ANNO TRICESIMO QUARTO

Georgii III. Regis.

CAP. LXXXVII.

An Act for extending and improving the *Birmingham* Canal Navigations.

[17th *April* 1794.]

WHEREAS an Act was passed in the Eighth Year of the Reign of His present Majesty, for making and maintaining a Navigable Cut or Canal from *Birmingham* to *Bilstone*, and from thence to *Autherley*, there to communicate with the Canal between the Rivers *Severn* and *Trent*, and for making Collateral Cuts up to several Coal Mines, whereby certain Persons were made One Body Politick and Corporate, by the Name and Style of *The Company of Proprietors of the Birmingham Canal Navigation*: And whereas an Act was passed in the Ninth Year of His said present Majesty's Reign, to rectify a Mistake in the said first-mentioned Act, and to explain and amend the same Act: And whereas another Act was passed in the Twenty-third Year of His said present Majesty, for making and maintaining a Navigable Canal from a Place near *Rider's Green*, in the County of *Stafford*, to *Broadwater* Fire Engine, and Six Collateral Cuts from the same to several Coal Mines, and also a Navigable Canal from or near the Town of *Birmingham* to join the *Coventry* Canal at or near *Fazeley*, in the Parish of *Tamworth*, Preamble. 8 Geo. III. 9 Geo. III. 23 Geo. III.

Tamworth, in the ſaid County of *Stafford*, with a Collateral Cut to the lower Part of the ſaid Town of *Birmingham*, whereby ſeveral Perſons were made One Body Politick and Corporate, by the Name of *The Company of Proprietors of the Birmingham and Fazeley Canal Navigation*: And whereas another Act was paſſed in the Twenty-fourth Year of the Reign of His ſaid preſent Majeſty, for incorporating the ſaid Two Companies of Proprietors, and for conſolidating their Shares, and amending the ſaid Act of the Twenty-third of His preſent Majeſty, whereby the ſaid Two Companies are united and incorporated together, and made One Body Politick and Corporate, by the Name of *The Company of Proprietors of the Birmingham and Birmingham and Fazely Canal Navigations*: And whereas the ſaid Canal Navigations have been made and completed: And whereas, by Levels and Surveys lately taken, it appears that a Navigable Cut or Canal may be made from the Termination of One of the Branches of the ſaid Canal Navigations, at or near *Broadwater*, in the Pariſh of *Wedneſbury*, in the County of *Stafford*, to or near the Town of *Walſall*, in the ſaid County, with certain Collateral Cuts out of the ſame, as herein-after deſcribed, and that the ſaid *Birmingham* and *Birmingham* and *Fazeley* Canal Navigations may be greatly improved by making a Navigable Cut or Canal from and out of the ſame at a Place called *Bloomfield*, in the Pariſh of *Tipton*, in the ſaid County of *Stafford*, to communicate again with the ſaid Canal Navigations at a Place called *Deepfield*, in the Pariſh of *Sedgley*, in the ſaid County of *Stafford*: And whereas the making the ſaid Navigable Canals and Collateral Cuts, with proper Railways and Roads to communicate with the ſaid Navigations, will be of great publick Utility, by opening a Communication with extenſive Mines of Coal and Ironſtone, which lie upon or near the Lines of ſuch Canals and Collateral Cuts, and by the Conveyance of Coal, Lime, Ironſtone, and Merchandize thereon, and by furniſhing the Towns of *Birmingham* and *Walſall*, and other Towns and Places, as well as the Counties of *Warwick* and *Stafford*, with an additional Supply of Coals; but the ſame cannot be effected without the Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That, from and after the paſſing of this Act, it ſhall and may be lawful to and for the ſaid Company of Proprietors of the *Birmingham* and *Birmingham* and *Fazeley* Canal Navigations, and they are hereby authorized and empowered to make, complete, and maintain, a Canal navigable and paſſable for Boats, Barges, and other Veſſels, from and out of the End or Termination of One of the Branches of the ſaid *Birmingham* and *Birmingham* and *Fazeley* Canal Navigations, at or near a certain Place called *Broadwater*, in the Pariſh of *Wedneſbury*, in the County of *Stafford*, into and through the Lands there of the Honourable *Eliza Maria Foley Foley* (Wife of the Honourable *Edward Foley*) and *Mary Whitby* Widow, late the Eſtate of *Thomas Hoo* Eſquire, deceaſed, in the Pariſh of *Wedneſbury* aforeſaid, and from thence through the ſeveral Pariſhes of *Wedneſbury* and *Darlaſton*, and the Pariſh, Foreign, and Borough, of *Walſall*, to or near the Town of *Walſall*, in the ſaid County of *Stafford*, and terminating at or near a Place there called *Park Street*; and alſo to make and maintain Three Collateral Cuts or Branches, navigable and paſſable for Boats, Barges, and other Veſſels, from and out of the ſaid intended

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Canal

Canal, (that is to say), One of such Collateral Cuts or Branches to be made from the said intended Canal, beginning near *Broadwater*, in the Parish of *Wednesbury* aforesaid, in, through, and over, the Lands of the said *Eliza Maria Foley Foley* and *Mary Whitby*, there, in their own Possession, other Lands of the said *Eliza Maria Foley Foley* and *Mary Whitby*, called *The Far Moor Croft*, and *The Roundabout*, in the Possession of *James Lea*, across the Turnpike Road leading from *Ocker Hill* to *Bilstone* and *Wolverhampton*, into other Lands of the said *Eliza Maria Foley Foley* and *Mary Whitby*, in the Possession of the said *James Lea*, on the Western Side of the said Turnpike Road, in the Township or Liberty of *Bradley*, in the Parish of *Wolverhampton*, in the said County of *Stafford*; One other of such Collateral Cuts or Branches from the said intended Canal, in the Land of *John Sanson*, in his own Possession, in the Parish of *Darlaston*, in the County of *Stafford* aforesaid, in, through, and over, the same Land, and the Lands of *Thomas Loxdale* Esquire, in his own Possession, called *Coal Pit Leasow* and *Darlaston Poughs*, in the Parish of *Darlaston* aforesaid, other Lands of the said *Thomas Loxdale*, in the Possession of *Diana Price*, called *Little Shreaves Meadow*, in the Township or Liberty of *Bilstone*, in the Parish of *Wolverhampton* aforesaid, Lands of *Mary Tomkys* Widow, in the Possession of the said *Diana Price*, called *Great Shreaves Meadow*, in the Township and Liberty of *Bilstone* aforesaid, and to and terminating at or near the North-west End of certain Lands of the said *Thomas Loxdale*, in his own Possession, called *The Meadow below Pipe Hays*, in the Township or Liberty of *Bilstone* aforesaid; and the other of such Collateral Cuts or Branches from the said intended Canal, beginning in the Lands of *William Thomas*, in the Possession of *Tobias Mallows*, in the Parish of *Darlaston* aforesaid, above the Foot Bridge over *Bilstone Brook*, in, through, and over, the same Lands, and the Lands of the aforesaid *Mary Tomkys*, in the Possession of the said *Tobias Mallows* and *Richard Cross*, in the Township or Liberty of *Bilstone* aforesaid, other Lands of the said *Thomas Loxdale*, in the Possession of the said *Richard Cross*, called *Wet Furlongs*, and other Lands of the said *Thomas Loxdale*, in the Possession of *John Butler*, called *David's Barn Farm*, in the Township or Liberty of *Willenhall*, in the Parish of *Wolverhampton* aforesaid, and terminating at or near the North-east Side of the said last-mentioned Lands; and also when and as they shall think proper, to make another Navigable Cut or Canal from and out of the said *Birmingham* and *Birmingham* and *Fazeley* Canal Navigations, at a Place called *Bloomfield*, in the Parish of *Tipton*, in the County of *Stafford* aforesaid, through the Parishes of *Tipton* and *Sedgley*, in the said County, to join and communicate again with the said *Birmingham* and *Birmingham* and *Fazeley* Canal Navigations at or near a certain Place called *Deepfield*, in the said Parish of *Sedgley*; and also to make, erect, execute, do, and perform, all such Works, Matters, and Things, as shall be requisite and convenient for making, completing, maintaining, or using, the said several Canals and Collateral Cuts, and the Navigation thereof, and for supplying the same with Water, in as full, ample, and beneficial a Manner, to all Intents and Purposes, as the said Company of Proprietors are authorized or empowered to do, execute, and perform, under and by virtue of the said recited Acts of the Twenty-third and Twenty-fourth Years of the Reign of His said present Majesty with respect to the Navigable Canals and Cuts and other Works authorized to be made by the said Act of the Twenty-third Year of the Reign of His present Majesty; and

that the ſaid recited Acts of the Twenty-third and Twenty-fourth Years of the Reign of His preſent Majeſty, and the ſeveral Powers, Authorities, Limitations, Exemptions, Privileges, Penalties, Forfeitures, Puniſhments, Proviſions, and all other Matters and Things in the ſaid Acts, or either of them, contained, ſo far as the Nature and Circumſtances of the Caſe will admit, (except where the ſame are by this Act altered or varied), ſhall be uſed and exerciſed by the ſaid Company of Proprietors, their Deputies, Agents, Officers, Workmen, and Servants, and ſhall be applied, enforced, and put in Execution, for making, completing, preſerving, maintaining, and uſing, the ſaid ſeveral Canals and Collateral Cuts hereby authorized to be made, and for ſupplying the ſame with Water, and alſo for making, erecting, executing, doing, and performing, all ſuch other Works, Matters, and Things, as the ſaid Company of Proprietors ſhall think neceſſary or expedient for the Benefit of the Navigation of the ſaid Canals and Cuts, and alſo for making any Railways or Roads to or from the ſaid intended Canals and Cuts hereinbefore deſcribed, and for defraying the Expences thereof, and ſhall and may alſo be uſed and exerciſed by the Owners and Proprietors of Lands and Mines lying near or adjoining to the ſaid Canals and Cuts, or any of them, in ſuch and the like Manner, and as fully and effectually, to all Intents and Purpoſes, as if the ſaid ſeveral Powers, Authorities, Limitations, Exemptions, Privileges, Penalties, Forfeitures, Puniſhments, Proviſions, Matters, and Things, contained in the ſaid recited Acts of the Twenty-third and Twenty-fourth Years of the Reign of His preſent Majeſty, and which are now in force, were repeated and re-enacted in the Body of this preſent Act, and as if the Canals and Collateral Cuts, and other Works by this Act intended to be made, completed, and maintained, had been deſcribed in the ſaid Act of the Twenty-third Year of the Reign of His preſent Majeſty, as Part of the Works to be made and done by virtue of that Act; and the like Exemptions from the Payment of the Rates of Tonnage as are allowed by the ſaid recited Act of the Twenty-third Year of the Reign of His preſent Majeſty, for or in reſpect of any Articles navigated, carried, or conveyed, on the Canals and Cuts thereby authorized to be made, ſhall be allowed for or in reſpect of the like Kind of Articles which ſhall be navigated, carried, and conveyed upon the Canals and Collateral Cuts hereby authorized to be made, except where the ſame are expreſsly altered, varied, or repealed, by this Act.

Not to take down Houſes, &c.

II. Provided always, That nothing herein contained ſhall authorize or empower the ſaid Company of Proprietors, or any Perſon or Perſons employed by them in the Exerciſe of any of the Powers hereby given, to take down any Building, or to cut through any Land or Ground which, on the Twenty-fifth Day of *March* One thouſand ſeven hundred and ninety-three, was a Garden, Orchard, Park, Paddock, Planted Walk, or Avenue to a Houſe, or Lawn incloſed and adjoining to a Manſion Houſe, or any Yard, Fold Yard, or Outhouſe, without the Conſent of the Owners thereof reſpectively.

To change the Style of the Company.

III. And whereas it would be more convenient to alter and ſhorten the Style of the ſaid Company of Proprietors, be it therefore enacted, That, from and immediately after the paſſing of this Act, the ſaid Company of Proprietors ſhall be incorporated, ſtyled, and called, by the Name of

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The Company of Proprietors of the Birmingham Canal Navigations, inſtead of by the Name of *The Company of Proprietors of the Birmingham and Birmingham and Fazeley Canal Navigations*, by which they are at preſent incorporated and ſtyled; and by the ſaid Name of *The Company of Proprietors of the Birmingham Canal Navigations*, ſhall be One Body Politick and Corporate, and by that Name ſhall have perpetual Succeſſion, and a Common Seal, and by that Name ſhall and may ſue and be ſued, and do and perform all other Acts and Things, inſtead of by the ſaid Name of *The Company of Proprietors of the Birmingham and Birmingham and Fazeley Canal Navigations*.

Appointing Commiſſioners to ſettle Diſputes between the Company and Land Owners reſpecting Lands to be taken for this Canal and Cuts.

IV. And be it further enacted, That all Perſons reſiding in the ſeveral Counties of *Warwick*, *Stafford*, *Worceſter*, and *Salop*, or either of them, and ſeiſed of Freehold or Copyhold Eſtates of the Value of One hundred Pounds *per Annum* within the ſaid ſeveral Counties, or either of them, or poſſeſſed of Perſonal Eſtate to the Amount or Value of Three thouſand Pounds, ſhall be, and are hereby added to and joined with the Commiſſioners appointed in or by virtue of the ſaid recited Acts, or any of them, and they are hereby appointed Commiſſioners for the ſettling, determining, and adjuſting, all Queſtions, Matters, and Differences, which ſhall or may ariſe between the ſaid Company of Proprietors and the ſeveral Proprietors of, and Perſons intereſted in, any Lands, Grounds, Tenements, or Hereditaments, and for the Execution of all the Powers and Authorities veſted in Commiſſioners under and by virtue of this preſent Act, or of the aforeſaid ſeveral recited Acts, any or either of them.

Canals to be made purſuant to Plans and Books of Reference, to be authenticated by the Speaker.

V. And whereas Surveys have been taken to aſcertain the Practicability of making the ſaid intended Canals and Cuts, and Maps or Plans, with proper Books of Reference thereto, have been made in conſequence thereof, in order to ſhew the Line or Courſe of the ſaid intended Canals and Cuts; be it therefore enacted, That there ſhall be Two Parts made of the ſaid Maps or Plans, and Books of Reference, which ſhall be ſeverally certified by the Right Honourable the Speaker of the Houſe of Commons, and One Set of which ſaid Maps or Plans, and Books of Reference, ſhall be depoſited with the Clerk of the Peace for the ſaid County of *Stafford*, and the other with the Clerk to the ſaid Company of Proprietors; to any of which Maps or 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 Books of Reference, after the Rate of Two-pence for every One hundred Words; and any of 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 Seven Days Notice given to him for that Purpoſe, ſhall, and is hereby required, from Time to Time, to produce the ſaid Maps or Plans, and Books of Reference, ſo to be depoſited with him as aforeſaid, before the Commiſſioners authorized by virtue of this Act, or the ſaid former Acts, or any Jury or Juries to be impannelled by virtue of this Act, or the ſaid former Acts, 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

said Company of Proprietors having a reasonable Sum of Money allowed for his travelling Expences, Absence from Home, and Attendance on such Occasions.

Not to deviate from the Line laid down on the Plans.

VI. And be it further enacted, That the said Company of Proprietors, in making the said intended Canals and 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, without the Approbation and Consent in Writing, signed by the Person or Persons entitled to the Rents and Profits of the Lands, Grounds, or Hereditaments, into, through, or over which such Deviation is desired to be made; but nothing herein contained shall extend to restrain or prevent the said Company of Proprietors from making any such Deviation, in case all the Persons to whom the Lands, Grounds, or Hereditaments, to be cut through or made use of for the Purposes of such Deviation, shall belong, shall consent thereto: Provided always, that no Advantage shall be taken of or against the said Company of Proprietors, or any Interruption be given to the making the said intended Canals and Collateral Cuts, on Account of any Error or Omission in the said Books of Reference, in case it shall appear to any Five or more of the said Commissioners, and be certified in Writing under their Hands, that such Error or Omission proceeded from Mistake.

No Water to be taken from certain Springs, Brooks, &c.

VII. And be it further enacted, That nothing in this Act contained shall authorize or empower the said Company of Proprietors, or any other Person or Persons whomsoever, to raise, divert, or take, for the Use or Supply of the said intended Canal, or for any other Purpose whatsoever, any Water from or out of certain Springs, Brooks, or Rivulets, called *Rye Croft*, *Black Brook*, *Cole Pool*, *Gorscott*, *Fistley*, *Brown Hills*, *Clayanger*, *Catshill*, *Piddock's Well*, *Little Heath*, *Linley*, *Haybead*, and *Longwood*, in the several Parishes of *Walsall*, *Rushall*, *Norton*, and *Aldridge*, in the County of *Stafford*, or from or out of any other Spring, Brook, or Rivulet, arising or issuing out of any Lands or Grounds in any of the said last mentioned Parishes, or in the several Parishes or Liberties of *Sedgley*, *Wolverhampton*, *Bilston*, *Wedgefield*, *Willenhall*, *Darlaston*, *Wednesbury*, and *West Bromwich*, all in the said County of *Stafford*, and which have usually run to and supplied the Mills and other Works belonging to the Right Honourable the Earl of *Montrath*, the late Lord *Dudley*, called *Park Mill*, in *West Bromwich*, *Charles Leonard*'s Mill, called *Red Mill*, in the same Parish, and *West Bromwich* Forge, belonging to *Jervoise Clarke Jervoise* Esquire, in the said Parish of *West Bromwich*, or any of them.

Tonnage Rates to be taken on the Canals and Cuts hereby authorized to be made.

VIII. And be it further enacted, That in consideration of the great Charges and Expences the said Company of Proprietors will be at in making and maintaining the said intended Canals and Collateral Cuts, and the Works hereby authorized to be made, 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, recover, and receive, to and for their own proper Use and Benefit, the several Rates and Dues hereinafter mentioned for the Tonnage and Wharfage of all Coal, Coak, Lime, Limestone, Ironstone, Goods, Wares, Merchandize, and Things whatsoever, which shall be carried or conveyed upon the said intended Canals and Collateral Cuts, or any of them; (that is to say),

For all Coal, Coak, Limeſtone, Ironſtone, and other Minerals, which ſhall be navigated upon any Part of the ſaid intended Canal, between the intended Junction at or near *Broadwater*, and the Termination thereof at or near *Walſall*, or upon any Part of the ſaid Collateral Cuts hereby authorized to be made, the Sum of Three-pence a Ton; and ſo in Proportion for any greater or leſs Quantity than a Ton:

For all Goods, Wares, Merchandize, Lime, and other Commodities, (except Coal, Coak, Limeſtone, Ironſtone, and other Minerals), which ſhall be navigated upon the ſaid laſt mentioned Canal or Collateral Cut, the Sum of One Penny Halfpenny a Ton *per* Mile; and ſo in Proportion for any greater or leſs Quantity than a Ton, and for any Diſtance greater or leſs than a Mile:

For all Coal, Coak, Limeſtone, Ironſtone, Lime, Goods, Wares, Merchandize, and other Things whatſoever, which ſhall be navigated upon the ſaid intended Canal hereby authorized to be made from the ſaid *Birmingham* Canal Navigations at or near *Bloomfield*, to communicate with the ſame Navigations at *Deepfield* aforeſaid, the ſame Rates of Tonnage (according to Diſtance) and Wharfage as are by the ſaid recited Acts, or either of them, authorized to be demanded or taken, for the like Articles navigated or conveyed upon the ſaid Canal authorized to be made by virtue of the ſaid recited Act of the Eighth Year of the Reign of His preſent Majeſty.

Rates may be reduced.

IX. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, from Time to Time, at any General Aſſembly or Aſſemblies to be held for that Purpoſe, of which Ten Days Notice ſhall be given in One of the *Birmingham* Newſpapers, to leſſen or reduce all or any of the Rates which, for the Time being, ſhall be payable to them by virtue of this Act, to ſuch reſpective Sums as they ſhall think proper, and afterwards, from Time to Time, at any General Aſſembly, (of which the like Notice ſhall be given as aforeſaid), to advance or raiſe all or any of the Rates ſo leſſened or reduced; provided always, that ſuch Reduction ſhall be made in the ſame Proportion on all Goods of the ſame Kind, carried on any Part of the ſaid Canal or Cuts hereby authorized to be made, and provided that the ſame, when ſo advanced or raiſed again, do not exceed the reſpective Sums herein-before authorized to be taken.

For making Recompence for Tithes.

X. And be it further enacted, That full Recompence and Satisfaction ſhall be made by the ſaid Company of Proprietors, by an Annual Rent or Rents, for all Tithes, both Great and Small, of the Lands which ſhall or may be taken or made uſe of by the ſaid Company for the Purpoſes and in purſuance of the Powers of this Act, to the Perſon or Perſons entitled, or who would have been entitled, to ſuch Tithes, in caſe ſuch Lands had not been ſo taken or made uſe of, according to his, her, or their, reſpective Intereſts therein; the Amount of ſuch Annual Rent or Rents to be affixed at the Annual Value of ſuch Tithes, upon an Average of the Four Years commencing at *Michaelmas-day* One thouſand ſeven hundred and ninety-one, and ending at *Michaelmas-day* One thouſand ſeven hundred and ninety-four; ſuch Average Annual Value to be aſcertained (in caſe of any Difference concerning the ſame) in like Manner as the Value of any Lands or other Hereditaments is herein-before directed to be aſcertained.

How the Company shall be rated for Lands taken by them.

XI. And be it further enacted and declared, That the said Company of Proprietors shall, from Time to Time, be rated to Parliamentary and Parochial Taxes and Assessments, for or in respect of the Lands and Hereditaments to be purchased or taken by the said Company of Proprietors, in pursuance of this Act, in the same Proportions as other Lands and Hereditaments lying near the same are or shall be rated, and as the same Lands and Hereditaments so to be purchased or taken would have been rateable in case the same were the Property of Individuals in their natural Capacity.

Paying Expences of the Act.

XII. And be it further enacted, That the Costs and Charges of obtaining and passing this Act, and of making the Surveys, Plans, and Estimates incident thereto, and all other Costs, Charges, and Expences, concerning the same, shall be borne, paid, and defrayed, by the said Company of Proprietors in Preference to any other Payment whatsoever.

For making Cuts to communicate with the Canals.

XIII. And be it further enacted, That it shall be lawful for the Owner or Owners of any Mines of Coal, Ironstone, Limestone, or other Mines or Minerals, or of any Furnaces, Forges, Mills, or other Works, or of any Lands fit and convenient to make Wharfs or erect Warehouses thereon, for the Accommodation of the said Canal or Collateral Cuts to be made in virtue of this Act, or for the said Company of Proprietors of the said *Birmingham* Canal Navigations, at the Request of any such Owner or Owners as aforesaid, to make any Navigable Cut or Cuts in such Manner as he, she, or they, shall think proper, through his, her, or their, own Lands, or through the Lands or Grounds of such Owner or Owners, and also through the Lands or Grounds of any other Person or Persons, to communicate with the said *Birmingham* Canal Navigations, so that no such Cut or Cuts be more than Two thousand Yards in Length, and so that the same be done without diverting any Streams of Water which are necessary for supplying the said *Birmingham* Canal Navigations, or which are or shall be necessary for the working of any Furnaces, Forges, Mills, or Works, and so as no Impediment, Injury, Loss of Water, or Damage, be occasioned thereby to the said Canal Navigations, and so as the Person or Persons other than the said Company of Proprietors, making every such Cut or Cuts, shall, if thereunto required by the said Company of Proprietors, make, erect, and maintain, a Stop Gate or Stop Gates on every such Cut or Cuts, in order to prevent the Water being drained or wasted out of the said Canal Navigations or Collateral Cuts, or any of them, by Means of making any such Cut or Cuts to communicate therewith as aforesaid; and every such Cut or Cuts shall be publick and open to all Persons for the Conveyance of any Goods, Wares, or other Things, in Boats and other Vessels; provided always, that no such Cut or Cuts shall be made by any Person or Persons, Owner or Owners as aforesaid, or by the said Company of Proprietors, through the Lands or Grounds of any other Person or Persons, unless the Owner or Owners of, and Person or Persons interested in, such Lands or Grounds, or the Husbands, Guardians, Trustees, Committees, or Attornies, of any such Owners or Persons interested as aforesaid, being under Coverture, Minors, Lunaticks, Persons beyond the Seas, or under any other Disability or Incapacity of acting for themselves, shall consent thereto; and it shall be lawful for any Bodies Politick or

Corporate, or other Perſons being Owners of or intereſted in any ſuch Lands or Grounds, or any ſuch Huſbands, Guardians, Truſtees, Committees, or Attornies as aforeſaid, to give ſuch Conſent, and to agree with the Perſon or Perſons, or Company of Proprietors, deſirous of making any ſuch Cuts, for the Land or Ground to be made uſe of for that Purpoſe, and the Damage to be occaſioned thereby, and every ſuch Conſent and Agreement, being reduced into Writing, and ſigned and ſealed by the reſpective Parties giving or making the ſame, ſhall be binding and concluſive upon all Perſons and Bodies Politick and Corporate whatſoever, and ſhall be depoſited with the Clerk of the Peace for the Counties of *Stafford*, *Salop*, or *Warwick*, as the Caſe ſhall require, and be by him kept amongſt, and the ſame ſhall be deemed Part of, the Records of the Quarter Seſſions for the reſpective Counties: Provided alſo, that no ſuch Cut or Cuts ſhall be made ſo as to form any Junction, or open a Communication with the *Wyrley* and *Eſſington* Canal Navigation, or any of the Collateral Cuts or Branches made or to be made under the Powers of the ſeveral Acts of Parliament for making the ſaid *Wyrley* and *Eſſington* Canal Navigation, without the Conſent in Writing of the Company of Proprietors thereof, obtained at a Meeting for that Purpoſe firſt called, of which Fourteen Days Notice ſhall be given in ſome Newſpaper circulated in the Counties of *Warwick*, *Salop*, and *Stafford*.

The Canal from *Broadwaters* to *Walſall* to be made within Three Years from the paſſing of this Act.

XIV. And be it further enacted, That the ſaid Canal from or near *Broadwaters* aforeſaid, to or near the Town of *Walſall* as aforeſaid, ſhall be made and completed within the Space of Three Years, or as ſoon as may be after the paſſing of this Act, and that the ſaid Collateral Branches to communicate therewith, ſhall alſo be made and completed as ſoon as conveniently may be after the making and completing the ſaid Canal.

For reimburſing to the Subſcribers the Expence attending an Application to Parliament, for making the Canal from *Broadwaters* to *Walſall*.

XV. And whereas ſeveral Perſons, Subſcribers for making the ſaid Canal from or near *Broadwaters* to or near the Town of *Walſall* aforeſaid, and the Collateral Cuts to communicate therewith, have expended conſiderable Sums of Money in oppoſing an Application to Parliament, in the laſt Seſſions, by the ſaid Company of Proprietors, for extending their Canal from or near *Broadwaters* to *County Bridge* and *Bilſtone Bridge*, and in taking Levels and Surveys, and procuring the Conſents of Owners and Occupiers of Lands, and taking the neceſſary Meaſures to apply to Parliament for Powers to make the ſaid Canal and Collateral Cuts to communicate therewith; and it is reaſonable they ſhould be reimburſed ſuch Expences; be it therefore enacted, That *James Braſier* of *Bewdley*, in the County of *Worceſter*, Eſquire, or in caſe of his Refuſal or Death, ſuch other Perſon or Perſons as ſhall be mutually nominated and appointed by the ſaid Company of Proprietors, and the ſaid ſeveral Perſons, Subſcribers as aforeſaid, or the major Part of them, or their Solicitor *Joſeph Robins* of *Stourbridge*, in the ſaid County of *Worceſter*, on their Behalf, is and are hereby appointed an Arbitrator or Arbitrators, as the Caſe may be, to order, award, aſcertain, or fix, in Writing, under his or their Hand and Seal, or Hands and Seals, within One Calendar Month next after any Application or Applications ſhall be made to him or them for that Purpoſe, what Sum or Sums of Money ſhall be paid by the ſaid Company of Proprietors to or for the Uſe of the ſaid ſeveral Perſons, Subſcribers as aforeſaid, in full for their ſeveral and reſpective Expences

Expences aforeſaid; and all ſuch Sum or Sums of Money as the ſaid Arbitrator or Arbitrators ſhall order, award, aſcertain, or fix to be paid by the ſaid Company of Proprietors to the ſaid ſeveral Perſons, Subſcribers as aforeſaid, ſhall be forthwith paid by the ſaid Company of Proprietors to the ſaid *Joſeph Robins*, or in caſe of his Refuſal or Death, to ſuch other Perſon or Perſons as the ſaid ſeveral Perſons, Subſcribers as aforeſaid, or the major Part of them, ſhall authorize and empower to receive the ſame for their Uſe and Benefit; and the Receipt or Receipts of the ſaid *Joſeph Robins*, or ſuch other Perſon or Perſons to be authorized or empowered as aforeſaid, ſhall be a good and effectual Diſcharge or Diſcharges to the ſaid Company of Proprietors for the Monies expreſſed to be received in ſuch Receipt and Receipts, and the ſaid Company of Proprietors ſhall not afterwards be obliged to ſee to the Application of ſuch Monies, or be anyways anſwerable or accountable for the Miſapplication or Non-application thereof, or of any Part or Parts thereof; and in caſe the ſaid Company of Proprietors ſhall refuſe or neglect, for the Space of Thirty Days next after Demand, to pay ſuch Sum and Sums of Money ſo to be ordered, awarded, aſcertained, or fixed by the ſaid Arbitrator or Arbitrators, then it ſhall be lawful for the ſaid *Joſeph Robins*, or in caſe of his Refuſal or Death, for ſuch other Perſon or Perſons to be authorized and empowered as aforeſaid, and he and they are hereby authorized and empowered, in his or their Name or Names, but to and for the Uſe and Benefit of the ſaid ſeveral Perſons, Subſcribers as aforeſaid, by Action, Bill, Plaint, Information, or other Proceeding, in any of His Majeſty's Courts of Record at *Weſtminſter*, to ſue for, recover, and receive, of and from the ſaid Company of Proprietors, the ſaid Sum or Sums of Money ſo to be ordered, awarded, aſcertained, or fixed to be paid by them as aforeſaid, provided that no ſuch Proceedings ſhall be had or proſecuted within the Space of Three Calendar Months from the Time of paſſing this Act; and, in order to repay and diſcharge the ſaid Monies to be paid by the ſaid Company of Proprietors as aforeſaid, it ſhall be lawful for the ſaid Company of Proprietors, and they are hereby authorized and empowered to aſk, demand, collect, and receive, over and above the Rates or Dues herein-before granted, the Sum of One Penny *per* Ton for all Coal, Coak, Limeſtone, Ironſtone, Lime, Goods, Wares, Merchandize, and other Things whatſoever, navigated upon any Part of the ſaid intended Canal, between the intended Junction at or near *Broadwaters*, and the Termination thereof at or near *Walſall* aforeſaid, or upon any Part of the ſaid Collateral Cuts to communicate therewith, hereby authorized to be made, and ſo in Proportion for any greater or leſs Quantity than a Ton, and the ſame ſhall and may be levied, collected, and recovered, by ſuch and the like Ways and Means as any Rates or Dues herein-before granted can or may be collected, levied, or recovered; and the additional Tonnage, ſo to be collected and received, ſhall be applied in paying off and diſcharging ſuch Sum and Sums of Money as ſhall have been paid by the ſaid Company of Proprietors to or to the Uſe of the ſaid ſeveral Perſons, Subſcribers as aforeſaid, together with Intereſt for the ſame, after the Rate of Five Pounds *per Centum per Annum*, and alſo in paying ſuch Annual Sum to the ſaid Company of Proprietors for their Trouble in collecting and paying ſuch Sum or Sums of Money, as the ſaid Arbitrator or Arbitrators ſhall, by Writing under his or their Hand and Seal, or Hands and Seals, direct or appoint, and to and for no other Uſe or Purpoſe whatſoever; and that when the ſaid Sum

Sum or Sums of Money, ſo to be ordered, awarded, aſcertained, or fixed to be paid to and for the Uſe of the ſaid Subſcribers as aforeſaid, and all Intereſt for the ſame ſhall have been repaid to the ſaid Company of Proprietors, with the Coſts of collecting as aforeſaid, the ſaid additional Sum of One Penny *per* Ton, herein-before made payable upon all Coal, Coak, Limeſtone, Ironſtone, Lime, Goods, Wares, Merchandize, and other Things as aforeſaid, ſhall ceaſe, determine, and be no longer paid.

Company of Proprietors to keep ſeparate Accounts of the ſaid additional Tonnage.

XVI. Provided always, and be it further enacted, That the ſaid Company of Proprietors are hereby authorized and required to keep ſeparate Accounts of their Receipts of the ſaid additional Tonnage of One Penny *per* Ton laſt herein-before granted to them, and of their Applications thereof from Time to Time; and that any Perſon or Perſons from whom ſuch additional Tonnage ſhall be demanded or received, ſhall have free Liberty, at all ſeaſonable Times, after any Demand in Writing ſhall have been made upon the ſaid Company of Proprietors, or their Clerk or Agent, by or on Behalf of ſuch Perſon or Perſons from whom ſuch additional Tonnage ſhall be demanded or received as aforeſaid, to peruſe and inſpect ſuch ſeparate Accounts of the Receipts and Application of the ſaid additional Tonnage, and to take any Copies thereof, or Extracts therefrom.

For regulating Tonnages of Merchandize paſſing from the *Dudley* Canal into the *Birmingham* Canal at *Tipton*.

XVII. And whereas by an Act paſſed in the Twenty fifth Year of the Reign of His preſent Majeſty, for extending the *Dudley* Canal to the *Birmingham* Canal, at or near *Tipton Green*, in the County of *Stafford*, the Company of Proprietors of the *Birmingham* and *Birmingham* and *Fazeley* Canal were empowered to take and receive, for the Tonnage and Wharfage of all Stone, Timber, Goods, Wares, Merchandize, and Commodities whatſoever, (except Coal, Coak, Ironſtone, Lime, and Limeſtone), which ſhould be navigated upon any Part of the ſaid *Birmingham* and *Birmingham* and *Fazeley* Canal, between the Point of Junction of the ſaid intended Canal and the Town of *Birmingham*, and which ſhould paſs into or out of the ſaid intended Canal, or upon any Part thereof within the Diſtance of One Mile of the ſaid *Birmingham* and *Birmingham* and *Fazeley* Canal, (except ſuch Stone, Timber, Goods, Wares, and Merchandize, as ſhould be navigated from any Part of the ſaid *Birmingham* and *Birmingham* and *Fazeley* Canal, and delivered upon any Wharf to be made upon or near to the ſaid intended Canal, within the Diſtance of One Mile of the ſaid *Birmingham* and *Birmingham* and *Fazeley* Canal, and which ſhould not paſs through the South End of the Tunnel to be made on the ſaid intended *Dudley* Canal), the Sum of One Shilling and Five Pence Halfpenny a Ton, and ſo in Proportion for any greater or leſs Quantity than a Ton, and alſo the further Sum of One Penny Halfpenny a Ton *per* Mile, and ſo in Proportion for a greater or leſs Quantity than a Ton, and a greater or leſs Diſtance than a Mile, for the Diſtance that ſuch Stone, Timber, Goods, Wares, Merchandize, and Commodities, ſhould be carried or conveyed upon the ſaid *Birmingham* and *Birmingham* and *Fazeley* Canal; and the ſaid Company of Proprietors are alſo authorized and empowered to take and receive, for the Tonnage and Wharfage of all Stone, Timber, Goods, Wares, Merchandize, and Commodities, (except Coal, Coak, Ironſtone, Lime, and Limeſtone), which ſhould be carried or conveyed upon any Part of the ſaid *Birmingham* and *Birmingham* and *Fazeley* Canal, between the Point of Junction of the ſaid intended *Dudley* Canal and *Autherley*, and which

ſhould paſs through the Tunnel to be made on the ſaid intended Canal, the ſame Rate of Tonnage as ſuch Stone, Timber, Goods, Wares, Merchandize, and Commodities, would have been liable to pay to the ſaid Company of Proprietors of the ſaid *Birmingham* and *Birmingham* and *Fazeley* Canal Navigation, if ſuch Stone, Timber, Goods, Wares, Merchandize, and Commodities, had been navigated into or out of the ſaid *Birmingham* and *Birmingham* and *Fazeley* Canal by way of *Autherley*: And whereas by Means of the ſaid Cut or Canal intended to be made under the Powers of this Act from *Bloomfield*, in the Pariſh of *Tipton*, to *Deepfield*, in the Pariſh of *Sedgley*, in the County of *Stafford*, the navigable Communication between *Autherley* aforeſaid, and the Junction of the ſaid *Dudley* Canal with the ſaid *Birmingham* and *Birmingham* and *Fazeley* Canal, at *Tipton* aforeſaid, will be leſſened in Diſtance upwards of Four Miles; and it is therefore reaſonable that the aforeſaid Tonnages, made payable to the ſaid Company of Proprietors of the *Birmingham* and *Birmingham* and *Fazeley* Canal, by virtue of the ſaid recited Act of the Twenty-fifth Year of the Reign of His ſaid Majeſty, ſhould be leſſened and reduced; be it therefore enacted, That, from and immediately after the ſaid intended Cut or Canal from *Bloomfield* to *Deepfield* aforeſaid ſhall be rendered navigable, the ſaid Sum of One Shilling and Five Pence Halfpenny, made payable to the ſaid Company of Proprietors of the *Birmingham* and *Birmingham* and *Fazeley* Canal Navigation, under and by virtue of the ſaid Act of the Twenty-fifth Year of His preſent Majeſty, ſhall ceaſe and be no longer payable; and that in lieu thereof, it ſhall and may be lawful to and for the Company of Proprietors of the ſaid *Birmingham* Canal Navigations, to have, demand, collect, and receive, for the Tonnage and Wharfage of all Stone, Timber, Goods, Wares, Merchandize, and Commodities whatſoever, (except Coal, Coak, Ironſtone, Lime, and Limeſtone), which ſhall be navigated upon any Part of the ſaid *Birmingham* Canal Navigations, between the Point of Junction of the ſaid intended Canal and the Town of *Birmingham*, and which ſhall paſs into or out of the ſaid *Dudley* Canal, or upon any Part thereof within the Diſtance of One Mile of the ſaid *Birmingham* Canal Navigations, at *Tipton* aforeſaid, (except as aforeſaid), the Sum of Eleven Pence Halfpenny a Ton, and ſo in Proportion for any greater or leſs Quantity than a Ton, over and beſides the Sum of One Penny Halfpenny a Ton *per* Mile, reſerved and made payable under the ſaid Act of the Twenty-fifth Year of His preſent Majeſty, for the Diſtance that ſuch Stone, Timber, Goods, Wares, Merchandize, and Commodities, ſhall be carried and conveyed upon the ſaid *Birmingham* Canal Navigations; which ſaid laſt-mentioned Rates or Dues ſhall be recovered in the ſame Manner as the Rates or Dues granted by the ſaid laſt-mentioned Act to the ſaid *Birmingham* and *Birmingham* and *Fazeley* Canal Company, are recoverable: Provided always, that from and immediately after the ſaid intended Cut or Canal from *Bloomfield* to *Deepfield* aforeſaid ſhall be rendered navigable, the ſaid Company of Proprietors of the ſaid *Birmingham* Canal Navigations ſhall be entitled to have, collect, and receive, for the Tonnage and Wharfage of all Stone, Timber, Goods, Wares, Merchandize, and Commodities, (except Coal, Coak, Ironſtone, Lime, and Limeſtone), carried or conveyed upon any Part of the ſaid *Birmingham* Canal Navigations, between the Point of Junction of the ſaid *Dudley* Canal with the ſaid *Birmingham* Canal and *Autherley* aforeſaid, and which ſhall paſs through the ſaid Tunnel on the ſaid *Dudley* Canal, the ſame Rates

of

of Tonnage as ſuch Stone, Timber, Goods, Wares, and Merchandize, would be liable to pay to the ſaid Company of Proprietors of the ſaid *Birmingham* Canal Navigations, if the ſame had been navigated into or out of the ſaid *Birmingham* Canal Navigations by Way of *Autherley*; which ſaid laſt-mentioned Rates or Dues ſhall be taken and received by the ſaid Company of Proprietors of the *Birmingham* Canal Navigations, in lieu and full Satisfaction of the Rates and Dues granted by the ſaid Act of the Twenty-fifth Year of His preſent Majeſty, for and in reſpect of all ſuch laſt-mentioned Articles paſſing through the ſaid Tunnel of the ſaid *Dudley* Canal towards *Autherley* aforeſaid: Provided alſo, that in caſe the ſaid Company of Proprietors of the *Birmingham* Canal Navigations ſhall, at any Time hereafter, reduce the Rates due and payable to them for the Tonnage and Wharfage of the Goods, Wares, and Merchandize, carried upon their Canal, between the Point of Junction of the *Dudley* Canal with the *Birmingham* Canal and *Autherley* aforeſaid, that in ſuch Caſe the ſaid Company of Proprietors ſhall and will reduce the ſaid Sum of Eleven Pence Halfpenny, ſo made due and payable to them as aforeſaid, in the ſame Proportion.

Company empowered to borrow Money on the Credit of all their Canals.

XVIII. And, in order the more expeditiouſly and effectually to make and complete the Canals and other Works hereby authorized to be made, and to carry into Execution the Powers of this preſent Act, be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, their Succeſſors and Aſſigns, or their Committee for the Time being, at any of their Meetings aſſembled, to borrow and take up at Intereſt, upon the Credit of the Whole or any Part of the Tolls, Rates, and Duties, ariſing or to ariſe upon or from all or any Part of the ſaid Canals and Collateral Cuts, and other Works authorized to be made by virtue of the ſaid ſeveral recited Acts, or this preſent Act, any Sum or Sums of Money, not exceeding in the Whole the Sum of Forty-five thouſand Pounds, over and above the Sums of Money authorized to be borrowed and taken up at Intereſt by virtue of the ſaid recited Acts, as to them ſhall ſeem meet and convenient, for the Execution of the Works hereby authorized, or for the Improvements and Amendments of any Part of the ſaid Canals or Works authorized to be made by the ſaid recited Acts, or either of them; and that it ſhall be lawful for the ſaid Company of Proprietors, their Succeſſors and Aſſigns, or the major Part of them, aſſembled at any General Meeting for that Purpoſe, or the Committee for the Time being to be by them appointed, or any Nine or more of ſuch Committee, and they are hereby authorized and empowered to give and execute to the Perſon or Perſons advancing and lending any Sum or Sums of Money, a Security for the ſame, with Intereſt, under the Common Seal of the ſaid Company of Proprietors, upon the Tolls, Rates, and Duties, ariſing or payable upon or from the ſeveral Canals and Cuts authorized to be made by virtue of the ſaid recited Acts or this preſent Act, or any Part or Parts thereof, as ſhall be agreed upon, from Time to Time, between the Perſon or Perſons lending and advancing ſuch Sum or Sums, and the ſaid Company of Proprietors, or their Committee as aforeſaid, which Security or Securities ſo from Time to Time to be given for the Monies to be lent upon the Credit of the ſaid Tolls, Rates, and Duties, ſhall be in the following Form, or Words to the ſame Effect:

'BY virtue of an Act, made in the Thirty-fourth Year of the Reign 'of His Majesty King *George* the Third, [*here set forth the Title of 'the Act*], We, the Company of Proprietors of the *Birmingham* Canal 'Navigations, in Consideration of the Sum of
'to us in Hand paid by do
'assign unto the said Executors, Administrators,
'and Assigns, the Tolls, Rates, and Duties, arising to us from our said 'Navigations, by virtue of any Act or Acts of Parliament whatsoever, 'and all the Right, Title, and Interest, of us the said Company of 'Proprietors of, in, and to the same, to hold unto the said
'Executors, Administrators, and Assigns, until the
'said Sum of with Interest for the same, after
'the Rate of *per Centum per Annum*, shall be
'repaid.
'Given under our Seal, the
'Day of

And all and every Person and Persons to whom such Assignments shall be made, shall be entitled to their Proportion of the said Tolls, Rates, Duties, and Premises, according to the respective Sums in such Assignments mentioned to be advanced, without any Preference by reason of Priority of Assignment, or on any other Account, and the Money so borrowed shall be applied for and towards the making, completing, and maintaining, of the said Navigations and Works by this Act and the said former Acts authorized to be made, and in carrying the said Acts and this Act, and the Powers therein and herein respectively contained, into effectual Execution, which Assignment or Assignments may be transferred in such Manner as is directed with respect to Assignments made in pursuance of the said recited Act of the Twenty-fourth Year of His present Majesty, and the Assignee or Assignees shall, in like Manner, be entitled to the Money due on such Assignment or Assignments respectively, and the whole Benefit thereof, in as full and ample Manner as the Assignee or Assignees of any Assignment or Assignments made under and by virtue of the said last mentioned Act, (Entries of such Assignments and Transfers respectively being made in such Manner as is directed by the said last mentioned Act), and that the Interest of all Monies borrowed and to be borrowed on the Credit of the said Rates, Tolls, and Duties, as aforesaid, shall be paid Half-yearly to the several Parties entitled thereto, in Preference to and before the Payment of any Dividends to the said Company of Proprietors, or any of them, for the said Half Year.

Company to affix their Common Seal to any Petition to Parliament.

XIX. And be it further enacted, That in case the Persons entitled to the greater Number of Shares in the said *Birmingham* Canal Navigations, shall, at any General or Special Meeting of the said Company of Proprietors, of which Twenty-one Days Notice at least shall be given, by Advertisement Three Times at the least in *The London Gazette* and in One of the *Birmingham* Newspapers, think it proper, expedient, or necessary, to make any Application or Applications to Parliament for Power to make other navigable Communications with the said Canal Navigations, or for any other Purpose touching or in anywise concerning the said Navigations, it shall and may be lawful for them to order and cause the Common Seal of the said Company to be affixed to any Petition for the Purpose of such Application or Applications, and of the Prose-

cution

cution of and Proceeding in the ſame, and all and every ſuch Order and Orders, and all ſuch Petition and Petitions, Proceeding and Proceedings, ſhall be, and ſhall be deemed and adjudged to be the Act and Acts of the ſaid Company of Proprietors, and binding upon them and their Succeſſors, as if each and every Proprietor were and ſhould be, at the Time of ſuch Proceeding, reſpectively preſent, and conſenting or enabled to conſent thereto, and the Coſts, Charges, and Expences, to be occaſioned by ſuch Order, Petition, or Proceeding, from Time to Time, as the ſame ſhall ariſe, ſhall be borne, defrayed, and paid, by the ſaid Company of Proprietors.

For appointing a Treaſurer to receive the Money paid under 23 *Geo.* III, for making a Canal on the lower Level.

XX. And whereas, by the ſaid recited Act of the Twenty-third Year of His preſent Majeſty, after ſetting forth, amongſt other Things, that ſeveral Perſons, Subſcribers for making a Navigation upon the lower Level, from the Mines to the lower Part of the Town of *Birmingham*, and from thence to communicate with the *Coventry* Canal near *Fazeley*, had expended a conſiderable Sum of Money in applying to Parliament for an Act for effecting the ſaid Navigation; it is therefore enacted, That certain Perſons therein named are thereby appointed as Arbitrators for aſcertaining what Sum of Money ſhould be allowed to the ſaid Subſcribers (not exceeding in the Whole the Sum of Three thouſand ſix hundred Pounds) towards reimburſing them all ſuch Expences as ſhould appear to the ſaid Arbitrators, or any Three or more of them, to have been incurred by the ſaid Subſcribers in their ſeveral Applications to Parliament; and the ſaid Arbitrators, or any Three or more of them, are thereby authorized and required to ſettle, aſcertain, and determine the ſame accordingly, and to certify ſuch Determination, under their Hands and Seals, to the Clerk of the Peace for the County of *Warwick*; and ſuch Certificates are to be kept amongſt the publick Records of the ſaid County, and a Copy thereof, ſigned by the Clerk of the Peace, is to be allowed as Evidence in all Courts whatſoever; and the ſaid Subſcribers their reſpective Executors, Adminiſtrators, and Aſſigns, are, by the ſaid Act, declared to be entitled to ſuch Sum of Money as ſhall have been certified by the ſaid Arbitrators, or any Three or more of them, to be due to the ſaid Subſcribers as aforeſaid, together with Intereſt for the ſame, to be computed from the Twenty-fourth Day of *June* One thouſand ſeven hundred and eighty-three; and in order to pay off and diſcharge the ſame, the Company of Proprietors thereby incorporated are thereby authorized and required to demand, collect, and receive, (over and above the Rates and Dues therein-before granted), the Sum of One Penny *per* Ton for all Coals and Coak paſſing through the Firſt Lock erected upon the Canal next to *Farmer's Bridge*; and the Money ſo to be collected and received was to be annually applied in paying off and diſcharging ſuch Money as ſhould be certified to be due to the ſaid Subſcribers, their Executors, Adminiſtrators, and Aſſigns, together with Intereſt for the ſame as aforeſaid, and alſo in paying ſuch Annual Sum to the ſaid Company of Proprietors, for their Trouble in collecting and paying ſuch Money, as the ſaid Arbitrators, or any Three or more of them, ſhould, by Writing under their Hands and Seals, direct and appoint; and when the ſaid Sum ſo certified to be due to the ſaid Subſcribers ſhould have been paid off and diſcharged, the ſaid Sum of One Penny *per* Ton, therein before made payable on Coal and Coak as aforeſaid ſhould ceaſe: And whereas Difficulties may ariſe in making Diſtribution of the Money to

be collected and received by the ſaid Company of Proprietors, towards paying off the Sum ſo certified to be due to the ſaid Subſcribers, for Want of a Treaſurer duly authorized to receive the ſame; be it therefore enacted, That, within the Space of Thirty Days next after the paſſing of this Act, the Clerk to the Company of Proprietors of the *Birmingham* Canal Navigations ſhall cauſe Notice to be given, by Advertiſements, to be inſerted Two ſucceſſive Times in *The London Gazette*, and alſo in the *Birmingham* Newſpapers, appointing a Time for the ſaid Subſcribers to meet at the Navigation Office of the ſaid Company, or at ſome other convenient Place within the Town of *Birmingham*, to be ſpecified in ſuch Notice; and it ſhall be lawful for the ſaid Subſcribers, or the major Part of them, aſſembled at ſuch Meeting, or at any Adjournment thereof, (and which Adjournment the major Part of the ſaid Subſcribers ſo aſſembled are hereby authorized and empowered from Time to Time to make), to nominate and appoint One or more Perſon or Perſons to be Treaſurer or Treaſurers to the ſaid Subſcribers, and ſuch Perſon or Perſons, ſo nominated and appointed Treaſurer or Treaſurers as aforeſaid, or to be elected Treaſurer or Treaſurers as herein-after mentioned, is and are hereby authorized and empowered to receive of and from the ſaid Company of Proprietors of the *Birmingham* Canal Navigations, all and every Sum and Sums of Money due and to grow due to the ſaid Subſcribers, under and by virtue of the ſaid laſt in Part recited Act, and the Receipt and Receipts of ſuch Treaſurer or Treaſurers ſhall be ſufficient to acquit and indemnify the ſaid Company of Proprietors of and from the ſame, and the ſaid Company of Proprietors ſhall not be liable to, or anſwerable for, the Application or Non-application thereof, or of any Part thereof.

For appointing another Treaſurer on a Vacancy.

XXI. And be it further enacted, That in caſe of the Death or Refuſal to act of the Perſon or Perſons ſo to be appointed Treaſurer or Treaſurers as aforeſaid, it ſhall be lawful for the ſaid Subſcribers, to be aſſembled at any adjourned Meeting, or at any other Meeting to be called by any Seven or more of the ſaid Subſcribers, and of which Fourteen Days Notice ſhall be given, by Advertiſement in *The London Gazette*, and alſo in the *Birmingham* Newſpapers, or the major Part of them ſo aſſembled, to elect and nominate ſome other Perſon or Perſons to be Treaſurer or Treaſurers, in the Room of the Treaſurer or Treaſurers ſo dying or refuſing to act, and ſo, *toties quoties*, as often as it ſhall ſo happen.

Subſcribers may nominate a Committee to pay Debts, and to diſtribute the Reſidue of the Money.

XXII. And be it further enacted, That it ſhall be lawful for the ſaid Subſcribers, or the major Part of them, aſſembled at any ſuch Meeting to be held as aforeſaid, to nominate, elect, and chooſe, out of the ſaid Subſcribers, Fifteen Perſons to be a Committee for tranſacting the Buſineſs for the ſaid Body of Subſcribers, and the Perſons ſo nominated, elected, and choſen, a Committee, or any Eight or more of them, ſhall be and are hereby inveſted with full Power, from Time to Time, to liquidate and ſettle, and to order and direct the Payment of all Debts due and owing from the ſaid Subſcription Truſt, and of all Charges and Expences incurred or to be incurred in or about the ſame, from and out of the Money to be received from Time to Time by the ſaid Treaſurer or Treaſurers as aforeſaid, and alſo to order and direct the Application and Diſtribution of the Reſidue of the Monies ſo to be received from Time to Time, unto and amongſt the ſeveral Perſons entitled to receive the

ſame, in Proportion to their ſeveral Intereſts therein, and all Payments to be made in purſuance of and according to ſuch Orders ſo from Time to Time to be made, ſhall be a ſufficient Juſtification and Indemnity to ſuch Treaſurer or Treaſurers for Payment of the ſame.

The Committee may ſell the Money ſo ſecured to be paid to them by the ſaid Act, if they think proper.

XXIII. And be it further enacted, That it ſhall be lawful for the ſaid Committee, or any Eight or more of them, if they think fit, and they are hereby authorized and empowered, to ſell the Principal and Intereſt Monies ſecured, by the ſaid laſt-recited Act, to the ſaid Subſcribers, to the ſaid Company of Proprietors, or to any other Perſon or Perſons, for a Sum of Money to be paid in Groſs for the ſame, as ſhall be agreed upon between them; and upon Payment of the Purchaſe Money to the Perſon or Perſons to be appointed Treaſurer or Treaſurers as aforeſaid, by any Deed or Inſtrument in Writing, to be by them the ſaid Committee, or any Eight or more of them, duly executed, to aſſign and convey the ſame Principal and Intereſt Monies, and all Benefit granted to the ſaid Subſcribers, under or by virtue of the ſaid recited Act, to the ſaid Company of Proprietors, or to ſuch other Perſon or Perſons who ſhall agree to purchaſe the ſame; and ſuch Aſſignment or Conveyance ſhall veſt the ſame in ſuch Purchaſer or Purchaſers as effectually, to all Intents and Purpoſes, as if ſuch Aſſignment and Conveyance had been executed by every individual Subſcriber and Perſon intereſted therein; and the Receipt of ſuch Treaſurer or Treaſurers ſhall be a ſufficient Diſcharge to ſuch Purchaſer and Purchaſers for the Purchaſe Money to be paid for the ſame, and ſuch Purchaſer or Purchaſers ſhall not be anyways liable to or anſwerable for the Application or Non-application of ſuch Purchaſe Money, or any Part thereof.

The Treaſurer to account with the Committee.

XXIV. Provided always, and be it further enacted, That every ſuch Treaſurer and Treaſurers, ſo to be appointed as aforeſaid, ſhall from Time to Time account with the ſaid Subſcribers, or with their ſaid Committee, for all and every Sum and Sums of Money to be by ſuch Treaſurer or Treaſurers received as aforeſaid, and the Money ſo to be received ſhall, after Payment of all reaſonable Charges and Expences, be divided amongſt the ſaid Subſcribers, and their reſpective Executors, Adminiſtrators, and Aſſigns, in Proportion to their ſeveral Intereſts therein.

Publick Act.

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

FINIS.