ANNO QUINQUAGESIMO NONO

GEORGII III. REGIS.

Cap. xiii.

An Act for making and maintaining a Navigable Canal from or from near the City of *Carliſle*, to the *Solway Frith*, at or near *Fiſher's Croſs*, in the Pariſh of *Bowneſs*, in the County of *Cumberland*.

[6th *April* 1819.]

WHEREAS the making and maintaining of a Canal, for the Navigation of Boats, Barges, and other Veſſels, from or from near the City of *Carliſle*, to the *Solway Frith*, would open a ſhort and commodious Communication between the ſaid City of *Carliſle* and the Sea, which would not only greatly facilitate the Conveyance of Coals, Lime, Goods, Wares and Merchandizes, to and from the ſaid City of *Carliſle*, but would alſo tend to the Improvement and better Cultivation of the circumjacent Country, and otherwiſe be of great Public Utility: And whereas the ſeveral Perſons herein-after named, are deſirous of being united into a Company for carrying into effect the Purpoſes aforeſaid; but the ſame cannot be accompliſhed 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 *William* Earl of *Lonſdale*, *William* Viſcount *Lowther*, Sir *James Graham* Baronet, Sir *Philip Muſgrave* Baronet, Sir *Hew Dalrymple Roſs*, Sir *Joſeph Dacre Appleby Gilpin*, the Mayor, Aldermen, Bailiffs, and Citizens of the City of *Carliſle*, *Henry Aglionby Aglionby*, *Robert Alliſon*, *Joſeph Alliſon*, *Edward Anderſon* Clerk, *Joſhua Anderſon*, *John Anderſon*, *John Andrew*, *Thomas Anſon*, *William Armſtrong* of *Carliſle*, *John Armſtrong* Solicitor, Proprietors.

Solicitor, *William Armſtrong* of *Newcaſtle-upon-Tyne*, *John Armſtrong* of *Rickergate*, *Thomas Armſtrong*, *Robert Aſhbridge*, *Joſeph Aſhton*, *Thomas Atkinſon*, *Matthew Atkinſon*, *Richard Backhouſe*, *Edward Barnes*, *Thomas Barnes* Doctor of Medicine, *John Beck*, *Joſeph Bell*, *Richard Bell*, *George Bell*, *Thomas Bell*, *Thomas Bellas* Clerk, *Thomas Benſon*, *Charles Beſwick*, *Mary Bewley*, *Quintin Blackburn*, *George Blamire*, *Thomas Blamire*, *John Blamire*, *William Blaylock*, *John Blow*, *James Bonnell*, *Thomas Bouſtead*, *Jane Bouſtead*, *Thomas Brockbank*, *John Brown* Grocer, *John Brown* Innkeeper, *Charles Brown*, *William Brown*, *Joſeph Buſhby*, *Thomas Carlyle*, *William Carrick*, *James Cartmell*, *Eliza Hannah Chapman*, *Edward Walton Chapman*, *John Chriſtian*, *Abigail Clarke*, *John Clegg*, *Jane Clementſon*, *George Clementſon*, *John Cockburn*, the Adminiſtrators of *Jane Collins* deceaſed, *John Connell*, *James Connell*, *James Creichton*, *John Chriſtian Curwen*, *Peter Dixon* the elder, *John Dixon*, *Peter Dixon* the younger, *George Dixon*, *Thomas Dixon*, *William Dixon*, *William Dobinſon*, *Humphrey Dodd*, *Joſeph Donald*, *Jonathan Donald*, *Thomas Donald*, *Joſeph Dykes*, *Ballantyne Dykes*, *John Elliott*, *Thomas Elliott*, *John Evans*, *Ann Ewart*, *James Fairbairn*, *John Fawcett* Clerk, *John Fawcett* the younger, *Rowland Fawcett*, *Elizabeth Feddon*, *Richard Ferguſon* Cornet in His Majeſty's Second Regiment of Dragoon Guards, *John Ferguſon*, *Joſeph Ferguſon* of *Engliſh-ſtreet*, *Carliſle*, *Richard Ferguſon* of *Harker*, *Joſeph Ferguſon* of *Coledale Hall*, *Mary Ferguſon*, the Adminiſtrator of *Anne Ferguſon* deceaſed, *Robert Ferguſon*, *John Fiſher*, *Richard Fleming*, *James Forſter*, *John Forſter*, *John Forſter* the younger, *Joſeph Forſter* of *Carliſle*, *Joſeph Forſter* of *Brampton*, *William Gate*, *John Gibbons*, *Joſeph Gilbanks*, *James Gilkerſon*, *Thomas Gill*, *Robert Philip Goodenough* Clerk, *James Graham*, *Thomas Henry Graham*, *Arthur Graham*, *Richard Graham*, *Chriſtopher Graham*, *Eliza Graham*, *Elizabeth Graham*, *John Graham*, *Mary Grayſon*, *Robert Gutch* Clerk, the Executors of *Richard Hair* Clerk, *Thomas Halton*, *William Halton*, *Thomas Hamilton*, *Robert Harrington* Doctor of Medicine, *John Harrington*, *Samuel Richard Hartley* Clerk, *Thomas Hartley*, *Milham Hartley*, *William Harvey*, *George Haſlem*, *Joſeph Monkhouſe Head*, *George Head*, the Executors of *John Hebſon*, *Joſeph Henderſon*, *Joſeph Henry*, *William Heſlop*, *George Henry Hewit*, *Thomas Hewit*, *James Hewit*, *Daniel Hewſon*, *John Hewſon*, *John Heyſham* Doctor of Medicine, Colonel *James Hodgſon*, Major *Richard Hodgſon*, *Thomas Hodgſon*, *John Hodgſon* of *Carliſle*, *John Hodgſon* of *Monkhill*, *Eſther Hodgſon*, *Iſabella Hodgſon*, *William Hodgſon*, *John Holſtead*, *Joſeph Hope*, *Iſaac Hudſon*, *Thomas Hudſon*, *Thomas Huntington*, *Thomas Hunton*, *Chriſtopher William Hutchinſon*, *John Jackſon*, *Richard Jackſon*, *William James*, *Robert James*, *Thomas James*, *Elizabeth Jobſon*, *Ann Johnſon*, *John Jollie*, *Tovey Jolliffe* Clerk, *John Jordan*, *William Irwin*, *Thomas Kain*, *Charles King*, *James King*, *Robert Lamb*, *John Law*, *Richard Law*, *Pattinſon Lawſon*, *John Lemon*, *Margaret Lewthwaite*, *John Linton*, *John Lonſdale*, *Thomas Lowry* Clerk, Doctor in Divinity, *John Lowry*, *James M'Cutcheon*, *John Machell*, *Robert Markham* Clerk, *Edward Marrs*, *John Marſhall*, *Joſeph Marſhall* Clerk, *William Robinſon Martindale*, *Robert Matthews*, *Iſaac Milner* Clerk, Doctor in Divinity, *Joſeph Milner* Clerk, *Sarah Mitchell*, *James Moor*, *Richard Moor*, *William Moor*, *Joſeph Moſes*, *George Stephenſon Mounſey*, *Robert Myers*, *Lewis Nanney*, *Elizabeth Nanſon*, *William Nichol*, *John Nicholſon*, *James Nicholſon*, *Juliana Nicholſon*, *John Nicolſon*, *Paul Nixſon*, *John Norman* the younger, *William Norman*, *Robert Norman*, *Elizabeth North*, *George Owen*, *Margaret Pagan*, *Thomas Parker* of *Brampton*, *Samuel Walker Parker*,

Parker, *James Parker*, *Thomas Parker* of *Manchester*, *Chriſtopher Parker*, *Robert Parker*, *William Parker*, *Ann Pattiſon*, *Matthew Pattiſon*, *Daniel Pattinſon*, *John Pattinſon*, *Henry Pearſon*, *Thomas Pearſon*, *William Peaſrod*, *Ralph Pickering*, *Robert Porter*, *William Porter*, *Richard Rorter*, *John Portus*, *James Potts*, *Mary Potts*, *Joſeph Railton*, *Thomas Randleſon*, *John Richardſon*, *Lucy Richardſon*, *Joſeph Ritſon*, *Mary Robinſon*, *Jane Robinſon*, *George Robinſon*, *John Robinſon*, *Joſeph Robſon*, *Richard Lowthian Roſs*, *William Roſs*, *Michael Rowand*, *Edward Rowland*, Colonel *Thomas Salkeld*, *William Sanderſon*, *John Sanderſon*, *Thomas Sanderſon*, *Charles Sanderſon*, *Silas Saul*, *George Saul*, *Thomas Scarrow*, *Benjamin Scott*, *James Sewell*, *Harriſon Shaw* Clerk, *William Simpſon*, *Maria Simpſon*, *Mary Simpſon*, *Thomas Simpſon*, *Nicholas Sloan* Clerk, *William Smith* of *Haughton Caſtle*, *William Smith* of *Carliſle*, *John Smith*, *John Snowden*, *William Sowerby*, *George Sowerby*, *Francis Stodart*, *Jonathan Story*, *Thomas Stordy*, *Sarah Stordy*, *Joſeph Strong*, *John Studholme*, *Richard Sutton*, *Elihu Sutton*, Lieutenant *Robert Taylor*, *Matthew Taylor*, *John Thompſon*, *Charles Hutchinſon Thurnam*, *Thomas Twentyman*, *John Waldie*, *Thomas Wannop* the younger, *Robert Watts* Clerk, *Thomas Waugh*, *Joſeph Wiggin*, *John Wilſon* of *Fiſher-ſtreet Carliſle*, *John Wilſon* of *Caldewgate*, *Thomas Wilſon* of *Fiſher-ſtreet Carliſle*, *Thomas Wilſon* of *Engliſh-ſtreet Carliſle*, *Mary Wilſon*, *John Wilſon* of *Lowther-ſtreet Carliſle*, *Peter Wilſon*, *Thomas Wilſon* of *Lowther-ſtreet Carliſle*, *Joſeph Wilſon*, *William Wood*, *Thomas Wright*, *Charles George Young*, *James Forbes Young*, *Henry Young*, and their reſpective Succeſſors, Executors, Adminiſtrators and Aſſigns, or ſuch of them as ſhall from Time to Time be poſſeſſed of any Share or Shares in the ſaid Canal and Undertaking, hereby authorized to be made and carried on; and alſo ſuch other Perſon and Perſons, Bodies Politic and Corporate, as ſhall from Time to Time be poſſeſſed of any Share or Shares therein, ſhall be and they are hereby united into a Company for the making, completing, maintaining and carrying on the ſaid intended Canal, and other Works hereby authorized to be made, according to the Rules, Orders, and Directions herein-after expreſſed; and for that Purpoſe are and ſhall be one Body Politic and Corporate, by the Name and Style of "The *Carliſle* Canal Company," and by that Name ſhall have perpetual Succeſſion and a Common Seal, and by that Name ſhall and may ſue and be ſued; and alſo ſhall and may have Power and Authority, from and after the paſſing of this Act, to purchaſe, in Manner by this Act directed, Lands, Tenements and Hereditaments, to them and their Succeſſors and Aſſigns, for the Uſe of the ſaid Undertaking, and for the ſeveral Works hereby authorized to be made, and for the ſeveral other Purpoſes herein mentioned, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain; and alſo to ſell any of the Lands, Tenements, or Hereditaments purchaſed for the Purpoſes aforeſaid.

Incorporated.

Style.

Empowered to purchaſe and ſell Lands.

II. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Canal Company, and they are hereby authorized and empowered, from and after the paſſing of this Act, by themſelves or by their Deputies, Agents, Officers, Workmen, or Servants, to make and maintain a Cut or Canal, for the Navigation of Boats, Barges and other Veſſels, from or from near the City of *Carliſle* aforeſaid, in or through the Townſhip of *Caldewgate*, the Pariſhes of *Grinſdale*, *Kirkandrews-upon-Eden*, and *Beaumont*, and the Townſhips of *Moorhouſe*, *Burgh Head*, *Burgh Weſt End*, *Longburgh*, *Bouſtead Hill*, *Drumburgh*, and *Bowneſs*, in the ſaid County of

Power to make Canal and Reſervoir;

of *Cumberland*, or ſome of them, to the *Solway Frith*, at or near *Fiſher's Croſs*, in the ſaid Townſhip of *Bowneſs*; and alſo, if need be, or they ſhall think fit, to make a Reſervoir for Water in the ſaid Pariſhes of *Grinſdale* and *Kirkandrews-upon-Eden*, which ſaid intended Reſervoir is marked and delineated in the Plan herein-after mentioned to be depoſited with the Clerk of the Peace for the ſaid County of *Cumberland*, and ſhall and may be filled with Water from all ſuch Springs as ſhall be found in making the ſame, and from certain Brooks, Streams, or Rivulets near thereto, now running to or ſupplying certain Mills, called *Millbeck Mill*, *Monkhill Mill*, and *Holmes Mill*; and alſo to ſupply the ſaid intended Canal at all Times for ever, while making and after the ſame ſhall be made, with Water from the River *Eden*, at or near the Place marked with the Letter (C.) upon the ſaid Map or Plan, and alſo from the River *Caldew*, at or near the Place marked with the Letter (D.) upon the ſaid Map or Plan, and from all ſuch other Brooks, Springs, Streams, Rivulets, Waters and Watercourſes near to the ſaid Canal, or which are or ſhall flow to or be found in digging or making the ſaid Canal; and alſo to make, ſink, and drive ſuch and ſo many Wells, Soughs, Tunnels, Levels, Perforations, Feeders, and Aqueducts, and to make, erect, and ſet up ſuch and ſo many Weirs, Steam Engines, Water Wheels and other Machines, with proper Shafts and Tunnels thereto, for ſupplying the ſaid Canal and Reſervoir with Water, and for conveying Water to or from the ſame or either of them, or to or from the one to the other of them, and for the Purpoſe of Navigation, or for any other Purpoſe neceſſary for the better making and maintaining of ſuch Canal, as they the ſaid Company ſhall from Time to Time think proper and expedient; and alſo, for effectuating the Purpoſes of this Act, to enlarge, widen, divert, alter, or vary ſuch Roads or Ways, and the Courſe of ſuch Brooks, Streams or Watercourſes, which are or ſhall be ſituate within the Line or Tract of the ſaid intended Canal or Cut, or which ſhall or may hinder, prevent, or otherwiſe obſtruct the making of the ſaid Canal; and for the Purpoſes aforeſaid, or any of them, the ſaid Company hereby incorporated, their Deputies, Servants, Agents and Workmen, are hereby authorized and empowered to enter into and upon the Lands and Grounds of any Perſon or Perſons, Bodies Politic, Corporate or Collegiate whatſoever, and to ſurvey and take Levels of the ſame or any Part thereof, and to ſet out and aſcertain ſuch Parts thereof as they ſhall think neceſſary and proper for making the ſaid intended Canal, and the other Works and Conveniences hereby authorized to be made, and there to bore, dig, cut, trench and ſough, and alſo to remove, take, carry away, and lay any Earth, Clay, Stone, Soil, Rubbiſh, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters or Things which may be dug or got in making, or which may hinder, prevent or obſtruct the making, carrying on, maintaining, or repairing the ſaid Canal, Reſervoir, Feeders, Tunnels, Aqueducts, and other Works reſpectively, according to the true Intent and Meaning of this Act; and alſo to make Carriage Roads and other Ways, as well for the carrying and conveying of all Manner of Materials neceſſary or intended for the making, erecting, finiſhing, altering, repairing, widening, enlarging, or improving the ſaid Canal and other Works hereby authorized, as alſo for the Purpoſes of the ſaid intended Navigation, and for the carrying and conveying of Goods, Wares, Merchandizes, and other Things to and from the ſaid Canal; and alſo to make, build, drive, erect and ſet up, in or upon the ſaid Canal, or in or upon the Lands adjoining thereto reſpectively, ſuch and ſo many Bridges, Piers, Arches, Tunnels,

to take Water from the River Eden and the River Caldew;

to make Tunnels, &c. erect Steam Engines, &c.

and divert Roads, &c.

Power to enter Lands,

Tunnels, Soughs, Aqueducts, Culverts, Sluices, Locks, Flood Gates, Weirs, Banks, Dams, Pens for Water, Water Tanks, Reſervoirs, Baſins, Wharfs, Quays, Houſes, Warehouſes, Toll Houſes, Watch Houſes, Landing Places, Weighing Beams, Cranes, Dry Docks and other Docks, Steam Engines, Machines, and other Works, Ways, Roads, Gates, Fences and Conveniences, as and where the ſaid Company hereby incorporated ſhall think requiſite and convenient; and alſo from Time to Time to alter, repair and amend, or diſcontinue the ſame or any of them; and to place, lay, work or manufacture any Materials on the Lands or Grounds adjoining to the Place or Places where the ſaid Works or any of them ſhall be carrying on; and alſo to make, ſet out, and appoint ſuch Towing Paths, Banks, Roads and Ways, for the towing, hauling or drawing of Barges, Boats, Lighters, Rafts, and other Veſſels paſſing upon the ſaid Canal, with Men, Horſes or otherwiſe, and ſuch convenient Places for Barges, Boats, and other Veſſels and Rafts to turn, lie, or paſs each other in, as the ſaid Company ſhall think proper and expedient; and alſo to dig, take, and carry away any Soil, Clay, Gravel, Sand, or Stone, which ſhall be proper, requiſite, and convenient for the making, maintaining, and repairing the ſeveral Works aforeſaid, or any of them, in or from the Grounds of any Perſon or Perſons adjoining or lying convenient thereto; and alſo from Time to Time to make, build, erect, conſtruct and keep in repair any Piers, Arches, Aqueducts, and other Works, in, upon, over or acroſs any Roads, Rivers, Brooks or Valleys, for making, carrying on, uſing, maintaining, and repairing of the ſaid Canal and Towing Paths; and alſo to conſtruct, erect, ſet up, make, and do all and every or any other Works, Matters and Things whatſoever, which they the ſaid Company ſhall think requiſite and neceſſary or convenient for the making, completing, repairing, improving, carrying on, maintaining, and uſing the ſaid Canal and other Works, in purſuance of and within the true Intent and Meaning of this Act; they the ſaid Company, their Deputies, Agents, Servants, and Workmen, doing as little Damage as may be in the Execution of the ſeveral Powers to them hereby granted; and making Satisfaction in Manner herein-after mentioned, to the Owners or Proprietors, Tenants or Occupiers of, and all Perſons intereſted in the Lands, Tenements, Hereditaments, Waters, Watercourſes, Brooks or Rivers reſpectively, which ſhall be taken, uſed, removed, diverted or prejudiced, for all Damages to be by them ſuſtained in or by the Execution of all or any of the Powers of this Act; and this Act ſhall be ſufficient to indemnify the ſaid Company and their Deputies, Servants, Agents and Workmen, and all other Perſons whomſoever, for what they or any of them ſhall do by virtue of the Powers hereby granted, ſubject nevertheleſs to ſuch Proviſoes and Reſtrictions as are herein-after mentioned.

making Satisfaction for Damages.

III. And whereas a Map or Plan deſcribing the Line or Courſe of the ſaid Canal, and the Situation and Extent of the ſaid Reſervoir, and the Eſtates, Lands, and Grounds in, through, and upon which the ſame are reſpectively to be carried or made, together with a Book of Reference thereto, containing Liſts of the Names of the Owners and Occupiers or reputed Owners and Occupiers of ſuch Eſtates, Lands and Grounds, have been depoſited at the Office of the Clerk of the Peace for the ſaid County of *Cumberland*; be it therefore further enacted, That the ſaid Map or Plan and Book of Reference ſo depoſited, ſhall remain with and be kept by the ſaid Clerk of the Peace; and all Perſons intereſted in any Manner therein,

Map and Book of Reference to remain with Clerk of Peace.

therein, ſhall have Liberty to inſpect and peruſe, and make Extracts from and Copies thereof, at ſeaſonable Times, on Payment of One Shilling for each Time of Inſpection, and of One Shilling more for every Hour during which ſuch Inſpection ſhall continue after the Firſt, and paying for every Copy not exceeding Seventy-two Words, the Sum of Sixpence, and ſo in proportion for any greater Number of Words; and the ſaid Map or Plan and Book of Reference, or true Copies thereof, or of ſo much thereof as ſhall relate to any Matter which may be in queſtion, ſhall be and are hereby declared to be good Evidence in all Courts of Law or elſewhere.

No Deviation from the Plan and Book of Reference.

IV. Provided always, and be it further enacted, That the ſaid Canal Company in making the ſaid Canal, ſhall not deviate more than One hundred Yards from the Courſe or Direction delineated on the ſaid Map or Plan, and ſet forth in the ſaid Book of Reference, and ſhall not make the ſaid principal Reſervoir herein-before mentioned in any other Situation than that deſcribed in the ſaid Plan and Book of Reference.

No Advantage to be taken of any Error or Omiſſion in the ſaid Book of Reference.

V. Provided always, and be it further enacted, That no Advantage ſhall be taken of or againſt the ſaid Company hereby incorporated, or any Interruption be given to the making of the ſaid Canal and other Works hereby authorized to be made, on account of any Error or Omiſſion in the ſaid Book of Reference, in caſe it ſhall appear to any Two or more Juſtices of the Peace acting in and for the ſaid County of *Cumberland*, and be certified in Writing under their Hands, that ſuch Error or Omiſſion proceeded from Miſtake.

Houſes, &c. not to be taken.

VI. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend to authorize or empower the ſaid Canal Company, or any other Perſon or Perſons, to take, uſe, injure or damage any Houſe or Building, or any Ground, which from the Firſt Day of *January* One thouſand eight hundred and eighteen, was the Scite of any Houſe or other Building, or any Park, Avenue, planted Walk, Lawn or Pleaſure Ground, nor any Yard, Garden or Orchard, without the Conſent in Writing of the reſpective Owners and Occupiers thereof, other than and except ſuch as are ſpecified and contained in the Schedule to this Act annexed.

Nor Mills, except thoſe mentioned.

VII. Provided always, and be it further enacted, That nothing herein contained ſhall extend to authorize or empower the ſaid Canal Company, in the Execution of this Act, to take any of the Mills ſituate in, upon, or near to the Line of the ſaid intended Canal, or the Water in the Brooks, Streams, or Rivulets ſupplying the ſame or any of them, without the Conſent in Writing of the Owner or Owners of ſuch Mills reſpectively; ſave and except the ſaid ſeveral Mills called *Mill Beck Mill*, *Monkhill Mill*, and *Holmes Mill*, and alſo the Carding Mill, Indigo Mill, and Corn Mill, ſituate at *Willow Holme* in the ſaid Townſhip of *Caldewgate*, belonging or reputed to belong to *William Donald*, with their reſpective Appurtenances, and the Brooks, Streams, or Rivulets ſituate in or adjoining upon the ſaid Pariſhes of *Kirkandrews-upon-Eden* and *Grinſdale*, the Townſhips of *Baldwinholme* and *Orton* in the Pariſh of *Orton*, and the ſaid Townſhip of *Caldewgate*, and now running to and ſupplying the ſaid Mills or ſome or one of them.

Before any Brook or Road is diverted or injured, others are to be made.

VIII. Provided always, and be it further enacted, That in all Cases where it shall be found necessary, for the Purposes of this Act, to divert or turn any Brook, Stream, or Watercourse, or to cut through, take, or injure any Carriage or Horse Road or Footway, either Public or Private, so as to render the same impassable or inconvenient for Travellers or Carriages, or the Persons entitled to the Use thereof, or to divert or turn any such Road or Way, the said Canal Company shall, at their own Expence, first make a Cut or Channel for such Brook, Stream, or Watercourse, or a new Road or Way of no less Width than the former, and when such Cut or Channel, or new Road or Way, shall be completed and finished, the Part of the Bed or Channel of such Brook, Stream, or Watercourse, or old Road or Way, so to be taken, used, diverted, and turned, shall be and become vested in Fee Simple in the said Company, with full Power for them to sell or dispose of the same, in such Sort, Manner and Form, and under such Regulations, as are herein-after directed with respect to Lands which shall be purchased by the said Company, and found necessary to be made use of for the Purposes of the said Navigation, or as near thereto as the Case will admit; and such new Carriage or Horse Road or Footway, altered and made as aforesaid, shall be for ever thereafter repaired and kept in repair by the Person or Persons who were by Law bound to repair the old Road or Way before such Alteration or Diversion.

Ascents to Bridges, and Fences thereon.

IX. Provided always, and be it further enacted, That in all Places where the Line of the said Canal, by this Act directed to be made, shall cross any public Carriage Road, the Ascent of every Bridge, to be made over the said Canal for the Purpose of such Road, shall be not more than One Foot in Thirteen; and that a good and sufficient Fence shall be made on each Side of every such Bridge, which Fence shall not be less than Four Feet above the Surface of such Bridge.

Bridge to be erected for Mr. Mayson Hodgson.

X. And be it further enacted, That the said Canal Company shall, at their own Costs and Charges, within Three Calendar Months after the said intended Canal shall have been made and cut through certain Fields or Parcels of Land belonging to *Mayson Hodgson*, and situate in the said Townshiip of *Longburgh*, marked in the said Book of Reference, 43 *a* and 44, make and erect, upon the said Land and over the said Canal, in such Place as shall be for that Purpose pointed out and required by the said *Mayson Hodgson*, his Heirs or Assigns, a good and sufficient Swivel or Draw Bridge, of similar Dimensions to those which shall be erected by the said Company over other Occupation Roads, for the Purpose of forming a Communication from One Part of the said Land with the other Part thereof; and such Bridge shall from Time to Time thereafter be supported, maintained, and kept in sufficient Repair by and at the Expence of the said Company.

Breadth of Canal.

XI. And be it further enacted, That the Lands or Grounds to be taken and used for the said Canal, and the Towing Paths, Banks, and Side Drains thereof, and the Ditches and Fences for separating such Towing Paths, Banks, and Side Drains from the adjoining Lands, shall not exceed Fifty Yadrs in Breadth, measured horizontally, except in such Places where any Basin, Reservoir, Sluice, or Weir shall be made, or where the said Canal shall be raised higher or shall be cut more than Eight Feet deeper

than

than the preſent Surface of the Land, and except in ſuch Places where it ſhall be judged neceſſary for Boats, Barges, and other Veſſels or Rafts to turn, lie, or paſs each other, or where any Warehouſe, Crane, or Weighing Beam ſhall be erected, or where any Wharf ſhall be made for the Landing or Delivery of any Goods, Wares, or Merchandize which ſhall be carried or conveyed on the ſaid Canal; nor more than Two hundred Yards in Breadth in any Place, except where the ſaid Canal ſhall paſs through or over any Common or Waſte Lands, or where the Owner or Owners of any Lands or Grounds through which the ſaid Canal ſhall paſs, ſhall conſent to the ſame being made wider in or through his, her, or their Lands or Grounds reſpectively.

Bodies Politic, &c. empowered to ſell and convey Lands for the Purpoſes of this Act.

XII. And be it further enacted, That after any Lands, Grounds or Hereditaments ſhall be ſet out and aſcertained for making the ſaid Canal, Reſervoir, and other Works and Conveniences hereby authorized to be made, or any of them, or any Part thereof, it ſhall and may be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, or for any other partial or qualified Eſtate or Intereſt, Huſbands, Guardians, Truſtees, and Feoffees in Truſt for Charitable and other Purpoſes, Committees, Executors and Adminiſtrators, and all other Truſtees and Perſons whomſoever, not only for and on Behalf of themſelves, their Heirs and Succeſſors, but alſo for and on Behalf of the Perſon or Perſons entitled in Reverſion, Remainder or Expectancy after them, if incapacitated, and for and on Behalf of their Ceſtuique Truſts, whether Infants, Iſſue unborn, Lunatics, Idiots, Femes Covert, or other Perſon or Perſons, and to and for all Femes Covert who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in their own Right, or entitled to Dower or other Intereſt therein, and for every other Perſon or Perſons whomſoever, who is or ſhall be ſeiſed, poſſeſſed of, or intereſted in any Lands, Grounds, or Hereditaments, which ſhall be ſo ſet out and aſcertained for the Purpoſes aforeſaid, to contract for, ſell, and convey the ſame, and every Part thereof, unto the ſaid Canal Company; and all ſuch Contracts, Agreements, Sales, Conveyances, and Aſſurances, ſhall be made at the Expence of the ſaid Company, and ſhall be made according to the following Form, or as near thereto as the Circumſtances of the Caſe will admit; namely,

Form of Conveyance to the Company.

‘ I, of in Conſideration
‘ of the Sum of to me paid by the *Carliſle* Canal
‘ Company, do hereby, in purſuance and by virtue of the Power in that
‘ Behalf contained in the Act paſſed in the Fifty-ninth Year of the Reign
‘ of His Majeſty King *George* the Third, intituled [*here inſert the Title of*
‘ *this Act*] grant, releaſe, aſſign and confirm, unto the ſaid Canal Com-
‘ pany, all (*here inſert the proper Deſcription of the Lands or Hereditaments*
‘ *intended to be conveyed*) and all my Eſtate and Intereſt therein, to hold
‘ unto and to the Uſe of the ſaid Canal Company, and their Succeſſors
‘ for ever, according to the true Intent and Meaning of the ſaid Act. In
‘ Witneſs whereof, I have hereunto ſet my Hand and Seal, the
‘ Day of in the Year of our Lord

And that all ſuch Conveyances and Aſſurances as aforeſaid, ſhall be good, valid and effectual in the Law, to all Intents and Purpoſes, and ſhall operate and be as a Merger of all outſtanding Terms of Years, and be

be a complete Bar of all Eſtates Tail, and other Eſtates, Rights, Titles, Truſts and Intereſts whatſoever.

For ſettling Contracts reſpecting Copyhold and Cuſtomary Lands.

XIII. And be it further enacted, That if any Contract, Agreement, Bargain or Sale, of or concerning any Lands, Tenements, or Hereditaments, to be purchaſed, taken or uſed by virtue of the Powers of this Act for the Purpoſes thereof, ſhall be made or entered into of any Lands, Tenements or Hereditaments, which ſhall be Copyhold or Cuſtomary, or of the Nature of Copyhold or Cuſtomary, the ſame ſhall be executed and completed by Surrender thereof in the Court of the Manor of which the ſame is or are holden, according to the Cuſtom of ſuch Manor; and ſuch Lands, Tenements, and Hereditaments ſhall continue ſubject to the ſame Fines, Rents, and Services as are due and payable and of Right accuſtomed, in the ſame Manner as if this Act had not been made, unleſs the Lord or Lords, Lady or Ladies of the Manor for the Time being, ſhall be willing and deſirous to enfranchiſe the ſame; in which Caſe ſuch Lord or Lords, Lady or Ladies, is and are hereby empowered ſo to do, notwithſtanding he, ſhe, or they ſhall be ſeiſed of or entitled to the ſame Manor or Manors for a leſs Intereſt than an Eſtate of Inheritance in Fee Simple; but inaſmuch as the veſting and continuing of ſuch Copyhold or Cuſtomary Premiſes in the ſaid Company would prevent ſuch Lord or Lords, Lady or Ladies, from receiving the Benefit of Fines, Heriots, and other Services, due upon Death, Deſcent, or Alienation, in like Manner as he, ſhe or they would have done in caſe ſuch Copyhold or Cuſtomary Premiſes had continued to be the Property of Individuals, the ſaid Lord or Lords, Lady or Ladies of the ſaid Manor or Manors, in caſe he, ſhe or they ſhall decline to enfranchiſe the reſpective Parcels of Copyhold or Cuſtomary Lands, Tenements, and Hereditaments held of ſuch Manors, which ſhall be ſo purchaſed by or veſted in the ſaid Company for the Purpoſes aforeſaid, ſhall be entitled to and ſhall be paid by the ſaid Company a reaſonable Recompence and Satisfaction for the Loſs that will ariſe to him, her or them in reſpect of ſuch Fines, Heriots, or other Services, the Enjoyment of which ſhall be diminiſhed or loſt by the veſting and continuing of ſuch Copyhold or Cuſtomary Premiſes in a Body Corporate; which Recompence and Satisfaction, if not ſettled by Agreement between the Parties, ſhall be aſcertained and ſettled by the Verdict of a Jury, as is directed by this Act.

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

XIV. And be it further enacted, That in all Caſes where there ſhall be occaſion to cut through, take or uſe, for the Purpoſes of this Act, any Part or Parts of any Commons or Waſte Grounds, or other Lands, Tenements or Hereditaments, which ſhall be charged with or ſubject to any Right or Rights of Common or Commons, whether of Paſture, Turbary, Eſtover, Piſcary or Eaſement, whether appendant, appurtenant, or in groſs, or whether created or then ſubſiſting by Grant, Preſcription, Cuſtom, or otherwiſe howſoever, the Conveyance thereof by any Body Politic, Corporate or Collegiate, or other Perſon or Perſons having ſuch and the like Eſtate or Intereſt of and in the Manor wherein ſuch Lands, Tenements, Common or Waſte Ground ſhall be ſituate, or if the ſame ſhall not be the Waſte of any Manor, then having ſuch and the like Eſtate or Intereſt of and in the Soil of ſuch Lands, Tenements, Waſtes, Commons and Hereditaments, as the Body or Bodies Politic, Corporate or Collegiate, or Perſons who are herein-before enabled to ſell and convey other

Lands, Tenements and Hereditaments, ſhall be a good and ſufficient Conveyance to the ſaid Canal Company, for the Purpoſe of veſting in them the Fee Simple and Inheritance of ſuch Waſte Ground or Common, or other Lands, Tenements or Hereditaments, as fully and effectually as if every Perſon having ſuch Right or Rights of Common or Commons upon ſuch Commons or Waſte Grounds, or other Lands, Tenements or Hereditaments, were ſeiſed thereof in Fee Simple in Poſſeſſion, and had joined in and executed ſuch Conveyance; and that the Compenſation to be paid for any Right of Common upon any ſuch Commons or Waſte Grounds as aforeſaid, ſhall be paid by the ſaid Canal Company to the Churchwardens of the reſpective Pariſhes wherein ſuch Commons or Waſte Grounds ſhall lie, and ſhall be by ſuch Churchwardens received and applied for ſuch general or public Purpoſes, within ſuch Pariſhes reſpectively, as a Veſtry of every ſuch Pariſh, to be convened by ſuch Churchwardens for that Purpoſe, ſhall direct; and that in Caſes where ſuch Rights, Commons, Profits or Eaſements ſhall be and extend over, and be enjoyed and taken out of any other Lands, Tenements or Hereditaments than ſuch Waſtes and Commons, the Compenſation ſhall be paid or tendered to the Perſon or Perſons, Bodies Politic, Corporate or Collegiate, having ſuch Eſtate or Intereſt as aforeſaid in the ſaid Rights, Commons, Profits or Eaſements, or in the Lands, Tenements or Hereditaments whereunto the ſame ſhall be appendant or appurtenant, or depoſited in the Bank of *England*, in Manner by this Act directed (as the Caſe may be); provided that in Caſes where any ſuch Manor is veſted in Freeholders or Inhabitants at large, or in any greater Number of Perſons than Four, or where it is not known to what Lord or Lady ſuch Manor belongs, or in what Manor ſuch Common or Waſte Ground is ſituated, the Conveyance by Four at leaſt of the Freeholders whoſe Eſtates have Common Right in ſuch Common or Waſte Ground, and whoſe ſaid Eſtates amount in yearly Value as aforeſaid to the Poor Rates, to Three-fifths at leaſt of the whole of the Eſtates which have ſuch Common Right to the ſaid Company, ſhall alſo be a good and ſufficient Conveyance.

For ſettling Contracts for Land taken from Burgh Marſh.

XV. Provided always, and be it further enacted, That the Compenſation to be paid for ſuch Part or Parts of the Tract of Land or Marſh, called and known by the Name of *Burgh Marſh*, as ſhall be taken and uſed in the making of the ſaid Canal and Towing Path or other Works thereto belonging, ſhall be paid by the ſaid Canal Company, unto, between, and amongſt the ſeveral Owners of the ſaid Marſh, by and in proportion to the Number of Stints or Cattlegates of or to which they are reſpectively ſeiſed or entitled in and upon the ſaid Marſh, ſubject nevertheleſs to the Rules and Regulations herein-after contained for Application of Compenſation Money in the Caſe of ſuch Stints or Cattlegates as ſhall belong to any Corporation, Feme Covert, Infant, Lunatic, or Perſon or Perſons under any Diſability or Incapacity as aforeſaid, or whereof the Owners ſhall refuſe to accept Compenſation for the ſame, or ſhall not be able to make a good Title thereto, and alſo in Caſes where the Owners of any ſuch Stints or Cattlegates cannot be found, or ſhall not be known or diſcovered; and any Four or more of the Owners or Proprietors of the ſaid Marſh, who ſhall be ſeiſed or entitled to not leſs than Three-fifths of the whole of the Stints or Cattlegates upon the ſaid Marſh, are hereby authorized to treat and agree for the abſolute

abſolute Sale of, and accordingly to ſell and convey unto the ſaid Canal Company, for a groſs Sum of Money, ſuch Part or Parts of the ſaid Tract of Land or Marſh as ſhall be ſet out and aſcertained for the Purpoſes of this Act; and all ſuch Contracts, Agreements, Sales, Conveyances and Aſſurances, ſhall be valid and effectual in Law to all Intents and Purpoſes whatſoever.

Small Parcels of Land ſeparated by the Canal, to be purchaſed, if required.

XVI. Provided always, and be it further enacted, That if in making the ſaid Canal, any Pieces or Parcels of Ground ſhall be cut through and divided or ſeparated from the other Parts of the Lands belonging to the ſame Owner or Owners, ſo as the ſame cannot be conveniently occupied by him or them without a Bridge being erected for making a Communication therewith, and ſo that what ſhall be left on each or either Side of the ſaid Canal ſhall be leſs in Quantity than One Acre, or ſhall be throughout the whole Length thereof leſs than Fifty Yards in Breadth, and if the Owner or Owners of any ſuch Pieces or Parcels of Ground ſhall not have any other Land or Ground adjoining or contiguous to what ſhall be ſo left on each or either Side of the ſaid Canal, then and in every ſuch Caſe, and if the Owner or Owners or Perſon or Perſons entitled to the Poſſeſſion or to the Rents and Profits of the ſame ſhall ſo require, but not otherwiſe, they the ſaid Canal Company ſhall alſo take and purchaſe the Piece or Parcel or Pieces or Parcels of Ground ſo to be ſeparated, or the Pieces or Parcels of Ground ſo to be left on each or either Side of the ſaid Canal, being leſs than One Acre in Quantity, or leſs than Fifty Yards in Breadth throughout the whole Length thereof as aforeſaid; the Value thereof to be aſcertained in the ſame Manner as is directed concerning any Land or Ground to be cut, taken, and uſed for the Purpoſes of this Act.

Company empowered to reſell.

XVII. And be it further enacted, That it ſhall be lawful for the ſaid Canal Company, by Indenture under their Common Seal, to ſell, grant and convey, by way of abſolute Sale, all ſuch of the Meſſuages, Buildings, Lands, Tenements or Hereditaments which ſhall be purchaſed by and conveyed to the ſame Company, as ſhall not be wanted for the ſaid Canal and Works, or any Part or Parts thereof, for ſuch Sum or Sums of Money as in ſuch Conveyances ſhall be expreſſed; and that all ſuch Grants and Conveyances ſhall be valid and effectual, any Thing to the contrary notwithſtanding; and upon Payment of the Money which ſhall ariſe by ſuch Sale or Sales of ſuch Meſſuages, Lands, Tenements or Hereditaments, or any Parts or Parcels thereof, or of any Land by virtue of this Act, it ſhall and may be lawful for the Treaſurer or Treaſurers of the ſaid Company for the Time being, to ſign and give Receipts for the Money for which the ſame ſhall be ſold (which Receipts ſhall be ſufficient Diſcharges to the Purchaſer or Purchaſers for the Money for which ſuch Premiſes ſhall be ſo ſold, or for ſo much thereof as in ſuch Receipts ſhall be acknowledged or expreſſed to be received,) and ſuch Perſon or Perſons ſhall not be anſwerable or accountable for any Loſſes, Miſapplication, or Non-application of ſuch Purchaſe Money, or any Part thereof; which ſaid Money ſhall be applied by the ſaid Canal Company for the ſame or for the like Purpoſes as the Money hereby authorized to be raiſed is to be applied: Provided that the ſaid Company, before they ſhall contract for the abſolute Sale and Diſpoſal of any ſuch Meſſuages, Lands, Te-

Offer of Refale to be firſt made to the former Owners.

nements and Hereditaments, ſhall firſt offer to reſell the ſame to the Perſon or Perſons from whom the ſaid Company ſhall have purchaſed ſuch Premiſes, or his, her, or their Heirs, at a Price to be fixed on by the ſaid Company, but in caſe of Difference in that Reſpect, then the Price at which the ſame ſhall be reſold, ſhall be adjuſted and ſettled by a Jury, in like Manner as the Price for any Land to be taken in purſuance of this Act is herein directed to be ſettled in caſe of Difference or Diſpute as to the Value thereof; and in caſe ſuch Perſon or Perſons, or his, her, or their Heirs, to whom ſuch Offer ſhall be made ſhall not then and thereupon agree, or ſhall refuſe to re-purchaſe the ſame, any Affidavit to be made and ſworn before a Maſter Extraordinary in the High Court of Chancery, or before One of His Majeſty's Juſtices of the Peace for the County of *Cumberland*, by ſome Perſon or Perſons no way intereſted in the ſaid Premiſes, ſtating that ſuch Offer was made by or on Behalf of the ſaid Canal Company, and that ſuch Offer was not then and thereupon agreed to, or was refuſed by the Perſon or Perſons to whom the ſame was ſo made, ſhall in all Courts whatſoever be ſufficient Evidence and Proof that ſuch Offer was made, and was not agreed to, or was refuſed by the Perſon or Perſons to whom it was made, as the Caſe may be.

Owners of Lands uſed in making a new Road, to have the firſt Offer of the old Road.

XVIII. Provided always, and be it further enacted, That wherever the Courſe of any Road or Way ſhall be altered in purſuance of this Act, and a new Road or Way opened and made in and upon the adjoining Land, the Offer of the Purchaſe of ſuch old Road or Way ſhall be firſt made to the Owner of the Land which ſhall be cut and uſed for the Purpoſe of making ſuch new Road or Way; and in caſe ſuch Owner ſhall be deſirous of becoming the Purchaſer of ſuch old Road or Way, and ſhall not agree with the ſaid Canal Company, or their Committee, for the Price to be paid for the Purchaſe of the ſame, then and in ſuch Caſe the Value thereof ſhall be ſettled and aſcertained in ſuch and the like Manner as the Price for any Land to be taken in purſuance of this Act is herein directed to be ſettled and aſcertained, and ſuch Owner ſhall be deemed the Purchaſer thereof at the Sum to be aſcertained by the Jury; and in caſe ſuch Owner ſhall refuſe to pay ſuch Money, upon Demand made thereof by the Clerk of the ſaid Company, and Tender of the Conveyance of ſuch old Road or Way, the ſame ſhall and may be recovered by the ſaid Company, by Action of Debt or on the Caſe, in any of His Majeſty's Courts of Record at *Weſtminſter*; and in caſe any ſuch Owner ſhall not agree, or ſhall refuſe to purchaſe any ſuch old Road or Way, it ſhall and may be lawful for any Perſon or Perſons not intereſted in the Premiſes to make an Affidavit, to be ſworn before a Maſter Extraordinary of the High Court of Chancery, or before One of His Majeſty's Juſtices of the Peace for the County of *Cumberland*, ſtating that ſuch Offer has been made by or on Behalf of the ſaid Company, and that ſuch Owner has not agreed, or hath refuſed to purchaſe ſuch old Road, (as the Caſe may be,) and ſuch Affidavits ſhall in all Courts whatſoever be ſufficient Evidence and Proof that ſuch Offer was made and not agreed to, or refuſed by ſuch Owner: Provided nevertheleſs, that if the Lands of Two or more Perſons ſhall be taken for any ſuch new Road or Way as aforeſaid, each and every ſuch Owner ſhall be entitled to the firſt Offer of ſo much of the old Road or Way as is lying immediately adjoining to his, her or their Land reſpectively, in Manner aforeſaid.

XIX. Provided

Satisfaction to be made.

XIX. Provided always, and be it further enacted, That all and every Body or Bodies Politic, Corporate or Collegiate, Truſtees, or other Perſons herein-before capacitated to ſell and convey Lands, Tenements or Hereditaments, or any other Owner or Owners, and the Occupier or Occupiers of any Lands, Tenements or Hereditaments through, in, or over which the ſaid Canal, Reſervoir, or other Works hereby authorized are intended to be made, or any of them, or of any Mills or other Works from which any Water to ſupply the ſaid Canal may or ſhall be diverted, ſhall receive Satisfaction for the Value of ſuch Lands, Tenements, Mills, or other Works and Hereditaments, and for the Damages to be ſuſtained in making and completing the ſaid Works herein-before directed, in groſs Sums, as ſhall be agreed upon by and between the ſaid Owners and Occupiers reſpectively, or any of them, and the ſaid Canal Company; and from and immediately after the Time of making and executing ſuch Sale and Conveyance, or any Contract or Contracts for the ſame, the ſaid Canal Company may and ſhall be at liberty to enter upon, and from thenceforth for ever to have, take and enjoy the ſaid Lands, Tenements and Hereditaments, for the Uſe and Maintenance of the ſaid Canal, and for ſupplying the ſame with Water; and in caſe the ſaid Canal Company and the ſaid Parties intereſted in ſuch Lands, Tenements, Mills and Hereditaments, cannot or do not agree as to the Amount or Value of ſuch Satisfaction, the ſame ſhall be aſcertained and ſettled by the Verdict of a Jury, as is herein-after directed.

In caſe the Parties refuſe or are incapable to treat, the Value to be ſettled by a Jury;

XX. And for ſettling all Differences which may ariſe between the ſaid Canal Company and the ſeveral Owners of or Perſons intereſted in the Lands, Tenements, Mills, Waters or other Hereditaments, which ſhall or may be taken, uſed, affected, damaged or prejudiced, in purſuance or execution of the Powers hereby granted, touching the Purchaſe Money or Recompence to be paid or made for the ſame; be it further enacted, That if any Body Politic, Corporate or Collegiate, Truſtee or Truſtees, or other Perſon or Perſons ſo intereſted, entitled or empowered to ſell as aforeſaid, for and on Behalf of himſelf, herſelf or themſelves, or for and on Behalf of their reſpective Ceſtuique Truſts, or of the Perſon or Perſons entitled in remainder after them as aforeſaid, ſhall refuſe to accept ſuch Purchaſe Money or Recompence as ſhall be offered in Writing by them the ſaid Company, or their Agent, and ſhall give Notice thereof in Writing to the ſaid Company, within Fourteen Days next after ſuch Offer ſhall have been made; and the Party or Parties giving ſuch Notice as aforeſaid, ſhall therein requeſt that the Matter or Matters in Diſpute may be ſubmitted to the Determination of a Jury; or if any ſuch Body Politic, Corporate or Collegiate, Truſtee or Truſtees, or other Perſon or Perſons entitled, intereſted or empowered to ſell as aforeſaid, ſhall neglect or refuſe to treat, or ſhall not agree with the ſaid Canal Company concerning the ſame, or ſhall by reaſon of Abſence be prevented from treating, or ſhall by reaſon of Nonage or other Impediment not provided for by this Act, be incapable of treating or making ſuch Agreements as ſhall be expedient for enabling the ſaid Company to proceed in the making and carrying on of the ſaid Canal, and other the Works aforeſaid, then and in any or either of the ſaid ſeveral Caſes, the ſaid Company or their Committee of Management ſhall and they are hereby empowered and required from Time to Time to iſſue a Warrant or Warrants under their Common Seal, to the Sheriff of the ſaid County of *Cumberland*; or in caſe ſuch Sheriff or his Under-ſheriff ſhall

to be ſummoned by the Sheriff, or Coroner,

shall happen to be One of the said Canal Company, or enjoy any Office of Trust or Profit under them, or shall be otherwise interested in the Matter in question, then to any One of the Coroners of the same County, not interested as aforesaid; or if all the Coroners shall be so interested, then to the last Person then in being who filled the Office of Sheriff of the same County, and who shall not be interested as aforesaid, commanding such Sheriff or Coroner or other Person to impannel, summon and return, and the said Sheriff, Coroner or other Person is hereby accordingly authorized, empowered, and required to impannel, summon and return a Jury of at least Eighteen sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for the Trial of Issues joined in His Majesty's Courts of Record at *Westminster*, to appear before the Justices of the Peace for the said County of *Cumberland*, at some Court of General or Quarter Sessions of the Peace to be holden for the same County, or at some Adjournment thereof, as in such Warrant or Warrants shall be appointed; and in case a sufficient Number of Jurymen shall not appear at the Time and Place appointed as aforesaid, the said Sheriff, Coroner, or other Person shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, being so qualified as aforesaid, to make up the said Jury to the Number of Twelve; and all Parties concerned shall and may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the Clerk of the Peace for the said County of *Cumberland*, or his Deputy, is hereby empowered and required to summon and call before the said Justices all and every Person and Persons who shall be thought necessary to be examined as a Witness or Witnesses touching the Matters in question; and may order and authorize the said Jury, or any Six or more of them, to view the Place or Places or Matter in Controversy; and such Jury, upon their Oaths, or (being of the Society of Persons called *Quakers*) upon their solemn Affirmations (which Oaths and solemn Affirmations, as well as the Oaths and solemn Affirmations to such Person or Persons as shall be called upon to give Evidence, the said Justices are hereby empowered to administer) shall enquire of, assess and ascertain the Sum or Sums of Money to be paid for the Purchase of such Lands, Grounds, Tenements or Hereditaments as aforesaid, and also what other separate and distinct Sum or Sums of Money shall be paid by way of Recompence, either for the Damages which shall or may before that Time have been so sustained as aforesaid, or for the future, temporary or perpetual Continuance of any recurring Damages which shall have been so occasioned as aforesaid, and the Cause or Occasion of which shall have been only in Part obviated, repaired, or remedied by the said Canal Company, and which can or will be no further obviated, repaired or remedied by them; and the said Justices shall accordingly give Judgment for such Purchase Money or Recompence as shall be assessed by such Jury; which said Verdict, and the Judgment to be thereupon pronounced as aforesaid, shall be binding and conclusive to all Intents and Purposes, against all Bodies Politic, Corporate or Collegiate, and all other Persons whomsoever: Provided, that not less than Ten Days Notice in Writing of the Time and Place of Meeting of the said Justices and Jury shall be given by the Clerk of the said Company to the Party or Parties with whom any such Controversy shall arise, by leaving such Notice at the Dwelling-house of such Person or Persons, or the Clerk or Agent of any such Body Politic, Corporate or Collegiate, or with some

or Person who shall have last filled the Office of Sheriff, and be disinterested.

In default of Attendance of Jurymen, Standers-by may be returned.

Witnesses may be summoned.

Jurors may view the Place or Matter in question.

Verdict and Judgment thereon to be conclusive.

Tenant or Occupier of the Premiſes to be valued, or reſpecting which any ſuch Queſtion ſhall ariſe.

Penalty upon Sheriff, &c.

XXI. And be it further enacted, That if ſuch Sheriff or his Deputy, or any Coroner or other Perſon herein-before authorized and directed to act in the Stead of ſuch Sheriff, ſhall make Default in the Premiſes, he ſhall for every ſuch Offence forfeit the Sum of Fifty Pounds; and if any Perſon ſo to be ſummoned and returned upon any ſuch Jury as aforeſaid, ſhall not appear, or appearing ſhall refuſe to give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent of this Act; or if any Perſon ſo to be ſummoned to give Evidence as aforeſaid, ſhall not appear, on being paid or tendered a reaſonable Sum for his, her, or their Coſts and Expences, or appearing ſhall refuſe to be ſworn, examined or to give Evidence; then and in ſuch Caſe every ſuch Perſon ſo offending ſhall forfeit and pay for every ſuch Offence, for the Benefit of the Party for whom or on whoſe account ſuch Jury or Witneſs ſhall be ſummoned, any Sum not exceeding Ten Pounds, to be levied by virtue of any Warrant or Warrants under the Hand and Seal of any One of the ſaid Juſtices, by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo offending, rendering to him or them the Overplus of the Money thereby produced, after ſuch Penalty and the Charges of ſuch Diſtreſs and Sale ſhall be deducted.

Jurors, or Witneſſes making Default.

Juries to be under the ſame Regulations as thoſe of the Courts at Weſtminſter.

XXII. And be it further enacted, That every ſuch Jury and Juryman as aforeſaid ſhall alſo be liable and ſubject to the ſame Regulations, Pains and Penalties, as if ſuch Jury and Juryman had been returned for the Trial of any Iſſue joined in any of His Majeſty's Courts of Record at *Weſtminſter*; and that all and every Perſon and Perſons who in any Examination to be taken by virtue of this Act, upon their Oath, or (being of the Society of Perſons called *Quakers*) upon their ſolemn Affirmation, ſhall wilfully and corruptly give falſe Evidence before any ſuch Jury, or before any Juſtice of the Peace acting as ſuch in the Execution of this Act, ſhall and may be proſecuted for the ſame, and upon Conviction thereof, ſhall be ſubject and liable to the ſame Pains and Penalties to which Perſons guilty of wilful and corrupt Perjury are by the Laws in being ſubject and liable.

Perſons giving falſe Evidence, ſubject to the Penalties of Perjury.

Expences of Jury how to be borne.

XXIII. And be it further enacted, That in every Caſe where the Verdict of the Jury ſhall be given for more Money to be paid as a Recompence or Satisfaction as aforeſaid, than ſhall have been previouſly offered or tendered by and on Behalf of the ſaid Company, or if no ſuch Recompence or Satisfaction ſhall have been tendered by them or on their Behalf, to the Perſon or Perſons competent to accept and take the ſame, all the Expences of ſummoning ſuch Jury, taking ſuch Inqueſt, and ſummoning and Attendance of Witneſſes, ſhall be defrayed by the ſaid Company; but if the Verdict of the Jury ſhall not be given for more Money than ſhall have been previouſly offered or tendered by the ſaid Company as aforeſaid, then ſuch Expences ſhall be defrayed by the Perſon or Perſons with whom the ſaid Company ſhall have ſuch Controverſy or Diſpute; and all ſuch Expences as aforeſaid ſhall be ſettled by the ſaid Juſtices, and the Expences which are herein-before directed to be paid by the Perſon or Perſons with whom the ſaid Company ſhall have had any Controverſy or Diſpute, ſhall and may be deducted out of the Money to be determined or adjudged to be paid to ſuch Perſon or Perſons as aforeſaid, as ſo much Money advanced

to

to and for his, her, or their Uſe; and the Payment or Tender of the Remainder of the Money ſo to be determined or adjudged, ſhall be deemed and taken, to all Intents and Purpoſes whatſoever, to be a good Payment or a Tender in Satisfaction of the whole thereof: Provided always, that in all Caſes where by reaſon of Abſence in Foreign Parts or otherwiſe, any Perſon or Perſons ſhall have been prevented from treating and agreeing as aforeſaid, the whole of ſuch Charges and Expences ſhall be borne and paid by the ſaid Canal Company.

Perſons requeſting Juries, to enter into a Bond to proſecute their Complaint and pay Expences.

XXIV. And be it further enacted, That all and every Perſon and Perſons with whom the ſaid Canal Company may have any ſuch Controverſy or Diſpute as aforeſaid, ſhall, before the ſaid Company ſhall be obliged to iſſue out their Warrant or Warrants for the ſummoning of ſuch Jury, firſt enter into a Bond to the Treaſurer or Treaſurers of the ſaid Company for the Time being, in a Penalty of One hundred Pounds, to proſecute ſuch his, her, or their Complaint, and to bear and pay the Expences of ſummoning ſuch Jury and taking ſuch Inqueſt, and of ſummoning and the Attendance of Witneſſes, in caſe ſuch Coſts and Expences ſhall fall upon him, her, or them, to be paid according to the true Intent and Meaning of this Act.

No Complaint to be taken notice of unleſs Notice given to the Company within Six Months.

XXV. And be it further enacted, That the ſaid Company ſhall not be obliged by virtue of this Act to receive or take Notice of any Complaint or Complaints to be made by any Perſon or Perſons whomſoever, for any Injury or Damage by him, her, or them ſuſtained or ſuppoſed to be ſuſtained, by virtue or in conſequence of this Act, unleſs Notice in Writing ſhall have been given in relation thereto, by or on Behalf of ſuch Perſon or Perſons, to the ſaid Canal Company, or to their Treaſurer or Clerk, or to their known Agent or Agents, or to ſome Collector or Collectors of the Rates ariſing from the ſaid Undertaking, reſiding neareſt to the Place where the Cauſe of ſuch Complaint ſhall ariſe, within the Space of Six Calendar Months next after the Time that ſuch ſuppoſed Injury or Damage ſhall have been ſuſtained, or the doing or committing thereof ſhall have ceaſed.

Value of Lands and Damages to be aſcertained ſeparately.

XXVI. And be it further enacted, That the ſaid Juries ſhall award all Determinations, Judgments, and Verdicts which they ſhall reſpectively make and give, concerning the Value of Lands, Tenements, Mills, and Hereditaments, ſeparately and diſtinctly from any Damages ſuſtained or to be ſuſtained as aforeſaid; and ſhall diſtinguiſh the Value ſet upon the Lands and other Hereditaments, and the Money aſſeſſed or adjudged for ſuch Damages as aforeſaid, ſeparately and apart from each other.

Compenſation Money to be apportioned.

XXVII. And be it further enacted, That the ſaid Juries ſhall and they are hereby reſpectively empowered to ſettle what Shares and Proportions of the Purchaſe Money or Compenſation for Damages, which ſhall be agreed for, determined and adjuſted, or aſſeſſed in Manner as aforeſaid, ſhall be allowed to any Tenant or other Perſon or Perſons having a particular Eſtate, Term or Intereſt in the Premiſes, for ſuch his, her or their Intereſt or reſpective Intereſts therein.

Power to enter Lands,

XXVIII. And be it further enacted, That upon Payment or legal Tender of ſuch Sum or Sums of Money as ſhall have been contracted or agreed

agreed for between the Parties, or aſſeſſed by any Jury or Juries in Manner aforeſaid, for the Purchaſe of any ſuch Lands, Waters, Mills or Hereditaments, or as a Recompence for the yearly Produce or Profit thereof, or as a Compenſation for Damages as herein-before mentioned, to the Proprietor or Proprietors of ſuch Lands and Premiſes, or ſuch other Perſon or Perſons as ſhall be intereſted therein, or entitled to receive ſuch Compenſation, at any Time after the ſame ſhall have been ſo agreed for, determined or awarded; or if the Perſon or Perſons ſo entitled or intereſted, or any of them, cannot be found, or ſhall refuſe to receive the ſame, or ſhall not be able to make a good Title to, or ſhall refuſe to execute a Conveyance or Conveyances of the Premiſes which ſhall be required for the Purpoſes of this Act; then upon Payment of the ſaid Sum or Sums of Money into the Bank of *England*, as herein-after directed and required, for the Uſe of ſuch Perſon or Perſons ſo intereſted or entitled as aforeſaid, it ſhall be lawful for the ſaid Canal Company and their Agents, Servants or Workmen, immediately to enter upon ſuch Lands, Grounds or other Hereditaments reſpectively, and then and thereupon the Lands, Waters, Mills and other Hereditaments, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Eſtate, Uſe, Truſt and Intereſt of any Perſon or Perſons therein, ſhall from thenceforth become veſted in and become the ſole Property of the ſaid Canal Company, to and for the Purpoſes of this Act for ever; and ſuch Tender, Payment, or Inveſtiture ſhall not only bar all Right, Title, Intereſt, Claim and Demand of the Perſon or Perſons to whom the ſame ſhall or ought to have been made, but alſo ſhall extend to and ſhall be deemed and conſtrued to bar the Dower of the Wife of every ſuch Perſon, and all Eſtates Tail and other Eſtates in Reverſion and Remainder of his, her and their Iſſue, and of every other Perſon whomſoever therein.

upon Payment or Tender of Purchaſe Money.

XXIX. And be it further enacted, That all the ſaid Verdicts and Judgments ſhall be kept by the Clerk of the Peace of the ſaid County of *Cumberland*, amongſt the Records of the Quarter Seſſions of the ſaid County, and ſhall be deemed Records to all Intents and Purpoſes; and the ſame or true Copies thereof ſhall be allowed to be good Evidence in all Courts whatſoever; and all Perſons ſhall have free Liberty to inſpect the ſame, paying for each Inſpection the Sum of One Shilling and no more, and alſo to make Copies thereof, paying for each Copy after the Rate of One Shilling for every One hundred Words.

Verdicts of Juries to be recorded.

XXX. And be it further enacted, That all and every Perſon and Perſons who ſhall have any Mortgage or Mortgages on any Lands, Tenements or Hereditaments to be taken or uſed for the Purpoſes of this Act, ſhall on Tender of the Principal Money and Intereſt due thereon, together with the Amount of Three Calendar Months Intereſt on the ſaid Principal Money, by the ſaid Canal Company, or their Clerk or Agent, immediately convey, aſſign, and transfer ſuch Mortgage or Mortgages to the ſaid Company, or to ſuch Perſon or Perſons as they ſhall appoint; or in caſe ſuch Mortgagee or Mortgagees ſhall have Notice in Writing from the ſaid Canal Company, or their Clerk or Agent, that they will pay off and diſcharge the Principal Money and Intereſt which ſhall be due on the ſaid Mortgage or Mortgages at the End or Expiration of Two Calendar Months (to be computed from the Day of giving ſuch Notice), then at the End of ſuch Two Calendar Months, upon Payment of the Principal and Intereſt ſo due, ſuch Mortgagee or Mortagees ſhall convey, aſſign or transfer his, her, or their In-

Mortgagees to convey.

tereſt in the Premiſes to the ſaid Canal Company, or to ſuch Perſon or Perſons as they ſhall appoint; and in caſe ſuch Mortgagee or Mortgagees ſhall refuſe to convey or aſſign as aforeſaid, on ſuch Tender or Payment, then all Intereſt on every ſuch Mortgage ſhall from thenceforth ceaſe and determine: Provided always, that in caſe the Sum due for Principal and Intereſt upon any ſuch Mortgage or Mortgages ſhall amount to more than the Value of the Premiſes, to be aſcertained as directed by this Act, then the ſaid Canal Company ſhall not be liable to pay the Mortgagee or Mortgagees more than the real Value of the Premiſes ſo aſcertained as aforeſaid, or the Reſidue thereof, after ſuch Allowance and Payment thereout to any Leſſee or Tenant as herein-before directed: Provided alſo, that in caſe any ſuch Mortgagee ſhall neglect or refuſe to convey and aſſign as aforeſaid, then upon Payment of the Principal Money and Intereſt due on any ſuch Mortgage into the Bank of *England*, at the End of Two Calendar Months from the Day of giving ſuch Notice as aforeſaid, for the Uſe of ſuch Mortgagee or Mortgagees, the Caſhier or Caſhiers of the Bank ſhall give a Receipt or Receipts for the ſaid Money in like Manner as is by this Act directed in Caſes of other Payments into the Bank, and thereupon all the Eſtate, Right, Title, Intereſt, Uſe, Truſt, Property, Claim and Demand, of every ſuch Mortgagee, and alſo of every Mortgagor or Owner of the ſame Premiſes, and of all and every Perſon and Perſons in Truſt for him, her, or them, or any of them, ſhall veſt in the ſaid Canal Company, to all Intents and Purpoſes whatſoever.

Application of Compenſation when amounting to or exceeding 200l.

XXXI. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Tenements or Hereditaments, or for any other Matter, Right or Intereſt of what Nature or Kind ſoever, purchaſed, taken, or uſed by virtue of the Powers of this Act, for the Purpoſes thereof, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatic, or Perſon or Perſons under any Diſability or Incapacity as herein-before mentioned, ſuch Money ſhall, in caſe the ſame ſhall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account, *ex parte* "The *Carliſle* Canal Company," to the Intent that ſuch Money ſhall be applied, under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements or Hereditaments, in the Purchaſe of the Land Tax, or towards the Diſcharge of any Debt or Debts, or ſuch other Incumbrance or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, ſtanding ſettled therewith to the ſame or the like Uſes, Intents or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands, Tenements, or Hereditaments, which ſhall be conveyed to, for, and upon ſuch and the like Uſes, Truſts, Intents and Purpoſes, and in the ſame Manner as the Meſſuages, Lands, and Hereditaments, which ſhall be ſo purchaſed, taken or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting undetermined and capable of

taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the said Court of Chancery, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Where Compensation is less than 200l. and exceeds 20l.

XXXII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments, so purchased, taken or used, or of his, her or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Three Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the Committee of Management of the said Company, such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties, in order that such Principal Money, and the Dividends arising thereon, may be applied in Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Where less than 20l.

XXXIII. Provided always, and be it further enacted, That where such Money, so agreed or awarded to be paid as last before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so purchased, taken or used for the Purposes of this Act, in such Manner as the said Committee, or any Five or more of them, shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out a good Title, &c.

XXXIV. And be it further enacted, That in case the Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid, shall not be able to make a good Title to the Premises, to the Satisfaction of the said Committee of Management, or shall refuse to execute such Conveyance or Conveyances; or in case such Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid

ſaid cannot be found, or if the Perſon or Perſons entitled to ſuch Lands Tenements, or Hereditaments be not known or diſcovered, then and in every ſuch Caſe it ſhall be lawful for the ſaid Committee to order the ſaid Sum or Sums ſo awarded to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties intereſted in the ſaid Lands, Tenements, or Hereditaments, [deſcribing them] ſubject to the Order, Controul and Diſpoſition of the ſaid Court; which ſaid Court, upon the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered, in a ſummary Way of Proceeding or otherwiſe, as to the ſaid Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, or to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſt, of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England*, who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for the ſame, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

In caſe of diſputed Titles, the Perſon in Poſſeſſion to be deemed lawfully entitled.

XXXV. Provided always, and be it further enacted, That when any Queſtion ſhall ariſe touching the Title of any Perſon to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in purſuance of this Act, for the Purchaſe of any Lands, Tenements or Hereditaments, or of any Eſtate, Right, or Intereſt in any Lands, Tenements or Hereditaments to be purchaſed in purſuance of this Act, or to any Bank Annuities to be purchaſed with any ſuch Money, or to the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements or Hereditaments at the Time of ſuch Purchaſe by the ſaid Company, and all Perſons claiming under ſuch Perſon or Perſons, or under the Poſſeſſion of ſuch Perſon or Perſons, ſhall be deemed and taken to have been lawfully entitled to ſuch Lands, Tenements, or Hereditaments, according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid Court of Chancery; and the Dividends or Intereſt of the Bank Annuities to be purchaſed with ſuch Money, and alſo the Capital of ſuch Bank Annuities, ſhall be paid, applied and diſpoſed of accordingly, unleſs it ſhall be made appear to the ſaid Court that ſuch Poſſeſſion was a wrongful Poſſeſſion, and that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Lands, Tenements or Hereditaments, or to ſome Eſtate or Intereſt therein.

The Court of Chancery may order Expence of Purchaſes to be paid by the Company.

XXXVI. Provided alſo, and be it further enacted, That where by reaſon of any Diſability or Incapacity of the Perſon or Perſons or Corporation entitled to any Lands, Tenements or Hereditaments to be purchaſed under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid Court of Chancery, and to be applied in the Purchaſe of other Lands, Tenements or Hereditaments, to be ſettled to the like Uſes in purſuance of this Act, it ſhall be lawful for the ſaid Court to order the Expences of all Purchaſes from Time to Time to be

be made in purſuance of this Act, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Company hereby incorporated, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Company empowered to raiſe 80,000l. among themſelves.

XXXVII. And be it further enacted, That it ſhall and may be lawful for the ſaid Canal Company to raiſe and contribute amongſt themſelves, in ſuch Proportions as to them ſhall ſeem meet and convenient, ſuch Sum or Sums of Money as they ſhall think neceſſary for the making, carrying on, and completing the ſaid Canal, Reſervoirs, Aqueducts, Quays, Wharfs, and other Works and Conveniences hereby authorized to be made, not exceeding in the whole the Sum of Eighty thouſand Pounds, (except as herein-after is mentioned,) and that the ſame ſhall be divided into ſuch Number of Parts or Shares as herein-after directed; and that the Money ſo to be raiſed as aforeſaid, or a ſufficient Part thereof, ſhall be laid out and applied, in the firſt Place, in Payment, Satisfaction and Diſcharge of the Coſts, Charges and Expences attending the obtaining and paſſing of this Act, and the making of the proper Surveys, Plans and Eſtimates, and the doing and providing of all the Matters and Things preparatory and previous thereto; and all the Reſidue of ſuch Money, or ſo much thereof as ſhall be neceſſary, ſhall be applied and diſpoſed of for or towards the making, carrying on, completing and maintaining of the ſaid Canal and other Works reſpectively, and for other the Purpoſes of this Act.

Application thereof.

The Money raiſed to be divided into Shares; which ſhall be numbered in Progreſſion.

XXXVIII. And be it further enacted, That the ſaid Sum of Eighty thouſand Pounds ſhall be divided into One thouſand ſix hundred equal Shares, and that no Perſon ſhall take or ſubſcribe for leſs than One Share in the ſaid Undertaking; and that ſuch Shares ſhall be numbered in regular numerical Progreſſion, and every Share ſhall for ever afterwards be diſtinguiſhed by the Number to be appointed for the ſame; and the ſaid One thouſand ſix hundred Shares ſhall be and they are hereby veſted in the ſeveral Perſons, Bodies Politic and Corporate, ſubſcribing for and undertaking to raiſe and contribute the ſame, and their reſpective Executors, Adminiſtrators, Succeſſors and Aſſigns, to and for their own reſpective Uſe and Benefit, according and proportionably to the Number of Shares which they ſhall reſpectively ſubſcribe for and undertake to raiſe and contribute; and that all Perſons, Bodies Politic and Corporate, and their reſpective Executors, Adminiſtrators, Succeſſors and Aſſigns, who ſhall ſubcribe for any Share or Shares in the ſaid Undertaking, and pay ſuch Sum or Sums of Money as ſhall be demanded on account thereof, not exceeding in the whole their proportionable Part of the ſaid Sum of Eighty thouſand Pounds, towards the carrying on and completing the ſaid Canal and other Works hereby authorized to be made, ſhall be entitled to and receive, after the ſaid Navigation ſhall be completed, a due and juſt Proportion, according to their reſpective Number of Shares, of the clear Profits and Advantages which ſhall or may ariſe or accrue by or from the Rates, Tolls, Duties, and other Monies to be raiſed, recovered or received by virtue of this Act, according to the true Intent and Meaning thereof; and ſhall alſo from

Time to Time bear and pay a like due and juſt Proportion of the Money wanted for carrying on the ſaid Navigation and Undertaking in the Manner herein-after directed.

No Perſons anſwerable for more than their reſpective Stock.

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

Shares to be Perſonal Eſtate.

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

Names of Proprietors and the Numbers of their Shares to be entered in a Book.

XLI. And for the better ſecuring to the ſeveral Subſcribers towards the ſaid Navigation and Undertaking their reſpective Shares therein, be it further enacted, That the ſaid Canal Company, or their Committee of Management, ſhall, as ſoon as the ſame can or may be done, cauſe the Names and Additions of the ſeveral Perſons who ſhall be entitled to any Share or Shares in the ſaid Navigation and Undertaking, and the Number of Shares to which they ſhall be reſpectively entitled, and alſo the proper Number by which every ſuch Share ſhall be diſtinguiſhed, to be fairly and diſtinctly entered in a Regiſter Book, to be kept by the Clerk to the ſaid Canal Company, and after ſuch Entry, to cauſe the Common Seal of the ſaid Company to be affixed thereto; which ſaid Book ſhall from Time to Time be altered and corrected, and new Books, from Time to Time, ſhall be ſealed with the ſaid Common Seal, as the Change of Proprietors and Tranſfer of Shares ſhall render neceſſary or expedient; and

Tickets for the Shares to be delivered to the Subſcribers;

the ſaid Clerk ſhall alſo cauſe as many Tickets or Inſtruments to be prepared as there ſhall be Shares in the ſaid Navigation and Undertaking, bearing reſpectively the ſame Numbers as in the ſaid Books, and the Common Seal of the ſaid Company to be affixed to each of ſuch Tickets or Inſtruments, and thereupon to cauſe to be delivered to every Subſcriber towards the ſaid Navigation and Undertaking, upon Demand, a Ticket or Tickets ſpecifying the Share or Shares to which he or ſhe is entitled in the ſaid Undertaking; and every ſuch Subſcriber ſhall pay to the Clerk to

which ſhall be Evidence of their Title.

the ſaid Company, Two Shillings and Sixpence and no more, for every ſuch Ticket or Inſtrument; and every ſuch Ticket or Inſtrument ſhall be admitted as Evidence in all Courts whatſoever of the Title of ſuch Subſcriber, his or her Executors, Adminiſtrators and Aſſigns, to the Share therein ſpecified; but the Want of any ſuch Ticket or Inſtrument ſhall not hinder or prevent the Owner of any Share from ſelling or diſpoſing thereof, or from receiving annually his or her Share of the Profits of the ſaid Navigation and Undertaking in reſpect thereof.

Company empowered to raiſe a further Sum not exceeding 40,000l. among themſelves;

XLII. And be it further enacted, That if the ſaid Sum of Eighty thouſand Pounds herein-before authorized to be raiſed, ſhall be found inſufficient for the making, completing and maintaining of the ſaid Canal 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 Canal Company, after an Order or Reſolution for that Purpoſe ſhall be made at a Special General Meeting of the ſaid Company, to be called by the Committee of Management for the Time being, herein-after directed to be appointed (of which Meeting Ten Days previous Notice ſhall have been given in ſome Newſpaper or Newſpapers publiſhed or uſually circulated within the ſaid County of *Cumberland*), to raiſe in ſuch Shares and Proportions, and in Manner and Form as herein-before directed, any further or other Sum or Sums of Money for perfecting and completing the ſaid Navigation and other Works, not exceeding Forty thouſand Pounds; and towards raiſing ſuch further or other Sum or Sums, any Member or Members of the ſaid Canal Company ſhall and may, in the firſt Place, at his, her or their Diſcretion, ſubſcribe and become a Proprietor or Proprietors of any ſuch additional Shares; and in caſe ſuch further Sum or any Part thereof, ſhall not be raiſed and contributed among the original Members of the ſaid Company, in the Space of Three Calendar Months after ſuch Order or Reſolution made as aforeſaid, the ſaid additional Sum of Forty thouſand Pounds, or any Part thereof, ſhall and may be raiſed by the Admiſſion of new Subſcribers; and every ſuch new Subſcriber (if any) ſhall become a Proprietor in the ſaid Navigation and Undertaking hereby authorized to be made, and ſhall be entitled to exerciſe and enjoy the ſame Powers, Privileges and Advantages, and ſhall be alſo liable to the ſame Reſtrictions, Penalties and Forfeitures, as if ſuch further and additional Sum hereby allowed to be ſubſcribed for and raiſed, had conſtituted Part of the original Sum hereby authorized to be raiſed.

or by Admiſſion of new Subſcribers.

For raiſing Money by Mortgage.

XLIII. Provided always, and be it further enacted, That if the ſaid Canal Company ſhall be deſirous of raiſing by Mortgage of the ſaid Navigation and Undertaking, the ſaid additional Sum of Forty thouſand Pounds, or any Part thereof; or in caſe the ſaid Canal Company ſhall, for the more ſpeedy Completion of the ſaid Canal, be deſirous of raiſing by Mortgage any Part of the ſaid firſt-mentioned Sum of Eighty thouſand Pounds, not exceeding the Sum of Twenty thouſand Pounds, in lieu of raiſing the ſame, or the whole, or any Part thereof, by Calls under the Proviſions of this Act, and ſhall make an Order or Orders, or enter into a Reſolution or Reſolutions to that Effect, at any Special Meeting or Meetings of the ſaid Canal Company to be called for that Purpoſe by their Committee of Management for the Time being, and of which Meeting Ten Days previous Notice ſhall be given in the Manner aforeſaid, ſtating in every ſuch Notice the Purpoſe thereof; then and in ſuch Caſe it ſhall and may be lawful to and for the ſaid Canal Company, purſuant to ſuch Order or Reſolution, to borrow and take up at Intereſt ſuch Sums, or any Part or Parts thereof, upon the Credit of the ſaid Navigation and Undertaking, as to them ſhall ſeem meet and convenient; and the ſaid Canal Company are hereby accordingly fully authorized and empowered to grant, aſſign, and make over by way of Mortgage, to any Perſon or Perſons lending any ſuch Money, or by way of collateral Security to any Perſon or Perſons who ſhall borrow either of ſuch Sums of Money, or any Part or Parts of either of ſuch Sums of Money, for the Uſe of the

ſaid

ſaid Company, the ſeveral Tolls, Rates and Duties granted to them be this Act or any Part thereof, (the Coſts and Charges of which Aſſignment ſhall be paid out of the ſaid Tolls, Rates and Duties) as a Security for the Sum or Sums of Money ſo to be borrowed, together with Intereſt for the ſame, unto the Perſon or Perſons who ſhall lend and advance any ſuch Sum or Sums of Money, or who ſhall have borrowed any ſuch Sum or Sums of Money for the Uſe of the ſaid Company, or unto his, her or their Truſtee or Truſtees; all which Aſſignments or Mortgages ſhall be made by Deed in Writing under the Common Seal of the ſaid Company, in the Form or to the Effect following; (that is to ſay),

Form of Mortgage.

'BY Virtue of an Act made in the Fifty-ninth Year of the Reign of His Majeſty King *George* the Third, intituled [*inſert the Title of this Act*,] we, the *Carliſle* Canal Company, incorporated by virtue of the ſaid Act, in Conſideration of the Sum of of lawful Money of *Great Britain*, to us paid by of do hereby bargain, ſell, and aſſign unto the ſaid his Executors, Adminiſtrators and Aſſigns, the ſaid Navigation and Undertaking, and all and ſingular the Tolls, Rates and Duties granted or ariſing and payable to us by virtue of the ſaid Act; and all the Eſtate, Right, Title and Intereſt of us the ſaid Company, of, in, to or out of the ſame reſpectively, to hold unto the ſaid his Executors, Adminiſtrators and Aſſigns, until the ſaid Sum of together with Intereſt for the ſame after the Rate of *per Centum per Annum*, ſhall be fully paid and ſatisfied to him or them. Given under our Common Seal, this Day of

Or in any other Form or to any other Effect, which may be better adapted to the Circumſtances under which any ſuch Sum of Money ſhall be borrowed, or collateral Security given; and that all Perſons to whom ſuch Aſſignments or Mortgages ſhall be made, ſhall be equally entitled (one with the other) to the ſaid Tolls, Rates, Duties, and Premiſes thereby aſſigned, according and in proportion to the Sums by them reſpectively lent and advanced on the Credit thereof as aforeſaid, without any Preference by reaſon of the Priority of Date of any ſuch Aſſignment or Mortgage, or upon any other Account whatſoever; and that the Money ſo to be borrowed as aforeſaid ſhall be applied and diſpoſed of for the carrying on, completing, and maintaining the ſaid Navigation and other Works hereby authorized to be made, and for carrying the ſeveral Powers and Authorities hereby given into Execution.

A Memorial of every Mortgage to be made by the Company's Clerk.

XLIV. And be it further enacted, That an Entry or Memorial of every ſuch Aſſignment or Mortgage as aforeſaid, containing the Date thereof, the Name or Names and Additions of the Party or Parties to whom the ſame ſhall be made, and the Sum thereby ſecured, with the Rate of Intereſt to be paid for the ſame, ſhall be made and entered in a Book to be kept for that Purpoſe by the Clerk to the ſaid Canal Company for the Time being; and that ſuch Book ſhall and may be peruſed *gratis*, at any ſeaſonable Times, by any of the Proprietors or Creditors of the ſaid Navigation and Undertaking; and that all and every Perſon or Perſons to whom

whom any ſuch Aſſignment or Mortgage ſhall be made as aforeſaid, or who ſhall be entitled to the Money thereby ſecured, ſhall and may from Time to Time aſſign, transfer and ſet over his, her, or their Right, Title or Intereſt therein unto any Perſon or Perſons whomſoever, either by Indorſement thereon or otherwiſe; which Transfer ſhall and may be made by a Deed in Writing, in the Form or to the Effect following; namely, Mortgages may be transferred.

'I in Conſideration of the Sum of to me paid by of do hereby transfer the within Mortgage [*or*, a certain Mortgage made to me by the *Carliſle* Canal Company, bearing Date the Day of] and the principal Sum of thereby ſecured, and the Intereſt now due and hereafter to grow due for the ſame, and all my Right and Property therein, unto the ſaid his Executors, Adminiſtrators, and Aſſigns. In Witneſs whereof I have hereunto ſet my Hand and Seal, this Day of .' Form of Transfer.

And that every ſuch Transfer ſhall, within Thirty Days from the Date thereof, be produced to the Clerk to the ſaid Canal Company, who ſhall thereupon cauſe an Entry or Memorial thereof, to the ſame Purport and Effect as herein-before directed with reſpect to the original Aſſignment or Mortgage, to be made or entered in the Book to be kept for entering the Memorials of ſuch original Aſſignments or Mortgages; and that after ſuch Entry ſhall be made, but not before, ſuch Transfer ſhall entitle the Aſſignee or Aſſignees therein named, and his, her, or their Executors, Adminiſtrators and Aſſigns, to the full Benefit of the original Mortgage. Memorials of Transfers to be made before the Aſſignees ſhall be entitled.

XLV. Provided always, and be it further enacted, That if the ſaid Canal Company hereby incorporated ſhall think it more expedient to borrow ſuch further Sum of Forty thouſand Pounds, or any Part thereof, by Promiſſory Notes under the Common Seal of the ſaid Company hereby incorporated, it ſhall and may be lawful for them ſo to do; and that ſuch Notes ſhall be made payable in ſuch Manner, and at ſuch Time and Times, and with ſuch legal or leſs Rate of Intereſt, as the ſaid Company ſhall think proper, and either with or without Power in the Holders of ſuch Notes to have an Option of being admitted to hold a Share of Fifty Pounds in lieu of the Principal Money thereby to be ſecured, or ſo much or ſuch Parts thereof as the ſaid Canal Company hereby incorporated, or their Committee of Management for the Time being, and the Perſon or Perſons advancing ſuch Money on the Security of the ſaid Notes, ſhall jointly agree upon; ſo nevertheleſs, that no Perſon be in any Caſe admitted to hold a Share of Fifty Pounds in lieu of a leſs Principal Sum of Money than Fifty Pounds advanced on the Security of ſuch Notes, the Particulars of ſuch Options being at all Times expreſſed in the ſaid Notes; and the Rates authorized to be taken, and which ſhall ariſe and be received by virtue of this Act, ſhall be a Security for any Sum or Sums of Money ſo to be borrowed as aforeſaid, with Intereſt, to the Perſon or Perſons who ſhall from Time to Time be entitled to ſuch Securities, and the Principal Monies and Intereſt thereby ſecured; and all Perſons to whom any ſuch Securities as aforeſaid ſhall be given, ſhall be equally entitled to a Claim or Lien on the ſaid Rates, in proportion to the reſpective Sums mentioned thereby to be ſecured The Company may raiſe the Sum of 40,000l. upon Promiſſory Notes.

cured and advanced, as if the ſame were advanced upon Mortgages or Aſſignments of the ſaid Rates in purſuance or by virtue of this Act, and without any Preference by reaſon of the Priority of the Date of any ſuch Securities, or on any other Account whatſoever.

Intereſt of Money borrowed to be firſt paid.

XLVI. And be it further enacted and declared, That the Intereſt of ſuch Money as ſhall be ſo borrowed by Mortgage or Promiſſory Notes as aforeſaid, ſhall be paid Half-yearly to the ſeveral Perſons entitled thereto, in preference of any Intereſts or Dividends due and payable by virtue of this Act to the ſaid Canal Company, or any of them, and ſhall from Time to Time be fully paid and diſcharged or provided for, before the Yearly or other Intereſt or Dividends due to the ſaid Proprietors be paid, made, or divided.

Proprietors of Two or more Shares entitled to a Vote in reſpect of every Share.

XLVII. And be it further enacted, That all and every Perſon and Perſons, Body and Bodies Politic, Corporate or Collegiate, and his, her, and their reſpective Executors, Adminiſtrators, Succeſſors and Aſſigns, who ſhall by virtue of this Act have ſubſcribed or undertaken for, or become entitled to and be in the actual Poſſeſſion of not leſs than Two Shares in the ſaid Undertaking, ſhall have a Vote at all Meetings of the ſaid Canal Company to be held in purſuance of this Act, for and in reſpect of every Share, for, to, or of which he, ſhe, or they ſhall have ſo ſubſcribed, undertaken or become entitled and poſſeſſed, but no Proprietor or Proprietors of one ſingle Share ſhall have a Vote at any ſuch Meetings; and every Queſtion, Matter, or Thing which ſhall be propoſed, diſcuſſed or conſidered at any Meeting of the ſaid Company to be held in purſuance of this Act, ſhall be determined by the Majority of Votes then preſent: Provided always, that no Proprietor ſhall be entitled to vote for or in reſpect of more than Twenty Shares, although he ſhall be poſſeſſed of more than that Number, ſave and except only ſuch Perſon or Perſons as ſhall before the paſſing of this Act have ſubſcribed for more than Twenty Shares, who ſhall be perſonally entitled to vote for and in reſpect of every Share for which he or they ſhall have ſo ſubſcribed before the paſſing of this Act.

Limitation of Votes.

Proprietors may vote by Proxy.

XLVIII. Provided always, and be it further enacted, That it ſhall and may be lawful for every ſuch Body Politic, Corporate or Collegiate entitled to vote at Meetings of the ſaid Canal Company, to be held in purſuance of this Act, by Writing under their Common or Corporate Seal, and alſo for all and every other Perſon and Perſons entitled to vote as aforeſaid, by Writing under his, her, or their Hand or Hands, and in caſe of the Infancy of any ſuch Perſon or Perſons, then for his, her or their Guardian or Guardians, by Writing under the Hand or Hands of ſuch Guardian or Guardians, to conſtitute and appoint any other Proprietor or Proprietors of not leſs than Two Shares in the ſaid Undertaking, their, his or her Proxy or Proxies, to vote at any ſuch Meetings of the ſaid Canal Company; and every ſuch Vote by Proxy ſhall be as good and valid, to all Intents and Purpoſes, as if the Principal or Principals had voted in Perſon; but no Proprietor ſhall be entitled to appoint any Proxy or Proxies for or in reſpect of more than Ten Shares, ſave and except only the ſeveral Perſons who ſhall, before the paſſing of this Act, have ſubſcribed for more than Ten Shares; and every Perſon who ſhall have ſo ſubſcribed, ſhall be entitled to appoint a Proxy or Proxies for or in reſpect of Twenty

Limitation of Proxies.

Shares, or for the whole Number of Shares (if leſs than Twenty) for which he ſhall have ſo ſubſcribed; but the Executors, Adminiſtrators or Aſſigns of any ſuch Subſcriber ſhall not be entitled to vote by Proxy for more than Ten Shares; and no Proprietor ſhall be entitled to vote as Proxy for or in reſpect of more than Ten Shares, except as Proxy of any Perſon who ſhall have ſubſcribed for more than Ten Shares before the paſſing of this Act.

XLIX. And be it further enacted, That the Appointment of every Proxy to vote under and by virtue of this Act, ſhall and may be made in the Form or to the Effect following; that is to ſay,

Form of Appointment of Proxy.

"I Proprietor [*or*, Guardian of a Proprietor] of Shares in the *Carliſle* Canal Navigation, do hereby nominate, conſtitute, and appoint to be my Proxy [*or*, Proxy of the ſaid] in my [*or*, his or her] Name, and in my [*or*, his or her] Abſence to vote and give my [*or*, his or her] Aſſent or Diſſent to any Buſineſs, Matter or Thing relating to the ſaid Navigation, which ſhall be mentioned or propoſed at any Meeting of the ſaid Canal Company, or any Adjournment thereof, until I [*or*, the ſaid] ſhall revoke this Appointment, by Notice in Writing to the Clerk of the ſaid Company: In witneſs whereof I have hereunto ſet my Hand, the Day of :"

Appointments of Proxies to be entered in a Book.

And every ſuch Appointment ſhall be produced to the Clerk of the ſaid Canal Company, and entered in a Book to be kept by him for that Purpoſe, before any Vote ſhall be given in reſpect of ſuch Appointment, which Book ſhall be ſufficient Authority for any Proxy to give his Vote or Votes, without Production of his Appointment at the Time of voting, until the ſame is revoked.

Proprietors not entitled to vote in reſpect of Shares until Calls are paid.

L. Provided always, and be it further enacted, That no Proprietor of any Shares in the ſaid Navigation and Undertaking, either in Perſon or by Proxy, ſhall be entitled to vote at any Meeting of the ſaid Canal Company, in reſpect of ſuch Shares, unleſs the ſame ſhall be ſtanding in the Name of ſuch Proprietor in the Regiſter Book herein-before directed to be made and kept, at and immediately before ſuch Meeting; nor unleſs the Sums of Money from Time to Time to be called for by the Committee of Management for the Time being to be appointed as herein-after directed, and due and payable at or before any ſuch Meeting, in reſpect of all and every the Shares of ſuch Proprietor, and all Arrears thereof, ſhall have been duly paid to the Treaſurer or Treaſurers of the ſaid Company.

First and other General Meetings of Company.

LI. And be it further enacted, That the Firſt General Meeting of the ſaid Canal Company, for putting this Act in Execution, ſhall be held at the City of *Carliſle*, within Six Weeks after the paſſing of this Act, of which Meeting not leſs than Fourteen Days Notice ſhall be given by public Advertiſement, in ſome one or more Newſpapers publiſhed or uſually circulated within the ſaid County of *Cumberland*; and all future Meetings of the ſaid Company (except ſuch Special General Meetings as herein-after mentioned)

mentioned) ſhall be held upon the Firſt *Tueſday* in *July* in every Year, at the Hour of Eleven in the Forenoon, at the ſaid City of *Carliſle*, or at ſuch Place or Places as the ſaid Canal Company, at their preceding General Meeting, ſhall from Time to Time direct and appoint, of which future General Meeting not leſs than Ten Days Notice (both Days inclu-ſive) ſhall be given by public Advertiſement, in ſuch public Newſpapers as herein-before mentioned, or in ſuch other Manner as the ſaid Canal Company at their reſpective General Meetings ſhall direct.

Chairman to be appointed, who ſhall have the caſting Vote.

LII. And be it further enacted, That at every ſuch Meeting as aforeſaid, One of the Proprietors preſent ſhall be appointed Preſident or Chairman, who ſhall not only have a Vote or Votes as a Proprietor or Proxy, but ſhall alſo, in caſe of an equal Diviſion, have the deciſive or caſting Vote; and if at any Time Two or more Perſons ſhall be propoſed as Preſident or Chairman, and ſhall have an equal Number of Votes, then the Perſons ſo propoſed ſhall draw Lots for the ſaid Office.

Treaſurer and Clerk to be appointed;

LIII. And be it further enacted, That the ſaid Canal Company ſhall, at their Firſt General Meeting, and afterwards from Time to Time when neceſſary, at any future General Meeting, elect and chooſe, and under their Common Seal appoint a Principal Treaſurer or Principal Treaſurers to the ſaid Company, taking good and ſufficient Security from him or them for the faithful Diſcharge of the Truſt repoſed in him or them reſpectively, and alſo a Clerk; and the ſaid Clerk ſhall, in a proper Book or Books to be provided by the ſaid Company for that Purpoſe, enter and keep a true and perfect Account of the Names and Places of Abode of the ſeveral Proprietors of the ſaid Undertaking, and of the ſeveral Perſons who ſhall from Time to Time become Owners and Proprietors of or entitled to any Share or Shares therein, and of all Acts, Proceedings and Tranſactions of the ſaid Company, and of their Committee and Committees, to be appointed as herein-after directed; and each of the ſaid Proprietors in the ſaid Undertaking ſhall and may, at all convenient Times, have recourſe to and peruſe and inſpect the ſame *gratis*, and may demand and have Copies thereof, or of any Part thereof, paying for every One hundred Words ſo to be copied, the Sum of Sixpence; and if any ſuch Clerk to the ſaid Company ſhall refuſe to permit any Proprietor or Perſon ſo intereſted as aforeſaid, to inſpect or peruſe ſuch Book or Books of Proceedings, or refuſe to make any ſuch Copy or Copies at the Rate or Price aforeſaid, he ſhall for every ſuch Offence forfeit and pay a Sum not exceeding Five Pounds; and whenever any ſuch Treaſurer or Clerk ſhall die or be removed, or quit the Service of the ſaid Company, it ſhall be lawful for the Committee of Management of the ſaid Company from Time to Time to appoint ſome other Perſon in the Place of the Treaſurer or Clerk ſo dying, being removed, or quitting, until the next General Meeting of the ſaid Company, when the Clerk, Treaſurer or Treaſurers ſo appointed, or ſome other Clerk, Treaſurer or Treaſurers, ſhall be nominated and appointed for the Purpoſes aforeſaid.

Accounts to be kept.

In caſe of Death, Removal or Reſignation, Committee may appoint others until next General Meeting.

Same Perſon not to act as Clerk and Treaſurer.

LIV. Provided always, and be it further enacted, That it ſhall not be lawful for the ſaid Canal Company to appoint the Perſon who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any ſuch Clerk, the Treaſurer for the Purpoſes of this Act; nor to appoint the Perſon who may be appointed Treaſurer, or the Partner of any

any such Treasurer, the Clerk to the said Canal Company; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer, shall act as Clerk in the Execution of this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Committee of Management.

LV. And be it further enacted, That the said Canal Company shall at their First General Meeting, or at some Adjournment thereof, nominate and appoint Nine Persons of and out of the said Canal Company, to constitute a Committee of Management for managing and conducting the Affairs, Concerns, and Business of the said Undertaking, until the Annual General Meeting which shall be held in the Year of our Lord One thousand eight hundred and twenty-two; but no Person shall be capable of being chosen or of acting as One of such Committee, unless he shall hold and be possessed, in his own Right, of Ten Shares at the least in the said Undertaking: Provided always, that no Person holding any Office, Employment, or Contract under the said Company, shall be capable of being chosen or acting as a Member of such Committee, during the Time of his Continuance in such Place, Office, or Employment, or holding such Contract.

General Meetings for Appointment of Committee to consist of 200 Shares.

LVI. Provided always, and be it further enacted, That if at any such General Meeting there shall not be Proprietors present, either in Person or by Proxy, who shall be possessed of Two hundred Shares at the least in the said Undertaking, no Nomination, Appointment or Removal of any Member or Members of the said Committee shall be made or directed at that Time, but in such Case there shall be another Meeting of the said Canal Company held at the same Place, within the Space of Three Weeks then next following, and so from Time to Time until there shall be Persons present at such Meeting having such Number of Shares as aforesaid; and such Nomination, Appointment, or Removal shall then take place; and Ten Days Notice of every such adjourned Meeting shall be given by Advertisement in some one or more public Newspaper or Newspapers published or usually circulated within the said County of *Cumberland*; and the Person or Persons appointed to be Member or Members of the said Committee at any such adjourned Meeting, shall have the same Powers which he or they would have had, and shall continue in Office until such Time as he or they would have done, had he or they been chosen by the said First Meeting herein-before appointed; and in case of Failure of the assembling of a sufficient Number of Proprietors in Person or by Proxy, having Two hundred Shares at such First Meeting, every Proprietor who shall not attend in Person or by Proxy such adjourned Meeting, shall forfeit to the said Canal Company, for every Share which he, she or they shall possess in the said Undertaking, the Sum of Ten Shillings, to be deducted out of the next succeeding Payment of Interest or Dividends of the Profits of the said Undertaking after such Non-attendance; and in case no Interest or Dividends shall be payable to such Person or Persons so making Default as aforesaid, within Six Calendar Months next after the

making of such Default, and in default of such Payment, then such Forfeiture shall be recovered by the Ways and Means herein-after appointed for the Recovery of any of the other Penalties or Forfeitures imposed by this Act.

Members of the Committee to go out of Office by Rotation, and Manner of subsequent Appointment of Committee.

LVII. And be it further enacted, That the said Nine Persons so nominated and appointed, or the Person or Persons appointed in their Room or Stead respectively, by virtue of this Act, shall continue in Office until the Annual General Meeting which shall be held on the First *Tuesday* in *July* in the Year of our Lord One thousand eight hundred and twenty-two, and on the Day of such Meeting, Three of the said Members of the said Committe shall go out of Office, and cease to be Members of the said Committee of Management; and in order to determine who of the said Members shall go out of Office, the Clerk of the said Company at the said General Meeting of the said Company (or at some Adjournment thereof) shall and he is hereby required to write upon Nine distinct Pieces of Paper the Names of each of the said Committee, and all such Papers shall be rolled up in the same Form, as near as may be, and put into a Box or Bag, and Three of such Papers shall then be drawn out of such Box or Bag, by such Clerk, One by One; and the Three Members, whose Names shall be written upon such Papers respectively so drawn, shall go out of Office, and cease to be Members of the said Committee; and the said Company shall then nominate and appoint Three other Members of the said Company, who shall severally be possessed of and entitled to Ten Shares at least in the said Undertaking; and such Three Persons so appointed shall continue in Office for the Space of Three Years (except in case of Death, or Refusal to act, or ceasing to be qualified in Manner by this Act directed) and no longer; and on the Annual General Meeting, which shall be held on the First *Tuesday* in *July*, which shall be in the Year of our Lord One thousand eight hundred and twenty-three, Three more of the Members of the said Committee, first nominated and appointed by virtue of this Act as Members, or the Person or Persons nominated or appointed in his or their Room or Stead, shall go out of Office, and cease to be Members of the said Committee of Management; and in order to determine who of such Persons shall go out of Office, the Clerk of the said Company, at the General Meeting of the said Company to be holden on that Day (or at some Adjournment thereof,) shall and he is hereby required to write upon Six distinct Pieces of Paper the Name of each of such Members, and all such Papers shall be rolled in the same Form, as near as may be, and put into a Box or Bag, by such Clerk, and Three of such Papers shall then be drawn out of such Box or Bag, by such Clerk, One by One, and the Members whose Names shall be written upon such Papers respectively so drawn, shall go out of Office, and cease to be Members of the said Committee of Management; and the said Company shall then nominate and appoint Three other Members of the said Company, qualified as aforesaid, to be Members of the said Committee, and such Three Persons, so nominated and appointed, shall continue in Office for the Space of Three Years (except in case of Death, or Refusal to act, or ceasing to be qualified in Manner by this Act directed), and no longer; and at the Annual General Meeting which shall be held on the First *Tuesday* in *July* in the Year of our Lord One thousand eight hundred and twenty-four, the Three remaining Members of the Committee first nominated and appointed by virtue of this Act, or the

Perſon or Perſons appointed in his or their Room or Stead, ſhall go out of Office, and ceaſe to be Members of the ſaid Committee; and the ſaid Company ſhall, at ſuch laſt-mentioned General Meeting, nominate and appoint Three other Members of the ſaid Company, qualified as aforeſaid, to be Members of the ſaid Committee of Management; and ſuch Three Perſons, ſo nominated and appointed, ſhall continue in Office for the Space of Three Years (except in caſe of Death, or Refuſal to act, or ceaſing to be qualified in Manner by this Act directed) and no longer; and at every ſucceeding Annual General Meeting, to be held on the Firſt *Tueſday* in *July* in every Year, Three Members of the ſaid Committee out of the Members of the ſaid Company, qualified as aforeſaid, ſhall be nominated and appointed by the ſaid Company, and ſuch Three Members of the ſaid Committee ſhall continue in Office for the Space of Three Years (except in caſe of Death, or Refuſal to act, or ceaſing to be qualified in Manner as by this Act directed) and no longer: Provided always, that it ſhall and may be lawful for the ſaid Canal Company again to nominate and appoint any ſuch Perſon or Perſons ſo qualified as aforeſaid, and going out of Office, to be a Member or Members of the ſaid Committee of Management.

Members of the Committee going out of Office to be re-eligible.

LVIII. And be it further enacted, That in caſe any Perſon nominated and appointed to be a Member of the ſaid Committee of Management in Manner aforeſaid, ſhall die, or refuſe to act, or ſhall not attend at Three-fifths of the Meetings of the ſaid Committee, between any Two ſucceſſive Annual Meetings of the ſaid Company, or ſhall ceaſe to be poſſeſſed of Ten Shares at leaſt in the ſaid Undertaking, or ſhall hold any Place, Office, Employment or Contract under the ſaid Company, in any of ſuch Caſes it ſhall be lawful for the ſaid Canal Company, at a General or Special Meeting of the ſaid Company, to nominate and appoint from and out of the ſaid Company, ſome Perſon or Perſons qualified as aforeſaid, to be a Member or Members of the ſaid Committee, in the Room or Stead of the Member or Members ſo dying, refuſing to act, ceaſing to be qualified, or holding any Place, Office, Employment or Contract under the ſaid Company; and every Perſon ſo nominated and appointed, ſhall have the like Powers and Authorities, and ſhall be ſubject to the like Rules, Orders, Regulations and Reſtrictions, as the Perſon in whoſe Room or Stead he ſhall be ſo nominated and appointed, and ſhall continue in Office as a Member of the ſaid Committee for ſuch Time, and no longer, as the Perſon in whoſe Room or Stead he ſhall be ſo nominated or appointed would have continued in Office.

For ſupplying Vacancies in Committee by Death, &c.

LIX. Provided always, and be it further enacted, That in order to prevent any Difficulty ariſing from the Want of a ſufficient Number of Perſons qualified as aforeſaid, to be Members of the ſaid Committee, it ſhall and may be lawful for the ſaid Canal Company, at any General or Special General Meeting to be held for the Purpoſes of the ſaid Navigation, from Time to Time to vary and alter, as to the ſaid Company ſhall ſeem meet, the Qualification herein-before limited to render any Perſon capable of being choſen or acting as a Member of the ſaid Committee of Management; ſo as that no Perſon ſhall by any ſuch Variation or Alteration be rendered eligible or capable of acting as a Member of the ſaid Committee, who ſhall be poſſeſſed in his own Right, of leſs than Six Shares in the ſaid Undertaking; and no Propoſal for making any ſuch Variation or Alteration

Power to vary Qualification of the Members of the Committee.

teration ſhall be diſcuſſed or determined upon at any Meeting of the ſaid Company, unleſs Notice ſhall be given by public Advertiſement in ſome Newſpaper publiſhed or uſually circulated within the ſaid County of *Cumberland*, Fourteen Days at leaſt before any ſuch Meeting, that ſuch Variation or Alteration is intended to be propoſed.

Committee and Officers to account.

LX. And be it further enacted, That at the Second and every ſucceeding Annual General Meeting of the ſaid Canal Company, an Account of all the Monies received, laid out, and diſburſed, reſpecting the ſaid Canal, Reſervoirs and other Works, by the Committee, or by the Clerk, Treaſurer, Collector of Rates, and other Perſons whomſoever employed about the ſaid Undertaking, brought up to the Period of Twenty-eight Days before ſuch Annual Meeting, ſhall be laid before the ſaid Proprietors to be audited and ſettled, and ſuch Account ſhall be depoſited with the Clerk to the ſaid Canal Company during the Seven Days immediately preceding ſuch General Meeting, for the Purpoſe of being inſpected by the Proprietors of Shares in the ſaid Canal Company, who ſhall have free Acceſs thereto at all ſeaſonable Times during ſuch Seven Days; and the ſaid Committee for the Time being, ſhall alſo from Time to Time make Reports of their Proceedings, and of every material Occurrence reſpecting the ſaid Undertaking, to the General Meeting of the ſaid Company, and ſhall at all Times be ſubject to and obey the Orders and Directions of ſuch General Meetings.

Committee to make Reports to, and be ſubject to the Orders of General Meetings.

Regulations for Meetings of Committee of Management.

LXI. And be it further enacted, That the ſaid Committee of Management ſhall, at their Firſt and every other Meeting to be held in purſuance of this Act, elect a Chairman out of the Members of ſuch Committee then preſent, to preſide at ſuch Meeting; and that any Five or more Members of the ſaid Committee of Management, but not leſs, ſhall be a ſufficient Number to conſtitute a Meeting, for the Purpoſe of doing all Acts, Matters and Things, and exerciſing all the Powers and Authorities hereby directed to be done by and veſted in ſuch Committee; and that all Queſtions, Matters and Things which ſhall be propoſed, diſcuſſed, or conſidered by the ſaid Committee at their ſaid Meetings, ſhall be decided and determined by the Majority of Members then preſent; but no Member ſhall have more than One Vote at ſuch Meetings, ſave and except that in caſe of an equal Diviſion, the Chairman ſhall, beſides his own Vote, always have the caſting Vote; and if, at any Meeting, Two or more Perſons ſhall be propoſed to fill the Office of Chairman, and ſhall have an equal Number of Votes, then the Perſons ſo propoſed ſhall draw Lots for the ſame; and the ſaid Committee ſhall meet at ſuch Times and Places, and ſhall from Time to Time adjourn themſelves to ſuch other Time and Place, as they ſhall think fit (ſubject nevertheleſs to the Orders and Directions of the General Meetings of the ſaid Company): Provided always, that if at any Meeting of the ſaid Committee there ſhall not attend ſo many Members as are hereby required to conſtitute a Meeting for exerciſing the Powers hereby veſted in ſuch Committee, then and in ſuch caſe, and when and ſo often as the ſame ſhall happen, the Meeting ſhall be adjourned by the Member or Members then preſent, or if no Member be preſent, by the Clerk to the ſaid Canal Company, or ſuch other Perſon as ſhall attend in his Place, to ſuch other Time and Place as he or they ſhall reſpectively think fit.

LXII. And

Officers to be appointed by Committee of Management;

LXII. And be it further enacted, That it ſhall and may be lawful for the ſaid Committee of Management, and they are hereby authorized and required, from Time to Time, to nominate and appoint a Superintendant or Superintendants of the Works of the ſaid Canal Company, if they ſhall think expedient; and ſuch Engineers, Surveyors, Collectors of the Tolls, Rates, and Duties herein-after granted, and other Officers, (except ſuch as are directed to be appointed only by General Meetings of the ſaid Company) as the ſaid Committee of Management ſhall think proper and expedient for the better carrying the Purpoſes of this Act into Execution, (the ſaid Committee always taking good and ſufficient Security from all Collectors and other Officers who ſhall have the Care and Cuſtody of any Money to be raiſed and received by virtue of this Act, for the faithful Diſcharge of the Truſt repoſed in them); and alſo from Time to Time to diſcharge and diſmiſs any ſuch Superintendants, Engineers, Surveyors, Collectors or other Officers, and appoint others in their Stead as there ſhall be occaſion; and that all ſuch Superintendants, Engineers, Surveyors, Collectors, and other Officers of the ſaid Canal Company, who ſhall at any Time quit or be diſmiſſed from the Service of the ſaid Company, and their Executors and Adminiſtrators, and the reſpective Executors or Adminiſtrators of thoſe who may happen to die, ſhall immediately thereupon produce and deliver up to the ſaid Committee of Management, or to ſuch Perſon or Perſons as they ſhall direct, all Books, Accounts, Writings and Papers whatſoever, which ſhall be in the Cuſtody or Power of ſuch Superintendants, Engineers, Surveyors, Collectors or other Officers, Executors or Adminiſtrators reſpectively, in anywiſe relating to the ſaid intended Navigation and Undertaking; and the ſaid Committee of Management, or any Sub-Committee or Sub-Committees to be appointed in Manner after-mentioned, ſhall alſo have full Power and Authority, and they are hereby required annually (or oftener if they ſhall think fit) to call for, audit, and ſettle all Accounts of Money received, paid, laid out, and diſburſed for or on account of the ſaid Canal Company, by the Treaſurer or Treaſurers, Collectors and other Officers ſo to be appointed as aforeſaid, or by any other Perſon or Perſons to be employed on Behalf of the ſaid Company, in or about the ſaid intended Navigation and Undertaking.

who ſhall have Power to diſmiſs ſuch Officers,

and to audit Accounts.

Treaſurer and other Officers to account,

LXIII. And be it further enacted, That every ſuch Treaſurer, Superintendant, Engineer, Surveyor, Clerk, Collector, and every other Officer and Perſon ſo to be appointed as aforeſaid, ſhall, under their Hands, at ſuch Time and Times and in ſuch Manner as the ſaid Canal Company or their Committee of Management ſhall direct, deliver to the ſaid Canal Company, or to the ſaid Committee, or to ſuch Perſon or Perſons as they ſhall reſpectively appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and alſo of all Monies which ſhall have been by ſuch Treaſurer, Superintendant, Engineer, Surveyor, Clerk, Collector, Officer or Officers, and Perſon or Perſons reſpectively, received by virtue and for the Purpoſes of this Act, and how much thereof hath been paid and diſburſed, and for what Purpoſes, together with the proper and legal Receipts or Vouchers for ſuch Payments; and ſhall pay all ſuch Monies as ſhall remain in their reſpective Hands to the ſaid Canal Company, or to the ſaid Committee of Management, or to ſuch Perſon or Perſons as they ſhall reſpectively appoint; and if any ſuch Treaſurer, Superintendant, Engineer, Surveyor, Clerk,

and pay over Monies in their Hands;

Clerk, Collector, Officer or Perſon ſhall refuſe to produce and deliver up ſuch Receipts or Vouchers, or to make Payment as aforeſaid, or ſhall not deliver to the ſaid Canal Company, or to the ſaid Committee, or to ſuch Perſon or Perſons as they ſhall reſpectively appoint, within Twenty-one Days after their being thereunto required by the ſaid Canal Company, or by the ſaid Committee, all Books, Papers, and Writings in his or their Cuſtody or Power relating to the Execution of this Act; or ſhall refuſe or neglect to pay ſuch Monies as upon the Balance of any Account or Accounts ſhall appear to be in their reſpective Hands, to the ſaid Canal Company or the ſaid Committee, or as they reſpectively ſhall direct or appoint; then and in any of the Caſes aforeſaid the ſaid Canal Company may and are hereby authorized and empowered to bring or cauſe to be brought any Action or Actions againſt the Treaſurer, Superintendant, Engineer, Surveyor, Clerk, Collector, Officer or Officers, Perſon or Perſons ſo neglecting or refuſing as aforeſaid, for the Recovery of the Monies that ſhall be in the Hands of ſuch Treaſurer, Superintendant, Engineer, Surveyor, Collector, Clerk, Officer or Officers, Perſon or Perſons reſpectively; or if Complaint ſhall be made by the ſaid Canal Company, or by the ſaid Committee, or by ſuch Perſon or Perſons as they ſhall reſpectively appoint for that Purpoſe, of any ſuch Refuſal or Neglect as aforeſaid, to any one or more of the Juſtices of the Peace for the County, City, or Place wherein the ſaid Treaſurer, Superintendant, Engineer, Surveyor, Clerk, Collector, Officer or Officers, Perſon or Perſons ſo neglecting or refuſing, ſhall be or reſide, ſuch Juſtice or Juſtices may, and he and they is and are hereby authorized and required, by a Warrant or Warrants under his and their Hand and Seal or Hands and Seals, to cauſe the Treaſurer, Superintendant, Engineer, Surveyor, Clerk, Collector, Officer or Officers, Perſon or Perſons ſo neglecting or refuſing, to be brought before him or them, and upon his or their appearing, or having been ſummoned and not appearing, without giving ſome reaſonable Excuſe for ſuch Non-appearance to the Satisfaction of ſuch Juſtice or Juſtices, or not being to be found, to hear and determine the Matter in a ſummary Way; and if upon the Confeſſion of the Party or Parties, or by the Teſtimony of any one or more credible Witneſs or Witneſſes upon Oath or Affirmation (which Oath or Affirmation ſuch Juſtice or Juſtices is and are hereby empowered to adminiſter) it ſhall appear to ſuch Juſtice or Juſtices that any of the Monies which ſhall have been collected and raiſed by virtue of this Act, ſhall be in the Hands of ſuch Treaſurer, Superintendant, Engineer, Surveyor, Clerk, Collector, Officer or Officers, Perſon or Perſons, ſuch Juſtice or Juſtices may, and is and are hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Treaſurer, Superintendant, Engineer, Surveyor, Clerk, Collector, Officer or Officers, Perſon or Perſons reſpectively; and if no Goods or Chattels of the Perſon or Perſons againſt whom ſuch Warrant ſhall be granted, can be found ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of making and levying the ſame; or if ſuch Officer or Officers, Perſon or Perſons, ſhall ſtill perſiſt in refuſing or neglecting to deliver up all ſuch Books, Papers and Writings as aforeſaid, to the ſaid Canal Company or to the ſaid Committee, or as they reſpectively ſhall appoint, then and in any of the Caſes aforeſaid, ſuch Juſtice or Juſtices ſhall commit every ſuch Offender to the Common Gaol for ſuch County, City or Place, there to remain.

or in default of Payment the ſame may be recovered by Action at Law;

or before One or more Juſtices, by Diſtreſs.

For want of Diſtreſs, or in caſe of Refuſal to deliver up Books, &c. Offenders may be impriſoned.

remain without Bail or Mainprize until he ſhall give and make a true and perfect Account and Payment as aforeſaid, or till he ſhall compound with the ſaid Canal Company or with the ſaid Committee, and ſhall have paid ſuch Compoſition in ſuch Manner as they reſpectively ſhall appoint, and until he ſhall deliver up ſuch Books, Papers, and Writings as aforeſaid, or give Satisfaction in reſpect thereof to the ſaid Canal Company or to the ſaid Committee: Provided always, that no Treaſurer, Superintendant, Engineer, Surveyor, Clerk, Collector, Officer, or Perſon ſo committed for Want of ſufficient Diſtreſs, ſhall be confined or detained in Priſon by virtue of this Act for any longer Space than Three Calendar Months.

Books, Accounts, &c. declared to be the Property of the Company.

LXIV. And be it further enacted, That all Books, Accounts, Writings, and Papers whatſoever, which ſhall be in the Cuſtody of any ſuch Treaſurer, Superintendant, Engineer, Surveyor, Clerk, Collector, and every other Officer and Perſon ſo to be appointed as aforeſaid, his Executors or Adminiſtrators reſpectively, in anywiſe relating to the ſaid intended Navigation and Undertaking, ſhall be and the ſame are hereby declared to be, and ſhall be conſtrued, deemed and taken to be, the Right and Property of the ſaid Canal Company.

Committee empowered to make Calls.

LXV. And be it further enacted, That the Committee of Management ſhall alſo have full Power and Authority from Time to Time, at any Meeting of the ſaid Committee to be held in purſuance of the Powers and Proviſions of this Act, to make ſuch Call or Calls for Money from the ſeveral Proprietors of the ſaid Navigation and Undertaking, in order to defray the Expences of carrying on the ſame, as they ſhall from Time to Time find wanting and neceſſary for thoſe Purpoſes, ſo that no ſuch Call ſhall exceed the Sum of Two Pounds Ten Shillings for or in reſpect of every Share in the ſaid Navigation and Undertaking, and ſo that no ſuch Calls ſhall be made except at the Diſtance of Six Weeks at leaſt from each other, and ſo that Fourteen Days Notice at leaſt ſhall be given of every ſuch Call, in ſome Newſpaper or Newſpapers publiſhed or uſually circulated in the ſaid County of *Cumberland*; all which Money ſo to be called for as aforeſaid, ſhall be paid into the Hands of the Treaſurer or Treaſurers of the ſaid Canal Company, to be iſſued, paid, and applied for carrying on the ſaid Navigation and Undertaking, in ſuch Manner as the ſaid Committee of Management ſhall from Time to Time order and direct.

Committee of Management may contract for Purchaſe of Lands, &c.

LXVI. And be it further enacted, That the ſaid Committee of Management ſhall have full Power and Authority to contract for and purchaſe all ſuch Lands, Tenements or Hereditaments, and all ſuch Matters and other Things as ſhall or may be wanted for the ſaid Navigation and other Works hereby authorized to be made, and to treat and agree with any Perſon or Perſons whomſoever, touching the Compenſation to be made for any Damages to be done in the Exerciſe of the Powers hereby given; and to enter into and make ſuch Contracts or Agreements with any Engineer or Engineers, Surveyors, Agents, Workmen, Servants or other Perſons, in and about or for the carrying on the ſaid Navigation and other Works, or any Part thereof, as ſhall be thought expedient; and to enter into and make all ſuch Contracts, Bargains, and Agreements whatſoever, touching or in anywiſe concerning the ſaid Undertaking, as they ſhall think

think proper; and to order and direct how the ſeveral Works ſhall from Time to Time be carried on; and alſo from Time to Time to uſe the Common Seal of the ſaid Canal Company, in ſuch Manner and for ſuch Purpoſes as they ſhall think fit, by the Uſe whereof the ſaid Company ſhall be bound; and generally to direct and manage all and ſingular the Affairs and Buſineſſes of the ſaid Canal Company, and to do, execute, and perform all Acts, Matters, and Things which the ſaid Company are by this Act authorized and empowered to do; ſave and except ſuch only as are hereby expreſsly directed to be done by the Proprietors at large, at any Meeting or Meetings of ſuch Proprietors to be held as herein mentioned.

Committee of Management may appoint Sub-Committees.

LXVII. And be it further enacted, That it ſhall be lawful for the ſaid Committee of Management from Time to Time to nominate and appoint, out of their own Body, One or more Sub-Committee or Sub-Committees (every ſuch Sub-Committee to conſiſt of Five or more Perſons), who ſhall have full Power and Authority to enter into and make any ſuch Contracts or Agreements on Behalf of the ſaid Canal Company, and to hire and employ any Agents, Workmen, and Servants in and about the ſaid Undertaking, and to do, execute and perform all other Matters and Things whatſoever in and about the ſaid Navigation and Undertaking, which the ſaid Committee of Management are themſelves herein-before authorized to do, or ſuch of them as the ſaid Committee of Management ſhall think proper to intruſt to the Care and Management of any ſuch Sub-Committee or Sub-Committees (ſave and except nevertheleſs the appointing of Collectors, Engineers, Superintendants, and other Principal Officers, and the making Calls for Money upon the Proprietors of the ſaid Navigation and Undertaking, all which ſhall be done by the ſaid Committee of Management only, as herein-before directed); and it ſhall alſo be lawful for the ſaid Committee of Management, by an Order or Reſolution for that Purpoſe, at any Time to break up and diſſolve any ſuch Sub-Committee or Sub-Committees, or to remove or diſplace any Member or Members thereof, and appoint ſome other or others in his or their Place or Stead, when and ſo often as ſuch Committee of Management ſhall think proper and expedient; and ſuch Sub-Committee ſhall have full Power and Authority to meet from Time to Time, and adjourn from Place to Place, as they ſhall think proper, and as Occaſion ſhall require for effectuating the Purpoſes aforeſaid; and all Powers and Authorities hereby veſted, or which ſhall by the ſaid Committee of Management be veſted in any ſuch Sub-Committee, within the Intent and Meaning of this Act, ſhall and may be exerciſed by the major Part of the Members preſent at their reſpective Meetings (the whole Number of Members preſent not being leſs than Three); and at all Meetings of ſuch Sub-Committees reſpectively, One of the Members preſent ſhall be appointed Preſident or Chairman, and all Queſtions ſhall be decided by the Majority of Votes; and the Preſident or Chairman ſhall, beſide his own Vote, have the caſting Vote in caſe of an equal Diviſion, but no other Member ſhall have more than One Vote: Provided always, that every ſuch Sub-Committee ſhall from Time to Time make Reports of their Proceedings to the Committee of Management, and ſhall at all Times be ſubject to the Examination and Control, and pay due Obedience to the Orders and Directions of the ſaid Committee in and about the Affairs and Buſineſs of the ſaid Company.

LXVIII. And

Proceedings and Accounts of Committee and Sub-Committees to be entered in proper Books.

LXVIII. And be it further enacted, That the ſaid Committee of Management, and alſo every ſuch Sub-Committee as aforeſaid, ſhall at their reſpective Meetings be always attended by the Clerk of the ſaid Company, or ſome Perſon on his Behalf, who ſhall enter or cauſe to be entered into Books to be provided for that Purpoſe, at the Expence of the ſaid Canal Company, a full and true Account of all Monies diſburſed and Payments made by ſuch Committee and Sub-Committees reſpectively, and by all and every Perſon and Perſons employed by or under them, and of all Monies which ſhall be paid to or received by them reſpectively, for or on account of the ſaid Canal Company; and alſo a full and true Account, and proper Notes and Minutes of every Contract, Bargain, and Agreement which ſhall be entered into by them reſpectively, for or on Behalf of the ſaid Canal Company, and of all and ſingular their reſpective Orders, Tranſactions, and Proceedings whatſoever, in and about the Affairs and Buſineſs of the ſaid Company; and all reaſonable Expences to be incurred at or by the reſpective Meetings of the ſaid Committee of Management, and of ſuch Sub-Committees reſpectively as aforeſaid, ſhall be paid and defrayed out of the Caſh or Stock of the ſaid Canal Company; and ſuch Committee of Management and Sub-Committees reſpectively, ſhall and may from Time to Time draw for the Amount of ſuch Expences reſpectively upon the Treaſurer or Treaſurers to the ſaid Company; but no other Money ſhall be iſſued or paid by the ſaid Treaſurer or Treaſurers, for or on account of the ſaid Company, without an Order being made for that Purpoſe by the ſaid Committee of Management at ſome ſuch Meeting as aforeſaid, or without a Draft or Order ſigned by Five or more of the Members of the ſaid Committee of Management; and every ſuch Book, and all other Books, Papers, and Writings belonging to the ſaid Canal Company, ſhall at all reaſonable Times be open to the Inſpection of all the ſaid Proprietors, who may take Copies thereof, or Extracts therefrom, without Fee or Reward.

Expences of Committee and Sub-Committees to be defrayed by the Company.

Directions for the iſſuing of Money by Treaſurer.

Special Meetings of Proprietors how to be called.

LXIX. And be it further enacted, That if it ſhall at any Time appear to the Committee of Management, or to Ten or more Proprietors of Four Shares at the leaſt, to be neceſſary or expedient to call a Special Meeting of the Proprietors at large, for the more effectually putting this Act into Execution, or in order to take their Opinion reſpecting any Matters or Things to be done in or about the ſaid Navigation, or reſpecting any Matter or Thing in which the Intereſt of the ſaid Navigation and Undertaking, the Extent of its Trade or the Intereſts of the Proprietors, is or are in any reſpect implicated or concerned, it ſhall be lawful for the ſaid Committee of Management, purſuant to an Order or Reſolution for that Purpoſe to be made at any Meeting of the ſame Committee, or for the Clerk of the ſaid Canal Company, upon the Requiſition of any Ten or more of the Proprietors of Four Shares or more in the ſaid Undertaking, to call a Special Meeting of the Proprietors at large, by public Advertiſement in ſome Newſpaper or Newſpapers publiſhed or uſually circulated in the ſaid County of *Cumberland*, ſpecifying in ſuch Advertiſement the Cauſe of calling ſuch Special Meeting, and the Time and Place when and where the ſame ſhall be held, the Time not being leſs than Ten Days after ſuch Notice ſhall be given; and the ſaid Canal Company are hereby authorized and required to meet according to ſuch Notice, and to take into Conſideration the Matters to be ſubmitted to them by the ſaid Committee of Management, or expreſſed in ſuch Requiſition and ſpecified in ſuch Notice; and the Deciſion and Determination of the Proprietors

present at such Meeting, or the major Part of them, according to the Number of Votes they shall have a Right to give, either as Principals or Proxies, respecting such Matters only, shall be binding and conclusive upon the Rest of the Proprietors, to all Intents and Purposes, and shall be observed and acted upon accordingly.

Company may remove Officers and make Bye Laws.

LXX. And be it further enacted, That the said Canal Company shall also have full Power and Authority from Time to Time, at any General Meeting of the said Company, to remove or displace any Person or Persons who shall have been chosen an Officer or Officers under them; and also to make such Rules, Orders, and Bye Laws as to them shall seem meet and proper for the good Government of the said Canal Company, and for regulating the Proceedings of the said Committee of Management and Sub-Committees respectively, and for the regulating of all Officers, Workmen and Servants to be employed in or about the Affairs or Business of the said Canal Company, and for the well and orderly using of the said intended Navigation; and the Tunnels, Locks, Sluices, Weirs, Hatches, Aqueducts, Railways, Rollers, Feeders, Wells, Trenches, Levels, Reservoirs, Stanks, Dams, Wharfs, Cranes, Warehouses, Towing Paths, Ways, Roads, Grates, Bridges, Culverts, Engines, and other Works thereto belonging, and for regulating the Commencement, Continuance, Suspension, Cessation, Turn and Order of the passing and repassing and navigating of all Vessels, Boats, Barges and Rafts, Persons, Horses and Carriages, and the Structure, Dimensions, Forms and Manner of building and constructing of all such Vessels, Boats, Barges and Rafts, as shall from Time to Time be used upon the said Canal, Towing Paths, Roadways or Wharfs, and of the Oars, Poles, Wheels, Engines, and other Implements to be used above or with the same respectively, and the conveying of all Goods, Wares and Merchandize which shall be navigated or conveyed thereon, and for the orderly Behaviour of all Bargemen, Watermen, Boatmen and others who shall be employed in carrying or conveying any such Goods, Wares or Merchandize, and for the Superintendance and Management of the said Navigation in all other Respects whatsoever; and from Time to Time to alter and repeal such Rules, Orders and Bye Laws, or any of them, and to make others, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against such Rules, Orders and Bye Laws, or any of them, not exceeding the Sum of Five Pounds for any one Offence, as to the said Canal Company shall seem meet and expedient; and all Rules, Orders and Bye Laws so to be made as aforesaid, being reduced into Writing, with the Common Seal of the said Company thereto affixed, shall be binding upon and be observed by all Persons using or in anywise concerned in the said Works, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act upon the same; provided that such Rules, Orders and Bye Laws be not repugnant to the Laws of that Part of the United Kingdom called *Great Britain*, or any of the express Directions or Provisions of this Act; and provided that Copies of such Rules, Orders and Bye Laws, or such of them as shall concern or relate to the Using of the said intended Navigation and Works, and the Tunnels, Locks, Reservoirs and Aqueducts, Roads and Ways belonging thereto, or to the Conduct and Behaviour of Bargemen, Watermen, Boatmen or others conveying Goods thereon, or to the Conduct and Behaviour of any Officers, Servants, or other Persons employed in or about the said Navigation and Works, or of the Persons

Publication of Bye Laws.

reſorting to or making uſe thereof, ſhall be written or printed in large Characters, and be affixed and continued in ſome conſpicuous Place or Places upon or near adjoining all the Wharfs on the ſaid Navigation, and renewed as often as the ſame ſhall be obliterated or defaced.

Subſcribers to pay the Calls upon their Subſcriptions.

LXXI. And be it further enacted, That the reſpective Perſons who have ſubſcribed, or who ſhall or may hereafter ſubſcribe any Money for and towards the ſaid Undertaking, or ſhall be the Owner or Owners, Proprietor or Proprietors of any Share or Shares in the ſaid Undertaking, ſhall and they are hereby reſpectively required to pay the Sum or Sums by them reſpectively ſubſcribed, or ſuch Parts and Proportions thereof as ſhall from Time to Time be called for by the Committee of Management of the ſaid Company for the Time being, by virtue of the Powers and Directions of this Act, to ſuch Perſon or Perſons, at ſuch Times and Places, and in ſuch Manner as ſhall be directed by the ſaid Committee; and in caſe any of ſuch Subſcribers ſhall neglect or refuſe to pay the ſame, at the Time and Place and in Manner ſo required for that Purpoſe, the ſaid Company are hereby empowered to ſue for and recover the ſame, with Intereſt after the Rate of Five Pounds *per Centum per Annum* from the Time appointed for Payment thereof, in any Court of Law or Equity.

For enforcing Payment of Calls.

LXXII. And for the better enforcing the Payment of ſuch Calls, be it further enacted, That if any Perſon or Perſons upon whom any Call or Calls for Money ſhall or may hereafter be made under or by virtue of this Act, for or in reſpect of any Share or Shares in the ſaid Undertaking, ſhall neglect or refuſe to pay his, her or their rateable or proportionable Share or Shares of the ſaid Money, to be called for and raiſed by virtue of this Act, for the Space of Thirty Days next enſuing any ſuch Call, he, ſhe or they ſo neglecting or refuſing, ſhall forfeit and pay the Sum of Twenty Shillings for every Share he, ſhe or they ſhall have in the ſaid Undertaking; and if ſuch Perſon or Perſons ſhall continue to neglect or refuſe to pay his, her or their rateable or proportionable Share or Shares of the ſaid Money, to be called for and raiſed as aforeſaid, for the Space of Three Calendar Months next after ſuch Call or Calls ſhall have been appointed to be paid as aforeſaid, then and in ſuch Caſe it ſhall and may be lawful to and for the ſaid Company, at ſome General or Special General Meeting to be held after ſuch Neglect or Refuſal, to declare all and every or any of the Share or Shares of ſuch Perſon or Perſons ſo neglecting or refuſing as aforeſaid, to be forfeited, and from thenceforth the ſaid Share or Shares, ſo declared to be forfeited as aforeſaid, and all the Profit and Benefit thereof, ſhall be veſted in the ſaid Company, their Succeſſors and Aſſigns, to and for the Uſes and Purpoſes herein-after mentioned: Provided always, that no Share or Shares of and in the ſaid Undertaking ſhall be forfeited, or veſted in or accrue to the ſaid Company, until Notice in Writing thereof ſhall be given by the Clerk of the ſaid Company, to the Perſon or Perſons, or to the Clerk or Clerks, or other Head Officer or Officers of the Body or Bodies Politic, Corporate or Collegiate, in whoſe Name or Names ſuch Share or Shares ſhall, at the Time of giving ſuch Notice, ſtand regiſtered in the Books of the ſaid Company, or left at his, her, or their Dwelling Houſe, or uſual or laſt known Place of Abode, Ten Days at the leaſt previous to ſuch Share or Shares veſting in or accruing to the ſaid Company; provided ſuch Place or Places of Abode ſhall be known

known to the Clerk of the ſaid Canal Company; and in caſe the ſame ſhall be unknown to the Clerk of the ſaid Company, ſuch Notice ſhall be publiſhed in *The London Gazette*, and ſuch other public Newſpaper or Newſpapers as the ſaid Committee ſhall order and direct; in which Notices reſpectively ſhall be contained a Statement and Account of how much Money is due from ſuch Perſon or Perſons, Body or Bodies Politic, Corporate or Collegiate, for his, her or their Share or Shares in the ſaid Undertaking; and that no ſuch Share or Shares ſhall be forfeited to or veſted in the ſaid Company, if the Owner or Owners of ſuch Share or Shares ſhall pay what ſhall appear by ſuch Statement to be due, together with legal Intereſt on the ſame, and the aforeſaid Penalties for Non-payment, and all Expences attending the Application for the ſame, within the Time ſpecified in ſuch Notice; any Thing contained in this Act to the contrary thereof in anywiſe notwithſtanding.

Proceedings in Actions for Calls.

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

Company empowered to ſell forfeited Shares.

LXXIV. And be it further enacted, That when any Share or Shares of the ſaid Undertaking ſhall by virtue of this Act have become forfeited to or veſted in the ſaid Company as aforeſaid, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Company or their Committee of Management for the Time being, and they are hereby authorized and empowered, from Time to Time to ſell or cauſe to be ſold, by public Auction or private Contract, and by Writing under the Common Seal of the ſaid Company to aſſign and transfer, ſuch and ſo many of the Share or Shares of ſuch Defaulter or Defaulters as the ſaid Company or their ſaid Committee ſhall from Time to Time find neceſſary, and direct to be ſold, unto ſuch Perſon or Perſons as ſhall become the Purchaſer or Purchaſers thereof, his, her or their Executors, Adminiſtrators and Aſſigns; and ſuch Aſſignment and Transfer ſhall be good, valid and effectual againſt the Owner or Owners of every ſuch Share or Shares

ſo

ſo forfeited to or veſted in the ſaid Company, and ſold as aforeſaid, and all Perſons claiming under him, her, or them: Provided always, that in caſe the Money produced by the Sale of any ſuch Share or Shares ſhall be more than ſufficient to pay any ſuch Arrears as aforeſaid, and legal Intereſt thereon, together with the Penalties incurred by Nonpayment, and the Expences attending the Sale or Sales thereof, the Surplus ariſing from ſuch Sale ſhall be paid to the Perſon or Perſons to whom ſuch Share or Shares ſhall have belonged: Provided alſo, that the ſaid Company ſhall not, by virtue of this Act, at any Time or Times ſell or transfer or direct to be ſold or transferred any more of ſuch Shares of ſuch Defaulter or Defaulters than ſhall be ſufficient, as near as may be, at the Time of ſuch Sale, to pay the Arrears due from ſuch Defaulter or Defaulters for or on account of ſuch Call or Calls, and the Intereſt, Penalties and Expences attending the ſame; and from and after the Payment of every the Call or Calls to be made by virtue of this Act, and the Intereſt, Penalties and Expences as aforeſaid, any Share or Shares veſted in the ſaid Company as aforeſaid which ſhall remain in their Hands unſold, ſhall revert to and again become the Property of the Perſon or Perſons, Body or Bodies Politic, Corporate or Collegiate to whom ſuch Share or Shares ſhall have before belonged, in ſuch Manner as if ſuch Calls had been duly and regularly paid: Provided alſo, that every ſuch Forfeiture, after the ſame ſhall be taken Advantage of by the Reſt of the ſaid Company as aforeſaid, ſhall be an abſolute Indemnification and Diſcharge to and for the Proprietor or Proprietors ſo forfeiting, againſt all Actions, Suits and Proſecutions for any Breach of Contract or Agreement between ſuch Proprietor or Proprietors ſo forfeiting and the Reſt of the ſaid Company, with regard to the future carrying on and Management of the ſaid intended Navigation and Undertaking.

Forfeiture of Shares to be an Indemnity to Perſons forfeiting.

LXXV. Provided always, and be it enacted, That if any Subſcriber or Subſcribers to, or Proprietor or Proprietors of Shares in the ſaid Undertaking, ſhall be minded and deſirous to pay or advance immediately the full Amount of his, her, or their Subſcription, for the Share or Shares for which he, ſhe, or they may have ſubſcribed, or any Part thereof, not being leſs than a Sum of Fifty Pounds, without waiting for the ſaid Call or Calls, then and in ſuch Caſe it ſhall be lawful for the Committee of Management of the ſaid Canal Company, if they ſhall think proper, to pay to ſuch Subſcriber or Subſcribers, Proprietor or Proprietors, out of the Funds of the ſaid Company, Intereſt at the Rate of Five Pounds *per Centum per Annum*, upon the Amount which ſuch Payment in Advance may be over and above the ſaid Calls, and from the Period of the Call immediately preceding ſuch Payment in Advance, up to the Period of ſuch ſubſequent Call reſpectively, according to the Sum then in Advance over and above the Amount of the ſaid Call.

Intereſt may be allowed to Proprietors for Payments in advance.

LXXVI. Provided always, and be it further enacted, That if any Owner or Owners of any Share or Shares in the ſaid Undertaking, ſhall happen to die before ſuch Call or Calls ſhall have been made for the full Sum to be advanced on each Share which he, ſhe, or they ſhall have been poſſeſſed of or entitled to, without having made Proviſion, by Will or otherwiſe, how or in what Manner ſuch Share or Shares ſhall be diſpoſed of, and how or by what Means the future Calls in reſpect thereof ſhall be paid to

In caſe of the Death of any Subſcribers, Executors, &c. may complete their Subſcriptions.

the ſaid Company for the Purpoſe of the ſaid Undertaking, then and in ſuch Caſe the Executor or Executors, Adminiſtrator or Adminiſtrators of any ſuch Owner or Owners ſo dying, or the Truſtee or Truſtees, Committee or Committees, Guardian or Guardians of an Infant or Infants, Lunatic or Lunatics, or of any other Perſon or Perſons entitled to the Eſtate and Effects of ſuch deceaſed Owner or Owners, ſhall be indemnified againſt all and every ſuch Infant or Infants, and againſt all and every other Perſon or Perſons whomſoever, for or on account of his, her or their having paid any Sum or Sums of Money when called for as aforeſaid, to complete every ſuch Subſcription; and if ſuch Owner or Owners deceaſed ſhall not have left Aſſets ſufficient, or in caſe the Executor or Executors, Adminiſtrator or Adminiſtrators, Truſtee or Truſtees, Committee or Committees, Guardian or Guardians, ſhall refuſe or neglect to anſwer ſuch Calls, the ſaid Company of Proprietors ſhall be and they are hereby authorized and empowered to admit any other Perſon or Perſons to be Proprietor or Proprietors of the Share or Shares of ſuch Owner or Owners deceaſed, on Condition that he, ſhe, or they ſo admitted do and ſhall, on or before ſuch Admiſſion, pay to the Executors or Adminiſtrators of ſuch deceaſed Owner or Owners, or to the Truſtee or Truſtees, Guardian or Guardians of an Infant or Infants, Lunatic or Lunatics, or to any other Perſon or Perſons who may be entitled to his, her or their Effects, the full Sum or Sums of Money which ſhall have been paid by ſuch Owner or Owners in his, her or their Lifetime, by virtue of any Call or Calls or otherwiſe, upon ſuch Share or Shares, or ſuch other Sum or Sums of Money as the ſame can be ſold for; and in caſe no Perſon or Perſons ſhall be found who is or are willing to be admitted on ſuch Condition as aforeſaid, then and in ſuch Caſe ſuch Share or Shares ſhall be forfeited to and become veſted in the ſaid Company, in Truſt for and for the Benefit of all the Reſt of the ſaid Proprietors, in proportion to their reſpective Intereſts in the ſaid Undertaking, and ſhall be ſubject to be ſold and diſpoſed of by virtue of this Act.

For want of Aſſets, or upon Refuſal of Executors, other Perſons may be admitted to take the Shares.

Shares may be ſold.

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

Form of Conveyance.

‘ I in Conſideration of do hereby bargain, ſell,
‘ paid to me by his Executors,
‘ aſſign, and transfer to the ſaid Share [*or* Shares] of the Navi-
‘ Adminiſtrators and Aſſigns, gation called “The *Carliſle* Canal Navigation,” being No. of the
‘ Shares in the ſaid Navigation, to hold to the ſaid
‘ his Executors, Adminiſtrators and Aſſigns, ſubject to the ſame Rules,
‘ Orders and Reſtrictions, and on the ſame Conditions that I held the
‘ ſame immediately before the Execution hereof; and I the ſaid
‘ do hereby agree to accept and take the ſaid Share [*or*,
‘ Shares] ſubject to the ſame Rules, Orders, Reſtrictions and Conditions.
‘ As witneſs our Hands and Seals, the Day of

And on every ſuch Sale, the ſaid Transfer, being executed by the Seller or Sellers and the Purchaſer or Purchaſers of ſuch Share or Shares, ſhall be kept by the ſaid Purchaſer or Purchaſers for his, her or their Security, after the Clerk to the ſaid Company ſhall have regiſtered in a proper Book or Books to be provided by the ſaid Company, and kept for that Purpoſe, a Memorial of ſuch Transfer and Sale for the Uſe of the ſaid Company, and ſhall have teſtified or indorſed the Regiſtry of ſuch Memorial on the ſaid Transfer, for which no more than Two Shillings and Sixpence ſhall be paid; and the ſaid Clerk is hereby required to regiſter ſuch Memorial accordingly; and until ſuch Memorial ſhall have been regiſtered as above directed, ſuch Purchaſer or Purchaſers ſhall have no Part of the Profits of the ſaid Undertaking, nor any Dividend on ſuch Share or Shares paid unto him, her or them, or any Vote in reſpect thereof, as Proprietor or Proprietors of the ſaid Undertaking. Conveyance of Shares to be regiſtered.

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

LXXIX. And whereas much Inconvenience may ariſe by the frequent Transfer of the Shares of and in the ſaid Undertaking, by the Marriage or Death of Proprietors, and it may be difficult in ſuch Caſes to aſcertain to whom the Dividends ariſing or becoming due upon ſuch Shares ought to be paid and do belong; be it therefore further enacted, That before any Perſon or Perſons who ſhall claim any Part of the Profits of the ſaid Undertaking in Right of Marriage, ſhall be entitled to receive the ſame, or be entitled to vote in reſpect of any Shares, an Affidavit, containing the Copy of the Regiſter of ſuch Marriage, ſhall be made and ſworn to by ſome credible Perſon, before a Maſter or a Maſter Extraordinary in Chancery, or One of His Majeſty's Juſtices of the Peace, and ſhall be tranſmitted to the Clerk of the ſaid Company, who ſhall file the ſame, and make an Entry thereof in the Book or Books which ſhall be kept by the ſaid Clerk, for the Entry of Transfers and Sales of Shares in the ſaid Undertaking; and that before any Perſon or Perſons who ſhall claim any Part of the Profits of the ſaid Undertaking, by virtue of any Bequeſt or Will, or in the Courſe of Adminiſtration, ſhall be entitled to receive the ſame, or be entitled to vote in reſpect of any Shares, the ſaid Will, or the Probate thereof, or the Letters of Adminiſtration, ſhall be produced and ſhewn to the ſaid Clerk, or a Copy of ſo much of ſuch Will as ſhall relate to the Share or Shares of the Teſtator, ſhall be made and ſworn to by the Executor or Executors of ſuch Will, before a Maſter or a Maſter Extraordinary in Chancery, or One of His Majeſty's Juſtices of the Peace, and ſhall alſo be tranſmitted to the ſaid Clerk, who ſhall file and enter the ſame in the Manner herein-before mentioned; and that in all Caſes other than as herein-before mentioned, where the Right and Property in One or more Share or Shares in the ſaid Undertaking ſhall paſs from the original Proprietor Regulations as to Acquiſition of Shares; by Marriage; by Will, or in courſe of Adminiſtration; by any other means.

prietor thereof to any Perſon or Perſons, by any other legal Means than by a Tranſfer and Conveyance thereof as herein directed, an Affidavit ſhall be made and ſworn to by Two credible Perſons, before a Maſter or Maſter Extraordinary in Chancery, or One of His Majeſty's Juſtices of the Peace, ſtating the Manner in which ſuch Share or Shares hath or have paſſed to ſuch other Perſon or Perſons; and ſuch Affidavit ſhall be tranſmitted to the Clerk of the ſaid Company, who ſhall thereupon enter and regiſter the Name or Names of every ſuch new Proprietor or Proprietors in the Regiſter Book or Liſt of Proprietors in the ſaid Undertaking.

The Perſons whoſe Names appear in the Regiſter Book, to be deemed the Proprietors of the Shares ſtanding in their Names, and anſwerable for Calls.

LXXX. And be it further enacted, That the Bodies Politic and Corporate, and all and every Perſon and Perſons, whoſe Name or Names ſhall at any Time hereafter ſtand in the ſaid Regiſter Book or Liſt of the Proprietors of the ſaid Company, either as a Proprietor or Proprietors of One or more Share or Shares in the ſaid Navigation, whether as original Subſcribers, or as Succeſſors, Executors, Adminiſtrators, or Aſſigns of original Subſcribers, ſhall be deemed and taken to be Proprietors of the ſeveral Shares ſtanding in the ſaid Book, in his, her, or their reſpective Names, and ſhall be ſubject and liable to the Payment of all and every Call and Calls made and to be made thereon, and to all Actions, Suits, Forfeitures and Penalties to which Proprietors of Shares in the ſaid Navigation are made ſubject and liable by this Act; and that all Notices by this Act required to be given previous to the Forfeiture of Shares to the Proprietors thereof, ſhall, if given to the Perſons appearing by the Regiſter Book of the ſaid Company to be ſuch Proprietor or Proprietors, or their Repreſentatives, be in all reſpects good, ſufficient and concluſive; and all Payments of Intereſts and Dividends due and to grow due on any ſuch Shares, ſhall be made to ſuch Perſons as by the ſaid Book of the ſaid Company ſhall ſo appear to be Proprietors thereof; and that no Aſſignment, Tranſfer, or Bargain and Sale of any Share or Shares, or other Inſtrument giving Title to any ſuch Share or Shares, which ſhall not have been brought to the ſaid Clerk to be enrolled or regiſtered as directed by this Act, ſhall be given or admitted as Evidence, either to defeat any Action or Suit brought or to be brought by the ſaid Canal Company to recover the ſaid Calls, or to entitle any Perſon or Perſons to recover any Share or Shares forfeited to the ſaid Canal Company, to make the ſaid Company liable to the Payment of Intereſt or Dividends to any other Perſon or Perſons than ſuch as appear upon the ſaid Book to be Proprietors of the ſaid Shares; but that in all ſuch Caſes, unleſs where it ſhall be expreſsly proved that the ſaid Book is defective, by reaſon of ſome Neglect or Default of the ſaid Clerk, the ſaid Book ſhall be conſidered as ſufficient and concluſive Evidence of the Right and Title in and to the ſaid Shares.

The Company may buy up Shares.

LXXXI. And be it further enacted, That if the ſaid Canal Company, or their Committee of Management for the Time being, ſhall deem it expedient, out of any Surplus of Monies or otherwiſe, to buy up any Share or Shares in the ſaid Canal Navigation which ſhall be offered for Sale, then and in ſuch Caſe it ſhall be lawful for any General Meeting of the ſaid Canal Company either to direct that any ſuch Share or Shares ſo bought ſhall merge in the ſaid Undertaking, or that the ſame ſhall be transferred to the Clerk of the ſaid Company in Truſt for the ſaid Company; and that ſuch Share or Shares may, in ſuch laſt-mentioned Caſe, at any Time thereafter be ſold for the Benefit of the ſaid Company, and for the raiſing of

of any Sum of Money which may be wanted for or towards the erecting or repairing of any Building or Works belonging to the ſaid Canal, or any other Purpoſe neceſſary for carrying on the ſame.

The Company empowered to demand Rates for Goods conveyed upon the Canal.

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

For every Ton of Dung or Aſhes for Manure, any Sum not exceeding One Penny *per* Mile.

For every Ton of Coals, Cinders, Culm, Lime, Slate, Stone, Alabaſter, Potatoes, Pig Iron, Bricks, Peats, Gravel, Sand, Clay and Marl, any Sum not exceeding Two-pence *per* Mile.

For every Ton of Timber, malleable and wrought or manufactured Iron, Lead and other unwrought Metals, any Sum not exceeding Two-pence Halfpenny *per* Mile.

For every Quarter containing Eight Wincheſter Buſhels of any Kind of Corn, Grain, Malt, Peas and Beans, any Sum not exceeding One Halfpenny *per* Mile.

For every Ton of Wool, Cotton Wool, Cotton Yarn, Cotton, Linen, and Woollen manufactured Goods, Hemp, Flax, Groceries, and all other Goods, Wares, and Merchandizes whatſoever, any Sum not exceeding Three-pence Halfpenny *per* Mile.

Fractions of a Ton in the Weight of Goods how to be charged.

LXXXIII. And be it further enacted, That in all Caſes where there ſhall be a Fraction of a Ton in the Weight of Lading in any Boat, Barge, Veſſel or Raft, which ſhall be navigated upon the ſaid Canal, a Proportion of the ſaid Rates ſhall be demanded and taken by the ſaid Canal Company for ſuch Fraction, according to the Number of Quarters of a Ton contained therein; and in all Caſes where there ſhall be a Fraction of a Quarter of a Ton in any ſuch Weight of Lading as aforeſaid, ſuch Fraction ſhall be deemed and conſidered as a whole Quarter of a Ton.

Stones to be erected along the Canal every Quarter of a Mile.

LXXXIV. And be it further enacted, That as ſoon as conveniently may be after the ſaid Canal ſhall be completed, the ſaid Canal Company ſhall cauſe the ſame to be meaſured, and Stones or Poſts to be erected, and for ever after to be maintained, on the Side or Sides thereof, at the Diſtance of every Quarter of a Mile from each other, with proper and legible Marks denoting the Diſtance from ſuch Places as ſhall be thought proper; and that in all Caſes where any Boat, Barge, or other Veſſel or Raft, ſhall be navigated and paſs by any ſuch Stone or Poſt, or Place where ſuch Stone or Poſt ſhould have ſtood or have been fixed on the Side of the ſaid Canal, deſcribing or regulating the Length of a Quarter of a Mile, the full Tonnage ſhall be paid for a Quarter of a Mile, although ſuch Boat, Barge, or other Veſſel or Raft, ſhall not actually paſs the full Quarter of a Mile; and in caſe any Boat, Barge, Veſſel or Raft, ſhall enter the Baſin at the Weſtern Termination of the ſaid Canal, and ſhall proceed no further therein, then

Veſſels paſſing any of ſuch Stones to pay for a full Quarter of a Mile.

such Boat, Barge, Veſſel or Raft, ſhall pay Tonnage for One whole Mile.

Veſſels paſſing through Locks with leſs Lading than Forty Tons, to pay for Forty Tons, if there ſhall be ſufficient Water.

LXXXV. Provided always, and be it further enacted, That in caſe any Boat, Barge, Veſſel or Raft ſhall paſs through any Lock or Locks on the ſaid Navigation, with leſs Lading than Forty Tons, at any Time or Times where there ſhall be Water ſufficient to enable Boats, Barges, or Veſſels to paſs ſuch Lock or Locks with a Lading or Burthen of Forty Tons, there ſhall be paid to the ſaid Canal Company, in reſpect of the Lading of ſuch Boat, Barge, Veſſel or Raft, an additional Tonnage Rate for ſo many Tons of Lading as ſhall, together with the actual Weight of Lading of ſuch Boat, Barge, Veſſel or Raft, amount to Forty Tons, ſuch additional Tonnage Rate to be eſtimated rateably and in proportion to the Amount of the Tonnage Rate or Rates upon the actual Lading of ſuch Boat, Barge, Veſſel or Raft; but if at the Time of paſſing ſuch Lock or Locks, there ſhall not be ſufficient Water therein to enable Boats, Barges, or Veſſels, to paſs through the ſame with Forty Tons Weight of Lading, then and in every ſuch Caſe it ſhall be lawful for all Boats, Barges, Veſſels and Rafts to paſs any ſuch Lock or Locks, on Payment according to the actual Weight of ſuch Lading: Provided, that if ſuch Lading ſhall be leſs than the Water will enable ſuch Boat, Barge, Veſſel or Raft to carry, Payment ſhall be made for ſuch additional Weight of Lading to be eſtimated in Manner aforeſaid, as the Water would enable ſuch Boat, Barge, Veſſel or Raft to carry: And if any Boat, Barge or other Veſſel, ſhall paſs through any Lock or Locks on the ſaid Navigation, without any Lading, then there ſhall be paid, in reſpect thereof, a Tonnage Rate for Forty Tons of Lading, or for ſo many Tons as the Water would enable ſuch Boat, Barge or other Veſſel to carry, after the Rate of One Penny *per* Ton *per* Mile; provided alſo, that it ſhall be lawful for Two or more Boats, Barges, or other Veſſels or Rafts, conſtructed ſo as to be admitted at the ſame Time into and paſs through any of the Locks to be made by virtue of this Act, to paſs any of the ſaid Locks upon a Tonnage being paid for the Quantity of Goods, Wares, or Merchandize on board ſuch Boats, Barges, or other Veſſels or Rafts, ſo as ſuch Payment be for not leſs than Forty Tons; or in the Caſe of empty Veſſels, upon Payment for Forty Tons of Lading, after the Rate of One Penny *per* Ton *per* Mile.

Two Boats, &c. may paſs Locks at the ſame Time.

For Payment of Wharfage.

LXXXVI. And whereas it will be neceſſary for the ſaid Canal Company to make, build, and erect proper Wharfs, Staiths and Cranes for loading and landing the Goods, Wares, Merchandizes, Commodities, and other Things which may be landed, loaded, received and forwarded at and from the ſaid Wharfs and Staiths; be it therefore further enacted, That (in conſideration of the Expences which the ſaid Company will by ſuch means ſuſtain, and of the public Accommodation and Convenience which they will alſo thereby afford) it ſhall and may be lawful for the ſaid Company, from Time to Time and at all Times, to aſk, demand, take and recover, to and for their own proper Uſe and Behoof, for every Ton of Goods, Wares, Merchandizes, Commodities and other Things, which ſhall be loaded from or landed upon any of the ſaid Wharfs or Staiths, and which ſhall remain thereupon not more than Forty-eight Hours, any Sum not exceeding Three-pence, and for every Day or Part of a Day that they ſhall ſo remain after the firſt Forty-

eight Hours, such further Sum as shall be determined by the said Committee of Management, not exceeding One Penny.

Goods not to remain upon Wharfs for more than Forty-eight Hours;

LXXXVII. Provided always, and be it further enacted, That it shall not be lawful for any Person who shall have landed or laid any Goods, Wares or Merchandizes, or any other Thing whatsoever, upon any of the Quays, Wharfs or Landing Places to be made by virtue of this Act, to permit the same, or any Part thereof, to remain longer than Forty-eight Hours, without the Licence of the Committee of Management of the said Company, or the Agent or Collector of the said Company at any such Wharf, Quay or Landing Place, first had and obtained for that Purpose; and if any such Goods, Wares or Merchandizes or other Things, so landed or laid upon any of the said Wharfs, Quays or Landing Places, shall remain thereupon for a longer Space of Time than Forty-eight Hours, without such Licence as aforesaid, it shall and may be lawful for any such Collector or Agent of the said Company, or other Person authorized by them for that Purpose, to remove such Goods, Wares, and Merchandizes or other Things to a Place of Safety, and there detain the same till Payment of the Charges of such Removal and Detention; and if such Charges shall not be paid within Five Days after Demand by the Collector or Agent of the said Company, the Goods and Chattels so removed, or a sufficient Part thereof, shall and may be sold for Payment of such Charges, and the Expences attending such Sale; such Charges and Expences, in case of Dispute, to be settled and determined by any One or more Justices of the Peace for the said County of *Cumberland*.

or may be removed by the Company at the Owner's Expence.

For Recovery of Rates and Tolls.

LXXXVIII. And be it further enacted, That the Rates, Tolls and Duties herein-before authorized to be demanded and taken by the said Canal Company, shall be paid to such Person or Persons, at such Place or Places upon or near to the said Canal, and in such Manner and under such Regulations, as the Committee of Management shall in that Behalf direct or appoint; and in case of Neglect or Refusal to pay any such Rates, Tolls or Duties, or any Part thereof, unto the Person or Persons who shall be appointed to receive the same, it shall be lawful for the said Canal Company to sue for the same, by Action of Debt or upon the Case, in any of His Majesty's Courts of Record at *Westminster*; and in every such Action it shall be sufficient for the Plaintiffs to declare, that under and by virtue of a certain Act of Parliament, passed in the Fifty-ninth Year of the Reign of His Majesty King *George* the Third, intituled [*here set forth the Title of this Act*] the said Company or their Assignees or Mortgagees were lawfully possessed of or entitled to such Tolls, Rates, or Duties as in and by the said Action are sought to be recovered, and to allege when, where, how, and wherefore such Tolls, Rates or Duties accrued and became payable to the said Plaintiffs; or it shall be lawful for the Person or Persons to whom such Rates, Tolls or Duties ought to have been paid, and he and they is and are hereby authorized and empowered, to seize and distrain the Goods, Wares, Merchandizes or Commodities, for or in respect of which such Rates, Tolls or Duties ought to have been paid as aforesaid, or any Part thereof, and the Boat, Barge, or other Vessel or Raft laden therewith, or any other Boat, Barge, Vessel or Raft, Goods or Commodities, belonging to the Owner of such first-mentioned Boat, Barge, Vessel or Raft, and lying or being upon the said Canal hereby authorized to be made, or upon any Wharf

or

or in any Warehouſe adjoining thereto, and to detain the ſame reſpectively, until full Payment ſhall be made of ſuch Rates, Tolls or Duties, and of all Arrears of the ſame which may be then due from the Owner of ſuch Boat, Barge, Veſſel or Raft, to the ſaid Canal Company, together with the reaſonable Coſts and Charges of ſuch Seizure and Diſtreſs; and in caſe ſuch Diſtreſs ſhall not be redeemed within Six Days from the taking thereof, the ſame ſhall and may be appraiſed and ſold, as the Law directs in Caſes of Diſtreſs for Rent: Provided always, that if any Diſpute ſhall ariſe concerning the Amount of any ſuch Rate or Rates, or of the Charges occaſioned by any ſuch Diſtreſs as aforeſaid, it ſhall be lawful for the Perſon or Perſons ſo diſtraining to retain ſuch Diſtreſs, or the Money ariſing from the Sale thereof (as the Caſe may be), till the Amount of the Rates ſhall be aſcertained by ſome Juſtice of the Peace for the ſaid County of *Cumberland*, who, on Application made to him for that Purpoſe, ſhall examine the Matter on the Oath of the Parties or of a Witneſs or Witneſſes, and ſhall determine the Amount of the Rates due, or of the Charges of diſtraining for the ſame; and it ſhall be lawful for ſuch Juſtice to award ſuch Coſts to either Party as in his Diſcretion ſhall ſeem proper; and if ſuch Coſts ſo to be awarded ſhall not forthwith be paid, ſuch Juſtice ſhall and may grant his Warrant for levying the ſame by Diſtreſs and Sale of the Goods and Chattels of the ſaid Canal Company, or of the Perſon or Perſons liable to pay the ſaid Coſts (as the Caſe may be), rendering the Overplus (if any), after defraying ſuch Coſts and the Expences attending ſuch Diſtreſs and Sale, to the Owner or Owners of ſuch Goods and Chattels ſo diſtrained.

For Recovery of Warehouſe Rent.

LXXXIX. And be it further enacted, That it ſhall and may be lawful for the ſaid Canal Company or their Aſſigns, to detain any Goods, Wares or Merchandizes which ſhall or may be depoſited in any Warehouſe of the ſaid Company, until the Warehouſe Rent in reſpect of ſuch Goods, Wares and Merchandizes ſhall be fully paid and ſatisfied; and in caſe of Non-claim of ſuch Goods, Wares or Merchandizes, or on Non-payment of ſuch Warehouſe Rent, within the Space of Two Months next after the ſame ſhall have been ſo depoſited, to ſell and diſpoſe thereof by public Auction or private Contract, as they ſhall think beſt; and out of the Monies to ariſe by ſuch Sale or Sales, pay and ſatisfy themſelves ſuch Warehouſe Rent, and all Coſts, Charges and Expences attending ſuch Sale or Sales, rendering the Overplus (if any be) upon Demand to the Owner or Owners thereof, Oath being firſt made in Writing (if required) by ſuch Owner or Owners, of his or their Right and Title to the Property ſo ſold and diſpoſed of, before ſome Juſtice of the Peace for the ſaid County of *Cumberland*, which Oath any ſuch Juſtice is hereby duly authorized and required to adminiſter: Provided always, that Ten Days at leaſt before any ſuch Sale ſhall be made by the ſaid Company, Notice thereof ſhall be given by Advertiſement in ſome Newſpaper publiſhed or uſually circulated within the ſaid County of *Cumberland*, containing a Deſcription of the Goods ſo depoſited, and ſtating the Amount of Warehouſe Rent due for the ſame.

The Committee of Management may vary the Tolls.

XC. And be it further enacted, That it ſhall be lawful for the Committee of Management for the Time being of the ſaid Canal Company, from Time to Time to lower and reduce all or any of the Rates, Tolls and Duties herein-before by this Act authorized to be taken, and afterwards

afterwards from Time to Time again to advance and raiſe all or any of the ſaid Rates, Tolls and Duties which ſhall have been ſo lowered or reduced: Provided always, that the Rates, Tolls and Duties ſo to be advanced or raiſed as aforeſaid, ſhall not in any Caſe exceed the reſpective Sums herein limited and appointed.

Committee of Management empowered to demiſe the Tolls.

XCI. And be it further enacted, That it ſhall and may be lawful, from and after the Term of Three Years from the paſſing of this Act, for the ſaid Committee of Management, or any Five or more of them, by any Inſtrument in Writing under their Hands and the Common Seal of the ſaid Company, to let or demiſe all or any Part or Parts of the Rates, Tolls and Duties ariſing from or to be payable under or by virtue of this Act, for any Term not exceeding Three Years at any One Time, to any Perſon or Perſons, for the higheſt Rent that can be had or got for the ſame, either by public Bidding or otherwiſe; provided that Two Calendar Months previous Notice be given, in ſome of the public Newſpapers publiſhed or uſually circulated in the County of *Cumberland*, of the Intention of the ſaid Committee of Management to leaſe or demiſe the ſaid Rates, Tolls, and Duties; and ſo as that the Perſon or Perſons renting the ſame ſhall give ſatisfactory Security to the ſaid Committee of Management, by Articles in Writing, for the true Performance of his, her or their Bargain, Contract or Agreement with them; and the Perſon or Perſons ſo renting the ſaid Duties, ſhall have full Power and Authority to aſk, demand, collect and receive the ſame, and ſhall in every Reſpect be deemed and taken to be a Collector or Collectors appointed by the ſaid Committee of Management.

Mode of aſcertaining Weight of Goods.

XCII. And be it further enacted, That the Tonnage of all Goods, Merchandize, Articles and other Things whatſoever, conveyed upon and along the ſaid Canal, ſhall be aſcertained and charged according to the real Weight thereof; ſave and except ſuch Goods as are uſually denominated light Goods, of which Forty Cubic Feet ſhall be deemed and taken to be One Ton, and in all caſes One hundred and twelve Pounds Weight Avoirdupois ſhall be deemed and taken as and for One Hundred Weight, and Twenty ſuch Hundred Weight as One Ton, any Uſage to the contrary thereof notwithſtanding; and that the Maſter, Owner, or other Perſon having the Care of any Boat, Barge, or other Veſſel or Raft navigating upon the ſaid Canal or Navigation, or any Part thereof, ſhall from Time to Time give in a juſt and true Account in Writing ſigned by him, to the Collector or Collectors of the ſaid Tolls, Rates or Duties, at the Place or Places where they ſhall attend for that Purpoſe, of the ſeveral Quantities, Qualities and Weight of the Goods, Wares, Merchandize and Commodities contained in every Boat, Barge, or other Veſſel or Raft, or of which ſuch Raft ſhall conſiſt, and of the Place from whence brought, and where intended to be landed or carried; and alſo the Quantities, Qualities and Weight of ſuch Goods, Wares, Merchandize, or Commodities as ſhall have been diſcharged or taken out of ſuch Boat, Barge or other Veſſel, or from any Raft, within the Limits of the ſaid Navigation, before their Arrival at the Place where ſuch Account is to be given; and if ſuch Goods, Wares, Merchandize or Commodities ſhall be liable to the Payment of different Rates, then ſuch Maſter, Owner, or other Perſon ſhall ſpecify the Quantities liable to the Payment of each Rate; and in caſe any ſuch

Maſters of Boats, &c. to give Account of Lading.

Maſter, Owner, or other Perſon ſhall neglect or refuſe to give ſuch Account, or refuſe to produce his Invoice or Bill of Lading to ſuch Collector or Collectors, if demanded, or ſhall give a falſe Account thereof, or ſhall deliver any Part of his Lading or Goods at any other Place or Places than what ſhall be mentioned in ſuch Account, every Perſon ſo offending ſhall forfeit and pay to the ſaid Canal Company the Sum of Five Pounds for every ſuch Offence, over and above all the Tolls, Rates, or Duties which ſhall be payable for ſuch Goods, Wares, Merchandize, or Commodities.

In caſe of any Diſpute reſpecting the Weight of Goods, Collectors may weigh, &c.

Coſts of Weighing, &c. how to be paid.

XCIII. And be it further enacted, That if any Difference ſhall ariſe between any Collector of the ſaid Tolls, Rates or Duties, and the Maſter or Perſon having Charge of any Boat, Barge, or other Veſſel or Raft, or the Owner of any Goods, Wares, Merchandize or other Commodities on Board thereof, concerning the Weight or Quantity of any ſuch Goods, Wares, Merchandize or Commodities, it ſhall be lawful for any ſuch Collector to ſtop and detain any ſuch Boat, Barge, or other Veſſel or Raft, and to weigh, meaſure, and gauge, or cauſe to be weighed, meaſured, and gauged, all ſuch Goods, Wares, Merchandize and Commodities as ſhall be therein contained; and in caſe the ſame ſhall upon ſuch weighing, meaſuring, and gauging, appear to be of greater Weight or Quantity than ſuch Maſter, Owner, or other Perſon having the Care of ſuch Boat, Barge, or other Veſſel or Raft, affirmed or ſtated the ſame to be, then the ſaid Maſter, Owner, or other Perſon having the Care of ſuch Boat, Barge, or other Veſſel or Raft, ſhall pay the Coſts and Charges of ſuch weighing, meaſuring and gauging; and ſuch Coſts and Charges, in caſe of Refuſal of Payment thereof upon Demand, ſhall and may be levied and recovered in the ſame Manner as the ſaid Tolls, Rates, or Duties are hereby appointed to be levied and recovered; but if ſuch Goods, Wares, Merchandize and Commodities ſhall appear to be of the ſame Weight and Quantity, or of leſs Weight and Quantity than the ſaid Maſter, Owner, or other Perſon declared the ſame to be, then the ſaid Canal Company ſhall pay the Coſts and Charges of ſuch weighing, meaſuring or gauging, and ſhall alſo pay to ſuch Maſter, Owner or other Perſon, or to the Owner or Owners of ſuch Goods, Wares, Merchandize and Commodities, ſuch Damages as ſhall appear to One or more of His Majeſty's Juſtices of the Peace acting in and for the County of *Cumberland*, on the Oath of One or more credible Witneſs or Witneſſes, to have ariſen from ſuch Detention; but in caſe it ſhall at any Time be made to appear to the ſaid Juſtice, upon the Complaint of the ſaid Canal Company or any of their Officers, and upon the like Oath of One or more credible Witneſs or Witneſſes, that ſuch Stoppage and Detention, and weighing, meaſuring, and gauging was without reaſonable Ground or Belief, or vexatious on the Part of ſuch Collector, then the ſaid Collector ſhall himſelf pay the Coſts and Charges of ſuch weighing, meaſuring or gauging, and ſhall alſo pay to ſuch Maſter or other Perſon, or to the Owner or Owners of ſuch Goods, Wares, Merchandize and Commodities, ſuch Damages as ſhall appear to the ſaid Juſtice, on the Oath of One or more credible Witneſs or Witneſſes, to have ariſen from ſuch Detention; and in default of immediate Payment thereof by the ſaid Canal Company, or by ſuch Collector (as the Caſe may be), the ſame ſhall be recovered from the ſaid Canal Company, or the ſaid Collector (as the Caſe may be), by Diſtreſs and Sale of

their or his Goods and Chattels, by Warrant under the Hand and Seal of the faid Juſtice, or otherwiſe by Action of Debt or on the Caſe, in any of His Majeſty's Courts of Record at *Weſtminſter*.

Power for Juſtices, upon Application of Company, to fix the Sums to be paid for Parcels.

XCIV. And be it further enacted, That it ſhall be lawful for the Juſtices preſent at any General Quarter Seſſions of the Peace to be held in and for the ſaid County of *Cumberland*, upon Application to be made by the ſaid Canal Company or their Committee of Management for the Time being, from Time to Time to aſcertain and fix the Price or Sum or Sums of Money to be charged or taken for the Carriage of any Parcel (not exceeding Five Hundred Weight) upon the ſaid Canal or upon any Part thereof; and the ſaid Canal Company ſhall from Time to Time cauſe to be printed and affixed upon every public Wharf on the ſaid Canal, in ſome conſpicuous Place, a Liſt or Account aſcertaining and particularizing the Price, or Sum or Sums of Money ſo to be charged or taken for the Carriage of ſuch Parcels as aforeſaid upon the ſaid Canal; and in caſe any Owner or Maſter of, or other Perſon having the Care of any Boat or other Veſſel navigating or paſſing upon the ſaid Canal, or upon any Part or Parts thereof, after ſuch Liſt or Account ſo aſcertaining and particularizing the Price or Sum or Sums of Money at which every ſuch Parcel ſhall be ſo carried and conveyed, ſhall be ſo fixed up as aforeſaid, ſhall demand or take for the Carriage of any Parcel as aforeſaid more than the Price or Sum or Sums of Money in ſuch Liſt or Account aſcertained and particularized for that Purpoſe; ſuch Owner, Maſter, or other Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds, nor leſs than Forty Shillings, at the Diſcretion of the Magiſtrate before whom ſuch Perſon ſhall be convicted.

Navigation to be free on Payment of Tolls.

XCV. And be it further enacted, That all and every Perſon or Perſons ſhall have free Liberty to uſe, with Horſes, Cattle and Carriages, the private Ways and Roads belonging to the ſaid Canal Company (except the Towing Paths), for the conveying any Goods, Wares, Merchandize, or other Things to and from the ſaid intended Canal, and the Wharfs, Quays, and Landing Places belonging thereto; and alſo with Boats, Barges, and other Veſſels and Rafts, to navigate, paſs upon, and uſe the ſaid Canal for the Purpoſe of conveying any Goods, Wares, Merchandize or Commodities whatſoever thereon reſpectively; and alſo to uſe the ſaid Wharfs, Quays and Landing Places, for the loading and unloading of any Goods or other Things, and the ſaid Towing Paths for the hauling and drawing of ſuch Boats, Barges and other Veſſels and Rafts, upon Payment of ſuch Rates, Tolls and Duties for the ſame reſpectively as ſhall be demanded by the ſaid Canal Company, not exceeding the ſeveral Rates, Tolls and Duties herein-before mentioned, and ſubject always to the Rules, Orders, Bye Laws and Regulations which ſhall from Time to Time be made by the Committee of Management, by virtue of the Power by this Act given in that Behalf.

No Perſon to keep a Paſſage Boat without the Licence of the Company.

XCVI. Provided always, and be it further enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, to enable any Perſon or Perſons (except the ſaid Company or any Perſon acting by or under their Authority) to keep or uſe any Boat or other Veſſel for the Conveyance of Paſſengers, for Hire or Reward, along the ſaid Canal; and

and if any Perſon ſhall convey any Paſſenger upon the ſaid Canal, for Hire or Reward, in any Boat or other Veſſel, or upon any Raft, every Perſon ſo offending ſhall forfeit and pay for every Paſſenger ſo conveyed, any Sum not exceeding Twenty Shillings.

Lords of Manors and others may erect Wharfs, &c.

XCVII. And be it further enacted, That at any Time or Times after the ſaid Canal Company ſhall have ſelected, taken or marked out ſuch Pieces of Land for public Wharfs, Quays and Landing Places along the Line of the ſaid Canal, which they the ſaid Company at the Time of firſt marking and ſetting out the Ground for the Line of the ſaid Canal, ſhall deem it expedient to take or mark out for thoſe Purpoſes, it ſhall be lawful for the Lord or Lords, Owner or Owners of any Manor, Lands or Grounds through which the ſaid intended Canal ſhall be made, to make, erect, and ſet up, either for his, her, or their own private Uſe, or for the Uſe of the Public, any Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouſes, in or upon his, her, or their reſpective Waſtes, Lands or Grounds adjoining or near to the ſaid Canal; and to make and lay out proper Ways and Roads to the ſame, acroſs any Lands belonging to the ſaid Canal Company, and to land any Goods or other Things upon ſuch Wharfs, Quays or Landing Places, or upon the Banks lying between the ſame and the ſaid Canal; and alſo to make and uſe proper and convenient Places for Boats, Barges and other Veſſels to lie and turn in and paſs each other, ſo that the making or uſing thereof reſpectively, do not obſtruct or prejudice the Navigation of the ſaid Canal, or the Paſſage on the Towing Paths thereof; and that all Rates or Tolls which ſhall be demanded and paid for the Uſe of ſuch of the ſaid Wharfs, Quays, Landing Places, Cranes, Weigh Beams and Warehouſes reſpectively, as ſhall be erected by ſuch Lord or Lords, Owner or Owners, for the Uſe of the Public, not exceeding the Rates herein-before limited for Wharfage, ſhall be and the ſame are hereby accordingly veſted in ſuch Lord or Lords, Owner or Owners, who ſhall make and erect ſuch Wharfs, Quays, Landing Places, Cranes, Weigh Beams and Warehouſes as aforeſaid, and his, her, or their reſpective Heirs and Aſſigns.

If they refuſe, Company may erect.

XCVIII. And be it further enacted, That if any ſuch Lord or Lords, Owner or Owners, ſhall not within the Space of Three Calendar Months next after Notice in Writing ſhall be given to him, her or them, or left at his, her or their uſual Place or Places of Abode, under the Hand of the Clerk of the ſaid Company, on Behalf of the ſaid Canal Company, ſtating that any Part or Parts of his, her or their Waſtes, Lands or Grounds is or are neceſſary or proper for erecting and making any public Wharfs, Quays, Landing Places, Cranes, Weigh Beams or Warehouſes, or for making and laying out any Road or Roads for the Conveyance of Goods to and from the ſaid Canal, give Notice in Writing to the ſaid Clerk of his, her or their Intention to erect and make, and ſhall not forthwith proceed to erect and make, and within Six Calendar Months from the Date of ſuch laſt-mentioned Notice, make, erect and lay out, and afterwards from Time to Time maintain and keep in good and ſubſtantial Repair, ſuch proper and ſufficient Wharfs, Quays, Landing Places, Cranes, Weigh Beams, Warehouſes and Roads for the Uſe of the Public, on the reſpective Part or Parts of the Waſtes, Lands or Grounds to be deſcribed in ſuch Notice; then and in ſuch Caſe the ſaid Canal Company ſhall have full Power and Authority, without any Hindrance or Reſtraint whatſoever, to take, and

make

make uſe of ſuch Part or Parts of ſuch Waſtes, Lands, or Grounds, for erecting and building proper and ſufficient Wharfs, Quays, Landing Places, Cranes, Weigh Beams and Warehouſes, and for making and laying out proper and convenient Roads to and from the ſaid Canal, agreeably to ſuch Notice ſo given by the ſaid Clerk as aforeſaid; they the ſaid Canal Company firſt making Satisfaction for the ſame, in ſuch Manner as is herein-before directed with reſpect to any Lands or Grounds which ſhall be taken or uſed by the ſaid Company for the Purpoſes of this Act.

Private Wharfs not to be uſed by Company without Conſent.

XCIX. Provided always, and be it further enacted, That nothing herein contained ſhall authorize or empower the ſaid Canal Company, or any Perſon or Perſons, to make uſe of any Wharfs, Quays, Landing Places, Cranes, Weigh Beams or Warehouſes, which ſhall be made, erected and ſet up, by the Lord or Lords, Owner or Owners of any Manor, Lands or Grounds adjoining or near to the ſaid Canal, for his, her, or their own private Uſe only; or to erect or ſet up any Cranes or Weighing Machines in or upon any ſuch private Wharfs, Quays or Landing Places, without the Conſent in Writing of ſuch Lord or Lords, Owner or Owners.

Penalty on Perſons evading Tolls.

C. And be it further enacted, That in caſe any Perſon or Perſons navigating or intruſted with the Care of any Boat, Barge, or other Veſſel or Raft, upon the ſaid Canal, or any Part thereof, ſhall with Intent to avoid or evade the due Payment of any of the Tolls, Rates or Duties hereby made payable, load, unload, or take into or upon any ſuch Boat, Barge, or other Veſſel or Raft, any Goods, Wares, Merchandize or Commodities whatſoever, liable to pay any of the Tolls, Rates or Duties hereinbefore mentioned, at any other Place or Places than at the public or private Wharfs or Quays upon or belonging to the ſaid Navigation, without having previouſly obtained Permiſſion in Writing for that Purpoſe, from the Committee of Management, or from ſome One of the Agents or Collectors of the Tolls to the ſaid Canal Company; or in caſe any Perſon or Perſons ſhall do any other Act with Intent to evade the Payment of any of the ſaid Tolls, Rates or Duties, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay to the ſaid Canal Company the Sum of Five Pounds.

Structure of Veſſels.

CI. And be it further enacted, That no Perſon or Perſons ſhall uſe or navigate on the ſaid Canal, any Boat, Barge, or other Veſſel or Raft, but ſuch as ſhall be built and conſtructed agreeably to ſuch Plan or Model, or in ſuch Manner as ſhall be from Time to Time determined on and ſettled or approved of by the ſaid Committee of Management, and ſo that the ſame be built and conſtructed as in no reſpect to injure or damage, or tend to injure or damage, the Lining, Puddling, or other Works of the ſaid Canal.

Poles, &c. prohibited, unleſs of certain Dimenſions.

CII. And be it further enacted, That no Boat, Barge, or other Veſſel or Raft, having on board any Pole, Shaft or Inſtrument uſed or to be uſed in punting or navigating ſuch Boat, Barge, or other Veſſel or Raft, pointed or ſpiked with Iron or otherwiſe, of leſs Area at each End thereof than Ten Square Inches, ſhall paſs along any Part of the ſaid Canal; and it ſhall be lawful for the Agents or Servants of the ſaid Canal Company

to ſeize ſuch Poles, Shafts or Inſtruments, in caſe they ſhall be found on board any ſuch Boat, Barge, or other Veſſel or Raft, or to ſtop and detain ſuch Boat, Barge, Veſſel or Raft, until ſuch Poles, Shafts or Inſtruments ſhall be delivered up; and the Maſter, Owner or Perſon having the Care of ſuch Boat, Barge, or other Veſſel or Raft, ſhall forfeit a Sum not exceeding Ten Pounds for every ſuch Pole, Shaft or Inſtrument found on board his Boat, Barge, or other Veſſel or Raft.

Places to be made for Veſſels to turn and paſs each other.

CIII. And be it further enacted, That it ſhall be lawful for the ſaid Canal Company, and they are hereby required, in ſuch Parts of the ſaid Canal as ſhall not be of ſufficient Breadth for admitting a Boat, Barge or other Veſſel or Raft to turn about, or Two Boats, Barges or other Veſſels or Rafts to paſs each other, to open and cut proper Spaces and Places in the Lands adjoining to the ſaid Canal, at convenient Diſtances from each other, for the turning and paſſing of ſuch Boats, Barges or other Veſſels or Rafts; and that all Boats, Barges or other Veſſels or Rafts, paſſing upon the ſaid Canal, ſhall, upon meeting any other Boat, Barge, Veſſel or Raft, ſtop at or go back to and be in the ſaid Spaces or Places to be made for that Purpoſe, in ſuch Manner as the Committee of Management ſhall from Time to Time direct and appoint.

Regulations for Veſſels paſſing Locks.

CIV. And be it further enacted, That no Boatman or other Perſon navigating or having the Care of any Boat, Barge, or other Veſſel or Raft, which ſhall paſs through any Lock to be made upon the ſaid Canal, ſhall ſuffer the Water to remain in ſuch Lock longer than is neceſſary for his Boat, Barge, or other Veſſel or Raft to paſs through the ſame; and that every ſuch Boatman, or other Perſon as aforeſaid, on going down the ſaid Canal from the higher to the lower Levels thereof, ſhall, previouſly to his bringing his Boat, Barge, or other Veſſel or Raft into any Lock, ſhut the Lower Gates of ſuch Lock and the Sluices thereto belonging, before he ſhall draw the Sluices of the Upper Gates thereof; and after he ſhall have brought his Boat, Barge, or other Veſſel or Raft, into the ſaid Lock, he ſhall then ſhut the Upper Gates thereof and the Sluices thereto belonging, before he ſhall draw the Sluices of the Lower Gates thereof; and in going up the ſaid Canal towards a higher Level thereof, ſuch Boatman or other Perſon ſhall, as ſoon as he ſhall have paſſed with his Boat, Barge, or other Veſſel or Raft out of the ſaid Lock, ſhut up the Upper Gates thereof and the Sluices thereto belonging, and afterwards draw the Sluices of the Lower Gates thereof, unleſs there ſhall be then a Boat, Barge, or other Veſſel or Raft in ſight of the ſaid Lock coming down the ſaid Canal, in which Caſe the Lower Gates of the ſaid Lock and the Sluices thereof ſhall be left ſhut, and the Upper Gates ſhall be left open; and at all Times the Veſſels or Rafts going up the ſaid Canal, if within ſight of any Veſſel or Raft coming down, and at a Diſtance not exceeding Four hundred Yards below any Lock, ſhall paſs through ſuch Lock before the Veſſel or Raft coming down, and then the Veſſel or Raft above ſuch Lock ſhall come down; and if there ſhall be more Veſſels or Rafts than One, below and above any Lock at the ſame Time, within the Diſtance aforeſaid (at which Diſtance a Poſt or Mark ſhall be ſet up or made for aſcertaining the ſame) ſuch Veſſels or Rafts ſhall go up and come down through ſuch Locks, by Turns as aforeſaid, until all the Veſſels or Rafts going up and coming down, ſhall have paſſed the ſame, in order that One Lock full of Water may ſerve Two Veſſels; and every Perſon who ſhall offend in any of theſe Particulars

shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

Penalty on Persons leaving open Draw Bridges;

CV. And be it further enacted, That if any Swivelbridge or Drawbridge shall be laid for the Use of any Public Highway, or for the Accommodation of any Owner or Occupier of Lands parted by the said Canal, over or across the said Canal, or any Trenches or Passages for Water to be made by virtue of this Act, all and every Person and Persons opening any such Drawbridge or Swivelbridge, for the Passage of any Boat or other Vessel or Raft, shall from Time to Time as soon as such Boat or other Vessel or Raft shall have passed such Bridge, shut and fasten the same, and that every Person neglecting so to do shall forfeit and pay for every such Offence a Sum not exceeding Five Pounds; and in case any such Bridge shall be left open longer than necessary for the Passage of any Boat or other Vessel or Raft as aforesaid, through the Neglect or Carelessness of any Person belonging to any such Boat, Vessel or Raft, then the Master or Owner of such Boat, Vessel or Raft, shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds; and if any Person or Persons shall wilfully open any such Drawbridge or Swivelbridge, when no Vessel or Raft is to pass through the same, every Person so offending shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds; all which said Penalties or Forfeitures shall go and be applied, One Moiety to the Informer, and the other Moiety to the Poor of the Parish where the Offence shall be committed.

or unnecessarily opening same.

Penalty on Boats, &c. obstructing the Navigation.

CVI. And be it further enacted, That if any Boat, Barge or other Vessel or Raft shall be placed in any Part of the said Canal, or of the Trenches, Sluices or Passages belonging thereto, so as to obstruct the Navigation or Passage thereon, and the Person having the Care of such Boat, Barge, Vessel or Raft, shall not immediately remove the same, or alter the Position thereof, upon Request made for that Purpose, he shall for every such Offence forfeit and pay a Sum not exceeding Twenty Shillings; and shall moreover forfeit and pay a Sum not exceeding Five Shillings for every Hour during which such Obstruction shall continue, after such Request for Removal thereof shall be made as aforesaid; and that it shall be lawful for any of the Collectors, Agents or Servants of the said Canal Company, to cause any such Boat, Barge, Vessel or Raft, to be unladen, if necessary, and to be removed in such Manner as shall be requisite for preventing any further Obstruction therefrom, and to seize and detain such Boat, Barge, Vessel or Raft, and the Lading thereof, or any Part of such Lading, until the said Penalty or Penalties, and the Charges of such Unloading or Removal shall be paid; and that if any Boat, Barge, Vessel or Raft, shall be sunk in any Part of the said Canal, and the Owner or Owners, or Persons having the Care thereof, shall not without Loss of Time weigh or draw up the same, it shall be lawful for the Agents or Servants of the said Canal Company, or any of them, to cause such Boat, Barge, Vessel or Raft, to be weighed and drawn up, and detain and keep the same, until Payment shall be made of all Expences thereby necessarily incurred or occasioned.

Boats, &c. sunk to be weighed up.

The Names of the Owners of Boats, &c. to be painted

CVII. And for the better regulating of the Masters or Owners of Boats and other Vessels, and the Bargemen and others employed by or under them respectively, and for the more easy detecting of any Thing to

on the Outside.

to be done by them contrary to the Directions of this Act; be it further enacted, That every Owner, Maſter or Perſon having the Charge or Command of any Boat, Barge or other Veſſel, navigating and paſſing upon the ſaid Canal, ſhall cauſe his or her Name and Place of Abode, and the Name or Number of his or her Boat, Barge or other Veſſel, to be entered with the Clerk to the ſaid Canal Company; and ſhall alſo cauſe the Name of ſuch Owner, Maſter or other Perſon as aforeſaid, and the Name or Number of ſuch Boat, Barge or other Veſſel, to be painted on a Black Ground, in large White Capital Letters and Figures, Four Inches high at leaſt, and of a proportionable Breadth, on the Outſide of the Stern of every ſuch Boat, Barge or other Veſſel, ſo high that no Part of ſuch Letters or Figures ſhall be under Water when any ſuch Boat, Barge or other Veſſel ſhall be full laden; and that every Owner, Maſter or Perſon, having the Charge or Command of any ſuch Boat, Barge or other Veſſel, ſhall from Time to Time, when thereto required, permit and ſuffer the ſame to be gauged and meaſured by ſuch Perſon or Perſons as ſhall be appointed for that Purpoſe by the ſaid Canal Company or their Committee of Management; and ſhall alſo, at his, her, and their own Coſts and Charges, fix or cauſe to be fixed on each Side of every ſuch Boat, Barge or other Veſſel, Two Indexes of Copper, Lead, or other Metal of ſuch graduated Figures, denoting the Weight or Tonnage, at ſuch Diſtances and under ſuch Regulations as the ſaid Canal Company, or their Committee of Management ſhall from Time to Time direct and appoint, ſo that the true Weight of the Lading of every ſuch Boat, Barge or other Veſſel may at all Times clearly appear; and that every Owner, Maſter or other Perſon having the Charge or Command of any Boat, Barge or other Veſſel, who ſhall navigate the ſame upon the ſaid Canal, without having ſuch Names, Marks and Figures thereon as herein-before directed, or who ſhall refuſe or neglect to put and renew the ſame as often as may be thought neceſſary by the ſaid Committee of Management, or ſhall alter, eraſe, deface, or deſtroy the ſame or any Part thereof, or ſhall put any falſe Names, Marks or Figures on ſuch Boat, Barge or other Veſſel, or who ſhall refuſe to permit any ſuch Boat, Barge or other Veſſel to be gauged and meaſured as aforeſaid; and alſo any Owner, Maſter or other Perſon who ſhall have the Charge or Command of any Boat, Barge, Veſſel or Raft, who ſhall navigate the ſame upon the ſaid Canal, or who ſhall cauſe or permit ſuch Boat, Barge, Veſſel or Raft to be at any Time unloaded, without a Stage being laid from the Side of ſuch Boat, Barge, Veſſel or Raft, to the Bank of the ſaid Canal, in order to prevent any Dirt or Rubbiſh falling into the ſame, ſhall for every ſuch Offence reſpectively forfeit and pay any Sum not exceeding Five Pounds.

Boats, &c. to be gauged when required by the Company.

Graduated Indexes to be affixed to Veſſels.

Owners of Boats, &c. anſwerable for Damage done by their Veſſels, Horſes or Servants.

CVIII. And be it further enacted, That the Maſter or Owner of every Boat, Barge, Veſſel or Raft, navigating or paſſing upon the ſaid Canal, ſhall be and he is hereby made anſwerable for all ſuch Damage, Spoil or Miſchief as ſhall be done by his Boat, Barge, or Veſſel or Raft, or the Horſes uſed in drawing the ſame, or by any of the Boatmen, Watermen or others belonging to or employed in or about the ſame reſpectively, unto any of the Bridges, Weirs, Locks, Dams, Engines, Trenches, Sluices or other Works, in, upon, or belonging to the ſaid Canal, either by loading or unloading, or navigating any ſuch Boat, Barge, Veſſel or Raft, or by any other Means whatſoever; and alſo for any Treſpaſſes or Damage that

ſhall

ſhall or may be committed or done to the Owners or Occupiers of any Buildings, Lands or Tenements adjoining or lying near the ſaid Canal, by leaving open Gates or otherwiſe, and for any Treſpaſs whatſoever contrary to the ſaid ſeveral Directions and Reſtrictions in this Act contained, or any of them; and every ſuch Maſter or Owner ſhall, upon Conviction before any One Juſtice of the Peace, either upon Confeſſion or upon the Oath or Oaths of One or more credible Witneſs or Witneſſes, (which Oath or Oaths ſuch Juſtice is hereby empowered and required to adminiſter,) pay the Perſon or Perſons injured the Damages to be aſcertained by ſuch Juſtice, provided ſuch Damages do not exceed the Sum of Ten Pounds; and upon Non-payment, on Demand, the ſame ſhall be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Maſter or Owner, in like Manner as any other Penalties or Forfeitures are by this Act directed to be levied; or, if the Damages ſhall exceed the Sum of Ten Pounds, then the ſame may be ſued for and recovered, with full Coſts of Suit, in any of His Majeſty's Courts of Record at *Weſtminſter*.

Owners may recover from their Servants.

CIX. And be it further enacted, That if the Owner or Owners of any Boat, Barge, Veſſel or Raft, navigating or paſſing on the ſaid Canal, ſhall be compelled to pay any Penalty, or to make Satisfaction for any Damages by reaſon of any wilful Act, Neglect, or Default of his or their Servant or Servants, Boatmen or Watermen, or any of them, then and in ſuch Caſe, every ſuch Servant, Boatman, and Waterman ſhall be liable to repay ſuch Penalty or Satisfaction for Damages, with the Coſts attending the ſame, to ſuch Owner or Owners; and in caſe of Non-payment thereof, upon Demand, and Oath made by ſuch Owner or Owners of the Payment made by him or them of ſuch Penalty or Satisfaction for Damages, and that the ſame and the Coſts thereof have not been repaid to him or them by ſuch Servants, Boatmen or Watermen, or any of them, although demanded (ſuch Oath to be made before any One or more of the Juſtices of the Peace for the County where ſuch Penalty ſhall have been recovered) the Amount thereof ſhall be recovered in like Manner as any Penalty is hereby directed to be recovered.

Penalty on Perſons floating Timber on Canal, contrary to the Directions of the Committee, or in any Manner obſtructing the Navigation;

or throwing Ballaſt, &c. into Canal;

unneceſſarily opening Locks;

waſting the Water;

CX. And be it further enacted, That if any Perſon or Perſons ſhall float any Timber upon the ſaid Canal, without having the ſame properly hooded or otherwiſe ſecured, agreeable to the Directions of the Committee of Management of the ſaid Canal Company, or ſhall navigate on the ſaid Canal any Boat or Veſſel laden with Timber, which ſhall lie over the Sides of ſuch Boat or Veſſel, in ſuch a way as to obſtruct the Paſſage of any other Boat, Veſſel or Raft, and ſhall not immediately, upon Notice given of ſuch Obſtruction, haul or draw back ſuch Boat or Veſſel into ſuch Place or Places as ſhall be made or be proper for Boats or other Veſſels to paſs each other, or ſhall not otherwiſe remove the ſame, ſo as to make a free Paſſage for other Boats, Veſſels or Rafts; or if any Perſon or Perſons ſhall wilfully throw any Ballaſt, Gravel, Stones, Rubbiſh or other Matter or Thing, into any Part of the ſaid Canal or Reſervoirs, or into any Trenches, Sluices or Paſſages for Water to be made in purſuance of this Act; or if any Perſon or Perſons ſhall wantonly or unneceſſarily open or draw or cauſe to be opened or drawn any Lock, Paddle, Valve or Sluice belonging to the ſaid intended Navigation; or ſhall wilfully fluſh or draw off, or cauſe to be fluſhed or drawn off, the Water from any Part of the ſaid Navigation or Reſervoirs; or ſhall leave any of the Gates or Sluices

of any Lock open after any Boat, Veſſel or Raft ſhall have paſſed through the ſame (except in ſuch Caſes as herein-before otherwiſe ordered); or ſhall wilfully obſtruct, hinder or prevent any Perſon in the Execution of this Act, every Perſon ſo offending ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Twenty Pounds.

or hindering the Execution of the Act.

Puniſhment of Perſons wilfully deſtroying Works.

CXI. And be it further enacted, That if any Perſon or Perſons ſhall wilfully, maliciouſly, and to the Prejudice of the ſaid Navigation, break, throw down, or deſtroy any Bridge or Bridges, Bank or Banks, Lock or Locks, Erections or Buildings, or other Works to be erected and made by virtue of this Act, every Perſon ſo offending, being lawfully convicted, ſhall be tranſported as Felons are directed to be tranſported by the Laws and Statutes of this Realm, for a Term not exceeding Fourteen Years; or otherwiſe the Court before whom ſuch Perſon ſhall be convicted, may, in Mitigation of ſuch Puniſhment (if they ſhall think fit), award any ſuch other Puniſhment as the Law directs in Caſes of Petit Larceny.

Penalty for leaving Rubbiſh, &c. on the Towing Paths.

CXII. And be it further enacted, That if any Perſon or Perſons ſhall throw, caſt, or lay, on any Part of any Bank or Towing Path belonging to the ſaid Canal, any Dung or other Manure, Duſt, Aſhes, Rubbiſh or other Matter, otherwiſe than on the Wharfs and other Places to be made and provided for the loading and unloading of Goods, Wares, and Merchandize, every ſuch Perſon ſo offending ſhall forfeit and pay any Sum not exceeding Forty Shillings, to be recovered and applied in ſuch Manner as other Penalties under this Act are directed to be recovered and applied.

Penalty on Perſons bathing in Canal.

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

ration of the Time for which he, ſhe, or they ſhall be ſo committed, unleſs ſuch Penalty as aforeſaid be ſooner paid.

Penalty on Lock Keepers giving any Preference.

CXIV. And be it further enacted, That if any Lock-keeper, Wharfinger or other Perſon employed by, or Servant belonging to the ſaid Company, ſhall give any undue Preference, or ſhew any Partiality, to any Boat, Barge, Veſſel, or Raft in paſſing through any Lock or Locks upon the ſaid Canal, or in loading or unloading any Goods or Things at any of the Wharfs, Warehouſes, Weigh Beams, Cranes or other Machines belonging to the ſaid Company, every Perſon ſo offending, ſhall upon Conviction forfeit and pay any Sum not exceeding Forty Shillings.

Company to make Drains, &c. to convey the Water from adjoining Lands.

CXV. And be it further enacted, That the ſaid Canal Company ſhall, and they are hereby required, at their own proper Coſts and Charges, to make or cauſe to be made ſuch Arches, Tunnels, Culverts, Drains or other Paſſages, over, under, by the Side of or into the ſaid Canal, and the Trenches, Streams and Watercourſes communicating therewith, and the Towing Paths on the Sides thereof reſpectively, of ſuch Depth, Breadth, and Dimenſions as ſhall be ſufficient at all Times to convey the Water clear from the Lands adjoining or lying near to the ſaid Canal, without obſtructing or impounding the ſame; and likewiſe to make or cauſe to be made ſuch Back Drain or Drains as may be neceſſary and ſufficient to carry away any Water which may ooze or paſs through any of the Banks of the ſaid Canal, to the Prejudice of any of the Lands or Grounds contiguous or near thereto, and alſo to make Watering Places for Cattle in all Caſes where by Means of the ſaid Canal the Cattle of any Perſon or Perſons occupying Lands adjacent to the ſaid Canal ſhall be deprived of their ancient Watering Place, and to ſupply the ſame at all Times with Water; and that all ſuch Arches, Tunnels, Culverts, Drains, Back Drains and other Paſſages, ſhall from Time to Time be ſupported, maintained, cleanſed, ſcoured and kept in good and ſufficient Repair by the ſaid Company; and if at any Time after One Calendar Month's Notice in Writing ſhall, by or on Behalf of any Owner or Occupier of Land adjoining or lying near to the ſaid Canal, be given to the ſaid Company, or to their Clerk, or known Agent or Collector, that the ſaid Arches, Tunnels, Culverts, Drains, Back Drains or other Paſſages, or any of them, is or are not made, cleanſed, maintained and repaired according to the true Intent and Meaning of this Act, it ſhall be lawful for any Perſon or Perſons to apply for and obtain an Order in Writing from any Two or more Juſtices of the Peace for the ſaid County of *Cumberland*, from Time to Time, as often as there ſhall be Occaſion; (and the ſaid Juſtices are hereby authorized and empowered at their Diſcretion, to grant ſuch Order as aforeſaid) enabling ſuch Perſon or Perſons to cleanſe and repair ſuch Arches, Tunnels, Culverts, Drains, Back Drains or other Paſſages accordingly, and the reaſonable Expences thereof (to be aſcertained by ſuch Juſtices) ſhall be defrayed by the ſaid Company; and in caſe of Neglect or Refuſal to ſatisfy and defray ſuch Expences, for the Space of Two Calendar Months after Demand thereof made upon the ſaid Company or upon their Clerk, ſuch Expences ſhall and may be recovered and levied in ſuch Manner as any other Money is by this Act directed to be recovered from the ſaid Company: Provided always, that ſuch Owner or Occupier of the ſaid contiguous or adjoining Lands ſhall at the Time of making ſuch Complaint, have his, her or their reſpective Ditches, Drains, Paſſages of Water

and

and Watercourſes, leading to or from the ſaid Canal, or to or from the Drains, Culverts and Paſſages of the ſaid Company, and each and every of them, ſufficiently cleanſed and open to convey Water into, from or along the ſame: And provided alſo, that nothing herein contained ſhall extend to enforce the admitting of any Water ariſing from Floods into the ſaid Canal, which may injure the ſaid Navigation.

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

CXVI. And be it further enacted, That if at any Time hereafter the Ditches or Drains belonging to any Owner or Occupier of Lands adjoining or lying contiguous to the ſaid Canal and other Works or any of them, ſhall, by reaſon of their not being ſufficiently cleanſed or opened, hinder and obſtruct the free Paſſage of the Water from the Drains, Culverts and Paſſages belonging to the ſaid Navigation; and if the ſame ſhall not be perfectly cleanſed and opened within Twenty-one Days after Notice in Writing ſhall have been given thereof to, or left at the laſt Place of Abode of ſuch Owner or Occupier, by the Clerk or Agent of the ſaid Company, it ſhall then be lawful for the ſaid Company, (an Order in Writing for the ſaid Purpoſe having been firſt obtained from any Two or more Juſtices of the Peace for the ſaid County of *Cumberland*), from Time to Time, as often as there ſhall be occaſion, to open and cleanſe, or cauſe to be opened and cleanſed, the ſaid Ditches or Drains; and the reaſonable Expences thereof, when aſcertained and allowed by the ſaid Juſtices, or any Two of them, ſhall be repaid to the ſaid Company by ſuch Owner or Occupier as aforeſaid; and in caſe of Refuſal to ſatisfy the ſame, for the Space of Three Calendar Months after Demand ſhall have been made thereof, ſuch Charges and Expences ſhall and may be recovered and levied in ſuch Manner as Forfeitures and Penalties are herein-after directed to be recovered.

For fencing off Canal, Towing Paths, &c.

CXVII. And be it further enacted, That the ſaid Company ſhall at their own Coſts (within Three Calendar Months after the ſaid Canal and Towing Paths thereto belonging ſhall be dug out and formed) divide and ſeparate, and keep conſtantly divided and ſeparated, the ſaid Canal, Towing Paths, Trenches or Paſſages, and alſo the Reſervoirs to be made by virtue of this Act, or ſuch Part or Parts thereof reſpectively as ſhall be declared neceſſary, by any Two or more Juſtices of the Peace of the ſaid County of *Cumberland*, from the adjoining Lands or Grounds, by Poſts, Rails, Hedges, Ditches, Trenches, Banks or other Fences, ſufficient to keep off Sheep and other Cattle, to be ſet out and made on the Lands or Grounds which ſhall be purchaſed by, conveyed to or veſted in the ſaid Company as aforeſaid; and the ſaid Company ſhall, at their own proper Coſts and Charges, from Time to Time maintain and ſupport the ſaid Towing Paths, and the ſaid Poſts, Rails, Hedges, Ditches, Trenches, Banks and other Fences to be ſet up and made as aforeſaid; and alſo ſhall, at their like Coſts and Charges, make, erect and ſet up, and from Time to Time maintain and ſupport ſuch and ſo many convenient Bridges acroſs the ſaid Canal, or any Aqueduct, Conductor or Watercourſe leading into the ſame, and alſo Gates and Stiles in and through all the Hedges and Fences to be by them ſo made on the Side of ſuch Towing Paths as aforeſaid, in ſuch Manner as any Two or more Juſtices of the Peace of the ſaid County ſhall from Time to Time judge neceſſary and appoint, for the Uſe of the Owners and Occupiers of the Lands and Grounds, Mills or Hereditaments adjoining to ſuch Canal; and the ſaid Company ſhall not make the ſaid Canal or any

Part thereof, or any Trench or Watercourſe belonging to the ſame, in or acroſs any common Highway, public Bridleway or Footpath, until they ſhall at their own Coſts and Charges have made and provided a good and ſufficient temporary Road, Bridleway or Footpath for the Accommodation of all Perſons whomſoever, and until a good and ſufficient Bridge or Bridges, Paſſage or Paſſages, Arch or Arches, over, acroſs or under the ſaid Highway, Bridleway or Footpath, ſhall be made and perfected; and all ſuch Gates, Stiles, Bridges, Arches, and other Works and Conveniences ſo to be made as aforeſaid, ſhall from Time to Time thereafter be ſupported, maintained and kept in ſufficient Repair by the ſaid Company.

If Company do not fence off Towing Paths, make Bridges, &c. Land Owners may do it at the Company's Expence.

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

Land Owners may make others at their own Expence.

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

Puniſhment of Perſons damaging Fences.

CXX. And be it further enacted, That in caſe any Perſon or Perſons ſhall break down, deſtroy, carry away or damage any Gate, Stile, Poſt, Rail, or other Fence, to be put or placed under the Authority of this Act, for the fencing of the Towing Paths of the ſaid Canal (ſuch Offence or Offences not amounting to Felony), every Perſon ſo offending and being thereof convicted before any Juſtice of the Peace (not intereſted in the Premiſes) for the ſaid County of *Cumberland*, or for the County where the Offender ſhall be or reſide, on the Confeſſion of the Offender or Offenders, or on Proof of the Offence, on the Oath of One or more credible Witneſs or Witneſſes (which Oath ſuch Juſtice is hereby empowered to adminiſter) ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds, and no Perſon ſhall be deemed incompetent to give Evidence of ſuch Offence, by reaſon of his or her being a Proprietor of the ſaid Canal, or the Owner of ſuch Gate, Stile, Poſt, Rail, or other Fence; and in caſe any ſuch Offender or Offenders ſhall not immediately pay ſuch Penalty or Penalties, or find Sureties to the Satisfaction of ſuch Juſtice for the Payment thereof at ſuch future Day as he ſhall think proper to appoint, it ſhall be lawful for ſuch Juſtice to commit ſuch Offender or Offenders to the Common Gaol or Houſe of Correction, there to be kept to Hard Labour for any Space of Time not exceeding Three Calendar Months, unleſs the ſaid Penalty or Penalties ſhall be ſooner paid; or otherwiſe ſuch Juſtice ſhall or may cauſe the ſaid Penalty or Penalties to be levied by Diſtreſs and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under his Hand and Seal, returning the Overplus (if any) to the Owner or Owners of ſuch Goods and Chattels, after deducting the Coſts and Charges of ſuch Diſtreſs and Sale; One Moiety of which Penalty or Penalties ſhall be paid to the ſaid Company, or the Owner or Owners of ſuch Gate, Stile, Poſt, Rail, or Fence, ſo broken, deſtroyed or carried away, and the other Moiety

thereof shall go and be paid to the Informer or Informers; but if the Owner of such Gate, Stile, Post, Rail or Fence, shall be the Informer, and give Evidence of the Offence, then the whole of such Penalty or Penalties shall be paid to the Overseers of the Poor of the Parish where such Offence shall be committed, for the Benefit of such Poor; and in that Case the Offender or Offenders shall (over and above the Payment of such Penalty last-mentioned) make such Recompence and Satisfaction to the Owner or Owners of such Gate, Stile, Post, Rail or Fence, for the Damage done there by such Offender or Offenders, as the Justice before whom he or they shall be convicted of such Offence shall think fit to allow in respect thereof, such Allowance for Damages to be added to such Penalty or Penalties, and levied therewith in Manner above-mentioned; and for want of such Distress, such Justice or Justices shall and may commit the Offender or Offenders to the Common Gaol or House of Correction, there to be kept to Hard Labour for any Space of Time not exceeding Three Calendar Months.

Works damaged by Floods to be repaired by Company;

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

who may get Materials from adjacent Lands for that Purpose.

Compensation in case of Damage by Floods.

CXXII. Provided always, and be it further enacted, That the said Company shall make ample and full Satisfaction and Compensation to the Owners and Occupiers of any Lands, Hereditaments and Premises that may be prejudiced or damaged by reason of any Floods or Accidents, happening by reason or in consequence of the making of the said Canal and other Works, for all such Damage or Loss which they may respectively sustain, by reason of any such Floods or Accidents so happening as aforesaid;

aforeſaid; the ſame to be aſcertained and ſettled, in caſe of any Difference, in Manner aforeſaid.

If Mines or Quarries approach too near the Canal the Company may interfere.

CXXIII. And be it further enacted, That if the Owner or Worker or Owners or Workers of any Coal or other Mine or Mines, or any Quarry or Quarries, ſhall, in purſuing ſuch Mine or Mines, Quarry or Quarries, work near or under the ſaid Canal or other Works as aforeſaid, ſo as in the Opinion of the ſaid Canal Company, or their Committee of Management, to endanger or damage the ſame, or if the ſaid Canal Company ſhall make the ſame ſo deep or otherwiſe, as in the Opinion of the ſaid Owner or Worker, or Owners or Workers of the ſaid Mine or Mines, Quarry or Quarries, to endanger or damage the further working thereof, then it ſhall be lawful for the ſaid Canal Company to treat and agree with the Owner or Worker, or Owners or Workers, for all ſuch Coal, Stone, or other Minerals as may be near or under the ſaid intended Canal or other Works, or any of them, as ſhall be thought proper to be left for the Security or Preſervation of the ſaid intended Canal or Works, or Mine or Mines, or Quarry or Quarries as aforeſaid; and in caſe the ſaid Canal Company, and ſuch Owner or Worker, or Owners or Workers of ſuch Mine or Mines, Quarry or Quarries, ſhall diſagree as to the Satisfaction to be made for ſuch Coal, Stone, or other Minerals, then the ſame ſhall be ſettled and determined by a Jury to be ſummoned and impannelled in the Manner herein-before directed, who ſhall and they are hereby authorized and required, by ſuch Ways and Means as are herein mentioned, to aſſeſs and determine what Satisfaction ſuch Owner or Worker, or Owners or Workers of ſuch Mine or Mines, Quarry or Quarries, ought to have and receive from the ſaid Canal Company, for any Danger or Damage which the Owner or Worker, or Owners or Workers of the ſaid Mine or Mines, Quarry or Quarries, may incur or ſuſtain in the working thereof, or by reaſon of being reſtrained from working ſuch Mine or Mines, Quarry or Quarries; which Jury ſhall take into their Conſideration all ſuch additional Expence or Machinery as may be found neceſſary for enabling the Owner or Worker, Owners or Workers of ſuch Mine or Mines, Quarry or Quarries, to get the Coal, Stone, or other Minerals detached or ſeparated by their being ſo reſtrained as aforeſaid, at as cheap a Rate as if the Progreſs of the working or getting of the ſaid Coal, Stone, or other Minerals, had not been ſo interrupted; and upon Payment or Satisfaction made to ſuch Owner or Worker, or Owners or Workers of ſuch Mine or Mines, Quarry or Quarries, by the ſaid Canal Company, according to the Verdict or Judgment of ſuch Jury, ſuch Owner or Worker, Owners or Workers of ſuch Mine or Mines, Quarry or Quarries, ſhall be and they are hereby perpetually reſtrained from working ſuch Mine or Mines, Quarry or Quarries, within the Limits for which Satisfaction ſhall by the ſaid Jury be adjudged and declared to extend.

Buildings, &c. of Company how to be rated to Parochial Taxes.

CXXIV. And be it further enacted, That the Lands, Dwelling Houſes, Wharfs, Warehouſes, Lock Houſes, and other Houſes of and belonging to the ſaid Company, ſhall be rateable and chargeable to the Maintenance of the Poor, and to all other Parochial Rates and Taxes in the ſeveral Pariſhes and Places where they are reſpectively ſituated, the Lands according to the Quantity and Quality, and the Dwelling Houſes, Wharfs, Warehouſes, Lock Houſes, and other Houſes, according to the Nature and

and reſpective Uſes, Dimenſions, and Deſcriptions thereof, and ſhall be charged and aſſeſſed in like Manner as Lands of a like Quality, and Dwelling Houſes, Wharfs, Warehouſes, Lock Houſes and other Houſes of a like and ſimilar Size, Nature, Dimenſion or Deſcription, in the reſpective Pariſhes where the ſame ſhall be ſituate, are or ſhall be aſſeſſed and charged; and that the Rates, Duties, and other Perſonal Property of the ſaid Company, liable to be rated to the Poor or other Parochial Taxes in any ſuch Pariſhes or Places, ſhall be rated and aſſeſſed in like Manner and in the ſame Proportion as other Perſonal Property rateable in the ſaid Pariſhes and Places reſpectively ſhall be rated and aſſeſſed, and according to the Length of the Line of the ſaid Navigation in ſuch reſpective Pariſhes and Places, and not otherwiſe, or in any other Manner; provided that before ſuch Perſonal Property ſhall be rated, Ten Days Notice ſhall be given in Writing to the ſaid Company, by the reſpective Overſeers of the Poor, of the Intention ſo to do.

Compenſation for Damages not herein-before provided for.

CXXV. And be it further enacted, That if at any Time or Times hereafter any Perſon or Perſons ſhall ſuſtain any Damages in his, her or their Lands, Tenements, Hereditaments or Property, by reaſon of the Execution of any of the Powers given by this Act, for which a Compenſation is not herein-before provided, then and in every ſuch Caſe ſuch Damages ſhall from Time to Time be ſettled and aſcertained or aſſeſſed by a Jury, and the Sum or Sums of Money to be paid for the ſame ſhall be levied, recovered, and applied in ſuch and the ſame Manner as herein-before directed with reſpect to ſuch Damages as are herein-before provided for, and the Money to be paid as a Recompence for the ſame.

Canal not to be ſubject to Commiſſioners of Sewers.

CXXVI. And be it further enacted, That the ſaid Canal and other Works hereby authorized to be made as aforeſaid, or any of them, ſhall not be ſubject or liable to the Controul, Direction, Survey or Order of any Commiſſioners of Sewers, or to any Law or Statute relating to Sewers; any Thing in any former Law or Statute to the contrary notwithſtanding.

Right of Fiſhery reſerved to Lords of Manors, &c.

CXXVII. And be it further enacted, That the Lord or Lords or Owner or Owners of all and every Manor or Manors, through which the ſaid Canal ſhall be made, ſhall have and be entitled to the ſeveral and excluſive Right of Fiſhery, of and in ſo much of the ſaid Canal as ſhall be made through the Common or Waſte Lands within his, her or their Manor or Manors reſpectively, or through any other Lands or Grounds lying within ſuch Manor or Manors wherein ſuch Lord or Lords or Owner or Owners now have, or hath, or are, or is entitled to the Right of Fiſhery in the Brooks and Waters now being in ſuch laſt-mentioned Lands or Grounds reſpectively; and that the Owner or Owners of all other Lands or Grounds through or in which the ſaid Canal and Reſervoir ſhall be made, ſhall alſo have and be entitled to the like Right of Fiſhery of and in ſo much of the ſaid Canal and Reſervoir as ſhall be made through or in his, her, or their Lands or Grounds, ſo as by the Uſe and Exerciſe of any ſuch Right of Fiſhery as aforeſaid, the ſaid Canal, or the Towing Paths, Banks, or other Works and Conveniences hereby authorized to be made, ſhall not be prejudiced or obſtructed, or any Water drained or extracted from or out of the ſaid Canal or Reſervoir, and ſo as the ſaid Company, or their Agents, Servants or Workmen, or any of them, ſhall not be liable to any Penalty, Action, or Proſecution

for or by reaſon of the taking or deſtroying of any Fiſh in the ſaid Canal or Reſervoir, which ſhall be taken, killed or deſtroyed through or by means of the neceſſary letting off the Water out of the ſame reſpectively, or for or on account of any Repairs or Works to be done in or about the ſame.

Penalty on Bargemen, &c. carrying Nets, Guns, &c. for killing Fiſh or Game.

CXXVIII. And be it further enacted, That if any Perſon or Perſons navigating or working, or being on board any Boat, Barge, Veſſel or Raft upon the ſaid Canal, ſhall carry with him or them, or have on board any Boat, Barge, Veſſel or Raft, any Fiſhing Net, Gun, Engine, or other Inſtrument for taking or deſtroying Fiſh or Game (not being qualified by Law ſo to do), ſuch Perſon or Perſons ſhall for every ſuch Offence, being convicted thereof before any One Juſtice of the Peace, on the Confeſſion of the Party offending, or on the Oath of One or more credible Witneſs or Witneſſes, forfeit and pay any Sum not exceeding Five Pounds; and in caſe any Maſter or other Perſon having the Rule or Command of any Boat, Barge, Veſſel or Raft, ſhall knowingly ſuffer or permit any Perſon or Perſons (not being duly authorized ſo to do) to have, carry on board, or make uſe of any Fiſhing Net, Gun, Engine, or other Inſtrument for taking or deſtroying any Fiſh or Game, every ſuch Maſter or Perſon ſhall for every ſuch Offence, being in Manner aforeſaid convicted thereof, forfeit and pay any Sum not exceeding Five Pounds.

Coals brought along the Canal to be ſold either by Meaſure or Weight.

CXXIX. And be it further enacted, That all Coals brought and conveyed along the ſaid Canal, and ſold and delivered from any Barges or other Veſſels navigating the ſaid Canal, or from any Wharf, Warehouſe, or Storehouſe thereto belonging or adjoining, ſhall be ſold either by Meaſure or Weight; and if ſuch Coals ſhall be ſold by Weight, they ſhall be ſold or weighed by the Hundred Weight, each Hundred Weight conſiſting of One hundred and twelve Pounds Avoirdupoiſe, and Twenty ſuch Hundred Weight ſhall be deemed to be One Ton; but if ſuch Coals ſhall be ſold by Meaſure, then they ſhall be ſold by the Standard *Wincheſter* Buſhel heaped up, or by the *Carliſle* Buſhel heaped up, containing Three Standard *Wincheſter* Buſhels, or elſe by ſome ſmaller Meaſure containing an aliquot Part of either of ſuch Buſhels; and if any Vender or Dealer in Coals brought and conveyed along the ſaid Canal, and ſo ſold and delivered as aforeſaid, or any Perſon acting under the Authority of any ſuch Vender or Dealer, ſhall ſell any ſuch Coals otherwiſe than by Weight or Meaſures as aforeſaid, or which ſhall not be of the full Weight or Meaſure for which they ſhall be ſo ſold, he ſhall for every ſuch Offence forfeit any Sum not exceeding Ten Pounds.

Vender of Coals to deliver a Ticket therewith.

CXXX. And be it further enacted, That every Vender or Dealer in Coals brought and conveyed along the ſaid Canal, and ſo ſold and delivered as aforeſaid, ſhall, in every Caſe where any of ſuch Coals ſhall be ſold, and ſent in any Cart or other Carriage to the Purchaſer thereof, immediately upon the Arrival of the Cart or Carriage in which ſuch Coals ſhall be ſent, and before any Part thereof ſhall be unloaded, deliver to the Purchaſer or his Servant, a Paper or Ticket in the Form following:

'TO [*here inſert the Name of the Purchaſer*] Take notice that you are to receive herewith [*here inſert the Quantity of Coals in Weight or Meaſure,*

'*Meaſure, as the ſame ſhall be ſold*] of Coals, and that this Ticket is to 'be delivered to you before any of the ſaid Coals ſhall be ſhot or delivered 'from the Cart, Waggon, or other Carriage in which the ſame are 'brought. Dated this [*here inſert Date*].

'Signed [*Signature of the Seller.*]'

Penalty for Neglect.

And in caſe any ſuch Vender or Dealer do not deliver ſuch Ticket, ſigned by him, to the Purchaſer or his Servant, before any Part of ſuch Coals are ſhot or unloaded, he ſhall for every ſuch Offence forfeit any Sum not exceeding Ten Pounds; and in caſe the Perſon attending the Cart or Carriage laden with any ſuch Coals, and to whom any ſuch Ticket ſhall have been given in order to be delivered to the Purchaſer (having firſt received the ſame from the Vender, or any Perſon by the Directions of the Vender), ſhall neglect to deliver it to the Purchaſer or his Servant before any Part be ſhot or unloaded, ſuch Perſon ſhall for every ſuch Offence forfeit any Sum not exceeding Ten Pounds.

For Recovery of Penalties.

CXXXI. And be it further enacted, That all Complaints and Informations of Offences againſt this Act, or any Rule, Order, or Bye Law to be made in purſuance thereof, except in Caſes where the Manner of hearing and determining thereof is herein-before otherwiſe directed, ſhall and may be made before One or more Juſtice or Juſtices of the Peace for the County or Place wherein the Offence ſhall be committed; and ſuch Juſtice or Juſtices is and are hereby authorized and empowered to take Cognizance thereof, and to ſummon the Perſon or Perſons complained of to appear before him or them, or upon Complaint upon Oath to iſſue his or their Warrant or Warrants for the Apprehenſion of any ſuch Perſon or Perſons; and upon appearing or not appearing of ſuch Perſon or Perſons purſuant to ſuch Summons, or upon ſuch Perſon or Perſons being apprehended with ſuch Warrant, to hear the Matter of every ſuch Complaint and Information, by Examination of any Witneſs or Witneſſes upon Oath, and to make ſuch Determination thereon as ſuch Juſtice or Juſtices ſhall think proper; and upon Conviction of any Perſon, ſuch Juſtice or Juſtices ſhall and may iſſue a Warrant under his or their Hand and Seal, or Hands and Seals, for levying the Fine, Penalty or Forfeiture, by virtue of this Act, or of any Bye Law made in purſuance thereof, impoſed for ſuch Offence, by Diſtreſs and Sale of the Goods and Chattels of the Perſon ſo convicted; and it ſhall and may be lawful for any ſuch Juſtice or Juſtices to order any Perſon ſo convicted to be detained and kept in the Cuſtody of any Conſtable or other Peace Officer, until it can be aſcertained whether ſuch Perſon hath any Goods and Chattels whereon ſuch Fine, Penalty, or Forfeiture can be levied; and in caſe ſufficient Goods or Chattels of any Perſon liable to pay any ſuch Fine, Penalty or Forfeiture cannot be found whereon to make ſuch Diſtreſs, and ſuch Fine, Penalty, or Forfeiture ſhall not be forthwith paid, it ſhall be lawful for ſuch Juſtice or Juſtices, and he or they is and are hereby authorized and required, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit ſuch Offender to the Common Gaol or Houſe of Correction, for any Term not exceeding Three Calendar Months, unleſs ſuch Penalty or Forfeiture and all reaſonable Charges attending the Recovery thereof, ſhall be ſooner paid and ſatisfied; and all ſuch Fines, Penalties and Forfeitures, when recovered, ſhall, where the Application is not otherwiſe directed by this Act, be paid into the Hands of the Treaſurer or

Treaſurers

Treaſurers of the ſaid Company, and ſhall be applied and diſpoſed of towards defraying the Expences of the ſaid Navigation; and the Overplus (if any) ariſing from ſuch Diſtreſs and Sale, after Payment of the Penalty, and the Coſts and Charges attending the ſame, ſhall be returned, upon Demand, to the Owner of the Goods and Chattels ſo diſtrained.

For Apprehenſion and Commitment of Offenders, in certain Caſes.

CXXXII. And be it further enacted, That it ſhall be lawful for any Perſon or Perſons who ſhall ſee any Offence committed againſt this Act, by any Perſon deſtroying or doing any wilful Damage to the ſaid Canal or any other Works by this Act authorized to be made, contrary to any of the Proviſions herein-before contained, to apprehend and detain any ſuch Offender, without any Warrant or other Authority than this Act, and to convey ſuch Offender or cauſe him to be conveyed by ſome Conſtable or other Peace Officer, before any Juſtice of the Peace for the ſaid County of *Cumberland*, who ſhall forthwith proceed againſt ſuch Offender according to the Proviſions in this Act contained.

Power for Committee of Management to give Informer Part of the Penalties.

CXXXIII. Provided nevertheleſs, and be it further enacted, That it ſhall be lawful for the Committee of Management of the ſaid Company from Time to Time, if they ſhall think fit, to pay and apply any Part of the ſaid Penalties, Forfeitures and Fines to and for the Uſe of the Informer or Informers, or other Perſon or Perſons aiding or aſſiſting in the Apprehenſion of any Offender or Offenders therein, or any of them, who ſhall not have been a Witneſs on the Trial of the Information, any Thing herein contained to the contrary in anywiſe notwithſtanding.

CXXXIV. And be it further enacted, That all and every Juſtice and Juſtices of the Peace before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this Act, ſhall and may cauſe the Conviction to be drawn up in the following Form of Words, or any other Form of Words to the ſame Effect; (that is to ſay),

Form of Conviction.

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

Perſons taking Diſtreſs irregularly, not to be deemed Treſpaſſers ab initio.

CXXXV. And be it further enacted, That where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant or Diſtreſs, or other Proceedings relating thereto; nor ſhall the Party or

Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers *ab initio*, on account of any Irregularity which ſhall be afterwards committed by the Party or Parties diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the Special Damages in an Action upon the Caſe.

Proceedings not to be quaſhed for want of Form, or removed by Certiorari.

CXXXVI. And be it further enacted, That no Proceedings to be had and taken in purſuance of this Act ſhall be quaſhed or vacated for want of Form, or be removed by *Certiorari* or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter* or elſewhere.

For compelling Witneſſes to attend.

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

Appeal to Quarter Seſſions.

CXXXVIII. Provided always, and be it further enacted, That any Perſon or Perſons thinking himſelf, herſelf, or themſelves aggrieved by any Order or Judgment made or given in purſuance of any Rule, Bye Law, or Order of the ſaid Canal Company, or by the Order or Determination of any Juſtice or Juſtices of the Peace in purſuance of this Act, may within Four Calendar Months after ſuch Order ſhall be made or given, complain to the Juſtices of the Peace at the General Quarter Seſſions of the Peace to be held in and for the ſaid County of *Cumberland*, the Perſon or Perſons appealing having firſt given at leaſt Fourteen Days clear Notice of ſuch Appeal, and of the Nature and Matter thereof, to the Perſon or Perſons appealed againſt, or to the Clerk of the ſaid Company, and forthwith, after ſuch Notice, entering into a Recognizance before ſome Juſtice of the ſaid County, with Two ſufficient Sureties conditioned to try ſuch Appeal, and to abide the Order and Award of the ſaid Court thereupon; and the ſaid Juſtices, upon due Proof of ſuch Notice and Recognizance, having been given and entered into, ſhall, in a ſummary way, hear and determine ſuch Complaint at ſuch General Quarter Seſſions of the Peace to be held for the ſaid County, or, if they think proper, adjourn the hearing thereof until the next General Quarter Seſſions of the Peace to be held for the ſaid County; and if they ſee Cauſe may mitigate any Forfeitures or Fines, and may order any Money to be returned which ſhall have been levied in purſuance of ſuch Rule, Bye Law, Order, or Determination; and ſhall and may alſo award ſuch further Satisfaction to be made to the Party injured, or ſuch Coſts to either of the Parties, as they ſhall judge reaſonable and proper; and all ſuch Determinations of the ſaid Juſtices

shall be final, binding, and conclusive upon all Parties, to all Intents and Purposes whatsoever.

For Service of Notices, &c. on the Company.

CXXXIX. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person or Persons, or Party or Parties, to serve upon the said Company any Notice or Notices, Writ or Writs, or other legal Proceedings, the Service upon One of the Committee of Management to be appointed by virtue of this Act, or or upon the Clerk or Clerks of the said Company, or left at the Office or usual Place of Abode of such Clerk or Clerks, or upon any Agent or Officer of the said Company, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively upon the said Company.

Limitation of Actions.

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

The whole of the probable Expence to be subscribed before the Act is put in force.

CXLI. And whereas the probable Expence of making the said Canal and other Works hereby authorized to be made, will, according to an Estimate made thereof, amount to the Sum of Seventy-three thousand three hundred and ninety-two Pounds, or thereabouts, and the Sum of Sixty thousand Pounds, being more than Four-fifth Parts of such Expences, has already been subscribed for defraying such Expences, by several Persons, under a Contract binding them, their Heirs, Executors, and Administrators, for the Payment of the several Sums of Money so subscribed by them respectively; be it therefore enacted, That the whole of the said Sum of Seventy-three thousand three hundred and ninety-

two Pounds ſhall be ſubſcribed in like Manner, before any of the Powers given by this Act ſhall be put in force.

Canal to be completed within the Space of Five Years, or Powers to ceaſe.

CXLII. And be it further enacted, That in caſe the ſaid intended Canal ſhall not have been completed and made navigable, ſo that Boats and Barges may paſs along the whole Line within the Space of Five Years, to be computed from the paſſing of this Act, then from and immediately after the Expiration of the ſaid Term of Five Years, all the Powers, Authorities and Privileges given by this Act ſhall ceaſe and determine; ſave only and except in reſpect of ſo much (if any) of the ſaid Canal or any other of the Works hereby authorized to be made, as ſhall have been completed and made navigable, ſo that Boats and Barges may paſs along the ſame within the Term of Five Years, and as ſhall have been declared to have been ſo made navigable within the ſaid Term, by the Juſtices of the Peace of the ſaid County of *Cumberland*, aſſembled at any Quarter Seſſions of the Peace to be holden in and for the ſame County at any Time before the Expiration of the ſaid Term of Five Years, or within Twelve Calendar Months next after the Expiration thereof, upon the Evidence of Witneſſes upon Oath, to be produced before them for that Purpoſe.

Saving Rights of Lords of Manors.

CXLIII. Provided always, and be it further enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, to leſſen or abate or in any Manner to affect or prejudice the Rights, Titles or Privileges of the Right Honourable *William* Earl of *Lonſdale*, or of any Lord or Lords, Lady or Ladies, of any Manor or Manors, his, her, or their Heirs, Succeſſors or Aſſigns, to any Cuſtoms, Tolls, Rights, Profits of Fairs, Markets, Anchorage, Royalties, and all other Things which are now or ſhall happen to come within the Limits of their reſpective Manors, or other Benefits or Advantages belonging or in anywiſe appertaining to them or either of them, other than ſuch Tolls, Rates, and Duties as are by this Act authorized and directed to be collected, received, and paid; but that he, ſhe, and they, and all other Perſon or Perſons authorized by him, her, or them, may take away, receive, and enjoy the ſame as fully and beneficially, to all Intents and Purpoſes whatſoever, as if this Act had not been paſſed.

Public Act.

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

The

The SCHEDULE to which the foregoing Act refers.

PARISHES or TOWNSHIPS.	DESCRIPTION of PROPERTY.	OWNERS.	OCCUPIERS.
Bowneſs -	Houſe, Farmbuildings and Garden	John Sharp -	Richard Widdrington.
Do. - -	Houſe - - -	John Sharp -	Himſelf.
Do. - -	Stack-yard & Orchard	Same - -	Same.
Moorhouſe -	Garden - - -	Andrew Green -	Rev. Richard Burn.
Caldewgate -	Warehouſe & Workſhop - -	Mary Beſt -	Lancelot Brown.
Do. - -	Garden - - -	Margaret Fidler	Joſeph Robſon.
Do. - -	Cottage, Weaving Shops, and Garden - - -	Truſtees of the late Muſgrave Lewthwaite -	Thomas Jackſon. Thomas Cameron. Robert Strickland.
Do. - -	Dwelling Rooms; Weaving Shops, and Gardens -	James Moor -	Robert Turnbull. William Knott. Philip Harris. James Smith. James Murray. John Tubman.
Do. - -	Dwelling Rooms, Weaving Shops, and Gardens -	Edward Overton	Robert Taylor. William Thompſon. John Rewell. William Keith. Joſeph Butterworth. James Morriſon. Robert M'Carthy.
Do. - -	Dwelling Rooms, Weaving Shops, and Gardens -	George Blamire, Eſq. - -	Andrew Burgeſs. Edward Curran. William Marrs. Thomas Boyd.
Do. - -	Stable and Garden -	Tullie Joſeph Cornthwaite -	James M'Cutcheon.
Do. - -	Garden - - -	Thomas Atkinſon	Thomas Anſon.
Do. - -	Garden - - -	William Donald	James Creichton.

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