ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

***

The Droitwich Junction Canal Act, 1852.

8 & 9 Vict. cc. 16. & 18. incorporated with this Act.

I. That "The Companies Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act.

Short Title.

II. That in citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Droitwich Junction* Canal Act, 1852."

Interpretation of Terms.

III. That in addition to the Provisions in this Behalf contained in the said "Companies Clauses Consolidation Act, 1845," and in the said "Lands Clauses Consolidation Act, 1845," or either of them, the following Words and Expressions, unless there be something in the Context repugnant to such Construction, shall be held to have and include the following Meanings; (namely,)

The Word "Toll" shall include all Tolls, Rates, and Dues:

The Word "Penalty" shall include all Penalties, Fines, and Forfeitures of a pecuniary Nature:

The Word "Goods" shall include all Goods, Wares, Commodities, Merchandise, and Articles of every Description:

The Word "Boat" shall include all Barges, Vessels, and Canal and River-going Craft of every Description.

Incorporation of Subscribers.

IV. That *John Brearley Payn*, *William Mabson*, *Howard Luckcock*, *Joseph Gibbins*, *Frederick Isaac Welch*, *Isaac Lea*, and *Thomas Wells Blakeway*, and all other Persons who have already subscribed or who shall hereafter subscribe to the Undertaking, and their Executors and Administrators, Successors and Assigns respectively, shall henceforth be united into a Company under the Name of "The *Droitwich Junction* Canal Company," for the Purpose of making and maintaining the Canal and Works herein-after particularly mentioned, according to the Provisions of this Act and of the Acts incorporated therewith, and for other the Purposes herein and in the said incorporated Acts mentioned or referred to, and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and have Power to purchase and hold Lands for the Purposes of the Undertaking, subject to the Restrictions contained in this Act and in the Acts incorporated therewith.

Capital.

V. And whereas the estimated Expense of making the said Canal is Twenty thousand Pounds: Be it enacted, That the Capital of the Company shall be Twenty-four thousand Pounds.

Number and Amount of Shares.

VI. That the Number of Shares into which the said Capital shall be divided shall be One thousand two hundred Shares, and the Amount of each Share shall be Twenty Pounds.

Calls.

VII. That Four Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders,

and Four Fifths of the Amount of a Share shall be the utmost aggregate Amount of Calls that may be made in any One Year in respect of any One Share, and Three Months at least shall be the Interval between successive Calls.

Power to borrow Money on Mortgage or Bond.

VIII. That it shall be lawful for the Company to borrow on Mortgage or Bond any Sum not exceeding in the whole the Sum of Two thousand Pounds, but no Part of such Sum shall be borrowed until the whole of the said Capital or Sum of Twenty-four thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up.

Number and Qualification of Directors.

IX. That the Number of Directors of the said Company shall be Seven, and that the Qualification of a Director shall be the Possession in his own Right of Twenty Shares in the Undertaking.

Power to vary the Number of Directors.

X. That it shall be lawful for the Company from Time to Time to reduce the Number of Directors, but so that the Number of Directors shall not at any Time be reduced below Three.

First Directors.

XI. That *John Brearley Payn*, *William Mabson*, *Howard Luckcock*, *Joseph Gibbins*, *Frederick Isaac Welch*, *Isaac Lea*, and *Thomas Wells Blakeway* shall be the First Directors of the Company.

Quorum of Directors.

XII. That the Quorum of a Meeting of Directors shall be Three, unless the Number of Directors of the Company shall at any Time be reduced to Three, and from and after such Reduction the Quorum of a Meeting of Directors shall be Two.

Remuneration of Directors and Auditors.

XIII. That the Remuneration of the Directors and also of the Auditors to be appointed under the Provisions of "The Companies Clauses Consolidation Act, 1845," shall from Time to Time be fixed or varied by a General Meeting of the Company, and be paid out of the Funds of the Company.

Power to make Canal according to deposited Plans.

XIV. And whereas a Plan and Section of the proposed Canal and other Works, showing the Line and Levels thereof, and also a Book of Reference thereto, containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands through or over which the said Canal is intended to pass, or which may be required for the Works and other Purposes of the Undertaking, have been deposited with the Clerk of the Peace for the said County of *Worcester*: Be it enacted, That, subject to the Provisions contained in this Act and the Acts incorporated therewith, it shall be lawful for the Company to make, cut, complete, and maintain the said Canal in the Line and through, upon, or over the Lands delineated on the said Plan and described in the said Book of Reference respectively, and to enter upon, take, and use such of the said Lands

Lands as shall be necessary for such Purpose, and also to make and maintain such and so many Aqueducts, Feeders, Wells, Basins, Side Ponds, Reservoirs, Levels, Perforations, Weirs, Culverts, Steam and other Engines, Waterwheels, and other Machinery as the Company shall from Time to Time think expedient for the Purpose of supplying the said Canal or any Part thereof with Water, and for conveying Water to or from the same, and for raising Water from One Level of the said Canal to another, and also to supply the said Canal, Aqueducts, Feeders, Reservoirs, and other Works, whilst being made and after the same shall be made, with Water, as well from all such Brooks, Streams, Springs, or Watercourses as shall be found in or within One hundred Yards of the said Canal hereby authorized, as from the said *Worcester and Birmingham* Canal Navigation, and the Feeders and Reservoirs thereof.

As to Construction of incidental Works.

XV. That, subject to the Provisions and Restrictions in this Act and the Acts incorporated herewith, the Company may, for the Purpose of constructing the said Canal and other Works, execute any of the following Works; (that is to say,)

They may make or construct in, upon, across, under, or over the said Canal, or any Lands described in the said Plans or mentioned in the said Books of Reference, or any Correction thereof, such temporary or permanent Bridges, Piers, Arches, Locks, Staunches, Weirs, Sluices, Culverts, Floodgates, Banks, Dams, Tanks, Wharfs, Quays, Landing-places, Ways, Roads, Towing-paths, Drains, Passages, Fences, Houses, Warehouses, Weighing Machines, Cranes, and other Conveniences, as they think fit;

They may divert or alter, either temporarily or permanently, the Course of any Brooks, Streams, or Watercourses within such Lands, and any Roads, Streets, or Ways, Passages, Pipes, or Footpaths;

They may from Time to Time alter, repair, or discontinue the before-mentioned Works or any of them, and substitute others in their Stead; and

They may do all other Acts necessary for making, maintaining, altering, or repairing and using the said Canal:

Provided always, that in the Exercise of the Powers by this Act and the incorporated Acts granted the Company shall do as little Damage as may be, and shall make full Satisfaction, in manner herein and in the incorporated Acts provided, to all Parties interested, for all Damage by them sustained by reason of the Exercise of such Powers.

No Water to be taken from Body Brook or the River Salwarpe.

XVI. Provided always, That nothing in this Act contained shall extend to authorize the Company to take or use, for supplying the said Canal, any Water from or out of *Body Brook* and the River *Salwarpe*, or either of them, or from or out of any Rivulet, Brook, Stream, or Watercourse which runs into the aforesaid Brook and River, or either of them; but so nevertheless that the Company shall

shall not be hereby prevented from having and taking, for the Use and Supply of the said Canal hereby authorized to be made, any Springs (not being in the natural Bed or Course of *Body Brook* aforesaid and the said River *Salwarpe*, or either of them,) which may happen to arise in the Bed of the said Canal.

Line of Canal.

XVII. That the said Canal shall commence at and by a Junction with the said *Droitwich* Canal at a Point situate about Fifty Yards from its Head in that Part of the Parish of *Dodderhill* called the "In Liberties," lying within the Borough of *Droitwich* in the said County of *Worcester*; and shall pass thence through or into the several Parishes, Townships, and other Places following, or some of them, (that is to say,) *Saint Peter Droitwich*, that Part of *Dodderhill* which lies within the Borough of *Droitwich* called the "In Liberties," *Dodderhill* (without the said Borough), and *Hanbury*, all in the said County of *Worcester*; and shall terminate by a Junction with the *Worcester and Birmingham* Canal Navigation at a Point about Seventy Yards on the Northern Side of *Hanbury Wharf Bridge* in the said Parish of *Hanbury*.

Errors and Omissions in Plans to be corrected by Two Justices, who shall certify the same.

XVIII. That if any Omission, Mis-statement, or erroneous Description shall have been made of any Lands, or of the Owners, Lessees, or Occupiers of any Lands, described in the Plan or Book of Reference so deposited as aforesaid, it shall be lawful for the Company, after giving Ten Days Notice to the Owners of the Lands affected by such proposed Correction, to apply to Two Justices for the Correction thereof; and that if it shall appear to such Justices that such Omission, Mis-statement, or erroneous Description arose from Mistake, they shall certify the same accordingly, and they shall in such Certificate state the Particulars of any such Omission, Mis-statement, or erroneous Description, and in what respect any such Matter shall have been mis-stated or erroneously described; and such Certificate shall be deposited with the Clerk of the Peace for the said County of *Worcester*, and with the Parish Clerk of every Parish in which any Lands affected by such Certificate shall be situate, and shall be kept by such Clerk of the Peace along with the Documents to which they relate; and thereupon the said Plan and Book of Reference shall be deemed to be corrected according to such Certificate, and it shall be lawful for the Company to make their Canal and other Works in accordance with such Certificate.

Copies of Plan, &c. to be Evidence.

XIX. That true Copies of the said Plan and Book of Reference, or of any Alteration or Correction thereof, or Extracts therefrom, certified by the Clerk of the Peace for the Time being for the said County of *Worcester* (which Certificate such Clerk of the Peace shall give to all Parties interested when required), shall be received in all Courts of Justice or elsewhere as Evidence of the Contents thereof.

Limit of Deviation from the Datum

XX. That in making the said Canal it shall not be lawful for the Company to deviate from the Levels of the said Canal as referred to the common

Line described in Sections.

common Datum Line described in the Section so deposited as aforesaid to any Extent exceeding in any Place Five Feet, or in passing through a Town, Village, Street, or Land continuously built upon, Two Feet, without the previous Consent in Writing of the Owners and Occupiers of the Land in which such Deviation is intended to be made; or in case any Street or public Highway shall be affected by such Deviation, then the same shall not be made without the like Consent of the Trustees or Commissioners having the Control of such Street or public Highway, or, if there be no such Trustees or Commissioners, without the like Consent of Two or more Justices of the Peace in Petty Sessions assembled for that Purpose, and acting for the District in which such Street or public Highway may be situated: Provided always, that Notice of every Petty Session to be holden for the Purpose of obtaining such Consent as aforesaid shall, Fourteen Days previously to the holding of such Petty Sessions, be given in some Newspaper circulating in the said County of *Worcester*.

Limit of lateral Deviation.

XXI. That it shall be lawful for the Company to deviate from the Line delineated on the Plan so deposited as aforesaid, provided that no such Deviation shall extend to a greater Distance than the Limits of Deviation delineated upon the said Plan.

Regulating the Formation of Bridges over Canal.

XXII. That where any Bridge shall be erected for carrying any Occupation Road over the said Canal, the Road over such Bridge shall be formed and shall at all Times be continued of such Width as to leave a clear and open Space between the Fences of such Road of not less than Fifteen Feet, and the Ascent of every such Bridge for the Purpose of such Road shall not be more than One Foot in Fifteen Feet, and a good and sufficient Fence shall be made and at all Times thereafter continued and repaired by and at the Expense of the Company on each Side of every such Bridge, which Fence shall not be less than Four Feet above the Surface of the Road over such Bridge.

Land for extraordinary Purposes.

XXIII. That the Quantity of Land to be taken by the Company for extraordinary Purposes shall not exceed Five Acres.

Power for compulsory Purchase of Land limited.

XXIV. That the Powers of the Company for the compulsory Purchase of Land for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period for the Completion of the Canal.

XXV. That after the Expiration of Five Years from the passing of this Act all the Powers hereby granted to the Company for making the Canal and Works hereby authorized, or otherwise in relation thereto, shall cease to be exercisable, except as to so much of the said Canal and Works as shall then be completed.

Power to take Tolls.

XXVI. That it shall be lawful for the Company during the Continuance of this Act to ask and take any Tolls upon all Goods conveyed

conveyed or carried upon the said Canal, not exceeding the Tolls following; (that is to say,)

For the Tonnage and Wharfage of all Lime, and Limestone used exclusively for burning into Lime, any Sum not exceeding the Rate of Twopence *per* Ton, and so in proportion for any greater or less Quantity than a Ton:

For the Tonnage and Wharfage of all Coal, Salt, Iron, Ironstone, other Stone, save Limestone for burning as aforesaid, Bricks and Timber, any Sum not exceeding the Rate of Threepence *per* Ton, and so in proportion for any greater or less Quantity than a Ton:

And for the Tonnage and Wharfage of all Grain, Flour, and other Goods not above specified, any Sum not exceeding the Rate of Sixpence *per* Ton, and so in proportion for any greater or less Quantity than a Ton:

And for all Boats passing into or from the said Canal with a less Load than Twenty Tons (except Boats returning empty along the said Canal), the Sum of Six Shillings.

Power to alter Tolls.

XXVII. Provided always, That it shall not be lawful for the Company to reduce, alter, vary, or change all or any of such Tolls without an Order to be made at a General or Special Meeting of the Company.

Tolls to be charged equally and without Preference.

XXVIII. That the several Tolls authorized to be taken by this Act shall at all Times be charged equally and after the same Rate in respect of the same Description of Boats and Goods, and that the said Company, their Agents and Servants, shall not give any Preference to any Persons, Boats, or Goods whatsoever, as against any other Persons, other similar Boats, or other similar Goods whatsoever, as respects the Use of the said Canal or the Works and Conveniences thereto belonging.

Exemption of Boats using a certain Portion of the Droitwich Canal from paying Toll to Droitwich Canal Company.

XXIX. Whereas the Canal by this Act authorized will form a Communication with the Canal of the Company of Proprietors of the *Droitwich* Canal Navigation (who are herein-after referred to as the *Droitwich* Canal Company), and it will be necessary that the Traffic passing over the said Canal by this Act authorized to the Town of *Droitwich* shall also pass over a small Portion of the said *Droitwich* Canal: Be it enacted, That, notwithstanding anything contained in any Act relating to the said *Droitwich* Canal, no Toll, Rate, or Duty shall be payable to, or demanded, taken, or recovered by the said *Droitwich* Canal Company, for any Goods, Wares, Merchandises, or other Things whatsoever that shall be carried or conveyed in any Boat, Barge, or other Vessel passing from or to the Canal by this Act authorized, to or from any Point of the said *Droitwich* Canal not lower than the Bridge of the *Oxford, Worcester, and Wolverhampton* Railway, now passing over the said Canal, in the Parish of *Saint Nicholas*

Nicholas in the Borough of *Droitwich*: Provided always, that nothing in this Act contained shall extend or be construed to invalidate, alter, or affect the Provisions of an Act of Parliament made and passed in the Thirty-first Year of the Reign of His Majesty King *George* the Third, intituled *An Act for making and maintaining a navigable Canal from or from near the Town of* Birmingham *in the County of* Warwick *to communicate with the River* Severn *near the City of* Worcester, whereby, in case it should happen in any Year that the clear Profits of the said *Droitwich* Canal Company should not amount to Five Pounds *per Centum* upon every Share in the said last-mentioned Company, considering every such Share to be of the Value of One hundred and sixty Pounds, the said *Worcester and Birmingham* Canal Company is liable to make up such Deficiency from Time to Time as the same shall happen.

One Month's Notice of Alteration of Tolls to be given.

XXX. Provided always, That, previously to the carrying into effect of any Alteration under any of the Powers in that Behalf hereinbefore contained of any of the Tolls hereby authorized to be taken, One Month's Notice at the least shall be given of such intended Alteration, by Advertisement in some One of the Newspapers circulated within the County of *Worcester*.

Recovery of Tolls.

XXXI. That if Default shall be made in the Payment of any Tolls payable under this Act in respect of any Goods or Boats, it shall be lawful for the Person for the Time being appointed by the Company to collect such Tolls to distrain any such Goods or Boats, and all the Tackle and Furniture thereof, and the Goods therein, or any other Goods or Boats, and the Tackle and Furniture, with the Goods therein, and any Horses, Mules, or other Cattle drawing the same, within the Limits of the Canal and Works of the Company, belonging to the Person liable to pay such Tolls, and to sell any such Distress, and out of the Proceeds of such Sale to pay the Tolls due to the Company, rendering the Overplus (if any), after deducting the Costs, to the Person entitled thereto, or it shall be lawful for the Company to recover such Tolls by Action in any Court of competent Jurisdiction, or by all or any of the aforesaid Means.

If Collector, &c. refuse to deliver up Possession of Toll Houses, &c., Justices may enforce the same.

XXXII. That if any Collector of Tolls, Lock-keeper, Storekeeper, or any other Person in the Service or Employment of the Company, who shall be discharged or suspended from his Office, or if the Wife, Widow, or any of the Family or Representatives of any Collector of Tolls, Lock-keepers, Storekeeper, or other Person in the Service of the Company, who shall be so discharged or suspended, or who shall die, abscond, or absent himself, shall refuse or neglect, after Seven Days Notice in Writing for that Purpose, to deliver up to the Company, or to any Person appointed by them for that Purpose, any Toll House, Storehouse, Dwelling House, Office, or other Building, with its Appurtenances, or any Books, Papers, or other Matters belonging to

to the Company, in the Possession or Custody of such Person at the Occurrence of any such Event as aforesaid in right of his Appointment or Situation in the Service of the Company, then, upon Application being made by the Company to any Justice of the Peace for the said County of *Worcester* or Borough of *Droitwich*, it shall be lawful for such Justice to order any Constable, with proper Assistance, to enter upon such Toll House, Storehouse, Dwelling House, Office, or other Building, and to remove any Person found therein, and to take possession thereof, and of any such Books, Papers, or other Matters as aforesaid, and to deliver the same to the Company, or any Person appointed by them for that Purpose.

Power to the Company to make Byelaws.

XXXIII. That it shall be lawful for the Company from Time to Time to make such Byelaws as they shall think fit, for all or any of the following Purposes; (that is to say,)

For governing or regulating the Use of the said Canal, and of the Locks, Quays, and other Works belonging thereto:

For regulating the Exercise of the several Powers of the Lock-keepers, Storekeepers, and other Officers and Servants to be appointed by the Company for the Purpose of superintending the Traffic upon the said Canal:

For regulating the Admission of Boats into the said Canal and the Locks belonging thereto, and for their Removal from or out of the same:

For regulating the loading, unloading, and removing of all Goods on or from the Quays and other Works of the Company:

For regulating the Duties and Conduct of all Persons, as well the Servants of the Company as others, who shall be employed in or about the Quays, Works, and Premises of the Company.

Byelaws may be enforced by Penalty.

XXXIV. That it shall be lawful for the Company, by the Byelaws so to be made by them, to impose such reasonable Penalties as they shall think fit for the Breach of such Byelaws or any of them, not exceeding for any One Offence the Sum of Five Pounds.

Byelaws to be confirmed by Two Judges or by Quarter Sessions.

XXXV. That no Byelaw made by the Company under the Authority of this Act, except such as may relate solely to the Shareholders, Directors, or Committee of Management of the Company, or their Officers or Servants, shall be valid or binding, unless the same shall be allowed by Two of the Judges of the Superior Courts at *Westminster*, or by the Justices assembled at some General or Quarter Sessions of the Peace for the County of *Worcester;* and it shall be incumbent on such Justices, on the Request of the Company, to inquire into any Byelaws which may be tendered to them for that Purpose, and to allow or disallow the same as they shall think fit: Provided always, that no such Byelaw shall be confirmed unless Notice of the Intention to apply for a Confirmation of the same shall have been given in One or more Newspapers circulating within the

County of *Worcester*, One Month at least before the Hearing of such Application; and any Person aggrieved by any such Byelaw, on giving Notice of the Nature of his Objection to the Company Ten Days before the Hearing of such Application, may, by himself, or his Counsel, Attorney, or Agent, be heard thereon, but not so as to allow more than One Party to be heard on the same Matter of Objection.

Copy of proposed Byelaws to be open for Inspection.

XXXVI. That for One Month at least previously to any such Application a Copy of every such proposed Byelaw shall be kept at the principal Office of the Company, and all Persons applying for that Purpose may at all seasonable Times inspect such Copy, without Fee or Reward, and shall, on Application, be furnished by the Company with a Copy thereof or of any Part thereof, on Payment of Sixpence for every One hundred Words.

Publication of Byelaws.

XXXVII. That such Byelaws, when confirmed, shall be printed on Boards in legible Characters, and hung up, affixed, and continued on the Front or some conspicuous Part of the principal Office of the Company, and also in some conspicuous Place in or adjoining to the Locks, Quays, and Works of the Company, according as the same may relate to the said Locks, Quays, and Works respectively, and such Boards shall be from Time to Time renewed as often as the same or any Part thereof may be obliterated or destroyed.

Byelaws when confirmed shall be binding.

XXXVIII. That such Byelaws, when so confirmed, shall be binding upon and be observed by all Parties, and shall be sufficient to justify all Parties acting under the same.

Evidence Byelaws.

XXXIX. That the Production of a written or printed Copy of the Byelaws of the Company, authenticated by the Signature of Three Directors, shall be Evidence of the Existence and of the due making of such Byelaws in all Prosecutions and other Proceedings under the same or under the Powers hereby given; and that it shall be sufficient Proof of the Publication of such Byelaws that printed Boards containing a Copy thereof were for the Time being affixed in the Manner by this Act directed.

List of Tolls to be conspicuously exhibited.

XL. That a List of all the Tolls authorized by this Act to be taken, and which shall be exacted by the Company, shall be published by the same being painted upon One Toll Board or more, in distinct White Letters on a Black Ground, or in distinct Black Letters on a White Ground, or by the same being printed in legible Characters on Paper affixed to such Board, and by such Board being exhibited in some conspicuous Place on the Quays, Locks, or Works where such Tolls may be made payable; and no Toll shall be demanded or taken by the Company for the Use of the Canal during any Time at which the Boards herein-before directed to be exhibited shall not be so exhibited

XLI. That

Tolls to be paid as directed by the Company.

XLI. That the Tolls shall be paid to such Persons, and at such Places, and in such Manner, and under such Regulations as the Company shall by Notice affixed to the List of Tolls appoint.

Masters of Boats to give to the Collectors Account in Writing of the Goods on board.

XLII. That the Master, Owner, or other Person having the Care of any Boat passing on the said Canal hereby authorized to be made, or any Part thereof, shall give a just Account, in Writing, signed by him, or by the Owner of such Boat, or his Agent, to the Collectors of the said Tolls, or other Officers or Persons to be appointed by the Company to receive the said Tolls or to require such Accounts, at the Places where they shall attend for that Purpose, of the several Qualities, Quantities, and Weights of the Goods which shall be in or about such Boat, and of the Place from whence the same shall be brought upon the said Canal, and whether, and at what Place (if any), the same is intended to be unloaded or landed upon the Line of the said Canal, or the Works or Premises thereof, and also the Qualities, Quantities, and Weights of such Goods as shall have been discharged from or taken out of any Boat after it shall have entered the said Canal, and before its Arrival at the Place where such Account is to be given; and if the Goods contained in or previously discharged from such Boat shall be liable to the Payment of different Tolls, then such Master, Owner, or other Person shall specify in Writing the Quantities liable to the Payment of each o the said Tolls; and in case any such Master, Owner, or other Person shall neglect or refuse to give such Account to any such Collector (if demanded), or shall give a false Account, every Person so offending shall, upon Conviction, forfeit and pay to the said Company any Sum not exceeding the Sum of Twenty Shillings for every Ton of Goods which shall be in such Boat, over and above the respective Tolls payable for the same.

Penalty on Persons evading the Payment of the full Toll.

XLIII. That if any Person shall fraudulently carry or convey any Goods on the said Canal or any Part thereof respectively, on Payment of a lower Rate or Toll than that to which such Goods shall be subject or liable, he shall, upon Conviction, forfeit and pay to the Company for every such Offence any Sum not exceeding Five Pounds, over and above the Toll to which such Goods shall be liable.

For settling Disputes as to the Amount of Tolls.

XLIV. Provided always, That if any Disputes shall arise concerning the Amount of any Toll due to the Company, or concerning any Penalty, or concerning the Charges occasioned by any Detention or Sale under the Provisions of this Act, the same shall be determined by some Justice of the Peace for the said County of *Worcester* or for the said Borough of *Droitwich*, upon Application made to him for that Purpose; and the Company may in the meanwhile detain any Goods seized by them, or (if the Case so require) the Proceeds of the Sale thereof; and it shall be lawful for such Justice to assess and award such Costs to be paid by either of the Parties 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 of the Party liable to pay the same, by Warrant under the Hand and Seal of the Justice.

Boats lying so as to obstruct Navigation to be removed.

XLV. That if any Boat shall be placed in any Part of the Canal hereby authorized to be made so as to obstruct the Navigation thereof, and the Person having the Care of such Boat shall wrongfully refuse or neglect, upon Request made for that Purpose, to remove the same within a reasonable Time, he shall, upon Conviction, forfeit and pay to the Company for every such Offence a Sum not exceeding Ten Shillings for every Hour such Obstruction shall continue; and it shall be lawful for the Agents or Servants of the Company to cause any such Boat 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, and the Lading thereof, or any Part of such Lading, until the Charges occasioned by such Unloading and Removal are paid; and if any Boat shall be sunk in any Part of the said Canal hereby authorized to be made, and the Person having the Care of such Boat shall not, without Loss of Time, weigh or draw up the same, it shall be lawful for the Agents or Servants of the Company, or any of them, to cause such Boat to be weighed or drawn up, and to detain and keep the same till Payment be made of all Expenses necessarily occasioned thereby.

Penalty on obstructing the Canal, &c.

XLVI. That if any Person shall suffer the Lading of any Boat passing or being in the said Canal hereby authorized to be made to lie over the Sides thereof so as to obstruct the Passage of any other Boat, or to do any Damage thereto, or to any of the Works of the Company, or shall load or unload any Goods in or over any of the Locks of the Company, or shall navigate or cause to be navigated any Boat through or upon the said Canal without a Rudder to steer or guide the same, or without a skilful Person on board to steer and manage such Boat, and also a Person attending to the Horses, Mules, or other Cattle drawing the same, or shall float any Timber in or upon the said Canal, or shall wilfully commit any Trespass on any of the Lands of the Company, with or without his Horses, Mules, or other Cattle, or shall wilfully obstruct or prevent any Person in the Execution of this Act, every Person so offending in any of the Cases aforesaid shall, upon Conviction, forfeit and pay to the Company for every such Offence a Sum not exceeding Five Pounds.

Penalty on overloading Boats.

XLVII. That if any Person having the Care of any Boat passing or being upon the said Canal which shall be so overloaded as to obstruct the Passage of any other Boat shall not immediately upon the Requisition of any Officer of the Company remove the same Boat or the excessive Load thereof, so as to make a free Passage for other Boats to pass along the said Canal, every such Person shall, upon Conviction, forfeit and pay to the Company for every such Offence a Sum not exceeding Five Pounds.

XLVIII. That

Penalty on Persons throwing Rubbish into Canal.

XLVIII. That if any Person shall throw any Gravel, Dirt, Rubbish, Stones, dead Animal, or other Nuisance into the said Canal, or shall drown any Animal therein, every such Person shall, upon Conviction, forfeit and pay to the Company for every such Offence a Sum not exceeding Forty Shillings.

Penalty on laying Rubbish, &c. on Towing-paths.

XLIX. That if any Person shall, without the Consent of some authorized Officer of the Company, throw, cast, or lay upon any Bank or Towing-path belonging to the said Canal, or any Part thereof respectively, any Stones, Manure, Dust, Ashes, Rubbish, or other Matter, every such Person so offending shall, upon Conviction, forfeit and pay to the Company for every such Offence a Sum not exceeding Forty Shillings.

Penalty for riding on Towing-path, and for unloading Boats across the same.

L. That if any Person shall ride, lead, or drive any Horse, Ass, Mule, or other Beast (not being actually employed in towing or hauling a Boat on the said Canal), or drive or conduct any Cart or other Vehicle whatsoever, on any Towing-path belonging to the said Canal, or shall load or unload any Boat from or upon or carry or convey such Loading across any such Towing-path, without the Consent of the Committee of Directors, or the Clerk or other Agent or Officer to the said Company, every such Person so offending shall, upon Conviction, forfeit and pay to the Company for every such Offence a Sum not exceeding Forty Shillings.

Power to lease Canal to the Worcester and Birmingham Canal Company.

LI. That it shall be lawful for the Company, with the Consent of Three Fifths at the least in Value of the Shareholders present, either personally or by Proxy, at some Extraordinary General Meeting of the Company specially convened for the Purpose, from Time to Time to demise or lease, for such Consideration or annual Rent or Reservation, and under and subject to such Clauses, Powers, Provisoes, Provisions, and Conditions, as they shall think proper, the Canal and Undertaking by this Act authorized to be made, whether before or after the Completion thereof, or any Share or Interest therein, or any Portion or Portions thereof, unto the said *Worcester and Birmingham* Canal Company, for any Term which shall be agreed upon; and the said *Worcester and Birmingham* Canal Company is and are hereby authorized, with the like Consent of Three Fifths at the least in Value of the Shareholders thereof present, either personally or by Proxy, at some Special Assembly of the said last-mentioned Company convened for that Purpose, to accept any such Lease or Leases; and such Lease or Leases shall entitle the Lessees to the free Use and Enjoyment of the Canal and Works hereby authorized to be made, or of such Share or Interest therein or of such Portion or Portions thereof as may be included in such Lease or Leases respectively; and during the Continuance of every such Lease or Leases all the Powers, Privileges, and Authorities granted to, or which are or might be held, used, exercised, and enjoyed by, the Company hereby incorporated, or the Directors thereof, or their Officers, Agents, or Servants, under or by virtue

virtue of this Act, shall in like Manner and to the same Extent in all respects apply to and be held, used, exercised, and enjoyed by the Lessees, and their Directors, Officers, Agents, and Servants, under the same Regulations and Restrictions as are granted or imposed by this Act to or upon the Company hereby incorporated.

Power to sell the Canal to the Worcester and Birmingham Canal Company.

LII. That it shall be lawful for the Company, with the Consent of Three Fifths in Value of the Shareholders present, either personally or by Proxy, at some Extraordinary General Meeting of the said Company specially convened for the Purpose, to sell and transfer to the said *Worcester and Birmingham* Canal Company, and for the said *Worcester and Birmingham* Canal Company, with the like Consent of Three Fifths in Value of the Shareholders thereof present, either personally or by Proxy, at some Special Assembly of the said last-mentioned Company convened for that Purpose, to purchase the Undertaking by this Act authorized, whether before or after the Completion thereof, but subject to all Mortgages, Contracts, Agreements, and Liabilities (if any) for the Time being affecting the same; and on the Completion of such Purchase (of which Completion a Transfer or Conveyance, duly stamped for denoting the Payment of the full and proper Stamp Duty by Law payable in respect of the Purchase Money, and under the respective Corporate Seals of the Company hereby incorporated and the Company purchasing the said Undertaking, shall be sufficient Evidence,) the said *Worcester and Birmingham* Canal Company may have and hold the said Undertaking purchased by them, and use, exercise, and enjoy, or participate in the Use, Exercise, and Enjoyment of all the Rights, Powers, and Privileges conferred by this Act on the Company hereby incorporated; and it shall be lawful for the said *Worcester and Birmingham* Canal Company, by and with such Consent of not less than Three Fifths in Value of the Shareholders thereof as aforesaid, to create such an additional Number of Shares and to borrow such Sum of Money as may be necessary for completing such Purchase; provided that the Amount to be raised by such additional Shares shall not exceed the Amount of Capital by this Act authorized to be raised for the said Undertaking, and that the Money so to be borrowed shall not exceed One Third of the Amount of such Capital, and that no Money whatever shall be borrowed until One Half of the Money to be raised by Shares shall have been actually paid up: Provided always, that in the event of the Undertaking by this Act authorized being purchased by the said *Worcester and Birmingham* Canal Company, then from and after the Completion of such Purchase all the Powers and Authorities granted by this Act may be exercised, so far as they are applicable, by the said *Worcester and Birmingham* Canal Company, and the Corporate Seal of the said Company be used when necessary in reference thereto, in like Manner as though the said *Worcester and Birmingham* Canal Company had been originally authorized to carry the same into effect, in lieu of the Company hereby incorporated.

LIII. That

Power to enter into Contracts with the Worcester and Birmingham Canal Company.

LIII. That it shall be lawful for the Company hereby incorporated, and for the said *Worcester and Birmingham* Canal Company, to make and enter into all such Contracts or Agreements for effecting all or any of the Purposes aforesaid, and for constructing, working, and using the said Canal and Undertaking by this Act authorized, or any Part or Parts thereof respectively, or for the Maintenance and Repairs thereof or any Part or Parts thereof respectively, as they the said Companies may respectively deem advisable; and every such Contract or Agreement may contain such Covenants, Clauses, Powers, Provisions, and Conditions as may be mutually agreed on between the said Companies.

For Protection of Birmingham Canal Company.

LIV. Whereas the Canal of the Company of Proprietors of the *Birmingham* Canal Navigations, herein-after called the *Birmingham* Canal Company, communicates with the *Worcester and Birmingham* Canal at *Birmingham* in the County of *Warwick*, and the Waters thereof respectively are kept distinct and separate by means of a Lock between the same: Be it enacted, That it shall not be lawful for the Company hereby incorporated directly or indirectly to take or use any of the Water of or from the said *Birmingham* Canal Company.

Land not required or disused to be offered to Droitwich Patent Salt Company.

LV. Whereas a certain Company known by the Name of the *Droitwich* Patent Salt Company, or the Trustees thereof, are the Owners and also the Occupiers of certain Hereditaments and Premises authorized to be taken under the Powers of this Act, and which may be required to be taken for the Formation of the said Canal or for the Purposes thereof: Be it enacted, That if the said *Droitwich Junction* Canal Company shall become the Purchasers or Owners of any Hereditaments and Premises belonging to or in the Occupation of the said *Droitwich* Patent Salt Company or the Trustees thereof, and which shall not within the Space of Two Years be required or used for the Formation of the said Canal, or for the Purposes thereof, or if, after the said Canal shall be made and completed, such Hereditaments and Premises or any Part thereof shall be no longer required for the Purposes of such Navigation, or shall be discontinued and disused for such Purpose, then and in either of the said Cases the said *Droitwich Junction* Canal Company shall first offer to sell such Hereditaments and Premises to the Person then entitled to the Lands (if any) from which the same were originally severed or purchased; or if such Person refuse to purchase the same, or cannot, after diligent Inquiry, be found, then the like Offer shall be made to the said *Droitwich* Patent Salt Company; and if the said last-mentioned Company shall become the Purchasers of such Hereditaments and Premises, the said *Droitwich Junction* Canal Company shall convey the same to the said *Droitwich* Patent Salt Company, or to such Person or Persons as shall be authorized to contract for the Purchase of such Hereditaments and Premises on behalf of the said Company; and in case of

Dispute

Dispute as to the Amount of the Purchase Money, the same shall be determined by Arbitration in the Manner provided for by "The Lands Clauses Consolidation Act, 1845."

Company not to permit Brine to be conveyed along Canal or Works.

LVI. Provided always, That nothing in this Act contained shall extend or be construed to extend to authorize or enable, nor shall it be lawful for the said Company, or the Proprietors or Lessees for the Time being of the said *Droitwich Junction* Canal, to convey or permit or suffer to be conveyed in or over, or through, under, or along the said Canal, or the Lands through or over which the said Canal shall pass, or which may be required for or taken by the said Company for the Execution of the Works and other Purposes, ordinary or extraordinary, of the said Undertaking, or through, over, in, or along any Culvert, Bank, Road, Towing-path, Drain, or Passage to be acquired or made by the said Company, any Brine, or any Pipes, Trees, Drains, Culverts, or other Works, Matters, or Things, for the Conveyance of Brine, except only at the Request in Writing and for the sole and exclusive Use of the Person or Persons who for the Time being shall be the Owner or Owners and Occupiers of the adjoining Lands from which such Portion of Land was originally severed or taken, and then only so far as such Portion of Land shall extend, and not further or otherwise.

Canal not exempted from Provisions of any General Act.

LVII. That nothing herein contained shall be deemed or construed to exempt the said Canal from the Provisions of any General Act relating to this Act, or of any General Act relating to Canals, or from any future Revision and Regulation, under the Authority of Parliament, of the Tolls authorized to be taken by this Act.

Expenses of Act.

LVIII. That all the Costs, Charges, and Expenses of obtaining and passing this Act, and incidental thereto, shall be paid by the Company.

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