



ANNO QUINQUAGESIMO NONO

GEORGII III. REGIS.

Cap. lxxiv.

An Act to alter and amend the several Acts passed for making and maintaining the *Lancaster Canal* Navigation. [14th June 1819.]

WHEREAS by an Act passed in the Thirty-second Year of the Reign of His present Majesty, intituled *An Act for making and maintaining a Navigable Canal from Kirkby Kendal in the County of Westmorland to West Houghton in the County Palatine of Lancaster; and also a Navigable Branch from the said intended Canal at or near Borwick to or near Warton Cragg; and also another Navigable Branch from at or near Gale Moss, by Chorley, to or near Duxbury in the said County Palatine of Lancaster*, the several Persons therein named and described were incorporated by the Name of "The Company of Proprietors of the *Lancaster Canal* Navigation," and were authorized to make and complete the said Canal, and the said several Branches, in the Manner directed by the said Act, and were empowered to raise and contribute amongst themselves a Sum of Money, to be divided into Shares, for making and completing the said Canal and Branches, and other Works therein mentioned, not exceeding the Sum of Four hundred and fourteen thousand one hundred Pounds in the whole, except as therein and herein-after is mentioned; (that is to say,) that in case the said Sum of Four hundred and fourteen thousand one hundred Pounds should be found insufficient for the Purposes of the said Act, it should be lawful for the said Company of Proprietors to raise and contribute amongst themselves, in the Manner mentioned in the said Act, and in such Shares and Proportions as to them should seem meet, or by the Admission of new Subscribers, any further Sum of Money for completing and perfecting the said Navigation, not exceeding the Sum of Two hundred

[Local.]

18 X

hundred

32G.3.c.101.

hundred thousand Pounds; and the said Company of Proprietors were thereby also authorized to raise the said Sum of Two hundred thousand Pounds, or any Part thereof, by Mortgage of the said Undertaking: And whereas by another Act passed in the Thirty-third Year of the

33G.3.c.107. Reign of His present Majesty, intituled *An Act to alter and amend an Act passed in the last Session of Parliament, intituled 'An Act for making and maintaining a Navigable Canal from Kirkby Kendal in the County of Westmorland to West Houghton in the County Palatine of Lancaster; and also a Navigable Branch from the said intended Canal at or near Borwick to or near Warton Cragg; and also another Navigable Branch from at or near Gale Moss, by Chorley, to or near Duxbury in the said County Palatine of Lancaster;'* and also for making a Navigable Branch from the said Canal, at or near Galgate, to Glasson Dock in the said County Palatine of Lancaster, the said Company was empowered to make and complete a certain other Navigable Branch of the said Lancaster Canal, commencing at or near Galgate, to and to communicate with the Dock at Glasson, within the Port of Lancaster: And whereas by another

39 & 40 G. 3. c. 57. present Majesty, intituled *An Act for better enabling the Company of Proprietors of the Lancaster Canal Navigation to complete the same,* the said Company was authorized and empowered to raise the said Sum of Two hundred thousand Pounds by creating new or additional Shares at the Rate and in manner therein mentioned: And whereas by another Act passed in the Forty-seventh Year of the Reign of His

47 G. 3. sess. 2. c. 113. present Majesty, intituled *An Act to enable the Company of Proprietors of the Lancaster Canal Navigation to vary the Course of the said Canal, to make Railways or Roads, and to amend and render more effectual Two Acts relating to the said Navigation,* the said Company was authorized and empowered to vary and alter the said Canal from the Northward Termination of the then executed Part thereof at or near a Place called *Tewitfield*, in the Parish of *Warton*, in or through the several Parishes and Townships therein mentioned, to join the said Canal at or near a Place called the *World's End*, in the Township of *Hincaster*, and to make and complete certain Railways or Roads, and other Works mentioned in the said Act, and for preventing Injury or Damage to the Owners and Occupiers of Mills and Millsteads upon the River *Bela*, and the Rivulets called *Farleton Beck*, *Crookland's Beck*, and *Stainton Beck*, in the said County of *Westmorland*, the said Company of Proprietors were restrained from taking or using for the said Canal any of the said Streams of Water, except the Surplus Water of the said Rivulets, and the Streams and Feeders running into the same respectively in Times of Excess, to be taken for the Use of the said Canal when the Water should fill and exceed certain Gauges, to be fixed by such Persons, of such Dimensions and at such Places as in the said Act mentioned: And whereas the said Company of Proprietors have expended in, upon, and for the Works and Purposes in the said Acts mentioned, not only the whole of the said Sum of Four hundred and fourteen thousand one hundred Pounds by the said first-mentioned Act authorized to be raised, after deducting the Calls of sundry Persons who are become insolvent or in arrear, but have raised the Sum of Two hundred thousand Pounds, in pursuance of the Powers vested in them by the said Act of the Thirty-ninth and Fortieth Years of the Reign of His present Majesty: And whereas great Progress has been made towards the Completion of

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the said Canal and Works in the said Acts mentioned, but from various unforeseen Events the Money already raised and authorized to be raised by the recited Acts has been found very inadequate for the Purposes thereof, and a further Sum of Money will be required to finish and complete the said Canal, Branches, and other Works by the said recited Acts authorized to be made, so as to render the said Navigation beneficial to the said Company of Proprietors, and of public Utility: And whereas it is expedient and necessary to make One or more Reservoir or Reservoirs and other Works in the Townships of *Killington, New Hutton, and Old Hutton* with *Holmescales* in the said County of *Westmorland*, for the Purpose of insuring a constant and adequate Supply of Water for the Use of the said Navigation: And whereas the making a navigable Branch from the said Canal at or near a Place called *Johnson's Hillock*, in the Township of *Whittle le Woods* in the said County of *Lancaster*, to and to communicate with the present Southern Termination of the Canal belonging to the Company of Proprietors incorporated by an Act made in the Tenth Year of the Reign of His present Majesty, intituled *An Act for making and maintaining a Navigable Cut or Canal from Leed's Bridge in the County of York to the North Lady's Walk in Liverpool in the County Palatine of Lancaster, and from thence to the River Mersey*, will not only be beneficial to the Proprietors of the said *Lancaster Canal Navigation*, but will also be of great public Utility and Advantage; and accordingly the said *Leeds and Liverpool Canal Company* have agreed to permit the said Company of Proprietors of the *Lancaster Canal Navigation* to form such Junction, and the said Companies have agreed to regulate the Supplies of Water to be taken and drawn from the said respective Canals in the Manner and upon the Terms hereinafter mentioned: And whereas it is expedient that the Powers and Provisions of the said Acts should be altered, varied, enlarged, explained, and amended, and the said several Acts rendered more effectual; but the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and immediately after the passing of this Act the said Company of Proprietors of the *Lancaster Canal Navigation*, and their Successors, shall and may have Power and Authority, and they are hereby authorized and empowered, by themselves, their Deputies, Agents, Officers, Workmen, and Servants, to make and complete One or more Reservoir or Reservoirs, Channels, and Feeders, for the Purpose of supplying the said Canal and the said Branches and Works with Water in the several Townships of *Killington, New Hutton, and Old Hutton* with *Holmescales*, and in the several Parishes of *Kirkby Lonsdale* and *Kirkby in Kendal*, all in the said County of *Westmorland*, or in all or any of them, and to convey the said Water from the said Reservoir or Reservoirs into, through, and along the said Rivulet or Brook called *Crookland's Beck*, and the Cut, Branch, or Feeder already made, or which shall or may at any Time or Times hereafter be made, by the said Company of Proprietors, from the said Rivulet or Brook called *Crookland's Beck*, to join and communicate with the said *Lancaster Canal Navigation*, in and through the several Townships of *Killington, New Hutton, and Old Hutton* with *Holmescales, Preston Richard, and Preston Patrick*, and the several Parishes

10G.3.c.114.

Power to
make Reser-
voirs, and
Extension of
Canal.

ishes of *Kirkby Lonsdale, Kirkby in Kendal, Burton in Kendal, and Haversham*, all in the said County of *Westmorland*; and the said Company of Proprietors of the said *Lancaster Canal Navigation* are hereby authorized and empowered, in manner aforesaid, to make, complete, and maintain a navigable Branch or Canal from the said *Lancaster Canal* in the Township of *Whittle le Woods* in the Parish of *Leyland* in the said County Palatine of *Lancaster*, at or near a Place called *Johnson's Hillock*, in the said Township of *Whittle le Woods*, to join and communicate with the present Southern Termination of the said *Leeds and Liverpool Canal* in the said Township of *Whittle le Woods* in the said Parish of *Leyland*, and which said navigable Branch or Canal shall constitute and be deemed Part of the said *Lancaster Canal Navigation*; and the said Company of Proprietors of the *Lancaster Canal Navigation* are hereby also authorized and empowered to purchase Lands to them, their Successors and Assigns, for the Purposes of the said Reservoir or Reservoirs, Channels, Feeders, and other Works thereof, and of the said Branch or Canal, from the said *Lancaster Canal*, to join and communicate with the said *Leeds and Liverpool Canal*, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain, and to make, erect, build, execute, do, and perform all such Works, Matters, and Things as shall be requisite for making, completing, and supplying with Water, and for repairing, preserving, maintaining, and using the said Reservoir or Reservoirs, Channels, Feeders, and other Works thereof, and the said Branch or Canal hereby respectively authorized to be made, and the Navigation thereof, and for supplying the same with Water, and for making such and so many Soughs, Tunnels, Feeders, Aqueducts, and Channels for supplying the said Reservoir or Reservoirs, and Branch or Canal, with Water, and for conveying the Water from any such Reservoir or Reservoirs to and into the said Canal and Branches, and for cleansing, scouring, cutting, digging, opening, deepening, or straitening the Streams, Brooks, or Watercourses which come or may be brought into or made to communicate with the said Reservoir or Reservoirs, Branch or Canal, hereby respectively authorized to be made, and for making and setting up Bridges, Inclined Planes, Railroads, Locks, Feeders, Aqueducts, Wharfs, Landing Places, Weighing Beams, Cranes, Machines, Works, Ways, Roads, and Conveniences, and other Matters and Things requisite for the said Reservoir or Reservoirs, Branch or Canal, and other Works hereby authorized to be made, in as full, ample, and beneficial a Manner, to all Intents and Purposes, as the said Company of Proprietors and their Successors are authorized and empowered to do, execute, and perform, under and by virtue of the said recited Acts or any of them, with respect to the said Navigation, Canal, and Works by the said Acts authorized to be made; and the said Company of Proprietors, their Agents, Servants, Deputies, Workmen, and Labourers, and all and every Person and Persons, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate and Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, and Feoffees in Trust for Charities or other Purposes, and all other Trustees whatsoever, Committees, Executors, and Administrators whatsoever, shall have such and the like Authorities, Powers, Privileges, and Advantages, and shall be subject and liable to such and the like Rules, Conditions, Directions, Regulations, Limitations, Restrictions, Penalties, and Forfeitures, to the making, completing, and maintaining the said Reservoir or Reservoirs, Branch or Canal, and Works, by this

Act to be made, maintained, and used, as are granted, prescribed, and established in and by the said recited Acts or any of them; and that the said recited Acts, and all and every the Clauses, Provisoos, Powers, Authorities, Rules, Regulations, Tolls, Rates, Restrictions, Directions, Exemptions, Penalties, Punishments, Matters, and Things therein contained, and which are not repealed or altered by this Act, shall extend to, and shall be used and exercised, and shall be applied and put in execution by the said Company of Proprietors, or by any other Person or Persons authorized by the recited Acts or by this Act, for making, completing, repairing, preserving, maintaining, and using the said Reservoir or Reservoirs, Channels, Feeders, and other Works thereof, and Branch or Canal, and the several Works, Matters, and Things by this Act authorized to be made, done, and performed, and for supplying the same whilst making, and when made, with Water, as fully and effectually as if the said Reservoir or Reservoirs, Channels, Feeders, Branch, or Canal, and other Works by this Act authorized to be made, maintained, and used, had been Part of the Canal, Branches, Railways, and other Works by the said recited Acts authorized to be made and completed, maintained and used.

II. And whereas Maps or Plans, describing the said Reservoir or Reservoirs, and the Line of the said Branch or Canal from the said *Lancaster* Canal, to join and communicate with the Southern Termination of the said *Leeds* and *Liverpool* Canal, and the Lands in and through which the same are to be made and carried, together with Books of Reference thereto containing Lists of the Owners or reputed Owners and Occupiers of such Lands, have been deposited at the Office of the Clerk of the Peace for the said County of *Lancaster* and at the Office of the Clerk of the Peace for the said County of *Westmorland*; be it therefore further enacted, That the said respective Maps, Plans, and Books of Reference shall remain in the Custody of the said several Clerks of the Peace, and all Persons may at any seasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof, at their Will and Pleasure, paying to the Clerk of the Peace the Sum of One Shilling for every such Inspection, and after the Rate of Sixpence for every One hundred Words of such Copies or Extracts of the said Books of Reference; and that the said Company of Proprietors, in making the said Reservoir or Reservoirs, Channels, Feeders, Branch, or Canal, shall not deviate more than One hundred Yards from the Lines or Courses thereof described in the said Maps or Plans; provided always, that no Advantage shall be taken of or against the said Company of Proprietors, or any Interruption be given to the making of the said Reservoir or Reservoirs, Branch, or Canal, and other Works, or any of them, on account of any Error, Omission, or Misnomer in the said Books of Reference, in case it should appear to any Five or more of the Commissioners appointed by the said recited Acts or any of them, and be certified by Writing under their Hands, that such Error, Omission, or Misnomer proceeded from Mistake.

Canal to be made according to Plan.

III. Provided always, and be it further enacted, That nothing in this Act contained shall authorize or empower the said Company of Proprietors, or any Person or Persons acting under their Authority, to take, use, injure, or damage any House or Building which was erected and built on or before the First Day of *January* One thousand eight hundred and nineteen, or any

Not to injure any Building, &c.

Land or Ground set apart and used as and for any Yard, Garden, or Orchard, Park, Paddock, planted Walk or Avenue to a House, the same having been so set apart, used, and planted on or before the said First Day of *January* One thousand eight hundred and nineteen, without the Consent of the Owner or Owners thereof.

Canal Company not to receive Two Shillings and Three-pence per Ton on Coals on Canal now to be made.

IV. And whereas by the recited Act of the Thirty-second Year of the Reign of His present Majesty it is enacted and declared, that the said Company of Proprietors of the *Lancaster* Canal Navigation should demand, recover, take, and receive, for every Ton of Coals passing the Locks to be erected and set up on the said intended Canal on the South Side of the River *Ribble*, any Sum not exceeding the Sum of Two Shillings and Three-pence *per* Ton; be it further enacted, That nothing in this Act contained shall authorize or empower the said Company of Proprietors of the *Lancaster* Canal Navigation to take the said Sum of Two Shillings and Three-pence *per* Ton in respect of Boats passing the Locks upon the Branch or Canal hereby authorized to be made.

Boats of less than Thirty Tons to pay for Thirty Tons.

V. And be it further enacted, That every loaded Boat, and no other Boat or Vessel, passing through any of the Locks on the said Branch or Canal hereby authorized to be made with a less Lading than Thirty Tons, (when the Water in the said Canal shall be sufficient to navigate any Boat or other Vessel with a Lading of Thirty Tons,) shall pay to the said Company of Proprietors and their Successors, as Lock Dues for Waste of Water, a Tonnage Rate for Thirty Tons of Lading, in the same Manner as if such Boat or other Vessel had actually Thirty Tons of Lading on board; any thing in this or the recited Acts contained to the contrary notwithstanding.

Ascertaining the Quantity of Water to be taken on the River *Bela* for the Use of the Mills.

VI. And whereas, in pursuance of the said Act of the Forty-seventh Year of the Reign of His present Majesty, the Engineers therein directed to be appointed did order and award that a certain Gauge should be placed on the said Brook called *Crookland's Beck*, near to the Village of *Crooklands*: And whereas, at the Time of fixing and awarding the said Gauge, the making of the Reservoir hereby authorized, and the Quantity of Water to flow from thence, was not in the Contemplation of the said Engineers: And whereas it is necessary to prevent Disputes and Differences arising between certain Owners and Occupiers of Mills upon the said Beck and upon the River *Bela* in respect to the Quantity of Water to be taken for the Use of the said Mills, at such Times as the Water from the Reservoir shall be flowing, for the Purpose of supplying the said Canal; be it enacted, That the respective Owners of Mills upon the said *Crookland's Beck* and the River *Bela*, situate below the Gauge before mentioned, or the major Part of them, shall and they are hereby authorized to appoint by Writing under their Hands a Person, not being Owner or Occupier of any of the Mills below the said Gauge, or otherwise interested therein or in the Water thereof, to superintend the adjusting of the Height at which such Gauge shall remain during and at such Times as the Water from the said intended Reservoir shall be flowing to the said Canal; and during the Time such Person shall be employed in ascertaining and fixing the said Gauge he shall be and is hereby authorized to give Notice to the Person or Persons having the Care of the said Reservoir or Reservoirs, who shall thereupon stop the Water from flowing out of the said Reservoir

or Reservoirs until the said Gauge shall be from Time to Time fixed (save and except so much of the said Water as may be necessary to fill the Gauge at *Mutton Hall* as herein-after mentioned); and the said Person so appointed shall and he is hereby authorized from Time to Time to ascertain and fix the Quantity of Water flowing down the said Beck prior to the Water being let off from the said intended Reservoir, and that he shall from Time to Time, as Occasion may require, adjust the Quantity of Water to flow through the said Gauge, in such Manner that the whole of the Water flowing down the said Beck, prior to the Water from the Reservoir passing down the same, shall be fully discharged and passed through the said Gauge; and in addition thereto that the said Person so to be appointed shall set and affix the said Gauge so as to admit of One Half of an Inch in Depth of Water to flow through the said Gauge, over and above the regular Quantity then ascertained to be running down the said Beck for the Use of the Mills below the same; and the said Company of Proprietors are hereby directed to leave a written Notice at the Dwelling House of the Person so appointed Twenty-four Hours at the least prior to the Water from the said intended Reservoir being taken into the said Canal; and the said Company are hereby further directed to pay to the said Person so appointed to superintend the said Gauge a reasonable and fair Compensation for his Attendance thereon; and in case of any Dispute arising as to the Amount of the Remuneration to be so paid, the same shall be determined by any One or more of His Majesty's Justices of the Peace for the said County of *Westmorland*.

VII. Provided always, That nothing in this Act contained shall extend to enable the said Mill Owners, or the Person so to be appointed, to alter or vary the Situation, Size, or Dimensions of the said Gauge as affixed pursuant to the recited Act of the Forty-seventh Year of the Reign of His present Majesty, to the Prejudice of the said Company of Proprietors, further or otherwise than is herein-before mentioned; and in case the said Company of Proprietors shall at any Time or Times hereafter be dissatisfied with the Conduct of the said Person so to be appointed by the said Mill Owners to superintend the said Water, it shall be lawful for the said Company of Proprietors, or their Clerk or Agent, to apply to any Two Justices acting within the said County of *Westmorland*, not interested in the Premises, and not being Proprietors of the said Canal Navigation, who shall thereupon hear the Matter of such Complaint, and shall by Writing under their Hands order the Removal of such Person from his said Situation, if such Justices shall find reasonable Cause for so doing; and thereupon such Mill Owners shall proceed to appoint another Person in the Room and Place of the Person so removed, and so from Time to Time as Occasion may require.

VIII. And be it further enacted, That the Gauge placed by the said Engineers, pursuant to the recited Act of the Forty-seventh Year of the Reign of His present Majesty, at or near a certain Place called *Mutton Hall*, in the said Township of *Killington*, shall at all Times hereafter be kept fully supplied with Water by the said Company of Proprietors of the *Lancaster Canal Navigation*.

IX. And be it further enacted, That if at any Time or Times hereafter the said Rivulet or Brook called *Crookland's Beck* shall not be sufficiently

Not to alter
Size of Gauge
fixed pur-
suant to
47 G. 3.

Gauge at
Mutton Hall
to be kept
fully sup-
plied.

Power to
cleanse
Crookland's
Beck.

ciently open for the free and uninterrupted Passage of the Water from the said Reservoir or Reservoirs and Works hereby authorized to be made, maintained, and used, it shall and may be lawful for the said Company of Proprietors and their Successors, and they are hereby authorized and empowered, by themselves, their Servants, Agents, or Workmen, from Time to Time as Occasion may require, to enter into the said Rivulet or Brook, and into any Lands or Grounds adjoining or contiguous thereto, and to open, cleanse, and scour the same, in such Manner as they may deem necessary and expedient, for facilitating the Passage of the Water from the said Reservoir or Reservoirs, making Compensation for any Damages to the Owners or Occupiers of the adjoining Lands in manner directed by the said recited Acts.

Company
may borrow
Money.

X. And be it further enacted, That it shall and may be lawful for the said Company of Proprietors of the *Lancaster* Canal Navigation to borrow and take up at Interest from any Person or Persons, upon Mortgage of the Tolls, Rates, and Duties authorized to be collected by virtue of the said recited Acts, the Sum of Two hundred and seventy thousand Pounds, or so much thereof as to them shall seem meet and expedient; and the said Company of Proprietors or their Committee for the Time being, after an Order at any General or Special Meeting of the said Company of Proprietors for that Purpose, are hereby fully authorized and empowered to assign and make over the said Canal Navigation, Branches, and Works, and the Tolls, Rates, and Duties arising or to arise by virtue of the said recited Acts or this Act, or any of them, (the Costs and Charges of assigning the same to be paid out of the said Rates,) as a Security or Securities 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 Mortgage, in the like Manner and Form, and with, under, and subject to the like Powers and Directions for transferring every such Mortgage and registering the same, and to the like Remedies, Regulations, and Provisions touching and concerning the same, and the Interest to be thereby secured, as are mentioned in and by the said recited Acts or any of them respecting the borrowing of Money on Mortgage, and the Securities to be made for the same, as fully and effectually, to all Intents and Purposes, as if the same had been done in pursuance of the said recited Acts; and that the Monies so to be raised shall be applied in defraying the Costs, Charges, and Expences attending the obtaining and passing of this Act, and all Expences relating thereto, and in the next place in securing the several Sums of Money due and owing by the said Company of Proprietors to any Person or Persons on Mortgage of the said Navigation, Works, and Undertaking, or which the Committee of the said Company of Proprietors have borrowed, expended, and applied for the Purposes of the said Navigation, Works, and Undertaking, and all Interest due thereon at the Time of the passing of this Act; and then in making, completing, and maintaining the said Canal Navigation, Branches, Railways, Reservoir or Reservoirs, and other Works, in the Manner prescribed and directed by the said recited Acts and by this Act, or any of them.

Interest to be
paid in pre-
ference to
Dividends.

XI. And be it further enacted, That the Interest of the Money which shall be borrowed by Mortgage, or is now due as aforesaid, shall be paid
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half-yearly to the several Persons entitled thereto, in preference to any Interest or Dividends which shall become due and payable, by virtue of the said recited Acts, to the said Company of Proprietors or any of them, and shall be fully paid and discharged or provided for before the yearly or other Interest, Profits, or Dividends due or to become due to the said Proprietors or any of them shall be paid, made, or divided; and in case the same or any Part thereof shall be behind and unpaid for the Space of Sixty Days next after the same shall become due or payable as aforesaid, and after Demand made thereof, or in case the Principal Money or any Part thereof, which has already or shall hereafter be borrowed, shall not be paid off and discharged after Six Calendar Months Notice in Writing to the Treasurer to the said Company shall have been given, signed by the Person or Persons requiring such Payment, and who, on Payment thereof and the Interest for the same, shall be ready and willing to execute, if thereto requested by the said Company, or by any Person or Persons on their Behalf, an Assignment of the Security or Securities which such Person or Persons shall hold for such Sum or Sums of Money as shall be required to be paid off as aforesaid, and all his, her, and their Right, Title, and Interest therein and thereto, to the said Company, or to the Person or Persons who shall advance the Money to pay off the same, then it shall be lawful for any Three of the Commissioners for executing the recited Acts and they are hereby required, on Request to them made by any such Creditor whose Interest shall be so in arrear, or whose Principal Money shall not be paid off and discharged pursuant to such Notice, by an Order under their Hands and Seals to appoint One or more Person or Persons to receive the said Tolls, Rates, and Duties; and the Money so to be received by such Person or Persons is hereby declared to be as so much Money received to the Use of such Person or Persons to whom such Interest or Principal Money (as the Case may be) shall be then due and unpaid, until the same, together with all Costs and Charges of recovering and receiving the said Tolls, Rates, and Duties, shall be fully satisfied and paid; and after such Principal, Interest, and Costs shall be paid and satisfied the Power and Authority of such Receiver and Receivers for the Purposes aforesaid shall cease and determine, or otherwise the said Principal and Interest shall and may be sued for and recovered, with Costs, by Action of Debt, in any of His Majesty's Courts of Record at *Westminster*.

XII. And whereas by the said Act passed in the Thirty-second Year of the Reign of His present Majesty it is enacted, that it should and might be lawful to and for the said Company of Proprietors and their Successors from Time to Time and at all Times thereafter to ask, demand, take, and recover, to and for their own proper Use, certain Sums of Money, Rates, and Duties therein particularly mentioned and specified for Coal, Cannel, Limestone, Minerals, Timber, and divers other Goods, Wares, Merchandize, and Commodities therein also particularly mentioned and specified, which said Rates and Duties should be paid in proportion for any greater or less Quantity than a Ton, or any greater or less Distance than a Mile, carried and conveyed upon or through the said Canal, and should be paid to such Person or Persons, at such Place or Places near to the said Canal, in such Manner and under such Regulations as the said Company of Proprietors or their Successors should appoint, with such Authorities and Powers for the Recovery and compelling Payment thereof,

Repeal of
Mode of re-
covering
Rates.

[*Local.*]

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as are in the same Act mentioned; be it therefore further enacted, That so much of the said recited Act of the Thirty-second Year of the Reign of His present Majesty as relates only to the Recovery of the said Rates and Duties thereby authorized to be taken by the said Company of Proprietors and their Successors shall be and is hereby repealed.

Recovery of Rates.

XIII. And be it further enacted, That in case of Neglect or Refusal to pay any such Rates or Duties, or any Part thereof, unto the Person or Persons who shall be appointed to receive the same as aforesaid, it shall be lawful for the said Company of Proprietors to sue for the same, by Action of Debt or upon the Case, in any of His Majesty's Courts of Record at *Westminster*, or in the Court of Common Pleas of the said County Palatine of *Lancaster*; and in every such Action it shall be sufficient for the said Company of Proprietors to declare, that under and by virtue of the said recited Act passed in the Thirty-second Year of the Reign of His present Majesty King *George* the Third, the said Company, or their Assignees or Mortgagees, were lawfully possessed of or entitled to such Rates or Duties as in and by the said Action are sought to be recovered, and to allege when, where, and wherefore such Rates and Duties accrued and became payable to the said Company of Proprietors; or it shall be lawful for the said Company of Proprietors, or the Person or Persons to whom such Rates or Duties ought to have been paid, and he, she, and they is and are hereby authorized and empowered, to seize and distrain the Goods, Wares, Merchandize, or Commodities for or in respect of which such Rates or Duties ought to have been paid as aforesaid, or any Part thereof; and the Boat, Barge, or other Vessel laden therewith, or either or any of them, or any other Boat, Barge, or other Vessel belonging to the Person or Persons by or from whom the said Rates or Duties accrued and became payable, and ought to have been paid as aforesaid, lying or being upon the said Canal, Branches, and other Works hereby or by the said Acts authorized to be made, and to detain the same respectively until full Payment shall be made of such Rates or Duties, and of all Arrears of the same, which may be then due from the Owner of such Boat, Barge, or Vessel, or other Person or Persons, to the said Company of Proprietors or their Successors, together with the reasonable Costs and Charges of such Seizure and Distress; and in case such Distress shall not be redeemed within Five Days after the taking thereof the same shall and may be appraised and sold as the Law directs in Cases of Distress for Rent; provided nevertheless, that nothing herein contained shall prejudicially affect the Right and Title of the said Company of Proprietors and their Successors to demand and take the several Rates, Duties, and Wharfage mentioned and specified in and by the said Act of the Thirty-second Year of His present Majesty's Reign.

Regulating Rates for Distance and Weight.

XIV. Provided nevertheless, and be it further enacted, That in all Cases where any Boat, Barge, or other Vessel shall be navigated or pass by any Post or Mark, or Place where such Post or Mark had stood or been fixed, on the Side of the said Canal, describing and regulating the Length of One Quarter of a Mile (which Posts or Marks the said Company of Proprietors are hereby required to cause to be fixed or set up), the said Rates or Duties shall be paid for One Quarter of a Mile although such Boat, Barge, or other Vessel shall not actually pass One Quarter of a Mile; and that in all Cases where the Weight of the Lading contained in any Boat, Barge, or other Vessel shall not make up an even Quarter of a
Ton,

Ton, yet the said Rates or Duties which would be payable for a full Quarter of a Ton shall be paid to the said Company of Proprietors for any less Proportion of a Ton.

XV. And whereas the said Company of Proprietors have already and may hereafter purchase Messuages, Buildings, Lands, Tenements, or Hereditaments not necessary to be made use of for the immediate Purposes of the said recited Acts or of this Act; be it therefore further enacted, That it shall be lawful for the said Company to sell and dispose of, and by Indenture under their Common Seal to grant and convey, by virtue and in pursuance of the Powers of the said recited Acts and this Act, by way of absolute Sale for a Consideration in Money, such Part or Parts of the said Messuages, Buildings, Lands, Tenements, and Hereditaments as may have been so purchased by the said Company, and as shall not be wanted for the Purposes of the said Navigation, Reservoirs, and Works; and that all such Grants and Conveyances from the said Company shall be valid and effectual, any thing in the said recited Acts, or any other Law, Statute, or Custom to the contrary thereof, in anywise notwithstanding; and upon Payment of the Money which shall arise by Sale or Sales of such Messuages, Buildings, Lands, Tenements, or Hereditaments, or any Parts or Parcels thereof, it shall and may be lawful for the 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 which such Messuages, Buildings, Lands, Tenements, or Hereditaments shall be so sold, or for so much thereof as in such Receipts shall be acknowledged or expressed to be received; and such Person or Persons shall not afterwards be answerable or accountable for any Losses, Misapplication, or Nonapplication of such Purchase Money or any Part thereof; provided that the said Company, before they shall contract for the absolute Sale and Disposal of any such Messuages, Buildings, Lands, Tenements, or Hereditaments, shall first offer to resell the same to the Person or Persons from whom the said Company shall have purchased such Premises, his, her, or their Heirs, at a Price to be fixed on by the said Company; but in case of Difference in that respect then the Price at which the same shall be resold shall be adjusted and settled by a Jury, in like Manner as the Price for any Land to be taken in pursuance of the said recited Acts is therein directed to be settled in case of Difference or Dispute as to the Value thereof; and in case such Person or Persons, his, her, or their Heirs, to whom such Offer shall be made, shall not then and thereupon agree, or shall refuse to repurchase the same, any Affidavit to be made and sworn before a Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County where such Premises shall lie, by some Person or Persons no way interested in the said Premises, stating that such Offer was made by and on behalf of the said Company of Proprietors, and that such Offer was not then and thereupon agreed to or was refused by the Person or Persons to whom the same was so made, shall in all Courts be sufficient Evidence and Proof that such Offer was made and was not agreed to or was refused by the Person or Persons to whom it was made, as the Case may be.

Power to sell
Land not
wanted.

XVI. And

Application
of Rents to
be the same
as Tolls.

XVI. And be it further enacted, That all and every Sum and Sums of Money which shall be had, received, and taken by the said Company of Proprietors as the Consideration for any such absolute Sale as aforesaid shall be paid, applied, and disposed of in such and the like Manner as the Rates, Tolls, and Duties arising or to arise from the said Canal, Branches, and Works are by the said recited Acts or this Act, or any of them, directed to be paid, applied, and disposed of.

Expences of
Jury in Cases
of Absence.

XVII. And be it further enacted, That in case of the Absence of any Owner or Proprietor of any Lands or Grounds which may be taken or purchased by the said Company of Proprietors under the Authority of the said recited Acts or this Act, all the Charges and Expences of the Commissioners acting under the said Acts, or of any Jury to be impannelled in pursuance thereof, as the Case may be, shall be borne and defrayed by the said Company of Proprietors.

Regulating
the Places of
holding Spe-
cial Meet-
ings.

XVIII. And be it further enacted, That every Special Meeting of the said Company of Proprietors, which shall hereafter be convened under and by virtue of any of the Powers for that Purpose contained in any of the said recited Acts, shall be held at some one of the following Towns or Places only; that is to say, *Kendal, Lancaster, Preston, Wigan, or Bolton*; and that no Special Meeting shall be convened within the Space of One Calendar Month next after any preceding Special Meeting.

Same Person
not to act as
Clerk or
Treasurer.

XIX. Provided always, and be it further enacted, That it shall not be lawful for the said Company to continue or appoint the Person who has been or may be appointed to act as their Clerk in the Execution of the said Acts and this Act, or any of them, or the Partner of any such Clerk, the Treasurer for the Purposes of the said Acts and this Act, or any of them, or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk of the said Company; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of the said Acts and this Act or any of them, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of such Treasurer shall act as Clerk, in the Execution of the said Acts and this Act or any of them, every Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

No Boats
with Pas-
sengers to be
navigated on
the Canal
without Li-
cence.

XX. And whereas Persons may hereafter use and navigate upon the said Canal and Branches Boats, Barges, or other Vessels for the Conveyance of Passengers, of such Dimensions, Size, and Construction as may be the Occasion of Accidents and Loss of the Lives of His Majesty's Subjects; and it is expedient that the exclusive Power of navigating such Boats, Barges, or other Vessels upon the said Canal and Branches should be vested in the said Company of Proprietors and their Successors, and Persons to be licensed by them; be it therefore further enacted, That in case the Owner or Owners, Master or Masters, or other Person or Persons having the Management of any Boat, Barge, or other Vessel navigated on the said

Canal or Branches mentioned in this or in the said recited Acts or any of them, (other than and except the said Company of Proprietors and their Successors, and any Person or Persons licensed by them,) shall convey any Person or Persons in any Boat, Barge, or other Vessel upon any Part of the said Canal or Branches besides the Master or other Person or Persons necessarily employed in directing and managing such Boat, Barge, or Vessel, every Person so offending, and being thereof convicted before any Justice of the Peace for the County wherein the Offence shall be committed, or the Offender resides, on the Confession of the Offender or Offenders, or on Proof of the Offence on the Oath of One or more credible Witness or Witnesses (which Oath such Justice is hereby empowered to administer), the Owner or Owners of such Boat, Barge, or other Vessel shall, for every Passenger which shall be so carried and conveyed, forfeit and pay any Sum not exceeding Five Pounds; and such Forfeiture shall be recovered, levied, and applied in the Manner by the said Acts directed in respect of any Penalty or Forfeiture thereby inflicted.

XXI. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to hinder or prevent the Owners or Occupiers of Lands adjoining the said Reservoir or Reservoirs from using the Waters of or flowing into or from the same for watering their Cattle; and also that the sole Right of fishing in such Part or Parts of the said Reservoir or Reservoirs as is or are situate in the said Township of *Killington* shall be vested in and be the Property of all the Owners of Lands and Tenements in the said Township of *Killington*; and also that the sole Right of fishing in such Part or Parts of the said Reservoir or Reservoirs as is or are situate in the said Township of *Old Hutton* with *Holmescales* shall be vested in and be the Property of all the Owners of Lands and Tenements in the said Township of *Old Hutton* with *Holmescales*; and also that the sole Right of fishing in such Part or Parts of the said Reservoir or Reservoirs as is or are situate in the said Township of *New Hutton* shall be vested in and be the Property of the Lord of the Manor of *New Hutton* for the Time being, and all the Owners of Lands and Tenements in the said Township of *New Hutton*; and that such Right of fishing within each of the said respective Townships shall be used and enjoyed in such Manner and under such Regulations as the major Part in Value of the Persons entitled to such Right of fishing in each of the said Townships (such Value to be ascertained by the Land Tax Assessment) shall agree upon and direct at any Meeting to be held for that Purpose in their respective Townships; of which Meeting Notice in Writing shall be given on the Door of the Chapel of such respective Township Two *Sundays* preceding such Meeting.

Act not to prevent Owners of Land from using the Reservoir; and the fishing therein to belong solely to them.

XXII. And be it further enacted, That in case any Person or Persons shall break down, destroy, carry away, or damage any Gate, Stile, Post, Rail, Wall, Quick, or other Fence to be put or placed under the Authority of this Act, or which have been put up or placed under the Authority of the said recited Acts or any of them, for the fencing of the Towing Paths of the said Canal, or any Milestone to be put or placed or which hath been put or placed on the Banks of the said Canal, by the Authority aforesaid (such Offence or Offences not amounting to Felony), every Person so offending, and being thereof convicted before any Justice of the Peace (not interested in the Premises) for the County where the Offence shall be committed, or the Offender shall be or reside,

Punishing Persons breaking down Fence to Towing Paths.

on the Confession of the Offender or Offenders, or on Proof of the Offence on the Oath of One or more credible Witness or Witnesses (which Oath such Justice is hereby empowered to administer), shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds; and no Person shall be deemed incompetent to give Evidence of such Offence by reason of his or her being a Proprietor of the Canal, or the Owner of such Gate, Stile, Post, Rail, Wall, Quick or other Fence, and such Forfeiture shall be recovered, levied, and applied in manner aforesaid.

Preventing
Persons from
bathing in
the Canal,
&c.

XXIII. And be it further enacted, That in case any Person or Persons shall bathe, or shall meet or assemble for the Purpose of bathing, or shall be found bathing or fishing, not being authorized to fish by this or the said recited Acts, in the said Canal or Reservoir or Reservoirs, or in any Waterway, Feeder, or Pond, being the Property of the said Company of Proprietors, or hunting Rats or other Vermin on the Haling Path; Banks, and Sides of the said Canal, Branches, or Reservoirs, or shall dig or tear up the Soil of the said Haling Path, Banks, and Sides of the said Canal and Reservoirs, or any Part thereof, it shall be lawful for any Justice of the Peace for the said Counties of *Lancaster* and *Westmoreland*, and he is hereby required, upon Complaint to him made by One or more credible Witness or Witnesses of any such Offence, to issue a Warrant for apprehending the Party or Parties accused, or it shall and may be lawful to and for any Person or Persons who shall see such Offence committed to apprehend, and also for any Person or Persons to assist in apprehending the Offender or Offenders, and by the Authority of this Act, without any other Warrant, to deliver him, her, or them into the Custody of a Peace Officer, in order to be secured and conveyed before some Justice of the Peace for the said Counties or either of them; and on the Party or Parties being brought before some Justice such Justice shall proceed to examine upon Oath or Affirmation any Witness or Witnesses who shall appear or be produced to give Evidence touching such Offence; and if the Party or Parties accused shall be convicted of such Offence, either by his, her, or their Confession, or upon such Evidence as aforesaid, then and in every such Case he, she, or they shall for every such Offence respectively, and if more than One shall severally, forfeit and pay any Sum not exceeding Forty Shillings; and in case such Offender or Offenders shall not, upon Conviction, forthwith pay such Penalty by him, her, or them incurred, such Justice is hereby required to commit such Offender or Offenders to the Common Gaol or House of Correction of the County in which the Offence shall have been committed, there to be kept to hard Labour for any Time not exceeding One Calendar Month; and such Offender or Offenders shall not be discharged before the Expiration of the Time for which he, she, or they shall be so committed, unless such Penalty as aforesaid be sooner paid and given.

Commissioners not to make Valuations, or Determination of Value of Lands taken under this Act.

XXIV. And be it further enacted, That so much of the said Acts or any of them as authorizes the Commissioners therein named or appointed to settle and determine the Value of Lands, Tenements, or Hereditaments to be taken, purchased, and used for the Canal and other Works thereby authorized to be made, or for any Damages that may be thereby occasioned, shall not extend or be construed to extend to any Lands, Tenements, or Hereditaments to be taken, purchased, or used for the Purposes of this Act; but that in case of any Difference or Dispute between the

the said Company of Proprietors of the *Lancaster* Canal Navigation and the Proprietors of any Lands, Tenements, or Hereditaments as to the Value thereof, or the Amount of Satisfaction for any Damage that may be sustained by making the Canal and other Works hereby authorized, the same shall be settled and ascertained by a Jury to be impannelled and returned in the Manner directed by the said Acts or either of them; and that in all other Cases where Power and Authority is given to the said Commissioners to determine and adjust all other Questions, Matters, and Differences between the said Company of Proprietors, and any Bodies Politic or Corporate, or any other Persons being Owners of and interested in any Mills, Fisheries, or Waters, Lands, Grounds, Tenements, or Hereditaments, the same shall and may be settled and determined by any Two Justices of the Peace for the County in which the Cause of Complaint shall arise, whose Determination shall be final and conclusive to all Parties; any thing in the said Acts or either of them to the contrary notwithstanding.

XXV. And be it further enacted, That so much of the said recited Acts or any of them as directs Satisfaction or Compensation to be made by an annual Rent or annual Payment for any Lands, Tenements, or Hereditaments which shall be used or taken for the Purposes or under the Authority of the said recited Acts or any of them, or for any Injury or Damage that shall be done or occasioned in carrying the said recited Acts or any of them into execution, shall be and the same is hereby repealed; and that from and after the passing of this Act the Satisfaction or Compensation to be made for any Lands, Tenements, or Hereditaments which shall hereafter be taken or used for the Purposes of the said recited Acts or this Act, or any of them, shall always be made by the Payment of a Sum in gross, and not otherwise: Provided always, that nothing in this Act contained shall annul, vitiate, or render void any annual Rent or annual Payment which may have been granted, made, or awarded to any Person whomsoever, in pursuance of the said recited Acts or any of them, previous to the passing of this Act.

Repealing certain Parts of former Acts, and directing Satisfaction to be made in gross Sums.

XXVI. And be it further enacted, That if the said Company of Proprietors shall not within Two Years from the passing of this Act complete the said Reservoir or Reservoirs, Branch or Canal, and other Works hereby authorized, that then and from thenceforth all the Powers and Authorities given by this Act shall cease and determine, save only and except as to so much of the said Reservoir or Reservoirs, Branch or Canal, and other Works as shall have been made previous to the Expiration of the said Period.

If Canal not made in Two Years, Powers of Act to cease.

XXVII. Provided always, and be it further enacted, That in all Places where it may be necessary to erect or build any Bridge or Bridges to communicate with any public Carriage Road the Ascent to every such Bridge for the Purpose of such Road shall not be more than One Foot in Thirteen, and that a good and sufficient Fence shall be made on every Side of such Bridge, which Fence shall not be less than Four Feet above the Surface of such Bridge.

Ascent to Bridges.

XXVIII. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person or Persons, or Party or Parties, to serve any Notice or Notices upon the said Company, or any Writ or Writs, or other legal Proceedings, the Service thereof upon the Clerk of the said Company,

Directing what shall be deemed a Service of Notices, &c.

on the Com-
pany.

Company, or at the Office of such Clerk, or left at his last or usual Place of Abode, or at the Office of the said Company, or in case the same respectively shall not be found or known, then Service upon any Agent or other Officer employed by the said Company, or any Member of the said Committee 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 on the said Company.

Lancaster
Canal Com-
pany not to
take Water
from Leeds
and Liver-
pool Canal.

XXIX. And be it further enacted, That neither the said Company of Proprietors of the *Lancaster* Canal Navigation, nor any Person or Persons whosoever, shall be empowered to take or draw any Water from the said *Leeds* and *Liverpool* Canal to supply the Lockage upon the said intended Branch or Canal by this Act authorized to be made, or to supply any Lock or Locks which may hereafter be erected or made by the said *Lancaster* Canal Company between the Summit Level of the said Canal on the South of the Town of *Preston*, without the Consent of the Committee for the Time being of the Company of Proprietors of the Canal Navigation from *Leeds* to *Liverpool*, when the Water in the said *Leeds* and *Liverpool* Canal shall be reduced to Five Feet in Depth upon the Sill of the Upper Gate of the Lock upon the Branch or Canal hereby authorized to be made adjoining the said *Leeds* and *Liverpool* Canal, and which Sill shall not be laid lower than the Bottom Level of the said *Leeds* and *Liverpool* Canal.

Leeds and
Liverpool
Canal Com-
pany not to
take Water
from Lan-
caster Canal.

XXX. And be it also enacted, That neither the said Company of Proprietors of the Canal Navigation from *Leeds* to *Liverpool*, nor any Person or Persons whosoever, shall be empowered to take or draw any Water from the said *Lancaster* Canal, to supply the Lockage upon the said *Leeds* and *Liverpool* Canal from *Kirklees* to *Wigan*, without the Consent of the Committee for the Time being of the said Company of Proprietors of the *Lancaster* Canal Navigation, when the Water in the said *Lancaster* Canal shall be reduced to Five Feet in Depth upon the Sill of the Upper Gate of the Locks upon the said *Leeds* and *Liverpool* Canal adjoining the said *Lancaster* Canal, and which Sill shall not be laid lower than the Bottom Level of the said *Lancaster* Canal.

Stopgates
for prevent-
ing any
Waste of
Water.

XXXI. And be it further enacted, That the said Company of Proprietors of the *Lancaster* Canal Navigation, and their Successors, shall make and at all Times hereafter maintain, at the Upper Lock Gate of the said *Leeds* and *Liverpool* Canal, at the said Place called *Kirklees*, competent and sufficient Stopgates, to prevent Waste of Water from the said *Lancaster* Canal Navigation; and also that the said Company of Proprietors of the Canal Navigation from *Leeds* to *Liverpool* shall in like Manner make and at all Times hereafter maintain, at the Upper Lock Gate of the said intended Navigable Branch or Canal at *Whittle le Woods* aforesaid, competent and sufficient Stopgates to prevent Waste of Water from the said *Leeds* and *Liverpool* Canal.

Public Act.

XXXII. 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.