



ANNO QUINQUAGESIMO SECUNDO

GEORGI II. REGIS.

Cap. 69.

An Act for making a Navigable Canal from the Rivers *Ant* and *Bure*, at or near *Wayford Bridge*, near *Dilham*, to the Towns of *North Walsham* and *Antingham*, in the County of *Norfolk*.

[5th May 1812.]

WHEREAS the making and maintaining of a Navigable Canal for Boats, Barges, and other Vessels, from the Rivers *Ant* and *Bure*, at or near a certain Place called *Wayford Bridge*, near *Dilham*, in the County of *Norfolk*, to the Towns of *North Walsham* and *Antingham*, in the said County, will greatly facilitate and render more convenient and less expensive than at present the Conveyance of all Kind of Commodities, not only to and from the Town of *North Walsham*, and the several other Towns and Places near the Lines of such Canal, but also to and from the Ports of *Great Yarmouth* and *London*, and will likewise be of great public Utility: but as such beneficial Purposes cannot be effected without the Authority of Parliament; May it therefore please Your Majesty, That it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Right Honourable Lord *Suffield*, *Thomas Allen*, *John Armitage*, *William Ayton*, *James Abbott*, *Edward Abbott*, *John Ash*, *Richard Ashton*, *John Butterworth*, *John Brettell*, *Thomas Bell*, *H. Brown*, *H. Banks*, *John Honour Croucher*, *Benjamin Clark*, *Robert Chalker*,
[Loc. & Per.] 16 A

Proprietors
united into a
Company,

and declared
to be Body
Politic and
Corporate,
with Power
to purchase
Lands.

The Com-
pany em-
powered to
make the
proposed
Canal.

General
Powers for
effecting the
Purpose
aforesaid.

Chalker, Joseph Cubitt, Samuel Christie, Barnaby Dunn, John Exeter, William Francis, John Freeman, George Freeman, John Fownes, Mary Frazer, William Farmer, John Freeman Senior, A. Fabrum, John Hanson, Edward Hayley, G. Harris, J. G. Kenyon, Ebenezer Lacey, B. Lacey, John Lewis, James Lindley, Joseph Mitchell, William Monument, Leonard Phillips, William Partridge, G. Phillips, Alexander Read, William Shepheard, Richard Smith, John Sharpe, Thomas Shufflebotham, William Henry Taylor, William Taylor, George Taylor, John Vanghan, John Wadsworth, William Wilson, John Wilson, John Walker, G. Walker, and their respective Successors, Executors, Administrators, and Assigns, or such of them as shall from Time to Time be possessed of any Share or Shares in the Navigation or Undertaking hereby authorized to be made and carried on, and also such other Person or Persons as shall from Time to Time be possessed of any Share or Shares therein, shall be, and they are hereby united into a Company for the carrying on, making, completing and maintaining of the said Canal, for the Passage of Boats, Barges, and other Vessels, according to the Rules, Orders, and Directions hereinafter contained, and shall for that Purpose be One Body Politic and Corporate; by the Name of "The Company of Proprietors of the *North Walsham and Dilham Canal Navigation;*" and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued; and shall also have full Power and Authority to purchase Lands, Tenements, or Hereditaments, for the Use of the said Undertaking, and also to sell and dispose of any of the Lands, Tenements, or Hereditaments to be purchased by them, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain: And that it shall be lawful for the said Company of Proprietors, and they are hereby fully authorized and empowered, from and after the passing of this Act, by themselves or by their Deputies, Agents, Officers, Workmen, or Servants, to make and keep navigable and passable for Boats, Barges, and other Vessels, a Canal from the Rivers *Ant* and *Bure*, at or near a certain Place called *Wayford Bridge* near *Dilham*, to the Towns of *North Walsham* and *Antingham*, in, to, or through the several Parishes of *Worstead, Dilham, Honing, Witton, North Walsham, Swafeld, Stalham, Edingthorp, Baeton, Paston, Knapton, Bradfield, Antingham, East Ruston,* and *Brunstead*, all in the said County of *Norfolk*; and to supply the said Canal whilst the same shall be making, and at all Times for ever after the same shall be made, with Water from all such Springs as shall be found in making the same, and from all Springs, Brooks, Streams, and Water-courses whatsoever, which are or shall be found within the Distance of One thousand Yards from such Part of the said Canal, and for that Purpose to cleanse, scour, deepen, enlarge, or straighten, any such Brooks, Streams, or Water-courses, or any other which may come or be brought into the same respectively; and to make such and so many Feeders and Aqueducts, and to make, erect, and set up such and so many Weirs, Steam-Engines, and other Machines, with proper Shafts and Tunnels thereto, for supplying the said Canal with Water, or for any other Purpose necessary for the better making and maintaining of such Canal, as they the said Company of Proprietors shall from Time to Time think proper and expedient; and, for the several Purposes aforesaid, to enter into and upon the Lands and Grounds of or belonging to any Person or Persons, Bodies Politic, Corporate, or Collegiate whatsoever, and to survey and take Levels of the same or any

Part

Part thereof, and to set out and ascertain such Part or Parts thereof as they the said Company of Proprietors shall think necessary and proper for the making, completing, maintaining, improving, and using of the said Canal, Works, and Conveniences hereby authorized to be made, and there to bore, dig out, trench, and fough, and also to remove, carry away, and take any Earth, Clay, Stone, Soil, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters or Things whatsoever which shall or may be dug or got in the making, or which may hinder, prevent, or obstruct the making, carrying on, maintaining, or repairing the said Canal and Works respectively, or of such Feeders, Trenches, Passages, Aqueducts, and Watercourses as shall or may be necessary and proper to convey Water to or from the said Canal, according to the true Intent and Meaning of this Act; and also to make, build, erect, and set up in or upon the said Canal, or in or upon the Lands adjoining or near thereto respectively, such and so many Bridges, Tunnels, Soughs, Aqueducts, Sluices, Locks, Floodgates, Weirs, Pens for Water, Water Stanks, Drains, Wharfs, Staiths, Quays, Toll-houses, Warehouses, Watch-houses, Landing-places, Weighing-beams, Cranes, Dry Docks, Fire-Engines, and other Machines and Conveniences as and where they the said Company of Proprietors shall think requisite and convenient; and from Time to Time to alter, repair, and amend, or discontinue the same or any of them, as shall be thought expedient and useful for the Purposes of the said intended Navigation, and for the carrying and conveying of Goods, Wares, Merchandizes, and other Things to and from the said Canal, and for the carrying and conveying of all Manner of Materials necessary for the making, erecting, finishing, altering, repairing, amending, widening, or enlarging of the said Canal and other Works respectively; and to place, lay, work, or manufacture any Materials on the Lands or Grounds near to the Place or Places where the said Works or any of them shall be carried on; and also from Time to Time to make, maintain, repair, and alter any Fences, Roads, or Passages, over, under, or through the said Canal, or the Tunnels, Aqueducts, Soughs, Trenches, Gutters, Watercourses, and Sluices which shall communicate therewith; and also to make, set out, and appoint such Towing-paths, Banks, Roads, and Ways for the towing, haling, or drawing of Boats, Barges, or other Vessels passing upon the said Canal with Men, Horses, or otherwise, and such convenient Places for Boats, Barges, and other Vessels to turn, lie, or pass each other in, as the Company of Proprietors shall think proper and expedient; and also to dig, take, and carry away any Soil, Marl, Clay, Gravel, Sand, Chalk, Flint, or Stone which shall be proper, requisite, and convenient for the carrying on, repairing, and maintaining of the several Works aforesaid, or any of them, in or from the Grounds of any Person or Persons adjoining or lying contiguous thereunto, or within the Distance of One thousand Yards thereof: and also to construct, erect, set up, make, and do all or any other Works, Matters, and Things whatsoever which they shall think requisite and necessary or convenient for the making, carrying on, completing, repairing, improving, maintaining, and using of the said Canal in pursuance and within the true Intent and Meaning of this Act; they the said Company of Proprietors, and their Agents, Servants, and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and repairing such Damage as shall be deemed practicable, and to be directed by the Commissioners hereinafter appointed, and from Time to Time

Time making Satisfaction in the Manner hereinafter mentioned to the Owners or Proprietors of or the Persons interested in the Lands, Grounds, Tenements, or Hereditaments, Waters, Watercourses, Brooks, or Rivers respectively, which shall or may be taken, used, removed, diverted, or prejudiced for the Purposes aforesaid, for all Damages to be by them respectively sustained by Means or in Consequence of the Execution of the Powers hereby given. v

For preserv-
ing the Wa-
ter for the
Use of cer-
tain Mills.

II. And, in order to prevent any unnecessary Waste of Water from the said River *Ant*, by which any of the Water-mills now working thereon may be damaged, prejudiced, or sustain any Inconvenience; be it further enacted, That such Pens, Sluices, Weirs, Tumbling Bays and Gage Posts may and shall be erected on the said Canal, and kept in Repair at the Expence of the said Company of Proprietors, as may prevent the Mills in any Case being in a worse Situation for Head of Water than they are in at the Time of passing this Act; and that when any Junction or Junctions between the said Cut and River *Ant* aforesaid may take place, the Water in the said Canal shall be kept to the same Level at the Place of such Junction or Junctions.

Houses or
Buildings,
Parks, Gar-
dens, &c. not
to be taken
or injured,
&c.

III. Provided always, and be it further enacted, That nothing in this Act shall extend to authorize or empower the said Company of Proprietors, or any other Person or Persons, to take or cut down any Timber or other Trees whatsoever (except such as shall be in the immediate Line of the said Canal or of the Towing Paths and Banks belonging thereto, or as shall in any Manner obstruct the Navigation in the said Canal), nor to take, use, injure, or damage any House or other Building, or any Ground which upon the first Day of *January* One thousand eight hundred and twelve, was the Scite of any House, or a Garden, Yard, Park or Planted Walk, or Avenue to a House, or a Lawn, or Pleasure-ground, or ornamental Water inclosed or adjoining to a Dwelling-house, without the Consent of the respective Owners and Occupiers thereof.

No Wharf,
&c. to be
made on
Grounds of
Chas. Mills
Esq., the Hon.
John Wode-
house, and
Thomas
Cubitt Esq.

IV. Provided also, and be it further enacted, That nothing in this Act shall extend, or be construed to extend, to enable the said Company, their Successors or Assigns, to make or erect any Wharf, Staith, or Warehouse in Front of a Messuage or Farm-house and Buildings belonging to *Charles Mills* Esquire, now in the Occupation of *John Margitson*, nor on Lands belonging to the said *Charles Mills* on the west Side of the Road leading from *North Walsham* to *Swafield*, nor within a Quarter of a Mile of any Farm-house now situate upon the Estates of the Honourable *John Wodehouse* or *Thomas Cubitt* Esquire, without the Consent in Writing of the said *John Wodehouse*, *Thomas Cubitt*, and *Charles Mills* respectively, their respective Heirs or Assigns, first had and obtained.

Restraining
the Com-
pany from
erecting
Wharfs at
certain
Places.

V. Provided always, and be it further enacted, That nothing in this Act contained, shall extend, or be construed to extend, to enable the said Company, their Successors, or Assigns, to erect any Wharf, Staith, or Warehouse upon, or to dig, take, or carry away any Soil, Marl, Clay, Gravel, Sand, Chalk, Flint, or Stone from off any of the Lands of *Thomas Hammont Cooper* Esquire, or to interrupt or hinder the said *Thomas Hammont Cooper* Esquire, from any Advantage he may receive by
Inundations

Inundations or Flood Waters coming into his Lands, without the Consent in Writing of the said *Thomas Hammont Cooper*, his Heirs or Assigns, first had and obtained.

VI. And be it further enacted, That, subject to the several Clauses and Restrictions hereinafter contained, it shall be lawful for the said Company of Proprietors, and they are hereby empowered, by themselves, their Agents, and Workmen, to enter, cross, or make Aqueducts and Bridges over and Tunnels under the several Rivers *Ant* and *Bure*, or any Drains or Streams now existing or at any Time hereafter to be made or exist, wheresoever and at such Places as the same shall be requisite for carrying on the Works hereby authorized to be made, or any or either of them; but subject to such and the like Provision for making Compensation and Satisfaction for Damages by them done in making such Aqueducts or Bridges over the said several Rivers, Drains, and Streams, or any or either of them as aforesaid, as are by this Act provided with respect to the Satisfaction to be made to the Owners of Land to be taken for the Use of the said intended Canal; and provided that the said Company of Proprietors do not thereby impede the present Navigation of the said Rivers *Ant* and *Bure*, or either of them.

Company empowered to cross the Rivers *Ant* and *Bure*, and any Drains or Streams at such Places as may be necessary, on making Compensation for any Injury incurred thereby.

VII. And be it further enacted, That it shall be lawful for the Commissioners of Sewers acting in and for the said County of *Norfolk*, at any General Session or Court of Sewers, or at any Special Session of the said Commissioners, which may be convened under the Powers of this Act, if they shall see fit, to nominate and appoint a Committee of Seven in Number from amongst themselves; for the Purpose of superintending and giving Directions as to the Mode of carrying into Effect any of the Works hereby required and directed to be made and done, with the Approbation and Consent of such Commissioners of Sewers, or of a Committee to be appointed by them as aforesaid; and that the Consent and Approbation of such Committee or the major Part of them, at any Meeting consisting of not fewer than Three in Number, and signed by the Chairman for the Time being of such Meeting, shall, and is hereby declared to be as sufficient an Authority and Sanction to the said Company of Proprietors for executing the Works for which such Approbation is hereby required, and for the several other Purposes for which such Committee may be appointed, as though such Approbation was given by the said Commissioners at a General or Special Court of Sewers.

Commissioners of Sewers empowered to appoint a Superintending Committee.

VIII. And whereas it may be necessary and expedient for the Purposes of this Act, from Time to Time to convene Special Sessions of the Commissioners of Sewers acting in and for the said County of *Norfolk*; be it therefore further enacted, That it shall and may be lawful for the Sheriff of the said County of *Norfolk*, and he is hereby required, at any Time, upon Application in Writing for that Purpose made to him under the Hand of the principal Clerk for the Time being to the said Company of Proprietors, to issue his Precept for calling such Special Court or Session of the said Commissioners; and such Special Court or Session of the said Commissioners so convened, is hereby declared to be competent to execute the several Powers vested in them by this present Act: Provided always, that no such Special Court or Session shall be convened or held as aforesaid, without public Notice being first given

Special Meetings of Commissioners of Sewers.

in One or more of the public Newspapers published in the said County of *Norfolk*, or in the City of *Norwich*, of such intended Court or Session, and of the Purposes for which the same is called and intended to be held.

Plan and Book of Reference deposited with the Clerk of the Peace, to remain in his Custody.

IX. And whereas a Map or Plan describing the said Canal and the Lands through which the same are to be carried, together with a Book of Reference, containing Lists of the Names of the Owners or reputed Owners and Occupiers of such Lands, hath been deposited at the Office of the Clerk of the Peace for the said County of *Norfolk*; be it therefore further enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the said County, to the End that all Persons may at any reasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying the Clerk of the Peace the Sum of One Shilling for every such Inspection, and after the Rate of Sixpence for every Two hundred Words of such Copies or Extracts of the said Book of Reference; and that the said Company of Proprietors, in making the said Canal, shall not deviate more than One hundred Yards from the Lines or Courses thereof described on the said Map or Plan, nor shall any such Deviation be made into or carried through the Lands of any Person not named in the said Book of Reference, without the Approbation and Consent in Writing of the Person or Persons to whom such Lands do or shall respectively belong: Provided always, that no Advantage shall be taken of or against the said Company of Proprietors, or any Interruption be given to the making of the said Canal, on account of any Error or Omission in the said Book of Reference, in case it shall appear to any Three or more Justices of the Peace for the said County, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Land Owners omitted in the Book of Reference, not to obstruct the making the said Canal.

X. Provided always, and be it hereby further enacted and declared, That the said Company of Proprietors shall and may make the said Canal, in, to, through, across, or over, the Estates, Lands, or Grounds, of any Person or Persons, whose Name or Names shall appear to the Satisfaction of Two Justices of the Peace for the said County, and be by them certified under their Hands to be by Mistake omitted in the said Book of Reference, or that instead thereof the Name or Names of some other Person or Persons to whom such last-mentioned Estates, Lands, and Grounds, do not belong, have or hath been by Mistake inserted therein, any Thing herein contained to the contrary thereof in anywise notwithstanding.

Canal to be completed to a certain Place near Antingham, before it is used as a Navigation,

XI. And be it further enacted, That the said Company of Proprietors shall and do make and complete the said Canal from or near *Wayford Bridge* to a certain Place at or near *Antingham* aforesaid, described upon the said Map or Plan, as a Reservoir, and in the said Book of Reference distinguished by N^o 70, belonging to the Right Honourable *Lord Suffield*, and now in the Occupation of *Edmund Pull*; and that the said Canal shall not be used as a Navigable Canal (except for the Purpose of making and completing the same), until the same shall be made and completed from *Wayford Bridge* to the Place aforesaid.

XII. And

XII. And be it further enacted, That the Land or Grounds to be taken or used for the said Canal, and the Towing-paths, Banks, and Side Drains thereof, and the Ditches and Fences for separating such Towing-paths, Banks, and Side Drains from the adjoining Lands, shall not exceed Thirty Yards in Breadth, measured horizontally, except in such Places where any Dock or Basin shall be made, or where the said Canal shall be raised higher or cut more than Six Feet deeper than the present Surface of the Land, and except in such Places where it shall be judged necessary for Boats, Barges, and other Vessels to turn, lie, or pass each other in, or where any Warehouse, Crane, or Weighing-beam shall be erected, or where any Wharf shall be made for the Landing or Delivery of any Goods, Wares, or Merchandize which shall be carried or conveyed on the said Canal, nor more than One hundred Yards in Breadth in any Place except where the said Canal shall pass through or over any Common or Waste Lands, or where the Owner or Owners of any Lands or Grounds, through which the said Canal will pass shall desire to have the same made wider at his, her, or their own Expence, in that Part of his, her, or their Lands or Grounds respectively, through which the same will pass.

Width of the Canal and Towing-paths.

XIII. And be it further enacted, That after any Lands, Tenements, Grounds, or Hereditaments, shall be set out and ascertained as aforesaid for the making the said Canal, or any Wharfs or other Works, or Conveniences, hereby authorized to be made, it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, or for any other partial or qualified Estate or Interest, Husbonds, Guardians, Trustees, and Feoffees in Trust for Charities or other Purposes, Committees, Executors and Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves and their respective Heirs and Successors, but also for and on the Behalf of the Person or Persons intitled in Reversion, Remainder, or Expectancy, after them, if incapacitated, and for and on Behalf of their respective Wives and *Cestuique* Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femmes Covert, and other Persons, and to and for all Femmes Covert who are or shall be seised, possessed, or interested in their own Right, and also to and for all and every Person and Persons whomsoever, who are or shall be seised, possessed, or interested, of or in any Lands, Tenements, Grounds, or Hereditaments, which shall be so set out, and ascertained, as aforesaid, or which are by this Act directed to be taken and purchased by the said Company of Proprietors, or any Part thereof respectively, to treat and agree for the absolute Sale of, and accordingly to sell and convey unto the said Company of Proprietors, all or any Part or Parts of the Lands, Tenements, Grounds, or other Hereditaments (whether the same shall be Freehold, Copyhold, or Leasehold), which shall from Time to Time be so set out and ascertained as aforesaid, or which are by this Act directed to be taken and purchased by the said Company of Proprietors, either in Consideration of a Sum of Money at once to be paid for the same, or of an Annual Rent or Payment to be charged and secured as hereinafter is mentioned, at the Election of such Vendor or Vendors, Person or Persons, who shall be so intitled or interested as aforesaid; and if it shall happen that by making the said Canal, or any Aqueduct for the Conveyance of Water thereto or therefrom, the Lands, Tenements, Grounds, or Hereditaments of any Person or Persons shall be separated into small Parcels so as to render the

Bodies Politic and Corporate, Tenants for Life and other incapacitated Persons empowered to sell and convey Lands for the Purposes aforesaid.

Occupation

Occupation thereof inconvenient, it shall and may be lawful to and for such Bodies Politic, Corporate, or Collegiate, Corporations, and all and every other Person and Persons as aforesaid, being seised, possessed, or interested, of or in the same in Manner aforesaid, by and with the Consent of the Commissioners hereinafter to be appointed, to be testified by any Writing or Writings under their Hands and Seals, and attested by Two or more credible Witnesses, to contract for, sell, and dispose of all or any Part or Parts of such Lands, Tenements, Grounds, or Hereditaments (whether Freehold, Copyhold, or Leasehold), as shall be so separated into small Parcels as aforesaid, unto the said Company of Proprietors, for such Price or Prices in Money, or by Way of Annual Rent, as to the said Commissioners shall seem reasonable; and that all such Contracts, Agreements, Sales, Abstract of Title Deeds, Conveyances, and Assurances, as shall be made and executed for the Purposes aforesaid, and all Matters and Things relating thereto, shall be made and done at the Expence of the said Company of Proprietors, and shall be valid and effectual in the Law to all Intents and Purposes whatsoever; such Conveyances and Assurances being respectively made according to the Form hereinafter mentioned, or as near thereto as Circumstances will permit, any Law, Statute, Custom, or Usage to the contrary notwithstanding; and all Bodies Politic, Corporate, or Collegiate, and other Persons so conveying as aforesaid, are hereby indemnified on account or in respect of any such Sale, which he, she, or they, or any of them, shall respectively make by virtue or in pursuance of this Act.

Copyholders
may be en-
franchised.

XIV. And be it further enacted, That any Person beneficially entitled to any Manor in or through which any Part of the said Canal or other Works shall be made, may enfranchise any Copyhold or Customary Lands, Tenements, or Hereditaments belonging to the same, which shall be taken by the said Company of Proprietors for the making any Part of the said Canal or other Works, notwithstanding that such Person or Persons be seised of or intitled to such Manor for a less Interest than an Estate of Inheritance, or be not seised of the legal Estate therein.

As to convey-
ing of Land
taken from
Commons.

XV. And be it further enacted, That in all Cases where, in making the said Canal and other Works, there shall be Occasion to cut through, take, or use any Part of any Common or Waste Ground, or any Land subject to Common Rights, for the Purpose of the said Canal or other Works, or of any Road or Roads thereto, the Conveyance of such respective Parts of such Common or Waste Ground by the Lord or Lady of the Manor to which such Common or Waste Ground is appurtenant, or by the Owner of the Soil of any such Land subject to Common Rights, to the said Company, shall be a good and sufficient Conveyance for the Purpose of vesting in the said Company the Fee-simple and Inheritance thereof respectively, freed and discharged from such Common Rights as fully and effectually as if every Person having Right of Common upon such respective Parts of such Common or Waste Ground or Land had joined in and executed such Conveyance; and the Purchase Money, as may be agreed upon, for such Parts of such Common or Waste Grounds as aforesaid, shall be paid by the said Company to the Lord or Lady of such Manor for the Use of such Lord or Lady, and the Persons having Right of Common upon such Common or Waste, in Proportion to their respective Rights and Interests in the Lands so taken; and the Purchase Monies for such Part of such Lands subject to Common Rights, shall be paid by the
said

said Company to the Owner or Owners of the Soil thereof, for the Use of such Owner or Owners and the Persons having such Common Right, in Proportion to their respective Rights and Interests therein, or deposited in the Bank of *England*, in Manner directed by this Act (as the Case may be); and if any Difference shall arise respecting the Division or Disposition of the said Purchase Money, in such Case the same shall be determined by the Commissioners hereinafter appointed, or a Jury, if need be, under the Regulations and Provisions hereinafter contained: Provided, that in Cases where any such Manor is vested in Freeholders or Inhabitants at large, or in any greater Number of Persons than Four, or where it is not known to what Lord or Lady such Manor belongs, or in what Manor such Common or Waste Ground is situated, the Conveyance by Four at least of the Freeholders whose Estates have Common Right on such Common or Waste Ground, and whose said Estates amount in yearly Value, as assessed to the Poor-rates, to Three-fifths at least of the whole of the Estates which have such Common Right, to the said Company, shall also be a good and sufficient Conveyance; and the Purchase Money shall be paid to the said Freeholders, or deposited in the Bank of *England*, in Manner directed by this Act (as the Case may be), for the Use of themselves and the other Freeholders and Persons having Right of Common, or to such other Trustees, and in such Proportions and subject to such Determination of the Commissioners or a Jury, as is hereinafter mentioned in the Case of a Conveyance by a Lord of a Manor; and that in all Cases where, in making the said Canal and other Works, there shall be Occasion to cut through, take, or use any Part of the Common Lands called Severals, the Lords and Ladies of the Manors to which such Common Lands or Severals shall be appurtenant, and every Person having Right to Feedage or other Common Rights upon such Common Lands or Severals, shall be paid for the same in Proportion to their respective Rights and Interests in the Lands so taken; and the said Lands shall be conveyed, and the Purchase Money paid, in like Manner as hereinbefore provided for the Conveyance of other Common Lands and the Payment of the Purchase Money for the same.

XVI. And be it further enacted, That all Lands, Tenements, Grounds, and Hereditaments, Rights, and Interests, (whether Freehold, Copyhold, or Leasehold), which shall be so set out and ascertained as aforesaid, or which shall be taken and purchased by the said Company of Proprietors pursuant to any Directions of this Act, shall and may be conveyed and assured by the Person or Persons by this Act authorized and empowered to convey the same, or by the Person or Persons already by Law enabled and competent so to do, unto the said Company of Proprietors, by a Deed in Writing in the Form or to the Effect following; (that is to say)

‘ KNOW all Men, by these Presents, that I
 ‘ of _____ in Consideration of
 ‘ _____ to me paid (or in Consideration of the
 ‘ Annual Rent of _____ to me to be from henceforth
 ‘ yielded and paid by Two Half-yearly Payments) by the Company of
 ‘ Proprietors of the *North Walsham* and *Dilham* Canal Navigation, do
 ‘ hereby, in pursuance or by force and virtue of the Power in that
 ‘ Behalf contained in an Act of Parliament made in the Fifty-second
 ‘ [Loc. & Per.] 16 C Year

Lands taken
 or used by
 the Company
 how to be
 conveyed.

Form of
 Conveyance.

Year of the Reign of His Majesty King *George* the Third, intituled,
 [insert the Title of the Act], grant, bargain, sell, release, and convey,
 (or bargain, sell, and assign or surrender, if Leasehold or Copyhold),
 unto the said Company of Proprietors, all [here insert the proper
 Description of the Lands or Hereditaments, Rights, and Interests
 intended to be conveyed], and all my Estate and Interest therein,
 to hold unto and to the Use of the said Company of Proprietors for
 ever [or, if Leasehold, Copyhold, or for any partial or qualified
 Estate or Interest, specifying the Term, Estate, and Interest to be
 conveyed], according to the true Intent and Meaning of the said Act
 of Parliament [making the necessary Variations according to the Cir-
 cumstances of every particular Case] In Witness whereof I have
 hereunto set my Hand and Seal, the Day of
 in the Year of our Lord

XVII. And that all such Conveyances and Assurances as aforesaid to the said Company, in pursuance of this Act, shall be good, valid, and effectual in the Law to all Intents and Purposes, and shall be a complete Bar of all Estates Tail and other Estates, Rights, Titles, Trusts, and Interests whatsoever, in Possession, Reversion, Remainder, or Expectancy, without any Bargain and Sale, for a Year, Livery of Seisin, or Inrolment, and without any Fine, Recovery, or Surrender of the Freehold or Copyhold Hereditaments to be therein respectively comprised.

Commissioners appointed for settling Differences between the Company and private Individuals, whose Property may be affected or damaged.

XVIII. And whereas Differences may arise between the said Company of Proprietors and the Owners of or Persons interested in the Lands, Grounds, Tenements, Waters, or Hereditaments which shall or may be taken, used, affected, damaged, or prejudiced in pursuance or Execution of the Powers hereby granted, touching the Purchase Money or Recompence to be paid or made for the same; be it therefore further enacted, That every Person seised or entitled in his own Right or in Right of his Wife (but not as Mortgagee), at the Time of his acting of or to any Freehold or Copyhold Estate or Estates, or both, in the said County of *Norfolk*, of the clear Yearly Value of One hundred Pounds, and also every Person residing in the said County, and within Thirty Miles of the said intended Canal, and having a Personal Estate or a Real and Personal Estate together of the Value of Two thousand Pounds, shall be and is hereby appointed a Commissioner for settling, determining, and adjusting all Questions, Matters, and Differences which shall or may arise between the said Company of Proprietors and the several Proprietors of and Persons interested in any Lands, Grounds, Tenements, Waters, or other Hereditaments that shall or may be taken, used, affected, damaged, or prejudiced in pursuance or Execution of any of the Powers hereby granted, and for other the Purposes in this Act mentioned.

Qualification of Commissioners.

XIX. Provided always, and be it further enacted, That no Person shall act as a Commissioner in the Execution of this Act, who shall be Owner or Occupier of any Land intended to be purchased in order to be cut through in making the said Canal in any Case respecting the Purchase of such Lands, or who shall not be resident in the said County of *Norfolk*, nor in any Case during the Time of his holding any Place of Profit under the said Company of Proprietors, or during the Time of his being a Proprietor of the said intended Navigation, or in any other Case where he

he shall be in any wise interested or concerned in the Matter in Question: and also that no Person shall act as a Commissioner in the Execution of this Act, otherwise than in administering an Oath or Affirmation to the Effect following, until he shall have taken and subscribed such Oath or Affirmation before any One or more of the said Commissioners, who is and are hereby authorized and empowered to administer the same, (that is to say)

I do swear [*or, being one of the People called Quakers, do solemnly affirm*], that I am truly and *bonâ fide* in the actual Enjoyment of the Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments, or both, of the clear Yearly Value of _____ above all Reprizes, or possessed of or entitled to a Personal Estate or a Real and Personal Estate together to the Amount of _____ or Value of _____; and that I will, without Favour or Affection, truly and impartially according to the best of my Skill and Knowledge; execute and perform the Powers and Authorities vested in me as a Commissioner by an Act made in the Fifty-second Year of His Majesty King *George* the Third, intituled [*insert the Title of the Act.*]

Oath to be taken by Commissioners.

And that no Person shall act as a Commissioner at any Meeting of the Commissioners (other than and except at the First Meeting to be held by virtue of this Act, or at any Adjournment thereof to be held within One Calendar Month of such First Meeting), unless he shall have taken the said Oath at some other Meeting One Calendar Month at least previously to the Time of his claiming to act as such Commissioner; and if any Person not being qualified as hereinbefore is mentioned, or hereby made incapable to act as a Commissioner, shall nevertheless presume to act as such in the Execution of the Powers hereby given, or any of them, every such Person shall for every such Offence forfeit the Sum of Fifty Pounds to the said Company of Proprietors, to be recovered with full Costs of Suit by Action at Law in any of His Majesty's Courts of Record at *Westminster*; and every such Person, so sued or prosecuted, shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Plaintiff, than that such Person hath acted as a Commissioner in the Execution of the Powers given by this Act; provided always nevertheless, that it shall be lawful for any of the said Commissioners who are or shall be in the Commission of the Peace for the said County of *Norfolk*, to act as Justices of the Peace in or relating to the Execution of this Act, notwithstanding their being Commissioners.

Penalty on Persons acting who are not duly qualified.

XX. And be it further enacted, That the said Commissioners shall hold their First Meeting for the Purposes of this Act at *North Walsham*, in the County of *Norfolk*, at such Time as they shall be thereunto required by Notice to be given in some Newspaper published or circulated in the said County of *Norfolk*, by Order of the Committee of Management to be appointed as hereinafter mentioned at their First Meeting; And the said Commissioners may afterwards meet from Time to Time by Adjournment, or otherwise as they shall think necessary or proper; but no Meeting whatever (except adjourned Meetings) of the said Commissioners shall at any Time be had (except in such Cases as are hereinafter otherwise ordered and provided for), unless Fourteen Days previous Notice

Meetings of Commissioners to be public, and Notice thereof to be given.

Notice at least of the Time, Place, and Purpose of such intended Meeting shall be given and inserted in some Newspaper published or circulated in the County wherein such Meeting is intended to be held; and that every Meeting of the said Commissioners by virtue of this Act shall be Public; and that no Act, Order, or Proceeding of the said Commissioners, or any of them, in or relating to any of the Matters or Things hereby meant to be submitted to their Decision and Determination (except in such Cases as are hereby otherwise ordered and provided for,) shall be valid, unless the same shall be done or made at a Meeting to be held in pursuance of this Act, and of the Directions herein contained; and that all and singular the Powers and Authorities hereby given to or vested in the said Commissioners shall and may from Time to Time be exercised by the Majority of the Commissioners assembled at such Meetings respectively, the whole Number present at such Meetings respectively, not being less than Five; and at every such Meeting One of the Commissioners present shall be appointed President or Chairman, who in case of an equal Division of Voices shall have the decisive or casting Vote.

Proceedings
of Commis-
sioners to be
entered in a
Book.

XXI. And be it further enacted, That all the Orders and Proceedings of the said Commissioners shall be regularly entered in a Book, to be kept for that Purpose by their Clerk or Clerks, which Book shall be provided at the Expence of the said Company of Proprietors, and shall be open at all seasonable Times for the Inspection of any Person or Persons interested in the said Proceedings without Fee or Reward; and such Entries, being signed by such Number of the said Commissioners as are empowered by this Act to make such Orders, or carry on such Proceedings respectively, shall be deemed Originals, and the same or true Copies thereof shall be admitted as Evidence in all Courts whatsoever; and that the said Commissioners shall appoint such One out of Five Persons to be nominated for that Purpose by the said Company of Proprietors, or their Committee of Management, as they the said Commissioners shall think proper to be Clerk to the said Commissioners appointed by this Act; and that the said Commissioners shall and may from Time to Time remove any such Clerk; and on such Removal, or in case any such Clerk shall die or quit the said Employment, the Committee of Management of the said Company shall, within the Space of Fourteen Days after Notice in Writing for that Purpose to be given by any Three or more of the said Commissioners to the principal Clerk of the said Company, nominate Five other Persons and give Notice thereof to the said Commissioners, from whom such Notice in Writing shall be received, and the said Commissioners shall and may appoint One of the said Five last-mentioned Persons to be the Clerk of the said Commissioners; and every such Clerk shall be paid for his Care and Expences and Trouble in the Execution of his Office, by the said Company of Proprietors.

Clerk to be
appointed.

General
Meeting of
Commission-
ers how to be
called.

XXII. And be it further enacted, That upon Requisition to be made by the said Committee of Management, or upon Application by any Owners or Occupiers of any Grounds, Lands, Tenements, or Hereditaments to be affected by the said Canal or any other of the Works hereby authorized to be made or carried on, unto the Clerk of the said Company of Proprietors to appoint a General Meeting of the said Commissioners, the said Clerk shall and is hereby required, within Fourteen Days after such Requisition or Application made to him, to give public Notice in

Manner

Manner aforesaid of a General Meeting of the said Commissioners to be held at such Time and Place as shall be specified in such Notice, such Time not being less than Twenty-one Days, nor more than Twenty-eight Days from the Day on which such Requisition or Application shall be made as aforesaid; and the said Commissioners are hereby authorized and required to assemble at the Time and Place so to be appointed in order to put this Act and the Powers and Authorities hereby given to and vested in them into Execution, notwithstanding any previous Adjournment of the said Commissioners; and in case the Business to be transacted at any Meeting of the said Commissioners to be held in pursuance of this Act, shall not be concluded and finished on or within the Day mentioned in such Notice, then the Commissioners present at such Meeting shall and may adjourn themselves, and afterwards meet at such Time and Place as they shall think proper and expedient; and if it shall happen that there shall not appear at any Meeting which shall be appointed to be held by the said Commissioners, a sufficient Number of Commissioners to act at such Meeting, and to adjourn to any other Time, then and in such Case, and from Time to Time, as the same shall happen, the Clerk to the said Commissioners for the Time being, shall and may by public Notice to be given in the Manner aforesaid, appoint the said Commissioners to meet at the Place where a Meeting of the said Commissioners was last appointed to be held, on that Day Three Weeks next after the Day last appointed for such Meeting, provided that every Meeting of the said Commissioners for the hearing and determining any Complaint, Controversy, Dispute, or Difference between the said Company of Proprietors and every other Person or Persons, shall be held at some Place within Seven Miles of the Place where or respecting which such Complaint, Dispute, or Difference shall arise; and that no Business shall commence at any Meeting of the said Commissioners before Ten of the Clock in the Forenoon, or after Three of the Clock in the Afternoon.

XXIII. And be it further enacted, That it shall be lawful for the said Commissioners assembled at a Meeting to be held in the Manner hereinbefore directed, and they are hereby fully authorized and empowered, by Writing under their Hands (except in such Cases as are hereinafter otherwise provided for), with the Consent of the Parties concerned, to determine and adjust from Time to Time, what Sum or Sums of Money ought in their Opinion to be paid by the said Company of Proprietors, either by an Annual Rent or Payment, or by a Sum in Gross, to and at the Election of any Bodies Politic, Corporate, or Collegiate, or other Person or Persons respectively who shall be entitled thereto, or interested therein, for the absolute Purchase of any Lands, Tenements, Grounds, or Hereditaments which shall be set out and ascertained, or be intended to be taken or used as aforesaid, for making the said Canal or the Towing-paths thereto, or any Part thereof respectively, or for the Purposes herein mentioned, or which shall be taken by the said Company of Proprietors pursuant to any of the Directions of this Act; and also to determine and adjust what other separate and distinct Sum or Sums of Money ought in the Opinion of them the said Commissioners to be paid by the said Company of Proprietors as a Recompence for any Damages or Losses which shall or may at any Time or Times be sustained by any Bodies

[Loc. & Per.]

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Politic,
Commissioners to determine what Sums of Money or Annual Rent the Company shall pay for Lands, and what Sums they shall pay for Damages.

Politic, Corporate, or Collegiate, or other Person or Persons respectively being Owners of, or interested in any Lands, Grounds, Tenements, Waters, Mills, Staiths, or Hereditaments, for or by reason of the severing or dividing the same, or for or by reason of the making, preparing, or maintaining, of the said Canal and Towing-paths, or any of the Aqueducts, Feeders, Drains, Back Drains, Trenches, Passages, Gutters, Watercourses, Roads, Ways, Sluices, or other Works hereby authorized to be made or carried on and maintained, or by reason or means of the flowing, leaking, or oozing of the Water over or through the Banks of the said Canal, Aqueducts, Feeders, Drains, Trenches, Passages, Gutters, and Sluices, or any of them, or of the supplying the same or any of them with Water, or by not cleansing the said Watercourses, Trenches, or Passages, or by turning or diverting any Streams or Brooks into the same or any of them; or by reason or on account of the diverting or reducing the Trade or Business of any Owner or Occupier of any Staith, or the Owner or Occupier of any Mill upon or near the Line or Course of the said intended Canal; or by reason or means of the Execution of any of the Powers hereby given to the said Company of Proprietors, their Agents, Workmen, or Servants, in case such Annual Rent or Sum in Gross, or such Damages and Recompence respectively, cannot be settled, adjusted, and agreed upon by and between the said Company of Proprietors and the Owners of or Persons interested in such Lands, Grounds, Tenements, Waters, or Hereditaments as aforesaid.

In case Parties refuse to submit to Determination of Commissioners, a Jury may be summoned.

XXIV. And be it further enacted, That if the said Company of Proprietors or their Committee of Management for the Time being, or if any such Body Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons, so interested or entitled as aforesaid, for and on Behalf of himself, herself, or themselves, or for and on the Behalf of their respective *Cestuique* Trusts, or of the Person or Persons entitled in Remainder after them as aforesaid, shall refuse to submit such Compensation or Recompence as aforesaid to the Determination of the said Commissioners, or shall be dissatisfied with their Determination respecting the same, and of such Dissatisfaction shall within Twenty-one Days next after such Determination give Notice to the Commissioners making such Determination; or if any such Body Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons entitled or interested as aforesaid, shall refuse to receive, upon the due Tender thereof, such Purchase Money or Annual Rent, or such Recompence as shall be so adjusted and determined to be paid as aforesaid, or shall for the Space of Twenty Days next after Notice in Writing shall be given to the principal Officer or Officers of such Body Politic, Corporate, or Collegiate, or to such Trustee or Trustees, or other Person or Persons respectively, or left at his, her, or their usual or last Place or Places of Abode, or with the Tenant or Tenants, Occupier or Occupiers of such Lands, Grounds, Tenements, or Hereditaments respectively as aforesaid, neglect or refuse to treat, or shall not agree with the said Company of Proprietors concerning the same, or shall by reason of Absence be prevented from treating, or shall by reason of Non-age or other Impediment be incapable of treating or making such Agreements as shall be expedient for enabling the said Company to proceed in the making and carrying on of the said Canal and other the Works aforesaid, then and in any or either of the said several Cases, the said

said Commissioners assembled at a Meeting to be held in the Manner hereinbefore mentioned, are hereby empowered and required from Time to Time to issue a Warrant or Warrants under their Hands and Seals to the Sheriff of the said County of *Norfolk*, or in case such Sheriff or his Under-Sheriff shall happen to be One of the said Company of Proprietors, or enjoy any Office of Trust or Profit under them, or shall be otherwise interested in the Matter in Question, then to any One of the Coroners of the same County not interested as aforesaid, or if all the Coroners shall be so interested, then to the last Person then in being who filled the Office of Sheriff of the same County, and who shall not be interested as aforesaid, commanding such Sheriff or Coroner or other Person to impanel, summon, and return, and the said Sheriff or Coroner or other Person, is hereby accordingly authorized, empowered, and required to impanel, summon, and return, a competent Number of substantial disinterested Persons, qualified to serve on Juries, not less than Twenty-four or more than Forty-eight, and out of such Persons so to be summoned, impanelled, and returned, a Jury of Twelve Men shall be drawn by some Person to be by the said Commissioners appointed in such Manner as Juries for the Trial of Issues joined in His Majesty's Courts at *Westminster* are by an Act made in the Third Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for the better Regulation of Juries*, directed to be drawn; which Persons, so to be summoned, impanelled, and returned as aforesaid, are hereby required to come and appear before the Justices of the said County of *Norfolk*, at some Court of General Quarter Sessions of the Peace to be holden in and for the said County, or at some Adjournment thereof, as in such Warrant or Warrants shall be directed or appointed, and to attend such Court of General Quarter Sessions from Day to Day until discharged from the said Court; and all Parties concerned shall and may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Justices are hereby empowered also to summon and call before them all and every Person and Persons who shall be thought necessary to be examined as a Witness or Witnesses touching the Matters in Question; and the said Justices shall and may, on the Application of either Party, order and authorize the said Jury, or any Three or more of them, to view the Place or Places or Matter in Controversy; and such 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 Justices are hereby empowered to administer), shall enquire of, assess, and ascertain the Sum or Sums of Money, or Annual Rent or Rents to be paid for the Purchase of such Lands, Grounds, Tenements, or Hereditaments as aforesaid, and also what other separate and distinct Sum or Sums of Money shall be paid by way of Recompence for the Damages which shall or may be so sustained as aforesaid; and the said Justices shall accordingly give Judgment for such Purchase Money, Rent, or Recompence as shall be assessed by such Jury; which said Verdict, and the Judgment to be thereupon pronounced, shall be binding and conclusive to all Intents and Purposes against all Bodies Politic, Corporate, or Collegiate, and all other Persons whomsoever, and shall be entered and kept among the Records of the Quarter Sessions for the said County; and the same, or true Copies thereof being signed by the Clerk of the Peace for the said County,

Witnesses
may be sum-
moned.

County, shall be deemed and taken as good Evidence in all Courts of Law and Equity.

Penalty of Sheriff, Jurymen, and Witnesses making Default.

XXV. And be it further enacted, That if any such Sheriff or his Deputy, or any such Coroner or other Person hereinbefore authorized and directed to act in the Stead of such Sheriff, shall make Default in the Premises, he shall for every such Offence forfeit the Sum of Twenty Pounds; and if any Person being so summoned and returned upon any such Jury as aforesaid shall not appear, or appearing, shall refuse to give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent of this Act, or if any Person so to be summoned to give Evidence as aforesaid shall not appear, or appearing, shall refuse to be sworn or examined or give Evidence, then and in such case 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 for the Benefit of the Party in whose Behalf such Person was so summoned, to be levied by virtue of any Warrant or Warrants under the Hands and Seals of the said Justices or any Two of them, by Distress and Sale of the Goods and Chattles of the Person or Persons so offending, rendering to him or them the Overplus of the Money thereby produced after such Penalty and the Charges of such Distress and Sale shall be deducted.

Juries to be on the same Regulation as Juries at Westminster.

Persons giving false Evidence to be indicted for Perjury.

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

Expences of Commissioners and Jury, by whom to be defrayed.

XXVII. And be it further enacted, That where the Determination of the Commissioners to be made as aforesaid shall be acquiesced in by both Parties concerned, then, and in such case, if the Determination shall be made for more Money to be paid as a Recompence or Satisfaction for any Lands, Grounds, Hereditaments, or Property, or for any Damage which may be done to any Lands, Grounds, Hereditaments, or Property whatsoever than shall have been previously offered or tendered by or on the Behalf of the said Company of Proprietors, or if no such Recompence or Satisfaction shall have been offered or tendered by them or on their Behalf to the Person or Persons competent to accept and take the same, all the Expences of the calling and meeting of such Commissioners shall be defrayed by the said Company; but if the Determination shall not be made for more Money than shall have been previously offered or tendered by the said Company as aforesaid, the Expences of calling a Meeting of such Commissioners, or so much thereof as the said Commissioners shall judge reasonable or proper, shall be defrayed by the Person or Persons with whom the said Company shall have had such Controversy or Dispute; and where either of the Parties concerned shall refuse to submit any such Matter as aforesaid to the Determination of the said Commissioners, or shall be dissatisfied with their Determination therein,

therein, and give immediate Notice of such Dissatisfaction as aforesaid, then, and in every such Case, if the Verdict of the Jury shall be given for more Money to be paid as a Recompence or Satisfaction as aforesaid than shall have been previously offered or tendered by or on the Behalf of the said Company, or determined by the said Commissioners, as the Case shall be, or if no such Recompence or Satisfaction shall have been tendered by them or on their Behalf to the Person or Persons competent to accept and take the same, all the Expences of the calling and meeting of such Commissioners, summoning such Jury, and taking the Inquest at such General Quarter Sessions of the said County, or at any Adjournment thereof, shall be defrayed by the said Company; but if the Verdict of the Jury shall not be given for more Money than shall have been previously offered or tendered by the said Company as aforesaid, or determined by the said Commissioners, as the Case shall be, the Expences of calling and meeting of such Commissioners, summoning such Jury, and taking the Inquest, and Expences of the Witnesses attending thereon, and other Expences to be incurred in respect thereof, shall be defrayed by the Person or Persons with whom the said Company shall have had such Controversy or Dispute; and all such Costs and Expences as aforesaid shall be settled and taxed by the proper Officer of the Court, and the Amount thereof indorsed on the Assessment of such Jury, and signed by the said Officer; and such Amount shall either be added to the Damages assessed by the said Jury, in case such Person or Persons shall be entitled to Costs, and be recovered with such Damages accordingly as Part thereof; or, in case the said Company shall be entitled to Costs, shall be deducted from the said Damages, and the Balance after such Deduction only be recovered; provided always, that where by reason of Absence any Person shall be prevented from treating, the whole of such Expences shall be paid by the said Company of Proprietors.

XXVIII. And be it further enacted, That all and every Person and Persons with whom the said Company shall have such Controversy or Dispute as aforesaid, and who shall refuse to submit any such Matters as aforesaid to the Determination of the said Commissioners, or who shall be dissatisfied with their Determination thereof, shall, before the said Commissioners shall be obliged to issue out their Warrant or Warrants for summoning such Jury, first enter into a Bond to the Treasurer or Treasurers to the said Company for the Time being, in the Penalty of Fifty Pounds, or in such other Penalty as the said Commissioners shall appoint, not exceeding the Sum of One hundred Pounds, to prosecute such his, her, or their Complaint, and to bear and pay the Expences of the calling and meeting of such Commissioners, or summoning such Jury, and of the Witnesses attending thereon, and taking such Inquest, in case such Costs and Expences shall fall upon him, her, or them, to be paid according to the true Intent and Meaning of this Act.

Persons requesting a Jury, to enter into a Bond to prosecute, &c.

XXIX. And be it further enacted, That the said Commissioners shall not be obliged by virtue of this Act, to receive or take Notice of any Complaint or Complaints to be made by any Person or Persons whomsoever, nor shall any Proceedings be had or taken at any Court of General Quarter Sessions for any Injury or Damage by him, her, or them sustained, or supposed to be sustained as aforesaid, unless Application shall have been made in relation thereto, by or on the Behalf of such Person or Persons, to the said Company of Proprietors, or to their principal

Notice of Injury or Damage to be given to the Company before Complaint made to the Commissioners.

principal Clerk, Treasurer or Treasurers, 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.

What Satisfaction to be made for Tithes.

XXX. And be it further enacted, That full Recompence and Satisfaction shall be made by the said Company of Proprietors for all the Tithes both Great and Small of the Lands, which shall or may be taken or made Use of by the said Company for the Purposes and in pursuance of the Powers of this Act, to the respective Persons entitled, or who would have been entitled to such Tithes, in case such Lands had not been so taken or made Use of, according to their respective Interests; such Tithes to be estimated at the Average Value of Four Years, commencing at Michaelmas-day, One thousand eight hundred and seven, and ending at Michaelmas-day, One thousand eight hundred and eleven, such Average Value to be ascertained in case of any Difference concerning the same in like Manner as the Value of any Lands or other Hereditaments is hereinbefore directed to be ascertained; provided always, that the Recompence and Satisfaction to be given by virtue of this Act, for all Glebe Lands and Tithes belonging to Spiritual Persons shall be made to such Persons by an Annual Rent.

On Payment of Purchase Money, or giving Security for Payment of the Annual Rent fixed for Purchase of Lands, the Company may enter and proceed with their Works.

XXXI. And be it further enacted, That upon Payment of such Sum and Sums of Money in Gross, or giving Security, which shall be approved of by the Commissioners, for the Payment of such Annual Rent or Rents, as shall be so contracted and agreed for between the Parties, or determined and adjusted by the said Commissioners, or assessed by a Jury as aforesaid, for the Purchase of any such Lands, Grounds, Tenements, or Hereditaments as aforesaid, to the Owner or Owners thereof, or other Person or Persons entitled to receive such Money respectively, or upon legal Tender of such Money or Tender of such Security respectively to such Owner or Owners, or other Person or Persons, or to the principal Officer or Officers of any Body Politic, Corporate, or Collegiate, at any Time after such Money or Rent shall have been so agreed for, determined, or assessed, or if such Owners or other Persons cannot be found or ascertained, or shall refuse to accept such Money or the Security for such Rent, or in case it doth not appear to whom the same ought to be paid or given, then, upon Payment thereof into the Bank of *England*, for the Use of the Persons entitled, it shall thereupon, but not before or otherwise, be lawful for the said Company of Proprietors and their Agents, Servants, and Workmen, immediately to enter into, and upon such Lands, Grounds, Tenements, or Hereditaments respectively, and to dig, cut, trench, fough, and remove Earth, Stones, Rubbish, Trees, Roots of Trees, and other Obstructions, and do all other Matters and Things necessary and proper for the making, using, maintaining, and repairing of the said Canal and the Towing Paths on the Sides thereof, and other the Works and Conveniences as aforesaid, in or upon such Lands, Grounds, Tenements, or Hereditaments respectively; and thereupon to make, erect, carry on, complete, repair, and maintain the said Canal, Towing-paths, and other Works and Conveniences respectively, as they the said Company of Proprietors shall think fit, and to have, use, or enjoy such Lands, Grounds, Tenements, or Hereditaments respectively, to and for their own Use and Benefit, for the Purpose of the said Canal and other Works.

XXXII. And

XXXII. And be it further enacted, That immediately after the Pay-^{On Payment}ment of such Sum or Sums of Money in Gross, or the Delivery of such ^{of Purchase}Security for the Payment of such Annual Rent or Rents as aforesaid, the ^{Money,}Lands, Tenements, Grounds, or Hereditaments so purchased, and con-^{Lands pur-}cerning which such Determinations, Verdicts, and Judgment shall be ^{chased to}made and given as aforesaid, and all the Estate, Right, Title, Interest, ^{vest absolutely}Use, Trust, Property, Claim, and Demand at Law or in Equity, of the ^{in the Com-}Person or Persons, for whose Use such Monies or Rent shall be paid or ^{pany.}secured as aforesaid, in, to, and out of the same, and all the Fee-simple and Inheritance thereof, shall vest in the said Company of Proprietors, and they shall be deemed in Law to be in the actual Possession and Seisin thereof to all Intents and Purposes whatsoever, as fully and effectually as if every Person having an Estate or Interest therein, had actually conveyed the same to them by any legal Conveyance whatsoever; and such Payment or Security shall not only bar all Right, Title, Interest, Claim, and Demand of the Person or Persons, to or for whose Use the same shall be made or given, but also shall bar the Dower of the Wife of every such Person respectively, and all Estates Tail, and other Estates and Interests, in Possession, Remainder, or otherwise, against the Issue of such Person or Persons, and against all Infants, Females Covert, and all and every other Person and Persons whomsoever having or claiming any Right, Title, Estate, or Interest thereon either in Law or Equity.

XXXIII. And be it further enacted, That if any Money shall be agreed ^{Directing the}or awarded to be paid for any Lands, Tenements, or Hereditaments, ^{Application}purchased, taken, or used by virtue of the Powers of this Act for the ^{of Money}Purposes thereof, which shall belong to any Corporation, Female Covert, ^{paid for Com-}Infant, Lunatic, or Person or Persons under any Disability or In-^{penation for}capacity, such Money shall, in case the same shall amount to or ex-^{Lands, &c.}ceed the Sum of Two hundred Pounds, with all convenient Speed be paid ^{when}into the Bank of *England*, in the Name and with the Privity of the Account-^{amounting to}ant General of the High Court of Chancery, to be placed to his Account ^{or exceeding}*ex parte* the said Company of Proprietors, to the Intent that such Money shall ^{2 col.}be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land-Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance or Parts thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like 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 and 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 said Court of Chancery, upon Application thereto,

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 Lands, Tenements, or Hereditaments, so hereby directed to be purchased, in case such Purchase or Settlement were made.

When less than 200l. and exceeding 20l.

XXXIV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used, for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons, under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or 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, so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, 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 the Manner hereinbefore directed; or otherwise the same shall be paid, at the like Option of Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Three or more of the Committee of the said Company of Proprietors (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 hereinbefore directed, so far as the Case be applicable, without obtaining, or being required to obtain, the Direction or Approbation of the said Court of Chancery.

When less than 20l.

XXXV. Provided also, and be it further enacted, That when such Money so agreed or awarded to be paid as last before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be 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 Lands, Tenements, or Hereditaments, so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Commissioners, or any Two or more of them, shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles;

XXXVI. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Com-

pany of Proprietors, or in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments, be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Company of Proprietors to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant-General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court of Chancery, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

or if Persons cannot be found, Purchase Money to be paid into the Bank;

subject to the Order of the Court of Chancery on Motion or Petition.

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

Where any Question shall arise touching the Title to Money to be paid, the Person who shall be in Possession at the Time of Purchase, shall be deemed entitled thereto.

XXXVIII. Provided also, and be it enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation entitled to any Lands, Tenements, or Hereditaments, to be purchased under the Authority of this Act, the Purchase Money for the same shall

[*Loc. & Per.*]

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The Court of Chancery may order reasonable Expences of Purchases to be paid.

be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses, in pursuance of this Act, it shall and may be lawful to and for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expence as the Court shall deem reasonable, to be paid by the said Company of Proprietors, out of the Monies to be received by virtue of this Act, who shall, from Time to Time, pay such Sums of Money for such Purposes as the said Court shall direct.

Commissioners to settle Proportions of Purchase Money, where different Interests.

XXXIX. And be it further enacted, That the said Commissioners or the Justices of the said County of *Norfolk*, at some General Court of Quarter Sessions, or at an Adjournment thereof, as the Case may be, shall and are hereby empowered to settle what Shares and Proportions of the Purchase Money, or Compensation for Damages which shall be so agreed for, determined, and adjusted or assessed in Manner as aforesaid, shall be allowed to any Tenant or other Person or Persons having a particular Estate, Term, or Interest in the Premises for such, his, or their Interest, or respective Interests therein.

The Company may pay Purchase Monies to Mortgagees of the Lands purchased, if required.

XL. Provided always, and be it further enacted, That in case any Lands, Tenements, or Hereditaments to be taken and used by the said Company of Proprietors for the Purposes or pursuant to the Directions of this Act, shall happen to be in Mortgage to any Person or Persons, then it shall be lawful for the said Company of Proprietors, upon Application being made to them by the Mortgagee or Mortgagees thereof, his, her, or their Executors or Administrators, for that Purpose, to pay such Sum or Sums of Money as shall have been so agreed for, adjusted, or assessed as aforesaid, for the Purchase of or for the Damage done to such Lands, Tenements, or Hereditaments in Mortgage, or the Residue of such Sum or Sums after such Allowance and Payment thereof to any Lessee or Tenant as aforesaid unto such Mortgagee or Mortgagees, his, her, or their Executors or Administrators, in part Discharge and Satisfaction of the Principal Money due on such Mortgage; but in such Case such Mortgagee or Mortgagees shall have and be entitled to receive Six Calendar Months' previous Notice of such intended Payment by the said Company of Proprietors, or be allowed Six Calendar Months' Interest thereon; provided always, that upon Receipt of such Sum or Sums, such Mortgagee or Mortgagees, his, her, or their Executors or Administrators respectively shall acknowledge the Receipt thereof by an Indorsement to be made upon the Back of such Mortgage or Mortgages, and to be signed by such Mortgagee or Mortgagees, his, her, or their Executors or Administrators respectively, in the Presence of One or more credible Witnesses or Witnessess, in Satisfaction of so much of the Principal Money and Interest due upon such Mortgage or Mortgages.

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

XLI. And be it further enacted, That in Default or Refusal of Payment by the said Company of Proprietors of such Sum and Sums of Money, and at such Times and in such Manner as shall be agreed upon, awarded, or assessed as hereinbefore is mentioned, as a Recompence for any Damages to be done in Exercise of the Powers hereby given, it shall be lawful for the said Commissioners, and they are hereby authorized and required, by Writing under their Hands, to appoint One or more
Person

Person or Persons (from whom the said Commissioners so assembled shall take a proper Security), to collect and receive the Tolls, Rates, and Duties by this Act imposed, or any of them, and thereout in the first place, to pay all such Damages so to be agreed upon, awarded, and assessed as aforesaid; and the Costs (if any) occasioned by such Default or Refusal of Payment thereof, together with legal Interest for the same, to be computed from the Time such Damages shall be agreed upon, awarded and assessed, and also the Costs and Expences of collecting and receiving the said Tolls, Rates, or Duties; and the Person or Persons so to be appointed shall be deemed a Collector or Collectors of the said Tolls, Rates, and Duties, and shall have such and the same Powers for collecting the same as if he or they had been appointed for that Purpose by the said Company of Proprietors; and the Money so to be collected and received by such Person or Persons shall be and is hereby declared to be as so much Money received to and for the Use of the Person or Persons who shall be entitled to receive Satisfaction for Damages as aforesaid, in order and course respectively as such Agreement, Award, or Assessment shall be in Priority of Time, and after such Damages, Interest, and Costs shall be paid and satisfied, the Power and Authority of such Collector or Collectors for the Purposes aforesaid, shall cease and determine; or otherwise the Party or Parties so aggrieved, shall and may recover such Sum and Sums of Money, so to be agreed upon, awarded, or assessed, and which shall not be paid as aforesaid, together with Interest and Costs for the same, by Action at Law in any of His Majesty's Courts of Record at *Westminster*, against the said Company of Proprietors, with full Costs of Suit; or otherwise it shall be lawful for the said Commissioners, in case such Damages, Interest, and Costs shall not be satisfied and paid within the Space of Four Calendar Months after such Damages shall be so agreed upon awarded, or assessed as aforesaid, on Complaint to them, by or on the Behalf the Person or Persons sustaining such Damages, to issue their Warrant, under their Hands and Seals, to the Sheriff of the County of *Norfolk* aforesaid, authorizing and requiring him to levy and raise such Damages, Interests, and Costs as aforesaid, by Distress and Sale of the Goods and Chattels of the said Company of Proprietors, together with such reasonable Charges, as the said Commissioners shall in such Warrant direct and appoint. By Distress.

XLII. And be it further enacted, That all and every such Annual Rent and Rents as shall be agreed on, or settled and ascertained, to be paid for any Land, Ground, or Hereditaments or for the Tithes of any Land, Ground, or Hereditaments which shall or may be taken for the Purposes or pursuant to the Directions of this Act as aforesaid, shall be charged on the Tolls, Rates, or Duties hereinafter granted to the said Company of Proprietors, and shall be paid by the said Company of Proprietors as the same shall become due and payable; and in case any such Annual Rents or any Part thereof shall be in Arrear and unpaid by the Space of Twenty-one Days next after the same shall respectively become due and payable, it shall be lawful for the said Commissioners, and they are hereby authorized and required, by Writing under their Hands, to appoint One or more Person or Persons to collect and receive the said Tolls, Rates, or Duties, and to pay the same to the Person or Persons to whom such Annual Rent or Rents so in Arrear shall be due, they the said Commissioners taking such Security from every such Collector Annual Rents to be paid for Lands charged on the Tolls and Rates, with Power for recovering the same.
for

for the due and faithful Execution of his Office as they shall judge proper and sufficient; and the Person or Persons so to be appointed, shall be deemed a Collector or Collectors of the said Tolls, Rates, and Duties, and shall have such and the same Powers for collecting the same, as if he or they had been appointed for that Purpose by the said Company of Proprietors; and the Powers and Authorities of every such Collector shall continue until such Annual Rent or Rents so in Arrear, with the Costs and Charges of recovering and receiving the said Tolls, Rates, or Duties shall be fully satisfied and paid; or the Person or Persons to whom such Annual Rent or Rents shall be due, shall and may sue for and recover the same, with Costs of Suit, by Action of Debt in any of His Majesty's Courts of Record at *Westminster*; or otherwise it shall be lawful for such Person and Persons, and he and they is and are hereby empowered to seize and distrain any Boats, Barges, or Vessels, or other Goods and Effects of the said Company of Proprietors, which shall be found in the said Canal, or in, or upon, or about the Wharfs, Staiths, Quays, Warehouses, or other Works belonging to the said Company of Proprietors, and to detain the same until Payment of such Rent or Rents, together with the reasonable Charges attending such Distress; and if such Distress shall not be redeemed within Five Days after the same shall be taken, and Notice thereof given in Writing, by affixing such Notice on some public Place at any of the Wharfs, Staiths, Quays, or Toll-houses belonging to the said Company of Proprietors, then such Boats, Barges, or Vessels, or other Goods or Effects so distrained shall and may be appraised and sold in such Manner as the Law directs in case of Distress for Rent.

One or more of the Remedies given for recovering Annual Rents and Sums for Damages may be used. Remedy for Damages to be sustained, and not provided for.

XLIII. Provided always, and be it further enacted, That the Person or Persons to whom such Annual Rent or Rents, or such Sum or Sums of Money for Damages shall be payable as aforesaid, shall and may, for the Recovery thereof, use all or any one or more of the Remedies by this Act given or provided for the Recovery of the same.

XLIV. And be it further enacted, That if any Person or Persons shall sustain any Damages in his, her, or their Lands, Tenements, Hereditaments, or Property, by reason of the Execution of any of the Powers hereby given, for which a Compensation is not hereinbefore provided, then and in every such Case, such Damages shall from Time to Time be settled and ascertained by the Commissioners appointed by this Act, or assessed by a Jury, at some General Court of Quarter Sessions for the said County of *Norfolk*, or at an Adjournment thereof; and the Sum or Sums of Money to be paid for the same, shall be levied, recovered, and applied in such and the same Manner as is hereinbefore directed with respect to such Damages as are hereinbefore provided for, and the Money to be paid as a Recompence for the same.

The Company to pay Compensation to the Staith Owners and Occupiers, before they commence the Canal.

XLV. Provided always, and be it further enacted, That the said Company of Proprietors shall and do, before they begin to make the said Canal, or commence any of the Works to belong thereto, pay to *Frederica Mariana Cecilia Windham*, and *Shephard Thomas Taylor*, her Tenant, or any other Tenant for the Time being, of a certain Staith at *Dilham* aforesaid, now in the Occupation of the said *Shephard Thomas Taylor*, and to *John Joy*, of *Dilham* aforesaid, or the Owner and Occupier

pier for the Time being of a certain other Staith at *Dilham* aforesaid, now in the Occupation of the said *John Joy*, such Sum and Sums of Money as shall be agreed upon, awarded, or assessed as aforesaid, as a Compensation or Compensations for the Losses or Damages they will sustain by reason of the making of the said intended Canal or Navigation.

XLVI. And be it further enacted, That it shall be lawful for the said Company of Proprietors to sell and dispose of, and by Indenture under their Common Seal to grant and convey in fee all such of the Messuages, Buildings, Lands, Tenements, or Hereditaments which shall be purchased by and conveyed to the said Company, as shall not be wanted for the Purposes of the said Navigation and Works, or any Part or Parts thereof, for such Sum or Sums of Money, and that all such Grants and Conveyances shall be valid and effectual, any Thing in this Act, or in any other Law, Statute, or Custom to the contrary notwithstanding; and upon Payment of the Money which shall arise by the Sale or Sales of such Messuages, Lands, Tenements, or Hereditaments, or any Parts or Parcels thereof, it shall and may be lawful for the Treasurer or Treasurers for the Time being to the said Company of Proprietors, to sign and give Receipts for the Money for which the same shall be sold; which Receipts shall be sufficient Discharges to the Purchaser or Purchasers for the Money for which such Premises shall be so sold, or for so much thereof as in such Receipts shall be acknowledged or expressed to be received; and such Person or Persons shall not be answerable or accountable for any Losses, Misapplication, or Non-application of such Purchase Money, or any Part thereof; which said Money shall be applied by the said Company of Proprietors for the same or for the like Purposes as the Money hereby authorized to be raised by calls on them is to be applied: Provided always, That the said Company of Proprietors, before they shall sell and dispose of such Messuages, Buildings, Lands, Tenements, and Hereditaments, shall first offer to re-sell the same to the Person or Persons from whom they shall have purchased the same, or who would then have been entitled thereto, in case such Messuages, Buildings, Lands, Tenements, and Hereditaments had not been purchased by the said Company of Proprietors (the Price at which the same shall be re-sold being adjusted and settled by the said Commissioners or a Jury in the like Manner as the Price for any Land to be taken in pursuance of this Act is hereinbefore directed to be settled in case of Difference or Dispute as to the Value thereof); and if such Person or Persons shall not agree, or shall refuse to re-purchase the same, it shall and may be lawful to and for any Person or Persons not interested in the Premises, to make an Affidavit to be sworn before a Master Extraordinary of the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County where such Messuages, Buildings, Lands, Tenements, or Hereditaments shall lie or be, stating that such Offer was made by or on the Behalf of the said Company of Proprietors, and that such Person or Persons did not agree, or refused to purchase such Messuages, Buildings, Lands, Tenements, or Hereditaments, as the Case may be; and such Affidavit shall be in all Courts sufficient Evidence and Proof, that such Offer was made, and not agreed to, or refused.

XLVII. And be it further enacted, That in all Cases where the said Company of Proprietors shall enter upon and take any Lands or Grounds with
 [Loc. & Per.] 16 G the
 As to conveyance of

Land in certain Cases.

the Consent of the Proprietors thereof, and such Proprietors shall afterwards die before he or she shall execute the Conveyance thereof to the Company, then and in such Case the Heirs, Devisees, or Assigns of such Proprietor or other Possessor of the Estate from which such Lands or Grounds shall have been taken, if capacitated, or the Husbands, Guardians, Committees, or Trustees of Females-Covert, Infants Lunatic, and other *Cestuique* Trusts, shall and they are hereby authorized and required to convey such Lands or Grounds to the said Company upon Receipt or Transfer of the Purchase Money or other Equivalent to be agreed upon for the same, or so much thereof as shall not have been paid or transferred to such deceased Person on Account thereof.

Millers to put up or down Water-Gates and Sluices, when required by the Company.

XLVIII. And be it further enacted, That if any Miller, or Owner, or Occupier of any Mill or Mills, shall at any Time or Times whilst the said Canal is making, or necessarily repairing, neglect or refuse for the Space of Three Days after Notice shall be given by the said Company of Proprietors, or their Committee of Management, or by any Clerk or Agent to the said Company of Proprietors, either to draw and keep up or open, or to shut or put down, and to keep shut and put down, any Clough or Cloughs, or any Water-Gates, Sluice or Sluices belonging to such Mill or Mills, and which shall be thought necessary in the Judgment of any Engineer to the said Company of Proprietors to be opened or shut, and kept open or shut respectively, for the better making or repairing the said Canal and the Works necessary for that Purpose, every Person so offending, and being thereof lawfully convicted, shall for every such Offence forfeit and pay any Sum not exceeding the Sum of Twenty Pounds; and if the Miller or Owner, or Occupier of any such Mill or Mills shall not think the Satisfaction which may be tendered to him or them, by or on the Behalf of the said Company of Proprietors, a sufficient Recompence and Satisfaction for the Stoppage or Hindrance of working such Mill or Mills, by Means of such drawing up or opening, or putting down or shutting any Clough or Cloughs, Sluice or Sluices belonging thereto, then and in such Case it shall and may be lawful for the said Commissioners, and they are hereby authorized and required, on Complaint to them made by any such Miller, Owner, and Occupier, to settle and ascertain the Damages sustained by him, and the Recompence to be made for the same, or to Cause such Damages and Recompence to be settled and ascertained by a Jury, in such and the like Manner as other Damages are by this Act directed to be ascertained.

Towing-Paths to be fenced off from adjoining Lands.

XLIX. And be it further enacted, That the said Company of Proprietors shall at their own proper Costs and Charges divide and separate, and keep constantly divided and separated, the Towing-Paths on the Sides of the said Canal from the Lands or Grounds adjoining to such Towing-Paths, Trenches, Feeders, and Aqueducts respectively, with good and sufficient Posts, Rails, Hedges, Ditches, or other Fences to be set or made on the Lands or Grounds which shall be purchased by, or conveyed to, or vested in the said Company of Proprietors as aforesaid, and shall from Time to Time repair, maintain, and support the said Towing-Paths, Posts, Rails, Hedges, Ditches, and Fences so to be made or set up as aforesaid; and the said Company of Proprietors shall also, at their own Costs and Charges, make, erect, and set up, and from Time to Time maintain, support, and keep in good Repair such and so many convenient Gates and

Gates and Stiles to be erected on Towing-Paths.

Stiles

Stiles upon and across the said Towing-Paths, and in and through the Hedges and Fences to be by them so made on the Sides of such Towing-Paths as aforesaid; and also such and so many convenient Bridges, Arches, Culverts, Passages, and Roads, over, under, or by the Side of the said Canal, at such Places, and of such Dimensions, and in such Manner as the said Commissioners shall from Time to Time judge necessary and appoint (in case there shall be any Dispute about the same), for the Use of the Owners and Occupiers of the Lands, Grounds, or Hereditaments adjoining to such Canal; and that the said Company of Proprietors shall at their own proper Costs and Charges be obliged to make, erect, and set up, and from Time to Time maintain, support, and keep in good Repair and Condition a good and sufficient Swing Bridge at such Place or Places as may be requested by the Proprietor or Proprietors of any Quantity of Land not less than Ten Acres, which shall or may be intersected by such Canal; and that the said Company of Proprietors shall not make or carry the said Canal in or across any Common, Highway, Public or Bridle-way, or Foot-path, until such Time as they shall at their own proper Charges have made and perfected such Bridge or Bridges, Arch or Arches, or other convenient Passages over or under the Places where the said Canal shall be intended to be made or carried, and of such Dimensions and in such Manner as the said Commissioners shall adjudge proper (in case of any Dispute about the same); provided nevertheless, that the said Company of Proprietors shall not be liable to repair or amend any Part of the Roads approaching to any Bridges which shall be made over the said Canal; but nothing herein contained shall be construed to exonerate the said Company of Proprietors from the future Repairs of the Bridges and the Wing Walls, Ramparts, and Side Banks thereof, and the Banks and Arches supporting the Approaches thereto.

Bridges to be erected by the Company.

L. And be it further enacted, That any Clay or Gravel, Sand, Rubbish, or other Materials to be dug up or gotten in the cutting and making of the said Canal, and which shall not be used or be intended to be used in or about the same, and shall be laid upon any Land adjoining or near thereto, and which shall not be taken off and removed by the said Company of Proprietors within Six Calendar Months after the Completion of the said Canal, shall and may be taken off and removed by the Proprietors of the Land whereon the said Clay, Gravel, Sand, Rubbish, and other Materials shall have been laid; and they are hereby authorized and empowered to take such Clay, Gravel, Sand, Rubbish, and other Materials to his, her, or their own Use.

Company to remove Soil, Materials, &c. after Completion of Canal.

LI. And be it further enacted, That the said Company of Proprietors shall, at their own proper Costs and Charges, make or cause to be made such Arches, Tunnels, Culverts, Drains, or other Passages over, under, or by the Side of, or into the said Canal, and the Trenches, Streams, and Water-courses communicating therewith, and the Towing-paths on the Sides thereof, of such Depth, Breadth, and Dimensions as shall be sufficient at all Times to convey the Water from the Lands adjoining or lying near the said Canal without obstructing or impeding the same, and shall likewise 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 to the Prejudice of any of the Lands or Grounds contiguous thereto; and that

Company to make Drains and to convey Water from adjoining Lands, and keep the same clean.

all

If the Company neglect so to do, the Land Owners may do the same at the Expence of the Company.

all such Arches, Tunnels, Culverts, Drains, back 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 One Calendar Month's Notice shall have been given in Writing, by or on the Behalf of the Owner or Occupier, Owners or Occupiers of the adjacent Lands or Grounds, who shall find himself, herself, or themselves aggrieved by the Obstructions of any such Watercourses, to the Principal Clerk to the said Company of Proprietors for the Time being, the said Arches, Tunnels, Culverts, Drains, back Drains, or other Passages shall not be made, cleansed, repaired, and maintained according to the true Intent and Meaning of this Act, then and in such Case, and when and as often as the same shall happen, it shall and may be lawful to and for such Owner or Occupier, or Owners or Occupiers, having an Order in Writing for that Purpose from the said Commissioners, from Time to Time to make, cleanse, scour, and repair such Arches, Tunnels, Culverts, Drains, back Drains, and other Passages, in such Manner as shall be found expedient; and the reasonable Costs and Charges thereof (to be ascertained by the said Commissioners), shall be defrayed by the said Company of Proprietors; and in case of Refusal or Neglect to defray the same for the Space of Twenty Days after Demand thereof, made upon their Principal Clerk for the Time being, such Costs and Charges shall and may be levied or recovered in such and the same Manner as the Costs and Charges of making and erecting Bridges and other Works by the Owners and Occupiers of Lands upon the Refusal or Neglect of the said Company of Proprietors to make and erect the same as are hereinbefore appointed and directed to be levied and recovered: Provided always, That such Owner or Occupier, or Owners or Occupiers of the Lands adjoining or contiguous to the said Canal shall, at the Time of giving such Notice to the Principal Clerk to the said Company as aforesaid, have his, her, or their own Ditches, Drains, and Watercourses leading to or from the said Canal, or to or from the Trenches, Drains, and Watercourses belonging to the said Company, sufficiently cleansed and opened to convey the Water to and from the same; and provided also, that nothing herein contained shall extend to enforce the admitting of any Water arising from sudden Floods or Land Floods into the said Canal, which may injure the said Navigation.

The Company may cleanse adjoining Ditches and Drains at the Expence of the Owners if neglected by them.

LII. And be it further enacted, That if at any Time hereafter the Ditches, Drains, or Watercourses belonging to the Owner or Occupier of any Lands adjoining or contiguous to the said Canal shall not be sufficiently open for the free Passage of the Water from the Drains, Tunnels, Culverts, and Watercourses belonging to the said Company of Proprietors, and the same shall not be remedied within One Calendar Month after Notice in Writing for that Purpose shall be given to such Owner or Occupier, or left at his or her usual Place of Abode by the Principal Clerk to the said Company of Proprietors, it shall be lawful for the said Company of Proprietors, having an Order in Writing for that Purpose from the said Commissioners, from Time to Time, as often as there shall be Occasion, to order, cause, and procure such Ditches, Drains, and Watercourses as aforesaid, to be opened and cleansed in such Manner as may be necessary or expedient, and the reasonable Expences thereof (to be ascertained and allowed by the said Commissioners,) shall be repaid to the said Company of Proprietors by such Owner or Occupier as aforesaid;

said; and in case of Refusal to pay the same for the Space of Fourteen Days after Demand thereof, the same shall and may be recovered in such Manner as any Penalties are by this Act directed to be recovered: No public Drains to be diverted without Consent of Commissioners of Sewers. Provided always, That nothing herein contained shall extend or be construed to authorize or empower the said Company of Proprietors to stop up, divert, or alter any of the public Drains, now under the View of the said Commissioners of Sewers without the Consent of the said Commissioners, or of some Committee appointed by the said Commissioners as hereinbefore directed for that Purpose, first had and obtained in Writing, signed by the Order of the Court or by the Chairman of such Committee; and that all new Drains which shall be made in Consequence of the stopping up, diverting, or Alteration of any old Drains, and all and every other public Drains or Watercourses to be made under and by virtue of the Powers hereby granted, shall be under the Power, Controul, and Direction of the said Commissioners of Sewers.

LIII. And whereas it may happen, That in the Course of the Progress and Execution of the Works hereby authorized and required to be made, or after the same shall be completed, the Owners and Occupiers of, and other Persons interested in Lands, Tenements, and Hereditaments near thereto, may sustain Damage from Accidents happening to such Works, or otherwise occasioned thereby, and it may be expedient that such Persons should have a summary Method of ascertaining and obtaining the Amount of the Compensation and Satisfaction to be made them for the same; be it therefore enacted, That when and so often as any Injury or Damage shall happen to or be sustained by any Owner or Occupier of, or Persons interested in any Lands, Tenements, or Hereditaments, by reason of the giving way of the Banks of the said Canal, or bursting of Culverts, or any other Accident happening to or occasioned by any of the Works, hereby authorized to be made, and the said Company of Proprietors or their Committee of Management shall not, within One Calendar Month after Notice in Writing of such Injury and Claim of Satisfaction, for the same, signed by the Party claiming Satisfaction, shall be delivered to the Principal Clerk of the said Company, or left at his Office or Dwelling-place, agree with such Claimant for such Satisfaction or Compensation, the same shall be settled and ascertained by the Verdict of a Jury to be summoned for the Purpose in Manner hereinbefore directed, in cases where Land is to be used, or Satisfaction allowed for Damages in making the said Canal. Company to make Compensation for Injury occasioned by bursting of Canal, Culverts, &c.

LIV. And to the End that the said Company of Proprietors may be enabled to carry on the said Undertaking, be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, to raise and contribute among themselves, in such Proportions as to them shall seem meet and convenient, such Sum or Sums of Money as they shall think necessary for making, carrying on, and completing of the said Canal, Aqueducts, Quays, Wharfs, Staiths, and other Works and Conveniences hereby authorized to be made, not exceeding in the whole the Sum of Thirty thousand Pounds, (except as hereinafter is mentioned;) and that the same shall be divided into such Number of Parts or Shares as hereinafter directed; and that no Person subscribing to or becoming a Proprietor in the said Undertaking shall become a Proprietor of less than One or of more than Twenty Shares, either in his own Name or the The Company empowered to raise among themselves any Sum of Money not exceeding 30,000l.

Name or any other Person or Persons, in trust for him (except the same shall come to him by Will, Settlement, or Act of Law), upon pain of forfeiting to the said Company of Proprietors all such Shares exceeding Twenty Shares as aforesaid; and that the Money so to be raised as aforesaid, or a sufficient Part thereof, shall be laid out and applied in the first Place in Payment, Satisfaction, and Discharge of the Costs, Charges, and Expences attending the obtaining and passing of this Act, and the making the proper Surveys, Plans, and Estimates, and the doing and providing of all the Matters and Things preparatory and previous thereto; and that all the Residue of such Money shall be applied and disposed of for or towards the making, carrying on, completing, and maintaining of the said Canal and other Works respectively, and for other the Purposes of this Act.

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

LV. And be it further enacted, That the said Sum of Thirty thousand Pounds, or such Part thereof as shall be so raised and contributed as aforesaid, shall be divided into Six hundred Shares; and that such Shares shall be numbered in regular numerical Progression, and every Share shall for ever afterwards be distinguished by the Number to be appointed for the same; and that all such Shares shall be deemed Personal Estate, and be transmissible as such, and not of the nature of Real Estate; and that the said Six hundred Shares shall be, and they are hereby vested in the several Bodies Politic and Corporate, and other Persons subscribing for, and undertaking to raise and contribute the same, and their respective Successors, Executors, Administrators, and Assigns, to and for their own respective Use and Benefit, according and proportionably to the Number of Shares which they shall respectively subscribe for, and undertake to raise and contribute; and that all Bodies Politic and Corporate, and other Persons, and their respective Successors, Executors, Administrators, and Assigns, who shall subscribe for any Share or Shares in the said Undertaking, and pay such Sum or Sums of Money as shall be demanded on Account thereof, not exceeding in the whole a proportionable Part of the said Sum of Thirty thousand Pounds towards the carrying on and completing the said Canal, and such other Works as aforesaid, shall be entitled to and receive a just and due Proportion, according to their respective Number of Shares, (not exceeding Twenty Shares as aforesaid) of the clear Profits and Advantages which shall or may arise and accrue by or from the Rates, Tolls, Duties, and other Monies to be raised, recovered, or received by virtue of this Act, and shall also from Time to Time bear and pay a like, due, and just Proportion of the Money wanted for carrying on the said Undertaking, in the Manner hereinafter directed.

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

LVI. And for the better securing to the several Subscribers towards the said Undertaking their respective Shares therein, be it further enacted, That the said Company of Proprietors or their Committee of Management shall, as soon as the same can or may be done, cause the Names and Additions of the several Persons who shall be entitled to any Share or Shares in the said Undertaking, and the Number of Shares to which they shall be respectively entitled, and also the proper Numbers by which every such Share shall be distinguished, to be fairly and distinctly entered into a Book, to be kept by the Principal Clerk to the said Company of Proprietors, and after such Entry to cause the Common Seal of the said

Company of Proprietors to be affixed thereto; and shall also cause as many Tickets or Instruments to be prepared as there shall be Shares in the said Undertaking, bearing respectively the same Numbers as in the said Book, and the Common Seal of the said Company of Proprietors to be affixed to each such Ticket or Instrument, and thereupon to cause to be delivered to each Subscriber towards the said Undertaking, upon Demand, a Ticket or Tickets specifying the Shares to which he or she is entitled in the said Undertaking, such Subscriber paying to the Clerk to the said Company 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, Administrators, and Assigns, to the Shares therein specified; but the Want of any such Ticket or Instrument shall not hinder or prevent the Owner of any Shares from selling or disposing thereof, or from receiving annually his or her Share of the Profit of the said Navigation in respect thereof.

LVII. And be it further enacted, That if the said Sum of Thirty thousand Pounds herein-before authorized to be raised shall be found insufficient for the making, completing, and maintaining of the said Canal and other Works hereby authorized to be made, and all necessary Charges and Expences relating thereto, then and in such Case it shall be lawful for the said Company of Proprietors, after an Order or Resolution for that Purpose shall be made at a Special Meeting of the Proprietors to be called by the Committee of Management of the said Company of Proprietors, and of which Meeting Fourteen Days previous Notice shall have been given in some Newspaper or Newspapers published or usually circulated in the said County of *Norfolk*, and in the Cities of *London* and *Norwich*, to contribute among themselves any further Sum or Sums of Money for the Purposes aforesaid, not exceeding in the whole the Sum of Ten thousand Pounds; and such further Sum or Sums of Money shall, after such Order or Resolution for that Purpose as aforesaid, be raised and contributed by the several Persons possessed of the aforesaid Six hundred Shares in the said Undertaking, according and in Proportion to their respective Shares and Interests therein; and the said Six hundred Shares and the Owners thereof shall continue to be in respect of such further Sum or Sums of Money under and subject to such and the same Calls to be made by the Committee of Management of the said Company of Proprietors, in such and the same Proportions, and within such and the same Time, and under and subject to such and the same Regulations, Rules, Orders, Fines, and Forfeitures, as the said Six hundred Shares and the Owners thereof are hereafter made subject and liable to in respect of the said Sum of Ten thousand Pounds, as fully and effectually, to all Intents and Purposes, as if such further Sum or Sums of Money had constituted Part of the Original Sum hereby authorized to be raised.

LVIII. Provided always, and be it further enacted, That if the said Company of Proprietors shall be desirous of raising the said additional Sum of Ten thousand Pounds, or any Part thereof, by Mortgage of the said Navigation and Undertaking, and shall make an Order or enter into a Resolution to that Effect at a Special Meeting of the said Company of Proprietors for that Purpose to be called by their Committee of Management for the Time being, and of which Meeting Fourteen Days previous Notice

If the Sum of Thirty thousand Pounds be not sufficient the Company may raise Ten thousand Pounds among themselves.

Or they may raise Ten thousand Pounds by Mortgage.

Notice shall be given in the Manner aforesaid, then and in such Case it shall be lawful for the said Company of Proprietors, pursuant to such Order or Resolution, to borrow and take up at Interest the said Sum of Ten thousand Pounds, or any Part thereof, upon the Credit of the said Navigation and Undertaking, as to them shall seem meet and convenient; and the said Company of Proprietors are hereby accordingly fully authorized and empowered to grant, assign, and make over by way of Mortgage, the several Rates, Tolls, and Duties granted to them by this Act, or any Part thereof (the Costs and Charges of such Assignment to be paid out of such Tolls, Rates, and Duties, as a Security for the Sum or Sums of Money so to be borrowed, together with Interest for the same, unto the Person or Persons who shall lend and advance such Sum or Sums of Money, or unto his or their Trustee or Trustees), all which Assignments and Mortgages shall be made by a Deed in Writing under the Common Seal of the said Company, in the Form or to the Effect following; (that is to say)

Form of
Mortgage.

‘ BY virtue of an Act made in the Fifty-second Year of the Reign of
 ‘ His Majesty King *George* the Third, intituled, [*here insert the Title*
 ‘ *of this Act*] We the Company of Proprietors of the said Navigation
 ‘ and Undertaking, incorporated by virtue of the said Act, in Considera-
 ‘ tion of the Sum of _____ of lawful Money of *Great*
 ‘ *Britain*, to us paid by _____ do hereby
 ‘ bargain, sell, and assign unto the said _____ his
 ‘ Executors, Administrators, and Assigns, the said Navigation and Un-
 ‘ dertaking, and all and singular the Tolls, Rates, and Duties, granted
 ‘ or arising, and payable to us by virtue of the said Act, and all the
 ‘ Estate, Right, Title, and Interest, of us the said Company of Pro-
 ‘ prietors of, in, to, or out of the same respectively, to hold unto the said
 ‘ _____ his Executors, Administrators, and Assigns, until
 ‘ the said Sum of _____ together with the Interest for the
 ‘ same, after the Rate of _____ *per Centum per Annum*, shall be fully
 ‘ paid and satisfied to him or them. Given under our Common Seal this
 ‘ _____ Day of _____

No Prefer-
ence among
Mortgagees.

And that all Persons to whom such Assignments or Mortgages shall be made, shall be equally entitled one with the other to the said Tolls, Rates, Duties, and Premises thereby assigned, according and in Proportion to the Sums by them respectively lent and advanced on the Credit thereof as aforesaid, without any Preference by reason of the Priority of Date of any such Assignment or Mortgage, or upon any other account whatsoever; and that the Money so to be borrowed as aforesaid, shall be applied and disposed of for the carrying on, completing, and maintaining of the said Navigation and other Works herein authorized to be made, and for carrying the several Powers and Authorities hereby given into Execution.

A Memorial
of Mortgages
to be entered
by the Com-
pany's Clerk.

LIX. And be it further enacted, That an Entry or Memorial of every such Assignment or Mortgage as aforesaid, containing the Date thereof, the Name or Names and Addition of the Party or Parties to whom the same shall be made, and the Sum thereby secured, with the Rate of Interest to be paid for the same, shall be made or entered in a Book to be kept for that Purpose by the Principal Clerk to the said Company of Proprietors for the Time being; and that such Book shall and may be perused

spect of any Number of Shares for which he shall hold Proxies not exceeding Twenty Shares, at any Meeting of the said Company of Proprietors to be held in pursuance of this Act, for carrying on the said Undertaking or relating thereto; and the Appointment of every such Proxy shall and may be made in the Form or to the Effect following; (that is to say,)

Form of Appointment.

I, _____ Proprietor of
 _____ Share [or Shares] in the *North Walsham* and *Dilham* Canal Navigation, do hereby nominate, constitute, and appoint
 _____ to be my Proxy in my Name, in my Absence, to vote and give my Assent or Dissent to any Business, Matter, or Thing relating to the said Navigation and Undertaking which shall be mentioned or proposed at any Meeting of the Proprietors of the said Navigation or any Adjournment thereof, in such Manner as he the said
 _____ shall think proper according to his Opinion and Judgment, for the Benefit of the said Navigation and Undertaking, or any Thing appertaining thereto, until I shall revoke this Appointment by Notice in Writing to the Principal Clerk to the said Company of Proprietors: In witness whereof, I have hereunto set my Hand the
 _____ Day of _____

At Meetings of Proprietors, all Questions to be determined by Majority of Votes.

And that every Question, Matter, and Thing whatsoever which may be proposed, discussed, or considered at any Meeting of Proprietors to be held by virtue or in pursuance of this Act, shall be determined by the Majority of the Votes in Person and by Proxy, which the Persons attending any such Meeting shall have a Right to give and shall give; and such Determination so made shall be binding and conclusive upon the rest of the Proprietors, and be observed and acted upon accordingly, any Thing herein contained to the contrary notwithstanding.

Proxies to be entered in a Book.

LXII. And be it further enacted, That all Proxies shall be produced to the Clerk to the said Company of Proprietors, and entered in a Book or List to be kept by him for that Purpose, before any Vote shall be given in respect of such Proxies; which Book shall be sufficient Authority for any Person deputed by such Proxy to give his Vote, without Production of the Proxy at the Time of his voting until such Proxy is revoked.

The Affairs and Business of the Company, except in certain Cases, to be managed by a Committee of Fifteen Persons.

LXIII. 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 of Fifteen of the said Company of Proprietors to be elected in the Manner hereinafter mentioned, and to be called the Committee of Management; and that there shall be a General Meeting of the Proprietors of the said Canal Company, at the *Crown and Anchor* Tavern, in the *Strand*, *London*, on the Fourth *Monday* next after the passing of this Act, at Twelve of the Clock at Noon; and a like General Meeting of the said Proprietors shall be held once in every future Year, on the First *Monday* in the Month of *November*, at Twelve of the Clock at Noon, at the *Crown and Anchor* Tavern

General Meeting of Proprietors to be held;

Tavern aforesaid, or at such other Place as shall have been fixed upon for that Purpose at the preceding General Meeting; and that at such first General Meeting, and also at every subsequent General Meeting to be held on the said First Monday in November yearly, the said Proprietors, or such of them as shall be present, together with such Proxies as shall be present, shall elect and make Choice of Fifteen Persons, out of the said Proprietors, who shall be respectively Proprietors of Five or more Shares in the said Undertaking, to be Members of the said Committee to manage the Affairs and Business of the said Company in the Manner hereinafter directed for the Space of One Year then next ensuing, and until Fifteen other Persons qualified in like Manner shall be elected in their Stead pursuant to the Directions of this Act: Provided always, That nothing herein contained shall extend to prevent any Person from being re-elected a Member of the said Committee, and that no Person holding any Office or Place of Profit under the said Company of Proprietors shall be elected a Member of the said Committee (except as herein mentioned), and that if any Person who shall be elected a Member of such Committee shall afterwards accept any Office or Place of Profit under the said Company of Proprietors (except as excepted), he shall be no longer capable of acting as a Member of such Committee, but some other Person shall be appointed in his Stead, in the Manner herein mentioned.

and Com-
mittee
electea.

Any Member
may be re-
elected; but
no Person
holding any
Office or
Place of Pro-
fit to be
elected in
such Com-
mittee.

LXIV. And be it further enacted, That the said Fifteen Persons to be elected by the Proprietors of the said Undertaking in the Manner aforesaid, shall be the said Committee of Management, and shall continue in Office for the Space of One Year, and until a new Committee of Management shall be appointed in their Stead pursuant to the Directions of this Act, and a General Meeting of every such Committee of Management shall be held for putting this Act in Execution at the *Crown and Anchor* Tavern aforesaid on the Monday next after the Day of their Election, and a like General Meeting of the Committee of Management shall afterwards be held Four Times in every Year for the future, in the Months of *November, February, May, and August* respectively, at Eleven of the Clock in the Forenoon, at the Place aforesaid, or at such other Place and on such Days as the said Committee of Management shall at their preceding General Meeting appoint; of all which General Committee Meetings, Public Notice shall be given in some Newspaper or Newspapers published or usually circulated in the said County of *Norfolk*, and Cities of *London* and *Norwich*, Fourteen Days at least before the Time appointed for every such Meeting; and it shall be lawful for the Committee of Management, at any General Meeting to be held in pursuance of this Act, to adjourn themselves from Time to Time, and from Place to Place, as they shall think proper and expedient.

The Fifteen
Proprietors
so to be elect-
ed as afore-
said to be a
Committee
for ma-
naging the
Concerns of
the Com-
pany.

General
Meetings of
Committee
of Manage-
ment, when
and where to
be held.

Public No-
tice to be
given of
General
Quarterly
Meetings.

LXV. And be it further enacted, That the Committee of Management shall at every Meeting to be held in pursuance of this Act, elect a Chairman out of the Members of such Committee then present to preside at such Meeting, and that any Five or more Members of the Committee of Management, but not less, shall be a sufficient Number to constitute a Meeting for the Purpose of electing a Chairman of such Committee; and that after a Chairman shall be elected, any Five or more Members of such Committee (whereof the Chairman shall be one), but not less, shall be a sufficient Number to constitute a Meeting for the Purpose of doing all other

Directing
how the Pro-
ceedings of
the Com-
mittee of
Management
shall be con-
ducted.

other Acts, Matters, and Things, and exercising all other 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 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 the casting Vote; and if at any Meeting Two or more Persons shall be proposed to fill the Office of Chairman, and shall have an equal Number of Votes, then the Persons so proposed shall draw Lots for the same; 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 Power 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 a Day to be appointed by the Member or Members then present, or if no Member shall be present, by the principal Clerk to the said Company of Proprietors, or such other Person as shall attend in his Place.

For appoint-
ing a Treas-
urer to the
Company of
Proprietors.

LXVI. And be it further enacted, That the said Committee of Management, shall, at their first General Meeting after the passing this Act, and also at their General Meeting which shall be held in the Month of *November* in every subsequent Year, and also at their first General Meeting after any Vacancy shall happen by Death or otherwise, in the Office of Treasurer to the said Company of Proprietors, appoint a General Meeting of the Proprietors at large to be held at such Time and Place as they shall think proper, within Three Calendar Months next after such General Meeting of the said Committee, for the Purpose of electing a Treasurer or Treasurers to the said Company of Proprietors, and shall cause public Notice of the Time and Place appointed for such Meeting of the Proprietors at large to be given by Advertisement in some Newspaper or Newspapers published, or usually circulated in the said County of *Norfolk*, and in the City of *London*, Seven Days at least before the Time appointed for such Meeting; and the Proprietors who shall be assembled at such Meeting are hereby accordingly authorized and required to elect and make Choice of some Person or Persons to be a Treasurer or Treasurers to the said Company; and in case so many of the said Company of Proprietors as shall be possessed of Four hundred Shares in the said intended Navigation and Undertaking, shall at any Time be dissatisfied with the Conduct of the Treasurer or Treasurers to the said Company, and shall signify such their Disapprobation in Writing, signed by them, to the Committee of Management at any General Meeting to be held as aforesaid, then such Committee shall thereupon call and appoint a General Meeting of the Proprietors at large to be held within Twenty-one Days from that Time for the Purpose of taking into Consideration the Cause of Complaint against such Treasurer or Treasurers, and shall give public Notice of such Meeting in the Manner aforesaid, Fourteen Days at least before the Time appointed for holding the same; and the Proprietors to be assembled at such Meeting shall and may, after taking the Matter into Consideration, either continue such Treasurer or Treasurers in his or their Office, or remove or dismiss him or them

them from the same, and elect and appoint some other Person or Persons in his or their Stead, accordingly as they shall judge proper and expedient.

LXVII. Provided always, and be it further enacted, That the said Company of Proprietors from Time to Time electing any such Treasurer or Treasurers as aforesaid, shall direct such Security to be taken from him or them for the faithful Execution of his or their Office, as they in their Discretion shall deem sufficient, and such Security shall be required and taken accordingly, before such Treasurer or Treasurers shall be permitted to receive any Monies for or on account of the said Company.

Security to be taken from the Treasurer.

LXVIII. 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 a Principal Clerk on whom the Service of all Writs, Notices, and other legal Proceedings against the said Company of Proprietors, shall be deemed good Service on the said Company, and such One or more other Clerk or Clerks, and such Engineers, Surveyors, Collectors of the Tolls, Rates, and Duties hereinafter granted, and other Officers (except the Treasurer or Treasurers) as the said Committee of Management shall think proper and expedient, for the better carrying the Purposes of this Act into Execution; the said Committee always taking good and sufficient Security from all Collectors and other Officers who shall have the Care or Custody of any Money to be raised or received by virtue of this Act, for the faithful Discharge of the Trust reposed in them, and also from Time to Time to discharge and dismiss any such Clerk, Engineers, Surveyors, Collectors, or other Officers, and to appoint others in their Stead, as there shall be Occasion; and that all such Clerks, Engineers, Surveyors, Collectors, and 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 Engineers, Surveyors, Clerks, Collectors, or other Officers, Executors, or Administrators respectively, in any wise relating to the said intended Navigation; and the said Committee of Management shall also have full Power and Authority, and they are hereby required at the General Meeting to be held in the Month of *November* 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 or Treasurers, 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 or expedient so to do.

Committee of Management may appoint Clerks, Engineers, Collectors, &c. and require them to deliver up Books, &c.

and to settle the Accounts of Treasurers, Collectors, &c. at the General Meeting.

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

[*Loc. & Per.*]

16 K

Committee of Management may make Calls, such

Contract for
and Purchase
Lands;

and manage
the Business
of the Com-
pany, except
what is to be
done at Ge-
neral Meet-
ings.

Committee
of Manage-
ment may
appoint Sub-
Committees,
with Power
to make
Contracts,
&c.

such General Meeting as aforesaid, to make such Call or Calls for Money from the several Proprietors of the said Navigation and Undertaking, in order to defray the Expence of or carry 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 Five Pounds for and in respect of every Share in the said Navigation and Undertaking, and so that no such Calls be made but at the Distance of Two Calendar Months at least from each other, and so that Twenty-one Days Notice at least shall be given of every such Call, by Advertisement in some Newspaper or Newspapers published or usually circulated in the said County of *Norfolk* and City of *Norwich*, 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 or Treasurers of the said Company of Proprietors so to be issued, paid, and applied for carrying on the said Navigation and Undertaking, in such Manner as the said Committee of Management shall from Time to Time order and direct; 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 Execution 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 carrying on 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 hereinbefore and hereinafter mentioned.

LXX. And be it further enacted, That it shall and may be lawful for the Committee of Management at any such General Meeting as aforesaid, to nominate and appoint out of the said Company of Proprietors One or more Sub-Committee or Sub-Committees, (every such Sub-Committee to consist of Seven or more Persons possessed of Five or more Shares each), who shall have full Power and Authority to enter into any such Contracts or Agreements on Behalf of the said Company of Proprietors as aforesaid, and to hire and employ Agents, Workmen, or Servants in and about the said Undertaking, and to do, execute, and perform all other Matters and Things whatsoever in and about the said Navigation and Undertaking, which the said Committee of Management are themselves hereinbefore authorized to do, or such of them as the said Committee of Management shall think proper to intrust to the Care and Management of any such Sub-Committee or Sub-Committees, save and

except nevertheless the appointing of Clerks, Collectors, Engineers, Surveyors, and other principal Officers, and the auditing and settling of the Accounts of the Treasurer or Treasurers, Clerks, Collectors, Engineers, Surveyors, and other principal Officers, and the making Calls for Money upon the Proprietors of the said Undertaking; all which shall be done by the said Committee of Management only, as hereinbefore is directed; and it shall also be lawful for the said Committee of Management, by an Order or Resolution for that Purpose at any General Meeting, to break up and dissolve any such Sub-Committee or Sub-Committees, or to remove and displace any Member or Members thereof, and appoint some other or others in his or their Place and Stead, when and as often as such Committee of Management shall think proper and expedient; and such Sub-Committees shall have full Power and Authority to meet from Time to Time, and adjourn from Place to Place, as they shall think proper, and as Occasion shall require, for effectuating the Purposes aforesaid; and all Powers and Authorities hereby vested, or which shall by the said Committee of Management be vested in any Sub-Committee within the Intent and Meaning of this Act, shall and may be exercised by the major Part of the Members present at their respective Meetings, the whole Number of Members present not being less than Three, and at all Meetings, of such Sub-Committees respectively, One of the Members present shall be appointed President or Chairman, and all Questions shall be decided by the Majority of Votes, and the President or Chairman shall have the casting Vote in case of equal Division.

LXXI. And be it further enacted, That the Committee of Management, and also every such Sub-Committee as aforesaid, 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 Sub-Committees respectively, 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; and all reasonable Expences to be incurred at or by the respective Meetings of the said Committee of Management, and of such Sub-Committees respectively as aforesaid, shall be paid and defrayed out of the Cash or Stock of the said Company of Proprietors; and such Committee of Management, and Sub-Committees respectively, shall and may, from Time to Time draw for the Amount of such Expences respectively, upon the Treasurer or Treasurers to the said Company, but no other Money shall be issued or paid by the said Treasurer or Treasurers, for or on Account of the said Company of Proprietors, without an Order being made for that Purpose by the Committee of Management, at any such General 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; provided nevertheless, That it shall be lawful for the said Committee

Committee of Management and Sub-Committees to keep Accounts of Monies received and paid;

and all Minutes of Proceedings.

Expences of Committees of Management and Sub-Committees to be defrayed by the Company.

mittee

mittee of Management, and they are hereby authorized from Time to Time to make Compensation and Satisfaction to such Sub-Committee Men or other Persons, as shall be appointed to superintend the Execution and Completion of the said Canal and Works, for their Care, Trouble, and Expences in the Management of the Concerns of the said Company, by way of Salary or otherwise as the said Committee of Management shall think fit; and the Members of such Committee shall not be thereby disqualified to act as Members of the said Committee of Management.

Sub-Committees to be under Controul of the Committee of Management.

LXXII. And be it further enacted, That every such Sub-Committee so to be appointed as aforesaid, shall from Time to Time make Reports of their Proceedings to the Committee of Management, and shall at all Times be subject to the Examination and Controul of such Committee of Management, and shall pay due Obedience to all their Orders and Directions in and about the Affairs and Business of the said Company, so that such Orders and Directions be not contrary to the express Directions, Regulations, or Provisions contained in this Act.

Company may make Bye-laws.

LXXIII. And be it further enacted, That the said Company of Proprietors, shall also have full Power and Authority from Time to Time, at any General Meeting of the said Company of Proprietors to be held in Manner hereinafter mentioned, 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 Sub-Committees respectively, and for the regulating of all Officers, Workmen, and Servants to be employed in or about the Affairs and Business of the said Company of Proprietors, and for the well and orderly using of the said intended Navigation, and the Tunnels, Locks, and Aqueducts thereto belonging, and for regulating the passing and repassing of all Vessels, Boats, and Barges, and the Structure of such 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 Merchandize, 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, and Orders, and Bye-laws, or any of them, and to make others, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against such Rules, Orders, and Bye-laws, or any of them, not exceeding the Sum of Five Pounds for any one Offence, as to the said Company of Proprietors 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, shall be binding upon and be observed by all Persons using or in anywise 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, or 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 such of them as shall concern or relate to the using of the said intended Navigation, and the Tunnels, Locks, and Aqueducts belonging thereto,

or

or to the Conduct or Behaviour of Bargemen, Boatmen, Watermen, and others conveying Goods thereon, or to the Conduct or Behaviour of any Officers, Servants, and 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 affixed and continued on some conspicuous Place or Places upon all the Wharfs on the said Navigation; provided also, that in all Cases of Prosecution for Offences against the said Bye-laws the Production of a printed Copy purporting to be the Bye-laws of the Company, and authenticated by the Common Seal of the Company being affixed thereto, shall be sufficient Evidence of the Existence of such Bye-laws; and it shall be sufficient to prove that a printed Copy in Characters sufficiently plain of such Bye-laws hath been affixed, and in case of its afterwards being displaced or damaged hath been replaced with another such Copy as soon as conveniently might be, in some conspicuous Place upon the Wharf nearest the Place where the Offence was committed, unless Proof shall be adduced by the Defendant that such Copy of such Bye-laws hath not been duly kept up and generally continued at such Wharf; and all such Rules, Orders, and Bye-laws shall be subject to Appeal in Manner herein directed.

LXXIV. 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 Navigation and Undertaking, or in which the Interest thereof, the Extension of its Trade, or the Interest of the Proprietors, is or shall be in any Respect implicated or concerned, it shall be lawful for the said Committee of Management, pursuant to an Order or Resolution for that Purpose to be made at any General Meeting of the same Committee, to call a Special Meeting of the Proprietors at large by public Advertisement in some Newspaper or Newspapers published or usually circulated in the said County of *Norfolk*, 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 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 be observed and acted upon accordingly; and that the Principal Clerk to the said Company of Proprietors shall, and he is hereby authorized and required, at the Requisition in Writing of the Proprietors of Two hundred Shares or more in the said Undertaking, under their Hands, to call a Special Meeting of the Proprietors at large for the like Purpose, the same being specified in such Requisition; such last-mentioned Special Meetings to be held at the *Crown and Anchor Tavern*, aforesaid.

For calling
Special Meet-
ings of Pro-
priators at
large.

Amount of clear Profits of the intended Navigation, how to be ascertained.

LXXV. And be it further enacted, That in Order to ascertain the Amount of the clear Profits of the said Navigation and Undertaking, the Committee of Management shall cause to be entered and kept, in a Book or Books to be provided for that Purpose, a true and particular Account of the Costs, Charges, and Expences attending the obtaining and passing of this Act, and of all Money already laid out, and which shall hereafter from Time to Time be laid out and expended in or in anywise relating to the making, completing, and maintaining of the said Canal and other Works hereby authorized to be made and carried on, and of all Costs, Charges, and Expences which shall from Time to Time be incurred on Account or by Means of the Navigation and the several Works thereunto belonging, until the same shall be fully made and completed; and that the said Committee shall also, from and after the said Canal, and Cut, and other Works shall be fully completed, cause a true, exact, and particular Account to be kept, and annually made up and balanced to the Twenty-ninth Day of *September* yearly, of the Rates, Tolls, and Duties, and other Monies to be collected and received by virtue of this Act, and of the Costs, Charges, and Expences incident to and attending the supporting, repairing, maintaining, and using the said Canal and other Works; and the said first-mentioned Account, as well as every such Annual Account as aforesaid, shall at all seasonable Times be open to the Inspection and Perusal of every Person being a Proprietor in the said Navigation, and that the said Committee of Management at their General Committee Meeting, which shall be in the Month of *November*, in every Year, in pursuance of the Directions of this Act, shall prepare and make out a Report of the Receipts and Payments which shall have been made on Account of the said Company, and a general Statement of their Accounts and of the Situation of their Affairs, and shall cause the same to be produced to the Proprietors at large at their then next Annual General Meeting for the Election of a Treasurer or Treasurers, to be held in pursuance of this Act.

Report to be made of Receipts and Payments.

Members of Committee of Management how disqualified.

LXXVI. And be it further enacted, That if any Person being a Member of the Committee of Management shall at any Time accept any Office or Place of Profit under the said Company of Proprietors, (except as hereinbefore is mentioned) or shall neglect to attend at Three successive Meetings of the said Committee without sending what shall be thought a sufficient Excuse in the Opinion of the Members present at the last of such Three Meetings or the major Part of them, or attending any Meeting shall refuse to act in the Business there brought forward, every such Person shall thenceforth cease to be a Member of such Committee, and all his Power and Authority as such shall be at an end; and when and as often as any Member of the said Committee of Management shall become incapacitated in the Manner aforesaid, or shall die or give in his Resignation, such of the remaining Members of such Committee as shall be present at the Meeting at which such Incapacity, Death, or Resignation shall be declared or announced, shall thereupon elect some other Person, being a Proprietor of Five or more Shares in the said Navigation, to be a Member of the said Committee in his Stead or Place until a new Committee of Management shall be chosen pursuant to the Directions of this Act; and every Person who shall be so elected a Member of the said Committee of Management in any of the Cases before mentioned, shall have full Power and Authority to act in all Matters and Things relating to the said Navigation and Undertaking, in the same Manner as if he had

Vacancies in Committee of Management to be filled up.

been originally elected a Member thereof by the said last-mentioned Class of Proprietors.

LXXVII. And be it further enacted, That all and every Person or Persons who hath or have already subscribed, or who shall hereafter subscribe to advance any Money for or towards the making and maintaining the said Canal and other Works hereby authorized to be made as aforesaid, shall from Time to Time pay his, her, or their Proportion of the Money so to be called for, as hereinbefore is mentioned, into the Hands of the Treasurer or Treasurers 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 hereinbefore 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 Shillings 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 Three Calendar Months 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; and all Shares that shall or may be so forfeited, shall be sold by the said other Proprietors by public Auction, for the most Money that can be gotten for the same, and the Produce thereof shall be applied by the said Company of Proprietors to the finishing and Completion of the said Canal: Provided always, nevertheless, That no Advantage shall be taken of such Forfeiture of any Share or Shares in the said Navigation or Undertaking as aforesaid, until after personal Notice shall be given by the Treasurer or Principal Clerk of the said Company of Proprietors, to the Owner or Owners thereof, or until Notice in Writing signed by such Treasurer 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 Three 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.

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

If any Proprietor make Default, the Company may recover the same by Action;

or the Person making Default to forfeit 10s. for every Share.

And if Call not answered in Three Months, Share to be forfeited on Notice given.

LXXVIII. And

Directing how
Subscription
shall be com-
pleted.

LXXVIII. And be it further enacted, That if the Proprietor of any Share or Shares in the said Navigation and Undertaking shall die before Payment shall have been made by him or her of the full Sum to be called for and advanced as aforesaid, in respect of each Share which he or she shall have been possessed of or entitled unto, without having made Provision by Will or otherwise how such Share or Shares shall be disposed of, and how the future Calls in respect thereof shall be answered, then and in such Case the Executors or Administrators of such Proprietor, and the Trustee or Trustees, Guardian or Guardians, of any Infant or other Person entitled to the Estate and Effects of such Proprietor shall be indemnified against such Infant and all other Persons whomsoever for paying any Money when called for as aforesaid to complete the Sum to be advanced in respect of every such Share; and if any such deceased Proprietor shall not have left Assets sufficient, or in case any such Executor or Administrator, Trustee or Guardian, shall refuse or neglect to answer such Calls, the said Company of Proprietors shall be and they are hereby authorized and required to admit any other Person or Persons to be a Proprietor or Proprietors of the Share or Shares of such deceased Proprietor, on Condition that such Person or Persons so to be admitted do and shall, on or before such Admission, pay to the Executors or Administrators of such deceased Proprietor, or to the Trustee or Trustees, Guardian or Guardians of any Infants, or others entitled to his or her Effects, the full Sum or Sums of Money which shall have been paid by such deceased Proprietor in his or her Lifetime, in consequence of any Call or Calls or otherwise upon or in respect of such Share or Shares, or so much Money as the same can be sold for.

Directing
Proceedings
in Actions
for Calls.

LXXIX. And be it further enacted, That in any action to be brought by the said Company of Proprietors against the Owner or Owners of any Share or Shares in the said Canal, to recover any Sum or Sums of Money due and payable to the said Company, for or in respect of any Call or Calls to be made by virtue of this Act, it shall be sufficient for the said Company of Proprietors 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, is or are indebted to the said Company of Proprietors 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 Defendant or Defendants (as the Case may be), duly made upon such Defendant or Defendants according to the Authority of this Act, whereby an Action accrued to the said Company by virtue of this Act, without setting forth the special Matter, any Thing contained in this Act to the contrary notwithstanding; and on Trial of any 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 such Share or Shares in the said Canal, and that such Call or Calls was or were in fact made, and that such Notice thereof was given as hereinbefore directed, and that the Production by the Principal Clerk or other Officer of the said Company of the said Register Book, and of the Minutes of the Proceedings of the Committee of Management, and of the Newspapers in which Notice of the said Call shall have been or shall be advertised, shall be sufficient Evidence in support of such Action or Actions, without proving the Appointment of the Committee who made such Call or Calls,

or

or any other Matter whatsoever; and the said Company of Proprietors shall thereupon be entitled to recover what shall appear due, unless it shall appear that any such Call was made contrary to the Directions and Restrictions in Point of Fine or Amount contained in this Act.

LXXX. And be it further enacted, That it shall be lawful for the several Proprietors of the said Navigation and Undertaking, or any of them, to sell, dispose of, and transfer any Share or Shares which he, she, or they shall be respectively entitled to therein, unto any other Person or Persons, in the Manner and subject to the Rules and Conditions hereinafter mentioned; and that the Conveyance of all such Shares shall be effected by a Deed or Deeds in Writing, in the Form and to the Effect following; (that is to say)

I _____ in Consideration of _____
 do hereby bargain, sell, and assign, and transfer to the said _____
 Executors, Administrators, and Assigns
 _____ Share [or Shares] in the *North Walsham and Dilham*
 Canal Navigation, being No. _____ of the Shares in the said
 Navigation, to hold to the said _____ Executors, Ad-
 ministrators, and Assigns, subject to the same Rules, Orders, and Re-
 strictions, and on the same Conditions that I held the same immediately
 before the Execution hereof: And I the said _____ do
 hereby agree to accept of the said _____ Shares, subject to the
 same Rules, Orders, Restrictions, and Conditions. Witness
 Hand and Seal the _____ Day of _____

Shares may be sold, and how.

Form of Conveyance of Shares.

And on every such Sale, the Deed of Conveyance, being executed by the Vendor or Vendors and Purchaser or Purchasers, shall be kept by the Purchaser or Purchasers for his, her, or their Security, after having been first produced to the Principal Clerk to the said Company of Proprietors, in order that he may enter into the Book or Books to be kept for that Purpose, a Memorial of such Sale and Conveyance for the Use of the said Company of Proprietors, and certify the Entry of such Memorial by an Indorsement on such Conveyance, for which Entry and Certificate no more than Five Shillings shall be paid; and the said Principal Clerk is hereby required to make such Entry and indorse such Certificate accordingly; and until such Memorial shall have been entered as above directed, the Purchaser or Purchasers shall not have any Part or Share of the Profits of the said Navigation paid to him, her, or them, for or in respect of such Share or Shares so to be purchased, nor be entitled to any Vote in respect thereof as a Proprietor or Proprietors of the said Navigation.

Memorial of Sales and Conveyances to be registered.

LXXXI. Provided always, That after any such Call for Money shall be made by the Committee of Management as aforesaid, no Person or Persons shall sell or transfer any Share or Shares which he, she, or they shall then possess in the said Navigation and Undertaking, until the Money so be called for in respect of his, her, or their Share or Shares intended to be sold shall be paid; and every Person making Default herein shall forfeit such his or her Share or Shares in the said Navigation to and for the Benefit of the said Undertaking, unless he or she shall at the Time of such Sale or Transfer pay to the Treasurer of the said Company of Proprietors the full Sum of Money called for upon every Share

No Share to be sold after a Call, till Call answered.

so to be sold or transferred; such Forfeiture nevertheless to be first notified and declared in the Manner hereinbefore directed with respect to the Forfeiture of Shares for not answering the Calls to be made thereon as aforesaid.

Shares may
be Mort-
gaged.

Mortgage to
be registered.

LXXXII. And be it further enacted, That it shall be lawful for any Proprietor of any Share or Shares in the said Undertaking to transfer and mortgage the same to any Person as a Security for Money, such Transfer being in the Form above described for the Conveyance of Shares, with a Proviso or Condition thereto added, that if the Mortgager, his Executors or Administrators, shall pay to the Mortgagee, his Executors, or Administrators, the Principal Sum thereby to be secured with legal or less Interest on or before a certain Time, then the Mortgagee, his Executors, or Administrators, shall re-transfer such Share or Shares to such Mortgagor, his Executors, or Administrators; a Memorial of which Mortgage shall be registered by the Principal Clerk in such Manner as Memorials of Conveyances of Shares are hereinbefore directed to be registered; but the Name of the Mortgagor shall continue to stand in the Register-book as the Proprietor or Proprietors of such Share or Shares, until Default shall be made in Payment of the Mortgage-Money for Six Calendar Months after the same shall have been required by Notice in Writing, and until the said Principal Clerk shall be required by the Mortgagee to insert his Name as the Proprietor of such Share or Shares, from which Time such Mortgagee shall be considered as the legal Proprietor thereof.

Rates and
Tolls for
Tonnage and
Wharfage of
Goods, &c.

LXXXIII. And be it further enacted, That in Consideration of the Charges and Expences which the said Company of Proprietors will be at in making and maintaining the said Canal and other Works hereby authorized to be made, erected, and maintained as aforesaid, it shall and may be lawful to and for the said Company of Proprietors, from Time to Time, and at all Times for ever hereafter, to ask, demand, take, and receive, to and for their own Use and Benefit, for the Tonnage of all Goods, Wares, Merchandize, and Commodities whatsoever which shall be carried or conveyed upon the said Canal or any Part thereof respectively, the respective Rates, Tolls, and Duties hereinafter mentioned; (that is to say),

For all Lime-stone, Dung, Peat, or Soap Ashes, Chalk, Marl, Clay, Sand, and for all Lime or other Articles intended to be used for Manure, and for all other Materials intended to be used for the Repairs of Roads, the Sum of Two-pence Halfpenny *per Ton per Mile*, and so in Proportion for any greater or less Quantity than a Ton, or a greater or less Distance than a Mile:

For all Coals, Culm, Pig-Iron, Iron Stone, Iron Ore, Copper Ore, Lead Ore, Lime (except what shall be intended to be used for Manure), Kelp Ashes, Barilla, Tallow, Building Stone, Bricks, Tiles, Paving Stone, and Pipe-clay, the Sum of Three-pence *per Ton per Mile*, and so in Proportion for any greater or less Quantity than a Ton, or greater or less Distance than a Mile:

For all Coke, Cinders, Charcoal, Corn and other Grain, Flour Malt, Meal, Cyder, Hay, and Straw, Raw Hemp, and Tanners' Bark, Porter, and Beer, Timber, Ochre, Calamine, Bar Iron, Lead, Kelp Sand (except what shall be intended to be used for Manure), Pitch, Tar, Turpentine, and Rosin, the Sum of Four-pence *per Ton per Mile*, and

and so in Proportion for any greater or less Quantity than a Ton, or greater or less Distance than a Mile :

For all Wine or Spirituous Liquors, at the Rate of Five-pence *per* Ton *per* Mile :

For every Person or Persons who shall or may be conveyed on the said Canal and Cut by or in any Boat, Barge, or any other Vessel (except the Person or Persons immediately employed in navigating the same), any Sum not exceeding One Penny *per* Mile for each Person so to be conveyed, and so in Proportion for any greater or less Distance than a Mile :

For all Cattle, Horses, and Asses, at the Rate of One Penny Halfpenny *per* Mile *per* Head, and for all Sheep, Swine, and other Beasts which shall be carried or conveyed on the said Canal, at the Rate of Sixpence *per* Score of Twenty, and so in Proportion for any less Number, and for any greater or less Distance than a Mile ; and

For all other Goods, Wares, Merchandize, and Commodities whatsoever, in respect of which no Toll, Rate, or Duty is hereinbefore made payable, the Sum of Sixpence *per* Ton *per* Mile, and so in Proportion for any greater or less Quantity than a Ton, or greater or less Distance than a Mile.

Provided nevertheless, That in all Cases where any Boat, Barge, or other Vessel shall be navigated or pass by any Post or Mark, or Place where such Post or Mark had stood, or been fixed on the Side of the said Canal, describing and regulating the Length of Half-a-mile (and which Posts or Marks the said Company of Proprietors are hereby required to cause to be affixed or set up in Manner hereinafter directed) the said Rates, Tolls, and Duties shall be paid for a full Half-mile, although such Boat, Barge, or other Vessel, shall not have actually passed the full Half-mile ; and that in all Cases where the Weight of the Lading contained in any such Boat, Barge, or other Vessel, shall not make up an even Quarter of a Ton, yet the said Rates, Tolls, or Duties which would be payable for a full Quarter of a Ton shall be paid to the said Company of Proprietors for any less Quantity : Provided always, That nothing herein contained shall extend to charge any Person or Persons with any Tolls, Rates, or Duties for any Boat, Barge, or Vessel which shall be navigated or pass upon any Part of the said River *Ant*, which at the Time of passing this Act is navigable to *Dilham*.

LXXXIV. Provided always, and be it further enacted, That no Lock, Flood-gate, Dam, Weir, Pen, or other Obstruction whatsoever shall be made in, upon, or adjoining to the Rivers *Ant* and *Bure*, or either of them, at any Place now Navigable, or on the Waters or Streams extending from the same to *Dilham* Staiths ; nor shall any Lock, Flood-gate, Weir, Pen, or other Obstruction be made in or upon that Part of the said Canal which shall extend from *Dilham* Mill into the said Rivers *Ant* and *Bure*.

LXXXV. And be it further enacted, That if any Goods, Wares, Merchandizes, or Commodities whatsoever, which shall be so carried or conveyed upon the said Canal as aforesaid, shall remain upon any Wharf or Quay belonging to the said Company of Proprietors for above the Space of Forty-eight Hours, then, and in such Case, the said Company of Proprietors shall be entitled to have and receive such reasonable Tolls

NoLock,&c.
be put on the
Rivers Ant
and Bure,
nor any Dam
below Di-
ham Mill.

Further Al-
lowance for
Goods re-
maining up-
on Wharfs
above Forty-
eight Hours.

or

or Allowances for the Wharfage thereof, over and above the Rates, Tolls, and Duties hereinbefore authorized to be taken, as shall be agreed upon between the said Company of Proprietors, or their Agent or Agents, and the Owner and Owners of such Goods, Wares, Merchandize, or Commodities; and in case any Difference or Dispute shall arise concerning such Allowances, the same shall be ascertained and adjusted by the said Commissioners.

The Com-
pany may
from Time to
Time vary the
Tolls.

LXXXVI. And be it further enacted, That it shall be lawful for the Committee of Management from Time to Time, at any General Meeting of the said Committee to be held pursuant to the Directions of this Act, to lower or reduce such of the said Rates, Tolls, and Duties to be fixed as aforesaid, as the said Committee shall think proper, and afterwards from Time to Time, at any such General Meeting, again to advance and raise all or any of the said Rates, Tolls, and Duties which shall have been so lowered or reduced; provided always, that the Rates, Tolls, and Duties so to be advanced and raised as aforesaid, shall not in any Case exceed the respective Sums hereinbefore authorized to be taken.

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

LXXXVII. And for the better ascertaining and more easy collecting of the said Tolls, Rates, or Duties, be it further enacted, That the Master, Owner, or other Person having the Care of every Boat, Barge, or other Vessel navigating upon the said Canal, or any Part thereof, shall from Time to Time give in a true and just Account in Writing signed by him to the Collector or Collectors of the said Tolls, Rates, or Duties, at the Place or Places where they shall attend for that Purpose, of the several Quantities, Qualities, and Weight of the Goods, Wares, and Merchandizes, and Commodities contained in every such Boat, Barge, or other Vessel, and of the Place from whence brought, and where intended to be landed or carried, and also of the Quantities, Qualities, and Weight of such Goods, Wares, Merchandizes, or Commodities, as shall have been discharged or taken out of such Boat, Barge, or other Vessel, within the Limits of the said Navigation, before their Arrival at the Place where such Account is to be given; and if the Goods, Wares, or Commodities on board any such Boat, Barge, or other Vessel, shall be liable to the Payment of different Rates, then such Master, Owner, or other Person shall specify the Quantities liable to the Payment of such Rates; and in case any such Master, Owner, or other Person shall neglect or refuse to give such Account, or refuse to produce his Invoice or Bill of Lading to such Collector or Collectors (if demanded), or shall give a false Account thereof, or shall deliver any Part of his Lading or Goods at any other Place or Places than what shall be mentioned in such Account, every Person so offending shall forfeit and pay to the said Company of Proprietors, any Sum not exceeding the Sum of Forty Shillings for every such Offence, over and above the Tolls, Rates, or Duties which shall be payable for such Goods, Wares, Merchandize, or Commodities.

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

LXXXVIII. And be it further enacted, That the Rates, Tolls, and Duties hereby authorized to be demanded and taken by the said Company of Proprietors shall be paid to such Person or Persons, at such Place or Places upon or near to the said Canal, and in such Manner and under such Regulations, as the Committee of Management shall in that Behalf direct or appoint; and in case of Neglect or Refusal to pay any such

Rates, Tolls, or Duties, or any Part thereof, unto the Person or Persons who shall be so appointed to receive the same as aforesaid, it shall be lawful for the said Company of Proprietors to sue for the same by Action of Debt, or upon the Case, in any of His Majesty's Courts of Record at *Westminster*, or it shall be lawful for the Person or Persons to whom such Rates, Tolls, or Duties ought to have been paid, and he and they is and are hereby fully authorized and empowered to seize and distrain the Goods, Wares, Merchandize, or Commodities for or in respect of which such Rates, Tolls, or Duties ought to have been paid as aforesaid, or any Part thereof, and the Boat, Barge, or other Vessel laden therewith, and to detain the same respectively until full Payment shall be made of such Rates, Tolls, or Duties, and of all Arrears of the same which may be then due from the Owner of such Boat, Barge, or other Vessel, to the said Company of Proprietors, together with the reasonable Costs and Charges of such Seizure and Distress; and in case such Distress shall not be redeemed within Five Days after the Taking thereof, the same shall and may be appraised and sold, as the Law directs in Cases of Distress for Rent.

LXXXIX. And be it further enacted, That if any Difference shall arise between any Collector of the said Tolls, Rates, or Duties, and the Master or Person having charge of any Boat, Barge, or other Vessel, or the Owner of any Goods, Wares, Merchandize, or other Commodities on Board thereof, concerning the Weight or Quantity of any such Goods, Wares, Merchandize, or Commodities, it shall be lawful for any such Collector to stop and detain any such Boat, Barge, or other Vessel, and to weigh, measure, and gauge, or cause to be weighed, measured, and gauged, all such Goods, Wares, and Merchandizes as shall be therein contained; and in case the same shall, upon such weighing, measuring, and gauging, appear to be of greater Weight or Quantity than such Master, Owner, or other Person having the Care of such Boat, Barge, or other Vessel, affirmed or stated the same to be, then the said Master or other Person having the Care of such Boat, Barge, or other Vessel, shall pay the Costs and Charges of such weighing, measuring, and gauging; and such Costs and Charges, in case of Refusal of Payment thereof upon Demand, shall and may be levied and recovered in the same Manner as the said Tolls, Rates, or Duties, are hereby appointed to be levied and recovered; but if such Goods, Wares, and Merchandize shall appear to be of the same Weight or Quantity, or of a less Weight or Quantity than the said Master, Owner, or other Person declared the same to be, then the said Collector shall pay the Costs and Charges of such weighing, measuring, or gauging, and shall also pay to such Master or other Person, or to the Owner or Owners of such Goods, Wares, Merchandize, and Commodities, such Damages as shall appear to the aforesaid Commissioners, on the Oath of One or more credible Witness or Witnesses to have arisen from such Detention, and in Default of immediate Payment thereof by such Collector, the same shall be recovered from the said Company of Proprietors, by Distress and Sale of their Goods and Chattels, by Warrant under the Hands and Seals of the said Commissioners, or otherwise by Action of Debt, or on the Case, in any of His Majesty's Courts of Record at *Westminster*.

XC. And be it further enacted, That all and every Person and Persons shall have free Liberty with Boats, Barges, and other Vessels, to
 [Loc. & Per.] 16 N navigate, to be free, on payment of the Tolls.

navigate, pass upon, and use the said Canal, for the Purpose of conveying any Goods, Wares, Merchandize, or Commodities whatsoever thereon; and also to use the Wharfs and Quays belonging to the said Company of Proprietors, for the loading and unloading of any Goods or other Things, and the Towing-paths for the hailing and drawing of such Boats, Barges, and other Vessels; upon Payment of such Rates, Tolls, and Duties for the same, as shall be demanded by the said Company of Proprietors, not exceeding the several Rates, Tolls, and Duties hereinbefore mentioned, and subject always to the Rules, Orders, Bye-laws, and Regulations, which shall from Time to Time be made by the Committee of Management, by virtue of the Power hereinbefore given in that Behalf.

The Names of Owners of Boats, &c. to be painted on the Outside.

XCI. And for the better regulating of the Masters or Owners of Boats, and the Bargemen and others employed by or under them respectively, and for the more easy detecting of any Thing to be done by them contrary to the Directions of this Act, be it further enacted, That every Owner, Master, or Person having the Charge or Command of any Boat, Barge, or other Vessel, (not being a Pleasure Boat) navigating and passing upon the said Canal, shall cause his or her Name and Place of Abode, and the Name or Number of his or her Boat, Barge, or other Vessel, to be entered with some or one of the Clerks to the said Company of Proprietors; and shall also cause the Name of such Owner or Owners, and the Name or Number of such Boat, Barge, or other Vessel to be painted in large White Capital Letters and Figures, on a Black Ground, Four Inches high at least, and of a proportionable Breadth on the outside of the Head or Stern of every such Boat, Barge, or other Vessel, so high that no Part of such Letters or Figures shall be under Water when such Boat, Barge, or other Vessel shall be full laden; and shall also affix on each Side and End of such Boat, Barge, or other Vessel respectively correct Indexes of Copper, Lead, or other Metal, of such graduated Dimensions, and of such convenient Height, and under such Regulations as the said Company of Proprietors shall from Time to Time direct, so that the true Weight of the Lading on Board may at all Times be thereby ascertained and shewn; and that every Owner, Master, or Person having the Charge or Command of any such Boat, Barge, or other Vessel, shall from Time to Time, when thereto required, permit and suffer the same to be gauged and measured by such Person or Persons as shall be appointed for that Purpose by the said Company of Proprietors, or their Committee of Management; so that no such Boat, Barge, or other Vessel shall be gauged or measured more than Four Times in any One Year, and that the Person or Persons so to be appointed to gauge and measure any such Boat, Barge, or other Vessel, shall from Time to Time register or enter in a Book to be provided and kept for that Purpose a Memorandum of the Measurement thereof, and all Particulars relating thereto, and shall also thereupon deliver to the Owner, Master, or Person having the Charge or Command of such Boat, Barge, or other Vessel, a Certificate in Writing, specifying the Measure thereof, and what Quantity of Water the same will draw with different Burthens or Ladings, which Certificate shall always go with such Boat, Barge, or other Vessel, and shall, from Time to Time be produced and shewn by the Owner, Master, or other Person having the Charge or Command thereof, to the several Collectors of the Tolls, Rates, and Duties granted by this Act, who shall require or demand to see the same, in order that the

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

And a Certificate of the Measure of such Boat, &c. always to go therewith.

the

the true Weight of the Lading on Board every such Boat, Barge, or other Vessel, may be the more easily known and ascertained by such Collectors; and that every Owner, Master, and other Person having the Charge or Command of any Boat, Barge, or other Vessel, who shall navigate such Boat, Barge, or other Vessel upon the said Canal, without having such Names, Marks, and Figures thereon as hereinbefore declared, or shall alter, erase, or destroy the same, or any Part thereof, or shall put any false Names, Marks, or Figures upon such Boat, Barge, or other Vessel, or who shall refuse to permit such Boat, Barge, or other Vessel, to be gauged or measured as aforesaid, or who shall not produce such Certificate as aforesaid, when thereto requested by any such Collector or Collectors as aforesaid, or who shall give a false Account of the Lading on Board of any such Boats, Barges, or other Vessels, to the said Collectors, or who shall cause or permit such Boat, Barge, or other Vessel, to be at any Time loaded or unloaded without a Stage being laid from the Side of such Boat, Barge, or other Vessel, to the Bank of the said Canal, in order to prevent any Dirt or Rubbish falling into the same, shall for every such Offence respectively forfeit and pay any Sum not exceeding the Sum of Five Pounds.

XCII. And be it further enacted, That the Master or Owner of every Boat, Barge, or other Vessel, navigating or passing upon the said Canal, shall and he is hereby made answerable for all such Damage, Spoil, or Mischief, as shall be done by his Boat, Barge, or Vessel, or the Horses used in drawing the same, or by any of the Boatmen, Watermen, or others, belonging to or employed in or about the same respectively, unto any of the Bridges, Weirs, Locks, Dams, Engines, Trenches, Sluices, or other Works, in, upon, or belonging to the said Canal, either by loading or unloading any such Boat, Barge, or other Vessel, or by any other Means whatsoever, or to the Occupiers or Owners of any Buildings, Lands, or Tenements adjoining or lying near the said Canal; and the said Master or Owner of such Boat, Barge, or other Vessel, may be sued or prosecuted for the same in any of His Majesty's Courts of Record at *Westminster*; and if a Verdict or Judgment 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.

Owners of Boats answerable for Damages done by their Boats, Horses, or Servants.

XCIII. And be it further enacted, That in case the Owner or Owners of any Boat or other Vessel navigating or passing upon the said Canal shall be compelled to pay any Penalty, or to make Satisfaction for any Damages, by Reason of any Neglect or Default done or committed by his, her, or their Servants, Boatmen, or Watermen, or any of them, such Servants, Boatmen, or Watermen, and each and every of them, shall be liable to repay such Penalty or Damage (with the Costs thereof), to such Owner or Owners; and in case of Non-payment, upon Demand thereof, and Oath made by such Owner or Owners of the Payment made by him or them of such Penalty, Satisfaction, or Damage, and the same and the Costs thereof have not been repaid to him or them by such Servants, Boatmen, or Watermen, or any of them, although demanded, such Oath to be made before any One Justice of the Peace for the County where such Penalty or Satisfaction shall have been recovered, the Amount thereof shall

Masters to recover from their Servants any Sums paid for their Defaults.

shall be recovered in like Manner as any Penalty is hereby directed to be recovered.

Places to be made for Boats to turn and pass each other in.

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

To prevent Lock-keepers giving Preference to Boats.

XCV. And be it further enacted, That if any Lock-keeper, Wharf-inger, or other Servant belonging to the said Company of Proprietors, shall give any undue Preference, or show any Partiality to any Boat, Barge, or other Vessel, in passing through any Lock or Locks upon the said Canal, or in loading or unloading any Goods, Wares, or Merchandizes at any of the Wharfs, Warehouses, Weighbeams, Cranes, and other Machines belonging to the said Company of Proprietors, he shall forfeit and pay for every such Offence any Sum not exceeding the Sum of Ten Pounds.

Boats under Five Tons not to pass Locks but on certain Conditions.

XCVI. Provided always, and be it further enacted, That no Boat, Barge, or other Vessel liable to pay Tonnage under this Act, of less Burthen than Five Tons, shall pass through any of the Locks to be made by virtue of this Act, without the Consent in Writing of the Committee of Management, or the Principal Clerk to the said Company of Proprietors, unless the Owner, Master, or other Person having the Care of such Boat, Barge, or other Vessel, shall pay the same Tonnage as for a Boat, Barge, or Vessel laden with Five Tons of General Merchandize.

Boats, &c. obstructing the Navigation to be removed.

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

of such Boat, Barge, or Vessel, shall not, without loss of Time, weigh or draw up the same, it shall be lawful for the Agents or Servants of the said Company of Proprietors, or any of them, to cause such Boat, Barge, or Vessel, to be weighed or drawn up, and to detain and keep the same until Payment shall be made of all the Expences thereby necessarily incurred or occasioned.

Boats sunk to be weighed up.

XCVIII. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby fully authorized and empowered, from Time to Time, and at all Times for ever hereafter, for their Use and Benefit, to navigate, use, and employ, or cause, procure, permit, or suffer to be navigated, used, and employed on the said Canal, any Pleasure Boats, Barges, or other Vessels, for the Purpose of taking, carrying, or conveying any Person or Persons for Hire to and from any Part or Parts of the said Canal, at such Price or Fare for the Passage of such Person or Persons, as the said Company of Proprietors assembled at any such General Meeting to be called and held in Manner aforesaid, or their Committee of Management for the Time being, shall think proper to levy upon or charge for the same, and from Time to Time to vary or alter such Price or Fare as they shall or may deem expedient or necessary.

Company empowered to use or employ Pleasure Boats for Hire.

XCIX. Provided always, and be it further enacted, That it shall and may be lawful to and for the Owners and Occupiers of any Lands or Tenements adjoining to the said Canal, or any Reservoirs to be made thereto, to use any Pleasure Boat or Boats upon the same, without the Hindrance or Interruption of the said Company of Proprietors, and without paying any of the Rates or Duties aforesaid, so as such Pleasure Boat or Boats is or are not used for carrying any Goods, Wares, or Merchandize, chargeable with any of the Duties by this Act made payable, and do not at any Time pass through any of the Locks upon the said intended Canal, without paying such Tonnage for the same as is hereinbefore authorized to be taken for Boats, Barges, or other Vessels laden with Five Tons of general Merchandize, and so as the same shall not be moored to the Interruption of the said Navigation.

Owners and Occupiers of adjoining Property may use Pleasure Boats.

C. Provided always, and be it further enacted, That it shall be lawful for the respective Owners and Occupiers of any Lands or Grounds adjoining the said Canal, to land or load Corn and Manure on their Lands or Grounds adjoining the said Canal, so as they do not pass through any Lock or Stop Gate to be made on the said Canal, and do not load or land any Goods, Wares, or Merchandize to or from market, or for Sale, or any Person or Persons for Hire, and do not obstruct or prejudice the Navigation of the said Canal, or the Passage upon the Towing-paths on the Sides thereof.

Occupiers of Lands may load Corn and Manure on their Lands adjoining the Canal.

CI. And be it further enacted, That as soon as conveniently may be after the said Canal, and other Works respectively hereby authorized to be made as aforesaid, shall be completed, the said Company of Proprietors shall cause the same to be measured, and Stones or Posts to be erected, and for ever afterwards maintained on the Side or Sides thereof respectively, at the Distance of Half a Mile from each other, with proper and

Canal to be measured and Stones erected.

legible Marks thereon, denoting the Distance from such Places as shall be thought proper.

Saving Rights of Commissioners of Sewers.

GII. Provided always, and be it further enacted, That nothing herein contained shall take away, interfere with, or prevent the Rights and Jurisdiction of the said Commissioners of Sewers, acting in and for the said County of *Norfolk*, as to any of the Powers vested or to be vested in them, by any Commission or Act of Parliament, (save and except in those particulars, and under the Circumstances which are herein and hereby specified and otherwise provided for).

Penalties on Persons obstructing the Navigation.

CIII. And be it further enacted, That if any Person or Persons shall float any Timber upon the said Canal, without the Consent of the Committee of Management, or of some Collector or Agent to the said Company of Proprietors, or shall navigate on the said Canal any Boat or Vessel laden with Timber, which shall lie over the Sides of such Boat or Vessel in such a Way as to obstruct the Passage of any other Boat or Vessel, and shall not immediately, upon Notice given of such Obstruction, haul or draw back such Boat or Vessel into such Place or Places as shall be made, or be proper for Boats or other Vessels to pass each other, or shall not otherwise remove the same, so as to make a free Passage for other Boats or Vessels; or if any Person or Persons shall wilfully throw any Ballast, Gravel, Stones, Rubbish, or other Matter or Thing, into any Part of the said Canal, or into any Trenches, Sluices, or Passages for Water to be made in pursuance of this Act; or if any Person or Persons shall wantonly or unnecessarily open or draw, or cause to be opened or drawn, any Lock, Puddle, Valve, or Sluice, belonging to the said intended Navigation; or shall wilfully flush or draw off, or cause to be flushed or drawn off, the Water from any Part of the said Navigation; or shall leave any of the Gates or Sluices of any Lock open after any Boat or other Vessel shall have passed through the same, (except in such Cases as are hereinbefore otherwise ordered;) or shall wilfully obstruct, hinder, or prevent any Person in the Execution of this Act, every Person so offending shall forfeit and pay for every such Offence a Sum not exceeding Five Pounds.

Penalty on Persons wilfully damaging the Canal.

CIV. And be it further enacted, That if any Person or Persons shall wilfully, maliciously, and to the Prejudice of the said Navigation, break, throw down, or destroy any Bank or Banks, or other Works to be erected or made by virtue of this Act, every Person so offending, being lawfully convicted, shall be subject and liable to the like Pains and Penalties as in Cases of Felony; and the Court before whom such Person shall be tried and convicted, shall have Power and Authority to cause such Person to be tried and punished in like Manner as Felons are directed to be punished by the Laws or Statutes of this Realm; or, in Mitigation of such Punishment, such Court may (if they think fit) award any such other Punishment as the Law directs in Cases of Petit Larceny.

Company not to restrain Persons from making Canals to communicate with the Canal.

CV. Provided always, and be it further enacted, That it shall not be lawful for the said Company of Proprietors, their Successors, or Assigns, to restrain, hinder, or prevent any Person or Persons, or Bodies Politic, Corporate, or Collegiate, from making any Canals or Cuts from his, her, or their Lands or Estates, to communicate with the said Canal, authorized to be made by virtue of this Act, upon paying the same Ton-

Tonnage upon all Commodities to be carried upon such collateral Cut or Cuts as the said Company of Proprietors are authorized to take for the like Commodities which may be carried upon the said Cut or Canal, and so that the same Canals, Cuts, or Works, shall be so made and constructed as not to do or occasion any Injury or Damage whatsoever to the Canal, Banks, Towing-paths, and other Works to be made by the said Company of Proprietors by virtue of the Powers and Authorities hereinbefore contained and granted for that Purpose, any Thing in this Act to the contrary thereof notwithstanding.

CVI. And be it further enacted, That the Lands, Dwelling Houses, Wharfs, Staiths, Warehouses, Lock Houses, and other Houses, of and belonging to the said Company shall be rateable and chargeable to the Maintenance of the Poor, and to all other Parochial Rates and Taxes in the several Parishes and Places where they are respectively situated, the Lands according to the Quantity and Quality, and the Dwelling Houses, Wharfs, Staiths, Warehouses, Lock Houses, and other Houses, according to the Nature and respective Uses, Dimensions, and Descriptions thereof, and shall be charged and assessed in like Manner as Lands of a like Quality, and Dwelling Houses, Wharfs, Staiths, Warehouses, Lock Houses, and other Houses of a like and similar Size, Nature, Dimension, or Description, in the respective Parishes where the same shall be situate, are or shall be assessed and charged; and that the Rates, Duties, and other Personal Property of the said Company, liable to be rated to the Poor or other Parochial Taxes in any such Parishes or Places, shall be rated and assessed in like Manner and in the same Proportion as other Personal Property, rateable in the said Parishes and Places respectively, shall be rated and assessed, and according to the Length of the Line of the said Navigation in such respective Parishes and Places, and not otherwise, or in any other Manner; provided that before such Personal Property shall be rated, Fourteen Days Notice shall be given in Writing to, or left at the Dwelling House or usual Place of Abode of the Treasurer, or Clerk, or any other Officer of the said Company residing in the Parish or Place where such Rate shall be intended to be made by the respective Overseers of the Poor, of the Intention so to do.

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

Mode of
Rating Lands
and Build-
ings.

Lords of
Manors and
others may
erect Wharfs,
on their own
Lands.

tively, as shall be erected for the Use of the Public, shall be, and the same are hereby accordingly vested in the Lord or Lords, Owner or Owners of such Manors, Lands, or Grounds, who shall make and erect such Wharfs, Staiths, Quays, Landing-places, Cranes, Weigh-beams, and Warehouses as aforesaid, and his or their respective Heirs or Assigns, so that the Rates, Tolls, and Duties hereby granted to the said Company of Proprietors for Tonnage be not thereby reduced or altered.

But if they refuse when required, the Company may erect the same.

CVIII. And be it further enacted, That if any such Lord or Lords, Owner or Owners, shall not, within the Space of Six Calendar Months next after Notice in Writing shall have been given 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, stating that any Part or Parts of his, her, or their Wastes, Lands, or Grounds, is or are necessary or proper for erecting and making any public Wharfs, Staiths, Quays, Landing-places, Cranes, Weigh-beams, or Warehouses, or for making and laying out any Road or Roads, for the Conveyance of Goods to and from the said Canal, make, erect, and lay out, and from Time to Time maintain and keep in good and substantial Repair such proper and sufficient Wharfs, Staiths, Quays, Landing-places, Cranes, Weigh-beams, Warehouses, and Roads for the Use of the Public, as the Commissioners appointed by this Act shall judge necessary, on the respective Part or Parts of the Lands or Grounds to be described in such Notice; then and in such Case, the said Company of Proprietors shall have full Power and Authority, without any Hindrance or Restraint whatsoever, to take and make Use of such Part or Parts of such Lands or Grounds, for erecting and building proper and sufficient Wharfs, Staiths, Quays, Landing-places, Cranes, Weigh-beams, and Warehouses, and for making and laying out necessary and convenient Roads to and from the said Canal, agreeably to such Notice as aforesaid; they the said Company of Proprietors first making Satisfaction for the same, in such Manner as is hereinbefore directed with respect to any other Lands or Grounds which shall be taken or used by the said Company for the Purposes of this Act.

For preserv-
ing Rights of
Lords of
Manors.

CIX. Provided always, and be it further enacted, That nothing herein contained shall extend to defeat, prejudice, or affect the Right or Rights of the Lord or Lords of any Manor or Manors, Common or Waste Grounds, or any other Owner or Owners of any Lands or Grounds in, upon, or through which the said Canal, Towing-paths, Wharfs, Quays, Trenches, Sluices, Passages, Water-courses, or Conveniences aforesaid, or any of them, shall be made to the Mines, Minerals, or Quarries, lying or being within or under the Land or Ground to be set out or made Use of for such Canal, Towing-paths, Wharfs, Quays, Sluices, Passages, Water-courses, or Conveniences aforesaid, or any of them; but all such Mines, Minerals, and Quarries, are hereby reserved to such Lord or Lords of such Manor or Manors or such Commons or Waste Grounds, and to such Owner or Owners of such Lands or Grounds respectively, their Heirs and Assigns; and that it shall be lawful for the Lord or Lords of such Manor or Manors, Common or Waste Grounds, or such Owner or Owners of such Lands or Grounds respectively, (subject to the Provisoes and Restrictions herein contained) to take and carry away, to his or their Use, such Mines, Minerals, or Quarries, not thereby injuring, prejudicing, or obstructing the said Canal, Towing-paths, Wharfs, Quays, Trenches, Sluices, Levels,
Passages,

Passages, Watercourses, or other Conveniences aforesaid, or any of them, any Thing herein contained to the contrary notwithstanding.

CX. And be it further enacted, That the Lord or Lords, Lady and Ladies of all and every Manor and Manors in, upon, or through which the said Canal or any Reservoir thereunto shall be made, shall have and be entitled to the Right of Fishery of and into so much of the same as shall be made over, under, or through the Commons 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 or Ladies, now have or hath, or are or is entitled to the Right of Fishery; and that the Owner or Owners of all other Lands or Grounds through which the said Canal or any Reservoir thereto shall be made, shall also have and be entitled to the like Right of Fishery of and in so much of the same as shall be made in, over, under, or through his, her, or their Lands or Grounds respectively, so as that in the Use and Exercise of the said Right of Fishery, the said Canal 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, which shall be taken, killed, or destroyed through or by Means of the letting off the Water out of the said Canal on account of any Repairs or Works to be done in and about the same; and it shall be lawful for the Lord or Lords, Lady or Ladies of such Manor or Manors, and for the Owner or Owners of such Lands or Grounds, (being qualified by law so to do), to take and kill Game upon so much of the said Canal or any Reservoir thereto as shall be made through or upon their respective Lands or Grounds as aforesaid, any Thing herein contained to the contrary notwithstanding.

For preserv-
ing Fisheries
to Lords of
Manors, &c.

CXI. And be it further enacted, That all Complaints and Informations of Offences against this Act, or any Rule, Order, or Bye-law to be made in pursuance hereof, (except in Cases where the Manner of hearing and determining thereof is hereinbefore otherwise directed) shall and may be made before any Justice of the Peace for the County or Place wherein the Offence shall be committed; and such Justice is hereby authorized and empowered to take cognizance thereof, and to summon the Person or Persons complained of to appear before him, and, upon the appearing or not appearing of such Person or Persons pursuant to such Summons, to hear the Matter of every such Complaint and Information by Examination of any Witness upon Oath, and to make such Determination therein as such Justice shall think proper; and, upon the Conviction of any such Person, such Justice shall and may issue a Warrant under his Hand and Seal for levying the Fine, Penalty, or Forfeiture, by virtue of this Act imposed for such Offence by Distress and Sale of the Goods and Chattels of the Person so convicted; and all such Fines, Penalties, and Forfeitures, when recovered, after rendering the Overplus (if any) when demanded, to the Owner of such Goods and Chattels, the Charges of such Distress and Sale being first deducted, shall, where the Application is not otherwise directed by this Act, be paid into the Hands of the Treasurer to the said Company of Proprietors, and shall be ap-

Recovery of
Penalties.

plied and disposed of towards defraying the Expences of the said Navigation and Undertaking; and in case sufficient Goods or Chattels of any Person liable to pay any such Fine, Penalty, or Forfeiture, cannot be found whereon to make such Distress, and such Fine, Penalty, or Forfeiture shall not be forthwith paid, it shall be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Offender to the Common Gaol or House of Correction, for any Time not exceeding Three Calendar Months, unless such Penalty or Forfeiture and all reasonable Charges attending the Recovery thereof shall be sooner paid and satisfied.

Form of
Conviction.

CXII. And be it further enacted, That all and every Justice and Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect; (*videlicet*)

‘ Norfolk } BE it remembered, That on the Day of
‘ to wit } in the Year of our Lord
‘ is convicted before me
‘ One of His Majesty’s Justices of the Peace for the County of
‘ [specifying the Offence, and Time and Place when
‘ and where the same was committed]. Given under my Hand and
‘ Seal, the Day and Year aforesaid.’

Distress not
to be deemed
unlawful.

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

Proceedings
not to be
quashed for
want of
Form.

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

Appeal to
the Quarter
Sessions.

CXV. Provided always, and be it further enacted, That any Person or Persons thinking himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of any Rule, Bye-law, or Order of the said Company of Proprietors, or by the Order or Determination of any Justice or Justices of the Peace, in pursuance of this Act, may, within Four Calendar Months after such Order shall be made, upon giving or causing to be given Fourteen Days Notice at least in Writing of his or her Intention of bringing such Appeal and of the Matter thereof, to the Clerk to the Company, and forthwith after such Notice entering into a Recognizance before Two Justices of the Peace for the said County,
with

with Two sufficient Sureties conditioned to try such Appeal and abide the Order thereon, and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions, appeal to the Justices of the Peace at the General Quarter Sessions of the Peace to be held in and for the said County of *Norfolk*, who shall in a summary Way hear and determine such Complaint at such General Quarter Sessions of the Peace to be held for such County, or, if they think proper, adjourn the Hearing thereof to the next General Quarter Sessions of the Peace to be held for the said County, and, if they see Cause, may 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 shall and may also award such further Satisfaction to be made to the Party injured as they shall adjudge reasonable.

CXVI. And be it further enacted, That if any Action, Suit, or Information, shall be brought or commenced by any Person or Persons, for any Thing done or to be done in pursuance of this Act, or in Execution of the Powers and Authorities or the Orders and Directions hereinbefore given or granted, every such Suit or Information shall be brought or commenced within Six Calendar Months next after the Fact committed: or in case there shall be a Continuation of Damages, then within Six Calendar Months next after the doing or committing of such Damage shall have ceased, and not afterwards, and shall be laid or brought in the said County of *Norfolk*, 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 Action, Suit, or Information shall be brought after the Time so limited for bringing the same, or shall be brought in any other County than as aforesaid, then and in such Case the Jury shall find for the Defendant or Defendants; and in such Case also, or if the Plaintiff or Plaintiffs shall become Non-suit, or suffer a Discontinuance of his or their Action or Actions, Suit or Information, after the Defendant or Defendants shall have appeared thereto, or if any Verdict shall pass upon the Plaintiff or Plaintiffs, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for the Recovery of the same as any Defendant or Defendants hath or have for Costs in other Cases by Law.

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

