more Boats, Barges, or other Vessels than One below and above any Lock at the same Time in any such dry Season, within the Distance aforesaid (which Distance shall be distinguished by a Post or Mark to be set up and made for that Purpose), such Boats, Barges, or other Vessels shall go up and come down at such Lock by Turns as aforesaid, until all the Boats, Barges, and other Vessels so going up or coming down shall have passed the same, by which Means One Lock full of Water may serve Two Boats, Barges, or other Vessels; and any Person or Persons acting contrary to these Directions in passing any such Lock or Locks, shall forfeit any Sum not exceeding Five Pounds for every such Offence; but if any Question or Dispute shall arise on his or their Conviction, whether it was or was not a dry Season at the Time of such Offence committed, such Question shall be determined by the said Commissioners.

XC. And be it further enacted, That if any Lock Keeper, Wharfinger, or other Servant belonging to the said Company of Proprietors, shall give any undue Preference, or shew any Partiality to any Boat, Barge, or other Vessel, in passing through any Lock or Locks upon the said Canal or Collateral Cut, or in loading or unloading any Goods or other Things at any of the Wharfs, Warehouses, Weigh Beams, Cranes, or other Machines belonging to the said Company of Proprietors, every Person so offending shall on Conviction forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings to the Informer.

Lock Keepers
not to give
Preference.

XCI. And be it further enacted, That the said Canal or Collateral Cut, or any of the Works whatsoever to be made by virtue of this Act, shall not be subject to the Controul, Direction, Survey, or Order of any Commission of Sewers, or to any Law or Statute relating to Sewers whatsoever.

Canal not to
be under the
Commissioners
of Sewers.

XCII. And be it further enacted, That the Lord and Lords, Lady and Ladies of all and every Manor and Manors, through or in which the said Canal, Collateral Cut, Basons, Feeders, Trenches, and Sluices, or any of them, shall be made, shall have and be entitled to the exclusive Right of Fishery of and in so much of the said Canal, Collateral Cut, Basons, Trenches, and Sluices thereto belonging, as shall be made over, under, or through the Common or Waste Lands within his, her, or their Manors respectively, and as shall be made over or through any other Lands or Grounds in the Pits, Ponds, or Waters, whereof such Lord or Lords,
Lady

Rights of
Lords of Ma-
nors and Land
Owners to the
Fishery pre-
served.

Lady or Ladies; now have or hath, or are or is entitled to the Right of Fishery; and that the Owner or Owners of all other Lands or Grounds, through or in which the said Canal, Collateral Cut, Basons, Feeders, Trenches, and Sluices, or any of them shall be made, shall also have and be entitled to the like Right of Fishery of and in so much of the said Canal, Collateral Cut, or other Works as shall be made in, over, under, or through his, her, or their Lands or Grounds respectively, so as that in the Use and Exercise of such Rights of Fishery the said Canal or Collateral Cut, or other Works hereby authorized to be made, shall not be prejudiced or obstructed, or any Water drained or exhausted from or out of the same; and so as the said Company of Proprietors, or their Agents, Servants, or Workmen, or any of them, shall not be liable to any Penalty, Action, or Prosecution for or by reason of the taking or destroying of any Fish in the said Canal or Collateral Cut, or other Works, or any of them, which shall be taken, killed, or destroyed, through or by Means of the letting the Water out of them respectively for the Purposes of the said Canal or Collateral Cut, or other Works, or on Account of any Repairs or Works to be done in and about the same Canal or Collateral Cut, or other Works respectively; and it shall and may be lawful to and for the Lord or Lords, Lady or Ladies of such Manor or Manors, and for the Owner or Owners of such Lands or Grounds (being qualified by Law so to do) to take and kill Game upon so much of the said Canal or Collateral Cut, and other Works, as shall be made in or through their respective Lands or Grounds as aforesaid; any Thing herein contained to the contrary notwithstanding.

Power for
Land Owners
to use Plea-
sure Boats.

XCIH. And be it further enacted, That it shall and may be lawful to and for the Owners and Occupiers of any Lands or Hereditaments adjoining to the said Canal or Collateral Cut, to use any Pleasure Boat or Boats upon the same, (not passing over any inclined Plane or through any Lock, unless they shall first pay Tonnage and Lock Dues equal to the Tonnage for a Boat or Vessel carrying Two Tons or Four Tons, according to the Length of the said Lock or Locks, as is herein-before directed, or obtain the Consent of the said Company of Proprietors) without any Interruption from the said Company of Proprietors, or any of their Officers or Agents, and without paying any Rate for the same, so as the same Pleasure Boat or Boats be not made use of for carrying Passengers for Hire or Reward, or any Goods or other Things, and so as the same shall not obstruct or prejudice the Navigation of the said Canal or Collateral Cut, or the Towing Paths or other Works belonging thereto; provided that such Boats do not in any Case pass through any Lock except when the Water shall be running over the waste Weirs of such Lock.

Mines re-
served to
Lords of Ma-
nors and other
Proprietors.

XCIV. Provided always, and be it further enacted, That nothing herein contained shall extend to prejudice or affect the Right of any Lord or Lords, Lady or Ladies of any Manor or Manors, or of any Owner or Owners of any Lands or Grounds, in, upon, or through which the said Canal or Collateral Cut, or any Towing Paths, Wharfs, Quays, Basons, Tunnels, Feeders, Trenches, Sluices, Passages, Watercourses, or other Conveniencies aforesaid, shall be made, to the Mines and Minerals lying and being within or under the said Lands or Grounds, or to any Minerals that may be found or obtained in making the said intended Tunnel; but
all

all such Mines and Minerals are hereby reserved to such Lord or Lords, Lady or Ladies of such Manor or Manors, and to such Owner or Owners of such Lands or Grounds respectively; and it shall and may be lawful to and for the Lord or Lords, Lady or Ladies of such Manor or Manors, and for such Owner or Owners of such Lands or Grounds respectively, subject to the Conditions and Restrictions herein contained, to work, get, drain, take, and carry away to his, her, or their own Use, such Mines and Minerals, not thereby injuring, prejudicing, or obstructing the said Canal or Collateral Cut, or any of the Works or Conveniencies belonging thereto.

XCV. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, by themselves or their Agents or Servants, with the Consent of any Three or more of the Commissioners herein mentioned, at any Time or Times, upon reasonable Notice, in the Day-time, to enter upon any Lands through or near which the said Canal or Collateral Cut and Works hereby authorized to be made, shall be or pass, wherein any Tin or other Mines shall or may have been dug, opened, or wrought, and likewise to enter into such Tin or other Mines and there to view, search, and measure, Latch-dial, and use all other Means for the discovering the Distance of the said Canal or Collateral Cut, and Towing Paths, from the Working Parts of such Mines respectively; and in case it shall appear that any Mine hath been opened or wrought under the said Canal or Collateral Cut, or any of the Works belonging thereto, or so near thereto as to endanger or damage the same, and that such endangering and damaging the Canal or Collateral Cut has been wilful, it shall and may be lawful to and for the said Company of Proprietors, and for their Agents, Servants, or Workmen, at the Expence, Costs, and Charges of the Owners or Proprietors of such Mine or Mines, to enter into and upon such Mine and Mines, and from Time to Time to use all reasonable Ways and Means for repairing, supporting, sustaining, securing, and making safe the said Canal or Collateral Cut, Towing Paths, and other Works; and such Expences, Costs, and Charges shall, in case such Mines shall have been so worked, or wrought subsequent to the passing of this Act, be recovered by the said Company of Proprietors in case of Nonpayment thereof upon Demand, in such and the same Manner as any Penalty is herein directed to be recovered; and shall be paid into the Hands of the Treasurer to the said Company of Proprietors for the Use and Benefit of the said Company.

Company's Agents to be at Liberty to enter Lands of Mines to view the Works.

XCVI. And be it further enacted, That it shall and may be lawful to and for the said *John Duke of Bedford*, his Heirs or Assigns, and for all Persons whomsoever to whom the said Duke, his Heirs or Assigns, shall give Licence and Authority under his or their Hand or Hands, to make through his and their own Lands any Cut, Watercourse, or Leat into, from, or out of the said intended Canal and Collateral Cut, or either of them, for the Purpose of bringing in or taking any Water out of the same respectively, and also to take, use, and apply the Water of the said Canal and Collateral Cut, or either of them, for any Purpose whatsoever, any Thing in this Act contained to the contrary thereof, or any Law, Custom, or Usage to the contrary thereof in any wise notwithstanding; he the said Duke of *Bedford*, his Heirs or Assigns, and all other Persons as aforesaid

The Duke of *Bedford*, etc. may make Watercourses for bringing in or taking Water out of the Canal, etc.

[Loc. & Per.]

28 A

doing

doing as little Damage or Injury thereby to the Navigation of the said Canal and Collateral Cut as possible, and making such Compensation for the Damage or Injury done to the said Company of Proprietors as they or their Committee of Management, and the Person or Persons making such Cut, Watercourse, or Leat, or bringing in or taking out of such Water, shall mutually agree on, or in case of their not agreeing, as the aforesaid Commissioners shall judge reasonable; and in case of any of the Parties being dissatisfied with the Determination of the same Commissioners, then as a Jury, to be impanelled in the Manner herein-before directed, shall direct and award.

Power for the Duke of Bedford to make Communications with the Canal and Collateral Cut.

XCVII. And be it further enacted, That if the said *John Duke of Bedford*, his Heirs or Assigns, shall be desirous at any Time or Times hereafter to make any Railway or Railways, or any Navigable Cut or Cuts in, over, or through his or their own Lands, from any of his or their Farms, Lands, Mills, Mines, Quarries, Beds or Pits of Stone, Limestone, or other Minerals, to communicate with the said Canal and Collateral Cut, or either of them, it shall be lawful for him or them so to do, provided that Notice in Writing of such his or their Intention be given to the said Company of Proprietors, or their said Committee of Management for the Time being, or their Clerk, before the same Railway or Railways, or Navigable Cut or Cuts shall have been begun to be made, and that such Communications shall be proceeded in with all due and reasonable Speed after such Notice given, any Thing in this Act contained to the contrary thereof, or any Law, Custom, or Usage to the contrary thereof in any wise notwithstanding; and also provided that all such Communications shall be so made and effected without taking away, diverting, or lessening (unless with the Consent of the said Company of Proprietors, or the said Committee of Management), any Streams, Brooks, or other Waters which are or shall be necessary for the Supply of the said Navigation, and with as little Damage or Injury thereto as possible, and making such Compensation for any Damage or Injury thereby done to the said Company of Proprietors, as they or their Committee of Management, and the Person or Persons making such Railway or Railways, Cut or Cuts, shall mutually agree on, or in case of their not agreeing as the aforesaid Commissioners shall judge reasonable, and in case of any of the Parties being dissatisfied with the Determination of the same Commissioners, then as a Jury, to be impanelled in the Manner herein-before directed, shall direct and award.

For making Recompence for Damages not herein-before particularly provided for.

XCVIII. And be it further enacted, That if at any Time or Times hereafter any Person or Persons shall sustain any Damage in his, her, or their Lands, Tenements, Hereditaments, or Property, by reason of the Execution of any of the Powers hereby given, and for which no Remedy is herein-before provided, then and in every such Case the Recompence or Satisfaction for such Damage shall from Time to Time be settled and ascertained by the said Commissioners, or by a Jury as aforesaid; and the same may be recovered, levied, and applied in Manner herein directed, with regard to any other Recompence or Satisfaction.

Lands taken and not used by the Company to be re-conveyed to

XCIX. And be it further enacted, That if the said Company of Proprietors shall be in Possession of any Lands, Tenements, or Hereditaments which shall be purchased or taken by them in pursuance of this Act for the

the Space of Ten Years from the Time of purchasing the same respectively, without making the said Canal, Collateral Cut, or other Works hereby authorized to be made through or upon the same or any of them, or if the said Canal or Collateral Cut, or other Works, or any of them shall be made and completed, and afterwards discontinued or disused for the Space of Five Years, then and in either of the said Cases the said Company of Proprietors shall immediately after the Expiration of the said Ten Years without making, or Five Years after disusing such Canal or Collateral Cut, or other Works respectively as aforesaid, convey all their Estate, Right, Title, Property, and Interest in and to such Lands, Tenements, or Hereditaments respectively unto the several and respective Persons, Bodies Politick, Corporate, and Collegiate who were the Owners or Proprietors thereof immediately before the said Company of Proprietors became seised of the same, or unto the respective Heirs, Successors, or Assigns of such Persons, Bodies Politick, Corporate, or Collegiate, in case they shall respectively think fit to become Purchasers thereof, and to pay such valuable Consideration for such Lands, Tenements, or Hereditaments to the said Company of Proprietors as the aforesaid Commissioners shall judge reasonable; or in case any Difference shall arise in ascertaining the same by the said Commissioners, then as a Jury, to be impannelled in the Manner herein before directed, shall ascertain or award to be paid for the same, so that such Consideration to be ascertained by such Commissioners or to be awarded by such Jury do not exceed the Sum or Sums first paid by the said Company of Proprietors for the Purchase of such Lands, Tenements, or Hereditaments; and that in case the said Company of Proprietors, upon Payment or Tender to them of such valuable Consideration as aforesaid for such Lands, Tenements, or Hereditaments, shall refuse or neglect to convey the same as aforesaid, then and in such Case such Lands, Tenements, or Hereditaments shall thereupon revert to and be from thenceforth vested in the said several and respective Persons, Bodies Politick, Corporate, or Collegiate, their Heirs, Successors or Assigns; and in Cases where an annual Rent shall have been paid for any such Lands, Tenements, or Hereditaments by the said Company of Proprietors, then such Rent shall cease and determine, and such Sum or Sums of Money shall be paid for the Damage done to the same Lands or Grounds by the said Company of Proprietors to the Person or Persons, Bodies Politick, Corporate, or Collegiate, or their Heirs, Successors, or Assigns, to whom such Lands, Tenements, or Hereditaments shall be reconveyed or revert as aforesaid, as the said Commissioners or Jury shall ascertain or award; such Sum or Sums of Money, in Default of Payment at the Time, to be fixed by such Commissioners or Jury respectively; to be recovered in such Manner as any other Damages are to be recovered by virtue of this Act: Provided always, that if any such Person or Persons, Bodies Politick, Corporate, or Collegiate as aforesaid, their Heirs, Successors, or Assigns, upon Application to him or them made by or on the Behalf of the said Company of Proprietors, shall not then and thereupon agree, or shall refuse or decline to repurchase any of the Lands, Tenements, or Hereditaments which shall have been so purchased or taken, and an Affidavit shall be made and sworn before a Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County of *Devon*, by some Person or Persons no ways interested in the said Lands, Tenements, or Hereditaments, stating that such

the original Owners, in case they think proper to become the Purchasers thereof.

Offer was made by or on Behalf of the said Company of Proprietors, and that the same was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was or were offered (which Affidavit shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was not agreed to, or was refused by the Person or Persons to whom the same was made, as the Case may be), it shall be lawful for the said Company of Proprietors to sell and convey the same Lands, Tenements, and Hereditaments respectively, to any other Person or Persons whomsoever; any Law, Custom, or Usage to the contrary in any wise notwithstanding.

To compel
Payment of
Subscriptions.

C. And be it further enacted, That the several Persons who have subscribed, or who shall hereafter subscribe to advance any Money for and towards making and mainiaining the said Canal and Collateral Cut, and other Works hereby authorized to be made, shall and they are hereby required to pay the Sum or Sums of Money by them respectively subscribed, or such Parts or Proportions thereof as shall from Time to Time be called for by the said Committee of Management, under and by virtue of the Powers and Directions of this Act, at such Times and Places as shall be directed by the said Committee in Manner before mentioned; and in case any Person or Persons shall neglect or refuse to pay the same at the Time and in the Manner required for that Purpose, it shall and may be lawful for the said Company to sue for and recover the same in any Court of Law or Equity.

Recovery of
Fines and For-
feitures.

CI. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted by this Act, or which shall be inflicted by any Rule, Order, or Bye Law to be made in pursuance thereof (the levying and Recovery whereof is or are not particularly herein-before directed), shall in case of Nonpayment thereof, on Conviction of the Offenders respectively, be levied, by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of any Justice of the Peace for the County or Place wherein the Offence shall be committed; or the Offender shall be or reside; and every such Justice is hereby authorized and required to examine Witnesses on Oath, and hear and determine the same; and all Fines, Forfeitures, and Penalties (the Application whereof is not herein-before particularly directed), shall be paid into the Hands of the Treasurer to the said Company of Proprietors, and shall be applied and disposed of for the Use of the said Company, and the Overplus of the Money raised by such Distress and Sale, after deducting the Fines, Penalties, or Forfeitures, and the Expences of such Distress and Sale, shall be rendered to the Owner of the Goods and Chattels so distrained; and for Want of sufficient Distress, and in case the Fine, Penalty, or Forfeiture shall not be forthwith paid, it shall be lawful for such Justice, by Warrant under his Hand and Seal, to commit such Offender to the Common Gaol or House of Correction, there to remain, without Bail or Mainprize, for any Time not exceeding Four Calendar Months, unless such Fine, Penalty, or Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

Persons ag-
grieved by Ir-
regularity in
Distress to re-
cover only the
Special Da-
mages.

CII. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the
Distress

Distress itself shall not be deemed unlawful, nor shall the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on Account of any Irregularity which shall be afterwards committed by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage in an Action upon the Case.

CIII. And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That every Justice of the Peace before whom any Person shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up according to the following Form; (*videlicet*),

BE it remembered, That on the Day of
 in the Year of our Lord A. B. is convicted. Form of Con-
 before me C. D. One of His Majesty's Justices of the Peace for the viction.
 County of [specifying the Offence, and the Time and Place
when and where committed, as the Case may be] contrary to an Act of
 Parliament passed in the Forty-third Year of the Reign of King George
 the Third, intituled, *[here set forth the Title of this Act]*. Given under
 my Hand and Seal the Day and Year first above mentioned.

CIV. And be it further enacted, That any Person or Persons thinking himself, herself, or themselves aggrieved by any Order or Judgement made or given in pursuance of any Rule, Bye Law, or Order of the said Company of Proprietors, or by any Order, Judgement, or Determination of any Justice or Justices of the Peace, relating to any Matter or Thing in this Act mentioned or contained, may within Six Calendar Months next after such Order, Judgement, or Determination shall have been made or given (first giving Fourteen Days Notice of such Complaint to the Person or Persons against whom such Complaint is intended to be made), complain to the Justices of the Peace at the General Quarter Sessions to be held in and for the County in which the Cause of Appeal shall arise, who shall in a summary Way either hear and determine the said Complaint at such General Quarter Sessions, or if they think proper may adjourn the hearing thereof to the next General Quarter Sessions of the Peace to be held for such County; and the said Justices may if they see Cause, mitigate any Forfeiture or Fine, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye Law, Order, or Determination, and may also order and award such further Satisfaction to be made to the Party injured as they shall judge reasonable; but no Proceedings to be had and taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by *Certiorari*, or by any other Writ or Process whatsoever into any of His Majesty's Courts of Record at *Westminster* or elsewhere; any Law or Statute to the contrary notwithstanding.

CV. And be it further enacted, That if any Action or Suit shall be brought or commenced against any Person or Persons for any Thing done in pursuance of this Act, every such Action or Suit shall be brought Proceedings not to be quashed for Want of Form, nor removed by *Certiorari*.
[Loc. & Per.] 8 B

Limitation
of Actions.

brought or commenced within Six Calendar Months next after the Fact committed, or in case there shall be a Continuation of Damages, then within Six Calendar Months next after the doing or committing such Damage shall have ceased, and not afterwards; and shall be laid and brought in the County wherethe Matter in Dispute or Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, or if any such Action or Suit shall be brought after the Time so limited for bringing the same, or in any other County or Place than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become Nonsuit, or suffer a Discontinuance of his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer or otherwise Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Double Costs, and shall have such Remedy for the same as any Defendant hath for Costs of Suit in other Cases by Law.

Publick Act.

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

SCHEDULE referred to by the ACT.

CANAL.

Number on the Plan.	Parish.	Owners Names.	Occupiers.	Description of Property.
1.	Tavistock	The Duke of Bedford	Saunders Hornbrooke	Garden and Orchard.
2.	Ditto	Ditto	Edward Bray Esq.	Ditto.
3.	Ditto	Ditto	Ditto	Paddock.
13.	Ditto	Ditto	Ditto	Orchard.
20.	Ditto	Ditto	Joan Rowe	Ditto.
21.	Ditto	Ditto	Ditto	Ditto.
24.	Ditto	Ditto	John Barnett	Ditto.
25.	Ditto	Ditto	Ditto	Ditto.
65.	Ditto	Ditto	{ Edward Bray, John Gill, William Gill, and William Rundle }	{ Quay, Garden, and Orchard. }
66.	Ditto	Ditto	Ditto	Ditto.
COLLATERAL CUT.				
47.	Ditto	Ditto	John Withycombe	Orchard.

