ANNO TRICESIMO QUARTO

Georgii III. Regis.

CAP. XXV.

An Act for extending the *Wyrley* and *Eſſington* Canal.

[28th *March* 1794.]

WHEREAS an Act of Parliament was paſſed in the Thirty-ſecond Year of the Reign of His preſent Majeſty, for making and maintaining a Navigable Canal from or from near *Wyrley Bank*, in the County of *Stafford*, to communicate with the *Birmingham*, and *Birmingham* and *Fazeley* Canal, at or near the Town of *Wolverhampton*, in the ſaid County, and alſo certain Collateral Cuts, therein deſcribed, from the ſaid Canal; and by the ſaid Act certain Perſons were united and made One Body Politick and Corporate, by the Name and Stile of *The Company of Proprietors of the Wyrley and Eſſington Canal Navigation*, for making the ſaid Canal and Collateral Cuts, and for doing and performing the ſeveral other Works, Matters, and Things, directed to be done and performed by

Preamble recites Act of 32 *Geo.* III.

by the ſaid Company of Proprietors by virtue of the ſaid Act; and the ſame are now nearly completed: And whereas, by Levels and Surveys lately taken, it appears, that a Navigable Canal may be made from the ſaid *Wyrley* and *Eſſington* Canal, at or near a Place called *Birchill*, in the Pariſh of *Walſall*, in the ſaid County of *Stafford*, to join and communicate with the *Coventry* Canal Navigation, at or near *Huddlesford*, in the ſame County, and from or near a Place called *Catſhill*, in the Pariſh of *Walſall*, through or near *Linley* and *Ruſhall Park* Lime Works, to the Lime Works at *Hayhead*, in the Pariſh of *Walſall* aforeſaid; and alſo a Navigable Cut from the Canal propoſed to be made by virtue of this Act, from or from near a Place called *Little Bloxwich*, in the Pariſh of *Walſall*, into certain Lands, in the Liberty of *Wyrley*, called *Lords Hayes*, belonging to the Moſt Honourable the Marquis of *Stafford*: And whereas the making the ſaid Canal and Cut would be of great Benefit and Advantage to all Perſons reſiding or having Eſtates near the ſame, and of publick Utility: 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 the ſeveral Perſons herein-after named, (that is to ſay), *Thomas Anſon* Eſquire, *Mary Badger*, *Mary Bowker*, *William Chrees*, *Mary Crockett*, *Thomas O'Chinner*, *Thomas Devey* Junior, *Henry Eld*, *Edward Groves*, *Samuel Higgins* Clerk, *James Hordern*, *Joſeph Jones*, *William Lawſon* Clerk, the Honourable *Edward Monckton*, *George Molineux*, *Richard Phillips*, *Mary Slaney*, *Liley Smith*, *William Beto Taylor*, *Henry Vernon* Eſquire, *Simon Villers*, *James Villers*, and *Thomas Wightwick*; and alſo ſuch other Perſons as ſhall be admitted Subſcribers as hereafter mentioned, and their ſeveral and reſpective Executors, Adminiſtrators, and Aſſigns, ſhall be, and are hereby united and incorporated with and made Part of the ſaid Company of Proprietors of the *Wyrley* and *Eſſington* Canal Navigation; and ſhall have the like Benefits, Profits, Privileges, and Advantages, in all Reſpects whatſoever, as the ſaid Company of Proprietors now have or hereafter may have from the ſaid Navigation; ſubject nevertheleſs to ſuch Regulations and Reſtrictions as are herein-after expreſſed and contained.

New Subſcribers added to the Company.

II. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, and they are hereby authorized and impowered, by themſelves, their Deputies, Agents, Officers, Workmen, and Servants, to make, complete, and maintain, a Navigable Canal, from the ſaid *Wyrley* and *Eſſington* Canal, now cutting or intended to be cut, at or near *Birchill* aforeſaid, to communicate with the *Coventry* Canal Navigation at or near *Huddlesford* aforeſaid, and from or near *Catſhill* aforeſaid, through or near *Linley* and *Ruſhall Park* Lime Works, to the Lime Works at *Hayhead* aforeſaid, and alſo a Navigable Cut from the propoſed Canal, from or near *Little Bloxwich* aforeſaid, into the ſaid Lands, called *Lords Hayes*, which ſaid Canal and Cut lies within and leads through the Pariſhes and Townſhips of *Walſall*, *Wolverhampton*, *Walſall Foreign*, *Goſcott*, *Pelſall*, *Norton*, *Brownhills*, *Catſhill*, *Wyrley*, *Ruſhall*, *Aldridge*, *Ogley-Hay*, *Wall*, *Pipehill*, *Hammerwich*, *Saint Michael's Lichfield*, *Saint*

Company impowered to make the Canal and Cut.

Chad's Lichfield, *Freeford*, *Whittington*, and *Huddlesford*, in the County of *Stafford*, and in the County and City of *Lichfield*, and alſo to make, erect, execute, do, and perform, all ſuch Works, Matters, and Things, as ſhall be requiſite and convenient for making, completing, and maintaining, the ſaid Canal and Cut, and for ſupplying the ſame with Water, and for doing and performing all ſuch other Things as ſhall be neceſſary to be done and performed for the Benefit of the Navigation thereof; and that the ſaid Act of the Thirty-ſecond Year of the Reign of His preſent Majeſty, and the ſeveral Powers, Authorities, Proviſions, and all other Matters and Things, therein contained, ſo far as the Nature and Circumſtances of the Caſe will admit (except where the ſame are by this Act varied and altered), ſhall be uſed and exerciſed by the ſaid Company of Proprietors, for making, completing, preſerving, and maintaining, the Canal and Cut hereby authorized to be made and maintained; and for ſupplying the ſame with Water; and alſo for making, executing, doing, and performing all ſuch other Works, Matters, and Things, as the ſaid Company of Proprietors ſhall think neceſſary or expedient to be made and done for the Benefit of the Navigation of the ſaid Canal and Cut, and ſhall alſo be uſed and exerciſed by the Owners and Proprietors of Lands and Mines lying near or adjoining to the ſaid Canal and Cut, in ſuch and the like Manner, and as fully and effectually in all Reſpects, and to all Intents and Purpoſes, as if the ſaid ſeveral Powers, Authorities, Proviſions, and all other Matters and Things contained in the ſaid Act, were repeated and re-enacted in the Body of this preſent Act, and as if the ſaid Canal and Cut, and other Works by this Act intended to be made, completed, and maintained, had been deſcribed in the ſaid Act, as Part of the Works to be made and done by virtue of the ſaid Act; and the like Exemptions from the Payment of the Rates upon the ſaid Canal and Cut ſhall be allowed for or in reſpect of any Articles which ſhall be navigated, carried, or conveyed, upon the ſaid Canal and Cut, as are by the ſaid recited Act allowed for or in reſpect of the like Kind of Articles navigated, carried, or conveyed, upon the *Wyrley* and *Eſſington* Canal, and Collateral Cuts, except where the ſame are expreſsly varied, altered, or repealed, by this Act: Provided always, That nothing in this Act contained ſhall authorize the ſaid Company of Proprietors, or any Perſon or Perſons employed by them, in Exerciſe of any of the Powers hereby given, to take down any Building, or to cut through or damage any Land or Ground, which, on the Firſt Day of *February* One thouſand ſeven hundred and ninety-four, was a Garden, Park, Paddock, planted Walk or Avenue to a Houſe, or Lawn incloſed and adjoining to a Manſion Houſe, without the Conſent of the Owners thereof reſpectively; ſave and except as hereafter mentioned, (that is to ſay), a Barn and Hogſtye at *Little Bloxwich*, the Property of *William Collins*; a Garden, at or near *Norton*, the Property of, and in Poſſeſſion of, *Richard Caddick*; ſome Garden Ground near *Lichfield*, in the Poſſeſſion of *Burton*, of the *George Inn*; Two Gardens at *Walſall Wood*, the Property of the Earl of *Mountrath* in the Kingdom of *Ireland*, in the Poſſeſſion of *James Homer* and *Philip Stokes*.

Plan depoſited with the Clerks of the Peace to remain there.

III. And whereas a Map or Plan deſcribing the Line of the ſaid intended Canal and Cut, and the Lands through which the ſame are intended to be

be carried, together with a Book of Reference containing a Liſt of the Names of the Owners or reputed Owners, and Occupiers of ſuch Lands, have been depoſited at the Office of the Clerk of the Peace for the County of *Stafford*; and a like Map or Plan, and Book of Reference, have been depoſited with the Clerk of the Peace for the County of the City of *Lichfield*: Be it therefore further enacted, That the ſaid Maps or Plans, and Books of Reference, ſhall remain in the ſaid Offices, and all Perſons ſhall at any ſeaſonable Times have Liberty to inſpect and peruſe the ſame, and make Copies thereof, or Extracts therefrom, at their Will and Pleaſure, paying the reſpective Clerks of the Peace the Sum of One Shilling for every ſuch Inſpection, and after the Rate of Sixpence for every One hundred Words of ſuch Copies or Extracts of the ſaid Book of Reference; and that the ſaid Company of Proprietors, in making the ſaid intended Canal and Cut, ſhall not deviate more than One hundred Yards from the Line or Courſe thereof deſcribed in the ſaid Map or Plan, nor ſhall any ſuch Deviation be made into or carried through the Lands of any Perſon or Perſons not named in the ſaid Book of Reference, without the Conſent of the Perſon or Perſons through or into whoſe Lands ſuch Deviation ſhall be made or carried: Provided always, That no Advantage ſhall be taken of or againſt the ſaid Company of Proprietors, or any Interruption be given to the making of the ſaid intended Canal and Cut, on Account of any Error or Omiſſion in the ſaid Book of Reference, in caſe it ſhall appear to any Five or more of the Commiſſioners appointed by virtue of the ſaid recited Act, and be certified by Writing under their Hands, that ſuch Error or Omiſſion proceeded from Miſtake.

To reſtrict the Company from taking the Waters, &c. that ſupply Lord *Mountrath's* Mills.

IV. And whereas there are ancient Corn and other Mills and Works belonging to the ſaid Earl of *Mountrath*, and *Jervoiſe Clark Jervoiſe*, Eſquire, and ſeveral other Perſons, in Part ſupplied with Water from the ſeveral Springs, Brooks, and Rivulets herein-after particularly mentioned: In order therefore to prevent the ſame being taken for the Uſe of the ſaid intended Canal, to the Prejudice or Hurt of the ſaid Mills and other Works, 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, by any Reſervoir, Fire Engine, or any other Means or Device whatſoever, to raiſe, direct, 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*, *Colepool*, *Goſcott*, *Fiſtley*, *Brownhills*, *Clayanger*, *Catſhill*, *Piddock's Well*, *Little Heath*, *Linley*, *Hayhead*, and *Long Wood*, 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 and iſſuing out of any Lands or Grounds in any of the ſaid laſt-mentioned Pariſhes, which have uſually run to and ſupplied the ſaid Mills and other Works; and that the ſaid Company of Proprietors ſhall at their own Expence build, lay down, and erect, proper Culverts or Aqueducts for conveying the ſaid Springs, Brooks, or Rivulets, under or over the ſaid intended Canal.

V. And

V. And whereas the ſaid Canal will paſs over a certain Brook, called *Freeford*, otherwiſe *Whittington Brook*, at or near *Whittington* aforeſaid; which ſaid Brook, by Means of a Culvert, paſſes under the ſaid *Coventry* Canal, into and through the Pleaſure Grounds and Pools of the Moſt Honourable the Marquis of *Donegall*, at *Fiſherwick*, in the ſaid County of *Stafford*: And whereas a greater Influx of Water than is at preſent conveyed into the ſaid Pleaſure Grounds and Pools by the ſaid Brook would be highly injurious to the ſame Pleaſure Grounds and Pools: Be it therefore further enacted, That no Waſte Water, iſſuing out of the ſaid Canal, ſhall run into the ſaid Brook called *Freeford*, or *Whittington Brook*, but that proper Aqueducts or Culverts ſhall be made and completed, at the Expence of the ſaid Company of Proprietors, for the Purpoſe of conveying the ſame out of the Pond between the Firſt and Second Lock at *Catſhill* aforeſaid, into the Pond between the Second and Third Lock, and ſo on from Pond to Pond, till the ſaid Waſte Water ſhall be diſcharged into the ſaid *Coventry* Canal.

To prevent too great an Influx of Water into the Marquis of *Donegall's* Pools, &c.

VI. Provided always, That if any Inconvenience ſhould ariſe to the ſaid Pleaſure Grounds and Pools from ſuch Influx of Water into the ſaid *Coventry* Canal, then the ſaid Company of Proprietors ſhall and are hereby required to make and erect ſuch and ſo many Flood Weirs as ſhall be proper and ſufficient to diſcharge the ſame.

VII. Provided always, and be it further enacted, That it ſhall not be lawful for the ſaid Company of Proprietors, their Succeſſors or Aſſigns, or their Agents, Servants, or Workmen, to take any Water from the *Birmingham*, and *Birmingham* and *Fazeley* Canal Navigations, or from any of the Collateral Cuts or Branches to the ſame Canal belonging, or any Water which the Company of Proprietors of the ſaid *Birmingham*, and *Birmingham* and *Fazeley* Canal Navigations have a Right or Power to take for the Supply of the ſaid *Birmingham*, and *Birmingham* and *Fazeley* Canal, or any of the Collateral Cuts or Branches thereof: Provided always, That nothing herein contained ſhall extend, or be deemed or conſtrued to extend, to prevent the Proprietors of the *Wyrley* and *Eſſington* Canal from uſing any of their Waters within their lower Pond or long Level, or within any other Part of the ſaid Canal, or of the ſaid Extenſion authorized by this Act for the Purpoſes of Lockage, or for any other neceſſary Uſes in the Buſineſs of the ſaid Canal, or of the preſent or any Extenſion thereof; any Thing herein or in any former Act contained to the contrary notwithſtanding.

No Water to be taken from the *Birmingham* Canal.

VIII. Provided always, and be it further enacted by the Authority aforeſaid, That nothing herein contained ſhall authorize or impower the ſaid Company of Proprietors, their Succeſſors or Aſſigns, to divert or take for the Supply of the Canal, or any of the Works hereby authorized to be made, any of the Brooks, Streams, Springs, or Feeders, to which the *Staffordſhire* and *Worceſterſhire* Canal Company are entitled for the Supply of their Canal, nor any Water out of the ſaid Brooks, Streams, or Feeders, or out of any Brooks, Streams, or Waters, which now flow into the Rivers *Penk* or *Stour*, and which the Company of Proprietors of the ſaid *Staffordſhire* and *Worceſterſhire* Canal are now authorized to take,

No Water to be taken which ſupplies the *Staffordſhire* Canal.

take, in virtue of any former Acts of Parliament, for the Supply of the said Canal.

Reſtriction reſpecting Water in the Mines in the Manor of *Goſcott*.

IX. And be it further enacted, That nothing in this Act contained ſhall authorize or impower the ſaid Company of Proprietors to take, for the Uſe of the ſaid Canal or Cut, the Waters contained in the Mines, Caverns, or Pits, belonging to the Proprietors of the Manor of *Goſcott*, until ſuch Time as they, the Proprietors of the ſaid Mines, ſhall have uſed the ſaid Water for the working of any Blaſt Furnace, Mill, Engine, or Deviee, which the Proprietors of ſuch Mines may think proper to erect; but the ſame Water nevertheleſs, if not ſo uſed, or after it has been ſo applied, may be taken and uſed by the ſaid Company of Proprietors into the ſaid intended Canal and Cut, and they the ſaid Company of Proprietors ſhall pay ſuch Indemnification for all Loſs or Damage which the Proprietors of the ſaid Manor of *Goſcott* ſhall ſuſtain, by taking the ſaid Waters into the ſaid intended Canal, the ſame to be aſcertained by Commiſſioners, or a Jury, in the Manner directed by the ſaid former recited Act for aſcertaining the Damages therein mentioned.

Power to raiſe Money.

X. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors to raiſe and contribute amongſt themſelves, or admit other Perſons to become Subſcribers towards raiſing a competent Sum of Money (not exceeding in the Whole the Sum of Seventy-five thouſand Pounds) for making and completing the ſaid Canal and Cut, and the ſeveral other Works by this Act authorized to be made, which ſaid Sum of Seventy-five thouſand Pounds ſhall be divided as hereafter mentioned into equal Shares, of the like Value as the Shares created by virtue of the ſaid recited Act were originally of: Provided always, That if the ſaid Sum of Seventy-five thouſand Pounds herein-before authorized to be raiſed ſhall not be ſufficient for the making and completing the ſaid Canal and Cut, and other Works hereby authorized to be made, and all neceſſary Charges and Expences relating thereto, then, and in ſuch Caſe, it ſhall be lawful for the ſaid Company of Proprietors to raiſe and contribute amongſt themſelves, or by admitting other Perſons to become Subſcribers, ſuch further or other Sum or Sums of Money as ſhall be wanting for completing and perfecting the ſaid Navigation, not exceeding the Sum of Forty thouſand Pounds, and the Money ſo to be raiſed ſhall be applied in making and maintaining the ſaid intended Canal and Cut, and the ſeveral Works relating thereto, and the ſaid Subſcribers ſhall, at their Firſt General Meeting to be held under the Authority of this Act, declare and aſcertain in what Manner the ſaid new Shares ſhall be diſtributed amongſt the ſaid Proprietors, and ſuch other Perſons as ſhall be admitted Subſcribers as aforeſaid; and the Shares which ſhall be ſo ſettled at ſuch Meeting ſhall be and are hereby veſted in the ſeveral Subſcribers, their ſeveral and reſpective Executors, Adminiſtrators, and Aſſigns, to and for their own proper Uſe and Behoof reſpectively, and ſhall be deemed to be Perſonal Eſtate, and tranſmiſſable as ſuch, and all Bodies Politick and Corporate, and all other Perſons, their Executors, Adminiſtrators, and Aſſigns, who have or ſhall become Subſcribers as aforeſaid, ſhall, from and after the paſſing of this Act, be entitled to, and receive in Manner hereinafter mentioned, a Proportion of the Profits ariſing from the preſent *Wyrley* and *Eſſington* Canal, according to the Number of Shares,

Shares, or Parts of Shares, to which they ſhall be reſpectively entitled (as the ſame ſhall be aſcertained and declared at ſuch General Meeting), and every Body Politick or Corporate, Perſon or Perſons, having ſuch Property in the ſaid Undertaking, ſhall reſpectively be deemed Proprietors in the whole Concern, in Proportion to the Number of Shares, or Parts of Shares, ſo declared and aſcertained as belonging to them: Provided always, That any Perſon ſhall be allowed to hold any Number of Shares, not exceeding Sixty, in the ſaid Undertaking, on his own Account at One Time, but no greater Number of Shares; any Thing in the ſaid recited Act to the contrary hereof notwithſtanding.

Tonnage.

XI. And, in Conſideration of the Expence that will attend the making and maintaining the ſaid Canal and Cut: Be it further enacted, That ſuch and the like Rates of Tonnage and Wharfage as are authorized to be demanded and taken by the ſaid Company of Proprietors, by virtue of the ſaid recited Act, for all Corn and other Grain, Hops, Timber, Goods, Wares, Merchandize, and other Things, which ſhall be navigated, carried, or conveyed, upon the ſaid *Wyrley* and *Eſſington* Canal, (except the Rates payable for Coals, Coak, Iron, Ironſtone, Lime, Limeſtone, Rockſtone, Bricks, Tiles, and other Minerals), ſhall be demanded and taken by the ſaid Company of Proprietors upon the ſaid Canal and Cut; and that the following Rates of Tonnage ſhall and may be demanded and taken, by the ſaid Company of Proprietors, for all Coals, Coak, Iron, Ironſtone, Lime, Limeſtone, Rockſtone, Bricks, Tiles, and other Minerals, which ſhall be carried or conveyed upon the ſaid Canal and Cut; (that is to ſay),

For all Coals, (except Slack or ſmall and inferior Coal to be uſed for the Purpoſe of burning Limeſtone or Bricks), Coak, Iron, Ironſtone, Rockſtone, Bricks, Tiles, and other Minerals, which ſhall be carried or conveyed upon the ſaid Canal or Cut, and ſhall enter the ſaid *Wyrley* and *Eſſington* Canal, and not paſs through a Lock to be erected at or near *Catſhill* aforeſaid, the Sum of Nine-pence *per* Ton, and ſo in Proportion for any greater or leſs Quantity than a Ton:

For all Coals, (except Slack or ſmall and inferior Coal for the Purpoſe of burning Limeſtone or Bricks), Coak, Iron, Ironſtone, Rockſtone, Bricks, Tiles, and other Minerals, (except ſuch as ſhall have been brought from the ſaid *Wyrley* and *Eſſington* Canal, and for which the Sum of Nine-pence *per* Ton ſhall have been paid as aforeſaid), which ſhall be carried or conveyed upon the ſaid intended Canal or Cut, and not paſs through a Lock to be erected at or near *Catſhill* aforeſaid, the Sum of Nine-pence *per* Ton, and ſo in Proportion for any greater or leſs Quantity than a Ton:

For all Coals, Coak, Iron, Ironſtone, Rockſtone, Bricks, Tiles, and other Minerals, for which the Sum of Nine-pence *per* Ton ſhall have been paid upon the *Wyrley* and *Eſſington* Canal, or upon the ſaid intended Canal, and ſhall afterwards paſs through any Lock to be erected at or near *Catſhill*, the further Sum of One Shilling and Three-pence *per* Ton, and ſo in Proportion for any greater or leſs Quantity than a Ton:

For all Coals, Coak, Iron, Ironſtone, Limeſtone, Rockſtone, Bricks, Tiles, and other Minerals, which ſhall be produced or gotten from or out

out of any Lands or Grounds ſituate below the Lock at or near *Catſhill*, and ſhall be carried or conveyed upon any Part of the ſaid Canal between *Catſhill* and *Huddlesford*, the Sum of Two Shillings *per* Ton, and ſo in Proportion for any greater or leſs Quantity than a Ton:

For all Slack or ſmall and inferior Coal for the Purpoſe of burning Limeſtone or Bricks, Limeſtone and Lime, which ſhall be carried or conveyed upon the ſaid Canal or Cut, and not paſs through a Lock to be erected at or near *Catſhill* aforeſaid, the Sum of Sixpence *per* Ton, and ſo in Proportion for any greater or leſs Quantity than a Ton:

For all Lime for which the Sum of Sixpence *per* Ton ſhall have been paid upon the *Wyrley* and *Eſſington* Canal, or upon the ſaid intended Canal or Cut, and ſhall afterwards paſs any Lock to be erected at or near *Catſhill* aforeſaid, the further Sum of Nine-pence *per* Ton, and ſo in Proportion for any greater or leſs Quantity than a Ton.

Exemption in certain Caſes.

XII. Provided always, That all Coals, Coak, Iron, Ironſtone, Lime, Limeſtone, Rockſtone, Bricks, Tiles, and other Minerals, for which the ſaid Rate of Nine-pence a Ton ſhall have been paid upon the *Wyrley* and *Eſſington* Canal, ſhall afterwards be allowed to paſs upon any Part of the ſaid intended Canal and Cut (except through the ſaid Lock at or near *Catſhill*) without being liable to the Payment of any Rate whatſoever; and that all Coals, Slack, or ſmall and inferior Coal for the Purpoſes aforeſaid, Coak, Iron, Ironſtone, Lime, Limeſtone, Rockſtone, Bricks, Tiles, and other Minerals, for which the ſaid Rate of Nine-pence or Sixpence *per* Ton (as the Caſe may be) ſhall have been paid upon the ſaid intended Canal or Cut, ſhall afterwards be allowed to paſs upon any Part of the ſaid *Wyrley* and *Eſſington* Canal, without being liable to the Payment of any Rate whatſoever; any Thing in the ſaid recited Act or this Act to the contrary notwithſtanding.

Power to vary the Rates.

XIII. 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 Three Months Notice ſhall be given in ſome Newſpaper in the County of *Stafford*, or ſome County adjoining, provided there ſhall be none in the County of *Stafford*), to leſſen or reduce all or any of the Rates, upon any of the Articles ſubject to the ſaid 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, That the ſaid Reduction or Advance ſhall take place on ſuch Articles on every Part of the Canal, in Proportion to the Rates hereby given, and that the ſame, when ſo advanced or raiſed again, do not exceed the reſpective Sums herein-before particularly authorized to be collected or taken.

Some of the Rates granted by the former Act leſſened.

XIV. And whereas it will be proper, in Conſequence of making the ſaid intended Canal and Cut, that the Rates payable by the ſaid recited Act, for or in reſpect of all Limeſtone, Lime, Slack of Coal, or ſmall and inferior Coal for the Purpoſe of burning Limeſtone or Bricks, ſhould be

be leſſened: Be it therefore further enacted, That no higher or greater Rate ſhall be demanded or taken by virtue of the ſaid recited Act, for or in reſpect of any Limeſtone, Lime, Slack of Coal, or ſmall and inferior Coal for the Purpoſes aforeſaid, than Sixpence *per* Ton, and ſo in Proportion for a leſs Quantity than a Ton; any Thing in the ſaid recited Act to the contrary hereof notwithſtanding.

Power to enforce Payment of Subſcriptions.

XV. And be it further enacted, That the ſeveral and reſpective Perſons who have ſubſcribed or ſhall ſubſcribe to advance any Money for and towards making and maintaining the ſaid Canal and Cut ſhall, and they are hereby required to pay the Sum or Sums of Money by them reſpectively ſubſcribed, or ſuch Parts or Proportions thereof as ſhall from Time to Time be called for by the ſaid Company of Proprietors, or the Committee of the ſaid Company agreeable to the Directions contained in the ſaid recited Act, for making Calls upon the Subſcribers to the ſaid *Wyrley* and *Eſſington* Canal; and in caſe any Subſcriber for making the ſaid Canal and Cut ſhall neglect or refuſe to pay the Monies by him or her ſubſcribed, or the Parts or Proportions thereof ſo called for by the ſaid Company of Proprietors, or the Committee of the ſaid Company, at the Time and in Manner required for that Purpoſe, it ſhall be lawful for the ſaid Company of Proprietors to ſue for and recover the ſame, in like Manner as is directed by the ſaid recited Act with reſpect to the Monies thereby directed to be raiſed and paid for the making and maintaining the ſaid *Wyrley* and *Eſſington* Canal.

Proprietors of Shares in the preſent *Wyrley* Canal to receive 5 *l. per* Share Intereſt.

XVI. Provided always, and be it further enacted, That, until the ſaid Canal and Cut ſhall be made and completed, ſuch Perſons only who are Proprietors of Shares in the preſent *Wyrley* and *Eſſington* Canal at the Time of paſſing this Act ſhall be entitled to receive Intereſt for each Share after the Rate of Five Pounds *per Centum per* Share *per Annum*, to be computed from the Twenty-fourth Day of *June* One thouſand ſeven hundred and ninety-three, and to be payable Half-yearly, until the ſaid Canal and Cut ſhall be made and completed; and that the Profits ariſing from the preſent *Wyrley* and *Eſſington* Canal, and from the ſaid Canal and Cut, ſhall, after the ſame is completed, (after defraying all Outgoings and Expences attending the carrying the ſaid recited Act and this Act into Execution), and Payment of the ſaid Five Pounds *per Centum per Annum*, be applied and paid equally amongſt all the Perſons entitled to Shares in the Canals and other Works to be made by virtue of the ſaid recited Act and this Act, in Proportion to the reſpective Shares they ſhall reſpectively hold.

Profits divided amongſt all the Share Holders.

Company obliged to purchaſe Shares of Proprietors who ſhall not be ſatisfied with the Extenſion.

XVII. Provided always, and be it further enacted, That in caſe any Perſon, being a Member of the ſaid Company of Proprietors, ſhall not have become a Subſcriber to the making and maintaining the ſaid Canal and Cut, or the Guardians, Truſtees, or Committee, of any ſuch Perſon, being a Minor, or under any other Diſability of acting for himſelf or herſelf, ſhall, by Writing under his, her, or their Hand or Hands, to be delivered to the ſaid Company of Proprietors, at their Firſt General Aſſembly to be holden by virtue of the ſaid Act, ſignify to the ſaid Company of Proprietors his, her, or their Deſire not to be concerned in

the

the ſaid Undertaking, then, and in every ſuch Caſe, the ſaid Company of Proprietors ſhall, and are hereby required, at the Requeſt of the Perſon or Perſons ſo ſignifying ſuch Deſire, to purchaſe the Share or Shares of ſuch Perſon or Perſons in the ſaid *Wyrley* and *Eſſington* Canal Navigation, at a Sum of Money equal to the whole Money which ſhall have been advanced as the original Subſcription upon ſuch Share or Shares, and Intereſt upon ſuch Money at Five Pounds *per Centum per Annum*, from the Time or Times of advancing ſuch Money; and alſo ſuch further Sum of Money (not leſs than Twenty Pounds, nor more than Fifty Pounds, upon each Share) as the Commiſſioners appointed by virtue of the ſaid recited Act, or any Five or more of them, ſhall think reaſonable or proper; and in caſe the ſaid Company of Proprietors ſhall not pay ſuch Money for the Purchaſe of ſuch Share or Shares, upon Demand made thereof from their Clerk, Treaſurer, or principal Agent, the ſame ſhall and may be recovered from the ſaid Company of Proprietors, by Action at Law, in any of His Majeſty's Courts of Record, with full Coſts of Suit; and any ſuch Guardians, Truſtees, or Committees, are hereby impowered to make and execute a proper Transfer of ſuch Share or Shares to the ſaid Company of Proprietors, or to ſuch Perſon or Perſons as they ſhall direct or appoint.

Protection of *Lichfield* Conduit Pipes.

XVIII. And whereas the ſaid Canal will paſs over the Pipes that convey the Water from the *Foul Well Springs* at *Alderſhaw*, in the Hamlet of *Wall*, in the Pariſh of *Saint Michael* in *Lichfield*, to and for the Uſe of the Inhabitants of the City of *Lichfield*; be it therefore further enacted, That the Company of Proprietors ſhall not take or uſe, for the Purpoſe of ſupplying the ſaid Canal with Water, any of the Water iſſuing from the ſaid *Foul Well Springs* at *Alderſhaw* aforeſaid; and that the ſaid Pipes, over which the ſaid Canal may paſs, ſhall be covered and protected by a Culvert of a ſufficient Width and Heighth, ſo that the Feoffees and Sideſmen of the Conduit Lands, and their Agents, ſhall at all Times have a Right to enjoy the ſaid Culvert, and to enter therein, to alter, amend, and new lay the ſaid Pipes; and if it ſhall be found at any Time hereafter proper or beneficial to convey more Water to the ſaid City, from the ſaid Springs, the ſaid Feoffees and Sideſmen, or their Agents, ſhall and may have Liberty to lay new Pipes or freſh Culverts in any other Part or Direction which the Canal ſhall tranſverſe or croſs, doing as little Damage to the ſaid Canal as poſſible, and giving Six Months Notice to the ſaid Company of Proprietors, or any Committee appointed by them, previous to ſuch Work or Alteration; the Damage incurred by ſuch Alteration, if any, to be referred to and ſettled by Two indifferent Perſons, One to be named by the ſaid Feoffees of the Conduit Lands, and the other by the ſaid Company of Proprietors; and in caſe ſuch Two Perſons cannot agree, a Third indifferent Perſon ſhall be nominated by them, whoſe Judgement and Determination in the Matter ſhall be binding and concluſive on all Parties.

Not to cut Canal till 30,000*l.* is ſubſcribed.

XIX. Provided always, and be it further enacted and declared, That the ſaid Company of Proprietors, or their Deputies, Agents, Officers, Workmen, or Servants, ſhall not begin to cut or make the ſaid Canal, or any of the Works authorized to be made by virtue of this Act (except

the making and providing of Bricks and Stone) until the full Sum of Fifty thouſand Pounds ſhall be actually ſubſcribed and engaged to be paid for and towards making and completing the ſaid Canal and Cut, and until Ten Pounds *per Centum* of the ſaid Sum ſhall have been actually paid into the Hands of the Treaſurer to the ſaid Company of Proprietors; any Thing contained in this Act to the contrary notwithſtanding.

Compenſation to be made for Tithes.

XX. And be it further enacted, That full Recompence and Satisfaction ſhall be made by the ſaid Company of Proprietors, for all the Tithes, both great and ſmall, of the Lands which have been, or ſhall be taken or made uſe of by them, for the Purpoſes of this or the ſaid former Act, to the ſeveral Perſons who now are entitled, or at any Time hereafter might have become entitled, to ſuch Tithes, according to their reſpective Intereſts therein, ſuch Tithes to be eſtimated at the Average Value of the Four Years, commencing at *Michaelmas-day* One thouſand ſeven hundred and ninety, and ending at *Michaelmas-day* One thouſand ſeven hundred and ninety-four, ſuch Value to be aſcertained (in caſe of any Difference concerning the ſame) in like Manner as the Value of any Lands or Hereditaments, to be taken or uſed for the Purpoſes of this Act, are to be aſcertained: Provided always, That ſuch Recompence and Satisfaction ſhall be made to all Spiritual Perſons and Tenants for Life by an Annual Rent.

Mr. *Huſſey* impowered to make a Cut to the Canal.

XXI. And be it further enacted, That it ſhall and may be lawful for *Phineas Huſſey* Eſquire, the Proprietor of certain Mines near the Line of the ſaid intended Canal at *Ryders Hayes*, to make a Navigable Cut or Cuts through his own Lands or Grounds, and alſo through the Lands or Grounds of any other Perſon or Perſons, with the Conſent and Approbation of ſuch Perſon or Perſons, and not being more than One Mile in Length, to communicate with the ſaid intended Canal, ſo that the ſame be done and made without diverting any Stream of Water neceſſary for ſupplying the ſaid intended Canal, and without waſting any Water, or doing any Injury or Damage to the ſaid Navigation, and ſo as the Perſon or Perſons making every ſuch Cut, ſhall (if thereunto required by the ſaid Company of Proprietors) make, erect, and maintain a Stop Gate or Gates on every ſuch Cut, in order to prevent the Water being drained or waſted out of the ſaid Canal or Collateral Cuts, or any of them, by Means of making any ſuch Cut to communicate therewith as aforeſaid; and every ſuch Cut ſhall be publick and open to all Perſons for the Conveyance of any Goods, Wares, or other Things, in Boats and other Veſſels, upon Payment to the Perſon or Perſons at whoſe Charge and Expence ſuch Cut ſhall be made, his, her, or their Heirs, Executors, Adminiſtrators, or Aſſigns, the like Tonnage in Proportion, as ſhall for the Time being be payable to the ſaid Company of Proprietors upon the ſaid Canal and Collateral Cuts.

Expences of the Act.

XXII. 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 and out of the Firſt Monies to be paid by the ſaid ſeveral Subſcribers, or which ſhall

be called for and received by virtue of this Act; and that this Act ſhall
Publick Act. 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.