



ANNO QUINQUAGESIMO PRIMO

GEORGI III. REGIS.

Cap. 60.

An Act for making a navigable Canal from the River *Avon*, at or near *Morgan's Pill*, in the Parish of *Easton-in-Gordano*, otherwise *Saint George's*, in the County of *Somerset*, to or near the River *Tone*, in the Parish of *Saint James* in *Taunton*, in the said County, and a certain navigable Cut therein described. [14th May 1811.]

WHEREAS the making and maintaining of a navigable Canal for Boats, Barges, and other Vessels, from the River *Avon*, at or near a certain Place called *Morgan's Pill*, in the Parish of *Easton-in-Gordano*, otherwise *Saint George's*, in the County of *Somerset*, to or near the River *Tone*, at a certain Place called *Fire Pool Mills*, in the Parish of *Saint James*, in *Taunton*, in the same County; and the making and maintaining a navigable Cut from such Canal in the Parish of *Kenn*, to or near the several Collieries or other Works in or near the Parish of *Nailsea*, in the same County, with proper Railways or Carriage-ways, and Stone-roads to the said Canal and Cut respectively, will greatly facilitate and render more convenient and less expensive than at present, the Conveyance of all Kinds of Commodities not only to and from the several Towns and Places near the Lines of such Canal and Cut, but also to and from the Ports of *London*, *Bristol*, *Bridgewater*, and *Exeter*, and will be of great public Utility: But such Canal and Cut cannot be made without the Authority of Parliament: May it therefore please Your Majesty
[Loc. & Per.] 13 P that

Proprietors
Names.

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 *John Atkinson, Hodgson Atkinson, Robert Austin, James Amos, Elizabeth Author, E Medley Author, Sarah Medley Author, Henry G Atwood, James Amos, Francis Atkinson, J Bourdillon, Anthony Brown, Benton Brown, Robert Brown, William Brown, William Ballard, Charles Bayley, Henry Blunt, Mary Jane Barclay, David Barclay, Gurney Barclay, Benjamin Brecknell, Cooke Kemp Bourne, William Bourne, Thomas Baker, Zachariah Bunnell, Phillip Barlow, Ann Barnard, John Barnes, James Brewer, Thomas Burns, John Bradfute, Henry Brooksbank, Samuel Bamfill, Peter Bluett, Henry Bowden, James Bashleigh Junior, Robert Baker, John Blackmore, Benjamin Bickley, Walter Brind, John Blagg, Frederick Casf, William Casf, Charles Casf, Robert Cooper, William Curling Senior, William Curling Junior, A Curling, Henry Churchyard, John Cancelloe, Alexander Christopher Coombe, Thomas Carter, Edward Coxe, John Cawtaws, James Cazenove, Thomas Crowley, John Cockell, John K Cleewe, Michael Castle, John P Cholwich, James Davies, Richard Davies, Thomas Dalby, John Dalton, William S Dacie, Thomas Dixon, William Dixon, John Dixon, Sir James Dubberley, J B Duncan, E D B Duncan, George Dunsford, George Dunsford Junior, James Dunsford, Henry Dunsford Junior, Timothy Dunsford, J Lechigaray Dunsford, Matthew Dunsford, John Dorington, Thomas Dawson, Herman Drewe, Samuel Davy, James Davies, William Dicken, Solomon Earle, William Emes, William Elliott, Edward Edenden, Goen Evans, James Egerton, William Easton, George Easton, Abel Easton, Abraham Favenc, Thomas Fryer, Bartholomew Flight, Thomas Fox, Humphry Goviers, Joseph Goodhart, J L Z Grove, John Gray, Thomas Gonne, William Gifford, Thomas Gribble Junior, Reginald Graham, William Giles Junior, Sir Richard Graves, Philip George, John Grace, William Gibbons, William Gerton, G Gonger, T George Goodenough, Shaw Grossett, William Baring Gould, Edmund Granger, Mary Hoare, Thomas Hewitt, Henry Thomas Hewitt, Thomas Hardy, James Hildyard, Maria Hildyard, Samuel Houston, George Hodson, F Hughes, John Hodgetts, Zachariah Hubbard, G L Hollingsworth, John Caple Handbury, James Heygate, James Heygate Junior, Sarah Harrison, George Henry Hooper, James Hanrott, Doctor James Home, John Hanson, Robert Hunt, John Halcombe, Joseph Hardcastle, Richard Hurley, William Hore, David Jones, John Hart, Samuel Jackson, W P Jillard, Javer, Jackson, Sir John Kennaway Baronet, John Key, H G Key, J W Key, Peter Kempson, Zachariah Levy, Angel Levy, B Loup, Stephen Lancaster, A D R Langdale, James Lucett, Johnson Lawson, Henry Lawson, Charlotte Lawson, George Leyburn, Robert Long, John Laing, Robert Lively, Thomas Lake, William Gaufield Lennon, Francis Lupton, John William Lubbock, P Lindsay, W Lindefay, John Luke, William Lewis, E P Lyon, William Leigh, Samuel Lott, James Lean, Edmund Baruh Lousada, Lloyd, L R Mackintosh, Samuel Medley, William Thomas Money Penny, John James Mackrill, W Maughan, Thomas Morris, Thomas Morris, H W Martimer, William Mavor, Matthew Montgomerie, Robert Maddock, Thomas Merriman, George Nash, Benjamin Neale, John Neate, Joachim Otte, John Pearson, Arthur Partridge, R L Percy, E W Percy, George Prickett, George Powell, Henry Proctor, Lionel*

Lionel Place, Robert Peirson, John Pearse, Nicholas Pearse, Brue Pearse,
John Perry, George Palmer, William Palmer, William Packer, Thomas
Preston, Joseph Pocklington, Claus Pell, Thomas Pyke, John Pearmain,
James Quick, Sir William Rawlins, John Roberts, John Reynolds, J

R Randall, John Risdon, William Rayley, George Rennie, John
Rennie Junior, Jonathan Rasbleigh, William Rowe, William Roberts, Ro-
bert Scott, George Scott, Thomas Scott, Folliett Scott Stokes, W R

Stokes, Charles Stokes, Henry Stokes, W Sabine, W Smith,

Henry Smith, Joseph Smith, David Smith, Samuel Smith, Daniel Smith,
Stephen Shepheard, Benjamin Shaw, Samuel Shaw, J E Sei-

benrood, D Scratton, E Steers, William Shearman, James

Springhall, J H P Schnerder, Thomas Sexton Junior,

John Sarjeant, Henry Sterney, James Sutton, Robert Sutton, John Smalley,

Elizabeth Sutton, Henry Shepherd, Thomas Scurr, Giles Silver-side, Sir

Alexander Seton, Doctor P B Seton, Henry James Stubbs,

Henry Skinner, John Sanderson, Thomas Scurr, Richard Symes, Samuel

Stuckey, George Stuckey, Vincent Stuckey, Charles Thompson, William James

Thompson, George Tarrington, Richard Twopenny, James Troughton, Tho-

mas Taylor, Joshua Taylor, John P Toulmin, James Taddy, John

Tollit, Benjamin Thomas, John Thomas, John Owens Thomas, James

Townsend, Joseph Townsend, William Leonard Thomas, Pyle Taunton,

Thomas Anthony Trollope, Charles Tylee, Alfred Thomas, Monkhouse

Tate, Samuel Woods, Robert Wood, Joseph Wilson, Samuel Wilson, Matthew

Wilson, George John Weddell, George Watts, John Ward, L Wolfe,

Joseph Woolmer, Thomas Wilkinson, William Walker, Rowland Edward

Williams, J Lloyd Williams, William Wollen, Edward Winstanley,

Charles Wall, Charles Webb, Thomas Wace Senior, Thomas Wace Junior,

John Wansley, George Wheeler, Matthew Wasbrough, John Ward, J

W Were, Thomas Rawden Ward, George Waymouth, Charles Wall,

Woodlands, and the Right Honourable Sir George Yonge Baronet;

and their respective Successors, Executors, Administrators, and Assigns,

or such of them as shall from Time to Time be possessed of any Share or

Shares in the Navigation or Undertaking hereby authorized to be made and

carried on; and also such other Person or Persons as shall from Time to

Time be possessed of any Share or Shares therein, shall be and they are

hereby united into a Company for the carrying on, making, completing,

and maintaining of the said Canal, Cut, Rail or Carriage Ways, or Stone

Roads, for the Passage of Boats, Barges, and other Vessels, Waggon, Carts,

and other Carriages, according to the Rules, Orders, and Directions herein-

after contained; and shall for that Purpose be One Body Politic and Cor-

porate, by the Name of "The Company of Proprietors of the Bristol and

Taunton Canal Navigation;" and by that Name shall have perpetual Succes-

sion and a Common Seal, and by that Name shall and may sue and be sued,

and shall also have full Power and Authority to purchase Lands, Tenements,

Rivers, or Hereditaments, to them, their Successors and Assigns, for the

Use of the said Undertaking, and also to sell or dispose of any of the

Lands, Tenements, or Hereditaments to be purchased by them, without

incurring any of the Penalties or Forfeitures of the Statutes of Mortmain;

and that it shall be lawful for the said Company of Proprietors, and they

are hereby fully authorized and empowered, from and after the passing

of this Act, by themselves or by their Deputies, Agents, Officers, Work-

men, or Servants, to make and keep navigable and passable for Boats,

Barges, and other Vessels, a Canal from the River Avon, at or near a cer-

tain

Proprietors
united into a
Company;

and declared
to be a Body
Politic and
Corporate.

With Power
to purchase
Lands.

The Com-
pany empow-
ered to make
the proposed
Canal, Cuts,
&c.

General Powers for effecting the Purpose aforesaid.

tain Place called *Morgan's Pill*, in the Parish of *Easton-in-Gordano*, otherwise *Saint George's*, in the County of *Somerset*, to or near the River *Tone*, at a certain Place called *Fire Poole Mills*, in the Parish of *Saint James*, in *Taunton*, in the same County; and also a Navigable Cut from such Canal in the Parish of *Kenn*, to or near the several Collieries and other Works in or near the Parish of *Nailsea*, in the same County, with such Rail or Carriage Ways and Stone Roads from such last-mentioned Cut, to the said Collieries and other Works, as may be judged expedient; and to supply the said Canal and Cut respectively whilst the same shall be making, and at all Times for ever after the same shall be made, with Water from all such Springs as shall be found in making the same, and from all Rivers, Springs, Brooks, Streams, and Watercourses whatsoever, which are or shall be found within the Distance of Two Thousand Yards from such Part of the said Canal and Cut respectively, between *Morgan's Pill* and the Collieries and other Works in or near the Parish of *Nailsea*, and within the Distance of One Thousand Yards of the said Canal between the Parish of *Clevedon*, to or near the Town of *Taunton* aforesaid; and for that Purpose to cleanse, scour, deepen, enlarge, or straighten any such Rivers, Brooks, Streams, or Watercourses, or any other which may come or be brought into the same respectively, and to make such and so many Feeders and Aqueducts, and to make, erect, and set up such and so many Weirs, Steam Engines, and other Machines with proper Shafts and Tunnels thereto, for supplying the said Canal and Cut with Water, or for any other Purpose necessary for the better making and maintaining of such Canal and Cut, Rail or Carriage Ways or Stone Roads respectively, as they the said Company of Proprietors shall from Time to Time think proper and expedient; and for the several Purposes aforesaid, to enter into and upon the Lands and Grounds of or belonging to any Person or Persons, Bodies Politic, Corporate, or Collegiate whatsoever, and to survey and take Levels of the same, or any Part thereof, and to set out and ascertain such Part or Parts thereof as they the said Company of Proprietors shall think necessary and proper for the making, completing, maintaining, improving and using of the said Canal and Cut, Rail or Carriage Ways and Stone Roads, Works, and Conveniencies hereby authorized to be made, and there to bore, dig out, trench, and sough, and also to remove, carry away, and take any Earth, Clay, Stone, Soil, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters or Things whatsoever, which shall or may be dug or got in the making, or which may hinder, prevent, or obstruct the making, carrying on, maintaining, or repairing the said Canal and Cut, Rail or Carriage Ways or Stone Roads, and Works respectively, or of such Feeders, Trenches, Passages, Aqueducts, and Watercourses as shall or may be necessary and proper to convey Water to or from the said Canal and Cut respectively, according to the true Intent and Meaning of this Act; and also to make, build, erect, and set up, in or upon the said Canal and Cut respectively, Rail or Carriage Ways or Stone Roads, or in or upon the Lands adjoining or near thereto respectively, such and so many Bridges, Tunnels, Soughs, Aqueducts, Sluices, Locks, Flood Gates, Weirs, Pens for Water, Water Stanks, Drains, Wharfs, Quays, Toll Houses, Warehouses, Watch Houses, Landing Places, Weighing Beams, Cranes, Dry Docks, Fire Engines, and other Machines, Ways, Roads, and Conveniencies, as and where they the said Company of Proprietors shall think requisite and convenient, and from Time to Time to alter, repair, and amend, or discontinue

discontinue the same, or any of them, as shall be thought expedient and useful for the Purposes of the said intended Navigation; and for the carrying and conveying of Goods, Wares, Merchandize, and other Things, to and from the said Canal and Cut, Rail or Carriage Ways, or Stone Roads respectively; and for the carrying and conveying of all Manner of Materials necessary for the making, erecting, finishing, altering, repairing, amending, widening, or enlarging of the said Canal and Cut, Rail or Carriage Ways, or Stone Roads, and other Works respectively; and to place, lay, work, or manufacture any Materials on the Lands or Grounds near to the Place or Places where the said Works or any of them shall be carrying on; and also from Time to Time to make, maintain, repair, and alter any Fences, Roads, or Passages over, under or through the said Canal and Cut, Rail or Carriage Ways, or Stone Roads respectively, or the Tunnels, Aqueducts, Soughs, Trenches, Gutters, Watercourses, and Sluices which shall communicate therewith respectively; and also to make, set out, and appoint such Towing Paths, Banks, Roads, and Ways for the towing, haling, or drawing of Boats, Barges, or other Vessels passing upon the said Canal and Cut respectively, with Men, Horses, or otherwise, and such convenient Places for Boats, Barges, and other Vessels to turn, lie, or pass each other in, as the said Company of Proprietors shall think proper and expedient; and also to dig, take, and carry away any Soil, Clay, Gravel, Sand, Chalk, Flint, or Stone, which shall be proper, requisite, and convenient for the carrying on, repairing, and maintaining of the several Works aforesaid, or any of them, in or from the Grounds of any Person or Persons adjoining or lying contiguous thereunto, or within the Distance of Two thousand Yards thereof; and also to construct, erect, set up, make and do all or any other Works, Matters, and Things whatsoever, which they shall think requisite and necessary or convenient for the making, carrying on, completing, repairing, improving, maintaining, and using of the said Canal and Cut, Rail or Carriage Ways, or Stone Roads respectively, in pursuance and within the true Intent and Meaning of this Act, they the said Company of Proprietors and their Agents, Servants and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and repairing such Damage as shall be deemed practicable, and be directed by the Commissioners hereinafter appointed, and from Time to Time making Satisfaction in the Manner herein-after mentioned to the Owners or Proprietors of, or the Persons interested in the Lands, Grounds, Tenements, or Hereditaments, Waters, Watercourses, Brooks, or Rivers respectively, which shall or may be taken, used, removed, diverted or prejudiced for the Purposes aforesaid, for all Damages to be by them respectively sustained by means or in consequence of the Execution of the Powers hereby given.

II. And be it further enacted, That, subject to the several Clauses and Restrictions herein-after contained, it shall be lawful for the said Company of Proprietors, and they are hereby empowered by themselves, their Agents and Workmen, to enter, cross, or make Aqueducts and Bridges over the several Rivers *Yeo*, *Axe*, *Brue*, and *Parret*, or any other Rivers, Drains, Rhines, or Streams, now existing, or at any Time hereafter to be made or exist wheresoever, and at such Places as the same shall be requisite, for carrying on the Works hereby authorized to be made, or any or either of them; but subject to such and the like Provision for making Compensation and Satisfaction for Damages by them done in making

[*Loc. & Per.*]

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making

Company empowered to cross the Rivers *Yeo*, *Axe*, *Brue*, and *Parret*, or any Drains or Rhines at such Places as may be necessary, on making Compensation for

any Injury to
be incurred
thereby.

making such Aqueducts or Bridges over the said several Rivers, Drains, Rhines or Streams, or any or either of them as aforesaid; as are by this Act provided with respect to the Satisfaction to be made to the Owners of Land to be taken for the Use of the said intended Canal and Cut respectively: And provided that the said Company of Proprietors do not thereby impede the present Navigation of the said Rivers *Yeo*, *Axe*, *Brue*, and *Parret*, or any or either of them, or stop the present Current thereof respectively, or otherwise divert the present Current or Course of the said Rivers respectively, or any of them.

Company re-
quired to lay
Specifications
of Aqueducts
before the
Commission-
ers of Sewers.

III. Provided always, and be it further enacted, That the said Company of Proprietors shall, and they are hereby required, previous to the making and erecting any of the Aqueducts intended to be carried across any of the principal Rivers or Drains in the Course or Line of the said Canal, to lay before the Commissioners of Sewers acting in and for the said County of *Somerset*, at some Court or Session of Sewers, or before some Committee appointed by the said Commissioners as hereinafter mentioned, Plans, Sections, and Specifications of the said Aqueducts, for the Approbation of such Commissioners or Committee, and such Aqueducts shall be respectively erected according to such Plans, Sections, and Specifications as the said Commissioners or Committee shall approve: Provided also, that the Areas of the Waterways of the several Aqueducts to be erected over the Rivers *Brue* and *Axe*, shall be of the respective Dimensions following, (that is to say), the Area of that over the River *Brue*, not less than Three hundred and sixty Square Feet, and of that over the River *Axe* not less than Two hundred and forty Square Feet; and in case an Aqueduct shall be erected over or across the River *Yeo* in the Parish of *Congresbury*, the Area of the Water thereof shall not be less than Two hundred and forty Square Feet; provided likewise, that the Aprons under the said Two several Aqueducts to be made across the said Rivers *Brue* and *Axe*, shall be laid or placed horizontally, and full Two Feet below the present Beds of the said last mentioned Rivers where such respective Aqueducts shall be made.

Company re-
quired to
make a Sluice
at Dunball.

IV. And be it further enacted, That it shall and may be lawful for the said Company of Proprietors, and they are hereby authorized and required to make, erect, and maintain a proper Sluice or Sluices under the Aqueduct intended to be built across the *Kingsedgmoor Drain*, at or near *Dunball*, for the Purpose of improving the said Drain, and that the Two Waterways or Arches so to be erected under the said last mentioned Aqueduct, shall not be less than Ten Feet deep each, and Eight Feet wide each, and that the same shall be placed at least Two Feet deeper than the Apron of the present Sluice; and that the said Company of Proprietors shall and may take and use the Materials of the old Sluice now there for their own Use and Benefit; provided that no Injury be thereby done to the Piling or Low Water Works on the Outside of the present Sluice.

Company re-
quired to
make Sluices
at Wick.

V. And be it further enacted, That in case the Owners or Proprietor^s of the Lands in the *North Marsh*, in the said County of *Somerset*, near or adjoining to the River *Yeo*, shall at their own Costs and Charges improve the Drainage from such Lands into the said River under the Direction or to the Satisfaction of the said Commissioners of Sewers, or of a Committee to be appointed by them as hereinafter mentioned, before the Works
of

of the Main Line of the said Canal shall be commenced in that Part thereof which passes over or across the said River in the Parish of *Congresbury*, that then and in such Case the said Company of Proprietors shall, and they are hereby required at their Costs and Charges, in lieu of the Aqueduct or Bridge hereby authorized and required to be made across the said River *Teo*, to substitute and place sufficient Culverts under and through the said River, and to erect, make, set up, fix, and maintain competent Tide Sluices at *Wick* in the said County of *Somerset*, under the Direction and to the Satisfaction of the said Commissioners of Sewers, or of such Committee to be appointed by them as herein mentioned, whenever thereunto required by them, for the Purpose of carrying off the Water from such Lands in the said *North Marsh* near or adjoining to the said River *Teo*.

VI. And be it further enacted, That the said Company of Proprietors shall at their own Expence well and effectually Line or Puddle the Whole of the Sides and Bottom of the said Canal, at least Three Feet thick throughout the Whole of that Part of the Line thereof which is less than Six Feet in Depth; and that the Puddles shall not be placed in the Sides of the Slopes, but constructed perpendicularly in the Centre of the Banks, and that neither of the Banks of the said Canal shall be less than Ten Feet wide, One Foot above the Water Surface, and that the outside Slopes of the Banks shall be as Three Feet horizontal to One Foot perpendicular, and that the said Company of Proprietors shall also at their own Expence, and they are hereby required to erect, make, and maintain within every Mile of the said Canal a Pair of good and sufficient Double Stop Gates, to be placed under the Direction of Gate-keepers to be appointed by the said Company to superintend the same.

Company
required to
puddle Canal.

VII. And be it further enacted, That the said Company of Proprietors shall at their own Expence, and they are hereby authorized and required to cut, make, construct, and lay such Rhines, Drains, Pipes, and Culverts, of such Form and Dimensions, and in such Places and Situations as the Commissioners of Sewers acting in and for the said County of *Somerset*, at any General or Special Court or Session of Sewers, or as the Committee or Committees appointed by such Commissioners under or by virtue of the Powers and Provisions herein contained, shall approve and direct, before the said Company shall proceed to place or carry the said intended Canal or Banks, or any Thing relating thereto, upon, across, or over any Part or Place requiring such Works.

Company re-
quired to
make Rhines,
Culverts, &c.

VIII. And in order the better to preserve the Navigation of the said Rivers *Brue* and *Axe*, be it further enacted, That it shall and may be lawful for the said Company of Proprietors, and they are hereby empowered and required to make, complete, and maintain, at or near the Aqueduct to be made across the said River *Brue*, Two good and sufficient Locks of such Construction and Dimensions, and in such Situations as to be capable at all Times of commodiously receiving and passing Vessels of Ten Tons Burthen in their Course of Navigation along the said River *Brue*, and in like Manner to make, complete, and maintain, at or near the Aqueduct to be made across the said River *Axe*, Two other good and sufficient Locks of such Construction and Dimensions, and in such Situations as to be capable at all Times of commodiously receiving and passing Vessels of Ten Tons Burthen

Company re-
quired to
make Aque-
ducts over the
Rivers *Brue*
and *Axe*.

in

in their Course of Navigation along the said River *Axe*, and that all Persons whomsoever shall have free Liberty at all Times to navigate upon the said Rivers *Brue* and *Axe* respectively, with such Boats and Vessels as they have usually employed, or may hereafter employ thereon respectively, without any Interruption from the said Company of Proprietors, or any other Person or Persons whomsoever claiming under them, and without paying any Sum or Sums of Money for passing or repassing any such Lock or Locks, or the said Canal, or being subject or liable to any Charge or Demand whatsoever in respect thereof.

Commissioners of Sewers empowered to appoint a Superintending Committee.

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

Special Meetings of Commissioners of Sewers.

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

Company to invest 10,000l. under Controul of Commissioners of Sewers.

XI. And be it further enacted, That the said Company of Proprietors shall, and they are hereby required, within Two Years next after the passing of this Act, to invest and from Time to Time to keep invested in some of the Public Funds, in the Names of the Chairman for the Time being of the said Commissioners of Sewers, and of Two other of such Persons as the said Commissioners of Sewers shall from Time to Time at any General Court or Session of Sewers nominate and appoint, the Sum of Ten thousand Pounds,

Pounds, which shall at all Times be under and subject to the Order of the said Commissioners of Sewers at any such General or Special Court or Session, or of the Committee appointed by such Commissioners as herein before provided for, and shall, under such Order and Direction, be from Time to Time applied in and towards the Repair of any of the Works hereby authorized to be made, which in the Judgement of such Commissioners at such Court or Session, or of such Committee, may affect the Drainage within their Jurisdiction, and also in Payment of such Satisfaction or Compensation as the said Company of Proprietors or their Committee of Management may from Time to Time agree to make, or as at any Assessment of Damages before the Sheriff of the said County of *Somerset*, under the Provisions herein contained, may be assessed to any Owner or Occupier of or Person interested in any Lands, Tenements, or Hereditaments, for any Damages which may be sustained by such Owner, Occupier, or Person interested by reason of the Failure of any or either of the said Works, or by Reason or Means of any Injury such Owner, Occupier, or other Person may sustain therefrom: Provided always, that in case the said Company of Proprietors shall not make such Investment within the said Two Years next after passing this Act, and also in case they shall at any Time hereafter omit for the Space of Six Calendar Months after Notice in Writing given by the said Commissioners of Sewers, or their Committee or Clerk to the Principal Clerk of the said Company of Proprietors, or such Notice being left at his Office or Dwelling House to reinvest any Part of such Capital Sum of Ten thousand Pounds as may from Time to Time have been drawn out or expended under the Provisions herein contained, so as to keep the full Sum of Ten thousand Pounds always invested as aforesaid, it shall and may be lawful to and for any Two or more Justices of the Peace of and for the said County of *Somerset*, and they are hereby authorized and required upon Complaint made before them in Writing, by or on the Behalf of the said Commissioners of Sewers or their Committee, that the said Sum of Ten thousand Pounds is not invested, or that there is any Deficiency in such Investment hereby directed to be made as and when such Default shall respectively be made, to issue their Warrants under their Hands and Seals for the Recovery of the said Sum of Ten thousand Pounds, or such Part thereof as may from Time to Time be deficient, by Distress and Sale of the Goods and Chattels of the said Company of Proprietors; and also that at any Time after the said Sum of Ten thousand Pounds shall have been invested and any Part thereof drawn out under the Provisions herein contained, and the Deficiency arising from such drawing out shall not be reinvested by the said Company as herein-before directed, it shall and may be lawful for the said Commissioners of Sewers to retain the Dividends and Interest of the said Monies invested, and apply the same in making up the said Capital Sum of Ten thousand Pounds, but during such Time as and whenever the full Sum of Ten thousand Pounds shall continue and remain invested as aforesaid, the Dividends and Interest thereof shall be paid to and received by the said Company of Proprietors, and in case the same shall not be paid to them, may be sued for and recovered accordingly: Provided that nothing herein contained shall prevent or be construed to prevent the said Commissioners of Sewers from applying to His Majesty's Court of King's Bench, or to any other of His Majesty's Courts, or adopting any other legal Measures they may think necessary to compel the Investment of the said Sum of Ten thousand Pounds in Manner aforesaid.

Company not
to take the
Water in Lox
Yeo, in the
Parish of
Winscombe,
&c.

XII. And whereas in making the said Canal through the Parish of *Winscombe*, it will be necessary to cross the *Lox Yeo* or *Mill Stream* below *Max Mill* in the said Parish, be it therefore further enacted, That the said Company of Proprietors, their Successors or Assigns, shall not at any Time or Times after the passing of this Act, take, use, or employ the Water flowing in the said *Lox Yeo* or *Mill Stream*, or any Part thereof, for the Purposes of the said Canal and Works respectively, and that at or before the Time of making the said Canal across the said *Mill Stream*, the said Company of Proprietors shall at their own Expence divide the said *Lox Yeo* or Stream into Two equal Parts, or as near thereto as may be, and suffer One Part thereof to pass, run, and flow on the South East Side of the said Canal, for the Purpose of watering the Lands on that Side of the said Canal in the said Parish of *Winscombe*, and also in the Parish of *Compton Bishop*, and the other Part of the said *Lox Yeo* or *Mill Stream*, to pass, run, and flow on the North West Side of the said Canal in the several Parishes of *Winscombe*, *Banwell*, *Christon* and *Loxton*, for the Purpose of watering the Lands in those Parishes respectively, some or one of them.

Company to
protect Ban-
well Hill
Spring for
the Use of the
Mills and
Lands as they
now enjoy the
same.

XIII. And whereas certain Mills called *Banwell Mills*, situate and being in the Parish of *Banwell* in the said County of *Somerset*, and also the Lands and Hereditaments in the same Parish, and likewise certain Lands situate and being in the *North Marsh* in the said County, are supplied with Water by or from a certain Spring, which is supposed to issue out of, from, or under *Banwell Hill*, otherwise *Mendip Hill*, in or near that Part thereof where it is proposed to tunnel and make the said Canal through the said Hill: And whereas the said Works may possibly interfere with, and cut off or otherwise divert or lessen the said Spring of Water, so as to prevent the Mills, Lands, and Hereditaments from being supplied therewith in the same ample Manner in which they have hitherto enjoyed the same; be it therefore further enacted, That in case it shall happen that the said Company of Proprietors, their Agents, Workmen or Servants, shall by tunnelling or cutting through the said *Banwell Hill*, otherwise *Mendip Hill*, or by cutting through the Lands contiguous thereto, intercept, cut off, divert, or otherwise injure or lessen the said Spring of Water, so as to prevent the said Mills, Lands, and Hereditaments from being supplied therewith, as they have heretofore respectively been, that then and in such case and immediately, upon Application being made by the said Lord Bishop of *Bath* and *Wells* for the Time being, or his Steward or Tenant or Tenants, the said Company of Proprietors, their Successors and Assigns, shall and will, and they are hereby required at their own Costs and Charges, to construct and make such Aqueducts, Feeders, Pipes, or other Works as shall or may be necessary for the Purpose of conveying such Spring of Water from the Place where the same may be intercepted or cut off, to and for the Use, Benefit, and Advantage of the said Mills, Lands, and Hereditaments, in the same full and ample Manner to all Intents and Purposes as the same Spring of Water is now used and enjoyed by the respective Owners or Occupiers of the said Mills, Lands, and Hereditaments respectively; and in case the said Spring of Water shall by Reason of any of the Works hereby authorized to be made, be wholly cut off, injured, or lessened, so as to prevent the said Mills, Lands, and Hereditaments having the same Use and Enjoyment thereof, as they heretofore had and possessed; that then and in such case the said Company of Proprietors, their Successors and Assigns, shall and they are hereby required to supply the said Mills, Lands, and Hereditaments,

ments with at least an equal Quantity of Water from and out of the said Canal, so and in such Manner as the said Mills, Lands, and Hereditaments shall and may for ever hereafter be supplied and furnished with as much Water as they have usually had and now have from the said Spring for the Purposes of the said Mills, Lands, and Hereditaments respectively; and that proper Hatches and Weirs from the said Canal to the said Mills, Lands, and Hereditaments, shall be constructed and made by the said Company of Proprietors for that Purpose.

XIV. And, for the better and more fully carrying into Effect the several Provisions last herein contained, for the Purposes last herein mentioned, be it further enacted, That it shall be lawful for the Lord Bishop of *Bath* and *Wells* for the Time being, at the Costs and Charges of the said Company of Proprietors, their Successors or Assigns, to appoint an Engineer on his Part, and also for the said Company to appoint an Engineer on their Part, which said Two Engineers shall at such Time or Times as they may think fit, both before the said intended Tunnel is begun to be made, and also after it shall be completed, gauge and ascertain the Quantity of Water in the said Spring or Stream flowing from the same in a moderate Season, and if it shall appear to such Engineers, or to them and such Third Engineer as they may call in to act with them in case of their disagreeing in Opinion, or to any Two of them, that all or any Part of the said Water shall be taken away or affected thereby, then that it shall be lawful for the said Company of Proprietors, and they are hereby required by and under the Direction of the said Engineers, or of them and such Third Engineer to be appointed by them as aforesaid, or any Two of them, to place and fix a Gauge or Gauges in the Bank of the said Canal next to *Banwell*, so as at all Times and in all the different Heights or Depths of Water in the said Canal, the said Gauge or Gauges shall be so regulated as to discharge according as the Level may sink at the Head or Tail of *Banwell Mill*, a proper and sufficient Quantity of Water to supply the Deficiency occasioned thereby to the said Floor of Land in the said *North Marsh* at all moderate Seasons as fully and as amply as before the making of the said Tunnel.

Bishop of Bath and Wells to appoint an Engineer, and the Company another, for the Purposes aforesaid.

XV. And, for the further Security of the Owners and Proprietors, Lessees or Tenants of the said Mills, Lands, and Hereditaments, in respect of the Premises last aforesaid, be it hereby further enacted, That in case the said Company of Proprietors, their Agents, Workmen, or Servants shall in the Event of the said Spring of Water being cut off or diverted by the said Works hereby authorized to be made, at any Time hereafter refuse, neglect or omit to make such Aqueducts, Feeders, Pipes, or Works, and to put and place such Gauge or Gauges, or after the same shall be made, to uphold, support, and keep the same in proper Order, Condition, and Repair, for the Purpose of conveying the said Stream or Spring of Water to the said Mills, Lands, and Hereditaments in Manner hereinbefore mentioned, or in case the same Spring of Water shall, by Reason of any of the Works hereby authorized to be made, be totally cut off, lessened, or destroyed, and the said Company of Proprietors, their Successors or Assigns, shall refuse, neglect, or omit upon Application to be made by the Lord Bishop of *Bath* and *Wells* for the Time being, or his Steward, Tenant or Tenants, to supply the said Mills, Lands, or Hereditaments with an equal Supply of Water by and out of the said Canal, in Manner hereinbefore also mentioned, or any other Injury may be sustained by the Owners or Occupiers of Lands, Tenements,

If Injury shall be done to the said Spring so as to prevent the said Mills and Lands being supplied with Water therefrom, the Fund of 10,000l. before mentioned to be answerable for Damages, &c.

ments, or Hereditaments, by Reason or Means thereof, that then and in either of such Cases the permanent Fund of Ten thousand Pounds hereby required to be raised, provided, and kept by the said Company of Proprietors, and invested in the Names of Three of the Commissioners of Sewers for the said County of *Somerset*, for the Purposes herein-after declared, shall also be answerable and liable to the Proprietors or Occupiers of the said Mills, Lands, and Hereditaments respectively for any Damage or Injury which they respectively shall or may sustain by reason of their being respectively deprived of the Use and Benefit of the Water necessary for the Purposes of the said Mills, Lands, and Hereditaments, in such and the like Manner as they have heretofore used and enjoyed the same from the said Spring of Water, and such and the like Remedies for the Recovery of such Damages shall be made and given as are hereinafter provided and granted to any Person or Persons being a Land Owner or Land Owners in respect of any Damage or Injury which may be done to him, her, or them, by the bursting of the Banks of the said Canal and Works, or of any of the Culverts to be made under or by the Sides thereof in Manner herein-after mentioned.

If Mills of
George
Emery be in-
jured, Com-
pany to pur-
chase same if
required.

XVI. And whereas *George Emery* the Lessee of the said Mills called *Bonwell Mills*, held under the said Lord Bishop of *Bath and Wells*, and his Under-tenants, carry on the several Businesses of manufacturing Paper, grinding Corn, dressing Flour, and making of Malt in the said Mills, and the said *George Emery* hath lately at his own Expence added sundry Works to the said Mills, and put up and affixed a considerable Quantity of Machinery therein; be it therefore further enacted, That in case the said Spring shall be intercepted, cut off, or diverted from its present Course, or otherwise prevented supplying the said Mills as it hath heretofore done and now doth, to the Prejudice and Injury of the said *George Emery* or his Under-tenants, or to the said Mills and Premises, and the several Trades carried on therein, or any or either of them, that then and in such Case, if the said *George Emery* shall think fit, the said Company of Proprietors, their Successors and Assigns shall, and they are hereby compelled and required, immediately to treat with and agree for and absolutely purchase of and from him the said *George Emery*, his Executors, Administrators, or Assigns, all his Estate, Term, and Interest whatsoever, of and in the said Mills and Premises, at a fair and reasonable Price, according to the Value thereof at the Time the said Spring of Water shall be so cut off and destroyed from supplying the said Mills as aforesaid; and also to allow and pay to the said *George Emery*, and his Under-tenants then carrying on any Trade or Business in the said Mills and Premises, a fair and equitable Consideration for any Loss or Injury he or they may thereby sustain in all or any or either of such Trades as may then be so carried on therein, or in any Part thereof; and in case any Dispute or Difference shall arise between the said Company of Proprietors and the said *George Emery*, his Executors or Administrators, or between them the said Company, and any of the Under-tenants of the said *George Emery*, their Executors, Administrators, or Assigns in the said Mills, or concerning the Value and Price to be paid for the Purchase of the same Mills, or touching the Compensation to be made for the Loss or Injury to be occasioned and done in respect of the Trades or Businesses respectively carried on therein, such Dispute or Difference shall be settled by the Commissioners to be appointed under or by virtue of the Powers of this Act, or a Jury, in such and the like Manner as the Value of

any Lands, Tenements, or Hereditaments to be taken and purchased by the said Company of Proprietors for the Purposes of the said Canal and Works, are hereinbefore directed to be settled and ascertained.

XVII. And be it further enacted, That if the said Company of Proprietors shall deem it expedient that Boats, Barges, or other Vessels should be conveyed over or along any Part or Parts of the Line hereinafter directed to be pursued in making the said Canal and Cut respectively, by Rollers, Inclined Planes, or in any other Manner than by means of Locks or Sluices, then and in such Case it shall be lawful for the said Company of Proprietors to cause any Rollers, Inclined Planes, or other Works to be made for that Purpose, at such Parts or Places in the said Line, as they shall think proper; and the same shall be considered to be Part of the said Works hereby authorized to be made in like Manner and to all Intents and Purposes as if such Parts or Places were made navigable.

Power to
make Inclined
Planes, &c.

XVIII. Provided always, and be it further enacted, That nothing in this Act shall extend to authorize or empower the said Company of Proprietors, or any other Person or Persons to take or cut down any Timber or other Trees whatsoever (except such as shall be in the immediate Line of the said Canal and Cut, Rail or Carriage Ways, or Stone Roads respectively, or of the Towing Paths and Banks belonging thereto, or as shall in any Manner obstruct the Navigation in the said Canal and Cut respectively) nor to take, use, injure, or damage any House or other Building, or any Ground, which, upon the Twenty-ninth Day of September One thousand eight hundred and ten, was the Scite of any House, 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 specified in the Schedule hereunto annexed.

Houses or
Buildings,
Gardens,
Parks, &c.
not to be
taken or in-
jured.

XIX. And whereas the said intended Canal will pass so close to the Parsonage House, Garden, Orchard and Offices thereto belonging, situate at *Loxton*, in the said County of *Somerset*, as to render the Occupation thereof very inconvenient, and the said House and Premises will be thereby greatly deteriorated in Value: And whereas the Reverend *David Stewart Moncrieffe* is the present Incumbent, and the Reverend *Henry England*, and the Reverend *Samuel Seyer*, the present Patrons of the said Living of *Loxton*, and the same is within the Diocese of the Right Reverend the Lord Bishop of *Bath* and *Wells*: And whereas it hath been proposed and agreed by the said Incumbent and Patrons, with the Consent of the said Lord Bishop, and the said Company of Proprietors, that the said Company of Proprietors shall purchase the said Parsonage House and Premises, at such Price or Sum of Money as will be sufficient for building another Parsonage House, Offices, Garden, Walls, and other Buildings, equal in all Respects to the present, in lieu thereof; and also for laying out a Garden and Orchard equal to the present; which said Sum is to be paid before any of the Works hereby authorized shall be commenced in the said Parish of *Loxton*; be it therefore enacted, That it shall and may be lawful to and for the said Company of Proprietors, and they are hereby required to purchase the said Parsonage House, Office, Garden, Orchard, and Premises, at such Price or Sum of Money as will be sufficient for the Purposes herein mentioned, which Sum shall be paid by the said Company of Proprietors to

Loxton Par-
sonage to be
purchased by
the Company.

Purchase
Monies to be
laid out in
building
another
Parsonage
House, &c.

the said Incumbent and Patrons, or to such Person or Persons as they shall appoint, to be laid out, as soon as conveniently may be, in building and finishing a new Parsonage House, Offices, Garden, Orchard, and other Premises thereto belonging, upon some convenient and proper Part of the Glebe Lands of the said Parish, which the said Incumbent and Patrons are hereby authorized and required to do, and upon Payment of such Sum the said present Parsonage House, Offices, Garden, Orchard and Premises thereto belonging, shall be immediately by all necessary Parties, who are hereby authorized, empowered, and required so to do, conveyed to and become vested in the said Company of Proprietors, their Successors, and Assigns; and in case any Dispute shall arise touching the Money to be paid for any such Purchase, then the same shall be submitted to a Jury, to be determined in such and the like Manner as the Purchase Money of any Lands or Grounds directed to be purchased by virtue of this Act shall be determined, in case any Dispute shall arise about the same: Provided always, that the said Company of Proprietors shall not be authorized by any Thing herein contained to begin the making or executing of any or either of the Works hereby authorized within the said Parish of *Loxton*, until such Sum of Money so to be ascertained and awarded shall be paid by the said Company of Proprietors as herein is directed, any Thing herein enacted to the contrary notwithstanding.

Works in the Parish of *Loxton* not to be commenced till the said Purchase Money shall be paid.

Company not to cut Canal, &c. from the Parish of *Clevedon* to the West Side of the River *Parret* until the Canal and Cut from *Morgan's Pill* to *Nailsea* and from the West Side of the *Parret* to *Taunton* shall be completed.

XX. Provided always, and be it further enacted, That it shall not be lawful for the said Company of Proprietors, their Successors or Assigns, to cut or make, or cause to be cut or made, any Part of the said proposed Canal, or any Tunnel, Aqueduct, or other Works in the Course thereof, from the Parish of *Clevedon*, to the West Side of the River *Parret*, in the Parish of *North Petherton*, in the said County, until the extreme Parts of the said Canal and Cut, (that is to say), from *Morgan's Pill* aforesaid, to or near the Collieries at *Nailsea*, and from the said West Side of the River *Parret* to or near the said River *Tone*, in the Parish of *Saint James*, in *Taunton* aforesaid, be respectively completed, and made fit for the Purpose of Navigation, according to the Powers and Provisions of this Act, and the true Intent and Meaning thereof; any Thing in this Act contained to the contrary notwithstanding.

If the Company shall not complete Canal from *Clevedon* to the *Parret* within Four Years, the Powers for making that Part of the Canal to cease.

XXI. Provided also, and be it further enacted, That in case the said Company of Proprietors, their Successors or Assigns, shall not execute and complete in all Respects fit for the Purposes of Navigation, such Part of the said Canal as extends from the said Parish of *Clevedon* to the West Side of the River *Parret*, in the said Parish of *North Petherton* in the same County, within Four Years next after the passing of this Act, that then and in such Case all the Powers and Authorities given and granted by this Act for cutting and making such Part of the said Canal and Works, or any or either of them, from the said Parish of *Clevedon* to the West Side of the said River *Parret*, shall from and after the Expiration of the said Four Years wholly cease and determine, and no longer continue in force, any Thing in this Act contained to the contrary thereof in anywise notwithstanding.

Plan and Book of Reference deposited with the Clerk of the

XXII. And whereas a Map or Plan describing the said Canal, Cut, Rail or Carriage Ways, or Stone Roads, and the Lands through which the same are to be carried, together with a Book of Reference, containing Lists of the Names of the Owners, or reputed Owners and Occupiers of such Lands,

Lands, hath been deposited at the Office of the Clerk of the Peace for the said County of *Somerset*; be it therefore further enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the said County, to the End that all Persons may, at any seasonable Times, have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof, at their Will and Pleasure, paying the Clerk of the Peace the Sum of One Shilling for every such Inspection, and after the Rate of Sixpence for every Two hundred Words of such Copies or Extracts of the said Book of Reference; and that the said Company of Proprietors, in making the said Canal and Cut, Rail or Carriage Ways, or Stone Roads, shall not deviate more than One hundred Yards from the Lines or Courses thereof, described on the said Map or Plan; nor shall any such Deviation be made into or carried through the Lands of any Person not named in the said Book of Reference, or in the Schedule hereto annexed, without the Consent in Writing of such Person: Provided always, that no Advantage shall be taken of or against the said Company of Proprietors, or any Interruption be given to the making of the said Canal and Cut, Rail or Carriage Ways, or Stone Roads, or any of them, on account of any Error or Omission in the said Book of Reference, in case it shall appear to any Five or more of the Commissioners appointed by this Act, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Peace, to remain in his Custody.

Canal, Cuts, &c. not to deviate more than 100 Yards.

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

Width of the Canal and Towing Paths.

XXIV. And be it further enacted, That the said Canal shall not be made within the Distance of Three hundred and eighty Yards of the Dwelling House of *Gabriel Stone* Esquire, situated in the Parish of *South Brent*, in the said County of *Somerset*; and that the said Company of Proprietors shall and they are hereby required, at their Expence, to lay down and maintain in an effectual Manner, and with a proper Grating to prevent Stoppages, a Cast Iron or Leaden Pipe or Pipes, the Bore whereof shall be at least One Inch in Diameter throughout, to communicate with and extend from the said

Company to lay down Pipes from the Canal to the House of Gabriel Stone, Esq; to supply same with Water, &c.

Canal,

Towing Path
to be made
on the South
East Side of
the Canal
through the
Lands of the
said Gabriel
Stone, Esq.

Canal, as near the Bottom thereof as conveniently may be, to the said Dwelling House of the said *Gabriel Stone*, or to such other Part of the Lands of the said *Gabriel Stone* (not being at a greater Distance from the said Canal than his said Dwelling House) as he shall direct, for the Purpose of conveying, at all Times hereafter, a constant Stream of Water from the same, to and for the Use of the said *Gabriel Stone*, his Heirs and Assigns; and that the Towing Path to be made by the said Company of Proprietors on the Bank of the said Canal through the Lands of the said *Gabriel Stone*, in the several Parishes of *South Brent* and *Burnham*, in the said County, shall be made on the South East Side of the said Canal, and there only; and the Bank of Earth to be made or raised on the North West Side of the said Canal, on the Lands of the said *Gabriel Stone*, in the said several Parishes of *South Brent* and *Burnham*, shall, immediately on the same being thrown up, be covered with Turf by and at the Costs of the said Company of Proprietors, with full Liberty for the said *Gabriel Stone*, his Heirs or Assigns, to plant the same Bank with Shrubs and Trees; and that the said Company of Proprietors shall likewise at their own Costs and Charges make and maintain a Swivel Bridge across the said Canal, at such Place as the said *Gabriel Stone*, his Heirs or Assigns, shall direct, for the Purpose of connecting such Lands of the said *Gabriel Stone* as shall be separated by the said Canal, and that the same shall be of sufficient Width for the Passage of Waggons and Carriages, and the exclusive Controul thereof shall be under the Direction of the said *Gabriel Stone*, his Heirs and Assigns; and that he the said *Gabriel Stone*, his Heirs and Assigns, and his and their Agents and Servants, shall have and enjoy, at all Times hereafter, for himself and themselves, and for his and their Horses and Cattle, a Right of Way along the Towing Path of the said Canal, from the public Road leading from *Whitecross* to *Mark*, unto the several Fields belonging to him the said *Gabriel Stone*, his Heirs and Assigns, lying near to or adjoining the said Towing Path, free of any Expence or Interruption whatever.

Company
required to
make Drains,
&c. through
the Lands of
the Marquis
of Bucking-
ham.

XXV. And, to the End that the said Navigation may be carried on with as little Damage as may be to the Property of the Most Noble the Marquis of *Buckingham*, and of *Edward Mereton Pleydell* Esquire, be it further enacted, That the said Company of Proprietors shall, and they are hereby required at their own proper Costs and Charges to make, or cause to be made Arches, Tunnels, Culverts, Drains, or other Passages over, under, by the Side of, or into the said Canal, and the Trenches, Streams, and Water-courses communicating therewith, and the Towing Paths on the Sides thereof, of such Depth, Breadth, and Dimensions, as shall be sufficient at all Times to convey the Water clear from the Lands or Grounds belonging to the said Marquis of *Buckingham*, and *Edward Mereton Pleydell* Esquire, adjoining or lying near to the said Canal, without obstructing or impounding the same; and likewise to make or cause to be made such Back Drain or Drains as may be necessary, and shall be sufficient to carry off any Water which may ooze or pass through any of the Banks of the said Canal, to the Prejudice of any of the Lands or Grounds contiguous thereto, belonging to the said Marquis of *Buckingham*, and *Edward Mereton Pleydell* Esquire; and also to make or cause to be made Two Bridges to communicate with the River *Parret* at such Places as the said Marquis of *Buckingham*, and *Edward Mereton Pleydell* Esquire, shall respectively direct; and that all such Arches, Tunnels, Culverts, Drains, and other Passages, as also the

said Bridges, shall from Time to Time be supported, maintained, cleansed, scoured, and kept in good and sufficient Repair by the said Company; and if at any Time after Three Calendar Months Notice in Writing shall, by or on Behalf of the said Marquis of *Buckingham* or *Edward Moreton Pleydell* Esquire, be respectively given to the said Company, or to their Clerk or Clerks, known Agent or Collector, that the said Arches, Tunnels, Culverts, Drains, Back Drains or other Passages, or the said Bridges, or any of them, is or are not made, cleansed, maintained, and repaired, according to the true Intent and Meaning of this Act, it shall be lawful for the said Marquis of *Buckingham*, or *Edward Moreton Pleydell* Esquire, to apply for, and obtain an Order in Writing from any Three or more of the said Commissioners from Time to Time, as often as there shall be Occasion, (and the said Commissioners are hereby authorized and required at their Discretion to grant such Order as aforesaid) enabling the said Marquis of *Buckingham*, or *Edward Moreton Pleydell* Esquire, to make, cleanse, and repair such Arches, Tunnels, Culverts, Drains, or other Passages and Bridges accordingly, and the reasonable Costs and Expences thereof (to be ascertained by the said Commissioners) shall be defrayed by the said Company; and in case of Neglect or Refusal to satisfy and defray such Costs and Expences for the Space of Three Calendar Months after Demand thereof made upon the said Company, or upon their Clerk, such Costs and Expences shall and may be recovered and levied in such Manner as any other Money is by this Act directed to be recovered from the said Company: Provided always, that the said Marquis of *Buckingham* and *Edward Moreton Pleydell* Esquire shall, at the Time of making such Complaint, have his respective Ditches, Drains, Passages for Water, and Watercourses leading to or from the Drains, Culverts, and Passages of the said Canal, and each and every of them, sufficiently cleansed and open to convey Water into and along the same; and provided that nothing herein contained shall extend to enforce the admitting of any Water arising from Floods into the said Canal which may injure the said Navigation.

XXVI. And whereas, by making and maintaining of the said Canal and other Works authorized to be made by virtue of this Act, the Banks of the said River *Parrett* may be injured or affected; be it therefore enacted, That so much and such Parts of the Banks of the said River *Parrett* as bound the Lands of the said Marquis of *Buckingham* and *Edward Moreton Pleydell* Esquire, adjoining or lying near to the said Canal, shall, from and after the Commencement of the said Canal and Works through the Lands of the said Marquis of *Buckingham* and *Edward Moreton Pleydell* Esquire, be wholly maintained, repaired, and supported at the sole Costs, Charges, and Expences of the said Company of Proprietors, so that the said Marquis of *Buckingham* and the said *Edward Moreton Pleydell* Esquire, their respective Heirs or Assigns, may be wholly exempted and exonerated therefrom.

Company of Proprietors to repair such Parts of the Banks of the River *Parrett* as bound the Marquis of *Buckingham's* Lands, through which the Canal will pass.

XXVII. And be it further enacted, That the said Company of Proprietors shall make or cause to be made such Part of the Towing Paths as shall be made upon or through any Part of the Lands or Grounds belonging to the said Marquis of *Buckingham* and *Edward Moreton Pleydell* Esquire, upon the West Side of the said Canal, next to the said River *Parrett*.

Towing Paths to be made on West Side of Canal next the River *Parrett*, through the Lands of the Marquis of *Buckingham*.

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

And with Consent of Commissioners to sell any Lands which may be so separated as to render the Occupation thereof inconvenient.

XXVIII. And be it further enacted, That after any Lands, Tenements, Grounds, or Hereditaments shall be set out and ascertained as aforesaid, for the making the said Canal and Cut, Rail or Carriage Ways, or Stone Roads respectively, or any Wharfs or other Works or Conveniences hereby authorized to be made, it shall and may be lawful to and for all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, or for any other partial or qualified Estate or Interest, Husbands, Guardians, Trustees, and Feoffees in Trust for Charities or other Purposes, Committees, Executors, and Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves and their respective Heirs and Successors, but also for and on the Behalf of the Person or Persons entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, and for and on Behalf of their respective Wives and *Cestuique* Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femmes Covert, or other Persons, and to and for all Femmes Covert who are or shall be seised, possessed, or interested in their own Right; and also to and for all and every other Person and Persons whomsoever, who are or shall be seised, possessed, or interested of or in any Lands, Tenements, Grounds, or Hereditaments, which shall be so set out and ascertained as aforesaid, or which are by this Act directed to be taken and purchased by the said Company of Proprietors, or any Part thereof respectively, to treat and agree for the absolute Sale of, and accordingly to sell and convey unto the said Company of Proprietors, all or any Part or Parts of the Lands, Tenements, Grounds, or other Hereditaments (whether the same shall be Freehold, Copyhold, or Leasehold,) which shall, from Time to Time, be so set out and ascertained as aforesaid, or which are by this Act directed to be taken and purchased by the said Company of Proprietors, either in consideration of a Sum of Money at once to be paid for the same, or of an annual Rent or Payment to be charged and secured as herein-after is mentioned, at the Election of such Vendor or Vendors, Person or Persons, who shall be so entitled or interested as aforesaid; and if it shall happen that by making the said Canal and Cut respectively, or any Aqueduct for the Conveyance of Water thereto or therefrom, or in making the said Rail or Carriage Ways, or Stone Roads, the Lands, Tenements, Grounds or Hereditaments of any Person or Persons shall be separated into small Parcels, so as to render the Occupation thereof inconvenient, it shall and may be lawful to and for such Bodies Politic, Corporate, or Collegiate, Corporations, and all and every other Person and Persons as aforesaid, being seised, possessed, or interested of or in the same, in Manner aforesaid (by and with the Consent of the Commissioners herein-after appointed, to be testified by any Writing or Writings under their Hands and Seals, and attested by Two or more credible Witnesses) to contract for, sell, and dispose of, all or any Part or Parts of such Lands, Tenements, Grounds, or Hereditaments (whether Freehold, Copyhold, or Leasehold) as shall be so separated into small Parcels as aforesaid, unto the said Company of Proprietors, for such Price or Prices in Money, or by way of annual Rent, as to the said Commissioners shall seem reasonable; and that all such Contracts, Agreements, Sales, Abstracts of Title Deeds, Conveyances, and Assurances as shall be made and executed for the Purposes aforesaid, and all Matters and Things relating thereto, shall be made and done at the Expence of the said Company of Proprietors, and shall be valid and effectual in the Law to all Intents and Purposes whatsoever, such Conveyances and Assurances being respectively made according

to

to the Form herein-after mentioned, or as near thereto as Circumstances will permit, any Law, Statute, Custom, or Usage to the contrary notwithstanding; and all Bodies Politic, Corporate, or Collegiate, and other Persons so conveying as aforesaid, are hereby indemnified, on account or in respect of any such Sale which he, she, or they, or any of them, shall respectively make, by virtue or in pursuance of this Act.

XXIX. And be it further enacted, That if in making the said Canal and Cut, Rail or Carriage Ways, or Stone Roads respectively, any Pieces or Parcels of Land shall be cut through and divided, so that what shall be left on each or either Side of the said Canal and Cut, Rail or Carriage Ways, or Stone Roads respectively, shall be less than One Acre in Quantity, or less than Fifty Yards in Breadth, throughout the whole Length thereof; and if the Owner or Owners of any such Pieces or Parcels of Ground shall not have any other Land or Ground adjoining or contiguous to what shall be so left on each or either Side of the said Canal or Cut, Rail or Carriage Ways, or Stone Roads respectively, then and in every such Case, the said Company of Proprietors shall, if required by the Owner or Owners thereof, take and purchase the said Piece or Parcel, or Pieces or Parcels of Ground, so to be left on each or either Side of the said Canal and Cut, Rail or Carriage Ways, or Stone Roads respectively, being less than One Acre in Quantity, or less than Fifty Yards in Breadth, throughout the whole Length thereof, as aforesaid; and shall pay for the same after the same Rate, and in the same Manner as they shall pay for the Land or Ground adjoining thereto, which shall be taken and used for making the said Canal and Cut, Rail or Carriage Ways, or Stone Roads respectively, provided the Owner or Owners, or the Person or Persons entitled to the Possession, or to the Rents and Profits of such small Pieces or Parcels of Ground respectively, shall require the said Company of Proprietors to take and purchase the same, but not otherwise.

Pieces of Land cut off, being less than One Acre, or less than Fifty Yards in Breadth, shall be purchased by the Company, if required by the Owner.

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

Copyholders may be enfranchised.

XXXI. And be it further enacted, That in all Cases where in making the said Canal, Cut, and other Works, there shall be occasion to cut through, take, or use any Part of any Common or Waste Ground, or any Land subject to Common Rights, for the Purpose of the said Canal, Cut, or other Works, or of any Road or Roads thereto, the Conveyance of such respective Parts of such Common or Waste Ground, by the Lord or Lady of the Manor to which such Common or Waste Ground is appurtenant, or by the Owner of the Soil of any such Land subject to Common Rights, to the said Company, shall be a good and sufficient Conveyance for the Purpose of vesting in the said Company the Fee Simple and Inheritance thereof respectively, freed and discharged from such Common Rights, as fully and effectually as if every Person having Right of Common upon such respective Parts of such Common or Waste Ground

As to Conveyance of Land taken from Commons.

or Land had joined in and executed such Conveyance; and the Purchase Money as may be agreed upon for such Parts of such Commons or Waste Grounds as aforesaid, shall be paid by the said Company to the Lord or Lady of such Manor, for the Use of such Lord or Lady, and the Persons having Right of Common upon such Common or Waste, in Proportion to their respective Rights and Interests in the Land so taken, and the Purchase Monies for such Parts of such Lands subject to Common Rights, shall be paid by the said Company to the Owner or Owners of the Soil thereof, for the Use of such Owner or Owners, and the Persons having such Common Right, in proportion to their respective Rights and Interests therein, or deposited in the Bank of *England* in Manner directed by this Act (as the Case may be); and if any Difference shall arise respecting the Division or Disposition of the said Purchase Money, in such Case the same shall be determined by the Commissioners hereinafter appointed, or a Jury, if need be, under the Regulations and Provisions hereinafter contained: Provided, that in Cases where any such Manor is vested in Freeholders or Inhabitants at large, or in any greater Number of Persons than Four, or where it is not known to what Lord or Lady such Manor belongs, or in what Manor such Common or Waste Ground is situated, the Conveyance by Four at least of the Freeholders whose Estates have Common Right on such Common or Waste Ground, and whose said Estates amount in yearly Value, as assessed to the Poor Rates, to Three-fifths at least of the whole of the Estates which have such Common Right, to the said Company, shall also be a good and sufficient Conveyance, and the Purchase Money shall be paid to the said Freeholders, or deposited in the Bank of *England* in Manner directed by this Act (as the Case may be) for the Use of themselves and the other Freeholders and Persons having Right of Common, or to such other Trustees, and in such Proportions and subject to such Determination of the Commissioners, or a Jury, as is hereinafter mentioned in the Case of a Conveyance by a Lord of a Manor.

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

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

Form of
Conveyance.

‘ KNOW all Men by these Presents, That I *A. B.* of
 ‘ in Consideration of the Sum of
 ‘ to me paid [*or*, in Consideration of the Annual Rent of
 ‘ to me to be from henceforth yielded and paid by Two
 ‘ Half Yearly Payments] by the Company of Proprietors of the *Bristol*
 ‘ and *Taunton* Canal Navigation, do hereby in pursuance of [*or*, by force
 ‘ and virtue of the Power in that Behalf contained in] an Act of Parliament
 ‘ made in the Fifty-first Year of the Reign of His Majesty King *George*
 ‘ the Third, intituled, [*Here insert the Title of the Act*] grant, bargain, sell,
 ‘ release, and convey [*or*, bargain, sell, and assign, or surrender, if Leasehold
 ‘ or Copyhold] unto the said Company of Proprietors, all [*Here insert*
 ‘ the

' the proper Description of the Lands or Hereditaments, Rights and Interests
 ' intended to be conveyed] and all my Estate and Interest therein, to
 ' hold unto and to the Use of the said Company of Proprietors for ever,
 ' [or, if Leasehold, Copyhold, or for any partial or qualified Estate or
 ' Interest, specifying the Term, Estate, or Interest intended to be con-
 ' veyed] according to the true Intent and Meaning of the said Act of Par-
 ' liament [making the necessary Variations according to the Circumstances of
 ' every particular Case.] In Witness whereof, I have hereunto set my
 ' Hand and Seal, the Day of in
 ' the Year of our Lord

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

Lands sold to
 or exchanged
 with other
 Persons, how
 to be con-
 veyed.

XXXIV. And whereas Differences may arise between the said Company
 of Proprietors, and the Owners of or Persons interested in the Lands,
 Grounds, Tenements, Waters, Rivers, or Hereditaments, which shall or
 may be taken, used, affected, damaged, or prejudiced in pursuance or exe-
 cution of the Powers hereby granted, touching the Purchase Money or Re-
 compence to be paid or made for the same; be it therefore further enacted,
 That every Person seised or entitled in his own Right, or in Right of his
 Wife (but not as Mortgagee) at the Time of his acting, of or to any Free-
 hold or Copyhold Estate or Estates, or both, in the said County of *Somerset*,
 of the clear yearly Value of One Hundred Pounds, and also every Person
 residing in the said County, and within Twenty Miles of the said intended
 Canal and Cut respectively, and having a Personal Estate, or a Real and
 Personal Estate together, of the Value of Three Hundred Pounds, shall
 be, and is hereby appointed a Commissioner for settling, determining,
 and adjusting all Questions, Matters, and Differences which shall or may
 arise between the said Company of Proprietors and the several Proprietors
 of and Persons interested in any Lands, Grounds, Tenements, Waters, or
 other Hereditaments that shall or may be taken, used, affected, damaged
 or prejudiced in pursuance or execution of any of the Powers hereby
 granted, and for other the Purposes in this Act mentioned.

Commission-
 ers appointed
 for settling
 Differences
 between the
 Company and
 private Indi-
 viduals whose
 Property may
 be affected or
 damaged.

XXXV. Provided always, and be it further enacted, That no Person shall
 act as a Commissioner in the Execution of this Act, who shall be Owner or
 Occupier of any Land intended to be purchased, in order to be cut through
 in making the said Canal or Cut, Rail or Carriage Ways, or Stone Roads
 and Works, in any Case respecting the Purchase of such Lands, or who shall
 not be resident in the said County of *Somerset*, nor in any Case during the
 Time of his holding any Place of Profit under the said Company of Pro-
 prietors, nor during the Time of his being a Proprietor of the said intended
 Navigation, or in any other Case, where he shall be in anywise interested or
 concerned in the Matter in question; and also that no Person shall act as a
 Commissioner in the Execution of this Act, otherwise than in administering
 an Oath or Affirmation to the Effect following; until he shall have taken

Qualification
 of Commis-
 sioners.

[Loc. & Per.]

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and

and subscribed such Oath or Affirmation before any one or more of the said Commissioners, who is and are hereby authorized and empowered to administer the same; (that is to say),

Oath to be taken by Commissioners.

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

Penalty on Persons acting as Commissioners not being duly qualified.

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

Commissioners may nevertheless act as Justices of the Peace.

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

XXXVI. And be it further enacted, That the said Commissioners shall hold their First Meeting for the Purposes of this Act, at *Cross* in the County of *Somerset*, at such Time as they shall be thereunto required, by Notice to be given in some Newspaper published or circulated in the said County of *Somerset*, and in the said City of *Bristol*, by Order of the Committee of Management, to be appointed as herein-after mentioned at their First Meeting; and the said Commissioners may afterwards meet from Time to Time, by Adjournment or otherwise, as they shall think necessary or proper; but no Meeting whatever (except adjourned Meetings) of the said Commissioners shall at any Time be had (except in such Cases as are herein-after otherwise ordered and provided for) unless Fourteen Days previous Notice at least of the Time, Place, and Purpose of such intended Meeting shall be given and inserted in some Newspaper published or circulated in the County wherein such Meeting is intended to be held; and that every Meeting of the said Commissioners by virtue of this Act shall be public; and that no Act, Order,

or

or Proceeding of the said Commissioners, or any of them, in or relating to any of the Matters or Things hereby meant to be submitted to their Decision and Determination (except in such Cases as are hereby otherwise ordered and provided for) shall be valid, unless the same shall be done or made at a Meeting to be held in pursuance of this Act, and of the Directions herein contained; and that all and singular the Powers and Authorities hereby given to or vested in the said Commissioners, shall and may from Time to Time be exercised by the Majority of the Commissioners assembled at such Meetings respectively, the whole Number present at such Meetings respectively not being less than Five; and at every such Meeting One of the Commissioners present shall be appointed President or Chairman, who, in case of an equal Division of Voices, shall have the decisive or casting Vote.

Commissioners Powers not to be executed by less than Five.

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

Proceedings of Commissioners to be entered in a Book.

Clerk of Commissioners how to be appointed.

XXXVIII. And be it further enacted, That upon Requisition to be made by the said Committee of Management, or upon Application by any Owners or Occupiers of any Grounds, Lands, Tenements, or Hereditaments to be affected by the said Canal and Cut, Rail or Carriage Ways, or Stone Roads respectively, or any other of the Works hereby authorized to be made or carried on, unto the Clerk to the Company of Proprietors to appoint a General Meeting of the said Commissioners, the said Clerk shall and is hereby required, within Fourteen Days after such Requisition or Application made to him to give Public Notice in Manner aforesaid of a General Meeting of the said Commissioners, to be held at such Time and Place as shall be specified in such Notice, such Time not being less than Twenty-one Days, nor more than Twenty-eight Days from the Day on which such

General Meetings of Commissioners how to be called.

such Requisition or Application shall be made as aforesaid; and the said Commissioners are hereby authorized and required to assemble at the Time and Place so to be appointed, in order to put this Act, and the Powers and Authorities hereby given to and vested in them, into Execution, notwithstanding any previous Adjournment of the said Commissioners; and in case the Business to be transacted at any Meeting of the said Commissioners to be held in pursuance of this Act shall not be concluded and finished on or within the Day mentioned in such Notice, then the Commissioners present at such Meeting shall and may adjourn themselves, and afterwards meet at such Time and Place as they shall think proper and expedient; and if it shall happen that there shall not appear at any Meeting which shall be appointed to be held by the said Commissioners a sufficient Number of Commissioners to act at such Meeting, and to adjourn to any other Time, then and in such Case, and from Time to Time, as often as the same shall happen, the Clerk to the said Commissioners for the Time being shall and may, by publick Notice to be given in the Manner aforesaid, appoint the said Commissioners to meet at a Place where a Meeting of the said Commissioners was last appointed to be held, on that Day Three Weeks next after the Day last appointed for such Meeting: Provided also, that every Meeting of the said Commissioners for the hearing and determining any Complaint, Controversy, Dispute, or Difference between the said Company of Proprietors, and any other Person or Persons, shall be held at some Place within Ten Miles of the Place where or respecting which such Complaint, Dispute, or Difference shall arise; and that no Business shall commence at any Meeting of the said Commissioners, before Ten of the Clock in the Forenoon, or after Three of the Clock in the Afternoon.

Meetings of Commissioners for determining Disputes to be held within 10 Miles of the Place in Dispute.

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

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

Paths, Rail or Carriage Ways, or Stone Roads, or any of the Aqueducts, Feeders, Drains, Back Drains, Trenches, Passages, Gutters, Watercourses, Roads, Ways, Sluices, or other Works hereby authorized to be made or carried on and maintained, or by Reason or Means of the flowing, leaking, or oozing of the Water over or through the Banks of the said Canal; Cut, Aqueducts, Feeders, Drains, Trenches, Passages, Gutters, and Sluices, or any of them; or of the supplying the same or any of them with Water; or by not cleansing the said Watercourses, Trenches, or Passages, or by turning or diverting any Streams or Brooks into the same or any of them, or by Reason or Means of the Execution of any of the Powers hereby given to the said Company of Proprietors, their Agents, Workmen, or Servants, in case such annual Rent or Sum in gross, or such Damages and Recompence respectively, cannot be settled, adjusted, and agreed upon by and between the said Company of Proprietors, and the Owners of or Persons interested in such Lands, Grounds, Tenements, Waters, Rivers, or Hereditaments as aforesaid.

XI. And be it further enacted, That if the said Company of Proprietors, or their Committee of Management for the Time being, or if any such Body Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons so interested or entitled as aforesaid, for and on Behalf of himself, herself, or themselves, or for and on the Behalf of their respective *Cestuique* Trusts, or of the Person or Persons entitled in Remainder after them as aforesaid, shall refuse to submit such Compensation or Recompence as aforesaid, to the Determination of the said Commissioners, or shall be dissatisfied with their Determination respecting the same, and of such Dissatisfaction shall, within Twenty-one Days next after such Determination, give Notice to the Commissioners making such Determination; or if any such Body Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons entitled or interested as aforesaid, shall refuse to receive, upon due Tender thereof, such Purchase Money or annual Rent, or such Recompence, as shall be so adjusted and determined to be paid as aforesaid, or shall for the Space of Twenty Days next after Notice in Writing shall be given to the principal Officer or Officers of such Body Politic, Corporate, or Collegiate, or to such Trustee or Trustees, or other Person or Persons respectively, or left at his, her, or their usual or last Place or Places of Abode, or with the Tenant or Tenants, Occupier or Occupiers of such Lands, Grounds, Tenements, or Hereditaments respectively as aforesaid, neglect or refuse to treat, or shall not agree with the said Company of Proprietors concerning the same, or shall by reason of Absence be prevented from treating, or shall by reason of Nonage or other Impediment be incapable of treating or making such Agreements, as shall be expedient for enabling the said Company to proceed in the making and carrying on of the said Canal, Cut, Rail or Carriage Ways, or Stone Roads, and other the Works aforesaid, then and in any or either of the said several Cases, the said Commissioners, assembled at a Meeting to be held in the Manner herein before mentioned, are hereby empowered and required, from Time to Time, to issue a Warrant or Warrants under their Hands and Seals, to the Sheriff of the said County of *Somerset*, or in case such Sheriff or his Under-Sheriff shall happen to be one of the said Company of Proprietors, or enjoy any Office of Trust or Profit under them, or shall be otherwise interested in the Matter in question, then to any one of the Coroners of the same County,

In case the Parties refuse to submit to the Determination of the Commissioners, and in certain other Cases, a Jury may be summoned to assess and ascertain such Purchase Money or annual Rent, and the Recompence for Damages.

[*Loc. & Per.*]

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not

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

Witnesses
may be sum-
moned.

Penalty upon
Sheriffs, Jury-
men and Wit-
nesses making
Default.

XLI. And be it further enacted, That if any such Sheriff or his Deputy, or any such Coroner or other Person herein-before authorized and directed to act in the Stead of such Sheriff, shall make Default in the Premises, he shall for every such Offence forfeit the Sum of Twenty Pounds; and if any Person so to be summoned and returned upon any such Jury as aforesaid shall not appear, or appearing shall refuse to give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true

Intent

Intent of this Act, or if any Person so to be summoned to give Evidence as aforesaid shall not appear, or appearing shall refuse to be sworn or examined, or to give Evidence, then and in such Case every Person so offending, having no reasonable Excuse, to be allowed by the said Commissioners, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds for the Benefit of the Party in whose Behalf such Person was so summoned, to be levied by virtue of any Warrant or Warrants under the Hands and Seals of the said Justices, or any Two of them, by Distress and Sale of the Goods and Chattels of the Person or Persons so offending, rendering to him or them the Overplus of the Money thereby produced, after such Penalty and the Charges of such Distress and Sale shall be deducted.

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

Jury to be under same Regulations as Juries at Westminster. Persons giving false Evidence may be indicted for Perjury.

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

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

of

of the said County, or at any Adjournment thereof, shall be defrayed by the said Company; but if the Verdict of the Jury shall not be given for more Money than shall have been previously offered or tendered by the said Company as aforesaid, or determined by the said Commissioners, as the Case shall be, the Expences of calling and meeting of such Commissioners, summoning such Jury, and taking the Inquest, and Expences of the Witnesses attending thereon, and other Expences to be incurred in respect thereof, shall be defrayed by the Person or Persons with whom the said Company shall have had such Controversy or Dispute; and all such Costs and Expences as aforesaid shall be settled and taxed by the proper Officer of the Court, and the Amount thereof indorsed on the Assessment of such Jury, and signed by the said Officer; and such Amount shall either be added to the Damages assessed by the said Jury, in case such Person or Persons shall be entitled to Costs, and be recovered with such Damages accordingly, as Part thereof, or in case the said Company shall be entitled to Costs, shall be deducted from the said Damages, and the Balance, after such Deduction, only be recovered: Provided always, that where by reason of Absence any Person shall be prevented from treating, the Whole of such Expences shall be paid by the said Company of Proprietors.

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

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

No Notice of Injury or Damage to be given to the Company before Complaint made to the Commissioners.

XLV. And be it further enacted, That the said Commissioners shall not be obliged by virtue of this Act to receive or take Notice of any Complaint or Complaints to be made by any Person or Persons whomsoever, nor shall any Proceedings be had or taken at any Court of General Quarter Sessions for any Injury or Damage, by him, her, or them sustained, or supposed to be sustained as aforesaid, unless Application shall have been made in relation thereto, by or on the Behalf of such Person or Persons to the said Company of Proprietors, or to their principal Clerk, Treasurer or Treasurers, within the Space of Six Calendar Months next after the Time that such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

What Satisfaction to be made for Tythes.

XLVI. And be it further enacted, That full Recompence and Satisfaction shall be made by the said Company of Proprietors, for all the Tythes, both Great and Small, of the Lands which shall or may be taken or made use of by the said Company for the Purposes and in pursuance of the Powers of this Act, to the respective Persons entitled, or who would have been entitled to such

such Tythes in case such Lands had not been so taken or made use of, according to the respective Interests therein; such Tythes to be estimated at the Average Value of Four Years, commencing at *Michaelmas* One thousand eight hundred and six, and ending at *Michaelmas* One thousand eight hundred and ten; such Average Value to be ascertained (in case of any Difference concerning the same) in like Manner as the Value of any Lands or other Hereditaments is herein-before directed to be ascertained: Provided always, that the Recompence and Satisfaction to be given by virtue of this Act for all Glebe Lands and Tythes belonging to Spiritual Persons shall be made to such Persons by an Annual Rent.

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

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

XLVIII. And be it further enacted, That immediately after the Payment of such Sum or Sums of Money in Gross, or the Delivery of such Security for the Payment of such annual Rent or Rents as aforesaid, the Lands, Tenements, Grounds, or Hereditaments so purchased, and concerning which such Determinations, Verdicts and Judgement shall be made and given as aforesaid, and all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand at Law or in Equity of the Person or Persons for whose Use such Monies or Rent shall be paid or secured as aforesaid, in, to, and out of the same, and also the Fee Simple and Inheritance thereof, shall vest in the

On Payment of Purchase-Money, Lands purchased to vest absolutely in the Company.

[*Loc. & Per.*]

13 Y

said

said Company of Proprietors, and they shall be deemed in Law to be in the actual Possession and Seisin thereof, to all Intents and Purposes whatsoever, as fully and effectually as if every Person having any Estate or Interest therein had actually conveyed the same to them by any legal Conveyance whatsoever; and such Payment or Security shall not only bar all Right, Title, Interest, Claim and Demand of the Person or Persons to or for whose Use the same shall be made or given, but also shall bar the Dower of the Wife of every such Person respectively, and all Estates Tail, and other Estates and Interests in Possession, Remainder, or otherwise, against the Issue of such Person or Persons, and against all Infants, Femes Covert, and all and every other Person and Persons whomsoever having or claiming any Right, Title, Estate or Interest therein, either in Law or Equity.

Application
Directing the
of Money paid
for Compens-
ation for
Lands, &c.
when amount-
ing to or ex-
ceeding 200l.

XLIX. 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 this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any Disability or Incapacity, such Money shall in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed, be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the said Company of Proprietors, 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 Parts thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, standing settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, 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 Purchases shall be made, the said Money shall, by Order of the said Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities, shall from Time to Time be paid by Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments, so hereby directed to be purchased in case such Purchase or Settlement were made.

L. Provided

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

When less than 200l. and exceeding 20l.

LI. Provided also, and be it further enacted, That when 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 this Act, in such Manner as the said Commissioners, or any Two or more of them, shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

When less than 20l.

LII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Company of Proprietors, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments, be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Company of Proprietors to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements or Hereditaments, [*describing them*] subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court of Chancery, on the Application of any Person or Persons making Claim to such Sum or Sums of Money or any Part thereof, by Motion or Petition, shall be and is hereby empowered

In case of not making out Titles;

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

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

powered in a summary Way of Proceeding, or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title, or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

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

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

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

LIV. Provided also, and be it enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the like Uses in pursuance of this Act, it shall and may be lawful to and for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Company of Proprietors out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Commissioners to settle Proportions of Purchase Money where different Interests.

LV. And be it further enacted, That the said Commissioners, or the Justices of the said County at some General Court of Quarter Sessions, or at an Adjournment thereof, as the Case may be, shall and are hereby empowered to settle what Shares and Proportions of the Purchase Money

OR

or Compensation for Damages which shall be so agreed for, determined, and adjusted or assessed in Manner as aforesaid, shall be allowed to any Tenant, or other Person or Persons having a particular Estate, Term, or Interest in the Premises, for such his, her, or their Interest or respective Interests therein.

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

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

LVII. And be it further enacted, That in Default or Refusal of Payment by the said Company of Proprietors of such Sum and Sums of Money, and at such Times and in such Manner as shall be agreed upon, awarded, or assessed as hereinbefore is mentioned, as a Recompence for any Damages to be done in Exercise of the Powers hereby given; it shall be lawful for the said Commissioners, and they are hereby authorized and required, by Writing under their Hands, to appoint One or more Person or Persons (from whom the said Commissioners so assembled shall take a proper Security) to collect and receive the Tolls, Rates, and Duties by this Act imposed, or any of them, and thereout, in the First Place, to pay all such Damages so to be agreed upon, awarded, and assessed as aforesaid; and the Costs (if any) occasioned by such Default or Refusal of Payment thereof, together with legal Interest for the same, to be computed from the Time such Damages shall be agreed upon, awarded, and assessed; and also the Costs and Expences of collecting and receiving the said Tolls, Rates or Duties; and the Person or Persons so to be appointed shall be deemed a Collector or Collectors of the said Tolls, Rates, and Duties, and shall have such and the same Powers for collecting the same, as if he or they had been appointed for that Purpose by the said Company of Proprietors; and the Money so to be collected and received by such Person or Persons shall be and is hereby declared to be as so much Money received to and for the

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

Use of the Person or Persons who shall be entitled to receive such Satisfaction for Damages as aforesaid, in Order and Course respectively, as such Agreement, Award, or Assessment shall be in Priority of Time; and after such Damages, Interest, and Costs shall be paid and satisfied, the Power and Authority of such Collector or Collectors, for the Purposes aforesaid, shall cease and determine; or otherwise the Party or Parties so aggrieved shall and may recover such Sum or Sums of Money so to be agreed upon, awarded, or assessed, and which shall not be paid as aforesaid, together with Interest and Costs for the same, by Action at Law in any of His Majesty's Courts of Record at *Westminster*, against the said Company of Proprietors, with full Costs of Suit; or otherwise it shall be lawful for the said Commissioners, in case such Damages, Interest, and Costs shall not be satisfied and paid within the Space of Four Calendar Months after such Damages shall be so agreed upon, awarded, or assessed as aforesaid, on Complaint to them by or on the Behalf of the Person or Persons sustaining such Damages, to issue their Warrant under their Hands and Seals to the Sheriff of the County of *Somerset* aforesaid, authorizing and requiring him to levy and raise such Damage, Interests, and Costs as aforesaid, by Distress and Sale of the Goods and Chattels of the said Company of Proprietors, together with such reasonable Charges as the said Commissioners shall in such Warrant direct and appoint.

Annual Rents to be paid for Lands charged on the Tolls and Rates, with Powers for recovering the same.

LVIII. And be it further enacted, That all and every such annual Rent and Rents as shall be agreed on or settled, and ascertained to be paid for any Land, Ground, or Hereditaments, or for the Tythes of any Lands, Grounds, or Hereditaments which shall or may be taken for the Purposes or pursuant to the Directions of this Act as aforesaid, shall be charged on the Tolls, Rates, or Duties herein-after granted to the said Company of Proprietors, and shall be paid by the said Company of Proprietors as the same shall become due and payable; and in case any such annual Rent or Rents, or any Part thereof, shall be in Arrear and unpaid by the Space of Twenty-one Days next after the same shall respectively become due and payable; it shall be lawful for the said Commissioners, and they are hereby authorized and required, by Writing under their Hands, to appoint One or more Person or Persons to collect and receive the said Tolls, Rates, or Duties, and to pay the same to the Person or Persons to whom such annual Rent or Rents so in Arrear shall be due, they the said Commissioners taking such Security from every such Collector for the due and faithful Execution of his Office as they shall judge proper and sufficient; and the Person or Persons so to be appointed shall be deemed a Collector or Collectors of the said Tolls, Rates, and Duties, and shall have such and the same Powers for collecting the same, as if he or they had been appointed for that Purpose by the said Company of Proprietors; and the Power and Authority of every such Collector shall continue until such annual Rent or Rents so in Arrear, with the Costs and Charges of recovering and receiving the said Tolls, Rates, or Duties, shall be fully satisfied and paid; or the Person or Persons to whom such annual Rent or Rents shall be due, shall and may sue for and recover the same, with Costs of Suit, by Action of Debt in any of His Majesty's Courts of Record at *Westminster*; or otherwise it shall be lawful for such Person and Persons, and he and they is and are hereby empowered to seize and distrain any Boats, Barges, or Vessels, or other Goods and Effects of the said Company of Proprietors, which shall be found in the said Canal or Cut respectively, or in, upon, or about the
Wharfs,

Wharfs, Quays, Warehouses, or other Works belonging to the said Company of Proprietors, and to detain the same until Payment of such Rent or Rents, together with the reasonable Charges attending such Distress; and if such Distress shall not be redeemed within Five Days after the same shall be taken, and Notice thereof given in Writing, by affixing such Notice on some public Place at any of the Wharfs, Quays, or Toll Houses belonging to the said Company of Proprietors, then such Boats, Barges, or Vessels, or other Goods or Effects so distrained, shall and may be appraised and sold, in such Manner as the Law directs in Cases of Distress for Rent.

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

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

LXI. And be it further enacted, That it shall be lawful for the said Company of Proprietors to sell and dispose of, and by Indenture under their Common Seal, to grant and convey in Fee all such of the Messuages, Buildings, Lands, Tenements, or Hereditaments, which shall be purchased by and conveyed to the said Company, as shall not be wanted for the Purposes of the said Navigation and Works, or any Part or Parts thereof, for such Sum or Sums of Money; and that all such Grants and Conveyances shall be valid and effectual, any Thing in this Act, or in any other Law, Statute, or Custom, to the contrary notwithstanding; and upon Payment of the Money which shall arise by the Sale or Sales of such Messuages, Lands, Tenements, or Hereditaments, or any Parts or Parcels thereof, it shall and may be lawful for the Treasurer or Treasurers for the Time being to the said Company of Proprietors, to sign and give Receipts for the Money for which the same shall be sold, which Receipts shall be sufficient Discharges to the Purchaser or Purchasers for the Money for which such Premises shall be so sold, or for so much thereof as in such Receipts shall be acknowledged or expressed to be received, and such Person or Persons shall not be answerable or accountable for any Losses, Misapplication, or Nonapplication of such Purchase Money, or any Part thereof, which said Money shall be applied by the said Company of Proprietors for the same, or for the like Purposes as the Money hereby authorized to be raised by Calls on them is to be applied: Provided always, that the said Company of Proprietors, before they shall sell and dispose of such Messuages, Company empowered to resell Lands, &c.

suages, Buildings, Lands, Tenements, and Hereditaments, shall first offer to resell the same to the Person or Persons from whom they shall have purchased the same, or who would then have been entitled thereto in case such Messuages, Buildings, Lands, Tenements, and Hereditaments had not been purchased by the said Company of Proprietors (the Price at which the same shall be resold being adjusted and settled by the said Commissioners, or a Jury, in the like Manner as the Price for any Land to be taken in pursuance of this Act is herein-before directed to be settled in case of Difference or Dispute as to the Value thereof); and if such Person or Persons shall not agree, or shall refuse to repurchase the same, it shall and may be lawful to and for any Person or Persons not interested in the Premises to make an Affidavit, to be sworn before a Master Extraordinary of the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County where such Messuages, Buildings, Lands, Tenements, or Hereditaments shall lie or be, stating that such Offer was made by or on the Behalf of the said Company of Proprietors, and that such Person or Persons did not agree, or refused to purchase such Messuages, Buildings, Lands, Tenements, or Hereditaments, as the Case may be; and such Affidavit shall be in all Courts sufficient Evidence and Proof that such Offer was made and not agreed to, or refused.

As to Conveyance of Land in certain Cases.

LXII. And be it enacted, That in all Cases where the said Company of Proprietors shall enter upon and take any Lands or Grounds, with the Consent of the Proprietor thereof, and such Proprietor shall afterwards die before he or she shall execute the Conveyance thereof to the Company, then and in such Case the Heirs, Devisees, or Assigns, of such Proprietor or other Possessor of the Estate from which such Lands or Grounds shall have been taken, if capacitated, or the Husbands, Guardians, Committees, or Trustees of Femes Coverts, Infants, Lunatics, and other *Cestuique* Trusts, shall, and they are hereby authorized and required to convey such Lands or Grounds to the said Company, upon Receipt or Transfer of the Purchase Money, or other Equivalent to be agreed upon for the same, or so much thereof as shall not have been paid or transferred to such deceased Person on account thereof.

Millers to put up or down Cloughs when required by the Company.

LXIII. And be it further enacted, That if any Miller, or Owner or Occupier of any Mill or Mills, shall at any Time or Times whilst the said Canal and Cut respectively are making, or necessarily repairing, neglect or refuse, for the Space of Twenty-four Hours after Notice shall be given by the said Company of Proprietors, or their Committee of Management, or by any Clerk or Agent to the said Company of Proprietors, either to draw and keep up or open, or to shut or put down, and keep shut and put down any Clough or Cloughs, or any Sluice or Sluices belonging to such Mill or Mills, and which shall be thought necessary in the Judgment of any Engineer to the said Company of Proprietors, to be opened or shut, and kept open or shut respectively, for the better making or repairing the said Canal and Cut respectively, and the Works necessary for that Purpose, every Person so offending, and being thereof lawfully convicted, shall, for every such Offence, forfeit and pay the Sum of Ten Pounds; and if the Miller, or Owner, or Occupier of any such Mill or Mills, shall not think the Satisfaction which may be tendered to him or them by or on the Behalf of the said Company of Proprietors, a sufficient Recompence and Satisfaction for the Stoppage or Hindrance of working such Mill or Mills,

Mills, by means of such drawing up or opening, or putting down or shutting any Clough or Cloughs, Sluice or Sluices belonging thereto; then and in such Case it shall and may be lawful for the said Commissioners, and they are hereby authorized and required, on Complaint to them made by any such Miller, Owner, or Occupier, to settle and ascertain the Damages sustained by him, and the Recompence to be made for the same, or to cause such Damages and Recompence to be settled and ascertained by a Jury, in such and the like Manner as other Damages are by this Act directed to be ascertained.

LXIV. And be it further enacted, That if the Owner or Proprietor of any Water Mill or Water Mills now being upon any Part of the Rivers, Streams, or Brooks of Water, which shall be taken, used, or diverted, for the Purposes of the said intended Navigation, whose Mill or Mills may be injured thereby, shall chuse to sell and dispose of the same, and shall give Notice in Writing under his or her Hands, of such his or her Desire, to the said Company of Proprietors, or their principal Clerk, within Six Months next after the said Navigation shall be completed, it shall be lawful for the said Company of Proprietors, and they are hereby required to purchase such Mill or Mills, together with the Houses, Gardens, and Grounds adjoining and belonging thereto, (not exceeding Two Acres of Ground), at the full Worth or Value of the same, immediately before the Time of such Injury, for a Sum of Money in gross; and if any Dispute shall arise about the Price to be paid for any such Mill or Mills, with the Houses, Gardens, and Grounds thereto belonging, the same shall be settled by the said Commissioners, or a Jury, in such or the like Manner as the Value of any other Lands, Grounds, or Hereditaments, to be taken and purchased by the said Company, is herein-before directed to be settled and ascertained.

Mills injured by the Navigation to be purchased by the Company if so required by the Owners.

LXV. And be it further enacted, That the said Company of Proprietors shall, at their own proper Costs and Charges, divide and separate, and keep constantly divided and separated, the Towing Paths on the Sides of the said Canal and Cut respectively, and the several Trenches, Feeders, and Aqueducts to be made by virtue of this Act, or such and so many, or such Part or Parts of such Trenches, Feeders, and Aqueducts respectively (in case of any Dispute about the same) as shall by the said Commissioners be thought necessary to be divided and separated from the Lands or Grounds adjoining to such Towing Paths, Trenches, Feeders, and Aqueducts respectively, with good and sufficient Posts, Rails, Hedges, Ditches, or other Fences, to be set or made on the Lands or Grounds which shall be purchased by or conveyed to, or vested in the said Company of Proprietors as aforesaid, and shall from Time to Time, repair, maintain, and support the said Towing Paths, Posts, Rails, Hedges, Ditches, and Fences so to be made or set up as aforesaid; and the said Company of Proprietors shall also, at their own Costs and Charges, make, erect, and set up, and from Time to Time maintain, support, and keep in good Repair such and so many convenient Gates and Stiles upon and across the said Towing Paths, and in and through the Hedges and Fences to be by them so made on the Sides of such Towing Paths as aforesaid; and also such good and sufficient Fences round the Shafts or Pits that shall be made in any Tunnel or Tunnels of the said Canal, and also such and so many convenient Bridges, Arches, Culverts, Passages, and Roads over, under, or by the

Towing Paths, &c to be fenced off from adjoining Lands.

Gates and Stiles to be erected on Towing Paths.

Bridges, &c. to be erected by the Company.

[Loc. & Per.]

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Side

Side of the said Canal and Cut respectively, and the Feeders, Trenches, and Watercourses communicating therewith respectively, at such Places and of such Dimensions, and in such Manner as the said Commissioners shall from Time to Time judge necessary and appoint (in case there shall be any Dispute about the same) for the Use of the Owners and Occupiers of the Lands, Grounds, or Hereditaments adjoining to such Canal and Collateral Cut, Trenches, Feeders, Watercourses, and Towing Paths respectively; and of all Persons who now have or may hereafter have a Right of Way over or through the Lands or Grounds which shall be used for making the said Canal and Cut, Trenches, Feeders, Watercourses, and Towing Paths, or any of them respectively; and that the said Company of Proprietors shall not make or carry the said Canal or Cut, or any Feeder, Trench, or Watercourse in or across any Common Highway, Public or Bridle Way or Footpath, until such Time as they shall, at their own proper Charges, have made and perfected such Bridge or Bridges, Arch or Arches, or other convenient Passages over or under the Places where the said Canal and Cut, Feeders, Trenches, or Watercourses respectively, shall be intended to be made or carried, and of such Dimensions and in such Manner as the said Commissioners shall adjudge proper (in case of any Dispute about the same); and in case it shall be found necessary for the Purposes of the said Navigation, to alter or widen any Arch or Arches already existing, the same shall be done at the Expence of the said Company of Proprietors; but such Arch or Arches shall always afterwards be repaired and supported at the joint and equal Expence of the said Company of Proprietors, and of the Person or Persons who would have been liable to repair the same, in case the same had not been so altered or widened: Provided nevertheless, that the said Company of Proprietors shall not be liable to repair or amend any Part of the Roads approaching to any Bridges which shall be made over the said Canal and Cut, after such Roads shall have been first made and used for Six Calendar Months, and then put into good Repair by the said Company of Proprietors, any Thing herein contained to the contrary notwithstanding; but nothing herein contained shall be construed to exonerate the said Company of Proprietors from the future Repairs of the Bridges, and the Wing Walls, Ramparts, and Side Banks thereof, and the Banks supporting the Approaches thereto.

In case of Failure to fence off Towing Paths, and make Bridges, &c. Owners of Lands adjoining may do the same at the Company's Expence.

LXVI. And be it further enacted, That in case the said Company of Proprietors, or their Agents, shall refuse or neglect to make, erect, and set up such good and sufficient Posts, Rails, Hedges, Ditches, or other Fences, for the Purpose of separating the said Towing Paths, Trenches, Feeders, and Aqueducts from the Lands or Grounds adjoining as aforesaid, or to make, erect, and set up such Gates and Stiles, upon and across the said Towing Paths, and in and through the Hedges and Fences to be made on the Sides thereof, and of the said Trenches, Feeders, and Aqueducts as aforesaid, or such Bridges, Arches, Culverts, Passages, and Roads over, under, or by the Side of the said Canal and Cut, Feeders, Trenches, and Watercourses respectively as aforesaid, for the Use and Convenience of such Persons as herein-before mentioned, and of such Dimensions, and in such Manner as the said Commissioners shall from Time to Time direct and appoint (in case there shall be any Dispute about the same), or to repair, maintain, and support such Posts, Rails, Hedges, Ditches, and Fences, Gates, Stiles, Bridges, Arches, Culverts, Passages, and

and Roads, or any of them, after the same shall be made, erected, and set up as aforesaid, for the Space of Three Calendar Months next after the Times to be appointed for those Purposes respectively by the said Commissioners; then and in every such Case, it shall be lawful for every or any of the Owners or Occupiers of the adjacent Lands or Grounds, and every other Person and Persons who shall find himself, herself, or themselves aggrieved by any such Refusal or Neglect to make, erect, and set up such Posts, Rails, Hedges, Ditches, and Fences, Gates, Stiles, Bridges, Arches, Culverts, Passages, and Roads as are herein-before directed or appointed to be made, erected, and set up by the said Company of Proprietors as aforesaid; or to repair, maintain, and support such Posts, Rails, Hedges, Ditches, and Fences, Gates, Stiles, Bridges, Arches, Culverts, Passages, and Roads, or any of them, from Time to Time as Occasion shall require, so that in making, maintaining, or repairing the same respectively, the said Canal and Cut, or the Banks thereof, or any Feeders or Aqueducts belonging thereto, shall not be stopped or injured for any longer Space of Time, or in any other Manner, than shall be necessary for the doing thereof; and all the reasonable Costs and Charges thereof (to be settled and allowed by the said Commissioners) shall be repaid to the Person or Persons who shall have expended, incurred, or sustained the same, by the said Company of Proprietors, within the Space of Twenty Days next after the same shall have been so settled and allowed, and an Account and Demand thereof shall have been delivered and made to and from the Principal Clerk to the said Company for the Time being; and in Default of Payment of the said Costs and Charges within the Time aforesaid, it shall be lawful for the said Commissioners, and they are hereby required by Warrant under their Hands and Seals, to levy the said Costs and Charges by Distress and Sale of the Goods and Chattels of the said Company of Proprietors, which shall be found in or upon the said Canal and Cut, or the Wharfs, Quays, or Warehouses belonging to the said Company, to and for the Use of the Person and Persons who shall have incurred or sustained such Costs and Charges, rendering to the said Company of Proprietors, or to some one of their Agents or Collectors, the Overplus (if any) after deducting the reasonable Charges and Expences of making such Distress and Sale (to be settled also by the said Commissioners), or otherwise the Person or Persons who shall have expended, incurred or sustained such Costs and Charges, shall and may sue for and recover the same against the said Company of Proprietors, by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*.

LXVII. And be it further enacted, That the said Company of Proprietors shall also at their own Costs and Charges make, maintain, and support such proper and convenient Watering Places for Cattle, wherever by Means of the said Canal and Cut respectively, or other Works hereby authorized to be made, Cattle shall have been deprived of their ancient or former Watering Places, and shall at all Times supply the same with Water in such Manner as the said Commissioners shall from Time to Time, in case of any Dispute about the same, order and direct; and that the said Company of Proprietors shall also, wherever the said Canal and Cut respectively, or other Works to be made in pursuance of this Act; shall interfere with any Rivers, Brooks, or Streams of Water now used for watering the Farms or Grounds contiguous or adjoining thereto, erect

The Company to make proper Watering Places for Cattle.

And to make Hatches, &c. for conveying and securing Water for watering Farms or Grounds.

If Company refuse or neglect so to do, the Land Owners may make the same at the Company's Expence.

and make proper and sufficient Hatches, Water Carriages, and Back Drains, for conveying and securing the Water not taken by virtue of this Act for supplying the said Canal and Cut respectively, in such Manner as the said Commissioners (in case of any Dispute about the same) shall direct, in order that the Enjoyment of such Water may be continued to such Farms or Grounds in as ample and beneficial a Manner as at present, or as near thereto as Circumstances will permit; and in case the said Company of Proprietors shall refuse or neglect to make or maintain, or support any such Watering Places as aforesaid, or to erect and make any such Hatches, Water Carriages, and Back Drains as aforesaid, for the Space of One Calendar Month next after the Time to be appointed for that Purpose by the said Commissioners, then and in every such Case, it shall be lawful for the Person or Persons who shall be damaged or aggrieved by such Refusal or Neglect to make, or maintain, or support such Watering Places, and to erect and make such Hatches, Water Carriages, and Back Drains respectively, so that the said Canal and Cut respectively, or the Banks thereof, or any Feeders or Aqueducts belonging thereto, shall not be thereby stopped or injured for any longer Space of Time, or in any other Manner than shall be absolutely necessary for the making or doing the same; and all the reasonable Costs and Charges attending the same (to be settled and allowed by the said Commissioners), shall be repaid to the Person or Persons who shall have expended, incurred, or sustained such Costs and Charges, by the said Company of Proprietors, within the Space of Twenty Days next after the same shall have been so settled and allowed, and an Account and Demand thereof shall have been delivered and made to and from the Principal Clerk to the said Company of Proprietors; and in Default of Payment of the said Costs and Charges, within the Time aforesaid, the same shall and may be levied or recovered in such and the same Manner as the Costs and Charges herein-before mentioned are directed to be levied or recovered.

Owners and Occupiers of Lands may erect Bridges, &c. at their own Expence, if not satisfied with those erected by the Company as aforesaid.

LXVIII. And be it further enacted, That it shall and may be lawful to and for the Owners or Occupiers of any Lands or Grounds, through which the said Canal and Cut respectively, or any Trenches, Feeders or Aqueducts shall be made as aforesaid, or any other Person or Persons having a Right of Way or Passage over such Lands or Grounds (with the Consent and Approbation of the Committee of Management of the said Company for the Time being, upon Request made to them for that Purpose, or in case of their Refusal to consent thereto for the Space of Twenty Days after such Request, then, with the Consent and Approbation of the Commissioners) to make, fix, and erect, at their own proper Costs and Charges, such Gates, Stiles, Bridges, Arches, Culverts, and Passages, Watering Places, Hatches, Water Carriages, and Back Drains, or other Conveniences upon, in, over or near the said Canal and Cut, Trenches, Feeders, Aqueducts, and Towing Paths respectively, in such Places and in such Manner as the said Owners or Occupiers shall judge most necessary and convenient for the better Use, Cultivation, Improvement or Occupation of the said respective Lands or Grounds, over and besides any such Gates, Stiles, Bridges, Arches, and Passages, Watering Places, Hatches, Water Carriages, Back Drains, or other Conveniences, as shall have been made or erected by the said Company, and to repair and support the same respectively at their own like Costs and Charges as Occasion shall require, so that the Navigation or Passage of or upon the said Canal and Cut, Trenches,
Feeders,

Feeders, Aqueducts, or Towing Paths respectively, be not thereby prevented or obstructed for any longer Space of Time than as aforesaid, or in any other Manner than shall be absolutely necessary, and so that no Damage or Injury (otherwise than by such Obstructions as aforesaid) be thereby done to any of the Works belonging to the said Company of Proprietors.

LXIX. And be it further enacted, That before any Clay, Gravel, Sand, Rubbish, or other Materials (except Soil) to be dug up or gotten in the cutting and making of the said Canal and Cut, Rail or Carriage Ways, or Stone Roads respectively, and which shall not be used or be intended to be used in or about the same, shall be laid upon any Land adjoining or near thereto; all the Soil of such adjoining Land to the Depth of Nine Inches at the least, shall be taken off and removed, and the same, together with the Soil, which shall in like Manner be taken off and removed from the Land to be used for the said Canal and Cut respectively, shall be laid in Heaps, distinct and apart from such Clay, Gravel, Sand, Rubbish, and other Materials, upon some convenient Part or Parts of such adjoining Land, and that the said Clay, Gravel, Sand, Rubbish, and other Materials (except as aforesaid) shall as soon as may be, in a proper and husbandlike Manner, be spread about and levelled upon such Part of such adjoining Land from whence the Soil shall have been so previously taken off and removed as aforesaid, and then the whole of such Soil as aforesaid shall in like Manner be carried and spread upon and over the Surface of the said levelled Clay, Gravel, Sand, Rubbish, and Materials, so and in such Manner as to render such Land as fit and proper as may be for the Purposes of Vegetation, Culture, and Husbandry, and that such levelling of the said Clay, Gravel, Sand, Rubbish, and Materials, and such carrying and spreading of the said Soil thereon as aforesaid, shall be fully and effectually done and completed in each and every Close or separate Piece of Ground, in or through which the said Canal and Cut, Rail or Carriage Ways, or Stone Roads respectively shall be made within Three Calendar Months next after the same shall be cut and made through such Close or separate Piece of Ground; and that if the said Company of Proprietors or their Agents or Servants shall refuse or neglect, within the respective Times aforesaid, to remove and place in Heaps such Soil as aforesaid or any Part thereof, or to spread abroad and level such Clay, Gravel, Sand, Rubbish, and Materials as aforesaid, or to carry and spread the said Soil thereon, in the Manner herein before specified and directed, then and in every such Case it shall be lawful for the Owner or Owners, Occupier or Occupiers for the Time being, of the Close, Land, or Ground wherein or whereon the Subject Matter of such Refusal or Neglect shall be or arise, and he, she, and they respectively is and are hereby fully empowered to cause the Clay, Gravel, Sand, Rubbish, Materials, and Soil respectively, concerning which such Refusal or Neglect shall be made or arise, to be respectively removed, turned over, separated, levelled, and spread so and in such Manner as to effect the bringing the Soil to the Surface and thereby rendering it Land, fit and proper for the Purposes aforesaid, and to all the reasonable Costs, Charges, and Expences attending the same (to be settled and allowed by the said Commissioners) shall be repaid to the Person or Persons who shall have expended, incurred, or sustained the same, by the said Company of Proprietors within the Space of Twenty Days next after the same shall be so settled and allowed, and an Account and Demand

The Company to spread abroad and level Clay, Gravel, Rubbish, &c. on adjoining Lands, and then cover same with the Soil which shall be first taken off for that Purpose.

If Company refuse so to do, the Land Owners may do the same at the Company's Expence.

thereof shall have been delivered and made to and from the Principal Clerk to the said Company for the Time being; and in Default of Payment of such Costs, Charges, and Expences within the Time aforesaid, the same shall and may be levied and recovered in such and the same Manner as the Costs and Charges of erecting Bridges and other Works by the Owners and Occupiers of Lands, upon the Refusal or Neglect of the said Company to make and erect the same, are hereinbefore directed or appointed to be levied and recovered.

The Com-
pany to make
Drains, &c.
to convey
Water from
adjoining
Lands, and
keep the
same clean,
&c.

If the Com-
pany neglect
so to do, the
Land Own-
ers may do
the same at
the Expence
of the Com-
pany.

LXX. And be it further enacted, That the said Company of Proprietors shall also, at their own proper Costs and Charges, make or cause to be made such Arches, Tunnels, Culverts, Drains, or other Passages over, under, or by the Side of, or into the said Canal and Cut respectively, and the Trenches, Streams, and Watercourses communicating therewith, and the Towing Paths on the Sides thereof of such Depth, Breadth, and Dimensions as shall be sufficient at all Times to convey the Water from the Lands adjoining or lying near the said Canal and Cut respectively, without obstructing or impeding the same, and shall likewise make or cause to be made such Back Drain or Drains as may be necessary, and shall be sufficient to carry off any Water which may ooze or pass through any of the Banks of the said Canal or Cut to the Prejudice of any of the Lands or Grounds contiguous thereto, and that all such Arches, Tunnels, Culverts, Drains, Back Drains, and other Passages, shall from Time to Time be supported, maintained, cleansed, scoured, and kept in good and sufficient Repair by the said Company of Proprietors, and if at any Time or Times after One Calendar Month's Notice shall have been given in Writing, by or on the Behalf of the Owner or Occupier, Owners or Occupiers of the adjacent Lands or Grounds, who shall find himself, herself, or themselves aggrieved by the Obstruction of any such Watercourses, to the Principal Clerk to the said Company of Proprietors for the Time being, the said Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages shall not be made, cleansed, repaired and maintained, according to the true Intent and Meaning of this Act, then and in such Case, and when and as often as the same shall happen, it shall and may be lawful to and for such Owner or Occupier, or Owners or Occupiers, having an Order in Writing for that Purpose from the said Commissioners from Time to Time, to make, cleanse, scour and repair such Arches, Tunnels, Culverts, Drains, Back Drains, and other Passages in such Manner as shall be found expedient, and the reasonable Costs and Charges thereof (to be ascertained by the said Commissioners) shall be defrayed by the said Company of Proprietors, and in case of Refusal or Neglect to defray the same for the Space of Twenty Days after Demand thereof made upon their Principal Clerk for the Time being, such Costs and Charges shall and may be levied or recovered in such and the same Manner as the Costs and Charges of making and erecting Bridges and other Works by the Owners and Occupiers of Lands upon the Refusal or Neglect of the said Company of Proprietors to make and erect the same, as are hereinbefore appointed and directed to be levied or recovered: Provided always, that such Owner or Occupier, Owners or Occupiers of the Lands adjoining or contiguous to the said Canal and Cut respectively, shall at the Time of giving such Notice to the Principal Clerk to the said Company as aforesaid, have his, her, or their own Ditches, Drains, and Watercourses, leading to or from the said Canal or Cut, or to or from the Trenches, Drains, and Watercourses, belonging to the said Company, sufficiently cleansed and opened

opened to convey the Water to and from the same: And provided also, that nothing herein contained shall extend to enforce the admitting of any Water, arising from sudden Floods or Land Floods, into the said Canal or Cut which may injure the said Navigation.

LXXI. And be it further enacted, That if at any Time hereafter, the Ditches, Drains, or Watercourses, belonging to the Owner or Occupier of any Lands adjoining or contiguous to the said Canal and Cut respectively, shall not be sufficiently open for the free Passage of the Water from the Drains, Tunnels, Culverts, and Watercourses, belonging to the said Company of Proprietors, and the same shall not be remedied within One Calendar Month after Notice in Writing for that Purpose shall be given to such Owner or Occupier, or left at his or her usual Place of Abode, by the Principal Clerk to the said Company of Proprietors, it shall be lawful for the said Company of Proprietors, having an Order in Writing for that Purpose from the said Commissioners, from Time to Time, as often as there shall be Occasion, to order, cause and procure such Ditches, Drains, and Watercourses as aforesaid, to be opened and cleansed in such Manner as may be necessary or expedient, and the reasonable Expences thereof (to be ascertained and allowed by the said Commissioners) shall be repaid to the said Company of Proprietors by such Owner or Occupier as aforesaid, and in case of Refusal to pay the same for the Space of Twenty Days after Demand thereof, the same shall and may be recovered in such Manner as any Penalties are by this Act directed to be recovered: Provided always, that nothing herein contained shall extend, or be construed to authorize or empower the said Company of Proprietors, to stop up, divert or alter any of the Public Drains now under the View of the said Commissioners of Sewers, without the Consent of the said Commissioners or of some Committee appointed by the said Commissioners as hereinbefore directed for that Purpose first had and obtained in Writing signed by the Order of the Court, or by the Chairman of such Committee, and that all new Drains which shall be made in consequence of the stopping up, diverting, or Alteration of any old Drains, and all and every other public Drains or Watercourses to be made under and by virtue of the Powers hereby granted, shall be under the Power, Controul, and Direction of the said Commissioners of Sewers.

The Com-
pany may
cleanse ad-
joining
Ditches and
Drains at the
Expence of
the Owners,
if neglected
by them.

No Public
Drains to be
diverted with-
out Consent
of Commis-
sioners of
Sewers.

LXXII. And whereas it may happen from Floods, or from some unexpected Accidents, that the said Canal or Cut, or the Locks, Weirs, Flood Gates, Dams, Banks, Trenches, Aqueducts, or other Works belonging to the said Company of Proprietors, may be damaged or destroyed, and the adjacent Lands may thereby likewise be endangered or damaged, and that it may be necessary the same should be immediately repaired or rebuilt, to prevent further Damage, be it therefore further enacted, That when and so often as any such Floods or Accidents shall happen, it shall be lawful for the said Company of Proprietors, or their or any of their Servants, Agents, or Workmen, from Time to Time, without any previous Application to the said Commissioners, and without any Delay or Interruption from any Person or Persons whomsoever, to enter into any Lands, Grounds or Hereditaments adjoining or near to the said Canal and Cut, Trenches, Aqueducts, or other Works, or any of them (not being the Ground whereon any House stands, or a Park, Garden or Ground planted as a Nursery for Trees, or an Avenue to a House) and to dig for, get, work, take, carry away and use all such

For repairing
Damages oc-
casioned by
Floods, and
preventing
further Da-
mage from
the same.

such Stone, Gravel, and other Materials, as may be necessary or proper for the Purposes aforesaid, without any previous Treaty whatsoever with the Owner or Owners, Occupier or Occupiers of, or other Person or Persons interested in such Lands, Grounds, or Hereditaments, or any of them, doing thereby as little Damage as the Nature of the Works will admit of, and making Recompence to the Person or Persons sustaining such Damage, within the Space of Three Calendar Months next after the same shall be demanded, for all Damages, which shall or may be done by Means of the digging for, getting, working, taking, carrying away, and using such Stones, Gravel, and Materials, or any of them, all which Damages and the Satisfaction and Recompence to be made for the same, shall be adjusted, assessed, ascertained, settled and determined by the Ways and Means, and in the Manner hereinbefore prescribed, with respect to any other Damages to be done in the Course of making and completing the said Canal and Cut, and other Works.

Company to make Compensation for Injury occasioned by bursting of Canal Culverts, &c.

In Default thereof Chairman authorized to get a Jury summoned, &c.

LXXIII. And whereas it may happen that in the Course of the Progress and Execution of the Works hereby authorized and required to be made, or after the same shall be completed, the Owners and Occupiers of, and other Persons interested in Lands, Tenements, and Hereditaments near thereto, may sustain Damage from Accidents happening to such Works, or otherwise occasioned thereby, and it may be expedient that such Persons should have a summary Method of ascertaining and obtaining the Amount of the Compensation and Satisfaction to be made them for the same; be it therefore enacted, That when and as often as any Injury or Damage shall happen to, or be sustained by any Owner or Occupier of, or Person interested in any Lands, Tenements or Hereditaments, by reason of the giving way of the Banks of the said Canal, or the bursting of Culverts, or any other Accident happening to or occasioned by any of the Works hereby authorized to be made, and the said Company of Proprietors or their Committee of Management shall not within One Calendar Month after Notice in Writing of such Injury, and Claim of Satisfaction for the same, signed by the Party claiming Satisfaction, shall be delivered to the principal Clerk of the said Company, or left at his Office or Dwelling Place, agree with such Claimant for such Satisfaction or Compensation, it shall be lawful either for the said Company's Principal Clerk, or such Claimant to make a Requisition in Writing signed by such Clerk or Claimant respectively, to the Sheriff of the said County of *Somerset*, who shall thereupon immediately summon and return at least Eighteen Persons qualified to serve on Juries as herein-before mentioned, to attend at such Time (not exceeding Ten Days from the Receipt of such Requisition) and such Place as the said Sheriff shall appoint; and in case a sufficient Number shall not attend, or any of those attending shall be lawfully challenged by either Party, the said Sheriff shall return other indifferent Men of the Standers-by, or other Persons to make up a Jury of Twelve, who shall be sworn by and before the said Sheriff or his Deputy, to enquire and assess the Amount of Damages to be paid to the Party making such Claim, which Assessment shall be held and taken before the said Sheriff or his Deputy, who is hereby authorized to administer the Oaths to such Jurors, and to the Witnesses produced by the said Company, or such Claimant at the taking of such Assessment, and the said Sheriff and Jurors shall certify under their Hands and Seals the Amount of Damages to be paid to such Claimant, and in case the said Company shall not, at the taking of such Inquisition and Assessment, give in Evidence that they have
made

made to such Claimant a Tender equal to the Amount which the said Jury shall find, the said Company shall pay to such Claimant the Costs incurred by him in and about such Assessment; but in case the said Company shall give in Evidence that they have tendered such Claimant a Sum equal to, or greater than the Amount which the said Jury shall find, such Claimant shall pay to the said Company the Costs incurred by them in and about such Assessment, such Costs in either Case to be taxed by the said Sheriff or his Deputy, and the Amount thereof indorsed upon such Certificate and signed by him, and such Amount shall either be added to the Damages assessed by the said Jury, in case the said Claimant shall be entitled to Costs, and be recovered with such Damages accordingly as Part thereof, or in case the said Company shall be entitled to Costs, shall be deducted from the said Damages, and the Balance after such Deduction to be recovered, and such Certificate and Indorsement shall be delivered to and filed by the Clerk of the Peace of the said County of *Somerset*, who shall permit the same to be inspected *gratis*, and Copies thereof to be taken, upon paying Sixpence for every Seventy-two Words, and so in Proportion for any greater or less Number; and such Claimant upon Service of a Copy of such Certificate and Indorsement on the principal Clerk of the said Company, may, unless the Sum thereby payable shall be immediately paid, make Application to the Commissioners of Sewers acting in and for the said County of *Somerset*, at any General or Special Session, or Court of Sewers, or to their Committee or Clerk, and such Commissioners or Committee shall upon the Production of such Certificate and Indorsement, or a Copy thereof, order the Amount thereby specified to be paid to such Claimant out of the said Sum of Ten thousand Pounds, herein directed to be invested, and the same shall be so paid and applied accordingly, and such Sheriff, Jurors, and Witnesses, in case of their respective Defaults, shall be respectively liable to the respective Penalties hereby respectively imposed upon the said Sheriff and Persons summoned as Jurors and Witnesses, in the other Cases provided for by this Act; and Persons wilfully and corruptly giving false Evidence on such Inquisition and Assessment, shall be liable to be prosecuted for the same, and on being convicted thereof shall be liable to the same Pains and Penalties as Persons guilty of wilful and corrupt Perjury are by Law liable to: Provided always, that nothing in this Clause contained shall prevent any Person claiming Satisfaction or Compensation for such Damage from having recourse at his or her Option to any other legal Mode of proceeding for the Recovery thereof.

Assessment to be paid out of Fund of 10,000l. under Controul of Commissioners of Sewers.

LXXIV. And, to the End that the said Company of Proprietors may be enabled to carry on the said Undertaking, be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors to raise and contribute among themselves, in such Proportions as to them shall seem meet and convenient, such Sum or Sums of Money as they shall think necessary for the making, carrying on, and completing of the said Canal and Cut, Rail or Carriage Ways, or Stone Roads, Aqueducts, Quays, Wharfs, and other Works and Conveniences hereby authorized to be made, not exceeding in the Whole the Sum of Four hundred and twenty thousand Pounds (except as herein-after is mentioned), and that the same shall be divided into such Number of Parts or Shares as herein-after directed, and that no Person subscribing to or becoming a Proprietor in the said Undertaking, shall become a Proprietor of less than One Share, or of more than Fifty Shares, either in his own Name or in the Name

The Company empowered to raise among themselves any Sum of Money not exceeding 420,000l.

[*Loc. & Per.*]

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of

Application thereof.

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

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

Shares to be Personal Estate.

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

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

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

after

after such Entry, to cause the Common Seal of the said Company of Proprietors to be affixed thereto, and shall also cause as many Tickets or Instruments to be prepared as there shall be Shares in the said Undertaking, bearing respectively the same Numbers as in the said Book, and the Common Seal of the said Company of Proprietors to be affixed to each such Ticket or Instrument, and thereupon to cause to be delivered to every Subscriber towards the said Undertaking, upon Demand, a Ticket or Tickets, specifying the Shares to which he or she is entitled in the said Undertaking, such Subscriber paying to the Clerk to the said Company Two Shillings and Sixpence and no more, for every such Ticket or Instrument, and such Ticket or Instrument shall be admitted in all Courts whatever, as Evidence of the Title of such Subscriber, his or her Executors, Administrators and Assigns, to the Shares therein specified, but the Want of any such Ticket or Instrument shall not hinder or prevent the Owner of any Shares from selling or disposing thereof, or from receiving annually his or her Share of the Profit of the said Navigation in respect thereof.

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

If the Sum of 420,000 l. is not sufficient the Company may raise 150,000 l. more among themselves.

LXXVIII. Provided always, and be it further enacted, That if the said Company of Proprietors shall be desirous of raising the said additional Sum of One hundred and fifty thousand Pounds, or any Part thereof, by Mortgage of the said Navigation and Undertaking, and shall make an Order to enter into a

Or they may raise 50,000 l. by Mortgage.

Resolution

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

Form of
Mortgage.

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

No Prefer-
ence among
Mortgagees.

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

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

LXXIX. And be it further enacted, That an Entry or Memorial of every such Assignment or Mortgage as aforesaid, containing the Date thereof, the Name or Names, and Addition of the Party or Parties to whom the same shall be made, and the Sum thereby secured, with the Rate of Interest to be paid for the same, shall be made or entered in a Book, to be kept for

that Purpose by the Principal Clerk to the said Company of Proprietors for the Time being, and that such Book shall and may be perused *gratis*, at all seasonable Times by any of the Proprietors or Creditors of the said Navigation and Undertaking; and that all and every Person and Persons to whom any such Assignment or Mortgage shall be made as aforesaid, or who shall be entitled to the Money thereby secured, shall and may from Time to Time assign, transfer and make over his, her, or their Right, Title and Interest therein, unto any Person or Persons whomsoever, either by Indorsement thereon or otherwise, which Transfer shall and may be made by a Deed in Writing, in the Form or to the Effect following, (*videlicet*)

Mortgages may be transferred.

I *A. B.* in Consideration of the Sum of _____
 to be paid by *C. D.* of _____ do hereby
 transfer the within Mortgage [*or*, a certain Mortgage made to me by
 the Company of Proprietors of the _____ Canal
 Navigation,] bearing Date the _____ Day of _____
 and the Principal Sum of _____ thereby secured, and
 the Interest now due and hereafter to grow due for the same, and all
 my Right and Property therein unto the said *C. D.* his Executors, Ad-
 ministrators, and Assigns. In witness whereof I have hereunto set my
 Hand and Seal this _____ Day of _____

Form of Transfer.

And that every such Transfer shall within Thirty Days after the Date thereof, be produced to the principal Clerk to the said Company of Proprietors, who shall thereupon cause an Entry or Memorial thereof to the same Purport or Effect as herein-before directed, with respect to the original Assignment or Mortgage, to be made or entered in the Book to be kept for entering the Memorials of such original Assignments or Mortgages, and that after such Entry shall be made, but not before, such Transfer shall entitle the Assignee or Assignees therein named, and his, her, or their Executors, Administrators, and Assigns, to the full Benefit of the original Mortgage.

Memorials of Transfers to be entered.

LXXX. Provided always, and be it further enacted, That the Interest of the Money which shall be borrowed by Mortgage as aforesaid (if any), shall be paid Half Yearly to the several Persons entitled thereto, in preference to any Dividends being ordered, made, paid, or divided to or amongst the Proprietors of the said Navigation, which they shall become entitled to by virtue of this Act and the Provisions herein contained.

Interest of Mortgages to be first paid.

LXXXI. And be it further enacted, That until the said Canal, Cut and Works, Rail or Carriage Ways, or Stone Roads shall be completed and finished, the Rates, Tolls, and Duties which shall be received by the said Company, after Payment of such Rents and other Payments as shall or may be charged thereon under and by virtue of this Act, shall be applied in completing and finishing the said Canal.

The Tolls, Rates, &c. after Payment of Rents and other Charges, to be applied in completing the Canal.

LXXXII. And be it further enacted, That every Body Politic and Corporate and all and every other Person and Persons, who shall by virtue of this Act have subscribed for or shall become entitled to and be in the actual Possession of one or more Share or Shares in the said Navigation and Undertaking, shall be deemed a Proprietor for every such Share, and
 [Loc. & Per.] _____ 14 D _____ shall

Proprietors to have a Vote for every Share. Votes may be given in Person or by Proxy.

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

And Com-
mittee
elected.

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

LXXXV. And be it further enacted, That the said Fifteen Persons to be elected by the Proprietors of the said Undertaking in the Manner aforesaid, shall be the said Committee of Management, and shall continue in Office for the Space of One Year, and until a new Committee of Management shall be appointed in their Stead, pursuant to the Directions of this Act; and a General Meeting of every such Committee of Management shall be held for putting this Act in Execution, at *Bristol* aforesaid, on the Second *Wednesday* next after the Day of their Election; and a like General Meeting of the Committee of Management shall afterwards be held Four Times in every Year for the future, in the Months of *January*, *April*, *July*, and *November* respectively, at Eleven of the Clock in the Forenoon, at the City of *Bristol* aforesaid, or at such other Place and on such Days as the said Committee of Management shall at their preceding General Meeting appoint; of all which General Committee Meetings public Notice shall be given in some Newspaper or Newspapers published or usually circulated in the said County of *Somerset*, and in the City of *Bristol*, Seven Days at least before the Time appointed for every such Meeting; and it shall be lawful for the Committee of Management, at any General Meeting to be held in pursuance of this Act, to adjourn themselves, from Time to Time and from Place to Place, as they shall think proper and expedient.

The 15 Pro-
prietors so to
be elected as
aforesaid, to
be a Com-
mittee for ma-
naging the
Concerns of
the Company.

General
Meetings of
Committee of
Management,
when and
where to be
held.

Public Notice
to be given of
General
Quarterly
Meetings.

LXXXVI. And be it further enacted, That the Committee of Management shall at their First General Meeting to be held in pursuance of this Act, elect a Chairman out of the Members of such Committee then present, to preside at such Meeting, and at all other Meetings of the same Committee, whilst he shall continue to be a Member thereof; and in case the Office of Chairman shall at any Time become vacant by Death, Resignation, or otherwise, the Committee of Management shall at their next Meeting

Committee of
Management
at their first
Meeting to
elect a Chair-
man.

Vacancy of
Chairman
how to be
applied.
after

Eight or more of the Committee competent to elect a Chairman.

Five of Committee, of whom the Chairman or his Deputy shall be one, competent to do Business.

All Questions at the Committee to be decided by Majority. Chairman or his Deputy to have the casting Vote.

If Two or more Persons be proposed as Chairman, and Votes equal, they shall draw Lots.

If a sufficient Number of Members do not attend to make a Meeting, they may adjourn.

Committee of Management at their First Meeting to appoint a General Meeting of Proprietors at large for electing a Treasurer.

If so many Proprietors as shall have 500 Shares shall be dissatisfied.

after such Vacancy, elect some other Person out of the Members of such Committee then present, to be their Chairman at such Meeting, and at all other Meetings of the same Committee to be held whilst he shall continue to be a Member thereof; and that any Eight or more Members of the Committee of Management, but not less, shall be a sufficient Number to constitute a Meeting for the Purpose of electing a Chairman of such Committee; and that after a Chairman shall be elected, any Five or more Members of such Committee (whereof the Chairman, or in his Absence such other Member of the said Committee as he shall from Time to Time, by any Writing under his Hand, appoint to supply his Place, shall be one), but not less, shall be a sufficient Number to constitute a Meeting for the Purpose of doing all other Acts, Matters, and Things, and exercising all other Powers and Authorities hereby directed to be done by and vested in such Committee; and that all Questions, Matters, and Things which shall be proposed, discussed, or considered by the said Committee at their Meetings to be held in Manner aforesaid, shall be decided and determined by the Majority of Members then present; but no Member shall have more than One Vote at any such Meeting, save and except that in the Case of an equal Division the Chairman, or the Person appointed to supply his Place as aforesaid, shall always have the casting Vote; and if at any Meeting to be held for the Election of a Chairman as aforesaid, Two or more Persons shall be proposed to fill that Office, and shall have an equal Number of Votes, then the Persons so proposed shall draw Lots for the same: Provided always, that if on the Day appointed for any such Meeting of the Committee of Management as aforesaid, there shall not attend so many Members of such Committee as are hereby required to constitute a Meeting for exercising the Power hereby vested in such Committee, then and in such Case, and when and so often as the same shall happen, the Meeting shall be adjourned to that Day Fortnight by the Member or Members then present; or if no Member shall be present, by the Principal Clerk to the said Company of Proprietors, or such other Person as shall attend in his Place.

LXXXVII. And be it further enacted, That the said Committee of Management shall, at their First General Meeting after the passing of this Act, and also at their General Meeting which shall be held in the Month of *July* in every subsequent Year, and also at their First General Meeting after any Vacancy shall happen by Death or otherwise, in the Office of Treasurer to the said Company of Proprietors, appoint a General Meeting of the Proprietors at large, to be held at such Time and Place as they shall think proper, within One Calendar Month next after such General Meeting of the said Committee, for the Purpose of electing a Treasurer or Treasurers to the said Company of Proprietors, and shall cause public Notice of the Time and Place appointed for such Meeting of the Proprietors at large, to be given by Advertisement in some Newspaper or Newspapers, published or usually circulated in the said County of *Somerset*, and in the City of *Bristol*, Seven Days at least before the Time appointed for such Meeting, and the Proprietors, who shall be assembled at such Meeting, are hereby accordingly authorized and required to elect and make choice of some Person or Persons to be a Treasurer or Treasurers to the said Company; and in case so many of the said Company of Proprietors, as shall be possessed of Five Hundred Shares in the said intended Navigation and Undertaking, shall at any Time be dissatisfied with the

Conduct of the Treasurer or Treasurers to the said Company, and shall signify such their Disapprobation in Writing, signed by them, to the Committee of Management at any General Meeting to be held as aforesaid, then such Committee shall thereupon call and appoint a General Meeting of the Proprietors at large, to be held within Twenty-one Days from that Time, for the Purpose of taking into Consideration the Cause of Complaint against such Treasurer or Treasurers, and shall give public Notice of such Meeting in the Manner aforesaid Seven Days at least before the Time appointed for holding the same; and the Proprietors to be assembled at such Meeting shall and may, after taking the Matter into Consideration, either continue such Treasurer or Treasurers in his or their Office, or remove and dismiss him or them from the same, and elect and appoint some other Person or Persons in his or their Stead, accordingly as they shall judge proper and expedient.

fi ed with the Treasurer, a General Meeting of Proprietors may be called to consider of his Conduct.

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

Security to be taken from the Treasurer.

LXXXIX. And be it further enacted, That it shall and may be lawful for the Committee of Management, at any such General Meeting as aforesaid, and they are hereby authorized and required from Time to Time, to nominate and appoint a Principal Clerk, on whom the Service of all Writs, Notices and other legal Proceedings against the said Company of Proprietors shall be deemed good Service on the said Company, and such one or more other Clerk or Clerks, and such Engineers, Surveyors, Collectors of the Tolls, Rates, and Duties hereinafter granted, and other Officers (except the Treasurer or Treasurers) as the said Committee of Management shall think proper and expedient, for the better carrying the Purposes of this Act into Execution, the said Committee always taking good and sufficient Security from all Collectors and other Officers who shall have the Care or Custody of any Money to be raised or received by virtue of this Act, for the faithful Discharge of the Trust reposed in them, and also from Time to Time to discharge and dismiss any such Clerk, Engineers, Surveyors, Collectors, or other Officers, and to appoint others in their stead as there shall be Occasion; and that all such Clerks, Engineers, Surveyors, Collectors, and other Officers of the said Company of Proprietors, who shall at any Time quit, or be dismissed from the Service of the said Company, and the respective Executors or Administrators of those who may happen to die, shall immediately thereupon produce and deliver up to the said Committee of Management, or to such Person or Persons as they shall direct, all Books, Accounts, Writings and Papers whatsoever, which shall be in the Custody or Power of such Engineers, Surveyors, Clerks, Collectors, or other Officers, Executors, or Administrators, respectively, in any wise relating to the said intended Navigation; and the said Committee of Management shall also have full Power and Authority, and they are hereby required at the General Meeting to be held in the Month of July as aforesaid, to call for, audit, and settle all Accounts of Money received, paid, laid out and disbursed up to that Time, for or on Account of the

Committee of Management may appoint Clerks, Engineers, Collectors, &c.

Taking Security from those who are to have Custody of the Money, &c.

Clerks, &c. quitting or discharged from Service of Company and Executors of those dying, to deliver up Books, &c. under a Penalty.

Committee of Management to settle Accounts of Treasurers, Collectors, &c. at the Ge-

[Loc. & Per.]

14 E

said

General Meeting
in July.

Committee
may settle
such Ac-
counts oftener
if they please.

Committee of
Management
may make
Calls for
Money.

Committee of
Management
may contract
for and pur-
chase Lands,
and treat and
agree con-
cerning Da-
mages, &c.
And may ge-
nerally ma-
nage the Bu-
siness of the
Company,
and do all
Acts which
the Company
are authorized
to do, except
such as are to
be done at
Meetings of
Proprietors
to be held as
before and
after men-
tioned.

Committee of
Management
may appoint
Sub-Commit-
tees with

said Company of Proprietors, by the Treasurer or Treasurers, Collectors, and other Officers so to be appointed as aforesaid, or by any other Person or Persons to be employed on Behalf of the said Company, in or about the said intended Navigation: Provided always, that it shall be lawful for the said Committee to call for, audit, and settle such Accounts, or any of them, oftener than once a Year, if they shall deem it proper or expedient so to do.

XC. And be it further enacted, That the Committee of Management shall also have full Power and Authority, from Time to Time, at any such General Meeting as aforesaid, to make such Call or Calls for Money, from the several Proprietors of the said Navigation and Undertaking, in order to defray the Expence of, or carry on the same, as they shall from Time to Time find wanting and necessary for those Purposes, so that no such Call shall exceed the Sum of Ten Pounds for and in respect of every Share in the said Navigation and Undertaking, and so that no such Calls be made but at the Distance of Two Calendar Months at least from each other, and so that Twenty-eight Days Notice at least shall be given of every such Call, by Advertisement in some Newspaper or Newspapers published or usually circulated in the said County of *Somerset*, in the City of *Bristol*, and also in some *London* Newspaper or Newspapers; all which Money so to be called for as aforesaid, shall be paid into the Hands of the Treasurer or Treasurers of the said Company of Proprietors, so to be issued, paid, and applied, for carrying on the said Navigation and Undertaking, in such Manner as the said Committee of Management shall from Time to Time order and direct; and that the said Committee of Management shall also have full Power and Authority, at every such General Meeting as aforesaid, on Behalf of the said Company of Proprietors, to contract for and purchase all such Lands, Tenements, or Hereditaments, and all such Materials and other Things as shall or may be wanted for the said Navigation and other Works hereby authorized to be made, and to treat and agree with any Person or Persons whomsoever touching the Compensation to be made for any Damages to be done in the Exercise of the Powers hereby given, and to enter into and make such Contracts or Agreements with any Engineer or Engineers, Surveyors, Agents, Workmen, Servants, or other Persons in and about, or for the carrying on of the said Navigation and other Works, or any Part thereof, as shall be thought expedient; and to enter into and make all such other Contracts, Bargains, and Agreements whatsoever, touching or in anywise concerning the said Undertaking, as they shall think proper; and to order and direct how the several Works shall from Time to Time be carried on, and generally to direct and manage all and singular the Affairs and Businesses of the said Company of Proprietors, and to do, execute, and perform all Acts, Matters, and Things, which the said Company are by this Act authorized and empowered to do, save and except such only as are hereby expressly directed to be done by the Proprietors at large, at any Meeting or Meetings of such Proprietors, to be held as herein-before and herein-after mentioned.

XCI. And be it further enacted, That it shall be lawful for the Committee of Management at any such General Meeting as aforesaid, to nominate and appoint out of their own Body, One or more Sub-Committee or Sub-Committees, (every such Sub-Committee to consist of
Three

Three or more Persons), who shall have full Power and Authority to enter into and make any such Contracts or Agreements on Behalf of the said Company of Proprietors as aforesaid, and to hire and employ any Agents, Workmen, or Servants, in and about the said Undertaking, and to do, execute, and perform, all other Matters and Things whatsoever, in and about the said Navigation and Undertaking, which the said Committee of Management are themselves herein-before authorized to do, or such of them as the said Committee of Management shall think proper to intrust to the Care and Management of any such Sub-Committee or Sub-Committees; save and except nevertheless the appointing of Clerks, Collectors, Engineers, Surveyors, and other principal Officers, and the auditing and settling of the Accounts of the Treasurer or Treasurers, Clerks, Collectors, Engineers, Surveyors, and other principal Officers, and the making Calls for Money upon the Proprietors of the said Undertaking, all which shall be done by the said Committee of Management, only as herein-before is directed; and it shall also be lawful for the said Committee of Management, by an Order or Resolution for that Purpose at any General Meeting, to break up and dissolve any such Sub-Committee or Sub-Committees, or to remove and displace any Member or Members thereof, and appoint some other or others in his or their Place and Stead, when and as often as such Committee of Management shall think proper and expedient; and such Sub-Committees shall have full Power and Authority to meet from Time to Time, and adjourn from Place to Place, as they shall think proper, and as Occasion shall require, for effectuating the Purposes aforesaid; and all Powers and Authorities hereby vested, or which shall by the said Committee of Management be vested in any such Sub-Committee within the Intent and Meaning of this Act, shall and may be exercised by the major Part of the Members present at their respective Meetings, the whole Number of Members present not being less than Three; and at all Meetings of such Sub-Committees respectively, one of the Members present shall be appointed President or Chairman, and all Questions shall be decided by the Majority of Votes, and the President or Chairman shall have the casting Vote in case of an equal Division; but no other Member shall have more than one Vote.

Power to make Contracts, &c.

And Committee of Management may dissolve such Sub-Committees. Sub-Committees may meet and adjourn as Occasion requires; and all Powers given Sub-Committees may be exercised by the Majority, so that there be Three Members present. At all Meetings the Chairman shall have the casting Vote.

XCVII. And be it further enacted, That the Committee of Management, and also every such Sub-Committee as aforesaid, shall enter, or cause to be entered, into Books to be provided for that Purpose at the Expence of the said Company of Proprietors, a full and true Account of all Money disbursed, and Payments made by such Committee and Sub-Committee respectively, and by all and every Person and Persons employed by or under them, and of all Monies which shall be paid to or received by them respectively, for or on Account of the said Company of Proprietors; and also a full and true Account, or proper Notes and Minutes of every Contract, Bargain, and Agreement, which shall be entered into by them respectively, for or on Behalf of the said Company of Proprietors, and of all and singular their respective Orders, Transactions, and Proceedings whatsoever, in and about the Affairs and Business of the said Company; and all reasonable Expences to be incurred at or by the respective Meetings of the said Committee of Management, and of such Sub-Committees respectively as aforesaid, shall be paid and defrayed out of the Cash or Stock of the said Company of Proprietors; and such Committee of Management and Sub-Committees respectively, shall and may, from Time to Time, draw

Committee of Management and Sub-Committees to keep Accounts of Monies received and paid. And Minutes of Contracts, &c. and all their Transactions and Proceedings. Expences of Committee to be defrayed by the Company's Treasurer.

but no other Money to be issued by Treasurer without an Order of the Committee of Management.

Committee of Management authorized to compensate Sub-Committee or other Persons appointed to superintend Canal, &c.

for the Amount of such Expences respectively upon the Treasurer or Treasurers to the said Company; but no other Money shall be issued or paid by the said Treasurer or Treasurers, for or on Account of the said Company of Proprietors, without an Order being made for that Purpose by the Committee of Management, at any such General Meeting as aforesaid; and every such Book, and all other Books, Papers, and Writings belonging to the said Company of Proprietors, shall at all seasonable Times be open to the Inspection of all the said Proprietors, who may take Copies thereof, or Extracts therefrom, without Fee or Reward; provided nevertheless, that it shall be lawful for the said Committee of Management, and they are hereby authorized, from Time to Time, to make Compensation and Satisfaction to such Sub-Committee Men or other Persons as shall be appointed to superintend the Execution and Completion of the said Canal, Cut, and Works, not exceeding Five Persons, for their Care, Trouble, and Expences in the Management of the Concerns of the said Company, by way of Salary or otherwise, as the said Committee of Management shall think fit, and the Members of such Committee shall not be thereby disqualified to act as Members of the said Committee of Management.

Sub-Committees to make Reports of their Proceedings to, and be under Controul of the Committee of Management.

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

Committee of Management may make Bye Laws.

XCIV. And be it further enacted, That the said Company of Proprietors shall also have full Power and Authority from Time to Time, at any General Meeting of the said Company of Proprietors to be held in Manner herein-after mentioned, to make such Rules, Orders, and Bye Laws, as to them shall seem meet and proper for the good Government of the said Company of Proprietors, and for regulating the Proceedings of the said Committee of Management and Sub-Committees respectively, and for the regulating of all Officers, Workmen, and Servants to be employed in or about the Affairs or Business of the said Company of Proprietors, and for the well and orderly using of the said intended Navigation, and the Tunnels, Locks, and Aqueducts thereto belonging, and for regulating the passing and re-passing of all Vessels, Boats, and Barges, and the Structure of such Vessels, Boats, and Barges, and the conveying of all Goods, Wares, and Merchandize which shall be navigated or conveyed thereon, and for the orderly Behaviour of all Bargemen, Watermen, Boatmen, and others, who shall be employed in carrying or conveying any such Goods, Wares, or Merchandize, and for the Superintendance and Management of the said Navigation and Undertaking in all other Respects whatsoever; and from Time to Time to alter or repeal such Rules, Orders, and Bye-Laws, or any of them, and to make others, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against such Rules, Orders, and Bye-Laws, or any of them, not exceeding the Sum of Five Pounds for any one Offence, as to the said Company of Proprietors shall seem meet and expedient; and all Rules, Orders, and Bye-Laws so to be made as aforesaid, being reduced into Writing, and the Com-
mon

mon Seal of the said Company thereto affixed, shall be binding upon, and be observed by all Persons using or in anywise concerned in the said Navigation, and shall be sufficient, in any Court of Law or Equity, to justify all Persons who shall act under the same; provided that such Rules, Orders, or Bye-Laws be not repugnant to the Laws of that Part of the United Kingdom called *England*, or any of the express Directions or Provisions of this Act; and provided that Copies of such Rules, Orders, and Bye-Laws, or of such of them as shall concern or relate to the using of the said intended Navigation, and the Tunnels, Locks, and Aqueducts belonging thereto, Rail or Carriage Ways, or Stone Roads, and other Works, or to the Conduct or Behaviour of Bargemen, Boatmen, Watermen, and others, conveying Goods thereon, or to the Conduct or Behaviour of any Officers, Servants, or other Persons employed in or about the said Navigation, or of the Persons resorting to or making use thereof, shall be written or printed in large Characters, and be affixed and continued in some conspicuous Place or Places upon all the Wharfs on the said Navigation: Provided also, that in all Cases of Prosecution for Offences against the said Bye-Laws, the Production of a printed Paper purporting to be the Bye-Laws of the Company, and authenticated by the Common Seal of the Company being affixed thereto, shall be sufficient Evidence of the Existence of such Bye-Laws; and that it shall be sufficient to prove that a printed Copy, in Characters sufficiently plain, of such Bye-Laws, hath been affixed; and in case of its afterwards being displaced or damaged, hath been replaced with another such Copy, as soon as conveniently might be, in some conspicuous Place upon the Wharf, nearest the Place where the Offence was committed, unless Proof shall be adduced by the Defendant that such Copy of such Bye-Laws hath not been duly kept up and generally continued at such Wharf.

XCV. And be it further enacted, That if it shall at any Time appear to the Committee of Management to be necessary or expedient to call a Special Meeting of the Proprietors at large, for the more effectually putting this Act in Execution, or in order to take their Opinion respecting any Matter or Thing to be done in or about the said Navigation and Undertaking, or in which the Interest thereof, the Extension of its Trade, or the Interest of the Proprietors is or shall be in any Respect implicated or concerned, it shall be lawful for the said Committee of Management, pursuant to an Order or Resolution for that Purpose to be made at any General Meeting of the same Committee, to call a Special Meeting of the Proprietors at large, by public Advertisement in some Newspaper or Newspapers published or usually circulated in the said County of *Somerset*, in the City of *Bristol*, and also in some *London* Newspaper or Newspapers, specifying in such Advertisement the Cause of calling such Special Meeting, and the Time and Place when and where the same shall be held, the Time not being less than Fourteen Days after such Notice shall be given, and the said Company of Proprietors are hereby authorized and required to meet pursuant to such Notice, and to take into Consideration the Matters to be submitted to them by the said Committee of Management, and specified in such Notice, and the Decision and Determination of the Proprietors present at such Meeting, or the major Part of them, according to the Number of Votes they shall have a Right to give either as Principals or Proxies respecting such Matters, shall be binding and conclusive upon the Rest of the Proprietors to all Intents and Purposes, and be observed and acted upon accord-

Committee of Management may call Special Meetings of Proprietors at large.

[*Loc. & Per.*]

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ingly;

Proprietors of 500 or more Shares to have Power to call such Special Meetings.

ingly; and that the Principal Clerk to the said Company of Proprietors shall and he is hereby authorized and required, at the Requisition in Writing of the Proprietors of Five hundred Shares or more in the said Undertaking under their Hands, to call a Special Meeting of the Proprietors at large for the like Purpose, the same being specified in such Requisition; such last-mentioned Special Meetings to be held at any Place within Ten Miles of any Part of the said Canal.

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

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

Committee of Management to make out a Report of Receipts and Payments, and a general Statement of the Company's Accounts.

Members of Committee of Management how disqualified.

XCVII. And be it further enacted, That if any Person being a Member of the Committee of Management, shall at any Time accept any Office or Place of Profit under the said Company of Proprietors (except as herein-before is mentioned), or shall neglect to attend at Three successive Meetings of the said Committee, without sending what shall be thought a sufficient Excuse, in the Opinion of the Members present at the last of such Three Meetings, or the major Part of them, or attending any Meeting, shall refuse to act in the Business there brought forward, every such Person shall thenceforth cease to be a Member of such Committee, and all his Power and Authority as such shall be at an End; and when and as often as any Member of the said Committee of Management, shall

shall become incapacitated in the Manner aforesaid, or shall die or give in his Resignation, such of the remaining Members of such Committee as shall be present at the Meeting, at which such Incapacity, Death or Resignation shall be declared or announced, shall thereupon elect some other Person, being a Proprietor of Ten or more Shares in the said Navigation, to be a Member of the said Committee in his Stead or Place, until a new Committee of Management shall be chosen pursuant to the Directions of this Act; and every Person, who shall be so elected a Member of the said Committee of Management in any of the Cases before mentioned, shall have full Power and Authority to act in all Matters and Things relating to the said Navigation and Undertaking, in the same Manner as if he had been originally elected a Member thereof, by the said last mentioned Class of Proprietors.

Vacancies in Committee of Management by Disqualification or otherwise to be filled up by remaining Members for the current Year.

XCVIII. And be it further enacted, That all and every Person or Persons who hath or have already subscribed, or who shall hereafter subscribe to advance any Money for or towards the making and maintaining the said Canal and Cut, Rail or Carriage Ways, or Stone Roads, and other Works hereby authorized to be made as aforesaid, shall from Time to Time pay his, her, or their Proportion of the Money so to be called for as herein-before is mentioned, into the Hands of the Treasurer or Treasurers to the said Company, at such Time and Place as shall be appointed for that Purpose by the Committee of Management making such Call, and of which such Notice shall be given as herein-before is directed, and that if any Person or Persons shall neglect or refuse to pay his, her, or their proportionable Part of the Money so to be called for as aforesaid, at the Time and Place which shall be appointed for that Purpose in Manner aforesaid, it shall be lawful for the said Company of Proprietors, in case they shall so think fit, to sue for and recover the same in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or the Person or Persons so refusing or neglecting to pay such his, her, or their proportionable Part of such Money as aforesaid, shall forfeit to the said Company of Proprietors the Sum of Five Pounds for every Share which he, she, or they shall have or possess in the said Undertaking; and in case any such Person or Persons shall neglect or refuse to pay his, her, or their proportionable Part of the Money so to be called for as aforesaid, for the Space of Three Calendar Months after the Time to be appointed for Payment thereof as aforesaid, and the same shall not have been sued for by the said Company of Proprietors as aforesaid, or if sued for shall not have been recovered by them, then and in such Case the Person or Persons so neglecting or refusing shall absolutely forfeit all his, her, or their Share, Part, and Interest whatsoever in the said Undertaking, and all Profit and Advantage thereof, and all Money theretofore advanced by him, her, or them on account thereof; and all Shares that shall or may be so forfeited, shall be sold, by the said other Proprietors, by public Auction, for the most Money that can be gotten for the same, and the Produce thereof shall be applied by the said Company of Proprietors to the finishing and Completion of the said Canal and Cut, Rail or Carriage Ways, or Stone Roads respectively: Provided always nevertheless, that no Advantage shall be taken of such Forfeiture of any Share or Shares in the said Navigation or Undertaking as aforesaid, until after personal Notice shall be given by the Treasurer or Principal Clerk of the said Company of Proprietors, to the Owner or Owners thereof, or until Notice

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

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

Or the Person making Default to forfeit 5l. for every Share.

And if Call not answered in Three Months, Shares to be forfeited.

But Shares not to be forfeited without Notice nor without being declared for-

in

feited at a
General
Meeting of
Committee.

Forfeiture of
Shares to be
an Indemnity
to Persons for-
feiting the
same.

in Writing, signed by such Treasurer or Clerk, shall be left at his, her, or their usual or last Place or Places of Abode, nor unless the same shall be declared to be forfeited at some General Meeting of the Committee of Management within Three Calendar Months next after such Forfeiture shall have been incurred: Provided also, that every such Forfeiture, after the same shall be taken Advantage of by the Rest of the said Company of Proprietors as aforesaid, shall be an absolute Indemnification and Discharge to and for the Proprietor or Proprietors, so forfeiting, against all Actions, Suits, and Prosecutions, for any Breach of Contract or other Agreement between such Proprietor or Proprietors so forfeiting and the Rest of the said Company, with regard to the future carrying on and Management of the said intended Navigation and Undertaking.

In case of
Death of Sub-
scribers before
their Sub-
scriptions are
completed,
Executors
may complete
the same.

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

In case of Re-
fusal, or Want
of Assets, the
Company
may admit
other Persons
to such Shares
on paying the
same.

Directing
Proceedings
in Actions
for Calls.

C. And be it further enacted, That in any Action to be brought by the said Company of Proprietors against the Owner or Owners of any Share or Shares in the said Canal, to recover any Sum or Sums of Money due and payable to the said Company, for or in respect of any Call or Calls to be made by virtue of this Act, it shall be sufficient for the said Company of Proprietors to declare and alledge, that the Defendant or Defendants, being a Proprietor or Proprietors of such or so many Share or Shares in the said Canal, is or are indebted to the said Company of Proprietors in such Sum or Sums of Money as the Call or Calls in Arrear shall amount unto, for such or so many Call or Calls, of such or so many Sum or Sums of Money, upon such or so many Share or Shares, belonging to the said Defendant or Defendants (as the Case may be) duly made upon such Defendant or Defendants, according to the Authority of this Act, whereby

an Action accrued to the said Company, by virtue of this Act, without setting forth the Special Matter, any Thing contained in this Act to the contrary thereof notwithstanding; and on the Trial of any such Action, it shall only be necessary to prove that the Defendant or Defendants, at the Time of making such Call or Calls, was or were a Proprietor or Proprietors of such Share or Shares in the said Canal, and that such Call or Calls was or were in fact made, and that such Notice thereof was given as hereinbefore directed, and that the Production by the Principal Clerk or other Officer of the said Company of the said Register Book, and of the Minutes of the Proceedings of the Committee of Management, and of the Newspapers in which Notice of the said Calls shall have been or shall be advertised, shall be sufficient Evidence in support of such Action or Actions, without proving the Appointment of the Committee, who made such Call or Calls, or any other Matter whatsoever, and the said Company of Proprietors shall thereupon be entitled to recover what shall appear due, unless it shall appear that any such Call was made contrary to the Directions and Restrictions in Point of Time or Amount contained in this Act.

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

Shares may be sold, and how.

‘ I *A. B.* in Consideration of
 ‘ to me by *C. D.* of
 ‘ do hereby bargain, sell, assign, and transfer to the said *C. D.* his
 ‘ Executors, Administrators, and Assigns Share [or Shares]
 ‘ in the *Bristol* and *Taunton* Canal Navigation, being No. of the
 ‘ Shares in the said Navigation, to hold to the said *C. D.* his Executors,
 ‘ Administrators, and Assigns, subject to the same Rules, Orders, and
 ‘ Restrictions, and on the same Conditions that I held the same immedi-
 ‘ ately before the Execution hereof. And I the said *C. D.* do hereby
 ‘ agree to accept of the said Shares, subject to the same Rules,
 ‘ Orders, Restrictions, and Conditions. Witness our Hands and Seals
 ‘ the Day of

paid Form of Conveyances of Shares on Sale.

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

Memorial of all such Sales and Conveyances to be registered.

[*Loc. & Per.*]

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any

any Vote in respect thereof as a Proprietor or Proprietors of the said Navigation.

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

CII. Provided always, That after any such Call for Money shall be made by the Committee of Management as aforesaid, no Person or Persons shall sell or transfer any Share or Shares which he, she, or they shall then possess in the said Navigation and Undertaking, until the Money so to be called for in respect of his, her, or their Share or Shares intended to be sold shall be paid, and every Person making Default herein shall forfeit such his or her Share or Shares in the said Navigation, to and for the Benefit of the said Undertaking, unless he or she shall, at the Time of such Sale or Transfer, pay to the Treasurer of the said Company of Proprietors the full Sum of Money called for upon every Share so to be sold or transferred, such Forfeiture nevertheless to be first notified and declared in the Manner hereinbefore directed, with respect to the Forfeiture of Shares for not answering the Calls to be made thereon as aforesaid.

Shares may be mortgaged.

Mortgage to be registered.

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

The Company empowered to take Rates and Tolls for Tonnage and Wharfage of Goods, &c.

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

For all Hay, Straw, Dung, Peat, and Peat Ashes, and for all other Ashes, intended to be used for Manure, and for all Chalk, Marl, Clay, and Sand, and for all Lime, intended to be used for Manure, and for all other

other Articles intended to be used for Manure, and for all Materials for the Repairs of Roads, the Sum of One Penny Halfpenny *per Ton per Mile*, and so in Proportion for any greater or less Quantity than a Ton, or a greater or less Distance than a Mile.

For all Coals, Culm, Coke, Cinders, Charcoal, Iron, Stone, Pig Iron, Iron Ore, Copper Ore, Lead Ore, Lime, (except what shall be intended to be used for Manure), Lime Stone, and other Stone, Bricks, Tiles, Paving Stone, and Pipe Clay, the Sum of Two-pence *per Ton per Mile*, and so in Proportion for any greater or less Quantity than a Ton, or greater or less Distance than a Mile :

For all Corn and other Grain, Flour, Malt, Meal, Cyder, Timber, Oaker, Calamine, Bar Iron, Lead, Kelp, Sand, (except what shall be intended to be used for Manure), Pitch, Tar, Turpentine, and Rosin, the Sum of Two-pence Halfpenny *per Ton per Mile*, and so in Proportion for any greater or less Quantity than a Ton, or greater or less Distance than a Mile :

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

For all Cattle, Sheep, Swine, and other Beasts, which shall be carried or conveyed on the said Canal and Cut, any Sum not exceeding One Penny Halfpenny *per Head per Mile*, and so in Proportion for any greater or less Distance than a Mile : And,

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

CV. Provided nevertheless, That in all Cases where any Boat, Barge, or other Vessel shall be navigated, or pass by any Post or Mark or Place, where such Post or Mark had stood or been fixed on the Side of the said Canal and Cut respectively, describing and regulating the Length of Half a Mile, (and which Posts or Marks the said Company of Proprietors are hereby required to cause to be affixed or set up in Manner herein-after directed), the said Rates, Tolls, and Duties, shall be paid for a full Half Mile, although such Boat, Barge, or other Vessel, shall not have actually passed the full Half Mile ; and that in all Cases where the Weight of the Lading contained in any such Boat, Barge, or other Vessel, shall not make up an even Quarter of a Ton, yet the said Rates, Tolls, or Duties, which would be payable for a full Quarter of a Ton, shall be paid to the said Company of Proprietors for any less Quantity.

Tolls to be paid for a full Half Mile, and for a full Quarter of a Ton.

CVI. And be it further enacted, That it shall be lawful for the said Company of Proprietors, from Time to Time, and at all Times for ever, to ask, demand, take, and receive, to and for their own proper Use and Benefit, the several further Tolls following ; (that is to say),

For every Horse, Mare, Gelding, Mule, or Ass (not employed in carrying or drawing any Goods, Wares, or Merchandize, in respect whereof

a Rate,

Company empowered to take Tolls for Horses, &c. passing on Railways, except such as are going from Field to Field.

a Rate, Toll, or Duty is herein-before made payable) which shall or may go or travel upon the said Rail or Carriage Ways, or Stone Roads, and shall pass through or by any Stop Gate, or other Gate or Toll House to be erected upon or across the same by the said Company of Proprietors (and which they are hereby authorized and empowered to set up and erect at any Place or Places they shall think proper) and before such Horse, Mare, Gelding, Mule, or Afs shall be permitted to pass through or by the same, the Sum of Two-pence (except such as are going from Field to Field only).

For all Cows and Horned or Neat Cattle whatsoever (except Sheep, Swine, and Calves) which shall or may go or be driven upon the said Rail or Carriage Ways, or Stone Roads, and shall pass through or by any such Stop Gate or other Gate or Toll House as aforesaid, and before such Cows and Horned or Neat Cattle shall be permitted to pass through or by the same, the Sum of One Penny each (except such as are going from Field to Field only).

And for all Sheep, Swine, and Calves which shall go or be driven on the said Rail or Carriage Ways, or Stone Roads, and shall pass through or by any Stop or other Gate or Toll House as aforesaid, and before the same shall be permitted to pass, the Sum of Three-pence *per* Score, and after the same Rate for any greater or less Number than a Score (except such as are going from Field to Field only).

Collectors of
Tolls to de-
liver Tickets.

Tolls payable
but once a
Day.

CVII. Provided always, and be it further enacted, that the Collectors or other Persons appointed by the said Company to receive the said last-mentioned Tolls shall, on Payment thereof, give and deliver to the Person or Persons paying the same, a Ticket specifying the Day when and the Number of Horses or other Beasts or Cattle for which the same shall be paid; and that such last-mentioned Tolls shall not be demanded or taken or be payable more than once in any one Day upon each Line of Rail or Carriage Way, or Stone Road (to be computed from Twelve of the Clock at the Night to Twelve of the Clock in the succeeding Night) for the same Horse, Mare, Gelding, Mule, Afs, Cow, Horned or Neat Cattle which shall pass or repass through or by all or any of the Stop Gates, or other Gates or Toll Houses to be erected upon or across each distinct Rail or Carriage Way, or Stone Road, so that the Person or Persons who shall be travelling with or attending such Horse, Mare, Gelding, Mule, Afs, Cow, or Horned or Neat Cattle, do and shall produce to the Collectors or other Persons appointed by the said Company to receive such Tolls at every Stop Gate or other Gate or Toll House through or by which the same shall pass or repass (if demanded) the Ticket which he, she, or they shall have received at the Stop Gate, or other Gate or Toll House on the same Rail or Carriage Way, or Stone Road, at which he, she, or they shall have paid such Toll.

For ascer-
taining the
Weight of
Timber and
light Goods.

CVIII. And, for the better ascertaining the Tonnage of Timber and of light Goods to be charged with the Payment of the Rates, Tolls, or Duties aforesaid, be it further enacted, That Forty Cubic Feet of round, or Forty Cubic Feet of square Oak, Ash, Elm, or Beech Timber, and Fifty Cubic Feet of Fir or Deal, Poplar or Birch, not cut into Scantlings, and Sixty Cubic Feet of light Goods, shall be deemed, rated, and estimated as and for One Ton Weight.

CIX. And.

CIX. And be it further enacted, That if any Goods, Wares, Merchandize, or Commodities whatsoever, which shall be so carried or conveyed upon the said Canal and Cut respectively as aforesaid, shall remain upon any Wharf or Quay belonging to the said Company of Proprietors, for above the Space of Forty-eight Hours, then and in such Case the said Company of Proprietors shall be entitled to have and receive such reasonable Tolls or Allowance for the Wharfage thereof over and above the Rates, Tolls, and Duties herein-before authorized to be taken, as shall be agreed upon between the said Company of Proprietors, or their Agent or Agents, and the Owner or Owners of such Goods, Wares, Merchandize, or Commodities; and in case any Difference or Dispute shall arise concerning such Allowance, the same shall be ascertained and adjusted by the said Commissioners.

Further Allowance for Goods remaining upon Wharfs above 48 Hours.

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

The Company may from Time to Time vary the Tolls.

CXI. And, for the better ascertaining and more easy collecting of the said Tolls, Rates, or Duties, be it further enacted; That the Master, Owner, or other Person having the Care of every Boat, Barge, or other Vessel, navigating upon the said Canal and Cut, or any Part thereof respectively, shall from Time to Time give in a true and just Account in Writing, signed by him, to the Collector or Collectors of the said Tolls, Rates, or Duties, at the Place or Places where they shall attend for that Purpose, of the several Quantities, Qualities, and Weight of the Goods, Wares, Merchandize, and Commodities contained in every such Boat, Barge, or other Vessel, and of the Place from whence brought, and where intended to be landed or carried; and also of the Quantities, Qualities, and Weight of such Goods, Wares, Merchandize, or Commodities as shall have been discharged or taken out of such Boat, Barge, or other Vessel within the Limits of the said Navigation, before their Arrival at the Place where such Account is to be given; and if the Goods, Wares, Merchandize, or Commodities on board any such Boat, Barge, or other Vessel shall be liable to the Payment of different Rates, then such Master, Owner, or other Person shall specify the Quantities liable to the Payment of such Rates; and in case any such Master, Owner, or other Person shall neglect or refuse to give such Account, or refuse to produce his Invoice or Bill of Lading to such Collector or Collectors if demanded, or shall give a false Account thereof, or shall deliver any Part of his Lading or Goods at any other Place or Places than what shall be mentioned in such Account, every Person so offending shall forfeit and pay to the said Company of Proprietors the Sum of Forty Shillings for every such Offence, over and above the Tolls, Rates, or Duties which shall be payable for such Goods, Wares, Merchandize, or Commodities.

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

Penalty for Neglect.

Rates, Tolls
and Duties
how to be re-
covered.

CXII. And be it further enacted, That the Rates, Tolls, and Duties hereby authorized to be demanded and taken by the said Company of Proprietors, shall be paid to such Person or Persons, at such Place or Places upon or near to the said Canal and Cut, Rail or Carriage Ways, or Stone Roads respectively, and in such Manner and under such Regulations as the Committee of Management shall in that Behalf direct or appoint; and in case of Neglect or Refusal to pay any such Rates, Tolls, or Duties, or any Part thereof, unto the Person or Persons who shall be so appointed to receive the same as aforesaid, it shall be lawful for the said Company of Proprietors to sue for the same by Action of Debt or upon the Case, in any of His Majesty's Courts of Record at *Westminster*; or it shall be lawful for the Person or Persons to whom such Rates, Tolls, or Duties ought to have been paid, and he and they is and are hereby fully authorized and empowered to seize and distrain the Goods, Wares, Merchandize, or Commodities for or in respect of which such Rates, Tolls, or Duties ought to have been paid as aforesaid, or any Part thereof, and the Boat, Barge, or other Vessel laden therewith, and to detain the same respectively until full Payment shall be made of such Rates, Tolls, or Duties, and of all Arrears of the same which may be then due from the Owner of such Boat, Barge, or Vessel, to the said Company of Proprietors, together with the reasonable Costs and Charges of such Seizure and Distress; and in case such Distress shall not be redeemed within Five Days after the taking thereof, the same shall and may be appraised and sold as the Law directs in Cases of Distress for Rent.

Taxes on the
Rates to be
apportioned
between the
Parishes

CXIII. And be it further enacted, That all Parochial Rates and Assessments which shall or may be laid, assessed, or imposed on the Rates and Tolls by this Act granted and authorized to be taken by the said Company of Proprietors, shall be laid, assessed, and imposed in each Parish respectively, in Proportion to the Length of the said Canal in such respective Parish.

In case of any
Dispute or
Difference
about the
Weight of
Goods, Col-
lectors may
stop and
weigh the
same.

CXIV. And be it further enacted, That if any Difference shall arise between any Collector of the said Tolls, Rates or Duties, and the Master or Person having charge of any Boat, Barge, or other Vessel, or the Owner of any Goods, Wares, Merchandize, or other Commodities on board thereof, concerning the Weight or Quantity of any such Goods, Wares, Merchandize or Commodities, it shall be lawful for any such Collector to stop and detain any such Boat, Barge, or other Vessel, and to weigh, measure and gauge, or cause to be weighed, measured, and gauged all such Goods, Wares, and Merchandize as shall be therein contained, and in case the same shall upon such weighing, measuring, and gauging, appear to be of greater Weight or Quantity than such Master, Owner, or other Person having the Care of such Boat, Barge, or other Vessel, affirmed or stated the same to be, then the said Master, Owner, or other Person having the Care of such Boat, Barge, or other Vessel, shall pay the Costs and Charges of such weighing, measuring and gauging, and such Costs and Charges, in case of Refusal of Payment thereof upon Demand, shall and may be levied and recovered in the same Manner as the said Toll, Rates or Duties are hereby appointed to be levied and recovered; but if such Goods, Wares, and Merchandize shall appear to be of the same Weight or Quantity as or of a less Weight or Quantity than the said Master, Owner, or other Person declared the same to be, then the said Collector shall

shall pay the Costs and Charges of such weighing, measuring or gauging, and shall also pay to such Master or other Person or to the Owner or Owners of such Goods, Wares, Merchandize, and Commodities, such Damages as shall appear to the aforesaid Commissioners, on the Oath of One or more credible Witnesses or Witnesses to have arisen from such Detention; and in Default of immediate Payment thereof by such Collector, the same shall be recovered from the said Company of Proprietors by Distress and Sale of their Goods and Chattels, by Warrant under the Hands and Seals of the said Commissioners, or otherwise by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*.

CXV. And be it further enacted, That all and every Person and Persons shall have free Liberty to use, with Horses, Cattle and Carriages, the private Ways and Roads belonging to the said Company of Proprietors (except the Towing Paths) for the conveying any Goods, Wares, Merchandize, or other Things to and from the said intended Canal and Cut, Rail or Carriage Ways, or Stone Roads respectively, and the Wharfs, Quays, and Landing Places, belonging thereto, and also with Boats, Barges, and other Vessels, Waggon or other Carriages to navigate, pass upon, and use the said Canal and Cut, Rail or Carriage Ways, or Stone Roads respectively, for the Purpose of conveying any Goods, Wares, Merchandize or Commodities whatsoever thereon respectively, and also to use the said Wharfs, Quays, and Landing Places for the loading and unloading of any Goods or other Things, and the said Towing Paths for the Haling and drawing of such Boats, Barges, and other Vessels, and also to pass, repass, travel and go upon the said Rail or Carriage Ways, or Stone Roads, upon Payment of such Rates, Tolls and Duties for the same as shall be demanded by the said Company of Proprietors, not exceeding the several Rates, Tolls and Duties herein-before mentioned, and subject always to the Rules, Orders, Bye-Laws, and Regulations, which shall from Time to Time be made by the Committee of Management, by virtue of the Power herein-before given in that Behalf.

Navigation to be free on Payment of the Tolls.

CXVI. And, for the better regulating of the Masters or Owners of Boats, and the Bargemen and others employed by or under them respectively, and for the more easy detecting of any Thing to be done by them contrary to the Directions of this Act, be it further enacted, That every Owner, Master, or Person having the Charge or Command of any Boat, Barge, or other Vessel (not being a Pleasure Boat) or of any Waggon or other Carriage, navigating and passing upon the said Canal and Cut, Rail or Carriage Ways, or Stone Roads respectively, shall cause his or her Name and Place of Abode, and the Name or Number of his or her Boat, Barge, or other Vessel, Waggon, or other Carriage to be entered with some or one of the Clerks to the said Company of Proprietors, and shall also cause the Name of such Owner or Owners, and the Name or Number of such Boat, Barge or other Vessel, Waggon or other Carriage, to be painted in large White Capital Letters and Figures on a Black Ground Four Inches high, at least, and of a proportionable Breadth, on the Outside of the Head or Stern of every such Boat, Barge or other Vessel, so high that no Part of such Letters or Figures shall be under Water when such Boat, Barge or other Vessel shall be full laden, and on some conspicuous Part of the Outside of every such Waggon or other Carriage; and shall also affix on each Side and End of such Boat, Barge or other Vessel respectively, correct

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

Indexes

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

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

Penalty on Neglect or Refusal.

Indexes of Copper, Lead, or other Metal, of such graduated Dimensions, and of such convenient Height and under such Regulations as the said Company of Proprietors shall from Time to Time direct, so that the true Weight of the Lading on board may at all Times be thereby ascertained and shewn; and that every Owner, Master, or Person having the Charge or Command of any such Boat, Barge or other Vessel, shall from Time to Time, when thereto required, permit and suffer the same to be gauged and measured by such Person or Persons as shall be appointed for that Purpose, by the said Company of Proprietors or their Committee of Management, so that no such Boat, Barge, or other Vessel shall be gauged or measured more than Four Times in any one Year, and that the Person or Persons so to be appointed to gauge and measure any such Boat, Barge or other Vessel, shall from Time to Time register or enter in a Book to be provided and kept for that Purpose, a Memorandum of the Measurement thereof, and all Particulars relating thereto; and shall also thereupon deliver to the Owner, Master, or Person having the Charge or Command of such Boat, Barge or other Vessel, a Certificate in Writing, specifying the Measure thereof, and what Quantity of Water the same will draw, with different Burthens or Ladings, which Certificate shall always go with such Boat, Barge or other Vessel, and shall from Time to Time be produced and shewn by the Owner, Master, or other Person having the Charge or Command thereof, to the several Collectors of the Tolls, Rates and Duties granted by this Act, who shall require or demand to see the same, in order that the true Weight of the Lading on board every such Boat, Barge or other Vessel may be the more easily known and ascertained by such Collectors; and that every Owner, Master, or other Person having the Charge or Command of any Boat, Barge or other Vessel, Waggon or other Carriage, who shall navigate such Boat, Barge or other Vessel upon the said Canal or Cut, or pass with such Waggon or other Carriage upon the said Rail or Carriage Ways, or Stone Roads, without having such Names, Marks and Figures thereon as herein-before directed, or shall alter, erase or destroy the same or any Part thereof, or shall put any false Names, Marks or Figures on such Boat, Barge or other Vessel, Waggon or other Carriage, or who shall refuse to permit such Boat, Barge or other Vessel to be gauged or measured as aforesaid, or who shall not produce such Certificate as aforesaid, when thereto required by any such Collector or Collectors as aforesaid, or who shall give a false Account of the Lading on board of any such Boats, Barges or other Vessels to the said Collectors, or who shall cause or permit such Boat, Barge or other Vessel to be at any Time loaded or unloaded without a Stage being laid from the Side of such Boat, Barge or other Vessel to the Bank of the said Canal or Cut respectively, in order to prevent any Dirt or Rubbish falling into the same, shall for every such Offence respectively forfeit and pay the Sum of Five Pounds.

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

CXVII. And be it further enacted, That the Master or Owner of every Boat, Barge or other Vessel, Waggon or other Carriage, navigating or passing upon the said Canal and Cut, Rail or Carriage Ways, or Stone Roads respectively, shall be, and he is hereby made answerable for all such Damage, Spoil or Mischief as shall be done by his Boat, Barge or Vessel, Waggon or other Carriage, or the Horses used in drawing the same, or by any of the Boatmen, Watermen, Waggoners or others belonging to, or employed in or about the same respectively, unto any of the Bridges, Weirs, Locks, Dams, Engines, Trenches, Sluices, or other Works in, upon, or

or belonging to the said Canal and Cut, Rail or Carriage Ways, or Stone Roads respectively, either by loading or unloading any such Boat, Barge or other Vessel, Waggon or other Carriage, or by any other Means whatsoever; or to the Owners or Occupiers of any Buildings, Lands or Tenements adjoining or lying near the said Canal and Cut, Rail or Carriage Ways, or Stone Roads respectively, or to any of them; and the said Master or Owner of such Boat, Barge or other Vessel, Waggon or other Carriage, may be sued or prosecuted for the same in any of His Majesty's Courts of Record at *Westminster*; and if a Verdict or Judgement shall be given against him, either on Proof made, or by Default, or upon Demurrer, the Plaintiff in any such Case shall recover his Damages thereby sustained with full Costs of Suit.

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

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

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

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

CXX. And be it further enacted, That if any Lock-Keeper, Wharfinger, or other Servant belonging to the said Company of Proprietors, shall give any undue Preference or shew any Partiality to any Boat, Barge, or other Vessel in passing through any Lock or Locks upon the said Canal or Cut, or in loading or unloading any Goods, Wares, or Merchandize at any of the Wharfs, Warehouses, Weigh Beams, Cranes, and other Machines belonging to the said Company of Proprietors, he shall forfeit and pay for every such Offence the Sum of Ten Pounds.

To prevent Lock-keepers giving any Preference to Boats.

[*Loc. & Per.*]

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CXXI. Provided

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

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

Two Boats
may pass
Locks toge-
ther in certain
Cases.

CXXII. Provided always, and be it further enacted, That it shall be lawful for Two or more Boats, Barges, or other Vessels, constructed so as to be admitted at the same Time into, and to pass through any of the Locks to be made by virtue of this Act, and capable of carrying together Thirty Tons or more, to pass any of the said Locks, upon a Tonnage being paid for the Quantity of Coals, or other Goods, Wares, or Merchandize on board such Boats, Barges, or other Vessels, so as such Quantity be not less than Twenty Tons.

Boats, &c.
obstructing
the Naviga-
tion to be
removed.

CXXIII. And be it further enacted, That if any Boat, Barge, or Vessel shall be placed in any Part of the said Canal or Cut, or of the Trenches, Sluices, or Passages belonging thereto, so as to obstruct the Navigation or Passage thereon, and the Person having the Care of such Boat, Barge, or Vessel shall not immediately remove the same, or alter the Position thereof, upon Request made for that Purpose, he shall for every such Offence forfeit a Sum not exceeding Ten Shillings, and shall moreover forfeit a Sum not exceeding Four Shillings for every Hour during which such Obstruction shall continue after such Request for Removal thereof shall be made as aforesaid; and that it shall be lawful for any of the Collectors, Agents, or Servants of the said Company of Proprietors, to cause any such Boat, Barge, or other Vessel to be unladen, if necessary, and to be removed in such Manner as shall be requisite for preventing any further Obstruction therefrom; and to seize and detain such Boat, Barge, or other Vessel, and the Lading thereof, or any Part of such Lading, until the said Penalty or Penalties, and the Charges of such Unlading and Removal shall be paid; and that if any Boat, Barge, or other Vessel shall be sunk in any Part of the said Canal or Cut, and the Owner or Owners or Persons having the Care of such Boat, Barge, or Vessel, shall not without Loss of Time weigh or draw up the same, it shall be lawful for the Agents or Servants of the said Company of Proprietors, or any of them, to cause such Boat, Barge, or Vessel to be weighed or drawn up, and to detain and keep the same until Payment shall be made of all the Expences thereby necessarily incurred or occasioned.

Boats sunk to
be weighed
up.

Company
empowered to
use or em-
ploy Pleasure
Boats for
Hire.

CXXIV. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby fully authorized and empowered from Time to Time and at all Times for ever hereafter for their Use and Benefit, to navigate, use, and employ, or cause, procure, permit, or suffer to be navigated, used, and employed on the said Canal and Cut respectively, any Pleasure Boats, Barges, or other Vessels, for the Purpose of taking, carrying, or conveying any Person or Persons for Hire, to and from any Part or Parts of the said Canal or Cut respectively, at such Price or Fare for the Passage of such Person or Persons as the said Company of Proprietors assembled at any such General Meeting, to be called

and held in Manner aforesaid, or their Committee of Management for the Time being, shall think proper to levy upon or charge for the same, and from Time to Time to vary or alter such Price or Fare as they shall or may deem expedient or necessary.

CXXV. Provided always, and be it further enacted, That in case any Person or Persons shall navigate, use, or employ any Boat, Barge, or other Vessel in or upon the said Canal and Cut respectively, or any Part thereof, for Pleasure, Hire, or otherwise, (save and except such as are herein mentioned for the Purpose of conveying Goods and Merchandize thereon, and also except such as is immediately herein-after described) without the Licence and Consent in Writing of the said Company of Proprietors, or their Committee of Management for the Time being, first had and obtained for that Purpose, every Person so offending shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

No Boats to be used on Canal and Cut for Pleasure or otherwise, without Company's Consent.

CXXVI. Provided always, and be it further enacted, That it shall be lawful for the respective Owners and Occupiers of any Lands or Grounds adjoining the said Canal and Cut respectively, to use upon the same any Pleasure Boats, or any Boat for the Purpose of Husbandry only, or for the conveying of Cattle or Manure from any Farm or Land to any other Farms or Lands of the same Owner or Occupier, without any Interruption from the said Company of Proprietors, or any Persons acting under them, and without paying any Rate, Toll, or Duty for the same, so as such Boats be not above Five Feet in Breadth and Twelve Feet in Length, and do not pass through any Lock or Stop-gate to be made on the said Canal or Cut respectively, and be not employed in carrying any Goods, Wares, or Merchandize to Market or for Sale, or any Person or Persons for Hire, and so as the same do not obstruct or prejudice the Navigation of the said Canal or Cut, or the Passage upon the Towing Paths on the Sides thereof, and so that the respective Owners of all such Pleasure Boats or Husbandry Boats, shall in their own Lands make convenient Places for such Boats to lie in, and shall not suffer the same to be moored or remain upon the said Canal or Cut.

Owners and Occupiers of Lands may use Pleasure and Husbandry Boats free of Rates.

CXXVII. And be it further enacted, That as soon as conveniently may be after the said Canal and Cut, Rail or Carriage-ways, or Stone Roads respectively, hereby authorized to be made as aforesaid, shall be completed, the said Company of Proprietors shall cause the same to be measured, and Stones or Posts to be erected and for ever afterwards maintained, on the Side or Sides thereof respectively, at the Distance of Half a Mile from each other, with proper and legible Marks thereon, denoting the Distance from such Places as shall be thought proper.

Canal to be measured, and Stones erected every Half Mile.

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

Commissioners of Sewers Jurisdiction not to be taken away or prevented except in certain Cases.

CXXIX. And

Company to affix Chains to Swivel or Draw-bridges.

CXXIX. And be it further enacted, That the said Company of Proprietors shall and they are hereby required to affix a Chain to each Swivel Bridge or Draw Bridge which shall be laid over or across the said Canal or Cut, so as to extend across the Bottom of the Canal and Cut respectively to the opposite Bank, and be affixed to such opposite Bank to enable Persons to shut such Swivel Bridges and Draw Bridges when necessary.

Penalties on Persons floating Timber on Canal, or otherwise obstructing the Navigation.

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

And Persons throwing Ballast or Rubbish into Canal.

Penalty on Persons opening Locks, &c. and wasting Water, &c.

Penalty on Persons wilfully damaging the Canal.

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

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

CXXXII. Provided always, and be it further enacted, That it shall not be lawful for the said Company of Proprietors, their Successors or Assigns, to restrain, hinder, or prevent any Person or Persons, or Bodies Politic, Corporate, or Collegiate, from making any Canals, Cuts, or Rail Roads from his, her, or their Lands or Estates, to communicate with the said Canal, Cut, or Works authorized to be made by virtue of this Act, so that the same Canals, Cuts, or Works shall be so made and constructed so as not to do or occasion any Injury or Damage whatsoever to the Canal, Cut, Banks, Towing Paths, and other Works to be made by the said Company of Proprietors, by virtue of the Powers and Authorities herein-before contained and

and granted for that Purpose; any Thing in this Act to the contrary thereof notwithstanding.

CXXXIII. And be it further enacted, That it shall be lawful for the Lord or Lords, Owner or Owners of any Manor, Lands, or Grounds through which the said intended Canal and Cut shall be made, to make, erect, and set up, either for his, her, or their own private Use, or for the Use of the Public, any Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouses, in or upon his, her, or their respective Wastes, Lands, or Grounds adjoining or near to the said Canal, Cut, or River respectively, and to make and lay out proper Ways and Roads to the same, across any Lands belonging to the said Company of Proprietors, and to land any Goods or other Things upon such Wharfs, Quays, or Landing Places, or upon the Banks lying between the same and the said Canal, Cut, or River respectively; and also to make and use proper and convenient Places for Boats, Barges, and other Vessels to lie and turn in and pass each other, so that the making or using thereof respectively do not obstruct or prejudice the Navigation of the said Canal or Cut respectively, or the Passage on the Towing Paths on the Sides thereof, and that all Rates or Tolls which shall be demanded and paid for the Use of such of the said Wharfs, Quays, Landing Places, Cranes, Weigh Beams, and Warehouses respectively, as shall be erected for the Use of the Public, shall be and the same are hereby accordingly vested in the Lord or Lords, Owner or Owners of such Manors, Lands, or Grounds, who shall make and erect such Wharfs, Quays, Landing Places, Cranes, Weigh Beams, and Warehouses as aforesaid, and his, her, or their respective Heirs or Assigns, so that the Rates, Tolls, and Duties hereby granted to the said Company of Proprietors for Tonnage be not thereby reduced or altered.

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

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

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

[*Loc. & Per.*]

14 K

CXXXV. Provided

Regulations
respecting
Private
Wharfs.

CXXXV. Provided always, That nothing herein contained shall authorize or empower the said Company of Proprietors, or any other Person or Persons, to make use of any Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouses, which shall be made, erected, or set up by the Lord or Lords, Owner or Owners of any Manor, Lands, or Grounds adjoining or near to the said Canal and Cut respectively, for his, her, or their own private Use only, or to erect or set up any Cranes or Weighing Machines in or upon any such private Wharfs, Quays, or Landing Places, without the Consent of such Lord or Lords, Owner or Owners, and that no more than the Sum of Three-pence *per* Ton shall be demanded or taken by any such Lord or Lords, Owner or Owners, who shall make, erect, or build any such Wharfs, Quays, or Landing Places, and make or lay out any such Roads for the Use of the Public as aforesaid, for the Wharfage of any Coals, Culm, Limestone, Clay, Iron, Iron Stone, Lead Ore, or any other Ores, Timber, Stone, Bricks, Tiles, Slates, Gravel, Hay, Straw, Corn in the Straw, or Manure whatsoever, which shall be placed upon any such Wharfs or Quays, and continue thereupon for any Time not exceeding Twenty-eight Days, or more than Two-pence *per* Ton for the Wharfage of any other Goods, Wares, Merchandize, or Commodities whatsoever, which shall be placed upon any such Wharfs or Quays, or continue thereon for any Time not exceeding Six Days; but if any of the Articles before specified, or any other Goods, Wares, Merchandize, or Commodities, shall be left and remain upon any such Wharfs or Quays for any Time over and above the Time limited for the same respectively, then the Owner or Owners thereof shall pay to the Proprietors of such Wharfs, Quays, or Landing Places respectively, the further Sum of One Penny *per* Ton for every Day which the same shall remain upon such Wharfs or Quays, after the Expiration of the Times before limited for the same respectively.

Right of
Fishery re-
served to
Lords of
Manors, &c.

CXXXVI. And be it further enacted, That the Lord or Lords, or Owner or Owners of all and every Manor or Manors, through which the said Canal and Cut shall be made, shall have and be entitled to the several and exclusive Right of Fishery, of and in so much of the said Canal and Cut respectively, as shall be made through the Common or Waste Lands within his, her, or their Manor or Manors respectively, or through any other Lands or Grounds lying within such Manor or Manors, wherein such Lord or Lords, Owner or Owners now have or hath, or are or is entitled to the Right of Fishery in the Pits, Ponds, and Waters, now being in such last mentioned Lands or Grounds respectively; and that the Owner or Owners of all other Lands or Grounds, through which the said Canal and Cut respectively shall be made, shall also have and be entitled to the like Right of Fishery of and in so much of the said Canal and Cut respectively, as shall be made through his, her, or their Lands or Grounds, so as in the Use and Exercise of any such Right of Fishery as aforesaid, the said Canal and Cut respectively, or the Towing Paths, Banks, or other Works and Conveniences hereby authorized to be made, shall not be prejudiced or obstructed, or any Water drained or exhausted from or out of the said Canal or Cut, and so as the said Company of Proprietors or their Agents, Servants, or Workmen, or any of them, shall not be liable to any Penalty, Action, or Prosecution, for or by Reason of the taking or destroying of any such Fish in the said Canal or Cut, which shall be taken, killed, or destroyed, through or by Means of the necessary letting off the Water out
of

of the same respectively, for and on account of any Repairs or Works to be done in or about the same.

CXXXVII. Provided always, and be it further enacted, That nothing in this Act contained shall be construed or adjudged to defeat, lessen, or prejudice the Right, Title, or Interest of the Owner or Owners, Proprietor or Proprietors of any of the Lands or Grounds to be taken or used by the said Company of Proprietors for the Purposes of this Act, of, in, or to any Mines or Minerals within or under the same; but that each and every such Owner or Proprietor shall and may, from Time to Time, and at all Times hereafter, have, hold, work, and enjoy all Mines and Minerals within or under such Lands or Grounds, in such and the like Manner as if this Act had not been made; provided that no Damage shall be thereby done to the said Canal or Cut, Rail or Carriage Ways, or Stone Roads respectively, or to the Works of the said Company, or any Part thereof.

Saving
Mines, &c.
to Owners of
Lands.

CXXXVIII. And whereas by an Act passed in the Tenth and Eleventh Years of the Reign of His Majesty King *William* the Third, intituled *An Act for making and keeping the River Tone navigable from Bridgewater to Taunton in the County of Somerset*, certain Persons therein named, and their Successors, were thereby appointed Conservators of the said River, and certain Powers were thereby given and granted to them for making and keeping the same River navigable, and other Purposes therein mentioned; and it was thereby enacted, That the Surplus of what should be received or arise from the Tolls or Rates thereby directed to be levied and collected (after making and keeping the same River navigable, and reimbursing the said Conservators the principal Money they had or should lay out with Interest as therein mentioned), should be by the said Conservators employed and disposed of for the only Use, Benefit, and Advantage of the Poor of the said Town of *Taunton*, and the Parishes of *Taunton Saint Mary Magdalen* and *Taunton Saint James*, in the said County of *Somerset*, who were thereby empowered and authorized to lay out and dispose of the same in building One or more Hospital or Hospitals, or otherwise, from Time to Time, according to their best Discretions, for the better educating and maintaining such poor Children as were or should become chargeable to the Town and Parishes aforesaid; and such Hospital or Hospitals, when built, should be governed and regulated by such Persons, Rules, and Orders, as should be appointed, given, and made from Time to Time by the said Conservators for the Time being, so as such Rules and Orders be first approved by the Judges of Assize and *Nisi Prius* for the said County of *Somerset*, or One of them: And whereas by an Act passed in the Sixth Year of the Reign of Her late Majesty Queen *Anne*, intituled *An Act for the more effectual making and keeping the River Tone navigable from Bridgewater to Taunton, in the County of Somerset*, certain additional Tolls were granted to the said Conservators, and they were thereby directed to account for and apply the same in like Manner as was mentioned in the said first recited Act with respect to the Tolls thereby granted: And whereas another Act was passed in the Forty-fourth Year of His present Majesty King *George*, intituled *An Act for explaining and amending Two Acts passed in the Tenth and Eleventh Years of King William the Third, and the Sixth Year of Queen Anne, for making and keeping navigable the River Tone from Bridgewater to Taunton, in the County of Somerset*: And whereas the making of the said Canal and other Works authorized to be made by virtue of this Act, will be very

Recital of
River Tone
Acts.

Company au-
thorized to
purchase
Conservators
Interest, &c.

Also to agree
with the
Overseers of
the Poor of
Taunton for
their Interest,
&c.

prejudicial to the Tolls authorized to be levied and collected by the said recited Acts from the *Tone* Navigation; be it therefore enacted, That the said Company of Proprietors shall, and they are hereby authorized and required, within Three Calendar Months next after the passing of this Act, to contract and agree with the Conservators of the said River *Tone* Navigation, and other Persons, Proprietors of Shares or Parts of Shares, or otherwise interested therein, for the absolute Purchase of their several and respective Estates, Rights, and Interests in and to the same; and also to contract and agree with the Overseers of the Poor for the Time being of the said Town of *Taunton*, and the said several Parishes of *Taunton Saint Mary Magdalen* and *Taunton Saint James* aforesaid, for the absolute Purchase of the respective Estates, Rights, and Interests of the said Town and Parishes, under and by virtue of the said recited Acts, or any of them; and in case any Dispute shall arise touching the Monies to be paid for any such Purchase, or any Matter or Thing in any wise relating thereto, then the same shall be submitted to a Jury, to be determined in such and the like Manner as the Purchase Monies of any Lands or Grounds directed to be purchased or taken by virtue of this Act shall be determined, in case any Dispute shall arise about the same.

Company
afterwards to
maintain the
Tone out of
Tolls received
therefrom.

CXXXIX. And be it further enacted, That the said Navigation, when so purchased, shall from Time to Time, and at all Times thereafter, be maintained and supported by the said Company of Proprietors, by and out of the Tolls from Time to Time received by them on the Line of such Navigation; and that the Surplus of such Tolls shall, after such Application, be from Time to Time applied and disposed of as directed by the said recited Acts, (save and except the Rights and Interests of such Person and Persons as are directed to be purchased, and intended to be barred by virtue of this Act.)

Company to
enjoy the
same Powers
of supporting
the said Navi-
gation as the
said Confer-
vators.

CXL. And be it further enacted, That the said Company of Proprietors shall, after such Purchase shall be so made as aforesaid, have, use, and enjoy such and the like Powers of maintaining and supporting the said Navigation, and shall be subject to such and the same Rules, Regulations, Penalties, and Forfeitures, as the said Conservators and other Persons, Proprietors of Shares or Parts of Shares, or otherwise interested therein, have and enjoy, and are subject and liable to, under and by virtue of the said recited Acts, or any of them.

Mode of
rating Lands
and Buildings.

CLXI. And be it further enacted, That the Lands, Dwelling Houses, Wharfs, Warehouses, Lock Houses, and other Houses of and belonging to the said Company, shall be rateable and chargeable to the Maintenance of the Poor, and to all other Parochial Rates and Taxes in the several Parishes and Places where they are respectively situated, the Lands according to the Quantity and Quality, and the Dwelling Houses, Wharfs, Warehouses, Lock Houses, and other Houses, according to the Nature and respective Uses, Dimensions, and Descriptions thereof, and shall be charged and assessed in like Manner as Lands of a like Quality, and Dwelling Houses, Wharfs, Warehouses, Lock Houses, and other Houses of a like and similar Size, Nature, Dimension, or Description in the respective Parishes where the same shall be situate, are or shall be assessed and charged; and that the Rates, Duties, and other Personal Property of the said Company liable to be rated to the Poor or other parochial Taxes in any such Parishes

Parishes or Places, shall be rated and assessed in like Manner and in the same Proportion as other Personal Property rateable in the said Parishes and Places respectively shall be rated and assessed, and according to the Length of the Line of the said Navigation in such respective Parishes and Places, and not otherwise, or in any other Manner; provided that before such Personal Property shall be rated, Ten Days Notice shall be given in Writing to, or left at the Dwelling House or usual Place of Abode of the Treasurer or Clerk, or any other Officer of the said Company residing in the Parish or Place where such Rate shall be intended to be made, by the respective Overseers of the Poor, of the Intention so to do.

CXLII. And be it further enacted, That all Complaints and Informations of Offences against this Act, or any Rule, Order, or Bye Law to be made in pursuance hereof (except in Cases where the Manner of hearing and determining thereof is herein-before otherwise directed) shall and may be made before any Justice of the Peace for the County or Place wherein the Offence shall be committed; and such Justice is hereby authorized and empowered to take cognizance thereof, and to summon the Person or Persons complained of to appear before him, and upon the appearing or not appearing of such Person or Persons pursuant to such Summons, to hear the Matter of every such Complaint and Information by Examination of any Witness upon Oath, and to make such Determination therein as such Justice shall think proper, and upon the Conviction of any such Person, such Justice shall and may issue a Warrant under his Hand and Seal for levying the Fine, Penalty, or Forfeiture by virtue of this Act imposed for such Offence, by Distress and Sale of the Goods and Chattels of the Person so convicted, and all such Fines, Penalties, and Forfeitures, when recovered, after rendering the Overplus (if any) when demanded, to the Owner of such Goods and Chattels, the Charges of such Distress and Sale being first deducted, shall (where the Application is not otherwise directed by this Act) be paid into the Hands of the Treasurer to the said Company of Proprietors, and shall be applied and disposed of towards defraying the Expences of the said Navigation and Undertaking; and in case sufficient Goods or Chattels of any Person liable to pay any such Fine, Penalty, or Forfeiture cannot be found, whereon to make such Distress, and such Fine, Penalty, or Forfeiture shall not be forthwith paid, it shall be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Offender to the Common Gaol or House of Correction, for any Time not exceeding Two Calendar Months, unless such Penalty or Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

Recovery of Penalties.

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

Form of Conviction.

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

[*Loc. & Per.*]

14 L

CXLIV. And

Person taking
a Distress
irregularly
not to be
deemed Tres-
passers *ab*
initio.

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

Proceedings
not to be
quashed for
Want of
Form.

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

Appeal given
to the Quarter
Sessions.

CXLVI. Provided always, and be it further enacted, That any Person or Persons thinking himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of any Rule, Bye-Law, or Order of the said Company of Proprietors, or by the Order or Determination of any Justice or Justices of the Peace, in pursuance of this Act, may, within Six Calendar Months after such Order shall be made or given, upon giving or causing to be given Fourteen Days Notice at least in Writing of his or her Intention of bringing such Appeal and of the Matter thereof, to the Clerk to the Company, and forthwith after such Notice entering into a Recognizance before Two Justices of the Peace for the said County, with Two sufficient Sureties conditioned to try such Appeal and abide the Order thereon, and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions, appeal to the Justices of the Peace at the General Quarter Sessions of the Peace to be held in and for the said County of *Somerset*, who shall, in a summary Way, hear and determine such Complaint at such General Quarter Sessions of the Peace, to be held for such County, or, if they think proper, adjourn the Hearing thereof to the next General Quarter Sessions of the Peace to be held for the said County, and if they see Cause, may mitigate any Forfeiture or Fine, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye-Law, Order or Determination, and shall and may also award such further Satisfaction to be made to the Party injured, as they shall judge reasonable.

Limitation of
Actions.

CXLVII. And be it further enacted, That if any Action, Suit, or Information shall be brought or commenced by any Person or Persons for any Thing done or to be done in pursuance of this Act, or in Execution of the Powers and Authorities, or the Orders and Directions herein-before given or granted, every such Suit or Information shall be brought or commenced within Six Calendar Months next after the Fact committed, or in case there shall be a Continuation of Damages, then within Six Calendar Months next after the doing or committing of such Damage shall have ceased and not afterwards, and shall be laid or brought in the said County of *Somerset*, and not elsewhere, and the Defendant or Defendants in such Action or Suit, shall and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had there-
upon,

General Issue.

upon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, or if any Action, Suit, or Information shall be brought after the Time so limited for bringing the same, or shall be brought in any other County than as aforesaid, then and in such Case the Jury shall find for the Defendant or Defendants; and in such Case also, or if the Plaintiff or Plaintiffs shall become nonsuit, or suffer a Discontinuance of his or their Action or Actions, Suit or Information, after the Defendant or Defendants shall have appeared thereto, or if any Verdict shall pass upon the Plaintiff or Plaintiffs, or if upon Demurrer or otherwise Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for the Recovery of the same, as any Defendant or Defendants hath or have for Costs in other Cases by Law. Treble Costs.

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

THE SCHEDULE

Of Buildings to be taken down, and Gardens, Orchards, and Yards to be cut through, referred to by the foregoing Act.

In what Parish.	Description.	Owners.	Occupiers.
Yatton	Orchard	Christopher Young	Himself
Ditto	Orchard	Ditto	Ditto.
Ditto	Orchard and Sheds	Ditto	Ditto.
Ditto	Orchard	Maurice Gregory	Himself.
East Brent	Orchard	George Symmons, Esq.	John Baker.
South Brent	House and Orchard	Gabriel Stone, Esq.	Himself.
Burnham	Orchard	Henry Clothier, Esq.	Himself.
Ditto	Ditto	James Blew	F. Hawkins.
Huntspill	House and Garden	G. Gatcombe	Himself, or J. Day.
Ditto	Orchard and Garden	James Tudhall	Himself.
Bridgwater	Dock Yard, &c.	John Trott, under the Corporation of Bridgwater	Thomas Williams.
Ditto	The Bowling Green	Corporation of Bridgwater	Themselves.
Ditto	Globe Inn	John Harvey, Esq.	George Hartnall.
Ditto	Garden	Thomas Hellier	Himself.
Ditto	Ditto	Robert Tuttle	Mr. Govier.
Ditto	Ditto	William Campbell	William Baker.
Ditto	Malt House	John Gibbs	Himself.
Ditto	Garden	Doctor Dunning	William Read.
Ditto	Ditto	Mrs. Durston	Grabham.
Ditto	Ditto	Ditto	Edward Bryant.
Ditto	Ditto	Henry Hollaway	Himself.
Ditto	Ditto	Thomas Danger	Andrews.
Ditto	Brick Yard	William Axford	Himself.
Ditto	Orchard	John Follet, Esq.	William Wallis.
Ditto	Ditto	Ditto	Ditto.
Ditto	Ditto	Ditto	Ditto.
Ditto	Cottage and Garden	Mr. Hayter	Dibble.
Ditto	Orchard	Thomas Allen	John Turner.
Ditto	Ditto	Ditto	Ditto.
Ditto	Ditto	Ditto	Ditto.
Ditto	Cottage and Garden	Ditto	Thomas Elbury.
North Petherton	Orchard	Daniel Bowyer	William Turners.
Ditto	Ditto	Mrs. Hawks	Robert Lindon.
Ditto	Ditto	William Gatcombe, Leasehold, under W. H. Portman, Esq.	William Gatcombe.
Ditto	Garden and Orchard	William Lecky, Leaseholder, under ditto	W. Lecky.
Ditto	Orchard	Richard Hearne, Leasehold, under ditto	Richard Hearne.
Ditto	Ditto	Thomas Porch, Leasehold, under Church of Wells	Mr. Bult.
Ditto	Ditto	Mr. Gatcombe, Leasehold, under Sir T. D. Acland, Bart.	Mr. Bowyer.
Ditto	Ditto	Richard Rogers, Leasehold, under John Slade, Esq.	Richard Rogers.
Ditto	Ditto	John Slade, Esq.	William Hofman.
Ditto	Ditto	Ditto	Ditto.
Ditto	Ditto	J. D. Parsons, Esq.	George Parsons.
Ditto	Ditto	Ditto	Ditto.
Ditto	Ditto	William Jeans	Richard Stacey.
East Ling	Ditto	William Wood	Channing.
Durston	Ditto	Thomas Gray, Esq.	John Abrahams.
Creech Saint Michael	Ditto	Richard Bullen	Ditto.
Ditto	Ditto	Ditto	Ditto.
Ditto	Ditto	George Coombe	Mary Fawne.
Ditto	Ditto	Ditto	Ditto.
Ditto	Ditto	Thomas Dyer	Himself.
Ditto	Ditto	Mrs. Elizabeth Burridge	Joseph Shallis.
Ditto	Garden and Orchard	Thomas Albin	Lead.
Ditto	Orchard	Miss Anderdon	William Dyer.
Ditto	Ditto	James Philpott	Himself.
Ditto	Ditto	Jonathan Warre	Mrs. Savidge.
Ditto	Ditto	Mrs. E. Burridge	Joseph Shallis.
West Monkton	Ditto	Culverwell	Himself.
Ditto	Ditto	Rev. Francis Warre	Richard Bunter.
Ditto	Ditto	Mr. Alford	Edward Bawler.
Taunton Saint James	Orchard	John Rowfwell	Himself.