



ANNO SEPTIMO

GEORGIIV. REGIS.

Cap. xcv.

An Act for making a navigable Canal from the *Staffordshire* and *Worcestershire* Canal, in the Parish of *Tettenhall* in the County of *Stafford*, to the United Navigation of the *Ellesmere* and *Chester* Canals, in the Parish of *Acton* in the County Palatine of *Chester*. [26th May 1826.]

WHEREAS the making and maintaining of a Canal for the Navigation of Boats and other Vessels, from and out of the *Staffordshire* and *Worcestershire* Canal Navigation, at or near *Autherley* in the Parish of *Tettenhall* in the County of *Stafford*, to and into the United Navigation of the *Ellesmere* and *Chester* Canals, in the Parish of *Acton* in the County Palatine of *Chester*, would be of Benefit to Persons residing near the Line of the said intended Canal, and of great public Utility, by opening a Communication between the City of *Chester*, the District of *North Wales*, the Town of *Shrewsbury*, and the Metropolis, and by affording additional Communication between the Towns of *Birmingham* and *Wolverhampton*, the Mineral Districts of *Staffordshire* and *Shropshire*, and the Port of *Liverpool*: And whereas the several Persons herein-after named are willing and desirous, at their own Expence, to make and maintain the said navigable Canal, and such Reservoirs, Feeders, Aqueducts, Wharfs, and other Works as are herein-after mentioned; but the same 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,

[*Local.*] 28 F That

Subscribers
incorporated.

That *Frederick Anson Clerk, Ellen Jane Acland, Thomas Coker Adams Clerk, Robert Aldersey, John Green Ames, William Anderton junior, John Arnold Roger Auster, the Honourable Esther Lady Bromley, the Honourable Philip Pleydell Bouverie, Henry Delves Broughton Clerk, Robert Willis Blencowe, James Bayley, Joseph Batham, Robert Baxter, William Bayley, Richard Beaumont, Henry Beaumont, James Becke, Constance Benyon, Thomas Pinkard Bingham, Michael Bott, James Hews Bransby, Joseph Bradley, Charles Brewin, John Gardner Bridgens, William Briscoe, William Brooks Clerk, Joseph Brookhouse, Caroline Brookshaw, Mary Browne, George Browne, John Browne, George Burrish, David Bird Clerk, Francis Edge Barker, Margaret Elizabeth Benyon, William Barton, John Bather, William Wycherley Brookes, Charles Barker, Thomas Brocklehurst, the Right Honourable Lord Crewe, Sir Andrew Corbet Baronet, Foster Cunliffe, Charles Grey Cotes Clerk, Robert Clarke, Edward Clarke, John Clarke, John Coates, Thomas Collins, William Collins, John Cope, Charles Cope, Joseph Aldriche Cotton Clerk, Thomas Crimes, John William Crompton, William Coupland Clerk, William Wilson Currey, George Corser, Thomas Chattock, John H. Cooksey, Charles Curtis Clerk, Thomas Dicken, John Dicken, John Deeton, George R. Downward Clerk, John Deighton, John Dickinson, Samuel Duckworth, Samuel Dawes, William Dargan, Francis Downing, Edward Dixon, George Edgecumbe, John Edwards, William Elliott Elliott, Thomas Evans, John Eaton junior, William Eccles, John Fletcher, Thomas Lane Freer Clerk, George Freer Doctor of Physic, John Freeth, William Fletcher, Richard Fowler, Robert Fisher, the Right Honourable Earl Gower, the Lord Francis Leveson Gower, Ann Greatheed, Samuel Tertius Galton, John Hubert Barclay Galton, John Howard Galton, Thomas William Giffard, Michael Goodall, Henry Grape, Keeling Greenway, George Grant, Richard Greene, Joseph Grice, Sophia Galton, John Groom, Edward Grove, Major General Hepburne, William Peploe Hamilton Clerk, William Heygate, Thomas Handley, William Handley, John Harris, John Hickling, Hyla Holden, Francis Holyoake, George Holyoake, John R. Hopper Clerk, Ralph L. Hopper, the Executors of John Houghton deceased, John Humphrey Houghton, Matthew Houghton, Harry Hunt, Rowland Hunt, William Hazledine, James Hilton, John Hart, John Knee Hewson, Alexander Bunn Haden junior, Clerk, David Some Hewson, George Harpur, Henry Holland Doctor of Physic, Henry Hordem, Alexander Hordem, James Shaw Hillier, Hamlet Harrison Clerk, Thomas Hinckley, Richard Hinckley, Nathaniel Richard Hamet, John Johnstone Doctor of Physic, Paul Moon James, Bertie Entwisle Johnson Clerk, George Johnson, Henry Justice, Sir Edward Kynaston Baronet, Rann Kennedy Clerk, John Kempson, Richard Keys, Richard Kirk, Lytton George Kier, Ralph Leicester, Henry Eyres Landor, Charles Lamb, John Lamb, Henry Lamb, John Towers Lawrence, William Welch Lea, Thomas Lee, Joseph Lee, Henry Lee Doctor of Physic, William Little, George John Legh, Charlotte Ann Lee, John Tate Lee, Charles Lloyd, Samuel Lloyd, James Lloyd, George Braithwaite Lloyd, Charles Grosvenor Lloyd, Henry Lloyd, John Venables Lovett, William Lawrence, William Lloyd, Alfred Lloyd, Joseph Lycett, William Lucas, Thomas Lister, James Loch, Richard Levett Clerk, Thomas Henry Lister, William Lawton, the Honourable Edward Monckton, Sir Archibald Macdonald Baronet, Edward Monckton, Major General Henry Monckton, George Monckton, James Macdonald, John Monckton, George Edward Male Doctor of Physic, Judith Mansell, Samuel Mills, Alexander Milne, Charles Henry Molineux, Jane Morris, Fanny Morris, William Hamilton Molineux Clerk, Robert Morris,*

*Morris, Henry Morris, Henry Moore, William Mitton, William Masefield, Henry Eden Mynors, Charles Mare, George Naylor, Thomas Westley Oldham, Samuel Oldham, George Osmond, William Owen, William Chapman Oldham, James Palmer, Henry R. Palmer, James Pearson, John Burton Philips, David Phillips, Edward Pickard, John Provis, Ann Potts, Henry Potts, Charles Potts, Thomas Perks, Reginald Pyndar Clerk, Catharine Phillips, Sarah Phillips, Henry Thomas Provis, William Parkes, Jacob Pope, Richard Pryce, Baptist John Proby Clerk, Elizabeth Phillips, William Rickford, Thomas Randolph Clerk, Theophilus Richards, William Westley Rikards, Theophilus Richards junior, William Rolfe, John Rotton, William Congreve Russell, Sarah Russell, Samuel Ryland, Mary Richardson, George Robinson, the Right Honourable the Earl of Surrey, the Right Honourable the Countess of Surrey, John Finch Simpson, George Simcox, James Scott, John Simcox, Caroline Skey, Arthur Skey, Cowperthwaite Smith Clerk, Ferdinando Smith, John Smallwood, Thomas Stanton, John Stanton, Mary Steward, Samuel Edward Steward, Robert Sandland, Mary Sandland, William Henry Stewart, William Scoltoch, Timothy Smith, Joseph Strutt, Edward Sneyd, William Stokes, Thomas Swinnerton, John Swinfen, Thomas Salt, the Executors of Thomas Moss Tate deceased, James Taylor, Sarah Taylor, James Taylor (of Birmingham Heath), Thomas Telford, Thomas Tidmas, John Tilston, John Tomes, Richard Tomes, Thomas Ball Troughton, Henry Turner, John Twamley, John Twist, Samuel Thompson, Joseph Tarratt, William Tarratt, Gilbert Harrison Timmins, Edward Tomes, Josiah Twamley, John Wilkes Unett, Bowyer Vaux, John Chappel Woodhouse Doctor of Divinity, George Wilbraham, John Walhouse, George Walker Clerk, Elizabeth Walmsley, James Watt, Henry Warner, Joseph Webster, John Welchman Whateley, William Whateley, William Wheelwright, William Wheelwright junior, Thomas Wheelwright, Joseph Whitehouse, John Whitehurst, Thomas Whitehurst, Mark Anthony Whyte, John Woodcock, Edward Ommaney Wrench, Richard Wood, John Wilson, Edmund Wigan, John Winstone, John Worrall, Mary Ann Webster, Christopher Wood, Mary Anne Woodhouse, William Ward, Mary Ann Webb, Ellen Webb, James Yates, and all and every other Person and Persons, Body and Bodies Politic and Corporate, who shall hereafter become Subscribers to the said Undertaking, and their several and respective Successors, Executors, Administrators, and Assigns, shall be and they are hereby united into a Company for the making, completing, maintaining, and carrying on the said Canal, and other Works by this Act authorized to be made and executed, according to the Rules, Orders, and Directions herein-after mentioned and specified, and for that Purpose shall be and they are hereby declared to be one Body Politic and Corporate, by the Name and Style of "The Company of Proprietors of the *Birmingham and Liverpool Junction 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 have Power and Authority, after the passing of this Act, to purchase and hold, in manner by this Act directed, Lands and Hereditaments to them and their Successors and Assigns, for the Use of the said Undertaking and Works hereby authorized to be made, and for the several other Purposes herein mentioned, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain, and also to sell any of the Lands, Tenements, or Hereditaments purchased for the Purposes aforesaid.*

Style of the
Company.

II. And

Proprietors
authorized to
make Canals
from the
Stafford and
Worcester
Canal.

II. And be it further enacted, That the said Company of Proprietors shall be and are hereby authorized and empowered, by themselves, and their Deputies, Agents, Officers, Workmen, and Servants, to make, complete, and maintain a navigable Canal, passable for Boats and other Vessels and Rafts, from and out of the said *Staffordshire* and *Worcestershire* Canal Navigation, and beginning at and from the Towing Path of the said last-mentioned Canal Navigation near to a certain Close in the Occupation of *Richard Cale*, in the Parish of *Tettenhall* in the said County of *Stafford*, to and into the United Navigation of the *Ellesmere* and *Chester* Canals, at a public Wharf in the Parish of *Acton* in the County Palatine of *Chester*; and also to make, construct, erect, sink, and drive such and so many Reservoirs, Aqueducts, Feeders, Tunnels, Perforations, Weirs, Shafts, Wheels, Engines, and other Machinery, for the Purpose of filling and supplying the said Canals, or any Part or Parts thereof, and such Reservoirs, with Water, and for conveying Water to and from the same for the Purposes of Navigation, and for the Purpose of the better making and sustaining of such Canals, as the said Company shall from Time to Time think necessary or expedient; and also to supply the said Canal and Reservoirs whilst making, and after the same shall be made, with Water from all such Brooks, Springs, Streams, Watercourses, Mines, Hollows, Caverns, and other Sources or Repositories of Water as shall be found in making the said Canals and Reservoir or Reservoirs; and to enlarge, widen, deepen, divert, alter, or vary such Roads or Ways, and also the Courses of such Brooks, Streams, or Watercourses, as may be situate within the Lines of the said intended Canals, or which may prevent or otherwise impede or obstruct the making of the same; and for the Purposes aforesaid the said Company of Proprietors, their Deputies, Agents, Servants, Surveyors, and Workmen, are hereby authorized and empowered to enter into and upon the Lands and Grounds of or belonging to any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate whatsoever, subject to the Directions and Provisions of this Act, and to survey and take Levels of the same, or any Part thereof, and to set out, ascertain, and appropriate, for the Purposes herein mentioned, such Parts thereof as they shall think necessary or expedient for making or altering the said intended Canals, and the other Works, Matters, and Conveniences hereby authorized, and to bore, dig, cut, trench, drain, sough, get, raise, remove, take, carry away, lay, use, and manufacture any Earth, Soil, Clay, Stone, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Materials or Things which can or may be dug, raised, or gotten in the making, carrying on, maintaining, or repairing of the said Canals or other Works respectively, or out of any Lands or Grounds of any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, adjoining or lying contiguous thereto, and which may be proper, requisite, necessary, or convenient for the same, or which may hinder, prevent, or obstruct the same; and also to make, build, erect, bank, excavate, or set up, amend and alter, in, under, or upon the said intended Canals and other Works, or upon the Lands adjoining the same respectively, such and so many Bridges, Piers, Arches, Tunnels, Aqueducts, Sluices, Culverts, Locks, Weirs, Dams, Pens for Water, Tanks, Basins, Reservoirs, Drains, Wharfs, Quays, Docks, Landing Places, Houses, Warehouses, Toll Houses, Weighing Beams, Cranes, Fire Engines, or other Machines, and other Works, Fences, Ways, Roads, and

and Conveniences, as, where, and in such Manner as the said Company of Proprietors shall think requisite or convenient for the Purposes of the said Undertaking (subject to the Restrictions and Directions herein-after mentioned), and also from Time to Time to alter, repair, amend, improve, or discontinue the same; and also to place, lay, work, or manufacture the Materials necessary for the making, erecting, maintaining, and repairing the said Canals and other Works, on the Lands or Grounds adjoining to the Place or Places where the said Works or any of them shall be carrying on and executed; and also to make, set out, and appoint such Roads, Towing Paths, Banks, and Ways, convenient for towing, haling, or drawing of Boats, Barges, or other Vessels or Rafts passing in, through, or upon the said Canals, with Men or Horses, or otherwise, and such Places for Boats, Barges, or other Vessels or Rafts to lie or turn in, as the said Company of Proprietors shall think proper or convenient; and to construct, erect, and keep in repair any Bridges, Piers, Arches, or other Works, in, upon, and across any Rivers or Brooks, for the making, effecting, preserving, improving, completing, using, maintaining, and repairing the said Canals and other Works; and also to dig, take, and carry away any Soil, Gravel, Sand, Stone, or other Materials for the Purposes of this Act, in or from the Grounds or Premises of any Person adjoining to the said Canals or other Works hereby authorized; and also to construct, erect, make, and do all other Works, Matters, and Things which they shall think necessary and convenient for the making, completing, altering, preserving, improving, completing, carrying on, and using the said navigable Canals and other Works to be made or constructed in pursuance of and according to the true Intent and Meaning of this Act; they the said Company of Proprietors, their Deputies, Agents, Servants, and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted; and making full Satisfaction, in manner herein-after mentioned, to the Owners and Proprietors of and all Persons interested in any Lands, Tenements, or Hereditaments, Mills, Forges, Waters, Watercourses, Brooks, or Rivers respectively, which shall be taken, used, removed, diverted, or injured, for all Damages to be by them sustained in or by the Execution of all or any of the Powers hereby granted; and this Act shall be sufficient to indemnify the said Company of Proprietors, and their Deputies, Servants, Agents, and Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted, subject nevertheless to such Provisoes and Restrictions as are herein-after mentioned and contained: Provided always, that the several Powers herein-before granted shall not in anywise extend or be construed to extend to authorize or empower the said Company of Proprietors hereby incorporated to enter upon, use, or otherwise interfere with any of the Lands or Grounds belonging to the Company of Proprietors of the *Staffordshire* and *Worcestershire* Canal Navigation, or to take away any Soil, Gravel, Sand, Stone, or other Materials belonging to the said last-mentioned Company, for any of the Purposes last herein-before mentioned.

III. And whereas, by reason of taking down Houses and Buildings, and making Alterations, in pursuance of this Act, there may be Deficiencies in the Assessments for Land Tax in the several and respective Parishes or Townships herein described; be it therefore enacted, That for preventing the same the said Company shall, from and after the said Company shall

Deficiencies in Land Tax to be made good by Company.

[*Local.*]

28 G

become

become seised and possessed of the Premises charged with the Land Tax, and until the Works hereby authorized to be made shall be completed and assessed to such Land Tax (unless the said Company shall think fit to redeem the same, under the Powers of the Act for the Redemption of the Land Tax,) be subject and liable from Time to Time to pay and make good, to or in aid of the said Parish or Parishes, out of the Monies to arise by virtue of this Act, all such Sum and Sums of Money as shall be deficient in the said several Assessments for Land Tax within the said Parish or Parishes, Township or Townships, by reason or means of taking down or using for the Purposes of this Act any Houses, Buildings, and Premises liable to such Assessments, according to the Rental at which the same were valued or rated at the Time of passing of this Act; and the Treasurer, Collector, or Receiver to be appointed under this Act shall be and is hereby authorized and required to pay all such Assessments, on Demand thereof, to the Collector or Collectors of the Assessments.

Regulations
as to Ascent
to Bridge,
&c.

IV. Provided always, and be it further enacted, That in all Places where the Line of the Works hereby authorized shall be made across any public Carriage Road, the Ascent to any Bridge to be made over any Part of the said Canals, for the Purpose of such Road, shall not be made more than One Foot in Thirteen Feet, and that a good and sufficient Fence shall be made on each Side of every such Bridge, which Fence shall not be less than Four Feet above the Surface of such Bridge.

Houses and
Gardens not
to be used
without Con-
sent, except
those speci-
fied in the
Schedule.

V. Provided also, and be it further enacted, That nothing herein contained shall authorize or empower the said Company of Proprietors, or any Person or Persons acting by or under their Authority, to take, use, injure, or damage, for the Purposes of this Act, any House or other Building, or any Ground which on or before the First Day of *September* One thousand eight hundred and twenty-five was the Site of any House or other Building, or any Land or Ground which was then set apart and used as and for a Garden, Orchard, Yard, Park, Paddock, Plantation, planted Walk, or Avenue to a House, without the Consent in Writing of the Owners or Occupiers thereof, and Persons interested therein respectively, other than and except those specified in the Schedule annexed to this Act.

Plans depo-
sited with
Clerks of
Peace.

VI. And whereas Maps or Plans, describing the Lines of the said Canal, and of the said Reservoirs and Feeders, and the Lands through or over which the same were intended to be carried; together with Books of Reference containing Lists of the Names of the Owners and Occupiers of such Lands, have been deposited in the Offices of the Clerks of the Peace for the Counties of *Stafford* and *Chester* respectively: And whereas, since the depositing the said Maps or Plans, a Deviation from or Alteration of such Maps or Plans hath been agreed upon and determined, at the Request and with the Concurrence of the Owners and Occupiers of the Lands through which such Deviation is to be made; be it therefore enacted, That Copies of the Map or Plan so agreed upon and determined, authenticated by the Signature of the Right Honourable the Speaker of the House of Commons, shall, within One Calendar Month after the passing of this Act, be deposited with the said respective Clerks of the Peace, to the end that all Persons may at all seasonable
Times

Times have Liberty to inspect the same, and to take Copies thereof or Extracts therefrom, at their Pleasure, paying to such respective Clerks of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts; and the said Maps or Plans and Books of Reference, or any Copy thereof, or of so much thereof respectively as shall relate to any Matter in question, certified by the said Clerks of the Peace, or either of them, to be a true Copy, shall be good Evidence in all Courts of Law.

VII. Provided always, and be it further enacted, That the said Company of Proprietors, in making the said intended Canals and other Works, shall not deviate more than One hundred Yards from the Course or Direction delineated in the said Map or Plan so to be authenticated as aforesaid, and which Deviation shall not extend unto the Lands or Grounds of any Person or Persons not mentioned in the said Book of Reference.

Deviation
from Map or
Plan.

VIII. And be it further enacted, That the Line of the said Canal on the Estates of the Right Honourable *Thomas William Viscount Anson*, and *Thomas Higgins Burne* Esquire, and on the Glebe Lands of the Rector of *Norbury*, shall not be varied from the Line specified on the said Map or Plan so to be deposited in the Offices of the respective Clerks of the Peace, without the Consent in Writing of the said *Thomas William Viscount Anson* and *Thomas Higgins Burne*, and the Incumbent, Patron, and Ordinary for the Time being of the Rectory of *Norbury*, being respectively first had and obtained in Writing.

Line of Canal
not to vary
from the
Specification
on the Map.

IX. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize or empower the said Company of Proprietors hereby incorporated, their Successors or Assigns, to make any Reservoir in the Estates of the said Viscount and *Thomas Higgins Burne* respectively, or to take, alter, divert, or make use of the Pools of Water called the *Connery Pool* and *Blackemoor Pool*, or the Streams of Water supplying and passing through the same respectively, on the respective Estates of the said Viscount and *Thomas Higgins Burne*; and it shall be lawful for the said Viscount and *Thomas Higgins Burne*, and it shall be lawful for the said Viscount and *Thomas Higgins Burne* respectively, and their respective Heirs and Assigns, from Time to Time to plant the Embankments of the Canal on their respective Estates, yet so nevertheless that no such Plantation shall approach the said Canal within Twelve Feet of the Low-water Mark thereof, and to fall, cut, and carry away the Trees, and replant from Time to Time the said Embankments, doing no Damage to the said Embankments; and the Rights of shooting, sporting, and preserving Game (Rabbits excepted) in such Plantations shall be reserved exclusively to the said Viscount and *Thomas Higgins Burne*, their respective Heirs and Assigns, on their Estates respectively.

Reservoir not
to be erected
on Lands of
Lord Anson
and T. H.
Burne.

X. And be it further enacted, That the Line of the said Canal on the Estate of *Thomas Cartwright* of *Hill Hall* in the Parish of *High Offley* in the County of *Stafford*, Esquire, shall not be varied from the Line specified in the Map or Plan deposited in the Office of the Clerk of the Peace, without the Consent in Writing of the said *Thomas Cartwright*; and

Protecting
Mr. Cart-
wright's
Property.

and it shall be lawful for the Owner for the Time being of the said *Hill Hall* Estate from Time to Time to plant the Embankments of the said Canal in the said Estate with Shrubs, but not within Four Feet of the Top-water Level of the said Canal, and to plant the same with Trees, but not within Ten Feet of the Top-water Level of the said Canal, and to fall, cut, and carry away the Timber and Shrubs growing thereon; and it shall also be lawful for the Owner of the said Estates for the Time being from Time to Time to enter into and upon the said Sides or Banks, for the Purpose of cutting down, topping, lopping, or otherwise managing the said Trees or Shrubs, or carrying away the same, or for the Purpose of planting or replanting any other Trees or Shrubs; and the said Company shall from Time to Time keep the said Sides or Banks properly fenced and inclosed, and shall not permit or suffer any Sheep or Cattle to enter into or upon the said Sides or Banks, or in any Manner damage or injure the said Trees and Shrubs; and that if for any Purposes connected with the said Canal it shall become necessary to take down any of the said Trees or Shrubs, the said Company shall and will, at their own Expence, replant other Trees and Shrubs in the Room of those taken down; and it shall also be lawful for the Owner of the said Estate for the Time being, and for his Gamekeeper and Servants in his Company, to enter into and upon the said Sides or Banks on his said Estate, for the Purpose of shooting and sporting and beating for Game, doing no Damage to the said Embankments.

Towing Path,
&c. not to be
made on the
South-west
Side of the
Canal.

XI. Provided also, and be it further enacted, That it shall not be lawful for the said Company of Proprietors, or their Successors or Assigns, to make any Towing Path or other Road or Way in any of the Lands now belonging to the said *Thomas Cartwright*, on the South or South-west Side of the said Canal, or to make, erect, or construct any Wharf, Quay, Dock-house, Warehouse, or other Building thereon.

Company not
to make Re-
servoirs or
other Works
on the Lands
of *Thomas*
Twemlow,
Esq.,

XII. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize or empower the said Company of Proprietors, their Successors or Assigns, to make any Reservoir in the Lands now belonging to *Thomas Twemlow* Esquire, in that Part of the Parish of *Drayton-in-Hales* which is in the County of *Stafford*, or to alter, divert, or make use of the Watercourse or Stream of Water flowing through the said Lands of the said *Thomas Twemlow*, and into the River *Coalbrook*, between the Town of *Drayton* and the Paper Mill now in the Occupation of *Elizabeth Charles*, situate in the aforesaid Part of the said Parish of *Drayton-in-Hales*, or to make any Towing Path in any of the Lands now belonging to the said *Thomas Twemlow* on the Eastern Side of the said Canal hereby authorized to be made, or to make, build, erect, or set up, on any of the Lands now belonging to the said *Thomas Twemlow*, except between the Field marked Number 17 and the North Fence of the Field marked Number 24, in that Part of the Plan deposited in the Private Bill Office of the House of Commons which refers to the Parish of *Drayton-in-Hales*, any Lock, Wharf, Quay, Dock, Landing Places, House, Warehouse, or other Buildings, or any Engine, Machine, or other Work, or to make any Ways or Roads on or through the Lands of the said *Thomas Twemlow*, leading to or from the said Canal, or to dig or carry away any Stone or Clay for making Bricks from the Lands of the said *Thomas Twemlow*, his

Heirs

Heirs or Assigns, without the Consent of the said *Thomas Twemlow*, his Heirs or Assigns, for that Purpose in Writing first had and obtained.

XIII. And be it further enacted, That the said Company of Proprietors shall not at any Time or Times hereafter plant any Tree or Trees, Shrub or Shrubs, on any of the Lands or Grounds now belonging to the said *Thomas Twemlow*, in the aforesaid Part of the said Parish of *Drayton-in-Hales*, without the Consent in Writing of the said *Thomas Twemlow*, his Heirs or Assigns, for that Purpose first had and obtained; and that in case any Tree or Trees, Shrub or Shrubs, shall be planted on any such Lands or Grounds, without such Consent as aforesaid, it shall and may be lawful to and for the said *Thomas Twemlow*, his Heirs or Assigns, to cut down or carry away such Tree or Trees, Shrub or Shrubs, without being guilty of any Trespass, or liable to any Action or Prosecution for so doing; but it shall and may be lawful for the said Company, and they are hereby authorized and directed, when requested so to do by the said *Thomas Twemlow*, his Heirs or Assigns, to plant with Forest Trees the Sides or Banks of the said Canal which shall be in the Field marked Number 34, in that Part of the Plan aforesaid which refers to the Parish of *Drayton-in-Hales*, and from Time to Time, as the said Company shall remove any such Trees, or as the same shall fall down or come to Decay, to replace the same Trees with other Forest Trees, so as at all Times hereafter to keep such Sides or Banks well and properly planted.

nor to plant
Trees, &c. on
those Lands.

XIV. And be it hereby further enacted, That the said Company of Proprietors hereby incorporated, their Successors and Assigns, shall and will at their own Expence fill up the private Canal now on the Lands of the said *Thomas Twemlow*, situate in the aforesaid Part of the said Parish of *Drayton-in-Hales*, and shall and will make and complete a Watercourse or irrigating Drain of the Width of Twelve Feet or less, at the Option of the said *Thomas Twemlow*, for conveying the Water from the present Commencement of the said private Canal, such Watercourse to run parallel with the Canal hereby authorized to be made, and not more than Six Feet from the Tail of the Slope of the Bank thereof, and to be carried under the Canal hereby authorized to be made by a Culvert into the Field marked 27, in that Part of the said Plan which refers to the Parish of *Drayton-in-Hales* aforesaid, or at such other more convenient Place as may be hereafter mutually agreed upon between the said Company of Proprietors and the said *Thomas Twemlow*, his Heirs or Assigns, the said Watercourse to be continued from the said Culvert to the North-east Corner of the Field marked 29, in that Part of the Plan last aforesaid which refers to the Parish of *Drayton-in-Hales* aforesaid, and at a Level not lower than the present Level of the said private Canal.

Company to
fill up Canal
and make
Watercourse
on the Lands
of Thomas
Twemlow
Esq.

XV. And be it further enacted, That it shall and may be lawful for the said *Thomas Twemlow*, his Heirs and Assigns, to make, construct, and maintain One or more Reservoir or Reservoirs on his own Lands, for the Purpose of Irrigation, and to use any Embankment of the Canal as the Embankment of such Reservoir or Reservoirs.

Power for
Mr. Twemlow
to make Re-
servoirs.

XVI. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize or empower the said Company of Proprietors, their Successors or Assigns, to make any Reservoir on the Lands now belonging to the Reverend *James Tomkinson*,

Company not
to make Re-
servoirs, or
other Works,
on the Lands

of the Reverend James Tomkinson;

situate in the Parishes of *Nantwich* and *Acton* in the County Palatine of *Chester*, which lie between the Road leading from *Nantwich* to the City of *Chester*, and the Road leading from *Nantwich* to the Village of *Wrenbury*, nor to make any Towing Path on the Western Side of the Canal hereby authorized to be made between the said Roads, nor to make, build, erect, or set up any Lock, Wharf, Quay, Dock, Landing Place, House, Warehouse, or other Buildings, or make any Ways or Roads leading to or from the said Canal, on either Side thereof, between the aforesaid Roads, nor to dig or carry away any Stone or Clay for making Bricks from the Lands of the said *James Tomkinson*, his Heirs or Assigns, without his or their Consent in Writing for that Purpose first had and obtained.

nor to plant any Trees, &c. on those Lands.

XVII. And be it further enacted, That the said Company of Proprietors hereby incorporated, their Successors and Assigns, shall not at any Time or Times hereafter plant any Tree or Trees, Shrub or Shrubs, on the Western Side of the said Canal; nor any Trees, except Oaks, on the Eastern Side of the said Canal, on any Lands lying between the aforesaid Roads, without the Consent in Writing of the said *James Tomkinson*, his Heirs or Assigns, for that Purpose first had and obtained; and that in case any Tree or Trees, Shrub or Shrubs, on the Western Side of such Canal, or any Tree or Trees other than Oaks on the Eastern Side thereof, shall be planted on any such Lands or Grounds without such Consent as aforesaid, it shall and may be lawful to and for the said *James Tomkinson*, his Heirs or Assigns, to cut down and carry away such Tree or Trees, Shrub or Shrubs, without being guilty of any Trespass, or liable to any Action or Prosecution for so doing.

Company to make a Bridge on a Spot to be named by the Reverend James Tomkinson.

XVIII. And be it further enacted, That the said Company hereby incorporated, their Successors and Assigns, shall and will, when requested so to do by the said *James Tomkinson*, his Heirs or Assigns, at any Time or Times hereafter, at their own Expence, make, erect, and for ever after keep in proper Repair, a Bridge over the said Canal hereby authorized to be made, in such Part of a Field marked No. 2 in that Part of the Plan deposited in the Private Bill Office of the House of Commons which refers to the Parish of *Nantwich*, as may be pointed out by the said *James Tomkinson*, his Heirs or Assigns, such Bridge to be of the Width of Ten Feet at the least, and sufficient for the Passage of Carts and Carriages.

Proviso to cut the Canal along the Line of Mr. Tomkinson's Property.

XIX. And be it further enacted, That the said Company of Proprietors hereby incorporated, their Successors and Assigns, shall cut and construct the said Canal hereby authorized to be made, wherever it shall range along the Lands of the said *James Tomkinson*, between the before-mentioned Road to *Chester* and the Field No. 4, in such Part of the Plan aforesaid as refers to the Parish of *Nantwich*, and so near to the Lands of the said *James Tomkinson* as to leave no Land between the Tail of the Western Bank of the said Canal and the Lands of the said *James Tomkinson*, in order and to the Intent that the said Canal or its Embankments, not varying more than One hundred Yards from the Parliamentary Line, shall form a Boundary Line to the Lands of the said *James Tomkinson*.

Embankment to be made in Mr. Tomkinson's Property.

XX. And be it further enacted, That the said Company of Proprietors, their Successors and Assigns, shall at their own Expence, when requested so to do by the said *James Tomkinson*, his Heirs or Assigns, make and erect,

erect, and for ever maintain and keep, an Embankment on the Western Side of the said Canal hereby authorized to be made, as it may range along the Fields marked respectively 3 and 4 in that Part of the said Plan which refers to the Parish of *Nantwich* aforesaid, such Embankment to be not less than Eight Feet in Height above that Part of the Towing Path which shall range parallel with the said Embankment; and on which Embankment it is hereby enacted, that it shall and may be lawful to and for the said *James Tomkinson*, his Heirs or Assigns, to plant and preserve any Tree or Trees, Shrub or Shrubs, under the Proviso herein-after contained; and any Embankment on the Western Side of the said Canal, to be made by the said Company, between the said *Chester Road* and the said Field, No. 4, or between the said Fields, Nos. 3 and 4, shall be of a Slope not less than Two Feet horizontal to One Foot perpendicular.

XXI. And be it further enacted, That it shall and may be lawful to and for the said *Thomas Twemlow*, his Heirs and Assigns, and the said *James Tomkinson*, his Heirs and Assigns, to plant any Tree or Trees, Shrub or Shrubs, on such of the Sides or Banks of the said Canal, on either Side thereof, as shall respectively be in, upon, or next adjoining to any of the Lands which now belong to the said *Thomas Twemlow* and *James Tomkinson* respectively; and it shall be lawful for the said *Thomas Twemlow* and *James Tomkinson* respectively, and their respective Heirs and Assigns, from Time to Time to enter into and upon the said Sides or Banks, for the Purpose of cutting down, topping, lopping, or otherwise managing the said Trees or Shrubs, or carrying away the same, or for the Purpose of planting or replanting any other Trees or Shrubs; and the said Company shall from Time to Time keep the said Sides or Banks properly fenced and inclosed, and shall not permit or suffer any Sheep or Cattle to enter into or upon the said Sides or Banks, or in any Manner damage or injure the said Trees and Shrubs; and that if for any Purposes connected with the said Canal it shall become necessary to take down any of the said Trees or Shrubs, the said Company shall and will, at their own Expence, replant other Trees and Shrubs in the Room of those taken down: Provided always, that it shall not be lawful for the said *Thomas Twemlow*, his Heirs or Assigns, or the said *James Tomkinson*, his Heirs or Assigns, to plant any Tree or Trees, Shrub or Shrubs, within Twelve Feet under the Top-water Level of the said Canal; and in case any such Tree or Trees shall grow to a greater Height than Twelve Feet above the said Top-water Level, it shall be lawful for the said Company to lop or top the said Tree or Trees, so as to keep the same within the Height prescribed as aforesaid.

Power for
Mr. Twemlow
and Mr. Tom-
kinson to
plant Trees
on Banks of
Canal.

XXII. And be it further enacted, That the said *Thomas Twemlow* and *James Tomkinson* respectively, their respective Heirs and Assigns, shall not be liable to make good any Repairs, nor for any Damage that may be done to the Banks of the said Canal, by reason of the planting herein-before authorized to be made by them respectively.

Mr. Twemlow
and Mr. Tom-
kinson not to
repair the
Banks.

XXIII. And be it further enacted, That if the said Company of Proprietors hereby incorporated, their Successors or Assigns, shall fail or neglect to make, carry on, complete, and maintain, and keep in repair, the said several Embankments, Bridges, Fences, and other Works in and upon or with reference to the Lands and Grounds of the said *Thomas Twemlow*

Mr. Twem-
low, the Rev.
James Tom-
kinson, and
Mr. Cart-
wright to
make Bridges

and Embankments at the Expence of the Company, in case of their Refusal.

Twemlow and *James Tomkinson* and *Thomas Cartwright* respectively, agreeably to the Terms herein-before mentioned, then and in every such Case it shall and may be lawful to and for the said *Thomas Twemlow* and *James Tomkinson* and *Thomas Cartwright* respectively, and their respective Heirs and Assigns, to make, carry on, and complete the same Works, and to repair, support, and maintain the same respectively, from Time to Time as the same shall require, and all the Costs, Charges, and Expences thereof shall be repaid by the said Company hereby incorporated to the said *Thomas Twemlow* and *James Tomkinson* and *Thomas Cartwright* respectively, and their respective Heirs and Assigns, within Two Calendar Months after an Account thereof shall have been left at any of the Offices of the said Company of Proprietors hereby incorporated; and in default of Payment of the said Costs, Charges, and Expences within the Time aforesaid, the said *Thomas Twemlow* and *James Tomkinson* and *Thomas Cartwright* respectively, and their respective Heirs and Assigns, are by this Act authorized and empowered to levy the said Costs and Charges by Distress and Sale of the Goods and Chattels of the said Company, in the same Manner as is by this Act provided for the Recovery of the Sum of Money which shall be directed or ordered to be paid by way of Compensation for Damages done or committed by the said Company.

Land Owners omitted in Book of Reference not to obstruct making the Canals, &c.

XXIV. Provided also, and be it further enacted, That the said Company of Proprietors may make the said Canals and other Works into, through, across, or over the Lands or Grounds of any Person or Persons whomsoever, Body or Bodies Politic, Corporate, or Collegiate, whose Name or Names shall appear, to the Satisfaction of any Two or more Justices of the Peace for the County in which such Lands or Grounds may lie (and to 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, Body or Bodies Politic, Corporate, or Collegiate, to whom such last-mentioned Lands or Grounds do not belong, have or hath been by Mistake inserted therein; any thing herein contained to the contrary thereof in anywise notwithstanding.

In case of Injury to Roads.

XXV. And be it further enacted, That in all Cases when, in exercise of the Powers hereby granted, any Part of any Carriage or Horse Road, either public or private, shall be found necessary to be cut through, taken, or so much injured as to be impassable or inconvenient for Travellers, Passengers, or Carriages, or to the Persons entitled to the Use thereof, the said Company shall, at their own Expence, before any such Road shall be cut through, taken, or injured as aforesaid, cause a good and sufficient Carriage or Horse Road, as the Case may require, to be set out and made instead thereof, as convenient for Travellers, Passengers, and Carriages as the Road so to be cut through, taken, or injured as aforesaid, or as near thereto as may be, and shall cause the same to be put into good and substantial Order and Condition, where the former Road cannot be more easily restored; and where the Road cut through or used shall be a Turnpike Road, the temporary Road shall be so made, and the principal Road restored, within Six Months after the Commencement of the Operation; and the Canals, where they shall cross such Turnpike Road, shall be made and kept in repair so as to prevent Inconvenience or Obstruction to the Passage along such Turnpike Road.

XXVI. And

XXVI. And be it further enacted, That every Steam Engine which shall be erected by the said Company, or in pursuance of this Act, shall be constructed upon the best and most approved Principle of consuming the Smoke arising therefrom, so as to prevent the same from occasioning any Nuisance; and if the said Company, or any Person employed by them, shall erect or use any Steam Engine which does not consume the Smoke upon the Principle aforesaid, they or he shall forfeit and pay for every Neglect or Offence the Sum of One hundred Pounds, to be recovered, with full Costs of Suit, by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*, and such Steam Engine may and shall be abated as a Nuisance.

Steam Engines to consume their own Smoke.

XXVII. And be it further enacted, That the Lands and Grounds to be taken or used for making and using the said Canals, 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 those Places where any Basin, Sluice, or Weir shall be made, or where the said Canals shall be raised higher or shall be cut more than Three Feet deeper than the present Surface of the Land, and except in those Places where it shall be judged necessary for Boats, Barges, or other Vessels or Rafts to turn or lie in or pass each other, or for raising Embankments for crossing the Valleys or in Cuttings, or where any Warehouse, Crane, or Weighbeam may be erected, or where any Place may be set out or appropriated for the forming of Wharfs, or for the Reception or Delivery of Goods, Wares, and Merchandizes which shall be conveyed on the said Canals or any Part thereof, nor shall they exceed Eighty Yards in Breadth in any Place (except where the said Canals shall pass through or over any Common or Waste Land), without the Consent of the Owners of the Lands or Hereditaments adjoining that Part of the said Canals where any extra Breadth shall be deemed necessary.

Breadth of the Land to be taken for Canals.

XXVIII. Provided always, and be it further enacted, That it shall not be lawful for the said Company of Proprietors, or their Servants, Agents, or Workmen, or any of them, or any other Person or Persons whomsoever, to divert or take, for the Use or Supply of the said Canals or other Works, any Water from and out of any other Brooks, Streams, or Watercourses than such as are laid down or described in the said Map or Plan and Book of Reference; and in no Case shall it be lawful to or for the said Company of Proprietors hereby incorporated to take or divert the Springs, Streams, and Watercourses belonging to a certain Mill situate in the Parish of *Tettenhall* aforesaid, called *Pendeford* otherwise *Penford Mill*, nor from any other Springs, Brooks, Streams, Feeders, and Waters which now are or heretofore have been taken for the Use of the said *Staffordshire* and *Worcestershire* Canal Navigation, or which the Company of Proprietors of the said *Staffordshire* and *Worcestershire* Canal are by Law authorized or empowered to take for the Use of their said Canal.

Not to take Water from any Brooks not in Plan, without Consent.

XXIX. Provided also, and be it further enacted, That if the said Company shall not within the Space of Five Years, to be computed from the passing of this Act, agree for, or cause to be valued and paid for, as in this Act is mentioned, the Houses, Buildings, or other Premises which they are by this Act empowered to purchase (or so much thereof as shall

If Land not contracted for within Five Years, Power to cease.

[*Local.*]

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be

be deemed necessary or proper) for the Purposes of making the said Canals and other Works hereby authorized, (save and except the Twenty Acres of Land which the said Company are by this Act authorized to purchase in addition to the Land hereby authorized to be purchased for making and completing the said Canal and other Works,) then and from thenceforth those Powers which are hereby granted to them for such Purpose only shall cease, determine, and be utterly null and void.

Bodies Politic, &c. empowered to sell and convey Lands.

XXX. And be it further enacted, That after any Lands, Grounds, or Hereditaments shall have been set out and ascertained for making the said Canals and other Works and Conveniences hereby authorized, or any Part or Parts thereof, it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants in Tail or for Life, or for any other partial or qualified Estate or Interest, Husbands, Guardians, Trustees and Feoffees in Trust for charitable and other Purposes, Committees, Executors, Administrators, and all other Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of the Person or Persons entitled in Reversion, Remainder, or Expectancy after them, (if incapacitated,) and for and on behalf of their Cestuique Trusts or Wards, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest therein, and to and for all and every other Person or Persons whomsoever, who is or are or shall be seised, possessed of, or interested in any such Lands, Grounds, or Hereditaments as last aforesaid, as shall be so set out and ascertained for the Purposes aforesaid, to contract for, sell, and convey the same and every Part thereof unto the said Company of Proprietors; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be valid and effectual in Law to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom to the contrary in anywise notwithstanding, and shall operate and be as a Merger of all outstanding Terms of Years, and be a complete Bar to all Estates Tail, and other Estates, Rights, Titles, Trusts, and Interests whatever; and all Bodies Politic, Corporate, or Collegiate, and all other Persons, so conveying as aforesaid, are hereby indemnified for what they shall respectively do by virtue hereof; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be made at the Expence of the said Company of Proprietors; and such of them as shall be made of any Freehold Lands or other Hereditaments to the said Company of Proprietors shall be made according to the following Form, or as near thereto as the Circumstances of the Case will admit; *videlicet*,

Form of Conveyance to the Company.

‘ I *A. B.* of _____ in consideration of the Sum of _____
 ‘ of lawful *English* Money to me paid by the Company
 ‘ of Proprietors of the *Birmingham* and *Liverpool* Junction Canal Navigation, do hereby, by virtue of the Powers contained in an Act of Parliament passed in the Seventh Year of the Reign of His Majesty King
 ‘ *George* the Fourth, intituled [*here set forth the Title of this Act*], grant,
 ‘ release, assign, and confirm to the said Company of Proprietors all
 ‘ [*describing the Premises to be conveyed*], and all my Right, Title, and
 ‘ Interest in and to the same and every Part thereof, to hold unto and to
 ‘ the Use of the said Company of Proprietors and their Successors for
 ‘ ever,

‘ ever, by virtue and according to the true Intent and Meaning of the
 ‘ said Act. In witness whereof I have hereunto set my Hand and Seal,
 ‘ the Day of in the Year of our
 ‘ Lord .’

And if the Premises are Leasehold for Years, they shall be assigned by a Form answerable to the above, substituting only the Words applicable to the Assignment of a Chattel ; and all such Conveyances and Assignments respectively shall be kept by the Clerk or Clerks to the said Company of Proprietors, who shall from Time to Time, when requested, deliver attested Copies thereof to any Person or Persons requiring the same, and shall have and receive the Sum of Sixpence for every One hundred Words, exclusive of the Expence of the Stamps.

XXXI. Provided always, and be it further enacted, That all Contracts, Agreements, Bargains, and Sales of or concerning any Lands, Tenements, or Hereditaments which shall be Copyhold or Customary, or of the Nature of Copyhold, shall be executed and completed by Surrender thereof in the Court of the Manor of which the same are holden or Parcel, according to the Custom of such Manor, and such Lands, Tenements, or Hereditaments shall continue subject to the same Fines, Rents, and Services as are due and payable and of Right accustomed, in the same Manner as if this Act had not been passed, unless the Lord or Lords, Lady or Ladies of the Manor for the Time being shall be desirous of enfranchising the same, in which Case such Lord or Lords, and also Lady or Ladies, notwithstanding her or their Coverture, and whether sole or married, is and are hereby empowered so to do, notwithstanding he, she, or they shall be seised of or entitled to the same Manor for a less Interest than an Estate of Inheritance in Fee Simple ; but inasmuch as the vesting and continuing of such Copyhold or Customary Premises in the said Company as a Body Corporate would prevent such Lord or Lords, Lady or Ladies, from receiving the Benefit of Fines, Heriots, and other Services due upon Death, Descent, or Alienation, in like Manner as he, she, or they would have done in case such Copyhold or Customary Premises had continued to be the Property of Persons in their natural Capacities, the said Lord or Lords, Lady or Ladies of the said Manor, in case he, she, or they shall decline to enfranchise the respective Parcels of Copyhold or Customary Land held or Parcel of the said Manor, which shall be so purchased by or vested in the said Company of Proprietors for the Purposes aforesaid, shall be entitled to and shall be paid by the said Company a reasonable Recompence and Satisfaction for the Loss that would arise to him, her, or them in respect of such Fines, Heriots, and other Services, the Enjoyment of which shall be diminished or lost by the vesting and continuing of such Copyhold or Customary Premises in a Body Corporate ; which Recompence and Satisfaction, and also the Appointment or Apportionment of the certain Copyhold or Customary Rents issuing out of such Copyhold or Customary Tenements, of which a Part only shall be taken for any of the Purposes of this Act, if not settled by Agreement between the Parties, shall be ascertained and settled by the Verdict of a Jury, if required, as is herein-after directed.

XXXII. And be it further enacted, That in all Cases where the Lord or Lords, Lady or Ladies of any Manor, whereof any Copyhold or Customary Lands or Tenements required to be taken or used for the Purposes of

Conveyances
of Copyholds.

Lords of
Manors
under Inca-
pacity en-

abled to
enfranchise
Copyholds,
and appor-
tion Rents.

of this Act are holden or Parcel, shall be willing or desirous to enfranchise the same Copyhold or Customary Lands or Tenements, and such Lord or Lords, Lady or Ladies, shall be seised of or entitled to such Manor or Manors respectively for a less Interest than an Estate in Tail, General or Special, or where he, she, or they cannot, either by levying a Fine or Fines or suffering a Common Recovery or Common Recoveries, enfranchise the same Lands or Tenements, then the Money agreed or assessed to be paid for the Enfranchisement thereof shall be paid, applied, and disposed of under the Direction and under the Approbation of the Court of Exchequer, or without such Direction and Approbation, according to the Amount thereof, in the same Manner in all respects as in this Act is directed and provided with respect to Money agreed or assessed to be paid for the Purchase of any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes thereof, which shall belong to any Person under any Disability or Incapacity; and in all Cases in which the Appointment or Apportionment of the certain Copyhold or Customary Rents issuing out of such Copyhold or Customary Lands and Tenements, of which a Part only shall have been taken for any of the Purposes of this Act, shall be settled by Agreement between the Parties, such Agreement shall be made with, and shall not be valid without, the Consent and Approbation of the Lord or Lords, Lady or Ladies of the Manor or respective Manors whereof the same Copyhold or Customary Lands and Tenements are holden or Parcel; and if not so settled, it shall then be settled or assessed by the Verdict of a Jury, if required, in such Manner as in and by this Act is directed and provided; and the Apportionment of such Copyhold or Customary Rents as aforesaid shall not in any Manner invalidate, prejudice, or destroy the Custom or Customs in other respects by or under which the said Copyhold or Customary Lands or Tenements shall or may be holden, or the Remedy or Remedies for the Recovery of such Rents after the Apportionment thereof; and in all Cases where the Lord or Lords, Lady or Ladies of any Manor, whereof any Copyhold or Customary Lands or Tenements purchased by the said Company of Proprietors for the Purposes of this Act, shall refuse or decline to enfranchise the same Lands or Tenements, and shall in consequence thereof have received from the said Company a Recompence and Satisfaction in respect of the Fines, Heriots, and other Services being diminished or lost by the vesting and continuing of such Copyhold or Customary Lands or Tenements in a Body Corporate, then and in every such Case, if the same Lands or Tenements, or any Part thereof, shall not be ultimately required for the Purposes aforesaid, or any of them, and shall be sold and disposed of by the said Company under the Authority to them given for that Purpose, the Copyhold or Customary Lands and Tenements which shall be sold and disposed of by the said Company shall remain in the Hands of the Purchaser or Purchasers thereof, and for ever thereafter continue free and discharged from the Fines, Heriots, and other Services in respect whereof such Recompence and Satisfaction shall have been made as aforesaid.

Where small
Parcels of
Land are in-
tersected,
Company
to purchase
the whole.

XXXIII. And be it further enacted, That if in making the said Canals or other Works hereby authorized any Pieces or Parcels of Ground shall be cut through and divided, so that what shall be left on each or either Side of the said Canals or other Works shall be less than One Acre in Quantity, or less than Fifty Yards in Breadth, and if the Owner or Owners

Owners of any such Pieces or Parcels of Ground shall not have any other Land or Ground adjoining to that which shall be so left on each or either Side of the said Canals or other Works, then and in every such Case, if the Owner or Owners of or Person or Persons entitled to the Possession or to the Rents and Profits of the same shall so require, but not otherwise, the said Company of Proprietors shall also take and purchase the Piece or Parcel or Pieces or Parcels of Ground so left on each or either Side of the said Canals, being less than One Acre in Quantity or less than Fifty Yards in Breadth as aforesaid, the Value thereof to be ascertained in the same Manner as is directed concerning any Land or Ground to be taken and used for the Purposes of this Act.

XXXIV. And be it further enacted, That in all Cases where, in making the said Canals or other Works hereby authorized, there shall be Occasion to cut through, take, or use any Part of any Commons or Wastes, or other Lands, Tenements, or Hereditaments which shall be charged with or subject to any Right of Common or Easement, whether appendant, appurtenant, or in gross, or whether created or then subsisting by Grant, Prescription, Custom, or otherwise howsoever, the Conveyance thereof by any Body Politic, Corporate, or Collegiate, or other Person or Persons, having such and the like Estate or Interest of and in the Manor wherein such Lands, Tenements, and Common or Waste Grounds shall be, or if the same shall not be the Waste of any Manor, then having such or the like Estate or Interest of or in the Soil of such Lands, Tenements, and Wastes or Commons, as the Body or Bodies Politic, Corporate, or Collegiate, or Person or Persons who is and are herein-before enabled to sell and convey other Lands, Tenements, and Hereditaments, shall be a good and sufficient Conveyance thereof to the said Company for the Purpose of vesting in them the Fee Simple and Inheritance of such Waste Grounds or Commons, or other Lands, Tenements, or Hereditaments, as fully and effectually as if every Person having such Right or Rights of Common upon such Commons or Waste Grounds, or other Lands, Tenements, or Hereditaments, were seised thereof in Fee Simple in Possession, and had joined in and executed such Conveyance; and the Compensation to be paid for any Right of Common upon any such Common or Waste Ground as aforesaid shall be paid by the said Canal Company to the Churchwardens of the respective Parishes wherein such Commons or Waste Grounds shall lie, and shall be by such Churchwardens received and applied for such general or public Purposes within such Parishes respectively as a Vestry of such respective Parishes, to be convened by such Churchwardens for that Purpose, shall direct; and in all Cases where such Rights, Commons, Profits, or Easements shall be and extend over and be enjoyed and taken out of any other Lands, Tenements, or Hereditaments than such Wastes and Commons, the Compensation shall be paid or tendered to the Person or Persons, Bodies Politic, Corporate, or Collegiate, having such Estate or Interest as aforesaid in the said Rights, Commons, Profits, or Easements, or in the Lands, Tenements, or Hereditaments whereunto the same shall be appendant or appurtenant, or deposited in the Bank of *England* in manner by this Act directed, as the Case may be; 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

Waste Lands
to be conveyed by
Lords of
Manors.

or Waste Ground is situate, the Conveyance by Four at least of the Freeholders whose Estates have Common Right in such Common or Waste Ground, and whose said Estates are assessed yearly to the Poor Rates to Three Fifth Parts at least of the whole Property in each of the said Parishes which have such Common Right, to the said Company, shall be a good and sufficient Conveyance.

Satisfaction
to be made
for Lands
taken for the
Canals, Re-
servoirs, and
Feeders.

XXXV. And be it further enacted, That all and every Body and Bodies Politic, Corporate, and Collegiate, Trustees, and other Person or Persons herein-before enabled to sell or convey Lands or other Hereditaments, and any other Owner or Owners, and the Occupier or Occupiers of any Lands or other Hereditaments through, in, over, or upon which the said Canals and other Works hereby authorized shall be made, may accept and receive such Satisfaction in gross Sums for the Value of such Lands and Hereditaments, and also a Compensation for the Damages to be sustained by making or completing the said Works herein-before directed, and also for or by reason of the severing or dividing the same Lands and Hereditaments from the other Lands and Hereditaments belonging to such Body or Bodies Politic, Corporate, or Collegiate, Trustees, and other Person or Persons interested therein, and for or on account of the Detriment, Injury, Loss, Damage, or Prejudice which shall or may be sustained by such Body or Bodies Politic, Corporate, or Collegiate, Trustees, and other Person or Persons interested therein, as shall be agreed upon by and between the said Owners and Occupiers respectively, or any of them, and the Company of Proprietors hereby constituted; and in case the said Company of Proprietors, and the said Parties interested in such Lands or other Hereditaments, cannot or do not agree as to the Amount or Value of such Satisfaction and Compensation, the same shall be ascertained and settled by the Verdict of a Jury as is herein-after directed.

Differences
respecting
Price of Land
or Damages
to be settled
by a Jury.

XXXVI. And be it further enacted, That in case of any Difference between the said Company of Proprietors or their Agents and any Body or Bodies Politic, Corporate, or Collegiate, Trustees, or other Person or Persons interested in or entitled to any Lands, Tenements, or Hereditaments, relative to the Price or Value, Damages or Recompence, to be given for the same, to be taken or used for the Purposes of this Act, and in case such Price or Value, Damages or Recompence, cannot be settled, adjusted, and agreed for by and between the said Company of Proprietors, or their Agents, and such Proprietors or Persons interested in the Lands, Tenements, or Hereditaments as aforesaid, his, her, or their Agents; or if any such Body or Bodies Politic, Corporate, or Collegiate, Trustee or Trustees, or any other Person or Persons interested or entitled as aforesaid, shall refuse to receive, upon due Tender thereof made, such Purchase Money or Recompence as shall be offered to be paid by the said Company of Proprietors, or shall, for the Space of Twenty-one Days next after Notice in Writing given to the principal Officer of any such Body or Bodies Politic, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at the last or usual Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of any Lands or other Hereditaments required for the Purposes of this Act, neglect or refuse to treat or shall not agree with the said Company concerning the same, or shall by Absence or otherwise be prevented from treating, or shall, by reason of Nonage or other Impedi-

ment not provided for by this Act, be incapable of treating or making such Agreement as shall be expedient for enabling the said Company to proceed in the making or carrying on the said Canals and other the Works aforesaid, or shall not within the before-mentioned Space of Twenty-one Days produce and fully disclose the State of the Title to the Premises which they are or shall be in Possession of, and to the Interest which they claim therein; then and in any or either of the said several Cases the said Company of Proprietors shall and they are hereby empowered and required to issue a Warrant or Warrants, under their Common Seal, to the Sheriff of the County in which the Lands or Hereditaments in question shall be situated, and in case such Sheriff or his Under Sheriff shall be one of the said Company of Proprietors, or enjoy any Office of Trust or Profit under them, or shall be in anyways interested in the Matters in question, then to one of the Coroners of such County who shall not be so interested as aforesaid, or if all the Coroners shall be so interested, then to the last Persons or Person then in being who filled the Office of Sheriff of the same County, and who shall not be interested as aforesaid, commanding such Sheriff or Coroner or other Person to impanel, summon, and return, and the said Sheriff or Coroner is hereby required accordingly to impanel, summon, and return, a Jury of at least Eighteen sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for Trials of Issues in His Majesty's Courts of Record at *Westminster*, to appear before the Justices of the Peace for the County in which such Lands or Hereditaments shall lie, or the Matter in question or dispute shall arise, at some Court of General or Quarter Sessions of the Peace to be holden for the same County, or at some Adjournment thereof, as in such Warrant or Warrants shall be appointed; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid, such Sheriff or Coroner or other Person shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, (being so qualified as aforesaid,) to make up the said Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the Clerk of the Peace for the County in which such Lands or Hereditaments shall lie, or the Matter in question or dispute shall arise, or his Deputy, is hereby empowered and required to summon or call before the said Justices 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 may order and authorize the said Jury, or any Six or more of them, to view the Place or Places or Matter or Matters in 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 inquire of, assess, and ascertain the Sum or Sums of Money to be paid for the Purchase of such Lands or other Hereditaments, and also what other separate and distinct Sum or Sums of Money shall be paid by way of Recompence, either for the Damage which shall or may before that Time have been so sustained as aforesaid, or for the future temporary or perpetual Continuance of any recurring Damage which shall have been so occasioned as aforesaid, and the Cause or Occasion of which shall have been in part only obviated, repaired, or remedied by the said Company, and which cannot or will not be further obviated, repaired, or remedied by them; and in so doing the said Jury shall

shall take into consideration not only the Damage or Inconvenience but also the Advantages and Conveniences which shall or may arise to the Person or Persons having such Controversy or Dispute, by means of the said Canals or other Works; and the said Justices shall accordingly give Judgment for such Purchase Money or Recompence so to be assessed by such Jury; which said Verdict, and the Judgment thereupon to be pronounced as aforesaid, shall be binding and conclusive to all Intents and Purposes against all Bodies Politic, Corporate, or Collegiate, and all other Persons whomsoever; provided that not less than Seven Days Notice in Writing of the Time and Place of Meeting of the said Justices and Jury shall be given by the Clerk to the said Company to the Party or Parties with whom such Controversy shall arise, by leaving such Notice at the Dwelling House of such Person or Persons, or of the Clerk or Agent of any such Body Politic, Corporate, or Collegiate, or with some Tenant or Occupier of the Premises to be valued or respecting which any such Question shall arise.

Damages to be ascertained separately from the Value of Lands.

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

Fine on Sheriff making Default, and for Persons refusing to appear, &c.

XXXVIII. And be it further enacted, That if such Sheriff or his Deputy, or other Person so directed to summon and return a Jury as aforesaid, shall make Default in the Premises, he shall for every such Offence forfeit the Sum of Fifty Pounds; and if any Person so summoned and returned as aforesaid upon such Jury shall not appear, without sufficient Excuse, or appearing shall refuse to be sworn or give his Verdict, or in any other Manner wilfully neglect his Duty contrary to the true Intent of this Act; or if any Person so to be summoned to give Evidence shall not appear, without sufficient Excuse, after having been paid or tendered a reasonable Sum for his, her, or their Costs and Expences, or appearing shall refuse to be sworn, examined, or to give Evidence; then and in every such Case every Person so offending shall forfeit and pay, for the Benefit of the Party for whom or on whose Account such Jury or Witnesses shall be summoned, any Sum not exceeding Ten Pounds, to be levied, by virtue of any Warrant under the Hand and Seal of any of the said Justices, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to him, her, or them the Overplus of the Money thereby produced, after such Penalty, and the Charges and Expences of such Distress and Sale, shall be deducted.

Respecting Juries and Witnesses.

XXXIX. And be it further enacted, That every such Jury and Juryman as aforesaid shall also be liable and subject to the same Regulations, Pains, and Penalties as if such Jury and Juryman had been returned for the Trial of an Issue joined in any of His Majesty's Courts of Record at *Westminster*; and all and every Person and Persons who in any Examination to be taken by virtue of this Act upon their Oath, or, being of the Society of Persons called *Quakers*, upon their solemn Affirmation, shall wilfully and corruptly give false Evidence before any such Jury, or before any

any Justice of the Peace acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject and liable to the Pains and Penalties to which Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable.

XL. And be it further enacted, That in every Case where the Verdict of a Jury shall be given for a greater Sum than shall have been previously offered or tendered by the said Company for the Purchase of any Lands, Grounds, Messuages, Tenements, or Hereditaments to be used or taken by them for the Purposes of this Act, or as a Compensation or Recompence for any Damage, Loss, or Injury which may happen or arise in the Execution of any of the Powers hereby granted, all the Costs of summoning such Jury, and the Expence of Witnesses, shall be defrayed by the said Company, and such Costs and Expences shall be settled and determined by some Justice of the Peace for the County wherein such Premises shall lie, not interested in the Matter in question (who is hereby authorized and required to settle the same at a Time and Place to be by him appointed, after summoning the Parties interested therein to attend him for that Purpose); and in case such Costs and Expences shall not be paid to the Party entitled to receive the same within Seven Days after the same shall have been demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods and Chattels of the said Company, or of the Treasurer of the said Company, (unless such Treasurer shall pay such Costs and Expences out of any Monies received by him by virtue of this Act, and which he is hereby authorized to do,) under a Warrant to be issued for that Purpose by any Justice of the Peace for such County, which Warrant any such Justice is hereby authorized and required to issue under his Hand and Seal, on Application made to him for that Purpose by the Party entitled to receive such Costs and Expences; but if the Verdict of the Jury shall not be given for a greater Sum than shall have been previously offered or tendered by or on behalf of the said Company, then and in every such Case one Moiety of the Costs and Expences shall be defrayed by the Person or Persons with whom the said Company shall have such Controversy or Dispute, and the other Moiety thereof shall be defrayed by the said Company; and all such Costs and Expences, having been ascertained and settled by some Justice of the Peace of such County in manner herein-before described, shall and may be deducted out of the Money to be determined or adjudged to be paid to such Person or Persons as aforesaid, as so much Money advanced to and for his or their Use; and the Payment or Tender of the Remainder of the Money so to be determined or adjudged shall be deemed and taken, to all Intents and Purposes whatsoever, to be a good Payment or Tender in satisfaction of the Whole thereof: Provided always, that in all Cases where, by reason of Absence in Foreign Parts, or from any other Cause or Disability not herein-before provided for, any Person or Persons shall have been prevented from treating and agreeing as aforesaid, the whole of such Charges and Expences shall be borne and paid by the said Company.

Expences of
Juries how
to be de-
frayed.

XLI. And be it further enacted, That all and every Person or Persons with whom the said Company of Proprietors shall have any such Controversy or Dispute as aforesaid shall, before the said Company of Proprietors
[Local.] 28 L shall

Persons re-
questing
Juries, to
enter into
Bonds to
prosecute.

shall be obliged to issue out their Warrant or Warrants for the summoning of such Jury, first enter into a Bond, with Two sufficient Sureties, to the Treasurer of the said Company of Proprietors, in a Penalty of One hundred Pounds, to prosecute his, her, or their Complaint, and to bear and pay his, her, or their Proportion of the Costs and Expences of summoning and returning such Jury and taking such Inquest, and of the summoning and of the Attendance of Witnesses, in case any Part of such Costs and Expences shall fall upon him, her, or them to be paid, according to the true Intent and Meaning of this Act.

Compensation Money to be apportioned.

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

Verdicts to be recorded.

XLIII. And be it further enacted, That all the said Verdicts and Judgments, being first signed by the Clerk of the Peace, or his Deputy, present at the taking of such Verdict, shall be kept by the Clerk of the Peace for the County in which the Matter of Dispute shall have arisen among the Records of the Quarter Sessions for such County, and shall be deemed Records to all Intents and Purposes; and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling, and no more, and also to take and make Copies thereof, paying for each Copy after the Rate of Sixpence for every One hundred Words.

Damages not provided for, to be settled.

XLIV. And be it further enacted, That if any Person or Persons shall sustain any Damage in his, her, or their Lands, Tenements, or other Hereditaments, by reason of the Execution of any of the Powers given by this Act, and through or by means not herein provided for, then and in every such Case such Damages shall be so settled by the said Company of Proprietors, or by a Jury as herein-before mentioned, and the Amount of such Damages may be recovered, levied, and applied in manner herein directed with regard to other Damages; and in every such Case the said Company of Proprietors are hereby empowered and required to issue a Warrant or Warrants under their Common Seal to the Sheriff of the said County, commanding him to summon a Jury in manner herein-before mentioned.

Notice of Injury to be given to Company, before Complaint made.

XLV. And be it further enacted, That the said Company of Proprietors shall not be obliged, nor shall any Jury to be summoned by virtue of this Act be allowed, to receive or take notice of any Complaint or Complaints to be made by any Person or Persons whomsoever for any Injury or Damage by him or them sustained or supposed to be sustained by virtue or in consequence of the Execution of any of the Powers of this Act, unless Notice shall have been given in Writing, stating the Particulars of such Injury or Damage, and the Amount of Compensation claimed in respect thereof, by or on behalf of such Person or Persons, to the said Company, within the Space of Six Calendar Months after the

Time of such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

XLVI. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or assessed by any Juries in manner aforesaid, for the Purchase of any Lands, Tenements, or other Hereditaments, or as a Recompence for the yearly Produce or Profits thereof, or as a Compensation for Damages as herein mentioned to the Proprietor or Proprietors of such Lands, Tenements, or other Hereditaments, or to such other Person or Persons as shall be interested therein or entitled to receive such Money or Compensation respectively, within One Calendar Month next after the same shall be so agreed for, determined, or assessed, or if the Person or Persons so entitled or interested as aforesaid, or any of them, cannot be found, or shall refuse to receive the same, or shall not be able to make a good Title to, or shall refuse to execute a Conveyance or Conveyances of, the Premises which shall be required for the Purposes of this Act, then, upon Payment of the said Sum or Sums of Money within the said One Calendar Month into the Bank of *England*, as hereinafter directed or required, for the Use of the Person or Persons entitled thereto, it shall be lawful for the said Company of Proprietors, and their Agents, Workmen, and Servants, immediately to enter upon such Lands, Tenements, and other Hereditaments respectively; and then and thereupon such Lands and Grounds, Tenements and other Hereditaments, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall thenceforth be vested in and become the sole Property of the said Company of Proprietors, to and for the Purposes of this Act; and such Payment or Tender and Investiture shall not only bar all Right, Title, Claim, Interest, and Demand of such Person or Persons as aforesaid, and operate as a Merger of all outstanding Terms of Years, but also shall extend to and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail and other Estates in Reversion or Remainder, or otherwise, of his, her, or their Issue, and of every other Person whomsoever therein: Provided nevertheless, that before such Payment, Tender, or Investiture as aforesaid, it shall not be lawful for the said Company of Proprietors, or any Person acting under their Authority, to dig or cut such Lands or Grounds, Tenements or other Hereditaments, for the Purpose of making the said Canals and Works, without the Leave and Consent of such Person or Persons respectively; and in case any Person or Persons shall enter upon any such Premises for any of the Purposes of this Act, before such Payment, Tender, or Investiture as aforesaid, every Person so offending shall forfeit and pay the Sum of Ten Pounds for every Day he or they shall remain on the said Premises.

Power to enter and take possession of Lands, &c. on Payment or Tender of Purchase Money.

XLVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to give to the said Company of Proprietors any Mines of Minerals or of Coals, or of any Stone or Slate, under any Land taken or purchased by the said Company under the Provisions of this Act, except only so much and such Parts of such Minerals, Coals, Stone, or Slate as may be necessary to be dug or gotten and used for the Purposes of this Act; but all such Mines, Minerals,

Company not to claim Mines, &c.

Minerals, Coals, Stone, or Slate shall be deemed to be excepted out of such Purchase, and may be worked by the Owners or Lessees thereof under the said Lands or any Canals or other Works of the said Company, as if this Act had not been passed, but so as nevertheless not to prejudice or to injure any such Canals or other Works hereby authorized or directed to be made.

Tenants at Will, or for Years, to quit Lands, &c. after Notice.

XLVIII. And be it further enacted, That every Tenant at Will or Lessee for a Year, or any other Person or Persons in Possession of any Lands, Tenements, and Hereditaments, or any Part thereof, which shall be taken or used for the Purposes of this Act, and who shall have no greater Interest in the Premises than as Tenant at Will, or Lessee for a Year or from Year to Year, shall deliver up the Possession of such Premises to the said Company of Proprietors, or to such Person or Persons as they shall appoint to take possession of the same, at the Expiration of Two Calendar Months next after Notice to that Effect shall have been given by the said Company, or by the Person or Persons so authorized by them, to such Tenant or Lessee or Person in Possession, or left upon the said Premises, whether such Notice be given with reference to the Time or Times of the Commencement of such Tenant's holding or not, and whether such Notice be given before or after the said Premises shall be purchased by the said Company, or such other Time after the Expiration of Two Calendar Months as he, she, or they shall be required; and in case any such Tenant or Lessee, or Persons so in Possession as aforesaid, shall refuse to give up such Possession as aforesaid, it shall be lawful for the said Company to issue their Precept or Precepts to the Sheriff of the County in which the Premises shall be situate, to deliver Possession of the said Premises to such Person or Persons as shall in such Precept or Precepts be nominated to receive the same; and the said Sheriff is hereby required to deliver Possession of the said Premises accordingly, and to levy such Costs as shall accrue from the issuing and Execution of such Precept or Precepts on the Person or Persons so refusing to give Possession as aforesaid, by Distress and Sale of his, her, or their Goods.

Interest of such Tenants may be settled by a Jury.

XLIX. Provided also, and be it further enacted, That where any such Tenant or Lessee shall be required to deliver up the Possession of any Premises so occupied by him or her, to the said Company of Proprietors, or to the Person or Persons authorized by them to take possession thereof as aforesaid, before the Expiration of the Term or Interest of such Tenant or Lessee as aforesaid in the said Premises, the said Company of Proprietors shall and they are hereby directed to make or tender unto such Tenant or Lessee, before they shall issue their Precept or Precepts to the Sheriff to give Possession of the Lands and Premises in the Occupation of such Tenant or Lessee as herein-before mentioned, Satisfaction or Compensation for the Value of his or her unexpired Term or Interest in the said Premises; which Satisfaction or Compensation, in case of Difference, shall be settled and ascertained in the same Manner as any Satisfaction or Compensation for any Lands, Tenements, or Hereditaments taken or made use of by the said Company is in and by this Act directed to be made and assessed.

Persons holding under

L. And be it further enacted, That in all Cases where any Person or Persons shall claim any Satisfaction or Compensation for or in respect of any

any unexpired Term or Interest in any Lands, Tenements, or Hereditaments, through, in, or upon which the said Canals and other Works hereby authorized to be made are intended to pass or be made, under or by virtue of any Demise, Lease, or other Grant thereof, the said Company shall and they are hereby authorized to require such Person or Persons to produce or shew the Lease, Demise, or Grant in respect of which such Claim to Satisfaction or Compensation shall be made; and if such Lease, Demise, or Grant shall not be produced or shewn, the Person or Persons claiming under the same shall be considered as holding only from Year to Year.

Leases to produce the same.

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

Mortgages to be conveyed to the Company after Tender.

[*Local.*]

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Purposes

Purposes whatsoever: Provided also, that if such Mortgage or Mortgages shall comprise any other Lands, Tenements, or Hereditaments than those which shall be so taken by the said Company, such Mortgage or Mortgages shall, upon Payment of the Sum so ascertained to be the Value of the said Lands, Tenements, or Hereditaments as aforesaid, forthwith convey, assign, and transfer his, her, or their Interest in such Lands, Tenements, and Hereditaments to the said Company; and in default of such Conveyance, Assignment, or Transfer, and on Payment of such Money into the Bank of *England* for the Use of such Mortgagee or Mortgagees, the Cashier or Cashiers of the Bank shall give such Receipt or Receipts as above mentioned, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee or Mortgagees, and of all and every Person and Persons in Trust for him or them, in the said Lands, Tenements, or Hereditaments, the Value whereof shall have been so ascertained and paid into the Bank as aforesaid, shall vest in the said Company, and they shall be deemed to be in the actual Possession of the said Premises to all Intents and Purposes whatsoever; and such Sums of Money shall be deducted from the Amount of the Principal and Interest due to such Mortgagee or Mortgagees by virtue of such Mortgage or Mortgages.

Directing in what Manner Disputes between Company and certain Mortgagees of Land shall be settled.

LII. And be it further enacted, That in all Cases where a Part only of any Lands, Tenements, or Hereditaments, subject to any Mortgage or Mortgages, shall be required for the Purposes of this Act, and the Mortgagee or Mortgagees thereof shall not consider the remaining Part of such Lands, Tenements, or Hereditaments to be a sufficient Security for the Money secured thereon, or shall not be willing to release the Part required for the Purposes of this Act from the Principal or Mortgage Money and all Interest due or to become due thereon, then and in every such Case the Price or Value of such Part of the said Lands, Tenements, or Hereditaments as shall be so required for the Purposes aforesaid, and the Compensation (if any) for any Damage done, shall be settled and agreed upon by and between such Mortgagee or Mortgagees and the Person or Persons entitled to the Equity of Redemption of such Lands, Tenements, or Hereditaments, on the one Part, and the said Company of Proprietors on the other Part; and in case of any Difference or Disagreement between them, then such Price or Value and Compensation shall be ascertained or assessed by the Verdict of a Jury, in the same Manner as in other Cases of Difference or Disagreement; and the Amount of such Price or Value and Compensation, being so settled and agreed upon, or ascertained and assessed as aforesaid, shall be paid to such Mortgagee or Mortgagees in satisfaction of his or their Claim, so far as the same will extend, or in case of his or their neglecting or refusing to release, convey, or assign as herein-before directed, then into the Bank of *England*, as by this Act is provided; and such Payment to the Mortgagee or Mortgagees, or into the Bank, as last aforesaid, shall be and be accepted and taken in satisfaction of the Claim of such Mortgagee or Mortgagees, so far as the same will extend, and also in full Discharge and Exoneration of such Part of the mortgaged Lands as shall be so taken and used from all Principal, Interest, and other Money due or secured thereon: Provided always nevertheless, that notwithstanding any thing herein-before contained, such Mortgagee or Mortgagees shall have, retain, and be entitled to such and the same Powers, Remedies, and Means for recovering or compelling

compelling Payment of his, her, or their Mortgage Money, or the Residue thereof, as the Case may be, and the Interest thereof respectively, upon and out of the Residue of the mortgaged Lands, Tenements, or Hereditaments not required for the Purposes aforesaid, as he, she, or they would otherwise have had or been entitled to for recovering or compelling Payment thereof upon or out of the whole of the Lands, Tenements, or Hereditaments originally comprised in such Mortgage or Mortgages.

LIII. And be it further enacted, That if any Money shall be paid, or agreed or assessed to be paid, for the Purchase of any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on behalf of any Infant, Lunatic, Idiot, Feme Covert, or other Cestuique Trust, or to any Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* the Company of Proprietors of the *Birmingham and Liverpool Junction Canal Navigation*, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His present Majesty King *George the Fourth*, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; and shall, when so paid in, there remain until the same shall, by Order of the said Court made upon a Petition to be preferred to the said Court 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, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or Debts, or such other Incumbrances, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court of Exchequer shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or until the same shall, upon the like Application, be laid out in a summary Way, by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or 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 or capable of taking effect; and in the meantime, and until such Order can be made, the said Money may, by Order of the said Court, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or in Government or Real

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

1 G. 4. c. 35.

Real Securities; and in the meantime, and until the said Bank Annuities or Government or Real Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce of the said Consolidated or Reduced Bank Annuities or Government or Real Securities 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 such Lands, Tenements, and Hereditaments so to be purchased, conveyed, and settled.

When less
than 200*l.*
and amount-
ing to 20*l.*

LIV. 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, Idiotcy, or Lunacy, or other Incapacity, to be signified in Writing under their Common Seal or respective Hands, (as the Case may be,) be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Three or more Trustees to be nominated, by the Person or Persons who for the Time being would be entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so to be purchased and settled by the said Company (such Nomination and Approbation to be signified in Writing under the Hands or Common Seal of the nominating and approving Parties); and the Money so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, may be by such Trustees applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank of *England*, without obtaining or being required to obtain any Order of the Court of Exchequer touching the Application thereof.

Application
when the
Money is less
than 20*l.*

LV. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as herein-before mentioned shall be less than Twenty Pounds, then and in every such Case the same shall be applied 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 purchased, taken, or used for any of the Purposes of this Act, for his, her, or their own Use and Benefit, or in case of Infancy or Lunacy or other Incapacity, then to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons respectively entitled thereto.

In case of
not making
out Titles,
or if Persons
cannot be

LVI. 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, taken, or used 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 Company, or in case such Person or Persons to whom such Sum or Sums of Money shall be 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 be lawful for the said Company 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 Privy of the Accountant General of the Court of Exchequer, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court; which said Court, on the Application of any Person 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 same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying therein 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.

found, Purchase Money to be paid into the Bank.

LVII. And be it further enacted, That when any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privy of the Accountant General of the said Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act, or to any Bank Annuities or Government or Real Securities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities or Government or Real Securities, the Person or Persons who shall have been in possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person and Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court; and the Dividends or Interest of the Bank Annuities or Government or Real Securities to be purchased with such Money, and also the Capital of such Bank Annuities or Government or Real Securities, 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 Questions shall arise, Persons in the Possession shall be deemed entitled.

LVIII. Provided always, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be

[*Local.*]

28 N

purchased,

Court may order Expences to be paid by Company.

purchased, taken, or used under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Bank of *England*, or to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of the Expences as the said Court shall deem reasonable, together with the necessary Costs and Expences of obtaining such Order, to be paid by the said Company 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.

Clerk of
Company,
upon Pay-
ment of Mo-
ney, to give
Receipts.

LIX. Provided always, and be it further enacted, That upon Payment of the Money which shall arise by the Sale or Sales of such Lands, Tenements, or Hereditaments, or any Parts or Parcels thereof, it shall be lawful for the Clerk 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 any Person or Persons for the Purchase Money for such Lands, Tenements, or Hereditaments, or any Parts or Parcels thereof, as shall be sold, or for so much thereof as in such Receipts respectively shall be expressed to be received; and such Person or Persons shall not afterwards be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Purchase Money or any Part thereof.

Enabling the
Company to
sell Lands
not wanted.

LX. And whereas, by reason of the Purchases which the said Company are empowered to make by virtue of this Act, they may happen to be seised of more Land than may be necessary for effecting the Purposes of this Act; be it therefore enacted, That it shall be lawful for the said Company to sell and dispose of any Piece or Pieces of such Land, either in Parcels or together, and by public Auction or private Contract, as they shall find convenient and advantageous, to such Person or Persons as shall be willing to contract for and purchase the same; and such Conveyances from the said Company shall be valid and effectual, any thing in this Act contained, or any other Law, Statute, or Custom to the contrary thereof notwithstanding: Provided always, that the said Company of Proprietors, before they shall sell and dispose of any such Messuages, Lands, Tenements, and Hereditaments as aforesaid, or any Part or Parts thereof respectively, shall first offer to sell the same to the Person or Persons whose Lands or Premises shall immediately adjoin the Lands or Grounds so proposed to be sold, and such Person or Persons, in case he, she, or they shall be desirous of purchasing the same, shall signify such his, her, or their Desire and Intention in that Behalf to the said Company of Proprietors, through their Clerk, within Twenty-one Days after such Offer of Sale shall have been made; and in case such Person or Persons shall refuse or decline to avail himself, herself, or themselves of such Offer, or shall neglect or omit to signify his, her, or their Desire and Intention to purchase such Messuages, Lands, Tenements, and Hereditaments for the Space of Twenty-one Days, then and in every such Case an Affidavit made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before some Justice of the Peace for the County in which such Messuages, Lands, Tenements, or Hereditaments shall be situate, by some Person or Persons not interested

in the same Messuages, Lands, Tenements, or Hereditaments, stating that such Offer was made by or on the Behalf of the said Company of Proprietors, and that such Offer was refused or declined, or was not accepted or agreed to, by the Person or Persons to whom the same was made, within the said Space of Twenty-one Days from the Day or Time of making the same, shall in all Courts whatever be sufficient Evidence and Proof that such Offer was made and was refused or declined, or was not accepted and agreed to within the Time aforesaid, by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing the same, and he, she, or they and the said Company of Proprietors shall differ or not agree with respect to the Price thereof, then and in such Case the Price or Prices thereof shall be ascertained by a Jury in the Manner herein-before directed with respect to the disputed Value of Premises to be purchased by the said Company of Proprietors in pursuance of this Act, and the Expences of hearing and determining such Difference shall be borne and paid in like Manner as is herein-before directed with respect to Purchases made by the said Company of Proprietors, *mutatis mutandis*; and the Money produced by the Sale or Sales which may be made by the said Company of Proprietors of such Messuages, Lands, Tenements, and Hereditaments as aforesaid, shall be applied to the Purposes of this Act.

LXI. And whereas it may tend to the public Advantage if the said Company were empowered to purchase an additional Quantity of Land, not exceeding Twenty Statute Acres, together with any Messuages or other Buildings standing thereon, for the Purpose of erecting and providing any Coal or other Yards, Staiths, Wharfs, Messuages, Warehouses, and other Buildings and Conveniences, for the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby authorized and empowered, to contract with any Person or Persons, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, (who shall be willing to sell the same,) for the Purchase of any Parcel or Parcels of Land, Messuages, Buildings, or Hereditaments, (not exceeding in the whole Twenty Statute Acres,) in such Place or Places as they shall deem eligible or convenient, for the Purpose of making, erecting, forming, and providing any Wharf or Wharfs, and any Coal or other Yards, Staiths, Messuages, Warehouses, and other Buildings and Conveniences, for the Purposes of receiving, lodging, depositing, or keeping any Goods, Merchandize, or other Things carried or conveyed, or intended to be carried or conveyed, upon the said Canals or any of them, or for making any convenient Roads, Avenues, or Ways leading thereto, or for any other Purposes whatsoever connected with the said Canals, which the said Company of Proprietors shall judge requisite and necessary; and it shall be lawful for all Bodies Politic, Corporate, and Collegiate, Corporations Aggregate and Sole, and all other Persons whomsoever, to sell and grant or convey to the said Company and their Successors any Parcel or Parcels of Land, Messuages, Buildings, and Hereditaments whatsoever, for the Purposes last aforesaid or any of them, in the same Manner as is herein-before directed concerning Lands, Messuages, Buildings, and Hereditaments to be taken or used for the Purpose of forming, making, and maintaining the said Canals and other Works, and that without inquiring or ascertaining, or being bound to inquire or ascertain, that the Lands and Hereditaments so sold, granted;

Empowering
the Company
to purchase
Twenty Acres
of Land.

or

or conveyed to the said Company and their Successors, for the Purposes last aforesaid, or any of them, will not, together with other Lands and Hereditaments previously purchased by the said Company for the same Purposes or any of them, amount to or make up a greater Quantity of Land than Twenty Statute Acres in the whole.

Company
empowered
to sell such
Lands, and
to purchase
and sell again
within the
Limit pre-
scribed.

LXII. And be it further enacted, That it shall be lawful for the said Company, and they are hereby authorized and empowered, from Time to Time and at any Time or Times hereafter, to sell and dispose of such additional Lands, Tenements, and Hereditaments as they are hereby authorized and empowered to purchase and shall have actually purchased for the Purposes of this Act, or so much and such Part or Parts of the same Messuages, Lands, Tenements, and Hereditaments as the said Company shall think proper, and either together or in Parcels, by public Auction or private Contract, as shall be thought advisable or expedient, to any Person or Persons who shall be willing to become the Purchaser or Purchasers thereof, and again from Time to Time to contract for the Purchase of any other Messuages, Lands, Tenements, and Hereditaments more eligible or convenient for the Purposes aforesaid, or any of them, and afterwards to sell and dispose of the same as aforesaid, so that the total Number or Quantity of Acres to be purchased by the said Company of Proprietors, for any of the Purposes herein-before mentioned, shall not exceed at any one Time the Quantity or Number of Acres by this Act specified or allowed for the same respective Purposes.

Restraining
the Company
from pur-
chasing more
than Twenty
Acres of
Land from
incapacitated
Persons.

LXIII. And whereas the said Company of Proprietors are by virtue of this Act enabled to purchase Twenty Statute Acres of Land for the Purposes thereof, in addition to the Land hereby authorized to be purchased, used, or taken for the making and completing the said Canals and other Works, and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all other Persons whomsoever, are empowered to sell such Quantity or Number of Acres to the said Company: And whereas it is expedient to restrain the said Company from selling any such Lands so purchased from any Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or on behalf of Infants, Lunatics, Idiots, Femmes Covert, Cestuique Trust, Tenants for Life or in Tail, and Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, and again purchasing other Lands from the same, or from any other Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or on behalf of Infants, Lunatics, Idiots, Femmes Covert, Cestuique Trust, Tenants for Life or in Tail, and Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, in lieu or stead of the Lands so sold; be it therefore enacted, That it shall not be lawful for the said Company of Proprietors to purchase from any Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or on behalf of

of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trust, Tenants for Life or in Tail, and Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, more than such Twenty Statute Acres; and in case the said Company shall afterwards sell the Whole or any Part of such Twenty Statute Acres so purchased, it shall not be lawful for the said Company to purchase of, nor for the same or any other Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trust, Tenants for Life or in Tail, Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, nor for the same or any other Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees, for or on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, Persons to whom or for whose Benefit Lands are limited in strict Settlement, or other Persons being under legal Disability or Incapacity, to sell to the said Company any other Lands in lieu or instead of those Twenty Statute Acres, or any Part thereof, so sold or disposed of by the said Company.

LXIV. And be it further enacted, That all Conveyances to be made by the said Company of Proprietors, under or by virtue of or in pursuance of the several Powers and Authorities to them hereby given, shall be made according to the following Form; *videlicet*,

‘ WE, the Company of Proprietors of the *Birmingham and Liverpool* Form of
 ‘ Junction Canal Navigation, in consideration of the Sum of Conveyance.
 ‘ of lawful *English* Money to us paid by *A. B.* of
 ‘ do hereby, by virtue of the Powers contained in an Act of Parliament,
 ‘ intituled [*here set forth the Title of this Act*], grant and release to the
 ‘ said *A. B.* all [*describing the Premises to be conveyed*], and all our Right,
 ‘ Title, and Interest in and to the same and every Part thereof, to hold to
 ‘ the said *A. B.*, his Heirs and Assigns, for ever, [*or to such Uses as the*
 ‘ Purchaser may desire.] In witness whereof, we, the said Company of
 ‘ Proprietors of the *Birmingham and Liverpool* Junction Canal Navigation,
 ‘ have caused our Common Seal to be set and affixed this
 ‘ Day of in the Year of our Lord .’

And that in all Conveyances to be made by the said Company of Proprietors, under the Authority aforesaid, of any Freehold Lands, Tenements, or Hereditaments, the Word “grant” shall amount to and be construed and adjudged in all Courts of Judicature to be express Covenants to the Grantee or other Purchasers, his, her, or their Heirs, Executors, Administrators, or Assigns, from the said Company of Proprietors, for themselves and their Successors, that they the said Company of Proprietors, notwithstanding any Act done by them, were at the Time of the Execution of such Conveyance seised of the Hereditaments and Premises thereby granted of an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances, and that the Purchaser or Purchasers thereof, his, her, or their Heirs and Assigns, shall quietly enjoy the same against the said

The Word
 “grant” in
 Conveyances
 from the
 Company of
 Proprietors
 to amount to
 certain Cove-
 nants.

[*Local.*]

28 O

Company

Company of Proprietors, their Successors and Assigns, and all claiming under them, and be indemnified and saved harmless by the said Company of Proprietors and their Successors from all Incumbrances committed by the said Company, and also for further Assurance of such Hereditaments and Premises by the Company of Proprietors, their Successors and Assigns, and all claiming under them, unless the same shall be restrained and limited by express particular Words contained in such Conveyances or any of them; and such Purchasers and Grantees, and his, her, and their several Heirs, Executors, Administrators, and Assigns respectively, shall and may, in any Action or Actions to be brought, assign a Breach or Breaches thereupon, as they might do in case such Covenants were expressly inserted in such Conveyances; and if the Premises are Leasehold for Years, they shall be assigned by a Form answerable to the above, only substituting Words applicable to the Assignment of a Chattel, and the Word "grant" being held to be a Covenant only commensurate with the Estate of the said Company of Proprietors in the Premises assigned; and all Copyholds shall be surrendered according to the Custom of the Manor.

Whole of
Expence to
be subscribed
before Work
is com-
menced.

LXV. And whereas the probable Expence of making the said Canal and other Works hereby authorized to be made will amount to the Sum of Four hundred thousand Pounds, and the Sum of Three hundred and twenty-five thousand Pounds, being more than Four Fifth Parts thereof, has been already subscribed by several Persons, under a Contract, binding themselves, their Heirs, Executors, Administrators, and Assigns, for the Payment of the several Sums by them subscribed respectively; be it further enacted, That the whole of the said Sum of Four hundred thousand Pounds shall be subscribed in like Manner before any of the Powers given by this Act shall be put in force.

Proprietors
to raise Mo-
ney amongst
themselves
for making
Canals, &c.

LXVI. And be it further enacted, That it shall be lawful for the said Company to raise and contribute amongst themselves, in such Proportions as they shall think proper, a competent Sum of Money for making and completing the said Canals and other Works hereby authorized, not exceeding in the whole the said Sum of Four hundred thousand Pounds, except as herein-after mentioned, and the same shall be divided into Shares of One hundred Pounds each; and no Person subscribing thereto, or becoming a Proprietor in the said Undertaking, shall become a Proprietor of less than One Share, or more than One hundred Shares, either in his, her, or their own Name or Names, except the same shall come to him, her, or them by Will or Act in Law, upon pain of forfeiting to the said Company of Proprietors all such Shares exceeding One hundred Shares, except as herein-after mentioned; and the said Shares shall be and are hereby vested in the several Persons so raising and contributing to the same, and their several and respective Executors, Administrators, and Assigns, to their and every of their proper Use and Benefit, proportionably to the Sum they shall severally raise and contribute; and all Bodies Politic, Corporate, and Collegiate, and all Persons, their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe for One or more Share or Shares, or such Sum or Sums as shall be demanded in lieu thereof, towards carrying on and completing the said Undertaking, and other the Purposes of the said Subscription, shall be entitled to and receive, at such Time and Times as the said Company of Proprietors shall, at a General or Special Meeting

to be convened for that Purpose as Meetings on other Occasions are directed to be convened, direct and appoint, the entire and net Distribution of an equal proportionable Part, according to the Money so by them respectively paid, of the net Profits and Advantages which shall and may arise and accrue by the Rates and other Sums of Money to be raised, recovered, or received by the said Company by the Authority of this Act; and every Body Politic, Corporate, or Collegiate, Person and Persons, having such Property in the said Undertaking as aforesaid, shall bear and pay a proportionable Sum towards carrying on the same, in manner herein directed and appointed.

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

Shares to be
Personal
Property.

LXVIII. And whereas, by the Marriage or Death of Proprietors of Shares in the said Undertaking, it may be difficult to ascertain to whom the Dividends arising or becoming due upon such Shares ought to be paid or may belong; be it therefore enacted, That before any Person or Persons who shall claim any Part of the Profits of the said Undertaking in right of Marriage shall be entitled to receive the same, or to vote in respect of any Shares, an Affidavit, or in case of a Person being of the Society called *Quakers*, a solemn Affirmation in Writing, containing a Copy of the Register of such Marriage, or other Particulars of the Celebration thereof, shall be made and sworn to or solemnly affirmed by some credible Person before a Master or Master Extraordinary in Chancery, or some Justice of the Peace, and shall be transmitted to the Clerk of the said Company of Proprietors, who shall file the same, and make an Entry thereof in the Book or Books which shall be kept by the said Clerk for the Entry of Transfers or Sales of Shares of the said Undertaking; and before any Person or Persons who shall claim any Part of the Profits of the said Undertaking by virtue of any Bequest or Will or of any Administration shall be entitled to receive the same, or to vote in respect of any Shares, the said Will or the Probate thereof, or the Letters of Administration, shall be produced and shewn to the said Clerk, or a Copy of so much of such Will as shall relate to the Share or Shares of the Testator, or a Copy of such Letters of Administration in case of Intestacy, shall be made and sworn or solemnly affirmed to by the Executor or Executors of the said Will, or the Administrator or Administrators of the Intestate, before a Master or a Master Extraordinary in Chancery, or any of His Majesty's Justices of the Peace as aforesaid, and shall also be transmitted to the said Clerk, who shall file and enter the same as herein-before mentioned; and in all Cases other than herein-before mentioned, when the Right and Property of any Share or Shares in the said Undertaking shall pass from the original Proprietor or Proprietors thereof to any other Person or Persons, by any other legal Means than by a Transfer and Conveyance thereof as herein directed, an Affidavit or solemn Affirmation in Writing shall be made and sworn or solemnly affirmed to, by some credible Person or Persons, before a Master or a Master Extraordinary in Chancery, or any of His Majesty's Justices of the Peace as aforesaid, stating the Manner in which such Share or Shares hath or have passed to such

Regulation
as to Acqui-
sition of
Shares.

such other Person or Persons ; and such Affidavit or solemn Affirmation shall be transmitted to the Clerk of the said Company, who shall thereupon enter and register the Name or Names of every such new Proprietor or Proprietors in the Register Book or List of Proprietors of the said Undertaking.

Receipts for
Minors.

LXIX. And be it further enacted, That in all Cases where Money shall be payable under the Provisions of this Act to any Proprietor in the said Undertaking who shall be a Minor under the Age of Twenty-one Years, the Receipt of the Parent or Guardian for the Time being of such Minor shall be a sufficient Discharge to the said Company and their Treasurer for the same.

To compel
Payment of
Subscrip-
tions.

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

Subscribers
to be deemed
Proprietors.

LXXI. And be it further enacted, That all and every Body and Bodies Politic, Corporate, or Collegiate, or other Person or Persons, who shall by virtue of this Act have subscribed for or shall become entitled to any Share or Shares in the said Undertaking, his, her, or their respective Successors, Executors, Administrators, and Assigns, shall be deemed a Proprietor of every such Share, and shall have a Vote for and in respect of every such Share in the stated and Special General Meetings to be held as herein-after appointed for carrying on the said Undertaking, or relative thereto.

Names of
Proprietors
to be entered,
and Certifi-
cates of their
Shares deli-
vered to
them.

LXXII. And for the better securing to the several Proprietors of the said Undertaking their respective Shares therein, be it further enacted, That the said Company shall and they are hereby required, at their first or some succeeding General Meeting, to cause the Names and proper Additions of the several Persons who shall then be entitled to Shares in the said Undertaking, with the Number of Shares which they are then respectively entitled to hold, and the Amount of the Subscriptions paid thereon, to be fairly and distinctly entered in a Book to be kept by the Clerk of the said Company, and after such Entry made to cause their Common Seal to be affixed thereto ; and shall also cause a Certificate or Ticket, with the Common Seal of the said Company affixed thereto, to be delivered to every such Subscriber, on Demand, specifying the Share or Shares to which he, she, or they is or are entitled in the said Undertaking, every such Proprietor paying to the Clerk to the said Company Two Shillings and Sixpence, and no more, for every such Certificate or Ticket ;
and

and such Certificate or Ticket shall be admitted in all Courts whatsoever as *primâ facie* Evidence of the Title of such Subscriber, his or her Executors, Administrators, or Assigns, to the Share or Shares therein specified; but the Want of such Certificate or Ticket shall not hinder or prevent the Owner of any of the said Shares from selling or disposing thereof; and such Certificate or Ticket may be in the Words or to the Effect following; *videlicet*,

‘ *Birmingham and Liverpool Junction Canal Company.*

Form of Certificate.

‘ THESE are to certify, That of
 ‘ is a Proprietor of a Share of and in the *Birmingham and Liverpool*
 ‘ Junction Canal Navigation, subject to the Rules, Regulations, and
 ‘ Orders of the said Company; and that the said his [or
 ‘ her] Executors, Administrators, [or Successors,] and Assigns, is and are
 ‘ entitled to the Profits and Advantages of such Share. Given under
 ‘ the Common Seal of the said Company, the Day of
 ‘ in the Year of our Lord

LXXIII. And be it further enacted, That if any such Certificate or Tickets as aforesaid shall be worn out or damaged, then upon the same being brought and shewn at some Meeting of the Committee of the said Company, such Certificates or Tickets may be cancelled and destroyed, and other similar Certificates or Tickets given under the Common Seal of the said Company to the Person or Persons in whom the Property of such Certificates or Tickets, and the Shares therein mentioned, shall be at that Time vested; or in case such Certificates or Tickets shall be lost or burnt, or totally destroyed, then, upon due Proof thereof, like or similar Certificates or Tickets shall be given to the Person or Persons who was or were the Owner or Owners of or entitled to such Certificates or Tickets so lost, burnt, or destroyed; and a due Entry of the Transfer of such Certificates or Tickets (if any such have been made) shall be entered by the Clerk of the said Company in manner herein directed, the said Clerk receiving for every such Certificate or Ticket which shall be so given or exchanged the Sum of One Shilling and no more.

For granting new Certificates when old ones destroyed or worn out.

LXXIV. And be it further enacted, That in case the Money hereby authorized to be raised shall be found insufficient for the making, completing, and maintaining of the said Canals and other the Works hereby authorized to be made, and for defraying all necessary Charges and Expences relating thereto, and the said Company of Proprietors shall be desirous of raising a further or additional Sum of Money, it shall be lawful for the said Company of Proprietors, by an Order of any General Meeting of the said Company of Proprietors, to borrow and take up at Interest any such further or additional Sum, not exceeding the Sum of One hundred thousand Pounds, on the Credit of the said Undertaking, as to them shall seem meet and convenient; and the said Company of Proprietors, or the Committee of the said Company of Proprietors, after an Order shall have been made for that Purpose by any General Meeting, are hereby authorized and empowered to assign the Property of the said Undertaking, and the Rates arising or to arise by virtue of this Act, or any Part thereof, the Costs and Charges of assigning the same to be paid out of such Rates, as a Security for any such further Sum or Sums of Money to be borrowed as aforesaid, with Interest to such Person or Persons, or to his, her, or

Proprietors may raise an additional Sum by Mortgage, if necessary.

[*Local.*]

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their

their Trustee or Trustees, as shall advance the same; all which said Mortgages or Assignments shall be made under the Common Seal of the said Company of Proprietors in the Words or to the Effect following; (that is to say,)

Form of
Mortgage.

(Number)
 ‘ BY virtue of an Act made in the Seventh Year of the Reign of King
 ‘ George the Fourth, intituled [*here set forth the Title of this Act*],
 ‘ we, the Company of Proprietors of the *Birmingham and Liverpool Junc-*
 ‘ *tion Canal Navigation*, incorporated by and under the said Act, in
 ‘ consideration of the Sum of to us in hand paid by
 ‘ of do assign unto the said
 ‘ his [*or her*] Executors, Administrators, and Assigns,
 ‘ the said Undertaking, and all and singular the Rates arising by virtue
 ‘ of the said Act, and all the Estate, Right, Title, and Interest of, in, and
 ‘ to the same, to hold unto the said his [*or her*]
 ‘ Executors, Administrators, and Assigns, until the said Sum of
 ‘ together with Interest for the same after the Rate of
 ‘ for every One hundred Pounds for a Year, shall
 ‘ be fully paid and satisfied. Given under our Common Seal, this
 ‘ Day of in the Year of our Lord .’

And all and every Person or Persons to whom such Mortgage or Assignment shall be made shall be equally entitled one with the other to his, her, or their Proportion or Proportions of the said Rates and Premises, according to the respective Sums in such Mortgage or Assignment mentioned to be advanced, without any Preference by reason of the Priority of Date of any such Mortgage or Assignment, or on any other Account whatsoever; and an Entry or Memorial of every such Mortgage or Assignment, containing the Number and Date thereof, and the Name or Names of the Person or Persons (with their proper Additions) to whom the same shall have been made, and of the Sum of Money borrowed, and the Rate of Interest to be paid thereon, shall within Ten Days after the Date thereof be entered in a Book or Books to be kept by the Clerk of the said Company of Proprietors, which said Book or Books shall and may be perused at all seasonable Times by any of the Proprietors or Creditors of the said Undertaking, or other Persons interested therein, without Fee or Reward; and all and every Person or Persons to whom any such Mortgage or Mortgages, Assignment or Assignments, shall be made as aforesaid, or who shall be entitled to the Money due thereon, shall and may from Time to Time transfer his, her, or their Right and Interest therein to any Person or Persons whomsoever; which Transfer shall and may be in the Words or to the Effect following; (that is to say,)

Mortgages
transferrable.

‘ I [*or We*] of in consideration
 ‘ of the Sum of paid by of
 ‘ do hereby transfer a certain Mortgage, Number
 ‘ , made by the Company of Proprietors of the *Birmingham and*
 ‘ *Liverpool Junction Canal Navigation* to bearing Date
 ‘ the Day of for securing the Sum
 ‘ of and Interest, and all my [*or our*] Right and
 ‘ Property therein, to the said his [*or her*] Executors,
 ‘ Administrators, and Assigns. Dated this Day of
 ‘ in the Year of our Lord .’

And

And every such Transfer shall within Twenty-eight Days after the Date thereof be produced to the Clerk of the said Company of Proprietors, who shall cause an Entry or Memorial to be made thereof in like Manner as the original Mortgages or Assignments, for which the said Clerk shall be paid such Sum as the said Company of Proprietors shall appoint, not exceeding Two Shillings and Sixpence; and after such Entry made, every Transfer shall entitle such Assignee or Assignees, his, her, and their Executors, Administrators, and Assigns, to the full Benefit thereof and Payment thereon; and it shall not be in the Power of any Person or Persons who shall have made such Transfer to make void, release, or discharge the same, or any Sum or Sums of Money thereon due or thereby secured, or any Part thereof.

LXXV. And be it further enacted, That the Interest of the Money which shall be raised by Mortgages as aforesaid shall be paid half-yearly to the several Persons entitled thereto, in preference to any Interest or Dividends due and payable by virtue of this Act to the said Company of Proprietors, or any of them, and shall from Time to Time be fully paid and discharged or provided for before the yearly or other Interest or Dividends due to the said Proprietors or any of them shall be paid, made, or provided; and in case the same or any Part thereof shall be behind and unpaid by the Space of Twenty-one Days next after the same shall become due and payable as aforesaid, and the same shall not be paid within Seven Days next after Demand thereof shall have been made to the said Company, or left at the Office of the said Company, then it shall be lawful for any Two or more Justices of the Peace acting in and for either of the said Counties of *Stafford*, *Salop*, or *Chester*, and they are hereby required, on Request to them made by or on behalf of any Creditor whose Interest shall be so in arrear, by an Order under their Hands to appoint some Person or Persons to receive the Whole or such Part or Parts of the said Rates as are liable to pay such Interest so due and unpaid as aforesaid; and the Money so to be received by such Person or Persons is hereby declared to be so much Money received by or to the Use of such Person or Persons to whom such Interest shall be then due, until the same, together with the Costs and Charges of recovering and receiving the Rates, shall be fully satisfied and paid; and after such Interest and Costs shall be paid and satisfied, the Power and Authority of such Receiver and Receivers for the Purposes aforesaid shall cease and determine; or otherwise the said Interest, so due and unpaid as aforesaid, shall be sued for and recovered, with Costs, by Action of Debt in any of His Majesty's Courts of Record at *Westminster*.

Interest of
Money bor-
rowed to be
paid in pre-
ference to
Dividends.

LXXVI. And be it further enacted, That in case the said Company of Proprietors shall raise the Whole or any Part of the said additional Sum of One hundred thousand Pounds, and shall afterwards be required or be desirous to pay off, and shall pay off, all or any Part of the Principal Sum or Sums secured by such Mortgages or any of them, then and in every such Case it shall and may be lawful for the said Company of Proprietors, and they are hereby authorized and empowered, again to raise, in lieu of the Principal Money or Principal Monies so paid or to be paid off by them, so much and such Sum or Sums of Money as they shall from Time to Time have paid off, or be required or be desirous to pay off, to the Holders of the said Mortgages or any of them, or any Part or Parts thereof, and

In case
Mortgages
shall be paid
off, Power to
raise the
Amount
again.

so from Time to Time as often as the same shall happen ; but so nevertheless that the said Company shall not in any Event borrow upon Mortgage more than the Sum of One hundred thousand Pounds in the whole at any one Time.

Application
of Money to
be raised.

LXXVII. And be it further enacted, That all the Money to be raised by the said Company by virtue of this Act shall be laid out and applied, in the first place, for and towards the Payment, Discharge, and Satisfaction of all Costs, Charges, and Expences in applying for, obtaining, and passing this Act, and all other Expences preparatory and relating thereto, and all the Residue and Remainder of such Money for and towards purchasing Lands and Grounds, making, completing, and maintaining the said Canals and other Works, and other the Purposes of this Act.

Directing
how Sub-
scribers shall
vote.

LXXVIII. And be it further enacted, That every Body Politic, Corporate, or Collegiate, and every Person, who shall by virtue of this Act have subscribed or undertaken for any Share or Shares in the said Undertaking, his, her, or their respective Successors, Executors, and Administrators, shall have a Vote for every such Share or Shares ; but no Person shall be entitled to more than Fifty Votes in respect of any Number of Shares which he or she may at any Time hold in the said Undertaking (except as herein-after mentioned) in the General or Special General Assemblies to be holden as herein appointed for carrying on the said Undertaking, which Vote or Votes may be given by them, him, or her, or by their, his, or her Proxies or Proxy, constituted under the Seal of such Body Politic, Corporate, or Collegiate, or under the Hand of the Proprietors appointing such Proxy, every such Proxy being a Proprietor in the said Undertaking ; and every such Vote by Proxy shall be as good and sufficient to all Intents and Purposes as if such Principal had voted in Person ; and every Question, Matter, or Thing which shall be proposed, discussed, or considered in any General or Special General Assembly of the said Company shall be determined by the Majority of Votes and Proxies then present, provided that the Members present in Person or by Proxy be possessed of not less than Two thousand Shares : Provided nevertheless, that no Person shall give and deliver in Proxies for more than Two hundred Shares ; and the Appointment of such Proxies may be made according to the Form following ; that is to say,

Form of
Proxy.

‘ I *A.B.* of _____, one of the Proprietors of the
‘ *Birmingham and Liverpool Junction Canal Navigation*, do hereby
‘ nominate, constitute, and appoint *C.D.* of _____ to be my
‘ Proxy, in my Name and in my Absence to vote or give my Assent to
‘ or Dissent from any Business, Matter, or Thing relating to the said
‘ Undertaking, that shall be mentioned or proposed at any General or
‘ Special General Assembly of the said Company, in such Manner as he
‘ the said *C.D.* shall think proper, according to his Opinion and Judg-
‘ ment, for the Benefit of such Undertaking, or any thing appertain-
‘ ing thereto. In witness whereof I have hereunto set my Hand [*or Seal*]
‘ the _____ Day of _____

How Joint
Proprietors
are to vote.

LXXIX. Provided always, and be it further enacted, That where One or more Share or Shares in the said Undertaking shall be held by Two or more Persons as Joint Proprietors, the Proprietor whose Name shall stand first in

in the Books of the said Company, in respect of such Joint Share, shall alone be entitled to vote, by himself or his Proxy, at any such General or Special General Assembly as aforesaid.

LXXX. Provided always, and be it further enacted, That in case any Proprietor or Proprietors entitled to vote at any such Meeting as aforesaid shall be a Lunatic or Lunatics, or a Minor or Minors, such Lunatic or Lunatics shall or may vote at such Meeting or Meetings by his, her, or their Committee, or any One of such Committee, and such Minor or Minors shall and may vote by his, her, or their Guardian, or any One of such Guardians; provided that any such Committee or Guardian may also vote in Right of his own Shares as well as by reason of his being Committee of any Lunatic, or Guardian of any Minor, on the same Occasion.

Lunatics and other incapacitated Persons may vote by their Committees, &c.

LXXXI. And be it further enacted, That the First General Meeting of the said Company of Proprietors for putting this Act in execution shall be held at *Newport* in the County of *Salop*, within Six Months after the passing of this Act, between the Hours of Twelve and Two, of which Meeting Seven Days Notice at the least shall be given by public Advertisement, signed by Two or more Proprietors, in some Newspaper published within the Counties of *Stafford*, *Salop*, and *Chester* respectively; and the next and every other General Meeting shall be held at such Times and Places as shall at such first or any subsequent General Meeting be appointed: Provided always, that Two General Meetings at the least shall be held in each Year, and of every General Meeting not less than Seven Days Notice shall be given by public Advertisement in such Newspapers as herein-before mentioned; and all such Meetings may be adjourned from Time to Time, and from Place to Place, as shall be found expedient.

First and other General Meetings.

LXXXII. And be it further enacted, That the said Company, at their General and Special General Meetings, shall and may appoint some Person of the said Company to be Chairman; and such Chairman shall and may not only vote as a Proprietor or Proxy, but in case of an Equality of Votes shall and may have the decisive or casting Vote.

Chairman to be appointed.

LXXXIII. And be it further enacted, That the said Company of Proprietors, at such respective General Meetings, shall choose and elect Fifteen Persons (each of them being a Proprietor at the Time of such Election possessed in his own Name, or beneficially interested as Tenant in Possession, of Five Shares at the least in the said Undertaking) as a Committee to manage the Affairs of the said Company of Proprietors as herein directed, Five of whom shall at all Meetings of the said Committee be a Quorum.

General Meetings to elect Committee of Management, &c.

LXXXIV. And be it further enacted, That every Person who shall hold any Place of Profit under or any Contract with the said Company, or be in any Manner interested or concerned, directly or indirectly, in supplying any Articles or Materials for the Use of the said Company, unless gratuitously, shall cease to be a Member of the said Committee of Management during the Time that he shall be so employed or shall be so concerned or interested as aforesaid; and in case any Person holding any Place of Profit under or any Contract with the said Company, or

No Person holding any Place of Profit or Contract under the Company to vote in the Committee.

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being

being in any Manner concerned, directly or indirectly, in supplying any Articles or Materials for the Use of the said Company (except as aforesaid), shall vote or attempt to vote at any such Meeting of the said Committee of Management, then and in every such Case every Person so offending shall forfeit and pay for every such Offence the Sum of Fifty Pounds, together with full Costs of Suit, to any Person who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance, shall be allowed; and one Moiety of such Penalty, when recovered, shall be paid to the Person or Persons who shall sue for the same, and the other Moiety shall be paid to the said Company, to be applied to the Purposes of this Act.

General
Meetings
may make
Bye Laws,
&c.

LXXXV. And be it further enacted, That the said Company of Proprietors shall have Power and Authority from Time to Time, at any General Meeting, to make such Rules, Bye Laws, and Orders as to them shall seem right and proper, for the good Government of the said Company of Proprietors, their Agents and Workmen, and for making, maintaining, using, and managing the said Canals or other Works in all respects whatever; and from Time to Time to alter and repeal the said Bye Laws, Orders, and Regulations, or any of them, and to make others; and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against the same, as to the major Part of such General Meetings shall seem meet, not exceeding the Sum of Five Pounds for any Offence; such Fines and Forfeitures to be levied and recovered by such Ways and Means as herein-after mentioned; which said Rules, Bye Laws, and Orders, being reduced into Writing under the Common Seal of the said Company of Proprietors, and printed and published, and painted on Boards, shall be hung up and affixed and continued upon the Front of the several Toll Houses to be erected on the Line of the said Canals, and shall from Time to Time be renewed as often as the same or any Part thereof shall be obliterated, defaced, or destroyed; and such Rules, Orders, and Bye Laws shall be binding upon and observed by all Parties, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same, provided they be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, or to any Directions in this Act contained; and all such Rules, Bye Laws, and Orders shall be subject to Appeal in manner herein-after mentioned.

General
Meetings
may audit
Accounts.

LXXXVI. And be it further enacted, That every such General Meeting shall have Power to call for, audit, and settle all Accounts for Money received, laid out, and disbursed on account of the said Undertaking, by the Treasurers, Receivers, or Collectors of the Rates, and other Officers by them appointed, or by any other Person or Persons employed by or concerned for or under them in and about the said Canals and the Works thereto belonging.

General
Meetings for
choosing
Committees
to consist of
2,000 Shares.

LXXXVII. Provided always, and be it further enacted, That if at any General Meeting there shall not be Persons present, in Person or by Proxy, who shall be possessed of or entitled to at least Two thousand Shares in the said Undertaking, and by virtue of such Shares entitled to Two thousand Votes in the Aggregate, within Two Hours from the Time appointed for

for such Meeting, no Choice of a Committee shall be made, nor shall any Business be done or transacted at that Time, but in such Case there shall be another Meeting of the said Company of Proprietors at the same Place at the Expiration of Fourteen Days; and if a sufficient Number of Proprietors shall not then attend, the said General Meeting shall stand adjourned to that Day in the Month next following, and so from Time to Time as often as the same shall occur, until at any such Meeting there shall be a sufficient Number of Proprietors present as aforesaid, when the Meeting shall proceed to Business (and not before); and such Committee, so before appointed, shall continue to act and have the same Powers as they had and were possessed of until a new Committee shall be appointed as aforesaid; and in case of failure of assembling a sufficient Number of Proprietors having such Shares or Subscriptions as Principals or Proxies at such First General Meeting, every Proprietor who shall not attend such Second Meeting shall forfeit to the said Company of Proprietors, for every Share or Subscription of One hundred Pounds which he or she shall possess in the said Undertaking, the Sum of Ten Shillings, unless such Proprietor shall have a sufficient Excuse for his or her Non-attendance as aforesaid, to be judged of by the Chairman of such Meeting, such Sum of Ten Shillings to be deducted out of his or her next succeeding Payment of Interest or Dividends of the Profits of the said Undertaking, as the Case may happen; and in case no Interest or Dividends shall be payable to such Person or Persons making Default as aforesaid, within Six Calendar Months next after the making of such Default, then the Payment of the said Forfeiture of Ten Shillings may be recovered and enforced by the Ways and Means herein-after appointed for the Recovery of any other of the Penalties or Forfeitures imposed by this Act.

LXXXVIII. And be it further enacted, That any Ten or more Proprietors of the said Company, holding in the aggregate Two hundred Shares or upwards in the said Undertaking, may at any Time, by Writing under their Hands, left at the Office of the said Company, or given to any Member of the Committee of the said Company, or left at his last or usual Place of Abode, require the said Committee to call a Special General Meeting, so as such Requisition fully express the Objects for which such Special General Meeting is required to be called; and in case of Neglect or Refusal of the said Committee to call such Meeting for the Space of Twenty-one Days after such Notice given as aforesaid, the same may be called by such Proprietors, by giving Ten Days Notice thereof in some One or more Newspaper or Newspapers usually circulated in the said Counties of *Stafford*, *Salop*, and *Chester* respectively; and the said Company are hereby authorized to meet in pursuance of such Notice, and such of them as shall be present shall proceed to the Execution of the Powers of this Act given to the said Company, with respect to the Matters specified in such Notice, as if the same had been done at a General Meeting at the Time herein-before appointed for holding the same.

LXXXIX. And be it further enacted, That no Business shall be transacted at any Special General Meeting other than the Business for which it shall have been called; and no other Business shall be transacted at any Adjourned Special or General Meeting than the Business left unfinished at the Meeting from which such Adjournment took place.

Meetings of Proprietors may be specially convened.

Business at Special and Adjourned General Meetings.

XC. And

General
Meetings
to appoint
Officers.

Treasurer,
&c. to give
Security.

XC. And be it further enacted, That it shall be lawful for the said Company, at their First General Meeting, or at some Adjournment thereof, to nominate and appoint a Treasurer or Treasurers, and a Receiver or Receivers, Collector or Collectors of the said Rates, and also a Clerk to the said Company, and such other Officers as they shall think proper, with such Salaries or Salary or Remuneration as shall to the said Company seem proper; and the said Company shall and they are hereby required to take sufficient Security from every such Treasurer, Receiver, Collector, and other Officers having the Care or Custody of any Money to be raised or received by virtue of this Act, for the due Execution of their respective Offices, as the said Company shall think proper; and from Time to Time to remove any such Treasurer or Treasurers, Collector or Collectors, Clerk, or other Officer or Officers, or any of them, and to elect others or another in their or his Stead or Room; and such Clerk shall attend the General Meetings of the said Company and the Meetings of the said Committee; and in case any such Treasurer, Collector, or Clerk shall die, be removed from, or quit the Service of the said Company, it shall be lawful for the said Company, at their said stated or Special General Meetings, or for the Committee of the said Proprietors, to appoint any other fit Person or Persons to execute such Office or Offices, in the Place of such Person or Persons who shall so die, be removed from, or quit the Service of the said Proprietors or of the said Committee; but in case any such new Appointment be made by the said Committee, the same shall only continue until the next stated or Special General Meeting of the said Proprietors, when the Appointment of such Person or Persons to such respective Office or Offices shall either be confirmed, or such other fit Person or Persons appointed to succeed to such Office or Offices as the said Proprietors at such stated or Special General Meeting shall think proper; all which Acts of the said Committee shall be conclusive, unless revoked by the General Meeting holden next after such Acts as aforesaid.

Same Person
not to be
Clerk and
Treasurer.

XCI. Provided always, and be it further enacted, That it shall not be lawful for the said Company of Proprietors to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk of or other Person in the Service or Employ of any such Clerk or of the Partner of such Clerk, to be the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk of or other Person in the Service or Employ of such Treasurer or of the Partner of such Treasurer, to be the Clerk to the said Company; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person, being the Partner of any such Clerk, or the Clerk of or other Person in the Service or Employ of such Clerk or of the Partner of such Clerk, shall act as Treasurer, or being the Partner of any such Treasurer, or the Clerk of or other Person in the Service or Employ of such Treasurer or of the Partner of such Treasurer, shall act as Clerk in the Execution of this Act, or if any Treasurer should hold any Place or Office of Profit or Trust under the said Company other than that of the Treasurer, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit,

Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than Imparlance, shall be allowed.

XCVII. And be it further enacted, That every Officer and Person who shall be appointed or employed by virtue of this Act shall from Time to Time, when thereunto required by the said Committee or by the said Company of Proprietors, make out and deliver to the said Committee, or to such Person or Persons as they shall for that Purpose appoint, a true and perfect Account in Writing under his or her Hand of all Monies which shall have been by him or her had, collected, or received, and how and to whom and for what Purpose the same and every Part thereof hath or have been disposed of, together with Vouchers and Receipts for such Payments; and every such Officer or Person shall and is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing from him or her to such Person or Persons as the said Committee or the said Company shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render such Account, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof when thereunto required in manner aforesaid, or shall refuse or neglect to deliver up to the said Committee or to the said Company, or to such Person or Persons as they shall respectively appoint, within Seven Days after being thereunto required by the said Committee or by the said Company, or by such other Person or Persons, all Books, Papers, and Writings in his or her Custody or Power, relating to the Execution of this Act, then and in every such Case, Complaint being made thereof by the said Committee or by the said Company, or by any Person on their Behalf, to any Justice of the Peace for the County within which such Officer shall be or reside, such Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his or her appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account, if produced, in such Manner as the said Committee or the said Company might have done; and if upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath of any credible Witness, it shall appear to such Justice that any of the Monies which shall have been collected and received shall be in the Hands of or be owing from such Officer or Person, such Justice may and he is hereby empowered, by Nonpayment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and if no Goods or Chattels shall be found sufficient to answer and satisfy the said Monies, and the Charges of taking and making such Distress, and of selling the same, or if such Officer or Person shall not appear before such Justice at the Time and Place appointed for that Purpose, or if such Officer or Person appearing shall refuse or neglect to make out and deliver to such Justice such Account in Writing as aforesaid, or to produce and deliver to the said Justice the several Vouchers and Receipts relating to such Accounts, or to deliver up such Books, Papers, and Writings as aforesaid, then and in any of the Cases aforesaid the said Justice may and is hereby authorized and required, by Warrant under his Hand, to commit such Officer or Person to the Common Gaol or House of Correction of such County, there to remain without Bail or Mainprize

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until

until he or she shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in the Hands of or owing from him or her, and the reasonable Charge of such Distress and Sale (if any) as shall in that respect have been made, or until he or she shall have compounded with the said Committee or with the said Company for such Money and Charges, and paid the Composition Money to the said Committee or the said Company (and which Composition the said Committee and the said Company are hereby respectively empowered to make), and shall have delivered up all such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Committee or to the said Company: Provided always, that no Person who shall be committed for Want of sufficient Distress only shall be detained in Prison for any longer Space of Time than Six Calendar Months.

Powers of
Committee,
and Regula-
tions for their
Conduct.

XCIII. And be it further enacted, That the Committee shall, until the next General Meeting to be holden in manner aforesaid, meet at such Times and in such Places, and from Time to Time adjourn themselves to such other Time and Place, as they shall think fit; and at all Meetings of the said Committee one of the Members present shall be appointed Chairman; and all Questions, Matters, and Things which shall be proposed, discussed, or considered at such Meetings shall be finally determined by the Majority of Votes then present, the whole Number present not being in any Case less than Five; and such Committee shall have full Power and Authority to direct and manage all and every the Affairs of the said Company, as well in contracting for and purchasing Messuages, Tenements, or other Hereditaments and Materials for the Use of the said Undertaking, as in employing, ordering, and directing the Works and Workmen, and in placing and displacing Officers, Clerks, Servants, Agents, and Workmen, (except the Treasurer and Clerk herein-before directed to be appointed by a General Meeting of the said Company,) and in making all Contracts and Bargains touching the said Undertaking; and no Member of the said Committee (although he may be a Proprietor of many Shares in the said Undertaking) shall have more than One Vote in any Committee, except the Chairman of such Meeting, who, in case of an equal Division, shall always have a Second or casting Vote, although he may have given One Vote before; and every such Committee shall keep a regular Minute and Entry of their Proceedings, and from Time to Time make report of their Proceedings to the said stated General Meetings, and, if required, to the Special General Meetings of the Proprietors, and shall obey their Orders and Directions; but no Person holding any Place, Office, or Employment, or being concerned or interested in any Contract or Contracts, under the said Company, shall be capable of being chosen to serve on any such Committee during the Time of his Continuance in such Place, Office, or Employment; and in order to defray the Expences of their Meetings, the said Committee shall from Time to Time receive, out of the Capital Stock of the said Proprietors, such Sum or Sums of Money as shall be directed, adjusted, and settled at such stated General Meetings; and the said Committee (subject nevertheless at all Times to such Orders and Directions as aforesaid) shall, by themselves or their Clerk or Clerks as aforesaid, keep a full and true Account of all Monies disbursed and Payments made by the said Committee, and by all and every Person and Persons employed by or under them,

them, and of all and every Sum and Sums of Money which they shall receive on behalf of or in respect of such Undertaking from any Collector or Collectors of the said Rates, or other Officer or Officers, or from any other Person or Persons whomsoever, employed in or having any Concerns, Dealings, or Transactions with the said Undertaking, or in or with any Part or Parts thereof, and shall regularly, by themselves or their Clerk or Clerks aforesaid, write, insert, and enter in a Book or Books, to be from Time to Time provided at the Expence of the said Company for that Purpose, Notes, Minutes, or Copies (as the Case shall require) of every such Contract, Bargain, Receipt, and Disbursements, and of all other their Orders and Proceedings; which Book or Books shall be deposited with and kept locked up under the Care and Direction of the said Committee: Provided always, that every Proprietor shall have free Access thereto, for his or their Inspection, without paying any thing for the same.

XCIV. And be it further enacted, That such Committee shall keep a regular Minute or Entry of their Proceedings, and from Time to Time make Reports to and be subject to the Examination and Controul of the General and Special Meetings of the said Proprietors as aforesaid, and shall pay due Obedience to all such Orders and Directions in and about the Premises as shall from Time to Time be made by the said Proprietors at any such General or Special Meeting, such Orders and Directions not being contrary to any express Directions or Provisions in this Act contained.

Committee to be under Controul of General Meetings.

XCV. And be it further enacted, That it shall be lawful for the said Committee to nominate and appoint, out of their own Body, a Sub-committee or Sub-committees (every such Sub-committee to consist of Five or more Persons), who shall have full Power and Authority to enter into and make any such Contracts or Agreements on behalf of the said Company of Proprietors as aforesaid, and to hire and employ any Agents, Workmen, or Servants in or about the said Undertaking, and to do, execute, and perform all other Matters and Things whatsoever in or about the said Undertaking which the said Committee are themselves herein-before authorized to do, or such of them as the said Committee shall think proper to entrust 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, and making of Calls for Money upon the Proprietors of the said Undertaking); and it shall be lawful for the said Committee for the Time being to order and direct such Compensation or Recompence to be made to the Sub-committee or Sub-committees, from Time to Time, as they shall think reasonable; and it shall be lawful for the said Committee, by an Order or Resolution for that Purpose, to break up and dissolve any such Sub-committee or Sub-committees, or to remove and displace any Member or Members thereof, and to appoint some other or others in his or their Place and Stead, when and as often as such Committee 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

Committee may appoint Sub-committees, with Power to make Contracts, &c.

hereby vested or which shall by the said Committee be vested in any such Sub-committee or Sub-committees; 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 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 an equal Division, although he may have given One Vote before.

Appointment
of temporary
Treasurer,
&c.

XCVI. And be it further enacted, That in case any Treasurer or Clerk of the said Company shall die, or be removed from or quit the Service of the said Company, it shall be lawful for the said Company at their stated or Special General Meetings, or for the Committee of the said Company, to appoint any other fit and proper Person or Persons to execute such Office or Offices in the Place of the Person or Persons who shall so die, or be removed from or quit the Service of the said Proprietors; and in case any such new Appointment shall be made by the said Committee, the same shall only continue until the next General Meeting of the said Proprietors, when the Appointment of such Person or Persons to such respective Office or Offices shall either be confirmed, or such other fit Person or Persons appointed to succeed to such Office or Offices as the said Proprietors at such General Meeting shall think proper.

Books of
Account to
be kept.

XCVII. And be it further enacted, That proper Books of Account and other Matters relating to the said Undertaking shall be kept, and that all such Books shall be deposited and kept, under the Direction of the Committee for the Time being, at such Place or Places as the said Company of Proprietors shall from Time to Time direct; and every Proprietor or Proprietors, at all seasonable Times, shall have free Access for his, her, or their Inspection, without Fee or Reward.

Orders and
Proceedings
to be entered
in a Book.

XCVIII. And be it further enacted, That the Orders and Proceedings of every Meeting, as well of the General and Special General Meeting of the Company as of the Committee, shall be entered in a Book or Books to be provided and kept for that Purpose, and shall be signed by the Chairman of each respective Meeting; and such Orders and Proceedings, when so entered and signed, shall be deemed and taken to be original Orders and Proceedings, and shall be allowed to be read in Evidence in all Courts, and before all Judges, Justices, and others.

Notice of
Meetings
how to be
given.

XCIX. Provided always, and be it further enacted, That all Notices herein directed to be given of any General or Special Meeting of Proprietors, or of any Adjournment thereof respectively, or to any of the said Proprietors, and not herein otherwise provided for, shall be signed by the Chairman of the Committee of the said Company, or by the Clerk of the said Company, and shall be given by Advertisement to be inserted in some Newspaper usually printed or circulated in *Salop*, *Stafford*, and *Chester* respectively, or by Letter from the Clerk or Treasurer of the said Company sent by Post to or left at the usual Place of Abode of the Proprietors respectively; and that such Notices, when so published and given, shall be deemed and considered the same as personal Notices.

C. And

C. And be it further enacted, That the Clerk of the said Company shall, in a proper Book or Books to be provided by the said Company for that Purpose, enter and keep a true Account of the Places of Abode of the several Proprietors of the said Undertaking, and of the several Persons who shall from Time to Time become Owners and Proprietors of or be entitled to any Share or Shares therein; and every Proprietor of the said Undertaking shall and may at all convenient Times have recourse to and peruse and inspect the same *gratis*, and may demand and have Copies thereof or any Part thereof, paying at and after the Rate of Sixpence for every Hundred Words so to be copied; and if any such Clerk shall refuse to permit any Proprietor to inspect or peruse any such Book or Books at all convenient Times and Seasons, or refuse to make any such Copy or Copies within a reasonable Period at the Rate aforesaid, he shall for every such Offence forfeit and pay the Sum of Forty Shillings for the Benefit of the said Undertaking.

Clerk of the Company to keep List of Proprietors.

CI. And be it further enacted, That the said Committee shall have Power, from Time to Time, to make such Call or Calls of Money from the Subscribers to and Proprietors of the said Undertaking, to defray the Expences of or to carry on the same, as they from Time to Time shall find necessary for those Purposes, so that no such Call shall exceed the Sum of Five Pounds upon each Share which any Person or Persons shall or may be possessed of or entitled unto in the said Undertaking, and such Calls shall not be made at the Distance of Three Calendar Months at the least from each other, and Twenty-one Days Notice at the least shall be given of all such Calls as aforesaid, by Advertisement in some Newspaper usually circulated in the said Counties of *Stafford, Salop, and Chester* respectively; which Monies so called for shall be paid to such Person and Persons and in such Manner as the Committee shall from Time to Time appoint and direct, for the Use of the said Undertaking; and every Owner or Owners of any Share or Shares in the said Undertaking shall pay his, her, or their rateable Proportions of the Monies to be called for as aforesaid to such Person or Persons and at such Time and Place as the said Committee shall from Time to Time direct and appoint; and if any Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Part or Share of the said Money so called for as aforesaid, at the Time and Place to be appointed as aforesaid, it shall be lawful for the said Company or for the said Committee to sue for and recover the same in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Wager, or Protection of Law, or more than One Impar lance, shall be allowed, or the said Company may and they are hereby authorized at a General Meeting to declare the Shares belonging to any Person refusing or neglecting to pay any such Calls in manner as aforesaid to be forfeited to and for the Use and Benefit of the other Proprietors of the said Undertaking; and all such forfeited Shares shall be sold at a public Sale by the said Company for the most Money that can be gotten for the same, and the Produce thereof shall be applied and disposed of in manner by this Act directed: Provided nevertheless, that no Advantage shall be taken of any Forfeiture of any Share or Shares in the said Undertaking, until personal Notice in Writing, under the Hand of the Clerk of the said Company, shall have been given or sent by the Post to or left at the usual Place or Places of Abode of the Owner or Owners

Power of the Committee to make Calls.

If Persons neglect to pay Calls, the same may be sued for, or the Shares declared to be forfeited, and sold again.

of such Share or Shares respectively, nor until the same Share or Shares shall have been declared to be forfeited at some stated or General Special Meeting of the said Company which shall be held after the End of Six Calendar Months at the least from the Day on which such Notice of Forfeiture shall have been given.

If the Purchase Money for such Shares be more than sufficient to pay Calls, &c. Surplus to be paid to Owner.

CII. Provided always, and be it further enacted, That in case the Money produced by the Sale of any such Share or Shares as shall be forfeited by reason of the Nonpayment of any Call or Calls, as herein authorized, shall be more than sufficient to pay all such Arrears or Calls as aforesaid, and legal Interest thereon, and the Expence attending the Sale or Sales, the Surplus of such Money shall be paid to the Person or Persons to whom such Share or Shares shall have belonged, on Demand: Provided also, that the said Company or their Committee shall not by virtue of this Act sell or transfer, or direct to be sold and transferred, any more of such Shares of such Defaulter or Defaulters, in Payment of Calls, than shall be sufficient, as near as may be at the Time of such Call, to pay the Money due from such Defaulter or Defaulters for or on account of such Call or Calls, and the Interest and Expences attending the same; and from and after Payment of all and every such Call or Calls, and the Interest and Expences as aforesaid, any Share or Shares vested in the said Company as aforesaid, which shall remain in their Hands unsold, shall revert to and again become the Property of the Person or Persons to whom such Share or Shares have belonged immediately before such Forfeiture as aforesaid, in such Manner as if such Calls had been duly and regularly paid.

Proceedings in Actions for Calls.

CIII. And be it further enacted, That in any Action to be brought by the said Company or by the said Committee, against any Owner or Owners of any Share or Shares in the said Undertaking, to recover any Sum or Sums of Money due and payable to the said Company for or by reason of any Call or Calls made by virtue of this Act, it shall be sufficient for the said Company or the said Committee to declare and allege that the Defendant or Defendants, being a Proprietor or Proprietors of such or so many Share or Shares in the said Undertaking, is or are indebted to the said Company in such Sum or Sums of Money as the Call or Calls in arrear shall amount to, for such and so many Call or Calls of such or so many Sum or Sums of Money upon such or so many Share or Shares belonging to the said Defendant or Defendants (as the Case may happen to be), whereby an Action hath accrued to the said Company by virtue of this Act, without setting forth the special Matter; and on the Trial of such Action it shall only be necessary to prove that the Defendant or Defendants, at the Time of making such Call or Calls, was or were a Proprietor or Proprietors of some Share or Shares in the said Undertaking, and that such Call or Calls was or were in fact made, and that such Notice thereof was given as is directed by this Act, without proving the Appointment of the Committee who made such Call or Calls, or any other Matter whatsoever; and the said Company and the said Committee shall thereupon be entitled to recover what shall appear due, unless it shall appear that any such Call exceeded Five Pounds for every Share of One hundred Pounds, or was made within the Distance of Three Calendar Months from the last preceding Call, or without Notice given in any Newspaper as aforesaid.

CIV. And

CIV. And whereas in Cases where the original Holder or Proprietor, Holders or Proprietors of One or more Share or Shares in the said Undertaking shall die, become insolvent or bankrupt, or go out of the Kingdom, or shall transfer his or their Right and Interest to some other Person or Persons, and no Register shall have been made of the Transfer thereof with the Clerk of the said Company, it may not be in the Power of any Officer acting for the said Company to ascertain who is or are the Owner or Proprietor or Owners or Proprietors of such Share or Shares, in order to give him, her, or them, or his, her, or their Executors, Administrators, Successors, or Assigns, Notice or Notices of Calls to be made on such Share or Shares, or to maintain any Action or Actions, or Suit or Suits, or other Proceedings against him, her, or them, or his, her, or their Executors, Administrators, or Assigns, for the Recovery of the same; be it therefore enacted, That in all the Cases aforesaid, where the Right and Property of any Share or Shares in the said Undertaking shall pass from the original Subscriber or Subscribers, or any Proprietor or Proprietors thereof, to any other Person or Persons, by any other legal Means than by a Transfer or Conveyance thereof in the Form and Manner herein specified or herein otherwise provided, an Affidavit shall be made and sworn to by Two credible Persons before One of His Majesty's Justices of the Peace for the Counties of *Salop*, *Stafford*, or *Chester*, stating the Manner in which such Share or Shares hath or have been passed to such other Person or Persons, his, her, or their Executors, Administrators, Successors, or Assigns, and such Affidavit shall be delivered to and left with the Clerk of the said Company, to the Intent that he may preserve the same, and enter and register the Name or Names of every such other Proprietor or Proprietors in the Register Book or List of Subscribers and Proprietors of the said Undertaking, to be kept in the Office of the said Company; and in all or any of the said Cases, after Ten Days Notice in Writing shall have been given by the said Committee, under the Hand of the Clerk or Treasurer of the said Company, to the Person or Persons stated or claiming in such Affidavit to be the Owner or Owners of such Share or Shares, or left at his, her, or their last or usual Place of Abode, to pay his, her, or their Proportion of Money to be called for, and such Person or Persons, his, her, or their Executors, Administrators, Successors, or Assigns, shall not have paid such his, her, or their Proportion as aforesaid, it shall be lawful for the said Subscribers and Proprietors, at any General Meeting or Special General Meeting after the Expiration of such Notice, to declare the same Share or Shares to be forfeited, and in such Case the same shall become forfeited, and shall and may be sold and disposed of in such Manner as the said Subscribers or Proprietors at any Meeting or Meetings shall direct, or otherwise become consolidated in the General Fund of the said Company; and in case there shall be no such Affidavit made and filed as aforesaid, then and in that Case such Notice as is herein-before directed to be given shall be served upon or left at the last Place of Abode of the Executors or Administrators of such Subscriber so dying, or of the Assignees or Trustees of such Subscriber so becoming bankrupt or insolvent, or in the Event of the Share or Shares being disposed of as aforesaid, of the last Person appearing in the Book of the said Company to have been possessed of the same; and in case the last or usual Place of Abode of such Person or Persons cannot be ascertained upon due Inquiry, such Notice shall be inserted Three Times in the *London Gazette*; and in case any Subscriber or Subscribers shall go out of the Kingdom, such

For ascertaining the Proprietorship of Shares in certain Cases.

such Notice shall be left at the last or usual Place of Abode of such Proprietor in *England*, or be inserted in the *London Gazette* as aforesaid; and in all such Cases, and after such Notices, on default being made, the said Shares shall be forfeited in manner aforesaid; except only in case of the Subscriber or Subscribers being abroad, the Share or Shares shall not be forfeited until the Expiration of Two Months after the Day on which such Notice shall have been left at his or her last or usual Place of Abode in *England*, or inserted in the *London Gazette* as aforesaid.

Proprietors
in arrear not
to vote.

CV. Provided also, and be it further enacted, That no Proprietor in arrear for any Call shall at any Meeting be allowed to vote or give his Voice in the Agitation of any Question respecting the Concerns of the said Company, either personally or by Proxy, until such Time as he shall have paid to the Treasurer all such Arrears as may be due from him in respect of such Calls, although the Time limited for Payment thereof may not have expired.

Shares may
be sold.

CVI. And be it further enacted, That it shall be lawful for the several Proprietors of the said Undertaking, and his, her, or their respective Executors and Administrators, to sell and dispose of any Share or Shares to which he, she, or they shall be entitled therein, subject to the Rules and Conditions herein mentioned and provided; and the Form of Conveyance of Shares may be in the following Words or to the like Effect, varying the Names and Descriptions of the contracting Parties, as the Case may require:

Form of Con-
veyance of
Shares.

‘ I *A. B.* of _____ in consideration of
‘ _____ paid to me by *C. D.* of _____
‘ do hereby bargain, sell, assign, and transfer to the said *C. D.* [*as the*
‘ *Case may be,* _____ *Share or Shares*] of and in the Undertaking
‘ called “*The Birmingham and Liverpool Junction Canal Navigation,*”
‘ to hold unto the said *C. D.*, his Executors, Administrators, and Assigns,
‘ subject to the same Rules, Orders, and Regulations, and on the same
‘ Conditions, that I held the same immediately before the Execution
‘ hereof; and I the said *C. D.* do hereby agree to take and accept of
‘ the said Share or Shares of the said Undertaking, subject to the same
‘ Rules, Orders, Restrictions, and Conditions. As witness our Hands
‘ and Seals, the _____ Day of _____.’

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

CVII. And

CVII. And be it further enacted, That after any such Call of such Money shall have been made by such Committee as aforesaid, no Person or Persons shall sell or transfer any Share or Shares which he, she, or they shall possess in the said Undertaking, unless he, she, or they, at the Time of such Sale or Transfer, shall have paid or discharged to the Treasurer of the said Company, or to such Person or Persons as the said Committee shall appoint to receive the same, the whole and entire Sum of Money which shall have been called for in respect of each Share so sold or transferred.

After a Call
no Share to
be sold until
Call paid.

CVIII. And whereas it is expedient that a Fund should be raised from Time to Time as a Resource and Provision for defraying any extraordinary Expences for Repairs or Improvements of the said Canal Navigations, without rendering necessary any Reduction of the half-yearly Dividends, or the public Trade of the Country being impeded by Delay in effecting such Repairs and Improvements from Want of pecuniary Means; be it therefore further enacted, That if the said Company of Proprietors, or their General Committee for the Time being, shall deem it expedient, out of any Surplus Monies arising by virtue of this Act, or otherwise, after the Debt charged upon the said Canal Navigation shall be discharged, to invest any Part of such Surplus Monies in the Public Funds or in Exchequer Bills, for the Purposes aforesaid, then and in every such Case it shall be lawful for any General or Special Assembly of the said Company of Proprietors, to be held in manner directed by this Act, to authorize and empower their General Committee for the Time being to invest any Part of such Surplus Monies in the Public Funds or in Exchequer Bills, in the Names of Trustees to be nominated from Time to Time by the said General Committee, so as that the Money so to be laid out and invested do not in any one Year exceed a Sum equal to the Amount of One Twentieth Part of the Dividends made and payable to the Proprietors of the said Canal Navigation in the Year precedent thereto; and that such Trustee or Trustees do and shall, under the Direction of the said General Committee, from Time to Time receive the Interest and Dividends of the said Public Securities as and when the same shall be payable and received, and from Time to Time, under such Direction as aforesaid, re-invest the same, and the Dividends of all Accumulations thereof, in the Purchase of other the like Public Security or Securities, either in their own Name or Names, or in the Name or Names of such other Trustee or Trustees as the said General Committee shall from Time to Time appoint, in order that the same may, together with the said Principal Monies so to be invested as aforesaid, be and become an accumulating Fund for the Purposes aforesaid; and the same shall from Time to Time be applied and disposed of for the Purposes aforesaid, as the said General Committee for the Time being, or any General or Special Assembly of the said Company of Proprietors, shall think proper and direct the same to be applied and disposed of; but such Fund shall not at any Time exceed the Amount of Five thousand Pounds.

For creating
a Fund for
Repairs.

CIX. And whereas the Canal hereby authorized to be made will join and communicate with the Summit Level of the *Staffordshire* and *Worcestershire* Canal Navigation at the Point of Junction in the Parish of *Tettenhall* in the said County of *Stafford*, and will afterwards descend from thence by Locks in its Course towards the United Navigation of

Staffordshire
and *Worcestershire* Canal
Company
may collect
certain Tolls,

[*Local.*]

28 T

the

by way of
Compensa-
tions.

the *Ellesmere* and *Chester* Canals, thereby occasioning a considerable Loss of Water to the said *Staffordshire* and *Worcestershire* Canal Navigation; and in order to compensate the last-mentioned Company for such Loss of Water, be it enacted, That it shall be lawful to and for the said Company of Proprietors hereby incorporated, from Time to Time and at all Times hereafter, to ask, demand, take, and recover, to and for the sole Use and Benefit of the said Company of Proprietors of the *Staffordshire* and *Worcestershire* Canal Navigation, the Rates, Tolls, and Duties hereinafter mentioned; (that is to say,)

For all Coals or other Minerals, Cokes, Goods, Wares, Merchandize, Commodities, and Things whatsoever, which shall pass into the *Staffordshire* and *Worcestershire* Canal Navigation out of the said intended Canal, or out of the *Staffordshire* and *Worcestershire* Canal Navigation into the said intended Canal, such Sum of Money as the said Company of Proprietors of the *Staffordshire* and *Worcestershire* Canal Navigation shall from Time to Time, by Writing under their Common Seal, direct or appoint, not exceeding the Sum of Two Shillings *per* Ton.

For collect-
ing and reco-
vering such
Tolls.

CX. Provided also, and be it further enacted, That all the Rates, Tolls, and Duties lastly hereby granted shall be collected by the Company of Proprietors hereby incorporated, at the Expence of the said Company of Proprietors of the *Staffordshire* and *Worcestershire* Canal Navigation, by such Person or Persons as the said Company of Proprietors of the *Staffordshire* and *Worcestershire* Canal Navigation shall direct and appoint, and at such Place or Places, in such Manner, and under such Regulations as the said Company of Proprietors hereby incorporated, with the Concurrence of the said Company of Proprietors of the *Staffordshire* and *Worcestershire* Canal Navigation, shall from Time to Time direct or appoint; and the Amount of such Rates, Tolls, and Duties, when received, shall be paid over, by the said Company of Proprietors hereby incorporated, forthwith into the Hands of the Person or Persons appointed to collect the same, to the said Company of Proprietors of the *Staffordshire* and *Worcestershire* Canal Navigation; and in case of Refusal or Neglect to pay any such Rates, Tolls, or Duties, or any Part thereof, on Demand made, to the Person or Persons appointed to receive the same as aforesaid, the said Company of Proprietors hereby incorporated, at the Expence of the said Company of Proprietors of the *Staffordshire* and *Worcestershire* Canal Navigation, may sue for and recover the same by Action of Debt or upon the Case in any of His Majesty's Courts of Record; or the Person or Persons to whom the said Rates, Tolls, or Duties ought by virtue of such Appointment to be paid may and he and they is and are hereby authorized to seize and distrain any Boat or Raft navigated upon the Canal by this Act authorized to be made, or any Part thereof, and belonging for the Time being to the Person or Persons by whom such Rates, Tolls, or Duties ought to be paid, or to seize any Part of the Coals or other Minerals, Coke, Goods, Wares, Merchandizes, Commodities, Matters, or other Things, the Property of such Person or Persons being in or owning such Boat, Vessel, or Raft, and to detain the same until after Payment of all and every the Sum and Sums of Money which at the Time of such Seizure may be due and owing from the Party or Parties making Default as aforesaid, together with the reasonable Charges of such Seizure and Distress; and if such Distress shall not be redeemed within

Seven Days after the taking thereof, the same shall be appraised and sold as the Law directs in Cases of Distress for Rent.

CXI. And, in order that no unnecessary Loss of Water may be occasioned to the said *Staffordshire* and *Worcestershire* Canal Navigation by reason of the Communication of the said intended Canal with the Summit Level of the said *Staffordshire* and *Worcestershire* Canal, be it further, That the said Company of Proprietors hereby incorporated shall construct, and for ever, at their Expence, Costs, and Charges, make, maintain, and keep in repair a Regulation Lock at the Junction of the Summit of the said intended Canal with the Summit of the said *Staffordshire* and *Worcestershire* Canal Navigation, which said Regulation Lock shall be constructed with Four Pair of Gates, One of which, being nearest the Summit of the said *Staffordshire* and *Worcestershire* Canal Navigation, shall be under the Controul and Authority of a Person or Persons to be appointed by a Committee of the said Company of Proprietors last mentioned, and shall be closed by such Person or Persons at any Time, for Protection of the Summit Level of the said *Staffordshire* and *Worcestershire* Canal Navigation, except at such Times as the same must be necessarily opened for the Passage of any Boat or Boats.

Locks to be constructed and maintained by the Company.

CXII. Provided always, and be it further enacted, That the Lock intended to be made and built at the Extremity of the Summit Level of the said intended Canal, in the Parish of *Church Eaton* in the said County of *Stafford*, shall not exceed Seven Feet Six Inches in Depth, Seven Feet Six Inches in Width, and Eighty Feet in Length; and the Company of Proprietors of the said intended Canal shall at all Times keep the said last-mentioned Lock in good and substantial Order, Condition, and Repair, and shall cause the same Lock to be at all Times kept closed and shut, except at such Times as the same must necessarily be opened for the Passage of Boats; and also shall at all Times keep the Summit Level of the intended Canal, and all Weirs, Drains, Sluices, and Watercourses upon or belonging to the same, and the Banks, Sides, and Bed of the said Summit Level, in good and substantial Order, Repair, and Condition, and shall do all other Acts proper or necessary to prevent the Escape, Leakage, or unnecessary Waste of Water through the said Lock, and also through the said Regulation Lock, or either of them, or out of the said Summit Level.

Limiting the Size of Lock at Church Eaton, and providing for its Repair.

CXIII. And be it further enacted, That the Company of Proprietors of the Canal hereby authorized to be made shall at their own Costs and Expence, and under the Directions and Superintendence of the Engineer of the Company of Proprietors of the *Staffordshire* and *Worcestershire* Canal Navigation, and at such Time as the said last-mentioned Company, or the Committee of Management thereof for the Time being, shall appoint, erect and build, or cause to be erected and built, across the said intended Canal, and in a Line with the present Towing Path of the said *Staffordshire* and *Worcestershire* Canal Navigation, and at the Point of the Junction of the said intended Canal with the *Staffordshire* and *Worcestershire* Canal Navigation, a substantial Bridge, of such Dimensions, Height, Width, and Proportions, and of such Materials, as other Bridges on the Line of the said *Staffordshire* and *Worcestershire* Canal Navigation are constructed; and to the Satisfaction of the Committee of the said

Bridge to be erected across the Canal, under Superintendence of the Engineer of the *Staffordshire* and *Worcestershire* Canal.

Staffordshire

Staffordshire and *Worcestershire* Canal Navigation; and the Company of Proprietors of the said Canal hereby authorized to be made shall at all Times, and at their own Costs and Expences, cause such Bridge to be kept in good and substantial Repair, Order, and Condition, to the Satisfaction of the Committee for the Time being of the Company of Proprietors of the said *Staffordshire* and *Worcestershire* Canal Navigation, or their Engineer for the Time being.

Proprietors
empowered
to take Rates
for Tonnage
and Wharf-
age.

CXIV. And, in consideration of the Expence which the said Company of Proprietors hereby incorporated must sustain in making and maintaining the said Canals and other Works hereby authorized to be made and erected, be it further enacted, That it shall be lawful for the said Company of Proprietors hereby constituted, from Time to Time and at all Times hereafter, to ask, demand, take, recover, and receive, to and for their own proper Use and Behoof, the several Rates or Duties herein-after mentioned, for the Tonnage and Wharfage of the several Articles, Matters, and Things which shall be carried or conveyed upon the said Canals hereby authorized; (that is to say,)

For all Coals or other Minerals, Coke, Goods, Wares, Merchandize, Commodities, and Things whatsoever, which shall be carried or conveyed upon any Part of the said Canals or navigable Cuts, such Sum as the said Company shall from Time to Time direct or appoint, not exceeding the Sum of One Penny Halfpenny *per Ton per Mile*.

Table of
Tolls to be
exhibited.

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

One Third
only of Toll
to be paid
for Lime.

Gravel, &c.
for Roads
and Manure
to be ex-
empted.

CXVI. Provided always, and be it further enacted, That no Person shall be subject to the Payment of more than One Third Part of all or any of the Rates or Dues in this Act mentioned for or in respect of any Lime or Limestones navigated upon the said Canals: Provided always, that Paving Stones, Gravel, Sand, and all other Materials for making or repairing of Roads, (Limestone for the making or repairing of such Road excepted,) and also Dung, Soil, Marl, and all Sorts of Manure for the Improvement only of any Lands or Grounds lying within any Parish, Township, or Place from, through, or into which the said Canal or other Works hereby authorized may pass or be carried, and belonging to the Owners or Occupiers of any Lands or Ground which shall or may be had or taken for the Purposes of such Canal or other Works as aforesaid, shall not be charged with or liable to the Payment of any of the Rates or Dues authorized to be taken by this Act, for being carried upon the said Canals, Cuts, or any Part or Parts thereof, but shall be free and exempted from the same; and all Persons who shall own or be concerned or employed in carrying Paving Stones, Gravel, Sand, or other Materials for repairing Roads, or Dung, Soil, Marl, or other Manure (except Lime and

and Limestone), shall have free Liberty to make use of the Towing Paths; Wharfs, or Quays belonging to the said Company of Proprietors, such Persons not suffering such Paving Stones, Gravel, Sand, or other Materials for repairing Roads, or Dung, Soil, Marl, or other Manure, to be upon such Wharfs or Quays longer than may be necessary for loading or unloading and conveying the same from and to the several Places where they are put on board and unloaded, and making good any Damages that may be done to the Sides or Banks of the said Canals by the loading, unloading, or discharging any Boats or other Vessels.

CXVII. And be it further enacted, That in case all or any of the Tolls or Duties arising by virtue of this Act shall be demised or let to farm to any Person in any Manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof, shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let; or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, or any Part or Instalment thereof, shall be in arrear or unpaid for the Space of Twenty-one Days next after any of the Days on which the same ought to be paid pursuant to the Lease, Agreement, or Contract for demising or letting the same Tolls or Duties; or in case any temporary or other Collector of the said Tolls and Duties shall be discharged from his Office by virtue of this Act, or shall die, abscond, or absent himself, and any such Collector who shall be so discharged, or the Wife, Widow, or any of the Children or Family or other Representatives of any Collector who shall die, abscond, absent himself, or be discharged, or any other Person, shall refuse to deliver up the Possession of any Toll House, Weighing Machine, or other Building, with the Gardens and other Appurtenances thereto respectively belonging, to be erected, built, constructed, or set up by virtue of this Act, for the Space of Two Days after Demand thereof made in Writing, given or left at such Toll House, Weighing Machine, or Building, or at any of such Toll Houses, Weighing Machines, or Buildings which shall be or have been in the Possession or Occupation of such Collector or other Person or Persons, such Demand in Writing to be signed by any Two or more of the said Company (although not assembled at a Meeting, or by the Clerk or Treasurer for the Time being of the said Company; or in case any such Lease, Agreement, or Contract shall in any other Manner become void; then and in any of the said Cases it shall be lawful for any Two or more Justices of the Peace for the County within which the Cause of Complaint shall arise, upon Application made by the said Company, or by the Treasurer or Clerk for the Time being of the said Company, by Warrant under their respective Hands and Seals, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take possession of every or any such Toll House, Weighing Machine, or other Building, with the Gardens and all other the Appurtenances thereto belonging, and to remove and put such Lessee or Lessees, Farmer or Farmers, or other the Person or Persons who shall be found therein, together with his, her, or their Goods, from and out of the same and the Possession thereof, and from the Collection of such Tolls and Duties, and to put the said Company or any of them, or their new Lessee, Farmer, or Collector, Lessees, Farmers, or Collectors, into the Possession thereof; and thereupon it shall be lawful for the said Company, if they shall see fit, to vacate and determine the Lease, Contract, or Agreement (if any) which

Power to re-
enter Toll
Houses, &c.

[*Local.*]

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was

was previously subsisting, and the same shall accordingly be utterly void, to all Intents and Purposes, (save as to the Covenants and Agreements for Payment of the Rent or Rents thereby reserved, or other unperformed or broken Obligations, Covenants, or Agreements on the Lessee's Part,) as if such Lease, Contract, or Agreement had never been made; and it shall be lawful for the said Company in every such Case again to demise or let to farm the said Tolls and Duties to any other Person, or cause them to be collected, in such and the same Manner as if no former Demise, Contract, or Agreement had been made relative thereto.

Regulations
as to frac-
tional Parts
of a Ton or
Mile.

CXVIII. And be it further enacted, That in all Cases where there shall be a Fraction of a Ton in the Weight of Lading in any Boat, Barge, Vessel, or Raft which shall be navigated upon the said Canal, a Proportion of the said Rates shall be demanded and taken for such Fraction according to the Number of Quarters of a Ton contained in such Fraction, and when there shall be a Fraction of a Quarter of a Ton in any such Weight of Lading as aforesaid such Fraction shall be deemed and considered as a Quarter of a Ton; and in all Cases where there shall be a Fraction of a Mile in the Distance which any Boat or other Vessel or Raft shall pass upon the said Canals, or any Part thereof, the Tonnage which shall be demanded and taken shall be after the Rate of the Number of Quarters of Miles which the said Boat or other Vessel or Raft shall have passed, and when there shall be a Fraction of a Quarter of a Mile such Fraction shall be deemed and considered as a Quarter of a Mile; and in order to ascertain and calculate with greater Precision and Facility the Distance for which Tonnage shall be demanded and taken upon the said Canals, the said Company of Proprietors shall cause the said Canals to be measured, and Stones or other conspicuous Marks to be set up and for ever maintained at the Distance of One Quarter of a Mile from each other, with proper Inscriptions; and whenever any Boat or other Vessel or Raft shall have passed One or more of such Stones or Marks, or the Place where the same shall have been set up, such Boat or other Vessel shall be deemed to have passed One Quarter of a Mile along the said Canals, and Tonnage for such Distance shall be due and payable, although the Distance actually travelled be more or less than is thus computed.

Payment and
Recovery of
Rates.

CXIX. And be it further enacted, That the Amount and Amounts, Sum or Sums, which shall or may at any Time become due or payable to and for the Benefit of the said Company of Proprietors hereby incorporated as aforesaid, and all Rates and Duties becoming due to and for the Benefit of the said Company of Proprietors under and by virtue of this Act, shall be paid to such Person or Persons, at such Place or Places near to the said intended Canals, as the said Company of Proprietors shall direct or appoint; and in case of Refusal or Neglect of Payment of any such Amount or Amounts, Sum or Sums, Rates or Duties respectively, or any Part thereof, on Demand, to the Person or Persons appointed to receive the same as aforesaid, the said Company of Proprietors may (in case such Rates or Duties amount to the Sum of Twenty Pounds or upwards) sue for the same by Action of Debt or upon the Case in any Court of Record; or the Person or Persons to whom the said Amount or Amounts, Sum or Sums, Rates or Duties respectively, ought to be or to have been paid, may and he and they is and are hereby empowered to

seize and distrain any Boat or Boats, Vessel or Vessels, navigated along the said intended Canals or any Part thereof, and belonging for the Time being to the Person or Persons by whom such Amount or Amounts, Sum or Sums, Rates or Duties respectively, ought to be paid, or any Part of the Coals, Iron, Goods, or other Things, the Property of such Person or Persons, being in the said Boat or Boats, Vessel or Vessels, and detain the same until Payment of the said Amount or Amounts, Sum or Sums, and the Rates or Duties respectively, which at the Time of such Seizure and Distress made shall be due and owing to the said Company of Proprietors from the Party or Parties making Default as aforesaid, together with reasonable Charges for such Seizure and Distress; and if such Distress shall not be redeemed within Five Days after the taking thereof, the same shall be appraised and sold as the Law directs in Cases of Distress for Rent, any thing in the said recited Acts or any of them, or in this Act, to the contrary thereof notwithstanding: Provided always, that in case such Rates or Duties so due as aforesaid shall not amount to the Sum of Twenty Pounds, it shall not be lawful for the said Company to sue for the same by Action of Debt or on the Case, but the same shall and may be recovered by Distress and Sale only, as is herein-before mentioned.

CXX. And for the more easy collecting the said Rates or Duties hereby laid and directed to be paid, be it further enacted, That the Master, Owner, or other Person having the Care of any Boat or other Vessel or Raft navigating upon the said intended Canal, or any Part thereof, shall give a just Account in Writing, signed by him, to the Collectors of the said Rates or Duties, or other Officers or Persons to be appointed in pursuance of this Act, at the Place or Places where they shall attend for that Purpose, the several Quantities, Qualities, and Weight of the Goods which shall be in or belonging to such Boat or other Vessel or Raft, and of the Place from whence brought, and where they intend to land the same, and also the Quantities, Qualities, and Weight of such Goods as shall have been discharged from or taken out of any Boat, Vessel, or Raft after it shall have entered the said Canal, and before its Arrival at the Place where such Account is to be given; but if the Goods contained in such Boat or Vessel shall be liable to the Payment of different Rates or Duties, then such Master, Owner, or Person shall specify the Quantities liable to the Payment of each of the said Rates or Duties; and in case any such Master, Owner, or other Person shall neglect or refuse to give such Account, or to produce his Invoice or Bill of Lading to such Collector or Collectors, if demanded, or shall give a false Account, or shall deliver any Part of his Loading or Goods at any other Place or Places than what is or are mentioned in such Account, every Person so offending shall forfeit and pay to the said Company of Proprietors the Sum of Ten Shillings for every Ton of Goods which shall be in such Boats or other Vessels respectively, over and above the respective Rates or Duties payable for the same.

Masters of Boats, &c. to give an Account in Writing to the Collectors of Goods on board.

CXXI. And be it further enacted, That if any Person or Persons shall fraudulently carry or convey any Article or Thing whatsoever on the said Canals, on Payment of a lower Rate, Toll, or Duty than that to which such Articles or Things are hereby subject or liable, and shall be thereof convicted before any Justice of the Peace for either of the said Counties

Penalty on Persons fraudulently claiming Abatement of Tolls.

of

of *Stafford, Salop, or Chester*, every such Person so offending shall for every such Offence forfeit and pay to the said Company of Proprietors, or their Successors, any Sum not exceeding Five Pounds, over and above the Rate, Toll, or Duty to which such Articles or Things are liable, to be levied and recovered in the same Manner as any other Penalty or Forfeiture under this Act can or may be levied and recovered.

Disputes
about the
Amount of
Rates.

CXXII. Provided always, and be it further enacted, That if any Dispute shall arise concerning the Amount of any such Rates, Tolls, or Duties due, or the Charges occasioned by any such Distress as aforesaid, it shall be lawful for the Collector or Person so distraining to detain such Distress, or the Money arising from the Sale thereof (as the Case may happen), until the Amount of the Rates, Tolls, or Duties due, and the Charges of seizing, distraining, keeping, or selling such Distress (as the Case shall happen), shall be ascertained by some Justice or Justices of the Peace for the County in which such Distress shall be made, who, upon Application made to him or them for that Purpose, shall examine the said Matter upon Oath of the Parties, or other Witness or Witnesses, and determine the Amount of the Rates, Tolls, or Duties due; and it shall be lawful for such Justice or Justices to assess and award such Costs, to be paid by either of the Parties to the other of them, as he shall think just and reasonable; and in case of Nonpayment thereof on Demand, such Costs shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same, by Warrant under the Hand and Seal of such Justice or Justices.

If any Differences concerning Weight, Collectors may weigh or measure Boats.

CXXIII. And be it further enacted, That if any Differences shall arise between any Collector of the said Rates, Tolls, and Duties, and the Owner or Owners or Person having the Charge of any Boat or other Vessel or Raft, or the Owner of any Goods or other Things, concerning the Weight or Quantity of any such Goods or Things, it shall be lawful for any such Collector to stop and detain any such Boat or other Vessel or Raft, and to weigh, measure, and gauge, or cause to be weighed, measured, or gauged, such Boat or other Vessel, and all such Goods and other Things as shall be therein respectively contained; and in case the same shall upon such weighing, measuring, or gauging appear to be of greater Weight or Quantity than what is set forth and contained in the Account given thereof as aforesaid, then the Owner or Person giving in such Account shall pay the Costs and Charges of such weighing, measuring, and gauging; all which Costs and Charges, upon Refusal of Payment thereof upon Demand, shall and may be recovered and levied by such Ways and Means and in such Manner as the said Rates, Tolls, and Duties are hereby appointed to be recovered and levied; but if such Goods and other Things shall appear to be of the same or less Weight or Quantity than the same shall by such Account appear 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, Owner, or other Person, or to the Owner or Owners of such Goods or other Things, such Damages as shall appear to any of the said Justices, on the Oath of any credible Witness (which Oath such Justice is hereby empowered to administer), to have arisen from such Detention; but in case it shall at any Time be made to appear to the said Justice or Justices, upon the Complaint of the said Company, upon the like Oath of some credible Witness or Witnesses, that such Detention

Costs and Charges of weighing.

was

was without reasonable Ground or Belief, and vexatious on the Part of such Collector, then the said Collector shall himself pay all such Costs, Charges, and Expences as aforesaid, and shall also pay to such Master or other Person, or to the Owner or Owners of such Goods and Things, such Damage as shall appear to such Justice or Justices to have arisen from such Detention; and in default of immediate Payment thereof by the said Company or by the said Collector (as the Case may be), the same may be recovered from the said Company of Proprietors or from the said Collector (as the Case may be) by Distress and Sale of their and his Goods, by Warrant under the Hand and Seal of such Justice, or otherwise by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*, rendering the Overplus, if any, upon Demand, after deducting the Costs of such Distress and Sale, to the said Company of Proprietors or to the said Collector (as the Case may be).

CXXIV. And be it further enacted, That every Toll Collector shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or on some other conspicuous Part of the Stopgate or Toll House, immediately on his coming on Duty, each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in proportion, and painted either in White Letters on a Black Ground or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be on Duty; and if any Collector of the same Tolls, Rates, or Duties shall not place such Board as aforesaid, and keep the same there during the Time he shall be such Collector as aforesaid, or shall demand or take a greater or less Toll, Rate, or Duty from any Person than he shall be authorized to do by virtue of the Powers of this Act, or of the Orders and Resolutions of the said Company made in pursuance thereof, or shall demand or take a Toll, Rate, or Duty from any Person who shall be exempt from the Payment thereof and claim such Exemption, or shall refuse to permit or suffer or shall not permit any Person to read, or shall in anywise hinder any Person from reading, the Inscriptions on the Board to be affixed and placed as aforesaid, or shall refuse to tell his Christian or Surname to any Person who shall demand the same on having paid the said Tolls, Rates, or Duties, or any of them, or shall in Answer to such Demand give a false Name or Names, or upon the legal Toll, Rate, or Duty being paid or tendered, shall unnecessarily detain or wilfully obstruct, hinder, or prevent any Passenger from passing through any Turnpike or Stopgate, or shall use any scurrilous or abusive Language to any Treasurer, Clerk, Engineer, or other Officer, or to any Passenger, then and in every such Case every such Toll Collector shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

For preventing Toll Collectors misbehaving.

CXXV. And be it further enacted, That the Owner or Owners of every Boat or other Vessel navigating the said Canals shall cause his, her, or their Name or Names, and Place or Places of Abode, and the Number of his, her, or their Boat or other Vessel, to be entered with the Clerk or Clerks of the said Company, and shall also cause such Name or Names and Number to be painted in large Capital Letters and Figures, Three Inches high at the least, and of a proportionate Breadth, on some conspicuous Part of the Outside of every such Boat or other Vessel, and

Owners to put their Names and Numbers on the Outsides of their Boats.

[*Local.*]

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shall

shall permit and suffer every such Boat or other Vessel to be gauged, weighed, and measured, at the Expence of the said Company, whenever it shall be required by them or any Person or Persons by them appointed for that Purpose; and every Owner or Owners, or other Person having the Care of any Boat or other Vessel, or who shall conduct the same along any Part of the said Canals, without having such Boat or other Vessel previously gauged, weighed, and measured, or without having such Names and Figures thereon respectively as herein-before directed, or who shall alter, erase, or deface such Names and Figures, or any of them, or any Part thereof, or shall fix thereon any false Name or Figure, or who shall refuse to permit and suffer such Boat or other Vessel to be gauged, weighed, and measured, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Owners of
Boats to be
accountable
for Damages
done by their
Servants.

CXXVI. And be it further enacted, That the Owner or Owners of every Boat or other Vessel or Raft, navigating or being upon the said Canals or any Part thereof, shall be, and he, she, and they is and are hereby respectively made answerable for any Trespasses, Damages, Spoil, or Mischiefs that shall be done by his, her, or their Boat or other Vessel, or by any of the Person or Persons belonging to or employed in or about the same respectively, to the said Canals, Reservoirs, Locks, Bridges, Engines, and other Works or Conveniences made by virtue of this Act, either by the loading or unloading of any Boat or other Vessel, or by any Means whatsoever, and for any Trespass or Damage which may be done to the Owners or Proprietors of any Building or other Erection, Lands, Tenements, or Hereditaments adjoining or lying near the same Canals and other Works, or any other Trespass whatsoever; and the said Owner or Owners of such Boat or other Vessel shall for every such Damage, upon Conviction of such Person or Persons before some Justice of the Peace, either by the Confession of the Party or Parties offending, or upon the Oath or Oaths of some credible Witness or Witnesses (which Oath or Oaths such Justice is hereby empowered and required to administer), pay the Person or Persons injured the Damages to be ascertained by such Justice, provided that such Damages do not exceed the Sum of Twenty Pounds, and also shall, over and above such Damages, forfeit and pay to the Informer any Sum not exceeding Forty Shillings, and the same shall be levied by Distress and Sale of the Goods and Chattels of the Owner or Owners of any such Boat or Vessel in like Manner as any other Penalties or Forfeitures are by this Act directed to be levied; or if the Damages shall exceed the Sum of Twenty Pounds, then and in such Case the Owner or Owners of such Boat or other Vessel may be sued and prosecuted for the same in any of His Majesty's Courts of Record; and if a Verdict or Judgment shall be given against him, either on Proof made or by Default or upon Demurrer, the Plaintiff in such Case shall recover his Damages thereby sustained, with full Costs of Suit; and if the Owner or Owners of any Boat or other Vessel or Raft, navigating or being upon any Part of the said Canals, shall be compelled to pay any Penalty, or to make any Satisfaction for any Damages, by reason of any wilful Act, Neglect, or Default of his or their Servant or Servants or Boatmen, then and in such Case every such Servant or Boatman shall be liable to repay such Penalty or Satisfaction for Damages, with the Costs attending the same, to such Owner or Owners; and in case of Nonpayment thereof on Demand, the same

Owners may
recover from
their Ser-
vants.

same shall be recovered in like Manner as any Penalty can or may by virtue of this Act be recovered.

CXXVII. And be it further enacted, That the said Company of Proprietors shall and may, in such Parts of the said Canals as shall not be of sufficient Breadth for admitting a Boat or Vessel to turn about or lie, or for Two Boats or other Vessels to pass each other, to open or cut proper Spaces or Places in the Lands adjoining to the said Canals, at convenient Distances from each other, for the turning, lying, and passing of any such Boat or Vessel; and the said Boats or other Vessels being haled or navigated upon the said Canals shall, upon meeting any other Boat or Vessel, stop at or go back to and lie in the said Spaces or Places, in such Manner as the said Committee, under their Hands and Seals, shall direct and appoint.

Proper Places to be made for Boats to turn or lie in.

CXXVIII. And be it further enacted, That if any Boat or Vessel or Raft shall be placed in any Part of the said Canals so as to obstruct the Navigation thereof, and the Person having the Care of such Boat or Vessel or Raft shall not, immediately upon Request made for that Purpose, remove the same, he shall for every such Offence forfeit and pay a Sum not exceeding Ten Shillings nor less than Five Shillings for every Hour such Obstruction shall continue; and it shall be lawful for the Agents or Servants of the said Company of Proprietors to cause any such Boat or Vessel or Raft to be unloaded if necessary, and to be removed in such Manner as shall be proper for preventing such Obstruction in the Navigation, and to seize and detain such Boat or Vessel or Raft, and the Loading thereof, or any Part of such Loading, until the Charges occasioned by such Unloading and Removal are paid; and if any Boat or Vessel or Raft shall be sunk in any Part of the said Canals, and the Owner or Owners, or Person or Persons having the Care of such Boat or Vessel or Raft, 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 to cause such Boat or Vessel to be weighed or drawn up, and to detain and keep the same till Payment to be made of all Expences necessarily occasioned thereby.

Vessels lying so as to obstruct the Navigation to be removed.

CXXIX. And be it further enacted, That if any Person shall float any Timber upon any Part of the said Canals, without having the same properly hooded or otherwise secured, agreeably to the Rules and Regulations to be from Time to Time made and promulgated for the orderly using of the said Canal in the Manner herein-before directed, or shall suffer the Loading of any Boat or Vessel to lie over the Sides thereof, or shall overload any Boat or other Vessel navigating in or upon any Part of the said Canals, so as by such overloading to obstruct the Passage of any other Boat or Vessel, and shall not, immediately upon Notice given to the Owner or Person having the Care of such Boat or Vessel so obstructing the Passage as aforesaid, remove the same so as to make a free Passage for other Boats or Vessels, every such Owner or Person floating such Timber, or having the Care of such Boat or Vessel so obstructing the Passage as aforesaid, shall forfeit and pay for every such Offence the Sum of Five Pounds; and if any Person shall throw any Ballast, Gravel, Stones, or Rubbish into any Part of the said Canals, every such Person shall for every such Offence forfeit a Sum not exceeding Five Pounds;

Persons overloading and obstructing the Passage of the Canal, &c. to forfeit 5*l.*

Penalty on throwing Ballast, &c. in the Canals or Cuts.

which

which said respective Forfeitures shall be paid to the said Company of Proprietors, to be by them applied for the Purposes of the said Navigation.

Penalty on
Persons in-
juring the
Locks, &c. or
wasting the
Water.

CXXX. And be it further enacted, That if any Person or Persons whomsoever shall wantonly, or through Carelessness or Negligence, open or cause to be opened any Lock or Clough belonging to the said navigable Cuts or Canals, or shall in such Manner suffer any Boat or other Vessel to strike or run against any of the Bridges or Locks thereof, or if any Person or Persons shall wilfully flush or draw off the Water from any Part of the said Canals, or shall leave any of the Cloughs open and running after any Boat or other Vessel shall have passed any Lock belonging to the said Cuts or Canals, or if any Person or Persons shall draw or cause to be drawn any Clough or Cloughs in the Lock Gates or Let-offs on the said Cuts or Canals, so as to mis-spend or waste the Water in such Cuts or Canals, or shall wilfully and maliciously do any other Act to the Prejudice of the said Navigation, every such Person so offending in any of the said Particulars, and being thereof convicted before some Justice or Justices of the Peace for the County in which such Offence shall be committed, by the Oath of One or more Witness or Witnesses, which Oath such Justice or Justices is and are hereby respectively empowered to administer, shall forfeit and pay for every such Offence any Sum not exceeding the Sum of Five Pounds nor less than Twenty Shillings, at the Discretion of the said Justice or Justices.

Regulations
for Vessels
passing the
Locks.

CXXXI. And be it further enacted, That every Boatman or other Person navigating any Boat or other Vessel upon the said Canals through any Lock to be made thereon shall in going down the same shut the lower Gates of such Lock before he shall draw the Cloughs of the upper Gates thereof, and after he or they shall have brought his or their Boat or other Vessel into the said Lock shall shut the upper Gates before he or they shall draw the Cloughs of the lower Gates thereof; and in all dry Seasons when there shall be a Scarcity of Water in the said Canals, the Vessel going up the same, if within Sight of and at a Distance not exceeding Three hundred Yards below a Lock, shall pass through the same before the Vessel coming down, and then the Vessel next above such Lock shall come down; and if there are more Vessels than One below and above any Lock at the same Time, in such dry Season, within the Distance aforesaid, which Distance shall be distinguished by a Post or Mark to be set up or made for that Purpose, such Vessels shall go up and come down at such Locks by Turns as aforesaid, until all the said Vessels going up or coming down shall have passed, by which Means One Lock full of Water may serve Two Vessels; and if any Person shall act contrary to the Rules herein-before laid down, and shall be convicted thereof before any Justice of the Peace, upon the Oath of any credible Witness, as also the Master or other Person having the Command of such Boat or Vessel, shall forfeit the Sum of Forty Shillings.

To prevent
destroying
the Works.

CXXXII. And be it further enacted, That if any Person shall wilfully, maliciously, and to the Prejudice of the said Navigation break, throw down, damage, or destroy any Bridges, Banks, Locks, or other Works to be erected or made by virtue of this Act; or do any other wilful Hurt or Mischief to, or obstruct, hinder, or prevent the carrying on, completing, supporting, and maintaining the said Navigation, every Person

so offending, and being thereof lawfully convicted, shall be adjudged guilty of Felony ; and every such Person shall be subject and liable to the like Pains and Penalties as in Cases of Felony, and the Court by and before whom such Person or Persons shall be tried and convicted shall have Power and Authority to transport such Person for the Space of Seven Years, in like Manner as Felons are directed to be transported by the Laws and Statutes of this Realm, or in mitigation of such Punishment may, if they think fit, award such Sentence as the Law directs in Cases of Petit Larceny ; or otherwise every Person so offending, and being thereof lawfully convicted, on the Oath of One credible Witness, before One of His Majesty's Justices of the Peace for the Counties wherein such Offence shall be committed, shall forfeit any Sum not less than Double the Value of the Damage proved upon Oath to be done, at the Discretion of such Justice.

CXXXIII. And be it further enacted, That all Persons shall have free Liberty to use, with Horses, Cattle, and Carriages, the Roads, Ways, and Passages, for the Purpose of conveying any Timber, Goods, Wares, Merchandize, or other Things to or from the said Canals and every Part thereof, and also to navigate and use the said Canals, with Boats or other Vessels properly constructed, and to employ the Wharfs and Quays for loading and unloading such Goods and other Things, upon Payment only of such Rates and Tolls as shall be demanded by the said Company of Proprietors, not exceeding the respective Sums herein mentioned, and subject to the Rules and Regulations which shall be from Time to Time made by the said Company of Proprietors by virtue of the Powers herein granted ; provided the said Boats or other Vessels shall not, without the Licence and Consent of the said Company of Proprietors, or their general Committee, pass upon the said Canals at any other Times than between the Hours of Six in the Morning and Six in the Evening during the Months of *November, December, January, and February*, and between the Hours of Five in the Morning and Eight in the Evening during the Months of *March, April, September, and October*, and between the Hours of Five in the Morning and Ten in the Evening during the Months of *May, June, July, and August*, in every Year : Provided always, that no Boat or other Vessel of less Burthen than Twenty Tons shall pass through any of the Locks to be made by virtue of this Act, without the Consent of the said Company of Proprietors, or their principal Agent, in Writing first had and obtained.

Passage upon Canals to be free, on Payment of Tonnage.

Boats under 20 Tons.

CXXXIV. Provided always, and be it further enacted, That if at any Time there shall not be sufficient Water in any Lock which shall be erected by virtue of this Act to enable Boats, Barges, and other Vessels to pass through the same with Twenty Tons Weight of Lading, then and in every such Case it shall be lawful for all Boats, Barges, and other Vessels to pass any such Lock with any less Weight of Lading than Twenty Tons ; and the Owner, or Person having the Conduct of such Boat, Barge, or other Vessel, shall not be compelled to pay Tonnage for any greater Weight of Lading than shall at such Time be actually on board such Boat, Barge, or other Vessel, such Lading not to be less than the Water will enable such Boat, Barge, or other Vessel to carry ; any thing in this Act to the contrary thereof notwithstanding.

Vessels with less Weight of Lading than 20 Tons may pass Locks if not Water sufficient for 20 Tons.

[*Local.*]

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CXXXV. And

Owners and Occupiers of Lands may use Pleasure and other Boats on the Canal, but not carry Goods or Passengers for Hire.

CXXXV. And be it further enacted, That it shall be lawful for the Owners and Occupiers of any Lands adjoining to the said Canals to use upon the said Canals any Pleasure Boats, or any Boats for the Purpose of Husbandry only, or for conveying Cattle from any Farm or Lands to any other Farm or Lands of the same Owner or Occupier, without the Interruption of the said Company of Proprietors or any Persons acting under their Authority, and without paying any Rate or Due for the same, so as such Boats be not of greater Breadth than Five Feet, and do not pass through any Lock to be made by virtue of this Act, and be not employed in carrying any Goods, Wares, or Merchandize to Market or for Sale, or any Persons for Hire, and so as the same do not obstruct or prejudice the Navigation of the said Canals or the Towing Paths on the Sides thereof; and the respective Owners of all such Pleasure or other Boats shall in their own Lands make convenient Places for such Boats to be in, and shall not suffer the same to be moored or remain upon the said Canals.

Company to make Watercourses, in Cases where the Lands are deprived of Water by means of the Canals.

CXXXVI. And be it further enacted, That the said Company of Proprietors shall and they are hereby authorized and directed, at their own Costs and Charges, after any Lands necessary for the said Canals and Works shall be taken and laid out, forthwith to make and finish, and from Time to Time to maintain and keep in repair, such and so many Watercourses, Feeders, and Drains by the Sides of or alongside or under the said Canals and Reservoirs, of such Dimensions and in such Manner, and with such proper and convenient Bridges over the same, or over or under the said Cut or Canal and Towing Path respectively, as Two or more Justices of the Peace for the County in which such Lands are situate shall from Time to Time judge necessary and appoint, in case there shall be any Dispute about the same, for the Purpose of irrigating any Meadow or Pasture Land which may have been heretofore irrigated, or for the Use of the Owners or Occupiers of the Lands, Grounds, or Hereditaments adjoining to such Cut or Canal and Towing Paths, or for the Purpose of effectually supplying the Cattle which shall or may be depastured or kept in or upon the Lands and Hereditaments through or near which such Canals or Works shall be made, with Part of the Water of any River or Brook or Spring of Water of which such Cattle would otherwise be deprived by the making and fencing of any Part or Parts of the said Canals or Works, and which Watercourses and Drains, or any of them, shall or may be made as may be found most proper and effectual for the Purpose last aforesaid; and all such Watercourses, Feeders, Drains, and Bridges so to be made for the Purpose last aforesaid shall from Time to Time and at all Times thereafter be maintained and kept in sufficient Repair and Condition by the said Company of Proprietors; and in case the said Company of Proprietors shall refuse or neglect to make and finish such Watercourses, Feeders, Drains, and Bridges, as herein-before directed, or to repair and maintain the same or any of them, when made, in manner aforesaid, for the Space of Twenty Days next after the Time to be appointed for these Purposes respectively by such Justices, then and in every such Case it shall be lawful for every or any of the Owners or Occupiers of the said Lands or Hereditaments, who shall find himself, herself, or themselves aggrieved by such Neglect or Refusal, to make and finish all such Watercourses, Feeders, Drains, and Bridges as the said Justices shall have before directed or appointed to be made as aforesaid, and to repair and maintain

maintain the same from Time to Time as Occasion shall require, so that in making and maintaining such Watercourses, Feeders, Drains, and Bridges as aforesaid, the said Canals, Reservoirs, and other Works hereby authorized to be made by the said Company of Proprietors shall not be obstructed or hindered for any longer Space or Time or in any other Manner than shall be necessary for the doing thereof; and all the reasonable Costs and Charges thereof, to be settled and allowed by the said Justices, shall be repaid to the respective Owners or Occupiers of the said Lands and Hereditaments who shall have so made, repaired, or maintained such Watercourses, Feeders, Drains, and Bridges as aforesaid, or any of them, by the said Company of Proprietors, by the Space of Ten Days next after the same shall have been so settled and allowed, and an Account and Demand in Writing shall have been delivered and made thereof to and from the said Company of Proprietors; and in default of Payment of the said Costs and Charges within the Time aforesaid, the said Justices shall and they are hereby required, by Warrant under their Hands and Seals, to levy the said Costs and Charges by Distress and Sale of any of the Goods and Chattels of the said Company of Proprietors, for the Use of such Person or Persons to whom such Costs and Charges shall have been allowed, rendering to the said Company of Proprietors the Overplus (if any), after deducting the reasonable Charges of making such Distress and Sale, to be settled by the said Justices; and every or any of the said Owners or Occupiers, upon Refusal or Neglect by the said Company of Proprietors to pay the said Costs and Charges as aforesaid, shall and may also have such and the like Remedy against them, or any of them, for the Recovery thereof by Action at Law, and to be commenced and prosecuted in such Manner as in other Cases is by this Act prescribed and directed.

CXXXVII. Provided always, and be it further enacted, That if the Owners or Occupiers of any Lands or other Hereditaments in or through which the said Canals or Reservoirs shall be made do or shall at any Time or Times hereafter apprehend that any of the Watercourses, Feeders, Drains, and Bridges respectively which the said Justices shall have so directed or appointed to be made by the said Company of Proprietors, or which without such Direction shall have been made by them, are insufficient, either in their Number, Size, Length, or Situation, for the commodious and effectual supplying of the Cattle to be depastured or kept in or upon the same Lands or Hereditaments with Water, according to the true Meaning of this Act, then and in every such Case, and so often as the same shall happen, it shall be lawful for any such Owners or Occupiers, with the Consent and Approbation of the said Company of Proprietors, upon Request made to them, or in case of their Refusal for the Space of Ten Days next after such Request, then with the Consent and Approbation of the said Justices, to make and finish, at their own Costs and Charges, any other Watercourses, Feeders, Drains, and Bridges in such Places as shall be found and adjudged most necessary and convenient for the better supplying such Cattle with Water as aforesaid, or for the better Use, Cultivation, Improvement, or Occupation of such Lands or Hereditaments, and to repair and support the same at their own Costs and Charges, as Occasion shall require, so that the Passage of Boats or other Vessels through or along the said Canals be not prevented or obstructed thereby for any longer Space of Time or in any other Manner than

Proprietors and Occupiers to make Watercourses at their own Expence.

than the same would necessarily have been if such Watercourses, Feeders, Drains, and Bridges had been made by the said Company of Proprietors.

Owners of
Land may
erect
Bridges, &c.

CXXXVIII. And be it further enacted, That if the Owners or Occupiers of any Lands through which the said intended Canals shall be made do or shall at any Time or Times find that the several Gates, Stiles, Bridges, Arches, Passages, Watering Places, and other Conveniences which the said Justices shall have ordered and directed to be made by the said Company of Proprietors in, upon, over, under, or through the said Canals or the Towing Paths thereof, are insufficient, either in the Number or Situation, for the commodious Use and Occupation of the respective Lands and Grounds on both Sides or on either Side of the said Canals, then and in every such Case it shall be lawful for such Owners or Occupiers, with the Consent and Approbation of the Committee of the said Proprietors, or the major Part of them, upon Request made to them for that Purpose, or in case of their Refusal for the Space of Ten Days after such Request, then with the Consent and Approbation of any Two or more of the said Justices, to make, fix, and erect, at their own Costs and Charges, such other Gates, Stiles, Bridges, Arches, Passages, Watering Places, or other Conveniences, of the same or the like Construction with such as shall have been made and erected by the said Company of Proprietors, on, in, over, or near the said Canals or Towing Paths thereof, and in such Places as shall be found and adjudged most necessary and convenient for the better Use, Cultivation, and Improvement or Occupation of the said Lands, and to repair and support the same at their own like Costs and Charges, as Occasion shall require, so as the said Navigation be not prevented or obstructed thereby for any longer Space of Time or in any other Manner than will be necessary for making other Gates, Stiles, or Bridges in or over the said Canals by the said Company of Proprietors.

Allowing the
Owners of
Lands to cut
Branch
Canals.

CXXXIX. And be it further enacted, That it shall be lawful for the Owners and Occupiers of the respective Lands or Grounds lying adjoining or near to the said Canal belonging to the said Company of Proprietors by this Act incorporated, or any other Person whomsoever, to cut or make, either upon their own Lands or upon the Lands of other Persons, with the Consent of such other Persons, any Branch or Branches from their respective Lands or Grounds to communicate with such Canal, or for making at their own Expence such Openings in the Sides of such Canal as may be necessary and convenient for effecting such Communication; and the said Company shall not receive any Tonnage for the passing of any Goods or other Things along such Branch or Branches so to be made by any such Owner or Occupier or Person or Persons as aforesaid, so that such Cut or Cuts be done without diverting any Streams of Water which are necessary for supplying the said Canal belonging to the said Company of Proprietors by this Act incorporated, or which are or shall be necessary for the working of any Furnaces, Forges, Mills, or Works, and so as no Impediment, Injury, Loss of Water, or Damage be occasioned thereby to such Canals, and so as the Person or Persons making every such Cut or Cuts shall, if thereunto required by the said Company, make, erect, and maintain a Stopgate or Stopgates on every such Cut or Cuts, in order to prevent the Water being drained
or

or wasted out of such Canal or any Part thereof by means of making any such Cut or Cuts to communicate therewith as aforesaid.

CXL. And be it further enacted, That it shall be lawful for the Lord or Lords, Lady or Ladies of any Manor or Manors, and the Owner or Owners of such Lands or Grounds near to, through, or by which the said Canals to be made by the said Company by this Act incorporated, or any Part thereof, shall be made, to erect and use any Wharfs, Landing Places, Cranes, Weighing Beams, or Warehouses in or upon his, her, or their respective Wastes, Lands, or Grounds adjoining or near to the said Canals, or any Part thereof, and to land any Goods or other Things upon such Wharfs or Landing Places, or upon the Banks lying between the same and the said Canals, or any Part thereof, and also to make and use proper and convenient Places for Waggon, Carts, and other Carriages to lie and turn in and pass each other, so that the making or using thereof do not obstruct or prejudice the Passage on the Towing Paths of the said Canals; and all Rates or Tolls which shall be paid for the Use of such Wharfs, Landing Places, Cranes, Weigh Beams, and Warehouses respectively, shall be and the same are hereby accordingly vested in the Lord or Lords, Lady or Ladies of such Manors, or the Owner or Owners of such Lands or Grounds, who shall make and erect the same as aforesaid, and his, her, or their Representatives: Provided always, that the upright Wall of every Wharf to be made upon the Line of the said Canals shall be set at the least Eight Feet without the Line of the Top-water Level of the said Canals, so that a Boat or Boats, whilst lying thereat, shall be clear of the Passage of other Boats, and not in anywise narrow, impede, or obstruct the Navigation of the said Canals, or any Part thereof.

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

CXLI. And be it further enacted, That if such Lord or Lords, Lady or Ladies, Owner or Owners, shall not, within the Space of Three Calendar Months next after Notice given in Writing to him, her, or them, or left at his, her, or their last or usual Place or Places of Abode, by or on behalf of the said Company of Proprietors, signifying that any Part of such Waste Lands or Grounds is necessary or proper to be used by them for the Purpose of erecting and making Wharfs, Landing Places, Warehouses, and Buildings for the Use of the said Canals, or for making or laying out necessary and convenient Roads for Conveyance of Goods to and from the said Canals, make, erect, and lay out, and from Time to Time maintain and keep in good and substantial Repair, such proper and sufficient Wharfs or Landing Places, Warehouses, Buildings, and Roads for the Use of the said Canals, as any Two or more Justices of the Peace for the County in which such Works shall be necessary shall think necessary, on the respective Part or Parts of the Waste Lands and Grounds described in such Notice, then and in every or any such Case the said Company of Proprietors shall have full Power and Authority, without any Hindrance or Restraint whatsoever, to make use of such Waste Lands or Grounds, not being the Ground whereon any House or other Building stands, or a Garden, Orchard, Yard, Park, planted Walk, or an Avenue to a House (except as herein-before is mentioned or referred to), for erecting and building proper and sufficient Wharfs, Landing Places, Warehouses, and Buildings, and making and laying out

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

[*Local.*]

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necessary

necessary and convenient Roads to and from the said Canals, agreeably to such Notice to be delivered as aforesaid.

Compensation to be made for Lands taken for Wharfs, &c.

CXLII. And be it further enacted, That the said Company of Proprietors shall make Satisfaction for the Lands or Grounds taken and used by them for the Purpose of making any such Wharfs, Landing Places, Warehouses, Buildings, and Roads as aforesaid, in such Manner as is herein directed with respect to any other Lands or Grounds which shall be taken or used by the said Company of Proprietors for the Purposes of this Act.

Regulations respecting private Wharfs.

CXLIII. And be it further enacted, That nothing herein contained shall authorize or empower the said Company of Proprietors, or any other Person or Persons, to make use of any Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouses which shall be set out, erected, or made by the Lord or Lords, Lady or Ladies of any Manor, or the Owner or Owners of any Lands or Grounds adjoining or near to the said Canals, for his, her, or their private Use only, or to set up, erect, or use any Cranes or Weighing Machines in or upon any such Wharfs, Quays, or Landing Places, without the Consent of such Lord or Lords, Lady or Ladies, Owner or Owners.

Wharfingers not to give Preference.

CXLIV. And be it further enacted, That if any Wharfinger or other Servant belonging to the said Company of Proprietors shall give any undue Preference or show any Partiality in loading or unloading any Goods or other Things at any of the Wharfs, Warehouses, Weigh Beams, Cranes, or other Machines belonging to the said Company of Proprietors, any Person so offending shall forfeit and pay any Sum not exceeding Forty Shillings to the Informer.

Limiting Wharfage.

CXLV. And be it further enacted, That no more than the Sum of Three Halfpence *per* Ton shall be demanded or taken by the said Company, or by any such Lord or Lords, Lady or Ladies, Land Owner or Owners, who shall make, erect, or build any such Wharfs or Quays or Depôts, for the Wharfage of Coals, Culm, Lime, Limestone, Clay, Iron, Ironstone, Lead Ore or any other Ores, Timber, Stone, Brick, Tiles, Slates, Gravel, or other Things, nor more than Two-pence for the warehousing of every Package not exceeding Fifty-six Pounds Weight, nor more than Four-pence for the warehousing of every Package above Three hundred Pounds Weight and not exceeding Six hundred Pounds Weight, and not more than Sixpence *per* Ton for the warehousing any Package exceeding One thousand Pounds Weight, which shall be respectively placed upon any of the Wharfs or Warehouses hereby authorized to be made, and which shall be placed and remain in and upon any such Wharfs, Quays, or Warehouses, and shall not continue thereupon for a longer Space of Time than Forty-eight Hours: Provided always, that in case any of the said Articles shall be left and remain in and upon any such Wharfs, Quays, or Warehouses over and above the Time hereby limited for the same respectively, then the Owner or Owners of such Articles shall pay to the Proprietors of such Wharfs, Quays, or Warehouses the further Sum of Three Halfpence *per* Ton for Wharfage, and Two-pence *per* Ton for warehousing, for the next Seven Days, and the like Sum of Three Halfpence

Halfpence or Two-pence respectively *per* Ton for every further Seven Days while such Articles shall remain upon such Wharfs, Quays, or Warehouses, after the Expiration of the said first-mentioned Seven Days: Provided also, that it shall be lawful for the said Company of Proprietors to erect, repair, and use any Cranes or Weighing Machines upon any such Wharfs or Quays last mentioned, for the more convenient loading and unloading and weighing of any Goods, Wares, Merchandize, or Commodities, in case the Proprietors of such Wharfs or Quays shall refuse or neglect to make and erect the same for the Space of Six Calendar Months after they shall have received Notice in Writing for that Purpose from the said Company of Proprietors, or, when so erected, neglect or refuse to keep the same in repair, any thing in this Act contained to the contrary thereof notwithstanding.

CXLVI. And be it further enacted, That the said Canals and Works to be made by virtue of this Act shall not be subject to the Controul, Direction, Survey, or Order of any Commissioners of Sewers, or to any Law or Statute relating to Sewers; any Law or Statute to the contrary notwithstanding.

Canals not to be controlled by Commissioners of Sewers.

CXLVII. And be it further enacted, That the Costs and Charges of obtaining and passing this Act, and of making the Surveys, Plans, and Estimates incident thereto, and all other Costs, Charges, and Expences concerning the same, shall be borne, paid, and defrayed by the said Company of Proprietors, in preference to any other Payment whatsoever.

Paying the Expences of the Act.

CXLVIII. Provided always, and be it further enacted, That nothing herein contained shall extend to defeat, prejudice, and affect the Right of any Lord or Lords of any Manor or Manors, Common or Waste Grounds, or of any Owner or Owners of any Lands or Grounds, in, upon, or through which the said Canals or other Works hereby authorized, or any of them, shall be made, to the Mines, Minerals, or Quarries lying or being within or under the Lands or Grounds to be set out or made use of for such Canals or other Works, 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 of such Common or Waste Grounds, or to such Owner or Owners of such Lands or Grounds respectively, their Heirs or Assigns; and 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, to work all such Mines and Quarries, and to take and carry away all such Coals, Ironstone, and Minerals as shall be gotten therein, to his and their own Use, as fully and effectually as if this Act had not been passed; provided that in working such Mines and Quarries no Injury be done to the said Navigation, or to any of the Works hereby authorized; any thing herein contained to the contrary notwithstanding.

Preserving the Rights of Lords of Manors and others.

CXLIX. And be it further enacted, That the Lord and Lords or Owner and Owners of all and every Manor and Manors through which the said intended Canals and other Works hereby authorized shall be made shall have and be entitled to the sole, several, and exclusive Right of Fishery of and in so much of the said Canals and other Works as shall be made over, upon, or through the Common or Waste Lands within his,

Rights of Lords of Manors and Land Owners to the Fisheries.

his, her, or their Manor or Manors respectively, and also in, over, through, or upon any other Lands or Grounds lying within such Manor or Manors where such Lord or Lords, Owner or Owners, now have or hath or are or is entitled to the Right of Fishery in the Pits, Ponds, and Waters now being in such last-mentioned Lands or Grounds respectively; and the Owner or Owners of all other Lands or Grounds through which the said Canals or any such other Works shall be made shall also have and be entitled to the like sole, several, and exclusive Rights of Fishery of and in so much of the said Canals and other Works as shall be made in, over, through, or upon his, her, or their Lands or Grounds respectively; so as in the Use and Exercise of the said Right of Fishery no Prejudice be done to the said Canals or other Works hereby authorized to be made, or any Water drained or exhausted from or out of the said Canals or other Works, and so that 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 Canals or other Works which shall be taken, killed, or destroyed through or by means of the letting off the Water out of the said Canals or other Works, or by using the same, or for or upon account of any Repairs or Works in or about the same.

Unqualified
Persons using
or having
Nets, &c. to
forfeit 5*l*.

CL. And be it further enacted, That if any Person navigating or working or being on board any Boat or other Vessel upon the said Canals (not being qualified to kill Game) shall carry on board and use any Fishing Net, Gun, Engine, or other Instrument for taking or destroying Fish or Game; or in case any other Person (not qualified as aforesaid) shall use any Net, Fishing Rod, or other Engine or Device for taking or destroying the Fish in the said Canals, Reservoirs, Trenches, or Sluices; every such Person, being thereof lawfully convicted, on the Oath of any credible Witness, before any Justice of the Peace for the County in which the Offence shall be committed, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and in case any Master or other Person having the Command or Care of any Boat or other Vessel shall suffer or permit any Person (not being qualified as aforesaid) to have, carry on board, and make use of any Fishing Net, Gun, Engine, or other Instrument for taking or destroying Fish or Game, and shall be thereof convicted as aforesaid before any Justice of the Peace for either of the Counties aforesaid, he shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Company
may contract
for the Works.

CLI. And be it further enacted, That the said Company, or such Person or Persons as they shall for that Purpose appoint, is and are hereby authorized to contract and agree with any Person or Persons for making the said Canals and Reservoirs, or any Part or Parts thereof, or any other of the Works hereby authorized to be made or done by the said Company, in such Manner, and for such Sum and Sums of Money, and under such Regulations and Restrictions as the said Company shall think proper; and all Contracts in Writing for any of the Purposes aforesaid shall be binding upon the said Company, and all other the Parties thereto, and their respective Successors, Heirs, Executors, or Administrators, and that Actions and Suits may be maintained thereon, and Damages and Costs recovered against the said Company, or either of the Parties failing in the Execution thereof.

CLII. And

CLII. And be it further enacted, That in all Cases wherein it may be necessary or requisite for any Person or Persons or Party or Parties to serve any Summons, or Notice or Notices, or any Writ or Writs, or other Proceedings at Law or in Equity, upon the said Company, Service thereof respectively upon any of the Members of the said Committee, or left at his last or usual Place of Abode, or upon the Clerk of the said Company, or left at the Office of such Clerk, or at his last or usual Place of Abode, or at the Office of the said Company, or any Officer or Servant of the said Company, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Company.

Declaring what shall be good Service of Notices on the Company.

CLIII. And be it further enacted, That in all Cases where it may be necessary or requisite for the said Company of Proprietors to give any Notice or Notices to any Body or Bodies Politic, Corporate, or Collegiate, or to any Person or Persons whomsoever, under the Provisions or Directions contained in this Act, such Notice or Notices shall be in Writing, signed by the Clerk or Clerks for the Time being of the said Company, without being required to be under the Common Seal of the said Company.

All Notices given by the Company to be signed by the Clerk.

CLIV. Provided always, and be it further enacted, That in case the said Canals shall not have been completed and made (unless prevented by inevitable Accident) within the Space of Five Years, to be computed from the passing of this Act, then from and after the Expiration of the said Term of Five Years all the Powers, Authorities, and Privileges given by this Act shall cease and determine, save only and except as to so much (if any) of the said intended Canals and other Works as shall have been declared and certified to have been completed within the said Term by the Justices of the Peace of the said Counties of *Stafford*, *Salop*, or *Chester*, assembled at any Quarter Sessions of the Peace to be holden in and for either of the said Counties, at any Time before the Expiration of the said Term of Five Years, or within Three Calendar Months next after the Expiration thereof, upon the Evidence of Two or more Witness or Witnesses upon Oath, to be produced before them for that Purpose.

If Canals not complete in Five Years, Powers to cease, except as to such Part, if any, as shall be completed.

CLV. Provided always, and be it further enacted, That if the said Canals or Works hereby authorized to be made, or any Part thereof respectively, shall at any Time hereafter be abandoned or given up by the said Company, or shall not for the Space of Five Years be used and employed as a Canal, then and in such Case the Land or Ground so purchased or taken by the said Company for the Purposes of this Act, or the Part or Parts thereof over which the said Canal, or any Part or Portion of such Canal, which shall be so abandoned or given up by the said Company shall pass, shall vest in the Owner or Owners of the Land adjoining that which shall be so abandoned or given up in manner following; that is to say, One Half thereof in the Owner or Owners of the Lands on the one Side, and One Half thereof in the Owner or Owners of the Land on the other Side thereof.

If Canals abandoned by Company, Land to revert to former Owners.

CLVI. And be it further enacted, That all Penalties and Forfeitures for all and every the Offences in this Act mentioned, in relation to which the Manner of convicting the Offenders is not particularly mentioned or directed, shall be adjudged by and recovered before any Justice or Justices

Recovery and Application of Penalties.

of the Peace for the County in which such Offence may occur, in a summary Way, and who is and are hereby authorized and empowered to convict the Offender or Offenders upon Information, by the Oath or Affirmation of any Person or Persons, or on the Confession of the Party offending (which Oath or Affirmation such Justice is hereby authorized to administer); and in default of Payment of such Penalties or Forfeitures, the same shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of such Justice or Justices, rendering the Overplus (if any), on Demand, to the Party or Parties whose Goods and Chattels shall be so distrained (the reasonable Charges of such Distress and Sale being first deducted); and One Half of the Penalties and Forfeitures, when recovered, shall be paid to the Informer, and One Half thereof shall be paid to the Treasurer of the said Company of Proprietors, for the Use and Benefit of the said Company, unless such Penalties or Forfeitures shall be incurred by the said Company, in which Case the same shall be paid, One Half to the Informer, and One Half to the Overseers of the Poor of the Parish or Place within which the Offence shall be committed, to be applied by such Overseers to the Benefit of the Poor of such Parish or Place; and in case such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for such Justice or Justices, and he and they is and are hereby authorized and required, to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can conveniently be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice or Justices, for his, her, or their Appearance before such Justice or Justices, or before some other Justice or Justices of the Peace for the said respective Counties, on such Day or Days as shall be appointed for the Return of such Warrant of Distress (such Day or Days not being more than Seven Days from the taking of any such Security), and which Security the said Justice or Justices is and are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of any such Justice, or upon the Confession of the Offender or Offenders, or otherwise, that he, she, or they hath or have not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences could be levied if a Warrant of Distress should be issued, such Justice or Justices shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justice or Justices of the Peace, and he and they is and are hereby authorized and required, by Warrant under his or their Hand and Seal or Hands and Seals, to commit such Offender or Offenders to the Common Gaol or House of Correction for the County or Place where such Offence shall be committed, there to remain for any Time not exceeding Three Calendar Months, unless such Penalty or Forfeiture shall be sooner paid and satisfied, and all Costs and Charges attending such Proceedings as aforesaid (to be ascertained by such Justice), or shall be otherwise discharged by due Course of Law.

Persons
aggrieved by
Irregularity

CLVII. And be it further enacted, That where any Distress shall be made for any 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

be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

in Distress
to recover
Damages.

CLVIII. And whereas Persons guilty of Offences against this Act may be transient Persons, unknown to the Collectors, Surveyors, and other Persons under this Act; be it further enacted, That it shall and may be lawful to and for the said Collectors and Surveyors, and other Officers respectively, to seize and detain any such unknown Person or Persons guilty of any Offence against this Act, and convey him, her, or them before some Justice or Justices of the Peace for the County in which such Offence may be committed, without any other Warrant or Authority than this Act for so doing; and such Justice or Justices of the Peace respectively is and are hereby respectively empowered and directed to proceed immediately to the Conviction or Acquittal of such Offender or Offenders.

For securing
transient
Offenders.

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

Form of
Conviction.

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

CLX. And be it further enacted, That any Body or Bodies, Person or Persons, thinking himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of any Rule, Bye Law, or Order of the said Company or Committee, or the said Company of Proprietors, or any other Body or Bodies, Person or Persons, who may think himself, herself, or themselves aggrieved by any Order, Judgment, or Determination of any Justice or Justices of the Peace, relating to any Matter or Thing in this Act mentioned or contained, may, within Three Calendar Months next after such Order, Judgment, or Determination shall have been made or given, appeal to the Justices of the Peace at any General or Quarter Sessions to be held in and for the County wherein such Cause of Appeal shall happen or arise, first giving Fourteen Days Notice in Writing of such Intention to appeal, and of the Nature thereof, to the Body or Bodies, Person or Persons, against whom such Complaint is intended to be made, or to the said Company, as the Case may be, and forthwith after such Notice entering into Recognizance before some Justice of the Peace, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order and Award of the said Court thereon; and the

Persons
aggrieved
may appeal
to the Quar-
ter Sessions

the said Justices shall in a summary Way either hear and determine the said Complaint at such General or Quarter Sessions, or if they think proper adjourn the Hearing thereof to the next following General or Quarter Sessions of the Peace to be held for such County; and the said Justices may, if they see Cause, mitigate any Forfeiture or Fine, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye Law, or Determination, and may also order and award such further Satisfaction and Costs to be made and paid to the Party injured as they shall adjudge reasonable; but no Proceeding to be had and taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere, any Law or Statute to the contrary notwithstanding.

Limitations
of Actions.

CLXI. And be it further enacted, That no Action, Suit, or Information, or other Proceeding, shall be brought, commenced, or prosecuted against any Person or Persons, for any thing done or to be done in pursuance of this Act, or in the Execution of the Powers or Authorities or any of the Orders made, given, or directed in, by, or under this Act, unless Fourteen Days previous Notice shall be given in Writing, by the Person or Persons intending to commence and prosecute such Action, Suit, or Information, to the Defendant or Defendants, nor unless such Action, Suit, or Information shall be brought or commenced within Three Calendar Months next after the Fact committed, or in case there shall be a Continuation of Damages, then within Three Calendar Months next after the doing or committing such Damage shall have ceased, and not afterwards, and shall be laid and brought in the County where the Matter in dispute or Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in such Action, Suit, or Information 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 happen to have been so done, or if any such Action, Suit, or Information shall have been brought or commenced before or after the Time limited for bringing the same, or in any County or Place than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or suffer a Discontinuance of his, her, or their Action, Suit, or Information after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall (if the Judge before whom the Cause is tried shall certify the same to have been vexatious) have Costs, and shall have such Remedy for recovering the same as any Defendant hath for recovering Costs of Suit in any other Case by Law.

Clerk of the
Company
may grant
Releases to
Witnesses.

CLXII. And be it further enacted, That in all Actions, Suits at Law or in Equity, and in all Proceedings under this Act, or otherwise, for any Claim or Compensation against or for or on behalf of the said Company, and also in all Prosecutions commenced and instituted by or on behalf of the said Company, and in all Arbitrations, References, or other Proceedings in or consequent upon or arising out of any such Actions and Suits or Proceedings, it shall be lawful for the Clerk for the Time being of the said

said Company, and not being personally interested, in his own Name, for and on behalf of the said Company, to make, sign, seal, execute, and deliver all and every such general or other Release or Releases as may be or be deemed to be necessary for the Purpose of exonerating, releasing, and discharging all and every or any Person or Persons who shall or may be produced as a Witness or Witnesses in any such Actions, Suits, Prosecutions, Arbitrations, References, or other Proceedings as aforesaid, from all or any Claims or Demands which may be necessary to be released by the said Company to qualify such Person or Persons to give Evidence as a Witness or Witnesses in any such Actions, Suits, Prosecutions, Arbitrations, References, or other Proceedings aforesaid, and also to do any other Act, Matter, or Thing in any such Actions, Suits, Prosecutions, Arbitrations, References, or other Proceedings which any Plaintiff or Defendant may do in any Action, Suit, or Prosecution, Arbitration, Reference, or other Proceedings; and every such Release, Act, Matter, and Thing respectively shall be as valid and effectual in all respects, and to all Intents and Purposes whatsoever, as if the same were made under the Seal of the said Company.

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

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

CLXIV. And be it further enacted, That where any Damages or Charges are directed or authorized to be paid or recovered, in addition to any Penalty for any Offence in this Act mentioned, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be

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

[Local.]

29 B—C

settled

settled and determined by the Justice or Justices of the Peace by or before whom any Offender shall be convicted of any such Offence, who is hereby authorized and required, on Nonpayment thereof, to levy such Damages by Distress and Sale of the Offender's Goods and Chattels in manner by this Act directed for the levying of any Penalties or Forfeitures.

Justices may proceed by Summons in the Recovery of Penalties.

CLXV. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before any Justice of the Peace, it shall be lawful for the Justice of the Peace before whom Complaint shall be made for any Offence committed against this Act to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed in the Recovery of the same, although no Information in Writing shall have been exhibited or taken before such Justice; and all such Proceedings by Summons without Information in Writing shall be as good, valid, and effectual, to all Intents and Purposes, as if an Information in Writing were exhibited.

Public Act.

CLXVI. 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.

SCHEDULE above referred to.

No. on Plan.	Landowner's Name.	Occupier's Name.	Description of Premises.	Parish.
16.	Thomas William Giffard	Edward Wilson - -	Orchard - -	Brewood.
33.	Ditto - -	{ Thomas William Giffard and William Icke - - }	Avenue - -	Ditto.
44 ^a .	{ Dean of Lichfield and Honourable Edward Monckton - - }	Thomas Howell - -	Garden - -	Ditto.
54.	Sarah Ray - -	William Ray - -	Garden - -	Ditto.
55 ^a .	{ Trustees of Brewood School - - }	John Green - -	Garden - -	Ditto.
83 ^a .	Thomas William Giffard	Thomas Bowdler - -	Orchard - -	Ditto.
84 ^a .	Ditto - -	Ditto - -	Ditto - -	Ditto.
7.	John Swinfen - -	Samuel Lewis Dickenson	Rickyard - -	Lapley.
25.	Mary Smith - -	Thomas Smith - -	Ditto - -	Ditto.
5.	Richard Crockett - -	Richard Crockett - -	Wood round Pit	Church Eaton.
6.	Robert Stone - -	John Webb - -	Barn Yard - -	Gnosall.
17.	Peter Wood - -	William Machin - -	Plantation - -	Ditto.
26.	{ Bishop of Lichfield and Coventry - - }	William Humpage - -	Garden - -	Ditto.
32.	Lord Viscount Anson - -	William Wilder - -	Orchard - -	Ditto.
37.	Ditto - -	Ann Bate - -	Garden - -	Ditto.
1 ^a .	George Swinnerton - -	Thomas Harper - -	{ Cottage and Garden - - }	High Offley.
2 ^a .	William Furber - -	William Furber - -	Garden - -	Ditto.
20.	Charles Gilbert - -	Charles Gilbert - -	{ Plantation or Wood - - }	Ditto.
31.	Thomas Cartwright - -	Thomas Cartwright - -	Plantation - -	Ditto.
32.	Ditto - -	Ditto - -	Ditto - -	Ditto.
38.	Ditto - -	Joseph Blackman - -	Rickyard - -	Ditto.
19.	{ Worshipful Company of Haberdashers - - }	In hand - -	Wood - -	Adbaston.
6.	Richard Taylor - -	{ William Sincup and James Plant - - }	Gardens - -	Cheswardine.
25.	{ Devises of Robert Masefield, deceased }	John Icke - -	Rickyard - -	Ditto.
58.	John Heath - -	Thomas Blackhurst - -	Garden - -	Ditto.
12.	Purney Sillitoe - -	In hand - -	Wood - -	Drayton in Hales.
15.	Thomas Twemlow - -	Richard Smith - -	Wood and Arable	Ditto.
17.	Ditto - -	Ditto - -	Wood and Meadow	Ditto.
19.	Ditto - -	In hand - -	Wood - -	Ditto.
44.	{ William Brookshaw and John Brookshaw - - }	Benjamin Brookshaw - -	Garden - -	Ditto.
80.	William Church Norcop	John Beeston - -	Pasture and Wood	Ditto.
35 ^a .	{ Sir Andrew Corbet, Reverend John Isaac Brazier, and Creswell Pigott - - }	Thomas Embery - -	Wood and Pasture	Ditto.
37.	Ditto - -	Dame Sarah Markham - -	Wood - -	Ditto.

No. on Plan.	Landowner's Name.	Occupier's Name.	Description of Premises.	Parish.
5.	{ Sir Andrew Corbet, Reverend John Isaac Brazier, and Cres- well Pigott - - }	William Duccers - -	Orchard - -	Adderley.
7.	Ditto - -	Ditto - -	Rickyard - -	Ditto.
12 ^a .	Ditto - -	{ Ditto, and Joseph Simons - - }	Shop and Garden	Ditto.
14 ^a .	Ditto - -	{ Martha Hudson and Thomas Simons - }	Garden - -	Ditto.
2 ^a .	Ditto - -	In hand - -	Plantation - -	Audlem.
5 ^b .	Ditto - -	Ditto - -	Ditto - -	Ditto.
49.	{ William Hale, Peter Hale, and Thomas Hale - - }	John Wilkinson - -	{ Rickyard and Garden - - }	Acton.
63.	{ Company of Proprie- tors of Ellesmere and Chester Canals }	Thomas Bebbington -	Garden - -	Ditto.
8.	Earl of Kilmorey - -	In hand - -	Plantation - -	Wrenbury.
5.	{ Reverend James Tom- kinson - - }	Ditto - -	Ditto - -	Nantwich.
10.	John Machin - -	George Machin - -	Garden - -	Church Eaton.
1 ^a .	Edward Sutton - -	Edward Sutton - -	Ditto - -	Gnosall.
21.	Martha Ward - -	John Tomlinson - -	Rickyard - -	Blymhill.
22 ^a .	Ditto - -	Ditto - -	Orchard - -	Ditto.
23.	{ George Frederick Nott D.D. - - }	{ Walter Meddins and John Hughes and John Jennings - }	{ Orchard and Garden - - }	Ditto.
51.	John Cotes - -	William Bridgwood -	Garden - -	Sheriffhales.
49.	Ditto - -	John Williams - -	Ditto - -	Ditto.
52.	Ditto - -	William Bridgwood -	Yard - -	Ditto.
5.	Ditto - -	John Harborne - -	Garden - -	Longford.
3.	George Monckton -	George Monckton -	Rickyard - -	Brewood.
6 ^a .	John Bayley - -	John Bayley - -	Ditto - -	Lapley.

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