



ANNO QUINQUAGESIMO NONO

GEORGIUM III. REGIS.

Cap. Iv.

An Act for improving the Harbour of *Bude*, in the County of *Cornwall*; and for making and maintaining a Navigable Canal from the said Harbour of *Bude* to or near the Village of *Thornbury*, in the County of *Devon*, and divers Branches therefrom, all in the said Counties of *Cornwall* and *Devon*. [14th June 1819.]

WHEREAS the making and maintaining a Canal, with Basons and Reservoirs, navigable for Boats, Barges, and other Vessels with heavy Burthens at and from the Harbour of *Bude*, within the Port of *Padstow*, in the County of *Cornwall*, to the Places herein-after named, with certain Locks, Inclined Planes, Machines, and other Engines and Works, at, to, or near a certain Road leading from *Thornbury* to *Bradford*, in the County of *Devon*, called or known by the Name of *Bason Lane*, in the Parish of *Thornbury*, through the several Parishes of *Stratton*, *Marhamchurch*, *Poundstock*, *Launcells*, *Kilkhampton*, *Bridgerule*, *Pancrasweek*, *Sutcombe*, *Bradworthy*, *Pyworthy*, *Holfworthy*, *Thornbury*, *Cookbury*, *Milton-Damerel*, and *Bradford*, in the several Counties of *Cornwall* and *Devon*; and also the making and maintaining a Collateral Canal or Cut, with Basons and Reservoirs, for the Navigation of Boats, Barges, and other Vessels, and for the Purpose of feeding the said Canal and Collateral Branches, from or near *Veala*, over *Brinham Moor* in the Parish of *Pancrasweek*, in the said

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County of *Devon*, to or near a certain Road leading from *Solden Cross*, through *Virworthy*, in the said County of *Devon*, to *Kilkhampton*, in the said County of *Cornwall*, near to which a Reservoir is intended to be made at and near *Langford Moor*, in the said Parish of *Kilkhampton*, in the said County of *Cornwall*, and the adjacent Parishes of *Bradworthy* and *Sutcombe*, in the said County of *Devon*; and also the making and maintaining a Collateral Canal or Cut for the Navigation of Boats, Barges, and other Vessels from *Burmsdon*, in the Parish of *Launcells* aforesaid, to the public Road at or near *Moreton Mill*, in and through the same Parish of *Launcells*, with a Feeder from the Reservoir at or near *Langford Moor* aforesaid, to the last herein-before mentioned Canal or Cut; and also the making and maintaining a Collateral Canal or Cut (with Basons and Reservoirs, Inclined Planes, Machines, and other Engines, and Works) for the Navigation of Boats, Barges, and other Vessels from or near a Place called the *Red Post*, in the Parish of *Launcells* aforesaid, to or near *Druyton Bridge*, in the Parish of *Werrington*, in the said County of *Devon*, through the several Parishes of *Launcells*, *Bridgerule*, *Marhamchurch*, *Whitstone*, *Week Saint Mary*, *North Tamerton*, *Tetcot*, *Boyton*, *Werrington*, *North Petherwin*, and *Saint Giles in the Heath*, in the said Counties of *Cornwall* and *Devon*, and the Erection and making of Wharfs, Quays, Landing Places, and other Conveniences for the Purpose of loading and unloading Goods to and from the said Canal, and the making and maintaining Wharfs, Quays, Landing Places, and other Conveniences in or near the said Harbour of *Bude*; and the said Canal and Collateral Cuts will be of very great Advantage by opening a cheap and easy Communication for the Conveyance of Sand, Coal, Culm, Lime, Lime Stone, and other Goods, Wares, and Merchandize, and will also greatly tend to the Improvement of the Country on the Line of the said intended Canal; but the same cannot be effected 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 Sir *Thomas Dyke Acland* Baronet, *John Abraham*, *Richard Allen*, *Daniel Allen*, *Samuel Ashton*, *Lawrence Ashton* of *Kilkhampton*, *Lawrence Ashton* of *Bradworthy*, *Charles Atkins*, *William Baron*, *John Bast*, *John Bassett*, *William Bassett*, *William Bell*, *William Bennett*, *Elizabeth Bickford*, *Richard Binham*, *Esther Binham*, *Martha Binham*, *Henrietta Mary Bignell*, *Charlotte Mary Bignell*, *John Blackall* Doctor of Medicine, *John Blackmore*, the Reverend *John Bond*, *J. E. Boutflower*, *John Braddon*, *George Braund*, *William Hockin Braund*, *Arscot Braund*, *John Braund*, *Charles Brimacombe*, *William Brock*, *Arthur Bray*, *Thomas Browne*, *Charles Brown*, *Thomas Brown*, *James Brown*, *George Francis Colling Browne*, *William Browning*, *Charles Brutton*, *John Dennis Burdon*, *Edmund Bussell*, *Miss A. J. E. A. P. Bailey*, *William Blake*, *John Burnett*, *George Cotsford Call*, *John Cann*, *William Cann*, *Hugh Cann*, *James Cann*, *William Castine*, *William Chapman*, *Richard Ching*, *Thomas Ching* of *Stratton*, *Thomas Ching* of *Launceston*, *William Chokwill*, *John Clench*, the Reverend *William Holland Coham*, the Reverend *William Bickford Coham*, *Stephen Coham*, *Emanuel Cole*, *John Cole*, *Matthew Cole*, the Reverend *Nathaniel Cole*, *Robert Cornish* senior, *Robert Cornish* junior, the Reverend *Richard Cope*, *Samuel Cory*, *John Cory*, *Robert Coumbe*, *Joseph Crabb*, *Hugh Cumming*, *Curtice*, *George C. Call*, *John Edward Cawkitt*, *George Isaac Call*, *Charles Choak*, *James Carnsew*, *Betsy Carnsew*,

Proprietors.

Carnsew, John Carew, Letitia Calamy, Sir William P. Call Baronet, Lady Louisa Call, Rebecca Dand, John Darke, William Davey, the Reverend John Davis, William Dennis, Walter Doble, William Downe, Robert Dunn, Joseph Dunn, William Davey, Oliver Davey, Richard Eales, James Eckley, the Reverend John Edgecumbe, John Ellis, Thomas Eyre junior, Francis Fishleigh, William Ford, John Inglett Fortescue, Mary Fowler, Samuel Fry, Lady Elizabeth Forbes, Forbes, John Garland, Thomas Geake, John George, the Reverend John Prestwood Gidoin, the Reverend James Lewis Gidoin, Stephen Giles, John Gimlett, James Green Engineer, Richard Gubbins, the Reverend George Gordon Doctor of Divinity, (Dean of Lincoln), William Arundel Harris, William Hanford, John Harris, Thomas Hatch, the Reverend Samuel Hart, William Harding, Richard Hawkey, Thomas Hayman, Robert Heard, William Heard, George Heale, John Honey junior, Josias Hoskin, Richard Hoskin, John Hoskin, C. . . . C. Hudson, John Mortimer Hugo, James Hunkin, Thomas Hutchinson, George Harward, the Reverend Richard Houlditch, Richard Harward, Emeline Harward, Arthur Hoskin, Edward Hoxland, William Harvey, Harry James, Henry James, Florence Rawleigh P Ans, Frances Rawleigh P Ans, Charlotte Eliza Rawleigh P Ans, Catherine Emma Rawleigh P Ans, John Jones, Pittman Jones, Mary Jones, the Reverend George Jope, John Vickry Jose, Reuben Joyce, Benedictus Marwood Kelly, Julia Kelly, Mary Kelly, Benedictus Marwood Kelly junior, R. N. George Boughton Kingdon, the Reverend John Kingdon, Rebecca Kingdon, Dennis Kingdon Major of the Eightieth Regiment, William Kingdon, the Reverend Thomas Hockin Kingdon, W. . . . P. . . . Kingdon, Charles Kingdon, Richard Kingdon, Samuel Kingdon, Mistress Dennis Kingdon, James Knightley, William Kendall, Mary Green Lane, James Langdon, John Lawrence, John Lee, George Leach, Christopher Lethbridge, John King Lethbridge, E Barrow Loufada, the Reverend Charles H Lethbridge, Sir Arscott Ourry Moleworth Baronet, James Macfarlane, Hugh Mallett, Philip Martin, the Reverend Thomas Wadden Martyn, Harriet Mare, Susannah Wigan May, Ithama Rogers May, Anna Maria May, Eliza Bathfua May, Catherine Douce May, Letitia Ann Trelawny May, Humphrey May, Henry Medland, John Medland of Pound Stock (Stratton), John Medland of Exeter, the Reverend Thomas Melhuish, the Reverend William Meyrick, the Reverend Thomas Meyrick, Elizabeth Meyrick, Anne Meyrick, Jane Meyrick, Harriet Meyrick, Richard Mill, John Mill, John Spettigue Mills, Richard Moxbay, N Mundy junior, Ann Mackenzie, John Martin, Narrowy, Adam Neale, Doctor of Medicine, John Northey, Thomas Nisbett junior, Joseph Norrington, George Welsh Owen, Richard Payne, Richard Penwarden, Richard Palmer, John Palmer, Samuel Parsons, Charlotte Catherine Parson, Edward Pearce, Samuel Pierce, Thomas Pearse, Harry Wilson Perrers, William Perkin, Tycho Pilbrow, John Powning, Richard Preston, Edmund Prideaux, the Reverend John Pitman, John Panchen, Silas Padden, Thomas Pearce, John Parsons junior, Thomas John Phillipps, Thomas Pearse, Francis Hearle Rodd, Thomas Reed, Risdon, Thomas Roberts, Thomas Rodd, the Reverend Oliver Rouse, William Routly, William Routly junior, Coryndon Rowe, Humphrey Rowland, Henry Rowe, Samuel Rendle, the Right Honourable Philip Henry Earl Stanhope, Countess Stanhope, the Reverend J Saltren, Joseph Sanders, Richard Sargent, Mary Saunders, John Searle, William Seward, John Shearm, Edward Shearm junior, John Shearm junior, Thomas Shearm, Thomas Shephard, Mary Silke, John Slee, John Sluman, Humphrey

Humphrey Smale, Thomas Snow, Joseph Spettigue, John William Spicer, John Spry, Joseph Hickman Stabback, Peter Stacey, James Strong, Miss Sutcliffe, Sarah Sweetland, Ann Sweetland, Sampson Symons, Eliza Scott, Ann E Scott, Jane Scott, Robert John Scott, Ann M Scott, Emma R Scott, Nicholas Symons, Thomas Taylor, Francis Thorne, George Thorn, William Tomkins, Warwick Hele Tonkin junior, Abraham Tozer, Friendly Society of Tradefmen, Samuel Treble, Paul Treby Treby, S Tremlett, R Tremlett, R H Tremlett, Thomas Trood, Francis Turner, William Turner, John Chappell Tozer, Trewman and Company, Nancy Trewman, William Usherwood, James Veale, Mary Veale, John Venner, John Venner junior, Arthur Venner, John Venton, Honor Vowler, John Vowler, John Vowler junior, Edward Walter, Arundell Webber, James White, Ebenezer Wilcocks, Madgwick Wilcocks, the Reverend Robert Williams, (Fellow of Jesus College) John William Williams, Major Winslow, Thomas Woodman, John Morth Woolcombe, Edward Woolmer, Richard Wonnacott, George Wonnacott, Thomas Wonnacott, John Walter, Thomas Yeo, Joseph Yonge junior, Lewis Yonge, their several and respective Successors, Executors, Administrators, and Assigns, together with such Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, as shall at any Time hereafter be possessed of any Share or Shares in the Undertaking hereby authorized to be carried into Execution,

Incorporated.

Their Style.

II. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors hereby united as aforesaid, to raise and contribute among themselves a competent Sum of Money for the Improvement of the said Harbour of *Bude*, and for making and maintaining the said Canal and Collateral Cuts, and all the Feeders, Basins, Aqueducts, Ways, Quays, Wharfs, and all other Works and Conveniences belonging or requisite thereto, not exceeding in the Whole the Sum of Ninety-five thousand Pounds, (save and except as herein mentioned), and the same shall be divided into Shares of Fifty Pounds each; and no Person subscribing thereto, or becoming a Proprietor in such Undertaking, do become a Proprietor of less than One Share; and the said Shares shall be and are hereby vested in the several Persons so raising and contributing the same, and their several and respective Executors, Administrators, Successors, and Assigns, to their and every of their proper Use and Benefit, proportionably to the Sums they shall severally raise and contribute; and all Bodies Politic, Corporate,

Proprietors to raise Money among themselves for making the Canal, and improving the Harbour.

rate, and Collegiate, and all Persons, their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe for One or more Share or Shares, or such Sum or Sums as shall be demanded in lieu thereof, towards the Improvement of the said Harbour, and the carrying on and completing the said Navigation and Works, and other the Purposes of the said Subscription, shall be entitled to and receive the entire and net Distribution of an equal proportionable Part, according to the Money so by them respectively paid, of the Profits and Advantages that shall and may arise and accrue by the Rates and other Sums of Money to be raised, recovered, or received by the said Company of Proprietors by the Authority of this Act; and every Body Politic, Corporate, and Collegiate, Person and Persons having such Property in the said Undertaking as aforesaid, shall bear and pay a proportionable Sum towards carrying on the same in Manner herein directed and appointed.

III. Provided always, and be it enacted, That nothing herein contained shall extend to charge or make liable any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who is, are, or shall be a Proprietor or Proprietors of the Stock of the said Company, or Contributor or Contributors thereto, or his, her, or their Real or Personal Estate, with or for any Debt or Demand whatever due or to become due from or by the said Company, or in any ways relating to the said Undertaking, beyond the Extent of his, her, or their Stock, or Share or Shares of the Capital Stock of the said Company, any Law, Custom, or Usage to the contrary thereof in any wise notwithstanding.

No Person answerable for more than his Stock.

IV. And be it further enacted, That all and every the Shares and Proportions of all Bodies Politic, Corporate, and Collegiate, and all other Person and Persons, of and in the said Undertaking, or the Joint Stock or Fund of the said Company of Proprietors, shall be deemed Personal Estate, and transmissible as such, and not of the Nature of Real Property.

Shares to be Personal Estate.

V. And be it further enacted, That every Body Politic, Corporate, or Collegiate, and every Person who shall by virtue of this Act have subscribed or undertaken for One Share in the said Undertaking, his, her, or their respective Successors, Executors, Administrators, and Assigns, shall have a Vote for every such Share in the General and Special General Assemblies to be held as herein appointed for carrying on the said Undertaking, which Vote or Votes may be given by them, him, or her, or by their, his, or her Proxies or Proxy constituted under the Seal of such Body Politic, Corporate, or Collegiate, or the Hand and Seal of such other Person, every such Proxy being a Proprietor in the said Undertaking; and every such Vote by Proxy shall be as good and sufficient, to all Intents and Purposes, as if such Principal had voted in Person; and every Question, Matter, or Thing which shall be proposed, discussed, or considered in any General or Special General Assembly of the said Company of Proprietors, shall be determined by the Majority of Votes and Proxies then present, computing One Vote to every Share, the Appointment of which Proxies may be made according to the Form following:

Subscribers to have a Vote for every Share.

I *A. B.* of _____ One of the
 Proprietors of The *Bude* Harbour and Canal Company, now holding
 _____ Share [or, Shares, as the Case may be] do hereby nominate,

Form of Appointment of Proxies.

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' constitute, and appoint *C. D.* of _____ to be
 ' my Proxy, in my Name, and in my Absence, to vote, or give my
 ' Assent or Dissent in any Business, Matter, or Thing relating to the said
 ' Company, that shall be mentioned or proposed at any Assembly of the
 ' Proprietors of the said Undertaking, in such Manner as he the said *C. D.*
 ' shall think proper, according to his Opinion and Judgment, for the
 ' Benefit of the said Undertaking, or any Thing appertaining thereto.
 ' In Witness whereof I have hereunto set my Hand and Seal, the
 ' Day of _____ One thousand eight hundred and _____

Proprietors
 may raise an
 additional
 Sum among
 themselves if
 necessary.

VI. And be it further enacted, That in case the Money herein-before
 authorized to be raised shall be found insufficient for the Improvement,
 making, completing, and maintaining of the said Harbour, Canal,
 and Collateral Cuts, and other the Works hereby authorized to be
 made, and all necessary Charges and Expences relating thereto, then and
 in such Case it shall and may be lawful to and for the said Company of
 Proprietors to raise and contribute amongst themselves, in Manner and
 Form aforesaid, and in such Shares and Proportions, as to them shall seem
 meet, or to raise, by the Admission of new Subscribers, any further or
 other Sum of Money for completing and perfecting the said Undertaking,
 not exceeding, in the Whole, the Sum of Twenty thousand Pounds;
 and every Body Politic, Corporate, or Collegiate, or other Person being a
 Subscriber towards raising such further or other Sum of Money, shall be a
 Proprietor in the said Undertaking, and shall have a like Vote by them-
 selves, himself, or herself, or their, his, or her Proxies or Proxy, in respect
 of every Fifty Pounds of the said Additional Sum so to be raised, and
 shall also be liable to such Forfeitures, and stand interested in all the Profits
 of the said Undertaking, in Proportion to the Sum they, he, or she, shall
 or may subscribe thereunto, as generally and extensively, to all Intents and
 Purposes, as if such further or other Sum hereby allowed to be subscribed
 for and raised had originally been Part of the said Sum of Ninety-five
 thousand Pounds.

Power to
 raise Money
 by Mortgage.

VII. Provided always, That in case the said Company of Proprietors
 shall be desirous of raising the said Sum of Twenty thousand Pounds,
 or any Part thereof, by Mortgage of the said Undertaking, and shall
 make an Order, or enter into a Resolution to that Effect at a Special Meet-
 ing of the said Proprietors for that Purpose, to be called by their Com-
 mittee of Management to be appointed by virtue of this Act for the Time
 being, and of which Meeting Twenty-one Days previous Notice shall
 be given in One Public Newspaper in each of the said Counties of *Devon*
 and *Cornwall*, mentioning the Time and Place of such Meeting, then
 and in such Case, it shall and may be lawful to and for the said Company
 of Proprietors, pursuant to such Order or Resolution, to borrow and
 take up at Interest all or any Part of the said Sum of Twenty thousand
 Pounds on the Credit of the said Harbour, Canal, and Collateral
 Cuts, and to assign the Property of the said Undertaking, and the
 Rates arising or to arise to the said Company of Proprietors by virtue of
 this Act, or any Part thereof, (the Costs and Charges of assigning the
 same to be paid out of such Rates), as a Security for any Sum or Sums of
 Money so to be borrowed, with Interest, to such Person or Persons, or to
 his, her, or their Trustee or Trustees, who shall advance the same; all
 which said Assignments shall be made under the Common Seal of the said
 Company

Company of Proprietors in the Form or to the Effect following; (that is to say),

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

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

‘ I *A. B.* of , in Consideration of the Sum
 ‘ of paid by *C. D.* of
 ‘ , do hereby transfer a certain Mortgage made by the
 ‘ *Bude* Harbour and Canal Company to ,
 ‘ bearing Date the Day of , for
 ‘ securing the Sum of and all Interest now
 ‘ due and to become due thereon, and all my Right and Property therein,
 ‘ to the said *C. D.* Executors, Administrators, and
 ‘ Assigns. Dated this Day of

And every such Transfer shall, within Thirty Days after the Date thereof, be produced to the Clerk to the said Company of Proprietors, who shall cause a Memorial to be made thereof in like Manner as of the original Mortgages or Assignments, for which the said Clerk shall be paid the Sum of One Shilling, and no more; and every such Entry made

Interest of
Money bor-
rowed to be
paid in pre-
ference to
Dividends.

made of such Transfer shall from thenceforth entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the full Benefit of the original Mortgage; and it shall not from thenceforth be in the Power of any Person or Persons who shall have made any such Assignment, to make void, release, or discharge the original Mortgage, or any Money thereby secured, or any Part thereof; and the Interest of the Money which shall be borrowed or raised by Mortgage as aforesaid, shall be provided for and paid Half-yearly to the several Persons entitled thereto, before any yearly or other Interest or Dividends due to the said Company of Proprietors, or any of them, shall be paid, made, or divided.

Six Months
Notice to be
given of pay-
ing off Mo-
ney.

VIII. Provided always, and be it enacted, That no Sum or Sums of Money so lent and advanced on Mortgage, shall be paid off and discharged (save and except with the Consent or Consents of the Person or Persons so lending and advancing such Sum or Sums of Money, (unless Six Months previous Notice, signed by the Clerk to the said Company of Proprietors shall have been given to the Person or Persons lending and advancing such Sum or Sums of Money, of such their Intention to pay off and discharge the same).

Assignees not
to vote on
account of
having lent
Money.

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

First and
other Gene-
ral Assem-
blies;

X. And be it further enacted, That the First General Assembly of the said Company of Proprietors for putting this Act into Execution, shall be held at the *New London Inn*, in the City of *Exeter*, upon the *Monday* Month after the passing of this Act, at the Hour of Twelve at Noon; and all future General Assemblies of the said Company (except such Special General Assemblies as herein-after mentioned) shall be held in the City of *Exeter*, on the First *Wednesday* in the Month of *May* in every Year, at the Hour of Twelve at Noon, at such Place or Places in the said City as the said Company of Proprietors at their preceding General Assemblies, shall from Time to Time direct and appoint, and in default of such Direction or Appointment, at the *New London Inn* in the said City, of all which General Assemblies Thirty Days previous Notice at the least shall be given by public Advertisement in some Newspaper or Newspapers usually circulated in the Counties of *Devon* and *Cornwall*, or in such other Manner as the said Company of Proprietors at their respective General Assemblies shall direct; and the said Company of Proprietors at such respective General or Special General Assemblies shall and may appoint a Chairman, and such Chairman shall not only vote as a Proprietor or Proxy, but in case of an Equality of Votes shall have the decisive or casting Vote; and the said Company of Proprietors at their respective General Assemblies shall and may 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 Stock to the Amount of Ten Shares at the least in the said Navigation, a Committee to manage the Affairs of the said Company of Proprietors as herein directed, the said Committee to

consist

may appoint
a Chairman;

may elect a
Committee;

consist of Eighteen Persons; and the said Company of Proprietors shall have Power and Authority at any such General Assembly to remove and displace any Person or Persons who shall have been chosen a Member or Members of such Committee, or any Officer or Officers under them, and to appoint other or others in their Stead; 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 Harbour, Canal, and Collateral Cuts, 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 shall have Power to adjourn themselves from Time to Time to such Place or Places as shall at such General Assemblies be thought proper and convenient, and to revoke, alter, amend, or change any of the Rules, Bye-Laws, Orders, and Directions which may have been prescribed and laid down by virtue of this Act, with regard to their Proceedings amongst themselves, as they shall think proper (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 new Rules, Bye-Laws, Orders, and Directions for the good Government of the said Company, and of the said Committee, and of their Servants, Agents, or Workmen, and for the whole, complete, and total Superintendance and Management of the said Undertaking, and of the Bargemen, Watermen, Boatmen, and others, who shall carry any Goods, Wares, or Merchandize within or upon any Part of the said Harbour, Canal, or Collateral Cuts, as to the said General Assemblies shall seem meet, 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 Five Pounds for any One Offence; which said Rules, Bye-Laws, and Orders being reduced into Writing, shall be binding upon and observed by all Parties using or in any way concerned in the said Harbour, Canal, and Collateral Cuts, and shall be sufficient in any Court of Law or Equity, to justify all Persons who shall act under the same, provided that they be not inconsistent with or repugnant to the Laws of this Realm, or to the Provisions and Directions in this Act contained, or to any of them, and provided that Copies of such Rules, Orders, and Bye-Laws, or such of them as shall concern or relate to the using the said intended Navigation and Works, and the Tunnels, Locks, Reservoirs, and Aqueducts, Roads, and Ways belonging thereto, or to the Conduct and Behaviour of Bargemen, Boatmen, Watermen, and others, conveying Goods thereon, or to the Conduct and Behaviour of any Officers, Servants, or other Persons employed in or about the said Navigation and Works, or of the Persons resorting to or making use thereof, shall be written or printed in large Characters, and be affixed and continued in some conspicuous Place or Places upon or near adjoining all the Wharfs on the said Navigation, and renewed as often as the same shall be obliterated or defaced.

may make
and alter
Rules and
Bye-Laws.

XI. Provided always, and be it further enacted, That in all cases of Prosecution for Offences against the said Bye-Laws, the Production of a
 [Local.] 15 S printed Authenti-
 cated Bye-
 Laws.

Previous
Notice to be
given of any
Alteration
to be pro-
posed in Bye-
Laws.

printed Paper, purporting to be the Bye-Laws of the Company, and authenticated by the engraved or printed Impression or Copy of Impression of such Bye-Laws having the Common Seal of the Company affixed thereto, shall be sufficient Evidence of the Existence of such Bye-Laws; and it shall be sufficient to prove, that a printed Paper in Characters sufficiently plain, purporting to be a Copy of such Bye-Laws, hath been affixed and published in Manner aforesaid; and in case of its being afterwards displaced or damaged, hath been replaced with another such Paper as soon as conveniently might be, in some conspicuous Place upon or near adjoining the Place where the Offence was committed, unless Proof shall be adduced by the Defendant, that such printed Paper is not a Copy of such Bye-Laws, or hath not been duly kept up, and generally continued at such Wharf in Manner aforesaid: Provided always, that Twenty-one Days previous Notice at the least shall be given to the Clerk for the Time being of the said Company of Proprietors, signed by Thirty or more Proprietors entitled to vote at such General Assembly, who shall propose to revoke, alter, amend, or change any such Rules, Bye-Laws, Orders, or Directions, or to propose any such new Rules, Bye-Laws, Orders, or Directions; and such Notice shall state specifically, the Rules, Bye-Laws, Orders, or Directions, proposed to be revoked, altered, amended, or changed, and the Particulars of the proposed Alterations or Amendments; and also the Particulars of any new Rule, Bye-Law, Order, or Direction, intended to be proposed; and the Clerk for the Time being of the said Company of Proprietors shall and he is hereby required, Fourteen Days at the least before such General Assembly, to transmit a Copy of such Notice to each of the Proprietors, whose Evidence shall be known; and also shall publish such Notice in one Newspaper usually in Circulation in each of the said Counties of *Cornwall* and *Devon*; and in case there shall be no such Newspaper in Circulation, then in Two of the *London Morning Newspapers*, and it shall not be competent to such General Assembly to revoke, alter, amend, or change any Rule, Bye-Law, Order, or Direction, or to make any new Rule, Bye-Law, Order, or Direction, not specifically mentioned and particularized in such Notice, nor unless such Notice shall have been transmitted to the Proprietors and published as aforesaid.

General As-
semblies for
choosing
Committees
to consist of
500 Shares.

XII. Provided always, and be it further enacted, That if at any such stated General Assembly there shall not be Persons present who shall be possessed of or entitled unto at least Five hundred Shares in the said Undertaking, either as Principals or Proxies, no Choice of any Committee, nor any Removal of any Person or Persons from any such Committee, nor any Election of any Person or Persons in the room of such of the Members of any such Committee who shall be removed, die, or decline to act, shall be made at that Time, but in such Case there shall be another Assembly of the said Company of Proprietors at the same Place, upon that Day Three Weeks, and so from Time to Time until there shall be such Persons present at such Assembly having such Number of Shares as aforesaid, and such Choice, Removal, or new Appointment, of any Member of any such Committee, shall then take place, and not before; and the Persons then chosen to be of any such 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 any such stated General Assembly on the Day first appointed for holding the same; and in case of

Failure of the assembling of a sufficient Number of Proprietors having such Shares as Principals or Proxies at such stated General Assembly, every Proprietor who shall not attend such Second or Adjourned Assembly (provided he be within the United Kingdom of *Great Britain and Ireland*) in Person or by Proxy, shall forfeit to the said Company of Proprietors, for every Share which he or she shall possess in the said Navigation or Undertaking, the Sum of One Pound, to be deducted out of his or her next succeeding Payment of Dividends of the Profits of the said Undertaking; and in case no Dividends shall be payable to such Person or Persons making Default as aforesaid, within Three Calendar Months next after the making of such Default, then the Payment of the said Forfeiture of One Pound may be recovered and enforced by the Ways and Means hereinafter appointed for the Recovery of any other of the Penalties or Forfeitures imposed by this Act.

XIII. 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 General Assembly of the said Company of Proprietors is necessary to be held, it shall and may be lawful to and for any Number of the said Proprietors, who may be possessed of or entitled unto Five hundred Shares at the least in the whole, in the said Undertaking, to cause Fourteen Days Notice at least to be given thereof in some Newspaper or Newspapers usually circulating in the Counties of *Devon and Cornwall*, or in any other Manner, as the said Company of Proprietors 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, which Place shall be within the said City of *Exeter* or Borough of *Launceston*; and the said Proprietors are hereby authorized to meet pursuant to such Notice, and such of them as shall be present shall proceed to the Execution of the Powers by this Act given to the said Company of Proprietors with respect to the Matters so specified only; and all such Acts of the Proprietors, or of the major Part of them, met together at every such special General Assembly, (provided such major Part shall be possessed of at least Five hundred Shares 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 stated General Assembly.

Assembly of Proprietors may be specially convened.

XIV. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors at any General Assembly, and they are hereby authorized and required, from Time to Time to nominate and appoint a Treasurer or Treasurers, One or more Clerk or Clerks, One or more Collector or Collectors of the said Rates, and such other Agents, Officers, and Servants as may from Time to Time appear expedient; and such Clerk or Clerks shall, in a proper Book or Books to be provided by the said Company of Proprietors for that Purpose, enter and keep a true and perfect Account of the Names and Places of Abode of the several Proprietors of the said Navigation, and of the several Persons who shall from Time to Time become Owners and Proprietors of or entitled to any Share or Shares therein, and of all Acts, Proceedings, and Transactions of the said Company of Proprietors and Committee respectively; and each of the said Proprietors of the said Navigation shall and may, at all convenient Times, have Recourse to and peruse and inspect the same, and

General Assembly to elect and appoint Officers.

to

to the Books of Account of the Treasurer or Treasurers, Collector or Collectors to the said Company of Proprietors, *gratis*, and may demand and have Copies thereof, or of any Part thereof, paying for every One hundred Words to be copied the Sum of Sixpence; and if any such Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors, to the said Company or Committee, shall refuse to permit any Proprietor or Proprietors 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 any Sum not exceeding Five Pounds; and in case any such Treasurer, Clerk, Collector, or other Agent, Officer, or Servant, shall die or quit the Service of the said Proprietors, or such Committee or Committees, or by reason of any Negligence, Misconduct, or Inability in such Treasurer, Clerk, Collector, Agent, Officer, or Servant, to execute such Office or Offices, it shall be requisite to displace or remove him or them, then and in every such Case it shall and may be lawful to and for the Proprietors assembled at any such stated or special General Assembly as aforesaid, or for the Committee of the said Proprietors, to remove any such Treasurer, Collector, Agent, Officer, or Servant; and in case any such Treasurer, Clerk, Collector, Agent, Officer, or Servant shall so die, be removed from or quit the Service of the said Company of Proprietors, or of the said Committee, then it shall and may be lawful to and for the said Company of Proprietors, at their said General or Special General Assemblies, or for the Committee of the said Proprietors, to appoint any other fit Person or Persons to execute such Office or Offices in the Place of the Person or Persons who shall so die, be removed from or quit the Service of the said Proprietors, or of the said Committee; but in case any such new Appointment be made by the said Committee, the same shall only continue until the next General or Special General Assembly of the said Proprietors, when the Appointment of such Person or Persons to such respective Office or Offices shall either be confirmed, or such other fit Person or Persons appointed to succeed to such Office or Offices, as the said Proprietors at such General or Special General Assembly may think proper.

Treasurer and
Collector to
bind Security.

XV. And be it further enacted, That the said Company of Proprietors shall be obliged, and they are hereby required, to take such Security from the Treasurer or Treasurers, Engineer, Collector or Collectors, Clerk or Clerks, to be appointed for the Purposes of this Act, for the due Execution of their Offices, and for their faithfully accounting for all the Monies received by them, or Services to be performed by them in virtue of their said Offices, as to the said Company of Proprietors or the said Committee shall seem meet.

Clerk and
Treasurer not
to be the same
Person.

XVI. Provided always, and be it enacted, That it shall not be lawful for the Company of Proprietors to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk of the said Company; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of such Treasurer shall act as Clerk in the Execution of this Act, every Person shall, for every such Offence, forfeit and pay the
Sum

Sum of Fifty Pounds, to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Effoign, Protection, or Wager of Law, or more than One Imparlanee, shall be allowed.

XVII. And be it further enacted, That no Member of the said Committee (although he may be a Proprietor of many Shares in the said Navigation) shall have more than One Vote in any 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 which may be agitated in the said Committee, shall have the casting Vote, although he may have given One Vote before; and that all the Powers and Authorities hereby vested in or directed to be exercised by the said Committee, may be done and exercised by the major Part of them present at their respective Meetings, the whole Number present not being less than Five; and every such Committee shall from Time to Time make Reports of their Proceedings to the said General Assemblies, and if required to the said Special General Assemblies of the Proprietors, and shall obey their Orders and Directions; and the said Committee shall (subject nevertheless at all Times to such Orders and Directions as aforesaid) meet at such Times and Places, and shall from Time to Time adjourn themselves to such other Times and Places, as they shall think fit; but no Person holding any Place, Office, or Employment under the said Company shall be capable of being chosen to serve upon any Committee during the Time of his Continuance in such Place, Office, or Employment; and in order to defray the Expences of their Meetings, the said Committee shall from Time to Time receive out of the Capital Stock of the said Proprietors such Sum or Sums of Money as shall be directed, adjusted, and settled at such General Assemblies; and the said Committee (subject nevertheless at all Times to such Orders and Directions as aforesaid) shall make Agreements and Bargains with the Workmen, Agents, Undertakers, and other Persons employed or concerned in improving the said Harbour, and in making and completing the said Canal and Collateral Cuts, and other Works, and all and every Part or Parts thereof, and shall, by themselves or their Clerk or Clerks aforesaid, keep a full and true Account of all Money disbursed and Payments made by the said Committee, and by all and every Person and Persons employed by or under them, and of all and every Sum and Sums of Money which they shall receive on behalf or in respect of such Harbour, Canal, or Collateral Cuts, from any Collector or Collectors of the said Rates, or other Officer or Officers, or from any other Person or Persons whomsoever employed in, or having any Concerns, Dealings, or Transactions with the said Harbour, Navigation, Canal or Collateral Cuts, and Undertakings, or in or with any Part or Parts thereof, and shall regularly, by themselves or their Clerk or Clerks as aforesaid, write, insert, and enter in a Book or Books to be from Time to Time provided at the Expence of the said Company of Proprietors for that Purpose, Notes, Minutes, or Copies (as the Case shall require) of every such Contract, Bargain, Receipt, and Disbursement, and of all other their Orders and Proceedings; which Book or Books shall be deposited with, and kept locked up under the Care and Direction of the said Committee, (provided always, that every Proprietor, upon every reasonable Desire, shall have free Access thereto as herein-before mentioned, for

Powers of the Committees, and Regulations respecting the same.

Committee to
make Calls.

his or her Inspection); and the said Committee shall have Power from Time to Time to make such Call or Calls of Money from the Subscribers to and Proprietors of the said Undertaking, to defray the Expences of, or to carry on the same, as they from Time to Time shall find wanting and necessary for those Purposes, so that no such Call shall exceed the Sum of Ten Pounds for every One hundred Pounds, and so in proportion for any greater or less Share or Interest which any Person or Persons shall or may be possessed of or entitled unto in the said Undertaking; and such Calls shall not be made but at the Distance of Three Calendar Months at least from each other; and Thirty Days Notice at the least shall be given of all such Calls as aforesaid, by Advertisement in some Newspaper or Newspapers usually circulating in the said Counties of *Devon* and *Cornwall*, and by Letter, to be signed by the Clerk, addressed to the respective Subscribers at his, her, or their Place of Abode, as the same stand described or recorded in the Books of the said Company of Proprietors; and such Committee shall (subject nevertheless to the Orders and Directions of such General Assemblies as aforesaid,) have full Power and Authority to direct and manage all and every the Affairs of the said Company of Proprietors, as well in contracting for and purchasing Messuages, Lands, Tenements, and other Hereditaments and Materials for the Use of the said Harbour, Canal, and Collateral Cuts, as in employing, ordering, and directing the Works and Workmen, and in placing and displacing Officers, Clerks, Servants, and Agents, and in making all Contracts and Bargains touching the said Undertaking; and every Owner or Owners of any Share or Shares in the said Undertaking shall pay his, her, or their rateable Proportions of the Monies to be called for as aforesaid, to such Person or Persons, and at such Time and Place as the said Committee shall from Time to Time appoint and direct; and if any Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Part of the said Money so called for as aforesaid, at the Time and Place appointed by such Committee, or within Fourteen Days next ensuing, he, she, or they so neglecting or refusing shall forfeit a Sum not exceeding Ten Pounds for every Share; and in case such Person or Persons shall continue to neglect or refuse to pay his, her, or their rateable Calls as aforesaid for the Space of Three Calendar Months next after the Time so appointed for Payment thereof, then he, she, or they so neglecting or refusing shall, at the Option of the said Company of Proprietors, forfeit his, her, or their respective Share and Shares in the said Undertaking, and all the Profits and Benefits thereof, (all which Shares so forfeited shall be vested in the said Company of Proprietors, in Trust for and for the Benefit of all the Rest of the said Proprietors, in proportion to their respective Interests in the said Undertaking, or shall, at the Discretion of the said stated or special General Assemblies, be publicly sold for the Use of the Rest of the said Proprietors whose Shares and Interests shall not have been forfeited as aforesaid: Provided nevertheless, that no Advantage shall be taken of any Forfeiture of any Share or Shares in the said Undertaking, until personal Notice shall have been given to, or Notice left at or sent by the General Post, addressed to the usual Place or Places of Abode of the Owner or Owners of such Share or Shares respectively; and the same Share or Shares shall likewise be declared to be forfeited at some stated or special General Assembly of the Company of Proprietors within Twelve Calendar Months next after such Forfeiture shall have been incurred.

Shares may
be forfeited,
but no Ad-
vantage to be
taken of For-
feiture with-
out personal
Notice.

XVIII. Provided always nevertheless, That every such Forfeiture after the same shall be declared as aforesaid, shall be an absolute Indemnification and Discharge to and for the Proprietor or Proprietors so forfeiting against all Actions, Suits, and Prosecutions for any Breach of Contract or other Agreement between such Proprietor or Proprietors so forfeiting, and the said Company, with regard to the future carrying on and Management of the said Undertaking; but no such Share or Shares shall be forfeited if the Owner or Owners thereof shall at or before such stated or Special General Assembly, pay or tender to the Treasurer or Clerk of the said Company of Proprietors what shall be due thereon, together with legal Interest for the same from the Time which the same ought to have been paid, and all Expences incurred for Recovery thereof.

Forfeiture of Shares to be an Indemnity to Persons forfeiting; but Shares not to be forfeited if Arrear and Interest paid or tendered at or before General Assembly.

XIX. And be it further enacted, That if any Proprietor or Proprietors shall neglect or refuse to pay his, her, or their proportionable Part of the Money to be called for as aforesaid, at the Time and Place appointed for that Purpose, it shall be lawful for the said Company of Proprietors, in case they shall think fit, to sue for and recover the same, with Interest at the Rate of Five Pounds *per Centum per Annum*, from the Time appointed for Payment thereof, in any of His Majesty's Courts of Record at *Westminster*; by Action of Debt or on the Case; and in any such Action it shall be sufficient for the said Company to declare and alledge that the Defendant or Defendants, being a Proprietor or Proprietors of such or so many Shares in the said Canal, is or are indebted to the said Company in such Sum or Sums of Money as the Call or Calls in arrear shall amount unto, for such or so many Call or Calls of such or so many Sum or Sums of Money upon such or so many Share or Shares belonging to the said Defendant or Defendants (as the Case may happen to be), whereby an Action hath accrued to the said Company by virtue of this Act, without setting forth the special Matter; and in 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 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 thereof was given as is directed by this Act, without proving the Appointment of the Committee who made such Call or Calls, or any other Matters whatsoever; and the said Company shall thereupon be entitled to recover what shall appear due, unless it shall appear that any such Call exceeded the Sum of Ten Pounds for every Share of Fifty Pounds, or was made within the Distance of the Three Calendar Months from the last preceding Call, or without Notice given as aforesaid.

Company may sue for Calls not paid at the Time appointed.

XX. And be it further enacted, That if any Owner or Owners of any Share or Shares in the said Canal and Collateral Cuts, shall happen to die before such Call or Calls shall have been made for the full Sum to be advanced, or any Share or Shares which he, she, or they shall have been possessed of or entitled to, without having made Provision, by Will or otherwise, how or in what Manner such Share or Shares shall be disposed of, and how or by what Means the future Calls in respect thereof shall be paid to the said Company of Proprietors for the Purpose of the said Undertaking; then and in such Case the Executors or Administrators of any such Owner so dying, or the Trustee or Trustees, Committee or Committees of any Lunatic or Lunatics, Guardian or Guardians of any

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

Infant

Infant or Infants, or of any other Person or Persons entitled to the Estate and Effects of such deceased Owner, shall be indemnified against all and every such Infant or Infants, and against all and every other Person or Persons whomsoever, for or on account of his, her, or their having paid any Sum or Sums of Money when called for as aforesaid to complete every such Subscription; and if such deceased Owner or Owners shall not have left Assets sufficient, or in case the Executors or Administrators, Trustee or Trustees, Committee or Committees, Guardian or Guardians, shall refuse or neglect to answer such Calls, the said Company of Proprietors shall be and they are hereby authorized and required to admit any other Person or Persons to be a Proprietor or Proprietors of the Share or Shares of such deceased or lunatic or infant Owner or Owners, on condition that he, she, or they so admitted do and shall, on or before such Admission, pay to the Executors or Administrators of such deceased Owner or Owners, or to the Trustee or Trustees, Committee or Committees, Guardian or Guardians of any Lunatic or Lunatics, 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 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 for the Purpose of vesting such Share or Shares, or any forfeited Share or Shares, in a Purchaser or Purchasers, it shall be competent to the Clerk for the Time being of the said Company of Proprietors, with the Approbation of the said Company of Proprietors, signified under their Common Seal, to execute the Transfer of such Share or Shares, which shall have such and the like Effect as if the same had been executed by the Owner or Owners of such Share or Shares, without Notice of any legal Impediment or Disability in such Owner or Owners; and in case no 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 rest of the said Company of Proprietors, in Trust for and for the equal Benefit of all the rest of the said Proprietors, in proportion to their respective Interests in the said Undertaking, 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.

Shares may
be sold.

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

Form of Con-
veyance of
Shares.

‘ I *A. B.* of _____ in Consideration of
 ‘ paid to me by *C. D.* of _____ do hereby bargain, sell,
 ‘ assign, and transfer to the said *C. D.* the Sum of _____
 ‘ Capital Stock of and in the *Bude* Harbour and Canal Company, and
 ‘ in the Works and Premises belonging to the said Company, being Part
 ‘ [or the Whole, as the Case may be] of my Share in the said Undertaking;
 ‘ to hold to the said *C. D.* _____ Executors, Administrators, and
 ‘ Assigns, subject to the same Rules, Orders, and Restrictions, and on the
 ‘ same Conditions, that I held the same immediately before the Execution
 ‘ hereof; and I the said *C. D.* do hereby agree to take and accept the
 ‘ said

‘ said Capital Stock or Share of subject to the
 ‘ same Rules, Orders, Restrictions, and Conditions: As witness our
 ‘ Hands and Seals the Day of

And on every such Sale, the said Deed of Conveyance (being executed by the Seller or Sellers, and the Purchaser or Purchasers of such Share or Shares) shall be kept by the said Purchaser or Purchasers, for his, her, or their Security, after the Clerk or Clerks to the said Company of Proprietors shall have entered in a proper Book or Books to be kept for that Purpose, a Memorial of such Transfer and Sale for the Use of the said Company, and have testified or indorsed the Entry of such Memorial on the said Deed of Sale or Transfer, for which Transfer and Memorial no more than Five Shillings shall be paid, exclusive of the Stamp and other Duty; and the said Clerk or Clerks is or are hereby required to make such Entry or Memorial accordingly; and until such Memorial shall have been made and entered as above directed, such Purchaser or Purchasers shall have no Part or Share of the Profits of the said Undertaking and Collateral Cuts, nor any Interest for such Share or Shares paid to him, her, or them, nor any Vote in respect thereof as a Proprietor or Proprietors of the said Undertaking.

XXII. And be it further enacted, That after any Call of such Money shall have been made by such General Committee as aforesaid, no Person or Persons shall sell or transfer any Share or Shares which he, she, or they shall possess in the said Undertaking, on pain of forfeiting his, her, or their respective Share or Shares therein to the said Company of Proprietors, in Trust for the Benefit of all the said Proprietors, unless he, she, or they, at the Time of such Sale or Transfer, shall have paid and discharged to the Treasurer or Treasurers of the said Company of Proprietors, the whole and entire Sum of Money which shall have been called for upon each Share so sold or transferred, such Forfeiture nevertheless to be notified and declared at a General Assembly, in Manner before directed.

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

XXIII. And whereas much Inconvenience may arise by the frequent Change of the Right and Title to the Shares of and in the said Undertaking by the Marriage and Death of Proprietors, and it may be difficult in such Cases to ascertain to whom the Dividends arising or becoming due upon such Shares ought to be paid, and do belong; be it therefore enacted, That before any Person or Persons who shall claim any Part or Share of the Profits of the said Undertaking in Right of Marriage, shall be entitled to receive the same, an Affidavit containing a Copy of the Register of such Marriage, or the Effect of such Register, shall be made and sworn to by some credible Person before a Master or Master Extraordinary in Chancery, or any One of His Majesty's Justices of the Peace for the said Counties of *Devon* or *Cornwall*; and the said Master or Master Extraordinary in Chancery, and Justices of the Peace, are hereby authorized and empowered to swear any such Person to such Affidavit; and such Affidavit shall be transmitted (Post or Carriage free) to the Clerk or Clerks to the said Company of Proprietors for the Time being, who shall file the same and make an Entry thereof in the Book or Books which shall be kept by the said Clerk or Clerks for the Entry of Transfers and Sales of Shares in the said Undertaking; and that before any Person or Persons who shall claim any Part or

Regulations
as to the Ac-
quisition of
Shares,

by Marriage,

or Will, or in
course of Ad-
ministration.

Share of the Profits of the said Undertaking by virtue of any Bequest or Will, or in a Course of Administration, shall be entitled to receive the same, the said Will, or the Probate Copy thereof, shall be produced and shewn to the said Clerk, or an Affidavit containing a Copy of so much of such Will as shall relate to the Share or Shares of the Testator, or of the Letters of Administration in case the Proprietors shall have died intestate, shall be made and sworn to by an Executor or Executors of such Will, or by an Administrator or Administrators of the Estate and Effects (as the Case may happen to be), before a Master or Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace for the said Counties of *Devon* or *Cornwall*, and shall also be transmitted (Post or Carriage free) to the said Clerk or Clerks, who shall file and enter the same in Manner herein-before mentioned; and for every such Entry the Clerk or Clerks of the said Company shall be entitled to receive from the Person or Persons claiming such Share or Shares by Marriage or Will, or in course of Administration as aforesaid, the Sum of Two Shillings and Sixpence, and no more.

Names of
Proprietors
to be entered,
and Tickets
of their
Shares de-
livered to
them.

XXIV. And for the better Security of the several Proprietors of the said Undertaking to their respective Shares therein; be it further enacted, That the said Company of Proprietors shall and they are hereby required, at their Second or some subsequent General Assembly, to cause the Names and proper Additions of the several Persons who shall then be entitled to the Shares in the said Undertaking, with the Number of the Shares, or the Amount of all the Subscriptions 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 to be kept by the Clerk to the said Company of Proprietors, and after such Entry to cause their Common Seal to be affixed thereto; and shall also cause a Ticket or Instrument, with the Common Seal of the said Company affixed thereto, to be delivered to every such Subscriber upon Demand, specifying the Share or Shares to which he or she is entitled in the said Undertaking, every such Proprietor paying to the Clerk One Shilling and no more for every such Ticket or Instrument; and such Ticket or Instrument shall be admitted in all Courts whatever as Evidence of the Title of such Subscriber, his or her Executors, Administrators, and Assigns, to the Share or Shares therein specified; but the Want of such Ticket or Instrument shall not hinder or prevent the Owner of any of the said Shares from selling or disposing thereof.

For enforc-
ing Payment
of Subscrip-
tions.

XXV. And be it further enacted, That if the several Persons who have become Subscribers towards the Purposes of this Act, or any One or more of them, or any Person or Persons who shall hereafter become, or agree to become, a Subscriber or Subscribers for that Purpose, shall, after Thirty Days previous Notice in Writing, under the Hand of the Treasurer or Clerk to the said Company given to him, her, or them, or left at his, her, or their usual Place or Places of Abode, refuse or neglect to make Payment of the respective Sums by him, her, or them so subscribed, or agreed to be subscribed, or such Part or Parts thereof as may be required in such Notice, at such Place or Places, and to such Person or Persons as the said Company shall authorize to receive the same, it shall be lawful for the said Company to bring or cause to be brought any Action or Actions of Debt, or on the Case, or Bill, Complaint, or Suit, against the Person or
Persons

Persons so refusing or neglecting as aforesaid, or his, her, or their Heirs, Executors, or Administrators, in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlançe shall be allowed, and after Proof of such Person or Persons having so subscribed or agreed to subscribe, and that such Notice was given as aforesaid, a Verdict shall be given for the Plaintiff in all such Action and Actions, and Execution shall issue thereupon as the Case may require.

XXVI. And be it further enacted, That it shall and may be lawful for the said Company of Proprietors, and they are hereby authorized and empowered, by themselves, their Deputies, Agents, Officers, Workmen, Servants, and others, to improve, deepen, widen, and maintain, and from Time to Time to alter and improve, the Port and Harbour of *Bude* aforesaid, in such Manner as to enable Vessels freely to navigate and seek and obtain Shelter therein, and to make, erect, and maintain a Breakwater, together with a Dock or Basin, or Inner Harbour, with Warehouses adjoining or near thereto, and all such Piers, Quays, Wharfs, Jetties, Mooring Chains, Lighthouses, Buoys, and other Works of proper Dimensions, within or near to the said Harbour of *Bude*, as may be deemed necessary for the Reception and Protection, and the more convenient Accommodation, loading, and unloading of Ships and Vessels resorting thereto, and for the better enabling such Ships and Vessels to come into and go out of the same, and to make all such convenient Roads, Ways, and Passages of Communication, with all Turnpike Roads or Highways already made or to be made, within Two thousand Yards of the said Harbour, as may be deemed requisite for giving necessary Access to the said Harbour, Docks, Cuts, Canals, Wharfs, Warehouses, and other Works hereby authorized to be made, and the Carriage of Goods to and from the same; and also to make, complete, and maintain a Canal, with Basins and Reservoirs, navigable for Boats, Barges, and other Vessels with heavy Burthens, at and from *Bude* aforesaid to the Places herein-after named, with certain Locks, Inclined Planes, Railways, or Tram Roads, Machines, and other Engines and Works, at and to or near a certain Road leading from *Thornbury* to *Bradford*, in the said County of *Devon*, called or known by the Name of *Basen Lane*, in the Parish of *Thornbury*, through the several Parishes of *Stratton*, *Marham Church*, *Poundstock*, *Launcells*, *Kilkhampton*, *Bridgerule*, *Pancrasweek*, *Sutcombe*, *Bradworthy*, *Pyworthy*, *Holfworthy*, *Thornbury*, *Cookbury*, *Milton-Damerel*, and *Bradford*, in the several Counties of *Cornwall* and *Devon*; and also to make and maintain a Collateral Canal or Cut, with Basins and Reservoirs, for the Navigation of Boats, Barges, and other Vessels, and for the Purpose of feeding the said Canal and Collateral Branches, from or near *Veala*, over *Brinham Moor*, in the Parish of *Pancrasweek* in the said County of *Devon*, to or near a certain Road leading from *Solder Cross*, through *Virworthy* in the said County of *Devon*, to *Kilkhampton* in the said County of *Cornwall*, near to which a Reservoir is intended to be made at and near *Langford Moor*, in the Parish of *Kilkhampton*, in the said County of *Cornwall*, and the adjacent Parishes of *Bradworthy* and *Sutcombe*, in the said County of *Devon*; and also to make and maintain a Collateral Canal or Cut for the Navigation of Boats, Barges, and other Vessels from *Burmsdon*, in the said Parish of *Launcells*, in the County of *Cornwall*, to the Road at or near *Moreton Mill*, in and through the same Parish

Power to improve and construct Harbour, Canal, and other Works.

Parish of *Launcells*, with a Feeder from the Reservoir intended to be made at and near *Langford Moor* aforesaid to the last hereinbefore mentioned Canal or Cut; and also to make and maintain a Collateral Canal or Cut, with Basins and Reservoirs, Inclined Planes, Railways, or Tram Roads, Machines, and other Engines and Works, for the Navigation of Boats, Barges, and other Vessels, from or near a Place called *The Red Post*, in the Parish of *Launcells*, to or near *Druxton Bridge*, in the Parish of *Werrington*, in the said County of *Devon*, through the several Parishes of *Launcells*, *Bridgerule*, *Marham Church*, *Whitstone*, *Week Saint Mary*, *North Tamerton*, *Tetcot*, *Boyton*, *Werrington*, *North Petherwin*, and *Saint Giles in the Heath*, in the said Counties of *Cornwall* and *Devon*; and to erect and make Wharfs, Quays, Landing Places, and other Conveniences, for the Purpose of loading and unloading Goods, to and from the said Canal, and to make and maintain Wharfs, Quays, and other Conveniences in or near the said Harbour of *Bude*, and the said Canal and Collateral Cuts, and to supply the said intended Canal and Collateral Cuts, whilst making, and at all Times for ever after the same shall be made, with Water from all Rivers, Brooks, Springs, Streams, Rivulets, and Watercourses which shall be found in digging or making the said Canal and Collateral Cuts, or any of them; and the said Company of Proprietors are hereby also authorized and empowered, by themselves and their Deputies, Agents, Officers, and Workmen, to make, for the Purpose of supplying the said Canal and Collateral Cuts, or any Part or Parts thereof, with Water, such and so many Soughs, Tunnels, Feeders, Aqueducts, and Channels as they shall think fit, for supplying the said Canal and Collateral Cuts with Water; and also to cleanse, scour, cut, dig, open, deepen, enlarge or straighten, all Streams, Brooks, or Watercourses which come into the same respectively; and to dig, cut, or raise the Banks of any of the Streams, Brooks, and Watercourses aforesaid, for bringing Water into the said Canal and Collateral Cuts, and to make such proper Trenches or Passages for Water in, upon, or through the Lands adjoining or near the said intended Canal and Collateral Cuts or Feeders, or any of them, or such Streams, Brooks, or Watercourses as aforesaid, or any of them, as shall be necessary or proper for effecting the Purposes of this Act; and for the Purposes aforesaid the said Company of Proprietors, their Deputies, Agents, Officers, 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 intended Canal, Collateral Cuts, and other Works, and any such Feeder or Feeders, or Aqueduct or Aqueducts, and all such other Works, Matters, and Conveniences as they shall think proper and necessary for making, preserving, improving, completing, maintaining, and using the said Harbour, Canal, and Collateral Cuts, and other Works; and also to search for, bore, dig, cut, trench, sough, get, remove, take, carry away, and use Earth, Clay, Rock, 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 or for improving the said Harbour, and in or for making the said intended Canal and Collateral Cuts, or other Works, or in or for making any Basin or Basins, Feeder

Feeder or Feeders, Aqueduct or Aqueducts, in or out of the Lands or Grounds of any Person or Persons adjoining or lying contiguous thereto, and which may be necessary, requisite, or proper for making, carrying on, improving, continuing, maintaining, or repairing the said Harbour, intended Canal, Collateral Cuts, or other Works aforesaid; and also remove, carry away, and lay Earth, Clay, Rock, Stone, Soil, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters or Things which may hinder, prevent, or obstruct the making, using, or completing, extending and maintaining the same respectively, or the making, using, completing, extending, or maintaining of any such Basins, Feeders, Trenches, Passages, Aqueducts, and Watercourses as aforesaid, as shall be deemed necessary or proper to convey Water to the said intended Canal, Collateral Cuts, or any of them; and also to make, build, erect, and set up in or upon the said intended Canal and Collateral Cuts, or other Works hereby authorized to be made, or any of them, or upon the Lands adjoining or near the same respectively, such and so many Bridges, Piers, Arches, Tunnels, Aqueducts, Sluices, Locks, Flood Gates, Weirs, Pens for Water, Water Stanks, Basins, Dams, Drains, Wharfs, Quays, Houses, Warehouses, Toll Houses, Watch Houses, Landing Places, Weighing Beams, Cranes, Fire Engines, or other Machines, Dry Docks, and other Works, Ways, Roads and Conveniences, as and where the said Company of Proprietors shall think requisite or convenient for the Purposes of the said Canal, Collateral Cuts, and other Works, or any Part thereof; and also from Time to Time to alter, repair, and amend or discontinue the same; and to divert, widen, enlarge, and extend any Bridges, Ways, Roads, Passages, Cuts, Locks, Soughs, Tunnels, Basins, Feeders, Aqueducts, Trenches, Sluices, or other Works and Conveniences, as well for the carrying and conveying of Coals, Stones, and other Minerals, Goods, Wares, Merchandize, and other Things, to and from the said intended Canal and Collateral Cuts, as for the carrying and conveying of all Manner of Materials necessary for the making, erecting, finishing, altering, repairing, maintaining, amending, widening, or enlarging the said intended Canal and Collateral Cuts, and the Works of or belonging thereto, or useful for any Purpose therein; and also to place, lay, work, or manufacture the said Materials on the Lands or Grounds near to the Place or Places where the said Works or any of them shall be or are intended to be made, erected, repaired, or done; and also to make, maintain, repair, and alter any Fences or Passages over, under, or through the said intended Canal and Collateral Cuts, or the Tunnels, Aqueducts, Soughs, Trenches, Passages, Feeders, Watercourses, and Sluices respectively, which shall communicate therewith; and also to make, set out, and appoint such Towing Paths, Banks, Roads, and Ways convenient for towing, haling, or drawing of Boats, Barges, and other Vessels passing upon the said intended Canal or Collateral Cuts, with Men, Horses, or otherwise, and proper Places for Boats, Barges, and other Vessels, navigated upon the said intended Canal or Collateral Cuts, to turn, lie, or pass each other, as they the said Company of Proprietors shall think convenient; and to construct, erect, and keep in Repair any Piers, Arches, Aqueducts, and other Works, in, upon, and across any Rivers or Brooks, for the making, using, maintaining, and repairing of the said intended Canal, and Collateral Cuts and Trenches, and the Towing Paths on the Sides thereof;

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and

and also 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 using the said intended Canal and Collateral Cuts, and other Works, in pursuance of and according to the true Intent and Meaning of this Act; they the said Company of Proprietors, their several Deputies, Agents, Officers, 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 and Proprietors of and other Persons interested in any Lands, Tenements, or other Hereditaments, Waters, Watercourses, Brooks, or Rivers respectively, which shall be taken, used, removed, diverted, or prejudiced, for all 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, Agents, Officers, and Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted, subject to such Provisoos and Restrictions as are herein-after mentioned.

Company not
to divert
Rivers, &c.
falling into
the Tamar.

XXVII. Provided always, and be it further enacted, That in making and maintaining the said Collateral Canals or Cuts it shall not be lawful for the said Company of Proprietors, their Deputies, Agents, Officers, Workmen or Servants, to cut off or divert the Waters of any of the Rivers, Rivulets, Streams, Brooks, Springs, or Watercourses, which unite with or fall or are discharged into the River *Tamar*, for the Purposes of the said Canals or Cuts, or any of the Works authorized by this Act, save and except the Surplus Water from a certain Part of the said River *Tamar* at or near *Aldfordisworthy* Mill in Manner herein-after mentioned; that is to say, when the Water shall flow over the Weir of the said Mill at its present Height, it shall be lawful for the said Company to take the Surplus Water, by means of a Gauge to be placed upon the said River at a Height corresponding with Three Inches above the said Weir (allowing for the natural Fall of the River between the Place where the said Gauge shall be fixed and the said Weir), and at such Height the said Gauge shall remain, so that the said River *Tamar* may never be deprived of any Water, except when it is flowing Three Inches above the said Weir when the said Mill is at work with all the Millstones, and then the Surplus Water only is to be taken; and it shall and may be lawful to and for any Engineer to be appointed by the Lords Commissioners of the Admiralty for the Time being, or any Three or more of them, at any Time or Times, to examine and inspect the said Gauge, and in case he shall find that the same is not placed in the Manner and according to the true Intent and Meaning of this Act, then it shall be lawful for such Engineer to require the said Company of Proprietors to make or cause to be made such Alterations in the said Gauge as he may deem necessary and proper, which they are hereby required to do and perform accordingly at their own Expence within a reasonable Time, not exceeding Two Calendar Months from the making of such Requisition, upon Pain of forfeiting the Sum of Ten Pounds for every Day after the said Period that the said Company shall neglect to make and complete such Alterations.

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

Power to make Rollers or Inclined Planes, &c.

XXIX. Provided also, and be it further enacted, That nothing herein contained shall authorize or empower the said Company of Proprietors, or any Person or Persons acting by or under their Authority, to take, use, injure, or damage, for the Purposes of the said Undertaking, or any other of the Purposes aforesaid, any House, Mill, or other Building which was erected and built on or before the Twenty-first Day of *June* One thousand eight hundred and eighteen, or any Land or Ground which on the said Twenty-first Day of *June* was set apart and used as or for a Garden, Orchard, Yard, Park, Paddock, Planted Walk, or Avenue to a House, without the Consent of the Owners and Occupiers thereof.

Houses, Gardens, &c. not to be injured, except such as are mentioned.

XXX. And be it further enacted, That the Lands and Grounds to be taken or used for such Canal and Collateral Cuts, and for the Towing Paths thereto, and the Ditches, Drains, and Fences to separate such Towing Paths from the adjoining Lands, shall not exceed Thirty Yards in Breadth, except in such Places where any Docks, Basins, or Pens of Water shall be made, or where the said Canal or Collateral Cuts, or any Part thereof, shall be raised higher or cut more than Five Feet deeper than the present Surface of the Land, and except in such Places where it shall be judged proper by the said Company for Boats and other Vessels to turn, lie, or pass each other, or where any Warehouses, Cranes, or Weighing Beams may be erected, or where any Wharfs or other Places may be set out or appropriated for the Reception of any Coals, Sand, Lime, Lime Stone or other Minerals, Timber, or other Goods, Wares, or Merchandize which shall be conveyed on the said Canal or Collateral Cuts, nor in any such excepted Places more than Seventy Yards in Breadth, without the Consent of the Owner or Owners of the Lands and Hereditaments adjoining to the said Canal or Collateral Cuts, given under his, her, or their Hand and Seal or Hands and Seals.

Breadth of Canal and Towing Paths.

XXXI. And whereas it will be necessary at such Places in which Rollers or Inclined Planes are to be erected or made, to sink Shafts from the Upper to the Lower Level of the said Canal or Collateral Cuts, and to make Tunnels to convey the Water from the said Shafts into the Lower Level of the said Canal or Collateral Cuts, and which Tunnels will require to be

In Places where Inclined Planes are to be erected, Company may take further Quantity of Land.

extended

extended out of the immediate Line of the said Canal or Collateral Cuts beyond the Width herein-before specified; be it therefore enacted, That, for the Purposes last herein-before mentioned, it shall and may be lawful for the said Company of Proprietors to take and use any Quantity of Land adjoining to the said Canal or Collateral Cuts, not exceeding Three Hundred Yards in Breadth from the Line of the said Canal or Collateral Cuts.

Power to
scour the
Harbour.

XXXII. And be it further enacted, That it shall and may be lawful for the said Company of Proprietors, their Agents, Servants, and Workmen, as often as Occasion may require, to cleanse, scour, open, deepen, and widen the said Harbour, Canal, Collateral Cuts, Reservoirs, Docks, and Basins hereby authorized to be made, and also to cut through, remove, or take away any Rocks, Stones, Banks, Hills, Earth, Soil, Gravel, Sand, Rubbish, or other Matter, in or near the said Harbour, Canal, Collateral Cuts, Reservoirs, Docks, and Basins, or any of them, or near to the Entrances of any of them, in such Manner as the said Company of Proprietors shall from Time to Time think proper, for the convenient Entrance of Shipping and other Vessels into the said Harbour, Canal, Collateral Cuts, Reservoirs, Docks, Basins, Entrances, and other Works, and their Security and Accommodation therein, and also from Time to Time to remove and take away any Wrecks of Ships or Vessels, or any Ship or Vessel that shall be sunk therein or near thereto respectively, and any Wood, Timber, Anchor, and other Obstructions and Impediments that may be found or arise thereon or near thereto respectively, or that shall or may interfere with or obstruct, or be likely to interfere with or obstruct, the Navigation of the said Harbour or other Works respectively; and in case the Owner or Owners of any such Ship or Vessel, or the Person or Persons causing or making any such Obstruction or Impediment so removed by the said Company, their Agents, Tenants, or Workmen, shall refuse or neglect to pay the Costs or Charges of removing the same for the Space of Ten Days, the same shall and may be recovered and levied in such and the like Manner as any Fine, Penalty, or Forfeiture is by this Act directed to be recovered and levied.

If old Roads
are destroyed
new ones to
be made.

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

Plan and
Book of
Reference
to be authen-
ticated by the
Speaker of
the House of
Commons
and deposited.

XXXIV. And whereas a Survey has been taken to ascertain the Practicability of making the said Canal and Collateral Cuts, and a Map or Plan, with a Book of Reference thereto, has been made in consequence thereof, in order to shew the Line or Course of the said Canal and Collateral Cuts; be it therefore further enacted, That there shall be Three Parts made of the said Map or Plan and Book of Reference thereto, which shall be certified by The Right Honourable the Speaker of the
House

House of Commons, and severally deposited, one with the Clerk of the Peace for the said County of *Devon*, another with the Clerk of the Peace for the said County of *Cornwall*, and the other with the Clerk to the said Company of Proprietors; to any of which Maps, Plans, and Books of Reference, all Persons shall have Liberty to resort, and to examine or make Extracts from or Copies of the same, as Occasion shall require, paying to the said respective Clerks, for Copies of or Extracts from the said Book of Reference, after the Rate of Sixpence for every One hundred Words; and the said Maps or Plans and Books of Reference so certified, or true Copies thereof, shall be and are hereby declared to be good Evidence in all Courts of Law, or elsewhere; and the Clerk for the Time being to the said Company of Proprietors, upon Fourteen Days Notice to him given for that Purpose, shall and he is hereby required from Time to Time to produce the said Map or Plan and Book of Reference, to be so deposited with him as aforesaid, before any Jury or Juries to be impanelled by virtue of this Act, at the Time and Place to be mentioned in such Notice, in order that the same may be then and there given in Evidence, such Clerk to the said Company of Proprietors having a reasonable Sum of Money allowed for his Travelling Expences, Absence from Home, and Attendance on such Occasions.

XXXV. And be it further enacted, That the said Company of Proprietors, in making the said intended Canal and Collateral Cuts, shall not deviate from the Course or Direction delineated in the said Maps or Plans, and set forth in the said Books of Reference, more than One hundred Yards from the Course or Direction specified in the said Map or Plan.

Not to deviate without Consent.

XXXVI. Provided always, and be it further enacted, That nothing herein contained shall be construed, deemed, or taken to prevent any Person or Persons to whom any Lands, Grounds, or Hereditaments, do or shall respectively belong, into, through, or near to which the said Canal or Collateral Cuts shall be cut or made, from making any Canal, Collateral Cut, Railway, or Road, in, through, or over his, her, or their Lands, Grounds, or Hereditaments, and communicating, by Means thereof, with the said Canal or Collateral Cuts belonging to the said Company of Proprietors, so that no Injury be done to the said last mentioned Canal or Collateral Cuts.

Land Owners may make Cuts, &c. to communicate with the Canal.

XXXVII. Provided always, and it is hereby further enacted and declared, That the said Company of Proprietors shall and may make the said intended Canal, Collateral Cuts, or Deviations from the same, and from the said Towing Paths, into, through, across, or over the Estates, Lands, or Grounds of any Person or Persons whomsoever, into whose Estates, Lands, or Grounds such Deviations as aforesaid shall extend, (although their Names be not mentioned in the said Book of Reference), or into the Estate or Estates, Lands, or Grounds of any Person or Persons whose Name or Names appear to the Satisfaction of any Two or more of the Justices of the Peace of the County where the Land shall be situate, and be by them certified under their Hands to have been by Mistake omitted in the said Book of Reference, or that instead thereof the Name or Names of some other Person or Persons, to whom such last-mentioned Estates, Lands,

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

[Local.]

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or

or Grounds do not belong, hath or have been by Mistake inserted therein; any Thing herein contained to the contrary thereof notwithstanding.

Bodies Politic empowered to sell and convey Lands.

XXXVIII. And be it further enacted, That after any Lands, Grounds, Tenements, or Hereditaments shall be set out and ascertained for making the said Canal or Collateral Cuts, 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 and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Fee Tail General or Special, or for Years determinable on any Life or Lives, and all Husbands, Guardians, Trustees, and Feoffees in Trust for charitable and other Purposes, Committees, Executors, and Administrators, and all other Trustees and Persons whomsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their *Cestuique* Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest therein, and for every other Person or Persons whomsoever, who is, are, or shall be seised, possessed of, or interested in any Lands, Grounds, Tenements, or Hereditaments, which shall be so set out and ascertained for the Purposes aforesaid, to contract for, sell, and convey the same, and every Part thereof, unto the said Company of Proprietors; and all such Sales, Conveyances, and Assurances, shall be made at the Expence of the said Company of Proprietors; and shall be made according to the following Form; *videlicet*,

Form of Conveyance to the Company.

I *A. B.* of _____, in Consideration of the
 Sum of _____, to be paid by the *Bude* Harbour
 and Canal Company, 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 according to the
 true Intent and Meaning of an Act of Parliament made in the Fifty-
 ninth Year of the Reign of King *George* the Third, intituled *An Act*
 [*here insert 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 _____

Which said Conveyances shall be kept by the Clerk or Clerks to the said Company of Proprietors, who shall from Time to Time, when required, deliver attested Copies thereof to any Person or Persons requiring the same, and shall have and receive Sixpence for every One hundred Words of each such attested Copy, and so in proportion for any less Number of Words.

In all other Cases the Commons or Waste Lands are to be conveyed by the Lords of the Manor.

XXXIX. And be it further enacted, That in all Cases where, in improving and making the said Harbour, Canal, Cuts, Reservoirs, Docks, Basins, Quays, Wharfs, Railways or Tram Roads, or other Works hereby authorized to be made, or any Road or Roads thereto respectively, there shall be Occasion to cut through, take, or use any Part of any Commons or Wastes, the Conveyance of such Parts of such Commons or Wastes by the Lord or Lords, Lady or Ladies of the Manor or Manors in which the same are situate, to the said Company of Proprietors, shall be a good and sufficient

cient Conveyance, and the Lord or Lords, Lady or Ladies of such Manor or Manors respectively, are hereby authorized and required to make and execute such Conveyances accordingly, on the Receipt of his, her, or their Proportion or Proportions of the Purchase Money as hereinafter mentioned, or on the same being tendered to him, her, or them, subject to the Rules, Regulations, and Provisions herein contained with respect to the Payment of other Monies for other Lands taken or used by the said Company; and the said Jury shall ascertain what Proportions of the Purchase Money shall be due to the said Lord or Lords, Lady or Ladies, Copyholders, or other Persons interested in any such Commons or Wastes, for his, her, or their Interest in such Lands, and such Proportion shall be thereupon paid to him, her, or them; and the Remainder thereof shall be paid to the Surveyors of the Highways of the Parish, Township, or Place in which such Commons or Wastes shall be situate, to be applied and accounted for in like Manner as any other Monies received by such Surveyors.

XL. Provided always, and be it enacted, That all and every Body or Bodies Politic, Corporate, or Collegiate, Trustees, or other Persons hereinbefore capacitated to sell or convey Lands, Tenements, and other Hereditaments, or any other Owner or Owners, and the Occupier or Occupiers of any Lands, Tenements, or other Hereditaments, through, in, or upon which the said Towing Paths, Quays, or other Works hereby authorized, are intended to be made, or of any Mills or other Works from which any Water to supply the said Canal or Collateral Cuts, may or shall be taken or diverted, may accept and receive Satisfaction for the Value of such Lands, Grounds, Tenements, Mills, Forges or other Works, Water and Hereditaments, and for the Damages to be sustained by making and completing the said Works hereinbefore directed, in gross Sums, as shall be agreed upon by and between the said Parties interested respectively, or any of them, and the said Company of Proprietors; and in case the said Company of Proprietors and the said Parties interested in such Lands, Grounds, Tenements, or other Hereditaments, cannot 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 directed.

Satisfaction to be made.

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

XLI. And be it further enacted, That if, in making the said Canal and Collateral Cuts, or any of the said Works, any Pieces or Parcels of Land or Ground shall be cut through or divided, so that what shall be left on each or either Side of the said Canal and Collateral Cuts, or other Works, shall be less than Half an Acre in Quantity, or less than Twenty Yards in average Breadth throughout the whole Length thereof; and if the Owner or Owners of any such Pieces or Parcels of Land or Ground shall not have any other Land or Ground adjoining or contiguous to what shall be so left on either Side of the said Canal and Collateral Cuts; then and in every such Case the said Company shall also take and purchase the Piece or Parcel, Pieces or Parcels of Land or Ground so to be left on each or either Side of the said Canal and Collateral Cuts, being less than Half an Acre in Quantity, or less than Twenty Yards in average Breadth throughout the whole Length thereof as aforesaid, and shall pay for the same after and in the same Manner as they shall pay for the Land or Ground adjoining thereto, which shall be taken and used for making the said Canal and Collateral

Company compellable to purchase small Slips of Land left by the Sides of the Canal.

lateral Cuts; provided the Owner or Owners, or Person or Persons entitled to the Possession, or to the Rents and Profits of such small Pieces or Parcels of Land or Ground respectively, shall require the said Company to take and purchase the same, but not otherwise.

If Parties
cannot agree,
Value to be
ascertained
by a Jury.

XLII. Provided always, and be it further enacted, That if any such Body Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons interested or entitled as aforesaid, shall, upon Notice in Writing given to the principal Officer of any such Body Politic, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at the last or usual Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of any Lands or other Hereditaments to be made use of for the Purposes of this Act, for the Space of Twenty-one Days next after such Notice, neglect or refuse to treat, or shall not agree with the said Company of Proprietors, or by reason of Absence or otherwise shall be prevented from treating, or through Disability by Non-age, Coverture, or other Impediment, cannot treat for themselves, or make such Agreement or Agreements as shall be necessary for the Purposes aforesaid, or shall not, within the before-mentioned Space of Twenty-one Days, produce and fully disclose the State of the Title to the Premises which they are or shall be in Possession of, and to the Interest which they claim therein, then and in every such Case the same shall be ascertained and settled by a Jury of Twelve Persons, to be summoned and chosen by the Sheriff of the County in which such Lands, Tenements, or Hereditaments are situated, and which such Sheriff is hereby required to summon and choose in the Manner in which Juries are or may be summoned and chosen by Sheriffs of Counties in *England*; and every such Jury shall be liable and subject to the same Regulations, and to the same Pains and Penalties for Default, as if he and they had been returned for the Trial of any Issue joined in any of His Majesty's Courts at *Westminster*; and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Sheriff is hereby empowered and required, by a Summons or Notice under his Hand, either previous to or at the Time of any such Meeting or Meetings, to summon and call before them all and every Person or Persons who shall be thought necessary to be examined as a Witness or Witnesses, touching the Matters in Question, and to hear and examine such Witness or Witnesses upon Oath; and the said Sheriff may order and authorize the said Jury, or any Six or more of them, to view the Place or Places, or Matter or Matters in question; which Jury upon their Oaths (which Oaths, as well as the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Sheriff is hereby empowered to administer), shall inquire of, assess, and ascertain the Sum of Money to be paid for the Purchase of such Lands, Tenements, or other Hereditaments, or the Recompence to be made for the Damages that shall or may be sustained as aforesaid, and shall assess separate Damages for the same; and the said Sheriff shall give Judgment for such Purchase Monies or Recompence so to be assessed by such Jury; which said Verdict, and the Judgment thereupon pronounced as aforesaid, shall be signed by the said Sheriff, and shall be binding and conclusive to all Intents and Purposes, against all Bodies Politic, Corporate or Collegiate, and all other Persons, and shall not be removed by *Certiorari*, or other Process, into
any

any of His Majesty's Courts of Record at *Westminster*, or any other Court; any Law or Statute to the contrary thereof notwithstanding.

XLIII. And be it further enacted, That if any Person so summoned and returned as aforesaid upon such Jury shall not appear, or appearing shall refuse to be sworn or to give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent of this Act, having no reasonable Excuse to be allowed by the said Sheriff; or if any Person so to be summoned to give Evidence as aforesaid shall not appear on being paid or tendered a reasonable Sum for his, her, or their Costs and Expences, or appearing shall refuse to be sworn or examined or to give Evidence, then and in such Case every Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds, to be levied by virtue of any Warrant under the Hands and Seals of the said Sheriff, 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 shall go and be paid to the Person or Persons who shall appear to the said Sheriff to be injured by the Default of such Person so offending.

Fine upon Sheriffs, &c. making Default.

XLIV. And be it further enacted, That in each and every Case where a Verdict shall be given for more Money, as a Recompence or Satisfaction for the absolute Sale of any Lands, Grounds, Mills, Waters, Tenements, or other Hereditaments of any Person or Persons whomsoever, or as a Compensation for any Damages done or to be done to such Lands, Tenements, or other Hereditaments, or other Property, than had been previously offered by or on behalf of the said Company of Proprietors before the summoning of the said Jury, or where any Verdict shall be found for any Damages, where the Dispute is for Damages only, and when no Compensation had been previously offered or tendered in respect thereof by and on Behalf of the said Company of Proprietors, or where, by reason of Absence in Foreign Countries, or other Impediment or Disability as aforesaid, there shall not be found any Person or Persons at Hand who may be legally capacitated to enter into a Contract with, and make Conveyances to, and receive Compensations from the said Company of Proprietors as herein-before mentioned, then and in all such Cases, all the Expences of summoning such Jury, and taking such Verdict, shall be settled by the said Sheriff, and be defrayed by the said Company of Proprietors; but if any Verdict shall be given for the same Sum that had been previously offered by or on behalf of the said Company of Proprietors, or for a less Sum than had been so previously offered, or in case no Damages shall be given by the Verdict, where the Dispute is for Damages only, or in case of such Refusal to enter into Treaty with, or make Conveyances to, or receive Compensations from the said Company of Proprietors, 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 capacitated 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) the Costs and Expences of summoning such Jury, and taking such Verdict, shall be settled in like Manner by the said Sheriff, and be borne and paid by the Person or Persons with whom the said Company of Proprietors shall have such Concerns, Controversies, or Disputes; which said Costs and Expences, having been so

Expences of Jury how paid.

[Local.]

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settled.

settled, shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Sum or Sums of Money shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged: Provided always, that in all Cases where, by reason of Absence or otherwise, any Person or Persons shall have been prevented from treating and agreeing as aforesaid, the whole of such Charges and Expences shall be borne and paid by the said Company of Proprietors.

Persons requesting Juries to enter into Bonds to prosecute.

XLV. 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 Sheriff shall issue out his Summons for that Purpose) enter into a Bond with Two sufficient Sureties to the Treasurer to the said Company of Proprietors, in a Penalty of One hundred Pounds, with Condition to prosecute his, her, or their said 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 or Rent than had been offered by or on Behalf of the said Company of Proprietors, for the Purchase of any Lands, Grounds, Mills, Tenements, or Hereditaments, or as a Compensation for any Damages, or in case no Verdict shall be found for Damages where the whole Dispute was whether any Damage was or was not done as aforesaid.

Notice of Injury to be given to Proprietors before Complaint to Commissioners.

XLVI. And be it further enacted, That the said Company of Proprietors shall not be obliged by virtue of this Act to receive or take notice of any Complaint or Complaints, to be made by any Person or Persons whomsoever, for any Injury or Damage by him, her, or them sustained, or supposed to be sustained, by virtue or in consequence of this Act, unless Notice shall have been given in relation thereto, by or on behalf of such Person or Persons, to the said Company of Proprietors, in Manner by this Act directed, 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.

Compensations to be made in gross Sums, and not by Annual Rents.

XLVII. And be it further enacted, That the said Company of Proprietors shall make Compensation for any Lands, Tenements, or Hereditaments, to be purchased under the Powers of this Act, or for any Damages that may be done thereto by the said Company, in gross Sums of Money, and not by way of Annual Rents.

Verdict of Value of Lands and Damages to be ascertained separately.

XLVIII. And be it further enacted, That the said Juries shall award all Judgments and Verdicts which they shall make and give in the Execution of the Powers hereby vested in them, concerning the Value of Lands, Mills, Tenements, and other Hereditaments, separately and distinctly from the Consideration of any other Damages sustained or to be sustained by any Person or Persons in consequence of the Execution of any of the Powers of this Act, and shall distinguish the Value set upon the Lands, Tenements, and other Hereditaments, and the Money assessed or adjudged for such Damages as aforesaid, separately and apart from each other.

XLIX. And

XLIX. 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 assessed by such Juries in Manner aforesaid, for the Purchase of any such Lands, Waters, Mills, Tithes, Tenements, or other Hereditaments, or as a Compensation for Damages as herein mentioned, to the Proprietor or Proprietors of such Lands, Waters, Mills, Tithes, Tenements, or other Hereditaments, or to such other Person or Persons as shall be interested therein or entitled to receive such Money or Compensation respectively, within Three Calendar Months after the same shall have been so agreed for or assessed; or if the Person or Persons so entitled or interested, or any of them, cannot be found, or shall refuse to receive the same; then upon Payment of the said Sum or Sums of Money within the said Three Calendar Months into the Bank of *England* as herein-after directed and required, for the Use of the Person or Persons entitled thereto, but not before, it shall and may be lawful to and for the said Company of Proprietors, and their Agents, Workmen, and Servants, immediately to enter upon such Lands, Grounds, Mills, Tenements, and other Hereditaments respectively, and then and thereupon such Lands and Grounds, Waters, Mills, Tenements, and other Hereditaments, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall from thenceforth be vested in and become the sole Property of the said Company of Proprietors, to and for the Purposes of this Act for ever; and such Payment shall not only bar all Right, Title, Claim, Interest, and Demand of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail and other Estates in Reversion and Remainder of his, her, or their Issue, and of every other Person whomsoever therein; provided nevertheless, that before such Payment as aforesaid, it shall not be lawful for the said Company of Proprietors, or any Persons acting under their Authority, to dig or cut the Lands or Grounds, or to take down, remove, or otherwise affect any Mill, Tenement, or other Hereditament of the Person or Persons entitled to such Payment, for the Purpose of making the said Harbour, Canal, or Collateral Cuts, without the Leave and Consent of such Person or Persons respectively; and in case any Person or Persons shall enter upon any such Premises for the Purposes of this Act until such Payment shall have been made, every Person or Persons so offending shall forfeit and pay the Sum of Ten Pounds for every Day he or they shall remain on the said Premises.

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

L. And be it further enacted, That each and every Verdict shall be transmitted to and kept by the respective Clerks of the Peace, or other Persons having the Custody of the Records of the Quarter Sessions for the said Counties of *Devon* and *Cornwall* respectively, wherein the Matter in question shall happen, and shall be deemed to be Records of such Quarter Sessions to all Intents and Purposes; and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling, and to have Copies thereof, paying for every Copy the Sum of Sixpence for every One hundred Words, and so in Proportion for any greater or less Number of Words.

Verdicts to be recorded.

LI. And

Application
of Compen-
sation when
amounting
to 200l.

LI. And be it further enacted, That if any Money shall be agreed or assessed to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Feoffees in Trust, Guardians, Committees, Trustees, Femes Covert, or other incapacitated Person or Persons, such Money shall, if the same amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the said Company of Proprietors, to the Intent that such Money shall be paid, 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 the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments, which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the meantime and until such Purchase shall be made, the said Money shall, by Order of the said Court of Chancery, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime 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 to be purchased by virtue of this Act, in case such Purchase or Settlement were made.

Application
where the
Compen-
sation is less
than 200l.
and exceeds
20l.

LII. 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 Body Politic, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall 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 *England*, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed

to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Three or more of the said Committee of Management, such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties, in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

LIII. Provided also, and be it further enacted, That when such Money so agreed or awarded to be paid as herein-before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said 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, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Application when the Money is less than 20l.

LIV. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded or assessed for any Lands, Tenements, or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Company of Proprietors, or in case the Person or Persons to whom such Sum or Sums of Money shall be awarded or assessed 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 Company of Proprietors, to order the Sum or Sums of Money so awarded or assessed as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said 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, Control, and Disposition of the said Court of Chancery; 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 same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

In case of not making out Titles.

Persons in Possession presumptively entitled.

LV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person or Persons 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, and Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to be lawfully entitled to such Lands, Tenements, and Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

The Court may order reasonable Expences of Purchases to be paid by the Trustees.

LVI. 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 of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Company of Proprietors, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Damages not provided for to be settled by Commissioners.

LVII. And be it further enacted, That if any Person or Persons shall sustain any Damage in his, her, or their Lands, Tenements, or other Hereditaments, by reason of the Execution of any of the Powers given by this Act, and through or by Means not herein provided for, then and in every such Case such Damages shall be so settled by the said Commissioners, or by a Jury as aforesaid, and the same may be recovered, levied, and applied in Manner herein directed with regard to other Damages.

Company empowered to sell Land not wanted for the Purposes of the Act.

LVIII. 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, Collateral Cuts, and Works, the said Company of Proprietors 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, 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

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 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 the Sale or Sales of such Lands or Buildings, it shall and may be lawful for the Treasurer or Treasurers for the Time being to the said Company of Proprietors to sign and give Receipts for the Money for which the same shall be sold; which Receipts shall be sufficient Discharges to any Person or Persons for the Purchase Money for which such Lands and 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 Non-application of such Purchase Money, or any Part thereof: Provided always, that the said Company of Proprietors, 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 and Buildings had not been purchased by the said Company of Proprietors, the Price at which the same shall be resold being adjusted and settled by the Jury in like Manner as the Price for any Land to be taken in pursuance of this Act is herein-before directed to be settled in case of Difference or Dispute as to the Value thereof; and if such Person or Persons shall not agree, or shall refuse to re-purchase the same, it shall and may be lawful to and for any Person or Persons not interested in the Premises to make an Affidavit, to be sworn before a Master Extraordinary of the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County where such Lands or Buildings shall lie or be, stating that such Offer was made by or on the Behalf of the said Company of Proprietors, and that such Person or Persons did not agree or refused to purchase such Lands or Buildings (as the Case may be), and such Affidavit shall in all Courts be sufficient Evidence and Proof that such Offer was made, and not agreed to or refused.

LIX. Provided always, and be it further enacted, That in all Cases where by reason of Absence or otherwise, the Person or Persons from whom the Lands or Buildings to be resold shall have been purchased, or who would have been then entitled thereto as aforesaid cannot be found, it shall and may be lawful to and for the said Company of Proprietors, by public Advertisement, inserted Three successive Weeks in some Newspaper published within the County in which such Lands or Buildings shall be situate, or in case there shall be no such Paper, then in the *London Gazette*, to offer to resell such Lands or Buildings to the said Person or Persons; and if no Application shall be made to the said Company of Proprietors, signed by or on Behalf of the said Person or Persons accepting such Offer, within Six Calendar Months from the Date of the said Advertisement, such Omission or Neglect shall be considered, deemed, and taken, as a Refusal on the Part of such Person or Persons to re-purchase the same.

Mode of proceeding where Persons having the preferable Right to re-purchase shall be absent.

LX. And be it further enacted, That whensoever a Jury is or shall be called for the Purpose of ascertaining the Price at which any such Lands or Buildings shall be resold as aforesaid; and a Verdict shall be given for the same

Expence of Witnesses and Jury, &c. by whom to be paid.

same Sum or a larger Sum than that at which the said Company of Proprietors shall have offered to resell such Lands or Buildings 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 and Buildings had not been purchased by the said Company of Proprietors, then and in every such Case all the Expences of summoning such Jury and taking such Verdict shall be settled by the said Sheriff, and be defrayed by the said Person or Persons; but if any Verdict shall be given for a less Sum than had been so previously required by the said Company of Proprietors, as the Price of the said Lands or Buildings, then and in all such Cases the Costs and Expences of summoning such Jury and taking such Verdict shall be settled in like Manner by the said Sheriff, and be borne and paid by the said Company of Proprietors; which said Costs and Expences having been so settled, shall be adjudged as so much Money advanced and paid by the said Company of Proprietors to and for the Use and at the Request of the said Person or Persons by whom the same ought to be paid, and be recoverable accordingly, in addition to the Amount of the Verdict of the Jury; or in case the said Costs and Expences shall by the Event of such Verdict fall upon the said Company of Proprietors, and shall be paid by the said Person or Persons, then the same shall and may be deducted out of such Verdict, and the Payment or Tender of the Remainder of such Sum or Sums of Money shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums adjusted and settled by the Jury as the Price of the Lands or Buildings so to be resold.

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

and Watering Places for Cattle.

LXI. And be it further enacted, That the said Company of Proprietors shall and they are hereby required, at their own proper Costs and Charges, to make or cause to be made such Arches, Tunnels, Culverts, Drains, Sewers, or other Passages over, under, by the Side of or into the said Canal or Collateral Cuts, and the Trenches, Streams, and Watercourses communicating therewith, and the Towing Path on the Sides thereof respectively, of such Depth, Breadth, and Dimensions, as shall be sufficient at all Times to convey the Water clear from the Lands adjoining or lying near to the said Canal or Collateral Cuts, 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 or Collateral Cuts, 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 or Collateral Cuts, or any other of the Works thereby authorized to be made, any Person or Persons occupying Land adjacent thereto, shall be deprived of their ancient Watering Places, and to supply the same at all Times with Water; and that all such Arches, Tunnels, Culverts, Drains, and other Passages, shall from Time to Time be supported, maintained, cleansed, scoured, and kept in good and sufficient Repair by the said Company of Proprietors; and if at any Time or Times after Thirty Days Notice in Writing shall by or on the Behalf of any of the said Owners or Occupiers of Lands adjoining or lying near to the said Canal or Collateral Cuts, or any other of the Works hereby authorized to be made, be given to the said Company of Proprietors, or to their Clerk or Clerks, known Agent, or Collector, that the said Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages, or any

any of them, is or are not made, cleansed, maintained, and repaired, according to the true Intent and Meaning of this Act, it shall and may be lawful to and for any Person or Persons to apply for and obtain an Order in Writing from any Three or more Justices of the Peace of the County in which the Lands shall be situate, from Time to Time as often as there shall be Occasion; and the said Justices are hereby authorized and required at their Discretion to grant such Order as aforesaid, enabling such Person or Persons to make, cleanse, and repair such Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages accordingly, as well through the Lands or Grounds of the Person or Persons obtaining such Order as aforesaid, as through any other Lands or Grounds in or through which such Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages, may by the said Order of such Three or more Justices be directed to be made; and the reasonable Expences thereof (to be ascertained by the said Justices) shall be defrayed by the said Company of Proprietors; and in case of Neglect or Refusal to satisfy and defray such Expences for the Space of Three Calendar Months next after Demand thereof made upon the said Company of Proprietors, or upon their Clerk or known Agent or Collector, such Expences shall and may be recovered and levied in such Manner as any other Money is by this Act directed to be recovered from the said Company of Proprietors: Provided always, that such Owner or Occupier of the said 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 or Collateral Cuts and other Works as aforesaid, and each and every of them sufficiently cleansed and opened to convey Water into the same.

LXII. And be it further enacted, That the said Company of Proprietors shall at their own Costs (within Six Calendar Months next after any Part of the said Canal or Collateral Cuts, and Towing Paths thereto belonging, shall be dug out and formed) divide and separate, and keep constantly divided and separated the Towing Paths on each Side of the said Canal or Collateral Cuts, and the Trenches, Feeders, or Passages hereby authorized to be made on such Part or Parts thereof respectively as shall be declared necessary by the said Justices, in case there shall be any Doubt or Dispute about the same, 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, the same to be set out and made on the Lands or Grounds which shall be purchased by, conveyed to, or vested in the said Company of Proprietors as aforesaid; and the said Company of Proprietors shall, at their own proper Costs and Charges, from Time to Time, maintain and support the said Towing Paths, and the said Posts, Rails, Hedges, Ditches, Trenches, Banks, and other Fences so set up and made as aforesaid; and also shall at their own like Costs and Charges make, erect, and set up, and from Time to Time maintain and support such and so many convenient Gates, Bridges, and Stiles, in, over, and through all the Hedges and Fences to be by them so made on the Sides of such Towing Paths as aforesaid; and also all such Bridges, Forging Places, Arches, Culverts, and Passages over, under, or by the Side of or into the said Canal or Collateral Cuts, and the Feeders, Trenches, and Aqueducts communicating therewith, and the Towing Paths on the Sides thereof, of such Dimensions and in such

For fencing
off Towing
Paths and
making
Bridges, &c.

[Local.]

16 B

Manner

If Company
do not fence
off Towing
Paths and
make Bridges,
&c. Land
Owners may
do it at Com-
pany's Ex-
pence.

Manner as the said Justices shall from Time to Time judge necessary and appoint, in case there shall be any Dispute about the same, for the Use of the Owners and Occupiers of the Lands and Grounds, Mills or Hereditaments adjoining to such Canal or Collateral Cuts, and other Works, or any of them respectively; and the said Company of Proprietors shall not make the said Canal or Collateral Cuts, or any Trench or Watercourse belonging to the same, in or across any Common Highway, Public Bridleway or Footpath, until they shall at their own proper Costs and Charges have made and perfected such Bridge or Bridges, Fording Place or Fording Places, Passage or Passages, Arch or Arches, over, across, or under the same Highway, Public Bridleway, or Footpath, of such Dimensions and in such Manner as the said Justices shall from Time to Time judge necessary and appoint, not being contrary to the true Intent and Meaning of this Act; and all such Gates, Stiles, Bridges, Arches and other Works and Conveniences, so to be made as aforesaid, shall from Time to Time, and at all Times thereafter, be supported, maintained, and kept in sufficient Repair by the said Company of Proprietors; and in case the said Company of Proprietors or their Agents, shall refuse or neglect to divide and separate, and to keep divided and separated, the Towing Paths of the said Navigation in Manner herein-before 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 Towing Paths, or such Bridges, Fording Places, Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages, over, under, or by the Sides of or into the said Canal, or Collateral Cuts, and the said Trenches, Streams, and Watercourses as aforesaid, or to make such Watering Places for Cattle as herein-before directed for the Use and Convenience of the respective Owners or Occupiers of the Lands, Mills, Tenements, or Hereditaments adjoining or near to the said Canal or Collateral Cuts, 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 Six Calendar Months next after the Time to be appointed for those Purposes by the said Justices, or after Notice shall be given by or on the Behalf of the Owners or Occupiers of any such Lands or other Hereditaments, who may be aggrieved by any such Refusal or Neglect; and in every such Case it shall and may be lawful to and for every or any of the Owners or Occupiers of the said adjacent Lands, Grounds, Mills, Tenements, or Hereditaments, who shall find himself, herself, or themselves aggrieved by such Refusal or Neglect, to make, erect, and set up all such Gates, Stiles, Bridges, Fording Places, Arches, Passages, Watering Places, and other Conveniences, as the said Justices shall have before directed or appointed to be made, erected, and set up by the said Company of Proprietors as aforesaid, and to maintain, repair, and support the same from Time to Time as Occasion shall require, so that in making and maintaining such Works as aforesaid the said Canal or Collateral Cuts, 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, Tenements, or other Hereditaments, who shall have so erected and made, repaired, or maintained such Works as aforesaid, by the said Com-

pany of Proprietors, within the Space of Three Calendar Months next after the same shall have been so settled and allowed, and an Account and Demand in Writing shall have been delivered and made thereof to and from the said Company of Proprietors or any of their Clerks for the Time being; and in default of Payment of the said Costs and Charges within the Time aforesaid, the said Justices shall, and they are hereby required, by Warrant under their Hands and Seals, to levy the said Costs and Charges by Distress and Sale of any of the Goods and Chattels of the said Company of Proprietors which shall be found in or upon the said Canal or Collateral Cuts, or the Wharfs, Quays, or Warehouses adjoining or near to the same, belonging to the said Company, to be applied to and for the Use of such Person or Persons who shall have so incurred such Costs and Charges as aforesaid, rendering to the said Company of Proprietors, or to some of their known Agents or Collectors, the Overplus (if any), after deducting the reasonable Charges of making such Distress and Sale, to be settled by the said Justices; and all or any of the said Owners or Occupiers, upon Refusal or Neglect of the said Company of Proprietors to pay the said Costs and Charges as aforesaid, shall and may also have such and the like Remedy against the said Company of Proprietors, 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.

LXIII. Provided always, and be it further enacted; That if the Owners or Occupiers of any Lands, Mills, Tenements, or other Hereditaments, through which the said Canal or Collateral Cuts shall be made, do or shall, at any Time or Times hereafter, apprehend that any of the Gates, Stiles, Bridges, Fording Places, Passages, Arches, Tunnels, Drains, Back Drains, Trenches, or other Passages, Watering Places, and other Conveniences respectively, which the said Justices shall have so directed or appointed to be made by the said Company of Proprietors, are insufficient, either in their Number or Situation, for the commodious Use and Occupation of the respective Lands, Grounds, Mills, Tenements, or Hereditaments, on both Sides or on either Side thereof, then and in every such Case it shall and may be lawful to and for all or any such Owners or Occupiers, with the Consent and Approbation of the said Company of Proprietors, upon Request made to them for that Purpose, or in case of their Refusal for the Space of Seventy Days next after such Request, then with the Consent and Approbation of the said Justices, to make, fix, and erect, at their own Costs and Charges, any such other Gates, Stiles, Bridges, Fording Places, Passages, Arches, Culverts, Watering Places, or other Conveniences of the same, or the like Construction with those made and erected by the said Company of Proprietors, in, over, or near to the said Canal or Collateral Cuts, or the Towing Paths thereof respectively, in such Places as shall be found and adjudged 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 like Costs and Charges, as Occasion shall require, so as that the Navigation 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, Fording Places, Passages, Arches, Watering Places, or other

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

other Conveniences had been made or erected by the said Company of Proprietors.

Ascent to
Bridges and
Fences on
Sides thereof.

LXIV. Provided always, and be it enacted, That the Ascent to every Bridge to be made over the said Canal or Collateral Cuts, for the Purpose of any Public or Private Road, shall not be more than One Foot in Thirteen Feet, and that the Fence on each Side of such Bridge shall not be less than Four Feet above the Surface of the Bridge.

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

LXV. And be it further enacted, That if any Swivel Bridge or Draw Bridge shall be laid over or across the said Canal or Collateral Cuts, or any Cuts, Trenches, or Passages to be made by virtue of this Act, all and every Person or Persons opening any such Draw Bridge or Swivel Bridge shall, and he 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, or wilfully opening any such Swivel Bridge or Draw Bridge, when no Vessel is to pass through the same, shall forfeit and pay for every such Offence the Sum of Forty Shillings; and in case any such Bridge shall be left open longer than necessary for the Passage of any Vessel as aforesaid through the Neglect or Carelessness of any Person belonging to any such Vessel, then the Master or Owner of such Vessel shall forfeit and pay for every such Offence the Sum of Forty Shillings, One Moiety of which said respective Penalties shall go to the Informer.

Works da-
maged by
Floods to be
repaired by
the Company.

LXVI. And whereas it may happen from Floods, or from some unexpected Accident, that the Locks, Weirs, Flood Gates, Dams, Banks, Basins, Trenches, or other Works of the said Canal or Collateral Cuts 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 Damage; be it therefore further enacted, That when and as often as any such Case shall happen it shall and may be lawful to and for the said Company of Proprietors 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 or Collateral Cuts, and other Works or Conveniences, or any of them (not being the Ground whereon any House or other Building stands, or an Orchard, Garden, Pleasure Ground, 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 for the Purposes aforesaid, without any previous Treaty whatsoever with the Owner or Owners, Occupier or Occupiers of, or other Person or Persons interested in such Lands, Grounds, or Hereditaments, or any of them, doing as little Damage thereby as the Nature of the Case will permit, and making Recompence for the same to the Owner or Owners, and Occupier or Occupiers thereof, or other Person or Persons interested in such Lands, Grounds, or Hereditaments within the Space of Fourteen Days next after the same shall be demanded; which Damages, and the Compensation to be made in respect thereof, shall be settled and determined, or assessed and recovered by the Ways and Means herein-before prescribed and directed with respect to other Damages

to

to be done in or about the making and maintaining the said Canal, or Collateral Cuts.

LXVII. And be it further enacted, That if at any Time hereafter the Ditches or Drains belonging to any Owner or Occupier of any Lands adjoining or lying contiguous to the said Canal and Collateral Cuts, and other Works, or any of them, shall, by reason of their being not sufficiently cleansed or opened, hinder and obstruct the free Passage of the Water from the Drains, Culverts, and Passages belonging to the said Canal or Collateral Cuts, and if the same shall not be perfectly cleansed and opened within Three Calendar Months after Notice in Writing shall have been given thereof to such Owner or Occupier by the Clerk or any Agent of the said Company of Proprietors, then and in such Case it shall and may be lawful to and for the said Company of Proprietors, (an Order in Writing for that Purpose having been first obtained from any Three or more of the said Justices) from Time to Time, as often as there shall be Occasion, to open and cleanse, or cause to be opened and cleansed the said Ditches and Drains; and the reasonable Expences thereof, when ascertained and allowed by the said Justices, shall be repaid to the said Company of Proprietors by the Owners or Occupiers of such Lands and Grounds to which the said Ditches and Drains so opened and cleansed shall belong; and in case of Refusal or Neglect to satisfy the same for the Space of One Calendar Month next after Demand shall have been made thereof, from the respective Owner or Owners, Occupier or Occupiers of such Lands and Grounds as aforesaid, such Charges and Expences shall and may be recovered in such Manner as any Forfeitures or Penalties are herein directed to be recovered.

Enabling the Company to cleanse the adjoining Watercourses at the Land Owner's Expence.

LXVIII. And be it further enacted, That the Lord or Lords, Lady or Ladies of any Manor or Manors, and the Owner or Owners of any Lands or Grounds near to, through, or by which the said Canal or Collateral Cuts shall be made, may build, construct, or use any Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouses, in or upon his, her, or their respective own proper Lands, Grounds, or Wastes adjoining or near to the said Canal or Collateral Cuts, with necessary Ways and Roads to the same, and may land any Goods or Merchandize, Coal, Lime, or other Things upon such Wharfs, Quays, or Landing Places, or upon the Banks lying between the same and the said Canal or Collateral Cuts, and may make and use proper and convenient Places for Boats and other Vessels to lie and turn in, and pass by each other, so that the making, constructing, or using thereof respectively do not obstruct or prejudice the said Canal, or Collateral Cuts, or any Towing Path on the Sides thereof respectively; and all Rates which shall be paid for the Use and Benefit of the said Wharfs, Quays, Landing Places, Cranes, Weigh Beams, and Warehouses respectively, shall be subject to the Power herein contained, for the said Justices to limit, ascertain, and make Regulations of and concerning such Rates of Wharfage, and are hereby vested in such Lord or Lords, Lady or Ladies of such Manor or Manors, or in the Owner or Owners of such Lands, Grounds, or Wastes, who shall make, construct, and erect the same respectively as aforesaid, and his, her, and their Representatives.

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

If not done
by Land
Owners, or
within a cer-
tain Time,
Proprietors
may build
Wharfs, &c.

LXIX. Provided always, and be it further enacted, That if any Lord or Lady of a Manor or Land Owner shall not, within the Space of Six Calendar Months next after Notice given in Writing to him, her, or them, or left at his, her, or their usual Place or Places of Abode by or on behalf of the said Company of Proprietors, and that any Part or Parts of such Lands, Grounds, or Wastes is or are necessary or proper to be used for the Purpose of making and erecting Warehouses, Buildings, or other Conveniences as aforesaid, for the Use of the said Navigation, lay out, construct, and make, and from Time to Time maintain and keep in good and substantial Repair, such proper and sufficient Wharfs, Quays, Warehouses, Buildings, and other Conveniences as aforesaid, for the Use of the said Navigation, as the said Justices shall think necessary, on the respective Parts of the Lands, Grounds, or Wastes described in such Notice, then and in such Case it shall and may be lawful to and for the said Company of Proprietors, without any Hindrance or Restraint whatsoever, to make use of any such Lands, Grounds, or Wastes, (not being the Ground whereon any House or other Building stands, or any Garden, Orchard, Yard, Park, Paddock, Planted Walk, Nursery of Trees, or an Avenue to any House,) for erecting and constructing proper and sufficient Wharfs, Warehouses, Buildings, and other Conveniences as aforesaid, agreeably to such Notice to be delivered as aforesaid, they the said Company of Proprietors 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.

Company of
Proprietors
not to use
Private
Wharfs.

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

Harbour Du-
ties to be
paid.

LXXI. And be it further enacted, That from and after the Time that the said Harbour of *Bude*, and the intended Works therein shall have been improved and completed as herein-before mentioned, which Fact shall be ascertained by a Certificate under the Hands of Five Justices of the Peace assembled at the Quarter Sessions for the County of *Cornwall*, and be published in the *London Gazette*, and in One or more Papers circulated within the said Counties of *Cornwall* and *Devon*, it shall and may be lawful to and for the said Company of Proprietors, and such Person or Persons as they shall appoint, to demand, collect, receive, and take the several Harbour Rates or Dues following; that is to say, on Ships, Vessels, Barks, Lighters, and Boats, coming in or going out of the said Harbour of *Bude*, of and from all and every the Masters and Owners of any Ships, Vessels, Barks, and Lighters belonging to *Great Britain* or *Ireland*, or to the *British* Plantations, or to any Foreign Country, Kingdom, State, City, or Town, whatever,

whatever, importing into or exporting from the Harbour of *Bude*, any Kind of Goods or Merchandize, *videlicet*,

If belonging to *Great Britain* or *Ireland*, or the *British* Plantations, (unless carrying Coal or Limestone), the Sum of Four-pence Sterling, for each and every Ton which such Ships, Vessels, Barks, and Lighters, shall measure; and if Foreign Ships, Vessels, Barks, or Lighters, importing into or exporting from the said Harbour of *Bude*, any Article, Matter, or Thing, the Sum of Sixpence for each and every Ton which such Foreign Ships, Vessels, Barks, and Lighters shall measure; and of and from the Masters or Owners of all Ships, Barks, and Lighters, arriving in the said Harbour of *Bude*, or putting into the same by Stress of Weather or otherwise, when neither the Ship shall be sold, nor any Part of the Cargo shall be landed, Two-pence Sterling, for each and every Ton of the Measurement thereof.

LXXII. Provided always, That all Vessels or Boats of Seven Tons or under, coming into the said Harbour with Fish, shall be and are hereby declared to be exempted from the Harbour Rates and Duties aforesaid, and that all Ships and other Vessels for which the Rates and Duties by this Act imposed shall be paid on coming into the said Harbour and going out in Ballast only, shall be permitted to depart from the same, without paying the said Rates and Duties a Second Time.

Exemption
from Duties
for Vessels
with Fish.

LXXIII. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to Ships, Vessels, or Boats, belonging to or employed in the Service of His Majesty, His Heirs and Successors, or in the Service of the Customs or Excise or Post Office, using the said Harbour, or to any of the Officers or Persons employed therein respectively, or in the Service of the Admiralty, Ordnance, or Navy Board, or to any Naval or Ordnance Stores or others Matters imported into or exported from the said Harbour, for the Use of the Navy or Army, or to any Yachts or Pleasure Boats, or other Vessels belonging to His Royal Highness The Prince Regent or any other Member of the Royal Family; nevertheless the Captain or Master of every such Ship, Vessel, or Boat, shall be answerable for all Damage done by such Ship, Vessel, or Boat, or by the Mariners or others on board the same, to the Harbour, Wharfs, or Works, or the Machinery or Tackle connected therewith, or to the Shipping therein, with full Costs of Suit.

Exemption
for Vessels in
His Majesty's
Service.

LXXIV. And be it further enacted, That in addition to the several Rates herein-before mentioned, there shall be paid and payable to the said Company of Proprietors, for all Vessels which shall enter or use any Dock, Basin, Wharf, or Quay, or other Place made by the said Company for loading or unloading any Ships, Barges, Boats, or other Vessels within or near to the said Harbour of *Bude*, and which are hereby declared to be Part of the said Harbour for the Purposes of this Act, the Sum of Two-pence *per* Ton for every Time such Vessel shall enter or lie in, or use any such Dock, Basin, Wharf, Quay, or Place, and the same shall be paid and recoverable as the other Rates to be levied by the said Company of Proprietors; but if any Goods, Wares, or Merchandize, Lime, Limestone, Coal, Culm, Iron, Timber, or other Articles, shall be landed on and remain upon such Wharf or Quay, for any Time over and above the Space of

Wharf and
Basin Duties

of Twenty-four Hours, the Owner or Owners shall pay to the said Company the additional Rates herein-after mentioned; that is to say,

For every Ton or less Quantity of Goods, Wares, and Merchandize, remaining on such Wharf or Quay, more than Twenty-four Hours and less than Six Days, Sixpence; if remaining Six Days and less than One Month, Ninepence; if remaining One Month but less than Six Weeks, One Shilling; if remaining Six Weeks but less than Two Months, One Shilling and Three-pence; and if remaining Two Months but less than Ten Weeks, One Shilling and Sixpence:

For every Ton or less Quantity of Timber, and Pig and Bar Iron, landed on and remaining on such Wharf or Quay more than Twenty-four Hours and less than Six Days, Three-pence; if remaining Six Days but less than One Month, Sixpence; if remaining One Month but less than Six Weeks, Nine-pence; if remaining Six Weeks but less than Two Months, One Shilling; if remaining Two Months but less than Ten Weeks, One Shilling and Three-pence:

For every Ton or less Quantity of Coal, Culm, Stone, Ironstone, Slate, Flint, Clay, and Sand, landed and remaining on the said Wharf or Quay more than Twenty-four Hours and less than Six Days, One Halfpenny; if remaining Six Days but less than One Month, One Penny; if remaining One Month but less than Six Weeks, One Penny Halfpenny; if remaining Six Weeks but less than Two Months, Two-pence; if remaining Two Months but less than Ten Weeks, Two-pence Halfpenny:

For every Ton or less Quantity of Lime or Limestone, Bricks, Tiles, or Plaister, landed on the said Wharf or Quay, and remaining more than Twenty-four Hours and less than Six Days, One Penny; if remaining Six Days but less than One Month, Two-pence; if remaining One Month but less than Six Weeks, Three-pence; if remaining Six Weeks but less than Two Months, Four-pence; if remaining Two Months but less than Ten Weeks, Five-pence:

For every Quarter or less Quantity of Corn, Grain, Pulse, Seeds, Apples, and Potatoes, landed on the said Wharf or Quay, remaining more than Twenty-four Hours and less than Six Days, One Halfpenny; if remaining Six Days but less than One Month, One Penny; if remaining One Month but less than Six Weeks, One Penny Halfpenny; if remaining Six Weeks but less than Two Months, Two-pence; if remaining Two Months or less than Ten Weeks, Two-pence Halfpenny; and so in Proportion for any longer Time the said several Articles herein-before mentioned and enumerated shall remain in or upon such Wharf or Quay.

To ascertain
the Tonnage
or Admea-
surement of
Ships.

LXXV. And be it further enacted, That the Tonnage or Admeasurement of all Ships and Vessels required to be registered by any Act or Acts of Parliament of this Kingdom, or of the Kingdom of *Ireland*, and trading or coming to or departing from the said Harbour, or entering or using the said Dock or Basin, Wharf or Quay, and liable to the Payment of any of the Rates or Duties of Tonnage by this Act imposed, shall be ascertained according to the certified Tonnage in the Ship's Register; and the Master or other Person having the Command of any such Ship or Vessel is hereby required to produce such Certificate of Registry at the Time of Payment of the said Rates and Duties, to the Person or Persons who shall be duly authorized to collect and receive such Duties; and in case of any Dispute in or about the same, or in case of any Dispute in respect of the Tonnage
of

of any Ship or Vessel not required to be registered, or of any Foreign Ship or Vessel, then the Tonnage of any such Ship or Vessel shall be ascertained in the Manner and according to the Directions of an Act of Parliament made in the Twenty-sixth Year of the Reign of His present Majesty, intituled *An Act for the Encouragement of Shipping and Navigation*.

LXXVI. And be it further enacted, That if the Collector or Collectors of any of the said Rates or Duties, or such other Person or Persons as the said Company of Proprietors shall in that Behalf nominate or appoint, and the Master or other Person or Persons having the Charge or Command of any Ship or other Vessel cannot agree about or otherwise ascertain the Tonnage of such Ship or other Vessel, then and in every such Case it shall and may be lawful for the said Collector or Collectors, or Person or Persons appointed as aforesaid, from Time to Time, and at all convenient and reasonable Times, to stop, detain, enter into, measure, and gauge the same; and in case the same shall, upon such measuring or gauging, appear to be of greater Tonnage than shall be set forth and contained in the Account which shall be given thereof, then the Master, Owner, or Person giving in such Account, shall pay the Costs and Charges of such measuring and gauging, all which Costs and Charges, upon Refusal of Payment thereof on Demand, shall and may be recovered and levied by such Ways and Means and in such Manner as the Rates and Duties hereby granted or imposed are hereby appointed to be recovered and levied; but if any such Ship or other Vessel shall be found to be of the same or of less Tonnage than the same shall by such Account appear to be of, then the said Collector or Collectors, or such other Person or Persons appointed as aforesaid respectively, shall pay the Costs and Charges of such measuring or gauging, and shall also pay such further Damages as shall appear to Two or more Justices of the Peace for the County or Place, on the Oath of One or more credible Witness or Witnesses, to have arisen from such Detention; and if any Master, Commander, or other Officer of any Ship or Vessel, or any Person or Persons whomsoever, shall obstruct or hinder any Person or Persons so employed in or from measuring or gauging any Ship or Vessel in pursuance of this Act, every such Master, Commander, or other Person shall, for every such Offence, forfeit any Sum not exceeding Fifty Pounds, over and above the said Rates.

Power to
measure
Ships.

LXXVII. And to the Intent that the Rates or Duties aforesaid may be duly accounted for and paid, be it further enacted; That from and after the Time that the said Harbour and Works shall have been so certified as aforesaid, to be so far complete as that any Ship or Vessel may be enabled to load and unload Goods and Effects within the said Harbour, no Collector or other Officer of His Majesty's Customs at the said Harbours, or at the Port to which the same shall be attached, shall from thenceforth afterwards, on any Pretence whatever, permit or allow any Ship or other Vessel on which Duties of Tonnage are by this Act imposed, to be entered Inwards from Foreign Ports or Coastwise, or Outwards from the said Harbour of *Bude*, unless and until the Master or other Person having Charge of such Ship or Vessel shall have paid the Duties of Tonnage by this Act granted or imposed, and shall have produced to the said Collector or other Officer of the Customs, a Certificate under the Hand of a Collector or Person appointed under the Authority of this Act, to collect and receive the Land Rates and Duties due, and that the said Rates and Duties payable

Custom
House Offi-
cers not to
discharge
Vessels before
Duties paid.

Local.]

16 D

on

on Account of any such Ship or Vessel have been fully paid and satisfied, upon pain of forfeiting, for every such Offence, any Sum not exceeding Twenty Pounds, together with Costs of Suit, and to be recovered and levied in the same Manner as other Fines, Penalties, and Forfeitures may be recovered and levied under this Act, and which Certificates and Signatures such Collector or Collectors or other Person or Persons appointed under the Authority of this Act, to collect and receive the said Tonnage Tolls or Duties aforesaid, are required to sign and give accordingly, without Fee or Reward, upon pain of forfeiting for every Refusal thereof, upon Demand, any Sum not exceeding Twenty Pounds, together with Costs of Suit, and which Sum, when forfeited, shall and may be recovered and levied, in the same Manner as other Fines, Penalties, and Forfeitures under this Act may be recovered and levied.

Ships to be reported on arriving in the Harbour.

LXXVIII. And be it further enacted, That from and after such Certificate of the Improvement of the said Harbour as aforesaid, every Master or Commander of any Ship or Vessel which shall arrive in the said Harbour with any Goods subject to Duties of Customs or Excise, shall in every Case make his Report of such Ship or Vessel, and of her Cargo, at the Custom House, at the Port of *Padstow*, within Forty-eight Hours next after her Arrival within the said Harbour, and shall also within Sixty Hours after such Ship or Vessel and Cargo shall be so reported, deliver, or cause to be delivered, a true Copy of the Manifest of the Cargo of such Ship or Vessel at the principal Office or House near to the said Harbour used for the Time being, for the Management of the Affairs of the said Company of Proprietors, to such Officer or Servant of the said Company of Proprietors as shall be appointed for the Receipt thereof; and every such Master or Commander refusing or neglecting to make such Report, or to deliver a true Copy of such Manifest within the respective Times and in the Manner before directed, shall for every such Offence (upon being convicted thereof) forfeit and pay any Sum not exceeding Fifty Pounds.

On Neglect to enter Goods brought into the Dock Premises Seven Days after the Vessel importing the same shall have been reported, the Company may enter the same the next Day, &c.

LXXIX. And be it further enacted, That in case any Goods, Wares, or Merchandize shall be brought into the said intended Dock or Basin on board of any Ship or Vessel, for the Purpose of being unladen, shall not be duly entered at the Custom House at the said Port of *Padstow*, and also at such other Office of His Majesty's Revenue as shall be required by Law, within Seven Days next after the Ship or Vessel importing the said Goods, Wares, or Merchandize shall have been reported at the Custom House, then and in every such Case it shall and may be lawful to and for such Officer or Officers of the said Company of Proprietors as shall be appointed for that Purpose by the said Company of Proprietors, on the next ensuing Day (not being a *Sunday*, *Christmas Day*, or *Good Friday*, or a Day appointed by His Majesty's Proclamation for the Purpose of a General Fast or Thanksgiving), or on any subsequent Day, to cause such Goods, Wares, or Merchandize to be duly entered at the Custom House or other proper Revenue Office, and thereupon to pay or to give Security according to Law for the Payment of the Duties to which the same shall be subject; and forthwith to land and warehouse such Goods, Wares, or Merchandize, and retain the same as a Security for the Payment of the Duties to which they shall be subject; and the Rates and Duties payable thereon to the said Company of Proprietors, and the Charges and Expences of entering the same,

same, together with the following Charges, to be payable to the said Company of Proprietors for making such Entry; (that is to say), for every Cask of Sugar, Rum, and Coffee, of whatever Weight or Dimensions, One Shilling; and for every other Package of Goods, of whatever Kind or Denomination, Sixpence; and in Case the said Duties, Rates, Charges, and Expences shall not be paid and discharged by the Proprietor or Proprietors, Consignee or Consignees of such Goods, Wares, or Merchandize, within One Calendar Month next after such Entry as aforesaid shall be made thereof by the Officer or Officers of the said Company, it shall and may be lawful for the said Company of Proprietors, and they are hereby authorized and empowered to sell and dispose of such Goods, Wares, or Merchandize, or any Part thereof, to answer and satisfy the said Duties, Rates, Charges, and Expences, together with the Expences attending such Sale, and legal Interest for any Sum or Sums of Money which shall and may be advanced or disbursed for or on account of such Duties, Rates, Charges, and Expences, or any of them, rendering the Overplus (if any) of the Monies arising by the said Sale, and such of the Goods, Wares, and Merchandize as shall remain unsold to the Proprietor or Proprietors, Consignee or Consignees of such Goods, Wares, or Merchandize, who shall respectively be liable to pay or make good the Deficiency (if any) which shall or may arise from the Proceeds of such Goods, Wares, or Merchandize proving inadequate to satisfy and discharge the Amount of such Duties, Rates, Charges, Expences, and Interest as aforesaid: Provided always, that the said Company of Proprietors shall be and they are hereby authorized to remit the Whole or any Part of the said Charges to be paid to the said Company of Proprietors for making Entries of Goods as aforesaid, under any Special Circumstances which shall appear to the said Company of Proprietors to warrant such Remission.

LXXX. Provided nevertheless, and be it further enacted, That in case any such Goods, Wares, or Merchandize as aforesaid shall remain unentered at the proper Revenue Offices, for the Space of Eight Days next after the Ship or Vessel importing the same shall have been reported at the Custom House, (or for the Space of Nine Days, when such Eighth Day shall happen to be *Sunday, Christmas Day, or Good Friday*, or a Day appointed by His Majesty's Proclamation, for the Purpose of a General Fast or Thanksgiving) then and in every such Case it shall and may be lawful for the Officers of His Majesty's Customs or Excise, whose Duty it shall be to attend the Unlading of such Ship or Vessel and they are hereby required to seize for and on behalf of His Majesty, His Heirs and Successors, all such Goods, Wares, or Merchandize, as shall remain unentered, in order to secure the Duties payable to His Majesty, His Heirs and Successors, in respect thereof, together with the Charges of such Seizure, and all Costs, Charges, and Expences which shall be occasioned thereby, and thereupon shall forthwith proceed to land and warehouse the same; and in case the whole of the said Duties, Costs, Charges, and Expences, and the Rates and Duties payable to the said Company of Proprietors, shall not be paid within the Space of One Calendar Month from the Time of the Seizure of such Goods, Wares, or Merchandize, it shall and may be lawful for any Two or more of the Commissioners of His Majesty's Customs, or any Two or more of the Commissioners of His Majesty's Excise, immediately after the Expiration of such Calendar Month to order and direct the same to be sold, and the Proceeds arising from

On Neglect to enter such Goods for Eight Days after the Vessel shall have been reported, the Officers of the Customs may seize the Goods, &c.

from such Sale (after Payment of the Rates and Duties which shall be due and payable to the said Company) to be applied according to the Directions of an Act passed in the Twelfth Year of the Reign of her late Majesty Queen Anne, intituled *An Act for encouraging the Tobacco Trade*; any Law, Statute, Usage, or Custom to the contrary notwithstanding.

No Vessel to be permitted to break Bulk until the whole of her Cargo be duly entered, &c.

Vessels to be discharged in Rotation.

LXXXI. And be it further enacted, That no Ship or Vessel which shall arrive in the said Harbour, shall, on any Account or Pretence whatsoever, be permitted to break Bulk, or land any Part of her Cargo, until the whole of such Cargo intended to be unladen in the said Harbour shall be duly entered at the Custom House, at the said Port of *Padstow*, or other proper Revenue Office (except in the Case of Seizure as herein-before mentioned) and every such Ship or Vessel shall be laid or placed along the Side of the said intended Wharf or Quay, in order that the Cargo thereof may be discharged upon such Wharf or Quay; and all such Ships or Vessels shall be so discharged or unloaded upon the said Wharf or Quay in due Succession or Rotation, according to the respective Dates or Times when the Entries of their Cargoes at the Custom House and other proper Revenue Offices shall have been fully made and completed, and the Warrants of such Entries delivered to the proper Officers of the said Company of Proprietors appointed to receive the same, or the unentered Part of such Cargoes shall be seized as aforesaid, and not according to the Times of the respective Arrivals of such Ships or Vessels in the said Harbour or Dock; and that the said Company of Proprietors shall be at Liberty, and they are hereby authorized to discharge and unload all such Ships or Vessels in such Succession or Rotation as aforesaid, with all convenient Dispatch after the Cargoes thereof shall be duly entered as aforesaid, or the unentered Part thereof shall be seized; any Law, Usage, or Custom to the contrary thereof in any wise notwithstanding.

The Commander or Senior Officer to be on board all the Time of unloading.

LXXXII. And be it further enacted, That the Master or Commander of every Ship or Vessel which shall or may unload in the said intended Dock or Basin, or in case of his Death, Disability, or Incapacity, the next chief or senior Officer then actually serving or employed on board such Ship or Vessel, shall, during all the Time employed in unloading or discharging such Ship or Vessel, actually remain on board, and superintend, aid, and assist in such unloading or discharging; and that every Master or Commander, or in case of his Death, Disability, or Incapacity, the said chief or senior Officer then actually serving or employed on board of such Ship or Vessel, who shall neglect or refuse to superintend, aid, and assist in the unloading and discharging of the same as aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Fifty Pounds.

Rates payable for Goods warehoused within the Dock or Inner Harbour.

LXXXIII. And, in consideration of the great Charges and Expences which the making, building, erecting, and providing of convenient Warehouses upon or near to the said Wharfs or Quays, and in Connection with the intended Dock or Basin in the said Harbour by the said Company of Proprietors, and the supporting, maintaining, and keeping of the same in Repair for the future, will amount unto; be it further enacted, That it shall be lawful for the said Company of Proprietors, in Addition to the Rates or Duties herein-before mentioned, to collect and receive for all Goods, Wares, and Merchandize delivered into the intended Warehouse

or Warehouses of the said Company of Proprietors in or near to the said Harbour, by the Owner or Owners, Consignee or Consignees of such Goods, Wares, and Merchandize respectively, the several Rates or Duties herein-after particularly rated and described; that is to say,

For every Cask, Case, Bundle, Bale, or other Package containing any Article of Merchandize, being of the Weight of Two hundred and twenty-four Pounds or upwards, Five Shillings :

For every such Cask, Case, Bundle, Bale, or other Package, being under the Weight of Two hundred and twenty-four Pounds, Two Shillings and Sixpence :

For any Article of Merchandize brought loose, and subject to any Duty of Customs, chargeable according to the Weight of every One hundred and twelve Pounds, One Shilling :

For any Article of Merchandize brought loose, and subject to any Duty of Customs, there shall be collected and paid a Rate or Duty not exceeding One Shilling for every One hundred and twelve Pounds.

Which Rates or Duties shall be accepted and taken for and in respect of the Use and Conveniency of the said Warehouse-room for such Goods for the Space of One Month or any shorter Period, in the said Company's Warehouse; and the like Rates or Duties shall be paid to the said Company of Proprietors for every Calendar Month which the said Goods, Wares, and Merchandize, shall remain in such Warehouse or Warehouses beyond the First Calendar Month; and if they shall remain for a shorter Period than a Month after the First Calendar Month, such shorter Period shall be taken and deemed for the Purpose of such Warehouse Rent to be a complete Month; and all Charges of delivering the same from the said Warehouses into the Cart or Vessel to be provided by the Owner or Owners of the said Goods, Wares, and Merchandize, to convey the same to the said Warehouses, shall be paid to the said Company of Proprietors, in addition to the said Rates or Duties.

LXXXIV. And be it further enacted, That all such Goods, Wares and Merchandize, as shall be brought into the said intended Dock, and shall be chargeable with Duties according to the Weight or Measure thereof, shall be respectively weighed or gauged, as the Case shall require, immediately, or as soon as may be after the same shall be landed or unshipped, and before any Samples for Sale shall be taken from the same; and immediately or as soon as may be after such Goods, Wares, and Merchandize shall be weighed or gauged, and surveyed, examined, and Samples for Sale taken from the same, they shall be deposited and kept in some or one of the Warehouses intended to be built and provided for the said Company of Proprietors as before mentioned, except in Cases where such Goods, Wares, or Merchandize, shall be immediately removed from the said Wharf or Quay.

LXXXV. And be it further enacted, That the Rates or Duties by this Act granted to the said Company in respect of Goods, Wares, and Merchandize which shall be so delivered into or upon the intended Warehouse or Warehouses, Wharf or Wharfs, Quay or Quays of the said Company of Proprietors, shall in every case be payable and paid within Two Calendar Months next after the same shall have been received into such Warehouse or Warehouses, or upon such Wharf or Wharfs, Quay or Quays; or in

[Local.]

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case

List of Rates.

Goods brought into the Dock and chargeable with Duties according to Weight or Measure, to be weighed or gauged immediately after being landed.

Times appointed for the Payment of Warehouse Rent.

In Default
of Payment,
Company
empowered
to sell Goods
for Recovery
of Rates.

case such Goods, Wares, or Merchandize shall be removed from the Warehouse or Warehouses, Wharf or Wharfs, Quay or Quays of the said Company, before the Expiration of Two Calendar Months, then the said Rates and Duties shall be payable and paid in respect of the same, previous to such Removal thereof; and in case Default shall be made in Payment of the said Rates or Duties, or any of them, for the Space of One Calendar Month next after the Expiration of such Two Calendar Months as last aforesaid, it shall be lawful for the said Company of Proprietors to sell or cause to be sold all or any Part of such Goods, Wares, and Merchandize for which the said Rates and Duties, or any Part thereof, shall remain payable; and out of the Monies thence arising to retain and pay all the Rates and Duties which shall be payable to the said Company of Proprietors in respect of such Goods, Wares, and Merchandize, and all Charges and Expences of making such Sale, returning the Surplus (if any) of the Monies arising by the said Sale, and such of the said Goods, Wares, and Merchandize, as shall remain unsold, to the Person or Persons who shall be entitled thereto.

Canal Dues.

LXXXVI. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors from Time to Time and at all Times hereafter, to ask, demand, take, and recover to and for their own proper Use and Behoof, over and above the aforesaid Harbour, Wharfage, and Warehouse Dues, the several Rates herein-after mentioned, for the Tonnage and Wharfage of all Minerals, Merchandize, and other Goods, Matters, and Things whatsoever, which shall be carried or conveyed upon the said Canal and Collateral Cuts, or any of them, and which, in order to distinguish the same from the several Duties herein-before provided shall be denominated Canal Dues; (that is to say),

For all Coal, Coke, and Freestone, to be navigated and conveyed upon the said Canal, or Collateral Cuts, the Sum of Four-pence *per Ton per Mile*, and so in Proportion for any greater or less Quantity than a Ton, or greater or less Distance than a Mile:

For all Lime, Dung, and Manure, Sand, Limestone, and Slate, Stones, and Clay, the Sum of Three-pence *per Ton per Mile*, and so in Proportion for any greater or less Quantity than a Ton, or greater or less Distance than a Mile:

For all Cattle, Calves, Sheep, Swine, and other Beasts, and all Bricks, Tiles, and all Rough Timber, Bark, Faggots, Tin, Iron Stone, Iron, and Lead, the Sum of Four-pence *per Ton per Mile*, and so in Proportion for any greater or less Quantity than a Ton, or greater or less Distance than a Mile:

For all Wheat and Potatoes, the Sum of Two-pence *per Ton per Mile*, and so in Proportion for any greater or less Quantity than a Ton, or greater or less Distance than a Mile:

For all Barley, Beans, Peas, Vetches, Seeds, and Oats, the Sum of Three-pence *per Ton per Mile*, and so on in Proportion for any greater or less Quantity than a Ton, or greater or less Distance than a Mile:

For all other Goods, Wares, Merchandize, and Things whatsoever, the Sum of Four-pence *per Ton per Mile*, and so on in Proportion for any greater or less Quantity than a Ton, or greater or less Distance than a Mile:

And in all Cases where there shall be a Fraction of a Quarter of a Mile in the Distance which any Boat or other Vessel shall be navigated or pass upon the said intended Canal or Collateral Cuts, or any of them, such Fraction shall, in ascertaining the said Rates, be deemed and considered as a whole Quarter of a Mile; and that in all Cases where there shall be a Fraction of a Ton in the Weight of Lading in any Boat or other Vessel so to be navigated on the said intended Canal and Collateral Cuts, or any of them, 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; and in all Cases where there shall be a Fraction of a Quarter of a Ton in any such Weight of Lading as aforesaid, such Fraction shall be deemed and considered as a whole Quarter of a Ton; all which said Rates shall be paid to such Person or Persons, at such Place or Places near to the said Canal and Collateral Cuts, or any Part thereof, in such Manner and under such Regulations as the said Company of Proprietors at some General or Special Assembly or Assemblies shall direct or appoint; and in case of Denial or Neglect of Payment of any such Rates, or any Part thereof, on Demand, to the Person or Persons appointed to receive the same as aforesaid, the said Company of Proprietors may sue for the same, by Action of Debt or upon the Case, in any of His Majesty's Courts of Record at *Westminster*, or the Person or Persons to whom such Rates ought to have been paid may, and he and they is and are hereby empowered to seize the Goods or other Things for or in respect whereof any such Rates ought to have been paid, or any Part thereof, or the Boat or other Vessel laden therewith, and detain the same until Payment thereof shall be made, together with reasonable Charges for such Seizure and Detention; and if such Goods or other Things, Boat or other Vessel shall not be redeemed within Five Days next after the taking thereof, the same shall be sold as the Law directs in Cases of Distress for Rent.

Proportion of a Quarter of a Mile to be taken as a Quarter of a Mile.

Recovery of Rates.

LXXXVII. And be it further enacted, That it shall be lawful for the said Company of Proprietors at any Special General Meeting to be convened in Manner before mentioned, to reduce all or any of the Rates, Tolls, Tonnage Dues and Duties mentioned in this Act, and again to raise the same to such Sum or Sums of Money as they shall think proper, not exceeding the Sums specified in this Act, as often as it shall be deemed necessary or advantageous for the Purpose of this Act; provided that no such Reduction or Variation shall take place at any such Special General Meeting, unless by a Majority of Votes equal to Three-fourths of the Shares represented at such Meeting.

Rates may be varied.

LXXXVIII. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, and they are hereby authorized and empowered, at any of the General or Special General Assemblies, by Writing under their Common Seal, at any Time or Times, to let to farm the Rates hereby made payable, or any Part or Parts thereof, upon the Whole or any Part or Parts of the said Canal or Collateral Cuts, or other Works, unto any Person or Persons, for any Time or Term they shall think proper, not exceeding Three Years from the Commencement of any Lease; and every such Lease shall be valid and effectual; and the Lessee or Lessees thereof, and also such Person or Persons as such Lessee or Lessees shall appoint to collect and receive the Rates so let, shall, during the Continuance

Company empowered to lease the Rates.

tinuance of every such Lease, be deemed Collectors of the Rates so let, and shall have the same Power and Authority for collecting and recovering the same as if they had been appointed for that Purpose by the said Company of Proprietors; provided public Notice of the Intention to let the said Tolls, or any Part thereof, be given by Writing by the Committee, or any Five or more of them, or their Clerks, by Advertisements published in such Newspapers as aforesaid, at least Thirty Days prior to any such General Assembly at which the said Rates, or any Part thereof, are proposed to be let as aforesaid.

Masters of Boats to give an Account of their Lading.

LXXXIX. And for the better ascertaining and more easy and effectual collecting of the said Rates hereby directed to be paid to the said Company of Proprietors for the Use of their said Canal and Collateral Cuts, be it further enacted, That the Master, Owner, or other Person or Persons having the Care of any Boat, Barge, or other Vessel navigating upon the said Canal and Collateral Cuts, or upon any Part or Parts thereof, shall give to the Collectors of the said Rates, or to any other Officers to be appointed for such Purpose by the said Company of Proprietors, at the Place or Places where he or they shall attend for that Purpose, a just Account in Writing, signed by the Master, Owner, or other Person or Persons having the Care of such Boat, Barge, or other Vessel, of the Quantities, Qualities, and Weight of the Goods and other Things which shall be embarked in or upon 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 Master, Owner, or other Person or Persons, shall specify the Quantities liable to the Payment of each of the said Rates; and in case he or they shall neglect or refuse to give such an Account, or shall refuse to produce his or their Invoice or Bill of Lading to the Officer demanding the same, or shall, with Intent to avoid the Payment of the said Rates or Duties, or any Part of them, give a false Account, or shall deliver out any Part of such Lading or Goods at any other Place or Places than what is or are mentioned in such Invoice or Bill of Lading, every Person so offending shall forfeit and pay the Sum of Ten 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 Boat, Barge, or other Vessel respectively, of which, or of whose Lading, such Account shall be refused or such false Account given, or whose Lading shall be delivered out as aforesaid, as the case shall happen to be, over and above the aforesaid respective Rates which shall be payable for the same.

What Quantity of Timber and Light Goods shall be deemed a Ton.

XC. And for the better ascertaining the Tonnage of Stone, Timber, and other Goods to be charged with the Payment of such Rates as aforesaid, and the Contents and Burthens of the Boats, Barges, and other Vessels carrying and conveying such Stone, Timber, and other Goods, Matters, and Things on the said Canal or Collateral Cuts; be it further enacted and declared, That Forty Cubic Feet of round, and Fifty Cubic Feet of square Oak, Ash, Elm, or Beech Timber, and Fifty Cubic Feet of Fir or Deal, Balk, Poplar, Birch, or other Timber or Wood, not cut into Scantlings, shall, for the Purposes of this Act, be respectively deemed, rated, and estimated as and for One Ton Weight; and that One hundred and Twelve Pounds Weight Avoirdupois of Coal, Coke, Culm,

Culm, Lime, Free Stone, Lime Stone, and all other Commodities; shall, for the Purposes of this Act, be deemed, rated, or estimated as and for One Hundred Weight; and Two thousand two hundred and forty Pounds Weight of all Commodities whatsoever shall, for the Purposes of this Act, be deemed One Ton; any Usage of rating or estimating the same to the contrary hereof notwithstanding: And if any Difference shall arise between any Collector of the said Rates, and the Master, Owner, or other Person having the Care or Charge of any Boat, Barge, or other Vessel, or the Owner of any Goods, Wares, Merchandize, or other Things loaded or embarked therein, concerning the Measure of such Timber, or concerning the Weight or Quantity of the Goods, Wares, Merchandize, or other Matters or Things therein embarked or contained, it shall and may be lawful to and for such Collector to stop and detain any such Boat, Barge, or other Vessel, and to weigh, measure, or gauge, or cause to be weighed, measured, or gauged, such Boat, Barge, or other Vessel, and all such Timber, Goods, Wares, and Merchandize, or other Matters or Things, as shall be therein embarked or contained; and in case the same shall, upon such weighing, measuring, or gauging, appear to be of greater Measure, Weight, or Quantity than the Account given thereof by such Master, Owner, or other Person having the Care or Charge of such Boat, Barge, or other Vessel, then the same Master, Owner, or other Person giving in such Account, shall pay the Costs and Charges of such weighing, measuring, and gauging; all which Costs and Charges, upon Refusal of Payment thereof upon Demand, shall and may be recovered and levied in the same Manner as the said Rates are hereby appointed to be recovered and levied; but if such Timber, Goods, Wares, Merchandize, or such other Matters and Things, shall appear to be of the same or of less Weight or Quantity than the Account given thereof by the said Master, Owner, or other Person, then the said Collector shall pay the Costs and Charges of such weighing, measuring, and gauging, and shall also pay to such Master, Owner, or other Person, or to the Owner or Owners of such Goods, Wares, Merchandize, or other Things, such Damages as shall appear to the said Justices, upon the Oath of any credible Witness (which Oath the said Justices are hereby empowered and required to administer), to have arisen from such Detention; and in default of immediate Payment thereof, the same shall be recovered from the said Company of Proprietors by Distress and Sale of the said Company's Goods and Chattels, or in such other Manner as any of the Penalties or Forfeitures hereby imposed upon the said Company of Proprietors, their Agents, Servants, or Workmen, may be recovered and levied by virtue of this Act.

XCI. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, from Time to Time, at any General Assembly, to ascertain and fix the Price or Sum or Sums of Money to be charged or taken for the Carriage of any Parcel (not exceeding Five hundred Pounds Weight) upon the said Canal and Collateral Cuts, or upon any Part thereof; and the said Company of Proprietors shall, from Time to Time, cause to be printed and affixed upon every public Wharf on the said Canal and Collateral Cuts, in some conspicuous Place, a List or Account, ascertaining and particularizing the Price or Sum or Sums of Money so to be charged or taken for the Carriage of such Parcels as aforesaid upon the said Canal or Collateral

Power to fix
the Price of
small Parcels.

[Local.]

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Cuts;

Cuts; and in case any Owner or Master, or other Person having the Care of any Boat, Barge, or other Vessel navigating or passing upon the said Canal or Collateral Cuts, or upon any Part or Parts thereof, after such List or Account so ascertaining and particularizing the Price or Sum or Sums of Money at which every such Parcel shall be so carried and conveyed shall be so fixed up as aforesaid, shall demand or take, for the Carriage of any such Parcel as aforesaid more than the Price or Sum or Sums of Money in such List or Account ascertained and particularized for that Purpose, such Owner, Master, or other Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds.

Regulations
as to Gun-
powder.

XCII. And be it enacted, That no Gunpowder shall be kept on board of any Vessel within the said Harbour, under the Penalty hereinafter mentioned; and it shall be lawful for the Harbour Master, Dock Master, or other Officer or Servant of the said Company of Proprietors, either with or without the Assistance of a Constable or other Person or Persons, to seize, remove, and sell such Gunpowder, and to apply the Proceeds of the Sale to the Use of the said Company of Proprietors; and all Ships or Vessels coming into the said Harbour shall be obliged, within One Hour after she shall have been moored within the said Harbour, at some Place to be pointed out by the said Company of Proprietors or their Officers or Servants, but not within the Dock or Basin connected with the said Harbour, to unship all such Gunpowder, so that the same may be forthwith lodged in a Powder Magazine or other secure Place in the Neighbourhood of the said Harbour; and no Ship or Vessel sailing from the said Harbour shall take on board any Gunpowder more than One Hour before the said Ship or Vessel shall sail from and out of the said Harbour, under a Penalty not exceeding Ten Pounds for each Offence; such Penalties to be paid by the Owners or Owner, or the Master or other Person having the Charge of such Ship or Vessel, and the Forfeiture of the Gunpowder so improperly being on board, or improperly unladen or taken on board.

Combustible
Matter not to
remain on the
Quays or
Piers above
a certain
Time.

XCIII. And be it further enacted, That no Tar, Pitch, Rosin, Hemp, Flax, Faggots, Furze, Brandy or other Spirituous Liquors, Turpentine, Oil, Hay, Straw, Tallow, Grease, Shavings of Wood, or other combustible Things, shall be suffered to be and remain on the Docks, Quays, and Piers within or connected with the said Harbour, or in any Part thereof, or upon the Deck of any Ship or Vessel in the said Docks, Piers, and Quays, lying in the Harbour aforesaid, for above the Space of Twenty-four Hours after being passed by the Custom House Officers; and that in case such Goods and Things cannot be conveniently removed or got off from such Docks, Quays, Place or Places, by Day-light, and then and in every such Case the Owners of such Goods and Things shall be obliged and are hereby required to set and maintain, at their own Expence, a sufficient Number of careful and discreet Persons to guard and watch over the same for such and so many Hours, according to the Season of the Year, as the Harbour Master, Dock Master, or other Officer of the said Company of Proprietors who shall have the Management of the said Harbour, or the Dock connected therewith, shall signify and appoint; and in case the Owner or Owners of such Goods and other Things, or the Master or Masters, Mate or Mates of Ships, Barks, or other Vessels, shall make
Default

Default herein, any such Owner or Master or Mate shall forfeit and pay for every such Offence the Sum of Ten Pounds.

XCIV. And be it enacted, That it shall not be lawful for the Master or any other Person or Persons having the Charge of any Ship or Vessel in the said Harbours, to discharge any Fire Arms on board of any such Vessel, save and except a Signal Gun in case of Distress, under the Penalty of Five Pounds for every such Offence: Provided always, that nothing herein contained shall prevent or be construed to prevent the discharging of Fire Arms on board of any Ship, Boat, or Vessel belonging to or in the Employment of His Majesty, His Heirs and Successors, or to prevent the discharging of Fire Arms by any Person or Persons in the lawful Defence of his or their Property.

No Guns to be fired near the Harbour.

XCV. And be it enacted, That if any Fire or Candle shall be found lighted or burning on board of any Ship or Vessel lying at or within the Dock or Basin, Quays, Piers, or Breasts of the said Harbour between the Hours of Seven in the Evening and Seven in the Morning, from *September* the Twenty-ninth to *March* the Twenty-fifth, or between Eight in the Evening and Five in the Morning from *March* the Twenty-fifth to *September* the Twenty-ninth, the Masters or other Person or Persons having the Care or Command of any such Ship or Vessel, shall for every Offence forfeit a Sum not exceeding Five Pounds.

No Fire or Candle to be lighted in the Harbour.

XCVI. And be it further enacted, That every Person or Persons who shall or may have occasion to throw or cast out any Shingle, Stones, Gravel, Dust, Ashes, Rubbish, or other Ballast from or out of any Ship or other Vessel which shall come into the said Harbour, shall throw and cast out the same in such Part and Parts of the said Harbour, or of the said Canal, Collateral Cuts, Reservoirs, Entrances, and other Works, if the said Vessels respectively can come thereto, upon such Quays, Wharfs, Entrances, Breasts, or other Works wherein or whereupon the said Company of Proprietors shall direct and appoint the same respectively to be thrown, and not elsewhere; and if any such Person or Persons shall cast or throw the same in or upon any Quay, Wharf, Entrance, Bank, Breast, or other Work in or belonging to the said Harbour, Canal, Collateral Cuts, Reservoirs, Docks, and Basins hereby authorized to be made, or any of them, contrary to or without any such Direction and Appointment as aforesaid, and shall not immediately cart and carry away the same to such Place or Places as the said Company of Proprietors, for such Purposes, shall from Time to Time provide and appoint; then and in every such Case such Person and Persons shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds besides the Charges and Expences of removing, carting, and carrying away all such Shingle, Stones, and other Ballast as aforesaid, and which the said Company of Proprietors are hereby authorized and empowered to do at the Expence of such Defaulter or Defaulters.

Ballast to be removed from the Quays, &c.

XCVII. And be it further enacted, That all Persons whomsoever shall have free Liberty to use with Horses, Cattle, and Carriages, the Roads, Ways, and Passages (except the Towing Paths) to be made by virtue of this Act for the Purpose of conveying any Timber, Goods, Wares, Merchandize, and other Things, to or from the said Canal or Collateral

Navigation to be free from Payment of Rates under certain Restrictions.

Cuts,

Cuts, and every Part thereof, without paying any Thing for the Use of such Roads, Ways, and Passages, and also to navigate and pass upon and use the said Canal and Collateral Cuts, with any Boats or Vessels, and to employ the said Wharfs and Quays for loading and unloading such Merchandize, Timber, and other Goods and Things; and also to use the said Towing Paths with Horses and other Cattle for haling and drawing such Boats and Vessels, upon Payment of such Rates as shall be demanded by the said Company of Proprietors, not exceeding the respective Sums herein mentioned, and subject to the Rules and Regulations which shall be from Time to Time made by the said Company of Proprietors, by virtue of Powers herein granted, provided the said Boats or other Vessels shall not, without the Consent of the said Company of Proprietors or their General Committee pass upon the said Navigation at other Times than between the Hours of Seven in the Morning and Five in the Evening, during the Months of *November, December, January, and February*; between the Hours of Five in the Morning and Eight in the Evening during the Months of *March, April, September, and October*; and between the Hours of Four in the Morning and Nine in the Evening, during the Months of *May, June, July, and August*, in every Year.

Vessels of small Tonnage not to pass through Locks.

XCVIII. And be it further enacted, That no Boat, Barge, or other Vessel, of less Burthen than Twenty Tons, shall pass through any of the Locks intended to be made by virtue of this Act between the said Harbour of *Bude* and a certain Bridge called *Hele Bridge*, in the Parish of *Stratton*; except there shall be Two or more Boats ready to pass each Lock at the same Time, containing together Twenty Tons; and that no Boat, Barge, or other Vessel, shall pass through any Locks, or on or over any Inclined Planes on the several other Parts of the said Canal or Collateral Cuts with less Burthen than Four Tons, without the Consent of the said Company of Proprietors, or of their Principal Agent for the Time being, in Writing, first had and obtained, or unless the Owner of such Boat, Barge, or other Vessel, shall pay a Tonnage equal to a Vessel of Twenty Tons, or of Four Tons, respectively as aforesaid; such Four Tons to be charged as Goods, Wares, and Merchandize, not herein-before particularly enumerated: Provided nevertheless, that Boats, Barges, or other Vessels returning after the Delivery of a Lading, or proceeding to receive such Lading, shall be allowed to pass free of any Tonnage, but subject to such Regulations, in other Respects, as the said Company of Proprietors shall from Time to Time ordain and determine.

Masters to put their Names on the Outside of Boats.

XCIX. And be it further enacted, That the Owner or Master of every Boat, Barge, or other Vessel, not being a Pleasure Boat, passing upon the said Canal or Collateral Cuts, shall cause his or her Name and Place of Abode, and the Number of his or her Boat, Barge, or other Vessel, to be entered with the Clerk or Clerks to the said Company of Proprietors; and shall also cause such Name and Number, and also the Place to which every such Boat, Barge, or other Vessel shall belong, and the true Number of Tons Burthens thereof, to be painted in large White Capital Letters and Figures, on a Black Ground, Four Inches high at the least, and of a proportionable Breadth on the Outside of the Head or Stern of every such Boat, Barge, or other Vessel, higher than the Place to which the same shall sink into the Water when fully laden; and also shall and is hereby required to fix on each Side thereof respectively, correct Indexes of

Weight of the Loading of Vessels to be marked.

of Copper, Lead, or other Metal, of such graduated Dimensions and of such convenient Heights, and under such Regulations, as the said Company of Proprietors shall from Time to Time direct, or other proper Means shall be used under the Direction of the said Company of Proprietors, so that the true Weight of the Lading on board may at all Times be ascertained and shewn, and shall permit and suffer every such Boat, Barge, or other Vessel, to be gauged, weighed, or measured; and any Timber on board of the same, to be measured at the Expence of the said Company of Proprietors whenever it shall be required by them, or by any Person or Persons appointed for that Purpose; and the Owner, Master, or other Person, having the Care or Command of every Boat, Barge, or other Vessel, or who shall navigate the same upon the said Canal or Collateral Cuts, without having such Name, Figures, and Index thereon, as are herein-before directed, or who shall alter, erase, deface, or destroy such Name, Figures, or Index, or any Part thereof; or shall fix thereon any false Name, Figure, or Index; or who shall refuse to permit and suffer such Boat, Barge, or other Vessel, to be gauged and measured, or shall wilfully suffer or permit any Boat, Barge, or other Vessel, navigating upon or lying in the said Canal or Collateral Cuts, to be loaded or unloaded in any Lock, or in any other Part of the said Canal or Collateral Cuts, without a Stage being laid from the Side of such Boat, Barge, or other Vessel, to the Bank of the said Canal or Collateral Cuts, so as effectually to prevent any Soil, or other Matter or Thing intended to be taken on board, or discharged out of such Boat, Barge, or other Vessel, from falling into the said Canal or Collateral Cuts, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings: Provided always, that no Boat, Barge, or other Vessel, shall be used or navigated, on any Part of the said Canal or Collateral Cuts, unless built agreeably to a Model or Models, to be provided by the said Company of Proprietors; and that no Pole, Shaft, or other Instrument, for the Purposes of punting or navigating any Barge, Boat, or other Vessel, on the said Canal or Collateral Cuts, shall be used, but such as shall be made agreeably to a Model or Models to be provided by the said Company of Proprietors or by their principal Agent.

C. And be it further enacted, That the Master or Owner of every Boat, Barge, or other Vessel navigating upon the said Canal or Collateral Cuts, shall be and is hereby made answerable for any Trespas, Damage, Spoil, or Mischief that shall be done 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, to any of the Bridges, Weirs, Locks, Basins, Dams, Engines, Inclined Planes, Railways, or Tram Roads, or other Works in, upon, or belonging to the said Canal or Collateral Cuts, or to any of the Trenches, Aqueducts, Sluices, Passages, or other Works or Conveniences to be made by virtue of this Act, either by the loading or unloading of any Boat, Barge, or other Vessel, or by any other Means whatsoever, or to the Owners or Proprietors of any Building or other Erection, Lands, Tenements, or Hereditaments, adjoining or lying near to the same Canal or Collateral Cuts, by leaving open any Gate or Gates, Lock or Bridge, or by any other Means whatsoever; and the said Master or Owner of such Boat or other Vessel may be sued and prosecuted for the same in any of His Majesty's Courts of Record; and if a Verdict or Judgment shall be given against him, either on Proof made

Masters of
Vessels an-
swerable for
their Crews.

[Local.]

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or

or by Default, or upon Demurrer, the Plaintiff in any such Case shall recover his Damages thereby sustained with full Costs of Suit.

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

CI. And be it further enacted, That in case the Master or Masters, Owner or Owners of any Boat, Barge, or other Vessel as aforesaid, employed on the said Canal or Collateral Cuts, shall be compelled to pay any Penalty, or to make Satisfaction for any Damage or Trespas by reason of any wilful Neglect or Default done or committed by his, her, or their Servants, Boatmen, or Watermen, or any of them, such Servants, Boatmen, or Watermen, and each and every of them, shall be liable to repay such Penalty or Damage (with the Costs thereof) to such Master or Masters, Owner or Owners; and in case of Nonpayment thereof upon Demand, and Oath made by such Master or Masters, Owner or Owners, of the Payment made by him, her, or them of such Penalty or Satisfaction for Damages, and that the same and the Costs thereof have or hath not been repaid to him, her, or them, by such Servants, Boatmen, or Watermen, or any of them, although demanded (such Oath to be made before any One Justice of the Peace for the County where such Penalty and Satisfaction shall have been incurred or paid), the Amount thereof shall be recovered in like Manner as any Penalty is hereby directed to be recovered.

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

CII. And be it further enacted, That the said Company of Proprietors shall and may, in such Parts of the said Canal or Collateral Cuts as shall not be of sufficient Breadth for admitting a Boat, Barge, or other Vessel to turn about or lie whilst another Boat, Barge, or other Vessel shall pass by, or to admit Two Boats, Barges, or other Vessels to pass each other, and they are in such Cases hereby empowered to make and cut proper Spaces or Openings into the Lands adjoining to the said Canal or Collateral Cuts, at convenient Distances from each other, for the turning, lying, or passing of any such Boats, Barges, and other Vessels; and all such Boats, Barges, and other Vessels, which shall be haled or navigated upon the said Canal or Collateral Cuts, 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 Committee shall from Time to Time direct and appoint; and if any Boat, Barge, or other Vessel shall be placed, or shall lie abreast in any Part of the said Canal or Collateral Cuts, or any Trench, Sluice, or Passage belonging thereto, not being moored at both Ends, or if any Person or Persons navigating and having the Care of any Boat, Barge, or other Vessel, shall wilfully obstruct the Navigation of the said Canal or Collateral Cuts, by Means of the misplacing or otherwise misconducting such Boat, Barge, or other Vessel, and shall not immediately, upon Request made, moor the same at both Ends, or alter the Situation of such Boat, Barge, or other Vessel, or otherwise stop or effectually secure the same, as the Case shall require, so as that the said Obstruction shall cease and be removed, every Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings, and also the Sum of Five Shillings for every Hour during which such Obstruction shall continue after the making of such Request; and it shall and may be lawful to and for the Agents or Servants of the said Company of Proprietors, or any of them, to cause any such Boat, Barge, or other Vessel to be unloaded, if necessary, and to

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

be removed; in such Manner as shall be proper for preventing or removing such Obstruction in the Navigation, and to seize and detain such Boat, Barge, or other Vessel, and the Loading thereof, or any Part of such Loading, until the Charges occasioned by such Unloading and Removal shall be paid; and if any Boat, Barge, or other Vessel, shall be sunk in any Part of the said Canal or Collateral Cuts, or in any such Basin, Trench, or Sluice as aforesaid, and the Owner or Owners, or other 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 and may be lawful to and for the Agents or Servants of the said Company of Proprietors, or any of them, to cause such Boat, Barge, or other Vessel, to be weighed or drawn up; and in case the same shall not be redeemed, and all Expences paid within the Space of Fourteen Days, to detain, keep, and use the same, or otherwise to sell and dispose thereof for the Satisfaction of all the Expences necessarily incurred and occasioned in and about the weighing or drawing up the same.

CIII. And be it further enacted, That if any Person or Persons shall float any Timber upon the said Canal or Collateral Cuts, or if any Person or Persons shall suffer the Loading of any Boat, Barge, or other Vessel navigating thereon, to lie over the Sides thereof, or shall overload any Boat, Barge, or other Vessel navigating thereon, so as by such loading or overloading to obstruct the Passage of any other Boat, Barge, or Vessel, and shall not immediately upon Notice given of such Obstruction, hale such Boat, Barge, or other Vessel into such Place or Places, Opening or Openings, as shall be proper, or be made for the Purpose of enabling Boats, Barges, and other Vessels to pass each other, or shall not otherwise remove the same Obstruction so as to make a free Passage for other Boats, Barges, or Vessels navigating thereon, every such Owner or Owners, or other Person or Persons floating such Timber, or having the Care of such Boat, Barge, or other Vessel, shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds; and if any Person shall throw any Ballast, Gravel, Stones, or Rubbish into any Part of the said Harbour, Canal, or Collateral Cuts, Trenches, Water-courses, or Basins to be made by virtue of this Act, or shall wantonly or unnecessarily open or cause to be opened any Lock Gate, Paddle, Valve, or Clough belonging to the said Canal or Collateral Cuts, or suffer any Boat, Barge, or other Vessel to strike or run upon any of the Bridges or Locks thereof, or if any Person or Persons shall wilfully flush or draw off, or cause to be flushed or drawn off, the Water from any Part of the said Canal or Collateral Cuts, or shall leave any of the said Valves or Cloughs open and running after any Boat, Barge, or other Vessel shall have passed any Lock belonging to the same, or shall draw or cause to be drawn any Paddle, Valve, or Clough in any of the Lock Gates, Sluices, or Engines on the said Canal or Collateral Cuts, so as to mispend or waste the Water thereof, or shall wilfully obstruct, 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 Twenty Pounds, over and above any Damage sustained by the said Company; and if any Person shall wilfully and maliciously, and to the Prejudice of the said Navigation, break, throw down, damage, or destroy any Banks or other Works to be erected and made by virtue of this Act, every such Person shall be adjudged guilty of Felony,

Penalty on Persons overloading and obstructing the said Canal, or throwing Ballast, &c. therein.

Penalty on Persons opening Locks or doing other Damage to the Navigation.

Penalty on destroying the Works.

Felony, and every such Person so offending, and being thereof lawfully convicted, shall be subject to the like Pains and Penalties as in cases of Felony, and the Court by or before whom such Person shall be tried and convicted, shall have Power and Authority to cause such Person to be punished in like Manner as Felons are directed to be punished by the Laws and Statutes of this Realm, or in Mitigation of such Punishment such Court may award such Sentence as the Law directs in cases of Petit Larceny.

Penalty for taking away Materials got by the Company for the Use of the Works.

CIV. And be it further enacted, That if any Person or Persons whomsoever shall take away any Stones, Gravel, Sand, Clay, Rubbish, Bog, or Peat, Timber or other Materials which shall have been cut, dug, got, or gathered by or by the Order of or for the said Company of Proprietors, in any Waste Lands, Fields, Waste, or open Ground, Sea Shore, Sands, Rivers, or Brook, for the several Purposes of this Act, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Regulations of Vessels passing the Locks.

CV. And be it further enacted, That no Boatman, or other Person navigating or having the Care of any Boat, Barge, or other Vessel upon the said Canal or Collateral Cuts which shall pass through any Lock to be made thereon, shall suffer the Water to remain in such Lock longer than is necessary for his Boat, Barge, or other Vessel to pass through the same; and also that every such Boatman, or other Person as aforesaid, in going down the said Canal or Collateral Cuts, shall previously to his bringing his Boat, Barge, or other Vessel into any Lock, shut the Lower Gates of such Lock, and the Sluices thereto belonging, before he shall draw the Cloughs of the upper Gates thereof; and after he shall have brought such Boat, Barge, or other Vessel through the said Lock, he shall then shut the upper Gates before he shall draw the Cloughs of the lower Gates thereof; and in going up the said Canal or Collateral Cuts, towards the Head Level or Head Levels thereof, such Boatman or other Person, as soon as he shall have passed with his Boat, Barge, or other Vessel through the said Lock, shall shut the upper Gates of the same before he shall draw the Cloughs of the lower Gates thereof, unless there shall then be a Boat, Barge, or other Vessel coming down the said Canal or Collateral Cuts in sight of the said Boatman, or other Person passing such Lock, in which Case the lower Gates of the said Lock shall be left shut and the upper Gates shall be left open; and in all dry Seasons when there shall be a Scarcity of Water in the said Canal or Collateral Cuts, the Boat, Barge, or other Vessel so going up the same (if within Sight of a Boat, Barge, or other Vessel so coming down) and at a Distance not exceeding Two hundred Yards below a Lock, shall pass through such Lock before the Boat, Barge, or other Vessel coming down, and then such Barge, Boat, or other Vessel shall come down into the said Lock; and if there shall be more Boats, Barges, or other Vessels than one below and above any Lock at the same Time, in any such dry Season, within the Distance aforesaid, (which Distance shall be distinguished by a Post or Mark, to be set up and made for that Purpose) such Boats, Barges, or other Vessels shall go up and come down at such Lock by Turns as aforesaid, until all the Boats, Barges, and other Vessels so going up or coming down shall have passed the same, by which means one Lock full of Water may

may serve Two Boats, Barges, or other Vessels; and any Person or Persons acting contrary to these Directions in passing any such Lock or Locks, shall forfeit the Sum of Five Pounds for every such Offence; but if any Question or Dispute shall arise on his or their Conviction, whether it was or was not a dry Season at the Time of such Offence committed, such Question shall be determined by the said Commissioners.

CVI. And be it further enacted, That if any Harbour Master, Dock Master, Lock Keeper, Wharfinger, or other Servant belonging to the said Company of Proprietors, shall give any undue Preference, or shew any Partiality to any Ship, Boat, Barge, or other Vessel in loading or unloading within the said Harbour, Dock, or Basin, or in passing through any Lock or Locks upon the said Canal or Collateral Cuts, or in loading or unloading any Goods or other Things, at any of the Wharfs, Warehouses, Weigh Beams, Cranes, or other Machines belonging to the said Company of Proprietors, every Person so offending shall, on Conviction, forfeit and pay any Sum not exceeding Forty Shillings to the Informer.

Lock Keepers not to give Preference.

CVII. And be it further enacted, That no Fee, Perquisite, or Reward of any Denomination whatsoever shall be taken, accepted, or received by any Officer or Officers, Servant or Servants who shall or may be employed in the Service of the said Company of Proprietors, other than the Salary or Wages that shall or may be paid or allowed to such Officer or Officers, Servant or Servants respectively, by the said Company; nor shall any Fee, Perquisite, or Reward whatsoever be taken, accepted, or received by any Officer or Officers of His Majesty's Revenue who shall or may attend, act, or be employed in the Discharge of any Duty, Office, or Employment of His Majesty's Revenue within the said Dock, Basin, Canal, Collateral Cuts, Locks, Quays, Warehouses, and other the Premises of or belonging to the said Company of Proprietors, for any Service, Act, or Duty which shall or may be done or performed within the same touching or concerning any Goods, Wares, or Merchandize that shall or may be imported into or exported from or unladen in the said Harbour, or carried or conveyed along or upon the said Canal or Collateral Cuts; and that every Person taking, accepting, or receiving any Fee, Perquisite, or Reward contrary to this Act, shall, for every such Offence, forfeit and pay back the Amount of the Fee, Perquisite, or Reward so taken, accepted, or received, and in Addition thereto, any Sum not exceeding Twenty Pounds.

No Fees to be taken by the Company's Officers or by the Revenue Officers.

CVIII. Provided always, and be it further enacted, That nothing herein contained shall extend to deprive or prohibit any Officer or Officers of His Majesty's Revenue from taking, accepting, or receiving any Fee, Perquisite, or Reward which by Law he now is or shall be entitled to for or in respect of any Goods, Wares, or Merchandize which shall or may be imported into or exported from the said Harbour, Dock, Basin, Canal, or Collateral Cuts, Locks, Quays, Warehouses, and other Premises.

Not to deprive the Revenue Officers of their lawful Fees on Goods exported.

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

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

Rights of
Fishing
limited to the
Company.

CX. And be it further enacted, That the said Company of Proprietors and their Assigns shall have and be entitled to the sole and exclusive Right of Fishery of and in the said Canal, Cuts, and Reservoirs; any Thing in this Act to the contrary notwithstanding.

Mode of
rating Pro-
perty of the
Company.

CXI. And be it further enacted, That the Lands, Dwelling Houses, Wharfs, Warehouses, Toll 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, Toll Houses, and other Houses according to the Nature and respective Uses, Dimensions, and Descriptions thereof, and shall be charged and assessed in like Manner as Lands of a like Quality, and Dwelling Houses, Wharfs, Warehouses, Toll Houses, and other Houses of a like and similar Size, Nature, Dimension, or Description in the respective Parishes where the same shall be situate, are or shall be assessed and charged, and that the Rates, Duties, and other Personal Property of the said Company liable to be rated to the Poor, or other Parochial Taxes in any such Parishes or Places, shall be rated and assessed in like Manner and in the same Proportion as other Personal Property rateable in the said Parishes and Places respectively, shall be rated and assessed, and according to the Length of the said Railway in such respective Parishes and Places, and not otherwise, or in any other Manner: Provided, that before such Personal Property shall be rated, Ten Days Notice in Writing shall be given 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 or nearest to 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.

Power for
Land Owners
to use Plea-
sure Boats.

CXII. And be it further enacted, That it shall and may be lawful to and for any Person or Persons, with the Consent in Writing of the said Company of Proprietors first had and obtained, to use any Pleasure Boat or Boats upon the said Canal or Collateral Cuts, so as the same Pleasure Boat or Boats be not made use of for carrying any Goods or other Things, and so as the same shall not obstruct or prejudice the Navigation of the said Canal or Collateral Cuts, or the Towing Paths, or other Works belonging thereto.

Mines re-
served to
Lords of
Manors and
other Pro-
priators.

CXIII. Provided always, and be it further enacted, That nothing herein contained shall extend to prejudice or affect the Right of any Lord or Lords, Lady or Ladies, of any Manor or Manors, or of any Owner or Owners of any Lands or Grounds, in, upon, or through which the said Canal or Collateral Cuts, or any Towing Paths, Wharfs, Quays, Basins, Feeders, Trenches, Sluices, Passages, Watercourses, or other Conveniences aforesaid shall be made, to the Mines and Minerals lying and being within or under the said Lands or Grounds, but all such Mines and Minerals are hereby reserved to such Lord or Lords, Lady or Ladies, of such Manor or Manors, and to such Owner or Owners of such Lands or Grounds respectively, and it shall and may be lawful to and for the Lord or Lords, Lady or Ladies, of such Manor or Manors, and for such Owner or Owners of such Lands or Grounds respectively, subject to the Conditions and Restrictions herein contained, to work, get, drain,
take,

take, and carry away, to his, her, or their own Use, such Mines and Minerals, not thereby injuring, prejudicing, or obstructing the said Canal or Collateral Cuts, or any of the Works or Conveniences belonging thereto.

CXIV. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, by themselves or their Agents or Servants, with the Consent of any Two Justices of the Peace, at any Time or Times, upon reasonable Notice, in the Day-time to enter upon any Lands through or near which the said Canal or Collateral Cuts and Works hereby authorized to be made shall be or pass, wherein any Tin or other Mines shall or may have been dug, opened, or wrought, and likewise to enter into such Tin or other Mines, and there to view, search, and measure, lath-dial, and use all other Means for the discovering the Distance of the said Canal or Collateral Cuts and Towing Paths, from the working Parts of such Mines respectively; and in case it shall appear that any Mine hath been opened or wrought under the said Canal or Collateral Cuts, or any of the Works belonging thereto, or so near thereto as to endanger or damage the same, and that such endangering and damaging of the Canal or Collateral Cuts has been wilful, it shall and may be lawful to and for the said Company of Proprietors, and for their Agents, Servants, or Workmen, at the Expence, Costs, and Charges of the Owners or Proprietors of such Mine or Mines, to enter into and upon such Mine and Mines, and from Time to Time to use all reasonable Ways and Means for repairing, supporting, sustaining, securing, and making safe the said Canal or Collateral Cuts, Towing Paths, and other Works; and such Expences, Costs, and Charges shall, in case such Mines shall have been so worked or wrought subsequent to the Commencement of this Act, be recovered by the said Company of Proprietors, in case of Nonpayment thereof upon Demand, in such and the same Manner as any Penalty is herein directed to be recovered, and shall be paid into the Hands of the Treasurer of the said Company of Proprietors, for the Use and Benefit of the said Company.

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

CXV. Provided always, and be it further enacted, That nothing herein contained shall restrain or prevent any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, as shall or may, at any Time hereafter, obtain the Authority of Parliament for the Purpose, from cutting and making One or more Canal or Canals, to unite with the Canal or Collateral Cuts, or either of them, herein-before authorized to be made; provided such new Canal or Canals can be cut, made, and united as aforesaid, without Injury to the Works authorized by this Act, or to the Interests of the said Company of Proprietors, or with such Injury only as may be compensated by the Proprietor or Proprietors of such new Canal or Canals; but the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, so to be authorized, is or are not to have any Right or Authority to navigate upon or use the said Canal, Collateral Cuts, and Works, or any of them, by this Act authorized to be made, without paying to the said Company of Proprietors the several Rates and Dues herein-before mentioned, or such of them as any other Person or Persons making a similar Use of the said Canal, Collateral Cuts, and Works, or either of them,

The Proprietors of any other Canal may form a Junction upon certain Terms, if authorized by Parliament.

them, would be subject and liable to pay, or without submitting to and complying with the Regulations herein-before contained.

Directing what shall be deemed Service of Notice on the Company.

CXVI. And be it further enacted, That in all Cases where it may be deemed requisite or necessary for any Person or Persons, or Party or Parties, to serve any Notice or Notices upon the said Company, or any Writ or Writs, or other Legal Proceedings, the Service upon any Member of the Committee of Management, or the Clerk or Clerks of the said Company, or at the Office of such Clerk or Clerks, or any other Officer, or left at his or their last or usual Place of Abode, or at the Office of the said Company, shall be deemed good and sufficient Service of the same respectively on the said Company.

Compensation to Owner of Ebbingford Manor.

CXVII. And whereas the Owner or Owners of the Manor and Barton of *Ebbingford*, otherwise *Efford*, in the Parish of *Stratton*, in the said County of *Cornwall*, is entitled by Prescription, Grant, or otherwise, to certain Dues, Duties, and Payments, in respect of Ships, Vessels, or Barges which shall arrive within the said Manor, or for or in respect of Goods, Wares, and Merchandize landed in the said Harbour of *Bude*, within the said Manor: And whereas it is reasonable and proper that Compensation should be made to such Owner or Owners for any Loss he or they may sustain in consequence of this Act; be it therefore enacted, That the said Company of Proprietors shall and they are hereby directed and required to make full Compensation to the Owner or Owners of the said Manor, for the Loss of such Dues, Duties, and Payments, or any Part thereof, which shall be occasioned by any of the Powers and Provisions of this Act; and in case of any Dispute or Difference between the said Company of Proprietors and the said Owner or Owners, as to the Amount of such Compensation, the same shall be settled and ascertained by a Jury in the Manner hereby directed in respect to the Compensation to be paid for Lands, Tenements, or Hereditaments taken and used for the Purposes of this Act; and that after the Payment of such Compensation to the said Owner or Owners, the said Dues, Duties, and Payments shall cease and determine.

Company to cut that Part of the Canal through Sir Thomas Acland's Land, to the Depth of the Basin at the Entrance Lock.

CXVIII. Provided also, and be it further enacted, That the said Company of Proprietors shall and they are hereby required to cut and excavate such Part of the said Canal as shall extend from the Entrance Lock at the said Harbour, through the Lands of Sir *Thomas Dyke Acland*, Baronet, to the Depth of the Basin to be made by the said Company at or near the said Entrance Lock, to the Extent of Fourteen Chains from such Entrance Lock, and through the Bridge intended to be erected by the said Company above their Entrance Basin.

Not to prevent the Owner of Ebbingford Manor making Basins, &c. on the said Manor.

CXIX. Provided nevertheless, and be it enacted, That nothing herein contained shall hinder or prevent the Owner or Owners for the Time being of the said Manor and Barton of *Ebbingford* otherwise *Efford* aforesaid, and his and their Lessees or Tenants, with the Consent in Writing of the Owner thereof for the Time being of the said Manor, at any Time or Times hereafter, to form and make any Basin or Basins, Wharfs, and Quays, on his and their Property, being Part or Parts of the Manor and Barton of *Ebbingford* otherwise *Efford* aforesaid, adjoining to the said Canal, to any Depth not exceeding the Depth of the Company's Basin,

in such way as not to interfere with the proper Navigation of the said Canal.

CXX. Provided also, and be it enacted, That it shall be lawful for the Owner or Owners for the Time being of the said Manor, his and their Heirs, Lessees, or Assigns; or any of them, to deepen the said Canal to the Extent of such Basins or Wharfs, at such Times and in such Way as will not obstruct the Trade of the Canal; and such private Basin or Basins, Wharfs and Quays, shall and are hereby declared to be free from the Controul or Interference of the said Company of Proprietors, or any of their Agents, so far as shall respect the Rates of Wharfage, and the Regulations in relation thereto; any Thing in this Act contained to the contrary notwithstanding.

Owner of the said Manor may deepen the Canal to the Extent of such Basins, which Basins are to be free from the Controul of the said Company.

CXXI. Provided also, and be it further enacted, That the said Company of Proprietors shall not take or use for the Purposes of making the Entrance Lock, Wharfs, Quays, and Outer Basin, more Land of or belonging to the Manor of *Ebbingford* otherwise *Efford* aforesaid, than to the Extent of Four Acres and a Half, which Four Acres and a Half are to be within the Distance of Fourteen Chains from the said Entrance Lock.

Restricting the Quantity of Land to be taken for making the Entrance Lock.

CXXII. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted by this Act, or which shall be inflicted by any Rule, Order, or Bye-Law to be made in pursuance thereof, (the levying and Recovery whereof is or are not particularly herein-before directed), shall, in case of Nonpayment thereof, on Conviction of the Offenders respectively, be levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of any Justice of the Peace for the County or Place wherein the Offence shall be committed, or the Offender shall be or reside; and every such Justice is hereby authorized and required to examine Witnesses on Oath, and hear and determine the same; and all such Fines, Forfeitures, and Penalties, (the Application whereof is not herein-before particularly directed) shall be paid into the Hands of the Treasurer of the said Company of Proprietors, and shall be applied and disposed of for the Use of the said Company, and the Overplus of the Money raised by such Distress and Sale, after deducting the Fines, Penalties or Forfeitures, and the Expences of such Distress and Sale, shall be rendered to the Owner of the Goods and Chattels so distrained; and for want of sufficient Distress, and in case the Fine, Penalty, or Forfeiture shall not be forthwith paid, it shall be lawful for such Justice, by Warrant under his Hand and Seal, to commit such Offender to the Common Gaol or House of Correction, there to remain without Bail or Mainprize, for any Time not exceeding Six Calendar Months, unless such Fine, Penalty, or Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

Fines and Forfeitures.

CXXIII. 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 Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any

Persons aggrieved by Irregularity in Distress, to recover only the Special Damages.

Irregularity which shall be afterwards committed by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case!

CXXIV. 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 Person shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up according to the following Form; (*videlicet*),

Form of
Conviction.

‘BE it remembered, That on the _____ Day of _____
 ‘ in the Year of our Lord _____
 ‘ A. B. is convicted before me C. D. One of His Majesty’s Justices of the
 ‘ Peace for the County of _____, or before us, acting as Commis-
 ‘ sioners under the Act herein-after mentioned [*as the Case may be, spe-*
 ‘ *cifying the Offence, and the Time and Place when and where committed, as*
 ‘ *the Case may be*] contrary to an Act of Parliament passed in the Fifty-
 ‘ ninth Year of the Reign of King George the Third, intituled [*here set*
 ‘ *forth the Title of this Act*]. Given under my Hand and Seal, the Day
 ‘ and Year first above-mentioned.’

Persons
aggrieved
may appeal to
the Quarter
Sessions.

CXXV. And be it further enacted, That any Person or Persons thinking himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of any Rule, Bye-Law, or Order of the said Company of Proprietors, or by 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 (first giving Fourteen Days Notice of such Complaint to the Person or Persons against whom such Complaint is intended to be made) complain to the Justices of the Peace at the General Quarter Sessions to be held in and for the County in which the Cause of Appeal shall arise, who shall in a summary Way either hear and determine the said Complaint at such General Quarter Sessions, or if they think proper, may adjourn the Hearing thereof to the next General Quarter Sessions of the Peace to be held for such 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, Order, or Determination, and may also order and award such further Satisfaction to be made 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.

Proceeding
not to be
quashed for
want of Form,
nor removed
by *Certiorari*.

Persons
acting under
the Company,
not to be
disqualified
on that Ac-
count from
giving Evi-
dence.

CXXVI. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in anywise relating to the said Rates or Duties, or respecting any Matter relating to the said Harbour, Canal, or Collateral Cuts, no Person or Persons acting by or under the Authority of the said Proprietors or of this Act, shall, for that Reason alone, be disqualified from giving Evidence in such Dispute, Suit, or Litigation.

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

Limitation of Actions.

CXXVIII. Provided always, and be it further enacted, That in case the several Works herein-before described, and intended to be carried into Effect under the Authority of this Act, shall not have been completed, so as to answer the Purposes aforesaid, within the Space of Ten Years from the passing of this Act, then and from thenceforth all the Powers and Authorities given by this Act shall cease and determine, save only as to such or so much of such Works as shall have been completed within such Time, and save also as to such Matters as shall have been transacted, and such Agreements as shall have been made in pursuance of the Powers herein contained, and so that the said Company of Proprietors be not discharged from any Liability or Obligation to any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, arising out of the Provisions herein contained.

Powers given by this Act to cease, if Works not completed within Ten Years.

CXXIX. And whereas the probable Expence of making the said Harbour, Cuts, and other Works hereby authorized to be made, will, according to an Estimate made thereof, amount to the Sum of Ninety-one thousand six hundred and seventeen Pounds, which has been already subscribed by several Persons under a Contract, binding them, their Heirs, Executors, and Administrators, for the Payment of the several Sums of Money so subscribed by them respectively; be it therefore enacted, That the Powers given by this Act shall and may be put in force on the passing thereof.

The Act to be put in force on the passing thereof.

CXXX. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to lessen or abate the Rights and Titles of any Lord or Lords, Lady or Ladies of any Manors or Lands, his, her, or their Heirs, Lessees, or Assigns, to Profits of Fairs and Markets, Tolls, Dues, Benefits, Wrecks, Royalties, Liberties, Franchises, Jurisdictions, and Things, which shall happen to come within the Limits of his,

Saving of Manorial Rights.

his, her, or their respective Manor or Manors, or in anywise appertaining thereto, other than such Right of Fishery within the said intended Canal, Collateral Cuts, and Reservoirs, and such Tolls, Rates, and Duties as are by this Act authorized and directed to be collected, received, and paid for the Use of the said Company of Proprietors, or otherwise controuled or intended so to be by this Act.

Public Act.

CXXXI. 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.

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