ANNO DECIMO OCTAVO & DECIMO NONO

VICTORIÆ REGINÆ.

Cap. cxxi.

An Act for enabling the Company of Proprietors of the *Birmingham* Canal Navigations to make and maintain additional Canals and Works, and for other Purposes. [2d *July* 1855.]

WHEREAS by an Act passed in the Fifth Year of King *William* the Fourth, intituled *An Act to consolidate and extend the Powers and Provisions of the several Acts relating to the* Birmingham *Canal Navigations*, the Company of Proprietors of the *Birmingham* Canal Navigations (in this Act called "the Company") were incorporated, and divers Canals and other Works, and Real and Personal Estates and Effects, were vested in and authorized to be acquired by, and divers Powers and Authorities were conferred on the Company: And whereas an Act was passed in the Third Year of Her present Majesty, intituled *An Act for enabling the Company of Proprietors of the* Birmingham *Canal Navigations to make a new Cut, and for extending and altering some of the Provisions of their present Act:* And whereas another Act was passed in the same Year, intituled *An Act for consolidating the* Wyrley and Essington *Canal Navigation with the* Birmingham *Canal Navigations, and for granting further Powers to the Company of Proprietors of the* Birmingham *Canal Navigations:* And whereas another

5 & 6 W. 4. c. xxxiv.

2 & 3 Vict. c. lxi.

3 & 4 Vict. c. xxiv.

3 & 4 Vict. c. lvi. another Act was passed in the same Year, intituled *An Act to authorize the Company of Proprietors of the* Birmingham *Canal Navigations to extend and alter the Line of their intended Cut or Canal from* Danks Branch *to* Salford Bridge, *and to grant further Powers to the said Company:* And whereas an Act was passed in the

7 & 8 Vict. c. xi. Seventh Year of Her Majesty, intituled *An Act for enabling the Company of Proprietors of the* Birmingham *Canal Navigations to borrow a further Sum of Money, and to extend and alter some of the Provisions of their present Acts:* And whereas another Act was passed relating to the Company, the Short Title whereof is "The *Birmingham* and *Dudley* Canals Consolidation Act, 1846:" And whereas by the "*London and Birmingham* Railway and *Birmingham* Canal Arrangement Act, 1846," Arrangements were effected for the Guarantee by the *London and Birmingham* Railway Company (now merged in and herein-after called the *London and North-western* Railway Company) of an annual Dividend of Four Pounds *per* Share in the Share Capital of the Company: And whereas by "The *Birmingham* Canal Navigations Act, 1854," the Company were empowered to make and maintain certain new Canals, Tramways, and other Works, and to take Tolls thereon: And whereas it is expedient for the affording of improved and more convenient Lines of Communication by the Canals of the Company, that the Company be empowered to make and maintain the additional new Canals and Works by this Act authorized: And whereas it is expedient that some of the Provisions of the recited Acts should be amended; but the several Purposes aforesaid 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 Queen'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, as follows; (that is to say,)

Short Title. I. This Act may be cited for any Purpose as "The *Birmingham* Canal Navigations Act, 1855."

8 & 9 Vict. c. 18. incorporated. II. "The Lands Clauses Consolidation Act, 1845," shall be incorporated with this Act.

Interpretation of Terms. III. The following Words and Expressions shall have the Meanings hereby assigned to them respectively, unless there be something in the Subject or Context repugnant to or inconsistent with such Construction; (that is to say,)

The Expression "the Company" shall mean the Company of Proprietors of the *Birmingham* Canal Navigations:

The Word "Tolls" shall include all Tolls, Rates, and Dues:

The Word "Goods" shall include all Goods, Minerals, Wares, Commodities, and Merchandise of every Description:

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The Word "Boat" shall include all Barges, Vessels, and Canal and River going Craft of every Description:

The Word "Carriage" shall include all Trucks, Waggons, and Vehicles of every Description.

Same Meanings to Words, &c. in this Act as in incorporated Acts.

IV. The several Words and Expressions to which, by the Acts wholly or partially incorporated with this Act, Meanings are assigned, shall in this Act have the same respective Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction.

Works to be made according to deposited Plans.

V. And whereas Plans and Sections showing the Lines and Levels of the intended new Canals and other Works herein-after described, with Books of Reference thereto, containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and Occupiers of the Lands in which the same are intended to be made, have been deposited with the Clerks of the Peace for the Counties of *Stafford* and *Worcester* respectively for the Purposes of this Act: Therefore, subject to the Provisions of this Act, the Company may make and maintain the intended new Canals and other Works by this Act authorized in the Lines delineated in that Behalf on those Plans, and according to the Levels shown by those Sections, and upon the Lands described in that Behalf in those Books of Reference, and may enter upon, take, and use such of those Lands as the Company may require for such Purposes; and also may take Water for the Use of the said intended new Canals from the *Birmingham* Canal Navigations, and from any Springs or Streams on the Course of the said intended new Canals: Provided always, that the Company shall not be enabled by any of the Powers of this Act to take by Compulsion any Lands at or near the *Nine Locks Bridge* in the Parish of *Kingswinford* in the County of *Stafford*.

No Water to be taken from Springs or Streams not in the Plans or Books of Reference.

VI. Provided always, That the Company, or their Servants, Agents, or Workmen, or any of them, shall not take for the Use or Supply of the said intended new Canals (except as by this Act provided) any Water from any Springs or Streams other than such as are delineated or described in the Plans or Books of Reference respectively deposited for the Purposes of this Act.

Errors and Omissions in Plans may be corrected; who shall certify the same.

VII. If any Omission, Mis-statement, or wrong Description shall have been made of any Lands, or of the Owners, Lessees, or Occupiers of any Lands described on the Plans or Books of Reference respectively deposited as aforesaid, the Company, giving Ten Days Notice to the Owners of Lands affected by such proposed Correction, may apply to Two Justices for the Correction thereof, and if it shall appear to such Justices that such Omission, Mis-statement, or wrong Description

Description arose from Mistake they shall certify the same accordingly, and shall in such Certificate state the Particulars of any such Omission, Mis-statement, or wrong Description, and such Certificate shall be deposited with the Clerk of the Peace for the County in which the Lands affected thereby shall be situate, and be kept by him with the other Documents to which it relates, and thereupon such Plans or Books of Reference shall be deemed to be corrected according to such Certificate, and the Plans or Books of Reference so corrected shall thenceforth be deemed the Plans or Books of Reference respectively deposited for the Purposes of this Act.

Certificate to be deposited.

Copies of Plans, &c. to be Evidence.

VIII. True Copies of the Plans and Books of Reference respectively deposited as aforesaid, or of any Alteration or Correction thereof, or Extract therefrom, certified by the Clerk of the Peace for the Time being for the County in which the Lands affected thereby shall be situate (which Certificate such Clerk of the Peace shall give to all Parties interested when required), shall be received in all Courts of Justice or elsewhere as Evidence of the Contents thereof.

New Canals and Works authorized.

IX. The intended new Canals and Works by this Act authorized shall include the following Canals and Works; (to wit,)

First, a Canal commencing in the Parish of *Rowley Regis* in the County of *Stafford* by a Junction with the present Canal of the Company on the *Birmingham Level*, at or near *Dudley* Port, and terminating in the Parish of *Dudley* in the County of *Worcester* by a Junction with the *Netherton* Branch Canal of the Company at or near *Cooksey Bridge* near *Bumble Hole* Toll Gate:

Secondly, a Canal from and out of the said *Netherton* Branch, commencing in the said Parish of *Dudley* at or near *Griffin Bridge* at *Netherton*, and terminating in the said Parish of *Dudley* at another Part of the said *Netherton* Branch, at or near *Primrose Hill Bridge* at *Netherton* aforesaid:

Thirdly, a Canal from and out of the said *Netherton* Branch, commencing in the said Parish of *Dudley*, at or near a Stop-gate in the said *Netherton* Branch called *Netherton* Stop, and terminating in the said Parish of *Dudley* at another Part of the *Birmingham* Canal, called the *Level Pond*, at or near *Lime-kiln Bridge* near the *Woodside* Ironworks in *Netherton*.

Power to make and maintain Tunnels and other Works.

X. It shall be lawful for the Company, for the Purpose of executing the Works herein-before described, but not for any other Purpose, to make and maintain within the Lands described on the said Plans or mentioned in the said Books of Reference or any Correction thereof respectively, all necessary Tunnels, Gates, Quays, Locks, Weirs, Wharfs, Warehouses, Pipetracks, Sluices, Embankments, Aqueducts, Cuts

Cuts or Channels of Communication, Tanks, Culverts, Engines, Pumping Engines, Engine Houses, Mains, Pipes, Drains, Floodgates, Towing-paths, Lock-houses, Stations, and other Works and Conveniences for the effectual Construction, Use, and Maintenance of the said intended new Canals and Works, and to remove any existing Works which may interfere with the due Construction or Use thereof.

Power to cross, divert, &c. Roads, Highways, &c.

XI. It shall be lawful for the Company to cross, divert, break up, alter, or stop up, either temporarily or permanently, any Turnpike or other Roads, Highways, Footways, Tunnels, Bridges, Streets, Railways, Tramroads, Canals, Cuts, Rivers, Navigations, Streams, Brooks, Watercourses, Drains, Pipes, and Sewers, within such Lands, so far as may be necessary or desirable for the Purposes of the said intended new Canals and Works or any of them: Provided always, that in the Exercise of any of the Powers of this Act the Company shall do as little Damage as may be, and shall make full Satisfaction in manner provided by this Act to all Parties interested for all Damage by them sustained by reason of the Exercise of such Powers.

Limiting Deviation from Datum Line described in Sections, &c.

XII. In making the Canals and Works by this Act authorized the Company shall not deviate from the Levels thereof as referred to the common Datum Line described in the Sections approved of by Parliament, and as marked on the same, to any Extent exceeding in any Place Five Feet, or, in passing through a Town, Village, Street, or Land continuously built upon, Two Feet, without the previous Consent in Writing of the Owners and Occupiers of Land in which such Deviation is intended to be made, or in case any Street or public Highway shall be affected by such Deviation, then the same shall not be made without the like Consent of the Trustees or Commissioners having the Control of such Street or public Highway; or if there be no Trustees or Commissioners, without the like Consent of Two or more Justices of the Peace in Petty Sessions assembled for that Purpose, and acting for the County in which such Deviation is intended to be made: Provided always, that Notice of every Petty Session to be holden for the Purpose of obtaining such Consent as aforesaid shall, Fourteen Days previous to the holding of such Petty Sessions, be given in some or One of the Newspapers circulating in the County in which such Deviation is intended to be made.

Limits of lateral Deviation.

XIII. The Company, in the Construction of the Canals and Works by this Act authorized, may deviate from the Lines delineated on the Plans deposited as aforesaid to any Extent within the Limits of lateral Deviation in that Behalf delineated on those Plans; provided, that the Canals and Works by means of such Deviation be not made to extend into the Lands of any Person, whether Owner, Lessee, or Occupier, whose Name is not mentioned in the said Books of

Reference, without the previous Consent in Writing of such Person, unless the Name of such Person shall have been omitted by Mistake, and the Fact that such Omission proceeded from Mistake shall have been certified in manner herein provided.

Limiting Time for compulsory Purchase of Lands.

XIV. The Powers of the Company, under the Provisions of this Act, for the compulsory Purchase of Lands for the Purposes of this Act, shall not be exercised after the Expiration of Three Years after the passing of this Act.

Limiting Time for Completion of Works.

XV. Upon the Expiration of Five Years after the passing of this Act all the Powers by this Act granted to the Company for making the Canals and Works herein-before authorized, or otherwise in relation thereto, shall cease to be exercised, except as to such Parts of the same as shall then be completed.

Company to maintain the Dudley Canal Tunnel in working Order.

XVI. The Company shall and they are hereby expressly directed and required at all Times hereafter to keep and maintain the present *Dudley* Canal Tunnel and the Canal Approaches thereto, and the Waterway through the same and every Part thereof respectively, in good working Order and Condition, and preserve the Supplies of Water to the same, so that the said *Dudley* Canal Tunnel and the Canal Approaches thereto and every Part thereof may be at all Times, except during necessary Repairs, kept open and navigable for the Passage of Boats and Barges without any unnecessary Hinderance, Interruption, or Delay; and the Company shall at all Times after the opening for Traffic of the new Tunnel by this Act authorized maintain a Depth of Water through the entire Length of the said *Dudley* Canal Tunnel and Approaches of Four Feet at the least; and in case the Company shall not at all Times hereafter keep and maintain the said Canal, Tunnel, Waterway, and other Works in such Order and Condition, and preserve such Supplies of Water thereto as aforesaid, then and in every such Case it shall be lawful for the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations (herein-after called the Board of Trade), upon the Complaint of any Person using or desirous of using the said *Dudley* Canal Tunnel or the Canal Approaches thereto, to cause an Inquiry to be made into the State and Condition thereof, and of the Works belonging thereto respectively; and if upon any such Inquiry it shall appear that the said Canal, Tunnel, Approaches, and Works, or any Part thereof, are not in good working Order and Condition, and supplied in Water as aforesaid, the Board of Trade shall give Notice to the Company forthwith to put the said Canal Tunnel and Works in good working Order or Condition as aforesaid, and supply the same with Water as aforesaid; and if for Thirty Days after the giving of such Notice the Company fail to comply with the Requirements

ments thereof, it shall be lawful for the Board of Trade to authorize any Person requiring or using or desirous of using the said Canal Tunnel and Works to put the said Canal Tunnel and Works in good working Order and Condition as aforesaid, and the Expenses thereof shall be paid by the Company; and the Expenses of every such Inquiry shall be paid either (as the Board of Trade or any Officer appointed by them to make such Inquiry may direct) by the Company, or by the Person making such Complaint, if the Board of Trade or such Officer shall think the Complaint of such Person to be unreasonable, or by both of them, in the same or different Proportions, and in default of Payment may be sued for and recovered in any Court of competent Jurisdiction.

Land for extraordinary Purposes.

XVII. The Company may, in addition to the Lands authorized to be compulsorily taken by them under the Powers of this Act, contract with any Owner willing to sell the same for the Purchase of any Lands adjoining or near to any of the Canals by this Act authorized, not exceeding in the whole Ten Acres, for extraordinary Purposes; (that is to say,)

For the Purpose of making and providing Sidings, Turnouts, Yards, Wharfs, Staiths, and Places for receiving, depositing, and unloading Goods conveyed or to be conveyed upon any of the Canals or Tramways of the Company, and for the Erection of Weighing Machines, Toll Houses, Offices, Warehouses, and other Buildings and Conveniences:

For the Purpose of making convenient Approaches to any of the Canals or Tramways of the Company, or for any other Purpose which may be requisite or convenient for the Formation of any of the Canals or Tramways hereby authorized, or for the Use of any of the Canals or Tramways for the Time being of the Company.

Certain Provisions of 8 & 9 Vict. c. 20. incorporated.

XVIII. The Clauses of "The Railways Clauses Consolidation Act, 1845," with respect to the temporary Occupation of Lands near the Railway during the Construction thereof, and also the Clauses of that Act numbered 52, 53, 54, 55, 56, 57, and 58, relating to the Substitution of other Roads for Roads interfered with, and the Restoration of Roads interfered with, and also the Clauses thereof with respect to Mines under or near the Railway, and also Clause Number Twenty-seven of "The Waterworks Clauses Act, 1847," shall be incorporated with this Act, and shall extend and be applicable to the Canals and Works by this Act authorized; and in construing those Clauses in connexion with this Act the Expression "the Railway" and "the Waterworks" shall mean the Canals and Works by this Act authorized.

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Regulations as to Ascent of Bridges.

XIX. In all Places where the Line of the Canals by this Act authorized shall cross any Road, the Bridges shall be constructed of Iron, Brick, or Stone, and be for ever thereafter repaired and maintained by the Company of the full Width of the Road to be crossed, and the Ascent to every such Bridge, in the Case of Turnpike Roads, shall not be greater than One Foot in Thirty Feet, and in case of other Public or Occupation Roads shall not be greater than One Foot in Twenty Feet, and a good and sufficient Fence shall be made and at all Times thereafter continued and repaired by the Company on each Side of every such Bridge, which Fence shall not be less than Four Feet Six Inches above the Surface of the Road over such Bridge.

Repair of Roads approaching Bridges.

XX. Provided always, That after the Roads, whether Turnpike or Public or Occupation Roads, approaching to any Bridge or Bridges to be made over any Part of the Canals and Works by this Act authorized, shall have been first made and used for One Year, and then put in good and sufficient Repair by the Company, they shall not be liable to repair or amend any Part thereof beyond or further than the Extremity of the Wing Walls of any such Bridge or Bridges; but nothing herein contained shall be construed to exonerate the Company from the future Repairs of such Bridge or Bridges to the Extremity of and including the Wing Walls, Ramparts, Side Banks, and Fences thereof respectively.

Power to Owners of Mines, &c. and for Company, with Consent, to make Branch Canals and Tramways.

XXI. The Owner of any Mines, Minerals, Lands, or Works, or the Company at his Request, may from Time to Time, with such Consent as herein-after mentioned, make and maintain any Branch Canal or Tramway, with all necessary Wharfs, Works, and Conveniences, from such Mines, Minerals, Lands, and Works, to communicate with any of the Canals or Tramways of the Company now existing or authorized or hereafter to be made, so that nevertheless any such Branch Canal or Tramway shall not exceed Two thousand Yards in Length: Provided always, that no such Branch Canal or Tramway, Works or Conveniences, shall be made in or through any Lands without the Consent of the Owner and Occupier thereof, or across any Turnpike Road or public Highway, without the Consent of the Trustees, Surveyors, Boards of Surveyors, or other Persons having the Management or Control of such Turnpike Road or public Highway, and which Consent every such Owner, Trustee, Surveyor, Board of Surveyors, or other Person having such Management as aforesaid, is hereby empowered to give; and the Lands in or through which any such Branch Canal or Tramway, Works or Conveniences, are intended to be made shall, for the Purposes of this Enactment, be deemed Lands by this Act authorized to be purchased by Agreement for the Purposes of this Act: Provided always, that no such Consent of any such Surveyor shall have any Force or Effect until the same shall be approved

approved by Two Justices: Provided also, that every such Branch Canal shall be made so as not to divert any Stream or Water to which the Party making such Branch Canal is not entitled, without the Consent of the Person or Persons entitled to the Use of such Stream or Water, and so that any such Owner making any Branch Canal, if required by the Company, shall, to the Satisfaction of their Engineer, make and for ever thereafter repair and maintain all sufficient and effectual Stop-gates on such Branch Canal, in order to prevent the Water from being drained or wasted out of any of the Canals of the Company with which such Branch Canal is made to communicate.

Consent of Owners, &c. to be in Writing, and deposited with the Clerk of the Peace.

XXII. The Consent of every Owner of Lands through which any such Branch Canal or Tramway, Works or Conveniences, may be intended to be made, shall be in Writing under his Hand and Seal, and the Consent of the Trustees of any Turnpike Road across which any such Branch Canal or Tramway, Works or Conveniences, may be intended to be made, shall be in Writing under the Hands of any Three or more of such Trustees, and the Consent of the Surveyors of any public Highway so crossed shall be in Writing under their Hands and also the Hands of Two Justices, and the Consent of any Board of Surveyors, or other Persons having such Management as aforesaid, shall be in Writing under the Hands of any Three or more of such Board or other Persons, and every such Consent shall be deposited with the Clerk or Clerks of the Peace of the County or Counties in which such Branch Canal or Tramway, Works or Conveniences, may be intended to be made; and every Clerk of the Peace shall receive and keep the same, and permit Inspection thereof, and furnish Copies thereof, in such Manner, and subject to such Regulations and Penalties for Default, and on such Terms, as are provided by the Act of Seven *William* the Fourth and One *Victoria*, Chapter Eighty-three, with respect to Documents therein referred to.

But no Communications to be made with any other Canals or Tramways without Consent of the Company.

XXIII. Provided always, That the Owner of such Mines, Minerals, Lands, or Works shall not make any Branch Canal or Tramway in such Manner as to form a Junction or open a Communication directly or indirectly with any Canal or Tramway of the Company and any Canal, Tramway, or Railway of any other Company, without the Consent in Writing of the Company.

Provision as to Branch Canals and Tramways across Roads.

XXIV. Where in making any such Branch Canal or Tramway, Works or Conveniences, the same shall be carried under or across any Turnpike Road or public Highway, a proper and convenient temporary Road through the adjoining Lands for the Passage of Travellers and Carriages shall be first made; but no Boat shall be allowed to navigate along any such Branch Canal, and no Tramway

Carriage shall be allowed to pass along such Tramway, until a commodious Carriage Bridge shall have been made for carrying such Turnpike Road or public Highway over or under such Branch Canal or Tramway, Works or Conveniences, and all such Bridges when so made shall be kept in repair by the Owner for the Time being of the Branch Canal or Tramway, Works or Conveniences, in relation to which the same shall have been constructed.

Side Wharfs to be set back.

XXV. Provided always, That any Owner hereby authorized to make Branch Canals shall not make any Wharf on any Part of any Canal of the Company where there is a Towing-path on each Side, nor on the Towing-path Side of any other Part of any Canal of the Company, and in making any Side Wharf on the Line of any Canal of the Company, and on the Off-side of such Canal, shall set back the upright Wall of every such Side Wharf on a Line parallel with the Line of such Canal, and at least Eight Feet from the Top-water Level of such Canal, so that a Boat whilst lying at such Side Wharf shall be clear of the Passage of other Boats, and not in anywise narrow, impede, or obstruct the Navigation of such Canal.

Power to Purchase Branch Canals, &c. of Owners.

XXVI. The Company from Time to Time may purchase any Branch Canal or Tramway, Works or Conveniences, from the Owner thereof who may be willing and able to sell and convey the same to the Company.

Branch Canals and Tramways to be Part of Undertaking.

XXVII. Every Branch Canal or Tramway, Work or Convenience, purchased or made by the Company shall be vested in the Company as Part of the Undertaking of the Company to all Intents and Purposes.

Indemnification to the Company for Damage sustained by letting out of the Water in private Branch Canals.

XXVIII. If at any Time, by reason of the Insufficiency or giving way of the Banks of any Branch Canal to be made by any Owner, or of any of the Stop-gates or otherwise, the Water in such Branch Canal shall flow out of the same or over the Banks thereof, all Damage or Injury occasioned thereby shall be borne and made good by the Owner of such Branch Canal to the Person sustaining Damage or Injury, on Demand in Writing made by such Person upon such Owner.

Power to get Materials in case of sudden Damage.

XXIX. And whereas it may happen, from Floods or from some unexpected Accidents, that the Canals, Branch Canals, Aqueducts, Feeders, Water Tanks, Basins, Pens, Dams, Embankments, Weirs, Locks, Sluices, Floodgates, Tunnels, Banks, or other Works by this Act authorized, or some of them, may give way, or be damaged or destroyed, or the adjacent Lands flooded, damaged, or endangered, and that it may be necessary that the same should be immediately repaired or rebuilt to prevent further Damage: Therefore whenever

and

and as often as the same shall happen, the Company, their Deputies, Agents, Officers, Workmen, and Servants, from Time to Time may enter into any Lands adjoining or within Twenty Yards of any Part of those Canals or other Works, or any of them, (not being the Site of a Dwelling House, or an Orchard, Garden, Yard, Park, Paddock, planted Walk, Nursery for Trees, or Avenue to a Dwelling House,) and may dig for, get, work, take, carry away, and use all such Stones, Clay, Gravel, Soil, and other Materials as may be necessary or proper for the Purposes aforesaid, without the previous Consent of the Owner or Occupier of or other Person interested in such Lands or any of them, doing as little Damage thereto as the Nature of the Case will admit of, and making full Compensation to the Owner or Occupier of or other Person interested in such Lands, within the Space of Ten Days next after the same shall be demanded, for all Damages which may be done by means of digging for, getting, working, taking, carrying away, and using such Stones, Clay, Gravel, Soil, and other Materials, or any of them, which Damages, and the Compensation to be made in respect thereof, in every Case of Difference, shall be determined and recovered in the Manner provided by "The Lands Clauses Consolidation Act, 1845," in Cases of disputed Compensation; and the Company shall be liable to forfeit a Sum equal to Ten Pounds *per Centum* upon such Compensation for every Day during which they shall neglect to pay such Compensation after the same shall have been demanded, or, in case of Difference, shall have been determined as aforesaid, and such Penalty shall be recoverable in the same Manner and by the same Person as such Compensation.

Provision for Owners of Works taking Water out of the Canal to supply Engines, and returning it.

XXX. Any Person or Corporation who at the Time of the passing of this Act shall possess any Steam Engine situate within Two hundred Yards of the Canals by this Act authorized, and which shall be used for the Purposes of any Manufactories, or for any Corn Mills, Ironworks, Collieries, or other Works, and any Person or Corporation who shall now possess or may hereafter possess any Lands lying within that Distance of those Canals, and who may be disposed to erect any Fire or Steam Engine thereupon for carrying on Manufactories or for the Use of Corn Mills, may make a Communication, under the Direction of the Engineer for the Time being of the Company but not otherwise, between the Water of those Canals and such Engines as aforesaid, by means of any Metal Pipes of sufficient Strength or Thickness, and so constructed in every respect as to prevent any Leakage or Waste, and to draw from those Canals such Quantities of Water as shall be sufficient to supply such Engines: Provided always, that no such Pipe shall be laid in any Lands without the Consent in Writing of the Owner thereof: Provided also, that every Proprietor of any such Engine so erected or to be erected

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as aforesaid shall return to those Canals in every Day a Quantity of Water equal to that which he shall have drawn from them, reasonable Allowance being nevertheless made for unavoidable Evaporation, and shall return the same at the same Level or Pond from which the same shall have been drawn: Provided also, that the said Water so taken from those Canals shall only be applied to the working of such Engines, and to no other Use or Purpose whatsoever, and that every Person laying a Pipe into those Canals for the Purposes aforesaid shall be and is hereby required and obliged, at his own proper Costs and Charges, to make good the Banks of those Canals, and to repair all such Damages as may arise from the laying in of such Pipes, and shall do the same in such Manner and at such Times as shall not cause any Let, Hindrance, or Molestation to the Navigation upon those Canals, or to the Persons using the same or the Towing-paths thereof, and that in case the Water so drawn out of those Canals for the Purposes aforesaid shall not be returned into them as herein-before required, the Company may forthwith stop up such Communication, and recover from such Person, by Action in any Court of competent Jurisdiction, full Compensation for all Damage thereby sustained: Provided also, that any Person or Corporation shall not in consequence of this Act take any Water from those Canals for the Purposes aforesaid without giving Twenty Days previous Notice of such his or their Intention to the Committee of Management of the Company, in order that the Engineer of the Company may appoint a Person to inspect the Premises, and see that the Pipes are laid into the Banks in a proper Manner according to the true Intent and Meaning of this Act.

New Works to be Part of Undertaking of Company.

XXXI. The Canals and Works by this Act authorized shall be considered as Part of the Undertaking of the Company, and, subject to the Provisions of this Act, shall for all Purposes be treated and dealt with as if the same had originally been Part thereof.

Application of surplus Funds.

XXXII. The Company may apply to the Purposes of this Act any of the surplus Revenue Funds or Capital of the Company for the Time being which the Company are already authorized to raise, and which shall not be required for the Purposes of the recited Acts or any of them.

Power to raise additional Capital.

XXXIII. The Company may from Time to Time raise for the Purposes of this Act (in addition to the Sums of Money which they are already authorized to raise) any Sums not exceeding in the whole Two hundred and thirty-eight thousand three hundred Pounds by the Creation and Issue of new Shares of the same Amount *per* Share as the existing Shares in the Capital of the Company.

XXXIV. The

Issue of new Shares.

XXXIV. The Company, from Time to Time, with the Sanction of a Majority of at least Three Fifths of the Votes of the Shareholders present, personally or by Proxy, at a General Assembly of the Company specially convened for that Purpose, may create and issue those new Shares at such Rate or Price *per* Share, and on such Terms and Conditions, and in such Manner as the Company from Time to Time, with and subject to the Assent in Writing of the *London and North-western* Railway Company, such Assent being signified either under the Common Seal of the said Company, or under the Hands of the Chairman or Two Directors of the said Company, think fit, and may dispose of such new Shares either by public Tender, or in such other Manner as the Company from Time to Time, with and subject to such Assent of the *London and North-western* Railway Company as aforesaid, determine: Provided always, that it shall not be lawful for the Company to create or issue any such new Shares with any Preference or Priority in Payment of Dividend over any other Shares of the Company.

Dividends on new Shares.

XXXV. Unless otherwise ordered by any such General Assembly, every Person who becomes entitled to a new Share created and issued under this Act shall in respect of the same be a Shareholder in the Capital of the Company, and shall be entitled to a Dividend with the Holders of the existing Shares in proportion to the Amount from Time to Time paid up on such new Share.

New Shares to be subject to same Incidents as existing Shares.

XXXVI. Subject to the Provisions of this Act, the new Shares created and issued under this Act, and the Holders thereof, shall in all respects be entitled to the like Rights and Privileges, and be subject to the like Modes of Transfer, Powers, Provisions, Liabilities, and Incidents whatsoever, as the existing Shares and the Holders thereof in the present Capital of the Company are entitled or subject to under or by virtue of the recited Acts or any of them.

Certain Provisions of 8 & 9 Vict. c. 16. incorporated.

XXXVII. The Clauses of "The Companies Clauses Consolidation Act, 1845," with respect to the Payment of Subscriptions and the Means of enforcing the Payment of Calls, and with respect to the Forfeiture of Shares for Nonpayment of Calls, shall be incorporated with this Act, and shall extend and apply to the new Shares created and issued under this Act and the Holders of such new Shares respectively.

Guarantee of London and North-western Railway Company extended to Capital under this Act.

XXXVIII. The Guarantee by the *London and North-western* Railway Company of a minimum annual Dividend of Four Pounds in respect of every Share in the Share Capital of the Company, as provided by Section Fifteen and the other Provisions of "The *London and Birmingham* Railway and *Birmingham* Canal Arrangement Act,

Act, 1846," shall extend to and include every new Share for the Time being created and issued under this Act from and after the Time of the issuing thereof: Provided always, that such minimum guaranteed Dividend of Four Pounds shall, in case of any such new Share not fully paid up, be payable only in proportion to the Amount from Time to Time paid up on such new Share; and that the Provisions of Section Five of the said "*London and Birmingham* Railway and *Birmingham* Canal Arrangement Act, 1846," and the other Provisions of that Act relative to the Consent of the *London and Birmingham* Railway Company to the Reduction, Advance, or varying of Tolls on the Canal and Works therein referred to, shall be extended and considered applicable in favour of the *London and North-western* Railway Company to this Act and the Canals and Works to be made and the Tolls to be taken thereunder.

No Dividend above 4*l.* 10*s.* per Share until Part of Company's Debt equal to new Capital be paid off.

XXXIX. Subject to the Provisions of "The *Birmingham* Canal Navigations Act, 1854," for the Repayment of the Monies for the Time being borrowed and owing by the Company under or by virtue of that Act, the Company shall not make in any Year a Dividend to a greater Amount than Four Pounds Ten Shillings in respect of every Share in the Capital for the Time being of the Company, until a Part of the unallocated Debt of the Company equal in Amount to the total Monies raised by the Issue of Shares under the Authority of this Act shall have been fully repaid and satisfied, but such Repayment under this Act shall not commence until the total Amount of the Monies for the Time being borrowed and owing by the Company under and by virtue of the said "*Birmingham* Canal Navigations Act, 1854," have been fully repaid and satisfied.

No Shares to be raised under Birmingham Canal Act, 1854, without a certain Consent.

XL. No additional Shares in the Company shall be created under the Powers of "The *Birmingham* Canal Navigations Act, 1854," without the Consent of the *London and North-western* Railway Company under their Common Seal first had and obtained.

Tolls.

XLI. In addition to the gross Toll for Goods passing through the Tunnel herein-after mentioned, the maximum Tolls to be demanded and taken by the Company in respect of their Canals by this Act authorized, and their Branch Canals, Locks, Wharfs, and other Works, shall not exceed in Amount the Tolls following; (that is to say),

For all Lime and Limestone passing on any Part of the Canals by this Act authorized, the Mileage Toll of One Halfpenny *per* Ton *per* Mile:

For all Timber, Building Stone, Rock Stone, Bricks, Quarries, Tiles, Clay, Sand, Slates, Flints, Lead, Salt, Grain, Bones, Brimstone, Pearl Shell, Saltpetre, Palm Oil, Sugar, Resin, Tallow, Currants,

Currants, Rice, Raisins, Coffee, Tobacco, Butter, Cheese, Bacon, Foreign Fruits, Red and White Herrings, Wines, Spirits, Vinegar, Ale, Porter, Cider, Soap, Chemical Residuum of all Kinds, Seeds, Molasses, Flour, Colours, Oil, Tar, Pitch, Turpentine, Paper Rags, Hides, Hoofs, Ivory, Cordage, Sweepings, Canvas, Earthenware, Glass Goods, Cullet, Brass, Copper, and Spelter in Cakes and Sheets, Cement, Cotton, Silk and Wool manufactured Goods, Irish Linens and Flannels, Tutannia, Brass, Copper, japanned Tin and Zinc manufactured Goods, Anvils, Nails, Rivets, Braces, Pots, Kettles, Pans, Spades, Shovels, Vices, Axes, Hammers, Chains, Hoes, Hatchets, Swords, Scythes, Tips, Screws, Sad Irons, Currycombs, Hinges, Weights, Files, Fire Irons, Grates, Fenders, Frying-pans, Stoves, Gun-barrels, Gas Tubing, Scales, Weighing Machines, Blank Trays and Waiters, Umbrella Furniture, Iron Spoons, and Cutlery, passing on any Part of the Canals by this Act authorized, the Mileage Toll of One Penny *per* Ton *per* Mile:

And for all other Goods passing on any Part of the Canal by this Act authorized, the Mileage Toll of Three Halfpence *per* Ton *per* Mile:

For all Coal, Coke, Iron, Ironstone, Lime, Limestone, and other Goods which shall be carried or conveyed in either Direction along the whole or any Part of any of the Branch Canals or Tramways made or purchased by or vested in the Company under or by virtue of this Act, the Sum of Twopence *per* Ton:

For all Goods passing through any One or more of the Locks on the Canals by this Act authorized, between the *Netherton* Stop and the *Woodside* Iron Works, the Lockage Toll of One Penny *per* Ton:

For all Coke, Iron, Ironstone, Lime, Limestone, and other Goods which shall pass in either Direction through any Lock or any Number of Locks made or erected on any of the Branch Canals made or purchased by or vested in the Company under or by virtue of this Act, the Lockage Toll of One Penny *per* Ton:

For all Coal, Coke, Ironstone, Limestone, and other Minerals, the Wharfage Toll of One Penny *per* Ton:

And for all other Goods, the Wharfage Toll of Twopence *per* Ton:

For all Minerals remaining upon any Wharf Forty-eight Hours, an additional Wharfage Toll of One Farthing *per* Ton for every Fortnight or Part of a Fortnight; and for all other Goods remaining upon any Wharf beyond Forty-eight Hours, an additional Wharfage Toll of One Halfpenny *per* Ton for every Week or Part of a Week:

For all Goods weighed, the Weighing Toll of Twopence *per* Ton:

For the Use of any Crane, One Penny *per* Ton.

Toll for Passage through new Tunnel.

XLII. In addition to all other Tolls by this Act authorized to be demanded and taken, and to all Contract Tolls, the Company may demand and take, for all Goods of every Description which shall be carried or conveyed in either Direction through the intended Tunnel upon the said firstly herein-before described Canal, the gross Toll of Fourpence *per* Ton: Provided always, that when and so soon as the total Amount of such gross Toll of Fourpence *per* Ton received by the Company shall be equal to the total Amount of all Monies from Time to Time expended by the Company in making the said Canal first herein-before described and such intended Tunnel, and the Works and Conveniences connected therewith respectively, and of the Costs, Charges, and Expenses of and incident to the obtaining and passing of this Act, together with Interest after the Rate of Five Pounds *per Centum per Annum* as herein-after provided, such gross Toll of Fourpence *per* Ton shall cease to be demanded and taken by the Company.

Company to keep distinct Accounts of such gross Toll and of Expenditure on First Canal and Act.

XLIII. The Company shall, on or before the First Day of *March* in every Year, until the opening for public Traffic of such firstly herein-before described Canal, and in every Year thereafter during the Continuance of such gross Toll of Fourpence *per* Ton, make out a distinct and separate Account in Writing of all Monies from Time to Time received by or payable to them in respect of such gross Toll of Fourpence *per* Ton, and of all Monies and Liabilities from Time to Time expended or incurred by them in respect of the making of such first herein-before described Canal and such intended Tunnel, and the Works and Conveniences connected therewith respectively, and of all Costs, Charges, and Expenses of and incident to the obtaining and passing of this Act; and every such Account shall contain a full and clear Statement of all such Receipts, Credits, Payments, and Liabilities for the Year ending on the Thirty-first Day of *December* preceding; and if the Company fail to make out and keep such distinct and separate annual Account, they shall be liable to a Penalty not exceeding Fifty Pounds.

Interest to be charged on Balances.

XLIV. In every such Account Interest after the Rate of Five Pounds *per Centum per Annum* shall be charged on all Monies appearing therein as expended by the Company from the respective Times of the Expenditure thereof up to the said Thirty-first Day of *December*; and the Balance of every such Account, until the Company shall have been so reimbursed as aforesaid, shall be carried to the Credit of the Company in the next following Account, and Interest after the Rate aforesaid shall be charged on such Balance in such last-mentioned Account for the Year included therein.

Inspection of such Accounts.

XLV. All such yearly Accounts shall be open at the principal Office for the Time being of the Company, at all reasonable Times of the

the Day, to the Inspection, without Fee or Reward, of any Person who may apply to make such Inspection, and any Person shall, at his own Expense, be entitled to have Copies thereof or Extracts therefrom, and if any Clerk of the Company having the Custody of any such Accounts shall on any reasonable Demand refuse to permit such Person to inspect the same or any of them, or to furnish within a reasonable Time and at a reasonable Charge any Copy thereof or Extract therefrom, the Company shall for every such Offence be liable to a Penalty of Five Pounds.

Such Accounts to be audited once a Year.

XLVI. Such distinct and separate Account of the Company so required to be kept as aforesaid shall once in each Year be examined and audited by the Chairman of the Quarter Sessions for the County of *Stafford* for the Time being, or by some Person appointed by him, who shall certify the same in Writing, and the Certificate signed by the said Chairman or Person so appointed shall be thereupon published by the Company in some or One Newspaper circulated in the Counties of *Stafford* and *Worcester* respectively: Provided always, that Seven Days Notice of the Time and Place of such intended Audit shall be given by the Company in some or One of the Newspapers circulated in such Counties.

Sinking Fund to pay off Tunnel Debt.

XLVII. The Company shall yearly and every Year after the opening of the intended Tunnel upon the said firstly herein-before described Canal, until a Part of the unallocated Debt of the Company equal in Amount to the total Monies raised by the Issue of Shares under the Authority of this Act shall have been fully repaid and satisfied, set apart out of the net Income or Revenue of their Undertaking a Sum equal to the Amount of Fourpence *per* Ton, calculated on all Goods of every Description which shall be carried or conveyed in the same Year in either Direction through the said intended Tunnel, or so much of such Sum as shall remain after Payment of the guaranteed Dividend of Four Pounds *per* Share on the Shares of the Company, the said Toll of Fourpence *per* Ton being charged on all Goods so carried or conveyed through the said intended Tunnel as aforesaid; and the Amounts so set apart shall from Time to Time form a Sinking Fund to be applied in paying off from Time to Time such Part of the unallocated Debt of the Company as aforesaid, and the Company shall from Time to Time cause such Sinking Fund to be invested in Government or other Securities, and to be increased by Accumulation in the way of Compound Interest or otherwise until the same shall be of sufficient Amount to pay off such Part of the unallocated Debt of the Company, or some Portion thereof, at which Time the same shall be applied in Payment thereof; provided, that it shall be lawful for the *London and North-western* Railway Company from Time to Time in any Year, by Writing under their Common Seal, to release the Company, either wholly or in part, from

the Obligation hereby imposed upon them of forming or adding to the said Sinking Fund, or from any of the Provisions relating thereto.

Provision for ascertaining Weight.

XLVIII. For the better ascertaining of the Weight of all Goods, Matters, or Things to be charged with the Payment of the several Tolls by this Act authorized to be demanded and taken, and the Contents and Burdens of the Boats and Carriages, One hundred and twenty Pounds Avoirdupois shall for the Purposes of this Act be deemed One hundred Pounds Weight, and in all Cases Twenty such Hundredweight shall for the Purposes of this Act be deemed a Ton.

Provisions for fractional Parts of Tons and Miles.

XLIX. In all Cases where there shall be a Fraction of a Ton the Company may demand and take a Proportion of the Toll payable by virtue of this Act for such Fraction according to the actual Weight; but in all Cases where there shall be a Fraction of a Mile the Company may demand and take for such Fraction the Toll for so many Sixteenths of a Mile as shall be contained in such Fraction; and if there be a Fraction of a Sixteenth of a Mile, the same shall be considered as a Sixteenth of a Mile.

Power to reduce or advance Tolls.

L. Inasmuch as it is expedient that the Company should be enabled to vary the Tolls to be taken on the Canals, Tramways, and Works by this Act authorized, so as to accommodate them to the Circumstances of the Traffic, but that such Power of varying should not be used for the Purpose of collusively and unfairly creating a Monopoly either in the Hands of the Company or of particular Parties: Therefore from Time to Time the Company may lessen or reduce all or any of the Tolls by this Act authorized to be demanded and taken, either on the whole or upon any particular Portion of any of the Canals, Tramways, and Works by this Act authorized, for or in respect of any Goods whatsoever or any particular Description of Goods, according to local Circumstances or the Quantity of Traffic, or otherwise, as they shall think fit; and afterwards from Time to Time may again raise or advance the same or any of them, so that the same may not at any Time exceed the respective Sums by this Act authorized to be demanded and taken.

Notice of Reduction, &c. to be advertised.

LI. Previously to any such Reduction or Advance being carried into effect, the Company shall give at least One Calendar Month's Notice thereof in some or One of the Newspapers circulating in the Counties of *Stafford* and *Worcester* respectively.

Tolls to be charged equally.

LII. All Tolls for the Use of any Canals, Tramways, or Works authorized by this Act shall be at all Times charged equally to all Persons, and after the same Rate, whether *per* Mile, or *per* Ton *per* Mile, or otherwise, in respect of all Boats or Carriages of a like Description

Description passing along or using the same Portion of those Canals, Tramways, or Works, and upon all Goods of a like Description conveyed or propelled in a like Boat or Carriage passing along or using the same Portion of those Canals, Tramways, or Works under the like Circumstances; and no Reduction or Advance in any Tolls by this Act authorized to be demanded and taken shall be made either directly or indirectly in favour of or against any particular Company or Person passing along or using the same Portion of those Canals, Tramways, or Works.

Certain Tolls not to be affected.

LIII. This Act or anything therein contained shall not compel or be construed to compel the Company, unless they think fit, to reduce or advance (as the Case may be) all or any of the Tolls in gross by this Act authorized to be demanded and taken: Provided always, that if the Company shall at any Time by virtue of this Act reduce or advance any Toll in gross, such Reduction or Advance shall be made equally upon all Goods of the same Description in respect whereof such Toll in gross is by this Act authorized to be demanded and taken.

Certain Contract Tolls extended to Canals by this Act authorized.

LIV. For the Purposes of Sections Thirty-seven, Thirty-eight, and Thirty-nine respectively of "The *Birmingham* and *Dudley* Canals Consolidation Act, 1846," and of this Act, with respect to gross Tolls and Tolls by Contract respectively for Coal, Ironstone, Coke, Slack, Furnace Cinders, and Scoria to be *bonâ fide* used or consumed exclusively at any Furnace or other Work near to existing Canals of the Company, and with respect to present and future Contracts in relation to such Contract Tolls, the Canals by this Act authorized shall be deemed Part of the Canals vested in the Company by "The *Birmingham* and *Dudley* Canals Consolidation Act, 1846."

Contracts to be made impartially.

LV. Provided always, That in all such Contracts to be made under the Powers of the recited Acts and of this Act, or of any of them, the Rate *per* Ton shall be the same for the same Articles; and all such Contracts shall be subject to the same or corresponding Provisions for securing Equality of Treatment, and for the Recovery of Sums payable under such Contracts, and to such other Provisions in all respects as are contained in the first-recited Act in reference to Contracts of the like Nature with the Proprietor or Occupier of any Furnace, Forge, Mill, or other Work within the Limits in that Act mentioned.

Recovery of Tolls.

LVI. All Tolls becoming due to and for the Benefit of the Company by virtue of this Act shall be paid to such Persons at such Places near to the Canals, Tramways, or Works for the Time being of the Company, or some of them, in such Manner and under such Regulations

Regulations as the Company shall in that Behalf from Time to Time appoint; and in case of Refusal or Neglect of Payment of such Tolls or any Part thereof, or any Arrears thereof, on Demand, to the Persons appointed by the Company to receive the same, the Company may sue for the same by Action in any Court of competent Jurisdiction, or the Persons to whom such Tolls ought to be or to have been paid, may seize and distrain the Goods for and in respect of which such Tolls and Arrears respectively ought to be paid, or any Part thereof, and the Boat or Carriage laden therewith, such Goods and Boat or Carriage respectively being upon the Canals, Wharfs, Tramways, or other Premises of the Company or some Part thereof; and also with respect to any such Tolls and Arrears respectively, may seize and distrain any other Goods upon any Wharf or in any Warehouse of the Company for any Tolls or Arrears of Tolls due and payable to the Company, provided such last-mentioned Goods shall belong for the Time being to the Party from whom such Tolls or Arrears shall be due; and in any of the Cases aforesaid may detain such Goods, or Boat or Carriage, as the Case may be, until Payment of the Amount of all Tolls and Arrears respectively for which such Seizure and Distress are herein-before authorized as aforesaid, together with reasonable Charges for such Seizure and Distress; and if such Goods or Boat or Carriage shall not be redeemed within Five Days after the taking thereof, the same shall be appraised and sold as the Law directs in Cases of Distress for Rent.

Table of Tolls to be set up.

LVII. Tables of the Tolls which shall or may from Time to Time be payable or demandable by virtue of this Act, painted or printed in legible Characters, shall be affixed and continued at the Places where such Tolls shall be respectively payable, and shall be renewed as often as the Tolls shall be altered, and the Company shall not demand or take any such Tolls but for and during such Times as such Tables thereof respectively shall remain so affixed as aforesaid: Provided always, that if at any Time such Tables or any of them shall be removed, defaced, or obliterated, (except by the wilful Act or Neglect of the Company,) they may demand and take the same Tolls as shall be so payable or demandable in the same Manner as if such Tables had remained affixed, undefaced, and unobliterated; provided also, that the Company, when and as often as such Tables shall be removed, defaced, or obliterated, shall within Twenty-one Days next following replace and renew or repair the same, as the Case may require.

Penalty for defacing Tables.

LVIII. If any Person wilfully or maliciously pull down, destroy, obliterate, or deface, or without the Consent of the Company or their Agent first obtained remove or alter any such Table so painted or printed as aforesaid, or any Part thereof, or any Number, Letter, Figure,

Figure, or Mark thereon, every Person so offending shall for every such Offence forfeit and pay to the Company any Sum not exceeding Five Pounds.

Masters of Boats and Carriages to give to Collectors an Account in Writing of the Goods thereon.

LIX. The Master, Owner, or other Person having the Care of any Boat passing on the Canals of any Company, or any Part thereof, or of any Carriage passing on any of the Tramways of the Company, or any Part thereof, shall give a just Account in Writing, signed by him or by the Owner of such Boat or Carriage, or his Agent, to the Toll Collectors or other Officers or Persons appointed by the Company to receive such Tolls, or to require such Accounts at the Places where they shall attend for that Purpose of the several Qualities, Quantities, and Weights of the Goods which shall be in or about such Boat or Carriage, and of the Place from whence the same shall be brought upon those Canals or Tramways, and whether and at what Place (if any) the same are intended to be unloaded or landed upon the Line of those Canals or Tramways, or the Works or Premises thereof respectively; and also the Qualities, Quantities, and Weights of such Goods as shall have been discharged from or taken out of any Boat or Carriage after it shall have entered any Part of those Canals or upon any Part of those Tramways, and before its Arrival at the Place where such Account is to be given; and if the Goods contained in or previously discharged from such Boat or Carriage shall be liable to the Payment of different Tolls, then such Master, Owner, or other Person shall specify in Writing the Quantities liable to the Payment of each of such Tolls; and in case any such Master, Owner, or other Person shall neglect or refuse to give such Account to any such Collector (if demanded) or shall give a false Account, or shall give a false or fraudulent Description of the Owner of any such Boat, Carriage, or Goods, or of the Person liable to the Tolls for such Boat, Carriage, or Goods, every Person so offending shall for every such Offence forfeit and pay to the Company any Sum not exceeding the Sum of Twenty Shillings for every Ton of Goods which shall be in such Boat or Carriage over and above the respective Tolls payable for the same.

Penalty for fraudulently unloading Goods to avoid Payment of Tolls.

LX. If the Master, Owner, or other Person having the Care of any Boat or Carriage upon the Canals or Tramways of the Company, or any Part thereof respectively, with Intent to avoid the Payment of the Tolls due and payable to the Company, unload or take into any Boat or Carriage any Goods whatsoever liable to pay any of the Tolls due and payable to the Company by virtue of the recited Acts or any of them, or of this Act, at any other Place than at the public or private Wharfs or Quays, or loading or discharging Places, upon or belonging to those Canals or Tramways, without having first obtained a Consent in Writing for that Purpose from the Committee

of the Company or some or One of the Agents or Toll Collectors of the Company authorized for that Purpose, or if any Person shall do any other Act with Intent to evade the Payment of any such Tolls, then and in every such Case every Person so offending shall for every such Offence forfeit and pay to the Company any Sum not exceeding Five Pounds.

Penalty for evading Payment of full Toll.

LXI. If any Person fraudulently carry or convey any Goods on the Canals or Tramways of the Company, or any Part thereof respectively, on Payment of a lower Toll than that to which such Goods shall be subject or liable, he shall for every such Offence forfeit and pay to the Company any Sum not exceeding Five Pounds over and above the Toll to which such Goods shall be liable.

Power in Cases of Difference for Collectors to weigh or measure Boats.

LXII. If any Difference arise between any Toll Collector and the Owner or Person having the Charge of any Boat or Goods concerning the Weight or Quantity of such Goods, and the same cannot be settled without unloading such Boat, and weighing, measuring, or gauging such Goods, the Company or such Collector may charge the Weight of such Goods by and according to the Weight thereof declared by the Gauge of such Boat or the graduated Index thereon.

For settling Disputes as to Amount of Tolls.

LXIII. If any Dispute arise concerning the Amount of any Toll due to the Company, or concerning any Penalty, or concerning the Charges occasioned by any Detention or Sale under the Provisions of this and the recited Acts, or any of them, the same shall from Time to Time be determined by a Justice, upon Application made to him for that Purpose, and the Company may in the meanwhile detain any Goods, Boat, or Carriage seized by them, or (if the Case so require) the Proceeds of the Sale thereof; and such Justice may assess and award such Costs to be paid by either of the Parties as he shall think just, and in case of Nonpayment thereof on Demand such Costs shall be levied by Distress and Sale of the Goods of the party liable to pay the same, by Warrant under the Hand and Seal of the Justice.

Penalty on Collectors misbehaving.

LXIV. Every Toll Collector of the Company shall place his Christian Name and Surname, painted or printed on a Board in legible Characters, in the Front or in some other conspicuous Part of the Stop Gate or Toll House immediately on his coming on Duty, each of the Letters of such Christian Name and Surname to be at least Three Inches in Length, and of a Breadth in proportion, and painted or printed either in White Letters on a Black Ground, or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be on Duty; and if any such Toll Collector shall not place such Board as aforesaid, and keep the same there during the Time he shall be on Duty, or shall demand or take

take a greater or less Toll from any Person than he shall be authorized to do by virtue of this Act, or of the Orders and Resolutions of the Company made in pursuance thereof, or shall demand or take a Toll from any Person who shall be exempt from the Payment thereof, and claim such Exemption, or shall not permit any Person to read or shall in anywise hinder any Person from reading the Inscriptions on the Board to be affixed and placed as aforesaid, or shall refuse to tell his Christian Name or Surname to any Person demanding the same, or having paid the said Tolls or any of them, or shall in answer to such Demand give a false Name or Names, or upon the legal Tolls being paid or tendered shall unnecessarily detain or wilfully obstruct, hinder, or prevent any Boat or Carriage from passing along the Canals or Tramways by this Act authorized or vested in the Company, or any of them, or shall use any scurrilous or abusive Language to any Treasurer, Clerk, Engineer, or other Officer of the Company, or to any Owner or Master of any Boat or Carriage or other Person having the Care thereof, then and in every such Case every such Toll Collector shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

If Toll Collector refuse to deliver up Possession of Toll Houses, &c., Justice may enforce the same.

LXV. If any Toll Collector, Lock Keeper, Store Keeper, or any other Person in the Service or Employment of the Company who shall be discharged or suspended from his Office, or if the Wife, Widow, or any of the Family or Representatives of any Toll Collector, Lock Keeper, Store Keeper, or other Person in the Service of the Company who shall be so discharged or suspended, or who shall die, abscond, or absent himself, shall refuse or neglect after Seven Days Notice in Writing for that Purpose to deliver up to the Company, or to any Person appointed by them for that Purpose, any Toll House, Store House, Dwelling House, Office, or other Building, with its Appurtenances, or any Books, Papers, or other Matters belonging to the Company in the Possession or Custody of such Person at the Occurrence of any such Event as aforesaid, in right of his Appointment or Situation in the Service of the Company, then upon Application being made by the Company to any Justice, such Justice may order any Constable with proper Assistance to enter upon any such Toll House, Store House, Dwelling House, Office, or other Building, and to remove any Person found therein, and to take possession thereof, and of any such Books, Papers, or other Matters as aforesaid, and to deliver the same to the Company or any Person appointed by them.

Penalty on causing Obstructions at the Company's Wharfs or

LXVI. If at any Time any Goods be placed, landed, or deposited on any public Wharf or the Loading or Unloading Place of any Tramway of the Company adjoining or near to the Canals, Tramways, and Works of the Company, or vested in the Company, or any Part thereof,

receiving Places.

thereof, in such Manner as to impede or obstruct the Passage to or from the Landing Place on such Wharf, or to or from such Loading or Unloading Place, or in any Manner to obstruct or block up the Passage to or from any Crane of the Company, then and in every such Case, and so often as the same shall happen, the Owner or Carrier of such Goods or other Person having the Care of the same shall for every such Offence forfeit and pay to the Company any Sum not exceeding Five Pounds; and in case the whole of such Goods by which any Wharf, Loading or Unloading Place, or Crane of the Company may at any Time be obstructed, impeded, or blocked up as aforesaid, shall not be removed or taken away within the Space of Six Hours from the Time when Complaint shall have been made of the same by any Agent of the Company to the Owner or Carrier thereof or Person having charge of the same, the Company may cause the same to be removed or taken away, and may charge the Expense of the Removal thereof to the Owner or Carrier or other Person having Charge of the same, and may impound such Goods in such Place as the Company shall think proper, until such Expense, together with the Penalty for causing such Impediment or Obstruction, and all Tolls or other Charges due thereon to the Company, shall have been fully paid and discharged.

Penalty on Persons refusing, &c. to remove Goods from Wharfs or receiving Places.

LXVII. If the Owner or Carrier or other Person having charge of any Goods which shall be deposited or lying on any such public Wharf or Loading or Unloading Place shall not within the Space of Seven Days after Notice in Writing requiring the Removal thereof, and signed by the Clerk or other Agent or Officer of the Company, shall have been given to such Owner, Carrier, or other Person or any of them, or left at his usual or last known Place of Abode, remove and carry away such Goods from such Wharf or Loading or Unloading Place, then and in every such Case, and so often as the same shall happen, every such Person so offending shall for every such Offence forfeit and pay to the Company any Sum not exceeding Five Pounds; and the Company at any Time after the Expiration of such Seven Days may cause such Goods to be removed or taken away, and may charge the Expense of the Removal to the Owner, Carrier, or other Person having charge thereof, and may impound such Goods in such Place as the Company shall think proper until such Expense, together with the Penalty and all Tolls or other Charges due to the Company thereon, shall have been fully paid and discharged.

Further Powers as to Wharfs, &c.

LXVIII. The Company from Time to Time may lay out, fix, and determine the Carriage and other Ways on those Wharfs, Loading and Unloading Places, and the Passages to and from the Landing Places on such Wharfs, and to and from such Loading and Unloading Places, and

and may limit and determine the Extent of Ground adjoining the several Landing or Loading or Unloading Places of the Canals and Tramways of the Company which, for the Convenience of Business, shall be at all Times kept clear and unobstructed, and may determine as well the particular Traders as the Number of Traders who shall be allowed to use the several Landing or Loading or Unloading Places; and also, either with or without Indenture, may lease any of the Ground of those Wharfs and Places to be used as Places of Deposit for any Articles or Commodities which shall be landed, loaded, or unloaded thereat, or which may be intended to be conveyed along any of the Canals or Tramways of the Company.

Provision for the Construction of Boats.

LXIX. No Boat shall pass a Lock or be navigated upon any Part of the Canals by this Act authorized which shall have a square Head or Stern or Projection at the Side or Bottom thereof, or be constructed in any respect so as to injure or tend to injure the Locks, Bridges, Masonry, Banks, Lining, Puddling, or other Works of those Canals without the previous special Permission of the Committee of the Company or their Clerk for that Purpose duly authorized; and the Company, their Servants or Agents, may from Time to Time stop any such Boat, and prevent it from passing any Lock or navigating those Canals or any Part thereof.

Certain Boats not to pass Locks without Leave.

LXX. No Boat of less than Seventy Feet in Length or more than Seven Feet in Breadth, nor any Boat laden with less Burthen than Fifteen Tons, shall pass through any Lock of the Company or in which the Company may be interested, without the previous Consent in Writing of the Committee of the Company, or of the principal Agent of the Company for the Time being, unless such Boat being of the Length aforesaid shall be returning after having delivered its Lading or be going to be laden.

Owners to put their Names on Outside of Boats, and Boats to be gauged, weighed, and indexed.

LXXI. The Owner of every Boat navigating any Part of any of the Canals by this Act authorized shall cause his Name and the Number of his Boat to be painted or affixed in large Capital Letters and Figures, Two Inches high at the least and of a proportionate Breadth, on some conspicuous Part of the Outside of such Boat, so as to be always open to view; and every Owner, Master, or Person having the Care, Charge, or Management of any Boat passing upon any Part of those Canals shall, upon Demand, permit every such Boat, when not laden, to be gauged, weighed, or measured, at the Expense of the Company, whenever required by them or any Person appointed for that Purpose, at such Place on those Canals or Works of the Company as they shall appoint; and the Person so appointed shall from Time to Time enter in a Book kept for that Purpose the Particulars of the Measurement and Weight thereof, and shall at the Expense of

the Company affix on such Boat an Iron or other Metal Plate, containing the Gauge Number thereof; and every Owner or other Person having the Care of any Boat, who shall conduct the same along any Part of those Canals without having such Name and Figures thereon as aforesaid, or who shall alter, erase, or deface the same, or shall paint or affix thereon any false Name or Figure, or who shall remove, deface, or destroy such Plate or Number, or shall fix any false Plate thereon, or shall do or permit any other Act whereby the Plate or Gauge Number of such Boat shall be altered without previous Notice given thereof to the Company, or who shall refuse to permit the same to be gauged, measured, or weighed, shall for every such Offence forfeit and pay to the Company any Sum not exceeding Five Pounds; and the Company, or any Agent, Lock Keeper, or Servant of the Company, may prevent any Boat that shall not be so marked as aforesaid from passing any Lock on those Canals or being navigated upon any Part thereof.

Owners of Boats and Carriages to be accountable for Damage done by their Servants.

LXXII. The Owner of every Boat navigating any Part of any of the Canals by this Act authorized, or of any Carriage passing on any Part of the Tramways of the Company, shall be answerable for any Trespass, Damage, Spoil, or Mischief that shall be done by his Boat or Carriage, or by any Horse, Mule, or other Cattle drawing the same respectively, or by any Person belonging to or employed in or about the same respectively to those Canals or Tramways, or to the Reservoirs, Locks, Bridges, Engines, or other Works or Conveniences belonging thereto respectively, or by the landing, loading, or unloading of any Boat or Carriage, or by any Means whatsoever, and for any Trespass or Damage which may be done to the Owners of any Lands adjoining or lying near these Canals, Tramways, or other Works, or any other Trespass whatsoever; and the Owner of such Boat or Carriage shall for every such Damage, upon Conviction of such Person before Two Justices, forfeit and pay to the Person injured the Damages ascertained by such Justices, such Damages not to exceed in any Case the Sum of Twenty Pounds, and shall over and above such Damages and Costs forfeit and pay to the Informer any Sum not exceeding Forty Shillings, or if the Damages shall exceed the Sum of Twenty Pounds, then and in such Case the Owner of such Boat or Carriage may be sued for the same in any Court of competent Jurisdiction.

Regulations for Boats passing the Locks.

LXXIII. Every Boatman or other Person employed in navigating any Boat upon any Part of any of the Canals by this Act authorized through any Lock made thereon, shall, in going down the same from a higher to a lower Level, carefully shut the lower Gates of every such Lock, and the Paddles, Cloughs, and Sluices thereunto belonging, before he shall draw the Paddles, Cloughs, or Sluices of the upper

upper Gates thereof, and after he shall have brought his Boat into such Locks shall shut the upper Gates, and the Paddles, Cloughs, or Sluices thereof, before he shall draw the Paddles, Cloughs, or Sluices of the lower Gates thereof; and in going up any of those Canals from a lower to a higher Level, such Boatman or other Person shall first guide his Boat into the Lock, and carefully shut the lower Gates thereof, and the Paddles, Cloughs, or Sluices thereto belonging, before he shall draw the Paddles, Cloughs, or Sluices of the upper Gates thereof, and as soon as he shall have passed with his Boat out of the Lock such Boatman or other Person shall securely shut the upper Gate thereof, and the Paddles, Cloughs, or Sluices thereto belonging; and at all Times a Boat going up any of those Canals, if within Sight of any Boat coming down, and at a Distance not exceeding One hundred Yards below a Lock, shall, if such Lock be empty, pass through the same before the Boat coming down, and then the Boat above such Lock shall come down; but in case such Lock shall be full, then the Boat coming down shall pass through the same before the Boat going up, and then the Boat below such Lock shall go up; and if there shall be more Boats than One below and above any Lock at the same Time within the Distance aforesaid (which Distance shall be distinguished by a Post-mark to be set up or made for that Purpose), such Boats shall go up and come down such Lock by Turns as aforesaid, until all the said Boats going up and coming down shall have passed, by which Means One Lock full of Water may serve Two Vessels; and if any Boatman or other Person shall act contrary to this Enactment, the Person so offending, as also the Master or other Person having the Care of such Boat, shall for every such Offence forfeit and pay to the Company any Sum not exceeding Forty Shillings: Provided always, that the Company may from Time to Time authorize and permit any Boat of the Description usually called Flyboats, carrying light Goods, to pass any Lock of the Company before a Boat laden with Coals, Timber, Stones, Lead, or other heavy Goods, so as such Flyboat be within One hundred Yards of the Lock at which such Preference is given.

Penalty for wasting Water or injuring Lock Gates.

LXXIV. If any Person wantonly or unnecessarily open or cause to be opened any Lock, Paddle, Valve, Sluice, or Clough belonging to any Part of any of the Canals by this Act authorized, or suffer any Boat to strike or run against any of the Bridges or Locks thereof, or flush or draw off the Water from any Part of those Canals, or any Reservoir, Watercourse, Trench, or Feeder belonging thereto, or otherwise misspend or waste such Water, every Person so offending shall for every such Offence forfeit and pay to the Company any Sum not exceeding Five Pounds.

LXXV. If

Penalty for Damage, &c. to Works.

LXXV. If any Person wilfully, maliciously, and to the Prejudice of the Navigation of any of the Canals by this Act authorized, or of the free Passage along any of the Tramways of the Company, break, throw down, damage, or destroy any Reservoir, Aqueduct, Feeder, Bridge, Bank, Rail, Lock, or other Works of the Company, or do any other Hurt or Mischief to, or obstruct, hinder, or prevent the carrying on, completing, supporting, and maintaining of those Canals, Tramways, and Works, or any of them, every Person so offending, upon Conviction before Two Justices, shall for every such Offence forfeit and pay to the Company the Value of the Damage done, together with the Costs, Charges, and Expenses of such Conviction, to be ascertained and settled by such Justices.

Penalty for not removing Boats and Carriages obstructing Navigation or free Passage of Canal.

LXXVI. If any Boat be placed in any Part of the Canal by this Act authorized, or any Carriage on any Part of the Tramways of the Company, so as to obstruct the Navigation or free Passage thereof, and the Person having the Care of such Boat or Carriage wrongfully refuse or neglect, upon Request made for that Purpose, to remove the same within a reasonable Time, he shall for every such Offence forfeit and pay to the Company any Sum not exceeding Ten Shillings for every Hour during which such Obstruction shall continue, and the Agents or Servants of the Company may cause any such Boat or Carriage to be unloaded if necessary, and to be removed in such Manner as shall be proper for preventing such Obstruction, and may seize and detain such Boat or Carriage and the Lading thereof respectively, or any Part of such Lading, until Payment of the Charges occasioned by such unloading and Removal, and if any Boat be sunk in any Part of those Canals, and the Person being the Owner or having the Care of such Boat do not, without Loss of Time, weigh or draw up the same, the Agents or Servants of the Company may cause such Boat to be weighed or drawn up, and may detain and keep the same until Payment of all Expenses necessarily occasioned thereby.

Penalty for obstructing Canals and Tramways, or for trespassing on adjoining Lands of the Company.

LXXVII. If any Person suffer the lading of any Boat or Carriage passing or being in or upon any Part of the Canals by this Act authorized, or of any of the Tramways of the Company, to lie over the Sides thereof, so as to obstruct the Passage of any other Boat or Carriage, or to do any Damage thereto, or to any of the Works of the Company, or load or unload any Goods in or over any of the Locks of the Company, or navigate or cause to be navigated any Boat through or upon any Part of those Canals without a Rudder to steer or guide the same, or without a skilful Person on board to steer and manage such Boat, and another Person to attend to the Horses, Mules, or other Cattle drawing the same, or float any Timber in or upon any Part of those Canals, or use any of the Tramways of the Company

Company without a sufficient Number of competent or skilful Persons in charge of the Carriage or Carriages by him used or employed thereon, or wilfully commit any Trespass on any of the Lands of the Company with or without his Horses, Mules, or other Cattle, or wilfully obstruct or prevent any Person in the Execution of this Act, every Person so offending shall for every such Offence forfeit and pay to the Company any Sum not exceeding Five Pounds.

Penalty for Boats stopping at improper Places and Times.

LXXVIII. If the Master, Owner, or other Person having the Care of any Boat shall (unless compelled by some inevitable Accident or other reasonable Cause) permit or suffer such Boat to lie or be moored in the Night in any Part of the Canals of the Company, other than at some Wharf or Quay or in some Basin or Place appointed for that Purpose by the Company, he shall upon Conviction forfeit and pay to the Company for every such Offence any Sum not exceeding Forty Shillings.

Penalty for overloading Boats and Carriages.

LXXIX. If any Person having the Care of any Boat or Carriage passing or being upon any Part of the Canals by this Act authorized or any Part of the Tramways of the Company, which shall be so overloaded as to obstruct the Passage of any other Boat or Carriage, do not immediately upon the Requisition of any Officer of the Company remove the same Boat or Carriage, or the excessive Load thereof respectively, so as to make a free Passage for other Boats or Carriages to pass along those Canals or Tramways, every Person so offending shall for every such Offence forfeit and pay to the Company any Sum not exceeding Five Pounds.

Penalty for throwing Rubbish into Canal.

LXXX. If any Person throw any Gravel, Dirt, Rubbish, Stones, dead Animal, or other Nuisance into any Part of the Canals by this Act authorized, or drown any Animal therein, he shall for every such Offence forfeit and pay to the Company any Sum not exceeding Forty Shillings.

Penalty for laying Rubbish, &c. on Towing-path and Tramways.

LXXXI. If any Person, without the Consent of an authorized Officer of the Company, throw, cast, or lay upon any Bank or Towing-path belonging to any Part of the Canals by this Act authorized, or on any of the Tramways of the Company, any Stones, Manure, Dust, Ashes, Rubbish, or other Matter, he shall for every such Offence forfeit and pay to the Company any Sum not exceeding Forty Shillings.

Penalty for riding on Towing-path and Tramways, and for unloading

LXXXII. If any Person ride, lead, or drive any Horse, Ass, Mule, or other Beast, (not being actually employed in towing or hauling a Boat on the Canals by this Act authorized,) or drive or conduct any Carriage on any Towing-path belonging to any Part of those Canals, or

Boats or Carriages across the same.

or on any Part of the Tramways of the Company, or load or unload any Boat or Carriage from or upon or carry or convey such Loading across any such Towing-path or Tramway, without the Consent of the Committee, or the Clerk, Agent, or other Officer of the Company, every Person so offending shall for every such Offence forfeit and pay to the Company any Sum not exceeding Forty Shillings.

Power to make Byelaws.

LXXXIII. The Company from Time to Time may make such Byelaws as they shall think fit for all or any of the following Purposes; (that is to say,)

For governing or regulating the Use of the Canals by this Act authorized, and any of the Tramways of the Company, and of the Locks, Quays, and other Works belonging thereto respectively:

For regulating the Exercise of the several Powers of the Lock Keepers, Store. Keepers, and other Officers and Servants to be appointed by the Company for the Purpose of superintending the Traffic upon those Canals and Tramways:

For regulating the Admission and Removal of Boats into and from those Canals and the Locks belonging thereto, and the Admission and Removal of Carriages on and from the Tramways:

For regulating the loading, unloading, and removing of all Goods on or from the Quays, Wharfs, Receiving Places, Tramways, and other Works of the Company:

For regulating the Duties and Conduct of all Persons, as well the Servants of the Company as others, who shall be employed in or about the Canals, Quays, Tramways, Works, and Premises of the Company:

And generally for regulating the travelling or using and working of those Canals and Tramways respectively.

Byelaws may be enforced by Imposition of Penalties.

LXXXIV. The Company by the Byelaws so to be made by them may impose such reasonable Penalties as they shall think fit for the Breach of such Byelaws or any of them, not exceeding for any One Offence the Sum of Forty Shillings.

Byelaws not valid until confirmed.

LXXXV. No Byelaw made by the Company under the Authority of this Act (except such as may relate solely to the Shareholders, Directors, or Committee of Management of the Company, or their Officers or Servants,) shall be valid or binding, unless the same shall be allowed by Two of the Judges of the Superior Courts at *Westminster*, or by the Justices assembled at any General or Quarter Sessions of the Peace for the County of *Stafford*; and it shall be incumbent on such Judges or Justices on the Request of the Company to inquire into any Byelaws which may be tendered to them for that Purpose, and to allow or disallow of the same as they shall think

think fit: Provided always, that no such Byelaw shall be confirmed unless Notice of the Intention to apply for a Confirmation of the same shall have been given in One or more Newspapers circulating in the Counties of *Stafford* and *Worcester* respectively, One Month at least before the Hearing of such Application, and any Person objecting to any such Byelaw, on giving Notice of the Nature of his Objection to the Company Ten Days before the Hearing of such Application may, by himself, or his Counsel, Attorney, or Agent, be heard thereon, but not so as to allow more than One Party to be heard on the same Matter of Objection.

Copy of proposed Byelaws to be open for Inspection.

LXXXVI. For One Month at least previously to any such Application, a Copy of every such proposed Byelaw shall be printed in legible Characters, and hung up and affixed in the Front or some conspicuous Part of the principal Office of the Company, and all Persons may at all seasonable Times inspect such Copy, and shall on Application be furnished by the Company with a Copy thereof, or of any Part thereof, on Payment of Sixpence for every One hundred Words.

Byelaws when confirmed to be binding.

LXXXVII. All such Byelaws, when so confirmed, shall be binding upon and be observed by all Parties, and shall be sufficient to justify all Parties acting under the same.

Publication of Byelaws.

LXXXVIII. All such Byelaws when confirmed shall be printed on Boards in legible Characters, and hung up, affixed, and continued on the Front or some conspicuous Part of the principal Office of the Company, and also in some conspicuous Place in or adjoining to the Locks, Quays, and Works of the Company, according as the same may relate to such Locks, Quays, and Works respectively; and such Boards shall from Time to Time be renewed by the Company as often as the same or any Part thereof may be obliterated or destroyed.

Evidence of Byelaws.

LXXXIX. The Production of a written or printed Copy of the Byelaws of the Company, authenticated by the Signature of Three of the Committee of the Company, shall in all Cases be sufficient Evidence of the Existence and of the due making of such Byelaws, and it shall be sufficient Proof of the Publication of such Byelaws that printed Boards containing a Copy thereof were for the Time being affixed in the Manner required by this Act.

Not to interfere with Springs, &c. belonging to Lord Ward, &c.

XC. Nothing in this Act contained shall authorize the Company to take, use, or interfere with any Springs, Streams, or Waters reserved to *William* Lord *Ward*, his Heirs or Assigns, or to any other Owner of Lands, by virtue of any of the Provisions now in force of the Acts relating to the Company or to the *Dudley* Canal, and to which the said Lord *Ward*, his Heirs or Assigns, or such Owner, are

now

now respectively entitled, without the Consent in Writing of *William* Lord *Ward*, his Heirs or Assigns, or of such other Owner, first had and obtained, nor to take, use, or interfere with any Springs, Streams, or Waters to which the Company were not before the passing of this Act rightfully entitled, except such Springs or Waters as may be found in the Construction of the said intended new Canals.

Saving Rights of the Stourbridge Canal Company.

XCI. Provided always, That, except as by this Act expressly provided, nothing in this Act contained shall alter, prejudice, or take away any of the Rights, Powers, or Privileges of the Company of Proprietors of the *Stourbridge* Canal Navigation, but all such Rights, Powers, and Privileges shall continue and be in as full Force and Effect as they were before the passing of this Act.

Saving Rights of the Staffordshire and Worcestershire Canal Company.

XCII. Provided always, That nothing in this Act contained shall alter, prejudice, or take away any of the Rights, Powers, or Privileges of the Company of Proprietors of the *Staffordshire and Worcestershire* Canal Navigation, but all such Rights, Powers, and Privileges shall continue and be in as full Force and Effect as they were before the passing of this Act.

Canals not exempt from present and future General Acts.

XCIII. Nothing herein contained shall be deemed or construed to exempt the Canals by this Act authorized from the Provisions of any General Act relating to Canals now in force, or from the Provisions of any General Act relating to Canals which may hereafter pass during this or any future Session of Parliament.

Expenses of Act.

XCIV. All the Costs, Charges, and Expenses of and incident to the obtaining and passing of this Act shall be paid by the Company.

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