



ANNO QUINQUAGESIMO QUARTO

GEORGI II. REGIS.

Cap. 98.

An Act for making and maintaining a Navigable Canal from *Newport Pagnell* to *The Grand Junction Canal*, at *Great Linford*, in the County of *Buckingham*. [17th June 1814.]

WHEREAS the making and maintaining a Navigable Cut or Canal for Boats, Barges, and other Vessels, from the Town of *Newport Pagnell*, in the County of *Buckingham*, to join *The Grand Junction Canal* at *Great Linford*, in the same County, will greatly facilitate, and render less expensive the Conveyance of all Kinds of Goods, Wares, and Merchandize, to and from the Town of *Newport Pagnell* aforesaid, and the several Parishes and Places near thereto, and the Port of *London*, as well as several considerable Manufacturing Towns and Collieries within that Part of the United Kingdom called *England*, and will otherwise be of public Utility; but as such Canal cannot be made without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *John Allbright, William Bateman, Abraham Barratt, Thomas Battams, Thomas Warrener Bazeley, James Berks, Samuel Townley Blundell, John Buckby, the Reverend Thomas Palmer* Proprietors.
[Loc. & Per.] 19 R

Proprietors
united into a
Company for
the Purposes
of this Act.

*Palmer Bull, Charlotte Beaty, the Reverend Richard Cautley, John Chibnall, John Coles, William Clarke, Joseph Conquest, the Reverend Edward Cooke, Joseph Cripps, Joseph Elkins, the Reverend Thomas Fry, Edmund Goodwin, John Gore, George Hale, Richard Hale, James Hall, Isaac Henley Handscombe, Charles Marius Hardy, William Hervey, Richard Higgins, Bartholomew Higgins, Ann Hollingworth, John Hooton, William Keep, John Keep, Thomas Kilpin, William Barker Kilpin, the Reverend Charles Kipling, William Levi, William Selby Lowndes, Henry Meadows, John Millard, William Nash, John Neall, George Osborn, James Pike, Charles Pinfold, John Poynter, Luke Price, Charles Redden, Joseph Redden, John Richards, John Rogers, George Rose, Robert Rose, Robert Shedden, George Simcox, William Stapleton, Thomas Tandy, John Todd, John Walker, the Reverend Joseph Ward, John Williams, John Williams the younger, Robert Williatt, John Wilson, the Reverend James Suttell Wood, Edward Allen Worley, George Jacob Wynter, William Yates, 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 and Undertaking hereby authorized to be made, 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 accordingly united into a Company, for making, completing, and maintaining the said intended Navigable Cut or Canal for Boats, Barges, and other Vessels, according to the Rules, Orders, and Directions herein-after expressed, and for that Purpose are and shall be one Body Politic and Corporate, by the Name of *The Company of Proprietors of the Newport Pagnell Canal*, and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued, and shall also have full Power and Authority to purchase and hold Lands, Tenements and Hereditaments, to them, their Successors and Assigns, for the Use of the said Navigation and 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 hereby incorporated, and they are hereby fully authorized and empowered, from and after the passing of this Act, by themselves, or by their Deputies, Agents, Officers, Workmen or Servants, to make and maintain a Cut or Canal, to be called *The Newport Pagnell Canal*, and to be navigable and passable for Boats, Barges, and other Vessels, from and out of *The Grand Junction Canal* in the Parish of *Great Linford* aforesaid, in a certain Close or Piece of Pasture there, commonly called or known by the Name of *The Great Marsh*, into and through the several Parishes, Townships, Hamlets, or Places of *Great Linford* and *Newport Pagnell* aforesaid, to or near the Town of *Newport Pagnell*, at a Place there, commonly called or known by the Name of *The Green*; and to supply the said intended Canal at all Times for ever, after the same shall have been made and completed, with Water; from such Brooks, Springs, Streams, Ponds, Rivers, Rivulets, Waters and Watercourses, which shall flow or be found in digging or making the said Canal, or within the Distance of One hundred Yards from any Part of the said Canal, or from any Reservoir or Reservoirs which shall belong thereto; and also to erect, make and maintain, at, upon, in, to, or through such Place or Places, such Fire or Steam Engines or other Machines, and such Reservoirs for supplying with Water the said Canal, or any Part or Parts thereof, or any Mill which may be affected*

in

in consequence of this Act, and also such and so many Soughs, Funnels, Archways, Feeders, Aqueducts, and Channels for supplying the said Fire or Steam Engines, Reservoirs, Canal, and Mills with Water, and for conveying Water from such Reservoirs to the said Canal, as by the said Company of Proprietors hereby incorporated shall be deemed necessary and proper; and also to supply with Water such last-mentioned Feeders and Aqueducts from all the Brooks, Streams, Springs, Rivulets, Waters and Watercourses, which are or shall be found in, under, or upon any Commons or Wastes situate in either of the said Parishes of *Great Linford* and *Newport Pagnell*; and to make such proper Trenches or Passages for Water in, upon, or through the Lands or Grounds adjoining or near to the said Canal, as the said Company of Proprietors hereby incorporated shall think fit; and for the Purposes aforesaid the said Company of Proprietors hereby incorporated, their Deputies, Servants, Agents and Workmen, are hereby authorized and empowered to enter into and upon the Lands and Grounds of 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 Parts thereof as they shall think necessary and proper for making the said Canal, and all such other Works, Matters, and Conveniences as they shall think proper and necessary for effecting, preserving, improving, completing, maintaining, and easy using the said Canal and other Works; and also to bore, dig, cut, trench, sough, get, take, remove, carry away, and lay Earth, Clay, Stone, Soil, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters or Things which may be dug or got in making the said Canal, Feeders, Aqueducts, or other Works, or out of the Lands and Grounds of any Person or Persons adjoining or lying convenient thereto, and which may be proper, requisite, or necessary for making, carrying or continuing, maintaining or repairing, the said Canal or other Works, or which may hinder, prevent, or obstruct the making, using or completing, extending or maintaining, the same respectively, or in making, using, extending, completing, and maintaining of such Feeders, Trenches, Tunnels, Archways, Passages, Aqueducts, and Watercourses, as shall be necessary and proper to convey Water to and from the said Canal, according to the true Intent and Meaning of this Act; and to make, build, erect, and set up, in or upon the said Canal, or upon the Lands adjoining the same respectively, such and so many Bridges, Piers, Arches, Tunnels, Aqueducts, Sluices, Floodgates, Weirs, Piers for Water, Water Tanks, Dams, Wharfs, Quays, Houses, Warehouses, Toll Houses, Watch Houses, Landing Places, Weighing Beams and Cranes, Fire Engines or other Machines, Dry Docks, Basins, and other Works, Ways, Roads and Conveniences, as and where the said Company of Proprietors hereby incorporated shall think necessary and convenient; and also from Time to Time to alter, repair and amend, or discontinue the same, and to divert, alter, widen, enlarge and extend, or discontinue any Bridges, Ways, Roads, Passages or Conveniences, as well for the carrying and conveying of Coals, Stones, and other Minerals, Goods, Wares, Merchandizes and other Articles, to and from the said Canal, or for the carrying and conveying of all Manner of Materials necessary for the erecting, making, finishing, altering, repairing, maintaining, amending, widening, or enlarging the said Canal and the Works of or belonging to the said Navigation and Undertaking, or useful for any Purpose therein; and also to place, lay, work, or manufacture the said Materials on the Grounds adjoining to the Place or Places where

where the said Works, or any of them, shall be or are intended to be made, erected, repaired or done; and also to make, maintain, repair, and alter any Fences or Passages over, under, or through the said Canal, or the Tunnels, Archways, Aqueducts, Soughs, Trenches, Passages, Feeders, Watercourses and Sluices respectively, which shall communicate therewith; and also to make, set out, and appoint such Towingpaths, Banks, Roads and Ways, convenient for towing, haling or drawing Boats, Barges, and other Vessels passing upon the said Canal and Trenches, with Men, Horses, or otherwise, and proper Places for Boats, and other Vessels navigated upon the said Canal and Trenches, to turn, lie, or pass each other, as they the said Company of Proprietors shall think convenient; and also to excavate the Land and Ground on the South or South-west Side of the said Grand Junction Canal, immediately opposite to the Point where the Canal hereby authorized to be made shall enter and communicate with the said Grand Junction, so as to make a convenient turning for all Boats, Barges, and other Vessels intended to be navigated to or towards or from *Newport Pagnell*, into and out of the said Grand Junction Canal, as they the said Company of Proprietors shall see convenient and necessary; and to make such Roads and Ways as the said Company of Proprietors shall find necessary and expedient for the Use and Accommodation of the Owners or Occupiers of any such Lands and Grounds as shall be cut through, separated or divided, or otherwise affected, by or by which the Use or Occupation shall be obstructed or rendered inconvenient in consequence of making the said Canal, or by making or building Wharfs, Quays, Houses, Warehouses, Toll Houses or other Buildings, or by making and using Landing Places contiguous or near thereto, or by making Sluices, Floodgates, Weirs, Pens for Water, Water Tanks or Dams, for the Use of the said Canal; and to construct, erect, make, and do all other Matters and Things which they shall think convenient and necessary for the making, effecting, extending, preserving, improving, completing, and easy using of the said Canal and other Works, in pursuance of and according to the true Intent and Meaning of this Act; they the said Company of Proprietors hereby incorporated, their Deputies, Agents, Servants, and Workmen doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and making Satisfaction, in Manner herein-after mentioned, to the Owners or Proprietors of and all Persons interested in the Lands, Tenements or Hereditaments, Waters, Watercourses, Brooks or Rivers respectively, which shall be taken and removed, diverted or prejudiced, for all the Damages to be by them sustained in or by the Execution of all or any of the Powers of this Act; and this Act shall be sufficient to indemnify the said Company of Proprietors, and their Deputies, Servants, Agents and Workmen, and all other Persons whomsoever, for what they, or any of them, shall do by virtue of the Powers hereby granted; subject nevertheless to such Privileges and Restrictions as are herein-after mentioned.

Power to
make Inclined
Planes.

II. And be it further enacted, That if the said Company of Proprietors hereby incorporated shall deem it expedient that Boats, Barges, or other Vessels should be conveyed over or along any Part or Parts of the Line herein directed to be pursued in making the said Canal, by Rollers, Railways, 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, Railroads, Inclined Planes, or other
Works,

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.

III. And be it further enacted, That the Lands or Grounds to be taken or used for the said Canal hereby authorized to be made, and for the Towingpaths thereto, and the Ditches, Drains, and Fences to separate such Towingpaths from the adjoining Lands, shall not exceed Sixty Feet in Breadth measured horizontally, except in such Places where any Dock, Basin, Reservoir or Recess for the laying of Boats or Barges, or other Vessels out of the Line of the said Canal hereby authorized to be made, or Pen of Water shall be made, or where the said Canal, or any Part thereof, shall be raised higher or cut Five Feet deeper than the present Surface of the Land; and except in such Cases where it shall be judged necessary for Boats, Barges, and other Vessels to turn, lie, or pass each other, or where any Warehouse, Crane or Weigh-bearer may be erected, or where any Wharf or other Place may be set out and appropriated for the Reception of any Coals, Lime, Limestone or other Minerals, Timber or other Goods, Wares, Merchandizes, and Things which shall be conveyed on the said Navigation hereby authorized to be made; nor in any Place more than One hundred Feet in Breadth, except where the Owner or Owners of any Lands or Grounds through which the said Canal will pass shall desire the same to be 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.

Breadth of
the Canal
and Towing-
path.

IV. And whereas a Map or Plan and Section, describing the Line of the said Canal, and the Lands through which the same are intended to be carried by virtue of this Act, together with a Book of Reference, containing the Lists of the Names of the Owners or reputed Owners and Occupiers of such Lands, have been deposited in the Office of the Clerk of the Peace for the said County of *Buckingham*; be it therefore further enacted, That the said Map or Plan, and Section and Book of Reference herein-before mentioned, shall remain in the Custody of the Clerk of the Peace for the said County of *Buckingham*, and all Persons shall at any reasonable Times have Liberty to inspect and peruse the same, and to make Copies thereof or Extracts therefrom at their Will and Pleasure, paying to the said Clerk of the Peace the Sum of One Shilling for every such Inspection, and after the Rate of Sixpence for every 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 shall not deviate more than Fifty Yards from the Line thereof so described in the said Map or Plan and Book of Reference respectively as aforesaid, without the Consent in Writing of the Owner or Owners of the Lands or Grounds through which such Deviation shall be made, such Owner or Owners being seised of or entitled to such Lands or Grounds for Life or Lives, or for Years determinable on a Life or Lives, or for some Estate of Freehold or Inheritance therein: Provided always, that no Deviation shall be made from the Line or Course of the said Canal hereby authorized to be made on Lands or Grounds not described in the said Plan and Book of Reference (other than and except that such Deviation may be made from or within

Plan and
Book of Re-
ference left
with Clerk
of the Peace.

No Deviation
from the Plan
and Book of
Reference,
except from a
Point, &c.

[*Loc. & Per.*]

19 §

a Point

Misnomers
not to prevent
the making of
the Canal.

a Point where the said Canal hereby authorized to be made will enter the Parish of *Great Linford* aforesaid); but such Deviation not to be made without the Consent in Writing of the present Owners and Occupiers respectively through whose Lands or Grounds the same Deviation shall be made; and such Deviation shall commence from or within the above Point, and continue in a direct Line as near as possible to or towards a certain Wharf in the Parish of *Great Linford* aforesaid, now in the Tenure or Occupation of *William Wilson* and *Ralph Wilson* as Tenants thereof, or to a Point in the Grand Junction Canal, between the said Wharf and the Line laid down upon the said Plan: Provided always, that no Advantage shall be taken of or against the said Company of Proprietors hereby incorporated, nor any Interruption given to the making of the said Canal, Feeders and Reservoirs, or any other Works hereby authorized to be made, or any of them, on account of any Error or Omission in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace acting for the said County of *Buckingham*, and be certified in Writing under their Hands, that such Error or Omission proceeded from Mistake.

Company re-
strained from
taking any
Water which
Grand Junc-
tion Canal
Company
may take.

V. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend to the enabling of the said Company of Proprietors hereby incorporated to take, make use of, or divert any Brook, Stream or River, for the Purpose of supplying the said Canal and other Works hereby directed to be made, which the Company of Proprietors of the Grand Junction Canal now use, or which they are by virtue of any Act or Acts of Parliament heretofore passed authorized to make use of or divert for supplying the Grand Junction Canal and other Works thereto belonging with Water.

Regulations
as to the Sup-
ply of Water
from the
Grand Junc-
tion Canal for
the Use of
the Newport
Canal.

VI. And be it further enacted, That before any Water shall be taken from the said Grand Junction Canal for the Use of the said intended Canal, or any Part thereof, the said Company of Proprietors hereby incorporated shall, at their own Expence, erect the First Lock on the said intended Canal, nearest to the Grand Junction Canal, and make the upper Gates thereof One Foot at the least above the Top Water Level of the said Grand Junction Canal, in the Pound next the said Canal hereby authorized to be made; and also shall, at the like Expence, erect and complete or provide a House, by the Side of or near to the said Lock, for the Residence of a Person to be from Time to Time appointed, and removed by the said Company of Proprietors of the Grand Junction Canal, in case he should neglect his Duty, or otherwise misconduct himself; to the Injury of the said Grand Junction Canal Company, with such Salary, and jointly with such other Employment, not interfering with the proper Discharge of his Duty as Lock-keeper as aforesaid, as the Company of Proprietors hereby incorporated shall think fit and adequate; and the Amount of the said Salary shall be paid by the said Company of Proprietors of the Grand Junction Canal, and be allowed, returned; and repaid by the said Company of Proprietors hereby incorporated, and shall be recoverable by the said Company of Proprietors of the Grand Junction Canal by an Action at Law, in which it shall be sufficient to state that the same was for Money paid, laid out and expended to and for the Use of the said Company of Proprietors hereby incorporated; and such Person so to be appointed shall be resident in the said House for the Purpose of superintending and managing
the

the said First Lock, and the said Part of the said intended Canal lying between such Lock and the Grand Junction Canal, and for such other Employment as aforesaid, and shall have full Power and Authority, and he is hereby required to prevent any Boat or other Vessel passing through or into the said Lock at all Times when the Water in the said Grand Junction Canal shall have sunk below the permanent Stone or Iron Mark to be fixed, under the Direction of the Engineer of the said Grand Junction Canal Company, near the said First Lock; which Mark shall be on a Level with or within One Inch of the Surface of the present Waste Weir at or near to the Embankment of the Grand Junction Canal in the Parish of *Bradwell*, in the said County of *Buckingham*; and at such Times the said Company of Proprietors of the Grand Junction Canal are hereby empowered to prevent any navigable Communication between the said Canal hereby directed to be made, whereby any Water might be taken or diverted from the said Grand Junction Canal, and so *toties quoties* until the Water shall rise up to the Mark so to be fixed as aforesaid; save and except in respect of One Pair of Boats, which shall be allowed to pass and repass once in every Week along the said Grand Junction Canal, to and from *Paddington* or *Brentford* along the said intended Canal, from and to *Newport Pagnell* aforesaid; provided the Water in the said Grand Junction Canal shall not be more than Nine Inches below the Mark so to be fixed as aforesaid, and also provided that each such Boat shall be laden with or be chargeable for Ten Tons of Merchandize.

VII. And be it further enacted, That if the said First Lock, or the Gates or other Works thereof, or the said Part of the said Canal between the said Lock and the Grand Junction Canal, or the said House, or any of them, or any Part thereof, shall be at any Time or Times in any Manner defective or out of repair, the said Company of Proprietors of the Grand Junction Canal shall and may repair and make good the same, if not effectually repaired forthwith by the said Company of Proprietors hereby incorporated, on Notice thereof; and that the Expence of such Repairs, unless the same shall be paid by the said Company of Proprietors hereby incorporated, within One Month after Demand thereof being made, shall and may be recovered by the said Company of Proprietors of the Grand Junction Canal, in an Action on the Case against the said Company of Proprietors hereby incorporated, for Money paid, laid out, and expended to and for the Use of the said Company hereby incorporated.

The Newport Canal Company to maintain the First Lock.

VIII. And be it further enacted, That if any Person or Persons in the Employment of the said Company of Proprietors hereby incorporated, or acting under the Authority or with the Privity or Consent of any Agent or Agents of the said Company, shall at any Time or Times wantonly or unnecessarily let off, or permit or suffer to be drawn or let off at any Time or Times, any Water from the said Grand Junction Canal through the said First Lock, or from or out of the said Part of the said Canal hereby authorized to be made, lying between the said Lock and the said Grand Junction Canal; or shall injure or remove the Mark so to be fixed as aforesaid, or shall wilfully obstruct or hinder or prevent any Person or Persons, to be appointed as aforesaid by and on the Behalf of the said Company of Proprietors of the Grand Junction Canal by virtue of this Act for the Management of the said First Lock and other Works as aforesaid, in the

Penalty on improperly draining off Water from the Grand Junction Canal.

Execution of his Duty, then and in every such Case the said Company of Proprietors hereby incorporated shall, for so offending in every such Case, pay to the said Company of Proprietors of the Grand Junction Canal the Sum of Fifty Pounds, to be recovered by Action of Debt, or on the Case, in any of His Majesty's Courts of Record at *Westminster*.

Houses and
Gardens not
to be injured.

IX. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Company of Proprietors hereby incorporated, or any other Person or Persons acting by or under their Authority, to take or use, for the Purposes of the said Canal hereby authorized to be made, or any other of the Purposes of this Act, any House or Building which was erected and built on or before the First Day of *January* One thousand eight hundred and fourteen, or any Land or Ground which on or before the said First Day of *January* One thousand eight hundred and fourteen was set apart and used as or for any Garden, Orchard, Yard, Park, Planted Walk or Avenue to a House, without the Consent of the Owners and Proprietors thereof, (other than and except a certain Messuage or Tenement, with the Garden and Piece of Ground thereto adjoining and belonging, containing by Estimation One Acre, or thereabouts, be the same more or less, the Property of *William Lucas* of *Newport Pagnell* aforesaid, Gentleman, and occupied by *John Robinson*, (marked "9" upon the Plan of the said Canal), with so much of the Pond or Piece of Water to the said Garden adjoining as is the Property of the said *William Lucas*; which said Messuage or Tenement, Garden and Pond, it shall be lawful for the said Company to enter and take for the Purposes of this Act, on Payment, or Tender of Payment, to the said *William Lucas*, his Heirs or Assigns, of the Value of such Messuage or Tenement, Garden and Pond, to be computed at Thirty Years Purchase on the Rents at which the said Garden is now let to the said *John Robinson*, and at Twenty Years Purchase upon the ascertained Rent of the said Messuage or Tenement; and the Conveyance of the said Messuage or Tenement, Garden and Pond, by the said *William Lucas*, according to the Form hereafter mentioned, shall be deemed to be an effectual Conveyance of the said Premises to the said Company under the Powers of this Act.

Bodies Politic
empowered to
sell and con-
vey Lands.

X. And be it further enacted, That after any such Part or Parts of the said Lands, Grounds or Hereditaments, shall be set out and ascertained as aforesaid for making the said Canal hereby authorized to be made, or any Part or Parts thereof, and for providing and constructing the Wharfs and other Works and Conveniences herein-before mentioned, or any of them, it shall be lawful for all Bodies Politic, and Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees and Feoffees in Trust, Committees, Executors and Administrators, and all other Trustees or Persons whomsoever, not only for and on Behalf of themselves their Heirs and Successors, but also for and on Behalf of Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femmes Covert, or other Person or Persons; and to and for all Femmes Covert who are or shall be seised, possessed, or interested in their own Right, and for every other Person or Persons whomsoever, who shall be seised, possessed of or interested in any Lands, Grounds, and Hereditaments which shall be set out and ascertained for the Purposes aforesaid, to contract for, sell and convey the same, and every Part thereof, unto the said Company of Proprietors

Proprietors hereby incorporated; and all such Contracts, Agreements, Sales, Conveyances and Assurances, shall be valid and effectual in the Law to all Intents and Purposes whatsoever, any Law, Statute, Usage or Custom, to the contrary thereof in anywise notwithstanding; and all Bodies Politic, Corporate or Collegiate, and all Persons whomsoever so conveying as aforesaid, are hereby indemnified for 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; and all such Contracts, Sales, Conveyances and Assurances, shall be made at the Expence of the said Company of Proprietors hereby incorporated: Provided always, that where the said Company of Proprietors hereby incorporated shall cut through or use a Part only of any small Piece or Parcel of Land or Ground for the Purposes of this Act, and the Remainder of such Piece or Parcel of Land or Ground, over and above what shall be used, shall not exceed One Acre, the said Company of Proprietors hereby incorporated shall be obliged to purchase not only such Part of the same Land or Ground as shall be actually cut through or used, but also, at the Option of the Owner or Owners thereof, the remaining Part of such Land or Ground, the Value thereof to be ascertained in the same Manner as by this Act is directed concerning any Land or Ground to be cut through, taken, or used for the Purposes of this Act.

Company to purchase small Pieces of Land separated in making the Canal.

XI. And whereas in pursuance of the Provisions of this Act, or to avoid Disputes with the Owners of Lands, Grounds, and Hereditaments which are or may be affected by making the said Canal and Works hereby authorized to be made, the said Company of Proprietors hereby incorporated may purchase Lands and Buildings not necessary to be made use of for the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Company of Proprietors hereby incorporated, by Indenture under their Common Seal, to grant and convey, by way of absolute Sale for a Consideration in Money, such Part or Parts of the Lands or Buildings which shall be so purchased by and conveyed to them as aforesaid, as shall not be wanted for the Purposes of this Act, and Conveyances from the said Company of Proprietors hereby incorporated shall be valid and effectual, any Thing in this Act contained, or any other Law, Statute, or Custom to the contrary thereof in anywise notwithstanding; and upon Payment of the Money which shall arise by Sale or Sales of such Lands or Buildings, it shall be lawful for the Treasurer or Treasurers for the Time being to the said Company of Proprietors hereby incorporated to sign and give Receipts for the Money for which the same shall be sold, which Receipts shall be sufficient Discharges to any Person or Persons whomsoever for the Purchase Money for which such Lands or Buildings 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 afterwards be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Purchase Money, or any Part thereof: Provided always, that the said Company of Proprietors hereby incorporated, before they shall sell and dispose of such Lands or Buildings, shall first offer to resell the same to the Person or Persons from whom they shall have purchased the same, or who would have been then entitled thereto, in case such Lands or Buildings had not been purchased by the said Company of Proprietors hereby incorporated, the Price at which the same shall be resold being adjusted and settled by a Jury, in like Manner as the Price for any Land to be taken in pursuance of this Act is herein directed to be

Company empowered to sell Lands not wanted.

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, an Affidavit made before a Master Extraordinary in the High Court of Chancery, or One of His Majesty's Justices of the Peace for the County of *Buckingham*, by any Person or Persons not interested in the Premises, 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 Lands or Buildings, (as the Case may be), shall in all Cases be sufficient Evidence and Proof that such Offer was made and not agreed to, or refused.

Form of Conveyance to the Company.

XII. And be it further enacted, That all Conveyances and Assurances, which shall be made of any Lands or Hereditaments to the said Company of Proprietors hereby empowered, shall be made according to the following Form, or as near thereto as the Circumstances of the Case will admit; (*videlicet*),

‘ I of in Consideration of the Sum of
 ‘ to me paid by the Company of Proprietors of
 ‘ the *Newport Pagnell* Canal, do hereby grant and release to the said
 ‘ Company all [*describing the Premises to be conveyed*] and all my Right,
 ‘ Title, and Interest to and in the same, and every Part thereof, to hold
 ‘ to the said Company and their Successors for ever, by virtue and ac-
 ‘ cording to the true Intent and Meaning of an Act passed in the Fifty-
 ‘ fourth Year of the Reign of His Majesty King *George* the Third,
 ‘ intituled [*here set forth the Title of this Act*]. In Witness whereof, I
 ‘ have hereunto set my Hand and Seal this Day of
 ‘ in the Year of our Lord

And all such Conveyances and Assurances shall be valid and effectual in the Law to all Intents and Purposes, and shall be a complete Bar to all Estates Tail, and all other Estates, Rights, Titles, Trusts, and Interests whatsoever.

Conveyance by Lords of Manors of Lands taken from Commons to be sufficient.

XIII. And be it further enacted, That in all Cases where there shall be Occasion to cut through, take, or use Part of any Common or Waste Grounds for the Purposes of this Act, the Conveyance thereof by the Lord and Lady of the Manor wherein the same shall be situate shall be good and sufficient Conveyance to the said Company of Proprietors hereby incorporated, for the Purpose of vesting in them the Fee Simple and Inheritance thereof, as fully and as effectually as if every Person having Right of Common upon such Commons or Waste Grounds had joined in and executed such Conveyance; and that the Compensation to be made for any Right of Common upon any such Commons or Waste Grounds as aforesaid, shall be paid by the said Company of Proprietors hereby incorporated to the Churchwardens of the respective Parishes wherein such Commons or Waste Grounds shall lie, and shall be by such Churchwardens received and applied for such general or public Purposes within such Parishes respectively, as a Vestry of every such Parish, to be convened by such Churchwardens for that Purpose, shall direct, any Thing in this Act to the contrary hereof notwithstanding.

Satisfaction to be made by Payment

XIV. Provided always, and be it further enacted, That all and every Body and Bodies Politic, Corporate or Collegiate, Trustees, or other
 6† Persons

Persons herein-before capacitated to sell and convey Lands and other Hereditaments, or any other Owner or Owners, and the Occupier or Occupiers of any Lands or other Hereditaments, through, in, or upon which the said Canal, Towingpaths, Quays, or other Works hereby authorized and intended to be made, or any of them, or any Mills or other Works, from which any Water to supply the said Canal hereby authorized to be made may or shall be diverted, may accept and receive Satisfaction for the Value of such Lands, Mills, and other Works and Hereditaments, and for the Damages to be sustained in making and completing the said Works herein-before directed, as shall be agreed upon by and between the said Owners and Occupiers respectively, or any of them, and the said Company of Proprietors hereby incorporated; and from and immediately after the Time of making and executing such Sale and Conveyance, or any Contract or Contracts for the same, the said Company of Proprietors hereby incorporated may and shall be at Liberty to enter upon and from thenceforth for ever to have, take, and enjoy the said Lands, Grounds, and other Hereditaments, for the Use and Maintenance of the said Canal, and for supplying the same with Water; and in case the said Company of Proprietors hereby incorporated, and the said Parties interested in such Lands and Grounds or other Hereditaments, cannot or do not agree as to the Amount or Value of such Satisfaction, the same shall be ascertained and settled by the Verdict of a Jury, as is herein-after directed.

of gross
Sums or an-
nual Rents.

If Parties
cannot agree,
Price to be
settled by a
Jury.

XV. And for settling all Differences which may arise between the said Company of Proprietors hereby incorporated, and the several Owners of or Persons interested in any Lands, Grounds, Tenements, Mills, Mines, Waters, or other Hereditaments which shall or may be taken, used, affected or prejudiced by reason of the Execution of any of the Powers hereby granted; be it further enacted, That if any Body Politic, Corporate, Collegiate, or any other Person or Persons so interested for and on his, her, or their Part or Parts, or for or on the Part of his, her, or their Cestuique Trusts, or of any other incapacitated Person or Persons as aforesaid, shall refuse to accept such Purchase Money, Recompence, or Compensation as shall be offered by them the said Company of Proprietors hereby incorporated, or their Agent by or on their Behalf, and shall give Notice thereof in Writing to the Clerk for the Time being to the said Company of Proprietors, within Seven Days next after such Offer shall have been made, and the Party or Parties giving such Notice as aforesaid shall therein request that the Matter or Matters in dispute may be submitted to the Determination of a Jury; or if any Body Politic, Corporate or Collegiate, or any other Person or Persons seized or possessed of, or interested in any such Lands, Mills, or other Hereditaments as aforesaid, shall refuse to treat or agree, or shall not agree, or by reason of Absence or Disability cannot agree with the said Company of Proprietors hereby incorporated, or with any Person or Persons authorized by them, for the Sale or Conveyance of their respective Estates and Interests therein, or cannot be found or known, or shall not produce and evince a clear Title to the Premises they may be in Possession of, or to the Interests they shall claim therein, to the Satisfaction of the said Company, or of the Person or Persons authorized by them, then and in every such Case the said Company of Proprietors hereby incorporated shall and they are hereby empowered and required from Time to Time to issue a Warrant under their

If Parties
refuse or are
incapable to
treat, the
Value to be
settled by a
Jury.

their Common Seal to the Sheriff of the said County of *Buckingham*; or in case such Sheriff, or his Under Sheriff, shall happen to be one of the said Company of Proprietors hereby incorporated, or shall enjoy any Office of Trust or Profit under them, or shall be otherwise interested in the Matter or Matters in Question, then to the senior Coroner of the said County; and in case he shall be so interested, then to the next Coroner of the said County in point of Seniority who shall not be so interested as aforesaid, commanding such Sheriff or Coroner or other Person (and the said Sheriff or Coroner or such other Person is hereby empowered and required) to impanel, summon, and return not less than Twenty-four nor more than Forty-eight substantial and indifferent Persons qualified to serve on Juries; and the Persons so to be impanelled, summoned, and returned as aforesaid, are hereby required to come and appear before the Justices of the Peace for the said County, at some Court of General or Quarter Sessions of the Peace to be holden in and for the said County, or at some Adjournment thereof, as in such Warrant shall be directed and appointed, and to attend such Court of General or Quarter Sessions from Day to Day, until discharged by the said Court; and out of such Persons so to be impanelled, summoned, and returned, a Jury of Twelve Men shall be drawn by the Clerk of the Peace for the said County, or his Deputy, in such Manner as Juries for Trials of Issues joined in His Majesty's Courts at *Westminster*, are by Law directed to be drawn; and in case a sufficient Number of Jurymen shall not appear at the Time and Place appointed as aforesaid, the said Clerk of the Peace, or his Deputy, shall return other honest and indifferent Men of the By-standers, or of other Persons who can be speedily procured to attend that Service, being so qualified as aforesaid, to make up the said Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Clerk of the Peace, or his Deputy, is hereby empowered and required to summon and call before the said Justices any Witnesses, touching the Matters in Question, and may order and authorize the said Jury, or any Three or more of them, to view the Place or Places, or Matters or Things in Controversy, and such Jury shall upon their Oaths (which Oaths, as well as the Oaths to such Witnesses, the said Justices are hereby empowered and required to administer) enquire of, assess, and ascertain, and give a Verdict for the Sum or Sums of Money which shall be paid for the Purchase of such Lands and Grounds, Mills, Mines, Waters, and Hereditaments, and the Compensation which shall be made for the Damages sustained as aforesaid; and the said Justices shall give Judgment for such Purchase Money, Recompence or Compensation so assessed by such Jury; which said Verdict, and the Judgment thereupon, shall be binding and conclusive to all Intents and Purposes upon all Bodies Politic, Corporate and Collegiate, and upon all Persons whomsoever; provided that Fourteen Days Notice in Writing at the least of the Hour and Place at which such Jury are so required to be returned, be given to the Bodies Politic, Corporate or Collegiate, or to the Person or Persons interested, or claiming so to be, before the Time of the Meeting of the said Justices and Jury as aforesaid, by leaving such Notice at the Dwelling House of such Person or Persons, or of the Head Officer of such Body or Bodies Politic, Corporate or Collegiate, or with some Tenant or Occupier of the Premises respectively intended to be valued; and in every Case where a Verdict shall be given for more Money as a Recompence or Satisfaction for the absolute Sale of any Lands, Grounds,

Grounds, Mills, Waters, or other Hereditaments, or as a Compensation for any Damages done or to be done to such Lands or other Hereditaments or Property, than shall have been previously offered by or on Behalf of the said Company of Proprietors hereby incorporated, before the summoning such Jury; or when any Verdict shall be found for any Damages where the Dispute is for Damages only, and where no Compensation shall have been previously offered in respect thereof by or on Behalf of the said Company of Proprietors hereby incorporated, or where by reason of Absence, or other Impediment or Disability, there shall not be found any Person or Persons at hand who may be legally capacitated to contract with and make Conveyances to, or receive Compensation from the said Company hereby incorporated as herein-before mentioned, then and in all such Cases all the reasonable Expences of causing such Value or Compensation to be assessed and awarded as aforesaid shall be settled by the said Justices, and be defrayed by the said Company of Proprietors hereby incorporated; but if any Verdict shall be given for the same Sum that shall have been so previously offered by or on Behalf of the said Company of Proprietors hereby incorporated, or for a less Sum than shall have been so previously offered, or in case no Damages shall be given by the Verdict where the Dispute is for Damages only, or in case of such Refusal to treat with or make Conveyances to the said Company of Proprietors hereby incorporated, by any Bodies Politic, Corporate or Collegiate, or by any Person or Persons whomsoever, who is or are by the Provisions of this Act or otherwise legally empowered to treat and convey or receive such Compensation as aforesaid, then and in all such Cases (except where by reason of Absence or otherwise any Person shall have been prevented from treating and agreeing as aforesaid, in which Case all such Costs and Expences shall be borne and paid by the said Company of Proprietors hereby incorporated) the reasonable Costs and Expences of causing such Value or Compensation to be assessed and diverted as aforesaid shall be settled in like Manner by the said Justices, and be borne and paid by the Body or Bodies Politic, Corporate or Collegiate, or by the Person or Persons with whom the said Company of Proprietors hereby incorporated shall have Concerns, Controversies, or Disputes with; which said Costs and Expences shall and may be deducted out of the Money so assessed and awarded; and the Payment so assessed and awarded, and the Payment or Tender of the Remainder of such Sums of Money shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums so assessed or awarded as aforesaid; and in case no Damages shall be given by such Verdict, where the Dispute is for Damages only; such Costs and Expences shall and may be recovered by the said Company hereby incorporated, by such Ways herein provided for the Recovery of any Penalty incurred by or under the Provisions of this Act.

XVI. Provided always, and be it further enacted, That all and every Person or Persons making Complaint, and requesting a Jury to be summoned, shall (before the said Company of Proprietors hereby incorporated shall issue their Warrant for that Purpose) enter into a Bond, with Two sufficient Sureties, to the Treasurer of the said Company of Proprietors, in a Penalty of One hundred Pounds, with Condition to prosecute his, her, or their Complaint, and to bear and pay the Costs and Expences of summoning such Jury and taking such Verdict, in case the same shall be given for no greater or for a less Sum than had been offered by or on Behalf of

Persons requesting Juries, to enter into Bonds to prosecute.

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the said Proprietors hereby incorporated, before the summoning and returning the said Jury or Juries, for the Purchase of any Lands, Grounds, Mills or Hereditaments, or as a Compensation for any Damages, or in case no Verdict shall be found for Damages where the whole Dispute was whether any Damage was or was not done as aforesaid.

Notice of Injury to be given to the Company before summoning a Jury.

XVII. And be it further enacted, That the said Company of Proprietors hereby incorporated shall not, nor shall any Jury to be summoned by virtue of this Act be allowed to receive or take Notice of any Complaint or Complaints to be made by any Person or Persons whomsoever, for any Injury or Damage by him, her, or them sustained or supposed to be sustained, unless Notice in Writing, stating the Particulars of such Injury or Damage, and the Amount of Compensation claimed in respect thereof, shall have been given by or on Behalf of such Person or Persons to the said Company of Proprietors hereby incorporated, or to their Treasurer or Clerk, within the Space of Six Calendar Months next after the Time that such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

Compelling Sheriffs to summon Juries.

XVIII. And be it further enacted, That if the Sheriff or other Person so directed to summon and return a Jury as aforesaid, or his Deputy or Agent, shall make Default in the Premises, he shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds; and if any Person so summoned and returned as aforesaid upon such Jury shall not appear, or appearing shall refuse to be sworn or to give his Verdict, or shall in any other Manner wilfully neglect his Duty, contrary to the true Intent and Meaning of this Act; or if any Person so summoned to give Evidence shall not appear, or appearing shall refuse to be examined or to give Evidence, every Person so offending, having no reasonable Excuse (to be allowed by the said Justices), shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds; which several and respective Penalties shall and may be levied by virtue of any Warrant under the Hand and Seal of any One of the said Justices, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to him the Overplus, after such Penalty and the Charges of such Distress and Sale shall be deducted; and every such Penalty so recovered from any Person who shall have been so summoned on such Jury, or to give Evidence as aforesaid, shall go and be paid to the Party who shall appear to the said Justice to be injured by the Default of such Person.

Value of Lands and Damages to be ascertained separately.

XIX. And be it further enacted, That the said Juries shall award all Determinations, Judgments and Verdicts, which they shall respectively make and give in the Execution of the Powers hereby vested in them concerning the Value of Lands, Mills, and other Hereditaments, separately and distinctly from any Damages sustained or to be sustained as aforesaid, and shall distinguish the Value set upon the Lands and other Hereditaments, and the Money assessed or adjudged for such Damages as aforesaid, separately and apart from each other; and also shall settle what Shares and Proportions of the Purchase Money, or Compensation for Damages, shall be allowed to any Tenant or other Person or Persons having a particular Estate, Term, or Interest in the Premises, for his, her, or their respective Interest therein.

XX. And

XX. And be it further enacted, That all the said Judgments and Verdicts (being first signed by the Clerk of the Peace, or his Deputy, present at the taking of such Verdicts, and pronouncing of such Judgments respectively) shall be kept by the Clerk of the Peace amongst the Records of the Quarter Sessions of the said County of *Buckingham*, and shall be deemed to be Records of the said Quarter Sessions to all Intents and Purposes whatsoever, and the same, or true Copies thereof, shall be allowed to be good Evidence; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling, and to take Copies thereof, paying for every Copy the Sum of Sixpence for every Hundred Words, and so in Proportion for any less Number of Words.

Verdicts to be recorded.

XXI. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or determined or adjudged by any Jury or Juries in Manner aforesaid, for the Purchase of any such Lands, Waters, Mills, or other Hereditaments, or as a Recompence for the yearly Produce or Profits thereof, or as a Compensation for Damages as herein-before mentioned, to the Proprietor or Proprietors of such Lands and other Hereditaments and Premises, or such other Person or Persons as shall be interested therein, or entitled to receive such Money, or Compensation respectively, at any Time after the same shall have been so agreed for, determined, or awarded; or if the Person or Persons so entitled or interested, or any of them, cannot be found, or refuse to receive the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the General Committee of the said Company hereby incorporated, or shall refuse to execute a Conveyance or Conveyances of the Premises, which shall be required for the Purposes of this Act, then upon Payment of the said Sum or Sums of Money into the Bank of *England* as hereafter directed and required, (in case the same shall be requisite for the Use of such Person or Persons so interested or entitled as aforesaid), it shall be lawful for the said Company of Proprietors hereby incorporated, and their Agents, Servants and Workmen, immediately to enter upon such Lands, Grounds, and other Hereditaments respectively, and the Fee Simple and Inheritance thereof, together with the yearly Profits, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall from thenceforth be vested in and become the sole Property of the said Company of Proprietors hereby incorporated, to and for the Purposes of this Act for ever, and such Tender, Payment or Investiture, shall not only bar all Right, Title, Claim, Interest, or Demand of the Person or Persons to whom the same shall or ought to have been made; but also shall extend to and shall be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail and other Estates in Reversion and Remainder of his, her, or their Issue, and of every other Person, whomsoever therein: Provided nevertheless, that before such Payment, Tender, or Investment as aforesaid, it shall not be lawful for the said Company of Proprietors hereby incorporated, or any Person acting under their Authority, to dig or cut into such Lands or Grounds for the Purpose of making the said Canal hereby authorized to be made, or either of them, without the Consent in Writing first had and obtained for that Purpose, of the respective Owners or Occupiers thereof.

Power to enter Lands, &c. on Payment of Purchase Money.

XXII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements or Hereditaments, or

Application of Compensation when for

amounting to
or exceeding
200l.

for any other Matter, Right or Interest, of whatever Nature or Kind soever, 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, Lunatic, Person or Persons under any Disability or Incapacity as hereinbefore mentioned, 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 Company of Proprietors of the *Newport Pagnell* 'Canal,' together with the Name or Names of such Person or Persons as any Three or more of the General Committee of the said Company hereby incorporated, shall, by Writing signed by them, direct and appoint, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid affecting the same Lands, Tenements or Hereditaments, or affecting other Lands, Tenements or Hereditaments, standing settled 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 to or for, and upon such and the like Uses, Trusts, Intents and Purposes, and in the same Manner as the Messuages, Lands and Hereditaments, which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three 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 said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

When less
than 200l.
and exceed-
ing 20l.

XXIII. 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 Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, 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, be paid into the Bank
of

of *England*, in the Name and with the Privity of the said Accountant General of the Court of Chancery, and to be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Three Trustees to be nominated by the Person or Persons making such Option, and approved by Three or more of the said General Committee, 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 Manner herein directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

XXIV. Provided always, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, as the said General Committee, or any Three 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, and to and for the Use and Benefit of such Person or Persons so entitled respectively. When less than 20l.

XXV. And be it further enacted, That in case the Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid, shall not be able to make a good Title to the Premises to the Satisfaction of the said General Committee, or any Three or more of them, or shall refuse to execute such Conveyance or Conveyances; or in case such Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements or Hereditaments, be not known or discovered, then and in every such Case it shall be lawful for the said General Committee, or any Three or more of them, to order the said Sum or Sums so awarded 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; which said Court, 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 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, or 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 and 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, 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. In case of not making out Title, &c.

Persons in Possession to be deemed presumptively entitled.

XXVI. Provided always, and be it further enacted, That when any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the 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 thereof, 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, or 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.

Court may order Expences of Purchases to be paid by the Company.

XXVII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands, Tenements or Hereditaments, to be settled to the like Uses in pursuance thereof respectively, it shall be lawful for the said Court to order the Expence of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Company of Proprietors hereby incorporated, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Mortgagees to convey.

XXVIII. And be it further enacted, That all and every Person and Persons who shall have any Mortgage or Mortgages on any Lands, Tenements, and Hereditaments to be taken or used for the Purposes of this Act, not being in Possession thereof by virtue of such Mortgage or Mortgages, shall, on the Tender of the Principal Money and Interest due thereon, together with the Amount of Three Calendar Months Interest on the said Principal Money, by the said Company of Proprietors hereby incorporated, or by such Person or Persons as they shall appoint, immediately convey, assign, and transfer such Mortgage and Mortgages to the said Company, or to such Person or Persons as they shall appoint; or in case such Mortgagee or Mortgagees shall have Notice in Writing from the said Company of Proprietors hereby incorporated, or from such Person or Persons as they shall appoint, that they will pay off and discharge the Principal Money and Interest which shall be due on the said Mortgage or Mortgages at the End or Expiration of Two Calendar Months (to be computed from the Day of giving such Notice), that then, at the End of the said Two Calendar Months, on Payment of the Principal and Interest

so due, such Mortgagee or Mortgagees shall convey, assign, and transfer his, her, or their Interest in the Premises to the said Company of Proprietors hereby incorporated, or to such Person or Persons as shall be appointed in Trust for them; and in case such Mortgagee or Mortgagees shall refuse to convey and assign as aforesaid on such Tender or Payment, that then all Interest on every such Mortgage shall from thenceforth cease and determine: Provided always, that in case the Sum due upon such Mortgage or Mortgages, with all Interest due thereon, shall amount to more than the real Value of the Premises, to be ascertained as directed by this Act, then the said Company of Proprietors hereby incorporated shall not be liable to pay the Mortgagee or Mortgagees more than the real Value of such Premises so ascertained as aforesaid: Provided also, that in case any such Mortgagee shall neglect or refuse to convey or assign as aforesaid, then upon Payment of the Principal Money and Interest due on any Mortgage as aforesaid into the Bank of *England*, at the End of Two Calendar Months from the Day of giving such Notice as aforesaid, for the Use of the Mortgagee or Mortgagees, the Cashier or Cashiers of the Bank shall give a Receipt or Receipts for the said Money, in like Manner as is herein-before directed in Cases of other Payments into the Bank, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee or Mortgagees, and of all and every Person and Persons in Trust for him, her or them, shall vest in the said Company hereby incorporated, and they shall be deemed to be in the actual Possession of the Premises comprized in such Mortgage or Mortgages, to all Intents and Purposes whatsoever: Provided also, that if such Mortgage or Mortgages shall comprize any other Lands, Tenements or Hereditaments, than those which shall be so purchased or taken by the said Company of Proprietors hereby incorporated, such Mortgagee or Mortgagees shall, upon Payment or Tender of the Sum so ascertained as the Value of the said Lands, Tenements, or Hereditaments as aforesaid, forthwith convey, assign, and transfer his, her, or their Interest in such Lands, Tenements or Hereditaments, to the said Company of Proprietors hereby incorporated, or to such Person or Persons as shall be appointed in Trust for them; and in default of their doing so, and on Payment of such Money into the Bank of *England* for the Use of the Mortgagee or Mortgagees, the Cashier or Cashiers of the Bank shall give such Receipt or Receipts as above mentioned, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee or Mortgagees, and of all and every Person and Persons in Trust for them, in the said Lands, Tenements or Hereditaments, the Value whereof shall have been so ascertained and paid into the Bank as aforesaid, shall vest in the said Company hereby incorporated, and they shall be deemed to be in the actual Possession of the said Premises to all Intents and Purposes whatsoever, and such Sums of Money shall be deducted from the Amount of the Principal and Interest due to such Mortgagee or Mortgagees by virtue of such Mortgage or Mortgages.

XXIX. And be it further enacted, That the First General Assembly of the said Company of Proprietors hereby incorporated, for putting this Act into Execution, shall be held at the *Swan Inn*, in the Town of *Newport Pagnell*, upon the First Day of *June* One thousand eight hundred and fourteen, or the Third *Wednesday* after the passing of this Act, at the Hour of *Eleven* in the Forenoon; and the Second General Assembly of the said Company

First and
other General
Assemblies.

Company hereby incorporated shall be holden upon the First *Wednesday* of *December* then next ensuing, at such Place and Hour as the said Company at their said First Assembly shall appoint; and all future General Meetings of the said Company hereby incorporated, except such General Assemblies as herein-after mentioned, shall be held on the First *Wednesday* in the Months of *June* and *December* respectively in every Year, at the Hour of Eleven in the Forenoon, at such Places as the said Company of Proprietors hereby incorporated, at their preceding General Assemblies, shall from Time to Time direct and appoint; of which General Assemblies Fourteen Days previous Notice at the least shall be given by public Advertisement in *The Northampton Mercury*, or some other Provincial Paper, and in such other Manner as the said Company of Proprietors hereby incorporated, at their respective General Assemblies, shall direct; and the said Company of Proprietors hereby incorporated, at such respective General Assemblies, to be held on the First *Wednesday* in the Month of *June* in every Year, and at no other Time, shall choose and elect, out of such of the said Proprietors as at the Time of such Election shall respectively be possessed in their own Right of Two or more Shares in the said Undertaking, One General Committee to manage the Affairs of the said Company of Proprietors hereby incorporated, as herein-after directed, the said General Committee to consist of Seven Persons; and every such Committee shall continue for One Year from the Time of their Appointment, and until another shall be chosen in their Stead, unless any Member or Members of such General Committee shall die or refuse to act, or cease to be entitled to Two Shares at least in the said Undertaking, or shall hold any Place, Office, Employment, or Contract under the said Company; in any of which Cases it shall be lawful for the said General Committee to fill up the Vacancy or Vacancies in such Committee for the Remainder of the said Year, and so from Time to Time as Occasion may require; and the said Company of Proprietors hereby incorporated shall have Power and Authority at any such General Assembly to remove and displace any Person or Persons who shall have been chosen an Officer or Officers under them, and to revoke, alter, amend, or change any of the Rules and Directions herein prescribed and laid down with regard to their Proceedings among themselves, as to them shall seem meet, (the Method of calling General or Special Assemblies, and their Time and Place of Meeting, and voting and appointing Committees only excepted), and shall have Power to make such Rules, Bye-Laws, and Orders for the good Government of the said Company and the said General Committee and their Servants, Agents and Workmen, and for the whole, complete, and total Superintendance and Management of the said Undertaking, and of the Boatmen and others who shall carry any Goods, Wares, or Merchandizes upon any Part of the said Canal, or shall use any of the Works by this Act authorized to be made, as to the said General Assemblies shall seem meet and fitting; and to impose and inflict such reasonable Fines or Forfeitures upon all Persons who shall offend against any such Rules, Bye-Laws or Orders, as to such General Assembly shall seem meet, not exceeding the Sum of Ten Pounds for any One Offence; which said Rules, Bye-Laws and Orders, being reduced into Writing under the Common Seal of the said Company of Proprietors hereby incorporated, and printed, shall be binding upon and be observed by all Parties using or in any way concerned in the said Works, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same, provided that they be not repugnant to the

Laws.

Laws of that Part of the United Kingdom called *England*, or to the Provisions and Directions in this Act contained, or to any of them; and all such Rules, Bye-Laws and Orders, shall be subject to Appeal in Manner herein directed; and every such General Assembly shall have Power to call for, audit, and settle all Accounts of Money received, laid out, and disbursed on account of the said Undertaking, by the Treasurers, Receivers or Collectors of the Rates, and other Officers by them appointed, or by any other Person or Persons whomsoever employed by or concerned for or under them, in and about the said Undertaking and the Works thereto belonging; but no Vote or Votes by Proxy shall be given, or have any Power in or as to the Audit and Settlement of Accounts; and the said Company of Proprietors hereby incorporated shall have Power to adjourn themselves from Time to Time to such Place or Places as shall at such General Assemblies be thought meet and convenient.

XXX. Provided always, and be it further enacted, That if at any such General Assembly there shall not be Persons present who shall be possessed of Twenty Shares at the least in the said Undertaking, either as Principals or Proxies, no Choice of any General Committee, nor any Removal of any Person or Persons from such Committee, nor any Election of any Person or Persons in the room of such of the Members of the said Committee as shall die or be so removed, shall be made at that Time; but in such Case there shall be another Assembly of the Proprietors of the said Undertaking at the same Place, in the Week then next following, and on the same Day in that Week, and so from Time to Time until there shall be Persons present at such Assembly having such Number of Shares as aforesaid; and such Choice, Removal, or new Appointment of any Member of such Committee, shall then take place, and the Persons then chosen to be of such General Committee shall have the same Powers which they would have had, and shall continue in such Offices until such Time as they would have done, had they been chosen by the said First Assembly herein-before appointed; and in case of Failure of the assembling of a sufficient Number of Proprietors having Twenty Shares as Principals or Proxies at such First Assembly, every Proprietor who shall not attend such Second Assembly, in Person or by Proxy, shall forfeit to the said Company of Proprietors hereby incorporated, for every Share which he or she shall possess in the said Undertaking, the Sum of Ten Shillings, to be deducted out of the next succeeding Payment of Interest or Dividends of the Profits of the said Undertaking, as the Case may happen; and in case no Interest or Dividends shall be payable to such Person or Persons so making Default as aforesaid, within Six Calendar Months next after the making of such Default, then such Forfeiture shall be recovered by the Ways and Means herein-after appointed for the Recovery of any of the other Penalties or Forfeitures imposed by this Act.

XXXI. And be it further enacted, That if it shall at any Time appear that for the more effectually putting this Act into Execution, a Special Assembly of the said Company of Proprietors hereby incorporated is necessary to be held, it shall be lawful for any Seven or more of them, possessed of Twenty Shares in the Whole at least in the said Undertaking, to cause Fourteen Days Notice at least to be given thereof in *The Northampton Mercury*, or some other Provincial Newspaper, or in such other Manner, and at such Time or Place, as the said Company hereby incorporated

[*Loc. & Per.*]

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Assemblies for choosing Committees to consist of Twenty Shares.

Assembly of Proprietors may be specially convened.

porated shall at any General Assembly direct or appoint, specifying in such Notice the Reason and Intention of requesting such Special Assembly; and the Time when and Place where the same shall be held (such Place being where the same shall be directed, from Time to Time, by the General Assemblies of the said Company, and not elsewhere); and the said Company are hereby authorized to meet pursuant to such Notice, and such of them as shall be present shall proceed to the Execution of the Powers by this Act given to the said Company of Proprietors with respect to the Matters so specified only, and all such Acts of the Proprietors, or of the major Part of them met together at every such Special Assembly (provided such major Part shall be possessed of Thirty Shares at the least in the said Navigation, either as Principals or Proxies), shall be as valid, with respect to the Matters specified in such Notice, as if the same had been done at any ordinary General Assembly.

General
Assembly to
elect and ap-
point Offi-
cers.

XXXII. And be it further enacted, That it shall be lawful for the said Company of Proprietors hereby incorporated at any General Assembly, and they are hereby authorized and required from Time to Time to nominate and appoint, by Writing under their Common Seal, a Treasurer or Treasurers, and also one or more Clerk or Clerks to the said Company, on whom the Service of all Writs, Notices, and other legal Proceedings against the said Company shall be deemed good Service on the said Company; and such Clerk or Clerks shall in a proper Book or Books, to be provided by the said Company for that Purpose, enter and keep a true and perfect Account of the Names and Places of Abode of the several Proprietors of the said Undertaking, and of the several Persons who shall from Time to Time become Owners and Proprietors of or entitled to any Share or Shares therein, and of all Acts, Proceedings, and Transactions of the said Company, and of the General and other Committee or Committees, by virtue of and under the Authority of this Act; and each of the said Proprietors of the said Undertaking shall and may at all convenient Times have recourse to and peruse and inspect the same *gratis*, and may demand and have Copies thereof, or of any Part thereof, paying for every One hundred Words so to be copied the Sum of Sixpence; and if any such Clerk or Clerks to the said Company, and General or other Committees, shall refuse to permit any Proprietor so interested as aforesaid to inspect or peruse such Book or Books of Proceedings at all convenient Times and Seasons, or refuse to make any such Copy or Copies at the Rate or Price aforesaid, he shall for every such Offence forfeit and pay a Sum not exceeding Ten Pounds; and whenever any Clerk or Treasurer shall die or be removed, or quit the Service of the said Company, it shall be lawful for the said General Committee of the said Company to appoint some other fit Person or Persons in the Place of the Clerk or Treasurer so dying, quitting, or being removed, until the next General Assembly, when the Clerk or Clerks, Treasurer or Treasurers so appointed, or some other Clerk or Clerks, Treasurer or Treasurers, shall be nominated and appointed for the Purposes aforesaid: Provided always, that the said Company of Proprietors shall and they are hereby required to take sufficient Security from every Person who shall be appointed Treasurer, Receiver, or Collector for any of the Purposes of this Act, for the faithful Execution of their respective Offices, before they shall enter thereupon respectively.

Company to
take Security
from their
Treasurer,
&c.

XXXIII. And

XXXIII. And be it further enacted, That no Member of the said General Committee shall have more than One Vote at any Meeting of such Committee, (except the Chairman who shall be chosen by and out of the said Committee, and who, in case of an Equality of Votes upon any Question agitated in the said Committee, shall have the Casting Vote, although he may have given One Vote before,) and that all the Powers and Authorities hereby vested in or directed to be exercised by the said General Committee may be done and exercised by the major Part of them present at their respective Meetings, the whole Number present not being less than Three; and every such General Committee shall from Time to Time make Reports of their Proceedings to the General Assemblies of the Company, and shall obey their Orders and Directions; and the said General Committee shall (subject nevertheless at all Times to such Orders and Directions as aforesaid) meet at such Times and Places, and shall from Time to Time adjourn themselves to such other Time and Place as they shall think fit; and the said General Committee shall by their Clerk or Clerks keep a full and true Account of all Money disbursed and Payments made, and of all and every Sum and Sums of Money which shall be received in respect of such Undertaking by and from any Person or Persons whomsoever employed in or having any Concerns, Dealings, or Transactions with the said Undertaking, or any Part thereof, and shall regularly, by their Clerk or Clerks as aforesaid, write and enter into a Book or Books, to be from Time to Time provided at the Expence of the said Company for that Purpose, Notes, Minutes, or Copies (as the Case shall require) of their Orders and Proceedings; which Book or Books shall be deposited and kept under the Care and Direction of the said General Committee (provided always, that every Proprietor, upon every reasonable Desire, shall have free Access thereto, as herein-before mentioned, for his or her Inspection); and the said General Committee shall have Power from Time to Time (subject nevertheless to the Directions and Controul of any such General Assembly) to appoint an Engineer or Engineers to inspect the Works of the said Navigation, and an Architect or Architects for erecting and surveying any Wharfs or other Buildings to be erected by the said Company of Proprietors hereby incorporated, and also a Land Surveyor or Land Surveyors for any Purpose relating to the Execution of this Act; and every such Engineer, Architect, and Land Surveyor, shall be paid by the said Company such Salary or Allowance as the said General Committee shall direct or appoint; and any such General Committee may remove any such Engineer, Architect, and Land Surveyor, whenever they shall think proper; and such General Committee shall have Power and Authority to contract for and purchase Lands, Messuages, Tenements, Hereditaments, and Materials for the Use of the said Undertaking, employ, order, and direct the Workmen, place and displace Collectors, Under Officers, Clerks, Servants and Agents, make all Contracts and Bargains touching the said Undertaking, and do, execute, and perform all other Matters and Things whatsoever necessary and expedient to be done in and about the said Navigation and Undertaking, and which the said Company are by this Act empowered to do; save and except such only as are hereby directed to be done by the Proprietors at their General Assemblies as herein mentioned.

XXXIV. And be it further enacted, That it shall be lawful for the General Committee, at their First Meeting after their Election in every Year, Power to appoint Subcommittee.

Year, to nominate and appoint one or more Sub-Committees (every such Sub-Committee to consist of Five or more Persons) out of such of the Proprietors of the said Navigation as shall be possessed in their own Right of Two Shares at the least, and such Sub-Committee shall have full Power and Authority to do, execute, and perform all Matters and Things whatsoever in and about the said Undertaking, which the said General Committees shall from Time to Time entrust to the Management of such Sub-Committees, and such Sub-Committees shall meet at such Times and Places within their respective Divisions as they shall think proper, and all Powers hereby vested or which shall be vested in such Sub-Committees by the said General Committee as aforesaid shall be exercised by the major Part 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 Chairman, and all Questions shall be decided by the Majority of Votes, and the Chairman shall have the Casting Vote in case of an equal Division; but no Member shall have more than One Vote, and such Sub-Committees shall from Time to Time make Reports, and send Copies of their Proceedings to the General Committee if required, and shall at all Times be subject to the Controul of the said General Committee, and shall obey all their Orders and Directions in and about the Affairs of the said Company; so that such Orders and Directions be not contrary to the express Directions, Regulations, and Provisions contained in this Act.

General
Committee
to make Calls.

XXXV. And be it further enacted, That the said General Committee shall have full Power and Authority from Time to Time to make such Call or Calls for Money from the several Proprietors of the said Undertaking, in order to defray the Expences of carrying 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 Twelve Pounds Ten Shillings for or in respect of every Share in the said Navigation and Undertaking, and so that no such Call be made but at the Distance of Three Calendar Months at least from each other; all which Money so to be called for shall be paid into the Hands of the Treasurer or Treasurers of the said Company, to be issued, paid, and applied in such Manner as the said General Committee shall from Time to Time order and direct.

Subscribers to
have a Vote
for every
Share not ex-
ceeding Ten
Shares.

XXXVI. And be it further enacted, That every Body or Bodies Politic, Corporate or Collegiate, or other Person or Persons who shall by virtue of this Act have subscribed or undertaken for One or more Share or Shares of and in the said Undertaking, and his, her, and their Successors, Executors, Administrators and Assigns, shall be and be deemed a Proprietor and constituent Member of the said Corporation hereby created, and shall have a Vote for every such Share in every such General or other Assembly to be held as herein-after appointed for carrying on the said Undertaking, which may be given by him, her or them, or by his, her, or their Proxy or Proxies, such Proxy or Proxies being a Proprietor or Proprietors of One or more Share or Shares in the said Undertaking, duly constituted under his, her, or their Hand or Hands, or under the Hand of the Head of any Corporation Aggregate; and such Vote or Votes by Proxy shall be as valid as if such Principal or Principals had voted in Person; and whatever Question or Questions as to the Election of proper Officers, or the Determination of any other Matter or Thing, shall be proposed, discussed,

cuffed, or considered in any General or other Assembly of the said Company of Proprietors hereby incorporated, to be held by virtue of this Act, the same shall be finally determined by the Majority of Votes and Proxies then present, computing One Vote for every Share: Provided nevertheless, that no Proprietor or Proprietors shall be entitled to give more than Ten Votes on account of the whole Number of his, her, or their Shares in the said Navigation, and that no Person shall give or deliver a Vote in respect of Proxies for more than Ten Shares of absent Proprietors; and the Appointment of every Proxy shall be made according to the Form following:

Proviso as to Proxies.

‘ I of one of the Proprietors of *The Newport Pagnell Canal*, do hereby nominate, constitute, and appoint of in my Name and in my Absence to vote or give my Assent or Dissent to any Business, Matter, or Thing relating thereto, which shall be proposed at any General or Special Assembly of the Proprietors of the said Canal, or any Adjournment thereof, at all Times hereafter, until I shall revoke this Appointment by Notice in Writing under my Hand to some Clerk of the said Company of Proprietors. In Witness whereof I have hereunto set my Hand this Day of

Form of Proxy.

And at every General or other Assembly of the said Company of Proprietors hereby incorporated, one of the Proprietors present shall be appointed Chairman, and shall not only have a single Voice as Proprietor in respect of each Share as aforesaid, but in case of an Equality of Votes shall have the Decisive or Casting Vote, although he may have voted before in relation to the Matter in Question.

XXXVII. Provided always, and be it further enacted, That the respective Persons who have subscribed or agreed to advance, or who shall hereafter subscribe or agree to advance, any Money towards the said Undertaking, or shall be Owner or Owners, Proprietor or Proprietors of any Share or Shares in the said Undertaking, shall and are hereby required to pay the Sum or Sums by them respectively subscribed or agreed to be advanced, or such Parts and Proportions thereof as shall from Time to Time be called for by the General Committee of the said Company of Proprietors hereby incorporated by virtue of the Powers and Directions of this Act, at such Times and Places, and in such Manner, as shall be directed by the said Committee; and in case any of such Subscribers shall neglect or refuse to pay the same, at the Time and Place and in the Manner so required for that Purpose, the said Company of Proprietors are hereby empowered to sue for and recover the same in any Court of Law or Equity.

Subscribers to pay Calls on Subscriptions.

XXXVIII. Provided always, and be it enacted, That if any Subscriber or Subscribers to the said Navigation and Undertaking shall be minded and desirous to pay or advance immediately into the Hands of the said General Committee, or of the Person or Persons whom they shall appoint to receive the same, the full Amount of his, her, or their Subscription for the Share or Shares for which he, she, or they may have subscribed, or any Part thereof, not being less than a Sum of Fifty Pounds; without waiting for the said Call or Calls, then and in such Case it shall and may be lawful for the said General Committee to pay to the said Subscriber or Subscribers, out of the Funds of the said Company, Interest upon the same,

Committee may allow Interest to Proprietors on Payments in advance.

[Loc. & Per.]

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at the Rate of Five *per Centum per Annum* upon the Amount which such Payment in Advance may be over and above the said Calls, and from the Period of the Call immediately preceding such Payment in advance up to the Period of such subsequent Call respectively, according to the Sum then in advance over and above the Amount of the said Call.

Directing
Proceedings
in Actions
for Calls.

XXXIX. And be it further enacted, That in all Actions brought by the said Company of Proprietors hereby incorporated against any Person or Persons who hath or have subscribed, or who shall hereafter subscribe or advance, any Money for and towards the said Undertaking, or against any Owner or Owners, Proprietor or Proprietors of any Share or Shares in the said Undertaking, to recover any Sum or Sums of Money due and payable to the said Company for or by reason of any Call or Calls made by virtue of this Act, it shall be sufficient for the said Company to declare and alledge that the Defendant or Defendants, being an Owner or Owners, Proprietor or Proprietors of such or so many Share or Shares in the said Undertaking, is or are indebted to the said Company in such Sum or Sums of Money as the Call or Calls in arrear shall amount to for such 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 happen to be) whereby an Action hath accrued to the said Company by virtue of this Act, without setting forth the special Matter; and on the Trial of such Action it shall be only necessary to prove that the Defendant or Defendants, at the Time of making such Call or Calls, was or were an Owner or Owners, Proprietor or Proprietors of some Share or Shares in the said Undertaking, and that such Call or Calls was or were in fact made, and that such Notice was given thereof as is directed by this Act, and the said Company shall thereupon be entitled to recover what shall appear due; and that no Wager of Law shall be allowed in any such Action.

Manner of
enforcing
Calls.

XL. And, for the better enforcing the Payment of such Calls, be it further enacted, That if any Person or Persons upon whom any Call or Calls for Money shall or may hereafter be made under or by virtue of this Act, for or in respect of any Share or Shares in the said Undertaking, shall neglect or refuse to pay his, her, or their rateable or proportionable Share or Shares of the said Money to be called for and raised by virtue of this Act, for the Space of Two Calendar Months after such Call or Calls shall have been made as aforesaid, then and in such Case it shall and may be lawful to and for the General Committee of the said Company, at some Special Meeting to be held after such Neglect or Refusal to pay such Call or Calls as aforesaid, to declare all and every or any of the Share and Shares of such Person or Persons so neglecting or refusing as aforesaid to be forfeited, and from thenceforth the said Share or Shares so declared to be forfeited shall be vested in the said Company, their Successors and Assigns, to and for the Uses and Purposes herein-after mentioned: Provided always, that no Share or Shares of and in the said Undertaking shall vest in or accrue to the said Company, until Notice in Writing thereof shall be given by the Treasurer, or by the Clerk or Clerks of the said Company, to the Person or Persons, or to the Clerk or Clerks, or other Head Officer or Officers of the Body or Bodies Politic, Corporate or Collegiate, in whose Name or Names such Share or Shares shall at the Time of giving such Notice stand registered in the Books of the said

said Company, or left at his or their Dwelling House or usual or last known Place of Abode, Fourteen Days at the least before such Share or Shares shall vest in or accrue to the said Company, or until Notice be published in *The Northampton Mercury*, or some other Provincial Newspaper, in case such Person or Persons cannot be found; and in such Notices respectively shall be contained a Statement and Account of how much Money is due from such Person or Persons, Body or Bodies Politic, Corporate or Collegiate, for his, her, or their Call or Calls, in respect of his, her, or their Share or Shares in the said Undertaking; and no such Share or Shares shall be forfeited to or vested in the said Company, if the Owner or Owners of such Share or Shares shall pay what shall appear by such Statement to be due, together with legal Interest on the same, and all Expences attending the Application for the same, within the Time specified in such Notice, any Thing contained in this Act to the contrary thereof in anywise notwithstanding.

XLI. And be it further enacted, That where any Share or Shares of the said Undertaking shall by virtue of this Act become forfeited to or vested in the said Company as aforesaid, then and in every such Case it shall and may be lawful to and for the said Company, or their General Committee for the Time being, and they are hereby authorized and empowered from Time to Time to sell or cause to be sold by Public Auction or by Private Contract, and by Writing under the Common Seal of the said Company to assign and transfer such and so many of the Share or Shares of such Defaulter or Defaulters, as the said Company or their General Committee shall from Time to Time find necessary and direct to be sold, unto such Person or Persons as shall become the Purchaser or Purchasers thereof, his, her, or their Executors, Administrators, and Assigns; and such Assignment and Transfer shall be valid and effectual against the Owner or Owners of every such Share or Shares so forfeited to or vested in the said Company and sold as aforesaid, and all Persons claiming under him, her, or them: Provided always, that in case the Money produced by the Sale of any such Share or Shares shall be more than sufficient to pay such Arrears as aforesaid and legal Interest thereon, and the Expences attending the Sale or Sales thereof, the Surplus arising from such Sale shall be paid to the Person or Persons to whom such Share or Shares shall have belonged: Provided also, that the said Company of Proprietors or their General Committee shall not by virtue of this Act at any Time or Times sell or transfer, or direct to be sold or transferred, any more of such Shares of such Defaulter or Defaulters than shall be sufficient, as near as may be at the Time of such Sale, to pay the Arrears due by such Defaulter or Defaulters for or on account of such Call or Calls, and the Interest and Expences attending the same; and from and after Payment of every the Call or Calls to be made by virtue of this Act, and the Interest and Expences as aforesaid, any Share or Shares vested in the said Company hereby incorporated as aforesaid, which shall remain in their Hands unsold, shall revert to and again become the Property of the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, to whom such Share or Shares shall have before belonged, in such Manner as if such Calls had been duly and regularly paid.

XLII. Provided also, and be it enacted, That nothing herein contained shall empower the said Company to sue the original Proprietors of any Share

Company may sell Shares vested in them by default of Owners not paying Calls.

Company not to sue for Calls on forfeited Shares.

Share or Shares which shall be declared to be forfeited in Manner and according to the Tenor, true Intent and Meaning of this Act, except such as shall revert in pursuance of the last preceding Clause, for any Call or Calls for Money subsequent to the Declaration of such Forfeiture; but when any such forfeited Share or Shares shall be sold, the Purchaser or Purchasers thereof shall be liable to the future Calls, in the same Manner as if he, she, or they had been the original Proprietor or Proprietors of such Share or Shares.

On the Death
of Subscribers
Executors
may complete
Shares.

XLIII. Provided also, and be it further enacted, That if any Owner or Owners of any Share or Shares in the said Undertaking shall happen to die before such Call or Calls shall have been made for the full Sum to be advanced on each Share which he, she, or they shall have been possessed of or entitled to, without having made Provision, by Will or otherwise, how or in what Manner such Share or Shares shall be disposed of, and how or by what Means the future Calls in respect thereof shall be paid to the said Company, for the Purpose of the said Undertaking, then and in such Case the Executor or Executors, Administrator or Administrators of any such Owner so dying, or the Trustee or Trustees, Committee or Committees, Guardian or Guardians of any Infant or Infants, or of any other Person or Persons entitled to the Estate and Effects of such deceased Owner, shall be indemnified against all and every such Infant or Infants, and against all and every other Person or Persons whomsoever, for or on account of his, her, or their having paid any Sum or Sums of Money when called for as aforesaid to complete every such Subscription; and if such Owner or Owners deceased shall not have left Assets sufficient, or in case the Executor or Executors, Administrator or Administrators, Treasurer or Treasurers, Committee or Committees, Guardian or Guardians, shall refuse or neglect to answer such Calls, the said Company of Proprietors shall be and they are hereby authorized and empowered to admit any other Person or Persons to be Proprietor or Proprietors of the Share or Shares of such Owner or Owners deceased, on Condition that he, she, or they so admitted, do and shall, on or before such Administration, pay to the Executors or Administrators of such deceased Owner or Owners, or to the Trustee or Trustees, Guardian or Guardians of any Infant or Infants, or to any other Person or Persons who may be entitled to his or her Effects, the full Sum and Sums of Money which shall have been paid by such Owner or Owners in his or their Life-time, by virtue of any Call or Calls or otherwise, upon such Share or Shares, or such other Sum or Sums of Money as the same can be sold for; and in case no such Person or Persons shall be found who is or are willing to be admitted on such Condition as aforesaid, then and in such Case such Share or Shares shall be forfeited to and become vested in the said Company, and shall be subject to be sold and disposed of in like Manner as other forfeited Shares may be sold and disposed of by virtue of this Act, or shall and may become merged in the said Undertaking, as the said Company shall direct.

Shares may
be sold.

XLIV. And be it further enacted, That it shall be lawful for the several Proprietors of the said Undertaking, and their respective Successors, Executors or Administrators, to sell and dispose of any Share or Shares therein to which he, she, or they may be entitled, subject to the Rules
and

one of the Judges at *Westminster*, a Master or Masters Extraordinary in Chancery, or one of His Majesty's Justices of the Peace, and shall be transmitted to the Clerk or Clerks of the said Company, who shall file the same and make an Entry thereof in the Book or Books which shall be kept by the said Clerk or Clerks for the Entry of Transfers and Sales of Shares in the said Undertaking; and that before any Person or Persons who shall claim any Part or Share of the Profits of the said Undertaking, by virtue of any Bequest or Will, or in a Course of Administration, shall be entitled to receive the same, the said Will, or the Probate thereof, or the Letters of Administration, shall be produced and shewn to the Clerk or Clerks, or a Copy of so much of such Will as shall relate to the Share or Shares of the Testator, shall be made and sworn to by any Executor or Executors of such Will, before one of the Judges of His Majesty's Courts of Record at *Westminster*, a Master or Masters Extraordinary in Chancery, or one of His Majesty's Justices of the Peace, and shall also be transmitted to the Clerk or Clerks, who shall file and enter the same in the Manner herein-before mentioned; and that in all Cases other than as herein-before mentioned, where the Right and Property in one or more Share or Shares in the said Undertaking shall pass from the original Proprietor thereof to any Person or Persons by any other legal Means than by a Transfer or Conveyance thereof as herein directed, an Affidavit shall be made and sworn to by Two credible Persons before one of the Judges of His Majesty's Courts of Record at *Westminster*, or a Master or Masters Extraordinary in Chancery, or one of His Majesty's Justices of the Peace, stating the Manner in which such Share or Shares hath or have passed to such other Person or Persons; and such Affidavit shall be transmitted to the Clerk or Clerks of the said Company of Proprietors hereby incorporated, who shall thereupon enter and register the Name or Names of every such new Proprietor or Proprietors in the Register Book or List of Proprietors in the said Undertaking; and that in all or any of the said Cases it shall and may be lawful to and for the said Company of Proprietors at any General or Special Assembly, after Three Calendar Months Notice shall have been given by the said Clerk or Clerks to the Person or Persons claiming to be Owner or Owners thereof, and such Person or Persons shall not have paid his, her, or their Proportion of the Money becoming payable by virtue of any Call or Calls as aforesaid, and after Notice thereof shall have been given Three Times, at the Intervals of Three or more Days between each Advertisement, in *The Northampton Mercury*, or some other Provincial Newspaper, to declare the same Share or Shares to be forfeited; and in such Case the same shall be and become forfeited, and sold and disposed of in such Manner as the said Company of Proprietors hereby incorporated shall direct, or otherwise become consolidated in the General Fund of the said Company.

Names of Proprietors and Number of their Shares to be entered in a Book, and a Certificate of the Number delivered to them.

XLVII. And for the better Security of the several Proprietors of the said Undertaking, as to their respective Shares therein, be it further enacted, That the said Company of Proprietors hereby incorporated shall and they are hereby required, at their First or some subsequent General Assembly, as soon as conveniently may be, to cause the Names and proper Additions of the several Persons who shall then be entitled to any Share or Shares in the said Undertaking, with the Number of Shares which they are then respectively entitled to hold, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered

in a Book or Books to be kept by the Clerk to the said Company of Proprietors hereby incorporated, and after such Entry made, to cause their Common Seal to be affixed to the said Book or Books; and every Proprietor requiring the same may have a Certificate of such Entry for each Share, certified under the Hands or Hand of the Clerks or Clerk to the said Company, on paying to the Clerk Two Shillings and Sixpence, and no more, for every such Certificate, and such Certificate shall be admitted in all Courts whatsoever and elsewhere as Evidence of the Title of such Proprietor, his, her, or their Executors, Administrators and Assigns, to the Share or Shares therein specified; but the Want of such Certificate shall not hinder or prevent the Owner or Proprietor of any of the said Share or Shares from selling or disposing thereof; and in case any such Certificate shall become defaced, worn out or damaged, or shall be ascertained to have been lost or destroyed, then and in such Case another Certificate shall be made out and delivered by the Clerk on the same Terms and Conditions as aforesaid.

XLVIII. And be it further enacted, That the Bodies Politic and Corporate, and all and every Person and Persons whose Name shall at any Time hereafter stand in the said Register Book or List of Proprietors of the said Company, either as a Proprietor or Proprietors of one or more Share or Shares in the said Undertaking, whether as original or future Subscribers, or as Successors, Executors, Administrators, or Assigns of Subscribers, shall be deemed and taken to be the Proprietors of the several Shares standing in the said Book in their respective Names, and shall be subject and liable to the Payment of all and every the Call and Calls made and to be made thereon, and to all Actions, Suits, Forfeitures, and Penalties to which original Proprietors of Shares in the said Undertaking are made subject and liable by this Act.

Persons whose Names stand in Company's Books as Proprietors, to be deemed such.

XLIX. And to the end that the said Company of Proprietors hereby incorporated may be enabled to carry on and complete the said Undertaking, be it further enacted, That it shall be lawful for the said Company of Proprietors hereby incorporated to raise and contribute among themselves, in such Proportions as to them shall seem meet and convenient, a competent Sum of Money for making and completing the said Cut or Canal hereby authorized to be made, and all the Works and Conveniences to the same belonging, or requisite and useful thereto respectively, so as that the same do not exceed the Sum of Thirteen thousand Pounds in the whole (except as herein-after is mentioned); and the Money so to be raised is hereby directed and appointed to be laid out and applied, in the first Place, for and towards Payment, Discharge, and Satisfaction of all Fees and Disbursements in obtaining and passing this Act, and for making the Surveys, Plans, and Estimates preparatory and incident thereto, and all other Expences relating to the same; and all the Residue and Remainder of such Money shall be used and applied for and towards making, completing, and maintaining the said Cut or Canal, and other Works respectively hereby authorized to be made, and for other the Purposes of this Act; and so much of the said Sum as shall be raised and contributed by Subscription shall be divided and distinguished into as many equal Shares of One hundred Pounds each, at the Option of the Subscribers, (such Option to be declared at the First General Assembly to be held by virtue of this Act), as the same shall amount unto; which Shares shall be numbered

Company enabled to raise Money by Subscriptions, or by Mortgage.

bered in numerical Progression, and shall be deemed Personal Estate, and shall be transmissible as such, and not of the Nature of Real Property; and the said Shares shall be and are hereby vested in the said several Subscribers and their several and respective Executors or Administrators, Successors and Assigns, to their and every of their proper Use and Behoof, proportionably to the Sum which they shall severally subscribe and pay thereunto; and all and every the Bodies Politic, Corporate and Collegiate, and every Person and Persons, and their several and respective Successors, Executors, Administrators and Assigns, who shall severally subscribe and pay in the Sum of One hundred Pounds for every whole Share, or such less Sum or Sums of Money as shall be demanded in lieu thereof towards carrying on and completing the said Navigation, shall be entitled to and receive, after the same shall be completed, the entire and net Distribution of a proportionate Part of the Profits and Advantages that shall and may arise and accrue by virtue of the Sum and Sums of Money to be raised, recovered, or received by the Authority of this Act, and so in Proportion for any greater Number of Shares; and every Body Politic, Corporate or Collegiate, Person or Persons having One Share in the said Undertaking, and so in Proportion as aforesaid, shall bear and pay an adequate proportionate Sum of Money towards carrying on the said Undertaking in Manner herein-after directed and appointed; and in case the said Sum of Thirteen thousand Pounds shall at any Time or Times be deemed or found insufficient for the making, completing, and maintaining the said Canal, and other the Works 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 hereby incorporated to raise and contribute among themselves, in such Shares and Proportions, and in Manner and Form as herein-before directed, or by the Admission of new Subscribers, (as to them shall seem meet), any further or other Sum of Money for perfecting and completing the said Navigation and other Works, not exceeding the Sum of Seven thousand Pounds; and every such new Subscriber (if any) shall become a Proprietor in the said Navigation and Undertaking hereby authorized to be made, and shall be entitled to exercise and enjoy the same Powers, Privileges and Advantages, and shall be also liable to the same Restrictions, Penalties and Forfeitures, as if such further or other Sum hereby allowed to be subscribed for and raised had been Part or Parcel of the said original Subscription; but in case the said Company of Proprietors hereby incorporated shall be desirous to raise Part of the Sums hereby authorized to be raised by Mortgage of the said Navigation and Undertaking, instead of by Contribution or Subscription, then and in such Case it shall be lawful for the said Company of Proprietors hereby incorporated to borrow and take up at Interest of and from any Person or Persons who shall be willing to advance and lend the same upon the Credit of the said Navigation, any such Sum or Sums of Money as to them shall seem fit and convenient; and they are hereby authorized and empowered to assign and make over their said Canal and other Works, and the Rates to arise by virtue of this Act, or any of them, or any Part thereof, as a Security for any Sum or Sums of Money so to be borrowed, with Interest, to the Person or Persons who shall advance the same, or to his, her, or their Trustee or Trustees, by Deed of Mortgage under the Common Seal of the said Company, according to the Form following; (that is to say),

WE

WE the Company of Proprietors of the Canal, in Consideration of the Sum of _____ to us paid by _____ of _____ do hereby, by virtue of an Act of Parliament passed in the Fifty-fourth Year of the Reign of King George the Third, intituled [*here set forth the Title of this Act*] bargain, sell, and transfer unto the said _____ all and singular the Rates arising by virtue of the said Act, and also the said Navigation and Undertaking, and all the Right, Title, and Interest of us the said Company of Proprietors of, in, and to the same; and to hold unto the said _____ 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 off and discharged. Given under our Seal the _____ Day _____ in the Year our Lord _____.

Form of Mortgage.

And all Persons to whom such Mortgages shall be made shall be equally entitled to their Proportion of the said Rates and Premises, according to their respective Sums in such Mortgages mentioned to be advanced, without any Preference by reason of the Priority of Date of any such Mortgage, or on any other Account whatsoever; and the Money so to be borrowed is hereby directed and appointed to be laid out and applied for and towards the making, completing, and maintaining the said Navigation and Works hereby authorized to be made, and other the Purposes of this Act, and to no other Use or Purpose whatsoever; and an Entry or Memorial of every such Mortgage, containing the Number and Date thereof, and an Account of the Name or Names of the Party or Parties (with their proper Additions) to whom the same shall have been made, and of the Sum of Money borrowed, together with the Rate of Interest to be paid thereon, shall, within Fourteen Days next after the Date thereof, be written and inserted *gratis* in one or more Book or Books to be kept for that Purpose by the Clerk of the said Company of Proprietors hereby incorporated; which Book or Books shall and may be perused at all reasonable Times by the Proprietors or Creditors of the said Undertaking, without Fee or Reward; and all and every Person or Persons to whom any such Mortgage shall have been made, or who shall be entitled to the Money thereby secured, may from Time to Time assign or transfer his, her, or their Right, Title, Interest, or Benefit therein, to any Person or Persons whomsoever; which Transfer shall be made according to the Form following; (that is to say),

I _____ of _____ in Consideration of the Sum of _____ paid by _____ of _____ do hereby transfer a certain Mortgage made by the Company of Proprietors of the _____ Canal, (Number _____) bearing Date the _____ Day of _____ for securing the Principal Sum of _____ and the Interest now due and hereafter to become due thereon, and all my Right and Property therein, to the said _____ his Executors, Administrators and Assigns. In Witness whereof, I have hereto set my Hand and Seal the _____ Day of _____ in the Year of our Lord _____.

Form of Transfer of Mortgages.

And every such Transfer shall, within Thirty Days after the Date thereof, be produced and notified to the Clerk or Clerks to the said Company of Proprietors hereby incorporated, who shall thereupon cause an Entry or Memorial to be made thereof, containing the Date and Names of the Parties in the said Book or Books to be kept for entering the said original Mortgages; for

which said last-mentioned Entry, such Clerk shall be paid the Sum of Two Shillings and Sixpence, and no more; and after such Entry made, every such Assignment shall entitle such Assignee or Assignees, his, her, or their Executors, Administrators and Assigns, to the full Benefit of the original Mortgage; and it shall not be in the Power of any Person or Persons who shall have made such Assignment or Assignments, at any Time afterwards to make void, release, or discharge the original Mortgage, or any Money thereby secured, or any Part thereof.

Proprietors
may borrow
Money by
Promissory
Notes.

L. Provided always, and be it further enacted, That if the said Company of Proprietors hereby incorporated shall think it more expedient to borrow any Part of the Sums hereby authorized to be raised by Promissory Notes under the Common Seal of the said Company hereby incorporated, it shall and may be lawful for them so to do, and that such Notes shall be made payable in such Manner and at such Time or Times, and with such legal or less Rate of Interest as the said Company shall think proper, and either with or without Power from the Holders of such Notes to have an Option of being admitted to hold a Share of the Value of One hundred Pounds in lieu of the Principal Money thereby to be secured, or so much or such Parts thereof as the said Company of Proprietors hereby incorporated, or their General Committee for the Time being, and the Person or Persons advancing such Money on the Security of the said Notes, shall jointly agree upon, the Particulars of such Options being at all Times expressed in the said Notes; and the Rates authorized to be taken, and which shall arise and be received by virtue of this Act, shall be a Security for any Sum or Sums of Money so to be borrowed as aforesaid, with Interest, to the Person or Persons who shall from Time to Time be entitled to such Securities and the Principal Money and Interest thereby secured; and all Persons to whom any such Securities as aforesaid shall be given shall be equally entitled to a Claim or Lien on the said Rates, in proportion to the respective Sums mentioned thereby to be secured and advanced, as if the same were advanced upon Mortgages or Assignments of the said Rates in pursuance or by virtue of this Act, and without any Preference by reason of the Priority of the Date of any such Securities, or on any other Account whatsoever; and the Interest of the Money to be so borrowed on Mortgage or Promissory Notes as aforesaid shall be paid Half-yearly to the several Persons entitled thereto, in preference to any Interest or Dividends due and payable by virtue of this Act to the said Company of Proprietors hereby incorporated, or to any of them:

Interest to be
paid in pre-
ference to
Dividends.

Rates of
Tonnage.

II. And in consideration of the Charges and Expences which the said Company of Proprietors must sustain and incur in making and maintaining the Works hereby authorized to be made and maintained, be it further enacted, That it shall be lawful for the said Company of Proprietors hereby incorporated, from Time to Time and at all Times hereafter, to ask, demand, take, and recover to and for their own proper Use and Behoof, the several Rates herein-after mentioned, for the Tonnage of all Minerals, Merchandize and other Goods, Matters and Things whatsoever, which shall be carried or conveyed upon the said Canal hereby authorized to be made; (that is to say),

For all Goods, Wares, Merchandize and Things, (except Coals, Coke and Manure), which shall be navigated or conveyed upon the said Canal,

Canal, or any Part thereof, a Rate or Sum not exceeding Two Shillings *per Ton* :

For all Coals or Coke which shall be navigated or conveyed upon the said Canal, or any Part thereof, the Sum of One Shilling and Sixpence *per Ton* :

And for all Manure which shall be navigated or conveyed upon the said Canal, or any Part thereof, the Rate or Sum of Sixpence *per Ton* :

And in all Cases where there shall be a Fraction of a Ton in the Weight of Lading in any Boat or other Vessel so to be navigated on the said Canal, or any Part thereof, a Proportion of the said Rates shall be demanded and taken by the said Company of Proprietors for such Fraction, according to the Number of Quarters of a Ton contained therein.

LII. Provided always, and be it further enacted, That every Boat, Barge, or other Vessel, the whole or greater Part of whose Cargo shall consist of Coal, Timber, Stone, Iron, Manure, or other heavy Articles, passing through any Lock or Locks on the said Navigation with less Lading than Twenty Tons at any Time or Times when there shall be Water sufficient to enable Boats, Barges, or other Vessels, to pass such Lock or Locks with a Lading or Burthen of Twenty Tons, shall pay to the said Company of Proprietors a Tonnage Rate for Twenty Tons of Lading, in the same Manner as if such Boat, Barge, or other Vessel, had actually on board Twenty Tons of Lading; but if at the Time of such passing there shall not be sufficient Water in such Lock or Locks to enable such Boats, Barges, or other Vessels to pass through the same with Twenty Tons Weight of Lading, then and in every such Case it shall be lawful for all Boats, Barges, and other Vessels to pass any such Lock or Locks, on payment according to the actual Weight of such Lading; provided that if such Lading shall be less than the Water will enable such Boat, Barge, or other Vessel to carry, Payment shall be made for the whole Weight of Lading which the Water would enable such Boat, Barge, or other Vessel to carry.

Vessels passing Locks with less than Twenty Tons of heavy Goods to pay for Twenty Tons.

LIII. And be it further enacted, That it shall be lawful for any Person or Persons owning or occupying any Lands or Grounds through which the said Canal hereby directed to be made shall pass, to have and use Boats, Barges or Vessels, for the Carriage or Conveyance of any Dung or Manure, and also Lime or Limestone, for the Purpose of Manure only for their respective Lands, but not for Sale, upon the said Canal, to and from his, her, and their Lands or Grounds in the Parish or Parishes through which the said Canal shall so pass, for the Improvement thereof, without paying any Rate whatsoever to the said Company of Proprietors for the same; so as that such Person or Persons do and shall make good any Damage that may be done to the Sides or Banks of the said Canal by the loading or unloading such Boats, Barges, or other Vessels.

Allowing Land Owners to carry Manure Toll-free.

LIV. And be it further enacted, That all and every the several and respective Rates herein-before directed to be made and taken shall be respectively paid to such Person or Persons, at such Place or Places, in such Manner and under such Regulations, as the General Committee of the said Company of Proprietors hereby incorporated shall from Time to Time direct or appoint; and in case of Refusal or Neglect of Payment of any such Rates, or any Part thereof on Demand, to the Person or Persons appointed

Recovery of Rates.

appointed to receive the same as aforesaid, the said Company hereby incorporated may sue for the same, by Action of Debt or upon the Case, in any of His Majesty's Courts of Record at *Westminster*; or the said Company of Proprietors hereby incorporated, or the Collector or Collectors, or other Person or Persons to whom the same respectively ought to have been paid, shall and may seize and distrain the Goods or other Things for or in respect whereof any such Rates ought to have been paid, or any Part thereof, and the Boat, Barge, or other Vessel laden therewith, or returning from the Voyage, and detain the same until Payment thereof shall be made, together with reasonable Charges for such Seizure and Distress; and if such Distress shall not be redeemed within Five Days next after the taking thereof, the same shall be appraised and sold as the Law directs in Cases of Distress for Rent.

Power to
lower the
Rates.

LV. And be it further enacted, That the General Committee of the said Company of Proprietors hereby incorporated shall have full Power from Time to Time to lower or reduce all or any of the Rates hereby granted, and again to raise the same to such Sums as they shall think proper, not exceeding the Sums herein mentioned, as often as it shall be deemed necessary for the Interests of the said Navigation, except as herein-after is mentioned.

Navigation
to be free
upon Pay-
ment of Rates
under certain
Restrictions.

LVI. And be it further enacted, That all Persons whomsoever shall have free Liberty to use with Horses, Cattle and Carriages, the private Roads and Ways (except the Towingpaths), and likewise the Sluices, Trenches, or Passages to be made by virtue of this Act for the Purpose of conveying any Minerals, Timber or other Goods, Wares, Merchandizes and Things, to or from the said Canal hereby directed to be made, and every Part thereof, without paying any Thing for the same; and also to navigate and pass upon and use the said Canal with any Boats, Barges or Vessels, and also to use the said Towingpaths with Men, or with Horses or other Cattle, for haling and drawing such Boats, Barges and Vessels, but for no other Purposes, upon Payment of such Rates as shall be demanded by the said Company, not exceeding the Sums herein-before mentioned: Provided nevertheless, the said Boats and other Vessels shall not, without the Consent of the said General Committee, pass through any Lock on the said Canal at any other Times than between the Hours of Seven in the Morning and Five in the Evening, during the Months of *November, December, January and February*; between the Hours of Five in the Morning and Seven in the Evening, during the Months of *March, April, September and October*; and between the Hours of Four in the Morning and Nine in the Evening, during the Months of *May, June, July and August*, in every Year; and provided that no Boat, Barge, or other Vessel of less Dimensions than Sixty Feet in Length and Six Feet in Breadth, or less Burthen than Twenty Tons, shall pass along the said Canal without the Consent of the said Company of Proprietors, or their General Committee, in Writing first had and obtained for that Purpose: Provided always, that in case such Boat, Barge, or other Vessel of less Dimensions or Burthen than as aforesaid, shall pay for Twenty Tons of Merchandize, it shall be lawful for such Boat or other Vessel to pass with such Consent as aforesaid.

LVII. And

LVII. And be it further enacted, That the said Canal, or any of the Works to be made by virtue of this Act, shall not be subject to the Controul, Direction, Survey, or Order of any Commission of Sewers, or to any Law or Statute relating to Sewers.

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

LVIII. And, for better ascertaining and more easy, effectual, and just Collection of the said Rates hereby directed to be paid to the said Company of Proprietors hereby incorporated, be it further enacted, That the Person having the Care of every Boat, Barge, or other Vessel navigating upon the said Canal, or any Part thereof, shall give to the Collector of the said Rates, or to any other Officer to be appointed for such Purpose, at the Place or Places where he shall attend for that Purpose, a just Account in Writing, signed by the Person or Persons sending or consigning such Goods and other Things as shall be embarked in each such Boat, Barge or other Vessel, or by his or their Clerk or Agent; which Account shall contain a Statement of the Quantities and Weight of such Goods and other Things, and of their Nature, Sort or Kind, which shall be embarked in each such Boat, Barge or other Vessel, from whence brought, and where the same is intended to be landed; and if the Goods or other Things contained in any such Boat, Barge or other Vessel, shall be liable to the Payment of different Rates, then such Account shall specify the Quantities liable to the Payment of each of the said Rates; and in case the Person having the Care of such Boat or Vessel shall neglect or refuse to give such Account, or shall refuse to produce his or their Invoice or Bill of Lading to the Officer demanding the same, or shall wilfully or knowingly give a false Account, or deliver any Part of such Lading or Goods at any other Place or Places than the Place or Places mentioned in that Account, or shall wilfully do any other Act whereby the Payment of the said Rates, or any Part thereof, shall be avoided; or if the Person or Persons sending or consigning such Goods or Things, or his or their Clerk or Agent, shall sign a false Account thereof, every Person so offending shall forfeit and pay the Sum of Twenty Shillings for every Ton of Goods or other Things, and so in Proportion for any less Quantity than a Ton which shall be in or be conveyed by such Boats, Barges, or other Vessels respectively, over and above the Rates which shall be payable for the same by virtue of this Act.

Masters of Boats to give an Account of their Lading.

LIX. And be it further enacted, That the Tonnage of Timber and all other Goods, Merchandizes, Articles, and other Things whatsoever conveyed upon and along the said Canal, shall be ascertained and charged according to the real Weight thereof, and that One hundred and twelve Pounds Weight Avoirdupois shall be deemed and taken as and for One Hundred Weight, any Usage to the contrary thereof notwithstanding; and if any Difference shall arise between any Collector or Collectors of the said Rates, and the Master or other Person having the Care or Charge of any Boat, Barge or other Vessel, or the Owner of any Goods, Wares, Merchandize, or other Things loaded or embarked therein, concerning the Weight or Quantity of the Goods, Wares, or other Matters or Things therein embarked or contained, it shall be lawful for any such Collector to stop and detain any such Boat, Barge or other Vessel, and to weigh or gauge, or cause to be weighed or gauged such Boat, Barge or other Vessel, and all such Goods, Wares and Merchandize, or other Matters or Things as shall be therein embarked or contained; and in case the

What Quantities of Goods shall be deemed a Hundred Weight; and in case of Difference, Collector may weigh them.

same shall upon such weighing or gauging appear to be of greater Weight or Quantity than the Account given thereof by such Master, Owner, or other Person having the Care of such Boat, Barge or other Vessel, then it shall be lawful to and for the said Company, or their said Collectors, and they are hereby authorized and empowered to charge for such Goods and Things according to the Weight thereof declared by the Gauge of such Boat, Barge or other Vessel, and the graduated Index thereon; and the Master, Owner, or other Person giving such Account, shall pay the Costs and Charges of such weighing or gauging; all which Costs and Charges, upon Refusal of Payment on Demand, shall and may be recovered and levied in the same Manner as the said Rates are hereby appointed to be recovered and levied; but if such Timber, Goods, Wares, Merchandize, or other Matters and Things, shall appear to be of the same or of a less Weight or Quantity than the Account given thereof by the said Master, Owner or other Person, then the said Company of Proprietors hereby incorporated shall pay the Costs and Charges of such weighing or gauging, and shall also pay to such Master or other Person, or to the Owner or Owners of such Goods, Wares, Merchandize or other Things, such Damages as shall have arisen from such Detention, and in Default of Payment thereof, the same shall be recovered from the said Company of Proprietors hereby incorporated by Action of Debt in any of His Majesty's Courts of Record.

Owners of Boats to put their Names thereon.

LX. And be it further enacted, That every Owner, Master, or Person having the Care or Command of any Boat, Barge, or other Vessel passing upon the said Canal hereby directed to be made, shall cause his Name and Place of Abode, and the Number of his or her Boat, Barge or other Vessel, to be entered with the Clerk or Clerks of the said Company of Proprietors, and shall also cause such Name and Number to be painted in large White Capital Letters and Figures, on a Black Ground, Three Inches high at the least, and of a proportionable Breadth, on the Outside of the Head or Stern of every such Boat, Barge or other Vessel, higher than the Place to which the same shall sink into the Water when full laden; and also shall fix on each Side thereof respectively Plates of Metal, under such Regulations as the General Committee of the said Company of Proprietors hereby incorporated shall from Time to Time direct, so that the true Weight of the Lading on board may at all Times be thereby clearly ascertained and shewn, and shall permit and suffer every such Boat, Barge, or other Vessel to be gauged, weighed or measured, at the Expence of the said Company of Proprietors hereby incorporated, whenever it shall be required by them or any Person or Persons appointed by them for that Purpose, at such Place or Places on the said Navigation as they shall appoint; and every Owner, Master, or other Person having the Care or Command of any Boat, Barge or other Vessel, who shall navigate the same upon the said Canal hereby directed to be made, without having such Names, Figures, and Plates thereon as are herein-before directed, or shall alter, erase, deface, or destroy the same, or any Part thereof, or shall fix any false Name, Figures or Plate, or who shall refuse to permit and suffer the same to be gauged and measured, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Weight of the Lading of Vessels to be marked.

Regulation when the Canal passes

LXI. Provided always, and be it further enacted, That in all Places where the Line of the said Canal shall be made across any Public Carriage Road,

Road; the Ascent to every Bridge to be made over the said Canal, for the Purpose of such Road, shall not be more than One Foot in Thirteen, and that a good and sufficient Fence shall be made on each Side of every such Bridge, which Fence shall not be less than Four Feet above the Surface of such Bridge.

over any Road.

LXII. And be it further enacted, That the said Company shall at their own Costs (within Three Calendar Months after the said Canal hereby directed to be made, and Towingpaths thereto belonging shall be dug out and formed) divide and separate, and keep constantly divided and separated the Towingpaths on each Side of the said Canal hereby directed to be made, and the adjoining Trenches or Passages, or such Part or Parts thereof respectively as shall be declared necessary by any Two or more Justices of the Peace for the said County of *Buckingham*, from the adjoining Lands or Grounds, by Posts and Rails, Hedges, Ditches, Trenches, Banks or other Fences, sufficient to keep off Sheep and other Cattle, to be set out and made on the Lands or Grounds which shall be purchased by, conveyed to, or vested in the said Company hereby incorporated as aforesaid; and the said Company shall, at their proper Costs and Charges from Time to Time, maintain and support the said Towingpaths, and the said Posts, Rails, Hedges, Ditches, Trenches, Banks, and other Fences so set up and made as aforesaid; and also shall, at their like Costs and Charges, make, erect and set up, and from Time to Time maintain and support such and so many convenient Bridges across the said Canal hereby directed to be made, or any Aqueduct, Conductor, or Watercourse leading into the same, and also Gates and Stiles in and through all the Hedges and Fences to be by them so made on the Side of such Towingpaths as aforesaid, in such Manner as the Justices of the Peace of the said County shall at their General Quarter Sessions from Time to Time judge necessary and appoint, for the Use of the Owners and Occupiers of the Lands and Grounds, Mills or Hereditaments adjoining to such Canal and other Works, or any of them respectively; and the said Company of Proprietors shall not make the said Canal, or any Part thereof, or any Trench or Watercourse belonging to the same, in or across any Common, Highway, Public Bridleway or Footpath, until they shall, at their Costs and Charges, have made and provided a good and sufficient temporary Road, Bridleway, or Footpath, for the Accommodation of all Persons whomsoever, and until a good and sufficient Bridge or Bridges, Passage or Passages, Arch or Arches, over, across, or under the said Highway, Public Bridleway or Footpath, shall be made and perfected; and all such Gates, Stiles, Bridges, Arches and other Works, and Conveniences so to be made as aforesaid, shall from Time to Time thereafter be supported, maintained, and kept in sufficient Repair by the said Company.

For fencing off Towingpaths.

LXIII. And be it further enacted, That if any Swivel Bridge or Drawbridge (except such as may be made for the private Use of any Owner or Occupiers of Land) shall be laid over or across the said Canal hereby directed to be made, all and every Person or Persons opening any such Drawbridge or Swivel Bridge shall, and he and they is and are hereby required and directed, so soon as any Vessel shall have passed any such Bridge, to shut and fasten the same, and every Person neglecting so to do shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings; and in case such Bridge shall be left open longer than necessary for the Passage of any Vessel as aforesaid, through the Neglect or Carelessness

Swivel or Drawbridges to be shut up after Vessels passed.

lessness of any Person belonging to any such Vessel, then the Master or Owner of such Vessel shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings; and if any Person or Persons shall wilfully open any such Drawbridge or Swivel Bridge when no Vessel is to pass through the same, so as to interrupt a free Passage for Travellers, Cattle or Carriages, such Person or Persons shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

If Company do not fence off Towing-paths and make Bridges, &c. Owners may do it at Company's Expence.

LXIV. And be it further enacted, That in case the said Company hereby incorporated, or their Agents, shall refuse or neglect to divide and separate and to keep divided and separated the said Towingpaths in Manner hereinbefore directed, or to make, erect, and set up such Gates, Bridges and Stiles, in, over, and through the Fences on the Sides of the said Towingpaths, or such Bridges, Arches, Tunnels, Culverts, Drains, Back-drains, or other Passages, or to make such Watering Places for Cattle as herein directed, for the Use and Convenience of the respective Owners or Occupiers of the Lands, Mills, or Hereditaments adjoining or near to the said Canal hereby directed to be made, or to maintain and support such Gates, Stiles, Bridges, Arches, Passages and Watering Places, when erected, set up, and made of such Dimensions and in such Manner as aforesaid, for the Space of Three Calendar Months next after the Times to be appointed by the said Justices as aforesaid, or after Notice shall have been given by or on the Behalf of the Owners or Occupiers of any such Lands, Mills, or other Hereditaments, who shall find themselves aggrieved by any such Gates, Stiles, Bridges, Arches, Passages, or Watering Places not being kept in good and sufficient Repair and Condition, to the Clerk or Clerks of the said Company, then and in every such Case it shall be lawful for every or any of the Owners or Occupiers of the said adjacent Lands, Grounds, Mills or Hereditaments, who shall find himself, herself, or themselves aggrieved by such Neglect or Refusal to make, erect, and set up all such Gates, Stiles, Bridges, Arches, Passages, Watering Places, and other Conveniences, as shall be necessary and shall have been before directed or appointed by the said Justices to be made, erected, and set up by the said Company as aforesaid, and to maintain, repair, and support the same from Time to Time as Occasion shall require, so that in making and maintaining such Works, the said Navigation, or the Banks thereof, or the Feeders or Aqueducts belonging thereto, shall not be stopped or injured for any longer Space of Time, or in any other Manner, than shall be necessary for the doing thereof; and all the reasonable Costs and Charges thereof, to be settled and allowed by the said Justices, shall be repaid to the respective Owners or Occupiers of the said adjacent Lands, Grounds, Mills, or other Hereditaments, who shall have so erected and made, repaired or maintained such Works as aforesaid, by the said Company of Proprietors; and the said Owners or Occupiers, upon Refusal or Neglect of the said Company to pay the said Costs and Charges as aforesaid, shall and may have such and the like Remedy against the said Company for the Recovery thereof by Action at Law, to be commenced and prosecuted in such Manner as in other Cases is in and by this Act directed: Provided always, that the said Company hereby incorporated shall not be liable to repair or amend any Part of the Roads over the Approaches to any of the Bridges to be made over the said Canal after the Roads over such Approaches shall have been first made and put into good Repair by or at the Expence of the said Company.

LXV. Provided

LXV. Provided always, and be it further enacted, That if the Owners or Occupiers of any Lands or other Hereditaments through which the said Canal shall be made, do or shall at any Time or Times hereafter choose to erect other Gates, Stiles, Bridges, Passages, Arches, Tunnels, Drains, Back-drains, Trenches or other Passages, Watering Places, and other Conveniences respectively, than such as the said Justices shall have so directed or appointed to be made by the said Company, then and so often, or in any such Case, it shall be lawful for all or any such Owners or Occupiers, with the Consent and Approbation of the said General Committee, to make, fix and erect, at their own Costs and Charges, One or more Gate or Gates, Stiles, Bridges, Passages, Arches, Watering Places, or other Conveniences of the same or the like Constructions, with others made and erected by the said Company, in, over, or near to the said Canal or the Towingpath thereof respectively, in such Places as the said Owners and Occupiers shall judge most necessary and convenient for the better Use, Cultivation, Improvement, or Occupation of such Lands and other Hereditaments, and to repair and support the same at their own like Costs and Charges as Occasion shall require; so that the Navigation in or upon the said Canal hereby directed to be made be not prevented or obstructed thereby for any longer Space of Time, or in any other Manner, than the same would necessarily have been if such Gates, Stiles, Bridges, Passages, Arches, Watering Places or other Conveniences, had been made or erected by the said Company of Proprietors.

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

LXVI. And whereas it may happen, from Floods or from some unexpected Accidents, that the Locks, Weirs, Flood Gates, Dams, Banks, Feeders, Reservoirs, Trenches, or other Works of the said Navigation, may be injured or destroyed, and the adjacent Lands may thereby suffer damage, and it may be necessary that the same should be immediately repaired or rebuilt to prevent further Damages; be it therefore further enacted, That when and as often as any such Case shall happen, it shall be lawful for the said Company from Time to Time, or for their or any of their Servants, Agents or Workmen, without any Delay or Interruption from any Person or Persons whomsoever, to enter into any Lands, Grounds, or Hereditaments adjoining or near to the said Canal and other Works and Conveniences, or any of them, (not being the Ground whereon any House or other Building stands, or an Orchard, Park, Paddock, Planted Walk, Nursery for Trees, or Avenue to a House), and to dig for, work, get, and carry away and use all such Stones, Gravel, and other Materials, as may be necessary or proper for the Purposes aforesaid, without any previous Treaty whatsoever with the Owner or Owners, Occupier or Occupiers of, or other Person or Persons interested in such Lands, Grounds or Hereditaments, or any of them, doing as little Damage thereby as the Nature of the Case will permit, and making Recompence for the same to the Owner and Occupiers, or other Person interested in such Lands, Grounds or Hereditaments, within the Space of Three Calendar Months next after the same shall be demanded; which Damages, and the Compensation to be made in respect thereof, shall be settled and determined or assessed by the Ways and Means herein-before prescribed and directed with respect to other Damages to be done by making and completing the said Navigation.

Works damaged by Floods to be repaired by the Company.

LXVII. And be it further enacted, That if at any Time hereafter the Ditches or Drains belonging to any Owner or Occupier of Lands adjoining

Enabling the Company to cleanse the

[Loc. & Per.]

20 D

adjoining
Watercourses
at the Own-
er's Ex-
pence.

ing or lying contiguous to the said Canal and other Works, shall by reason of their not being sufficiently cleansed or opened, hinder and obstruct the free Passage of the Water from the Drains, Culverts and Passages belonging to the said Navigation, and if the same shall not be perfectly cleansed and opened within Ten Days after Notice in Writing shall have been given thereof to or left at the Place of Abode of such Owner or Occupier, by the Clerk or any Agent of the said Company, it shall then be lawful for the said Company, (an Order in Writing for that Purpose having been first obtained from Two or more of the said Justices, if they shall so think fit), from Time to Time, as often as there shall be Occasion, to open, cleanse, or cause to be opened and cleansed the said Ditches or Drains; and the reasonable Expences thereof, when ascertained and allowed by the said Justices, or any Two of them, shall be repaid to the said Company hereby incorporated, by the Owners or Occupiers of such Lands and Grounds to which the said Ditches and Drains so opened and cleansed shall belong; and in case of Refusal to satisfy the same for the Space of Two Calendar Months after Demand shall have been made thereof from the respective Owner or Owners, Occupier or Occupiers of such Lands and Grounds as aforesaid, such Charges and Expences shall and may be recovered in such Manner as Forfeitures and Penalties are herein-after directed to be recovered.

Drains to be
made to con-
vey Water
from the
Lands ad-
joining, and
Watering
Places for
the Cattle.

LXVIII. And, to the End that the said Navigation may be carried on with as little Damage to private Property as possible, be it further enacted, That the said Company 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 Watercourses communicating therewith, and the Towingpaths on the Side thereof respectively, of such Breadth, Depth and Dimensions, as shall be sufficient at all Times to convey the Water clear from the Lands 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 Feeders, and other Works hereby directed to be made, to the Prejudice of any of the Lands or Grounds contiguous thereto; and also to make proper Watering Places for Cattle in all Cases where, by means of the said Canal, the Cattle of any Person or Persons occupying Lands adjacent to the said Canal shall be deprived of their ancient Watering Places, and to supply the same at all Times with Water; and that all such Bridges, Arches, Tunnels, Culverts, 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; and if at any Time after Notice in Writing for One Calendar Month shall, by or on Behalf of the said Owners or Occupiers of Land adjoining or lying near to the said Canal hereby directed to be made, be given to the said Company hereby incorporated, or to their Clerk or Clerks, known Agent or Collector, that the said Arches, Tunnels, Culverts, Drains, Back-drains or other Passages, or any of them, is or are not made, cleansed, maintained, and repaired, according to the true Intent and Meaning of this Act, it shall be lawful for any Person or Persons to apply for and obtain an Order in Writing from any Two or more of the Justices of the Peace for the said County from Time to Time, as

often as there shall be Occasion; and the said Justices are hereby authorized and required at their Discretion to grant such Orders as aforesaid, enabling such Person or Persons to cleanse and repair such Arches, Tunnels, Culverts, Drains, Back-drains, or other Passages accordingly, and the reasonable Expences thereof (to be ascertained by the said Justices) shall be defrayed by the said Company; and in case of Neglect or Refusal to satisfy and defray such Expences for the Space of Two Calendar Months after Demand thereof made upon the said Company, or upon their Clerk, such Expences shall and may be recovered and levied in such Manner as any other Money is by this Act directed to be recovered from the said Company: Provided always, that such Owner or Occupier of the said contiguous or adjoining Lands shall, at the Time of making such Complaint, have his or her respective Ditches, Drains, Passages for Water and Watercourses leading to or from the Drains, Culverts, and Passages of the said Canal Feeders, and other Works hereby directed to be made, and each and every of them sufficiently cleansed and opened to convey Water into and along the same: And provided also, that nothing herein contained shall extend to enforce the admitting of any Water arising from Floods into the said Canal Feeders or other Works hereby directed to be made, which may injure the said Navigation hereby directed to be made.

LXIX. And be it further enacted, That full Recompence and Satisfaction shall be made by the said Company of Proprietors hereby incorporated, for all Tithes both Great and Small which would have been arising from or out of any of the Lands which shall be taken or made use of for the Purpose of this Act, to the several Persons who now are or at any Time hereafter might have been entitled to such Tithes, according to their respective Interests therein, such Tithes to be estimated at the average Value of the last Four Years, commencing at the Twenty-ninth Day of *September* One thousand eight hundred and nine, and ending at the Twenty-ninth Day of *September* One thousand eight hundred and thirteen, such Value to be ascertained (in case of any Difference concerning the same) in like Manner as the Value of any Lands or Hereditaments is hereby directed to be ascertained.

Compensation
to be made
in lieu of
Tithes.

LXX. And be it further enacted, That any Owner or Owners of any Lands or Grounds through which the said Canal hereby directed to be made shall be made by virtue of this Act, may make, build and construct, and use any Wharfs, Quays, Landing Places, Cranes, Weigh-beams, or Warehouses in or upon his, her, or their respective own proper Lands and Grounds adjoining to the said Canal; and that any Lord or Lords, Lady or Ladies of any Manor or Manors through which the said Canal shall pass, may make, build, construct, and use such Wharfs, Quays, Landing Places, Cranes, Weigh-beams, or Warehouses on the Wastes within their respective Manors; and lay out and make necessary and convenient Roads to the same, so that the making, constructing, or using thereof respectively, shall not in any Manner obstruct or prejudice the Navigation of the said Canal, or any Part thereof, or damage the Towing-path or Fence on the Side thereof; provided that it shall not be lawful to or for any Lord or Lords, Lady or Ladies of any Manor or Manors, or any Owner or Owners of Land to make any Cut or Wharf through or upon the Towingpath of the said Canal, or any Part thereof, without the

Lords of
Manors and
Land Owners
may make
Wharfs, &c.

Consent

Consent in Writing of the General Committee of the said Company first had and obtained.

Lords of
Manors and
Land Owners
not making
Wharfs, Com-
pany may.

LXXI. Provided always, and be it further enacted, That if any such Lord or Lady of a Manor, or Land Owner, shall not make and construct such proper and sufficient Wharfs, Warehouses, or other Conveniences as aforesaid, for the Use of the said Navigation, as the said Company or other General Committee shall think necessary, on such Lands, Grounds or Wastes, within Twelve Calendar Months after Notice shall have been given to them for that Purpose by the said General Committee, then and in such Case the said Company shall have full Power and Authority, without any Hindrance or Restraint whatsoever, to make use of any such Lands, Grounds or Wastes, (not being the Ground whereon any House or other Building stands, or any Orchard, Park, Paddock, Planted Walk, Nursery for Trees, or an Avenue to any House), for making, erecting, and constructing proper and sufficient Wharfs, Warehouses, Buildings, and other Conveniences as aforesaid, and keeping the same in Repair, and for laying out and making necessary and convenient Roads to and from the said Canal hereby directed to be made, they the said Company first making Satisfaction for the same in such Manner as is and hath been herein-before directed with respect to other Lands or Grounds which shall be taken or used for the Purposes of this Act; and in case any such Lord or Lady of a Manor, or Owner, shall make such Wharfs, Warehouses, and other Conveniences, and shall suffer them to be out of Repair, and shall not repair the same within Forty Days after Notice from the said General Committee for that Purpose, it shall and may be lawful to and for the said Company to repair the same, and to charge the Expences thereof to such Lord or Lady of the Manor, or Land Owner, and to recover the same in such Manner as any other Sum of Money payable to the said Company is hereby directed to be recovered.

Regulations
as to Wharfs
made by
Individuals
for Public
Uses.

LXXII. And be it further enacted, That no greater Rate or Sum of Money shall be demanded or taken by any such Lord or Lady, or Land Owner, as or for Wharfage of any Minerals, Timber or other Goods, Matters or Things whatsoever, which shall be loaded therefrom into, or discharged thereupon from any Boat, Barge, or other Vessel, and shall not lie upon such Wharfs or Quays, or which shall not lie thereon for a longer Space of Time than Twenty-four Hours, than the Sum of Three-pence *per* Ton, nor more than Sixpence *per* Ton for the Wharfage of any other Goods, Matters, or Things whatsoever, where the same shall respectively remain upon such Wharfs or Quays for a longer Time than Twenty-four Hours as aforesaid, but shall not continue thereon for a longer Space of Time than Thirty Days, (except Coal, Iron and Limestone, which may remain thereupon for Three Months, upon Payment of the said Sixpence *per* Ton), and after such Time the Sum of One Farthing *per* Ton *per* Day shall be paid for such Wharfage.

Private
Wharfs not
to be used by
the Public.

LXXIII. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower any Person or Persons to make use of any Wharf, Quay or Landing Place, or of any Crane, Weigh-beam, or Warehouse thereon, which shall be set out, erected, or made by the Lord or Lords of any Manor, or the Owner or Owners of any Lands or Grounds adjoining to the said Canal hereby directed to be
made,

made, and which shall be actually used for his, her, or their private exclusive Business only, any Thing herein-before contained to the contrary notwithstanding.

LXXIV. And be it further enacted, That it shall and may be lawful to and for the Company of Proprietors hereby incorporated to contract and agree for the Purchase of, and to purchase for the Purposes of this Act, from any Person or Persons willing to sell the same, a certain Messuage and Wharf upon the Grand Junction Canal, in the Parish of *Great Linford* aforesaid, commonly called *Great Linford Wharf*, subject to the Demise or Lease thereof to *William Wilson* and *Ralph Wilson*, the present Tenants thereof, and to hold such Hereditaments and Premises so purchased, without incurring or being subject to any of the Penalties or Forfeitures of the Statutes of Mortmain, or of any other Law, Usage, or Statute whatsoever to the contrary thereof in anywise notwithstanding.

Power for
Company of
Proprietors
to purchase
and hold
Linford
Wharf.

LXXV. And be it further enacted, That every Boatman, or other Person navigating or having the Care of any Boat, Barge, or other Vessel upon the said Canal hereby directed to be made, which shall pass through any Lock to be made thereon, shall, previously to his bringing his Boat, Barge, or other Vessel into any Lock, shut the Lower Gates of such Lock, and the Paddles or Sluices thereto belonging, before he shall draw the Paddles or Sluices of the Upper Gates thereof; and after he shall have guided or brought his Boat, Barge, or Vessel into the said Lock, he shall then shut the Upper Gates thereof, and the Paddles or Sluices thereto belonging, before he shall draw the Paddles or Sluices of the Lower Gates thereof; and in going up the said Canal from a lower to a higher Level, such Boatman or other Person shall first guide his Boat, Barge, or other Vessel into the said Lock, and carefully shut the Lower Gates thereof, and the Paddles or Sluices thereto belonging, before he shall draw the Paddles or Sluices of the Upper Gates thereof; and as soon as he shall have passed with his Boat, Barge, or Vessel out of the said Lock, such Boatman or other Person shall securely shut the Upper Gate thereof, and the Paddles or Sluices thereto belonging; and at all Times Boats, Barges, or Vessels going up the said Canal, if within sight of any Boat, Barge, or Vessel coming down, and at a Distance not exceeding One hundred Yards below any Lock, shall pass through such Lock before the Boat, Barge, or Vessel above such Lock shall come down; and if there shall be more Boats, Barges, or Vessels than one below and one above any Lock at the same Time, within the Distance aforesaid, such Boats, Barges, or Vessels shall go up and come down through such Locks by turns as aforesaid, until all the Boats, Barges, or Vessels going up or coming down shall have passed the same, in order that One Lock-full of Water may serve Two Boats, Barges or Vessels; and if any Person or Persons shall offend against any such Provision or Provisions, Rule or Rules, Regulation or Regulations, for entering or passing any such Lock or Locks, or for opening or shutting any Gate or Gates thereof, or for drawing or shutting the Paddles or Sluices thereof, or any of them, then and in every such Case every such Person shall for every such Offence forfeit any Sum not exceeding Five Pounds.

Regulations
on Vessels
passing the
Locks.

LXXVI. And be it further enacted, That no Boat, Barge, or other Vessel shall be moored in any Part or Parts of the said Canal hereby
[Loc. & Per.] 20 E directed

Boats not to
unload in any
Place where
the Canal

shall be less
than Thirty
Feet wide.

Company
to grant
Licences for
Recesses.

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

Obstructions
of the Navi-
gation to be
removed, and
Vessels sunk
to be weighed.

directed to be made, nor shall any Boat, Barge, or other Vessel be laden or unladen in any Part of the same Canal, where the Width or Breadth of such Canal shall be less than Thirty Feet; and it shall and may be lawful for the several Owners and Occupiers of Lands and Grounds on the Banks of the said Canal, by and with the Consent of the said Company of Proprietors hereby incorporated, expressed in Writing under their Common Seal, to make any Recess or Recesses into their respective Lands or Grounds to communicate with such Canal, for the Purpose of admitting Boats, Barges, and other Vessels, such Owners and Occupiers respectively paying a reasonable Compensation to the said Company of Proprietors for such Consent, and doing as little Damage to the said Canal as may be, and not wasting the Water thereof; and every such Recess shall be made in such Manner and Form as the said Company shall direct; and in case any such Recess or Recesses shall be made through or across any Towingpath, a Bridge or Bridges shall be erected or thrown across the Entrance of any such Recess, for the Passage of Horses and Cattle, so that the Passage of such Towingpath shall not be obstructed by any Recess or Recesses.

LXXVII. And be it further enacted, That the said Company of Proprietors hereby incorporated shall and may and they are hereby empowered, in such Parts of the said Canal hereby directed to be made as shall not be of sufficient Breadth for admitting a Boat, Barge, or other Vessel to turn about or lie whilst another Boat shall pass by, or to admit Two Boats, Barges, or other Vessels to pass each other, to make and cut proper Spaces or Openings into the Lands adjoining to the said Canal, at convenient Distances from each other, for the turning, lying, or passing by of any such Boats, Barges, or other Vessels; and all such Boats, Barges, and other Vessels, which shall be hauled or navigated upon the said Canal, shall, upon meeting any other Boat, Barge, or other Vessel navigating thereon, stop at, or go back to, and lie in the said Spaces or Openings, in such Manner as the said Company or their General Committee shall from Time to Time direct or appoint; and that if any Boat, Barge, or other Vessel shall be placed, or shall lie abreast in any Part of the said Canal hereby directed to be made, not being moored at both Ends or by the Middle; or if any Person or Persons shall obstruct the Navigation of the said Canal hereby directed to be made, by Means of the loading, unloading, misplacing, or otherwise misconducting any Boat, Barge, or other Vessel, and shall not immediately, upon Request made, alter the Situation of such Boat, Barge, or other Vessel, or alter or lessen the Loading thereof, as the Case shall require, so as that the said Obstruction shall cease and be removed; or if any Person or Persons shall float any Timber upon the said Canal hereby directed to be made, or throw any Trees, Ballast, or other Thing or Things into any Part of the said Canal hereby directed to be made, or shall obstruct the Navigation thereof, or if any Person or Persons shall load or unload any Boat, Barge, or other Vessel on the Sides of the said Canal, where the Breadth thereof shall not exceed Thirty Feet, every Person so in any such Cases offending shall for every such Offence forfeit a Sum not exceeding Five Pounds; and it shall be lawful for the said Company to cause any such Boat, Barge, or other Vessel to be reloaded or unloaded if necessary, or to be removed, and also to remove such Timber or other Thing or Things, in such Manner as shall be proper for preventing such Obstruction in the Navigation, and to keep and detain such Boat, Barge, or other Vessel, and the Loading thereof,

thereof, or any Part of such Loading, until the Charges occasioned by such Reloading, Unloading or Removal, shall be paid, or otherwise to recover the Expences incurred thereby, in like Manner as any Penalty is hereby directed to be recovered; and if any Boat, Barge, or other Vessel, shall be sunk in any Part of the said Canal hereby directed to be made, and the Person or Persons having the Care of such Boat, Barge, or other Vessel, shall not without Loss of Time weigh or draw up the same, it shall be lawful for the Agents or Servants of the said Company hereby incorporated, or any of them, to cause such Boat, Barge, or other Vessel, to be weighed or drawn, and to detain and keep the same until Payment shall be made of all the Expences thereby necessarily incurred and occasioned.

LXXVIII. And be it further enacted, That if any Person or Persons shall wantonly or unnecessarily open or cause to be opened any Lock, Paddle, Valve, or Clough belonging to the said Canal hereby directed to be made, or any of the Works thereto belonging, or when necessarily emptying a Lock for the Purposes of passing into or entering the same, shall neglect to shut the Top Gate or Gates thereof, and the Paddles, Valves, or Cloughs thereto belonging, before he shall draw the Paddles, Valves, or Cloughs of the Bottom Gates thereof, or any of them, or shall suffer any Boat, Barge, or other Vessel, to strike or run upon any of the Bridges or Locks thereof, or shall flush or draw off, or cause to be flushed or drawn off, the Water from any Part of the said Canal, or shall leave any Gate or Gates, Paddle or Paddles, Valve or Clough of any Lock open and running, after any Boat, Barge, or other Vessel shall have passed through the same, (except in such Cases as are otherwise ordered), or shall draw or cause to be drawn any Paddle, Valve, or Clough on the said Navigation, so as to mispend or waste the Water thereof, or shall wilfully obstruct or hinder or prevent any Person in the Execution of this Act, every Person offending in any of the Cases aforesaid shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

Penalties on Persons misusing the Locks or damaging the Navigation.

LXXIX. And be it further enacted, That if any Person or Persons shall wilfully and maliciously break, throw down, damage or destroy, any Bridges, Locks, Tunnels, Banks, or other Works to be erected and made by virtue of this Act, or any Part thereof, every such Person shall be deemed to be guilty of a Misdemeanor; and the Court by and before whom such Person or Persons shall be tried, shall have Power and Authority, if they think fit, to cause such Person or Persons to be punished by Transportation, for any Term not exceeding Seven Years.

Penalty for destroying the Works.

LXXX. And be it further enacted, That in case any Person or Persons shall break down, destroy, carry away, or damage any Gate, Stile, Post, Rail, or other Fence to be put up or placed under the Authority of this Act, for the fencing of the Towingpaths of the said Canal, or the Bridges and Fences thereof, and Approaches thereto over the same, (where such Offence or Offences do not amount to Felony), every Person so offending and being thereof convicted before any Justice of the Peace (not interested in the Premises) for the County of *Buckingham*, on the Confession of the Offender or Offenders, or on Proof of the Offence on the Oath of One or more credible Witnesses, (which Oath such Justice is hereby empowered to administer), shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds; and no Person shall be deemed incompetent to give

Punishment of Persons damaging Fences.

give Evidence of such Offence by reason of his or her being a Proprietor of the said Canal hereby directed to be made, or the Owner of such Gate, Stile, Post, Rail, or other Fence; and in case any such Offender or Offenders shall not immediately pay such Penalty or Penalties, or find Sureties to the Satisfaction of such Justice for the Payment thereof, at such future Day as he shall think proper to appoint, it shall be lawful for such Justice to cause the same to be forthwith levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders by Warrant under his Hand and Seal, returning the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of such Distress and Sale, one Moiety of such Penalty or Penalties shall be paid to the said Company of Proprietors, or the Owner or Owners of such Gate, Stile, Post, Rail, or Fence so broken, destroyed, or carried away, and the other Moiety thereof shall go and be paid to the Informer or Informers; but if the Owner of such Gate, Stile, Post, Rail or Fence, shall be the Informer, and shall give Evidence of the Offence, then the Whole of such Penalty or Penalties shall be paid to the Overseers of the Poor of the Parish where such Offence shall be committed for the Benefit of such Poor, and in that Case the Offender or Offenders shall (over and above the Payment of such Penalty as last mentioned) make such Recompence and Satisfaction to the Owner or Owners of such Gate, Stile, Post, Rail or Fence, for the Damage done thereto by such Offender or Offenders, as the Justice before whom he, she, or they shall be convicted of such Offence shall think fit to allow in respect thereof, such Allowance for Damage to be added to such Penalty or Penalties and levied therewith in Manner above mentioned; and for want of such Distress, such Justice or Justices shall and may commit the Offender or Offenders to the House of Correction, there to be kept to hard Labour for any Space of Time not exceeding Three Months.

Penalty for
having on
board Shafts
pointed with
Iron.

LXXXI. And be it further enacted, That no Boat, Barge, or other Vessel, having on board any Pole, Shaft, or Instrument used or to be used in punting or navigating such Boat, Barge, or other Vessel, pointed or spiked with Iron or otherwise, of less Area at each End thereof than Ten Square Inches, shall pass along any Part of the said Canal; and it shall be lawful for the Agents or Servants of the said Company of Proprietors hereby incorporated to seize such Poles, Shafts or Instruments, in case they shall be found on board any such Boat, Barge or Vessel; and the Master, Owner, or Person having the Care of such Boat, Barge, or other Vessel, shall forfeit a Sum not exceeding Twenty Shillings for every such Pole, Shaft, or Instrument found on board his Boat, Barge or Vessel.

Boat Owners
to be ac-
countable
for damage
done by the
Boatmen.

LXXXII. And be it further enacted, That the Master or Owner of every Boat, Barge, or other Vessel navigating upon the said Canal hereby directed to be made, shall be and is hereby made answerable for any Trespass, Damage, Spoil or Mischief, that shall by his Boat, Barge, or other Vessel, or by any of the Boatmen, Watermen, or other Person or Persons belonging to or employed in or about the same respectively, be done to any of the Bridges, Weirs, Locks, Dams, Engines, or other Works in, upon, or belonging to the said Canal hereby directed to be made, either by the loading or unloading of any Boat, Barge, or other Vessel, or by any other Means whatsoever, or to the Owners or Proprietors of any Buildings

Buildings or other Erections, Lands, Tenements, or Hereditaments adjoining the same, or to any of them; and the said Master or Owner of such Boat, Barge, or other Vessel, may be sued and prosecuted for the same in any of His Majesty's Courts of Record at *Westminster*; and if a Verdict or Judgment 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.

LXXXIII. And be it further enacted, That in case the Owner or Owners of any Boat, Barge, or other Vessel, employed on the said Navigation hereby directed to be made, 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 Damages (with the Costs thereof) to such Owner or Owners; and 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, and Damages, 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.

LXXXIV. And be it further enacted, That if any Agent, Toll Collector, Wharfinger, Lock Keeper, or other Servant of the said Company hereby incorporated, occupying any House, Offices, or Buildings belonging to the said Company hereby incorporated, without paying Rent for the same, shall be discharged from his Office by or by order of the said Company, or their General Committee, and shall not deliver up the Possession of such House, Offices, Buildings, and Appurtenances, together with the Books, Papers, and other Matters and Things belonging to the said Company, in his Custody, Power or Possession, within Seven Days next after Notice of such Discharge shall be given to him or left at such House, Offices or Buildings; or if the Wife or Family of any such Agent, Toll Collector, Wharfinger, Lock Keeper, or other Servant, who shall happen to die while in the Service of the said Company hereby incorporated, shall refuse to deliver up the Possession of such House, Offices, Buildings, and Appurtenances as aforesaid, together with the Books, Papers, and other Matters and Things belonging to the said Company, in his, her, or their Custody, Power or Possession, within Seven Days after another Person shall have been appointed in the Place and Stead of the Person so dying, then and in either of the said Cases it shall be lawful for any Justice of the Peace for the said County of *Buckingham*, and he is hereby required by Warrant under his Hand and Seal, to order the Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such House, Offices, and Buildings in the Day-time, and to remove the Persons who shall be found therein, together with their Goods and Chattels, out of such House, Offices and Buildings, and to take Possession of all the Books, Papers, Matters and Things belonging to the said Company hereby incorporated, which shall be found therein, and to deliver Possession of such House, Offices and Buildings, together

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

Collectors, &c. to give Possession of Houses when removed.

with the Books, Papers, Matters and Things found therein belonging to the said Company hereby incorporated, to the new-appointed Agent, Toll Collector, Wharfinger, Lock Keeper, or other Servant, or to such other Person or Persons as the said Company or their Committee shall appoint to receive the same.

Compelling
Witnesses to
attend.

LXXXV. And be it further enacted, That if any Person or Persons who shall be summoned as a Witness or Witnesses to attend and give Evidence before any Justice of the Peace, touching any Matter of Fact contained in any Information or Complaint for any Offence against this Act, either on the Part of the Prosecutor, or of the Person or Persons accused, shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed (having been paid or tendered a reasonable Sum for his, her, or their Costs and Charges) without a reasonable Excuse for his, her, or their Refusal or Neglect of appearing, or shall refuse to be examined upon Oath or Affirmation, and to give Evidence before such Justice of the Peace, then and in any of the said Cases such Person shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

Punishing
Persons giving
false
Evidence.

LXXXVI. And be it further enacted, That all Persons who in any Examination to be taken upon Oath by virtue of this Act shall wilfully and corruptly give false Evidence, or otherwise forswear themselves before any such Jury, or before any Justice of the Peace acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof, shall be subject and liable to such and the same Pains and Penalties as Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable to.

Mode of rating
Lands and
Buildings.

LXXXVII. 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 Quantity, and Dwelling Houses, Wharfs, Warehouses, Lock Houses, and other Houses of a like and similar Size, Nature, Dimensions and Descriptions, in the respective Parishes where the same shall be situated, are or shall be assessed or charged; and that the Rates, Duties, and other Personal Property of the said Company liable to be rated and assessed to the Poor or other Parochial Taxes in any Parishes or Places, shall be rated and assessed in like Manner, and in the same Proportion as other Personal Property 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, Fourteen 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.

LXXXVIII. And

LXXXVIII. And be it further enacted, That all Orders and Proceedings of the said Company hereby incorporated, at their several and respective General or Special Assemblies, or of their Committees at their several Meetings, which shall be entered in a Book or Books to be kept for such Purposes, and signed respectively by the Chairman of such General or Special Assembly, by the Clerk or Clerks of the said Company, or by the Chairman of such Committee, or by their Clerk, shall be deemed and taken to be Originals, and shall be admitted in Evidence in all Courts and Places whatsoever.

Proceedings entered in the Books of the Company to be Evidence.

LXXXIX. And be it further enacted, That in case any Person or Persons shall bathe in the said intended Cut or Canal, or in any Reservoir, Aqueduct, Waterway, Feeder or Pond, being the Property of the said Company of Proprietors hereby incorporated, it shall be lawful to and for any Justice of the Peace for the said County of *Buckingham*, and he is hereby required, upon Complaint to him made by one or more credible Witness or Witnesses of any such Offence, to issue a Warrant for apprehending the Party or Parties accused; or it shall and may be lawful to and for any Person or Persons who shall see such Offence committed to apprehend, and also for any Person or Persons to assist in apprehending the Offender or Offenders, and by Authority of this Act, without any other Warrant, to deliver him, her or them, into the Custody of a Peace Officer, in order to be secured and convicted before some Justice of the Peace for the said County; and on the Party or Parties being brought before some Justice, such Justice shall proceed to examine upon Oath any Witness or Witnesses who shall appear or be produced to give Evidence touching such Offence; and if the Party or Parties accused shall be convicted of such Offence, either by his, her, or their Confession, or upon such Evidence as aforesaid, then and in every such Case he, she, or they shall for every such Offence respectively, and if more than One, shall severally forfeit and pay any Sum not exceeding Forty Shillings; and in case such Offender or Offenders shall not upon Conviction forthwith pay such Penalty by him, her, or them incurred, such Justice is hereby required to commit such Offender or Offenders to the Common Gaol or House of Correction of the said County, there to be kept to hard Labour for any Time not exceeding One Month; and such Offender or Offenders shall not be discharged before the Expiration of the Time for which he, she, or they shall be so committed, unless such Penalty as aforesaid be sooner paid and given.

To prevent bathing in the Canal.

XC. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted and authorized to be imposed, (the Manner of levying and recovering whereof is not herein otherwise directed), shall, upon Proof of the Offences respectively before any Justice of the Peace for the said County of *Buckingham*, either by the Confession of the Party or Parties offending or by the Oath of any credible Witness or Witnesses, (which Oath such Justice is hereby empowered to administer), and in case of Non-payment thereof forthwith by the Offender or Offenders, be levied and recovered by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice, which Warrant such Justice is hereby empowered and required to grant for such Purpose; and the Overplus, after such Penalties, Forfeitures, and Fines, and the Costs and Charges attending such Distress and Sale are recovered and deducted, shall be returned upon Demand to the Owner

Recovery of Forfeitures.

or

or Owners of such Goods or Chattels; and in case sufficient Distress cannot be found, or such Penalties or Forfeitures, and all such Costs and Charges 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 cause such Offender or Offenders to be committed to the Common Gaol of the County or Place where the Offence shall be committed, there to remain without Bail or Mainprize for such Time as such Justice shall direct, not exceeding Three Calendar Months, unless such Penalties, Forfeitures and Fines, and all such Costs and Charges attending the Recovery thereof, shall be sooner paid and satisfied; and such Penalties, Forfeitures and Fines, when levied (the Application whereof is not herein particularly directed), shall from Time to Time be paid to the Treasurer of the said Company hereby incorporated, and be applied for the Purposes of this Act.

Persons ag-
grieved by
Irregularity
in Distress,
to recover
only Special
Damages.

XCI. 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 shall the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant of Distress, or the Appointment of the Collector or Collectors, Receiver or Receivers, or any other Agent of the said Company, or in any other Proceeding relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularities shall and may recover full Satisfaction for the special Damage which he, she, or they may have sustained thereby, with usual Costs, in an Action of Trespass or upon the Case.

XCII. And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That every Justice of the Peace before whom any Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up according to the following Form, or in any other Form to the same Effect, as the Case shall happen; (that is to say),

Form of
Conviction.

‘
‘ to wit. } **BE** it remembered, That on [Time of Conviction] at [Place of
‘ Conviction] A. B. [Name of Offender] of [his addition] was
‘ duly convicted before me [or, us] [Name and Stile of convicting Justice or
‘ Justices] for that the said A. B. [Name of Offender] on [Time of com-
‘ mitting Offence] did [Here state the Offence against this Act according to the
‘ Fact] contrary to the Form of the Statute made in the Fifty-fourth Year
‘ of the Reign of His Majesty King George the Third, intituled [here set
‘ forth the Title of this Act]; and I [or, we] do therefore declare and
‘ adjudge that the said A. B. [Name of Offender] has forfeited for the said
‘ Offence the Sum of [Fine] or shall be committed to [Place of Imprison-
‘ ment] for the Space of [Time of Imprisonment]. Given under my Hand
‘ and Seal, [or, our Hands and Seals] the Day and Year first above
‘ written.’

Power to give
Informers
Part of the
Penalties.

XCVI. Provided nevertheless, and be it further enacted, That it shall be lawful for the General Committee of the said Company hereby incorporated from Time to Time, if they shall see Cause, to pay and apply every

every or any Part of the said Penalties, Forfeitures, and Fines directed to be levied and recovered by virtue of this Act, to and for the Use of any Informer or Informers, or other Person or Persons aiding or assisting in the Apprehension of any Offender or Offenders therein, who shall not have been a Witness on the Trial of the Information, any Thing herein contained to the contrary thereof in anywise notwithstanding.

XCIV. 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 or Committee, or by any Order, Judgment, or Determination of any Justice or Justices of the Peace, relating to any Matter or Thing in this Act mentioned or contained, may, within Six Calendar Months next after such Order, Judgment, or Determination shall have been made or given, appeal to the Justices of the Peace at the General or Quarter Sessions of the Peace to be holden in and for the said County of *Buckingham*, (first giving Fourteen Days Notice of such Appeal, and of the Nature and Matter thereof, to the Person or Persons against whom such Appeal is intended to be made, or to the Clerk to the said Company hereby incorporated, and forthwith after such Notice, entering into a Recognizance before some Justice of the Peace for the said County, with Two sufficient Sureties conditioned to try such Appeal, and abide the Order and Award of the said Court thereon); and the said Justices shall, in a summary Way, either hear and determine the said Appeal at such next General or Quarter Sessions, or if they think proper adjourn the Hearing thereof to the next General or Quarter Sessions of the Peace to be held for the said County; and the said Justices may, if they see Cause, mitigate any Forfeiture or Fine, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye-Law, or Determination, or otherwise; and may also order and award such further Satisfaction and Costs to be made and paid to the Party injured as they shall judge reasonable; but 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 by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere, any Law or Statute to the contrary notwithstanding.

Persons aggrieved may appeal to the Quarter Sessions.

XCV. Provided always, and be it enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any Thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants, or left at his, her, or their last or usual Places of Abode, Fourteen Days before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in any such Action, if tender of good and sufficient Amends shall have been made to him, her or them, or to his, her, or their Attorney, by or on behalf of the Defendant or Defendants, before such Action brought; nor if such Tender of Amends shall be made at any Time after the said Action brought and before the Trial thereof, together with the Costs of Suit to the Time of such last-mentioned Tender, or in case no Tender shall have been made, it shall and may be lawful to and for the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined,

Plaintiff not to recover without Notice, or after Tender of Amends.

to pay into Court such Sum or Sums of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgment shall be had, made, and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Limitations
of Actions.

XCVI. Provided always, and be it further enacted, That no Action or Suit shall be brought or prosecuted against any Person or Persons, Body or Bodies Politic, Corporate or Collegiate, for any Thing done in pursuance of this Act, after Six Calendar Months next after the Fact committed; or in case there shall be a Continuation of Damages, then after Three Calendar Months next after the doing or committing such Damage shall have ceased, and not afterwards; and every such Action or Suit shall be laid and brought in the said County of *Buckingham*, and not elsewhere; and the Defendant and Defendants in every such Action or Suit shall and may, at his or their Election, plead specially the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, or if any Action shall have been brought before Fourteen Days Notice shall have been given, or sufficient Satisfaction made or tendered as aforesaid, or shall be brought in any other County or Place than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become Nonsuit, or suffer a Discontinuance of his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared; or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer or otherwise, Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for recovering the same, as any Defendant hath for recovering Costs of Suit in any other Cases by Law.

The Whole
of the probable
Expences to be
subscribed
before the
Act is put
in force.

XCVII. And whereas the probable Expences of making the said Canal, and other Works hereby authorized to be made, will, according to an Estimate made thereof, amount to the Sum of Twelve thousand six hundred Pounds, or thereabouts; and the Sum of Ten thousand Pounds and upwards, being more than Four Fifth Parts of such Expences, has already been subscribed for defraying such Expences by several Persons, under a Contract binding them, their Heirs, Executors and Administrators, for Payment of the several Sums of Money so subscribed by them respectively: Provided always, and be it further enacted, That the Whole of the said Sum of Twelve thousand Pounds shall be subscribed in like Manner before any of the Powers given by this Act shall be put in force.

Time limited
for the Com-
pletion of the
Works.

XCVIII. And whereas the Whole of the said Canal, and other Works hereby authorized to be made, may be completed, if not prevented by inevitable Accident, within the Space of Three Years from the passing of this Act, according to an Estimate of the probable Time within which the same may be completed; be it therefore further enacted, That if the said Canal, and other Works intended to be hereby carried into Effect, shall not have been completed, so as to answer the Objects of this Act, within the Space of Four Years from and after the passing of this Act, all the Powers given by this Act shall from thenceforth cease and become
void;

void; save only as to so much of such Canal and other Works as shall have been completed within the said Space of Four Years.

XCIX. And be it further enacted, That nothing in this Act contained shall prejudice or lessen the Rights, or tend or be construed to defeat, prejudice, lessen, or abridge the Right or Rights of the Lord or Lords of the Manors of *Newport Pagnell* or *Great Linford* respectively, to any Toll, Custom, or Duties which he or they is or are entitled unto, by Charter, Grant, Prescription, or otherwise. Saving Rights to the Lords of Newport Pagnell and Great Linford.

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

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