ANNO SEPTIMO & OCTAVO

GEORGII IV. REGIS.

Cap. xli.

An Act for improving and supporting the Navigation of the River *Brue*, from the Mouth thereof, at its Junction with the River *Parrett*, to *Cripps's House*, and for making and constructing a Canal from thence to the Town of *Glastonbury* in the County of *Somerset*. [28th *May* 1827.]

WHEREAS the improving and supporting the Navigation of the River *Brue*, from the Mouth thereof, at its Junction with the River *Parrett*, in the Parishes of *Burnham* and *Huntspill* in the County of *Somerset*, up to or near the Wharf adjoining certain Locks or Gates called *Highbridge Lower Floodgates*, in the Parish of *Huntspill* aforesaid; and the making a Navigable Cut from and out of the said River *Brue*, on the West of and near to the said Wharf, in the Parishes of *Burnham* and *Huntspill* aforesaid, to communicate with the said River *Brue* in the same Parishes, on the East of and near to certain other Floodgates or Locks called *Highbridge Upper Floodgates*; and the improving and supporting the Navigation of the River *Brue* aforesaid, from the East or upper Side of the said last-mentioned Floodgates or Locks, through the Parishes of *Burnham* and *Huntspill* aforesaid, to the South-eastern Corner of a certain Close of Land called *Broad Warth*, in the Parish of *Burnham* aforesaid, and from thence through Part of the Parish of *Huntspill* aforesaid to, at, or near a certain House called *Cripps's House*, at the Point where

where a certain Drain called *Cut* falls into the said River *Brue*, in the Parish last aforesaid; and the deepening, widening, and making and maintaining navigable the said Drain called *Cut* from its said Junction with the said River *Brue*, through Part of the Parish of *Huntspill* aforesaid, to the Point where a certain other Drain called the *South Brue Drain* falls into the said Drain called *Cut*, in the Parish last aforesaid; and the deepening, widening, and making and maintaining navigable the said Drain called the *South Brue Drain*, from its said Junction with the said Drain called *Cut*, in the Parish of *Huntspill* aforesaid, through the several Parishes, Chapelries, Hamlets, and Places of *Cossington*, *Chilton*, *Edington* and *Edington Burtle*, *Catcott* and *Catcott Burtle*, *Westhay*, *Meare*, *Shapwick*, and *Ashcott*, all in the said County, to or near a certain Place called *Ashcott Corner*, in the Parish of *Ashcott* aforesaid; and the making and maintaining a Navigable Canal and Communication from and out of the said Drain called the *South Brue Drain*, at or near *Ashcott Corner* aforesaid, along or near to a certain Ditch called *Cuckoo Ditch*, through the several Parishes of *Meare* aforesaid, *Walton*, *Street*, and *Saint John the Baptist* and *Saint Benedict* in *Glastonbury*, all in the said County, to or near a certain Corner called *Wilderness Head*, in the Parish of *Saint John the Baptist* aforesaid, and from thence through the Parishes of *Saint John the Baptist* and *Saint Benedict* aforesaid to, at, near, or into a certain Stream called the *Mill Stream*, in the said Parish of *Saint John the Baptist*, (with a proper and convenient Basin or Basins at the End of the said Navigable Canal, in or near the said Stream called the *Mill Stream*,) would open a short and easy Communication from *Glastonbury* aforesaid to the Sea, and afford a cheap and ready Conveyance for various agricultural and other Articles from thence, and from the several Towns and Villages adjacent thereto, to the Ports of *Bristol* and *Bridgewater*, and the numerous Ports and Places on the River *Severn* and the *Bristol Channel*, and also facilitate the Supply of Goods, Wares, and Merchandize to *Glastonbury* aforesaid and the surrounding Country, and would be of great public Utility: And whereas the several Persons herein-after named are desirous of undertaking the Execution of the Works aforesaid, and of being united into a Company for the Purpose: 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 *Charles Browne* Esquire, *George Bond*, *John Beauchamp* senior, *John Bulleid*, *John Henry Burgess*, *Richard Chapman*, *Joseph Clarke*, *Cornish*, *William Dyke*, *Robert Giles*, Sir *Alexander Hood* Baronet, *Elizabeth Hood*, *John Holman*, *Henry Hodge* Esquire, *Thomas Lawrence*, *Aaron Moody* Esquire, *Thomas Maddison*, *Thomas Moore*, *Eleanor Talbott Moore*, *Robert Moore*, *Jonathan Payne Newman*, *William Benjamin Naish*, *William Parfitt*, *Richard Panter*, *Harry Penny*, *Thomas Roach* Esquire, *William Reeves*, *James Rood*, *George Rich* Esquire, *Peter Davis Sherston* Esquire, *John Smith*, *John Tucker*, *Bartholomew Wake*, *Thomas Guy Wake*, *Lockyear Walton*, and *William Vale*, and all and every such other Person and Persons, Body and Bodies Politic, Corporate, or Collegiate, as shall from Time to Time become a Subscriber or Subscribers to the

Proprietors.

said Undertaking, and be duly admitted a Proprietor or Proprietors, as herein-after mentioned, and their respective Successors, Executors, Administrators, and Assigns, shall be and they are hereby united into a Company for making, completing, and maintaining the said intended Navigation, Canals, Basin, and other Works, according to or consistently with the Rules, Orders, and Directions herein-after contained, and for that Purpose shall be One Body Politic and Corporate, by the Name and Style of "The *Glastonbury* Navigation and 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, plead and be impleaded, at Law or in Equity, and shall and may prefer and prosecute any Bill or Bills of Indictment against any Person or Persons who shall commit any Felony, Misdemeanor, or any Offence indictable by the Laws of this Realm, and shall and may have Power and Authority from Time to Time and at all Times to purchase and hold, to them, and their Successors and Assigns, any Lands, Tenements, and Hereditaments, for the Use of the said Undertaking, in manner by this Act directed, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain, and also to sell and convey any of the Lands, Tenements, or Hereditaments so purchased, in manner by this Act directed.

Powers of the Company.

II. And be it further enacted, That it shall and may be lawful for the said Company, and they are hereby authorized and empowered, by themselves, their Deputies, Agents, Officers, Workmen, and Servants, to improve and support the Navigation of the said River *Brue*, from the Mouth thereof, at its Junction with the River *Parrett*, in the Parishes of *Burnham* and *Huntspill* in the County of *Somerset*, up to or near the Wharf adjoining certain Locks or Gates called *Highbridge Lower Floodgates*, in the Parish of *Huntspill* aforesaid; and to make a Navigable Cut from and out of the said River *Brue*, on the West of and near to the said Wharf in the Parishes of *Burnham* and *Huntspill* aforesaid, to communicate with the said River *Brue* in the same Parishes, on the East of and near to certain other Floodgates or Locks called *Highbridge Upper Floodgates;* and also to improve and support the Navigation of the River *Brue* aforesaid from the East or upper Side of the said last-mentioned Floodgates or Locks, through the Parishes of *Burnham* and *Huntspill* aforesaid, to the South-eastern Corner of a certain Close of Land called *Broad Warth*, in the Parish of *Burnham* aforesaid, and from thence through Part of the Parish of *Huntspill* aforesaid to, at, or near a certain House called *Cripps's House*, at the Point where a certain Drain called *Cut* falls into the said River *Brue* in the Parish last aforesaid; and also to deepen, widen, and make and maintain navigable the said Drain called *Cut* from its said Junction with the said River *Brue*, through Part of the Parish of *Huntspill* aforesaid, to the Point where a certain other Drain called the *South Brue Drain* falls into the said Drain called *Cut*, in the Parish last aforesaid; and also to deepen, widen, and make and maintain navigable the said Drain called the *South Brue Drain*, from its said Junction with the said Drain called *Cut*, in the Parish of *Huntspill* aforesaid, through the several Parishes, Chapelries, Hamlets, and Places of *Cossington*, *Chilton*, *Edington* and *Edington Burtle*, *Catcott* and *Catcott Burtle*, *Westhay*, *Meare*, *Shapwick* and *Ashcott*, all in the said

To improve the Navigation of Part of the River Brue, and to make certain Navigable Canals.

said County, to or near a certain Place called *Ashcott Corner*, in the Parish of *Ashcott* aforesaid; and to make and maintain a Navigable Canal and Communication from and out of the said Drain called the *South Brue Drain* at or near *Ashcott Corner* aforesaid, along or near to a certain Ditch called *Cuckoo Ditch*, through the several Parishes of *Meare* aforesaid, *Walton*, *Street*, and *Saint John the Baptist* and *Saint Benedict* in *Glastonbury*, all in the said County, to or near a certain Corner called *Wilderness Head*, in the Parish of *Saint John the Baptist* aforesaid, and from thence through the Parishes of *Saint John the Baptist* and *Saint Benedict* aforesaid to, at, near, or into a certain Stream called the *Mill Stream*, in the said Parish of *Saint John the Baptist*; and also to make and maintain a proper and convenient Basin or Basins at the End of the said Navigable Canal, in or near the said Stream called the *Mill Stream*, with proper Towing Paths, Quays, Wharfs, Landing Places, Warehouses, and other Buildings, Yards and Conveniences, for the Purposes of Navigation and Commerce, on and near the Banks and Sides thereof.

Power to enter Lands to take Surveys, &c.

III. And be it further enacted, That for the Purposes of this Act it shall and may be lawful for the said Company, their Deputies, Agents, Surveyors, Servants, and Workmen, and they 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 or Parts thereof, and to ascertain and stake or set out such Part and Parts of the same Lands as shall be necessary for making and completing the said Navigation, Canals, and Works.

Power to take Lands for making the Canal, &c.

IV. And be it further enacted, That it shall and may be lawful for the said Company, and they are hereby fully authorized and empowered, to take and use, and to appropriate for the Purposes of this Act, the Lands and Hereditaments described or mentioned, or intended so to be, in the Map or Plan and Book of Reference herein-after mentioned, and by themselves, their Deputies, Agents, Surveyors, Servants, and Workmen, to bore, dig, cut, trench, excavate, embank, and sough, in and upon such Lands and Hereditaments, and also to remove, take, and carry away, or to lay and make use of any Earth, Clay, Stone, Soil, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Materials or Things which may be dug, raised, or gotten in making the said Navigation, Canals, Basin, or other Works, out of the said Lands and Grounds, or out of any Lands or Grounds adjoining to such Navigation, Canals, Basin, or Works, which it may be proper, requisite, or necessary to remove, take, or use for making, carrying on, continuing, maintaining, altering, or repairing the said Navigation, Canals, Basin, and Works, or which may hinder, prevent, or obstruct the making, using, or completing, extending or maintaining the same respectively; and also to make, provide, build, erect, bank, excavate, and set up such and so many Embankments, Banks, Towing Paths, Roads, Ways, Gates, Fences, Piers, Bridges, Arches, Tunnels, Sluices, Locks, Flood Gates, Weirs, Banks, Dams, Pens, Tanks, Docks, and Places for Ships, Boats, Barges, and other Vessels to turn, lie, or pass each other in, and Houses, Warehouses, Toll Houses, Wharfs, Landing Places, Weighing

Weighing Beams, Cranes, Fire Engines, and other Machines, Works, and Conveniences, as the said Company shall think necessary and proper for the Purposes of the said Undertaking, upon the said Lands and Hereditaments, and upon any Lands adjoining to the same, and also from Time to Time to alter, repair, and amend, or discontinue the same, or any of them; and also to place, lay, work, and manufacture the Materials necessary for the making, erecting, or maintaining and repairing the said Navigation, Canals, Basin, and other Works, on the Lands or Grounds adjoining to the Place or Places where the said Works or any of them shall be or are intended to be made, erected, repaired, or done, and to construct, make, and do all other Matters and Things necessary or expedient for the making, altering, preserving, improving, completing, and using the said Navigation, Canals, Basin, and other Works; 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 tendering and making Satisfaction to the Owners or Proprietors of and all Persons interested in any Lands and other Hereditaments which shall be so taken or used in carrying this Act into Execution, for the same, or which shall be damaged or injured in or by or by means of the Execution of all or any of the Powers hereby granted, for all Damages so occasioned; 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 and contained.

Notice of Compensation how to be made.

V. And be it further enacted, That Thirty Days at least before the said Company shall proceed to make the said Navigation, Canals, Basins, or other Works, or any Part or Parts thereof, on any private Lands or Hereditaments as aforesaid, Notice in Writing, signed by the Clerk of the said Company, shall be served on the Owner or Proprietor of such Lands or Hereditaments, or in case such Owner or Proprietor cannot be found, then on the Person receiving the Rents or Produce thereof, that it will be necessary to take and use such Lands and Hereditaments for the Purposes of this Act, and in such Notice shall be specified the Amount of the Compensation intended to be given for the same; and the Service of such Notice shall be effected by leaving the same at the usual or last Place of Abode of such Owner or Proprietor or Person, or in case of any Body Politic, Corporate, or Collegiate, at the usual or last Place of Abode of the principal Officer of such Body Politic, Corporate, or Collegiate, or in case of any incapacitated Person or Persons, at the usual or last Place of Abode of his, her, or their Trustees, Committees, or Guardians, (as the Case may be).

Steam Engines to consume their own Smoke.

VI. Provided always, and be it further enacted, That the Furnace of every Steam Engine to be erected by the said Company under or by virtue of the Powers of this Act shall be constructed upon the Principle of consuming its own Smoke.

Works for Protection of Country from Influx of Tide.

VII. Provided always, and be it further enacted, That the said Company shall and they are hereby required, previously to commencing any of the Excavations, or the Erection of any Locks or other Works for the Purpose of forming the Cut or Canal at *Highbridge* aforesaid, to erect and build a substantial Protection Stone Bridge at *Highbridge* aforesaid, of Twenty Feet Carriageway, at the Point where the said Canal is intended to cross the Turnpike Road leading from *Bristol* to *Bridgewater*; provided nevertheless, that the Road over such Bridge shall not rise more than One Foot in Thirteen Feet, with substantial Stone Parapets at least Three Feet higher than the Level of the Equinoctial Spring Tide at *Highbridge* aforesaid, together with proper and sufficient Sea Banks or Walls joining to and extending on each Side of the said Canal from the Tops of the Parapets of the said intended new Bridge, and on a Level therewith, to the Heel of the Sea Lock Gates to be erected for the Purposes of the said Canal, and also with Four Doors at or under the said Bridge, Two for the Purpose of keeping back the Tide, in the Event of any Accident happening to the said Sea Locks or Gates, and the other Two for the Purpose of penning up the Fresh Water to the same Height that the Fresh Water Doors now pen up the same at the Tide Sluice at *Highbridge* aforesaid, which Doors shall be constructed upon the Principle of those now standing and being at the Tide Sluice aforesaid, but of such Dimensions as shall be requisite for the Purpose of the said Navigation; and the Chamber Floor or Upper Surface of the Foundation of the said Bridge shall not be placed at a lower Level than the Chamber Floor or Upper Surface of the Foundation of the said Tide Sluice: Provided also, that the Chamber Floor or Upper Surface of the Foundation of all such Locks as the said Company shall think proper to erect or build, under the Provisions of this Act, at or near *Highbridge* aforesaid, shall be placed, maintained, and kept at the same Level as, or at a higher Level than the Chamber Floor or Upper Surface of the Foundation of the Tide Sluice now standing and being at or near *Highbridge* aforesaid, and the Gates of all such Locks so to be erected as aforesaid shall be respectively placed as high at least as the Western Parapet of the said Tide Sluice: Provided also, that the said Bridge, Parapets, Banks, Locks, and Doors shall be executed under the Superintendence and to the Satisfaction of the Commissioners of Sewers for the County of *Somerset*, or some Person to be appointed by them under the Provisions of this Act; and at any Time during the Erection thereof it shall and may be lawful for them or him to suspend or stop the Work of the said Bridge whenever the same shall not be proceeding in such Manner as shall to them or him appear satisfactory, and to order and direct how the same shall be completed.

Fresh Water Gates of Canal not to be opened but under certain Regulations.

VIII. Provided always, and be it further enacted, That during such Times as the Fresh Water Doors at the Tide Sluice aforesaid shall be kept shut under the Direction of the said Commissioners of Sewers, for the Purpose of supplying the Country with Fresh Water, it shall not be lawful for any Person or Persons to open the Sea Lock Gates intended to be erected under the Provisions of this Act, without

having first closed the Fresh Water Doors hereby directed to be built at or near the intended new Bridge at *Highbridge* aforesaid; and every Person offending herein, and being convicted thereof before any Justice or Justices of the Peace for the said County of *Somerset*, upon the Oath of One or more Witness or Witnesses, shall forfeit and pay any Sum not exceeding the Sum of One hundred Pounds, and in default of Payment thereof, the Person or Persons so convicted as aforesaid shall, by Warrant or Warrants of such Justice or Justices, be sent to the House of Correction, there to be kept to hard Labour for such Time as such Justice or Justices shall direct, not exceeding Twelve Calendar Months; and it shall be lawful for the said Commissioners of Sewers, or any Person or Persons to be appointed by them, to enter upon the said Canal to inspect and view the said Locks or Gates, and to keep them closed at all such Times (except during the Passage of Ships, Boats, Barges, and other Vessels navigating upon the said Canal) as shall be requisite to keep up the Water for the Purposes aforesaid.

Certain Cut at Highbridge not to be entered without Consent of Commissioners of Sewers.

IX. Provided always, and be it further enacted, That it shall not be lawful for the said Company, or any Person or Persons whomsoever, without the Consent of the said Commissioners of Sewers being first obtained, to navigate or enter on or into any Part of the new River or Cut at or near *Highbridge* aforesaid, made under the Authority of an Act passed in the Forty-first Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for draining, preserving from Water, and improving certain Low Lands and Grounds lying within the several Parishes or Chapelries of* North Wootton, Pilton, West Pennard, Baltonsborough, Barton Saint David, Butleigh, Street, Glaston Saint John, Glaston Saint Benedict, Walton, Ashcot, Shapwick, Moorlinch, Catcott, Chilton, Edington, Cossington, Woolavington, Huntspill, East Brent, South Brent, Mark, Wedmore, Meare, Burnham, Badgworth, Biddisham, Chapel Allerton, Were, Puritan, Pawlet, Wookey, *and the Out-parish of* Saint Cuthbert *in* Wells, *all in the County of* Somerset, with Ships, Boats, Barges, or other Vessels, Floats or Pieces of Timber, nor to interfere or meddle with the Bridge over the said new River or Cut, nor with the Tide Sluice or Bridge, or the Doors, Hatches, or Gates thereof respectively.

Company not to erect Locks on certain Parts of the said Navigation.

X. Provided always, and be it further enacted, That nothing herein contained shall extend to authorize or empower the said Company, or any other Person or Persons whomsoever, to make or erect, either occasionally or otherwise (except as herein-after provided), any Sluice, Lock, Weir, Pen for Water, Stank or Dam for raising Water, in or upon the said Drains called *Cut* and the *South Brue Drain*, nor in or upon the said Part of the said River *Brue* from the Mouth thereof to *Cripps's House* aforesaid, nor to lessen or diminish the present Waterway thereof, either by the Alteration of the present or the Erection of any new Bridge or Bridges, nor in any other Manner whatsoever to impede or hinder the Course or Stream thereof; provided also, that it shall be lawful for the said Company, and they are hereby required, to make and erect in and upon the said Drain called the *South Brue Drain*, near a Place called *Meazes Wall*, at the Eastern Extremity of the Parish of *Catcott* aforesaid, and

Fifty

Fifty Yards at least within the Boundary of the Parishes of *Meare* and *Shapwick* aforesaid, if required so to do by the said Commissioners of Sewers, a Lock with a Waste Weir at the Side thereof, which shall be so constructed as not to pen or pound the Water so high by One Foot as the Water is penned at the same Point by the closing of the Fresh Water Doors at *Highbridge* aforesaid during dry Seasons; and the clear Breadth of Waterway over the said Weir shall be at the least Sixteen Feet, and proper and sufficient Hatches shall be placed upon the said Weir for the Purpose of regulating the Supply of Water above the same during dry Seasons, which Hatches shall be under the Controul and Management of the Commissioners of Sewers.

Locks to be erected to prevent Waters of the Mill Stream and a certain Part of the River Brue from flowing down Canal.

XI. Provided always, and be it further enacted, That it shall be lawful for the said Company, and they are hereby required, to erect and place in and upon the said Navigation or Canals Two Locks at the Places following; that is to say, One of such Locks on the Western Bank of the River *Brue*, at or near the Place where it is intended that the said Canal shall cross the said River, and the other of such Locks immediately below the Place where the Canal is intended to join the said Stream called the *Mill Stream*, or on the Eastern Bank of the River *Brue*, at or near the Place where it is intended that the said Canal shall cross the said River; and that such last-mentioned Locks be sufficient to prevent any more of the Waters of that Part of the River *Brue* called *Back River*, through or across which the said Canal is intended to pass, and the said Stream called the *Mill Stream*, from being diverted from their ancient Course, than shall be sufficient to supply the said last-mentioned Locks; and such Lock or Locks shall be of such Height as the Commissioners of Sewers shall appoint; and if it shall be requisite for the said Company to deepen the Bottom of the said River *Brue*, where the said Canal is intended to cross the same as aforesaid, they shall and are hereby required to make that Part of the said Canal of good substantial Masonry, in the Form of an inverted Arch, so as to protect the Bottom of the said River and the Banks thereof; and it shall not be lawful for the said Company to raise the Bottom of the said River or *Mill Stream*, to contract the Waterway thereof, or in any way to obstruct the regular Flow of Water down the same.

Banks to be erected on certain Parts of the said Navigation, and Watering Places, &c. made for Cattle.

XII. And be it further enacted, That in such Parts of the said Navigation or Canals as lie between the said Drain called the *South Brue Drain*, at *Ashcott Corner* aforesaid, and the said Stream called the *Mill Stream*, the said Company shall and they are hereby required to make, erect, and for ever maintain good and proper Banks adjoining the said Navigation or Canals, sufficient to prevent any Lands or Grounds whatsoever from being flooded or injured by means or in consequence of the same Navigation or Canals or other Works by this Act authorized to be made; and shall also make or cause to be made, and for ever after keep in repair, such Arches, Tunnels, Drains, or other Passages under or into the said Navigation and Canals, and the Trenches, Streams, and Watercourses communicating therewith, and with the Towing Paths at the Sides thereof respectively, of such Depth, Breadth, and Dimensions, in such Manner

ner and within such Time as the said Commissioners of Sewers shall from Time to Time judge necessary and order and appoint, to convey the Water clear from the Lands adjoining or lying near to the said Navigation or Canals, without obstructing or impounding the same; and likewise shall make, maintain, and support such Back Drain or Drains as such Commissioners of Sewers shall judge necessary and order and appoint, to carry away any Water which may ooze and pass through any of the Banks of the said River, Navigations, or Canals, to the Prejudice of any of the Lands or Grounds contiguous or near thereto; and shall make proper Watering Places for Cattle and for washing of Sheep, in all Cases where, by means of the said Navigation or Canals, the Cattle of any Person or Persons occupying any Lands adjacent thereto shall be deprived of their ancient Watering Places; and all such Drains, Arches, Tunnels, Culverts, and other Passages and Works, shall from Time to Time be supported, maintained, cleansed, scoured, and kept in good and sufficient Repair by the said Company.

Company required to puddle Canal in certain Cases.

XIII. And be it further enacted, That the said Company shall, at their own Expence, well and effectually line or puddle the whole of the Sides and Bottom of the said Canal, at least Three Feet thick throughout the whole of that Part of the Line thereof where they shall raise the Water above the Level of the adjoining Lands; and the Puddles shall not be placed in the Sides of the Slopes, but constructed perpendicularly in the Centre of the Banks, and neither of the Banks of the said Canal shall be less than Ten Feet wide, One Foot above the Water Surface, and that the outside Slopes of the said Banks shall be as Three Feet horizontal to One Foot perpendicular; and if the said Canal and Banks, when constructed in manner hereinbefore mentioned, shall not be found adequate to prevent the Escape of Water from the said Canal on the adjoining Lands, the said Company shall, at their own Expence, make such Alterations therein or Additions thereto, by further puddling the same or otherwise, as the said Commissioners of Sewers shall from Time to Time order or direct.

Company to invest 1,000*l.* subject to be applied by Commissioners of Sewers.

XIV. And be it further enacted, That the said Company shall and they are hereby required, within Two Years next after the passing of this Act, to invest in the Purchase of Stock in the Three Pounds *per Centum* Consolidated Bank Annuities, in the Names of Three Commissioners of Sewers for the said County, who shall from Time to Time be nominated for that Purpose at any General Court or Session of Sewers, the Sum of One thousand Pounds Sterling, which Stock, when so purchased, and all other Stock which shall be purchased under the Provisions herein-after contained for that Purpose, shall at all Times be under and subject to the Order of the said Commissioners of Sewers, at any General or Special Court or Session, and shall, under such Order and Direction, be from Time to Time sold and disposed of, either in whole or in part, as Occasion shall require; and the Monies arising from every such Sale shall from Time to Time be applied and disposed of by the said Commissioners of Sewers in and towards the Repair or Alteration of any of the Works hereby authorized to be made, which in the Judgment of such Commis-

sioners at such Court or Session shall or may require such Repair or Alteration, and also in payment of such Satisfaction or Compensation as the said Company, or their Committee of Management, may from Time to Time agree to make, or as at any Assessment of Damages before the Sheriff of the said County of *Somerset*, under the Provisions herein contained, may be assessed to any Owner or Occupier of or Person interested in any Lands, Tenements, or Hereditaments, for any Damages which may be sustained by such Owner, Occupier, or Person interested, by reason of the Failure or Insufficiency of any or either of the said Works, or by reason or means of any Injury such Owner, Occupier, or other Person may sustain by any of the said Works, or by any Act, Matter, or Thing whatsoever which shall be done or omitted to be done by the said Company; and all such Stock as shall be sold out by the Order or Direction of the said Commissioners of Sewers for any of the Purposes aforesaid shall immediately after such Sale be replaced and reinstated by the said Company, so that the full Amount of Stock which shall in the first Instance be purchased with the said Sum of One thousand Pounds shall from Time to Time, and at all Times hereafter, remain vested in the Names of Three of the said Commissioners of Sewers, to be nominated as aforesaid, and shall be applied and disposed of in manner herein mentioned: Provided always, that in case the said Company shall not make such Investment within the said Two Years next after the passing of this Act, and also in case they shall at any Time thereafter omit, for the Space of Six Calendar Months after Notice in Writing given by the said Commissioners of Sewers, or their Clerk, to the said Company, to reinvest any Part of the Capital Stock which shall or may be purchased with the said Sum of One thousand Pounds, as may from Time to Time have been sold out or expended under the Provisions herein contained, so as to keep the full Amount of such Capital Stock always invested as aforesaid, it shall and may be lawful for any Two or more Justices of the Peace of and for the said County of *Somerset*, and they are hereby authorized and required, upon Complaint made before them in Writing by or on the Behalf of the said Commissioners of Sewers, that the said Sum of One thousand Pounds is not invested, or that there is any Deficiency in such Investment hereby directed to be made, as and when such Default shall respectively be made, from Time to Time to issue their Warrants under their Hands and Seals for the Recovery of the said Sum of One thousand Pounds, or such Part thereof as may from Time to Time be deficient, by Distress and Sale of the Goods and Chattels of the said Company; and also that at any Time after the said Sum of One thousand Pounds shall have been invested, and any Part thereof drawn out, under the Provisions herein contained, and the Deficiency arising from such drawing out shall not be reinvested by the said Company as herein-before directed, it shall and may be lawful for the said Commissioners of Sewers to retain the Dividends and Interest of the said Monies invested, and apply the same in making up the Amount of Capital Stock which shall be so deficient as aforesaid; but during such Time as, and whenever the full Amount of the Capital Stock so directed to be kept invested as aforesaid shall continue and remain invested as aforesaid, the Dividends and Interest thereof shall be paid to and received by the said Com-

pany, and in case the same shall not be paid to them, may be sued for and recovered accordingly; provided that nothing herein contained shall prevent or be construed to prevent the said Commissioners of Sewers from applying to His Majesty's Court of King's Bench for a Writ of Mandamus, or from adopting any other legal Measures in that or any other of His Majesty's Courts which they may think necessary, to compel the said Company to make and continue such Investment in the Three Pounds *per Centum* Consolidated Bank Annuities, as is herein-before mentioned.

Act not to prejudice the Rights of the Commissioners of Sewers.

XV. And be it further enacted, That nothing herein contained shall extend or be construed to extend to prejudice, lessen, alter, or take away any of the Rights, Privileges, Powers, or Authorities of the said Commissioners of Sewers, by virtue of the general Laws relating to Sewers, or the Powers or Provisions of the said recited Act of the Forty-first Year of the Reign of His late Majesty, or otherwise, but such Rights, Privileges, Powers, and Authorities of the said Commissioners shall remain, continue, and be in full Force and Effect; and all public Drains which may be altered or diverted, and also all new Drains which shall or may be made in lieu of any of the old Drains in consequence of making the said Navigation and Canals, and also all Bridges, Gates, Locks, Banks, Sea Walls, and other Works which shall be made, done, or executed under the Provisions of this Act, shall, after the making thereof, be under the sole Controul and Management of the said Commissioners of Sewers, in the same Manner as any old Drains or other Works were before the passing of this Act; and as to all such Works, whether at *Highbridge* or elsewhere, as are hereby required to be made, done, and executed under the immediate Direction and Inspection of the said Commissioners of Sewers, or of their Surveyor or Agent for the Time being, the said Committee of Directors shall give Fourteen Days Notice to the said Commissioners, or their Surveyor or Agent, before they shall begin to do the same respectively: Provided always, that nothing herein contained shall extend or be construed to extend to enable the said Commissioners of Sewers to interrupt or hinder the Execution of this Act, the said Company from Time to Time making, erecting, and maintaining all such Bridges, Drains, Culverts, Sluices, and other Works, and doing all such other Things as may be necessary for preventing the Drainage or Sewage of any Lands from being injured or impeded by means of the making and maintaining of the said Navigation, Canals, and other Works by this Act authorized to be made and maintained, or any of them, and for preventing the said Lands from being injured by the Influx of the Sea, except where the same shall be otherwise directed by this Act.

Towing Path to be on the North-eastern Side of the River Brue.

XVI. Provided always, and be it further enacted, That any Towing Path to be made and formed, under the Authority and for the Purposes of this Act, upon the said River *Brue*, from *Highbridge* aforesaid to *Cripps's House* aforesaid, shall be on the North-eastern Side of the said River, and that no Towing Path shall be made on the South-western Bank thereof.

XVII. Pro-

Provision respecting the Towing Path, &c. on Mr. Tucker's Lands.

XVII. Provided also, and be it further enacted, That the said Company shall form the Towing Path on the Side of the said Canal from the West End of a Close of Land called the *Common Close* to the Eastern Extremity of the Orchard next adjoining the said Close called the *Common Close*, being certain Premises in the Parish of *Huntspill* aforesaid belonging to Mr. *George Tucker*, and lying contiguous to or near his Dwelling House, between Highwater Mark and the Level of the adjoining Land; and also shall and will, if required by the said *George Tucker*, erect and build a substantial Wall on the Land Side of the said Towing Path, up to and on a Level with the Surface of the adjoining Ground, and upon or near to the Top of such Wall shall and will plant a Double Quickset Hedge, and fence off and protect the same in a proper and sufficient Manner for the Space of Ten Years, such Hedge and Fence to be set up and made upon the Lands and Grounds of the said *George Tucker*, and to be repaired and maintained by him, his Heirs, Appointees, and Assigns, after the Expiration of the said Term of Ten Years, the said Company rendering and making the said *George Tucker*, his Heirs, Appointees, and Assigns, Recompence and Satisfaction, under the Provisions of this Act, for the Lands required and used for such Purpose, and the Damages to be incurred by the Execution of the said Works.

Company to save harmless the Lands liable to Support of the South Brue Drain.

XVIII. Provided always, and be it further enacted, That the said Company shall and they are hereby required for ever hereafter to save harmless and keep indemnified of and from all and all Manner of Charges and Expences whatsoever, in respect of the said Part of the said Drain called the *South Brue Drain*, and the Bridges, Banks, and other Works thereto belonging, the several Lands now liable to and chargeable with the Support and Maintenance thereof respectively.

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

XIX. And whereas a Map or Plan describing the Line or Course and Situation of the said Navigation, Canals, and Basin, 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 a List 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 *Somerset*; be it therefore enacted, That the said Map or Plan and Book of Reference so deposited shall remain and be kept in the said Office, and all Persons interested in any Manner therein shall have liberty to inspect and peruse, and make Extracts from the same, and Copies thereof, at all 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 Hour, and paying for every Copy or Extract made by the said Clerk of the Peace, a Sum or Sums not exceeding Sixpence for every One hundred Words, and so in proportion for any other 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 admitted in Evidence in all Courts, and by all Judges, Justices, and others.

XX. And

No Deviation from Plan to exceed 100 Yards.

XX. And be it further enacted, That the said Company, in making and improving the said intended Navigation, Canal, and Basin, shall not deviate more than One hundred Yards from the Course or Direction delineated on the said Map or Plan.

Omissions in Book of Reference not to impede making the Canal, &c.

XXI. And be it further enacted, That no Advantage shall be taken of or against the said Company, or any Interruption be given to the making the said Navigation, Canals, and other Works, on account of any Error or Omission in the said Book of Reference; but it shall be lawful for the said Company, by themselves, their Deputies, Agents, Officers, Surveyors, Servants, and Workmen, to enter into and upon, and to take and use, for the Purposes of this Act, any Lands or Grounds set out and described in the said Map or Plan, notwithstanding any such Error or Omission, in case it shall appear to any Two Justices of the Peace acting for the County or Place in which such Lands or Grounds shall be situated, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Houses, Gardens, &c. not to be injured, except those mentioned in the Schedule.

XXII. Provided always, and be it further enacted, That nothing in this Act contained shall authorize or empower the said Company, or any Person or Persons employed by them, to take, use, injure, or damage any Messuage, Dwelling House, or other Building, or any Ground which, upon the First Day of *January* One thousand eight hundred and twenty-seven, was the Site of any Messuage, Dwelling House, or other Building, or any Garden, Yard, Park, Paddock, planted Walk, or Avenue to a House, or Lawn inclosed or adjoining to a Mansion House, or ancient Fish Pond belonging to or near to any ancient Mansion House, without the Consent of the respective Owners and Occupiers thereof, other than and except as in the Schedule to this Act mentioned.

Breadth of the Land to be taken for the Canal.

XXIII. And be it further enacted, That the Lands and Grounds to be taken or used for the Purposes of making the said Navigation, and Towing Paths on the Sides thereof, shall not exceed Seventy Yards in Breadth, and for making the said Canals or Cuts, and Towing Paths on the Sides thereof, shall not exceed Fifty Yards in Breadth, except in such Places where it shall be judged necessary for Boats, Barges, and other Vessels to turn, remain, or pass each other, or for raising Embankments for crossing the Vallies, or in deep Cuttings; and the Lands and Grounds to be taken and used for making the said Basin, and for erecting and forming Wharfs, Warehouses, and other Buildings, and Yards and other Conveniences adjoining thereto, shall not exceed in the whole Three Acres, except on Commons or on Waste Lands, without the Consent of the Owners of the Lands or Hereditaments.

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

XXIV. Provided always, and be it further enacted, That all Pieces or Parcels of Land, which in making the said Navigation, Canals, and other Works shall be cut through, or divided or separated from the other Parts of the Lands belonging to any Person or Persons, so as the same cannot be conveniently occupied 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 Navigation, Canals, and other Works respectively shall be less in Quantity than One Acre, or shall be throughout the whole Length thereof less than Twenty Yards in Breadth, and if the Owner or Owners of any such Pieces or Parcels of Land shall not have any other Land adjoining or contiguous to what shall be so left on each or either Side of the said Navigation, Canals, and other Works respectively, then and in every such Case, and if the Owner or Owners, 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 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 Navigation, Canals, and other Works respectively, being less than One Acre in Quantity, or less than Twenty Yards in Breadth throughout the whole Length thereof as aforesaid; the Value thereof to be ascertained, in case of Disagreement, in the same Manner as is directed concerning any Land or Ground to be cut, taken, and used for the Purposes of this Act.

Bodies Politic, &c. empowered to sell and convey Lands.

XXV. And be it further enacted, That after any Lands, Grounds, or Hereditaments shall have been set out and ascertained for making and improving the said Navigation, Canals, 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 Persons having 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 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 are 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 with the said Company for the Sale of, and to sell and convey the same and every Part thereof unto the said Company; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be made at the Expence of the said Company, and according to the following Form, or as near thereto as the Circumstances of the Case will admit; *videlicet*,

Form of Conveyance to the Company.

‘ I of in consideration of the Sum
‘ of to paid by the *Glastonbury*
‘ Navigation and Canal Company, do hereby grant, release, assign,
‘ and confirm unto the said Company and their Successors, all
‘ [*describe the Premises to be conveyed*], and all Right, Title, and
‘ Interest to and in the same, and every Part thereof; to hold unto

‘ the

‘ the said Company and their Successors, for the Use of the said ‘ Navigation and Canals for ever, by virtue and according to the true ‘ Intent and Meaning of an Act passed in the Eighth Year of the ‘ Reign of His Majesty King *George* the Fourth, intituled [*here set ‘ forth the Title of this Act*]. In witness whereof ‘ have hereunto set Hand and Seal, this Day ‘ of in the Year of our Lord .’

And all such Contracts, Agreements, Sales, Conveyances, and Assurances as aforesaid, shall be good, valid, and effectual in the Law to all Intents and Purposes, and shall operate and enure as, and be a Merger of all outstanding Terms of Years, and be a complete Bar to all Estates Tail, and other Estates, Rights, Titles, Trusts, and Interests whatsoever, and be held and enjoyed absolutely freed and discharged therefrom.

Bodies, &c. may accept Money in satisfaction for Lands taken for the Canal, &c. and for Damages.

XXVI. And be it further enacted, That all Bodies Politic, Corporate, or Collegiate, Trustees, and other Persons herein-before capacitated or enabled to sell and convey Lands, Tenements, and Hereditaments, and all other Person and Persons, being Owner and Owners and Occupier and Occupiers of any Lands, Tenements, or Hereditaments through, in, or upon which the said Navigation, Canals, and other Works hereby authorized are intended to be made, or any of them, may accept and receive Satisfaction for the Value of such Lands, Tenements, and Hereditaments, and also Compensation for the Damages to be sustained in making or completing the said Works herein-before authorized to be made, in such gross Sums as shall be agreed upon between the said Owners and Occupiers respectively, or any of them, and the said Company, and not by way of annual Rents.

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

XXVII. And for settling all Differences which may arise between the said Company and the several Owners of and Persons interested in the Lands and Grounds, Messuages, Buildings, Tenements, Hereditaments, Streams, Brooks, Waters, or Watercourses which shall or may be affected or prejudiced by the Execution of the Powers hereby granted, touching the Purchase Money to be paid or Recompence to be made to them respectively; be it further enacted, That if any Body Politic, Corporate, or Collegiate, Trustee or Trustees, or any other Person or Persons so interested, for and on his, her, or their Part or Parts, or for or on the Part of his, her, or their Cestuique Trusts, or of any other incapacitated Person or Persons as aforesaid, shall refuse to accept such Purchase Money, Recompence, or other Compensation as shall be offered them by the said Company, or their Agent by or on their Behalf, 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 and 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 Body Politic, Corporate, or Collegiate, Trustee or Trustees, or any other Person or Persons seised or possessed of or interested in any such Lands, Messuages, or other Hereditaments as aforesaid, shall refuse to treat, or shall not agree with the said Company, or with any Person

or

or Persons authorized by them, for the Sale and Conveyance of their respective Estates and Interests therein, or cannot be found, or shall not be known or discovered, or shall not produce or evince a clear Title to the Premises they may be in Possession of, or to the Interest they claim therein, to the Satisfaction of the said Company, or to the Person or Persons authorized by them as aforesaid; then and in every such Case the said Company shall and they are hereby empowered and required from Time to Time to issue a Warrant under their Common Seal to the Sheriff of the County of *Somerset*, or in case such Sheriff or his Under Sheriff shall happen to be One of the said 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 said 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 authorized, empowered, and required to impannel, summon, and return accordingly, 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 *Somerset*, at some Court of General or Quarter Sessions of the Peace to be holden in and for the said County, or at some Adjournment thereof, as in such Warrant shall be directed or appointed; and if a sufficient Number of Jurymen shall not appear at the Time and Place appointed as aforesaid, the said Sheriff or 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, or his Deputy, is hereby empowered and required to summon and call before the said Justices all and every Persons and Person who shall be thought necessary to be examined as Witnesses or a Witness 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 and Persons as shall be called upon to give Evidence, the said Justices are hereby empowered to administer,) shall inquire, assess, and ascertain the Sum or Sums of Money to be paid for the Purchase of such Lands, Grounds, Messuages, Buildings, Tenements, and Hereditaments, 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 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 or repaired by the said Company, and

which

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 Controversies shall arise, by leaving such Notice at the Dwelling House of such Person or Persons, Trustee or Trustees, or the Clerk or Agent of any such Body Politic, Corporate, or Collegiate, or with some Tenant or Occupier of the Premises to be valued, or respecting which any such Question shall arise.

Penalty on Sheriffs, &c.

XXVIII. 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 and pay the Sum of Fifty Pounds; and if any Person so to be summoned and returned upon any such Jury as aforesaid shall not appear, without a sufficient Excuse, or appearing shall refuse to be sworn, (or, being of the Society of Quakers, to make a solemn Affirmation,) or to give his Verdict, or shall in any other Manner wilfully neglect his Duty contrary to the true Intent and Meaning 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, affirmed, examined, or to give Evidence; then and in every such Case every such Person so offending, having no reasonable Excuse, shall forfeit and pay, 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 so offending, rendering to him or her the Overplus of the Money thereby produced, after such Penalties and the Charges and Expences of such Distress and Sale shall have been deducted; and in all Cases where by this Act a Jury is directed or intended to be summoned to ascertain the Value of any Land or Building, and where Bond to prosecute shall have been entered into, such Land or Building shall not be taken and used until such Jury shall have been summoned as aforesaid.

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

XXIX. And be it further enacted, That every such Jury and Juryman as aforesaid shall 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 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

Persons giving false Evidence

subject to the Penalties of Perjury.

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.

Expences of Jury how to be paid.

XXX. And be it further enacted, That in every Case where the Verdict of a Jury shall be given for a greater Sum than shall have been previously offered or tendered by the said Company for the Purchase of any Lands, Grounds, Messuages, Tenements, or Hereditaments to be used or taken by them for the Purposes of this Act, or as a Compensation or Recompence for any Damage, Loss, or Injury which may happen or arise in the Execution of any of the Powers hereby granted, all the Costs of summoning such Jury and of taking such Inquest, and the Expence of Witnesses, shall be defrayed by the said Company; and such Costs and Expences shall be settled and determined by some Justice of the Peace for the said County of *Somerset* not interested in the Matter in question, (who is hereby authorized and required to settle the same, at a Time and Place to be by him appointed, after summoning the Parties therein to attend for that Purpose); and in case such Costs and Expences shall not be paid to the Party entitled to receive the same within Thirty Days after the same shall have been demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods and Chattels of the said Company, or of the Treasurer of the said Company, (unless such Treasurer shall pay such Costs and Expences out of any Monies received by him by virtue of this Act, and which he is hereby authorized to do,) under a Warrant to be issued for that Purpose by any Justice of the Peace for the said County, which Warrant any such Justice is hereby authorized and required to issue under his Hand and Seal, on Application made to him for that Purpose by the Party entitled or claiming to receive such Costs and Expences; but if the Verdict of the Jury shall not be given for a greater Sum than shall have been previously offered or tendered by or on behalf of the said Company, or if no Verdict shall be found for Damages where the whole Dispute shall be whether any Damage has or has not been done, then and in every such Case One Moiety of the said Costs and Expences shall be defrayed by the Person or Persons with whom the said Company shall have such Controversy or Dispute, and the other Moiety thereof shall be defrayed by the said Company; and all such Costs and Expences, having been ascertained and settled by some Justice of the Peace for the said County, in manner herein-before described, 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 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 Tender in satisfaction of the whole thereof: Provided always, that in all Cases where, by reason of Absence in Foreign Parts, or from any other Cause or Disability not herein-before provided for, any Person or Persons shall have been prevented from treating and agreeing as aforesaid, the whole of such Charges and Expences shall be borne and paid by the said Company.

XXXI. And

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

XXXI. And be it further enacted, That all and every Person and Persons with whom the said Company shall have any such Controversy or Dispute as aforesaid shall, before the said Company shall be obliged to issue out the Warrant or Warrants for the summoning of such Jury, first enter into a Bond, with Two sufficient Sureties, to the Clerk 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 his, her, or their Proportion of the Expences of summoning such Jury and taking such Inquest, and of the summoning and of the Attendances 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 attended to unless previous Notice has been given to the Company.

XXXII. 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 Company, in manner by this Act authorized, within the Space of Six Calendar Months next after the Time wherein 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.

XXXIII. 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, 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.

XXXIV. 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 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.

Verdict of Juries to be recorded.

XXXV. And be it further enacted, That all the said Verdicts and Judgments shall be returned by the said Justices to and be kept by the Clerk of the Peace of the said County of *Somerset*, amongst the Records of the Quarter Sessions, and shall be deemed Records to all Intents and Purposes, and the same, or Office 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 One Shilling and no more, and also to make Copies thereof, paying for each Copy after the Rate of Sixpence for every One hundred Words.

XXXVI. And

Compensation for Damages not herein-before provided for.

XXXVI. And be it further enacted, That if at any Time hereafter any Person or Persons shall sustain any Damage in his, her, or their Lands, Tenements, Hereditaments, or Property, by reason of the Execution of any of the Powers given by this Act, and 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 is directed with respect to such Damages as are herein-before provided for, and the Money to be paid as a Recompence for the same.

Mortgages to be conveyed to the Company after Tender.

XXXVII. And be it further enacted, That all and every Persons and Person who shall have any Mortgage or Mortgages of any Lands, Tenements, or Hereditaments to be taken or used for the Purposes of this Act (not being in Possession thereof by virtue of such Mortgage or Mortgages), shall, on Tender of the Principal Money, and Interest due thereon, together with the Amount of Six Calendar Months Interest on the said Principal, by the said Company, immediately convey, assign, and transfer such Mortgage or Mortgages to the said Company; or in case such Mortgagee or Mortgagees shall have Notice in Writing from the said Company 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 Six Calendar Months (to be computed from the Day of giving such Notice), then at the End of such Six Calendar Months, on Payment of the Principal and Interest so due, such Mortgagee or Mortgagees shall convey, assign, and transfer his, her, or their Interest in the Premises to the said Company; and in case such Mortgagee or Mortgagees shall refuse to convey and 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 real Value of the Premises to be taken and made use of for the Purposes of this Act, and which shall be ascertained in manner herein-before directed, then the said Company shall not be liable to pay to the said Mortgagee or Mortgagees more than the real Value of such 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 or Mortgagees shall neglect or refuse to convey or assign as aforesaid, then upon Payment of the Principal Money and Interest due on any such Mortgage or Mortgages as aforesaid into the Bank of *England*, at the End of One Calendar Month from the Day of giving such Notice as aforesaid, for the Use of such Mortgagee or Mortgagees, the Cashier or Cashiers of the said 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 said Bank, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee or Mortgagees, and of all and every Person and Persons in Trust for him, her, or them, shall vest in the said Company, and the said Company shall be deemed to be in the actual Possession of the

the Premises comprised in such Mortgage or Mortgages to all Intents and Purposes whatsoever: Provided also, that if such Mortgage or Mortgages shall comprise any other Lands, Tenements, or Hereditaments than those which shall be so wanted or taken by the said Company, such Mortgagee or Mortgagees shall, upon Payment or Tender of the Sum so ascertained as the Value of the said Lands, Tenements, or Hereditaments as aforesaid, forthwith convey, assign, and transfer his, her, or their Interest in such Lands, Tenements, or Hereditaments, to the said Company; and in default of such Conveyance, Assignment, or Transfer, and on Payment of such Money into the Bank of *England* for the Use of such Mortgagee or Mortgagees, the Cashier or Cashiers of the Bank shall give such Receipt or Receipts as above mentioned, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee or Mortgagees, and of all and every Person and Persons in Trust for him, her, or them, in the said Lands, Tenements, or Hereditaments, the Value whereof shall have been so ascertained and paid into the Bank as aforesaid, shall vest in the said Company, and they shall be deemed to be in the actual Possession of the said Premises to all Intents and Purposes whatsoever; and such Sums of Money shall be deducted from the Amount of the Principal and Interest due to such Mortgagee or Mortgagees by virtue of such Mortgage or Mortgages.

Application of Compensation Money amounting to 200*l.*

XXXVIII. And be it further enacted, That if any Money shall be paid or agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used by virtue of the Powers of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, 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 Court of Exchequer, to be placed to his Account there *ex parte* the *Glastonbury* Navigation and Canal Company, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes,* and the General Orders of the said Court, and without Fee or Reward; and shall, when so paid in, there remain until the same shall, by Order of the said Court, made upon a Petition to be preferred to the said Court in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Pay-

1 G. 4. c. 35.

ment or Discharge of any Debt or Debts, or other Incumbrances, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, or to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court shall authorize to be purchased, redeemed, paid, or discharged, or such Part thereof as shall be necessary; or until the same shall, upon the like Application, be laid out in a summary Way, by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime, and until such Order can be made, the said Money may, by Order of the said Court, 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, or in Government or Real Securities; and in the meantime, and until the said Bank Annuities or Government or Real Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and Annual Produce of the said Consolidated or Reduced Bank Annuities, or Government or Real Securities, 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 such Lands, Tenements, or Hereditaments so to be purchased, conveyed, and settled.

Application of Compensation Money when less than 200*l.* and not less than 20*l.*

XXXIX. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of this Act, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to 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, Idiotcy, Lunacy, or other Incapacity, with the Approbation of the said Company, signified in Writing under their Common Seal, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees to be nominated by the Person or Persons who for the Time being would be entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so to be purchased and settled, such Nomination to be approved of by the said Company, and such Nomination and Approbation to be signified in Writing under the Hands of the Parties nominating such Trustees, and under the Common Seal of the said Company; and the Money

so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by them applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank in the Name of the Accountant General of the Court of Exchequer, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

Application of Compensation Money when less than 20*l.*

XL. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next herein-before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, for his, her, or their own Use and Benefit; or in case of Infancy, Idiotcy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles, or Persons entitled not being found.

XLI. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used under or by virtue of the Powers of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Company; or in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found; or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered; then and in every such Case it shall be lawful for the said Company to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account there 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, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying therein 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 of *England* as aforesaid.

XLII. Pro-

In case of questionable Title of Persons in Possession.

XLII. Provided always, and be it further enacted, That where 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 said Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act for the Purposes aforesaid, or to any Bank Annuities or Government or Real Securities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities or Government or Real Securities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court; and the Dividends or Interest of the Bank Annuities or Government or Real Securities to be purchased with such Money, and also the Capital of such Bank Annuities or Government or Real Securities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

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

XLIII. 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, taken, or used under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court of Exchequer, or to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as to the said Court shall seem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Company out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Power to enter Lands upon Payment or Tender of Purchase Money.

XLIV. And be it further enacted, That upon Payment or lawful Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or assessed by any Jury or Juries in manner aforesaid, for the Purchase of any Lands, Tenements, or Hereditaments, or as a Recompence for the yearly Produce or Profits thereof, or as a Satisfaction or 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, within One Calendar Month after the same shall have been so agreed for, determined, or awarded; or if the Person or Persons so entitled

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-before directed and required, for the Use of such Person or Persons so interested or entitled as aforesaid, it shall be lawful for the said Company, and their Agents, Servants, or Workmen, immediately to enter upon and take and use such Lands, Tenements, or Hereditaments, and then and thereupon the same Lands, Tenements, and Hereditaments, and the Fee Simple and Inheritance thereof, or such Part thereof as is or shall be of Fee Simple or Freehold Tenure, and the absolute Estate and Interest of such as shall be Leasehold, or of any other Tenure, according to the Nature and Tenure of the same, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall thenceforth be vested in and become the sole Property of the said Company, 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 shall also extend to and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail and other Estates in Reversion and Remainder of his, her, or their Issue, and every other Person therein; provided nevertheless, that before or until such Payment, Tender, or Investiture as aforesaid, it shall not be lawful for the said Company, or any Person or Persons acting by or under their Authority, or under the Provisions of this Act, to dig or cut any Land or Ground, or to take down, remove, or alter any Messuage, Building, Tenement, or other Hereditament, for the Purposes of this Act, without the Leave or Consent in Writing of the Proprietor or Proprietors thereof respectively entitled to such Payment.

Power to purchase without Consent, to determine in Five Years.

XLV. Provided always, and be it further enacted, That after the Expiration of Five Years from the passing of this Act, the said Company shall not be at liberty to purchase any Lands or Hereditaments without the Consent of the Owner or Owners thereof; and in case any Purchase or Purchases shall be so made with the Consent of the Owner or Owners, such Purchases shall be completed subject to the Regulations and Provisions of this Act, in the same Manner as if the same had been made before the Expiration of the said Five Years.

Enabling the Company to sell Lands not wanted.

XLVI. And whereas, by means of the Purchases which the said Company are empowered or authorized to make by virtue of this Act, they may happen to be seised of more Land or Ground than will be necessary for effecting the Purposes of this Act, or may not use the Land purchased for the Purposes of this Act; be it therefore further enacted, That it shall and may be lawful for the said Company to sell and dispose of any Piece or Pieces of such Land or Ground, either together or in Parcels, by public Auction or private Contract, as they shall find most convenient and advantageous, to such Person or Persons as shall be willing to contract for and purchase the same; and all such Sales and Conveyances from the said Company shall be valid and

Lands intended to be resold to be first offered to Proprietors of adjoining Lands.

effectual, any thing in this Act contained, or any other Law, Statute, or Custom to the contrary thereof notwithstanding: Provided always, that the said Company, before they shall sell and dispose of any such Piece or Pieces of Land or Ground, shall first offer to sell the same to the Person or Persons being the Proprietor or Proprietors of the adjoining Lands; and such Person or Persons, in case he, she, or they shall be desirous of purchasing the same, shall signify such his, her, or their Desire and Intention in that Behalf to the said Company, through their Clerk, within Ten Days after such Offer of Sale shall have been made; and in case such Person or Persons shall refuse or decline to avail himself, herself, or themselves of such Offer, or shall neglect or omit to signify his, her, or their Desire and Intention to purchase such Messuages, Lands, Tenements, and Hereditaments, for the Space of Ten Days, then and in every such Case an Affidavit made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the said County of *Somerset*, by some Person or Persons not interested in such Messuages, Lands, Tenements, or Hereditaments, stating that such Offer was made by or on behalf of the said Company, and that such Offer was refused or declined, or was not accepted or agreed to by the Person or Persons to whom the same was made, within the said Space of Ten Days from the Day or Time of making the same, shall in all Courts whatever be sufficient Evidence and Proof that such Offer was made, and was refused or declined, or was not accepted and agreed to within the Time aforesaid, by the Person or Persons to whom such Offer was made, as the Case may be; and in case such Person or Persons shall be desirous of purchasing the same, and he, she, or they, and the said Company shall differ, or shall not agree with respect to the Price thereof, then and in such Case the Price or Prices thereof shall be ascertained by a Jury, in the Manner by this Act directed with respect to the disputed Value of Premises wanted by the said Company for the Purposes of this Act; and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as in and by this Act is directed with respect to Purchases made by the said Company, *mutatis mutandis*.

Treasurer upon Payment of Money to give Receipts.

XLVII. Provided always, and be it further enacted, That upon Payment of the Money which shall arise by the Sale or Sales of such Lands, Tenements, or Hereditaments, or any Parts or Parcels thereof, it shall be lawful for the Person or Persons acting as Treasurer or Treasurers for the Time being to the said Company to sign and give Receipts for the Money for which the same shall be sold, which Receipts shall be sufficient Discharges to any Person or Persons for the Purchase Money for such Lands, Tenements, or Hereditaments, or any Parts or Parcels thereof, as shall be sold, or for so much thereof as in such Receipts respectively shall be expressed to be received; and such Purchaser or Purchasers shall not afterwards be answerable or accountable for any Loss, Misapplication, or Non-application of such Purchase Money, or any Part thereof, whether or not such Treasurer or Treasurers shall have been duly appointed to such Office, or shall be duly qualified according to the Directions of this Act.

Empowering the Company to purchase additional Land for erecting or providing Warehouses and Yards, &c.

XLVIII. And whereas it may tend to the Advantage and Accommodation of the Public, if the said Company were empowered to purchase other or additional Lands or Grounds, with or without Messuages or Buildings thereon, for the Purpose of making, erecting, forming, and providing any Warehouses, Messuages, or other Buildings, Yards and Conveniences, for facilitating the Execution of any of the Purposes of this Act; be it therefore further enacted, That it shall and may be lawful for the said Company, and they are hereby authorized and empowered, to contract with any Person or Persons, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or in behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, or Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, for the Purchase of any Parcel or Parcels of Land (not exceeding in the whole Two Statute Acres), and also any Messuages, Buildings, or Hereditaments, in such Place or Places as shall be by the said Company deemed eligible or convenient for the Purpose of erecting, forming, making, or providing any Warehouses, Messuages, or other Buildings, Yards, and Conveniences, for the Purpose of receiving, lodging, depositing, or keeping any Goods, Merchandise, or other Things carried or conveyed, or intended to be carried or conveyed upon or in the said Navigation and Canals, or either of them, or for making any convenient Roads, Avenues, or Ways leading thereto, or for any other Purposes whatsoever which the said Company shall judge requisite or expedient for rendering the said Basin or Basins more useful or convenient to the Public; and it shall be lawful for all Bodies Politic, Corporate, and Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or in behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, or Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, and all other Persons whomsoever (in case they, he, or she shall be willing and desirous so to do), to sell and grant or convey to the said Company and their Successors, for such Purposes or any of them, any Parcel or Parcels of Land, and any Messuages, Buildings, and Hereditaments whatsoever, in the same Manner as is herein-before directed concerning Lands, Messuages, Buildings, and Hereditaments to be taken or used for the Purpose of forming, making, and maintaining the said Cuts, Canals, and Works, and that without inquiring or ascertaining, or being bound to inquire or ascertain, that the Lands and Hereditaments so sold, granted, or conveyed to the said Company and their Successors, for the Purposes last aforesaid, or any of them, will not, together with any other Lands and Hereditaments previously purchased by the said Company for the same Purposes, or any of them, amount to or make up a greater Quantity of Land than Two Statute Acres in the whole.

XLIX. Pro-

Limiting the Quantity of additional Land to be purchased from or sold by incapacitated Persons, &c.

XLIX. Provided always nevertheless, and be it hereby further enacted and declared, That in case the said Company shall purchase the said Two Statute Acres of Land or Ground of or from any Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or in behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, or Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, and shall at any Time afterwards sell the Whole or any Part of such Land or Ground so purchased from any such incapacitated Parties or Persons, it shall not be lawful for the said Company again to purchase any Land or Ground in lieu of the Land or Ground so sold as last aforesaid, of or from the same, or of or from any other Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or in behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, nor shall it be lawful for the said Company to purchase, or for the same or any other Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, to sell to the said Company any other Lands in lieu or instead of such Two Statute Acres of Land or Ground, or any Part thereof, so sold or disposed of by the said Company.

Whole of Expence to be subscribed before Canal, &c. is commenced.

L. And whereas the probable Expence of making the said Navigation, Canals, and other Works, will amount to the Sum of Eighteen thousand Pounds, and more than Four Fifth Parts thereof have been already subscribed by several Persons, under a Contract binding themselves, their Heirs, Executors, Administrators, and Assigns, for the Payment of the several Sums by them subscribed respectively; be it further enacted, That the whole of the said Sum of Eighteen thousand Pounds shall be subscribed in like Manner before any of the Powers given by this Act shall be put in force.

If Canal, &c. not completed in Five Years, Powers to cease, except as to such Part, if any, as shall be completed.

LI. Provided always, and be it further enacted, That in case the said intended Navigation and Canals shall not have been completed and made within the Space of Five Years, to be computed from the passing of this Act, then from and 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 as to so much (if any) of the said intended Navigation, Canals, and other Works as shall have been declared and certified to have been completed

pleted within the said Term, by the Justices of the Peace of the said County of *Somerset* assembled at any Quarter Sessions of the Peace to be holden in and for the said County, at any Time before the Expiration of the said Term of Five Years, or within Six Calendar Months next after the Expiration thereof; and it shall be lawful for such Justices to inquire respecting the Premises, upon the Evidence of One or more Witness or Witnesses upon Oath or Affirmation, and such Justices shall declare and certify the same accordingly.

Empowering the Company to raise a Capital or Joint Stock.

LII. And be it further enacted, That it shall and may be lawful for the said Company to raise and contribute amongst themselves a competent Sum of Money for making and completing the said Navigation, Canals, and Works, not exceeding in the whole the said Sum of Eighteen thousand Pounds; and the Money so to be raised and contributed shall be and is hereby declared to be the Joint Stock or Fund of the said Company, and shall be laid out and applied, in the first place, for and towards Payment, Discharge, and Satisfaction of all Fees and Disbursements for obtaining and passing this Act, and for making the Surveys, Plans, and Estimates preparatory and incident thereto, and all other Expences relating to the same; and all the Residue and Remainder thereof shall be used and applied in, for, and towards the making and completing the said Navigation, Canals, and other Works, and in carrying on the said Undertaking, and for other the Purposes of this Act, and to and for no other Use, Intent, or Purpose whatsoever.

The Money to be divided into Shares.

LIII. And be it further enacted, That the said Capital or Joint Stock shall be divided and distinguished into equal Parts and Shares of Fifty Pounds each, and such Shares shall be numbered in numerical Progression, and such Shares shall be and are hereby vested in the said several and respective Subscribers, and their several and respective Executors, Administrators, or Assigns, to their and every of their proper Use and Behoof respectively; and all Persons and Bodies Politic, Corporate, and Collegiate, their several and respective Executors, Administrators, Successors, and Assigns, who shall severally subscribe for One or more such Share or Shares, and who shall pay the said Sum of Fifty Pounds *per* Share, or such Sum or Sums as shall be demanded in lieu thereof, for or towards carrying on and completing the said Undertaking, and other the Purposes of this Act, and other Persons who shall be or become legally possessed of any such Share or Shares, shall be deemed to be Proprietors or a Proprietor of the said Undertaking, and of the Capital or Joint Stock of the said Company, and shall be entitled to and shall receive, after the said Navigation shall be completed, a proportionate Part of the Profits and Advantages that shall and may arise and accrue by the Rates and other Sums of Money to be raised, recovered, and received by or under the Authority of this Act, according to the Number of Shares so by them respectively paid for or possessed; and every Body Politic, Corporate, and Collegiate, or Person or Persons having or holding any such Share or Shares as aforesaid, shall bear and pay an adequate proportionable Sum of Money towards carrying on the said Undertaking, in manner herein enacted, directed, and appointed.

Shares to be Personal Property.

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

To compel Payment of Subscriptions.

LV. And be it further enacted, That the several Persons and Bodies Politic, Corporate, or Collegiate, who have subscribed for or agreed to advance, or who shall hereafter subscribe for or agree to advance any Money for or towards any of the Purposes of this Act, shall and they are hereby required to pay the Sum or Sums of Money by them respectively so subscribed, or such Parts or Proportions thereof as shall from Time to Time be called for by the said Company, or their Committee, under and by virtue of the Powers and Directions of this Act, to such Person or Persons, and in such Manner, and at such Times and Places as shall be directed by the said Company, or their Committee, in manner herein-after mentioned; and in case any Person or Persons shall refuse or neglect to pay the same at the Time and in Manner required for that Purpose, it shall and may be lawful for the said Company to sue for and recover the same, with legal Interest thereon from the Time appointed for the Payment thereof, and with full Costs of Suit, in any Court of Law or Equity.

Power to raise Money by Mortgage.

LVI. And be it further enacted, That in case the said Company shall be desirous to raise Money by Mortgage of the said Navigation, Canals, and Undertaking, for completing or carrying on the same, then and in such Case it shall be lawful for the said Company to borrow and take up at Interest, of and from any Person or Persons who shall be willing to advance and lend the same upon the Credit of the said Undertaking, any such Sum or Sums of Money, not exceeding the Sum of Five thousand Pounds, as to them shall seem meet and convenient; and they are hereby authorized and empowered to assign and make over the said Navigation, Canals, and Works, and the Rates and Tolls to arise by virtue of this Act, or any Part thereof, as a Security for any Sum or Sums of Money so to be borrowed, with Interest, to the Person or Persons who shall advance the same, or to his, her, or their Trustee or Trustees, by Deed of Mortgage, according to the Form following; (that is to say,)

Form of Mortgage.

'WE, the Company of Proprietors of the *Glastonbury* Navigation and Canals, in consideration of the Sum of to us paid by *A. B.* of do hereby, by virtue of an Act passed in the Eighth Year of the Reign of King *George* the Fourth, [*set forth the Title of the Act,*] bargain, sell, and transfer unto the said *A. B.* all and singular the Rates and Tolls arising by virtue of the said Act, and also the said Navigation and Canals, and all the Right, Title, and Interest of us the said Company of, in, and to the same; to hold unto the said *A. B.*, 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 discharged. Given under our Seal the Day of .'

And

And all and every Person and Persons to whom such Mortgage or Mortgages shall be made shall be equally entitled as Mortgagee or Mortgagees to his, her, or their Proportion or Proportions of the said Rates, Tolls, and Premises, according to his, her, or their respective Sums in such Mortgages mentioned to be advanced, without any Preference by reason of the Priority of Date of any such Mortgage, or on any other Account whatsoever; and the Money so to be borrowed is hereby directed and appointed to be laid out and applied for and towards the making, completing, and maintaining the said Navigation, Canals, and Works, and other the Purposes of this Act, and to no other Use or Purpose whatsoever; and an Entry or Memorial of every such Mortgage, containing the Date thereof, and an Account of the Name or Names of the Party or Parties, with their proper Additions, to whom the same shall have been made, and of the Sum of Money borrowed, together with the Rate of Interest to be paid thereon, shall, within Forty Days next after the Date thereof, be written and inserted (*gratis*) in One or more Book or Books to be kept for that Purpose by the Clerk to the said Company, which Book or Books shall and may be perused at all seasonable Times by the Proprietors and Creditors of the said Navigation and Canals, without Fee or Reward; and every such Mortgagee, and all and every Person and Persons to whom any such Mortgage shall be transferred or assigned, or who shall be entitled to the Money thereby secured, may from Time to Time assign and transfer his, her, or their Right, Title, Interest, or Benefit in his, her, or their Mortgage or Security to any Person or Persons whomsoever; which Transfer shall and may be made according to the Form following; (that is to say,)

Form of Transfer.

'I *A. B.* of in consideration of the Sum of
'paid by *C. D.* of do hereby transfer a certain
'Mortgage made by the Company of Proprietors of the *Glastonbury*
'Navigation and Canals, Number , being dated the
'Day of for securing the Principal Sum of
'and the Interest now due and hereafter to become due thereon, and
'all my Right and Property therein, to the said *C. D.*, his Executors,
'Administrators, and Assigns. In witness whereof I have hereunto
'set my Hand and Seal this Day of in the Year
'of our Lord .'

And every such Transfer shall, within Forty Days after the Date thereof, be produced and certified to the Clerk to the said Company, who shall thereupon cause an Entry or Memorial to be made thereof, containing the Date, Names of the Parties, and the Sums of Money thereby transferred, in the said Book or Books to be kept for entering the said original Mortgages, for which last-mentioned Entry such Clerk shall be paid the Sum of Two Shillings and no more; and after such Entry made, every such Assignment shall entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the full Benefit of the original Mortgage, and it shall not be in the Power of any Person or Persons who shall have made any such Assignment or Assignments at any Time afterwards to make void, release, or discharge the original Mortgage, or any Money thereby secured, or any Part thereof; and the Interest of the Money to be so borrowed by Mortgage as aforesaid shall be paid from Time to

The Interest of the Money borrowed to

be paid in preference to Dividends.

to Time, to the several Persons entitled thereto, in preference to any Interest or Dividends due and payable by virtue of this Act to the said Company, or to any of them.

Company may raise Monies on their Promissory Notes.

LVII. Provided always, and be it further enacted, That it shall be lawful for the said Company, in case they shall think it meet and expedient, to borrow any Part or Parts of the said Sum of Eighteen thousand Pounds upon Promissory Notes, under the Common Seal of the said Company, and such Notes shall be made payable in such Manner, and at such Time or Times, and with such legal Rate of Interest, as the said Company shall think proper.

To enable Company to borrow Exchequer Bills on the Credit of the Act.

LVIII. And be it further enacted, That it shall be lawful for the said Company to borrow of and from the Commissioners for carrying into Execution an Act of Parliament made and passed in the Third Year of the Reign of His present Majesty, intituled *An Act to amend Two Acts, of the Fifty-seventh Year of His late Majesty and the First Year of His present Majesty, for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on public Works and Fisheries, and Employment of the Poor; and to authorize a further Issue of Exchequer Bills for the Purposes of the said Acts*, such Sum or Sums of Money as the said Company may deem expedient for the Purposes of this Act, upon Mortgage or Assignment of the said Undertaking, and of all Tolls authorized to be collected and received by this Act; subject nevertheless to such of the Provisoes and Conditions particularly mentioned and expressed in the said Act of the Third Year of His present Majesty, and the Acts therein recited and referred to, and in such Form as the said Commissioners for the Issue of Exchequer Bills shall direct and appoint.

Exchequer Bill Commissioners to have Priority.

LIX. And be it further enacted, That any Mortgage or Assignment which shall be given by the said Company to the said Commissioners for the Issue of Exchequer Bills shall have Priority over and shall precede all other Mortgages or Securities granted by the said Company; any thing in this Act, or in any Mortgage or Security which shall hereafter be granted as aforesaid, to the contrary in anywise notwithstanding.

First and other General Meetings.

LX. And be it further enacted, That the said Company shall hold their first Meeting at some convenient Place within the Town of *Glastonbury* aforesaid, on the Third *Tuesday* after the passing of this Act, or as soon after as conveniently may be, between the Hours of Ten in the Morning and Four in the Afternoon; and the Proprietors of the said Undertaking then and there assembled shall then and there proceed in the Execution of this Act, and shall and may adjourn such Meeting from Time to Time, and from Place to Place, as they shall think fit; and from and after the said first General Meeting there shall be a General Meeting of the said Company on the Second *Tuesday* in the Month of *June* in each and every Year, or on some other Day within the Space of Fourteen Days next following, in case the said Company shall at any Time or Times appoint such other Day; and it shall also be lawful to hold such and so many Special General Meetings of the said Proprietors as shall be called as hereinafter

after provided; and of all such General Meetings, (except General Meetings held on the said Second *Tuesday* in the Month of *June*,) and of all Special General Meetings, public Notice shall be given Ten Days at least before the Day of holding the Meeting, Once at least, by Advertisement in some Newspaper published in the County of *Somerset*, and which Notice of every Special General Meeting shall specify the Purpose for which any such Special General Meeting is called; and all such General Meetings and Special General Meetings may be adjourned from Time to Time, and from Place to Place, as shall be found expedient; and all and every the Proprietors of the said Undertaking shall be entitled to vote at every such Meeting, and to give One Vote for and in respect of each and every such Share (not exceeding Ten Votes to each Proprietor), which Vote or Votes shall and may be given by him, her, or them, personally, or by his, her, or their Proxy or Proxies, duly constituted under the Common Seal of any Corporation, or under the Hand of any other such Person or Persons, or in case of the Infancy or Lunacy of any such Person or Persons, then under the Hand or Hands of his, her, or their Guardian or Guardians, Committee or Committees, as the Case may be, every such Proxy being a Proprietor of the said Undertaking; and every such Vote by Proxy shall be as good and valid to all Intents and Purposes as if such Principal or Principals had voted in Person; the Appointment of which Proxies may be made according to the Form or to Effect following:

Form of Proxy.

'I of being a Proprietor of Share [*or* of Shares, *as the Case may be*] in the Capital or Joint Stock of the *Glastonbury* Navigation and Canal Company, do hereby nominate, constitute, and appoint of to be my Proxy, in my Absence to vote or give my Assent or Dissent to any Business, Matter, or Thing, relating to the Affairs of the said Company, which shall be mentioned or proposed at any Meeting of the said Company, in such Manner as the said shall think proper, according to his Opinion and Judgment, for the Benefit of the said Company or their Undertaking, or any thing appertaining thereto. In witness whereof I have hereunto set my Hand, the Day of in the Year of our Lord .'

All Questions to be decided by the Majority of Votes.

And every Election of Committees and Officers, and every Question, Matter, and Thing whatsoever, which shall be proposed, discussed, or considered in any General or Special Meeting of the said Company, to be held by virtue of this Act, shall be finally determined by the Majority of Votes then present, by Principals and Proxies, computing One Vote for every Fifty Pounds Share; but no Proprietor shall be entitled to give more than Ten Votes on any One Question, although such Proprietor may be possessed of or entitled to more than Ten Shares in the said Undertaking, and no Person shall be Proxy for more than Five absent Proprietors, nor for more than Twenty Shares; and at every such Meeting One of the Proprietors then present shall be appointed Chairman, who shall not only be entitled to vote according to his Number of Shares as a Proprietor and as a Proxy, but, in case of an Equality of Votes upon any Question, shall also have and be entitled to give, as such Chairman, another or the decisive and casting

Vote: Provided always, that for the Purpose of constituting a Meeting as aforesaid, there shall be Proprietors present (as Principals or Proxies) who together shall be possessed of One hundred and fifty Shares at the least.

Committee of Directors.

LXI. And be it further enacted, That the said Company, at their First General Meeting, or at some Adjournment thereof, or at any Special General Meeting, shall or may choose, elect, and appoint Five or more Members of the said Company, being at the Time of such Election respectively possessed of Four Shares at the least in the said Undertaking, to be the First Committee of Directors for managing the Affairs of the said Company.

Committee to serve until the next General yearly Meeting.

LXII. And be it further enacted, That the several Persons so elected and appointed the First Committee of Directors shall continue in Office and be respectively Members of the said Committee until the General Annual Meeting of the said Company which shall be held in the Month of *June* in the Year of our Lord One thousand eight hundred and twenty-eight, or within Fourteen Days thereof as aforesaid, in case they shall so long continue Proprietors respectively, and until other Proprietors of the said Undertaking shall be appointed in their or any of their Stead as herein-after mentioned; and at such General Annual Meeting of the said Company, and also at every succeeding General Annual Meeting, or at some Adjournment thereof respectively, Five Proprietors of the said Undertaking shall be elected and appointed to be the Committee of Directors for the ensuing Year for managing the Affairs of the said Company, and the respective Members of every such Committee shall continue in their Offices until the ensuing General Annual Meeting of the said Company, in case they shall so long continue Proprietors of the said Undertaking, and also until others or another shall be duly elected into their or any of their Places, in case they shall continue Proprietors respectively, but every or any Member of any such Committee whose Office shall have expired shall nevertheless be re-eligible, and may be re-elected a Member of the Committee of Directors for the ensuing Year: Provided always, that no Person holding any Office, Place, or Employment, or being concerned or interested in any Contract or Contracts under the said Company, shall be capable of being chosen to serve or of serving on any such Committee.

Committee to be annually elected.

For supplying Vacancies in Committee.

LXIII. And be it further enacted, That when and so often as any Member of the Committee of Directors, to be elected by virtue of this Act, shall die, or shall cease to be a Proprietor of a Share in the said Undertaking, or be otherwise disqualified from acting as a Member of such Committee, or shall by Writing under his Hand, delivered to the Clerk of the said Company, decline or refuse to act, it shall be lawful for the said Committee of Directors, or for the remaining Members thereof, to elect some other Proprietor to be a Member of the said Committee; and every such Proprietor so elected to fill any such Vacancy shall continue in his Office as a Member of the said Committee so long as the Person in whose Place or Stead he was elected would have been entitled to have continued had he lived, or continued a Proprietor of a Share in the said Undertaking.

General Meetings for choosing Committees to consist of 150 Shares.

LXIV. Provided always, and be it further enacted, That if at any General Meeting there shall not be Proprietors present who together shall be possessed of or entitled to One hundred and fifty Shares or upwards in the said Undertaking, either as Principals or Proxies, no Choice of a Committee shall be made, nor shall any Order, Bye Law, Rule, or Regulation be made or altered at that Time, but in such Case such General Meeting shall stand adjourned to that Day Fortnight, to be held at the same Place; and if a sufficient Number of Proprietors, as Principals or by Proxies, shall not then attend, then such General Meeting shall again stand adjourned to that Day Fortnight, and so on from Time to Time as often as it shall so happen, and until at any such General Meeting there shall be a sufficient Number as aforesaid of Proprietors, as Principals or Proxies, present, and such Choice of such Committee shall then take place and not before; and the Committee last appointed shall continue to act, and have the same Powers as they had and were possessed of, until a new Committee shall be appointed as aforesaid.

Special Meetings of Proprietors may be convened.

LXV. And be it further enacted, That Three or more Proprietors of the said Undertaking, holding in the Aggregate Twelve Shares or upwards, may at any Time, by Writing under their Hands, left at the Office of the said Company, or given to any Member of the said Committee of Directors, or left at his last or usual Place of Abode, require the Committee of Directors to call a Special General Meeting of the said Company, and such Requisition shall fully express the Objects for which such Special General Meeting is required to be called; and the said Committee of Directors shall thereupon call such Meeting, by Advertisement in some Newspaper published or circulated in the said County of *Somerset*, specifying that such Meeting will be held on some Day within Twenty Days after the Date of Publication of such Newspaper; and in case of Neglect or Refusal of the said Committee for the Space of Ten Days to call such Meeting by Advertisement as aforesaid, then it shall and may be lawful for such Three or more Proprietors to call such Special General Meeting, by Advertisement in some Newspaper published or circulated in the said County of *Somerset*, specifying the Objects for which such Special General Meeting is so called, and appointing the same to be held within Twenty Days after the Date of Publication of such Newspaper; and the said Company are hereby authorized to meet in pursuance of such Notice; and such of the Proprietors of the said Undertaking as shall be present shall proceed to the Execution of the Powers by this Act given to the said Company, with respect to the Matters only specified in such Notice as aforesaid; and all such Acts of the Proprietors, or the major Part of them assembled at every such Special General Meeting, shall be as valid, with respect to the Matters specified in such Notice, as if the same had been done at a General Meeting at the Time hereinbefore appointed for holding the same.

General Meetings may make Bye Laws, &c.

LXVI. And be it further enacted, That the said Company shall have full Power and Authority from Time to Time, at any such General or Special Meeting as aforesaid, to make such Orders, Bye Laws, and Rules, as to the Proprietors assembled thereat shall seem right

right and proper for the good Government of the said Undertaking, and for regulating the Proceedings of their Committee of Directors, and for the Regulation of all Officers, Workmen, and Servants to be employed in or about the Affairs of the said Company, and for the well and orderly Superintendence, Conduct, and Management of the said Navigation and Canals, and the Locks, Dams, Weirs, Wharfs, Cranes, Warehouses, Towing Paths, Ways, Roads, Bridges, and other Works and Conveniences belonging or requisite thereunto, and for regulating the Commencement, Continuance, Suspension, Cessation, Time, and Order of the passing, repassing, and navigating of all Ships, Boats, Barges, and other Vessels, Persons, Horses, and Carriages, and the Structure, Dimensions, Form, and Manner of building and constructing all such Ships, Boats, Barges, and other Vessels as shall from Time to Time be used upon the said Navigation and Canals, Towing Paths, Roadways, or Wharfs, and of the Oars, Poles, Wheels, Engines, and other Implements to be used about or with the same respectively, 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 Merchandise, and for the Superintendence and Management of the said Undertaking in all respects whatsoever; and from Time to Time to alter or repeal such Orders, Bye Laws, and Rules or Regulations, or any of them, and to make others; and to impose and inflict any reasonable Fines and Forfeitures upon all Persons offending against the same, not exceeding the Sum of Five Pounds for any One Offence, such Fines and Forfeitures to be levied and recovered by such Ways and Means as are hereinafter mentioned; which said Orders, Bye Laws, and Rules, or such of them as shall concern or relate to the using of the said Navigation and Works, and the Roads and Ways belonging thereto, or to the Conduct and Behaviour of Boatmen, Watermen, Bargemen, and others conveying Goods thereon, or to the Conduct or Behaviour of any Officers, Servants, or other Persons employed in or about the said Navigation and Works, or of the Persons resorting to or making use thereof, being reduced into Writing under the Common Seal of the said Company, and printed and published, and painted on Boards, in large Characters, shall be hung up and affixed on the Front of the several Toll Houses to be erected on and near the said Navigation, Canals, and Works, and in some conspicuous Place or Places upon or near or adjoining to all the principal Wharfs on the said Navigation and Canals, and shall from Time to Time be renewed, as often as the same or any Part thereof shall be obliterated, defaced, or destroyed; and such Orders, Bye Laws, and Rules shall be binding upon and observed by all Parties, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall in the Execution of this Act act under the same; provided that such Orders, Bye Laws, and Rules be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, or to any Directions in this Act contained; and all such Orders, Bye Laws, and Rules shall be subject to Appeal in manner herein-after mentioned.

Appointment of Treasurer and Clerk.

LXVII. And be it further enacted, That the said Company shall, at their First General Meeting, or at some Adjournment thereof, and afterwards from Time to Time, when necessary, at any future General

General Meeting, elect and choose, and under their Common Seal appoint a Treasurer or Treasurers to the said Company, and also a Clerk, and shall take good and sufficient Security from such Treasurer or Treasurers for the due and faithful Execution of his or their Office or Offices; and whenever any such Treasurer or Clerk shall die, or quit the Service of the said Company, it shall be lawful for the Committee of Directors 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 Appointment of such Clerk, Treasurer or Treasurers, by the Committee of Directors, shall be confirmed under the Common Seal of the said Company, or some other Clerk, Treasurer or Treasurers, shall be elected and appointed as aforesaid; and it shall be lawful for the said Company, in any such General Assembly, to remove or displace any Person or Persons who shall have been chosen an Officer or Officers by virtue of this Act, and to appoint another or others in his or their Stead.

Treasurer to give Security.

LXVIII. Provided always, and be it further enacted, That it shall not be lawful for the said 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, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, to be the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, to be the Clerk to the said Company; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person, being the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Company other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance, shall be allowed.

Same Person not to be Clerk and Treasurer.

LXIX. And be it further enacted, That it shall and may be lawful for the said Company, or their Committee of Directors, or any Three or

Appointment of Superintendents and

other Officers, Collectors, &c.

or more of them, and they are hereby authorized, empowered, and required, from Time to Time to nominate and appoint a Superintendent or Superintendents of the Works of the said Company, when they shall think it expedient and necessary so to do, and such Engineers, Surveyors, Collectors of the Tolls, Rates, and Duties, or other Officers (except such as are directed to be appointed only by General Meetings of the said Company), as they shall think proper, for the better carrying the Purposes of this Act into Execution, (taking good and sufficient Security from all Collectors and other Officers who shall have the Care and Custody of any Money to be raised or 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 Superintendents, Engineers, Surveyors, Collectors, or other Officers, and appoint others in their Stead, as there shall be occasion; and that all such Superintendents, Engineers, Surveyors, Collectors, or other Officers, 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 and Administrators of those who may happen to die, shall immediately thereupon produce and deliver up to the said Company, or their Committee of Directors, 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 Superintendents, Engineers, Surveyors, Collectors, or other Officers, Executors or Administrators respectively, in anywise relating to the said Undertaking; and the said Company, or their Committee of Directors, or any Three or more of them, shall have full Power and Authority, and they are hereby required, when and as often as they shall think fit, to call for, audit, and settle all Accounts of Monies received, paid, laid out, and disbursed, for or on account of the said Company or the said Undertaking, 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 same Undertaking.

If discharged Collector or Warehouseman, Wharfinger, or other Officer in Possession of Houses or Buildings of the Company, refuse to quit, any Justice may remove the Party.

LXX. And be it further enacted, That in case any Collector of the said Tolls, Rates, or Duties, or any Wharfinger, Keeper, or other Officer, Agent, or Servant of the said Company, who shall quit or be dismissed from such Offices, shall refuse to deliver up the Possession of any Counting-house or Offices, or any Dwelling Houses, Buildings, and Appurtenances, or any Books, Papers, or other Matters and Things belonging to the said Company, in his Possession, Custody, or Power, in right of his or their Appointment or Appointments to such Office or Offices, within Ten Days after Notice given to him or them, or left at any such Buildings or Dwelling Houses, or at his or their then Dwelling House, under the Hands of any Three or more of the said Company, or of the Clerk of the said Company, by Direction of the said Company or their Committee of Directors; or if the Widow or any of the Family of any such Collector, Wharfinger, Warehouse-keeper, or other such Officer, Agent, or Servant who shall so die as aforesaid, or any other or others who shall be in Possession of the Premises by any Means whatsoever, shall refuse to deliver up such Houses or Offices, Dwelling Houses and Appurtenances, Books,

Papers, and other Matters and Things, within Ten Days after Notice shall have been given or left on the Premises, signed as aforesaid, then and in every or any such Case or Cases it shall and may be lawful for any Justice of the Peace for the County, Liberty, or Place wherein the Premises shall be situate, or where such Books, Papers, and other Matters and Things shall then be, to order any Constable or other Peace Officer, with such Assistants as shall be necessary, to enter such Counting-houses or other Offices, Dwelling Houses, Buildings, and Premises, with the Appurtenances, in the Day-time, and thereout and therefrom to remove all Persons whomsoever who shall be found therein, together with their Goods and Chattels, and to take Possession of all Books, Papers, Matters, and Things which shall be found therein, and to deliver Possession thereof to the said Company, or to whom they shall appoint to receive the same.

Treasurer and other Officers to account,

LXXI. And be it further enacted, That every such Treasurer, Superintendent, Engineer, Surveyor, Clerk, Collector, and every other Officer and Person so to be appointed as aforesaid, shall, under their Hands, at such Time or Times and in such Manner as the said Company or their Committee of Directors, or any Three or more of them, shall appoint, deliver to the said Company, or their Committee of Directors, or to such Person or Persons as they shall name or appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and also all Monies which shall have been by such Officers and 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 over all such Balances or Sums of Money as shall remain in their respective Hands to the said Company, or their Committee of Directors, or to such Person or Persons as they shall appoint; and if such Treasurer, Superintendent, Engineer, Surveyor, Clerk, Collector, Officer, or Person shall refuse to produce and deliver up such Receipts or Vouchers, or to make Payments as aforesaid, or shall not deliver to the said Company or their Committee of Directors, or to such Person or Persons as they shall appoint, within Twenty-one Days after being thereunto required by the said Company or their Committee of Directors, or any Three or more of them, all Books, Papers, and Writings in his or their Custody or Power relating to the said Navigation and Canals, 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 Company or their Committee of Directors, or as they shall order or appoint, then and in any of the Cases aforesaid the said Company may and are hereby authorized and empowered to bring or cause to be brought any Action or Actions against the Treasurer, Superintendent, 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 Officers or Persons respectively; or if Complaint shall be made by the said Company, or their Committee of Directors, or any Three or more of them, or any Person or Persons to be by them appointed for that Purpose, of any such Refusal or Neglect as aforesaid, to any One or more of the Justices of

and pay over Balances;

or in default of Payment, Company may recover by Action,

or before One or more Justice or Justices by Distress, &c.

of the Peace for the County, Liberty, or Place wherein the said Treasurer, Superintendent, Engineer, Surveyor, Clerk, Collector, or other Officer or Person 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 or their Hand and Seal or Hands and Seals, to cause such Officer or Person so neglecting or refusing to be brought before him or them, and upon the Appearance of the Party or Parties, or upon his or their 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, the same Justice or Justices shall and may 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, being of the Society of Quakers, upon solemn 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 or raised by virtue of this Act shall be in the Hands of such Officer or Person, such Justice or Justices may and is and are hereby authorized, empowered, and required, upon Nonpayment thereof, by 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 Officer or Officers, or Person or Persons respectively; and if no Goods or Chattels of the Person or Persons against whom such Warrant or Warrants shall be granted can be found sufficient to answer and satisfy the said Money and the Charges of making and levying such Distress, or if such Officer or Officers, Person or Persons, shall persist in refusing or neglecting to deliver up all such Books, Papers, and Writings as aforesaid, to the said Company or their Committee of Directors, or as they shall appoint, then and in any of the Cases aforesaid such Justice or Justices shall commit any such Offender to the Common Gaol or House of Correction for the County or Place where such Offender shall be or reside, at the Discretion of such Justice or Justices, there to remain, without Bail or Mainprize, until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Company, and shall have paid such Composition in such Manner as the said Company, or their Committee of Directors, or any Three or more of them, shall appoint, and until he shall deliver up such Books, Papers, and Writings as aforesaid, or give Satisfaction in respect thereof to the said Company or their Committee of Directors: Provided always, that no Treasurer, Superintendent, 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 Six Calendar Months.

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

General Powers of Committee.

LXXII. And be it further enacted, That the said Committee of Directors, or any Three or more of them, shall from Time to Time and at all Times when necessary have full Power and Authority to meet and adjourn; and at all Meetings of the said Directors One of the Members present shall be appointed Chairman; and at any such Meeting the said Directors shall have full Power and Authority to contract for and

and purchase all such Lands, Tenements, or Hereditaments which shall or may be wanted for making or maintaining the said Navigation and Canals, or for any of the Purposes of this Act; 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 of this Act; and to enter into and make such Contracts, Bargains, or Agreements with any Engineer or Engineers, Surveyors, Agents, Workmen, Servants, or other Persons, for maintaining or improving the said Navigation and Canals, and for making, erecting, or constructing any Works necessary for maintaining or improving the said Navigation and Canals, or for any Purposes whatsoever touching the same, or the Execution of this Act, as they shall think fit; 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 Company in such Manner and for such Purposes as they shall think proper (by which Use thereof the said Company shall be bound); and generally to direct and manage all the Business and Affairs of the said Company, and to exercise and perform all Acts, Matters, and Things which the said Company are by virtue of the Powers and Provisions of this Act authorized and empowered to do, save and except only such as are hereby expressly directed to be done by the Proprietors at large, present at any General or Special Meetings of the said Company, to be held as herein mentioned; and on all Matters, Questions, and Proceedings which shall be discussed by the said Committee of Directors, each individual Director present in Person shall have One Vote, and in case of an Equality of Votes, the Chairman shall have the casting Vote; and all Acts and Proceedings of any Three or more of the said Committee of Directors, in execution of the Powers or Provisions of this Act, shall be as valid and effectual as if all the Members of the said Committee had concurred in and executed the same.

Power of Committee to make Calls.

LXXIII. And be it further enacted, That the Committee of Directors of the said Company shall be and they are hereby empowered from Time to Time to make such Call or Calls of Money from the Subscribers to and Proprietors of Shares in the said Undertaking, their Heirs, Successors, Executors, Administrators, and Assigns, to defray the Expences of or to carry on the same, as they from Time to Time shall find wanting and necessary for those Purposes, so that no such Call shall exceed the Sum of Ten Pounds at any One Time upon any One Share which any Person or Persons shall or may be possessed of or entitled unto in the said Undertaking, and so that such Calls shall not be made but at the Distance of Three Calendar Months at the least from each other; and Twenty-one Days Notice at the least shall be given of all such Calls as aforesaid, by Advertisement in some Newspaper published or usually circulated in the said County of *Somerset;* and every Owner or Proprietor of any Share or Shares in the said Undertaking, or his, her, or their Heirs, Successors, Executors, Administrators, or Assigns, shall pay his, her, or their respective rateable Proportions of the Monies to be called for as aforesaid, to such Person or Persons, and at such Time and Place or Times or Places, as the said Committee shall from Time to Time direct and appoint; and if any Person or Persons shall neglect or refuse to pay

his, her, or their respective rateable or proportionable Part or Share of the said Money so called for as aforesaid, at the Time and Place to be appointed as aforesaid, it shall be lawful for the said Company to sue for and recover the same in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Wager, or Protection of Law, or more than One Imparlance, shall be allowed; or the said Company may, and they are hereby authorized, at a General Meeting, to declare the Shares belonging to any Person refusing or neglecting to pay any such Call in manner as aforesaid to be forfeited to and for the Use and Benefit of the other Proprietors of the said Undertaking; and all Shares which shall or may be so forfeited shall be vested in the said Company, and be sold at a public Sale by the said Company for the most Money that can be gotten for the same; and the Produce thereof shall be applied and disposed of in manner by this Act directed: Provided nevertheless, that no Advantage shall be taken of any Forfeiture of any Share or Shares in the said Undertaking, until Notice in Writing, under the Hand of the Clerk or Treasurer of the said Company, shall have been given, or sent by the Post to, or left at the usual Place or Places of Abode of the Owner or Owners of such Share or Shares respectively, nor until the same Share or Shares shall have been declared to be forfeited at some General Annual Meeting of the said Company, or at some Special General Meeting which shall be held after the End of One Calendar Month from the Day on which such Notice of Forfeiture shall have been given; and every such Forfeiture shall be an absolute Indemnification and Discharge to and for the Proprietor or Proprietors, and their Executors, Administrators, Successors, and Assigns, so forfeiting, against all Actions, Suits, and Prosecutions for or on account of not paying up such Calls; and every Share so sold shall be transferred to the Purchaser or Purchasers thereof by the said Company, under their Common Seal; and the Proprietor or Proprietors of such Shares so sold and transferred shall be and be deemed a Member or Members of the said Company to all Intents and Purposes whatsoever, and shall be entitled to all the same Privileges and Advantages, and be subject to all the same Liabilities as if he, she, or they had been a Subscriber or Subscribers to the said Undertaking.

No Advantage to be taken of Forfeiture of Shares without Notice.

If the Purchase Money be more than sufficient to pay the Arrears of Calls, Interest, and Expences, the Surplus to be paid to the Owner.

LXXIV. Provided also, and be it further enacted, That in case the Money produced by the Sale of any Share or Shares shall be more than sufficient to pay all such Arrears of Call as aforesaid, and lawful Interest thereon, with the Expences attending such Sale or Sales, the Surplus of such Money shall be paid on Demand to the Person or Persons to whom such Share or Shares shall have belonged; but the said Company shall not 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 Call, to pay the Arrears due from such Defaulter or Defaulters for or on account of such Call or Calls, and the Interest and Expences attending the same; and from and after the Payment of all such Calls, and the Interest and Expences as aforesaid, any Share or Shares so vested in such Company as aforesaid, which shall remain in their Hands unsold, shall revert to and again become the Property of the Person or Persons, or his, her, or their Executors or Administrators, to whom such

Share or Shares shall have belonged immediately before such Forfeiture as aforesaid, in such Manner as if such Calls had been duly and regularly paid.

Proceedings in Actions for Calls.

LXXV. And be it further enacted, That in any Action to be brought by the said Company against any Proprietor or Proprietors, or Owner or Owners 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 allege that the Defendant or Defendants, being a Proprietor or Proprietors of such or 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 or so many Sum or Sums of Money upon such or so many Share or Shares belonging to the said Defendant or Defendants, (as the Case may happen to be,) whereby any 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 only be necessary to prove that the Defendant or Defendants at the Time of making such Call or Calls was or were a Proprietor or Proprietors of some Share or Shares in the said Undertaking, and that such Call or Calls was or were in fact made, and that such Notice thereof was given as is directed by this Act, without proving the Appointment of the Committee who made such Call or Calls, or any other Matter whatsoever; and the said Company shall thereupon be entitled to recover what shall appear due, unless it shall appear that any such Call exceeded Ten Pounds at any One Time upon any One Share, or was not made after the Interval of Three Calendar Months from the last preceding Call, or was made without Notice given in any Newspaper as aforesaid.

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

LXXVI. And be it further enacted, That no Person or Persons shall sell or transfer any Share or Shares which he, she, or they shall possess in the said Undertaking, after any Call shall have been made by the said Committee for any Sum or Sums of Money in respect of such Share or Shares, unless he, she, or they, at the Time of such Sale or Transfer, shall have paid or discharged to the Treasurer of the said Company, or to such Person or Persons as the said Committee shall appoint to receive the same, the whole and entire Sum of Money which shall have been called for in respect of each Share so sold or transferred.

The Person whose Name stands first as a joint Proprietor with others, to be deemed the Owner, and be entitled to vote.

LXXVII. And be it further enacted, That whenever Two or more Persons shall be jointly possessed of or entitled to any Share or Shares in the said Undertaking, the Person whose Name shall stand first in the Books of the said Company as Proprietor of such Share or Shares shall, for the Purposes of this Act, be deemed and taken to be the Proprietor or Owner of such Share or Shares; and all Notices hereby required to be given to the Proprietor or Owner of any Share or Shares in the said Undertaking shall and may be given or sent to such Person whose Name shall so stand first in the Books of the said Company, and such Notice to such Person shall be deemed and taken to

be

be a sufficient Notice to all the Owners or Proprietors of such Share or Shares for all the Purposes for which such Notice is intended to be given; and such Proprietors or Owners shall be entitled to give their Vote or Votes in respect thereof by the Person whose Name shall stand first in the Books of the said Company as Proprietor of such Share or Shares, and whose Vote shall, either in Person or by Proxy, on all Occasions be deemed and allowed to be the Vote for or in respect of the whole Property in such Share or Shares, without Proof of the Concurrence of the other Proprietor or Proprietors of such Share or Shares.

Lunatics and Minors to vote by Committees and Guardians.

LXXVIII. And be it further enacted, That in case any Proprietor or Proprietors entitled to vote at any such Meetings as aforesaid shall be a Lunatic or Lunatics, or a Minor or Minors, such Lunatic or Lunatics shall or may vote at such Meeting or Meetings by his, her, or their Committee, or any One of such Committee, and such Minor or Minors shall and may vote by his, her, or their Guardians, or any One of such Guardians; provided that such Committee or Guardian may also vote in right of his own Shares as well as in the Character of Committee of any Lunatic or Lunatics, or of Guardian of any Minor or Minors, on the same Occasion.

Proprietor in arrear not to vote at Meetings.

LXXIX. And be it further enacted, That no Proprietor in arrear for any Call shall at any Meeting be allowed to vote or give his Voice in the Agitation or Decision of any Question respecting the Concerns of the said Company, either personally or by Proxy or as Proxy, until such Time as he shall have paid all such Arrears as may be due from him in respect of such Calls.

As to making up Accounts and Division of Profits annually.

LXXX. And in order to ascertain the Amount of the clear Profits of the said Undertaking, be it further enacted, That the said Company, or their Committee of Directors, shall and are hereby required to cause a true, exact, and particular Account to be kept, and annually made up and balanced Ten Days at the least before each General Annual Meeting, of the Money collected or received by the said Company, or their Committee of Directors, or otherwise, for the Use of the said Company by virtue of this Act, and of the Charges and Expences attending the erecting, making, supporting, maintaining, and carrying on the said Undertaking and Works, and of all other the Receipts and Expenditure of the said Company, or their Committee of Directors; and at the General Annual Meeting of the said Company to be from Time to Time holden as aforesaid, or at some Adjournment thereof, a Dividend shall be made out of the clear Profits of the said Undertaking, unless such Annual Meeting shall declare otherwise; and such Dividend or Dividends shall be at and after the Rate of so much *per Centum* upon the several Sums invested by the respective Proprietors in the Joint Stock of the said Company, as such Meeting or Meetings shall think fit to appoint and determine: Provided always, that no Dividend shall be declared or paid until the General Annual Meeting which shall be holden next after the Expiration of Twelve Calendar Months from the passing of this Act: Provided also, that no Dividend shall be made whereby the Capital of the said Company shall be in any Degree reduced or impaired, nor shall

shall any Dividend be paid in respect of any Share or Shares after a Day appointed for Payment of any Call for Money in respect thereof, until such Call shall have been paid.

Books of Account to be kept, and declared to be the Property of the Company.

LXXXI. And be it further enacted, That proper Books of Account, and other Matters relating to the said Navigation and Undertaking, shall be kept, and the same shall be deposited, under the Direction of the said Company or their Committee of Directors, at such Place or Places as they shall from Time to Time appoint, and every Proprietor or Proprietors at all reasonable Times shall have free Access to the same, for his, her, or their Inspection, without Fee or Reward; and in One or more of such Book or Books to be provided by the said Company for that Purpose, the Clerk to the said Company shall enter and keep a true and perfect Account of the Names and Places of Abode of the several Members of the said Company and Proprietors of the said Navigation, and of the several Persons who shall from Time to Time become Owners or Proprietors of or entitled to any Share or Shares therein, and of all Acts, Proceedings, and Transactions of the said Company, and of all Receipts, Payments, and Disbursements under this Act; and each of the said Members and Proprietors 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 within Five Days after Demand thereof, at the Rate or Price aforesaid, he shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds; and all Books of Account, and other Books, Accounts, Writings, and Papers whatsoever, which shall be in the Custody of any Treasurer, Superintendent, Engineer, Surveyor, Clerk, Collector, and every other Officer and Person to be appointed as aforesaid, his Executors or Administrators respectively, in anywise relating to the said Navigation and Canals, 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 Company.

Names of Proprietors and Number of Shares to be entered into a Book.

LXXXII. And be it further enacted, That the said Company shall, as soon as the same can be done, cause the Names and Additions of the several Persons who shall be entitled to any Share or Shares in the said Capital or Joint Stock, 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 of the said Company, and after such Entry to cause the Common Seal of the said Company to be affixed to such Entry; which said Book shall from Time to Time be altered and corrected, and new Books shall from Time to Time be sealed with the said Common Seal, as the Change of Proprietors and Transfers of Shares shall render necessary or expedient; and the said Clerk shall also cause as many Tickets or Instruments to be prepared as there shall be Shares in the said Capital or Joint Stock, bearing respectively the same

Ticket for Shares to be delivered to Subscribers.

same Numbers as in the said Books, and the said 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 (whether by Securities as aforesaid or in Money) towards the said Undertaking, upon Demand, a Ticket or Tickets specifying the Share or Shares to which he or she is entitled in the said Joint Stock or Undertaking; and every such Subscriber shall pay to the Clerk of the said Company, or there shall be paid to the said Clerk by the said Company, out of the Joint Stock or Funds of the Company, One Shilling 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, Successors, or 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 or otherwise, as the Account shall be made up, his or her Share of the Profits of the said Navigation and Undertaking in respect thereof; which said Ticket shall be in the Words or to the Effect following; (that is to say,)

To be Evidence of Subscriber's Title.

Form of the Ticket.

'*Glastonbury* Navigation and Canals.

'Number

'THESE are to certify, That of is [*or* are] a Member [*or* Members] of the Company of Proprietors of the *Glastonbury* Navigation and Canals, and is [*or* are] possessed of the Share or Number in the said Navigation or Undertaking, subject to the Rules, Orders, and Regulations of the said Company; and that the said his [her *or* their] Executors, Administrators [*or* Successors], or Assigns, is [*or* are] entitled to the Profits and Advantages of the said Share. Given under the Common Seal of the said Company, the Day of in the Year of our Lord .'

The Persons whose Names appear in Register Book to be deemed Proprietors.

LXXXIII. 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 Register Books of the said Company, either as a Proprietor or Proprietors of One or more Share or Shares in the said Navigation and Canals, whether as original Subscribers, or as Successors, Executors, Administrators, or Assigns of original Subscribers, or as Creditor or Creditors on the said Navigation as aforesaid, shall be deemed and taken to be Proprietors of the several Shares standing in the said Books in his, her, or their respective Names, and as Creditors for the Sums mentioned therein, and shall be subject to such Rules, Orders, and Regulations to which Proprietors of Shares in or Creditors on the said Navigation are subject and liable; and all Payments of Interest and Dividends due and to grow due on any such Shares, or on or in respect of any Securities on the said Navigation as herein-before mentioned, shall be made to such Persons as by the said Books shall so appear to be Proprietors thereof or Creditors thereon as aforesaid;

and that no Assignment, Transfer, or Bargain or Sale of any Share or Shares, or other Instrument giving Title thereto, or to any Securities on the said Navigation, or the Monies thereby secured, which shall not have been brought to the said Clerk to be entered as directed by this Act, shall be given or admitted as Evidence to make the said Company liable to the Payment of any Interest or Dividends to any other Person or Persons than such as appear upon the said Books to be a Proprietor or Proprietors of such Shares, or Holders or Holder of such Securities as aforesaid, but that in all such Cases, unless where it shall be expressly proved that the said Books are defective by reason of some Default or Neglect of the said Clerk, the said Books shall be considered as sufficient and conclusive Evidence of the Right and Title in and to the said Shares and Securities respectively.

For giving new Shares or Tickets and Securities, in case of the old ones being damaged or destroyed.

LXXXIV. And be it further enacted, That in case any Tickets or Transfers, Assignments or Instruments, denoting the Ownership of Shares or Securities, shall be worn out or damaged, then, and upon the same being produced and shown at some General Assembly of the said Company, such Tickets or Transfers, Assignments or Instruments, shall be cancelled and destroyed, and other original Tickets and Securities given under the Common Seal of the Company, of correspondent Numbers to the said original Tickets and Securities, to the Persons in whom the Property of such Shares or Securities shall be at any Time vested; and in case such Tickets, Transfers, Assignments, or Instruments shall be burnt or destroyed, then, upon satisfactory Proof thereof, like new or original Tickets and Securities shall be given to the Person or Persons who was or were the Owner or Owners of those so burnt or destroyed, so as that a due Entry of the same had been duly made by the Clerk of the said Company, and of any Transfers of the same (if any made in manner herein directed), for which the Sum of Two Shillings and Sixpence, and no more, shall be paid to such Clerk for each such new or original Ticket and Security.

Shares may be sold.

LXXXV. And be it further enacted, That it shall be lawful for the several Proprietors of Shares in 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 of in consideration of
'paid to me by of do hereby bargain,
'sell, assign, and transfer to the said Executors,
'Administrators, and Assigns, Share or Shares in the
'Joint Stock or Capital of the Company of Proprietors of the
'*Glastonbury* Navigation and Canals, being No. of the
'Shares in the said Navigation; to hold to the said
'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

‘ 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 .’

Conveyance of Shares to be entered in Company's Books.

And in 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 of the said Company shall have registered in a proper Book or Books to be provided by the said Company, and kept for that Purpose, any Entry of such Transfer and Sale, for the Use of the said Company, and shall have testified or indorsed the Entry of such Transfer accordingly on the same, for which Two Shillings and Sixpence, and no more, shall be paid; and the said Clerk is hereby required to enter the same accordingly; and until the same shall have been entered as above directed, such Purchaser or Purchasers shall have no Part of the Profits of the said Navigation, nor any Dividend on such Share or Shares paid unto him, her, or them, or any Vote or Votes in respect thereof, as Proprietor or Proprietors in the said Navigation.

Regulation as to Acquisition of Shares:

LXXXVI. And whereas by the Marriage or Death of Proprietors of Shares in the said Navigation it may be difficult to ascertain to whom the Dividends arising or becoming due upon such Shares ought to be paid or may belong; be it therefore further enacted,

By Marriage:

That before any Person or Persons who shall claim any Part of the Profits of the said Navigation in Right of Marriage shall be entitled to receive the same, or be entitled to vote in respect of any Share, an Affidavit, or solemn Affirmation by any Person of the Society of Quakers, in Writing, containing the Copy of the Register of such Marriage, or other Particulars of the Celebration thereof, shall be made and sworn to, or solemnly affirmed, by some credible Person, before a Master or Master Extraordinary in Chancery, or any 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 and Transfer of Sales of Shares in the said Navigation; and before any Person or Persons who shall claim any Part of the Profits of the said Navigation by virtue of any Bequest or Will, or in 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 shown to the said Clerk, or a Copy of so much of such Will as shall relate to the Share or Shares of the Testator or Intestate, shall be made or sworn to, or solemnly affirmed to, by the Executor or Executors of the said Will, or the Administrator or Administrators of the Intestate with the Will annexed, before a Master or Master Extraordinary in Chancery, or any One of His Majesty's Justices of the Peace as aforesaid, and shall also be transmitted to the said Clerk, who shall file and enter the same as herein-

By Will, or in Course of Administration:

By any other Means.

before mentioned; and in all Cases other than herein-before mentioned, when the Right and Property of any Share or Shares in the said Navigation shall pass from any Proprietor or Proprietors thereof

to

to any Person or Persons by any other legal Means than by a Transfer and Conveyance thereof as herein directed, an Affidavit or solemn Affirmation in Writing shall be made and sworn to, or solemnly affirmed, by One or more credible Person or Persons, before a Master or Master Extraordinary in Chancery, or any One of His Majesty's Justices of the Peace as aforesaid, stating the Manner in which such Share or Shares have or hath passed to such other Person or Persons; and such Affidavit or solemn Affirmation 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 of the said Navigation: Provided always, that such and similar Entries shall be made in the Register Book of the said Company, of all Acquisitions or Devolutions of Mortgages, Assignments, or Securities on the said Tolls, Rates, and Duties (if any), by Sale or Assignment, Marriage, Will, Intestacy, or by any other Means as aforesaid, in order to ascertain the Parties who shall from Time to Time be Creditors on the said Navigation, and entitled to receive the Interest of or Dividends in respect of such Mortgages, Assignments, or Securities as aforesaid, as herein-before directed with respect to Shares in the Joint Stock of the said Company, *mutatis mutandis;* and the Clerk of the said Company shall be entitled to receive for each and every such Entry herein-before directed the Sum of Two Shillings and Sixpence, and no more.

The like as to Mortgages or Securities on the Navigation.

LXXXVII. And be it further enacted, That if the said Company or their Committee of Directors shall deem it expedient, out of any Surplus of Money, or otherwise, to buy up any Share or Shares in the said Navigation or Undertaking which shall be offered to Sale, then and in such Case it shall be lawful for any General Meeting of the said 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 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 any Sum of Money which may be wanted for or towards erecting, rebuilding, or repairing of any Buildings or Works requisite for or belonging to the said Navigation and Canals, or for any other Purpose necessary for carrying on, continuing, and maintaining the same.

The Company may buy up Shares.

LXXXVIII. And be it further enacted, That it shall and may be lawful for the said Company, or such Person or Persons as they shall appoint, from Time to Time and at all Times hereafter to ask, demand, recover, and receive any such Sum or Sums of Money as shall be from Time to Time fixed by the said Company at any of their General Meetings to be held in pursuance of this Act, not exceeding the several Tolls, Rates, and Duties herein-after mentioned; (that is to say,)

Company may take Tolls.

For every Ton of Coals, Culm, Coke, Cinders, Charcoal, Timber, Iron, Bricks, Tiles, Stone, Slate, Turf, and Manure, carried and conveyed upon the said Navigation and Canals, or any Part thereof, a Sum

a Sum not exceeding One Shilling and Sixpence, and so in proportion for any greater or less Quantity than a Ton:

And for every Ton of Cheese, Timber, and other Goods, Wares, Merchandise, and Commodities, or other Matter or Thing whatsoever, carried and conveyed upon the said Navigation and Canals, or any Part thereof, a Sum not exceeding Three Shillings, and so in proportion for any greater or less Quantity than a Ton.

For ascertaining Weight of Timber and light Goods.

LXXXIX. And be it further enacted, That Forty Cubic Feet of Oak, Ash, Elm, Beech, Birch, or other Timber, and Fifty Cubic Feet of Fir or Deal, Balk, and all other Descriptions of light Goods, 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.

Table of Tolls to be put up.

XC. And be it further enacted, That after any Toll House or Place for receiving Tolls shall be erected or set up by virtue of this Act, the said Company or their said Directors shall and they are hereby required to put up or cause to be put up, and afterwards to be continued, at every such Toll House or Place, a Table, painted in distinct and legible Black Letters on a Board with a White Ground, having at the Top thereof the Name of the House or Place at which the same shall be put up, and also a List of all the Tolls and Rates of Tonnage payable at every such House or Place, distinguishing the several Tolls and Rates to be paid by virtue of this Act, and to renew such Boards whenever any of the Letters or Figures thereof shall be worn out, defaced, or obliterated: Provided always, that it shall not be lawful for the said Company to demand or take, or cause to be demanded or taken, any Rates for or in respect of any Goods, Wares, or Merchandises, or other Things, but for and during such Time as the Board so painted as aforesaid shall remain affixed at such Toll House or Place.

Power to Collectors to weigh, measure, or gauge Goods in dispute.

XCI. And be it further enacted, That if any Dispute or Difference shall arise between the Collectors of the Rates and Duties made payable by this Act, and the Owner, Master, or Person having Charge of any Ship, Boat, Barge, or other Vessel, or the Owner of any Goods, Wares, and Merchandise, or other Things chargeable with or liable to the Payment of any of the said Tolls, Rates, and Duties, concerning the Weight and Quantity of the same, it shall and may be lawful for such Collector to stop and detain any such Ship, Boat, Barge, or other Vessel, and to weigh, measure, or gauge, or cause to be weighed, measured, or gauged, all such Goods, Wares, and Merchandise or other Things as shall be in any Vessel or Vessels, where and when any Dispute shall arise; and in case such Goods, Wares, and Merchandise or other Things shall, upon such weighing, measuring, or gauging, appear to be as much Weight or Quantity as, or of greater Quantity than, such Collector did insist and affirm the same to be before the weighing, measuring, or gauging thereof, so as to make the same chargeable with or liable to the Payment of as much Money as, or more Money than, was demanded by the Collector before the weighing, measuring, or gauging of such

Goods, Wares, and Merchandises or other Things, then and in such Case the Master or Owner of such Ship, Boat, Barge, or other Vessel, or the Owners of such Goods, Wares, and Merchandises so weighed, measured, or gauged, shall pay the Costs and Charges of such weighing, measuring, or gauging thereof; all which said Costs and Charges, upon Refusal of Payment thereof on Demand, shall and may be recovered as the Rates and Duties made payable in and by this Act are appointed to be recovered; but in case such Goods, Wares, and Merchandises or other Things shall, upon such weighing, measuring, or gauging, appear to be of no greater Weight or Quantity than the Master or Owner declared the same to be before the weighing, measuring, or gauging thereof, then and in such Case such Collector shall pay the Costs and Charges of such weighing, measuring, or gauging, and shall also pay the Master or Person having the Charge of such Ship, Boat, Barge, or other Vessel, or to the Owner or Owners of such Goods, Wares, and Merchandise, One Shilling for every Hour that such Ship, Boat, Barge, or other Vessel shall be detained by occasion of such weighing, measuring, or gauging, and so in proportion for any greater or less Time than an Hour; and in default of immediate Payment thereof the same shall be levied by Distress and Sale of the Goods and Chattels of such Collector, or of the said Company, by Warrant or Warrants under the Hand and Seal of any Justice of the Peace for the County, Liberty, or Place where such Collector shall reside, rendering the Overplus to the Owner or Owners thereof after such Distress and Sale made, if any be.

Company may vary the Tolls.

XCII. And be it further enacted, That it shall be lawful for the said Company from Time to Time to lower or reduce all or any of the Tolls, Rates, and Duties hereby granted, and afterwards from Time to Time to raise all or any of the said Tolls, Rates, and Duties which shall have been so lowered or reduced; provided always, that the Tolls, Rates, and Duties so to be advanced or raised as aforesaid shall not in any Case exceed the respective Sums granted and limited by this Act.

May demise the Tolls.

XCIII. And be it further enacted, That it shall and may be lawful for the said Company at any General or Special Meeting, by any Instrument in Writing under their Common Seal, to let or demise all or any Part or Parts of the said Tolls, Rates, and Duties granted by 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 gotten for the same, by public Bidding or otherwise, provided that Fourteen Days previous Notice be given in some Newspaper published in the said County, of the Intent to lease or demise the said Tolls, Rates, and Duties, and so as the Person or Persons renting or agreeing to take the same shall give satisfactory Security, by Articles in Writing, for the true Performance of his, her, or their Bargain, Contract, or Agreement; and the Person or Persons so renting or agreeing to take the said Tolls, Rates, and 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 Company, and shall have the same

Powers

Powers and Remedies thereof as the said Company, or the Collectors so to be appointed by them.

For Recovery of Tolls, Rates, and Duties.

XCIV. And be it further enacted, That the Tolls, Rates, and Duties by this Act authorized to be taken, shall be paid to such Person or Persons, at such Place or Places upon or near to the said Navigation and Canals, and in such Manner and under such Regulations, as the said Company or their Committee of Directors shall in that Behalf direct or appoint; and in case of Neglect or Refusal to pay any such Tolls, Rates, and Duties, or any Part thereof, unto the Person or Persons who shall be appointed to receive the same, it shall be lawful for the Person or Persons to whom such Tolls, Rates, 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, Merchandises, or Commodities for or in respect of which such Tolls, Rates, or Duties ought to have been paid as aforesaid, or any Part thereof, and the Ship, Boat, Barge, or other Vessel laden therewith, or any other Ship, Boat, Barge, or other Vessel, Goods or Commodities, belonging to the Owner of such first-mentioned Ship, Boat, Barge, or other Vessel, and lying and being upon the said Navigation or Canals, or any of them, or upon any Wharf or any Warehouse adjoining thereto, and to detain the same respectively until full Payment shall be made of such Tolls, Rates, and Duties, and of all Arrears of the same which shall or may be then due from the Owner of such Ship, Boat, Barge, or other Vessel, to the said 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.

The Navigation shall be free on Payment of Rates.

XCV. And be it further enacted, That all Persons whosoever shall have free Liberty to navigate upon the said Navigation or Canals, or any Part thereof, with any Vessels suited to the Construction of the Locks and Depth of Water in the said Navigation and Canals, and to use the said Towing Paths for hauling and drawing such Vessels, upon Payment of such Rates and Duties as shall be demanded by the said Company, not exceeding the Rates herein-before mentioned, and subject always to the Rules, Bye Laws, and Constitutions which shall from Time to Time be made by the said Company by virtue of the Power granted to them by this Act.

Masters of Vessels to give an Account of their Loadings.

XCVI. And be it further enacted, That every Master or other Person having the Command of any Ship, Boat, Barge, or other Vessel passing on the said Navigation or Canals, shall make and give a just, true, and perfect Account or Report in Writing, signed by himself, unto such Person or Persons as shall from Time to Time be nominated and appointed by the said Company or their Committee of Directors for that Purpose, or to collect such Tolls, Rates, and Duties as aforesaid, and at such Place or Places as shall be assigned and appointed for the Attendance of such Person or Persons, Collector or Collectors, for that Purpose, of the Quantity, Quality, and Weight of such Goods, Wares, Merchandise, and other Commodities and Things which shall be in or belong to such Ship, Boat, Barge, or

or other Vessel, and also of the Quantity, Quality, and Weight of such Goods as shall have been discharged or taken out of such Ship, Boat, Barge, or other Vessel, within the Limits of the said Navigation and Canals, before their Arrival at the Place where such Account or Report is to be made and given; and in failure of making and giving such Account or Report, or in case of his or their making or giving a false Account or Report, every such Master or other Person having the Command of such Ship, Boat, Barge, or other Vessel, shall forfeit and pay any Sum not exceeding the Sum of Ten Pounds for every such Offence.

Power for Justices in case of Disputes to settle Rates.

XCVII. And be it further enacted, That in case any Dispute or Disputes shall arise concerning the Amount of Tolls, Rates, or Duties due, or the Charges of keeping or selling any Distress, such Dispute or Disputes shall and may be heard and determined by some Justice of the Peace for the County, Liberty, or Place where the Causes of Dispute shall arise, who, upon Application made to him, shall examine the Matter upon Oath or Affirmation of the Parties or other Witness or Witnesses, (which Oath and Affirmation every such Justice is hereby authorized and empowered to administer,) and shall determine the Amount of Toll due, and other Matters aforesaid in dispute between the Parties, and may also award such Costs to be paid by either Party to the other, as to such Justice shall seem just and reasonable; all which Costs, in case the same shall not be forthwith paid, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Person or Persons so awarded or directed to pay the same, by Warrant under the Hand and Seal of such Justice (which Warrant every such Justice is hereby empowered to issue), and the Overplus (if any) after Payment of such Costs, and the Costs of such Distress and Sale, shall be returned, upon Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained.

A Reservation of Rights to Land Owners, Lords of Manors, &c.

XCVIII. Provided always, and be it further enacted, That it shall and may be lawful for the Lord or Lords of the respective Manors, and the Owners and Occupiers of any Lands or Tenements adjoining to the said River *Brue*, and Navigable Canals, or any of them, to use any Pleasure Boat or Boats upon the same, without the Hinderance or Interruption of the said Company, or any of them, and without paying any of the Tolls, Rates, or Duties aforesaid, so as such Pleasure Boat or Boats is or are not used for carrying Stone, Slate, Wood, or any other Goods, Wares, or Merchandises, Matter or Thing, charged or chargeable with any of the Duties by this Act granted and made payable, or do not pass through any Lock or Locks to be erected upon the said Navigation and Canals; and the Lord or Lords of the respective Manors, or any other Person whosoever, shall have full Liberty to fish, fowl, and exercise all other Royalties to which they are now legally entitled, any thing herein contained to the contrary notwithstanding; so that the Exercise of such Rights and Royalties shall not interfere with or interrupt the Execution of this Act, or the free Use of the said Navigation and Canals.

Directing in what Manner the Banks shall be repaired.

XCIX. And be it further enacted, That from and after the said Navigation shall be completed, the Banks adjoining the said Parts of the said River *Brue* shall, as often as occasion requires, be amended, sustained, and kept by the several Owners and Proprietors or Persons liable to the Repair thereof, save and except in such Parts of that Portion of the River *Brue* lying between *Cripps's House* and *Highbridge Lower Floodgates* aforesaid, as the said Company shall then or shall thereafter have deepened, widened, or interfered with in any other Manner than by the Formation of a Towing Path.

Bridges or Arches to be made where the Canal crosses Roads.

C. And be it further enacted, That the said Company shall, at their own Costs and Charges, from Time to Time make, maintain, and support a good and sufficient Bridge or Bridges, Arch or Arches, Passage or Passages, across the said Navigation and Canals, in all Places where the same shall cross any Carriage Road or Horse Road or Footway, either public or private, for the Use of the Public, or of the Persons entitled to use such Roads or Ways respectively; and shall also, at their like Costs and Charges, from Time to Time make, maintain, and support such and so many other convenient Bridges, Arches, or Passages over or across the said Navigation or Canals, or any Brooks, Streams, Drains, or Watercourses running into the same, or into the said River *Brue*, in such Places and in such Manner as the Justices of the Peace of the County or Liberty where such Bridges, Arches, or Passages shall be situate, shall, at their General or Quarter Sessions, from Time to Time judge necessary and appoint, for the Use of the Owners and Occupiers of the Lands, Grounds, and Hereditaments adjoining to the said Navigation and Canals, or any of them: Provided always, that nothing herein contained shall extend to exempt any Person or Party from the Repairs of any Bridges, Arches, Ways, or Passages already built or made, or to be hereafter built or made, to the Repairs of which such Person or Party is or are or may be liable by Law, and which shall not have been erected or altered by the said Company: Provided also, that the several Bridges to be erected over the said Drains called *Cut* and the *South Brue Drain*, shall not be of less Breadth of Waterway than Sixteen Feet at the least.

Limiting the Ascent to Bridges.

CI. And be it further enacted, That the Ascent to every Bridge made or to be made over the said Navigation or Canals, for the Purpose of any public Road, shall not be more than One Foot in Thirteen Feet, and that the Fence on each Side of such Bridge shall not be less than Four Feet above the Surface of such Bridge.

For fencing off Towing Paths.

CII. And be it further enacted, That the said Company shall at their own proper Costs and Charges, and if required so to do by the Owners of the Lands and Premises through which the same shall pass, (but not otherwise,) divide and separate, and keep constantly divided and separated, the Towing Paths on the Side of the said Navigation and Canals, or such Part or Parts thereof respectively as shall be declared necessary by any Two Justices of the Peace for the County, Liberty, or Place where such Towing Paths shall be situate, from the adjoining Lands or Grounds, by Posts and Rails, Hedges,

Walls, Ditches, Trenches, Banks, or other sufficient Fences, to be set out and made on the Lands or Grounds of the said Company, or which have been or shall be purchased for the Purposes of the said Navigation; 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 Posts, Rails, Hedges, Ditches, Trenches, Banks, and other Fences so set up and made for the Purposes aforesaid, and shall also, at their own like Costs and Charges, from Time to Time make, maintain, and support such and so many convenient Gates and Stiles in and through all such Hedges and Fences on the Side of such Towing Paths, within such Time and in such Manner as any Two Justices of the Peace of such County or Liberty shall from Time to Time judge necessary and appoint, for the Use of the Owners and Occupiers of the Lands and Grounds and Hereditaments adjoining to the said Navigation and Canals.

If Company neglect to make Bridges, &c. Land Owners, &c. may do it at the Company's Expence.

CIII. And be it further enacted, That in case the said Company, or their Officers or Servants, shall refuse or neglect to make, maintain, or support such Bridges, Arches, or Passages, or to divide and separate, and keep divided and separated, the said Towing Paths, or to make, maintain, and support such Gates and Stiles in and through the Fences on the Sides of the said Towing Paths, or to make, maintain, and support such Arches, Drains, and Passages for Water, and Watering Places for Cattle, as herein-before mentioned, for the Space of Fourteen Days next after Notice thereof in Writing shall have been given to the said Company by or on behalf of the Owners or Occupiers of any Lands and other Hereditaments, or other Person or Persons who shall find himself, herself, or themselves aggrieved by or by reason of any such Refusal or Neglect, then and in every such Case it shall and may be lawful for every or any of the Owners or Occupiers of the adjacent Lands, Grounds, or Hereditaments, or other Person or Persons who shall find himself, herself, or themselves aggrieved by such Neglect or Refusal (after having applied for and obtained the Approbation of and Order in Writing from any Two or more of the Justices of the Peace for the County, Liberty, or Place where such Lands, Grounds, or Hereditaments shall be situate which Order the said Justices are hereby authorized and empowered from Time to Time, as often as there shall be occasion, at their Discretion to make and grant,) to make, erect, and set up or repair all such Bridges, Arches, Passages, Fences, Gates, Stiles, Watering Places for Cattle, and other Conveniences as shall be necessary, and to maintain, repair, and support any such Works from Time to Time as occasion shall require, so that in making and maintaining such Works the said Navigation or Canals, and the Banks thereof, or the Fences 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 by the said Company to the Person or respective Persons who shall have so erected and made, repaired or maintained, such Works as aforesaid; and upon Refusal or Neglect of the said Company to pay the said Costs and Charges, the same shall or may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company, by

by Warrant under the Hands and Seals of the said Justices, rendering to the said Company the Overplus, after Payment of such Costs and Charges, and the reasonable Expences of such Warrant, Distress, and Sale, and which Warrant such Justices are hereby empowered to grant.

Proper Places to be made for Vessels to turn or lie in for others to pass.

CIV. And be it further enacted, That the said Company shall and may and they are hereby required, in such Parts of the said Navigation of Canals as shall not be of a sufficient Breadth for admitting a Ship, Boat, Barge, or other Vessel to turn about or lie, or Two Ships, Boats, Barges, or other Vessels to pass each other, to open, cut, or make proper Places or Spaces in the Lands adjoining thereto (not being a Yard, Garden, Orchard, Park, Paddock, Plantation, or Avenue to a House), at convenient Distances from each other, for the turning, lying, or passing of such Vessels; and the said Vessels sailing or being hauled or navigated upon the said Navigation and Canals shall, upon meeting any other Vessel, stop at, or go back to, and lie in such Spaces or Places in such Manner as the said Company, or their Agents or Officers, shall direct or appoint, or otherwise the Master or Owner thereof shall forfeit and pay any Sum not exceeding Five Pounds.

Goods not to remain upon the Wharfs for more than Twenty-four Hours.

CV. And be it further enacted, That it shall not be lawful for any Person who shall have landed or laid any Goods, Wares, or Merchandises, or any other Things whatsoever, upon any of the Quays, Wharfs, or Landing Places belonging to the said Navigation or Canal, or to the said Company, to permit the same or any Part thereof to remain longer than Twenty-four Hours, without the Licence and Consent of the said Company, or their Committee of Directors, or any Three or more of them, 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 Merchandises 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 Twenty-four 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, or their Committee of Directors, or any Three or more of them, for that Purpose, to remove such Goods, Wares, and Merchandises, 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 Twenty-eight Days after Demand by the Collector or Agent of the said Company, the Goods or 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 Two or more Justices of the Peace for the County, Liberty, or Place where such Wharfs, Quays, or Landing Places shall be situate.

Allowance for Goods remaining upon Wharfs.

CVI. And be it further enacted, That if any Goods, Wares, or Merchandise or other Things whatsoever, which shall be carried or conveyed upon the said Navigation or Canals, shall remain in or upon any Warehouse or Warehouses, Wharf or Wharfs, erected or to be erected

erected for the Use of the said Navigation, for or above the Space of Twenty-four Hours, then and in such Case the Owner or Owners of such Goods, Wares, Merchandise, or other Things, shall pay such further Rates for the same, over and above the Tolls, Rates, or Duties herein-before granted or authorized to be taken, as the said Company at any General Meeting shall fix and ascertain: Provided always, that no more than the Sum of Three-pence *per* Ton shall be demanded or taken by the said Company, or any of their Officers or Servants, for the Wharfage or Warehousing of any Goods or other Things, unless such Goods or other Things shall remain on or in such Wharf or Warehouse longer than Six Days.

Recovery of Warehouse Rent.

CVII. And be it further enacted, That the Rates for Wharfage or Warehouse Room for Goods, Wares, and Merchandise, which shall be delivered upon or into the Wharfs or Warehouses of the said Company, shall in every Case be payable and paid within Two Calendar Months next after the same shall have been received upon or into such Wharfs or Warehouses, or in case such Goods, Wares, or Merchandise shall be removed from the Wharfs or Warehouses of the said Company before the Expiration of Two Calendar Months, then the said Rates shall be payable and paid in respect of the same previous to such Removal thereof; and in case Default shall be made in Payment of the said Rates, or any of them, for the Space of One Calendar Month next after the Expiration of such Two Calendar Months as last aforesaid, it shall be lawful for the said Company to sell or cause to be sold all or any Part of such Goods, Wares, and Merchandise, for which the said Rates or any Part thereof shall remain payable, and out of the Monies thence arising to retain and pay all the Rates which shall be payable to the said Company in respect of such Goods, Wares, and Merchandise, and all Charges and Expences of making such Sale, returning the Overplus (if any) of the Monies arising by the said Sale, and such of the said Goods, Wares, and Merchandise as shall remain unsold, to the Person or Persons who shall be entitled thereto.

Penalty on Bargemen suffering the Water to remain in any Lock longer than is necessary, and not properly opening and shutting the Gates of the Lock.

CVIII. And be it further enacted, That no Boatman, Bargeman, or other Person navigating any Ship, Boat, Barge, or other Vessel upon the said Navigation or Canals, and passing through any Lock to be made upon the same, shall suffer the Water to remain in the Lock longer than shall be necessary for his Vessel to pass through any such Lock; and every such Boatman, Bargeman, or other Person as aforesaid, in going down the said Navigation or Canals, shall shut the lower Gates of such Lock before he or they shall draw the Cloughs of the upper Gates thereof, and after he or they shall have brought his or their Vessel into the said Lock, shall shut close the upper Gates before he or they shall draw the Cloughs of the lower Gates thereof; and in going up the said Navigation or Canals shall, as soon as he or they shall have passed with his or their Vessel out of the said Lock, shut the upper Gates of the said Lock, and afterwards draw the Cloughs of the lower Gates, unless there shall be then a Vessel in sight from the said Lock coming down the said Navigation or Canals, in which Case the lower Gates of the said Lock shall be left shut, and the upper Gates shall be left open; and in all dry

Seasons, whenever there shall be a Scarcity of Water in the said Navigation or Canals, the Vessel going up the same, if within Sight from or within the Distance of Three hundred Yards below any Lock, shall pass through such Lock before the Vessel coming down, and the Vessel next above shall come down; and whenever in such dry Seasons there shall be a Scarcity of Water, and there shall be more Ships, Boats, Barges, or other Vessels 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 and made), such Vessels shall go up and come down by such Lock by Turns as aforesaid, till all the other Vessels within such Distance going up or coming down shall have passed, by which means One Lock full of Water may serve Two or more Vessels; and every Person offending in all or any of the Cases aforesaid, and being convicted thereof before any Justice or Justices of the Peace of the County or Place where such Lock or Locks are situate, upon the Oath of One or more credible Witness or Witnesses, shall for every such Offence respectively forfeit and pay any Sum not exceeding Five Pounds.

Penalty on Lock Keepers, &c. giving undue Preference.

CIX. 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 to any Ship, Boat, Barge, or other Vessel, in passing through any Lock or Locks upon the said Navigation and Canals, or in loading or unloading any Goods, Wares, or Merchandises, at any of the Wharfs, Warehouses, Weighbeams, Cranes, or other Machines belonging to the said Company, every Person so offending shall upon Conviction forfeit and pay any Sum not exceeding Five Pounds.

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

CX. And be it further enacted, That every Owner, Master, or Person having the Charge or Command of any Ship, Boat, Barge, or other Vessel navigating or passing on the said Navigation or Canals, shall cause his or her Name and Place of Abode, and the Name or Number of his or her Ship, Boat, Barge, or other Vessel, to be entered with the Clerk to the said Company; and shall also cause the Name of such Owner, Master, or other Person as aforesaid, and the Name or Number of such Ship, 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 Ship, Boat, Barge, or other Vessel, so high that no Part of such Letters or Figures shall be under Water when any such Ship, Boat, Barge, or other Vessel shall be fully laden; and every Owner, Master, or Person having the Charge or Command of any such Ship, 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 who shall be appointed for that Purpose by the Company, or their Committee of Directors; and shall also, at his, her, or their own Costs and Charges, fix or cause to be fixed on each Side of such Vessel Two Indexes of Copper, Lead, or other Metal, of such graduated Fixtures, denoting the Weight or Tonnage, at such Distances and under such Regulations as the said Company, or their Committee of Directors, shall from Time to Time direct or appoint, so that the true Weight of the Lading of every such

Boats, &c. to be gauged, and graduated Indexes affixed.

Ship, Boat, Barge, or other Vessel may at all Times clearly appear; and every Owner, Master, or other Person having the Charge or Command of any Vessel, who shall navigate the same on the said Navigation and Canals without having such Names, Marks, or 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 Company, or their Committee of Directors, or shall otherwise deface or destroy the same, or any Part thereof, or shall put any false Names, Marks, or Figures on such Vessel, or shall refuse to permit any such Vessel to be gauged or measured as aforesaid, and also any Master, Owner, or other Person having the Charge or Command of any Vessel, who shall navigate the same upon the said Navigation and Canals, and who shall cause or permit such Vessel to be at any Time unloaded without a Stage being laid from the Side of any such Vessel or Raft to the Bank of the said Navigation and Canals, 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 Twenty Pounds.

Penalty on Managers of Vessels obstructing the Passage.

CXI. And be it further enacted, That if any Person having the Care and Management of any Ship, Boat, Barge, or other Vessel, shall put or lay such Ship, Boat, Barge, or other Vessel in any Part of the said Navigation or Canals, or any of them, so as to obstruct the Passage of any other Vessel, or hinder the opening or shutting of any of the said Locks, and shall not with all convenient Speed, upon Request made, remove such Ship, Boat, Barge, or other Vessel, he shall for every such Offence forfeit and pay any Sum not exceeding the Sum of Five Shillings for every Hour such Ship, Boat, Barge, or other Vessel shall continue to obstruct such Passage or prevent the opening or shutting of any Lock as aforesaid; and it shall be lawful for the Agents or Servants of the said Company, or any of them, to cause any such Ship, Boat, Barge, or other Vessel to be unloaded, if necessary, and to be removed in such Manner as shall be proper for avoiding any Obstruction in the Navigation and in the Use of such Locks, and to detain such Ship, Boat, Barge, or other Vessel, and the Loading thereof, or any Part of such Loading, until the Charges occasioned by such Removal are discharged, paid, and satisfied.

Vessels sunk to be weighed up by the Owners immediately.

CXII. And be it further enacted, That if any Ship, Boat, Barge, or other Vessel shall happen to be sunk in the said Navigation and Canals, or any of them, and the Owner or Person having the Charge, Command, or Rule thereof do not without Loss of Time weigh or draw up the same again, and haul the same out of the Way of other Vessels passing and repassing upon the said Navigation, it shall and may be lawful for the Agents and Servants of the said Company to cause such Vessel to be weighed or drawn up, and to detain and keep the same till Payment be made of all Expences occasioned thereby; and if Payment be not made within Twenty-one Days after such Ship, Boat, Barge, or other Vessel be drawn up, then and in such Case it shall and may be lawful for such Agents and Servants to cause Sale to be made thereof, for reimbursing the said Expences and other incidental Charges, returning the Overplus (if any) to the Owner or Master of the same.

CXIII. Pro-

Penalty on Persons throwing Ballast, &c. into the Navigation.

CXIII. Provided always, and be it further enacted, That if any Person or Persons shall wilfully throw any Ballast, Gravel, Stones, Rubbish, or Dirt into any Part of the Navigation and Canals, or any of them, or any Cuts made from or into or to communicate with the same, every Person so offending, and being convicted thereof before any Justice of the Peace for the County, Liberty, or Place where the Offence shall be committed, upon the Oath of One or more Witness or Witnesses, shall forfeit and pay any Sum not exceeding the Sum of Twenty Shillings.

Penalty on Persons obstructing the Navigation without Cause.

CXIV. And be it further enacted, That if any Owner or Occupier of any Lands, Hereditaments, and Premises within the Limits of the said Navigation, or other Persons employed by him, her, or them, or any other Person or Persons, shall willingly or wilfully do, or cause or permit to be done, any Act, Matter, or Thing whatsoever, whereby or by means whereof the said Navigation shall be interrupted or obstructed, impeded or prevented, and not shew sufficient Cause in extenuation, to be allowed by the Justice before whom Complaint of the Offences shall be made, every such Owner, Occupier, or other Person whosoever, shall for every such Offence forfeit and pay any Sum not exceeding the Sum of Five Pounds; provided that nothing herein contained shall extend to any Act lawfully done by any Person or Persons under the Authority of the Commissioners of Sewers.

Penalty upon Persons maliciously or wantonly opening Locks or drawing Cloughs, &c.

CXV. And be it further enacted, That if any Person or Persons shall maliciously or wantonly open or cause to be opened any Lock or Clough belonging to the said Navigation or Canals, or shall suffer any Ship, Boat, Barge, or other Vessel to be moored into or to lie under any of the Bridges in the said Navigation or Canals, or any of them, or shall leave the Water running through any of the Cloughs after any Ship, Boat, Barge, or other Vessel shall have passed any Lock belonging to the said Navigation or Canals; or if any Person or Persons shall draw or cause to be drawn any Clough or Cloughs in the Lock Gates on the said Navigation or Canals, or any of them, so as to mis-spend or waste the Water of the said Navigation, Cuts, or Canals, or any of them, to the Prejudice of the said Navigation, or having opened any Swing or Draw Bridge, shall leave the same open longer than necessary for the Passage of any Vessel; every such Person or Persons offending in any of the said Particulars, and being thereof convicted before One or more Justice or Justices of the Peace for the County, Liberty, or Place where such Offence shall be committed, upon the Oath or Affirmation of One or more Witness or Witnesses, shall forfeit and pay any Sum not exceeding the Sum of Five Pounds.

Persons damaging the Works to be adjudged guilty of Felony.

CXVI. And be it further enacted, That if any Person or Persons shall wilfully or maliciously, and to the Prejudice of the said Navigation or Canals, or of the Drainage or Sewage of the Country, break, throw down, damage, or destroy any Bank or other Works erected or made or to be erected or made for the Purposes thereof respectively, whereby the Waters shall be so much spent and wasted as thereby to hinder or prevent the said Navigation, or the said Drainage or Sewage,

Sewage, or whereby any of the fresh Water penned up by the closing of the Summer Gates at *Highbridge Tide Sluice* aforesaid (other than for the Purpose of Lockage) shall be spent and wasted, or do any other wilful Hurt or Mischief to obstruct, hinder, or prevent the carrying on, completing, supporting, and maintaining the said Navigation, and the Drainage and Sewage as aforesaid, such Person or Persons shall be adjudged guilty of Felony, and every such Felon shall be subject and liable to the like Pains and Penalties as in Cases of Felony; and the Courts by and before whom such Person or Persons shall be tried shall by virtue of this Act have Power and Authority to transport every such Felon for the Space of Seven Years, in like Manner as other Felons are directed to be transported by the Laws and Statutes of this Realm; or otherwise the Court may, in mitigation of such Punishment (if they shall think fit), award any such other Punishment as the Law directs in Cases of Petty Larceny.

To prevent Obstructions on Towing Paths.

CXVII. And be it further enacted, That if any Person or Persons shall cast or lay on any Part of any Bank or Towing Path belonging to the said Navigation or Canals, or any of them, any Dung, Manure, Dust, Ashes, Rubbish, or other Matter, otherwise than on the Wharfs or other Places for the loading or unloading of Goods, Wares, or Merchandise, or shall wash any Sheep on the Sides of the said Hauling or Towing Paths, or make a common Carriage or Riding or Horse or Driving Road for Cattle on or along such Hauling or Towing Paths (except as herein-before mentioned, and except such Right of Road or Way as any of the Occupiers of the adjoining Lands or Grounds now have and are legally entitled to for the necessary Occupation thereof), or shall bathe in the said Navigation or Canals, or any of them, without the Consent or Permission of the said Company or their Agents, he, she, or they shall for every such Offence respectively, and if more than One shall severally, upon Conviction, forfeit and pay any Sum not exceeding Forty Shillings; and it shall and may be lawful 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 such Offender or Offenders into the Custody of a Peace Officer, in order to be brought before some Justice of the Peace of the County, Liberty, or Place where such Offence shall be committed; and One Moiety of such pecuniary Penalty or Penalties, if paid, shall be paid to the said Company, and the other Moiety to the Informer.

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

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

Trespasses or Damages that shall or may be committed or done to the Owners or Occupiers of any Buildings, Lands, or Grounds adjoining or lying near to the said Navigation and Canals, or by drawing or leaving the Water running through any Clough or Cloughs in any of the said Locks or Cuts when such Ship, Boat, Barge, or other Vessel shall have passed through the same, and for any other Trespass or Offence whatsoever contrary to the several Directions and Restrictions in this Act contained, or any of them; and every such Master or Owner shall, upon Conviction before any Justice of the Peace, either upon Confession, or upon the Oath or Oaths, or (in case of any Person or Persons being of the Society of Quakers) on the solemn Affirmation or Affirmations of One or more credible Witness or Witnesses (which Oath or Oaths and solemn Affirmation or Affirmations such Justice is hereby empowered and required to administer and receive), pay the Person or Persons injured the Damages, to be ascertained by such Justice, provided such Damages shall not exceed the Sum of Twenty Pounds; and upon Nonpayment 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 the Provisions of this Act to be levied; or if the Damages shall exceed the Sum of Twenty Pounds, 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.

CXIX. And be it further enacted, That if the Owner or Owners of any Vessel navigating or passing on the said Navigation and Canals 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, or 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 Nonpayment thereof upon Demand, and Oath (or solemn Affirmation by any Person or Persons being of the Society of Quakers) made by such Owner or Owners of the Payment made by him or them of such Penalty or Satisfaction for Damages, and 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 or solemn Affirmation to be made before any One or more of the Justices of the Peace of the County, Liberty, or Place where such Penalty shall have been recovered), the Amount thereof shall be recovered in like Manner as such Penalties or Satisfaction for Damages are by the Provisions of this Act to be recovered.

Allowing the Owners of Lands to make Branch Canals and Railways.

CXX. And be it further enacted, That it shall be lawful for the Owners and Occupiers of the respective Lands or Grounds lying adjoining or near to the said Navigation and Canals, or any other Person or Persons whomsoever, to cut or make, either upon their own Lands or upon the Lands of other Persons, with the Consent of such other Persons, any collateral Branch or Branches, Railway or Railways, from their respective Lands or Grounds, to communicate with the said Canal, and to make at their own Expence such Openings in

the Sides of the said Canal as may be necessary and convenient for effecting such Communication, the same being done in such Manner and at such Times as shall cause as little Let, Hinderance, or Molestation as may be to the said Navigation and Canals, or the Persons using the same: Provided always, that the Person or Persons making every such Branch shall give to the said Company Twenty-one Days previous Notice of his or their Intention to make such Opening; and if thereunto required by the said Company, he or they shall also make, erect, and maintain to such Branch, to the Satisfaction of the said Company, a proper and sufficient Stop Gate or Stop Gates, in order to prevent the Water from being taken, drained, or wasted out of the said Navigation or Canals, by means of making any such Branch to communicate therewith; and provided also, that in every Case where such Branch shall be made or be intended to be made, so as to cut through, injure, or damage the Towing Path of the said Navigation or Canals, the Person or Persons making such Branch shall erect and build, previous to such cutting through, Injury, or Damage, and at all Times thereafter maintain, repair, and support, as Occasion shall require, a Bridge over such Branch, of such Dimensions and Construction and in such Situation as shall be approved of by any Two Justices of the Peace for the County of *Somerset*, with proper Approaches to such Bridge from and to the Towing Path of the said Navigation and Canals, suitable for the Use and Convenience of the Men and Horses employed in the towing, haling, or drawing of Ships, Boats, Barges, or other Vessels passing upon the said Navigation and Canals, such Bridge to be built of Brick, Stone, or Iron, and the said Company shall not receive any Tonnage for the passing of any Goods or other Things along such Branch or Branches, Railway or Railways, so to be made by any such Owner or Occupier, or Person or Persons as aforesaid.

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

CXXI. And be it further enacted, That if any Person or Persons whosoever shall take away any Stones, Gravel, Sand, Clay, Rubbish, Timber, or other Materials which shall have been cut, dug, or gathered by or by the Order of or for the said Company, in any Waste Lands, or open Fields or Grounds, Rivers or Brooks, for the Purposes of this Act, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

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

CXXII. And be it further enacted, That if any Person or Persons navigating or working or being on board any Ship, Boat, Barge, or other Vessel upon the said Navigation or Canals, shall have any Dog, or carry with him or them, or have on board any Vessel, any Fishing Net, Gun, Engine, or other Instrument for taking or destroying Fish or Game (not being qualified by Law so to do), and if any other Person or Persons whosoever shall fish in or upon the said Canals, not being One of the Proprietors of the same, and not having a Licence or Authority from the said Company so to do; such Person or Persons shall for every such Offence, being convicted thereof before any Justice of the Peace, forfeit and pay any Sum not exceeding Five Pounds; and in case any Master or other Person having the Rule or Command of any Vessel shall knowingly suffer or permit any Person or Persons (not being duly authorized so to do) to have any Dog, or

or 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.

In case of Nonpayment of Compensation for Materials or Damage by the Company, &c. the same to be levied by Distress of the Goods of such Company, &c.

CXXIII. Provided always, and be it further enacted, That when and as often as any Sum of Money shall be directed or ordered by any Justice or Justices of the Peace to be paid in pursuance of the Directions of this Act, as or by way of Compensation or Satisfaction for any Costs, Damages, Spoil, or Injury of any Nature or Kind whatsoever done or committed by the said Company, or by any Person or Persons acting by or under their Authority, and such Sum and Sums of Money shall not be paid by the said Company to the Party or Parties entitled to receive the same within Fourteen Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices, and delivered to the said Company, or to their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Action at Law against the said Company or their Treasurer, or by Distress and Sale of the Goods and Chattels of the said Company or of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant, under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the said Company, or their Treasurer for the Time being, as the Case may be.

Damages and Charges in Cases of Dispute to be settled by Justices.

CXXIV. And be it further enacted, That where by this Act any Damages or Charges are directed or authorized to be paid or recovered, in addition to any Penalty or Penalties for any Offence or Offences, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled, ascertained, and determined by the Justice or Justices of the Peace by or before whom any Offender shall be convicted of any such Offence or Offences, who is and are hereby authorized and required, on Nonpayment thereof, to levy such Damages or Charges by Distress and Sale of the Offender's Goods and Chattels, in manner directed by this Act for the levying of any Penalties or Forfeitures.

For Recovery and Application of Penalties.

CXXV. 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 the same is otherwise directed, shall

shall and may be made before One or more Justice or Justices of the Peace for the County, Liberty, 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 or Affirmation, to issue his or their Warrant or Warrants for the Apprehension of any such Person or Persons, and upon the Appearance or Nonappearance 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 or Affirmation, 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 Penalty or Forfeiture by virtue of this Act, or of any Bye Law made in pursuance thereof, imposed for any 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 or 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, or such Fine, Penalty, or Forfeiture shall not forthwith be paid, or in case it shall appear to the Satisfaction of such Justice or Justices, either by the Confession of the Offender or Offenders, or otherwise, that the Offender or Offenders hath or have not sufficient Goods and Chattels whereon such Fines, Penalties, or Forfeitures, Costs and Charges, may be levied were a Warrant of Distress issued, such Justice or Justices shall not be required to issue such Warrant of Distress; and thereupon 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 Offenders to the Common Gaol or House of Correction of the County, Liberty, or Place wherein such Justice or Justices shall have Jurisdiction respecting such Offence as aforesaid, at the Discretion of such Justice or Justices, there to be imprisoned only, or to be imprisoned and kept to hard Labour, 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, or Forfeitures, when recovered, shall, when the Application is not herein-before otherwise directed, be paid into the Hands of the Overseers of the Poor of the Township or Place where the Penalty shall be incurred, for the Use of the Poor of such Township or Place, and the Overplus (if any) arising by such Distress or Sale shall be (after Payment of the Penalty, and the Costs and Charges attending the same,) returned to the Owner of the Goods and Chattels so distrained, upon Demand.

Power to give Informer Part of Penalties.

CXXVI. Provided always nevertheless, and be it further enacted, That it shall and may be lawful for any Justice or Justices before whom

whom any such Conviction shall take place, if they shall think fit, to order and direct any Part of the said Penalties, Forfeitures, and Fines to be paid or applied 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 or Witnesses on the Trial of the Information or Informations, any thing herein contained to the contrary notwithstanding.

For apprehending and committing Offenders.

CXXVII. And be it further enacted, That it shall and may be lawful for any Person or Persons who shall see any Offence committed against the Provisions of this Act, by any Person destroying or doing any wilful Damage to the said Navigation or Canals, or any Buildings or Works thereto belonging, or otherwise, contrary to any other Provisions in this Act contained, to apprehend and detain any such Offender without any Warrant or other Authority than this Act, and to take such Offender, or cause him to be taken by some Constable or other Peace Officer, before any Justice of the Peace, as before mentioned.

For compelling Witnesses to attend.

CXXVIII. 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 any such Justice, 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.

Persons acting under Authority of Company not to be disqualified from being Witnesses.

CXXIX. And be it further enacted, That in case of any Dispute, Suit, or Litigation respecting the said Tolls, Rates, or Duties, or other Matter or Thing relating to the said Navigation, no Officers, Agents, or Servants of, or other Person or Persons acting by or under the Authority of the said Company or of this Act, shall for that Reason alone be disqualified from giving Evidence in such Dispute, Suit, or Litigation, respecting any thing ministerially done by them, or any of them, in the Execution of their respective Offices or Authorities.

Form of Conviction.

CXXX. And be it further enacted, That all and every Justice or 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 or the like Effect; (that is to say,)

'to wit. } BE it remembered, That on the Day of in the Year of our Lord ,
'*A. B.* is convicted before me *C. D.*, One of His Majesty's Justices of
'the Peace for the at , for that he the
'said *A. B.* at did
'[*as the Case may be, specify the Offence, and the Time and Place of committing it*], contrary to an Act passed in the Eighth Year of the
'Reign of King *George* the Fourth, [*here set forth the Title of this Act.*] Given under my Hand and Seal the Day and Year first above
'mentioned.'

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

CXXXI. 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 of 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 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.

Plaintiff not to recover without Notice, nor after Tender of Amends.

CXXXII. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action or Suit to be commenced against the said Company, or any Person or Persons, for any thing done in pursuance of this Act, or in execution of the Powers thereof, unless Notice in Writing shall have been given to the Defendant or Defendants, or left at his or their last or usual Place of Abode, or to the said Company, Thirty Days before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in any Action if Tender of sufficient Amends hath been made to him, her, or them, or to his, her, or their Attorney, by and on behalf of the said Company, or other Defendant or Defendants, before such Action shall have been brought; and in case no such Tender shall have been made, it shall be lawful for such Company or other Defendant or Defendants in any Action, by Leave of the Court, after such Action shall have been brought, and at any Time before Issue joined, to pay into Court such Sum of Money as the said Company or such other Defendant or Defendants as aforesaid shall think fit, whereupon such Proceedings, Order, and Judgment shall be made and given in and by such Court as in other Actions wherein Defendants are allowed to pay Money into Court.

Appeal to the Quarter Sessions.

CXXXIII. And be it further enacted, That any Person or Persons who shall think himself, herself, or themselves aggrieved by any Order or Judgment made and given in pursuance of any Rule, Bye Law, or Order of the said Company, or any Proceedings before or by the Order or Determination of any Justice or Justices of the Peace in pursuance of this Act, may complain to the Justices of the Peace at the next General or Quarter Sessions of the Peace to be held for the said County of *Somerset*, which shall be held from and after the Expiration

piration of Four Calendar Months after such Order shall be made or given, the Person or Persons appealing having given at least Fourteen Days Notice in Writing of such Appeal, and of the Nature and Matter thereof, to the Person or Persons appealed against, and to the Clerk of the said Company, and forthwith after such Notice entering into a Recognizance before some Justice of the Peace of such County, Liberty, or Place, 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 or Quarter Sessions, or if they think proper adjourn the Hearing thereof to the next General or 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 on all Parties, to all Intents and Purposes whatsoever.

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

CXXXIV. Provided always, and be it further enacted, That no Order, Verdict, Assessment, Judgment, or other Proceedings to be had or taken touching or concerning any of the Matters aforesaid, or touching or concerning the Conviction of any Offender or Offenders in pursuance of this Act, shall be quashed or vacated for Want of Form only, or be removed or be removable by Certiorari, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

Limitation of Actions.

CXXXV. And be it further enacted, That no Action, Suit, or Information shall be commenced against any Person or Persons for any thing done in pursuance of this Act, or in execution of the Powers and Authorities, or the Orders and Directions hereby given or granted, after Six Calendar Months next after the Fact shall have been committed, or in case there shall be a Continuance of Damages, after Six Calendar Months next after the doing or committing of such Damages shall have ceased; and every such Action, Suit, or Information shall be laid or brought and tried in the County where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in any such Action or Suit shall or may plead the General Issue, and give this Act and the special Matter in Evidence in any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, or if any Action, Suit, or Information shall be brought before Thirty Days Notice shall have been given, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time so limited for bringing the same, or shall be brought in any other County than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants; and in such Case, or if the Plaintiff or Plaintiffs shall become nonsuit, or suffer a Discontinuance of his, her, or their Action or Actions, Suits or Informations,

after

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 for Costs of Suit in other Cases by Law.

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

CXXXVI. And be it further enacted, That in all Cases wherein it may be requisite or necessary, under the Provisions of this Act, or otherwise, for any Person or Persons, or Party or Parties, to serve upon the said Company any Notice or Notices, Writ or Writs, or other judicial or legal Proceedings, or Proceedings in Equity, the Service thereof upon any One of the Directors of the said Company, or upon the Clerk of the said Company, or left at the Office or usual Place of Abode of such Director or of such Clerk, 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 Company.

Justices, &c. not to act when interested.

CXXXVII. Provided always, and be it further enacted, That no Justice of the Peace, Commissioner of Sewers, Sheriff or Coroner, or Person authorized by this Act to act in the Stead of such Sheriff, shall be capable of acting as such Justice of the Peace, Commissioner of Sewers, Sheriff or Coroner, or in the Stead of such Sheriff, in the Execution of this Act, during the Time he shall be one of the Proprietors or Members of the said Company, or enjoy any Office of Trust or Profit under them, or be personally or individually interested in any Contract under the said Company.

Provision for Deficiencies of Land Tax.

CXXXVIII. And whereas, by reason of making Alterations in pursuance of this Act, there may be Deficiencies in the Assessments for Land Tax in the several Parishes herein mentioned; be it therefore enacted, That for preventing the same the said Company shall, from and after the said Company shall become seised and possessed of any Premises charged with the Land Tax, and until the Works hereby authorized to be made shall be completed and assessed to such Land Tax, (unless the said Company shall think fit to redeem the same under the Powers of the Acts for the Redemption of the Land Tax,) be subject and liable from Time to Time to pay and make good to or in aid of any such Parish, out of the Monies to arise by virtue of this Act, all such Sum and Sums of Money as shall be deficient in the said several Assessments for Land Tax within such Parish, by reason or means of taking down or using for the Purposes of this Act any Houses, Buildings, or Premises liable to such Assessments, according to the Rental at which the same were valued or rated at the Time of passing this Act; and the Treasurer or Collector or Receiver to be appointed under this Act shall be and is hereby authorized and required to pay all such Assessments, on Demand thereof, to the Collector or Collectors of the Land Tax Assessments.

Company not to take certain Lands of

CXXXIX. Provided always, and be it further enacted, That nothing herein contained shall extend to authorize or empower the said

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said Company, or any Person or Persons acting by or under their Authority, to take, use, injure, or damage, for the Purposes of the said Navigation and Canals and other Works hereby authorized to be made, or any of them, or for any other of the Purposes of this Act, any of the Land or Ground of *Edmund Broderip* the younger, Esquire, situate, lying, and being in the Parish of *Cossington* in the said County, and on the South Side of the Drain called *The South Brue Drain*, or make any Towing Path, or in any respect injure the Culvert at the Side thereof, without the Consent in Writing of the said *Edmund Broderip*, or his Heirs, under his or their Hand or Hands, first had and obtained for that Purpose.

Public Act.

CXL. 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.

SCHEDULE to which the foregoing Act refers.

No on Plan.	Parish.	Description.	Owner.	Lessee.	Occupier.
4	Saint John in Glastonbury.	House, Garden, and Orchard.	John Vincent -	- - -	Henry Bond, Garden. John Vincent, House and Orchard.
7	Ditto - -	Orchard - -	John Down -	- - -	William Heal.
3	Catcott and Catcott Burtle.	House and Garden	Aldborough Hennicker, Esq.	Gabriel Norris.	Gabriel Norris.
11	Edington and Edington Burtle.	Ditto - -	John Lee - -	- - -	John Lee.
58	Huntspill - -	Orchard - -	Thomas Dean, Francis Dean, and Arthur Dean.	- - -	Robert Isgar.
63	Ditto - -	Ditto - -	George Tucker -	- - -	George Tucker.
67	Ditto - -	Pasture in front of Garden and House.	Ditto - -	- - -	Mrs. Tucker.
73	Ditto - -	Orchard, and small Cottage and Garden in it.	Jonathan Colmer -	- - -	Austin Moody.
74	Ditto - -	Orchard - -	Ditto - -	- - -	Ditto.
81	Ditto - -	Ditto - -	Henry Wall -	- - -	Henry Wall.
82	Ditto - -	House and Garden	Ditto - -	- - -	Ditto.
101	Ditto - -	Ditto - -	Joseph Stephens -	- - -	Jane Ireland.
102	Ditto - -	Ditto - -	Ditto - -	- - -	James Turner.
105	Ditto - -	Ditto - -	Ditto - -	- - -	Thomas Royce.
106	Ditto - -	Ditto - -	Commissioners of the Brue Drainage.	- - -	George Wilton.
7, 8	Burnham - -	Orchards - -	Richard Locke -	- - -	John Way.

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