



ANNO QUADRAGESIMO PRIMO

GEORGI II. REGIS.

Cap. 61.

An Act for improving and extending the Navigation of the River *Exe*, from the publick Quay at *Exeter* to the publick Road adjoining *Four Mills* near *Crediton*, in the County of *Devon*, by making a navigable Canal or Cuts, and deepening and widening such Parts of the Rivers *Exe* and *Credy*, as shall be necessary for that Purpose. [20th June 1801.]

WHEREAS the improving and extending the Navigation of the River *Exe*, from the publick Quay at *Exeter*, to the publick Road adjoining a certain Place called *The Four Mills*, near *Crediton*, in the County of *Devon*, by making a navigable Canal or navigable Cuts, for the Passage of Boats, Barges, and other Vessels, and deepening and widening such Parts of the Rivers *Exe* and *Credy*, from *Exeter* to *Crediton* aforesaid, as shall be found necessary for that Purpose, will open an easy Communication for the Conveyance of Goods, Wares, and Merchandize, from *Exeter* to *Crediton* aforesaid, and the several Partes and Places through or near which the said Navigation will pass, and will cause the Improvement of the neighbouring Lands and Estates, by the easy Conveyance of Manure, and will be of publick Utility; but as the same cannot be done 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 behalf assembled, full Power be given unto the King's most Excellent Majesty, that he do enact, establish, and give Force and Effect unto the following Statute, to have full Force and Effect from the first Day of June next after the underwritten Act shall be so enacted, as in and by the said Statute, therein made, shall more fully appear, which Statute are as followeth: Preamble.

[Loc. & Per.] r2. G with

with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *John Bennett, James Bucknell, James Buller Esquire, Jonathan Burnett Esquire, Richard Chamberlain Esquire, John Cleave Esquire, Charles Collyns Esquire, John Densham, Elizabeth Densham Widow, William Drake, William Floud Esquire, Richard Graves Esquire, Thomas Gray, John Greenway Esquire, George Maunder, Sir Laurence Palk Baronet, Arundel Phillip Esquire, John Pinbay Esquire, George Shute Esquire, John Traies, George Westlake Esquire, and Samuel White Esquire,* and such other Person or Persons, Bodies Politick and Corporate, as shall at any Time hereafter be possessed of One or more Share or Shares in the said Navigation and Undertaking, and the Successors, Executors, Administrators, and Assigns, of such several Persons and Bodies, shall be and they are hereby united into a Company, for the making, supporting, maintaining, completing, and improving the Navigation of the said Rivers *Exe and Credeney*, and the navigable Canal and Cuts, and the Works hereby authorized to be made, according to the Rules, Orders, and Directions herein-after expressed, and shall for that Purpose be one Body Politick and Corporate, by the Name of *The Company of Proprietors of the Exeter and Crediton Navigation*, and by that Name shall have perpetual Succession, and a Common Seal, and by that Name shall or may sue or be sued, and shall also have full Power to purchase Lands, Tenements, and Hereditaments, to them, their Successors, and Assigns, for the Use of the said Undertaking, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain; and that it shall be lawful for the said Company of Proprietors, and their Successors, and they are hereby empowered, from and after the passing of this Act, by themselves, their Deputies, Agents, Officers, Workmen, and Servants, to improve, extend, and support the Navigation of the said Rivers *Exe and Credeney*, from the publick Quay at *Exeter* aforesaid, to the publick Road adjoining the said Place, called *Four Mills*, near *Crediton* aforesaid; and to make and maintain a navigable Canal, or navigable Cuts, from, into, and out of the said River *Exe*, at the publick Quay at *Exeter* aforesaid, and to continue, make, and maintain the said navigable Canal, or navigable Cuts, from thence, to, from, into, and out of such Parts of the said Rivers *Exe and Credeney* respectively, to the said publick Road adjoining the said Place called *Four Mills*, near *Crediton* aforesaid, and to deepen and widen such Parts of the said Rivers *Exe and Credeney*, from the publick Quay at *Exeter* aforesaid, to the said Place called *Four Mills*, near *Crediton* aforesaid, as shall be by them found necessary, for the Purpose of making the same respectively navigable and passable for Boats, Barges, and other Vessels, in, to, and through the several Parishes, and Places of *Saint David*, in the City of *Exeter*, in the County of the City of *Exeter*, and *Saint Thomas the Apostle, Bramford Spoke, Upton Pyne, Newton Saint Cyres, and Crediton*, in the said County of *Devon*, from, into, and out of the said River *Exe*, at the publick Quay at *Exeter* aforesaid, to the said Place called *Four Mills*, near *Crediton* aforesaid, in the Lines and Directions expressed in the Map or Plan herein-after mentioned, and to make the same communicate with and fall into the present Navigation, leading from *Exeter* aforesaid to *Taunton* in the said County, and to improve, complete, make, and maintain the said Navigation, Canal, and Cuts respectively, and every Part thereof, navigable and passable at all Times, for Boats, Barges, and other Vessels; and the said Company of Proprietors and their Successors

Proprietors

Incorporated.

Their Stile.

The Company of Proprietors empowered to improve and extend the Navigation, &c.

fors are hereby fully empowered, by themselves, their Deputies, Agents, Workmen, or Servants, to supply the said intended Navigation, Canal, and Cuts respectively, whilst the same shall be making and improving, and at all Times for ever after the same shall be made and improved, with Water, from the River *Yew* at the Mill Tail, Leat, or Stream at the said Place called *Four Mills*, near *Crediton* aforesaid, and from the said Rivers *Exe* and *Credy* respectively, and from Two several Reservoirs to be made and constructed in or near and adjoining the said River *Exe*, in the Parish of *Saint David* aforesaid, and from all such Streams and Waters as shall be met with in the Course of making the said navigable Canal or Cuts respectively, or within the Distance of Two thousand Yards from the Head Level of the said Navigation, Canal, and Cuts respectively, or within the Distance of One thousand Yards from any other Part of the said Navigation, Canal, and Cuts respectively; and the said Company of Proprietors and their Successors are hereby fully empowered, by themselves, their Deputies, Agents, Workmen, or Servants, to improve and keep navigable and passable for Boats, Barges, and other Vessels, the said Rivers *Exe* and *Credy*, or such Parts thereof as they shall think necessary and proper for the Purposes aforesaid, and the said navigable Canal or Cuts respectively within the Limits aforesaid; and the said Company of Proprietors and their Successors are hereby also empowered, by themselves, their Deputies, Agents, Officers, and Workmen to make, for the Purpose of supplying the said intended Navigation, Canal, or Cuts respectively, or any Part or Parts thereof, with Water, and for any other Purposes for the making, maintaining, improving, and using the said Navigation, Canal, Cuts, and Works respectively, the Two several Reservoirs herein-before mentioned, in the Parish of *Saint David* aforesaid; and also such and so many Soughs, Tunnels, Feeders, Aqueducts, and Channels, as they shall think fit, for supplying the said intended Navigation, Canal, or Cuts respectively with Water; and for any other Purposes for the making, maintaining, improving, and using the said Navigation, Canal, Cuts, and Works respectively; and also to cleanse, scour, cut, dig, open, deepen, widen, enlarge, straighten, and raise such Parts of the said Rivers *Exe* and *Credy*, as are intended to be improved and made navigable, and the Banks thereof, or which may become necessary in order to or in consequence of such Improvements, and the Leats, Cuts, Brooks, or Streams issuing therefrom respectively, or communicating therewith respectively, or which may be made to communicate therewith respectively, and to cut, dig, lower, or raise the Banks thereof respectively, for the Purpose of bringing Water into the said intended Navigation, Canal, and Cuts respectively, and to take and use all Streams and Waters that shall be met with in the Course of making the said Navigation, Canal, Cuts, or Improvements within the Distance aforesaid; and also to make such new Cuts and proper Trenches, or Passages for Water, in, upon, or through the Lands or Grounds adjoining to or near the said Parts of the said Rivers respectively, and the said Canal or navigable Cuts or Feeders respectively, or any of them, or such Leats, Cuts, Brooks, or Streams as aforesaid, or any of them, as they the said Company of Proprietors or their Successors shall think proper, for effecting the Purposes of this Act; and also to amend, alter, heighten, enlarge, or rebuild any publick or private Bridge or Bridges; and for the better effectuating the Purposes of this Act, the said Company of Proprietors and their Successors, and their Agents, Officers, Workmen, and Servants, are hereby empowered to go, enter, and pass, in, upon, over, under, or through the Lands and Grounds,
Brooks,

Brooks, Streams, Waters, Roads, Ways, Passages, Commons, and all other Lands and Places, of or belonging to any Person or Persons, Bodies Politick, Corporate, or Collegiate whatsoever, and to survey and take Levies thereof, or any Part thereof, and to set out and ascertain such Part or Parts thereof respectively, as they the said Company of Proprietors or their Successors shall think necessary and proper, for making, completing, improving, maintaining, and using the Navigation of the said Rivers, and the said navigable Canal and Cuts respectively, and all such Reservoirs, Aqueducts, Feeders, Basins, and other Works, Matters, and Conveniences, as they shall think necessary, for making, improving, preserving, completing, maintaining, and using the said intended Navigation, Canals, and Cuts, Basins, Aqueducts, and other Works; and to bore, dig, cut, trench, and sough, get, carry away, remove and lay Earth, Clay, Stone, Rubbish, Trees, Roots of Trees, Gravel or Sand, or any other Matters or Things which may be dug or gotten in the improving the Navigation of the said Rivers respectively, or in the making the said Canal or Cuts respectively, or the Tunnels, Shafts, Trenches, Passages, Reservoirs, Aqueducts, Feeders, Shutes, Pens for Water, Gutters, Soughs, Ditches, Drains, or Watercourses, and other the Works of the said Navigation, out of, in, or upon the Lands or Grounds, of any Person or Persons, lying within the Distance of One hundred and fifty Yards on each Side thereof, and which may be requisite or proper, for making, improving, carrying on, continuing, maintaining, or repairing the said intended Navigation, Canal, or Cuts respectively, Basins, Aqueducts, and other Works, or which may prevent or obstruct the making, completing, maintaining, and using the same respectively, either in the sailing of Boats, Barges, or other Vessels, or the hauling or towing the same, with Men, Horses, or otherwise, so as to make and maintain a proper and effectual Navigation, according to the true Intent and Meaning of this Act, or the making, using, completing, extending, or maintaining of any such Basins, Feeders, Trenches, Passages, Aqueducts, and Watercourses as aforesaid, as shall be deemed necessary or proper, to convey Water to the said intended Navigation, Canal, or Cuts respectively; and also, to make such and to mury Feeders, Tunnels, and Shafts, and to make, erect, build, construct, and repair, in, over, or upon the said Rivers respectively, and the said navigable Canal or Cuts respectively, and the several Trenches and Passages for Water, before-mentioned, or in or upon the Lands and Grounds adjoining or near the same respectively, or in, upon, or over the Brooks, Streams, Cuts, or Watercourses near thereto, or running into or communicating therewith, such and so many Barks, Bridges, Piers, Arches, Aqueducts, Tunnels, Shafts, Locks, Shutes, Floodgates, Weirs, Pens for Water, Shutes, Basins, Drains, Posts, and Stoops, Stopgates, Wharfs, Quay, Wharfs, Weigh Beams, Houses, Warehouses, Stables, Tolls-houses, Wash-houses, Landing Places, Fire Engines, and other Machines, Dry Decks, and other Works, Ways, Roads, and Common-roads, as and where the said Company of Proprietors, or their Successors, shall think requisite or convenient for the Use and Purposes of the said Navigation, Canal, Cuts, Reservoirs, and Works respectively, or any Part thereof; and for all other the Purposes of this Undertaking; and also, from Time to Time, to alter, repair, encrease, enlarge, improve, amend, and discontinue the same, as and wherever the said Company of Proprietors and their Successors shall find necessary for the Purposes of this Act; and also, from Time to Time to alter, divert, amend, widen, enlarge, or extend any Bridges, Roads, Highways,

Highways, not being Turnpike Roads, or Passages, and other Works, Locks, Soughs, Tunnels, Basons, Feeders, Aqueducts, Trenches, Sluices, Weirs, and other Works and Conveniences, as well for the carrying of Goods and other Articles to and from the said Navigation, Canal, Cuts, and Works, as for the carrying and conveying of all Manner of Materials necessary for the making, improving, finishing, altering, repairing, maintaining, amending, and using the said intended Navigation, Canal, Cuts, and other Works of or belonging to the said Navigation, or useful for any Purpose therein; and also, to place, lay, work, and manufacture any Materials on the Grounds where found, or near to the Place or Places where the said Works, or any of them shall be, or are intended to be made, erected, repaired, or done; and also to make, maintain, repair, and alter any Fences or Passages, over, under, or through the said Rivers, Navigation, Canal, or Cuts respectively, and the Works, Reservoirs, Feeders, Aqueducts, Sluices, and Conveniences which shall at any Time or Times hereafter belong thereto, or communicate therewith; and also to make, set out, and appoint such Towing Paths, Banks, Roads, and Ways convenient for towing, haling, or drawing of Boats, Barges, and other Vessels passing in, through, or upon the said Rivers, Canal, or Cuts respectively, with Men, Horses, or otherwise, or for any such other Purposes as they the said Company of Proprietors and their Successors shall think convenient, and to make such Places for Boats and other Vessels navigated upon the said Rivers, Canal, and Cuts respectively, to turn, lie, and pass each other, as the said Company of Proprietors or their Successors shall judge necessary; and also to dig, take, and carry away for the Use of the said Company of Proprietors and their Successors, any Soil, Clay, Gravel, Stone, or other Materials, which may be proper or convenient for making and improving the said Navigation, and the said Canal, Cuts, Reservoirs, Aqueducts, and other Works respectively; and also for repairing, supporting, maintaining, and using the same, in or from the Grounds of any Person or Persons adjoining or lying contiguous or convenient thereto respectively; and to construct, erect, alter, keep in Repair, and use any Piers, Arches, Aqueducts, Bridges, or other Works, in, upon, over, and across any Rivers, Streams, Mill Leats, Brooks, Highways, or Roads for the carrying and conveying the said Navigation, Canal, or Cuts respectively, in, upon, or over the same respectively, or for the making, improving, using, maintaining, and repairing, the said Navigation, Canal, Cuts, and other Works, and the Towing Paths on the Sides of the said Navigation, Canal, or Cuts respectively, so as to render the said Navigation of the said Rivers, Canal, and Cuts respectively, passable throughout by all Boats, Barges, and other Vessels hereby authorized to navigate thereon, without Impediment; and also to construct and erect, do and perform, all other Matters and Things whatsoever, which shall be deemed necessary and convenient by the said Company of Proprietors and their Successors, for the making, completing, using, preserving, and improving the said Navigation, Canal, Cuts, Aqueducts, and the Works connected therewith, in pursuance and within the true Intent and Meaning of this Act; they the said Company of Proprietors, their Agents, Deputies, Officers, Workmen, and Servants, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and making Satisfaction in Manner herein-after mentioned, for all such Damages as shall be sustained by the Owners or Occupiers of and other Persons interested in the Lands and Hereditaments, Waters, and Watercourses which shall be taken or used by or

on the Behalf of the said Company of Proprietors or their Successors, and for all Damages to be by them sustained, in or by the Execution of any of the Powers of this Act; and this Act shall be sufficient to indemnify the said Company of Proprietors and their Successors, and their and every of their Deputies, Servants, Workmen, and all other Persons for what they or any of them shall do by virtue of the Powers hereby granted.

Power to
make Rollers
or inclined
Planes, &c.

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

Houses, Gar-
dens, &c. not
to be injured.

III. Provided always, and be it enacted, That nothing herein contained shall extend, or be construed to extend, so as to enable the said Company of Proprietors or their Successors, or any Person or Persons acting by or under their Authority, to take, use, injure, or damage, for the Purposes of the said Navigation, Canal, or Cuts, or any other of the Purposes aforesaid, any House or other Building which was erected and built on or before the Thirtieth Day of September One thousand eight hundred, or any Land or Ground, which on the said Thirtieth Day of September was set apart and used as or for a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, without the Consent of the Owners and Occupiers thereof respectively.

Mills on the
Exe and *Credy*
not to be in-
jured.

IV. Provided also, and be it enacted, That nothing herein contained shall extend, or be construed to extend, so as to enable the said Company of Proprietors or their Successors, or any Person or Persons acting by or under their Authority, to injure or damage for the Purposes of the said Navigation, Canal, or Cuts, or any other of the Purposes aforesaid, the Mills at the said Place, called *The Four Mills*; or any Mill or Mills now standing and being on the said several Rivers *Exe* and *Credy* herein-before mentioned, or any of them, without the Consent of the Owners and Occupiers of such Mill or Mills respectively.

Breadth of
Canal and
Towing Path.

V. And be it further enacted, That the Lands and Grounds to be taken or used for cutting and making such Canal or Cuts, where the said Company of Proprietors, or their Successors, shall find it necessary to cut and make such Canal or Cuts respectively, and for the Towing Paths thereto, and the Ditches, Drains, and Fences to separate such Towing Paths from the adjoining Lands, shall not exceed Thirty Yards in Breadth, (except in such Places where any Docks, Basons, or Pens of Water, shall

shall be made, or where the said Canal or Cuts, or any Part thereof, shall be raised higher, or cut above Ten Feet deeper than the present Surface of the Land, and except in such Place where it shall be judged proper by the said Company or their Successors, for Boats and other Vessels to turn, lie, or pass each other, or where any Engines, Warehouses, Cranes, or Weighing Beams may be erected, or where any Wharfs or other Places may be set out or appropriated for the Reception of any Coals, Lime, Limestone, or other Minerals, Timber, or other Goods, Wares, or Merchandizes, which shall be conveyed on the said Canal or Cuts), nor in any such excepted Places more than Sixty Yards in Breadth, without the Consent of the Owner or Owners of the Lands and Hereditaments adjoining to the said Canal or Cuts, given under his, her, or their Hand and Seal, or Hands and Seals.

VI. Provided always, and be it enacted, That it shall and may be lawful to and for the said Company of Proprietors, and their Successors, to take and make use of certain Lands and Grounds at or near to the Entrance of the said Navigation or Canal, from the said River *Exe*, near to the Head Weir in the Parish of *Saint Thomas the Apostle*, at *Exeter* aforesaid, and also at or near to the Termination of the said Navigation or Canal, or at or near the publick Road adjoining the said Place called *Four Mills* near *Crediton* aforesaid, for the Purpose of making a Bason or Basons, or Pen or Pens of Water, for the Reception of Boats, Barges, and other Vessels, and may thereon erect, or cause to be erected, any Warehouses, Cranes, Weighing Beams, Watch Houses, and other Buildings, so as no such Lands and Grounds so taken and made use of by the said Proprietors, or their Successors, for the Purposes aforesaid, shall contain more than Two Acres for any one Bason or Pen of Water, or for the Warehouses, Cranes, Weighing Beams, Watch Houses, and other Buildings to be erected near to any such Bason or Pen of Water.

Basons to be made.

VII. And be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, so as to enable the said Company of Proprietors, or their Successors, to erect or build any House, or other Building, (other than Warehouses, Toll Houses, Cottages, Stables, and Watch Houses, for the Use of the said intended Navigation, Canal, or Cuts, and the Horses and Men who shall be employed thereon respectively; on the Towing Paths belonging to the said Navigation, Canal, and Cuts respectively), or to convert or employ any Water which shall be brought into or discharged out of the said Navigation, Canal, or Cuts, or any of them, or any Trenches or Sluices hereby authorized to be made, for the Use of any Mill or Mills hereafter to be erected near the same; or to cut down any Timber Wood, Brush Wood, or Under Wood upon any of the Estates or Lands through or into which the said Navigation, Canal, or Cuts, Trenches, Sluices, Roads, Passages, Works, or Conveniences, or any Part thereof respectively, shall be made, except such Timber Wood, Brush Wood, or Under Wood, as shall grow or be in or upon any of the Lands or Grounds which shall be taken or used for the making or improving of the said Navigation, Canal, Cuts, Towing Paths, Trenches, Sluices, Roads, Passages, or Conveniences respectively as aforesaid; and the Proprietors of the respective Lands and Grounds on which such Timber Wood, Brush Wood, or Under Wood, shall stand or be growing at

No Building to be erected on the Towing Paths, except for Navigation.

at the Time of the Commencement of this Act, their Heirs or Assigns, shall have it in their Election to take such Timber Wood, Brush Wood, or Under Wood respectively when felled or cut down by the said Company of Proprietors, or their Successors, at such Price or Value as the same respectively shall have been estimated at or purchased by the said Company of Proprietors, which said Timber Wood, Brush Wood, or Under Wood so to be felled by the said Company of Proprietors, or their Successors, or by their Order, shall and may be carried and conveyed upon any Part of the said Navigation, Canal, or Cuts respectively, free from all Rates to be raised and levied by virtue of this Act; but in case the same shall not have been estimated at or purchased by them upon a Valuation separate and distinct from the Lands or Grounds upon which the same shall respectively grow, then at such Price or Value as shall be agreed on for that Purpose between such Proprietors or Owners of Lands, and the said Company of Proprietors, and their Successors, or their Agents; and if any House or other Building (except as herein-before excepted), shall be erected upon any such Towing Paths, without the Consent of the Person or Persons who was or were Owner or Owners of the Lands or Grounds used for such Towing Paths, at the Time of setting out or making the same, it shall and may be lawful to and for such Person or Persons who was or were Owner or Owners of the Lands or Grounds used for such Towing Paths at the Time of setting out or making the same as aforesaid, his, her, or their Heirs or Assigns, to take, pull down, and remove such Houses and other Buildings, (except as herein-before excepted), without being guilty of Trespass, or being liable to any Action or Prosecution for so doing.

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

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

Plan and Book of Reference to remain with the Clerk of the Peace.

IX. And whereas a Survey has been taken to ascertain the Practicability of making the said Navigation, Canal, and Cuts, and a Map or Plan, describing the Line of the said Navigation, Canal, and Cuts, and the Lands through which the same is intended to be made, together with a Book of Reference, containing a List of the Names of the Owners or reputed Owners and Occupiers of such Lands, have been deposited at the Office of the Clerk of the Peace for the said County of Devon; be it therefore further enacted, That such Map or Plan, and Book of Reference, shall remain in the Custody of the Clerk of the Peace for the said County, and that all Persons shall, at any seasonable Times, have Liberty to inspect and peruse the same, or make Extracts from or Copies of the same, as Occasion shall require, at their Will and Pleasure, paying to the Clerk of the Peace the Sum of One Shilling for such Examination, and after the Rate of Sixpence for every One hundred Words of such Copies or Extracts.

X. And

X. And be it further enacted, That the said Company of Proprietors, or their Successors; in making the said intended Navigation, Canal, and Cuts, shall not deviate from the Course or Direction delineated in the said Map or Plan, and set forth in the said Book of Reference, without the Consent and Approbation, in Writing, of the Person or Persons to whom any Lands, Grounds, or Hereditaments, shall respectively belong, into, through, or over which any Deviation is desired to be made; but nothing herein contained shall extend to restrain or prevent the said Company of Proprietors, or their Successors, from making any Deviation from the said Course or Direction of the said Navigation, Canal, or Cuts, in case all the Persons to whom the Lands, Grounds, or Hereditaments to be cut through or made use of for the Purposes of such Deviation, shall belong, shall consent thereto.

Not to deviate without Consent.

XI. Provided always, and be it enacted, That the said Company of Proprietors, and their Successors, shall and may make and improve the said intended Navigation, Canal, Cuts, or Deviations from the same, and from the said Towing Paths, into, through, across, or over the Estates, Lands, or Grounds of any Person or Persons whomsoever, into whose Estates, Lands, or Grounds, such Deviations as aforesaid shall extend, although their Names be not mentioned in the said Book of Reference; or into the Estate or Estates, Lands or Grounds, of any Person or Persons whose Name or Names shall appear to have been by Mistake omitted in the said Book of Reference; or that, instead thereof, the Name or Names of some other Person or Persons, to whom such last-mentioned Estates, Lands, or Grounds do not belong, hath or have been by Mistake inserted therein; any Thing herein contained to the contrary thereof notwithstanding.

Land Owners Names omitted in the Book of Reference not to obstruct the Improvement of the Navigation.

XII. And be it further enacted, That after any Lands, Grounds, Tenements, or Hereditaments, shall be set out and ascertained for making and improving the said Navigation, Canal, and Cuts respectively, and the Aqueducts, Reservoirs, and Basons or Pens of Water thereto belonging, or any Part or Parts thereof, and for providing and constructing the Wharfs and other Works and Conveniences herein-mentioned, or any of them, it shall and may be lawful to and for all Bodies Politick, or Collegiate, Corporate, Aggregate or Sole, Husbands, Guardians, Trustees, and Feoffees in Trust, for charitable and other Purposes, Committees, Executors and Administrators, and all other Trustees and Persons whomsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Ideots, 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 for every other Person or Persons whomsoever, who is, are, or shall be seised, possessed of, or interested in any Lands, Grounds, Tenements, or Hereditaments, which shall be so set out and ascertained, for the Purposes aforesaid, to contract for, sell, and convey the same, and every Part thereof, unto the said Company of Proprietors and their Successors; and all such Contracts, Agreements, Sales, Conveyances, and Assurances, shall be made at the Expence of the said Company of Proprietors and their Successors, and such of them as shall be made of any Lands, Tenements, or other Hereditaments, to the said Company of Proprietors and their Successors, shall be made according to the following Form; *videlicet*:

Bodies Politick, etc. empowered to sell and convey Lands.

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

[*Loc. & Per.*]

Form of Con-
veyance to the
Company.

I, *[Name]* of *[County]* in Consideration of the Sum of *[Sum]* paid [or in Consideration of the annual Rent of *[Rent]* to be hereafter yielded and paid by Yearly or Half Yearly Payments, as may be agreed upon] by the Company of Proprietors of the *[Name]* and *[Name]* Navigation, do hereby grant and release to the said Company of Proprietors and their Successors, all *[describing the Premises to be conveyed]* and all my Right, Title, and Interest to and in the same, and every Part thereof, to hold to the said Company of Proprietors and their Successors for ever, by virtue and according to the true Intent and Meaning of an Act of Parliament, made in the *[Year]* Year of the Reign of King *[Name]* the *[Third]*, intituled, *[insert the Title of this Act]*: In Witness whereof I have hereunto set my Hand and Seal, this *[Day]* of *[Month]* in the Year of our Lord *[Year]*.

And if the Premises are Leasehold for Years, they shall be assigned by a Form answerable to the above, only substituting the Words applicable to the Assignment of a Chattel; which said Conveyances shall be kept by the Clerk or Clerks to the said Company of Proprietors and their Successors, who shall from Time to Time when requested, deliver attested Copies thereof to any Person or Persons requiring the same, and shall have and receive Sixpence for every One hundred Words of each such attested Copy, and so in Proportion for any less Number of Words; and every such Conveyance to be made by virtue of this Act, in the Form and Manner aforesaid, shall be valid and effectual, to all Intents and Purposes whatsoever; any Law, Statute, Usage, or Custom to the contrary thereof in anywise notwithstanding.

Company em-
powered to re-
sell Lands,
which may
not be wanted.

XIII. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and their Successors, to sell and dispose of, and by Indenture under their common Seal, absolutely to grant and convey such Part or Parts of the Lands or Hereditaments which shall be so purchased by and conveyed to the said Company of Proprietors and their Successors as aforesaid for the Purposes of this Act, as shall not be wanted by them, or necessary to be made use of for the Purposes of this Act; and also to lay out and appropriate any Part of the said Lands and Premises, as and for a Way or Ways, Avenue or Avenues, Passage or Passages, and that all such Conveyances from the said Company of Proprietors and their Successors shall be valid and effectual, any Law, Statute, or Custom to the contrary thereof in anywise notwithstanding; and upon Payment of the Money which shall arise by the Sale or Sales of such Lands, Rents, or Premises, or any Parts or Parcels thereof, it shall be lawful for the Treasurer or Treasurers for the Time being to the said Company of Proprietors and their Successors, 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 which such Lands, Rents, or Premises shall be sold, or for so much thereof as in such Receipts shall be expressed to be received; and such Person or Persons shall not be answerable for any Losses, Misapplication, or Non-application of such Purchase Money, or any Part thereof; Provided always, That the said Company of Proprietors and their Successors, before they shall sell and dispose of such Lands and Hereditaments, shall first offer to re-sell the same to the Person or Persons from whom they shall have purchased

But the Per-
sons from
whom such
Lands were
purchased to
have the first
Offer.

the same; and in case such Person or Persons shall not then and thereupon agree, or shall refuse to re-purchase the same, any Affidavit, to be made and sworn before a Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County where such Lands or Hereditaments shall lie, by some Person or Persons no way interested in the said Lands or Hereditaments, stating that such Offer was made by or on Behalf of the said Company of Proprietors, and was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so made, shall be in all Courts whatsoever sufficient Evidence and Proof that such Offer was made, and was not agreed to or was refused by the Person or Persons to whom it was made, as the Case may be.

XIV. Provided always, and be it further enacted, That all and every Body or Bodies Politick, Corporate, or Collegiate, Trustees, or other Persons herein capacitated to sell or convey Lands, Tenements, and other Hereditaments, or any other Owner or Owners, and the Occupier or Occupiers of any Lands, Waters, Tenements, or other Hereditaments, which shall or may be taken, used, affected, or prejudiced by the Execution of any of the Powers hereby granted, may accept and receive Satisfaction for the Value of such Lands, Waters, Tenements, and Hereditaments, and for the Damages to be sustained by making and completing the said Works herein directed to be made, either in gross Sums, or by annual Rents, as shall be agreed upon by and between the said Parties interested respectively, or any of them, and the said Company of Proprietors or their Successors, or as the same shall be ascertained and settled in such Manner, by a Jury, as is herein directed; and all such yearly Rents or Sums as shall be agreed on between the said Company of Proprietors and their Successors, and the said Parties interested in such Lands, Waters, Tenements, or other Hereditaments, or as shall be so ascertained and settled by such Jury, shall be charged on the Rates arising by virtue of this Act, and shall be paid by the said Company of Proprietors and their Successors, either Yearly or Half Yearly, as the same shall be agreed to become due and payable; and in case the same shall not be paid within Thirty Days next after the same shall so become due and payable, it shall and may be lawful to and for any Two or more of His Majesty's Justices of the Peace for the County of Devon, and they are hereby required, by an Order under their Hands, to appoint One or more Persons or Person to receive the Rates hereby granted and made payable, and to pay the same to such Person or Persons to whom such annual Rents or Sums shall be due and unpaid as aforesaid, the said Justices taking such Security from every such Person for the due and faithful Execution of his Office, as they shall judge proper and sufficient; and every such Person so appointed shall be deemed a Collector of the said Rates, and shall have the same Power and Authority for collecting the same, and shall receive and retain thereout such reasonable Satisfaction for his Trouble therein, as the said Justices shall determine, in like Manner as if he had been appointed a Collector of the said Rates, by the said Company of Proprietors or their Successors, until such annual Rents or Sums, with all Costs and Damages occasioned by the Non-payment thereof, shall be fully satisfied and paid; or it shall and may be lawful to and for such Bodies Politick, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons to whom such annual Rents or Sums shall be due and owing as aforesaid, to sue for and recover the same, with Costs

Satisfaction
to be made,

and yearly
Rents charged
on the Rates.

Costs

Costs of Suit, by Action of Debt, in any of His Majesty's Courts of Record, or otherwise to seize and distrain any Boats, Barges, Vessels, or other Goods or Effects of the said Company of Proprietors or their Successors, which shall be found upon the said Navigation, Canal, or Cuts, or in or upon the Wharfs, Quays, Warehouses, or other Works thereto belonging, (Information of such Distress being immediately given to the said Company of Proprietors or their Successors, by Notice in Writing, delivered to some of their Clerks or Collectors of the Rates, or affixed to some of their Wharfs or Quays near to the Place where such Distress was made), and to detain the same, until Payment of such annual Rents or Sums then due and owing, together with the reasonable Charges attending such Distress, and if such Distress shall not be redeemed within Five Days next after making the same, and Notice thereof given in Writing as aforesaid; then such Goods or Effects so distrained, shall and may be sold or disposed of, in such Manner as the Law directs, in case of a Distress for Rent.

If Parties are dissatisfied, Value to be ascertained by a Jury.

XV. Provided always, and be it enacted, That if any such Body Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons so interested or entitled as aforesaid, cannot agree with the said Company of Proprietors, or their Successors respecting the Purchase of or the annual Rent for any Lands, Waters, Tenements, or Hereditaments, or the Satisfaction to be made for any Damages that may from Time to Time be sustained by him, her, or them, by the making and maintaining of the said Navigation, Canal, or Cuts, or of any Part or Parts thereof, or of any of the Works thereunto belonging, and shall give Notice in Writing to the Clerk of the said Company of Proprietors, or their Successors, requiring a Jury to be summoned for the Purpose of determining such Purchase, annual Rent, or Satisfaction, or if any such Body Politick, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons, shall, upon Notice in Writing given by the Clerk of the said Company of Proprietors, or their Successors, to the Principal Officer of any such Body Politick, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons, respectively, or left at the last or usual Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of any Lands or other Hereditaments to be made use of for the Purposes of this Act, neglect or refuse to treat, or shall not agree with the said Company of Proprietors, or their Successors, or by Reason of Absence, or otherwise, shall be prevented from treating, or through Disability by Nonage, Coverture, or other Impediment, cannot treat for themselves, or make such Agreement or Agreements as shall be necessary for the Purpose aforesaid, or shall not produce and evince a clear Title to the Premises which they respectively claim therein, to the Satisfaction of the said Company of Proprietors, and their Successors, then and in every, or any or either of the said Cases, the said Company of Proprietors, or their Successors, or their Committee to be from Time to Time appointed in the Manner herein-after mentioned, shall, within Twenty Days after the Receipt of such Notice by the Clerk to the said Company of Proprietors, or their Successors, or of the said Committee, in case Security in Manner herein-required shall be given, or after the Expiration of Twenty Days after the Delivery of such Notice by the said Clerk (as the Case may be), and they are hereby

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

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and shall not be removed by *Certiorari*, or other Process, into any of His Majesty's Courts of Record at *Westminster*, or any other Court; any Law or Statute to the contrary notwithstanding.

Fines upon
Sheriffs, etc.
making De-
fault.

XVI. And be it further enacted, That if the Sheriff, or other Person so directed to summon and return a Jury as aforesaid, or his Deputy or Agent, shall make Default in the Premises, he shall, for every such Offence, forfeit and pay the Sum of Twenty Pounds, to be recovered by Action of Debt, or on the Case, by the said Company of Proprietors, or their Successors, or such Bodies Politick, Corporate, or Collegiate, or other Person or Persons interested in the Matter in Question; and if any Person so summoned and returned as aforesaid upon such Jury, shall not appear, or appearing shall refuse to be sworn, or to give his Verdict, or in any other Manner wilfully neglect his Duty contrary to the true Intent of this Act, or if any Person so summoned to give Evidence shall not appear, or appearing shall refuse to be sworn or examined, or to give Evidence, every Person so offending, having no reasonable Excuse to be allowed by the said Justices, shall, for every such Offence, forfeit and pay the Sum of Ten Pounds to be levied by virtue of any Warrant under the Hands and Seals of the said Justices, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to such Person the Overplus, after such Penalty and the Charges of such Distress and Sale shall be deducted, and every such Penalty which shall be paid by, or recovered from, any Person who shall have been summoned on such Jury or to give Evidence as aforesaid, shall go and be paid to the Person or Persons who shall appear to the said Justices to be injured by the Default of such Person.

Punishing
Persons guilty
of Perjury.

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

Expences of
Witnesses and
Jury by whom
to be paid.

XVIII. And be it further enacted, That in each and every Case where a Verdict shall be given for more Money, or for a greater annual Rent, as a Recompence or Satisfaction for the absolute Sale of any Lands, Tenements, or other Hereditaments, of any Bodies Politick, Corporate, or Collegiate, or of any Person or Persons whatsoever, or as a Compensation for any Damages done, or to be done, to any Lands, Waters, Tenements, or other Hereditaments, or other Property that had been previously offered by or on Behalf of the said Company of Proprietors, or their Successors, or where any Verdict shall be found for any Damages, where the Dispute is for Damages only, and where no Compensation had been previously offered or tendered in respect thereof, by and on Behalf of the said Company of Proprietors or their Successors, or where, by Reason of Absence in Foreign Countries, or other Impediment or Disability as aforesaid, there shall not be found any Person or Persons at hand, who may be legally capacitated to enter into a Contract with, and make Conveyances to, and receive Compensations from, the said Company of Proprietors or their Successors, as herein mentioned, then, and in all such Cases, all the Ex-
pences

pences of summoning such Jury, and taking such Verdict, shall be settled by the said Justices, who are hereby required to examine into and settle the same, and shall be defrayed by the said Company of Proprietors and their Successors; but if any Verdict shall be given for the same Sum or Rent, that had been previously offered by or on Behalf of the said Company of Proprietors and their Successors, or for a less Sum than had been so previously offered; or in case no Damages shall be given by the Verdict; where the Dispute is for Damages only, or in case of such Refusal or Neglect to enter into Treaty with, or make Conveyances to, or receive Compensations from, the said Company of Proprietors and their Successors, or in case of such Inability to evince a clear Title to the Satisfaction of the said Company of Proprietors as aforesaid, by any Bodies Politick, Corporate, or Collegiate, or by any Person or Persons whomsoever, who is or are by the Provisions of this Act, or otherwise, legally capacitated to treat and convey, or receive such Compensation as aforesaid, then and in all such Cases the Costs and Expences of summoning such Jury, and taking such Verdict, shall be settled in like Manner by such Justices, and be borne and paid by the Body or Bodies Politick, Corporate, or Collegiate, or other Person or Persons with whom the said Company of Proprietors and their Successors shall have such Concerns, Controversies, or Disputes; which said Costs and Expences having been so settled, shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Body or Bodies Politick, Corporate, or Collegiate, or other Person or Persons as aforesaid, and the Payment or Tender of the Remainder of such Sum or Sums of Money shall be deemed and taken, to all Intents and Purposes, to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged; but if it shall happen to exceed the same, then the Balance may be recovered by the said Company of Proprietors and their Successors, against the Body or Bodies Politick, Corporate, or Collegiate, or other Person or Persons with whom they shall have had such Concern, Controversy, or Dispute, by an Action of Debt, or on the Case, in any of His Majesty's Courts of Record at *Westminster*.

XIX. And be it further enacted, That all and every Body or Bodies Politick, Corporate, or Collegiate, and Person or Persons requesting a Jury to be summoned, shall (before such Warrant shall be issued for that Purpose) enter into a Bond with Two sufficient Sureties to the Clerk or Treasurer to the said Company of Proprietors and their Successors, in a Penalty of One hundred Pounds, with Conditions to bear and pay the Costs and Expences of summoning such Jury, and taking such Verdict, in case the same shall be given for no greater or for a less Sum or Rent than had been offered, by or on Behalf of the said Company of Proprietors and their Successors, before the summoning and returning the said Jury or Juries, for the Purchase of or as a Recompence for any Lands, Waters, Tenements, or Hereditaments, or as a Compensation for any Damages, or in case no Verdict shall be found for Damages, where the whole Dispute was, whether any Damage was or was not done as aforesaid.

Persons requesting Juries to enter into Bonds to prosecute.

XX. And be it further enacted, That the said Justices shall not, nor shall any of them be obliged or allowed, by virtue of this Act, to receive or take Notice of any Complaint or Complaints to be made by any Person or Persons whomsoever, for any Injury or Damage by him, her, or them sustained, or supposed to be sustained by virtue or in consequence of this Act, unless

Notice of Injury to be given to Proprietors.

unless Application shall have been made in relation thereto, by or on Behalf of such Person or Persons, to the said Company of Proprietors or their Successors, or their Committee, or to their Treasurer or Clerk, within the Space of Six Calendar Months next after the Time that such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

What Satisfaction to be made for Tithes.

XXI. And be it further enacted, That full Recompence, Satisfaction, and Compensation shall be made by the said Company of Proprietors and their Successors, for all the Tithes, both Great and Small, of the Lands which shall or may be taken or made use of by the said Company, for the Purposes and in pursuance of the Powers of this Act, to the respective Persons entitled, or who would have been entitled to such Tithes, in case such Lands had not been so taken or made use of, according to their respective Interests therein, such Tithes to be estimated at the average Value of Five Years, commencing at Michaelmas Day One thousand seven hundred and ninety-five, such average Value to be ascertained (in case of any Difference concerning the same), in like Manner as the Value of any Lands, Tenements, or other Hereditaments is herein before directed to be ascertained: Provided always, That the Recompence and Satisfaction to be given by virtue of this Act, for all Glebe Lands and Tithes belonging to Spiritual Persons, shall be made to such Persons by an annual Rent.

Value of Lands and Damages to be ascertained separately.

XXII. And be it further enacted, That the said Juries shall, in all their Verdicts, distinguish the Value set upon the Lands, Tenements, and other Hereditaments, and the Money assessed or adjudged for such Damages as any Person or Persons shall sustain, in consequence of the execution of any of the Powers of this Act, separately and apart from each other.

Verdicts to be recorded.

XXIII. And be it further enacted, That each and every Verdict so given, shall be transmitted to, and be kept by the Clerk of the Peace, or other Persons having the Custody of the Records of the Quarter Sessions for the County where such Verdict shall be given, and shall be deemed to be Records of such Quarter Sessions, for 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 to have Copies thereof, paying for every Copy, the Sum of Sixpence for every One hundred Words, and so in Proportion for any greater or less Number of Words.

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

XXIV. And be it further enacted, That upon Payment, or legal Tender of such Sum or Sums of Money, or Security being given under the Common Seal of the said Company of Proprietors, for the due Payment of any such annual Rent as shall have been contracted or agreed for between the Parties, or assessed by such Juries, and adjudged by such Justices, in Manner aforesaid, for the Purchase of any such 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, Waters, Tenements, or other Hereditaments, or to such other Person or Persons as shall be interested therein, or entitled to receive such Money, Rent, or Compensation respectively, at any Time after the same shall have been so agreed for, determined, or assessed;

or if the Person or Persons so entitled or interested, or any of them, in the said Lands or Hereditaments shall not be able to make a good Title thereto, to the Satisfaction of the said Company of Proprietors or their Successors, or shall refuse to receive the Sum or Sums of Money awarded to him, her, or them by the said Jury, or to execute a Conveyance, or in case such Person or Persons to whom such Sum or Sums shall be so awarded as aforesaid, cannot be found, or shall refuse to receive the same, then, in any or either of the said Cases, on leaving or depositing the Money, if the same shall be equal to, or exceed the Sum of One hundred Pounds in the Bank of England, or in the Hands of the Treasurer to the said Company of Proprietors, in case the same shall be less than the Sum of One hundred Pounds, for the Use of such Person or Persons so interested or entitled as aforesaid, and in all or any of the said Cases, as often as the same shall happen, it shall and may be lawful to and for the said Company of Proprietors and their Successors, and their Agents, Workmen, and Servants, immediately to enter upon such Lands, Tenements, or other Hereditaments respectively, (or before such Payment or Tender, by Leave of the Owners and Occupiers thereof), and then and thereupon, such Lands, Tenements, and other Hereditaments, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall from thenceforth be vested in, and become the sole Property of the said Company of Proprietors and their Successors, to and for the Purposes of this Act for ever; and such Tender, Payment, or Deposit shall not only bar all Right, Title, Claim, Interest, and Demand of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to, and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail, and other Estates in Reversion and Remainder of his, her, or their Issue, and of every other Person whomsoever therein: Provided nevertheless, That before such Payment, Security, Tender, or Deposit, made or given as aforesaid, it shall not be lawful for the said Company of Proprietors or their Successors, or any Person acting under their Authority, to dig or cut, or otherwise affect the Lands or Grounds, or to take down, remove, or otherwise affect any Tenement or other Hereditament of the Person or Persons entitled to such Payment or Security, for the Purpose of making the said Navigation, Canal, or Cuts respectively, or any of the Works thereto belonging, without the Leave and Consent of such Person or Persons respectively.

XXV. Provided always, and be it enacted, That if any Lands, Tenements, or Hereditaments, to be taken or made use of by the said Company of Proprietors or their Successors, shall be in Mortgage to any Person or Persons whomsoever, then and in such Case, the said Company of Proprietors or their Successors shall, and they are hereby required to pay, or cause to be paid, to the Mortgagee or Mortgagees, his, her, or their Executors or Administrators, upon Application in Writing made to the said Company of Proprietors, or to their Committee, or to their respective Clerk or Clerks, signed by such Mortgagee or Mortgagees, or his, her, or their Executors or Administrators, such Sum or Sums of Money as shall have been so agreed for, ascertained, or determined as aforesaid, for the Use or Purchase of such Lands, Tenements, or Hereditaments; and such Sum or Sums of Money, when so paid, shall be, and be deemed to be, in Discharge of Part of the Principal Money due on such Mortgage or Mortgages, and Acknowledgement of the Receipt thereof shall be made by In-

[Loc. & Per.]

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dorsement

For paying
off Mortgages
on Lands
taken by the
Company.

Indorsement on the Mortgage Deed or Deeds, signed by such Mortgagee or Mortgagees, his, her, or their Executors or Administrators respectively, in the Presence of One or more credible Witnesses or Witnesses; and such Indorsement shall be, and be deemed to be, a full and sufficient Discharge to the said Company of Proprietors and their Successors, from the Mortgagor or Mortgagors, and Mortgagee and Mortgagees respectively, and his, her, or their respective Heirs, Executors, or Administrators, and also a full and sufficient Discharge of the Mortgagor or Mortgagors, his, her, or their Heirs, Executors, or Administrators, from the Mortgagee or Mortgagees, his, her, or their Heirs, Executors, or Administrators, for so much Money as shall be expressed in such Indorsement.

Application of Compensation when equal to Two hundred Pounds.

XXVII. And be it further enacted, That if any Money shall be agreed or awarded, to be paid for any Lands, Tenements, or Hereditaments, Timberwood, Brushwood, or Underwood, purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Body Politick, Corporate, or Collegiate, Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on Behalf of any Infant, Lunatick, Idiot, Feme Covert, or other Person whose 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 the Sum of Two hundred Pounds with all convenient Speed be paid into the Bank of England, in the Name and with the Privy of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the said Company of Proprietors, in the Intent that such Money shall be applied under the Direction, and with the Approbation of the said Court, to be signified by an Order made upon a Petition, to be preferred in a summary Way by the Person or Persons who would have been entitled to the Revenues and Profits of the said Lands, Tenements, or Hereditaments, Timberwood, Brushwood, or Underwood, in the Purchase of the Land, Tenement, or Discharge of any Debt or Debts, or such other Incumbrance or Part thereof, as the said Court shall authorize to be paid, applied, or used, for the said Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the Uses, Intents, or Purposes, or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court in the Purchase of any Lands, Tenements, or Hereditaments, which shall be offered for Sale, and upon such and the like Uses, Trusts, Intents, or Purposes, and in the same Manner as the said Judges, Lands, Tenements, and Hereditaments, Timberwood, Brushwood, or Underwood, which shall be purchased, taken, or used as aforesaid, settled, or limited, or such of them as, at the Time of making such Government and Settlement, shall be existing, unincumbered, and capable of being sold; and in the mean Time, and until such Purchase shall be made, the said Money, by Order of the Court of Chancery upon Application thereto, be invested by the Accountant General in his Name, in the Purchase of Three per Centum Consolidated, or Three Pounds per Centum Reduced Bank Annuities; and in the mean Time, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the

Application of Compensation when equal to Two hundred Pounds.

Dividends

Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall, from Time to Time, be paid by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, Timberwood, Brushwood, or Underwood, so hereby directed to be purchased, in case such Purchase or Settlement were made.

XXVII. Provided always, and be it enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, Timberwood, Brushwood, or Underwood, purchased, taken, or used, for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or be equal to 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 Hereditaments, Timberwood, Brushwood, or Underwood, so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid at the like Option to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by the said Company, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Dividends arising thereon, may be applied in any Manner herein-before directed, so as the Case be applicable without obtaining, or being required to obtain, the Direction or Approbation of the Court of Chancery.

Application where the Compensation shall be less than Two hundred Pounds, and exceed Twenty Pounds.

XXVIII. Provided also, and be it enacted, That where such Money so agreed or awarded to be paid as next before mentioned, shall be less than Twenty Pounds, then, and in all such Cases, the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments, Timberwood, Brushwood, or Underwood so purchased, taken, or used, for the Purposes of this Act, in such Manner as the said Company shall think fit, or in case of Infancy or Lunacy, then such Money shall be paid to his or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Application where the Money is less than Twenty Pounds.

XXIX. And be it further enacted, That any Person or Persons shall sustain any Damages in his, her, or their Lands, Waters, 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 their Committee, or by a Jury as aforesaid, and the same may be recovered, levied, and applied in Manner herein directed with regard to other Damages.

Damages not provided for to be settled.

XXX. And be it further enacted, That it shall and may be lawful for and for the said Company of Proprietors and their Successors, to raise and contribute

Proprietors to raise Money for making the Canal and Improvement.

at Interest, all or any Part of the said Sum of Ten thousand seven hundred Pounds, on the Credit of the Rates of the said Navigation, Canal, and Cuts respectively, and to assign the Property of the said Navigation, Canal, and Cuts respectively, and the Rates arising or to arise to the said Company of Proprietors, and their Successors, by virtue of this Act, or any Part thereof, (the Costs and Charges of assigning the same to be paid out of such Rates), as a Security for any Sum or Sums of Money so to be borrowed, with Interest to such Person or Persons, or to his, her, or their Trustee or Trustees who shall advance the same; all which said Assignments shall be made under the Common Seal of the said Company of Proprietors, and their Successors, in the Form or to the Effect following; (that is to say),

Form of
Mortgage.

‘ BY virtue of an Act of Parliament, made in the Forty-first Year of the
 ‘ Reign of King George the Third, intituled, *An Act* [Insert the Title of
 ‘ *this Act*], We, the Company of Proprietors of the said Navigation, incor-
 ‘ porated by and under the said Act, in Consideration of the Sum of
 ‘ to us in Hand paid by *A. B.* of
 ‘ do hereby bargain, sell, and assign
 ‘ unto the said *A. B.* his Executors, Administrators, and Assigns, the
 ‘ said Navigation, Canal, and Cuts respectively, and all and singular the
 ‘ Rates arising and payable to us by virtue of the said Act, and all our
 ‘ Estate, Right, Title, and Interest, of, in, and to the same, to hold
 ‘ unto the said *A. B.* his Executors, Administrators, and Assigns until
 ‘ the said Sum of with Interest for
 ‘ the same after the Rate of *per Centum per Annum,*
 ‘ shall be fully paid and satisfied. Given under our Common Seal, this
 ‘ Day of

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

Form of
Transfer.

‘ I *A. B.* of in Consideration of the Sum
 ‘ of paid by *C. D.* of
 ‘ do hereby transfer a certain Mortgage made by the Company of
 ‘ Proprietors of the *Exeter and Crediton* Navigation, to
 ‘ bearing Date the Day of
 ‘ for securing the Sum of and all Interest now
 ‘ due

due and to become due thereon, and all my Right and Property therein,
 to the said C. D. Executors, Administrators, and Assigns.
 Dated this Day of

And every such Transfer shall, within Thirty Days after the Date thereof, be produced to the Clerk of the said Company of Proprietors, who shall cause a Memorial to be made thereof in like Manner as of the original Mortgages or Assignments, for which the said Clerk shall be paid the Sum of Two Shillings and Sixpence, and no more, and every such Entry made of such Transfer shall from thenceforth entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the full Benefit of the original Mortgage, and it shall not from thenceforth be in the Power of any Person or Persons who shall have made such Assignment, to make void, release, or discharge the original Mortgage, or any Money thereby secured, or any Part thereof; and the Interest of the Money which shall be borrowed or raised by Mortgage as aforesaid, shall be provided for and paid half-yearly to the several Persons entitled thereto, before any Interest or Dividends due to the said Company of Proprietors or their Successors, or any of them, shall be paid, made, or divided.

Interest of Money borrowed to be paid in Preference to Dividends.

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

Notice to be given of paying off Money.

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

Mortgagees and Assignees not to vote on account of having lent Money.

XXXVII. And be it further enacted, That the said Company of Proprietors shall assemble on the Fourth *Saturday* after the passing of this Act, at the *Swan Tavern* in the City of *Exeter* aforesaid, between the Hours of Eleven in the Forenoon and One in the Afternoon, for the Purpose of putting this Act in Execution, and shall afterwards, on the Fourth *Saturday* in the Month of *June* in each and every Year, assemble at such Place and at such Hour, not being more than Five Miles distant from the said Navigation, Canal, or Cuts respectively, as the said Company of Proprietors or their Successors shall at any Assembly appoint, and in case no Place or Hour shall have been so appointed, then such General Assembly shall be holden where the last General Assembly was holden.

First and General Assemblies.

XXXVIII. And be it further enacted, That the said Company of Proprietors at their respective Assemblies shall and may appoint a Chairman, and such Chairman shall not only vote as a Proprietor or Proxy, but in case of an Equality of Votes shall have the decisive or casting Vote.

Chairman to be appointed.

XXXIX. And

Committee to
be appointed.

XXXIX. And be it further enacted, That the said Company shall, at their said First General Assembly, nominate and appoint by Ballot Eleven Persons of and out of the Proprietors of the said Company, to be a Committee for the Management of the Concerns of the said Company, until the next General Assembly, to be holden on the Fourth *Saturday* in the Month of *June* then next ensuing; and the Powers of the said Committee shall then cease and determine, and the said Company of Proprietors assembled at such General Assembly shall proceed to the Nomination and Appointment of another Committee, or may appoint the said Committee, or any Member or Members thereof, and so in like Manner at every ensuing General Assembly, and the Powers of such Committee shall continue until the next General Assembly, and shall then cease and determine; but no Person holding any Place, Office, Employment, or Contract, under the said Company, shall be capable of serving upon any Committee during the Time of his Continuance in such Place, Office, or Employment, or holding such Contract: Provided always, That it shall and may be lawful to and for the said Company of Proprietors and their Successors, at any Special Assembly, to be convened in Manner herein directed, to remove any Member of the said Committee, and to nominate another Person qualified as aforesaid, in the Room or Stead of every Member of the said Committee who shall die, be so removed, refuse to act, or shall hold any Place, Office, Employment, or Contract under the said Company, or shall cease to be a Proprietor in the said Navigation, Canal, and Cuts respectively, and every Person so nominated by the said Special Assembly shall have the like Power and Authority, as if he had been nominated by the said General Assembly.

Proprietors
may make
Bye Laws.

XL. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors and their Successors, at any General Assembly, to order and dispose of the Custody of their Common Seal, and the Use and Application thereof, and to make such Rules, Bye Laws, and Orders, for the good Government of the said Company, and of the said Committee, and of their Servants, Agents, or Workmen, and for the whole, complete, and total Superintendance and Management of the said Navigation, Canal, and Cuts respectively, and of the Bargemen, Watermen, Boatmen, and others who shall navigate, or who shall convey any Timber, Stone, Goods, Wares, or any other Article or Thing, upon any Part of the said Navigation, Canal, or Cuts respectively, and to impose and inflict such reasonable Fines or Forfeitures upon all Persons who shall offend against any such Rules, Bye Laws, or Orders, as to them shall seem meet, not exceeding the Sum of Five Pounds for any Offence, which said Rules, Bye Laws, and Orders, being reduced into Writing, under the Common Seal of the said Company of Proprietors, and being printed and affixed upon every public Wharf on the said Navigation, Canal, and Cuts respectively, in some conspicuous Place, shall be binding upon, and observed by all Parties using, or in any Way concerned in the said Navigation, Canal, or Cuts respectively, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same, provided that they be not inconsistent with, or repugnant to the Laws of this Realm, or to the Provisions and Directions in this Act contained, or to any of them; and all Accounts of Money received, laid out, and disbursed on Account of the said Navigation, Canal, or Cuts respectively, by the Treasurers, Receivers, or Collectors of the Rates, and other

other Officers by them appointed, or by any other Person or Persons whomsoever employed by, or concerned for or under them, in and about the said Navigation, Canal, or Cuts respectively, or the Works thereto belonging, shall be laid before the said general Assembly to be audited and settled; but no Vote or Votes by Proxy shall be given, or have any Power in, or as to the Audit and Settlement of Accounts; and the said Company of Proprietors and their Successors shall have Power to adjourn themselves, from Time to Time, to such Place or Places as shall at such General Assemblies be thought proper and convenient.

XLI. Provided always, and be it enacted, That if at any such General Assembly there shall not be Persons present, either as Principals or Proxies, who shall be possessed of or entitled unto at least Twenty-five Shares in the said Undertaking, no Choice of any Committee, nor any Removal of any Person or Persons from any such Committee, nor any Election of any Person or Persons in the Room of such of the Members of any such Committee who shall die or decline to act, shall be made at that Time; but in such Case, there shall be another General Assembly of the said Company of Proprietors at the same Place, upon or before that Day Fortnight, and if there shall not then be present Persons possessing Twenty-five Shares, then another Meeting shall be appointed that Day Fortnight, and if there shall not still be assembled Persons possessing Twenty-five Shares, then the existing Committee shall continue to act till the Fourth *Saturday* in the Month of *June* then next ensuing, (when the next stated annual Assembly will take place), and the Persons chosen at such of those intermediate Meetings to be of such Committee shall have the same Powers which they would have had, and shall continue in such Office until such Time as they would have done, had they been chosen by any General Assembly on the Day first appointed for holding the same; and in case of Failure of the assembling of a sufficient Number of Proprietors having such Shares as Principals or Proxies at such General Assembly, every Proprietor who shall not attend such Second or Third General Assembly, in Person or by Proxy, shall forfeit to the said Company of Proprietors and their Successors, for every Share which he or she shall possess in the said Undertaking, the Sum of Twenty 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 Twenty 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.

General Assemblies for choosing Committees to consist of 25 Shares.

XLII. And be it further enacted, That if it shall at any Time appear that for the more effectually putting this Act into Execution, a Special Assembly of the said Company of Proprietors is necessary to be holden, it shall and may be lawful to and for any Five or more of the said Proprietors who may collectively be possessed of or entitled unto Ten Shares at least in the said Undertaking, to cause Fourteen Days Notice at least to be given thereof, in one or more Newspaper or Newspapers, printed and circulated in the said County of *Devon*, or in such other Manner as the said Company of Proprietors or their Successors shall at any General

Assembly of Proprietors may be specially convened.

Assembly direct or appoint, specifying in such Notice the Reason and Intention of requesting such Special Assembly, and the Time when and Place where the same shall be holden, which Place shall be within Five Miles of the said Navigation, Canal, or Cuts respectively; and the said Proprietors are hereby authorized to meet pursuant to such Notice, and such of them as shall be present shall proceed to the Execution of the Powers by this Act given to the said Company of Proprietors, with respect to the Matters so specified only; and all such Acts of the Proprietors, or of the major Part of them, met together at every such Special Assembly (provided such major Part shall be possessed of at least Twenty-five Shares in the said Undertaking, either as Principals or Proxies), shall be as valid with respect to the Matters specified in such Notice, as if the same had been done at any General Assembly.

General Assembly to elect and appoint Officers,

and take Security from them.

XLIII. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors and their Successors, at any General Assembly, and they are hereby authorized and required, from Time to Time, to nominate and appoint, under the Common Seal of the said Company of Proprietors, a Treasurer or Treasurers, and One or more Collector or Collectors of the Rates and Tolls herein allowed to be demanded and taken, and also One or more Clerk or Clerks to the said Company of Proprietors, and also to such Committee, and such other Officers as to them shall seem meet, granting to them respectively such Salary, and taking such Security from such Treasurer, Clerk, Collector, or other Officer, 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 of Proprietors or their Successors shall think proper; and such Clerk or Clerks shall, in a proper Book or Books to be provided by the said Company of Proprietors for that Purpose, enter and keep a true and perfect Account of the Names and 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 entitled to any Share or Shares therein, and of all Acts, Proceedings, and Transactions of the said Company of Proprietors and Committee respectively, and each of the said Proprietors of the said Undertaking shall and may at all convenient Times have recourse to, and peruse and inspect the same, paying for such Perusal and Inspection the Sum of One Shilling and no more, and may demand and have Copies thereof, or of any Part thereof, paying for every One hundred Words, so to be copied, the Sum of Sixpence, and so in Proportion for any less Number of Words; and if any such Clerk or Clerks to the said Company or Committee shall refuse or neglect to permit any Proprietor or Proprietors, so interested as aforesaid, to inspect and peruse such Book or Books of Proceedings, at all convenient Times and Seasons, or refuse to make any such Copy or Copies at the Rate or Price aforesaid, he shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and in case, by Reason of any Negligence, Misconduct, or Inability, in any Treasurer, Collector, or Clerk, or other Officer to execute such Office or Offices, it shall be requisite to displace or remove him or them, then, and in every such case, it shall and may be lawful to and for the Proprietors assembled at any such General or Special Assembly as aforesaid, or for the Committee of the said Proprietors, to remove any such Treasurer, Collector, or Clerk; and in case any such Collector, Treasurer, or Clerk, or other Officer shall die, be removed from, or quit the Service of the

the said Company of Proprietors, or of the said Committee, then, and in every such case, it shall and may be lawful to and for the said Company of Proprietors at their said General or Special Assemblies, 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 the 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 General or Special Assembly 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 or Special Assembly may think proper.

XLIV. And be it further enacted, That all such Officers and Persons so to be appointed as aforesaid, shall, under their Hands, at such Time and Times, and in such Manner as the said Company of Proprietors, or their Successors, or such Committee shall direct, deliver to the said Company of Proprietors, or to such Committee, or to such Person or Persons as they respectively shall appoint, true and perfect Accounts in Writing, of all Matters and Things committed to their Charge by virtue of this Act, and also of all the Monies which shall have been by such Officer or Officers, and Person or Persons respectively received, by virtue and for the Purposes of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper and legal Receipts and Vouchers for such Payments, and shall pay all such Monies as shall remain in their respective Hands, to the said Company of Proprietors, or their Successors, or to such Committee, or to such Person or Persons as they respectively shall appoint; and if any such Officer or Person shall refuse to produce or deliver up such Receipts or Vouchers, or to make Payment as aforesaid, or shall not deliver to the said Company of Proprietors, or their Successors, or to such Committee, or to such Person or Persons as they respectively shall appoint, within Ten Days after being thereunto required by the said Company of Proprietors, or their Successors, or by such Committee, all Books, Papers, and Writings in his or their Custody or Power, relating to the Execution of this Act, or shall refuse or neglect to pay such Monies, as upon the Balance of any Account or Accounts shall appear to be in their respective Hands to the said Company of Proprietors, or their Successors, or to such Committee, or as they respectively shall direct or appoint, then, and in either of the Cases aforesaid, the said Company of Proprietors, or their Successors, may and are hereby authorized and empowered to bring, or cause to be brought, any Action or Actions against the Officer or Officers, Person or Persons, so neglecting or refusing as aforesaid, in order for the Recovery of the Monies that shall be in the Hands of such Officer or Officers, Person or Persons respectively, or if Complaint shall be made by the said Company of Proprietors, or their Successors, or by such Committee, or by such Person or Persons as they respectively shall appoint for that Purpose, of any such Refusal or Neglect as aforesaid, to any Two or more of the Justices of the Peace for the County or Place wherein such Officer or Officers, Person or Persons so neglecting or refusing shall be and reside, such Justices may, and are hereby authorized and required, by a Warrant or Warrants under their Hands and Seals, to cause the Officer

Officers, &c.
to account.

or

or Officers, Person or Persons so refusing or neglecting, to be brought before them, and upon his or their appearing, or not sending some sufficient Excuse to the Satisfaction of the said Justices, or not being to be found, to hear and determine the Matter in a summary Way; and if, upon the Confession of the Party or Parties, or by the Testimony of any credible Witness or Witnesses upon Oath, (which Oath such Justices are hereby authorized and required to administer), it shall appear to such Justices that any of the Monies that shall have been collected or raised by virtue of this Act shall be in the Hands of such Officer or Officers, Person or Persons, such Justices may, and are hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants under their Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively, and if no Goods or Chattels of such Officer or Officers, Person or Persons can be found, sufficient to answer and satisfy the said Money, and the Charges of taking and levying the same, or if such Officer or Officers, Person or Persons, shall still persist in refusing or neglecting to deliver up all such Books, Papers, and Writings as aforesaid, to the said Company of Proprietors, or their Successors, or to such Committee, or as they shall respectively appoint, then, and in any or either of the Cases aforesaid, such Justices shall commit every such Offender to the Common Goal for the said County of *Devon*, there to remain without Bail or Mainprize, until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Company of Proprietors, or their Successors, or with the said Committee, and shall have paid such Composition in such Manner as they respectively shall appoint, and until he shall deliver up such Books, Papers, and Writings as aforesaid, or give Satisfaction in respect thereof to the said Company of Proprietors, or their Successors, or to such Committee.

Powers of
Committees.

XLV. And be it further enacted, That no Resolution shall be taken, or Business done, (except for the Purpose of Adjournment), at any of the Meetings of the said Committee, unless Five Persons of such Committee shall be present, and that no Member of the said Committee shall have more than One Vote in any Committee, and at every Meeting a Chairman shall be chosen by and out of the said Committee, who in case of an Equality of Votes upon any Question which may be agitated in the said Committee, shall have the casting Vote, although he may have given One Vote before; and that all the Powers and Authorities hereby vested in or directed to be exercised by the said Committee, may be done and exercised by the major Part of them present at their respective Meetings, the whole Number present not being less than Five; and every such Committee shall, from Time to Time, make Reports of their Proceedings to the said General Assemblies, and if required to the said Special Assemblies of the Proprietors, and shall obey their Orders and Directions, and the said Committee shall (subject nevertheless at all Times to such Orders and Directions as aforesaid) meet at such Times and Places, and shall from Time to Time adjourn themselves to such other Times and Places, as they shall think fit; 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 Company of Proprietors, and their Successors, such Sum and Sums of Money as shall be directed, adjusted, and settled, by the said Company of Proprietors, and their Successors, and the said Committee

mittee shall and may contract for, and agree for the Purchase of the Lands, Tenements, and Hereditaments, that may be taken or used for the Purposes of the said Navigation, Canal, or Cuts respectively, and the Works thereunto belonging, and shall and may settle, determine, and adjust, all Matters, Questions, and Differences which shall or may arise between the said Company of Proprietors, and the several Owners of and Persons interested in any Lands, Tenements, or other Hereditaments which shall or may be taken, used, damaged, or affected by the Execution of any of the Powers hereby granted, which Contracts and Determinations shall be binding on the said Company of Proprietors; and shall and may make Agreements, Contracts, and Bargains, with the Workmen, Agents, Undertakers, and other Persons employed or concerned in making, improving, and completing, the said Navigation, Canal, or Cuts respectively, and all and every Part or Parts thereof, and of the Works thereunto appertaining or belonging, which shall also be binding on the said Company of Proprietors; and the said Committee shall (subject nevertheless to the Orders and Directions of such Assemblies as aforesaid,) have full Power and Authority to direct and manage all and every the Affairs of the said Company of Proprietors and their Successors; and the said Committee shall, by themselves or their Clerk or Clerks aforesaid, keep a full and true Account of all Money disbursed, and Payments made by the said Committee, and by all and every Person and Persons employed by or under them, and of all and every Sum and Sums of Money which they shall receive on Behalf or in Respect of the said 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 Concern, 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 as aforesaid, write, insert, and enter into a Book or Books, to be from Time to Time provided at the Expence of the said Company of Proprietors for that Purpose, Notes, Minutes, or Copies (as the Case shall require) of every such Contract, Bargain, Receipt, and Disbursement, 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 at all seasonable Hours, shall have free Access thereto for his or her Inspection); and 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 Navigation, Canal, and Undertaking, to defray the Expences of, or to carry on the same, as they from Time to Time shall find wanting and necessary for those Purposes, so that no such Call shall exceed the Sum of Ten Pounds for every One hundred Pounds, and so in Proportion for any greater or less Share or Interest, 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 but at the Distance of Three Calendar Months at least from each other, and Twenty-one Days Notice at the least shall be given of all such Calls as aforesaid, by Advertisement in One or more Newspaper or Newspapers printed and circulated in the said County of Devon; 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, appoint and direct; and if any Person or Persons shall neglect or refuse

Committees
to make Calls.

to pay his, her, or their rateable or proportionable Part of the said Money so called for as aforesaid, at the Time and Place appointed by such Committee, it shall be lawful for the said Company of Proprietors and their Successors, to sue for and recover the same in any of His Majesty's Courts of Record, by Action of Debt or on the Case; and in case such Person or Persons shall continue to neglect or refuse to pay his, her, or their rateable Calls as aforesaid, for the Space of Twenty-one Days next after the Time so appointed for Payment thereof, then he, she, or they, so neglecting or refusing, shall forfeit and pay the Sum of Twenty Shillings for every Share, and in case such Person or Persons shall continue to neglect or refuse to pay his, her, or their rateable Calls as aforesaid, for the Space of Six Calendar Months next after the Time so appointed for Payment thereof, then he, she, or they, so neglecting or refusing, shall forfeit his, her, or their respective Share and Shares in the said Undertaking, and all the Profits and Benefits thereof; all which Shares so forfeited shall be vested in the said Company of Proprietors and their Successors, in Trust for, and for the Benefit of, all the Rest of the said Proprietors, in Proportion to their respective Interests in the said Undertaking, or shall, at the Discretion of the said General or Special Assemblies, be publicly sold for the Use of the Rest of the said Proprietors, whose Shares and Interests shall not have been forfeited as aforesaid: Provided nevertheless, That no such Forfeiture of any Share or Shares in the said Undertaking shall be, or be deemed to be, incurred, save and except personal Notice of such Call or Calls in Writing, signed by the Clerk or Clerks to the said Company of Proprietors or Committee, shall have been given to, or such Notice left at the usual Place or Places of Abode of the Owner or Owners of such Share or Shares respectively, and the same Share or Shares shall likewise be declared to be forfeited, at the next General or Special Assembly of the Company of Proprietors.

Shares may be forfeited, but no Advantage to be taken of Forfeiture, without personal Notice.

On the Death of Subscribers before Share completed, Executors may do it.

XLVI. And be it further enacted, That if any Owner or Owners of any Share or Shares in the said Undertaking shall happen to die before such Call or Calls shall have been made for the full Sum to be advanced on any Share or Shares which he, she, or they shall have been possessed of or entitled to, without having made Provision by Will or otherwise, how or in what Manner such Share or Shares shall be disposed of, and how or by what Means the future Calls in respect thereof shall be paid to the said Company of Proprietors for the Purpose of the said Undertaking, then and in such Case the Executors or Administrators of any such Owner so dying, or the Trustee or Trustees, Committee or Committees of any Lunatick or Lunatics, Guardian or Guardians of any Infant or Infants, or of any other Person or Persons entitled to the Estate and Effects of such deceased Owner, shall be indemnified against all and every such Infant or Infants, and against all and every other Person or Persons whomsoever, for or on Account of his, her, or their having paid any Sum or Sums of Money when called for as aforesaid to complete every such Subscription; and if such deceased Owner or Owners shall not have left Assets sufficient, or in case the Executors or Administrators, Trustee or Trustees, Committee or Committees, Guardian or Guardians, shall refuse or neglect to answer such Calls, the said Company of Proprietors shall be, and they are hereby authorized and required to admit any other Person or Persons to be Proprietors or Proprietors of the Share or Shares of such deceased Owner or Owners, on Condition that he, she, or they so admitted, do and shall, on or before

before such Admission, pay to the Executors or Administrators of such deceased Owner or Owners, or to the Trustee or Trustees, Committee or Committees, Guardian or Guardians of any Infant or Infants, or to any other Person or Persons who may be entitled to his or her Effects, the full Sum and Sums of Money which shall have been paid by such Owner or Owners in his, her, or their Life-time, by virtue of any Call or Calls, or otherwise upon such Share or Shares, or such other Sum or Sums of Money as the same can be sold for.

XLVII. And be it further enacted, That it shall and may be lawful to and for the several Proprietors of the said Undertaking, his, her, or their respective Executors, Administrators, or Assigns, to sell and dispose of any Share or Shares to which he, she, or they may be entitled therein, subject to the Rules and Conditions herein mentioned, the Conveyance of which Shares shall or may be in the Form, or to the Effect following :

Shares may be sold.

‘ I A. B. of _____ in Consideration of _____ do hereby
 ‘ paid to me by C. D. of _____
 ‘ bargain, sell, assign, and transfer to the said C. D. the Sum of _____
 ‘ Capital Stock, of and in the *Exeter and Crediton* Naviga-
 ‘ tion, being Part [or the Whole, *as the Case may be*] of my Share or Shares
 ‘ in the said Undertaking : To hold to the said C. D. _____ Execu-
 ‘ tors, Administrators, and Assigns, subject to the same Rules, Orders, and
 ‘ Restrictions, and on the same Conditions that I held the same immedi-
 ‘ ately before the Execution hereof ; and I the said C. D. do hereby agree
 ‘ to take and accept the said Capital Stock or Share of _____
 ‘ subject to the same Rules, Orders, Restrictions, and Conditions. As
 ‘ Witness our Hands and Seals, the _____ Day
 ‘ of _____

Form of Conveyance of Shares.

And on every such Sale the said Deed of Conveyance (being executed by the Seller or Sellers, and the Purchaser or Purchasers of such Share or Shares) shall be kept by the said Purchaser or Purchasers for his, her, or their Security, after the Clerk or Clerks to the said Company of Proprietors shall have entered in a proper Book or Books to be kept for that Purpose, a Memorial of such Transfer and Sale for the Use of the said Company, and have testified or indorsed the Entry of such Memorial, on the said Deed of Sale or Transfer, for which no more than Two Shillings and Sixpence shall be paid, and the said Clerk or Clerks is and 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 in respect thereof, as a Proprietor or Proprietors of the said Undertaking.

XLVIII. And be it further enacted, That after any Call of such Money shall have been made by such Committee as aforesaid, no Person or Persons shall sell or transfer any Share or Shares which he, she, or they shall possess in the said Undertaking, on Pain of forfeiting his, her, or their respective Share or Shares therein to the said Company of Proprietors, and their Successors, in Trust, for the Benefit of all the said Proprietors, unless he, she, or they, at the Time of such Sale or Transfer, shall have paid and discharged, or shall then pay and discharge to the Treasurer

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

Treasurer of the said Company of Proprietors, the whole and entire Sum of Money which shall have been called for upon each Share so sold or transferred, such Forfeiture nevertheless to be notified and declared at a General or Special Assembly in Manner before directed.

Regulations as to the Acquisition of Shares

by Marriage,

by Will, or in Course of Administration.

XLIX. And, in Order to prevent Inconvenience by the frequent Change of the Right and Title to the Shares of and in the said Undertaking by the Marriage and Death of Proprietors, and the Difficulty in such Cases of ascertaining to whom the Dividends arising or becoming due upon such Shares ought to be paid and do belong; be it therefore enacted, That before any Person or Persons who shall claim any Part or Share of the Profits of the said Undertaking, in Right of Marriage, shall be entitled to receive the same, an Affidavit containing a Copy of the Register of such Marriage, or the Effect of such Register, shall be made and sworn to by some credible Person before One of the Judges at Westminster, or a Master or Masters Extraordinary in Chancery, or any One of His Majesty's Justices of the Peace for the said County of Devon, and the said Judges, Master or Masters Extraordinary in Chancery, and Justices of the Peace, are hereby authorized and empowered to swear any such Person to such Affidavit, and such Affidavit shall be transmitted to the Clerk or Clerks to the said Company of Proprietors for the Time being, who shall file the same, and make an Entry thereof in the Book or Books which shall be kept by the said Clerk or Clerks for the Entry of Transfers and Sales of Shares in the said Undertaking; and that before any Person or Persons who shall claim any Part or Share of the Profits of the said Undertaking by virtue of any Bequest or Will, or in a Course of Administration, shall be entitled to receive the same, the said Will, or the Probate Copy thereof, shall be produced and shewn to the said Clerk, or an Affidavit containing a Copy of so much of such Will as shall relate to the Share or Shares of the Testator, or of the Letters of Administration, in case the Proprietor shall have died Intestate, shall be made and sworn to by an Executor or Executors of such Will, or by an Administrator or Administrators of the Estate and Effects, (as the Case may happen to be), before One of the Judges at Westminster, or Master or Masters Extraordinary in Chancery, or One of His Majesty's Justices of the Peace for the said County of Devon, and shall also be transmitted to the said Clerk or Clerks, who shall file and enter the same in Manner herein mentioned.

Company to admit Land-owners to Shares, upon certain Conditions.

L. And be it further enacted, That in case any Person or Persons, Bodies Politick, Corporate, or Collegiate, who now is or are the Owner or Owners, or in the actual Possession, or entitled to the Rents and Profits of any of the Lands through which the Line of the said Navigation, Canal, or Cuts shall pass, or in which any Reservoir or Basin shall be made, (provided the Quantity of Land belonging to any such Person or Persons, Body Politick, Corporate, or Collegiate, necessary to be made use of for such Purpose, shall amount to One Acre, or the Line of Navigation, Canal, or Cuts intended to pass through the Land of such Person or Persons, Body Politick, Corporate, or Collegiate, shall extend to One Tenth Part of a Mile in length), shall be desirous of becoming a Proprietor of the said Undertaking, shall put in Writing under his or her Hand, or the Common Seal of such Body Politick, Corporate, or Collegiate, attested by Two or more credible Witnesses, to be delivered to the Clerk of the said Company of Proprietors, within the Space of Two Calendar

And in case any Person or Persons, Bodies Politick, Corporate, or Collegiate, who now is or are the Owner or Owners, or in the actual Possession, or entitled to the Rents and Profits of any of the Lands through which the Line of the said Navigation, Canal, or Cuts shall pass, or in which any Reservoir or Basin shall be made, (provided the Quantity of Land belonging to any such Person or Persons, Body Politick, Corporate, or Collegiate, necessary to be made use of for such Purpose, shall amount to One Acre, or the Line of Navigation, Canal, or Cuts intended to pass through the Land of such Person or Persons, Body Politick, Corporate, or Collegiate, shall extend to One Tenth Part of a Mile in length), shall be desirous of becoming a Proprietor of the said Undertaking, shall put in Writing under his or her Hand, or the Common Seal of such Body Politick, Corporate, or Collegiate, attested by Two or more credible Witnesses, to be delivered to the Clerk of the said Company of Proprietors, within the Space of Two Calendar

Calendar Months next after the passing of this Act, signify his, her, or their Intention to become a Subscriber, and the Sum he, she, or they is or are willing to contribute and advance for or towards this Undertaking; then the said Company of Proprietors and their Successors are hereby required to admit every such Person or Persons, Bodies Politick, Corporate, or Collegiate to be a Proprietor or Proprietors of the said Undertaking; and every such Person or Persons, and Bodies Politick, Corporate, or Collegiate, shall, after the Delivery of such Notice as aforesaid, be compellable to become a Subscriber or Subscribers, according to the Quantity of his, her, or their Land so to be taken and made use of for such Purpose as aforesaid; and the said Company of Proprietors and their Successors, in case of Failure of Payment of the Money for any such Shares, for which such Person or Persons, Bodies Politick, Corporate, or Collegiate shall subscribe, in Proportion to what may have been paid by the other Proprietors, shall have Power to deduct the same out of the Purchase Money for the Land to be taken and made use of for such Purpose as aforesaid; and after such Payment shall be made by or on Behalf of such Person or Persons, Bodies Politick, Corporate, or Collegiate, he, she, and they shall be united and incorporated, and be Part of the said Company of Proprietors, and shall be a Proprietor of a Share in the said Undertaking, for every One hundred Pounds of the Money which he, she, or they shall so pay, not exceeding One Share for One Acre in Quantity, or One Tenth Part of a Mile in Length of the Land so to be taken and used for the Purposes aforesaid.

LI. Provided always, and be it further enacted, That in case any Body Politick, Corporate, or Collegiate, who is or are the Owner or Owners as aforesaid, shall refuse or decline to subscribe as aforesaid, it shall and may be lawful to and for the Lessee or Lessees holding and being in Possession of any Lands under the said Body Politick, Corporate, or Collegiate, (except Lessees at Rack Rent), to become a Subscriber or Subscribers, in his, her, or their own Names, for as many Shares in the said Undertaking as are in Proportion to the Lands in their respective Possessions which shall be necessary to be taken and used as aforesaid, and in the same Manner as if the same Lands were their own respective Estates of Inheritance; and the said Lessee or Lessees so subscribing as aforesaid, shall be admitted as a Proprietor or Proprietors in the said Undertaking for the Share or Shares by him, her, or them so subscribed, in like Manner, and upon the same Terms, as any other Proprietor in the said Undertaking: Provided, That nothing herein-before contained shall oblige the said Company of Proprietors, and their Successors, to admit such Land Owners as aforesaid, or their Lessees, to become Subscribers to the said Undertaking on Account of taking or using their Lands for the Purposes aforesaid, for any greater Sum collectively than Seven thousand Pounds; and in case such Land Owners and Lessees shall have required collectively in Manner aforesaid, to become such Subscribers for a greater Sum than the said Sum of Seven thousand Pounds, the said Company of Proprietors, and their Successors, are hereby directed to apportion and divide the said Sum of Seven thousand Pounds between the said Land Owner or Land Owners, or his, her, or their Lessee or Lessees, who shall have required to become such Subscribers within the Time before limited for that Purpose, according and in Proportion to the Shares which he, she, or they shall have required to become Subscribers for.

Lessees may become Proprietors where Landowners decline it.

Names of Proprietors to be entered, and Certificates of their Shares delivered to them.

LII. And be it further enacted, That the said Company of Proprietors shall, and they are hereby required to cause the Names and proper Additions of the several Persons who shall be entitled to the Shares in the said Undertaking, with the Number of the Shares which they are respectively entitled to hold, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Book to be kept by the Clerk to the said Company of Proprietors, and after such Entry, to cause their common Seal to be affixed thereto, and shall also cause a Certificate or Instrument, with the Common Seal of the said Company affixed thereto, to be delivered to every such Subscriber upon Demand, specifying the Share or Shares to which he or she is entitled in the said Undertaking, every such Proprietor paying to the Clerk Two Shillings and Sixpence and no more, for every such Certificate or Instrument, and such Certificate or Instrument shall be admitted in all Courts whatever, as Evidence of the Title of such Subscriber, his or her Executors, Administrators, and Assigns, to the Share or Shares therein specified; but the Want of such Certificate or Instrument shall not hinder or prevent the Owner of any of the said Shares from selling or disposing thereof.

Rates to be taken.

LIII. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors and their Successors, 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 herein-after mentioned, for the Tonnage and Wharfage of all Timber, Chalk, Lime, Limestone, Manure, Minerals, Merchandizes, and other Goods, Matters, and Things whatsoever, which shall be carried or conveyed upon any Part of the said Navigation, Canal, and Cuts respectively, or either of them; (that is to say),

Rates of Tonnage.

For all Timber to be navigated and conveyed upon the said Navigation, Canal, or Cuts respectively, or any Part thereof, the Sum of One Shilling *per Ton per Mile*, and so in Proportion for any greater or less Quantity than a Ton, or greater or less Distance than a Mile; and for all Free-stone, Bricks, Tiles, Slates, Corn, Hay, Straw, Faggots, Sand, Stones, Coals, Culm, Coke, Cinders, Minerals, Fruit, and all other Goods and Commodities whatsoever, (except Timber above mentioned; and also except Articles of Manure as herein-after mentioned), the Sum of Sixpence *per Ton per Mile*, and so in Proportion for any greater or less Quantity than a Ton, or greater or less Distance than a Mile; and for all Limestone, Dung, Chalk, Marle, Clay, Compost, and all other Articles, (except Lime) to be actually used for Manure, the Sum of Two-pence *per Ton per Mile*, and so in Proportion for any greater or less Quantity than a Ton, or greater or less Distance than a Mile; and for all Lime to be actually used for Manure, the Sum of One-penny Half-penny *per Hogshead per Mile*, and so in Proportion for any greater Quantity than an Hogshead, or greater or less Distance than a Mile.

No Passage on the Towing Paths, except for Horses, &c. employed in towing, or in Repairs, &c. or not going from Field to Field, etc.

LIV. Provided always, and be it enacted, That it shall not be lawful for any Horse, Beast, or other Cattle, (not haling or drawing any Boat, Barge, or other Vessel, or not used or employed in and about the improving, constructing, or repairing of the said Navigation, Canal, or Cuts, or the Towing Paths or other Works belonging thereto, or connected therewith, or not going from Field to Field, or to or from Water

or

or Pasture, or not belonging to the said Company of Proprietors), to pass along any of the said Towing Paths, Railways, or Stone Roads belonging to the said Company of Proprietors; and the said Company of Proprietors, and their Successors, are hereby authorized and required, from Time to Time, to hinder and prevent all Horses, Beasts, or other Cattle, (not haling or drawing any Boat, Barge, or other Vessel, or repairing of the said Navigation, Canal, or Cuts, or the Towing Paths or other Works belonging thereto or connected therewith, or not going from Field to Field, or to or from Water or Pasture, or not belonging to the said Company of Proprietors as aforesaid), from passing along any of the said Towing Paths, Railways, or Stone Roads.

LV. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, and their Successors, to demand and take, to and for their own Use and Benefit, any additional Rate not exceeding Two-pence *per* Ton, on every Boat, Barge, or other Vessel, entering, or which shall enter, any Bason or Pen of Water, which shall be constructed and maintained by the said Company of Proprietors, and their Successors, for the Reception and secure mooring of Boats, Barges, and other Vessels, and so in Proportion for any greater or less Quantity than a Ton. Rates for entering Basons.

LVI. And be it further enacted, That in all Cases where there shall be a Fraction of a Quarter of a Mile in the Distance which any Boat, Barge, or other Vessel shall be navigated or pass upon the said Navigation, Canal, and Cuts respectively, or either of them, such Fraction shall, in ascertaining the said Rates, be deemed and considered as a whole Quarter of a Mile, and that in all Cases where there shall be a Fraction of a Ton in the Weight of Lading in any Boat, Barge, or other Vessel, so to be navigated on the said Navigation, Canal, and Cuts respectively, or either of them, a Proportion of the said Rates shall be demanded and taken by the said Company of Proprietors, and their Successors, for such Fraction, according to the Number of Quarters of a Ton contained therein, and in all Cases where there shall be a Fraction of a Quarter of a Ton in any such Weight of Lading as aforesaid, such Fraction shall be deemed and considered as a whole Quarter of a Ton; and in all Cases where there shall be a Fraction of an Hogshead of Lime, such Fraction shall be deemed an Whole Hogshead; all which said Rates and Tolls shall be paid to such Person or Persons, at such Place or Places near to the said Navigation, Canal, and Cuts respectively, or any Part thereof, in such Manner, and under such Regulations, as the said Company of Proprietors, or their Successors, shall direct or appoint; and in case of Denial or Neglect of Payment of any such Rates or Tolls, or any Part thereof, on Demand, to the Person or Persons appointed to receive the same as aforesaid, the said Company of Proprietors, and their Successors, may sue for the same by Action of Debt, or upon the Case, in any of His Majesty's Courts of Record at *Westminster*, or the Person or Persons to whom such Rates or Tolls ought to have been paid, may, and he and they is and are hereby empowered to seize the Goods or other Things, for or in respect whereof any such Rates ought to be paid, or any Part thereof, or the Boat, Barge, or other Vessel laden therewith, or the Horse or Horses, Beasts, or Cattle, for or in respect of which such Tolls ought to be paid as aforesaid, and detain

detain the same until such Payment shall be made, together with reasonable Charges for such Seizure and Detention; and if such Goods, or other Things, Boat, Barge, or other Vessel, Horse or Horses, Beasts, or Cattle, shall not be redeemed within Five Days next after the taking thereof, the same shall be sold as the Law directs in Cases of Distress for Rent, and the said Company of Proprietors, and their Successors, shall have full Power, from Time to Time, at any General or Special Assembly, to lower or reduce all or any of the said Rates and Tolls, and again to raise the same to such Sums as they shall think proper, not exceeding the Sums before mentioned, as often as it shall be deemed necessary for the Interest of the said Undertaking.

Company em-
powered to
lease the
Rates.

LVII. And be it further enacted, That it shall be lawful for the said Company of Proprietors and their Successors, and they are hereby authorized and empowered, at any of their General or Special Assemblies, by Writing under their Common Seal, at any Time or Times to let to farm the Rates hereby made payable, or any Part or Parts thereof, upon the Whole or any Part or Parts of the said Navigation, Canal, or Cuts respectively, unto any Person or Persons for any Time or Term they shall think proper, not exceeding One Year from the Commencement of any Lease, and every such Lease shall be valid and effectual; and the Lessee or Lessees thereof, and also such Person or Persons as such Lessee or Lessees shall appoint to collect and receive the Rates so let, shall, during the Continuance of every such Lease, be deemed Collectors of the Rates so let, and shall have the same Power and Authority for collecting and recovering the same, as if they had been appointed for that Purpose by the said Company of Proprietors and their Successors; provided publick Notice of the Intention to let the said Rates, or any Part thereof, be given by Writing by the Committee or their Clerk, by Advertisements published in such Newspaper as aforesaid, at least Fourteen Days prior to any such General or Special Assembly, at which the said Rates or any Part thereof are proposed to be let as aforesaid.

Masters of
Boats to give
an Account of
their Lading.

LVIII. And for the better ascertaining and more easy and effectual collecting of the said Rates hereby directed to be paid to the said Company of Proprietors and their Successors; be it further enacted, That the Master, Owner, or other Person or Persons having the Care of any Boat, Barge, or other Vessel, navigating upon the said Navigation, Canal, and Cuts respectively, or upon any Part or Parts thereof, or entering any Basin or Basins, or Pen of Water herein directed to be made, shall give to the Collector or Collectors of the said Rates, or to any other Officer or Officers to be appointed for such Purpose by the said Company of Proprietors or their Successors, at the Place or Places where he or they shall attend for that Purpose, a true and just Account in Writing, signed by the Master, Owner, or other Person or Persons, having the Care of such Boat, Barge, or other Vessel, of the Quantities, Qualities, and Weight of the Goods, and other Things embarked in or upon such Boat, Barge, or other Vessel, from whence brought, and where the same is intended to be landed; and if the Goods or other Things contained in any such Boat, Barge, or other Vessel, shall be liable to the Payment of different Rates, then such Master, Owner, or other Person or Persons shall specify the Quantities liable to the Payment of each of the said Rates; and in case he or they shall neglect or refuse to give such Account, or shall refuse to produce his or their Invoice or Bill

Bill of Lading to the Officer demanding the same, or shall, with Intent to avoid the Payment of the said Rates or Duties, or any Part of them, give a false Account, or shall deliver out any Part of such Lading or Goods at any other Place or Places than what is or are mentioned in such Invoice or Bill of Lading, every Person so offending shall forfeit and pay the Sum of Five Shillings for every Ton of Goods and other Things, and so in Proportion for any less Quantity than a Ton, which shall be in or be conveyed by such Boat, Barge, or other Vessel respectively, of the Lading of which such Account shall be refused, or such false Account given, or whose Lading shall be delivered out as aforesaid, as the Case shall happen to be, over and above the aforesaid respective Rates which shall be payable for the same.

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

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

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

ing, and gauging, and shall also pay to such Master, Owner, or other Person, or to the Owner or Owners of such Goods, Wares, Merchandizes, or other Things, such Damages as shall appear to any One of His Majesty's Justices of the Peace for the County of *Devon*, upon the Oath of any credible Witness, (which Oath the said Justice is hereby empowered and required to administer, and to settle and determine such Damages), to have arisen from such Detention; and in Default of immediate Payment thereof, the same shall be recovered from the said Company of Proprietors and their Successors, by Action of Debt in any of His Majesty's Courts of Record, or in such other Manner as any of the Penalties or Forfeitures hereby imposed upon the said Company of Proprietors and their Successors, their Agents, Servants, or Workmen, may be recovered and levied by virtue of this Act.

Power to fix
the Price of
small Parcels.

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

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

LXI. And be it further enacted, That all Persons whosoever shall have free Liberty to use with Horses, Cattle, and Carriages, the Roads, Ways, and Passages, (except the Towing Paths, Railways, and Stone Roads) to be made by virtue of this Act, for the Purpose of conveying any Timber, Goods, Wares, Merchandize, and other Things, to or from the said Navigation, Canal, or Cuts respectively, and every Part thereof, without paying any Thing for the Use of such Roads, Ways, and Passages; and also to navigate and pass upon and use the said Navigation, Canal, and Cuts respectively, with any Boats, Barges, or other Vessels, and to employ the Wharfs and Quays for loading and unloading such Merchandize, Timber, and other Goods and Things; and also to use the said Towing Paths with Horses and other Cattle for haling and drawing such Boats, Barges, and other Vessels, upon Payment of such Rates as shall be demanded by the said Company of Proprietors and their Successors, not exceeding the respective Sums

Sums herein mentioned, and subject to the Rules and Regulations which shall be from Time to Time made by the said Company of Proprietors and their Successors, by virtue of the Powers herein granted; provided the said Boats, Barges, or other Vessels shall not, without the Consent of the said Company of Proprietors or their Successors, or their Committee, pass upon the said Navigation, Canal, and Cuts respectively, or either of them, at any other Times than between the Hours of Seven in the Morning, and Five in the Evening, during the Months of *November, December, January, and February*; between the Hours of Five in the Morning, and Eight in the Evening, during the Months of *March, April, September, and October*, and between the Hours of Four in the Morning, and Nine in the Evening, during the Months of *May, June, July, and August* in every Year.

LXII. And be it further enacted, That no Boat, Barge, or other Vessel laden with less than Five 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 Successors, or their Agent or Agents for the Time being, in Writing first had and obtained, or unless the Owner or Navigator of such Boat, Barge, or other Vessel, shall pay Tonnage, according to the respective Rates herein-before specified, equal to a Boat, Barge, or other Vessel, laden with Five Tons.

Vessels under Five Tons Burthen, not to pass Locks without Content of Proprietors.

LXIII. And be it further enacted, That the Lord or Lords, Lady or Ladies of any Manor or Manors, and the Owner or Owners of any Lands or Grounds near to, through, or by which the said Navigation, Canal, or Cuts respectively shall be made, may build, construct, or use any Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouses, in or upon his, her, or their respective own proper Lands, Grounds, or Wastes adjoining or near to the said Navigation, Canal, or Cuts respectively, with necessary Ways and Roads to the same, and may land any Goods or Merchandize, Coal, Lime, Sand, Manure, Tin, Lead, or other Things upon such Wharfs, Quays, or Landing Places, or upon the Banks lying between the same, and the said Navigation, Canal, or Cuts respectively, and may make and use proper and convenient Places for Boats, Barges, and other Vessels to lie and turn in and pass by each other, so that the making, constructing, or using thereof respectively, do not obstruct or prejudice the said Navigation, Canal, or Cuts respectively, or any Towing Path on the Sides thereof respectively, and the Justices of the Peace assembled at the General Quarter Sessions of the Peace for the said County of *Devon*, are hereby directed and required from Time to Time to fix, ascertain, and determine all such Rates as shall be paid for the Use and Benefit of the said Wharfs, Quays, Landing Places, Cranes, Weigh Beams, and Warehouses respectively; and such Rates, and no more, shall be demanded or taken by such Lord or Lords, Lady or Ladies of such Manor or Manors, or by the Owner or Owners of such Lands, Grounds, or Wastes, who shall make, construct, and erect the same respectively as aforesaid, and his, her, and their Representatives, so that the Rates and Powers herein granted to the Company of Proprietors, and their Successors, shall not be thereby reduced, altered, or infringed.

Lord of Manors and Land Owners may erect Wharfs, &c.

LXIV. Provided always, and be it enacted, That if any Lord or Lady of a Manor, or Land Owner, shall not within the Space of Six Calendar Months next after Notice given in Writing, to him, her, or them, or left

If not done by Land Owners, within a certain Time, Proprietors

may build
Wharfs, &c.

left at his, her, or their usual Place or Places of Abode, by or on Behalf of the said Company of Proprietors or their Successors, that any Part or Parts of such Lands, Grounds, or Wastes, is or are necessary or proper to be used for the Purpose of making and erecting Wharfs, Quays, Warehouses, Buildings, or other Conveniences as aforesaid, for the Use of the said Navigation, or for laying out and making necessary and convenient Roads for the Conveyance of Goods to and from the said Navigation, Canal, or Cuts respectively, lay out, construct, and make, and from Time to Time maintain and keep in good and substantial Repair, such proper and sufficient Wharfs, Quays, Warehouses, Buildings, Roads, and other Conveniences as aforesaid, for the Use of the said Navigation, Canal, and Cuts respectively, or either of them, as any Two or more of His Majesty's Justices of the Peace for the said County of Devon shall think necessary, on the respective Parts of the Lands, Grounds, or Wastes, described in such Notice, then and in such Case, it shall and may be lawful to and for the said Company of Proprietors, and their Successors, without any Hindrance or Restraint whatsoever, to make use of any such Lands, Grounds, or Wastes, (not being the Ground whereon any House or other Building stands, or any Garden, Orchard, Yard, Park, Paddock, planted Walk, Nursery of Trees, or an Avenue to any House), for erecting and constructing proper and sufficient Wharfs, Warehouses, Buildings, and other Conveniences as aforesaid, and for laying out and making necessary and convenient Roads to and from the said Navigation, Canal, or Cuts respectively, agreeably to such Notice to be delivered as aforesaid, they the said Company of Proprietors, and their Successors, first making Satisfaction for the same, in such Manner as is herein directed with respect to other Lands or Grounds which shall be taken or used for the Purposes of this Act, and the Justices of the Peace assembled at the General Quarter Sessions of the Peace for the said County of Devon, are hereby directed and required to fix, ascertain, and determine, from Time to Time, the several and respective Rates that shall be demanded and taken by the said Company of Proprietors, and their Successors, for the Use and Benefit of such Wharfs, Quays, Landing Places, Cranes, Beams, Warehouses, Buildings, and other Conveniences, and such Rates and no more, shall be demanded or taken by the said Company of Proprietors, and their Successors.

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

LXV. And be it further enacted, That if any Coals, Culm, Stone, Timber, Slate, Chalk, Lime, or any other Matters or Things whatsoever, which shall be carried and conveyed on the said Navigation, Canal, or Cuts respectively, shall lie or remain upon any Wharf or Wharfs, Quay or Quays, belonging to the said Company of Proprietors, and their Successors, or to any other Person or Persons, adjoining to the said Navigation, Canal, or Cuts respectively, for and above the Space of Twenty-four Hours, then and in such Case, the said Company of Proprietors, and their Successors, or such other Person or Persons shall be entitled to receive such reasonable Rates or Allowances, over and above the Rates hereinbefore authorized to be taken, as shall be agreed upon between the said Company of Proprietors, or their Agent or Agents, or such other Person or Persons, and the Owner or Owners of such Coal, Culm, Stone, Timber, Slate, Chalk, Lime, Goods, Wares, Merchandizes, or other Things.

LXVI. Pro-

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

Company of Proprietors not to use private Wharfs.

LXVII. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, and their Successors, and to and for their Committee, and to and for any Person or Persons authorized and employed by them respectively for such Purpose, from Time to Time to make such Rules, Orders, and Regulations, as to them shall seem meet for the birthing or mooring of any Boats, Barges, or other Vessels, entering, or that shall have entered, any Bason or Pen of Water to be made by virtue of this Act, and from Time to Time to remove, or cause to be removed, any Boat, Barge, or other Vessel, at the Charges and Expences of the Owner or Owners, or Master or Masters thereof, from any Part or Parts of any such Bason or Pen of Water, to any other Part or Parts thereof, and all Masters, Owners, or other Person or Persons having the Direction of any such Boat, Barge, or other Vessel, shall, in case they shall refuse or neglect to comply with any such Rules, Orders, or Regulations, provided the same be printed and published in the Manner herein-before directed, for every such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings.

Regulations for Vessels in the Basons.

LXVIII. And be it further enacted, That the said Company of Proprietors and their Successors, shall, and they are hereby required, at their own proper Costs and Charges, to make, or cause to be made, such Arches, Tunnels, Culverts, Drains, Sewers, or other Passages, over, under, by the Side of, or into the said Navigation, Canal, or Cuts respectively, or any Bason or Pen of Water thereto belonging, and the Trenches, Streams, and Watercourses communicating therewith, and the Towing Paths on the Sides thereof respectively, of such Depth, Breadth, and Dimensions, as shall be sufficient at all Times to convey the Water clear from the Lands adjoining or lying near to the said Navigation, Canal, or Cuts respectively, or any Bason or Pen of Water thereto belonging, without obstructing or impounding the same; and likewise to make, or cause to be made, such Back Drain or Drains as may be necessary, and shall be sufficient to carry off any Water which may ooze or pass through any of the Banks of the said Navigation, Canal, or Cuts respectively, or of any Bason or Pen of Water thereto belonging, to the Prejudice of any of the Lands or Grounds contiguous thereto, and also, to make proper Watering Places for Cattle in all Places where, by Means of the said Navigation, Canal, or Cuts respectively, or any other of the Works hereby authorized to be made, any Person or Persons occupying Lands adjacent thereto shall be deprived of their ancient Watering Places, and to supply the same at all Times with Water, and that all such Arches, Tunnels, Culverts, Drains, and other

Drains to be made to convey Water from the Lands adjoining,

and Watering Places for Cattle.

Passages, shall, from Time to Time, be supported, maintained, cleansed, secured, and kept in good and sufficient Repair by the said Company of Proprietors and their Successors; and if at any Time or Times, after Thirty Days Notice in Writing shall, by or on the Behalf of any of the said Owners or Occupiers of Lands adjoining or lying near to the said Navigation, Canal, or Cuts respectively, or any other of the Works hereby authorized to be made, be given to the said Company of Proprietors, or to their Clerk or Clerks, known Agent, or Collector, that the said Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages, or any of them, is or are not made, cleansed, maintained, and repaired, according to the true Intent and Meaning of this Act, it shall and may be lawful to and for any Person or Persons to apply for, and obtain an Order in Writing from any Two or more of the Justices of the Peace for the said County of Devon, from Time to Time, as often as there shall be Occasion, (and the said Justices are hereby authorized and required, at their Discretion, to grant such Order as aforesaid), enabling such Person or Persons to make, cleanse, and repair, such Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages accordingly, as well through the Lands or Grounds of the Person or Persons obtaining such Order as aforesaid, as through any other Lands or Grounds in or through which such Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages, may, by the Order of such Justices, be directed to be made, and the reasonable Expences thereof (to be ascertained by the said Justices) shall be defrayed by the said Company of Proprietors; and in case of Neglect or Refusal to satisfy and defray such Expences for the Space of Three Calendar Months next after Demand thereof made upon the said Company of Proprietors, or upon their Clerk or known Agent or Collector, such Expences shall and may be recovered and levied in such Manner as any other Money is by this Act directed to be recovered from the said Company of Proprietors: Provided always, That such Owner or Occupier of the said adjoining or contiguous Lands shall, at the Time of making such Complaint, have his or her respective Ditches, Drains, Passages for Water, and Watercourses leading to or from the Drains, Culverts, and Passages of the said Navigation, Canal, or Cuts respectively, and other Works as aforesaid, and each and every of them, sufficiently cleansed and opened to convey Water into the same: Provided also, That nothing herein contained shall extend to enforce the admitting of any Water arising from Floods into the said Navigation, Canal, or Cuts respectively, which may injure the same.

For repairing
Towing Paths.

LXIX. And be it further enacted, That the said Company of Proprietors and their Successors shall, at their own proper Costs and Charges, from Time to Time repair, maintain, and support the Towing Path or Paths which shall be dug out and formed on the Side or Sides of the said Navigation, Canal, and Cuts respectively, (in case the said Company of Proprietors shall think it necessary to make more than One Towing Path on the Lands or Grounds which shall be purchased by, conveyed to, or vested in the said Company of Proprietors and their Successors as aforesaid); and also shall, at their own like Costs and Charges, make up, erect, and set up on the said Towing Path or Towing Paths, and, from Time to Time maintain and support such and so many convenient Gates and Stiles, in, over, and through all the Hedges and Fences whereby the different Inclosures are at present divided; and also all such Bridges, Fording Places, Arches, Culverts, and Passages over, under, or by the Side of, or into the said Navigation,

tion,

tion, Canal, or Cuts respectively, and the Feeders, Trenches, and Aqueducts communicating therewith, and the Towing Paths on the Sides thereof, of such Dimensions and in such Manner as any Two or more Justices of the Peace for the said County of *Devon*, shall from Time to Time deem necessary and direct, (in case there shall be any Dispute about the same), for the Use of the Owners and Occupiers of the Lands and Grounds, Tenements, or Hereditaments, adjoining to such Navigation, Canal, or Cuts respectively, and the said Company of Proprietors and their Successors, shall not make the said Navigation, Canal, or Cuts respectively, or any Trench or Watercourse belonging to the same, in or across any common Highway, publick Bridle Way, or Foot Path, until they shall, at their own proper Costs and Charges, have made and perfected such Bridge or Bridges, Fording Place or Fording Places, Passage or Passages, Arch or Arches, over, across, or under the same Highway, publick Bridle Way, or Foot Path, of such Dimensions, and in such Manner as any Two or more Justices of the Peace for the said County of *Devon* shall from Time to Time deem necessary and direct, not being contrary to the true Intent and Meaning of this Act; and all such Gates, Stiles, Bridges, Arches, Fording Places, and other Works and Conveniencies so to be made as aforesaid shall, from Time to Time, and at all Times thereafter, be supported, maintained, and kept in sufficient Repair, by the said Company of Proprietors and their Successors; and in case the said Company of Proprietors, or their Agents, shall refuse or neglect to make, erect, and set up, such Gates, Bridges, and Stiles, in, over, and through the Fences, whereby the different Inclosures are at present divided, or such Bridges, Fording Places, Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages, over, under, or by the Sides of, or into the said Navigation, Canal, or Cuts respectively, and the said Trenches, Streams, and Watercourses as aforesaid, and to make such Watering Places for Cattle as herein-before directed for the Use and Convenience of the respective Owners or Occupiers of the Lands, Tenements, or other Hereditaments adjoining or near to the said Navigation, Canal, or Cuts respectively, or to maintain and support such Gates, Stiles, Bridges, Arches, Fording Places, Passages, and watering Places, when erected, set up, and made, of such Dimensions, and in such Manner as aforesaid, for the Space of Six Calendar Months next after the Time to be appointed for those Purposes by such Justices, or after Notice shall be given by or on the Behalf of the Owners or Occupiers of any such Lands or other Hereditaments, who may be aggrieved by any such Refusal or Neglect, then and in every such Case, it shall and may be lawful to and for every or any of the Owners or Occupiers of the said adjacent Lands, Tenements, or Hereditaments, who shall find himself, herself, or themselves, aggrieved by such Refusal or Neglect, to make, erect, and set up, all such Gates, Stiles, Bridges, Fording Places, Arches, Passages, Watering Places, and other Conveniencies, as such Justices shall have directed or appointed to be made, erected, and set up, by the said Company of Proprietors as aforesaid, and to maintain, repair, and support the same from Time to Time as Occasion shall require, so that in making or maintaining such Works as aforesaid, the said Navigation, Canal, or Cuts respectively, or the Banks thereof, or the Feeders or Aqueducts belonging thereto, shall not be stopped or injured for any longer Space of Time, or in any other Manner than shall be necessary for the doing thereof, and all the reasonable Costs and Charges thereof, (to be settled and allowed by such Justices,) shall be repaid

If Company do not repair Gates, and make Bridges, etc.

Land Owners may do it at the Company's Expence.

repaid to the respective Owners or Occupiers of the said adjacent Lands, Tenements, or other Hereditaments, who shall have so erected and made, repaired or maintained such Works as aforesaid, by the said Company of Proprietors, and their Successors, within the Space of Three Calendar Months next after the same shall have been so settled and allowed, and an Account and Demand in Writing shall have been made thereof, and delivered to the said Company of Proprietors, or to any of their Clerks for the Time being, and in Default of Payment of the said Costs and Charges within the Time aforesaid, such 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, and their Successors, which shall be found in or upon the said Navigation, Canal, or Cuts respectively, or the Wharfs, Quays, or Warehouses, adjoining or near to the same, belonging to the said Company, to be applied to and for the Use of such Person or Persons who shall have so incurred such Costs and Charges as aforesaid, rendering to the said Company of Proprietors and their Successors, or to some of their known Agents or Collectors, the Overplus (if any) after deducting the reasonable Charges of making such Distress and Sale; to be settled by such Justices, or all or any of the said Owners or Occupiers may have such and the like Remedy against the said Company of Proprietors, for the Recovery of such Costs and Charges, by Action at Law, to be commenced and prosecuted in such Manner as in other Cases is in and by this Act directed.

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

LXX. Provided always, and be it enacted, That if the Owners or Occupiers of any Lands, Tenements, or other Hereditaments through which the said Navigation, Canal, or Cuts respectively shall be made, do or shall, at any Time or Times hereafter, apprehend that any of the Gates, Stiles, Bridges, Fording Places, Arches, Tunnels, Drains, Back Drains, Trenches, or other Passages, Watering Places, or other Conveniencies respectively, which such Justices shall have so directed or appointed to be made by the said Company of Proprietors, are insufficient, either in their Number or Situation for the commodious Use and Occupation of the respective Lands, Tenements or Hereditaments on both Sides or on either Side thereof, then and in every such Case, it shall and may be lawful to and for all or any such Owners or Occupiers, with the Consent and Approbation of the said Committee, upon Request made to them for that Purpose, or in Case of their Refusal for the Space of Three Calendar Months next after such Request, then with the Consent and Approbation of such Justices, to make, fix, and erect, at their own Costs and Charges, any such other Gates, Stiles, Bridges, Fording Places, or other Conveniencies, of the same or the like Construction with those made and erected by the said Company of Proprietors, in, over, or near to the said Navigation, Canal, or Cuts respectively, or the Towing Paths thereof respectively, in such Places as shall be found and adjudged most necessary and convenient for the better Use, Cultivation, Improvement, or Occupation of such Lands, Tenements, and other Hereditaments, and to repair and support the same at their own Costs and Charges, as Occasion shall require, so as that the said Navigation, Canal, or Cuts respectively, be not obstructed thereby, for any longer Space of Time, or in any other Manner, than shall be absolutely necessary and expedient for the making
or

or erecting of such Gates, Stiles, Bridges, Fording Places, Watering Places, or other Conveniencies:

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

Swivel or Draw Bridges to be shut after Vessels have passed.

LXXII. And be it further enacted, That in case any Lock, Weir, Flood Gate, Dam, Bank, Bason, Trench, or any other of the Works of the said Navigation, Canal, or Cuts respectively, shall be so injured, destroyed, or affected by any Flood or other unexpected Cause or Accident, and it may be necessary that the same should be immediately repaired or rebuilt to prevent further Damage, it shall and may be lawful to and for the said Company of Proprietors and their Successors, from Time to Time, or to or for their or any of their Servants, Agents, or Workmen, without any Delay or Interruption from any Person or Persons whomsoever, to enter into any Lands, Grounds, or Hereditaments adjoining or near to the said Navigation, Canal, or Cuts respectively, and other Works or Conveniences, or any of them, (not being the Ground whereon any House or other Building stands, or Garden, Orchard, Park, Paddock, Planted Walk, Nursery for Trees, or Avenue to a House), and to dig for, work, get, and carry away, and use, all such Stones, Gravel, and other Materials, as may be necessary or proper for the Purposes aforesaid, without any previous Treaty whatsoever with the Owner or Owners, Occupier or Occupiers of, or other Person or Persons interested in such Lands, Grounds, or Hereditaments, or any of them, doing as little Damage thereby as the Nature of the Case will permit, and making Recompence for the same to the Owner or Owners, and Occupier or Occupiers thereof, or other Person or Persons interested in such Lands, Grounds, or Hereditaments, within the Space of Fourteen Days next after the same shall be demanded; which Damages, and the Compensation to be made in respect thereof, shall be settled, assessed, determined, and recovered, by the Ways and Means herein prescribed and directed with respect to other Damages, to be done in or about the making and maintaining the said Navigation, Canal, or Cuts respectively, or any Part or Parts thereof.

Works damaged by Floods, to be repaired by the Company.

Enabling the Company to cleanse the adjoining Watercourses, at the Landholder's Expence.

LXXIII. And be it further enacted, That if at any Time hereafter the Ditches or Drains belonging to any Owner or Occupier of any Lands adjoining or lying contiguous to the said Navigation, Canal, and Cuts respectively, and other Works, or either of them, shall, by Reason of their being not sufficiently cleansed or opened, hinder and obstruct the free Passage of the Water from the Drains, Culverts, and Passages belonging to the said Navigation, Canal, or Cuts respectively, or any of the Works thereunto belonging; and if the same shall not be perfectly cleansed and opened within One Calendar Month after Notice in Writing shall have been given thereof to such Owner or Occupier, or to the Clerk or Agent of any Body Politick, Corporate, or Collegiate, or affixed on some conspicuous Part of the Premises, wherein such Ditches or Drains shall be situate, or left at the usual Place or Places of Abode of any such Owner or Occupier, or Clerk or Agent, by the Clerk or any Agent of the said Company of Proprietors and their Successors, then, and in such Case, it shall and may be lawful to and for the said Company of Proprietors and their Successors, from Time to Time, as often as there shall be Occasion, to open and cleanse, or cause to be opened and cleansed, the said Ditches and Drains, and the reasonable Expences thereof shall be repaid to the said Company of Proprietors and their Successors, by the Owners or Occupiers of such Lands and Grounds to which the said Ditches and Drains so opened and cleansed shall belong; and in case of Refusal or Neglect to satisfy the same for the Space of Three Calendar Months after Demand shall have been made thereof from the respective Owner or Owners, Occupier or Occupiers, of such Lands and Grounds as aforesaid, such Charges and Expences shall and may be recovered in such Manner as any Forfeitures or Penalties are herein directed to be recovered.

Names on the Outfides of Boats to be fixed.

Weight of the Lading of Vessels to be marked.

LXXIV. And be it further enacted, That every Owner or Master of any Boat, Barge, or other Vessel, not being a Pleasure Boat, passing upon the said Navigation, Canal, or Cuts respectively, shall cause his or her Name and Place of Abode, and the Number of his or her Boat, Barge, or other Vessel, to be entered with the Clerk or Clerks to the said Company of Proprietors and their Successors; and shall also cause such Name and Number, and also the Place to which every such Boat, Barge, or other Vessel shall belong, and the true Number of Tons Burthen thereof, to be painted in large white Capital Letters and Figures on a black Ground, Four Inches High at the least, and of a proportionable Breadth, on the Outside of the Head or Stern of every such Boat, Barge, or other Vessel, higher than the Place to which the same shall sink into the Water when full laden; and also shall and is hereby required to fix on each Side thereof respectively, correct Indexes of Copper, Lead, or other Metal, of such graduated Dimensions, and of such convenient Heighths, under such Regulations as the said Company of Proprietors and their Successors shall from Time to Time direct, or other proper Means shall be used under the Directions of the said Company of Proprietors and their Successors, so that the true Weight of the Lading on board may at all Times be ascertained and shewn, and shall permit and suffer every such Boat, Barge, or other Vessel to be gauged, weighed, or measured at the Expence of the said Company of Proprietors and their Successors, whenever it shall be required by them, or any of their Collectors, Officers, or Agents; and every Owner, Master, or other Person, having the Care or Command of any Boat, Barge, or other Vessel, or who shall navigate the same upon the said

faid Navigation, Canal, or Cuts respectively, without having such Name, Figures, and Index thereon as are herein-before directed, or who shall alter, erase, deface, or destroy, such Name, Figure, or Index, or any Part thereof, or shall fix thereon any false Name, Figure, or Index, or who shall refuse to permit and suffer such Boat, Barge, or other Vessel, to be gauged and measured, or shall wilfully suffer or permit any Boat, Barge, or other Vessel, navigating upon or lying in the said Navigation, Canal, or Cuts respectively, to be loaded or unloaded in any Lock, Bason, or in any other Part of the said Navigation, Canal, or Cuts respectively, without a Stage being laid from the Side of such Boat, Barge, or other Vessel to the Bank of the said Navigation, Canal, or Cuts respectively, so as effectually to prevent any Soil, or other Matter or Thing intended to be taken on board, or discharged out of such Boat, Barge, or other Vessel, from falling into the said Navigation, Canal, or Cuts respectively, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, nor less than Twenty Shillings.

LXXV. And be it further enacted, That the Master and Owner of every Boat, Barge, or other Vessel navigating upon the said Navigation, Canal, or Cuts respectively, shall, and he and they is and are hereby made answerable for any Trespass, Damage, Spoil, or Mischief, that shall be done by such Boat, Barge, or other Vessel, or by any of the Boatmen, Watermen, or other Person or Persons belonging to or employed in or about the same respectively, to any of the Bridges, Weirs, Locks, Basons, Dams, Engines, or other Works, in, upon, or belonging to the said Navigation, Canal, or Cuts respectively, or any of the Trenches, Aqueducts, Sluices, Passages, or other Works, or Conveniencies to be made by virtue of this Act, either by the loading or unloading of any Boat, Barge, or other Vessel, or by any other Means whatsoever, or to any Building or other Erection, Lands, Tenements, or Hereditaments adjoining or lying near to the said Navigation, Canal, or Cuts respectively, by leaving open any Gate or Gates, Lock or Locks, Bridge or Bridges, or by any other Means whatsoever; and the Master or Owner of every such Boat, Barge, or other Vessel, shall for every such Trespass, Damage, Spoil, or Mischief, upon Conviction of any such Boatman, Waterman, and other Person or Persons before any Justice of the Peace for the said County of *Devon*, on the Oath of any credible Witness or Witnesses, (which Oath such Justice is hereby authorized and required to administer), or on the Confession of the Party or Parties offending, forfeit and pay to the Party or Parties injured, such Damages, Satisfaction, and Compensation as shall be ascertained, fixed, and determined by such Justice, (provided that no such Damages, Satisfaction, or Compensation shall exceed the Sum of Five Pounds), and shall also over and above forfeit and pay to the Informer or Informers, any Sum not exceeding Twenty Shillings, to be settled and determined by such Justice; but in case such Damages shall exceed the Sum of Five Pounds, the said Master or Owner of such Boat, Barge, or other Vessel may be sued and prosecuted for such Damages, Satisfaction, and Compensation, in any of His Majesty's Courts of Record; and if a Verdict or Judgement shall be given against him, either on Proof made, or by Default, or upon Demurrer, the Plaintiff in any such Case shall recover his Damages thereby sustained, with full Costs of Suit.

Owners accountable for Damages done by the Boatmen.

LXXVI. Provided always, and be it enacted, That such Boatmen, Watermen, and other Person or Persons, and each and every of them, shall be

Masters to recover from Boatmen.

be liable to repay such Damages, Satisfaction, and Compensation and Penalty to be ascertained, fixed, and determined by such Justice, with the Costs of levying and recovering thereof, to such Master or Masters, Owner or Owners; and in case of Non-payment thereof upon Demand, and Oath made by such Master or Masters, Owner or Owners, of the Payment made by him, her, or them, of such Damages, Satisfaction, Compensation, or Penalty, and that the same, and the Costs thereof have or hath not been repaid to him, her, or them, by such Servants, Boatmen, or Watermen, or any of them, although demanded, (such Oath to be made before any One Justice of the Peace for the County where such Penalty and Satisfaction shall have been incurred, and which Oath such Justice is hereby empowered and required to administer), the Amount thereof shall be recovered in like Manner as any Penalty is hereby directed to be recovered.

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

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

LXXVII. And be it further enacted, That the said Company of Proprietors, and their Successors, shall and may, in such Parts of the said Navigation, Canal, or Cuts respectively, as shall not be of sufficient Breadth for admitting a Boat, Barge, or other Vessel to turn round or lie whilst another Boat, Barge, or Vessel shall pass by, or to admit Two Boats, Barges, or other Vessels to pass each other, and they are in such Cases hereby empowered to make and cut proper Spaces or Openings into the Lands adjoining to the said Navigation, Canal, or Cuts respectively, at convenient Distances from each other, for the turning, lying, or passing of any such Boats, Barges, and other Vessels; and all such Boats, Barges, and other Vessels which shall be haled or navigated upon the said Navigation, Canal, or Cuts respectively, shall, upon meeting any other Boat, Barge, or other Vessel navigating thereon, stop at, or go back to, and lie in the said Spaces or Openings, in such Manner as the said Company of Proprietors, or their Successors, or their Committee shall from Time to Time direct and appoint; and if any Boat, Barge, or other Vessel, shall be placed or shall lie abreast in any Part of the said Navigation, Canal, or Cuts respectively, or any Trench, Sluice, or Passage belonging thereto, not being moored at both Ends, or if any Person or Persons navigating and having the Care of any Boat, Barge, or other Vessel, shall wilfully obstruct the said Navigation, or any Part or Parts thereof, by Means of the misplacing, or otherwise misconducting such Boat, Barge, or other Vessel, and shall not immediately upon Request made, moor the same at both Ends, or alter the Situation of such Boat, Barge, or other Vessel, or otherwise stop or effectually secure the same as the Case shall require, so as that the said Obstruction shall cease and be removed, every Person so offending, shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds, nor less than Forty Shillings; and it shall and may be lawful to and for the Agents or Servants of the said Company of Proprietors, and their Successors, or any of them, to cause any such Boat, Barge, or other Vessel to be unloaded if necessary, and to be removed in such Manner as shall be proper for preventing or removing such Obstruction in the Navigation, and to seize and detain such Boat, Barge, or other Vessel and the Loading thereof, or any Part of such Loading, until the Charges occasioned by such unloading and Removal shall be paid; and if any Boat, Barge, or other Vessel shall be sunk in any Part of the said Navigation, Canal, or Cuts respectively, or in any Bason or Pen of Water, Trench, or Sluice belonging thereto, and the Owner or Owners, or other Person or Persons

Persons having the Care of such Boat, Barge, or other Vessel, shall not, without Loss of Time, weigh or draw up the same, it shall and may be lawful to and for the Agents or Servants of the said Company of Proprietors, or any of them, to cause such Boat, Barge, or other Vessel, to be weighed or drawn up; and in case the same shall not be redeemed, and all Expences paid within the Space of Five Days, to detain; keep, and use the same, or otherwise to sell and dispose thereof, for the Satisfaction of all the Expences necessarily incurred and occasioned in and about the weighing, or drawing up the same, and the Overplus (if any) shall be returned on Demand to the Owner or Owners thereof.

LXXVIII. And be it further enacted; That if any Person or Persons shall float any Timber, or shall row any Boat, Barge, or other Vessel upon the said Navigation, Canal, or Cuts respectively, or if any Person or Persons shall suffer the Loading of any Boat, Barge, or other Vessel navigating thereon; to lie over the Sides thereof, or shall overload any Boat, Barge, or other Vessel navigating thereon, so as by such loading or overloading to obstruct the Passage of any other Boat, Barge, or other Vessel, and shall not immediately, upon Notice given of such Obstruction, hale such Boat, Barge, or other Vessel into such Place or Places, Opening or Openings as shall be proper, or be made for the Purpose of enabling Boats, Barges, and other Vessels to pass each other, or shall not otherwise remove the same Obstruction, so as to make a free Passage for other Boats, Barges, or Vessels navigating thereon, every such Owner or Owners, or other Person or Persons floating such Timber, or having the Care of such Boat, Barge, or other Vessel, shall forfeit and pay for every such Offence, any Sum not exceeding Five Pounds, nor less than Forty Shillings; and if any Person shall throw any Ballast, Gravel, Stones, or Rubbish, into any Part of the said Navigation, Canal, or Cuts respectively, Trenches, Watercourses, or Basons, to be made by virtue of this Act, or shall wantonly or unnecessarily open, or cause to be opened, any Lock, Gate, Paddle, Valve, or Clough, belonging to the said Navigation, Canal, or Cuts respectively, or suffer any Boat, Barge, or other Vessel, to strike or run upon any of the Bridges or Locks thereof; or if any Person or Persons shall wilfully flush or draw off, or cause to be flushed or drawn off, the Water from any Part of the said Navigation, Canal, or Cuts respectively, or shall leave any of the said Valves or Cloughs open and running, after any Boat, Barge, or other Vessel shall have passed any Lock belonging to the same, or shall draw, or cause to be drawn, any Paddle, Valve, or Clough, in any of the Lock Gates on the said Navigation, Canal, or Cuts respectively, so as to mispend or waste the Water thereof, or shall wilfully obstruct, hinder, or prevent any Person or Persons employed in the Execution of this Act, every Person offending in any of the Cases aforesaid, shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, nor less than Forty Shillings; and if any Person shall wilfully and maliciously, and to the Prejudice of the said Navigation, Canal, and Cuts respectively, break, throw down, damage, or destroy, any Banks or other Works to be erected and made by virtue of this Act, every such Person shall be adjudged guilty of Felony; and every such Person so offending, and being thereof lawfully convicted, shall be subject to the like Pains and Penalties as in Cases of Felony, and the Court, by or before whom such Person shall be tried and convicted, shall have Power and Authority to cause such Person to be punished

Navigation,
not to be ob-
structed.

Locks not to
be left open.

Penalty on de-
stroying the
Works.

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in like Manner as Felons are directed to be punished by the Laws and Statutes of this Realm, or in Mitigation of such Punishment, such Court may award such Sentence as the Law directs in Cases of Petit Larceny.

Regulations
for passing the
Locks.

LXXIX. And be it further enacted, That if any Boatman, Bargeman, or other Person, navigating or having the Care of any Boat, Barge, or other Vessel upon the said Navigation, Canal, or Cuts respectively, and passing through any Lock to be made thereon, shall suffer the Water to remain in such Lock for any longer Space of Time than is necessary for the Passage of his Boat, Barge, or other Vessel through the same; or if such Boatman, Bargeman, or other Person as aforesaid, in going down the said Navigation, Canal, or Cuts respectively, shall not, previous to his bringing his Boat, Barge, or other Vessel into any Lock, shut the lower Gates of such Lock, and the Sluices thereto belonging, before he shall draw the Cloughs or Sluices of the Upper Gates thereof, or shall not, after he shall have brought such Boat, Barge, or other Vessel through the said Lock, shut the upper Gates thereof, and the Cloughs or Sluices thereto belonging, before he shall draw the Cloughs or Sluices of the lower Gates thereof, or if any such Boatman, Bargeman, or other Person as aforesaid, in going up the said Navigation, Canal, or Cuts respectively, towards the Head Level or Head Levels thereof, shall not shut so soon as he shall have passed with his Boat, Barge, or other Vessel through the said Lock, the upper Gates of the same, and the Cloughs or Sluices thereto belonging, before he shall draw the Cloughs or Sluices of the lower Gates thereof, unless there shall then be a Boat, Barge, or other Vessel coming down the said Navigation, Canal, or Cuts respectively, in Sight of the said Boatman, Bargeman, or other Person passing such Lock, in which Case the lower Gates of the said Lock, and the Cloughs or Sluices thereof shall be left shut, and the upper Gates shall be left open; and in all dry Seasons when there shall be a Scarcity of Water in the said Navigation, Canal, or Cuts respectively, the Boat, Barge, or other Vessel so going up the same, (if within Sight of a Boat, Barge, or Vessel so coming down) and at a Distance, not exceeding Three hundred Yards below a Lock, shall pass through such Lock before the Boat, Barge, or other Vessel coming down, and then such other Boat, Barge, or other Vessel shall come down into the said Lock; and if there shall be more Boats, Barges, or other Vessels than One below and above any Lock at the same Time, in any such dry Season within the Distance aforesaid, (which Distance shall be distinguished by a Post or Mark to be made and set up for that Purpose), such Boats, Barges, or other Vessels shall go up and come down at such Lock by Turns as aforesaid, until all the Boats, Barges, and other Vessels so going up or coming down shall have passed the same, by which Means One Lock full of Water may serve Two Boats, Barges, or other Vessels; every such Boatman, Bargeman, and other Person acting contrary to these Directions, in passing any such Lock or Locks, shall forfeit and pay any Sum not exceeding Forty Shillings, nor less than Ten Shillings, for every such Offence; but if any Question or Dispute shall arise on his or their Conviction, whether it was or was not a dry Season at the Time of such Offence committed, such Question shall be determined by the said Justice or Justices before whom such Offender or Offenders shall appear.

Lock Keepers
not to give
Preference.

LXXX. And be it further enacted, That if any Lock Keeper, Wharfinger, or other Person employed by, or Servant belonging to the said Company of Proprietors,

Proprietors, shall give any undue Preference or shew any Partiality to any Boat, Barge, or other Vessel, in passing through any Lock or Locks upon the said Navigation, Canal, or Cuts respectively, or in loading or unloading any Goods or other Things at any of the Wharfs, Warehouses, Weigh Beams, Cranes, or other Machines belonging to the said Company of Proprietors, every Person so offending shall, on Conviction thereof, forfeit and pay any Sum not exceeding Forty Shillings, nor less than Twenty Shillings.

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

Navigation not to be under the Power of Commissioners of Sewers.

LXXXII. And be it further enacted, That the Lord or Lords, Lady and Ladies, of all and every Manor and Manors through or in which the said Navigation, Canal, Cuts, Basons, Feeders, Trenches, and Sluices, or any of them shall be made, shall have and be entitled to the Right of Fishery of and in so much of the said Navigation, Canal, Cuts, Basons, Trenches, and Sluices thereto belonging, as shall be made over, under, or through the common or waste Lands within his, her, or their Manors respectively, and as shall be made over or through any other Lands or Grounds, in the Pits, Ponds, or Waters whereof such Lord or Lords, Lady or Ladies, now have or hath, or are or is entitled to the Right of Fishery; and that the Owner or Owners of all other Lands or Grounds through or in which the said Navigation, Canal, Cuts, Basons, Feeders, Trenches, and Sluices, or any of them, shall be made, shall also have and be entitled to the Right of Fishery of, and in so much of the said Navigation, Canal, Cuts, or other Works, as shall be made in, over, under, or through his, her, or their Lands or Grounds respectively, so as that, in the Use and Exercise of such Rights of Fishery, the said Navigation, Canal, or Cuts, or other Works hereby authorized to be made, shall not be prejudiced or obstructed, or any Water drained or exhausted from or out of the same, and so as the said Company of Proprietors or their Successors, 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 Navigation, Canal, or Cuts, or other Works, or any of them, which shall be taken, killed, or destroyed, through or by Means of the letting the Water out of them respectively, for the Purposes of the said Navigation, Canal, or Cuts, or other Works, or on Account of any Repairs or Work to be done in and about the same Navigation, Canal, or Cuts, or other Works respectively.

Rights of Lords of Manors and Land Owners to the Fishery preserved.

LXXXIII. And be it further enacted, That it shall and may be lawful to and for the Owners and Occupiers of any Lands, Tenements, or Hereditaments adjoining to the said Navigation, Canal, or Cuts respectively, to use any Pleasure Boat or Boats upon the same, (not passing through any Lock or Locks, unless Tonnage equal to a Boat, Barge, or other Vessel of Five Tons laden with Merchandize shall be first paid, or the Consent of the said Company of Proprietors or their Successors, first obtained), without any Interruption from the said Company of Proprietors or their Successors, or any of their Officers or Agents, and without paying any Rate for the same, so

Power for Land Owners to use Pleasure Boats.

as the same Pleasure Boat or Boats be not made use of for carrying any Passengers for Hire or Reward, or any Goods or other Things, and so as the same shall not obstruct or prejudice the said Navigation, Canal, or Cuts, or the Towing Paths or other Works belonging thereto, or the Use thereof; provided that no such Boats shall in any Case pass through any Lock, except when the Water shall be running over the waste Weirs of such Lock.

Mines reserved to Lords of Manors and other Proprietors.

LXXXIV. Provided always, and be it enacted, That nothing herein contained shall extend to prejudice or affect the Right of any Lord or Lords, Lady or Ladies of any Manor or Manors, or of any Owner or Owners of any Lands or Grounds, in, upon, or through which the said Navigation, Canal, or Cuts respectively, or any Aqueducts, Towing Paths, Wharfs, Quays, Basons, Feeders, Trenches, Sluices, Passages, Watercourses, or other Conveniencies aforesaid, shall be made to the Mines and Minerals lying and being within or under the said Lands or Grounds; but all such Mines and Minerals are hereby reserved to such Lord or Lords, Lady or Ladies of such Manor or Manors, and to such Owner or Owners of such Lands or Grounds respectively; and it shall and may be lawful to and for the Lord or Lords, Lady or Ladies of such Manor or Manors, and for such Owner or Owners of such Lands or Grounds respectively, subject to the Conditions and Restrictions herein contained, to work, get, drain, take, and carry away, to his, her, or their own use, such Mines and Minerals, not thereby injuring, prejudicing, or obstructing the said Navigation, Canal, or Cuts, or any of the Aqueducts, Works, or Conveniencies belonging thereto.

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

LXXXV. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors and their Successors, by themselves or their Agents or Servants, at any Time or Times, upon reasonable Notice in the Day Time, to enter upon any Lands through or near which the said Navigation, Canal, or Cuts respectively, and Works hereby authorized to be made, shall be or pass, wherein any Mines shall or may have been dug, opened, or wrought, and likewise to enter into all such Mines, and there to view, search, and measure, latch-dial and use, all other Means for discovering the Distance of the said Navigation, Canal, or Cuts respectively, and Aqueducts and Towing Paths from the Working Parts of such Mines respectively, and in case it shall appear that any Mine hath been opened or wrought under the said Navigation, Canal, or Cuts, or any Aqueducts, Basons, Pens of Water, or other Works belonging thereto, or so near thereto as to endanger or damage the same, it shall be lawful to and for the said Company of Proprietors and their Successors, and for their Agents, Servants, or Workmen, to enter into and upon such Mine or Mines, and from Time to Time to use all reasonable Ways and Means for repairing, supporting, sustaining, securing, and making safe the said Navigation, Canal, and Cuts respectively, Aqueducts, Towing Paths, and other Works, or any of them.

Subscribers compelled to pay their Subscriptions.

LXXXVI. And be it further enacted, That the respective Persons who have subscribed, or who shall hereafter subscribe or advance any Money for and towards making and maintaining the said Navigation, Canal, and Cuts respectively, and the other Works hereby authorized to be made, shall and are hereby required to pay the Sum or Sums by them respectively subscribed

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(or such Parts and Proportions thereof as shall from Time to Time be called for by the said Committee of the said Company of Proprietors, by virtue of the Powers and Directions of this Act), at such Times and Places, and in such Manner as shall be directed by the said Committee; and in case any of such Subscribers shall neglect or refuse to pay the same, at the Time and Place, and in Manner so required for that Purpose, the said Company of Proprietors and their Successors, are hereby empowered to sue for and recover the same in any Court of Law or Equity.

LXXXVII. And whereas the Mayor, Bailiffs, and Commonalty of the City of *Exeter*, are the Proprietors of an antient Canal or Navigation supported at their own Expence, for conveying Ships of heavy Burthen, and Lighters, Boats, and Barges for the Distance of Four Miles from the River *Exe* near the Town of *Topsham*, to the same River *Exe* at the Quay at *Exeter*, where the said intended Canal from *Exeter* to the Town of *Crediton* aforesaid is intended to fall into and to communicate with the said antient Canal or Navigation; and forasmuch as such antient Canal or Navigation, and the said intended Canal or Navigation from such Communication may prove to be of mutual Advantage to each other, therefore, for giving Encouragement to the Carriage of Lime and Lime Stones upon and through both the said Canals or Navigations, which will be of great Benefit and Advantage to the Publick; be it further enacted, That all Lime and Lime Stones which shall be carried and conveyed upon or through the said antient Canal or Navigation, into the said intended Canal or Navigation, for the Purpose of being carried or conveyed upon or through the same, or any Part thereof, or which shall have been brought down the said intended Canal or Navigation, and shall be afterwards carried or conveyed upon or through the said antient Canal or Navigation, or any Part thereof, shall be subject and liable only to the Rates herein-after mentioned, for passing on the said antient Canal; (that is to say),

For the Encouragement of the Carriage of Lime and Lime Stones on the antient Navigation from *Topsham* to *Exeter*, belonging to the Mayor, etc. of *Exeter*, and on the intended Navigation from *Exeter* to *Crediton*, all Lime and Lime Stones conveyed through the antient Canal into the new Navigation, or which shall be carried from thence into the antient Canal, subject to the following

Rates only for passing on the antient Canal.

For all Lime Stones to be navigated and conveyed upon the said antient Canal or Navigation, belonging to the said Mayor, Bailiffs, and Commonalty, (the Whole of which shall be deemed a Distance of Four Miles), any Sum which the said Mayor, Bailiffs, and Commonalty shall fix upon and require, not exceeding Two-pence *per Ton per Mile*, and so in Proportion for any greater or less Quantity than a Ton, or greater or less Distance than a Mile:

For all Lime to be navigated and conveyed upon the said antient Canal or Navigation, any Sum which the said Mayor, Bailiffs, and Commonalty shall fix upon and require, not exceeding One Penny Halfpenny *per Hoghead per Mile*, and so in Proportion for any greater Quantity than an Hoghead, or any greater or less Distance than a Mile.

And in all Cases where there shall be a Fraction of a Quarter of a Mile in the Distance, such Fraction shall be deemed as a whole Quarter of a Mile; and when there shall be the Fraction of a Quarter of a Ton in any Weight or Lading of Limestone, such Fraction shall be deemed a whole Quarter of a Ton in Weight, and when there shall be the Fraction of an Hoghead of Lime, such Fraction shall be deemed an whole Hoghead.

LXXXVIII. Provided nevertheless, and be it further enacted, That in Case the said Company of Proprietors of the said intended Canal or Navigation, shall at any Time demand and receive higher Rates of Tonnage or Carriage

If the Company of Proprietors shall be empowered to take higher Rates

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riage

on the intended Canal, for Lime or Lime Stones, the Mayor, &c. of Exeter, not to be limited to the preceding Rates in respect thereof.

riage on the said intended Canal or Navigation, in respect of Lime or Lime Stones, than the Rates before mentioned, then and in such Case, the said Mayor, Bailiffs, and Commonalty, shall not be limited to the Rates of Tonnage and Carriage in respect thereof herein before mentioned, but shall be at Liberty to ask, demand, and receive the same Rates of Tonnage and Carriage in respect of Lime and Lime Stones, as such Company of Proprietors shall or may demand and receive for the Tonnage and Carriage of the same Articles which shall or may be conveyed through the said intended Canal or Navigation, not exceeding the Rates which the said Mayor, Bailiffs, and Commonalty, are now entitled to or have been accustomed to receive.

This Act not to interfere with the Mayor, &c. of Exeter, in the Management of their ancient Canal.

LXXXIX. Provided also, and be it further enacted, That nothing contained in this Act shall extend to controul the said Mayor, Bailiffs, and Commonalty, with respect to the Care or Management of the said ancient Canal, or the repairing or keeping up the same in any Manner whatsoever, but that the same shall be ordered, managed, and repaired as they shall think fit, without being in any Manner accountable to the said Company of Proprietors for any Neglect therein, or on Account of the Conduct of their Agents, Servants, or Workmen, or any other Matter or Thing whatsoever in anywise relating thereto.

This Act not to prejudice the Payments to which the Mayor, &c. of Exeter, are entitled, upon their ancient Canal, for the Carriage of any Goods, except Lime or Lime Stone.

XC. Provided also, and be it further enacted, That nothing contained in this Act shall extend, or be construed to extend, to hurt, prejudice, lessen, or diminish the Rates of Tonnage, or other Payments, to which the said Mayor, Bailiffs, and Commonalty are entitled, or which have been usually received by them upon the said ancient Canal for the Carriage of any Goods, Wares, Merchandizes, Article, Matter, or Thing whatsoever, except Lime or Lime Stone, and that the Rates before mentioned with respect to Lime and Lime Stone, shall be only applicable to such Lime or Lime Stone as have been or shall be conveyed upon or through the said intended Canal or Navigation, or any Part thereof.

This Act not to prejudice the Rights of the Mayor, &c. of Exeter, to their Town or Port Dues, or to their Quay Dues or Customs.

XCI. Provided also, and be it further enacted, That nothing contained in this Act shall affect or prejudice the Rights of the said Mayor, Bailiffs, and Commonalty, to the Town or Port Dues, in respect of all Goods, Wares, and Merchandizes imported into the said Port of Exeter, nor to the Quay Dues or Customs in respect to all Goods, Wares, and Merchandizes which shall be brought to, or pass by the lawful and established Quay at Exeter.

The accustomed Rates of Tonnage for the Carriage of any Goods on the ancient Canal except Lime or Lime Stone, and the Rates of Tonnage to be fixed by the said Mayor, &c. under this Act, for the Carriage of Lime or

XCII. Provided also, and be it further enacted, That all and singular the Rates of Tonnage, and other Dues which have been accustomed to be paid to the said Mayor, Bailiffs, and Commonalty, for the Carriage of any Goods, Wares, and Merchandizes; or any Article, Matter, or Thing whatsoever, in and upon the said ancient Canal or Navigation, from *Topsham to Exeter*, or any Part thereof, except with respect to the said Articles of Lime and Limestone, and also the said Rates of Tonnage and Carriage to be ascertained and fixed by the said Mayor, Bailiffs, and Commonalty, under the Provisions of this Act for the Tonnage and Carriage of Lime and Lime Stone, shall, from Time to Time, be collected, recovered, and received, in such and the same Manner, and by such, and the same Means, as the said Rates of Tonnage and other Dues for

Carriage on the said ancient Canal have hitherto been paid, collected, recovered, and received, or as shall hereafter be directed and appointed by the said Mayor, Bailiffs, and Commonalty for that Purpose; but if it shall happen, that the Rates of Tonnage or other Dues for Carriage on the said antient Canal, cannot be specified and ascertained to the Satisfaction of the Wharfingers or other Officers belonging to the said Mayor, Bailiffs, and Commonalty, upon the Entrance of any Goods, Wares, or Merchandizes, or other Articles, into the said antient Canal, or on the Arrival of them at the Quay at *Exeter*, which are intended to be carried on or upon the said intended Canal from *Exeter* to *Crediton* aforesaid, without causing the same to be unpacked and taken out of the Barge, Boat, or Vessel in which the same shall be conveyed, which would be attended with Delay and Inconvenience, then and in such Case, upon Notice given by the Wharfinger or other Officer appointed by the said Mayor, Bailiffs, and Commonalty, to the Wharfinger or Receiver of the Rates and Dues in respect of the said intended Canal or Navigation, that the Rates and Dues payable to the said Mayor, Bailiffs, and Commonalty, have not been settled and paid, such Wharfinger or Receiver of the said intended Canal or Navigation Dues, when such Barge, Boat, or Vessel shall be unladen on such new Canal or Navigation, or any Wharf belonging to the said Company of Proprietors, shall take a particular Account of all and every the Articles of such Lading, and the Size, Dimensions, and Weight thereof, and render such Account to the Wharfinger or other Officer employed by the said Mayor, Bailiffs, and Commonalty, and also, collect and receive the Rates of Tonnage or other Dues payable to the said Mayor, Bailiffs, and Commonalty, in respect of such Lading or Cargo, for passing on the said antient Canal, according to any particular or general Directions which shall be given to him by the Wharfinger or other Officer of the said Mayor, Bailiffs, and Commonalty for that Purpose, and shall account for and pay over the same, from Time to Time, to such Wharfinger or other Officer, for the Use, and on the Account of the said Mayor, Bailiffs, and Commonalty.

etc. of *Exeter*, for passing on the antient Canal, and pay the same over to their Officer.

XIII. Provided also, and be it further enacted, That upon the Entrance of any Boat, Barge, or Vessel into the said antient Canal, at the opening thereof from *Topsham*, which is intended to pass on from the said antient Canal into the said intended Canal or Navigation from *Exeter* to *Crediton* aforesaid, the Master or other Person having the Care and Government of such Boat, Barge, or other Vessel, shall give an Account in Writing of the Particulars of the Lading or Cargo of such Boat, Barge, or Vessel, and the Size, Weight, and Dimensions of the several Articles and Packages therein contained, to the Officer or Servant belonging to the said Mayor, Bailiffs, and Commonalty, who shall admit such Barge, Boat, or Vessel into the said antient Canal, and shall also give, or cause to be given, the like Account to the Wharfinger or other Officer of the said Mayor, Bailiffs, and Commonalty at the Quay at *Exeter*, before such Barge, Boat, or other Vessel shall pass by the Quay at *Exeter*, when and where the Rates of Tonnage, and other Dues payable in respect of the Lading or Cargo thereof for passing through the said antient Canal, shall be paid to the said Wharfinger or other Officer belonging to the said Mayor, Bailiffs, and Commonalty, in case such Rates or Dues have been or can be ascertained to the Satisfaction of such Wharfinger or other Officer, but otherwise

Limestone, to be collected in the same Manner as the Rates of Tonnage on the antient Canal have been heretofore collected; or if the Rates cannot be ascertained to the Satisfaction of their Officers, upon the Entrance of the Goods into the antient Canal, or on their Arrival at the Quay at *Exeter*, without being unpacked or unloaded, the Company's Receiver shall, on Notice from the Officer of the Mayor, *etc.* of Non-payment of their Rates, take a particular Account of the Lading, *etc.* when the Vessel shall be unladen on the new Navigation and collect the Dues payable to the Mayor, *etc.*

The Master of every Boat intended to pass from the antient Canal into the intended Navigation, shall, on entering the antient Canal at *Topsham*, furnish a written Account of the Particulars of his Lading, *etc.* to the Officer of the said Mayor, *etc.* of *Exeter*, and a similar Account to their Officer at the Quay at *Exeter*, where the Dues for passing on the antient Canal shall be

Form, nor
removed by
Certiorari.

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.

Limitation of
Actions.

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

Publick Act.

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

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