



ANNO QUADRAGESIMO SECUNDO

GEORGI II. REGIS.

Cap. 35.

An Act for enabling the Company of Proprietors of the *Somersetshire* Coal Canal Navigation, to vary and alter the Lines of the said Canal; to raise Money for completing the said Canal and Works; and to alter and amend the Powers and Provisions of the several Acts passed for making the said Canal.

[30th April 1802.]

WHEREAS by an Act, passed in the Thirty-fourth Year of the Reign of His present Majesty, intituled, *An Act for making and maintaining a navigable Canal, with certain Railways and Stone Roads, from several Collieries in the County of Somerset, to communicate with the intended Kennet and Avon Canal, in the Parish of Bradford, in the County of Wilts*, the several Persons therein named, and their respective Successors, Executors, Administrators, and Assigns, being Proprietors of any Share or Shares in the Navigation and Undertaking thereby authorized to be made and carried on, were united into a Company for the carrying on, making, completing, and maintaining the said Canal and Railways, or Stone Roads, according to the Rules, Orders, and Directions in the same Act contained; and for that Purpose were

34 Geo. 3.

[Loc. & Per.]

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created

created a Body Politick and Corporate, by the Name of *The Company of Proprietors of the Somersetshire Coal Canal Navigation*; and were empowered to raise and contribute amongst themselves a Sum of Money for completing the said Canal, and the Works and Conveniencies necessary thereto, not exceeding the Sum of Eighty thousand Pounds; and that the same should be divided into Eight hundred Shares, at a Sum not exceeding One hundred Pounds each; and no Person was to hold less than One nor more than Forty Shares in the said Undertaking; and if the said Sum of Eighty thousand Pounds should be found insufficient for the Purposes of the said Act, the said Company of Proprietors were authorized, in Manner therein mentioned, to raise and contribute amongst themselves the further Sum of Forty thousand Pounds, or to borrow or take up at Interest any Part of the said Forty thousand Pounds on Mortgage of the Tolls, Rates, and Duties granted by the said Act to the said Company of Proprietors; and the said Company by the said Act are also empowered to take a Tonnage on all Goods, Wares, and Merchandize navigated on the said Canal, as therein mentioned: And whereas by an Act, passed in the Thirty-sixth Year of the Reign of His said Majesty, intituled, *An Act to vary and alter the Line of a Canal authorized to be made by an Act, passed in the Thirty-fourth Year of the Reign of His present Majesty, intituled, 'An Act for making and maintaining a navigable Canal, with certain Railways and Stone Roads, from several Collieries in the County of Somerset, to communicate with the intended Kennet and Avon Canal, in the Parish of Bradford, in the County of Wilts,' and to alter and amend the said Act*, the said Company of Proprietors were empowered to vary the Line of the said Canal; and Power was given to the Committee of Management to sink or merge the Shares of certain Proprietors, who had incurred or should incur a Forfeiture thereof, into the Rest of the Shares of the said Undertaking, and to expunge and strike out the Names of such Proprietors, and the Numbers of their Shares; and in such Case the said Sum of Eighty thousand Pounds, or so much thereof as should be necessary, should be raised by, and the Profits of the Undertaking should be divided amongst, the Remainder of the Proprietors, in the Proportion which their respective Shares in the said Undertaking should bear to the Shares which should remain unforfeited; or the said Company of Proprietors were empowered to borrow Money on such forfeited Shares as therein mentioned: And whereas the said Company of Proprietors having, in the Prosecution of the said Works, long since expended the said Sum of Eighty thousand Pounds, first authorized to be raised by the said first recited Act, did, by virtue of the Power therein also contained, agree to raise and contribute amongst themselves the further Sum of Forty thousand Pounds, towards completing and finishing the said Works, making together the Sum of One hundred and twenty thousand Pounds; for the Whole of which, amounting to One hundred and fifty Pounds *per* Share, (except Three thousand seven hundred and sixty eight Pounds Nine Shillings, in respect of the forfeited Shares), the said Company of Proprietors, or the Committee of Management for the Time being have made Calls on the several Proprietors to the said Undertaking, agreeably to the Powers vested in them, in and by the said first recited Act, for that Purpose: And whereas the Sum of One hundred and four thousand one hundred and thirty-six Pounds, or thereabouts, only hath been yet paid by the said Proprietors unto the Treasurers of the said Undertaking; and the said Treasurers are considerably in Advance on Ac-

count

count of the said Company, for which they have agreed to pay the said Treasurers Interest; and all the Monies so raised and paid into the Hands of the Treasurers, and so due to them from the said Company as aforesaid, have been expended in the Prosecution of the Works of the said Undertaking, and carrying into Effect the Purposes of the said Acts; and the said Company of Proprietors have also incurred sundry other Debts in the Prosecution of the said Undertaking, which are yet unsatisfied and owing by them: And whereas the said Company of Proprietors have in pursuance of the said Acts, proceeded in making and completing certain Parts of the said Canal; and have finished the *Dunkerton* Line thereof by forming a Communication between the Upper and Lower Levels by a Whimsley or Jenny Road, and had it in Contemplation to finish the *Radstock* Line thereof from the present Termination in a certain Field in the Parish of *Wellow*, called *Ranscomb*, in a similar Manner, and which by the said first recited Act they are empowered, in Case they should think proper, to do, and the same was to be considered as Part of the said Canal; but such Communications are likely to be attended with great Loss, Delay, and Inconvenience to the Traders on the said Canal, and to the Publick at large; and it would be much more convenient and a considerable Saving to the Publick, if the said Lines of the said Canal were completed and finished by Water Communications to be formed between the Upper and Lower Levels thereof; but the said Company of Proprietors find, by the Examination of the Lands through which they are by the said recited Acts empowered to make and complete their Canal, they cannot make such Water Communications, without being empowered to vary and alter the *Dunkerton* Line of the said Canal in the Parishes of *Coombbay* and *Southstoke*, in the said County of *Somerset*, and the *Radstock* Line in the Parish of *Wellow*, in the said County of *Somerset*, through the Lands and Grounds of the several Persons after mentioned: And whereas the finishing the said *Radstock* Line of Canal from the Place before mentioned, and making of such Water Communications, with other necessary Works on both Lines of the said Canal, will be attended with a very considerable increased Expence and Cost to the said Company of Proprietors, at least to the Amount of Thirty-seven thousand Pounds and upwards (exclusive of a very considerable annual Expence in supplying the Upper Levels with Water); and they have already expended considerably more than the original Estimate for making and completing the said Canal and Works: And whereas it is reasonable and just, that in the Event of finishing the said *Radstock* Line of Canal from the said Field called *Ranscomb*, and of such Water Communications being made, an extra Tonnage, over and above the Tonnage authorized to be raised by the said first recited Act on all Goods that shall be passed from the Upper to the Lower, or from the Lower to the Upper Levels of the said Lines of Canal, shall be received by the said Company, and accounted for by them, in Manner hereinafter mentioned; but inasmuch as such extra Tonnage is necessary for the Purpose only of enabling the said Company of Proprietors of the *Somersetshire* Coal Canal to raise Money for finishing the said *Radstock* Line of Canal from the said Field called *Ranscomb* to the Lower Level, and forming such Water Communications, and not in order afterwards to keep up and support the same, it is also just and reasonable for the Interest of the Publick, that Provision be made for putting an End to such extra Tonnage, when the Object thereof shall
be

be effected, by the Means of a Sinking Fund, to be formed with such extra Tonnage, and with the Portions of Tonnage after mentioned, for the Purpose of discharging the Costs and Expences to be incurred in finishing, making, and maintaining such Works; and as certain Parts of the said *Somersetshire* Coal Canal will be made and formed out of the Forty-five thousand Pounds herein-after authorized to be raised, the said *Somersetshire* Coal Canal Company have agreed, in Augmentation of such extra Tonnage, to contribute such a Proportion of the Tonnage to be received by them for Goods navigated on the said Canal as herein-after mentioned; and as the Companies of Proprietors of the *Kennet* and *Avon* and *Wilts* and *Berks* Canal Navigations are interested in having the said Lines of Canal finished by Water Communications, and in putting an End to such extra Tonnage in respect to Locks as herein-after mentioned, it is also thought reasonable and proper that such individual Proprietors of the last mentioned respective Companies as may think fit, shall be permitted to subscribe such Proportions of the Money necessary to be raised for the said Purposes as herein-after mentioned; and that in the Event of their so doing, the said *Somersetshire* Coal Canal Company shall be required, in Manner after-mentioned, to raise such a Proportion thereof as is also after-mentioned; and Deputations shall be appointed to conduct such Works, and to receive from the said Companies' Treasurer, in Manner herein-after mentioned, the Subscriptions for erecting the same, and the Tonnage to arise therefrom, and to apply such Tonnage, with the Proportion agreed to be contributed by the *Somersetshire* Coal Canal Company of their other Tonnage as aforesaid, for the several Purposes herein-after mentioned, with a View ultimately to put an End to such extra Tonnage by Means of the Sinking Fund herein-after directed to be formed: And whereas there is a further Sum of Money wanting and necessary, more than the Proprietors are able to borrow or raise under the said Acts, to liquidate and discharge the Debts of the said Company, and to finish and complete the said Canal and Works on the Upper Level of the *Radstock* Line thereof to the said Field called *Ranscomb*: And whereas, in order to facilitate the finishing and completing the said Canal and Works on the *Radstock* Line thereof, from the Place before mentioned to the Lower Level, and forming such Water Communications on both Lines of the said Canal, and raising Money to enable the said Company so to do, in the Manner most beneficial to themselves and the Publick, and to enable the said Company to collect and receive the additional Rates or Tonnage, and form such Sinking Fund for the Purpose aforesaid, it is necessary the said Company should have further Powers granted to them; and the Powers and Provisions of the said Acts having in many Respects been found insufficient, it is requisite that the same should be extended, altered, and amended: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and immediately after the passing of this Act, the said Company of Proprietors of the *Somersetshire* Coal Canal Navigation, and their Successors, shall and may have Power and Authority, and they are hereby authorized and empowered, by themselves, their Deputies, Agents, Officers, Workmen, and Servants, to vary and alter the said Canal on the *Dunkerton* Line thereof, from or near to a certain Bridge over the said Canal,

Power to vary
the Canal on
the *Dunkerton*
Line.

Canal, in a certain Close of Land in the Parish of *Coombay* in the County of *Somerset*, called *Blackland's Furlong*, belonging to *John Smith* Esquire, into and through several Closes of Land in the said Parish of *Coombay* and *Southstoke*, in the said County of *Somerset*, belonging or reputed to belong to the said *John Smith*, the said Company of Proprietors, *Edward Barnard*, and *John Webb Slade*, *Joseph Slade*, *Sarah Slade*, and *Mary Slade*, and the publick Highway and Road leading from *Midford*, to *Coombay*; and on the *Radstock* Line of the said Canal, in and from a certain Close of Land, in the Parish of *Wellow*, in the County of *Somerset*, belonging to *William Gore Langton* Esquire, called *Ranscomb*, into and through several Closes of Land in the said Parish of *Wellow*, belonging or reputed to belong to the said *William Gore Langton*, *Mary Wooldridge*, *Mary Whippie*, and the said Company of Proprietors, and the publick Highway leading from *Wellow* to *Twinnoe*, in the said County of *Somerset*, in such and the same Manner as such respective Variations and Alterations are described in the Plan herein-after referred to.

II. And whereas Levels and Surveys have been taken to ascertain the Practicability of making the said Variations or Alterations, and a Map or Plan, and a Book of Reference thereto, have been made, in consequence of such Levels and Surveys, through, across, or over the several Estates, Lands, or Grounds, now or lately belonging, or reputed to belong, to the several and respective Persons particularly mentioned in the said Book of Reference, and the same have been deposited at the Office of the Clerk of the Peace for the County of *Somerset*; be it therefore enacted, That the said Map or Plan, and Book of Reference, shall remain in the Custody of the Clerk of the Peace for the said County of *Somerset*, to the End that all Persons may, at all seasonable Times, have Liberty to inspect and peruse, and to take Copies or Extracts of the same, at their Will and Pleasure, paying the Clerk of the Peace the Sum of One Shilling for every such Inspection, and after the Rate of Three-pence for every One hundred Words of such Copies or Extracts of the said Book of Reference; and that the said Company of Proprietors, in making the said Variations or Alterations hereby authorized to be made, shall not deviate more than One hundred Yards from the Lines or Courses thereof, described in the said Map or Plan; nor shall any such Deviation be made into, or carried through the Lands of any Person not named in the said Book of Reference, without the Consent in Writing of such Person: Provided nevertheless, that it shall be lawful to and for the said Company of Proprietors, and they are hereby authorized to deviate from the said Lines or Courses of the said Canal through the Lands of any Person whose Name is mentioned in the Book of Reference deposited as aforesaid, to any Distance not exceeding One hundred Yards from the Line or Course thereof, as described in the said Plan so deposited with the Clerk of the Peace for the said County of *Somerset*: Provided always, that no Advantage shall be taken of or against the said Company of Proprietors, or any Interruption be given to the making of the said Variations or Alterations, or any of them, on Account of any Error or Omission in the said Book of Reference as to the Name or Names of the Owners or reputed Owners or Occupiers of such Lands or Grounds, in case it shall appear to any Three or more of the Commissioners appointed by the said first

Book of Reference deposited with the Clerk of the Peace.

Power to deviate 100 Yards.

[Loc. & Per.]

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recited

recited Act, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Company not empowered to take certain Houses, etc. without Consent.

III. Provided always, and be it further enacted, That nothing in this Act shall extend to authorize and empower the said Company of Proprietors, or any other Person or Persons, to take, use, injure, or damage any House or other Building, or any Grounds, which, upon the First Day of *January* One thousand eight hundred and two, were the Scite of any House or other Building, or a Garden, Orchard, Yard, Park, or planted Walk or Avenue to a House, or a Lawn or Pleasure Ground inclosed or adjoining to a Dwelling House, without the Consent of the respective Owners and Occupiers thereof, other than and except such as are particularly mentioned in the Schedule hereunto annexed; all which said Houses, Cottages, and other Buildings hereby excepted, or any or either of them, it shall be lawful for the said Company of Proprietors to take or pull down, and to sell or otherwise dispose of the Materials thereof, as they shall think proper; and it shall also be lawful for them to take and make Use of the Scites of such Houses, Cottages, and other Buildings, and the said Yards, Orchards, and Gardens, in the said Schedule mentioned and expressed, for the Purpose of the said Navigation and Undertaking, the said Company of Proprietors making Satisfaction to the several Owners and Occupiers of, and Persons interested in, such Houses, Cottages, or other Buildings, and such Yards, Gardens, and Orchards respectively, for the same, and for the Damages they shall respectively sustain thereby, in Manner as herein mentioned.

Company to execute Works, etc.

IV. And be it further enacted, That, from and after the passing of this Act, the said Company of Proprietors of the *Somersetshire* Coal Canal Navigation, are hereby authorized and empowered to make, erect, build, execute, do, and perform, all such Works, Matters, and Things, as shall be requisite and convenient for making, completing, repairing, preserving, maintaining, and using the Variations hereby authorized to be made, and the Navigation thereof; and for making and setting up Bridges, Inclined Planes, Locks, Reservoirs, Feeders, Aqueducts, Wharfs, Quays, Landing Places, Weigh Beams, Cranes, Engines, Machines, and other Matters and Things requisite or convenient for the said Navigation and Works, in as full, ample, and beneficial a Manner, to all Intents and Purposes, as the said Company of Proprietors are authorized and empowered to do, execute, and perform, under and by virtue of the said recited Acts, with respect to the Canal and Works thereby authorized to be made; and the said Company of Proprietors, their Agents, Servants, Workmen, and Labourers, and all and every Person and Persons, Bodies Politick, Corporate, and Collegiate, Corporations Aggregate and Sole, Tenants for Life or in Tail, or for any other particular Estate or Interest, Husbands seised or entitled in Right of their Wives, Guardians, Trustees, Feoffees in Trust for Charities, and all other Persons, Committees, Executors, and Administrators, and all other Trustees whatsoever, shall have and be seised and possessed of, and is and are hereby invested with, such and the like Estates, Authorities, Powers, Abilities, Interests, Privileges, and Advantages, and shall be, and is and are hereby made subject and liable to such and the like Rules, Conditions, Directions, Regulations, Limitations,

Limitations, Restrictions, Controuls, Payments, Penalties, Forfeitures, Punishments, and Benefit of Appeal, in relation to the making, executing, completing, using, and governing the said Variations and Works by this Act authorized to be made, completed, maintained, and used, as are mentioned, given, granted, prescribed, established, and inflicted in and by the said recited Acts, to every Intent and Purpose whatsoever; and that the said recited Acts, and all the Clauses, Provisoos, Powers, Authorities, Orders, Rules, Regulations, Tolls, Duties, Limitations, Restrictions, Prohibitions, Directions, Exemptions, Indemnities, Penalties, Forfeitures, Punishments, Matters, and Things therein contained (save and except such as are hereby altered, so far only as the same are hereby altered, and no further), for making, completing, repairing, preserving, maintaining, and using the said Canal and other Works thereby authorized to be made (so far as the Nature and Circumstances of the Case will admit), shall extend, and are hereby extended to, and shall take Effect, operate, and be put in Execution, and shall be used and exercised by the said Company of Proprietors, and shall be applied and enforced in, by, and for and in respect of making, completing, repairing, preserving, maintaining, and using the said Variations, and the several Works, Matters, and Things by this Act authorized to be made, done, and performed; and for supplying the same whilst making, and when made, with Water; and for the Punishment of Offenders in relation thereto; and for the selling and conveying of Lands, Tenements, and Hereditaments, and ascertaining the Value thereof; and for the determining and assessing of Damages, and all other Matters and Things which relate to, or happen or arise by or in consequence of the making, completing, repairing, preserving, maintaining, and using the said Variations and Works hereby authorized to be made, done, and executed; and that the Persons who are appointed Commissioners for putting the said first recited Act in Execution shall be Commissioners for the Purposes of this Act, in the same Manner, and as fully and effectually to all Intents and Purposes, as if the Clauses, Provisoos, Powers, Authorities, Orders, Regulations, Limitations, Restrictions, Prohibitions, Directions, Exemptions, Indemnities, Penalties, Forfeitures, Punishments, Matters, and Things contained in the said recited Act, were herein repeated and re-enacted (save and except as aforesaid); and as if the Variations and other Works by this Act authorized to be made, completed, maintained, and used, had been Part of the Canal and other Works by the said recited Acts authorized to be made, completed, maintained, and used.

Powers of former Acts extended to this.

V. And whereas, by the said first recited Act, the Shares in the said Undertaking are divided into Eight hundred, and declared to be Shares of One hundred Pounds each; and the present Proprietors have advanced and paid, or are liable to pay, One Eighth hundredth Part or Share of the Money called from Time to Time, under and by virtue of the said recited Acts, for and in respect of each and every Share they hold in the said Undertaking, amounting to One hundred and fifty Pounds *per* Share, and are also liable to pay their respective Proportions of the Deficiency on forfeited Shares; and by the said first recited Act it is declared and provided, that Interest shall be paid to the said Proprietors whilst the said Canal is making, and until the same is completed and finished; but by reason of the said Company having expended nearly the Whole of the Money authorized to be raised under and by virtue of the said recited Act, they will not be able to continue the Payment of such Interest, without being

Proprietors not compellable to pay more than 150 *l.* *per* Share.

being enabled to raise Money for that Purpose; be it therefore enacted, That the said present Proprietors of Shares in the said Undertaking shall not be compelled or compellable to advance or pay any further or other Sum or Sums of Money, for or on Account of their present Shares in the said Undertaking, beyond or exceeding One hundred and fifty Pounds *per* Share; and that all Interest Money due and to become due to the said present Proprietors, under and by virtue of the said first recited Act, or any Resolution heretofore made by the said Proprietors in respect thereof, shall be defrayed and paid from Time to Time by and out of the Monies to be raised by virtue of the said Acts, and of the Sum of Twenty thousand Pounds herein-after mentioned, and authorized to be raised by this Act.

Ascertaining
the Value of
Shares.

VI. And be it further enacted, That the Value of each and every Share in the said Canal and Undertaking, shall be estimated and ascertained at the Sum of One hundred and fifty Pounds; any Thing in the said former Acts contained to the contrary notwithstanding.

Clause requir-
ing Proprie-
tors to raise
Money on for-
feited Shares,
repealed.

VII. And whereas, in and by the said recited Acts, or One of them, it is enacted, that the Money to be called for, in respect of any forfeited Share or Shares, and the Produce arising from any forfeited Share or Shares in the said Undertaking, shall be raised by, and equally divided amongst the Rest of the said Company of Proprietors, in Proportion to their respective Shares and Interests in the said Canal and Undertaking; and it would be more beneficial to the Interest of the said Company of Proprietors if such forfeited Shares were to be sold, and the Monies to be raised by the Sale thereof were to be applied to the finishing and completing the said Canal and other Works, and in liquidating the Debts of the said Company of Proprietors; be it therefore enacted, That so much of the said recited Act as required the Money on such Shares to be raised by, and the Produce arising from such forfeited Share or Shares as aforesaid to be equally divided amongst the Rest of the said Company of Proprietors, in Proportion to their respective Shares and Interests in the said Undertaking, shall be, and the same is hereby repealed.

Committee
empowered to
sell forfeited
Shares.

VIII. And be it further enacted, That the Committee of Management for the Time being of the said Company of Proprietors shall, and they are hereby authorized, empowered, and required, to sell and dispose of all and every such forfeited Share or Shares, and order and direct the Name or Names of the Purchaser or Purchasers thereof respectively to be entered in the Register Book or Books of the said Company, as the Proprietor or Proprietors of such forfeited Share or Shares so to be sold as aforesaid, in Lieu and in the Room of the Proprietor or Proprietors so having forfeited or forfeiting; and after such Entry so made, the Purchaser or Purchasers of such Share or Shares respectively shall be entitled to such Share or Shares in as full and large a Manner as if he, she, or they had originally subscribed for the same, provided and so as such Share or Shares be not sold for less than One hundred Pounds each; and the Money to be raised by the Sale of all and every Share and Shares in the said Undertaking already forfeited or hereafter to become forfeited, and the Dividends upon or other Produce of the same, until they shall be so sold, shall be, and the same is and are hereby directed to be applied to the finishing and completing the said Canal on the Upper Level of the *Radstock* Line thereof to the said Field called *Ranscomb*, and other Works necessary or relating

relating thereto, and in liquidating the Debts of the said Company of Proprietors.

IX. And whereas in and by the said first recited Act it is enacted, that if any Swivel Bridge or Drawbridge should be laid over or across the said Canal, or any Trenches or Passages to be made by virtue of the said Act, all and every Person or Persons opening any such Swivel Bridge or Drawbridge, should shut and fasten the same so soon as any Vessel should have passed any such Bridge: And whereas the said Provision has been found inconvenient, be it therefore enacted, That so much of the said recited Act as requires such Swivel Bridges or Drawbridges as aforesaid to be shut and fastened so soon as any Vessel has passed the same (except so far as respects Bridges on publick Roads), shall be, and the same is hereby repealed: Provided nevertheless, that the said Company of Proprietors shall, and they are hereby required, to affix a Chain to each such Swivel Bridge and Drawbridge, so as to extend across the Bottom of the said Canal to the opposite Bank, and be affixed to such opposite Bank, so as to enable Persons to shut such Swivel Bridges and Drawbridges when necessary.

Clause respecting Swivel Bridges repealed.

X. And be it further enacted, That so much of the said first recited Act as enacts or relates to the Distribution of the Profit and Advantages to arise from the Rates, Tolls, and Duties to be raised and received under and by virtue of the said Act, amongst the Proprietors of One or more Share or Shares in the said Undertaking, and in Proportion to their Shares therein, not exceeding Forty Shares to any One Person shall, so far as the same relates to or respects such Division to Proprietors of Shares, not exceeding Forty Shares to any One Person, be, and the same is hereby repealed; and such Distribution shall from Time to Time be made to and amongst all and every Proprietor or Proprietors of Shares and Half Shares in the said Undertaking, according and in Proportion to the Number of Shares or Half Shares such Proprietor or Proprietors shall have or be entitled to in the said Undertaking; but no Proprietor, although possessed of more than Fifty Shares, shall have or be entitled to give more than Fifty Votes at any General or Special Assembly of the said Company of Proprietors, in respect of the Number of Shares he, she, or they may be entitled to in the said Undertaking.

Clause respecting the Number of Shares to be holden by One Proprietor repealed.

XI. And be it further enacted, That it shall and may be lawful for the said Company of Proprietors of the *Somersetshire* Coal Canal, and they are hereby authorized and empowered, to raise, in Manner herein-after mentioned, any Sum not exceeding Twenty thousand Pounds, over and above the said Sum of One hundred and twenty thousand Pounds in the said first recited Act authorized to be raised, although the same last mentioned Sum may not have been wholly raised, any Thing in the said Acts to the contrary notwithstanding; and that the said Sum of Twenty thousand Pounds, or such Part thereof as shall be raised by virtue of this Act, shall be applied First in paying and discharging the Debts owing by the said Company of Proprietors, and afterwards in completing the said Canal Navigation and Works, and in executing the several Purposes of the said recited Acts and this Act, except the finishing the Canal, Locks, and Works hereby authorized to be made, by and out of the Money herein-after authorized to be raised.

Company empowered to raise 20,000 £. for certain Purposes.

[*Loc. & Per.*]

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XII. Provided

If the Money raised be more than sufficient, Surplus to be divided amongst Proprietors.

XII. Provided also, and be it further enacted, That if the Sum proposed and agreed to be borrowed or raised by the said Company, at any Special or General Meeting of Proprietors by virtue of this Act, towards the said Sum of Twenty thousand Pounds, shall be more than sufficient to complete the said Canal and Works authorized to be made by the said Two recited Acts, the Whole of the Money so proposed and agreed to be borrowed or raised as aforesaid shall nevertheless be called for and paid; and the Overplus Money raised thereby shall be considered as Part of the general Stock of the said Company of Proprietors, and be divided with the Rates and Duties of the said Canal amongst the Proprietors thereof.

The Company empowered to raise the Money on Notes transferrable.

XIII. And whereas several of the Proprietors in the said Undertaking are willing to advance further Sums of Money towards raising the said Sum of Twenty thousand Pounds, to be paid by Instalments, and to take Promissory Notes under the Common Seal of the said *Somersetshire* Coal Canal Company, transferrable by Indorsement, on having an Option of becoming Proprietors for further Shares in the said Undertaking, as after mentioned; be it therefore enacted, That it shall be lawful for the same Company, and they are hereby authorized and empowered, to raise so much of the said Sum of Twenty thousand Pounds, as shall be agreed to be advanced by such Proprietors as aforesaid, to be paid by Instalments, on Promissory Notes, under the Common Seal of the same Company, transferrable by Indorsement; and that such Notes shall be made payable at the End of Six Years from the passing of this Act, with Interest for the same in the mean Time, to be paid Half-yearly, after the Rate of Five Pounds *per Centum per Annum*; but the respective Holders of such Notes shall have and be entitled to the Option, instead of receiving back such Principal Monies, to be admitted to become Proprietors of a new Share in the said *Somersetshire* Coal Canal at or for such Price or Sum of Money as shall be expressed in each of such Notes, so that the same be not less than One hundred Pounds, and of Half a Share in the said Canal at or for such Price or Sum of Money as shall be expressed in each of such last mentioned Notes, so that the same be not less than Fifty Pounds of the Principal Money advanced on such Notes, at or at any Time before the Expiration of the said Term of Six Years, such Holders respectively giving Six Calendar Months Notice in Writing to the Principal Clerk of the said Company of such their Option to become Proprietors as aforesaid, at and from the then next General Half-yearly or other Settlement of the Books of the same Company.

Holders of Notes to have the Option of receiving back their Money, or becoming Proprietors.

Providing for Fractions of a Share or Half Share.

XIV. Provided always nevertheless, and it is hereby further declared, That no Person or Persons to whom such Notes as aforesaid shall be given, or who shall be entitled thereto, and to the Principal and Interest thereby secured as aforesaid, at the Expiration of any such Notice to be given as aforesaid, shall, by Reason or on Account of such Notes, be entitled to have or hold any Fraction or less than Half a Share in the said *Somersetshire* Coal Canal Navigation, unless for the Purpose of making any other Fraction or less than Half a Share therein, which such Person or Persons shall be possessed of in the same Canal Navigation previous to the Expiration of such Notice, into a Half Share therein; but that in all Cases where the Money due on such Notes shall amount to a Fraction of Half a Share as aforesaid, and shall not make any Fraction or Fractions of a Share

or Shares or Half a Share then belonging to the Holder or respective Holders of such Notes respectively into a whole Share or Shares or Half a Share, then and in every such Case the Person or Persons to whom such Notes shall be given, or who shall be entitled thereto, and to the Principal Money and Interest thereby secured, shall, at his, her, or their own Election, either advance and pay to the said *Somersetshire* Coal Canal Company such further Sum of Money as, with such Fraction or Fractions of the Value of a Share or Half Share, as he, she, or they may then be possessed of, will together amount to a whole Share or Half a Share as aforesaid; or such Person or Persons as last aforesaid shall be repaid such Fraction by the said Company.

XV. And be it further enacted, That every Proprietor of a present Share in the said *Somersetshire* Coal Canal Undertaking shall be entitled to subscribe to the said Loan, in Proportion to his, her, or their present Share or Shares in the said Undertaking, on his, her, or their signifying his, her, or their Intention or With so to do, in Writing under his, her, or their Hand or Hands, to the Principal Clerk of the said *Somersetshire* Coal Canal Company, within One Calendar Month after Notice of the passing this Act shall be transmitted to him, her, or them, or left at his, her, or their usual or last known Place of Abode, and his, her, or their signing a proper Engagement or Agreement so to do; and in case any of the present Proprietors of Shares in the said Undertaking shall, for the Space of One Calendar Month next after Notice of such intended Loan shall be transmitted to or left for him, her, or them, as aforesaid, omit or neglect so to signify to the said Clerk, in Writing, his, her, or their Intention or Wish to subscribe to the said Loan, or shall not subscribe to the said Loan to the Extent of or in Proportion to his, her, or their present Share or Shares therein, then the remaining or other Proprietors of Shares in the said Undertaking shall have the Liberty and Power of subscribing to such Part or Parts of the said Loan as shall not be so taken, in Proportion to their respective Shares in the said Undertaking, before such remaining Part or Parts of such Loan shall be offered to, or be at Liberty to be taken by, any Person or Persons who is or are not a Proprietor or Proprietors in the said Undertaking.

Present Proprietors to have Preference of Loan on signifying their Intention in a limited Time.

XVI. And be it further enacted, That the General and Special Assemblies, or the Committee to be elected for the Time being under and by virtue of the said first recited Act, shall have Power from Time to Time to make such Call and Calls for Money from the Person or Persons who shall agree to advance such Sum or Sums of Money to be specified in such Engagement or Agreement, as they shall from Time to Time find necessary, so that no such Call do exceed the Sum of Ten Pounds for every Sum of One hundred Pounds, and Five Pounds for every Sum of Fifty Pounds, and so as no such Calls be made but at the Distance of Two Calendar Months at the least from each other; which Monies so to be called for shall be paid to such Person or Persons, and in such Manner as the said General or Special Assemblies or Committee shall from Time to Time appoint and direct, for the Use of the said Undertaking.

Committee to make Calls.

XVII. And be it further enacted, That it shall be lawful for the said *Somersetshire* Coal Canal Company, and they are hereby authorized and empowered,

Power to raise Money on Notes, to be repaid in Six

Years, or converted into Shares, at the Option of Lenders.

Persons advancing Money on Notes and making Election to become Proprietors to be admitted accordingly.

Incorporated with the old Proprietors, and subject to the same Rules.

empowered, to raise so much of the said Sum of Twenty thousand Pounds as shall not be advanced by the said Proprietors in the Manner aforesaid; as shall be necessary for the Purposes aforesaid, on Promissory Notes of One hundred Pounds, or Fifty Pounds each, and not for a Fraction of either of the said Sums, under the Common Seal of the said Company, transferrable by Indorsement; and that such Notes shall be made payable at the End of Six Years from the passing of this Act, with Interest for the same in the mean Time, to be paid Half-yearly, at the Rate of Five Pounds *per Centum per Annum*; but the respective Holders of such Notes shall have and be entitled to the Option, instead of receiving back such Principal Monies, to be admitted to become Proprietors of a Share in the said *Somersetshire* Coal Canal, at or for such Price or Sum of Money as shall be expressed in each of such Notes, so that the same be not less than One hundred Pounds, or Half a Share in the said Canal, at or for such Price or Sum of Money as shall be expressed in each of such last mentioned Notes, and so that the same be not less than Fifty Pounds of the Principal Money advanced on such Notes, at or at any Time before the Expiration of the said Term of Six Years; such Holders respectively giving Six Calendar Months Notice in Writing to the said Principal Clerk of such their Option to become Proprietors as aforesaid, in respect of their said Principal Monies, at and from the then next General Half-yearly or other Settlement of the Books of the same Company; and all Persons to whom any such Notes as aforesaid shall be given, or who shall from Time to Time be entitled thereto, and to the Principal Money and Interest thereby secured, as Indorsers of otherwise, before or at the Expiration of the said Term of Six Years, on such Notice and Election being given and made as aforesaid to become Proprietors of Shares or Half Shares in respect thereof, shall be admitted Proprietors in the said Undertaking accordingly for a whole Share or Half a Share, as the Case may be, and shall be and they are hereby declared to be Owners and Proprietors of such and so many Shares or Half Shares in the said Undertaking as he, she, or they shall or may, by virtue of such Note or Notes and Election to be made as aforesaid, become entitled to, and shall be and they are hereby united to and incorporated with the said Company; and the several Powers, Directions, Penalties, Forfeitures, and Provisions contained in the said recited Acts (subject nevertheless to the Provisions, Directions, and Regulations herein contained), shall extend to the Nature of the Property, Sale, and Disposal of transferring, ticketing, and registering the said Shares and Half Shares, and in all other Respects relating thereto, in like Manner as if the said Shares and Half Shares had been originally subscribed for, and as if the Money to be subscribed by virtue of this Act was Part of the Money authorized to be raised by the said first recited Act, and as if the said several Powers, Directions, Penalties, Forfeitures, and other Provisions contained in the said several recited Acts or either of them, and not hereby abrogated or altered, were repeated and re-enacted in this Act; and all and every the Persons, Bodies Politick and Corporate, and their several and respective Executors, Administrators, Successors, and Assigns, who shall severally become entitled and admitted to any such new Shares or Half Shares, shall stand and be interested in all the Profits and Advantages that shall and may arise and accrue to the said Company by virtue of the said recited Acts and this present Act (except as to such Tonnage as is herein-after directed to be appropriated to other Purposes), in such Proportions as such Shares

Shares and Half Shares shall bear to the whole Amount of Shares and Half Shares in the said Undertaking; so that each Proprietor of One or more of such new whole Share or Shares shall be entitled to receive such and the same Dividend and Profit for the same as he, she, or they would be entitled to receive for an equal Number of old Shares in the said Undertaking; and the Proprietors of One or more such Half Share or Half Shares shall be entitled to receive Half the Amount of such Dividends and Profits as the Proprietors of the like Number of whole Shares would be entitled to receive therein.

XVIII. And be it further enacted, That the Rates, Tolls, and Duties authorized to be taken, and which shall arise by virtue of the said Acts and of this Act (except such Part thereof as is herein-after directed to be appropriated to other Purposes), shall be a Security for all and every Sum and Sums of Money for which such Promissory Notes as aforesaid respectively shall be given, and the Interest thereon, to the Person or Persons who shall from Time to Time be entitled to the same; (but subject nevertheless and without Prejudice to the Payment of such yearly Rents, or other Sum or Sums of Money, as have been or shall be agreed upon, determined, or assessed and awarded for Damages or Satisfaction under and by virtue of the said recited Acts); the Form of which Notes and the proper Entry and Registry thereof, and of any Notice or Notices, and of all other Matters and Things relating thereto, in the Company's Books, shall be from Time to Time regulated and adjusted by the said Company of Proprietors, or the Committee of Management for the Time being, as they shall think fit.

Tolls, &c. to be a Security for the Money advanced.

XIX. And be it further enacted, That in case the said Company of Proprietors shall think it more advisable to raise the said Sum of Twenty thousand Pounds, or any Part thereof, by Mortgage of the Rates, Tolls, and Duties granted by the said first recited Act or this Act (except as last excepted), or by granting Annuities either without or with Benefit of Survivorship, instead of raising the same by the other Ways and Means authorized by this Act, then and in such Case it shall be lawful for the said Company, pursuant to an Order or Orders made from Time to Time, at a General or Special Assembly, to raise so much of the said Sum of Twenty thousand Pounds as last aforesaid, or any Part thereof, either by Mortgage as aforesaid, or by the granting of any Annuity or Annuities to or for the Use of or in Trust for any Person or Persons whomsoever, he, she, or they paying the Money to be advanced on Mortgage, or the Consideration Money for the Purchase of such Annuity or Annuities, to the Treasurer to the said Company; the said Annuities respectively to be granted, and paid and payable for any Term or Number of Years, or for the Life or Lives of any Person or Persons whomsoever, and either with or without Benefit of Survivorship; the Terms of granting which Annuities, and all Conditions and Regulations relating thereto, shall be settled and approved of at a General or Special Assembly of the said Company from Time to Time; Notice of which Assembly shall be advertized in some Newspaper or Newspapers circulating in the County of *Somerset*, Fourteen Days at the least before the Meeting thereof; and every such Notice shall express that the Assembly therein mentioned is to be held for the Purpose of settling the Terms for raising Money for the Use of the *Somersetshire* Coal Canal Navigation, by granting Annuities; and the said Company are

Power of raising the Money by Mortgage or Annuities.

[Loc. & Per.]

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hereby

hereby authorized and empowered to assign and make over the Rates to arise by virtue of the said first Act, and of this Act (except as aforesaid), or any Part thereof, as a Security or Securities for such Mortgage Money, or for such respective Annuities, to or in Trust for the Person or Persons who shall advance such Mortgage Money, or purchase or contract for such Annuity or Annuities.

Form of
Grant of
Annuity.

XX. And be it further enacted, That every such Mortgage shall be made and registered in the Form and Manner prescribed, and the Principal and Interest Money thereby secured shall be payable, recoverable, and transferrable in such and the same Manner, and with such and the same Powers, Regulations, Rights, and Privileges, as in the said first recited Act are prescribed and contained with respect to the Mortgages thereby authorized to be made, or as near thereto as Circumstances and the Provisions herein contained will admit; and that the Grant of every such Annuity as aforesaid shall be by Deed under the Common Seal of the said Company, and shall or may be (so far as the Case may be applicable), according to the Form following; (that is to say),

WE, the Company of Proprietors of the *Somersetshire* Coal Canal Navigation, in Consideration of the Sum of _____ paid by _____ of _____ to our Treasurer, (testified by his signing these Presents) do hereby, by virtue of an Act passed in the Forty-second Year of the Reign of King *George* the Third, intituled [*Here insert the Title of this Act*] grant unto the said _____ One Annuity or yearly Sum of _____ to be issuing out of all and singular the Rates arising by virtue of an Act of Parliament, passed in the Thirty-fourth Year of the same Reign, intituled [*Here insert the Title of the First Act*] except so far as such Rates are otherwise disposed of by the said Act of the Forty-second Year of the said Reign, to hold unto the said _____ his Executors, Administrators, and Assigns, for the Term of _____ Years [*or, as the Case shall be*] to hold unto the said _____ and his Assigns, during his natural Life [*or, to hold unto the said _____ his Executors, Administrators, and Assigns, for _____ and during _____*]

And such Annuity or yearly Sum shall be payable and paid at _____ upon the _____ Day of _____ and _____ Day of _____ by equal Portions; and the First Payment thereof shall be made upon the _____ Day of _____ Given under our Common Seal, this _____ Day of _____ One thousand eight hundred and _____ (L. S.) _____ *A. B. Treasurer.*

Such Grant
shall be enter-
ed with the
Clerk,

And every such Grant of Annuities shall be valid and effectual in the Law, to all Intents and Purposes; and all the Grantees of such Annuities shall be equally entitled to their Proportion of the said respective Annuities, without any Preference by reason of the Priority of Date of any such Grant, or on any other Account whatsoever; and an Entry or Memorial of every such Grant, containing the Date thereof, and an Account of the Name or Names of the Party or Parties, with their proper Additions, to whom the same shall have been made, and of the Consideration of such Grant,

Grant, and of the Annuity granted, and the Duration thereof, shall, within Thirty Days next after the Date thereof, be written and inserted in a Book to be kept for that Purpose by the Clerk to the said Company; and all and every Person or Persons to whom any such Grant shall have been made, or who shall be entitled to the Annuity thereby secured, may from Time to Time assign or transfer his, her, or their Right and Title therein to any Person or Persons, according to the Form following; (that is to say),

and be transferable.

‘ I *A. B.* of _____ in Consideration of the Sum of _____
 to me paid by *C. D.* of _____ do here-
 by assign and transfer unto the said *C. D.* a certain Grant made by the
 Company of Proprietors of the *Somersetshire* Coal Canal Navigation,
 bearing Date the _____ Day of _____ One thousand
 eight hundred and _____ of an Annuity of
 payable [*Here mention the Duration of the Annuity*] and all my Right,
 Title, and Interest in and to the said Annuity, to hold the same unto the
 said *C. D.*, his Executors, Administrators, and Assigns. In Witness
 whereof I have hereunto set my Hand and Seal, this _____ Day of
 One thousand eight hundred and _____
 ‘ *A. B.*’

Form of Transfer.

And every such Transfer, or a Duplicate thereof, shall, within Thirty Days after the Date thereof, be produced to the Clerk of the said Company, who shall thereupon cause an Entry or Memorial to be made thereof, containing the Date, Names of the Parties, and the Annuity thereby transferred, in the said Book, for which Entry such Clerk shall be paid the Sum of Five Shillings, and no more; and after such Entry made, every such Assignment shall entitle such Assignee or Assignees, and his, her, or their Executors, Administrators, and Assigns, to the full Benefit of the original Grant; and it shall not be in the Power of such Person or Persons, who shall have made any such Transfer, at any Time afterwards to make void, release, or discharge the said Annuity, or any Part thereof.

To be entered with the Clerk.

XVI. And be it further enacted, That the Interest of the Money so agreed to be advanced by Instalments, and to be borrowed on Notes on Mortgage as aforesaid, and the Annuities to be granted as aforesaid, shall be paid Half-yearly as aforesaid, to the several Persons entitled thereto (but subject and without Prejudice as aforesaid), in Preference to any Interest or Dividends due and payable by virtue of the before mentioned Acts to the Individuals of the said Company; and in case the same Interest and Annuities, or any Part thereof, shall be in Arrear by the Space of Six Calendar Months next after the same shall become due and payable, and after Demand made thereof, then it shall and may be lawful for the Commissioners appointed by the said first recited Act, and they are hereby required, on Request to them made by any such Creditor or Creditors whose Interest or Annuity shall be so in Arrear, by an Order under their Hands, to appoint One or more Person or Persons to receive the Whole or any Part or Parts of the Rates or Duties authorized to be raised or levied by the said first Act and this Act (except as aforesaid), with a Salary or Allowance for the Trouble of collecting, such Receiver or Receivers giving Security faithfully to account; and the Money so to be received shall be applied, in the first place, in Payment of what shall from Time to Time be due for or in respect of such yearly Rents or other Sum or Sums of Money as have been or shall be agreed upon, determined, or assessed and awarded for Damages

For compelling Payment of Interest and Arrears of Annuities, in Preference to Dividends or Interest on old Shares.

Receiver appointed.

mages or Satisfaction under and by virtue of the said recited Acts and this Act (except such Damages as may be occasioned by making the Works hereby authorized to be made, by and out of the Monies herein-after authorized to be raised); and after such Payments then in Payment of the Salary or Allowance of such Receiver or Receivers respectively; and afterwards in Payment, *pari passu*, of what shall from Time to Time be due for Interest on Mortgages, and on the said Promissory Notes, and for Arrears of the said Annuities under and by virtue of this Act; and the Money so to be received by such Receiver or Receivers shall (subject to the Payments so as aforesaid hereby directed to be made in the first place thereof), be and be considered as so much Money received for the Use of the Creditor or Creditors on Mortgages and Promissory Notes, and Annuities, to whom such Interest or Arrears shall be then due, to the Extent of such Interest and Arrears; and after such Interest and Arrears, and the Costs of collecting the said Rates and Duties, shall be satisfied, the Power and Authority of such Receiver and Receivers for the Purposes aforesaid shall cease and determine; or otherwise the said Interest and Arrears remaining due and unpaid as aforesaid, shall and may be sued for and recovered by Action of Debt, or on the Case, against such Receiver or Receivers who shall have Money in his or their Hands applicable to the Payment thereof, or against the said Company, in any of His Majesty's Courts of Record at *Westminster*.

For compelling
Payment
of Principal
Monies after
said Six
Years.

XXII. And be it further enacted, That in case any Creditor or Creditors on any such Promissory Note or Notes shall elect to receive back the Principal Money due and owing thereupon at the End of the said Term of Six Years, or any Mortgagee or Mortgagees shall give Notice for the Payment of his, her, or their Mortgage Money in the Manner directed by the said first recited Act, and the said Company shall make Default in Payment thereof respectively, that then and in such Case it shall and may be lawful for the said Commissioners, and they are hereby also required, on Request made to them by any such Creditor or Creditors, by Note or Mortgage, by a like Order under their Hands, to appoint One or more Person or Persons to receive the Whole or any Part or Parts of the said Rates or Duties, (except as aforesaid), with a Salary or Allowance as aforesaid, such Receiver or Receivers in like Manner giving Security to account; and the Money so to be received shall in like Manner, in the First Place, be applied in Payment of what shall be due for Rents, Damages, and Satisfaction, (except as aforesaid), and then in Payment of the Salary of such Receiver or Receivers, and afterwards in Payment, *pari passu*, of all the Principal Monies and Interest due to such Creditor or Creditors on any Mortgages or Promissory Notes as shall require Payment thereof; and the Monies so to be received by such last mentioned Receiver or Receivers, shall (subject to the Payments so as aforesaid hereby directed to be made in the First Place thereof), be and be considered as so much Money received for the Use of the Creditor or Creditors on Mortgages or Promissory Notes respectively, requiring Payment of the Principal and Interest due thereon, to the Extent of such Principal and Interest; and after such Principal and Interest, and the Costs of collecting the said Rates and Duties, shall be satisfied, the Power and Authority of such Receiver or Receivers shall in like Manner cease and determine; or otherwise the said Principal Money and Interest shall and may be sued for and recovered by Action of Debt, or on the Case, against such last mentioned

mentioned Receiver or Receivers, who shall have Money in his or their Hands applicable to the Payment thereof, or against the said Company, in any of His Majesty's Courts of Record at *Westminster*.

XXIII. And, for the Purpose of raising Money to finish the said *Radstock* Line of Canal from the said Field called *Ranscomb* to the Lower Level, and to effect and maintain a Water Communication by Means of Locks or otherwise between the Upper and Lower Levels on both Lines of the said *Somersetshire* Coal Canal, and to erect Steam Engines and other necessary Works, and also to purchase *Dunkerton* Mill; be it further enacted, That over and above the said Sum of One hundred and twenty thousand Pounds by the said first recited Act, and the said Sum of Twenty thousand Pounds by this Act authorized to be raised as aforesaid, and although the same Sums or either of them may not have been wholly raised, the further Sum of Forty-five thousand Pounds, or such Part thereof as the Deputies herein-after directed to be appointed, in case of any such Appointment, or otherwise as the said *Somersetshire* Coal Canal Company may deem necessary, may be raised under the Authority of the same Company for such last mentioned Purposes in the Manner herein-after directed; that is to say, it shall and may be lawful, during the Space of Six Calendar Months next after the passing of this Act, for such of the respective Proprietors of the said *Kennet* and *Avon* and *Wilts* and *Berks* Canals, as shall so think fit in their individual Capacities, to subscribe Two equal Third Parts; (*videlicet*), One Third Part by Proprietors of the said *Kennet* and *Avon* Canal, and One Third Part by Proprietors of the said *Wilts* and *Berks* Canal; of the said Sum of Forty-five thousand Pounds, or such Part thereof as may be deemed necessary to be raised as aforesaid; and for that Purpose the Proprietors of the said *Kennet* and *Avon* Canal, or any of them, shall be at Liberty to meet in Person, or by Proxy in Writing, on the Twenty-first Day next after the passing of this Act, at *Sydney Gardens*, near *Bath*, at Eleven of the Clock in the Forenoon; and the Proprietors of the *Wilts* and *Berks* Canal shall be at Liberty to meet on the same Day at the *Crown Inn* at *Swindon*, in the County of *Wilts*, at the same Hour; and at each of such Meetings the said Proprietors so meeting shall choose from among themselves a Chairman, by Ballot, who shall have the casting Vote, in case of an Equality of Votes; and the same respective Proprietors at such Meetings shall be at Liberty to adjourn to such respective Times and Places, and to meet again as often as they shall severally think fit, for forming, apportioning, and sharing their respective Subscriptions in such Manner as they shall judge proper; and all Questions at such Meetings shall be decided by the Majority in Number of the Shares which the same Proprietors shall possess in their respective Companies, until the said Subscription shall be filled in One or other of the Ways herein-mentioned, and afterwards by the Majority of Shares in such respective Subscriptions; and in case either of the said Two Classes of Proprietors of the *Kennet* and *Avon*, and *Wilts* and *Berks* Canals, shall not between themselves, or some of them, within the said Period of Six Calendar Months, subscribe One full Third Part of the Money to be raised for the last mentioned Purposes, then none of such Proprietors shall be permitted to become Members of the same Subscription, unless with the special Consent of the said *Somersetshire* Coal Canal Company, to be expressed within Twenty-eight Days then next following, by an Advertisement in the *Bath*, *Reading*, and *Salisbury* Newspapers; and all or any of the individual Pro-

Company empowered to raise 45,000*l.*

[*Loc. & Per.*]

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proprietors

prietors of the other of the same Companies shall, in Default thereof, be at Liberty to subscribe for such last mentioned Purpose, (instead of their said One Third Part), either One Half or Two Thirds, at the Option of the said *Somersetshire* Coal Canal Company, (to be expressed within Twenty-eight Days next after the said Six Calendar Months, by Advertisement in the *Bath, Salisbury, and Reading* Newspapers), of the Money which shall be so deemed necessary to be raised as aforesaid, in the same Manner, and with the same Powers as the same Proprietors are hereinbefore authorized to subscribe their original One Third Part thereof, and they shall have Twenty-eight Days, after such Option shall be so declared, to deliberate thereon.

Chairman of
subscribing
Proprietors to
notify when
their Sub-
scriptions are
completed.

XXIV. And be it further enacted, That when and as soon as each or either of the said Classes of Proprietors shall have completed their Share or Shares of such Subscription, the Chairman or respective Chairmen of the last Meeting or Meetings of such respective Proprietors for that Purpose, shall and he or they is or are hereby directed to notify such Completion thereof, by Notice in Writing, to the Clerk to the said *Somersetshire* Coal Canal Company, within Seven Days next after the holding of such last Meeting or Meetings.

If Proprietors
of the *Kennet*
and *Avon*,
and *Wilts* and
Berks Canals,
subscribe their
Proportions
of the said
45,000 *l.* the
Somersetshire
Coal Canal
Company to
raise One
Third.

XXV. And be it further enacted, That if all or any of the respective Proprietors of the said *Kennet* and *Avon*, and of the said *Wilts* and *Berks* Canals, shall subscribe in Manner aforesaid Two Thirds, or if all or any of the Proprietors of either of the same Canals shall subscribe in Manner aforesaid Two Thirds or One Half (at the Option of the said *Somersetshire* Coal Canal Company) of the Monies to be raised for the last-mentioned Purposes, the same several Subscribers shall, and they are hereby required, within Twenty-one Days then next following, to pay into the Hands of the Treasurer of the said *Somersetshire* Coal Canal Company, to the Credit of the Lock Fund herein-after directed to be formed, Ten Pounds *per Centum* on their Two Thirds or One Moiety, as the Case may be, of the said Sum of Forty-five thousand Pounds hereby authorized to be raised; and when and as soon as such Payments shall be so made, the said *Somersetshire* Coal Canal Company shall become, and they are hereby declared to be Subscribers for and required to raise the remaining One Third or One Moiety, as the Case may be, of the same Money; which said One Third or Moiety they are hereby authorized to raise upon the Security of their Share and Interest in the Lock Fund herein-after directed to be formed, or of any other of the Funds or Revenues of the same Company, either by Means of optional Notes or by Mortgage, or granting Annuities, or by any other of the Ways, and with and under such and the same Powers, Privileges, and Regulations, both as to the same Company and the Persons advancing any such last mentioned Monies as the same Company are hereinbefore authorized to raise, any Sum not exceeding Twenty thousand Pounds as aforesaid; and the said Company shall and they are hereby required, within Two Calendar Months next after the said individual Subscribers shall have so paid Ten Pounds *per Centum* upon their respective Subscriptions as aforesaid, to pay to the said Treasurers, to the Credit of the said Lock Fund, Ten Pounds *per Centum* on the remaining Third Part or One Moiety, as the Case may be, of the Whole of the said Sum of Forty-five thousand Pounds.

XXVI. And

XXVI. And be it further enacted, That if any Proprietors of both or either of the said Companies of the *Kennet and Avon*, and *Wilts and Berks* Canal Navigations, shall enter into Subscriptions, to the Amount of Two Thirds or a Moiety; as the Case may be, of the Monies to be raised for the last mentioned Purposes in Manner before mentioned, then Deputies shall be chosen for managing and applying such Subscriptions, and for making and superintending the Locks and other Works to be executed therewith, and for receiving from the said *Somersetshire* Coal Canal Company, and disposing of as well the extra Tonnage to arise therefrom, as also of such other Rates or Duties as herein-after mentioned, and for managing the Sinking Fund herein-after directed to be formed, in Manner following; (*videlicet*), if any individual Proprietors of both the said other Companies shall become Subscribers to the aforesaid Amount of One Third Part each, then the Committee of Management of the said *Somersetshire* Coal Canal Company shall nominate and choose from among themselves Three such Deputies; but if only One of the said other Two Companies shall furnish such individual Subscribers for One Third or a Moiety, as the Case may be; then the said last mentioned Committee of Management shall nominate and choose from among themselves Four such Deputies, (and in either Case the Chairman of the same Committee shall be nominated and chosen as One of such Deputies); and if any Proprietors of both the said other Companies shall become such Subscribers as aforesaid, then each Class of such Subscribers shall choose from among themselves, in Manner herein-after mentioned, Three other such Deputies; but if only One of the same Companies shall furnish such individual Subscribers, then such last mentioned Subscribers shall choose from among themselves, in Manner herein-after mentioned, Four of such Deputies; it being the Intent of this Act that such Deputies shall be Nine in Number, if Individuals of both the said *Kennet and Avon*, and *Wilts and Berks* Canal Companies, shall subscribe to raising the said Monies, and Eight in Number in case only One of the same Companies shall subscribe to raising such Monies in Manner aforesaid; and the same Deputies (except the before mentioned Chairman) shall be severally chosen by Ballot in the respective Bodies from which they are to be severally elected as aforesaid, within Six Weeks next after the last mentioned Subscriptions shall be completed, by both or either of such Classes of Subscribers; and for the Purpose of choosing the Deputies on Behalf of the subscribing Proprietors of both or either of the said *Kennet and Avon*, and *Wilts and Berks* Canals, the Clerk of the *Somersetshire* Coal Canal Company shall, and he is hereby required, within Ten Days next after he shall have received such Notification as aforesaid of the Subscriptions of such Proprietors having been completed, (they having duly paid the aforesaid Instalments of Ten Pounds *per Centum* thereon), to appoint, by Advertisement in some Newspaper or Newspapers circulating in each of the said Counties of *Somerset*, *Wilts*, and *Berks*, a General Assembly of such Subscribers or each Class of them; as the Case may be, to be holden at Eleven of the Clock in the Forenoon on some Day, not sooner than Fourteen nor later than Twenty-one Days next after such Insertion, at the Place or respective Places following; the Class of Subscribers, if any, from the *Kennet and Avon* Canal Company, to meet at *Sydney Gardens* aforesaid; and the Class of Subscribers, if any, from the *Wilts and Berks* Company, to meet at the *Crown Inn* in *Swindon*, in the said County of *Wilts*, or at such other Places as may be agreed upon at the Assembly of the

Deputies to be chosen.

the said individual Proprietors first herein-before permitted to meet for the Purpose of subscribing; and at such Meeting, or each of them, One of the Persons composing the same shall be appointed Chairman; and all Questions shall be decided by a Majority in Value of such Subscriptions; and the Nine or Eight Deputies so to be severally chosen as aforesaid, shall be called *The Deputies for managing the Lock Concerns of the Somersetshire Coal Canal Company*; and they are hereby invested with full Power and Authority, by themselves or their Engineers, Surveyors, or other Persons as herein-after mentioned, to manage and direct the making and erecting of all such Locks or other Water Communications, and all Works necessary thereto, in as full and ample a Manner as the said *Somersetshire Coal Canal Company* are herein-before empowered to make and erect the same; and for that Purpose the said Deputies are hereby authorized, in the Name of the same Company, to purchase all such Lands, Materials, and other Things as shall be necessary; and to enter into all proper Contracts, and likewise to draw upon the Treasurer of the same Company for, and apply to the respective Purposes herein-after directed, the Monies to be subscribed as aforesaid, and all such Tolls and Duties as herein-after mentioned, and also to form and apply the Sinking Fund herein-after provided for; and all Acts, Matters, and Things to be done and performed by the said Deputies, pursuant to this Act, shall be as good, valid, and effectual, and have the same Force as if done or performed by the same Company of Proprietors.

Qualification
of Deputies.

XXVII. Provided always, That no Person shall be eligible as a Deputy of either Class of such individual Subscribers as aforesaid, who is not at the Time of his Election a Proprietor of Ten Shares or more in the Company by the subscribing Proprietors of which he shall be appointed, as long as there shall be any such Proprietor among the same Subscribers; but if there shall not be any such Proprietors amongst the said Subscribers, then no Person shall be eligible as such Deputy as last mentioned, who is not a Subscriber for Three hundred Pounds or more, in the Money to be raised for the last mentioned Purposes.

Deputies to
remain in
Office for a
Year, or till
relected.

XXVIII. And be it further enacted, That the said Deputies shall continue in Office until the Expiration of One Year from the Time of their Election, and until other Deputies shall be appointed in their Stead; and at the Expiration of each Year, or sooner, in case of the Decease, Resignation, or Incapacity of any One or more of such Deputies, new or other Deputies shall be severally elected in their Stead, pursuant to the Directions and in the respective Manner aforesaid; and the subscribing Proprietors from both or either of the said *Kennet and Avon and Wilts and Berks Canals* shall hold such and the like Meetings or Meeting for the Choice of new Deputies on their respective Parts, as they are herein-before directed to do for the Choice of Deputies in the First Instance; and such last mentioned Meeting or Meetings shall be holden at the same Place, or at such other Place or Places as may be agreed upon at the preceding Meeting or Meetings of such respective Subscribers, and on the same Day and Hour, unless such Day shall be on a *Sunday*, and then on the next Day in each Year as their First Meeting for such Purpose shall have been holden on; and also at the same Place, in case of such Decease, Resignation, or Incapacity, and within Twenty-one Days next after Notice shall be given by Advertisement in some publick Newspapers circulating

circulating in the said Counties of *Somerset, Wilts, and Berks*, by Order of the other Deputies or their Clerk of the Death, Resignation, or Incapacity of any Deputy elected by the said *Somersetshire* Coal Canal Company, or by either Class of such subscribing Proprietors, and so dying, resigning, or becoming incapable as aforesaid: Provided always, that Deputies to be chosen in the Event of Death, Resignation, or Incapacity, shall continue in Office for the Residue of the existing Year only, or until other Deputies shall be appointed; and that nothing shall prevent any Deputies who shall have been severally elected as before mentioned, from being re-elected.

Deputies elected in the midst of a Year to continue the Remainder of the Year only.

XXIX. And be it further enacted, That the First Meeting of the said Deputies shall be holden for the Transaction of Business on the Twenty-first Day next after their Election, at the *White Hart Inn* in the City of *Bath*, at Eleven of the Clock in the Forenoon; and a General Quarterly Meeting of such Deputies shall be holden in the Months of *March, June, September, and December* in every Year, during the Continuance of their Powers, at such Places, and on and at such Days and Hours, as the said Deputies shall at their preceding General Meeting appoint and adjourn to.

Meetings of Deputies.

XXX. And be it further enacted, That the Chairman of the Committee of Management of the said *Somersetshire* Coal Canal Company, who is herein-before directed to be returned as One of such Deputies as aforesaid, shall always be the Chairman of the Meetings of the said Deputies, with Power for him, in case of unavoidable Absence, to appoint by Writing any other of the said Deputies to supply his Place for the Occasion; and that Three or more such Deputies, but not less, shall be a sufficient Number to constitute a Meeting for the Purpose of doing all the Acts and Things, and exercising all the Powers and Authorities, and giving the Consents hereby directed to be done and given respectively by, and vested in all the said Deputies; and that all Questions, Matters, and Things which shall be proposed, discussed, and considered at every such General Meeting as aforesaid, shall be decided by the Majority in Number of the Persons then present; but if there shall be an equal Division of Votes, then the Chairman, or his Substitute, shall have the casting Vote; and if Three such Deputies, including the Chairman or his Deputy, shall not attend the Deputy or Deputies, if any, who shall attend, or the Clerk to the said Deputies shall adjourn the Meeting to some Day within One Calendar Month, giving the like Notice thereof, and so as often as the Case shall happen.

Chairman of the *Somersetshire* Coal Canal Company to be Chairman of Deputies.

Three Deputies to constitute a Meeting.

XXXI. And be it further enacted, That the said Deputies shall, at their First General Meeting to be holden as aforesaid, elect a Clerk to attend their Meetings and transact their Business, and also One or more Engineers, Surveyors, or other Person or Persons, to manage and superintend on their Behalf the Erection and Completion of the said Locks and other Works to be erected for the said *Somersetshire* Coal Canal Company, with or out of such Subscriptions as aforesaid; and shall and may remove and displace every such Clerk, Engineer, Surveyor, or other Person or Persons, and appoint any other or others in their or any of their Stead, and also in the Stead of any of them who shall die or may resign, as the said Deputies shall from Time to Time think fit; and that the Treasurer

Deputies to appoint Clerk, etc.

for the Time being of the *Somersetshire* Coal Canal Company shall be the Treasurer for the said Lock Concern, for all Purposes whatsoever; but the said Deputies may require Security from such Treasurer if they think fit; and also that the Clerk to the said Deputies shall from Time to Time enter and keep in a Book or Books, to be provided for that Purpose, a true and perfect Account of the Names and Places of Abode of the said several Subscribers, and of the several Persons who shall or may from Time to Time become Owners and Proprietors of, or be entitled to any Share or Shares in the said Subscription, and of all the Acts, Transactions, and Proceedings of the said Deputies in the Execution of this Act; and that every Proprietor of any Share or Shares in the said Subscription shall and may, at all convenient Times, have Recourse to and peruse and inspect such Book or Books, *gratis*, and shall and may demand and have Copies thereof, or of any Part thereof, paying after the Rate of One Shilling for every One hundred Words so to be copied; and that if any such Clerk shall refuse to permit any of the said Proprietors to inspect or peruse any such Book, or refuse in any reasonable Time to make any such Copy at the Rate aforesaid, he shall for every such Offence forfeit and pay the Sum of Five Pounds to the Proprietor or Proprietors to whom he shall make such Refusal.

Shares to be registered and numbered.

Tickets with the Numbers to be issued under the Seal of *Somersetshire* Coal Canal Company.

XXXII. And be it further enacted, That in the Event of any such Subscription as aforesaid by individual Subscribers of both or either of the said *Kennet* and *Avon* and *Wilts* and *Berks* Canals, the respective Deputies of each or the sole Class (as it may be) of the same Subscribers, shall, as soon as may be, cause the Names and Additions of the same Class of Subscribers to the last mentioned Undertaking, and the Number of Shares into which their Subscription towards raising the said Sum of Forty-five thousand Pounds, or so much thereof as the said Deputies may deem necessary, shall have been divided as aforesaid, with numerical Distinctions of each Share, to be fairly and distinctly entered in a Book, to be kept by the Clerk to the Deputies, and shall require as many Tickets or Instruments to be prepared by the Clerk to the Company of the said *Somersetshire* Coal Canal as there shall be Shares, bearing respectively the same Numbers as in such Book, and shall cause the Common Seal of the said *Somersetshire* Coal Canal Company (which the same Deputies are hereby empowered to require for such special Purpose), to be affixed to every such Ticket or Instrument, and shall thereupon deliver to every such Subscriber of the same Class, upon Demand, a Ticket or Instrument; specifying his or her Share or Shares in the last mentioned Undertaking, such Subscriber paying for the same to the Clerk of the said *Somersetshire* Coal Canal Company Two Shillings and Six pence, and no more; and such Ticket and Instrument shall be admitted in all Courts as Evidence of such Subscribers Title to the Share or Shares therein specified; but the Want of any such Ticket or Instrument shall not prevent the Owner of any such Share from disposing thereof, or from receiving the annual Dividends and principal Instalments herein-after directed to be paid upon or in respect of the same.

Subscription to be transferrable.

XXXIII. And be it further enacted, That all such of the Proprietors of both or either of the said Companies of the said *Kennet* and *Avon* and *Wilts* and *Berks* Canals, as shall become Subscribers for the last mentioned Purposes, and shall have paid Twenty Pounds *per Centum* on their respective

pective Shares of such Subscriptions, shall and may from Time to Time assign or transfer such their several Shares unto any Person or Persons, with the like Liberty of Transfer from Time to Time, after the Form or to the Effect following :

‘ I *A. B.* do hereby transfer a Share in the Lock Fund of the *Somer-*
 ‘ *setshire* Coal Canal Company, N°. and all my Right and Pro-
 ‘ perty therein, unto *C. D.* of his Executors, Admini-
 ‘ strators, and Assigns, under and subject to the same Rules, Forms, and
 ‘ Conditions that I held the same; and I the said *C. D.*
 ‘ do hereby accept such Transfer accordingly. Dated this
 ‘ Day of One thousand eight hundred and

Form of
Transfer.

And that every such Transfer shall be produced to the Clerk of the De-
 puties herein-after directed to be appointed, who shall cause an Entry or
 Memorial thereof to the same Purport and Effect as is herein-before di-
 rected with respect to the original Subscription to be made or entered in
 the Book to be kept for entering such Subscriptions of the same Class ;
 and that after such Entry shall be made, but not before, such Transfer
 shall entitle such Assignee or Assignees, his, her, or their Executors, Ad-
 ministrators, and Assigns, to the full Benefit of the original Subscription,
 and so from Time to Time, as often as any such Transfer shall be made ;
 and the like Entry shall also be made, and with the like Effect, in every
 Case of the Transmission of any Share or Shares by any Bequest or Will,
 or any Letters of Administration, or by the Rights of Marriage.

XXXIV. Provided always, That after any Call of Money shall be made
 by the said Deputies, or the said Committee of the said *Somersetshire*
 Coal Canal Company, under the Power herein-after in that Behalf given
 them, no Person or Persons shall sell or transfer any Share or Shares which
 he, she, or they may then have in such Subscription, unless and until
 the Monies so called for upon his or their said Share or Shares intended
 to be so sold shall be paid.

After Call
made, Shares
not to be sold
till Call paid.

XXXV. And be it further enacted, That the Residue of the Monies
 to be subscribed and advanced for the last mentioned Purposes, beyond
 the said Sum of Ten Pounds *per Centum* herein-before directed to be ad-
 vanced after such Subscription as aforesaid, shall be called for and paid
 at such Times and in such Proportions, not exceeding Fifteen Pounds
per Centum, as the said Deputies shall think fit ; and that for the Purpose
 of making such Calls, and for every other Purpose of Division and Ac-
 count, the Money so to be subscribed and advanced shall be called and
 considered as the Sum of Forty-five thousand Pounds, although the
 Whole of such Sum may not be raised ; but in case the said Deputies
 shall not make a Call for the Space of Twenty-one Days after being
 thereto requested, in Writing to be left with their Clerk, by the Com-
 mittee of Management of the said *Somersetshire* Coal Canal Company,
 or their Clerk, then the same Committee (the said Company having pre-
 viously paid the said Ten Pounds *per Centum*, and all Arrears of the
 Calls made in respect of their Share of the said Forty-five thousand
 Pounds), shall and may, and they are hereby empowered to make a Call,
 not exceeding Fifteen Pounds *per Centum* of the same Money, and so
 from

Deputies, or
in Default
Somersetshire
Coal Canal
Company to
make Calls.

from Time to Time as often as the same shall happen; but no Call shall be made in the latter Case while there is a Balance of two Thousand Pounds or more in the Hands of the said Treasurer, to the Credit of the said Lock Fund, and no Calls to be made either by such Deputies or the said Committee within less than Two Calendar Months of each other, and the Monies to be so called for as aforesaid shall be paid to the Treasurer of the said Company, to the Account of the said Lock Fund thereof.

Right of Action for recovering Calls.

XXXVI. And be it further enacted, That the said *Somersetshire* Coal Canal Company, and every Proprietor of both or either of the said *Kennet* and *Avon* and *Wilts* and *Berks* Canals, who shall subscribe to the last mentioned Undertaking, his or her Executors, Administrators, or Assigns, shall from Time to Time pay their, his, and her respective Shares and Proportions of the Money so to be called for as herein-before is mentioned, at such Time and Place as shall be appointed for that Purpose in Manner herein-before mentioned, of which One Calendar Month's Notice shall be given in some Newspapers circulating in the said Counties of *Somerset*, *Wilts*, and *Berks*; and that if any of the said individual Subscribers shall neglect or refuse to pay his or her proportionable Part or Share of the Money so to be called for as aforesaid at the Time and Place which shall be appointed for that Purpose in Manner aforesaid, it shall be lawful for the said Deputies, or in case they shall refuse or neglect so to do for the Space of Twenty-one Days after being thereunto required in Writing by the said Committee of Management, then it shall be lawful for such Committee, in case they shall so think fit, to sue for and recover the same in the Name of the said *Somersetshire* Coal Canal Company, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, with full Costs of Suit; and in case any such Person shall neglect or refuse to pay his or her proportionable Part or Share of the Money so to be called for as aforesaid for the Space of Three Calendar Months after the Time appointed for Payment thereof as aforesaid, and the same shall not have been sued for as aforesaid, or if sued for shall not have been recovered by them, then and in such Case the Person so neglecting or refusing shall absolutely forfeit all his or her Share, Part, and Interest in the said Undertaking, and all Profit and Advantage thereof, and all Money theretofore advanced by him or her in respect thereof, unto the said *Somersetshire* Coal Canal Company, and the other individual Subscribers, in Proportion and according to their respective Shares of and Interest in the same Undertaking, if the said Deputies shall at any of their Meetings make an Order for that Purpose, but not otherwise; and that if the said *Somersetshire* Coal Canal Company shall neglect or refuse to raise and pay the said Ten Pounds *per Centum* herein-before mentioned, or their proportionable Part or Share of the Money so to be called for as aforesaid, at the Time and Place, or Times and Places which shall be appointed for that Purpose, in Manner aforesaid, it shall and may be lawful for the said Deputies, or any Three or more of them, to sue for and recover the same, in their own Names, or in the Name of any Three or more of them, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, with full Costs of Suit, for the Uses and Purposes of the said Lock Fund; and in case the said *Somersetshire* Coal Canal Company shall neglect or refuse to pay their proportionable Part or Share of the Money so

Subscriptions forfeited in Default of Payment.

so to be called for as aforesaid, for the Space of Three Calendar Months after the Time or Times to be appointed for Payment thereof respectively, then and in such last mentioned Case the same Company (if the said Deputies shall at any of their Meetings make an Order for that Purpose, but not otherwise), shall absolutely forfeit all Share, Part, and Interest in the said Undertaking, and all Profit and Advantage thereof, and all Money theretofore advanced by them in respect thereof, unto such individual Subscribers as aforesaid, in Proportion and according to their respective Shares of and Interests in the same Undertaking.

XXXVII. Provided always, and be it further enacted, That no Advantage shall be taken of Forfeiture of any such Subscriptions as aforesaid, until Notice in Writing, signed by the Clerk of the said Deputies, shall be left at the usual or last known or reputed Place of Abode of the Subscriber or Subscribers, if such Default as aforesaid shall be made by any Individuals, or personally on the Clerk to the said *Somersetshire* Coal Canal Company, if the same Company shall make such Default, nor unless the same Subscription shall be declared to be forfeited at Two successive Meetings of the said Deputies, to be holden after such Forfeiture shall happen: Provided also, that every such Forfeiture, after the same shall be taken Advantage of as aforesaid, shall be an absolute Indemnification and Discharge to and for the Subscriber or Subscribers so forfeiting against all Actions, Suits, and Prosecutions for any Breach of Contract or other Agreement between such Subscriber and the other Subscribers, with regard to the Completion of such Subscriptions: Provided likewise, that in the Event of Forfeiture of any of such Share or Shares as aforesaid, the remaining or other Subscribers, in case it shall be so determined by the said Deputies, shall contribute and make up the Money which ought to have been paid thereon, in such and the same Proportions as they shall respectively become entitled to such forfeited Share or Shares, and as if they had been the original Subscribers thereof; and in such Case the said remaining or other Subscribers shall receive not only the Principal Monies so to be advanced by them to make up the Deficiency on such forfeited Shares, with Interest as hereafter mentioned, but also the Principal Monies which shall have been before advanced by such forfeiting Proprietors, with the like Interest or Dividends due and to grow due thereon.

XXXVIII. And be it further enacted, That when and as soon as all and singular the Purposes for which the said Sum of Forty-five thousand Pounds is herein-before authorized to be raised shall be answered and effected, and all Expences attending the same shall be discharged, then if any Part of the same Sum shall remain unadvanced the same shall not be raised; and then and in such Case also, if any Part of the Monies actually raised shall not have been expended, the same shall be returned to and divided between the said *Somersetshire* Coal Canal Company, and such individual Subscribers as aforesaid, in the respective Proportions in which they shall have contributed such Monies, or the respective Executors, Administrators, or Assigns of such individual Subscribers.

XXXIX. And be it further enacted, That in case the said *Somersetshire* Coal Canal Company shall, by means of the Money hereby authorized to be raised for such Purpose or otherwise, make Communications by

[Loc. & Per.]

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Locks

Shares not to be forfeited without Notice.

Forfeiture to be an Indemnity to Subscribers.

The other Subscribers to make up Money payable on forfeited Shares.

When the Works are completed, no more Money to be raised.

Overplus Money, if any, to be divided between Subscribers.

In case of making Water Communications, 1s. per Ton extra to be paid.

Locks or otherwise by Water for Boats, Barges, or other Vessels navigating the said Canal, then it shall be lawful for the said *Somersetshire* Coal Canal Company, and they are hereby required, from Time to Time thereafter, until the Monies to be raised for that Purpose, together with such Interest in the mean Time, and also such Costs and Expences as herein-after mentioned, be wholly paid off by the Means herein-after provided, over and above the Rates of Tonnage which they are entitled to take and receive by virtue of the said first recited Act, to ask, demand, take, and receive for the Lockage or Tonnage of all Coal, Stone, Timber, and other Goods, Merchandize, and Things, which shall be navigated, carried, or conveyed from the Upper to the Lower or from the Lower to the Upper Levels of either Line of the said Canal, or any Part thereof, the Sum of One Shilling *per* Ton on every Ton of such Coal, Stone, Timber, and other Goods, Merchandize, and Things which shall be so conveyed, and so in Proportion for any less Quantity than a Ton, for the Uses and Purposes herein-after mentioned.

Extra Tonnage to be collected, etc. as the original Tonnage.

XL. And be it further enacted, That the said additional Rates of Lockage or Tonnage hereby granted shall and may be ascertained, collected, levied, and recovered by such and the like Ways and Means, and in such and the like Proportions and Manner, as the Rates of Tonnage granted and made payable to the said *Somersetshire* Coal Canal Company, in and by the said first recited Act, are thereby directed to be ascertained, collected, levied, and recovered.

Power to reduce Lockage.

XLI. And be it further enacted, That it shall be lawful for the said Deputies in case of any such Subscription by either or both of the before mentioned Classes, or in Default of such Subscription, then for the Committee of Management of the said *Somersetshire* Coal Canal Company (but in either Case with the Consent of the Majority in Value of Shares of individual Subscribers for the last mentioned Purposes, either from amongst such Proprietors as aforesaid, or if none such from the Publick at large as here after mentioned (if any), at a Special Meeting of them to be convened by such Deputies or Committee in some Place in the said City of *Bath*, by an Advertisement to be published in some publick Newspaper or Newspapers circulating in the said Counties of *Somerset, Wilts, and Berks*) to lessen or reduce the Rate of Tonnage or Lockage granted by this Act, and afterwards to advance and raise the same in such and the same Manner as the said *Somersetshire* Coal Canal Company are empowered to lower and raise the Tolls, Rates, and Duties granted in and by the said first recited Act.

Power to lease the extra Tolls.

XLII. And be it further enacted, That it shall be lawful for the Committee of Management of the said *Somersetshire* Coal Canal Company, and they are hereby authorized and empowered, by Writing under their Common Seal, at any Time or Times (but with the Consent in Writing of the said Deputies, if any such shall be appointed, or otherwise of the proper Authority of the same Company), to farm the extra Rates and Tolls hereby granted from the said Locks or other Water Communications, or any Part or Parts thereof, unto any Person or Persons (from whom they shall be at Liberty to require and take Security, with One or more Surety or Sureties), for any Time or Term they shall think proper not exceeding Three Years from the Commencement of any Lease, and every such

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 and Tolls so let, shall, during the Continuance of every such Lease, be deemed Collectors of the Rates and Tolls so let, and shall have the same Power and Authority for collecting the same as if they had been appointed for that Purpose by the Company of Proprietors; provided that publick Notice of the Intention to let the said extra Rates and Tolls, or any Part thereof, be given in One or more of the *Bath* and *Bristol* Newspapers, and continued in such Newspapers Three Times at least, the First Insertion thereof to be Fourteen Days prior to any Meeting at which the said extra Rates and Tolls, or any Part thereof, shall be proposed to be let as aforesaid.

XLIII. And be it further enacted, That the said *Somersetshire* Coal Canal Company shall cause separate Accounts to be kept and entered in a proper Book or Books, of all Monies to be received by the same Company for Tonnage through the same Locks or other Water Communications, or any of them; and that the same Book or Books, and all other Books or Accounts stating or relating to the Tonnage raised or to be received by the said *Somersetshire* Coal Canal Company, under and by virtue of the said recited Acts, shall be kept open at all reasonable Times at the Company's Office, for the Inspection and copying out of the said Deputies, or any of them, or for the Inspection of all Persons interested therein, if under the Provisions herein-before contained there shall be no such Deputies, without Fee or Reward; and attested Copies of such Entries, when the Originals on Notice in Writing to the said *Somersetshire* Coal Canal Company shall not be produced, shall be admitted as Evidence in all Courts whatsoever.

Coal Canal Company to keep separate Accounts of Tonnage.

Accounts to be open to Inspection.

XLIV. And be it further enacted, That the said *Somersetshire* Coal Canal Company shall, on every Twenty-fourth Day of *June*, and Twenty-first Day of *December*, render an Account of and pay to the said Deputies, after deducting all extra Expence of the collecting or recovering thereof, the said Tonnage of One Shilling hereby authorized to be taken for Goods and Things passing between the Upper and Lower Levels of each Line of the said Canal; and also Three Farthings *per* Ton, Part of the Tonnage which the same Company shall receive under the said recited Acts, or any of them, on all Goods, Merchandize, and Things passing through the said Locks upon the *Dunkerton* Line of the said Canal; and Three-pence *per* Ton, Part of the Tonnage which they shall receive under the same Acts, or any of them, on all Goods, Merchandize, and Things passing through the said Locks upon the *Radstock* Line of the said Canal, which said Proportions of Three Farthings and Three-pence *per* Ton respectively shall commence from the Time of Completion of such Locks or other Water Communications, and shall be paid and applicable for such special Purposes, and during such Period only as herein-after mentioned; and the same while so payable shall be freed and discharged from all the yearly and other Payments, Charges, and Incumbrances whatsoever, which are directed to be made out of the last mentioned Tonnages, or any Part thereof, or are imposed thereon by or under the Authority of the said recited Acts, or either of them, save a proportional Part of the Expence of collecting the same as above mentioned.

Company to pay to Deputies Twice a Year the Lock Tonnage;

also 3^d., Part of their Tonnage on Goods passing the Locks upon the *Dunkerton* Line; and 3^d., Part of their Tonnage on Goods passing the Locks on the *Radstock* Line.

XLV. Provided

Power for De-
puties to ap-
point a Re-
ceiver in case
of Default in
Payment of
Tonnage.

XLV. Provided always, and be it further enacted, That in case the said *Somersetshire* Coal Canal Company shall at any Time or Times hereafter refuse or neglect, for the Six Weeks next after either of the said Days herein-before for that Purpose appointed, to render an Account of and pay to the said Deputies all or any Part of the Tonnage which the same Company are herein-before directed to pay to the same Deputies, then and in every such Case, and as often as the same shall happen, it shall and may be lawful for the said Deputies, by an Order under their Hands, to appoint some Person or Persons to receive the Whole of the extra Tonnage to arise from such Locks or other Water Communications as aforesaid, and also to receive such Part of the other Rates and Duties belonging to the same Company as shall be sufficient to raise the Arrears of such extra Tonnage, and also the additional Tonnage herein-before directed to be by them contributed to the said Lock Fund, and the Arrears thereof, with a Salary or Allowance for the Trouble of collecting (such Receiver or Receivers giving Security faithfully to account); and the Money so to be received as last mentioned shall be applied, first in Payment of the Salary or Allowance of such Receiver or Receivers respectively, and afterwards in Payment to the said Deputies of the Amount of the Tonnage, which the said *Somersetshire* Coal Canal Company are herein-before directed to pay, but shall have so refused or neglected to pay to the said Deputies as aforesaid, together with all such further Tonnage as the said Deputies shall become entitled to receive while such Receiver or Receivers shall continue in the Collection of the Tonnage, Rates, and Duties which he shall be so appointed to receive as aforesaid, and after the Tonnage so payable to the said Deputies, and the Arrears thereof, and the Costs of collecting such Tonnage, Rates, and Duties as aforesaid, shall be satisfied, the Power of such Receiver or Receivers for the last mentioned Purposes shall cease and determine.

Application
of the Lock
and additional
Tonnage.

XLVI. And be it further enacted, That the said Deputies shall apply the said One Shilling *per* Ton, and also the said additional Tonnage to be paid to them by the said Company as aforesaid, in Manner following; (*videlicet*) in the first Place they shall pay and defray thereout all Costs and Expences attending the Management and keeping in Repair the Locks or other Water Communications to be formed as aforesaid, and the Engines and other Works to be erected for supplying the same with Water, working such Engines, and all other necessary Outgoings incident thereto, and the Salaries of such Engineer, Surveyor, and Clerk as shall be employed by them, together with the Expences, attending the Meetings of such Deputies, or otherwise to be by them incurred in executing the Works aforesaid; and in the next Place the said Deputies shall account for and pay to the Committee of Management of the said *Somersetshire* Coal Canal Company, and to the subscribing Proprietors of both or either of the said *Kennet* and *Avon* and *Wilts* and *Berks* Canals Half-yearly such Monies as hereafter mentioned; (*videlicet*) if the Residue of the Tonnage to be received by the said Deputies, after deducting such Expences as aforesaid, shall not exceed Ten Pounds *per Centum per Annum* of or upon such Part of the Monies to be subscribed for the last mentioned Purposes as shall have been actually advanced, and shall not have been paid off by Means of the Sinking Fund herein-after directed to be formed, then and in every Year wherein such shall be the Case, the said

In Payment
of 10*l.* per
Cent. upon
the Subscrip-
tions.

said Deputies shall pay or cause to be paid the Whole of such Residue unto and between the said Subscribers by whom they shall have been elected as aforesaid, in Proportion and according to the Amount of the actual Advances from Time to Time remaining unpaid of the said *Somersetshire* Coal Canal Company, and of any individual Proprietors of both or either of the said Two other Companies, in respect of such their respective Subscriptions as aforesaid; but if the Residue of such Tonnage shall exceed Ten Pounds *per Centum per Annum* of or upon such actual Advances from Time to Time remaining unpaid as aforesaid, then and in every Year wherein such shall be the Case, the said Deputies shall pay or cause to be paid unto and between the said Subscribers, by whom they shall have been severally elected as aforesaid, Ten Pounds *per Centum per Annum* of or upon the actual Advances from Time to Time remaining unpaid of the said *Somersetshire* Coal Canal Company, and of the individual Proprietors of both or either of the said other Two Companies, in respect of such their respective Subscriptions as aforesaid, together with such Sum of Money as will make and complete Ten Pounds *per Centum per Annum* of or upon their said several actual Advances from Time to Time remaining unpaid in each and every Year wherein the Residue of such Tonnage shall not have amounted to such Ten Pounds *per Centum*.

XLVII. And be it further enacted, That in case and as often as there shall be any Surplus of the Monies to be received by the Deputies, after Payment of such Expences, and of Ten Pounds *per Centum per Annum* upon such actual Advances from Time to Time remaining unpaid in respect of Subscriptions as aforesaid, the said Deputies shall accumulate and improve the same Surplus from Time to Time, by Investment thereof in the Names of Trustees in any of the publick Stocks or Funds of *Great Britain*, and by receiving the Interest and Dividends thereof; and again laying out the same in like Manner, until such Accumulations shall from Time to Time amount to Five Pounds *per Centum* of or upon the Monies to be subscribed and advanced for the last mentioned Purposes; and then and in every such Case, and as often as the same shall happen, the said Deputies shall pay to the said Committee of Management of the said *Somersetshire* Coal Canal Company, and to and between the said individual Subscribers, Five Pounds *per Centum* of or upon such their respective Advances from Time to Time remaining unpaid in respect of Subscriptions as aforesaid, in Discharge and Extinguishment of a like Proportion of the same several Advances of the said *Somersetshire* Coal Canal Company and such Individuals as aforesaid; and so from Time to Time, until by Means of such successive Accumulations and Payments of Five Pounds *per Centum* to be made therewith, or otherwise, the several Sums of Money which the same Company and Individuals respectively shall have actually advanced in respect of their Subscriptions for the last mentioned Purposes, together with all Arrears of Dividends or Interest thereon, and all Costs and Expences attending the Management or Superintendance of the said Lock Concern, shall be wholly paid off and satisfied.

XLVIII. Provided always, and be it enacted, That in case the Deputies for the Time being shall refuse or neglect duly to apply all or any of the Monies which shall have been by them from Time to Time received by virtue of this Act, for the several Purposes herein before directed, then and in every such Case, and as often as the same shall happen, it shall and may be lawful for the said *Somersetshire* Coal Canal Company, in the Name

[*Loc. et. Per.*]

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of

Surplus of Tonnage to be formed into a Sinking Fund.

How applied.

Right of Action to the Company against the Deputies.

of their Clerk, to sue for and recover against such Deputies, or any of them, so refusing or neglecting, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, all or any of the said Monies which such Deputies shall so have refused or neglected to apply as aforesaid, with full Costs of Suit, and the Monies which shall be so recovered shall be applied by the Committee of Management of the same Company for the Purposes for which such Deputies ought to have applied the same.

Right of Action to Subscribers against the Deputies.

XLIX. Provided also, and be it further enacted, That in case such Deputies shall refuse or neglect for the Space of Three Calendar Months next after they ought, pursuant to the Directions of this Act, to pay any Interest or Dividends upon any Monies actually advanced by, and from Time to Time remaining due to any such individual Subscribers as aforesaid, in respect of their or any of their Subscriptions or Subscription, or any Instalment or Instalments in Part of the Principal of such Advances, then and in every such Case, and as often as the same shall happen, it shall and may be lawful for the same Subscribers, or any of them, their or any of their Executors, Administrators, or Assigns, to sue for and recover against such Deputies, or any of them so refusing or neglecting, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, all or any of the Monies which such Deputies ought pursuant to this Act, to have paid to the same Subscribers or Subscriber, their, his, or her Executors, Administrators, or Assigns, so suing, in respect either of Dividends or Interest upon, or of any Instalment or Instalments of the Principal of their respective Advances as aforesaid, with full Costs of Suit.

When Subscriptions are paid off, extra Tonnage to cease.

L. Provided always, and be it enacted, That when and as soon as all and singular the several Sums of Money which shall be advanced in respect of such Subscriptions as aforesaid, with the Interest and Dividends for or in respect of the same, and all such Costs and Expences as are hereinbefore authorized to be incurred, shall be wholly paid off and satisfied by the Means aforesaid, then and from thenceforth the Tonnage of One Shilling hereby authorized to be taken for such Locks or other Water Communications between the Upper and Lower Levels of the said *Somersetshire* Coal Canal shall cease and be no longer payable, and such Locks or other Water Communications, and all Engines and other Works, belonging thereto, shall be under the sole Direction of the said *Somersetshire* Coal Canal Company; and then and from thenceforth the same Company shall no longer contribute to the said Lock Fund the aforesaid Proportions of Three Farthings *per* Ton, Part of their Tonnage upon the *Dunkerton* Line, and Three-pence *per* Ton, Part of their Tonnage upon the *Radstock* Line, of the same Canal, but the same shall be re-united to and again form Part of the Revenues and Funds of the same Company; but the same Company shall and they are hereby required for ever thereafter to support and keep the said Locks or other Water Communications, and all Engines and other Works thereto belonging, in proper and complete Repair and Order, at their own Expence.

Company afterwards to keep Locks in Repair.

Company to be allowed for Land and Materials in making Locks.

LI. Provided also, and be it further enacted, That the said Deputies shall pay or allow to the said *Somersetshire* Coal Canal Company the Amount of the Purchase Money and Costs attending the Purchase of *Dunkerton*

Dunkerton Mill, and the full Value of all such Land, and of all such Materials and Articles severally belonging or to belong to the same Company, as the said Deputies shall or may use in making such Locks or other Water Communications as aforesaid, and likewise the Cost of the Engine and Works thereto belonging now erecting near *Dunkerton* Mill, and shall indemnify the said *Somersetshire* Coal Canal Company from the Engagement entered into by them with the said *John Smith*, respecting the taking the Water from the Brook on the *Dunkerton* Line of the said Canal as hereinafter is mentioned; and shall likewise pay to the same Company the Cost or Worth of all such Engines, Masonry, and other Works already erected and done, or to be erected and done by the same Company, as shall or may be taken, adopted, or used by the said Deputies for the making or supplying of the same Locks or other Water Communications: Provided likewise, that after such Locks or other Water Communications shall be completed, the said *Somersetshire* Coal Canal Company shall not use or permit to be used any other Communications between the Upper and Lower Levels of the said Canal, without the previous Consent in Writing of the said Deputies, unless the said Locks or other Water Communications shall be out of Repair, or incapable of passing Boats, Barges, or other Vessels between the Upper and Lower Levels of either Line of the said Canal.

LII. Provided also, and be it further enacted, That if the Committee of Management of the said *Somersetshire* Coal Canal Company shall at any Time or Times during the making of such Locks or other Water Communications and Works, as aforesaid by the said Deputies, be dissatisfied with the Manner of forming and erecting the same, or with the Materials to be used therein, or any other Matter or Thing in relation thereto, then and in every such Case it shall be lawful for the same Committee, by Notice in Writing to the Clerk of the Deputies, to stay the Progress of the said Works, or such Part thereof as they shall object to, and their Objection or Objections shall thereupon be referred to Two Engineers, One to be named by the said Committee of Management in such Notice as aforesaid, and the other by the said Deputies, with Liberty, in case such Engineers shall disagree, to appoint some other Engineer as an Umpire between them; and such Referees or their Umpire shall have Power to order such Parts of the said Works as they shall conceive executed in a faulty Manner to be taken down and re-executed, and also Power in case they shall conceive any Objection of the said Committee of Management ill-founded, to award Compensation from the said *Somersetshire* Coal Canal Company to the said Lock Concern for any Stoppage of the said Works by the said Committee.

Objections of the Committee of Management to the Manner of executing the Works to be referred to Two Engineers.

LIII. And be it further enacted, That if any Sum not exceeding Forty-five thousand Pounds shall be raised by such Subscriptions as aforesaid for the last mentioned Purposes, then the said *Somersetshire* Coal Canal Company shall pay to the Lock Fund, in Addition to the said Company's Share of the same Subscriptions, such a Sum of Money towards the Purchase and Erection, and afterwards annually towards the working and maintaining of Engines and other Works, as shall be a just and fair Allowance for furnishing the Upper Level of the said *Somersetshire* Coal Canal with a Quantity of Water equal to what shall be consumed or wasted therein by Leakage, Soakage, or Evaporation; and in case the said Company and the said Deputies shall differ as to the Amount of such Allowance,

Company to allow to the Lock Fund towards Expence of Engines, etc.

Allowance, then the same shall be referred to and finally determined by Two Engineers, One to be chosen by the said *Somersetshire* Coal Canal Company, and the other by the said Deputies, or an Umpire to be chosen by such Two Engineers, in case of Difference.

Differences between the Company and the Deputies how to be determined.

LIV. And be it further enacted, That if any other Difference shall arise between the said *Somersetshire* Coal Canal Company and the said Deputies, touching any Matter or Thing to be done or consented to by virtue of this Act, and the Adjustment of which is not hereby otherwise provided for, such Differences shall be finally determined by Two Arbitrators, One to be chosen by the Committee of Management of the same Company, and the other by the said Deputies; and in case such Arbitrators shall disagree, then they shall have Power to appoint an Umpire between them, and the Determination which such Arbitrators or their Umpire shall make concerning the Matter or Matters to be submitted to them or him, shall be final and conclusive, so as such Arbitrators make their Award or choose an Umpire within Twenty-one Days, and such Umpire make his Umpirage within Fourteen Days next after such Matters shall be referred to them or him respectively; and the Submission as well to such Award or Umpirage, as to such Engineers as are herein-before directed to be appointed Referees in the before specified Cases, or their Umpire, shall and may be made a Rule of the Court of King's Bench, at the Request of either of the said Parties in Difference, according to the Statute in that Case provided.

If none of the Proprietors of the other Companies subscribe, how the Lock Concerns to be conducted.

LV. Provided always, and be it further enacted, That in case none of the Proprietors of either of the said Companies of the said *Kennet* and *Avon* and *Wilts* and *Berks* Canals shall contribute Two Thirds or a Moiety, as the Case may be, of the Subscriptions for the last mentioned Purposes (in which Case Deputies are not to be appointed), then and in such Case it shall and may be lawful to and for the said *Somersetshire* Coal Canal Company, and they are hereby authorized and empowered by any of the Ways and Means by which they are herein-before authorized to raise any Sum not exceeding Twenty thousand Pounds, to levy and raise for same Purposes any Sum or Sums not exceeding Forty-five thousand Pounds; but in case they shall not take effectual Measures for that Purpose for the Space of Six Calendar Months after the Period herein-before allowed for making such Subscriptions as aforesaid, then the same Company shall and they are hereby required to open a Subscription to be filled by any Person or Persons who shall be willing and desirous of subscribing thereto, to levy and raise for the same Purposes any Sum or Sums of Money not exceeding Forty-five thousand Pounds; and then and in such last mentioned Case the making of such Locks or other Water Communications as aforesaid, and the raising Money by Subscriptions, or otherwise to any such Amount as aforesaid, shall be, and the same is hereby placed wholly in the Direction of the said *Somersetshire* Coal Canal Company; and the same Locks and other Works shall be executed and conducted by the Committee of Management of the same Company in such and the same Manner, and with all such and the same Powers and Authorities, and Payment of Interest, and Application of Surplus, as such Deputies as aforesaid, in case any such had been appointed, are herein-before empowered to do, or as near thereto as Circumstances shall require or permit; and the same Committee of Management shall keep the Accounts of

of the Lock Fund and Concerns distinct and apart from the other Affairs of the said Company, and shall receive, pay, apply, and dispose of the extra Tonnage to be collected from such Locks or other Water Communications as aforesaid; and also the said Proportions to be contributed by the said *Somersetshire* Coal Canal Company, in Addition to the said extra Tonnage of Three Farthings *per* Ton in Part of their Tonnage upon the *Dunkerton* Line, and the said Three-pence *per* Ton upon the *Radstock* Line of the said Canal, for the Support and Repair of the Works thereof, and for the Benefit of the several Persons who shall in such last mentioned Event subscribe to the raising of any such Sum not exceeding Forty-five thousand Pounds as aforesaid, and for forming a Sinking Fund for the Discharge of the same Subscriptions in such and the same Manner, Rates, and Proportions, and generally for all such Purposes, as the Deputies, in case any such had been appointed, are herein-before directed and authorized to apply and dispose of the same, and as if the said last mentioned Subscribers were subscribing Proprietors of both or either of the said *Kennet* and *Avon* and *Wilts* and *Berks* Canals; and in such last mentioned Case, the Committee of Management of the same Company shall Once in every Year print, and deliver to such of the last mentioned Subscribers as shall apply for the same, a Statement of the general Amount of the Expence and Produce of the said Lock Concern, and of the Application of the Funds thereof, and a like Statement of such other Parts of the said Company's Affairs, as may satisfy the same Subscribers, and the Publick at large, that the said extra Tonnage and additional Proportion of Tonnage agreed to be allowed by the said Company, in Augmentation of the said Lock Fund, is duly applied accordingly.

LVI. And whereas the said *Somersetshire* Coal Canal Company have already purchased more Lands and Buildings than may be necessary to be made Use of for the Purposes of the said Navigation; be it further enacted, That all Purchases of Lands and Buildings that have been already made, by or in Trust for or on Account of the said *Somersetshire* Coal Canal Company, or their Successors, shall be good and valid without any Licence to alien or purchase in Mortmain; and that it shall and may be lawful to and for the said *Somersetshire* Coal Canal Company, as to such of the Premises as are or may be Freehold or Leasehold, by Indenture under their Common Seal, and as to such of the Premises as are or may be of the Nature of Copyhold by Surrender, to be executed by their Attorney, lawfully authorized by Deed under their Common Seal, according to the Custom of the respective Manors of which the same may be holden, to sell and dispose of, and grant, surrender, and convey, in Fee Simple, according to the Nature and Tenure of the said Lands or Buildings, either absolutely or in Fee Farm, or to demise for a Term of Years, such Part or Parts of the same Lands or Buildings as are of the Nature of Freehold or Copyhold, and to assign or transfer the Whole or any Part of the Term or Terms remaining unexpired in such Leasehold Premises which have been respectively purchased by or on Account or for the Use of, or in Trust for, the said *Somersetshire* Coal Canal Company, as shall not be wanted for the Purposes of the said Navigation and Works, either in Exchange for any Messuages, Lands, and Premises taken or to be taken and used by the same Company for the Purposes of the said Canal and Works, for a Consideration in Money, or at and under a yearly Rent, or all, or any, or either of them, such yearly Rent to be reserved or limited,

[*Loc. & Per.*]

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with

Power for
Company to
sell or de-
mise Land,
etc.

with Power of Distress on Non-payment, in such Manner as in such Conveyances, Demises, or Surrenders, shall be expressed; and also, by the Ways and Means aforesaid, to grant, surrender, or assign, and convey, by way of absolute Sale, for a Consideration in Money, all or any Part or Parts of the annual Rents which shall or may be reserved or limited to them the said *Somersetshire* Coal Canal Company, or any Grant, Demise, or Surrender, Grants, Demises, or Surrenders, to be by them made as aforesaid; and it shall and may be lawful for the Treasurer or Treasurers for the Time being to the same Company, to sign and give Receipts for the Money for which any such Lands, Building, Rents, or Premises shall be sold; and such Receipts shall be sufficient Discharge for the same Purchase Money, or for so much thereof as in such Receipts shall be acknowledged or expressed to be received; and such Person or Persons shall not be answerable or accountable for any Loss, Misapplication, or Non-application of such Purchase Money, or any Part thereof; which said Money shall be applied by the same Company for the same or for the like Purposes as the Money hereby authorized to be raised is directed to be applied: Provided always, that the same Company before they shall sell and dispose of such Lands or Buildings, shall first offer to re-sell the same to the Person or Persons from whom they shall have purchased such Lands or Buildings; and in case such Person or Persons shall not then and thereupon agree, or shall refuse or decline 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 in which such Lands or Buildings shall be situate, by some Person or Persons no way interested in the said Lands or Buildings, stating that such Offer was made by or on Behalf of the same Company, and that such Offer was not then and thereupon agreed to, or was refused or declined by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was not agreed to, or was refused or declined by the Person or Persons to whom it was made, as the Case may be.

The Company (before they re-sell any Lands) to offer the same to the Persons from whom they purchased such Lands.

Commons, etc. to be conveyed by Owners of Manors, etc. to the Company.

LVII. And be it further enacted, That in all Cases where, in making the said Canal, Reservoirs, and other Works, there has been or shall be Occasion to cut through, take, or use, any Part of any Common or Waste Ground, for the Purpose of the said Canal, Reservoirs, and other Works, or any Part of any publick or private Road or Roads, the Conveyance of such Parts of such Common or Waste Ground, Road or Roads, by the Lord or Lady, Lords or Ladies, or other Proprietors, of the Manor to which such Common or Waste Ground, Road or Roads, is appurtenant, or by a Majority in Value of the Land Owners in which any Parish Road, or any Five or more of the acting Trustees of any Turnpike Road which may be taken or used for the Purposes of the said recited Acts or this Act, to the same Company, shall be a good and sufficient Conveyance for the Purpose of vesting in them the Fee Simple and Inheritance of such Common, Waste Ground, or Roads respectively, as fully and effectually as if every such Person having Right of Common on such Common or Waste Ground or interested in or entitled to such Road or Roads, or otherwise, had joined in and executed such Conveyance; and the Purchase Money for such Parts of such Common or Waste Ground as aforesaid shall be paid by the same Company to the said Lord or Lady, Lords or Ladies of such Manor, for the Use of the said Lord or Lady, Lords or Ladies, and the Persons having

Right

Right of Common upon such Common or Waste, in Proportion to their respective Rights and Interests in the Land so taken; and if any Difference shall arise respecting the Division of the said Purchase Money, the same shall be determined as directed by the said First Act.

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

Lords, *etc.* of
Manors may
enfranchise
Copyhold.

LIX. And whereas Doubts have arisen, and Disputes may happen, between the same Company and the Surveyors, and other Persons interested in the Repairs of the Roads approaching to the Bridges already made, or which may happen to be made over the said Canal and Cuts, respecting such Repairs; be it therefore further enacted, That, from and after the passing of this Act, the same Company shall not be liable to repair or amend any Part of the Approaches to any Bridges made or to be made over the said Canal and Cuts, after such Approaches shall have been first made and put into good Repair by the same Company; any thing in the said Act or in this Act contained to the contrary notwithstanding; but nothing herein contained shall be construed to exonerate the same Company from the future Repairs of the Bridges, and the Wing Walls, Ramparts, and Side Banks thereof, and the Banks supporting the Approaches thereto.

Company not
to be liable to
repair Ap-
proaches to
Bridges, after
Once made
and put in
Repair.

LX. And whereas the same Company, in the Prosecution of their said Works, have diverted and turned several publick Highways, Bridleways, and Footways, and have, in lieu of such old Roads and Ways, at a considerable Expence, made more or equally convenient Ways and Roads, and may have Occasion to turn and divert other Roads and Ways; be it therefore enacted, That where it shall appear, upon the View of any Two or more Justices of the Peace for the respective County, that it has been or shall be necessary for the Purposes of the said recited Acts or of this Act, that any publick Highway, Bridleway, or Footway, should have been or shall be diverted or turned, then and in such Case, as to such Roads or Ways that have been so diverted and turned, upon the Propriety thereof, and of other Roads and Ways being made in lieu of the same, being certified by Writing under the Hands of such Justices, the said *Somersetshire* Coal Canal Company shall be justified and fully indemnified for having made such Diversions and Alterations; and as to such Roads or Ways as may hereafter so require to be diverted or altered, it shall and may be lawful to and for the said Company of Proprietors, by Order of such Justices at some Special Sessions, to divert and turn such publick Highway, Bridleway, or Footway, as may be hereafter necessary, in such Manner as in such Order shall be expressed, the said Company first making a new Highway, Bridleway, or Footway, of equal Width with the former, and in every Respect agreeable to the Terms of such Order;

Power to di-
vert Roads,
etc. on making
others, and
vesting old
Roads in the
Company.

Order; and when such new Highway, Bridleway, or Footway, already made or hereafter to be made, shall be completed and finished, any Two or more of the said Justices shall or may, upon a View, declare the same by a Certificate under their Hands, which Certificate shall be inrolled with the Clerk of the Peace for the respective County wherein the said Roads or Ways so diverted or turned, or to be diverted or turned, shall respectively lie; and after the inrolling of such Certificate, the Part of the old Highway, Bridleway, or Footway, so diverted or turned, or to be diverted and turned, shall be and become vested in Fee Simple in the said *Somersetshire* Coal Canal Company, with full Power for them to sell or dispose of the same; and the Land constituting or to constitute the new Road or Way shall from thenceforth for ever be and be deemed a publick Highway, Bridleway, or Footway, as the Case may be, and shall be vested in or belong to such Person or Persons, and be subject and liable to such and the same Laws, Rules, and Regulations, in every Respect as the old Road or Way so diverted and turned, or to be diverted or turned, were, now is, or shall have been, immediately prior to such Diversion or Turning, subject and liable: Provided nevertheless, that nothing herein contained shall extend, or be construed to extend, to authorize or empower the said *Somersetshire* Coal Canal Company to divert or turn any Turnpike Road without the Consent of Five or more of the Trustees for executing the Act or Acts relating to such Turnpike Road, assembled at some Meeting of the said Trustees.

But not to divert Turnpike Roads, without Consent of Five Trustees.

Proceedings against Defaulters.

LXI. And be it further enacted, That in any Action brought or to be brought by the said *Somersetshire* Coal Canal Company, against any Owner or Owners of any Share or Shares in the said Canal, to recover any Sum or Sums of Money due and payable to the same Company for or by reason of any Call or Calls made by virtue of the said recited Acts or either of them, or by or in the Name of the same Company, against any Subscriber or Subscribers, or other Person or Persons, for or in respect of any Call or Calls to be made in pursuance and by virtue of this Act, it shall be sufficient for the said Company to declare and allege that the Defendant or Defendants, being a Proprietor or Proprietors of such or so many Share or Shares in the said Canal, or in the said Subscriptions, or having agreed to advance a Sum of Money towards raising the said Sum of Twenty thousand Pounds, or the said Sum of Forty-five thousand Pounds, or such Part thereof respectively, as shall be necessary, so to be raised as aforesaid, is or are indebted to the said *Somersetshire* Coal Canal Company in such Sum or Sums of Money as the Call or Calls in Arrear shall amount unto, for such and so many Call or Calls of such or so many Sum or Sums of Money, upon such or so many Share or Shares belonging to the said Defendant or Defendants (as the Case may happen to be), or for or on Account of the Money so respectively agreed to be advanced as aforesaid, duly made upon such Defendant or Defendants according to the Authority of the said Acts and of this Act, or either of them, whereby an Action hath accrued to the said Company by virtue of the said Acts and this Act, or either of them, without setting forth the special Matter; any thing in the said recited Act or this Act contained to the contrary thereof in anywise notwithstanding; and on the Trial of any such Action it shall only be necessary to prove on the Part of the said Company, that the Defendant or Defendants, at the Time of making such Call or Calls, was or were
a Pro-

a Proprietor or Proprietors of some Share or Shares in the said Canal, or had agreed to advance or subscribe a Sum of Money to the same Company for any such Purpose as aforesaid, and that such Call or Calls was or were in Fact made; and that the Production by the principal Clerk, or other Officer of the said Company, of the said Register Book, and of the Minutes of Proceedings of the Proprietors and Committee of Management, or by the Clerk to the said Deputies of their Minutes of Proceedings and List of Subscribers, and of the Newspapers in which Notice of the said Calls have been or shall be advertized, shall be sufficient Evidence of such Proprietary and of the Appointment of the Committee who made any such Call or Calls, or of such Agreement to advance such Money by the Defendant or Defendants, for any such Purpose, and of the Notices given of such Calls, and of the Proceedings of the Proprietors and Committee duly entered in their Minute Book; and likewise wherever the Money so agreed to be advanced, shall be for raising the said Sum of Forty-five thousand Pounds, or such Part thereof as aforesaid, of the Appointment of such Deputies, and of their Proceedings duly entered in their Minute Book, and the said Company shall not be obliged to prove any other Matter whatever; and the Company shall thereupon be entitled to recover what shall appear due, unless it shall appear that any such Call or Calls was or were made contrary to the Directions and Restrictions in Point of Time or Amount contained in the said recited Acts or of this Act; and after Judgement shall be given for the same Company in any such Action, Execution shall not be stayed by reason of any Writ of Error brought by the Defendant or Defendants therein, unless such Defendant or Defendants with Two sufficient Sureties, shall first become bound to the said Company by Recognizance, to be acknowledged in the Court in which such Judgement shall be given, in Double the Sum adjudged to the said Company by such Judgement, to prosecute the said Writ of Error with Effect; and also if the said Judgement be affirmed, or the said Writ of Error be nonprossed, to satisfy and pay the Debt, Damages, and Costs, adjudged by the said Judgement, and all Costs and Damages to be awarded for Delay of Execution.

LXII. And be it further enacted, That any Clerk or other Officer employed by or on Behalf of the said *Somersetshire* Coal Canal Company, or by or on Behalf of the said Deputies, shall and may be admissible and examined as a Witness for or against the said Company of Proprietors, touching any merely ministerial Act done or to be done or performed by or for the said Company, or Deputies, in any Court of Law or Equity, or before any Commissioner, Arbitrator, or Jury, or on any other Occasion, notwithstanding such Clerk or Officer shall be possessed of One or more Share or Shares, Half Share or Half Shares, in the said Undertaking, or in the said Subscriptions, or either of them.

Officers may give Evidence though Holder of Shares.

LXIII. And be it further enacted, That in case the Money authorized to be raised by virtue of the said first-recited Act, and the said Sum of Twenty thousand Pounds authorized to be raised by this Act, shall be found insufficient for completing the said Canal and Works authorized to be made by the said first recited Act, then and in such Case it shall be lawful for the said *Somersetshire* Coal Canal Company, at any General or Special Assembly to be holden by virtue of the said recited Acts or of this Act, to order and direct the Rates, Tolls, and Duties received or to be re-

Power to apply Tolls in finishing the Canal, if wanted for that Purpose.

[*Loc. & Per.*]

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ceived

ceived by the said Company by virtue of the said Acts or of this Act, except the said Tonnage herein-before directed to be applied to the Purposes of the Lock Fund (after Payment of such Rents and other Payments as are charged thereon), to be applied in and towards the finishing and completing such Parts of the said Canal and Works; and also that it shall be lawful for the said *Somersetshire* Coal Canal Company, at any such General or Special Assembly, to order and direct any such Rates, Tolls, or Duties (except as aforesaid) to be applied towards the raising or paying the Proportion herein-before directed to be advanced by the same Company, of the said Sum of Forty-five thousand Pounds, in the Event of such Individual Subscriptions as aforesaid.

Power to erect
Fire Engines.

LXIV. And whereas the said *Somersetshire* Coal Canal Company or the said Deputies may have Occasion to take and use the Water flowing in the Brooks of the Vallies of the Lines of the said Canal, and which they may so take without much, if any, Loss or Inconvenience to the Mill Owners, Land Owners, or other Persons, by erecting such Engines so as to take and pump up the Water from the respective Brooks into the Upper Levels of the said Canal on the *Dunkerton* Line of the said Canal, after it has passed all the existing Mills on that Line of Canal; and on the *Radstock* Line of the said Canal, by taking such Water from the Brook after it has passed all the Mills, except a Grist Mill at *Mitford* belonging to *William Smith*, and by returning the Water so taken on that Line through a Gauge into the Mill Head of the said excepted Mill, after the Purposes for which it may have been so taken have been answered; be it therefore enacted, That, from and after passing this Act, it shall and may be lawful to and for the said Company of Proprietors or the said Deputies, to erect and set up One or more Fire Engine or Fire Engines on the *Dunkerton* Line of the said Canal, with proper Tunnels, Soughs, and Conveniencies for the Purpose of pumping and raising, and thereby or otherwise to pump and raise Water from the Brook at or near *Dunkerton* Mill Head, (or any other Place between that and the Termination of the Upper Level, on the said Line of Canal into the Upper Level of the said Line of Canal); and also to erect and set up other Fire Engine or Fire Engines on the *Radstock* Line of the said Canal, with proper Tunnels, Soughs, and Conveniencies, for the Purpose of pumping and raising, and thereby or otherwise to pump and raise, Water from the Brook at or near *Wellow* Mill Tail, (or any other Place between that and the Termination of the Upper Level of that Line of Canal), into the Upper Level of the said Line of Canal; the said *Somersetshire* Coal Canal Company or the said Deputies, returning through a proper Gauge, within Forty-eight Hours after taking such Water, as much Water into the Mill Head of the said Mill at *Mitford*, (if required and necessary to work the said excepted Mill), as they shall take into the Upper Level of the said Line of Canal by Means of such Fire Engines; or in Default thereof, making a full and fair Compensation and Allowance to the Proprietors of such Mill, and all other Persons injured by reason of taking and not returning such Water into the said Mill Head as aforesaid, for taking such Water by Means of such Engines, and thereby depriving the Owners and Occupiers of such Mill, or other Persons, of such Water; and also making proper Watering Places for Cattle, where by reason of taking such Water, the Owners or Occupiers of any Lands in the said Vallies, or either of them, shall be deprived of such Brook or Spring Water,

Making Com-
pensation.

Water, and supplying such Watering Places with Water at all Times; such Compensation and Allowance to be settled and ascertained, in case of Difference, in the same Manner as other Differences are directed to be settled in and by the said first recited Act and this Act: Provided, that nothing herein contained shall extend to alter, affect, or prejudice any Agreement or Agreements already entered into, or hereafter to be entered into, by the said Company with any Person or Persons interested in or entitled to any such Water, in respect to the said Company or the said Deputies taking such Water into the said Canal, so as no such Agreement or Agreements shall or may affect or prejudice any Person or Persons who shall not be a Party or Parties thereto.

LXV. And whereas, by the said first recited Act, the Committee of Management are directed to meet every Three Months or oftener, and may adjourn themselves from Time to Time, and from Place to Place, as Occasion may require; and it may sometimes happen that no Adjournment may be made, or Time fixed, for holding the next General Meeting of the said Committee: be it therefore enacted, That in case no such Adjournment shall be made, or no Time shall be appointed by the said Committee at any General Meeting or Meetings, for holding the then next General Quarterly Meeting, in such Case the principal Clerk to the said Company shall and may appoint the Time and Place for holding the next General Quarterly Meeting of the said Committee, some Time in the Months of *March, June, September, or December* respectively, as the Case shall require; and also that the said principal Clerk, at the Requisition in Writing of any Three or more of the said Committee, of whom the Chairman (if there shall be One) shall be One, or of any Five of the said Committee, with or without the Chairman, shall and may at any Time or Times convene a Meeting of the said Committee of Management, for any special Purpose, to be held at such Time and Place or Times and Places as shall be mentioned in such Requisition, provided there be sufficient Time allowed to send Ten Days Notice of such intended Meeting by the Post, from the said City of *Bath*, to each Member of such Committee.

Clerk to fix
Committee
Meetings, &c.

LXVI. And be it further enacted, That at all General or Special Meetings of the said Proprietors at large, to be held in pursuance of the said recited Acts or of this Act, the Determination of the Majority of Votes according to the Number of Votes in Person, and by Proxy, which the Persons attending any such Meeting shall have a Right to give, and shall give, shall be considered as the Determination of the whole Company.

Majority of
Votes to bind
the Whole.

LXVII. And be it further enacted, That no Person or Persons shall use or navigate on the said *Somersetshire* Coal Canal, any Boat or Vessel that shall have a square Head, Stern, or Side, or that shall have any Angle or Projection on the Side or at the Bottom thereof, or be constructed in any Respect so as to injure or tend to injure the Lining, Puddling, or other Works of the same Canal, on Pain of forfeiting to the said *Somersetshire* Coal Canal Company, not more than Twenty Pounds nor less than Five Pounds, for every Time such Boat or Vessel shall be navigated on the *Somersetshire* Coal Canal, or any Part thereof; such Penalty or Penalties to be enforced, recovered, or mitigated, in such and the same Manner

Persons navigat-
ing impro-
per Boats on
Canal subject
to a Penalty.

Manner as Penalties and Forfeitures are directed or empowered to be recovered or mitigated in and by the said recited Acts, or either of them.

Shares may be mortgaged.

LXVIII. And be it further enacted, That it shall be lawful for any Proprietor or Proprietors of any Share or Shares, Half Share or Half Shares in the said Undertaking, or of any Share in the said Subscriptions, to transfer and mortgage the same to any other Person, as a Security for Money, such Transfer being in the Form prescribed in the said first recited Act, for the Conveyance of Shares, (or as near thereto as Circumstances will admit), with a Proviso or Condition thereto added, that if the Mortgagor, his Executors, Administrators, or Assigns, shall pay to the Mortgagee, his Executors, Administrators, or Assigns, the Principal Sum thereby to be secured, with legal or less Interest, on or before a certain Time, then the Mortgagee, his Executors, Administrators, or Assigns, shall re-transfer such Share or Shares, Half Share or Half Shares, to such Mortgagor, his Executors, Administrators, or Assigns; a Memorial of which Mortgage of Shares or Half Shares in the said Undertaking shall be registered by the principal Clerk in such Manner as Memorials of Conveyances of Shares are directed to be registered, or of Shares in the said Subscription with the Clerk to the said Deputies, in like Manner as nearly as Circumstances will permit; but the Name of the Mortgagor shall continue to stand in the Register Book as the Proprietor of such Share or Shares, Half Share or Half Shares, or of the said Subscription, until Default shall be made in Payment of the Mortgage Money for Six Calendar Months after Payment of the same shall have been required by Notice in Writing, and until the said principal Clerk or Clerks to the Deputies respectively shall be required by the Mortgagee to insert his Name as the Proprietor of such Share or Shares, Half Share or Half Shares, or of such Subscription, from which Time such Mortgagee shall be considered as the legal Proprietor thereof; and when and as any such last mentioned Mortgage shall be paid off, a Memorial of the Re-transfer thereof shall be registered in Manner aforesaid.

Powers of each Act extended to the others.

LXIX. And be it further enacted, That all and every the Provisions and Clauses of this Act shall, in the Execution of the said recited Acts, be used, applied, and construed, so far as the same are applicable, in like Manner as if the same were specially enacted in the said Acts, or either of them; and all and every the Provisions and Clauses of the said recited Acts shall, in the Execution of this Act, except where the same are hereby expressly varied, be used and applied, extended and construed, in like Manner as if the same Provisions and Clauses (except as aforesaid), were specially enacted in this Act.

Application of Compensation, where amounting to 200/.

LXX. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of the said recited Acts and this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any other Disability or Incapacity, as in the said Acts particularly mentioned, 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 Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the *Somersetshire* Coal Canal Navigation, together with the Name or Names of such Person or Persons as any Three of the Commissioners, for executing the said Acts and this Act shall, by Writing signed by them, direct and appoint; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order, made upon a Petition, to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three *per Centum* Consolidated or Three *per Centum* Reduced Bank Annuities; and in the mean Time, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, so hereby directed to be purchased, in case such Purchase or Settlement were made.

LXXI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of the said recited Act or this Act, 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 the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed or otherwise; or 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 by Three or more of the said Commissioners (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order

Application where the Compensation does not amount to 200*l.* and exceeding 20*l.*

[*Loc. & Per.*]

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that

that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before awarded, as far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

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

LXXII. Provided also, and be it further 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 Lands, Tenements, or Hereditaments, so purchased, taken, or used for the Purposes of the said Act and this Act, in such Manner as the said Commissioners, or any Three of them shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons entitled respectively.

Principal Clerk may appoint Deputy.

LXXIII. And be it further enacted, That it shall be lawful for the principal Clerk to the said *Somersetshire* Coal Canal Company from Time to Time (with the Consent of the Committee of Management, to be given at any General Meeting of such Committee), by any Writing under his Hand to appoint One or more (not exceeding Three) Deputy or Deputies; and all Acts required to be done by the said principal Clerk, and all Notices and Processes which by the said Act may be served upon the said principal Clerk, shall be equally good, valid, binding and effectual, if done by or served upon such Deputy or Deputies.

Expences of the Act how to be defrayed.

LXXIV. And be it further enacted, That the Costs and Expences of applying for, obtaining, and passing this Act, and all Costs and Expences incident thereto, shall be borne, paid, and defrayed by and out of any Money to be received by virtue of this Act.

Publick Act.

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

The SCHEDULE referred to by the foregoing Act.

In what Parish situated.	No of Reference in Plan.	Description.	Owners.	Occupiers.
Combhay or Southstoke	5	Orchard - -	{ John Smith, Esq. - - - } { Edward Willis, Lessee }	Edward Willis.
Wellow - - - - -	2	Orchard - -	William Gore Langton, Esq.	William Wiltshire.

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