



ANNO SEPTIMO & OCTAVO

# GEORGII IV. REGIS.

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## Cap. cii.

An Act to amend and enlarge the Powers and Provisions of the several Acts relating to the *Ellesmere and Chester Canal Navigation.*

[21st June 1827.]

**W**HEREAS an Act was passed in the Twelfth Year of the Reign of His late Majesty King George the Third, intituled *An Act for making a Navigable Cut or Canal from the River Dee, within the Liberties of the City of Chester, to or near Middlewich and Nantwich in the County of Chester*: And whereas another Act was passed in the Seventeenth Year of the Reign of His said late Majesty, intituled *An Act for varying and enlarging the Powers of an Act made in the Twelfth Year of the Reign of His present Majesty, for making a Navigable Cut or Canal from the River Dee, within the Liberties of the City of Chester, to or near Middlewich and Nantwich in the County of Chester*: And whereas another Act was passed in the Eighteenth Year of the Reign of His said late Majesty, intituled *An Act for the more effectually carrying into Execution the Powers contained in Two several Acts of Parliament, the One made in the Twelfth Year of His present Majesty's Reign, for making a Navigable Cut or Canal from the River Dee, within the Liberties of the City of Chester, to or near Middlewich and Nantwich in the County of Chester; and the other made in the Seventeenth Year of His said Majesty's Reign, for varying and enlarging the Powers of the said*

12 G. 3. c. 75.  
17 G. 3. c. 67.  
18 G. 3. c. 21.

[Local.] 28 A former

- former Act*: And whereas another Act was passed in the Thirty-third Year of the Reign of His said late Majesty, intituled *An Act for making and maintaining a Navigable Canal from the River Severn, at Shrewsbury in the County of Salop, to the River Mersey, at or near Netherpool in the County of Chester; and also for making and maintaining certain Collateral Cuts from the said intended Canal*: And whereas another Act was passed in the Thirty-sixth Year of the Reign of His said late Majesty, intituled *An Act to explain and amend an Act passed in the Thirty-third Year of the Reign of His present Majesty, intituled 'An Act for making and maintaining a Navigable Canal from the River Severn, at Shrewsbury in the County of Salop, to the River Mersey, at or near Netherpool in the County of Chester; and also for making and maintaining certain Collateral Cuts from the said intended Canal;' and for varying and altering certain Parts of the Whitchurch Line of the said Canal and Collateral Cuts; and for extending the same from Francton Common to Sherryman's Bridge, in the Parish of Whitchurch in the said County of Salop; and for making and maintaining several other Branches and Collateral Cuts to communicate therewith*: And whereas an Act was also passed in the Thirty-sixth Year of the Reign of His said late Majesty, intituled *An Act to explain and amend an Act passed in the Thirty-third Year of the Reign of His present Majesty, intituled 'An Act for making and maintaining a Navigable Canal from the River Severn, at Shrewsbury in the County of Salop, to the River Mersey, at or near Netherpool in the County of Chester; and also for making and maintaining certain Collateral Cuts from the said intended Canal;' and for varying and altering certain Parts of the Course of the said Canal and Collateral Cuts between Ruabon and Chester, for extending the same, and for making und maintaining several other Branches and Collaterals Cuts to communicate therewith*: And whereas another Act was passed in the Forty-first Year of the Reign of His said late Majesty, intituled *An Act to authorize the Company of Proprietors of the Ellesmere Canal to extend the said Canal from the Whitchurch Branch thereof, at or near certain Water Corn Mills called the New Mills, in the Parish of Whitchurch in the County of Salop, to and to communicate with the Chester Canal in the Township of Stoke in the Parish of Acton in the County of Chester; and for altering and amending the several Acts passed for making and maintaining the said Ellesmere Canal*: And whereas another Act was passed in the Forty-second Year of the Reign of His said late Majesty, intituled *An Act for repealing so much of an Act passed in the Thirty-third Year of His present Majesty, intituled 'An Act for making and maintaining a Navigable Canal from the River Severn, at Shrewsbury in the County of Salop, to the River Mersey, at or near Netherpool in the County of Chester; and also for making and maintaining certain Collateral Cuts from the said intended Canal,' as restrains the Company of Proprietors of the said Canal from taking Tonnage on Coals, Coke, Culm, Lime, or Limestone, upon a Part of the said Canal; and for authorizing the said Company of Proprietors to raise a Sum of Money to make up the Amount of their original Subscriptions; and for further amending the several Acts passed relative to the making of the said Canal*: And whereas another Act was passed in the Forty-fourth Year of the Reign of His said late Majesty, intituled *An Act to enable the Company*

of Proprietors of the Ellesmere Canal to make a Railway from Ruabon Brook to the Ellesmere Canal, at or near the Aqueduct at Pontcysylltee in the Parish of Llangollen in the County of Denbigh; and also to make several Cuts or Feeders for better supplying the said Canal with Water: And whereas another Act was passed in the Fiftieth Year of the Reign of His said late Majesty, intituled *An Act to enable the Company of Proprietors of the Ellesmere Canal to extend the Whitchurch Line of the said Canal, from Sherryman's Bridge to Castle Well in the Town of Whitchurch in the County of Salop, and for amending the several Acts for making the said Canal:* And whereas another Act was passed in the Fifty-third Year of the Reign of His said late Majesty, intituled *An Act for uniting the Interests and Concerns of the Proprietors of the Chester Canal and Ellesmere Canal, and for amending the several Acts of His present Majesty relating to the said Canals;* whereby the Company of Proprietors of the said Chester Canal and the Company of Proprietors of the said Ellesmere Canal were united and formed into One Company; and the several Powers granted to the said respective Companies by the several Acts relating to each respective Canal were by the said recited Act vested in the said Company so united as aforesaid: And whereas considerable Progress hath been made in the Execution of the Works by the said several recited Acts authorized; and for the Purposes of such respective Acts, large Sums of Money, raised under the Authority of such Acts, have been expended, and a navigable Communication hath been made between the said City of Chester and Nantwich aforesaid, in the County of Chester, and between the said Ellesmere Canal and the said Chester Canal, and also between the said united Canals and the River Mersey and the Montgomeryshire Canal, with various Branches, Collateral Cuts, and Railways from the said Canals, to the great Advantage of the Trade and Commerce of the Neighbourhood of such Canals, and to the Benefit of the Public at large: And whereas by the said recited Acts of the Twelfth and Seventeenth Years of the Reign of His said late Majesty, a Part of the said Navigable Cut or Canal from the River Dee within the Liberties of the City of Chester, to Middlewich and Nantwich in the County of Chester, was authorized and directed to be made and carried from a certain Place called *Wardle Green* in the Township of *Wardle* and Parish of *Bunbury*, to the Township of *Newton* in the Parish of *Middlewich*, all in the same County, in the Course or Direction mentioned or described in the said several Acts; but the same hath not yet been executed: And whereas the said United Company of Proprietors of the *Ellesmere* and *Chester* Canals are desirous of proceeding to the immediate Completion of such last-mentioned Portion of the said Canal, but it is expedient that the Line or Course thereof should be diverted and altered as herein-after mentioned and described: And whereas it would be of great Public Utility if the said United Company were empowered to extend the said Navigable Canal (so authorized to be made from the said City of *Chester* to the said Township of *Newton* in the Parish of *Middlewich*) to, and so as to communicate with the Navigable Canal from the River *Trent* to the River *Mersey*, in the Township of *Newton* aforesaid; and thereby to open a direct navigable Communication between *Shropshire*, *North Wales*, the manufacturing Districts of *Lancashire*, *Yorkshire*, and the Port of *Hull*:

*Hull*: And whereas it is expedient that further and more effectual Powers should be given to the said United Company, for the Maintenance and Support of the said Canals, Branches, and Collateral Cuts, and for the Completion of the said Branch Cut or Canal from *Wardle Green* to *Middlewich* aforesaid, and for making the said Variation and Extension thereof: And whereas it would greatly facilitate the Progress of the said Undertaking if the several Acts relating to the said Canals herein-before recited were repealed, and further, better, and more effectual Powers granted instead thereof, under One Act 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 several herein-before recited Acts, and all and every the Powers, Authorities, Matters, and Things therein respectively contained, shall be and the same are hereby repealed.

Former Acts  
repealed.

Company re-  
established.

II. And be it further enacted, That from and immediately after the passing of this Act the several Persons who are now Proprietors of the said *Ellesmere* and *Chester* Canals, and their several Successors and Assigns, shall be and hereby are reunited into a Company for maintaining and supporting so much and such Part or Parts of the Navigable Cuts or Canals, Railway and other Works by the said several recited Acts so repealed as aforesaid, or some of them, authorized to be made, as have been already made and completed; and also for making, maintaining, and supporting the intended Navigable Branch Cut or Canal from *Wardle Green* to *Middlewich* aforesaid, and other Works to be connected therewith, according to the Rules, Orders, and Directions herein-after contained; and for that Purpose shall be One Body Corporate by the Stile and Title of "The United Company of Proprietors of the *Ellesmere* and *Chester* Canal," and by that Name shall have perpetual Succession, and shall have a Common Seal, and by that Name shall and may sue and be sued; and such Proprietors shall be interested in the Estate and Property of the said United Company, in such and the same Proportions and Shares, and in such and the same Manner in all respects, as previously to the passing of this Act such Proprietors were respectively interested therein.

Property, &c.  
of the *Elles-*  
*mere* and of  
the *Chester*  
Canal Navi-  
gation vested  
in the United  
Company.

III. And be it further enacted, That from and immediately after the passing of this Act the Navigable Cut or Canal and Collateral Cuts now made and completed under the Authority of the said several recited Acts so repealed as aforesaid, or some of them, from the River *Mersey* in the Township of *Whitby* in the County of *Chester*, and passing through the several Parishes, Townships, Hamlets, or Places of *Whitby*, *Great Stanney*, *Little Stanney*, *Stoke*, *Croughton*, *Wervin*, *Chorlton*, *Caughall*, *Moston*, *Lea*, *Great Mollington*, *Backford*, *Little Mollington*, *Blacon*, and *Saint Oswald's*, in the same County, to and into the Liberties of the City of *Chester*, and passing through the Liberties of the same City and the Parishes of *Saint Oswald* and *Saint John* in the same City, and in the said County  
of

of *Chester*, and the several other Parishes, Townships, Hamlets, or Places of *Boughton*, *Christleton*, *Rowton*, *Waverton*, *Hargreave*, *Hatton*, *Tattenhall*, *Newton* near *Tattenhall*, *Huxley*, *Tiverton*, *Beeston*, *Tilston Fearnall*, *Bunbury*, *Alpraham*, *Calveley*, *Wardle*, *Stoke*, *Hurleston*, and *Henhall*, to or near *Nantwich* in the said County of *Chester*, and from *Stoke* last aforesaid, through the several Parishes, Townships, Hamlets, or Places of *Acton*, *Hurleston*, *Burland*, *Baddiley*, *Wrenbury*, *Wrenbury cum Frith*, *Norbury*, *Marbury*, *Marbury cum Quoisley*, *Wirswall*, *Bickley*, *Tushingham cum Grindley*, and *Malpas*, in the said County of *Chester*, *Whitchurch* in the Counties of *Salop* and *Chester*, *Henton*, *Whitchurch*, and *Dodington*, in the County of *Salop*, to the Town of *Whitchurch* in the said County of *Salop*, and from the said Town of *Whitchurch* through the several Parishes, Townships, Hamlets, or Places of *Dodington*, *Alkington*, *Tilstock*, *Whixall*, *Prees*, *Cotton*, *Edstaston*, *Welshampton*, *Lineal*, *Spoonhill*, *Newton*, *Oatley*, *Birch* and *Lyth*, and *Ellesmere*, in the County of *Salop*, and *Hanmer*, *Bettesfield*, and *Brunnington*, in the County of *Flint*, to the Town of *Ellesmere* in the said County of *Salop*, and from the said Town of *Ellesmere*, through the several Parishes, Townships, Hamlets, or Places of *Ellesmere*, *Birch* and *Lyth*, *Tetchill*, *Frankton*, *Whittington*, *Higher Ridge*, *Lower Ridge*, *New Marton*, *Hindford*, *Henlle*, *Ebnall*, *Daywell*, *Saint Martin*, *Ifton Rhynn*, and *Weston Rhynn*, in the County of *Salop*, and *Chirk*, *Gwern Ospin*, *Pen-y-Clawdd*, *Ruabon*, *Trevor Issa*, *Trevor Ucha*, *Dinbren*, *Llangollen*, *Maes-yr-ucha*, *Llantisilio*, and *Rhysgog*, in the said County of *Denbigh*, to and communicating with the River *Dee* in the Parish of *Llantisilio* aforesaid; with the several Weirs, Flood-gates, Dams, Sluices, and other Works also made and constructed by virtue of the said several Acts so repealed as aforesaid, or some of them, in the said Parish of *Llantisilio*, and in the Townships of *Rhysgog* and *Llantisilio*, in the said County of *Denbigh*, and also at or near to *Bala Pool*, otherwise *Pimble Mere*, in the Parishes of *Llanuchel* and *Llanfawr*, and Townships of *Bala* and *Llanfawr*, in the County of *Merioneth*, for supplying the said Navigable Cut or Canal and Collateral Branches with Water; and also passing from the before-mentioned Township of *Frankton* in the Parish of *Whittington*, in the said County of *Salop*, through the several Parishes, Townships, Hamlets, or Places of *Frankton*, *Whittington*, *Hordley*, *Ellesmere*, *Tetchill*, *Kenwick's Wood*, *Bagley*, *Stanwardine in the Wood*, *Stanwardine*, and *Weston Lullingfield*, in the County of *Salop*, to *Weston Wharf* in the same County, and from *Frankton* aforesaid, in the said Parish of *Whittington*, through the several Parishes, Townships, Hamlets, or Places of *Hordley*, *Whittington*, *Frankton*, *Felton*, *Rednall*, *Sutton*, *Wootton*, *Oswestry*, *Aston*, *Twyford*, *Maesbury*, *Moreton*, *Crickheath*, *Llwyntydmon*, *Lllanymynech*, and *Careghofa*, to and uniting with the *Montgomeryshire Canal* in the Township of *Careghofa* in the said County of *Salop*; and also a certain Railway or Tramroad, now made and completed by the said United Company of Proprietors, and extending from the said Canal in the Township of *Trevor Issa*, in the Parish of *Llangollen* in the County of *Denbigh*, through the several Parishes, Townships, Hamlets, or Places of *Llangollen*, *Ruabon*, *Trevor Issa*, *Christioned*, *Kenrick*, and *Bodylltyn*, in the County of *Denbigh*, to a certain Brook in the Township of *Bodylltyn* in the Parish of *Ruabon* in the said

County of *Denbigh*, and the Ground and Soil of the said Navigable Cut or Canal, Railway or Tramroad, and all and every other the Canals, Branches, Collateral Cuts, Waterline, and Weirs constituting the present *Ellesmere* and *Chester* Canals, and the Railways, Aqueducts, Tunnels, Culverts, Bridges, Embankments, Feeders, Locks, Basins, Docks, Wharfs, Warehouses, Toll Houses, Houses, Buildings, Weighing Machines, Engines, and other Works belonging thereto, and the Ground and Soil thereof respectively, and all and every other the Lands and Hereditaments which, under the Authority of the said recited Acts so repealed as aforesaid, or any of them, have at any Time heretofore been purchased or taken by the said United Company of Proprietors of the *Ellesmere* and *Chester* Canal, or by the said Company of Proprietors of the *Chester* Canal, or by the said Company of Proprietors of the *Ellesmere* Canal, before the Union and Consolidation of the Two Companies, for the Purposes of the said recited Acts or any of them, and have not since been sold or disposed of, or otherwise parted with, and which immediately previous to the passing of this Act were vested in the said United Company, shall be vested absolutely in the said United Company hereby established, their Successors and Assigns, and shall and may be sold and disposed of in manner by this Act directed, without the said United Company incurring any of the Penalties or Forfeitures of the Statute of Mortmain.

Company  
may purchase  
Land.

IV. And be it further enacted, That the said United Company of Proprietors shall have Power and Authority, from and after the passing of this Act and at all Times hereafter, to purchase and hold other Lands and Hereditaments to them, their Successors and Assigns, for the Use of the said Cuts and Canals, and the Branch Cut or Canal and other Works hereby authorized to be made, and the several Purposes herein mentioned, and also to sell and dispose of the said Lands and Hereditaments again, in manner by this Act directed, without incurring any of the Penalties or Forfeitures of the Statute of Mortmain.

Contracts,  
&c. to re-  
main in force.

V. And be it further enacted, That all Conveyances, Contracts, Agreements in Writing, Mortgages, Bonds, Covenants, and Securities made or entered into before the passing of this Act, by virtue of the Powers of the said recited Acts hereby repealed, or any of them, and all Sales, Transfers, and Dispositions before the passing of this Act executed, of any Share or Shares in the Joint Stock of the said United Company, and all Appointments of Proxies, shall remain in full Force and Effect, and shall be and continue available in all Courts of Law and Equity, in the same Manner as if the same respectively were or had been made, entered into, or executed under or by virtue of any of the Powers or Authorities contained in this Act.

Rates, &c.  
liable to  
Debts due  
under former  
Acts.

VI. And be it further enacted, That all Rates, Tolls, and Duties which shall be taken or received under or by virtue of the Authority of this Act, shall be and they are hereby made subject and liable to the Payment of all Debts and Monies which are now due and owing by the said United Company under or by virtue of the said recited Acts hereby repealed, or any of them.

VII. And be it further enacted, That all Books containing the Accounts of the said United Company of Proprietors, the Registers of Shares and of Transfers of Shares in the Joint Stock, and the Proceedings of the General Assemblies, and the General and Sub-committees of the said Company, provided and kept by the said Company, and made Evidence thereby, and all Books containing the Proceedings of the Commissioners appointed by the same Acts, and made Evidence thereby, and all other Documents by the said recited Acts hereby repealed, or any of them, authorized or directed to be kept and made Evidence thereby, shall be admitted Evidence in all Courts of Law and Equity.

Books relating to former Acts to be given in Evidence.

VIII. And be it further enacted, That all Rates, Tolls, and Duties made or imposed under or by virtue of the said recited Acts hereby repealed, or any of them, and which at the Time of the passing of this Act shall be due and payable, or if this Act had not passed would have become due and payable, shall continue to be due and payable until the same shall be varied, altered, or reduced under the Authority of this Act, and shall and may be collected and recovered by such Ways and Means, and under such Restrictions and Regulations, as any Rates, Tolls, or Duties to be made in pursuance of this Act may be collected or recovered; and all Debts, Dues, Sum or Sums of Money, Penalties and Forfeitures, incurred and due under or by virtue of the said recited Acts, or any of them, from any Person or Persons whomsoever, shall and may be demanded and recovered from such Person or Persons in the same Manner and by the same Ways and Means as if the same had been incurred or become due under or by virtue of this Act.

Rates now due to be recovered.

IX. And be it further enacted, That the several Persons who at the Time of the passing of this Act shall compose the General Committee of Management of the said United Company, and the several Sub-committees thereof, shall respectively continue in their respective Offices until they shall be removed therefrom respectively, or until others shall have been elected, nominated, or appointed in their Place or Stead, in pursuance or under the Authority of this Act; and such General Committee and such Sub-committees respectively shall be invested with and shall and may have and exercise the same Powers and Authority as if they had respectively been nominated or appointed by virtue of this Act.

Present Committees to be continued.

X. And be it further enacted, That each Clerk, Treasurer, Agent, Collector, and other Officer appointed under and by virtue of or acting under the Authority of any of the said several Acts hereby repealed, and not acting as such contrary to the Provisions and Directions in this Act contained, (save and except the Clerk of the Commissioners appointed by the same Acts or some of them,) shall hold and enjoy such his Office and Employment, together with the Salary or Emolument thereunto annexed, until he shall be removed therefrom by the said United Company, or by the General Committee of Management, or by any Sub-committee thereof; and each such Clerk, Treasurer, Agent, Collector, and other Officer, shall have the like Power and Authority for the Purposes of this Act, and for carrying the same into Execution, and shall be subject and liable to the

Old Officers to continue until removed by the Company.

the like Pains and Penalties, and to the like Power of Removal, and to the like Rules and Regulations in all respects whatsoever, as if he had been appointed by virtue of this Act.

Company  
authorized  
to maintain  
the Canals  
already  
made;

XI. And be it further enacted, That the said United Company of Proprietors shall be and they are hereby authorized and empowered, from Time to Time and at all Times hereafter, by themselves, their respective Deputies, Agents, Officers, Workmen, and Servants, to maintain and support the said several Navigable Cuts and Canals, and the Railways, Waterlines, and Reservoirs, so now made and completed, under or by the Authority of the said recited Acts, or some of them, together with the several Buildings, Erections, Locks, Quays, Wharfs, Walls, Piers, Jetties, Aqueducts, Tunnels, Culverts, Weirs, Basins, Docks, Locks, Bridges, Cuts, Feeders, Buildings, Engines, and other Works belonging thereto; and to make, construct, erect, sink, and drive all such and so many other Buildings, Erections, Locks, Quays, Wharfs, Walls, Piers, Jetties, Aqueducts, Tunnels, Culverts, Weirs, Bridges, Cuts, Feeders, and other Works, and all such other Matters and Things, for the repairing, maintaining, and supporting the said Canal, Collateral Cuts, and other Works of Navigation, Railways, Waterlines, and Reservoirs so made as aforesaid, and for the full Use and Enjoyment thereof, and for supplying the same Canal and Collateral Cuts with Water from the several Brooks, Streams, and Rivers now flowing into the same, or hereby authorized to be taken for that Purpose, as the said United Company shall from Time to Time think necessary or expedient, and in as full and ample a Manner, to all Intents and Purposes, as they are herein-after empowered to do with respect to the additional Navigable Branch Cut or Canal hereby authorized to be made.

and to make  
an additional  
Branch Cut,  
&c.

XII. And be it further enacted, That it shall be lawful for the said United Company of Proprietors, and they are hereby authorized and empowered, by themselves, their Deputies, Agents, Officers, Servants, and Workmen, to make, complete, and maintain a Navigable Branch Cut or Canal, passable for Boats, Barges, and other Vessels, from and out of the said Cut or Canal so made as aforesaid, at or near to a certain Place called *Wardle Green*, in the Township of *Wardle* in the Parish of *Bunbury* in the said County of *Chester*, through the several Parishes of *Bunbury*, *Acton*, *Church Minshull*, *Davenham*, and *Middlewich*, and the several Townships, Hamlets, or Places of *Wardle*, *Stoke*, *Cholmondeston*, *Acton*, *Aston juxta Mondrom*, *Church Minshull*, *Minshull Vernon*, *Wimboldesley*, *Stanthorne*, and *Newton*, in the said County of *Chester*, to and to communicate with a certain Cut or Canal, which by an Act passed in the present Session of Parliament the Company of Proprietors of the Navigation from the River *Trent* to the River *Mersey* are authorized and empowered to make, from their said Navigation, near to and on the East Side of a certain Bridge in the Township of *Newton* and Parish of *Middlewich* aforesaid, called *The Brick Kiln Field Bridge* or *Brooks Lane Bridge*, to the Extent of One hundred Yards from the said Navigation from the *Trent* to the *Mersey*; and also to make, construct, erect, sink, and drive such and so many Reservoirs, Aqueducts, Feeders, Tunnels, Perforations, Weirs, Shafts, Wheels, Engines, and other Machinery, for



for the Purpose of filling and supplying the said Branch Cut or Canal hereby authorized to be made, or any Part or Parts thereof, and such Reservoirs, with Water, and for conveying Water to and from the same for the Purposes of Navigation, and for the Purpose of the better making and maintaining of such last-mentioned Branch Cut or Canal, as the said United Company shall from Time to Time think necessary or expedient; and also to supply the same Branch Cut or Canal and Reservoirs, whilst making and after the same shall be made, with Water, from all such Brooks, Springs, Streams, Watercourses, Mines, Hollows, Caverns, and other Sources or Repositories of Water, as shall be found in making the same Branch Cut or Canal, and Reservoir or Reservoirs; and to enlarge, widen, deepen, divert, alter, or vary such Roads or Ways, and also the Courses of such Brooks, Streams, or Watercourses as may be situated within the Line of the same Branch Cut or Canal, or which may prevent or otherwise impede or obstruct the making of the same.

XIII. And be it further enacted, That for the Purposes of this Act the said United Company of Proprietors, their Deputies, Agents, Servants, Surveyors, and Workmen, shall be and they are hereby authorized and empowered to enter into and upon the Lands and Grounds of or belonging to any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate whatsoever, subject to the Directions and Provisions of this Act, and to survey and take Levels of the same or any Part thereof, and to set out, ascertain, and appropriate such Part or Parts thereof as they shall think necessary or expedient for making, maintaining, and completing the said Branch Cut or Canal, and the other Works hereby authorized to be made; and to bore, dig, cut, trench, drain, sough, get, raise, remove, take, carry away, lay, use, and manufacture any Earth, Soil, Clay, Stone, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Materials or Things which can or may be dug, raised, or gotten in the making, carrying on, or maintaining or repairing of the said Branch Cut or Canal, or other Works respectively, or out of any Lands or Grounds of any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, adjoining or lying near thereto, and which may be proper, requisite, necessary, or convenient for the same, or which may hinder, prevent, or obstruct the same; and also to make, build, erect, bank, excavate, or set up, amend and alter, in, under, or upon the said Branch Cut or Canal and other Works, or upon the Lands adjoining the same respectively, such and so many Bridges, Piers, Arches, Tunnels, Aqueducts, Sluices, Culverts, Locks, Weirs, Dams, Pens for Water, Tanks, Basins, Reservoirs, Drains, Wharfs, Quays, Docks, Landing Places, Houses, Warehouses, Toll Houses, Weighing Beams, Cranes, Fire Engines, or other Machines, and other Fences, Ways, Roads, and Conveniences, as, where, and in such Manner as the said United Company of Proprietors shall think requisite or convenient for the several Purposes aforesaid (subject to the Restrictions and Directions herein-after mentioned), and also from Time to Time to alter, repair, amend, improve, or discontinue the same; and also to place, lay, work, or manufacture the Materials necessary for the making, erecting, maintaining, and repairing the said Branch Cut or Canal and other Works, on the Lands or Grounds adjoining to

Power to  
enter on  
Lands.

[Local.]

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the

the Place or Places where the said Works; or any of them, shall be carrying on and executed; and also to make, set out, and appoint such Roads, Towing Paths, Banks, and Ways convenient for towing, hauling, or drawing of Boats, Barges, or other Vessels or Rafts passing in, through, or upon the said Branch Cut or Canal, with Men or Horses, or otherwise, and such Places for Boats, Barges, or other Vessels or Rafts to lie or turn in, as the said United Company of Proprietors shall think proper or convenient; and to construct, erect, and keep in repair any Bridges, Piers, Arches, or other Works in, upon, and across any Rivers or Brooks, for the making, effecting, preserving, improving, completing, using, maintaining, and repairing the said Branch Cut or Canal and other Works; and also to dig, take, and carry away any Soil, Gravel, Sand, Stone, or other Materials, for the Purposes of this Act, in or from the Grounds or Premises of any Person adjoining to the said Branch Cut or Canal or other Works; and also to construct, erect, make, and do all other Works, Matters, and Things which they shall think necessary and convenient for the making, completing, altering, preserving, improving, carrying on, and using the said Branch Cut or Canal, and other Works, to be made or constructed in pursuance of and according to the true Intent and Meaning of this Act; they the said United Company of Proprietors, their Deputies, Agents, Servants, and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and making full Satisfaction, in manner herein-after mentioned, to the Owners and Proprietors of and all Persons interested in any Lands, Tenements, or Hereditaments, Mills, Forges, Watercourses, Brooks, or Rivers respectively, which shall be taken, used, removed, diverted, or injured, for all Damages to be by them sustained in or by the Execution of all or any of the Powers hereby granted; and this Act shall be sufficient to indemnify the said United Company of Proprietors, 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 Provisions and Restrictions as are herein-after mentioned and contained.

Maps, &c.  
to remain  
in Custody of  
Clerks of the  
Peace, &c. as  
heretofore.

XIV. And whereas by the said recited Act of the Twelfth Year of the Reign of His late Majesty hereby repealed, it was enacted, that Three Parts should be made of a Map or Plan and Book of Reference of the Line of the said Canal by the said Act authorized to be made from the City of *Chester* to *Middlewich* and *Nantwich* in the County of *Chester*, which should be certified by the Right Honourable the Speaker of the House of Commons, and severally deposited with the Clerk of the Peace for the County of *Chester* and the Town Clerk of the City of *Chester*, and the Clerk to the Company of Proprietors of the said Canal; and by the said recited Act of the Seventeenth Year of the Reign of His said late Majesty, hereby also repealed, it was enacted, that Three Parts should be made of a new Map or Plan and Book of Reference of a Deviation or Alteration authorized by the last-mentioned Act to be made in the Line of the said Canal, which should be certified by the Right Honourable the Speaker of the House of Commons, and severally deposited with the Clerk of the Peace for the County of *Chester*, the Town Clerk of the said City of *Chester*, and the

the Clerk for the Time being to the said Company of Proprietors; and by the said recited Act of the Thirty-third Year of the Reign of His said late Majesty, hereby also repealed, it was enacted, that Five Parts should be made of a Map or Plan and Book of Reference of the Line of the said Canal and Collateral Cut by the said Act authorized to be made, which should be certified by the Right Honourable the Speaker of the House of Commons, and severally deposited, one with the Clerk of the Peace for the County of *Salop*, another with the Clerk of the Peace for the County of *Denbigh*, another with the Clerk of the Peace for the County of *Flint*, another with the Clerk of the Peace for the County of *Chester*, another with the Town Clerk of the County of the City of *Chester*, and the other with the Clerk of the said Company of Proprietors; and by the said first-recited Act of the Thirty-sixth Year of the Reign of His said late Majesty it was enacted, that Three Parts should be made of a new Map or Plan and Book of Reference of a Deviation or Alteration authorized by the said Act to be made in the Line of the said Canal and Collateral Cuts, which should be certified by the Right Honourable the Speaker of the House of Commons, and one Part of each of the said Plans and Books of Reference deposited with the Clerk of the Peace for the County of *Salop*, another with the Clerk of the Peace for the County of *Flint*, and another with the Clerk to the said Company of Proprietors; and by the said secondly-recited Act of the Thirty-sixth Year of the Reign of His late Majesty it was enacted, that Five Parts should be made of a Map or Plan and Book of Reference of a Deviation or Alteration authorized by the said Act to be made in the Line of the said Canal and Collateral Cuts, which should be certified by the Right Honourable the Speaker of the House of Commons, and one Part of each of the said Plans and Books of Reference deposited with the Clerk of the Peace for the County of *Denbigh*, another with the Clerk of the Peace for the County of *Flint*, another with the Clerk of the Peace for the County of *Chester*, another with the Town Clerk for the County of the City of *Chester*, and another with the Clerk to the said Company of Proprietors; and by the said recited Act of the Forty-first Year of the Reign of His late Majesty it was enacted, that Three Parts should be made of a Map or Plan and Book of Reference of a Variation and Alteration by the said recited Act authorized to be made in the Line of the said Canal, which should be certified by the Right Honourable the Speaker of the House of Commons, and one Part of each of the said Maps or Plans and Books of Reference deposited with the Clerk of the Peace for the County of *Salop*, another with the Clerk of the Peace of the County of *Chester*, and another with the Clerk of the said Company of Proprietors; and by the said recited Act of the Forty-fourth Year of the Reign of His late Majesty it was enacted, that Three Parts should be made of a Map or Plan and Book of Reference of the Railway or Road, Waterline, Cuts, Feeders, and Works, by the said Act authorized to be made, which should be certified by the Right Honourable the Speaker of the House of Commons, and one Part of each of the said Plans and Books of Reference deposited with the Clerk of the Peace for the County of *Denbigh*, another with the Clerk of the Peace for the County of *Merioneth*, and another with the Clerk to the Company of Proprietors of the *Ellesmere* Canal; and by the said recited Act of the Fiftieth Year of the Reign of His said

said late Majesty it was enacted, that Two Parts should be made of a Map or Plan and Book of Reference of the Extension of the Line of the said Canal, by the said Act authorized to be made, which should be certified by the Right Honourable the Speaker of the House of Commons, and one Part of each of the said Plans should be deposited with the Clerk of the Peace of the County of *Salop*, and the other with the Clerk of the said Company of Proprietors: And whereas the said several Maps or Plans and Books of Reference have been duly deposited with the said several Clerks of the Peace and with the Clerks of the said Companies: And whereas Maps or Plans, describing the Line of the intended Branch Cut or Canal from *Wardle Green* to *Middlewich* aforesaid, as the same has been diverted or altered from the Course or Direction mentioned or described in the said recited Acts of the Twelfth and Seventeenth Years of the Reign of His late Majesty, and of the Continuance or Extension of the said Branch Cut or Canal, and the Lands through or over which the same is intended to be carried, together with Books of Reference thereto, containing Lists of the Names of the Owners and Occupiers, or reputed Owners and Occupiers of such Lands, have been deposited in the Offices of the Clerks of the Peace of and for the said Counties of *Chester* and *Salop*, and of the Town Clerk of the City of *Chester* respectively; be it therefore enacted, That the said several Maps or Plans which in pursuance of the said recited Acts have been so deposited with the respective Clerks of the Peace of the said Counties of *Chester* and *Salop*, *Denbigh*, *Merioneth*, and *Flint*, and with the Town Clerk of the County of the City of *Chester*, as herein-before is mentioned, and also the Maps or Plans describing the Line of the said intended Branch Cut or Canal, as the same has been diverted or altered as aforesaid, and of the Continuance and Extension thereof, together with the Books of Reference to the Names of the Owners and Occupiers of the Lands on which the same will pass, and which are also herein-before mentioned to have been deposited with the said Clerks of the Peace of the said Counties of *Chester* and *Salop*, and the said Town Clerk respectively, shall remain in the Custody of the said Clerks of the Peace and Town Clerk respectively, to the end that all Persons interested in any Manner therein may at all reasonable Times have Liberty to inspect the same, and to take Copies thereof or Extracts therefrom, at their Pleasure, such Persons paying to the Clerks of the Peace or to the Town Clerk from whom such Inspection, or Extract or Copy, may be demanded, the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copy or Extracts; and the said Maps or Plans and Books of Reference, or any Copy thereof, or of so much thereof respectively as shall relate to any Matter which may be in question, certified to be a true Copy by the Clerk of the Peace or Town Clerk who may have made the same, shall be good Evidence in all Courts of Law or elsewhere; and the said United Company, in making and completing the said Branch Cut or Canal from *Wardle Green* to *Middlewich* aforesaid, and other Works hereby authorized, shall not deviate more than One hundred Yards from the Course or Direction delineated in the said Maps or Plans thereof, nor in such Manner as to extend into any Lands or Grounds the Owners of which are not mentioned in the said Books of Reference respectively.

XV. Provided always, and be it further enacted, That it shall not be lawful for the said United Company of Proprietors, or their Servants, Agents, or Workmen, or any of them, or any other Person or Persons whomsoever, to divert or take, for the Use or Supply of the said Branch Cut or Canal hereby authorized to be made, any Water from and out of any other Brooks, Streams, or Watercourses than such as are laid down in the said several Maps or Plans and Books of Reference relating to the said Branch Cut or Canal; and in no Case, or under any Pretence, shall it be lawful for the said United Company to take or divert any of the Brooks, Springs, Streams, Feeders, and Waters which now are or heretofore have been taken for the Use of the said Navigation from the *Trent* to the *Mersey*, or which the said Company of Proprietors of the said last-mentioned Navigation are by Law authorized or empowered to take for the Use of such Navigation.

Not to take Water from any Brooks not in Plan.

XVI. Provided always, and be it further enacted, That for the Protection and Preservation of the Waters of the said Navigation from the *Trent* to the *Mersey*, the said Company hereby established shall and they are hereby required to make each and every one of the Locks on the said intended Branch Cut or Canal hereby authorized to be made from *Wardle Green* to *Middlewich* aforesaid, of not less than the following Dimensions; that is to say, Seventy-seven Feet in Length, Eight Feet Four Inches in Width at the Top, Seven Feet One Inch in Width at the Level of the Bottom Sill, and Sixteen Feet Three Inches in Height from the Bottom Sill to the Top of each Lock, and so that the Rise of each and every of the said Locks shall not be less than Ten Feet Four Inches.

Dimensions of Locks from Wardle Green to Middlewich.

XVII. And be it further enacted, That the said United Company shall and may make and complete the said Branch Cut or Canal from *Wardle Green* to *Middlewich* aforesaid, and the other Works by this Act authorized, into, through, and over the Lands and Grounds of any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, if it shall appear to the Satisfaction of any Two or more Justices of the Peace for the County within which such Lands or Grounds may lie or be situate (and be by them certified in Writing under their Hands), that the Name or Names, Title or Titles, Designation or Designations, of such Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, shall have been by Mistake omitted in the said Maps or Plans or Books of Reference, or any of them, or across any Roads, Brooks, or Rivulets which shall so appear and be certified to have been omitted by Mistake in manner aforesaid, or that instead thereof the Name or Names, Title or Titles, Designation or Designations, of some other Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, to whom such Lands or Grounds do not belong, shall have been by Mistake inserted therein; any thing herein contained to the contrary thereof in anywise notwithstanding.

Land Owners Names omitted.

XVIII. Provided always, and be it further enacted, That nothing in this Act contained shall authorize and empower the said United Company, or any Person or Persons acting by or under their Authority, to take, use, injure, or damage, for the Purposes of this Act, any House

Houses, &c. not to be injured,

[Local.]

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or

or other Building, or any Ground which on or before the Twenty-ninth Day of *September* now last past formed the Site of a House or other Building, or any Land or Ground which at that Period was set apart and used as and for a Garden, Orchard, Yard, Park, Paddock, Plantation, planted Walk, or Avenue to a House, without the Consent in Writing of the Owners and Occupiers thereof and Persons interested therein respectively, other and except such as are specified and set forth in the Schedule to this Act annexed, and other than and except such as by the said recited Acts of the Twelfth and Seventeenth Years of the Reign of His late Majesty hereby repealed, or either of them, the said United Company were authorized and empowered to take or make use of for the Purposes of such Acts respectively.

Deficiencies  
in Land Tax  
to be made  
good by  
Company.

XIX. And whereas, by reason of the Exercise of the Powers granted by this Act, there may be Deficiencies in the Assessments for Land Tax in the several and respective Parishes, Townships, Hamlets, or Places, from, in, through, or into which the Branch Cut or Canal, and other the Works by this Act authorized, may pass or may be made or be situate; be it therefore enacted, That for preventing the same the said United Company shall, from and after that they shall have become seised and possessed, by virtue of the Powers of this Act, of any Premises charged with the Land Tax, and until the Works hereby authorized to be made shall have been 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 Land Tax), be subject and liable from Time to Time to pay and make good to or in aid of the said several Parishes, Townships, Hamlets, or Places respectively, 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 the said several Parishes, Townships, Hamlets, or Places respectively, by reason or means of taking down or using, or cutting through, over, or upon, for the Purposes of this Act, any Premises liable to such Assessments, according to the Rental at which the same were valued or rated at the Time of the passing of this Act; and the Treasurer, Collector, or Receiver to the said Company shall be and is hereby authorized and required to pay all such Assessments, on Demand thereof, to the Collectors of the said Assessments.

Regulations  
as to Ascent  
to Bridges.

XX. Provided always, and be it further enacted, That in all Places where the Line of the Works hereby authorized shall be made across any public Carriage Road, the Ascent to any Bridge to be made over any Part of the said Canal for the Purpose of such Road shall not be greater than One Foot in Thirteen Feet, and a good and sufficient Fence shall be made on each Side of every such Bridge, which Fence shall not be less than Four Feet above the Surface of such Bridge.

In case of  
Injury to  
Roads.

XXI. And be it further enacted, That in all Cases when, in exercise of the Powers hereby granted, any Part of any Carriage or Horse Road, either public or private, shall be found necessary to be cut through or taken, or be so much injured as to be impassable or inconvenient

venient for Passengers or Carriages, or to the Persons entitled to the Use thereof, the said United Company shall, at their own Expence, before any such Road shall be cut through, taken, or injured as aforesaid, cause a good and sufficient temporary Carriage or Horse Road (as the Case may require) to be set out and made instead thereof, as convenient for Passengers and Carriages as the Road so to be cut through, taken, or injured as aforesaid, and as near thereto as may be, and shall cause the same to be put into good and substantial Order and Condition where the former Road cannot be more easily restored; and where the Road cut through or used shall be a Turnpike Road, such temporary Road shall be made, and the principal Road shall be restored, within Six Months after the Commencement of such Operation; and where the said Canal shall cross such Turnpike Road, the Bridge over the same shall be made and kept in repair by the said United Company, so as to prevent Inconveniences or Obstruction to the Passage along such Turnpike Road.

XXII. And be it further enacted, That every Steam Engine which shall be erected by virtue of the Powers of this Act shall be constructed upon the best and most approved Principle of consuming the Smoke arising therefrom, so as to prevent the same from occasioning any Nuisance; and if the said Company, or any Person employed by them in the Execution of this Act, shall erect or use any Steam Engine which does not consume the Smoke upon the Principle aforesaid, they or he shall forfeit and pay for every Neglect or Offence the Sum of One hundred Pounds, to be recovered, with full Costs of Suit, by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*; and such Steam Engine may be abated as a Nuisance.

Steam Engines to consume their own Smoke.

XXIII. And be it further enacted, That the Lands and Grounds to be purchased for making, completing, and maintaining the said Branch Cut or Canal, and the Towing Paths, Banks, and Side Drains thereof, and the Ditches and Fences for separating such Towing Paths, Banks, and Side Drains from the adjoining Lands, shall not exceed Thirty Yards in Breadth, measured horizontally, except in those Places where any Basin, Sluice, or Weir shall be made, or where the said Canal shall be raised higher, or shall be cut more than Three Feet deeper than the present Surface of the Land, and except also in those Places where it shall be judged necessary for Boats, Barges, or other Vessels or Rafts to turn or lie in, or pass each other, or for raising Embankments for crossing the Vallies, or in Cuttings, or where any Warehouses, Cranes, or Weighbeams may be erected, or where any Place may be set out or appropriated for the forming of Wharfs, or for the Reception or Delivery of Goods, Wares, and Merchandize; nor shall such Breadth of Land exceed Eighty Yards in any Place (except where the said Canal shall pass through or over any Common or Waste Land), without the Consent of the Owners of the Lands or Hereditaments immediately adjoining that Part of the said Canal where any extra Breadth shall be deemed necessary.

Breadth of the Land to be taken for Canal.

XXIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to enable, authorize,

As to Tilstone Mills, &c.

authorize, or empower the said United Company of Proprietors, or any Agent, Workmen, Servants, or other Person or Persons employed by or for them or any of them, by any Ways or Devices whatsoever, to take into the said Branch Cut or Canal hereby authorized to be made, completed, maintained, and supported, or into any Part of the said Canal and Collateral Cuts, any Brook, Rivulet, Springs, Watercourses, or Streams of Water now running, flowing, or passing to, or which have usually supplied, either wholly or in part, the Mills in the said recited Act of the Twelfth Year of the Reign of His said late Majesty described as the Property of the Honourable *Wilbraham Tollemache*, commonly called *Tilstone Mills*, situate in *Tilstone Fearnall* in the Parish of *Bunbury* in the said County of *Chester*, or otherwise to divert, alter, or change the usual Course of any Brook, Rivulet, Stream, or Watercourse flowing to the said Mills; without the special Licence and Consent in Writing of the Owner or Owners of the said Mills, under his or their Hand and Seal or Hands and Seals respectively, first had and obtained for that Purpose, unless for the Purpose of Lockage only, in which Case the like or a greater Quantity of Water shall from Time to Time be brought by the said United Company of Proprietors into the Millpool belonging to and above the said Mills, than what shall be taken thereout for Lockage; any thing herein contained to the contrary thereof in anywise notwithstanding.

Not to injure or affect the Waters of Darnhall.

XXV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to enable, authorize, or empower the said United Company of Proprietors, or any Agents, Workmen, Servants, or any other Person or Persons employed by or for them or any of them, by any Ways or Devices whatsoever, to take into the said Branch Cut or Canal hereby authorized to be made, completed, maintained, and supported, or into any Part thereof, any Brook, River, Spring, Watercourse, or Stream of Water now running, flowing, or passing to, or which hath usually supplied, either wholly or in part, the Mills commonly called *Darnhall Mills*, situate in *Darnhall* in the Parish of *Whitegate* in the said County of *Chester*, whereof *Thomas Corbett* of *Darnhall* aforesaid, Esquire, was in the recited Act of the Forty-first Year of the Reign of His said late Majesty described to be Tenant for Life, and *William Corbett* of *Richmond* in the County of *Surrey*, Esquire, Tenant in Tail in Remainder expectant on the Determination of the Estate for Life of the said *Thomas Corbett*, or otherwise to divert from the said Mills, or to alter or change the usual Course or Courses of any such Brook, Stream, or Watercourse as last aforesaid, without the special Licence and Consent in Writing of the Owner or Owners of the said Mills, to be signified under their Hands and Seals respectively, first had and obtained for that Purpose.

As to Wetenhall Mills.

XXVI. Provided also, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to enable, authorize, or empower the said United Company of Proprietors, or any Agent, Workmen, Servants, or other Person or Persons employed by or for them or any of them, by any Ways or Devices whatsoever, to alter, divert, or make use of the Brooks, Rivulets, Watercourses, and



and Streams of Water, or any of them, now flowing to or which supply the Mills in the said recited Act of the Twelfth Year of the Reign of His said late Majesty described as the Property of *James Tomkinson* Esquire, situate in *Wettenhall* in the said County of *Chester*, so as to prevent the several Brooks, Rivulets, Watercourses, and Streams of Water, or any of them, from flowing to and supplying the said Mills, and the Pool or Fishery there, without the special Licence and Consent of the Owner or Owners of the said Mills, in Writing under his or their Hands and Seals respectively, first had and obtained for that Purpose; or unless the said Company of Proprietors shall make a full and ample Recompence and Satisfaction to such Owner or Owners for all the immediate and consequential Injury, Inconveniences, and Damages which he or they, and his and their Tenants for the Time being in *Wettenhall* aforesaid, shall from Time to Time sustain thereby; and in case of any Difference concerning the same, such Recompence and Satisfaction shall be settled, ascertained, recovered, and levied in such Manner, and with the like Powers, Authorities, and Remedies, in all respects, as any other Damages or Satisfaction which shall be sustained by the Exercise of any of the Powers in this Act contained may or can be settled, ascertained, recovered, and levied; any thing herein contained to the contrary thereof notwithstanding.

XXVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to enable, authorize, or empower the said United Company of Proprietors, or any Agent, Workmen, Servants, or other Person or Persons employed by or for them, or any of them, by any Ways or Devices whatsoever, to alter, divert, or make use of the Brooks, Rivulets, Watercourses, and Streams of Water, or any of them, now flowing to or which supply the Mills in the said recited Acts of the Seventeenth Year of the Reign of His said late Majesty described as belonging to *George Wilbraham* Esquire, situate in *Stoke* in the said County of *Chester*, so as to prevent the said several Brooks, Rivulets, Watercourses, and Streams of Water, or any of them, from flowing to and supplying the said Mills and Millpool, without the special Licence and Consent of the Owner or Owners thereof, his or their Heirs and Assigns, in Writing under his or their Hands and Seals respectively, first had and obtained for that Purpose; or unless the said United Company of Proprietors shall make a full and ample Recompence and Satisfaction to such Owner or Owners, their or his Heirs and Assigns, for all the immediate and consequential Injury, Inconveniences, and Damages which he or they, and his and their Tenants for the Time being in *Stoke* aforesaid, shall from Time to Time sustain thereby; and in case of any Difference concerning the same, such Recompence and Satisfaction shall be settled, ascertained, recovered, and levied in such Manner, and with like Powers, Authorities, and Remedies, in all respects, as any other Damages or Satisfaction which may be sustained by the Exercise of any of the Powers in this Act contained may or can be settled, ascertained, recovered, and levied; any thing herein contained to the contrary thereof notwithstanding.

For saving  
the Waters  
which supply  
Stoke Mills.

Earl Kilmorey's Land.

XXVIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be deemed or construed to extend to authorize the said United Company of Proprietors, or any Person or Persons employed by them, to execute any of the Powers or Authorities given by this Act in or upon any of the Lands or Tenements of the Right Honourable *Francis Earl Kilmorey*, of that Part of the United Kingdom of *Great Britain* and *Ireland* called *Ireland*, situate, lying, and being in the said County of *Chester*, or to take, divert, or use any River, Brook, or Stream of Water which runs or flows to any Mill or Mills belonging to the said *Earl Kilmorey*.

Not to take the Water of the River Perry.

XXIX. Provided always, and be it further enacted, That nothing herein contained shall extend or be deemed or construed to extend to authorize or empower the said United Company of Proprietors, under any Pretence whatever, to take or suffer to be taken or used, for the said Canal and Collateral Cuts, or any Part thereof, or to flow or run into any Reservoir or Reservoirs, or other Works, for the Use thereof, any of the Rivulets, Springs, Feeders, Watercourses, or Streams of Water now flowing into or supplying the River *Perry* in the said County of *Salop*, above a certain Mill situate in the Township of *Ruyton of the Eleven Towns* in the said County of *Salop*, called the *Platt Mill*, except in Times of Floods and wet Seasons, and when there shall be a Surplus of Water in the said River, or the Rivulets or Watercourses flowing into the same, for the Supply of all the Mills upon the said River; but that all such Rivulets, Springs, Feeders, Watercourses, and Streams of Water which shall or may be crossed or diverted by the said Canal and Collateral Cuts, or any Reservoir, Conductor, Aqueduct, or other Works appertaining thereto, above the said Mill called the *Platt Mill*, shall be well and effectually tunneled and conducted under such Canal, Collateral Cuts, Reservoirs, Conductors, or other Works, by the said United Company of Proprietors, immediately either into the former and ancient Course of such Rivulets, Springs, Feeders, Watercourses, or Streams of Water, or in such other Manner as that the Whole thereof, except in such Times of Floods and wet Seasons, shall flow into the said River *Perry*.

Not to take the Water of Finchett's Gutter.

XXX. Provided always, and be it further enacted, That nothing herein contained shall extend or be deemed or construed to extend to authorize or empower the said United Company of Proprietors, under any Pretence whatever, to take or suffer to be taken or used for the said Canal and Collateral Cuts, or any of them, or to flow or run into any Reservoir or Reservoirs, or other Works, for the Use thereof, any of the Water usually flowing into a certain Stream or Watercourse called *Finchett's Gutter* in the County of *Chester* and County of the City of *Chester*, or either of them, except in wet Seasons, without the Consent of the Company of Proprietors of the Undertaking for recovering and preserving the Navigation of the River *Dee*.

Not to take Water from the Meres

XXXI. Provided always, and be it further enacted, That nothing in this Act contained shall authorize or empower the said United Company

Company of Proprietors to take or make use of any Water for the Purposes of the said Canal or Collateral Cuts, or any of them, from or out of any of the Meres or Lakes heretofore belonging to the Right Honourable *John William Earl of Bridgewater*, deceased, within the Counties of *Salop* and *Chester*, or either of them, without the Consent in Writing of the Devisées in Trust named in the last Will and Testament of the said Earl, or other the Person or Persons for the Time being entitled to the Possession of the said Meres or Lakes.

formerly belonging to the Earl of Bridgewater.

XXXII. Provided always, and be it enacted by the Authority aforesaid, That nothing in this Act contained shall extend or be construed to extend to authorize and empower the said United Company, or their Agents, Servants, or Workmen, to make the said Branch Cut or Canal from *Wardle Green* to *Middlewich* aforesaid, or the Towing Paths belonging thereto, nearer than Three hundred Yards to the Capital Messuage or Mansion House called *Lea Hall*, or the Outhouses or Gardens thereto belonging, in the said recited Act of the Twelfth Year of the Reign of His late Majesty described as the Property of *Sir John Fleming Leicester* Baronet, within the Township of *Wimboldesley* in the said County of *Chester*; nor to make any Towing Paths within the Distance of Eight hundred Yards on that Side of the said Branch Cut or Canal next to the said Capital Messuage or Mansion House, without the Consent in Writing of the Owners and Proprietors for the Time being of the said Messuage or Mansion House first had and obtained for that Purpose; any thing herein contained to the contrary thereof in anywise notwithstanding.

Not to make the Canal within 300 Yards of *Lea Hall*;

nor Towing Path within 800 Yards of that Side next to the Canal.

XXXIII. Provided always, and be it enacted by the Authority aforesaid, That nothing in this Act contained shall extend or be construed to extend to authorize and empower the said United Company, or their Agents, Servants, or Workmen, to make the said Branch Cut or Canal from *Wardle Green* to *Middlewich* aforesaid, or the Towing Path thereof, nearer than Eight hundred Yards to a certain Capital Messuage or Mansion House called *Darnhall*, or the Outhouses or Gardens thereto belonging, in the said recited Act of the Twelfth Year of the Reign of His said late Majesty described as the Property of *Thomas Corbett* Esquire, within the Township of *Darnhall* in the said County of *Chester*, without the Consent in Writing of the Owner or Owners of the said Capital Messuage or Mansion House, his or their Heirs or Assigns, first had and obtained for that Purpose.

Not to make Canal within 800 Yards of *Darnhall*.

XXXIV. And be it further enacted, That after any Lands or Hereditaments to be taken or used for the Purposes of this Act shall have been set out and ascertained, it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants in Tail or for Life, or for any other partial or qualified Estate or Interest, Husbands, Guardians, Trustees, and Feoffees in Trust for charitable and other Purposes, Committees, Executors, Administrators, and all other Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also

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

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 or Wards, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest therein, and to and for all and every other Person and Persons whomsoever who is or are or shall be seised, possessed of, or interested in any such Lands or Hereditaments as shall be so set out and ascertained for the Purposes aforesaid, to contract for, sell, and convey the same and every Part thereof unto the said United Company; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be valid and effectual in Law to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom to the contrary in anywise notwithstanding, and shall operate and be as 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 all Bodies Politic, Corporate, or Collegiate, and all other Persons so conveying as aforesaid, are hereby indemnified for what they shall respectively do by virtue hereof; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be made at the Expence of the said Company, and shall be made according to the following Form, or as near thereto as the Circumstances of the Case will admit; *videlicet*,

Form of  
Conveyance.

‘ I *A. B.* of \_\_\_\_\_ in consideration of the Sum of \_\_\_\_\_  
 ‘ of lawful *English* Money to me paid by the United  
 ‘ Company of Proprietors of the *Ellesmere* and *Chester* Canal, do  
 ‘ hereby, by virtue of the Powers contained in an Act of Parliament  
 ‘ passed in the Seventh and Eighth Years of the Reign of His  
 ‘ Majesty King *George* the Fourth, intituled [*here set forth the Title*  
 ‘ *of this Act*], grant and release to the said Company all [*describing*  
 ‘ *the Premises to be conveyed*], and all my Estate, Right, Title, and  
 ‘ Interest in and to the same, and every Part thereof; to hold unto  
 ‘ the said Company and their Successors for ever, according to the  
 ‘ true Intent and Meaning of the said Act. In witness whereof I  
 ‘ have hereunto set my Hand and Seal, the \_\_\_\_\_ Day of  
 ‘ \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_

And all such Conveyances and Assignments respectively shall be kept by the Clerk or Clerks to the said Company, who shall from Time to Time, when requested, deliver attested Copies thereof to any Person requiring the same, such Person paying the Sum of Sixpence for every One hundred Words, exclusive of the Expence of the Stamps.

Conveyances  
of Copy-  
holds.

XXXV. Provided always, and be it further enacted, That if any Contract or Agreement shall be made or entered into for or in respect of any Lands, Tenements, or Hereditaments to be taken or used by virtue of the Powers of this Act, for the Purposes thereof, which said Lands, Tenements, or Hereditaments shall be of Copyhold or Customary Tenure, or in the Nature thereof, every such Contract or Agreement shall be executed and completed by Surrender of the Lands, Tenements, and Hereditaments comprised therein, in the Court of the Manor of which the same may be holden or Parcel, according

according to the Custom of such Manor; and such Lands, Tenements, or Hereditaments shall continue subject to the same Fines, Rents, and Services as may be then due and payable, and of Right accustomed, in the same Manner as if this Act had not been passed, unless the Lord or Lords, Lady or Ladies for the Time being of the Manor whereof the said Lands, Tenements, or Hereditaments may be holden, shall be willing or desirous to enfranchise the same, in which Case such Lord or Lords, Lady or Ladies, notwithstanding her or their Coverture, and whether sole or married, is and are hereby empowered so to do, notwithstanding he, she, or they shall be seised of or entitled to the same Manor for a less Interest than an Estate of Inheritance in Fee Simple; but inasmuch as the vesting and continuing of such Copyhold or Customary Premises in the said Company as a Body Corporate would prevent such Lord or Lords, Lady or Ladies, from receiving the same Benefit of Fines, Heriots, and other Services due upon Death, Descent, or Alienation, as he, she, or they would have received in case such Copyhold or Customary Premises had continued to be the Property of Persons in their natural Capacities, the said Lord or Lords, Lady or Ladies of the said Manor, in case he, she, or they shall decline to enfranchise the respective Parcels of Copyhold or Customary Land held or Parcel of the said Manor which shall be so purchased by or vested in the said United Company for the Purposes aforesaid, shall be entitled to and shall be paid by the said Company a reasonable Recompence and Satisfaction for the Loss that may arise to him, her, or them in respect of such Fines, Heriots, and other Services, the Receipt and Enjoyment of which shall be diminished or lost by the vesting and continuing of such Copyhold or Customary Premises in a Body Corporate; which Recompence and Satisfaction, and also the Appointment or Apportionment of the certain Copyhold or Customary Rents issuing out of such Copyhold or Customary Tenements, of which a Part only shall be taken for any of the Purposes of this Act, shall, if not settled by Agreement between the Parties, be ascertained and settled by the Verdict of a Jury, if required, as is herein-after directed.

XXXVI. And be it further enacted, That in all Cases where the Lord or Lords, Lady or Ladies of any Manor whereof any Copyhold or Customary Lands or Tenements required to be taken or used for the Purposes of this Act are holden or Parcel, shall be willing or desirous to enfranchise the same Copyhold or Customary Lands or Tenements, and such Lord or Lords, Lady or Ladies, shall be seised of or entitled to such Manor or Manors respectively for a less Interest than an Estate in Tail, General or Special, or where he, she, or they cannot, either by levying a Fine or Fines, or suffering a Common Recovery or Common Recoveries, enfranchise the same Lands or Tenements, then the Money agreed or assessed to be paid for the Enfranchisement thereof shall be paid, applied, and disposed of, under the Direction and under the Approbation of the Court of Exchequer, or without such Direction or Approbation, according to the Amount thereof, in the same Manner in all respects as in this Act is directed and provided with respect to Money agreed or assessed to be paid for the Purchase of any Lands, Tenements, or Hereditaments purchased,

[Local.]

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taken,

Lords of Manors under Incapacity enabled to enfranchise Copyholds and apportion Rents.

taken, or used for the Purposes thereof, which shall belong to any Person under any Disability or Incapacity whatsoever; and in all Cases in which the Appointment or Apportionment of the certain Copyhold or Customary Rents issuing out of such Copyhold or Customary Lands and Tenements, of which a Part only shall be or shall have been taken for any of the Purposes of this Act, shall be settled by Agreement between the Parties, such Agreement shall be made with and shall not be valid without the Consent and Approbation of the Lord or Lords, Lady or Ladies of the Manor or respective Manors whereof the same Copyhold or Customary Lands and Tenements are holden or Parcel, and if not so settled, shall then be settled or assessed by the Verdict of a Jury, if required, in such Manner as in and by this Act is directed and provided; and the Apportionment of such Copyhold or Customary Rents as aforesaid shall not in any Manner invalidate, prejudice, or destroy the Custom or Customs in other respects by or under which the said Copyhold or Customary Lands or Tenements shall or may be holden, or the Remedy or Remedies for the Recovery of such Rents after the Apportionment thereof; and in all Cases where the Lord or Lords, Lady or Ladies of any Manor, whereof any Copyhold or Customary Lands or Tenements purchased by the said United Company for the Purposes of this Act, shall refuse or decline to enfranchise the same Lands or Tenements, and shall in consequence thereof have received from the said Company a Recompence and Satisfaction in respect of the Fines, Heriots, and other Services being diminished or lost by the vesting and continuing of such Copyhold or Customary Lands or Tenements in a Body Corporate, then and in every such Case, if the same Lands or Tenements, or any Part thereof, shall not be ultimately required for the Purposes aforesaid, or any of them, and shall be sold and disposed of by the said Company under the Authority to them given for that Purpose, the Copyhold or Customary Lands and Tenements which shall be sold and disposed of by the said Company shall remain in the Hands of the Purchaser or Purchasers thereof, and for ever thereafter continue free and discharged from the Fines, Heriots, and other Services in respect whereof such Recompence and Satisfaction shall have been made as aforesaid.

Where small  
Parcels of  
Land are in-  
tersected,  
Company  
compellable  
to purchase  
the Whole.

XXXVII. And be it further enacted, That if in making and executing the said Branch Cut or Canal and other Works hereby authorized, any Pieces or Parcels of Ground shall be cut through and divided, so that what shall be left on each or either Side of the said Branch Cut or Canal shall be less than One Statute Acre in Quantity, or less than Fifty Yards in Breadth, and if the Owner or Owners of any such Pieces or Parcels of Ground shall not have any other Land or Ground adjoining to that which shall be so left on each or either Side of the said Branch Cut or Canal, then and in every such Case, if the Owner or Owners of or Person or Persons entitled to the Possession or to the Rents and Profits of the same shall so require, but not otherwise, the said United Company shall also take and purchase the Piece or Parcel or Pieces or Parcels of Ground so left on each or either Side of the said Branch Cut or Canal, being less than One Statute Acre in Quantity, or less than Fifty Yards in Breadth as aforesaid, the

the Value thereof to be ascertained in the same Manner as is directed concerning any Land or Ground to be taken and used for the Purposes of this Act.

XXXVIII. And be it further enacted, That in all Cases where, in making the said Branch Cut or Canal or other Works hereby authorized, there shall be Occasion to cut through, take, or use any Part of any Common or Waste Grounds, or other Lands, Tenements, or Hereditaments which shall be charged with or subject or liable to the Exercise of any Right or Privilege of Common thereupon, whether of Pasture, Turbary, Estover, Piscary, or other Easement, and whether such Common or Commonable Rights be appendant, appurtenant, or in gross, and whether the same be created or be then subsisting by Grant, Prescription, Custom, or otherwise howsoever, the Conveyance of such Common or Waste Grounds, or other Lands, Tenements, or Hereditaments as aforesaid, by any Body Politic, Corporate, or Collegiate, or other Person or Persons having such Estate or Interest in the Manor wherein such Common or Waste Grounds shall be situated (or if the same shall not be the Waste of any Manor, then having such Estate or Interest in the Soil of the said Lands, Tenements, and Hereditaments), as the Body or Bodies Politic, Corporate, or Collegiate, or the Persons who are herein-before enabled to sell and convey other Lands, Tenements, and Hereditaments, have in such Lands, Tenements, or Hereditaments, shall be a good and sufficient Conveyance to the said Company, for the Purpose of vesting in them the Fee Simple and Inheritance of such Common or Waste Grounds, or other Lands, Tenements, or Hereditaments, as fully and effectually as if every Person having such Right or Rights of Common upon such Commons or Waste Grounds, or other Lands, Tenements, or Hereditaments, were seised thereof in Fee Simple in Possession, and had joined in and executed such Conveyance; and the Compensation to be paid for the Extinguishment of any Right of Common upon any such Common or Waste Grounds as aforesaid shall be paid by the said Company to the Churchwardens for the Time being of the Parish wherein such Common or Waste Grounds shall be situated, and shall be by such Churchwardens received and applied for such general or public Purposes within the said Parish as a Vestry thereof, to be convened by such Churchwardens for that Purpose, shall direct; and in all Cases where any such Commonable or other Rights shall extend over and be exercised and enjoyed out of or upon any other Lands, Tenements, or Hereditaments than such Common or Waste Grounds, the Compensation for the Relinquishment thereof shall be paid or tendered to the Person or Persons, Bodies Politic, Corporate, or Collegiate, having such Estate or Interest as aforesaid in the said Commonable or other Rights, or in any Lands, Tenements, or Hereditaments whereunto the same shall be appendant or appurtenant, or deposited in the Bank of *England* in the Manner by this Act directed, as the Case may be: Provided, that in all Cases where any such Manor is vested in Freeholders or Inhabitants at large, or in any greater Number of Persons than Four, or where it is not known to what Lord or Lady such Manor belongs, or in what Manor such Common or Waste Ground is situate, the Conveyance by Four at least of the Freeholders whose Estates have Common Right in or

Waste Lands  
to be conveyed  
by Lords  
of Manors.

over

over such Common or Waste Ground, and whose said Estates in the Rate for the Relief of the Poor amount in yearly Value to Three Fifth Parts at least of the whole of the Estates which have such Common Right, shall also in like Manner be a good and sufficient Conveyance to the said Company for the Purpose of vesting in them the Fee Simple and Inheritance of such Common or Waste Grounds.

Satisfaction to be made for Lands taken for the Purposes of this Act.

XXXIX. And be it further enacted, That all Bodies Politic, Corporate, and Collegiate, Trustees, and other Persons herein-before capacitated or enabled to sell and convey Lands, Tenements, and Hereditaments, and the Owner and Owners, and Occupier and Occupiers of any Lands, Tenements, or other Hereditaments, through, in, over, or upon which the said Works hereby authorized are intended to be made, 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 directed to be made, and also for or by reason of the severing or dividing the same Lands and Hereditaments from the other Lands and Hereditaments belonging to such Body or Bodies Politic, Corporate, or Collegiate, Trustees, and other Person or Persons interested therein, and for or on account of the Detriment, Injury, Loss, Damage, or Prejudice which shall or may be sustained by such Body or Bodies Politic, Corporate, or Collegiate, Trustees, and other Person or Persons interested therein, in such gross Sums as shall be agreed upon between the said Owners and Occupiers respectively, or any of them, and the said United Company; and in case the said Company and the said Parties interested in such Lands or other Hereditaments cannot or do not agree as to the Amount or Value of such Satisfaction and Compensation, the same shall be ascertained and settled by the Verdict of a Jury, as is herein-after directed.

Difference respecting Price of Land or Damages to be settled by a Jury.

XL. And be it further enacted, That in case of any Difference between the said United Company and any Body or Bodies Politic, Corporate, or Collegiate, Trustees, or other Person or Persons so interested, entitled, or capacitated to sell as aforesaid, for and on behalf of himself or herself, or for or on behalf of his or her Cestuique Trust, or of the Person or Persons entitled in Remainder or Reversion after him or her as aforesaid, or of any other incapacitated Person as aforesaid, relative to the Price or Value, or Damages or Recompence to be given for any Lands, Tenements, or Hereditaments to be taken or used for the Purposes of this Act; and in case such Price or Value, or Damages or Recompence, cannot be settled, adjusted, and agreed for by and between such Parties and the said Company; or if any such Body or Bodies Politic, Corporate, or Collegiate, Trustee or Trustees, or any other Person or Persons interested or entitled as aforesaid, shall refuse to receive, upon due Tender thereof made, such Purchase Money or Recompence as shall be offered to be paid by the said Company; or shall, for the Space of Twenty-one Days next after Notice in Writing given to the principal Officers of any such Body or Bodies Politic, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at the last or usual Place or Places of his, her, or their Abode, or with the Tenant



Tenant or Tenants, Occupier or Occupiers of any Lands or Hereditaments required for the Purposes of this Act, neglect or refuse to treat, or shall not agree with the said Company concerning the same; or shall, by reason of Absence or otherwise, be prevented from treating; or shall, by reason of Nonage or other Impediment not provided for by this Act, be incapable of treating, or making such Agreement as shall be expedient for enabling the said Company to proceed in the making or carrying on the Works aforesaid; or shall not, within the before-mentioned Space of Twenty-one Days, produce and fully disclose the State of the Title to the Premises of which they are or shall be in possession, and to the Interest which they claim therein; then and in any of the said several Cases the said Company shall and they are hereby empowered and required to issue a Warrant under their Common Seal to the Sheriff of the County in which the Lands or Hereditaments in question shall be situated; and in case such Sheriff or his Under Sheriff shall be One of the said Company, or enjoy any Office of Trust or Profit under them, or shall be in anywise interested in the Matter in question, then to any of the Coroners of such County who shall not be so interested as aforesaid; or if all the Coroners shall be so interested, then to the last Person then in being who filled the Office of Sheriff of the same County, and who shall not be interested as aforesaid; commanding such Sheriff or Coroner, or other Person, to impanel, summon, and return, and the said Sheriff, Coroner, or other Person is hereby required accordingly to impanel, summon, and return a Jury of at least Eighteen sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for Trials of Issues in His Majesty's Courts of Record at *Westminster*, to appear before the Justices of the Peace for the County in which such Lands or Hereditaments shall lie, or the Matter in question or dispute shall arise, at some Court of General or Quarter Sessions of the Peace to be holden for the same County, or at some Adjournment thereof, as in such Warrant or Warrants shall be appointed; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid, such 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 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 County in which such Lands or Hereditaments shall lie, or the Matter in question or dispute shall arise, or his Deputy, is hereby empowered and required to summon or call before the said Justices all Persons who shall be thought necessary to be examined as Witnesses touching the Matter 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 or Matters in controversy; and such Jury upon their Oaths (which Oaths, as well as the Oaths to such Persons as shall be called upon to give Evidence, the said Justices are hereby empowered to administer,) shall inquire of, assess, and ascertain the Sum or Sums of Money to be paid for the Purchase of such Lands or Hereditaments, and also any other separate and distinct Sum or Sums of Money to be paid by way of Recompence, either for the

[*Local.*]

28. G

Damages

Damages which shall or may before that Time have been so sustained as aforesaid, or for the future temporary or perpetual, or for any recurring Damage which shall have been so occasioned as aforesaid, and the Cause or Occasion of which shall have been in part only obviated, repaired, or remedied by the said Company, and which cannot or will not be further obviated, repaired, or remedied by them; and in so doing the said Jury shall take into consideration, not only the Damage or Inconvenience, but also the Advantage and Convenience which shall or may arise by means of the Works to the Person or Persons having such Controversy or Dispute with the said Company; and the said Justices shall accordingly give Judgment for such Purchase Money or Recompence so to be assessed by such Jury; which said Verdict, and the Judgment thereupon to be pronounced as aforesaid, shall be binding and conclusive to all Intents and Purposes, against all Bodies Politic, Corporate, and Collegiate, and all other Persons whomsoever: Provided always, that not less than Seven 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 principal Officers of any such Body Politic, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at the last or usual Place or Places of his, her, or their Abode, or with some Tenant or Occupier of the Premises to be valued, or respecting which any such Question shall arise.

Damages to be ascertained separately from the Value of Lands.

XLII. Provided also, and be it further enacted, That the said Juries shall make all Determinations, Judgments, and Verdicts which they shall respectively make and give concerning the Value of Lands 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 Hereditaments, and the Money assessed or adjudged for such Damages as aforesaid, separately and apart from each other.

Fine on Sheriff making Default, and for Persons refusing to appear, &c.

XLII. And be it further enacted, That if such Sheriff or other Person so directed to summon and return a Jury as aforesaid, 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 summoned and returned as aforesaid upon such Jury shall not appear, without sufficient Excuse, or appearing shall refuse to be sworn or to give his Verdict, or shall in any other Manner wilfully neglect his Duty, contrary to the true Intent of this Act; or if any Person so to be summoned to give Evidence shall not appear, without sufficient Excuse, after having been paid or tendered a reasonable Sum for his, her, or their Costs and Expences, or appearing shall refuse to be sworn or examined or to give Evidence; then and in every such Case every Person so offending shall forfeit and pay, for the Benefit of the Party for whom or on whose Account such Jury or Witnesses shall be summoned, any Sum not exceeding Ten Pounds, to be levied, by virtue of any Warrant under the Hand and Seal of any of the said Justices, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to him, her, or them the Overplus of the Money thereby produced, after such Penalty, and the Charges and Expences of such Distress and Sale, shall have been deducted.

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

Respecting  
Juries and  
Witnesses.

XLIV. 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 United Company, for the Purchase of any Premises to be used or taken by them for the Purposes of this Act, or as a Compensation or Récompence 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 the Expence of Witnesses, and of the Fees of Court on the hearing and determining the said Question, 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 County wherein such Premises shall lie, 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 interested therein to attend him for that Purpose); and in case such Costs and Expences shall not be paid to the Party entitled to receive the same within Seven 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 such County, which Warrant 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 to receive such Costs and Expences; but if the Verdict of the Jury shall be given for the same or a less Sum than shall have been previously offered or tendered by or on behalf of the said Company, 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 such first-mentioned Moiety of the said Costs and Expences, having been ascertained and settled by some Justice of the Peace of such 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

Expences of  
Juries, how  
defrayed.

Payment

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 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.

Persons requesting Juries to enter into Bonds to prosecute.

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

Compensation Money to be apportioned.

XLVI. 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 Monies or Compensation for Damages, which shall be agreed, determined, and adjusted or assessed in manner as aforesaid, shall be allowed to any Tenant or other Person or Persons having a particular Estate, Term, or Interest in the Premises, for such his, her, or their Interest or respective Interests therein.

Verdicts to be recorded.

XLVII. And be it further enacted, That all the said Verdicts and Judgments, being first signed by the Clerk of the Peace or his Deputy present at the taking of such Verdict, shall be kept by the Clerk of the Peace for the County in which the Matter of Dispute shall have arisen, among the Records of the Quarter Sessions for such County, and shall be deemed Records to all Intents and Purposes; and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling and no more, and also to take and make Copies thereof, paying for each Copy after the Rate of Sixpence for every One hundred Words.

Damages not provided for to be settled.

XLVIII. And be it further enacted, That if any Person shall sustain any Damage in his or her Lands, Tenements, or Hereditaments, by reason of the Execution of any of the Powers by this Act given, and through or by any Means not herein provided for, then and in every such Case such Damages shall be settled by the said United Company, or be determined by a Jury as herein-before mentioned; and the Amount of such Damages may be recovered, levied, and applied in the Manner herein directed with regard to other Damages; and in every such Case the said Company are hereby,  
upon

upon the Requisition of the Person or Persons sustaining any such Damages as aforesaid, or his, her, or their Agent, empowered and required to issue a Warrant or Warrants under their Common Seal to the Sheriff of the County, or other Person by this Act directed in the Cases herein-before provided for to summon and return a Jury, commanding him to summon a Jury in manner herein-before mentioned.

XLIX. And be it further enacted, That the said United Company shall not be obliged, nor shall any Jury to be summoned by virtue of this Act be allowed, to receive or take notice of any Complaint to be made by any Person for any Injury or Damage by him or her sustained, or supposed to be sustained, by virtue or in consequence of the Execution of any of the Powers of this Act, unless Notice shall have been given in Writing, stating the Particulars of such Injury or Damage, and the Amount of the Compensation claimed in respect thereof by or on behalf of such Person or Persons, to the said Company, within the Space of Six Calendar Months after the Time of such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

Notice of Injury to be given to Company before Complaint made.

L. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been agreed upon between the Parties, or assessed by any Jury in manner aforesaid, for the Purchase of any such Lands or Hereditaments, or as a Recompence for the yearly Produce or Profits thereof, or as a Compensation for Damages, as herein-before mentioned, to the Proprietor or Proprietors of such Lands or Hereditaments, or to such other Person or Persons as shall be interested therein or entitled to receive such Money or Compensation respectively, within One Calendar Month next after the same shall be so agreed upon, determined, or assessed; or if the Person or Persons so entitled or interested as aforesaid, 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, within the said Period of One Calendar Month, into the Bank of *England* as herein-after directed, for the Use of the Person or Persons entitled thereto, it shall be lawful for the said United Company, and their Agents, Workmen, and Servants, immediately to enter upon such Lands and Hereditaments respectively; and then and thereupon such Lands and Hereditaments, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall thenceforth be vested in and become the sole Property of the said Company to and for the Purposes of this Act; and such Payment or Tender and Investment shall not only bar all Right, Title, Claim, Interest, and Demand of such Person or Persons as aforesaid, and operate as a Merger of all outstanding Terms of Years, but also shall 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 or Remainder or otherwise, of his, her, or

Power to enter and take Possession of Lands, &c. on Payment or Tender of Purchase Money.

their Issue, and of every other Person whomsoever therein: Provided nevertheless, that before such Payment, Tender, or Investment as aforesaid, it shall not be lawful for the said Company, or for any Person acting under their Authority, to dig or cut such Lands or Hereditaments for the Purpose of making the said Works, without the Leave and Consent of such Person or Persons respectively; and in case any Person shall enter upon any such Premises for any of the Purposes of this Act, before such Payment, Tender, or Investment as aforesaid, every Person so offending shall forfeit and pay the Sum of Ten Pounds for every Day he or they shall remain on the said Premises.

Company not  
to claim any  
Mines, &c.

LI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to give to the said United Company any Mines, Minerals, or Coals, or any Stone or Slate, under any Land taken or purchased by the said Company under the Provisions of this Act, except only so much and such Parts of such Minerals, Coals, Stone, or Slate, as may be necessary to be dug or gotten and used for the Purposes of this Act; but all such Mines, Minerals, Coals, Stone, or Slate shall be deemed to be excepted out of such Purchase, and may be worked by the Owners or Lessees thereof under the said Lands, or any Canals or other Works of the said Company, as if this Act had not been passed, but so as nevertheless not to prejudice or to injure any such Canals or other Works hereby authorized or directed to be made, completed, supported, and maintained.

Tenants at  
Will or for  
Years, to  
quit Lands,  
&c. after  
Notice.

LII. And be it further enacted, That every Tenant at Will, or Lessee for a Year, or any other Person or Persons in possession of any Lands or Hereditaments, or any Part thereof, which shall be taken or used for the Purposes of this Act, and who shall have no greater Interest in the Premises than as Tenant at Will or Lessee for a Year, or from Year to Year, shall deliver up the Possession of such Premises to the said United Company, or to such Person or Persons as they shall appoint to take possession of the same, at the Expiration of Six Calendar Months next after Notice to that Effect shall have been given by the said United Company, or by the Person or Persons so authorized by them, to such Tenant or Lessee, or Person in possession, or left upon the said Premises, whether such Notice be given with reference to the Time or Times of the Commencement of such Tenant's Holding, or not, and whether such Notice be given before or after the said Premises shall be purchased by the said Company, or such other Time after the Expiration of Six Calendar Months as he, she, or they shall be required; and in case any such Tenant or Lessee, or Persons so in possession as aforesaid, shall refuse to give up such Possession as aforesaid, it shall be lawful for the said Company to issue their Precept or Precepts to the Sheriff of the County in which the Premises may be situate, to deliver Possession of the said Premises to such Person or Persons as shall in such Precept or Precepts be nominated to receive the same; and the said Sheriff is hereby required to deliver Possession of the said Premises accordingly, and to levy such Costs as shall accrue from the issuing  
5\* and

and Execution of such Precept or Precepts on the Person or Persons so refusing to give Possession as aforesaid, by Distress and Sale of his, her, or their Goods.

LIII. Provided also, and be it further enacted, That where any such Tenant or Lessee shall be required to deliver up the Possession of any Premises so occupied by him or her to the said United Company, or to the Person or Persons authorized by them to take Possession thereof as aforesaid, before the Expiration of the Term or Interest of such Tenant or Lessee as aforesaid in the said Premises, the said Company shall and they are hereby directed to make or tender unto such Tenant or Lessee, before they shall issue their Precept or Precepts to the Sheriff to give Possession of the Premises in the Occupation of such Tenant or Lessee, as herein-before mentioned, Satisfaction or Compensation for the Value of his or her unexpired Term or Interest in the said Premises; which Satisfaction or Compensation, in case of Difference, shall be settled and ascertained in the same Manner as any Satisfaction or Compensation for any Lands or Hereditaments taken or made use of by the said Company, is in and by this Act directed to be made and assessed.

Proviso for the Interests of such Tenants.

LIV. And be it further enacted, That in all Cases where any Person or Persons shall claim any Satisfaction or Compensation for or in respect of any unexpired Term or Interest in any Lands or Hereditaments, through, in, or upon which the Works by this Act authorized to be made are intended to pass or be made, under or by virtue of any Demise, Lease, or other Grant thereof, the said United Company shall and they are hereby authorized to require such Person or Persons to produce and show the Lease, Demise, or Grant in respect of which such Claim to Satisfaction or Compensation shall be made; and if such Lease, Demise, or Grant shall not be produced and shown, the Person or Persons claiming under the same shall be considered as holding only from Year to Year.

Persons holding under Leases to produce same.

LV. And be it further enacted, That all and every Person and Persons having any Mortgage on any Lands or Hereditaments to be taken or used for the Purposes of this Act, not being in possession thereof by virtue of such Mortgage, shall, on Tender of the Principal Money and of the Interest due thereon, together with the Amount of Six Calendar Months Interest on the said Principal Money, by the said United Company, or by such Person or Persons as they shall appoint, immediately convey, assign, and transfer such Mortgage to the said Company, or to such Person or Persons as they shall appoint; or in case such Mortgagee 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 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 Money 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, or to such Person or Persons as shall be appointed, in Trust for them; and in case such Mortgagee or Mortgagees shall refuse to convey and assign as aforesaid,

Mortgages to be conveyed to the Company after Tender.

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 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 so ascertained to be the Value thereof in manner herein-before directed), then the said Company shall not be liable to pay to the said Mortgagee 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 shall neglect or refuse to convey or assign as aforesaid, then, upon Payment of the Principal Money and Interest due on any such Mortgage as aforesaid, into the Bank of *England*, at the End of Six Calendar Months from the Day of giving such Notice as aforesaid, for the Use of the said Mortgagee, the Cashier or Cashiers of the said Bank shall give a Receipt or Receipts for the said Money, in like Manner as is herein-after 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 such Mortgagee, and of all and every Person and Persons in Trust for him or her, shall vest in the said Company, and they shall be deemed to be in the actual Possession of 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 or Hereditaments than those which shall be so taken by the said Company, such Mortgagee or Mortgagees shall, upon Payment of the Sum so ascertained to be the Value of the said Lands or Hereditaments as aforesaid, forthwith convey, assign, and transfer his, her, or their Interest in such Lands and 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 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.

Directing in what Manner Disputes between Company and certain Mortgagees of Land shall be settled.

LVI. And be it further enacted, That in all Cases where a Part only of any Lands or Hereditaments subject to any Mortgage or Mortgages shall be required for the Purposes of this Act, and the Mortgagee or Mortgagees thereof shall not consider the remaining Part of such Lands or Hereditaments to be a sufficient Security for the Money secured thereon, or shall not be willing to release the Part required for the Purposes of this Act from the Principal or Mortgage Money, and all Interest due or to become due thereon, then and in every



every such Case the Price or Value of such Part of the said Lands or Hereditaments as shall be so required for the Purposes aforesaid, and the Compensation (if any) for any Damage done to any such Lands or Hereditaments, shall be agreed upon by and between such Mortgagee or Mortgagees and the Person or Persons entitled to the Equity of Redemption of such Lands or Hereditaments, on the one Part, and the said United Company on the other Part; and in case of any Difference or Disagreement between them, then such Price or Value and Compensation shall be ascertained or assessed by the Verdict of a Jury in the same Manner as in other Cases of Difference or Disagreement; and the Amount of such Price or Value and Compensation, being so agreed upon or ascertained and assessed as aforesaid, shall be paid to such Mortgagee or Mortgagees in Satisfaction of his, her, or their Claim, so far as the same will extend; or in case of his, her, or their neglecting or refusing to release, convey, or assign as herein-before directed, then into the Bank of *England*, as by this Act is provided; and such Payment to the Mortgagee or Mortgagees, or into the Bank of *England* as last aforesaid, shall be and be accepted and taken in Satisfaction of the Claim of such Mortgagee or Mortgagees, so far as the same will extend, and also in full Discharge and Exoneration of such Part of the mortgaged Premises as shall be so taken and used, from all Principal and Interest or other Money due or secured thereon: Provided nevertheless, that notwithstanding any thing herein-before contained, such Mortgagee or Mortgagees shall have, retain, and be entitled to such and the same Powers, Remedies, and Means for recovering or compelling Payment of his, her, or their Mortgage Money, or of the Residue thereof (as the Case may be), and of the Interest thereon respectively, upon and out of the Residue of the mortgaged Lands or Hereditaments, not required for the Purposes aforesaid, as he, she, or they would otherwise have had or been entitled to for recovering or compelling Payment thereof upon or out of the whole of the Lands or Hereditaments originally comprised in such Mortgage or Mortgages.

LVII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for the Purchase of any Lands or Hereditaments 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, Lunatic, Idiot, Feme Covert, or other Cestuique Trust, or to any Person whose Lands 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 United Company of Proprietors of the *Ellesmere* and *Chester* Canal, 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*

Application of Compensation when amounting to or exceeding 200l.

1 G. 4. c. 35.

*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 to 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 or Hereditaments, be applied either in the Purchase or Redemption of the Land Tax charged upon, or in or towards the Discharge of any Debt or Debts or other Incumbrances affecting the same Lands or Hereditaments, or any other Lands or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, and Purposes, as the said Court of Exchequer shall authorize to be purchased, redeemed, paid, or applied, 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 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 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 and undetermined or capable of taking effect; and in the meantime and until such Order can be obtained, 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 other Government or on 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 and Hereditaments so to be purchased, conveyed, and settled.*

When less than 200*l.* and amounting to 20*l.*

LVIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands or Hereditaments purchased, taken, or used for the Purposes aforesaid, 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 amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, or Lunacy, or other Incapacity, to be signified in Writing under their Common Seal or respective Hands (as the Case may require), be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General, and be placed to his Account as aforesaid, in order to be applied

applied in manner herein-before directed ; or otherwise the same may be paid, at the like Option and with the like Approbation, to Three or more 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 or Hereditaments so to be purchased and settled, such Nomination to be approved of by the said United Company, (and such Nomination and Approbation to be signified in Writing under the Hands or Common Seal of the nominating and approving Parties) ; and the Money so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, may be applied by such Trustees in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank of *England*, without being required to obtain any Order of the Court of Exchequer touching the Application thereof.

LIX. Provided also, and be it further enacted, That if any Money so agreed or awarded to be paid as herein-before mentioned shall be less than Twenty Pounds, then and in every such Case 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 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 or Lunacy or other Incapacity, then to the Guardian or Guardians, Committee or Committees, Trustee or Trustees of such Person or Persons, to and for the Use and Benefit of the Person or Persons respectively entitled thereto.

When less than 20l.

LX. 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 or Hereditaments to be purchased, taken, or used by virtue 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 such Person or Persons cannot be found, or if the Person or Persons entitled to such Lands or Hereditaments be not known or discovered ; then and in every such Case it shall be lawful for the said United 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 Court of Exchequer, to be placed to his Account to the Credit of the Parties interested in the said Lands or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court ; which said Court, on the Application of any Person who may make 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 Estates, Titles, or Interests of the 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* receiving such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum

In case of not making out Titles, or if Persons cannot be found, Purchase Money to be paid into the Bank.

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.

Persons in Possession presumptively entitled.

LXI. And be it further enacted, That when any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands or Hereditaments to be purchased or used in pursuance of this Act, or to any Bank Annuities or Government or Real Securities to be purchased with any such Money, or to 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 or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person and Persons, shall be deemed and taken to have been lawfully entitled to such Lands 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 or Hereditaments, or to some Estate or Interest therein.

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

LXII. Provided always, 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 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 Bank of *England*, or to be applied in the Purchase of other Lands 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 the said Court shall deem reasonable, together with the necessary Costs and Expences of obtaining such Order, to be paid by the said United Company out of the Monies to be received by virtue of this Act; and the said Company shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Enabling the Company to sell Lands not wanted.

LXIII. And whereas by reason of the Purchases which the said Company are empowered to make by virtue of this Act, they may happen to be seised of more Land than may be necessary for effecting the Purposes of this Act; be it therefore enacted, That it shall be lawful for the said United Company to sell and dispose of any Piece or Pieces of such Land or Ground, either in Parcels or together, and by public Auction or private Contract, as they shall find most convenient

convenient and advantageous, to such Person or Persons as shall be willing to contract for and purchase the same ; and such Conveyances from the said Company shall be valid and effectual, any thing in this Act contained, or any other Law, Statute, or Custom to the contrary thereof notwithstanding : Provided always, the said Company, before they shall sell and dispose of any such Land or Ground as aforesaid, or any Part or Parts thereof respectively, shall first offer to sell the same to the Person or Persons whose Lands or Premises shall immediately adjoin the Lands or Grounds so proposed to be sold ; 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 Twenty-one 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 Twenty-one 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 some Justice of the Peace for the County in which such Messuages, Lands, Tenements, or Hereditaments shall be situate, by some Person or Persons not interested in the same Messuages, Lands, Tenements, or Hereditaments, stating that such Offer was made by or on the Behalf of the said Company of Proprietors, and that such Offer was refused or declined, or was not excepted or agreed to, by the Person or Persons to whom the same was made, within the said Space of Twenty-one 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 not agree with respect to the Prices thereof, then and in such Case the Price or Prices thereof shall be ascertained by a Jury in the Manner herein-before directed with respect to the disputed Value of Premises to be purchased by the said Company of Proprietors in pursuance of this Act, and the Expences of hearing and determining such Difference shall be borne and paid in like Manner as is herein-before directed with respect to Purchases made by the said Company, *mutatis mutandis* ; and the Money produced by the Sale or Sales which may be made by the said Company of Proprietors of such Messuages, Lands, Tenements, and Hereditaments as aforesaid, shall be applied to the Purposes of this Act.

LXIV. 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 Part or Parcel thereof, it shall be lawful for the Treasurer for the Time being to the said United 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

Treasurer of  
Company,  
upon Pay-  
ment of  
Money, to  
give Receipts.

[Local.]

28 K

shall

shall be sold, or for so much thereof as in such Receipts respectively shall be expressed to be received, and such Person or Persons shall not afterwards be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Purchase Money, or any Part thereof.

Empowering  
the Company  
to purchase  
Fifteen Acres  
of Land.

LXV. And whereas it may tend to the Public Advantage if the said United Company were empowered to purchase an additional Quantity of Land, not exceeding Fifteen Statute Acres, together with any Messuages or other Buildings standing thereon, for the Purpose of erecting and providing any Coal or other Yards, Staiths, Wharfs, Messuages, Warehouses, and other Buildings and Conveniences, for the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said United Company, and they are hereby authorized and empowered, to contract with any Person or Persons, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, (who shall be willing to sell the same,) for the Purchase of any Parcel or Parcels of Land; Messuages, Buildings, or Hereditaments, not exceeding in the whole Fifteen Statute Acres, in such Place or Places as they shall deem eligible or convenient for the Purpose of making, erecting, forming, and providing any Wharf or Wharfs, and any Coal or other Yards, Staiths, Messuages, Warehouses, and other Buildings and Conveniences, for the Purpose of receiving, lodging, depositing, or keeping any Goods, Merchandize, or other Things carried or conveyed, or intended to be carried or conveyed upon the said Canals or Collateral Cuts or any of them, or for making any convenient Roads, Avenues, or Ways leading thereto, or for any other Purposes whatsoever connected with the said Canals and Collateral Cuts, which the said Company shall judge requisite and necessary; and it shall be lawful for all Bodies Politic, Corporate, and Collegiate, Corporations Aggregate and Sole, and all other Persons whomsoever, to sell and grant or convey to the said Company, and their Successors, any Parcel or Parcels of Land, Messuages, Buildings, and Hereditaments whatsoever, for the Purposes last aforesaid or any of them, 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 Branch Cuts or Canal and other Works hereby authorized to be made.

Company  
empowered  
to sell such  
Lands, and  
to purchase  
and sell again  
within the  
Limit pre-  
scribed.

LXVI. And be it further enacted, That it shall be lawful for the said United Company, and they are hereby authorized and empowered, from Time to Time, at any Time or Times hereafter, to sell and dispose of such additional Lands, Tenements, and Hereditaments as they are hereby authorized and empowered to purchase, and shall have actually purchased for the Purposes of this Act, or so much and such Part or Parts of the same Messuages, Lands, Tenements, and Hereditaments as the said Company shall think proper, and either together or in Parcels, by public Auction or private Contract, as shall be thought advisable or expedient, to any Person or Persons who shall be willing to become the Purchaser or Purchasers thereof, and again from Time to Time to contract for the Purchase of any other Messuages, Lands, Tenements, and Hereditaments, more eligible or convenient

convenient for the Purposes aforesaid, or any of them, and afterwards to sell and dispose of the same as aforesaid, so that the total Number or Quantity of Acres to be purchased by the said Company of Proprietors for any of the Purposes herein-before mentioned, shall not exceed at any one Time the Quantity or Number of Acres by this Act specified or allowed for the same respective Purposes.

LXVII. And whereas the said United Company are by virtue of this Act enabled to purchase Fifteen Statute Acres of Land for the Purposes thereof, in addition to the Land hereby authorized to be purchased, used, or taken for the making and completing the said Canals and other Works, and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all other Persons whomsoever, are empowered to sell such Quantity or Number of Acres to the said Company: And whereas it is expedient to restrain the said Company from selling any such Lands so purchased 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 on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trust, Tenants for Life or in Tail, and Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, and again purchasing other Lands from the same, 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 on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, and Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, in lieu or stead of the Lands so sold; be it therefore enacted, That it shall not be lawful for the said United Company to purchase 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 on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trust, Tenants for Life or in Tail, and Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, more than such Fifteen Statute Acres; and in case the said Company shall afterwards sell the Whole or any Part of such Fifteen Statute Acres so purchased, it shall not be lawful for the said Company to purchase of or from 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, nor 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,

Restraining the Company from purchasing more than Fifteen Acres of Land from incapacitated Persons.

cutors, Administrators, Husbands, Guardians, Committees, or other Trustees for or on behalf of Infants, Lunatics, Idiots, Femmes Covert, Cestuique Trusts, Tenants for Life or in Tail, Persons to whom or for whose Benefit Lands are limited in strict Settlement, or other Persons being under legal Disability or Incapacity, to sell to the said Company any other Lands in lieu or in stead of those Fifteen Statute Acres or any Part thereof so sold or disposed of to the said Company.

Form of  
Conveyance  
from the  
Company.

LXVIII. And be it further enacted, That all Conveyances to be made by the said United Company of Proprietors, under or by virtue of or in pursuance of the several Powers and Authorities to them hereby given, shall be made according to the following Form; (*videlicet*),

WE, the United Company of Proprietors of the *Ellesmere* and *Chester* Canal, in consideration of the Sum of  
of lawful *English* Money to us paid by *A. B.* of \_\_\_\_\_, do hereby, by virtue of the Powers contained in an Act of Parliament passed in the Seventh and Eighth Years of the Reign of His Majesty King *George* the Fourth, intituled [*here set forth the Title of this Act*], grant and release to the said *A. B.* all [*describing the Premises to be conveyed*] and all our Estate, Right, Title, and Interest in and to the same and every Part thereof; to hold unto and to the Use of the said *A. B.* his Heirs and Assigns for ever [*or to such Uses as the Purchaser may desire.*] In witness whereof we the said United Company of Proprietors have hereunto caused our Common Seal to be set and affixed, this \_\_\_\_\_ Day of \_\_\_\_\_ in the \_\_\_\_\_ Year of our Lord

The Word  
"Grant" in  
Conveyances  
from the  
Company of  
Proprietors  
to amount to  
certain Covenants.

LXIX. And be it further enacted, That in all Conveyances to be made by the said United Company under the Authority aforesaid, the Word "Grant" shall amount to and be construed and adjudged in all Courts of Judicature to be express Covenants to the Grantees or other Purchasers, his, her, or their Heirs, Executors, Administrators, or Assigns, from the said Company for themselves and their Successors, that they the said Company, notwithstanding any Act done by them, were at the Time of the Execution of such Conveyance seised of the Hereditaments and Premises thereby granted, of an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances, and that the Purchaser or Purchasers thereof, his, her, or their Heirs and Assigns, shall quietly enjoy the same against the said Company, their Successors and Assigns, and all claiming under them, and be indemnified and saved harmless by the said Company and their Successors from all Incumbrances committed by the said Company, and also for further Assurance of such Hereditaments and Premises by the Company, their Successors and Assigns, and all claiming under them, unless the same shall be restrained and limited by express particular Words contained in such Conveyances, or any of them; and such Purchasers and Grantees, and his, her, and their several Heirs, Executors, Administrators, and Assigns, respectively, shall and may, in any Action or Actions to be brought assign a Breach or Breaches thereupon, as they might do in case such Covenants were expressly



expressly inserted in such Conveyances; and if the Premises are Leasehold for Years, they shall be assigned by a Form answerable to the above, only substituting Words applicable to the Assignment of a Chattel, and the Word "Grant" being held to be a Covenant only commensurate with the Estate of the said Company of Proprietors in the Premises assigned; and all Copyholds shall be surrendered according to the Custom of the Manor.

LXX. Provided also, and be it further enacted, That if the said United Company shall not, within the Space of Five Years, to be computed from the passing of this Act, agree for or cause to be valued and paid for, as in this Act is mentioned, the Premises which they are by this Act empowered to purchase (or for so much thereof as shall be deemed necessary or proper) for the Purposes of this Act, then and from thenceforth the Powers which are hereby granted to them for such Purpose only, shall cease, determine, and be utterly null and void.

If Land not contracted for within Five Years, Power to cease.

LXXI. Provided always, and be it further enacted, That in case the said Branch Cut or Canal shall not have been completed and made (unless prevented by inevitable Accidents) within the Space of Seven Years, to be computed from the passing of this Act, then, from and after the Expiration of the said Term of Seven Years, all the Powers, Authorities, and Privileges given by this Act for making such Branch Cut or Canal shall cease and determine, save only and except as to so much (if any) of the said Branch Cut or Canal as shall have been declared and certified to have been completed within the said Term by the Justices of the Peace of the said County (within which such Branch Cut or Canal so completed shall be) 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 Seven Years, or within Six Calendar Months next after the Expiration thereof, upon the Evidence of Two or more Witnesses upon Oath to be produced before them for that Purpose, which Oath such Justices are hereby empowered to administer.

If Canal be not completed in Seven Years, Powers to cease.

LXXII. Provided always, and be it further enacted, That if the said Branch Cut or Canal to be made and completed under the Authority of this Act, or any Part thereof respectively, shall at any Time hereafter be abandoned or given up by the said United Company, or shall not, for the Space of Five Years, be used and employed as a Canal, then and in such Case the Land or Ground so purchased or taken by the said Company for the Purposes of this Act, or the Part or Parts thereof over which the said Branch Cut or Canal, or any Part or Portion of such Branch Cut or Canal which shall be so abandoned or given up by the said United Company, shall pass, shall vest in the Owner or Owners of the Land adjoining that which shall be so abandoned or given up, in manner following, that is to say, One Half thereof in the Owner or Owners of the Lands on the one Side, and One Half thereof in the Owner or Owners of the Land on the other Side thereof.

If Canal abandoned by Company, Land to vest in the Owners of adjoining Lands.

Power to  
get Materials  
in case of  
sudden  
Damage.

LXXIII. And whereas it may happen, from Floods or from some unexpected Accidents, that the Locks, Weirs, Sluices, Floodgates, Dams, Pens, Tanks, Basins, Banks, Trenches, Embankments, or other Works of the said Canals or Collateral Cuts, or some of them, may give way or be damaged or destroyed, or the adjacent Lands flooded, damaged, or endangered, and that it may be necessary the same should be immediately repaired or rebuilt, to prevent further Damage; be it therefore enacted, That as often as any such Case shall happen it shall be lawful for the said United Company of Proprietors, their respective Deputies, Agents, Officers, Workmen, and Servants, from Time to Time to enter into any Lands, Grounds, or Hereditaments adjoining or near to the said Canals or Collateral Cuts, or any of them, (not being the Ground whereon any House stands, or not being an Orchard, Park, Paddock, planted Walk, Nursery for Trees, or Avenue to a House), and to dig for, get, work, take, carry away, and use all such Stones, Gravel, and other Materials as may be necessary or proper for the Purposes aforesaid, without any previous Treaty whatsoever with the Owner or Owners, Occupier or Occupiers of, or other Person or Persons interested in such Lands, Grounds, or Hereditaments, or any of them, doing as little Damage thereto as the Nature of the Case will admit of, and making reasonable Recompence to the Owners and Occupiers of or other Persons interested in such Lands, Grounds, or Hereditaments, within the Space of Ten Days next after the same shall be demanded, for all Damages which may be done by means of the digging for, getting, working, taking, carrying away, and using such Stones, Gravel, and Materials, or any of them; which Damages, and the Satisfaction and Recompence to be made in respect thereof, (in case the several Parties concerned should not agree about the same,) shall be determined and adjusted, or assessed, awarded, and recovered, in the Manner and by the Ways and Means herein-before prescribed with respect to other Damages done in making and maintaining the said Canal and Collateral Cuts by this Act authorized to be maintained, supported, made, and completed.

Rates of  
Tonnage.

LXXIV. And be it further enacted, That it shall be lawful for the said United Company, and they are hereby authorized and empowered, from Time to Time and at all Times hereafter, to ask, demand, take, receive, and recover, to and for the Use and Behoof of the said United Company, for the Tonnage of all Goods, Commodities, Wares, Merchandize, Articles, Matters, and Things which shall be carried or conveyed upon the said Canal, Collateral Cuts, and Railway hereby authorized to be maintained, supported, made, extended, or completed, or along any of them, or any Part thereof respectively, the Rates, Tolls, and Duties herein-after mentioned; (that is to say),

For all Coke, Culm, Limestone, and Rock Salt, the Sum of One Penny Halfpenny *per Ton per Mile*:

For all Freestone, Timber, Slate, Pig and Bar Iron, Ironstone, Pig Lead, and Lead Ore, the Sum of Two-pence *per Ton per Mile*:

For all other Goods, Wares, Merchandize, Articles, Matters, and Things whatsoever, the Sum of Three-pence *per Ton per Mile*.

LXXV. Provided always, and be it further enacted, That Paving Stones, Gravel, Sand, and all other Materials for making or repairing of Roads, and also Dung, Soil, Marl, and Ashes to be used as Manure for the Improvement only of any Lands or Grounds lying within any Parish, Township, or Place from, through, or into which the said Canal, Collateral Cuts, and Railway hereby authorized to be maintained, supported, made, extended, or completed, or any Part thereof respectively, may pass or be carried, and belonging to the Owners or Occupiers of any Land or Ground which shall or may have been, or may hereafter be had or taken for the Purposes of the said Canal, Collateral Cuts, and Railway, or other Works as aforesaid, shall not be charged with or liable to the Payment of any of the Rates or Duties authorized to be taken by this Act, for being carried upon the said Canal or Collateral Cuts or Railway, or any Part or Parts thereof respectively; but shall be free and exempted from the same; and all Persons who shall own or be concerned or employed in carrying Paving Stones, Gravel, Sand, or other Materials for repairing Roads, or Dung, Soil, Marl, and Ashes to be used as Manure, shall have free Liberty to make use of the Towing Paths, Wharfs, or Quays belonging to the said United Company, such Persons not suffering such Paving Stones, Gravel, Sand, or other Materials for repairing Roads, or Dung, Soil, Marl, or Ashes, to be upon such Wharfs or Quays longer than may be necessary for loading or unloading and conveying the same from and to the several Places where they are put on board and unloaded, and making good any Damages that may be done to the Sides or Banks of the said Canal or Collateral Cuts, or to the said Railway, by the loading, unloading, or discharging any Boats or Vessels, or Waggon or other Carriages.

Exceptions  
in certain  
Cases.

LXXVI. And be it further enacted, That in all Cases where there shall be a Fraction of a Ton, a Proportion of the same Rates shall be demanded and taken for such Fraction, according to the Number of Quarters of a Ton contained in such Fraction; and when there shall be a Fraction of a Quarter of a Ton, such Fraction shall be deemed and considered as a whole Quarter of a Ton; and in all Cases where there shall be a Fraction of a Mile in the Distance which any Boat or Vessel or Raft, or Waggon or other Carriage, shall pass upon the said Canal, Collateral Cuts, or Railway already made or to be made by virtue of this Act, or any Part thereof respectively, the Tonnage which shall be demanded and taken shall be for a whole Mile; and in order to ascertain and calculate with greater Precision and Facility the Distance for which Tonnage shall be demanded and taken upon the said Canal, Collateral Cuts, or Railway, or any Part thereof respectively, the said United Company shall cause the said Canal and Collateral Cuts or Branches, and also the said Railway, to be measured, and Stones or other conspicuous Marks to be set up, and for ever maintained, at the Distance of One Mile from each other, with proper Inscriptions; and whenever any Boat or other Vessel or Raft, or any Waggon, shall have passed One or more of such Stones or Marks, or the Place where the same shall have been set up, such Boat or other Vessel, or such Waggon, as the Case may be, shall be deemed to have passed One Mile or more Miles along the said Canal or Collateral Cuts or Branches, or along the said Railway, and Tonnage for such Distance

Regulations  
as to frac-  
tional Parts  
of a Ton or  
Mile.

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Distance shall be due and payable, although the Distance actually travelled be more or less than is thus computed.

Additional Rates on Vessels passing Locks, and not travelling 12 Miles on the Canal.

LXXVII. And be it further enacted, That in addition to the Rates of Tonnage herein-before granted and hereby authorized to be taken, it shall be lawful for the said United Company, and they are hereby authorized and empowered, to ask, demand, take, and receive, to and for the Use and Behoof of the said Company, any Sum or Sums of Money not exceeding in the whole the Sum of Two Shillings *per* Ton upon the Cargo or Lading of every Boat and Vessel navigating on any Part of the said Canal and Collateral Cuts or Branches hereby authorized to be maintained, supported, made, extended, or completed, as shall not have passed along the same for the full Distance of Twelve Miles, but which shall have passed through any Lock or Locks thereon, (except on the Cargoes of Boats or Vessels laden with Lime, Limestone, or Coal only).

For ascertaining Tonnage.

LXXVIII. And for the better ascertaining the Tonnage of all Goods, Matters, or Things to be charged with the Payment of such Rates as aforesaid, and the Contents and Burthen of the Boats, Barges, and other Vessels, and of the Waggons carrying and conveying the same; be it further enacted, That One hundred and twenty Pounds Weight Avoirdupois of Coal, Coke, Culm, Lime, Freestone, and Limestone, and One hundred and twelve Pounds Weight of all other Commodities, shall for the Purposes of this Act be deemed, rated, or estimated as and for One Hundred Weight, and Twenty Hundred Weight shall, for the Purposes of this Act, be deemed One Ton.

Rates may be altered.

LXXIX. Provided always, and be it further enacted, That it shall be lawful for the said United Company from Time to Time, and as often as they shall see fit, to lessen and reduce all or any of the Rates, Tolls, and Duties hereby authorized to be taken for or in respect of any Articles, Matters, or Things which shall be conveyed upon the said Canal, Collateral Cuts, and Railway, so already completed by them as aforesaid, and hereby authorized to be supported and maintained, or upon any Part thereof, and afterwards from Time to Time again to raise, advance, and vary the same, or any of them, so as not at any Time to exceed the Amount herein-before set forth, and hereby authorized to be taken.

Table of Rates to be exhibited.

LXXX. Provided always, and be it further enacted, That Tables of the Rates, Tolls, or Duties which shall or may be from Time to Time payable or demandable by virtue of this Act, painted in large Characters on Boards, shall be affixed and continued at the Places where such Rates, Tolls, or Duties shall be payable, received, or taken, and shall be renewed as often as the said Rates, Tolls, or Duties shall be altered, or as the Boards shall be obliterated or destroyed: Provided also, that it shall not be lawful for the said United Company to demand or take, or cause to be demanded or taken, any such Rates, Tolls, or Duties, but for and during such Times as the Boards so painted as aforesaid shall remain so affixed as aforesaid.

LXXXI. And

LXXXI. And be it further enacted, That if any Person shall wilfully or maliciously pull down, destroy, obliterate, or deface, or without the Consent of the said United Company or their Agent first had and obtained, remove or alter any such Board so painted as aforesaid, or any Part thereof, or any Number, Letter, Figure, or Mark thereon, every Person so offending shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Penalties on  
Persons de-  
facing such  
Boards.

LXXXII. And be it further enacted, That all Rates, Tolls, and Duties becoming due to and for the Benefit of the said United Company, under and by virtue of this Act, shall be paid to such Person or Persons, at such Place or Places near to the said Canal, Collateral Cuts, or Railway, already made or to be made under the Authority of this Act, in such Manner and under such Regulations as the said United Company shall in that Behalf direct or appoint; and in case of Refusal or Neglect of Payment of such Rates, Tolls, or Duties, or any Part thereof, or any Arrears of such Rates, Tolls, and Duties, on Demand, to the Person or Persons who shall be appointed by the said Company to receive the same as aforesaid, it shall be lawful for the said United Company to sue for the same, by Action of Debt or upon the Case, in any of His Majesty's Courts of Record at *Westminster*; and in every such Action it shall be sufficient for the Plaintiffs to declare, that under or by virtue of a certain Act passed in the Seventh and Eighth Years of the Reign of His Majesty King *George* the Fourth, intituled (here set forth the Title of this Act), the said United Company, or their Assignees or Mortgagees, as the Case may be, were lawfully possessed of or entitled to such Tolls, Rates, or Duties as in and by the said Action are sought to be recovered, and to allege when, where, how, and wherefore such Tolls, Rates, or Duties accrued and became payable to the said Plaintiffs; or it shall be lawful for the Person or Persons to whom such Rates, Tolls, or Duties, or any Arrears thereof respectively, ought to be or to have been paid, and he and they is and are hereby empowered to seize the Goods or other Things for or in respect whereof any such Rates, Tolls, or Duties ought to be or to have been paid, or any Part thereof, and the Boat, Vessel, or Waggon laden therewith, and in like Manner to seize any other Boat or Boats, Vessel or Vessels, Waggon or Waggon, whether laden or empty, passing along or being upon the said Canal and Collateral Cuts or Railway, or any Part thereof, for any Arrears of Tolls, Rates, or Duties due and payable to the said Company, provided such Boat, Vessel, or Waggon, or Boats, Vessels, or Waggon, shall belong, for the Time being, to the Person or Persons from whom such Arrears shall be due, and to detain such Boat or Boats, Vessel or Vessels, Waggon or Waggon, Goods or Things, until Payment of the Amount of all Rates, Tolls, Duties, and Arrears, which at the Time of such Seizure and Distress made shall be due and owing to the said United Company, from the Owner or Owners of such Boat or Boats, Vessel or Vessels, Waggon or Waggon, together with reasonable Charges for such Seizure and Distress; and if such Seizure and Distress shall not be redeemed within Five Days after the taking thereof, the same shall be appraised and sold as the Law directs in Cases of Distress for Rent; any thing in this Act to the contrary thereof notwithstanding.

Recovery of  
Rates.

[*Local.*]

28 M

LXXXIII. And

Masters of Boats, &c. to give an Account in Writing to the Collectors of Goods on board.

LXXXIII. And for the more easy collecting the said Rates or Duties hereby granted and directed to be paid, be it further enacted, That the Master, Owner, or other Person having the Care of any Boat or other Vessel or Raft, Waggon or Waggon, passing along the said Canal, Collateral Cuts, or Railway, already made or to be made, or any Part thereof respectively, shall give a just Account in Writing signed by him, to the Collectors of the said Rates or Duties, or other Officers or Persons to be appointed in pursuance of this Act, at the Place or Places where they shall attend for that Purpose, of the several Quantities, Qualities, and Weight of the Goods which shall be in or belonging to such Boat or other Vessel, Raft, or Waggon, and of the Place from whence brought, and where they intend to land or unload the same, and also the Quantities, Qualities, and Weight of such Goods as shall have been discharged from or taken out of any Boat, Vessel, or Raft after it shall have entered the said Canal, or from any Waggon after it shall have entered upon the said Railway, and before its Arrival at the Place where such Account is to be given; and if the Goods contained in such Boat, Vessel, or Waggon shall be liable to the Payment of different Rates or Duties, then such Master, Owner, or Person shall specify the Quantities liable to the Payment of each of the said Rates or Duties; and in case any such Master, Owner, or other Person shall neglect or refuse to give such Account, or to produce his Invoice or Bill of Lading to such Collector or Collectors, if demanded, or shall give a false Account, or shall deliver any Part of his Loading or Goods at any other Place or Places than what is or are mentioned in such Account, every Person so offending shall forfeit and pay to the said United Company the Sum of Twenty Shillings for every Ton of Goods which shall be in such Boats or other Vessels, or Waggon respectively, over and above the respective Rates or Duties payable for the same.

Penalty on Persons evading Payment of the full Rate.

LXXXIV. And be it further enacted, That if any Person or Persons shall fraudulently carry or convey any Article or Thing whatsoever on the said Canal, Collateral Cuts, or Railway, already made or to be made, on Payment of a lower Rate, Toll, or Duty than that to which such Articles or Things are hereby subject or liable, and shall be thereof convicted before any Justice of the Peace for either of the said Counties of *Salop*, *Chester*, or *Denbigh*, *Flint* or *Merioneth*, every such Person so offending shall for every such Offence forfeit and pay to the said Company of Proprietors, or their Successors, any Sum not exceeding Five Pounds, over and above the Rate, Toll, or Duty to which such Articles or Things are liable, to be levied or recovered in the same Manner as any other Penalty or Forfeiture under this Act can or may be levied and recovered.

Disputes about the Amount of Rates.

LXXXV. Provided always, and be it further enacted, That if any Dispute shall arise concerning the Amount of any such Rates, Tolls, or Duties due, or the Charges occasioned by any such Distress as aforesaid, it shall be lawful for the Collector, or Person so distraining, to retain such Distress, or the Money arising from the Sale thereof, as the Case may happen, until the Amount of the Rates, Tolls, or Duties due, and the Charges of seizing, distraining, keeping, or selling such Distress, as the Case shall happen, shall be ascertained by

by some Justice or Justices of the Peace for the County in which such Distress shall be made, who, upon Application made to him or them for that Purpose, shall examine the said Matter upon Oath of the Parties, or other Witness or Witnesses, and determine the Amount of the Rates, Tolls, or Duties due; and it shall be lawful for such Justice or Justices to assess and award such Costs to be paid by either of the Parties to the other of them, as he shall think just and reasonable; and in case of Nonpayment thereof on Demand, such Costs shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same, by Warrant under the Hand and Seal of such Justice or Justices.

LXXXVI. And be it further enacted, That if any Differences shall arise between any Collector of the said Rates, Tolls, and Duties, and the Owner or Owners or Person having the Charge of any Boat or other Vessel, Raft, or Waggon, or the Owner of any Goods or other Things, concerning the Weight or Quantity of any such Goods or Things, it shall be lawful for any such Collector to stop and detain any such Boat or other Vessel, Raft, or Waggon, to weigh, measure, and gauge, or cause to be weighed, measured, or gauged, such Boat or other Vessel, or Waggon, and all such Goods and other Things as shall be therein respectively contained; and in case the same shall, upon such Weighing, Measuring, or Gauging, appear to be of greater Weight or Quantity than what is set forth and contained in the Account given thereof as aforesaid, then the Owner or Person giving in such Account shall pay the Costs and Charges of such Weighing, Measuring, and Gauging; all which Costs and Charges, upon Refusal of Payment thereof upon Demand, shall and maybe recovered and levied by such Ways and Means and in such Manner as the said Rates, Tolls, and Duties are hereby appointed to be recovered and levied; but if such Goods and other Things shall appear to be of the same or less Weight or Quantity than the same shall by such Account appear to be, then the said Collector shall pay the Costs and Charges of such Weighing, Measuring, or Gauging, and shall also pay to such Master, Owner, or other Person, or to the Owner or Owners of such Goods or other Things, such Damages as shall appear to any of the said Justices, on the Oath of any credible Witness (which Oath such Justice is hereby empowered to administer), to have arisen from such Detention; but in case it shall at any Time be made to appear to the said Justice or Justices, upon the like Oath of some credible Witness or Witnesses, that such Detention was without reasonable Ground or Belief, and vexatious on the Part of such Collector, then the said Collector shall himself pay all such Costs, Charges, and Expences as aforesaid, and shall also pay to such Master or other Person, or to the Owner or Owners of such Goods and Things, such Damage as shall appear to such Justice or Justices to have arisen from such Detention; and in default of immediate Payment thereof by the said United Company, or by the said Collector, as the Case may be, the same may be recovered from the said United Company, or from the said Collector, as the Case may be, by Distress and Sale of their or his Goods, by Warrant under the Hand and Seal of such Justice, or otherwise by Action of Debt or on the Case in any of His Majesty's Courts of Record at

If any Differences arise concerning Weight, Collectors may weigh or measure Boats.

*Westminster,*

*Westminster*; rendering the Overplus (if any), upon Demand, after deducting the Costs of such Distress and Sale, to the said United Company, or to the said Collector, as the Case may be.

For prevent-  
ing Col-  
lectors mis-  
behaving.

LXXXVII. And be it further enacted, That every Toll Collector shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or on some other conspicuous Part of the Stop Gate or Toll House, immediately on his coming on Duty, each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be on Duty; and if any Collector of the same Tolls, Rates, or Duties shall not place such Board as aforesaid, and keep the same there during the Time he shall be such Collector as aforesaid, or shall demand or take a greater or less Toll, Rate, or Duty from any Person than he shall be authorized to do by virtue of the Powers of this Act, or of the Orders and Resolutions of the said United Company made in pursuance thereof, or shall demand or take a Toll, Rate, or Duty from any Person who shall be exempt from the Payment thereof and claim such Exemption, or shall refuse to permit or suffer, or shall not permit any Person to read, or shall in anywise hinder any Person from reading the Inscriptions on the Board to be affixed and placed as aforesaid, or shall refuse to tell his Christian or Surname to any Person who shall demand the same, on having paid the said Tolls, Rates, or Duties, or any of them, or shall in answer to such Demand give a false Name or Names, or upon the legal Toll, Rate, or Duty being paid or tendered, shall unnecessarily detain or wilfully obstruct, hinder, or prevent any Boat or Vessel from passing along the said Canal or Collateral Cuts, or any Waggon from passing along the said Railroad, or shall use any scurrilous or abusive Language to any Treasurer, Clerk, Engineer, or other Officer, or to any Passenger, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

Owners to  
put their  
Names on  
the Outsides  
of their  
Boats, &c.

LXXXVIII. And be it further enacted, That the Owner or Owners of every Boat or other Vessel navigating the said Canal or Collateral Cuts, already made or to be made, or any of them, and the Owner or Owners of any Waggon or other Carriage passing along the said Railway, shall cause his, her, or their Name or Names, and Place or Places of Abode, and the Number of his, her, or their Boat or other Vessel, or Waggon or other Carriage, to be entered with the Clerk of the said Company, and shall also cause such Name or Names and Number to be painted in large Capital Letters and Figures, Three Inches high at the least, and of a proportionate Breadth, on some conspicuous Part of the Outside of every such Boat or other Vessel, and of every such Waggon or other Carriage, so as to be always open to View, and shall permit and suffer every such Boat or other Vessel, and such Waggon or other Carriage, to be gauged, weighed, measured, and indexed, at the Expence of such Owner or Owners, whenever it shall be required by the said United Company, or any Person or Persons by them appointed for that Purpose;



Purpose; and every Owner or Owners, or other Person having the Care of any Boat or other Vessel, or Waggon or other Carriage, or who shall conduct the same along any Part of the same Canal or Collateral Cuts, or along the said Railway, or along any Part thereof respectively, without having such Boat or other Vessel, or Waggon or other Carriage, previously gauged, weighed, measured, and indexed, or without having such Names and Figures thereon respectively as herein-before directed, or who shall alter, erase, or deface such Names and Figures or any of them, or any Part thereof, or shall fix thereon any false Name or Figure, or who shall refuse to permit and suffer such Boat or other Vessel, or Waggon or other Carriage, to be gauged, weighed, measured, and indexed, shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

LXXXIX. And be it further enacted, That the Owner or Owners of every Boat or other Vessel or Raft, or Waggon, passing along the said Canal and Collateral Cuts or Railway, already made or to be made, or any Part thereof, shall be, and he, she, and they is and are hereby respectively made answerable for any Trespasses, Damages, Spoil, or Mischiefs that shall be done by his, her, or their Boat or other Vessel, or by his, her, or their Waggon or other Carriage, or Horses, Mules, or Cattle drawing the same respectively, or by any Person belonging to or employed in or about the same respectively, to the said Canal, Collateral Cuts, or Railway, Reservoirs, Locks, Bridges, Engines, and other Works or Conveniences, authorized to be made, completed, supported, and maintained by virtue of this Act, either by the loading or unloading of any Boat or other Vessel, or Waggon, or by any Means whatsoever, and for any Trespass or Damage which may be done to the Owners or Proprietors of any Building or other Erection, Lands, Tenements, or Hereditaments, adjoining or lying near the same Canal, Railway, and other Works, or any other Trespass whatsoever; and the said Owner or Owners of such Boat or other Vessel, or Waggon, shall for every such Damage, upon Conviction of such Person or Persons before some Justice of the Peace acting for the County or Place wherein such Offence was committed, either by the Confession of the Party or Parties offending, or upon the Oath or Oaths of some credible Witness or Witnesses (which Oath or Oaths such Justice is hereby empowered and required to administer), pay the Person or Persons injured the Damages to be ascertained by some Justice, provided that such Damages do not exceed the Sum of Twenty Pounds; and also shall, over and above such Damages, forfeit and pay to the Informer any Sum not exceeding Forty Shillings, and the same shall be levied by Distress and Sale of the Goods and Chattels of the Owner or Owners of any such Boat or Vessel, or Waggon or other Carriage, in like Manner as any other Penalties or Forfeitures are by this Act directed to be levied; or if the Damages shall exceed the Sum of Twenty Pounds, then and in such Case the Owner or Owners of such Boat or other Vessel, or Waggon or other Carriage, may be sued and prosecuted for the same in any of His Majesty's Courts of Record; and if a Verdict or Judgment shall be given against him, either on Proof made, or by Default, or upon Demurrer, the Plaintiff in such Case shall recover his Damages thereby sustained, with full Costs of Suit;

Owners of Boats to be accountable for Damages done by their Servants.

Owners may recover from their Servants.

and if the Owner or Owners of any Boat or other Vessel or Raft, or Waggon, passing along any Part of the same Canal, Collateral Cuts, or Railway, or any Part thereof respectively, shall be compelled to pay any Penalty, or to make any Satisfaction for any Damages, by reason of any wilful Act, Neglect, or Default of his or their Servant or Servants, or Boatmen or Waggoners, then and in such Case every such Servant or Boatman or Waggoner 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 on Demand, the same shall be recovered in like Manner as any Penalty can or may by virtue of this Act be recovered.

Proper Places to be made for Boats to turn or lie in.

XC. And be it further enacted, That the said United Company shall and may, in such Parts of the said Canal and Collateral Cuts already made or to be made as shall not be of sufficient Breadth for admitting a Boat or Vessel to turn about or lie, or for Two Boats or other Vessels to pass each other, open or cut proper Spaces or Places in the Lands adjoining to the same Canal or Collateral Cuts, at convenient Distances from each other, for the turning, lying, and passing of any such Boat or Vessel; and the said Boats or other Vessels, being haled or navigated upon the said Canal or Collateral Cuts, shall, upon meeting any other Boat or Vessel, stop at or go back to and lie in the said Spaces or Places, in such Manner as the General Committee of the said Company shall direct and appoint.

Vessels lying so as to obstruct the Navigation to be removed.

XCI. And be it further enacted, That if any Boat or Vessel or Raft shall be placed in any Part of the said Canal and Collateral Cuts already made or to be made, so as to obstruct the Navigation thereof, and the Person having the Care of such Boat or Vessel or Raft shall not, immediately upon Request made for that Purpose, remove the same, he shall for every such Offence forfeit and pay a Sum not exceeding Ten Shillings nor less than Five Shillings for every Hour such Obstruction shall continue; and it shall be lawful for the Agents or Servants of the said United Company to cause any such Boat or Vessel or Raft to be unloaded, if necessary, and to be removed, in such Manner as shall be proper for preventing such Obstruction in the Navigation, and to seize and detain such Boat or Vessel or Raft, and the Loading thereof, or any Part of such Loading, until the Charges occasioned by such Unloading and Removal are paid; and if any Boat or Vessel or Raft shall be sunk in any Part of the said Canal or Collateral Cuts, and the Owner or Owners, or Person or Persons having the Care of such Boat or Vessel or Raft, shall not without Loss of Time weigh or draw up the same, it shall be lawful for the Agents or Servants of the said Company of Proprietors to cause such Boat or Vessel to be weighed or drawn up, and to detain and keep the same till Payment be made of all Expences necessarily occasioned thereby.

Persons overloading or obstructing Passage of the Canal, &c. to forfeit 5*l.*

XCII. And be it further enacted, That if any Person shall float any Timber upon any Part of the said Canal or Collateral Cuts, already made or to be made, without having the same properly hooded or otherwise secured, agreeably to the Rules and Regulations

to be from Time to Time made and promulgated for the orderly using of the said Canal and Collateral Cuts in the Manner hereinbefore directed, or shall suffer the Loading of any Boat or Vessel to lie over the Sides thereof, or shall overload any Boat or other Vessel navigating in or upon any Part of the said Canal or Collateral Cuts, so as by such overloading to obstruct the Passage of any other Boat or Vessel, and shall not, immediately upon Notice given to the Owner or Person having the Care of such Boat or Vessel so obstructing the Passage as aforesaid, remove the same so as to make a free Passage for other Boats or Vessels, every such Owner or Person floating such Timber, or having the Care of such Boat or Vessel so obstructing the Passage as aforesaid, shall forfeit and pay for every such Offence the Sum of Five Pounds.

XCIII. And be it further enacted, That if any Person shall throw any Ballast, Gravel, Stones, or Rubbish into any Part of the said Canal or Collateral Cuts, every such Person shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds; which said respective Forfeitures shall be paid to the said United Company, to be by them applied for the Purposes of the said Navigation.

Penalty on  
throwing  
Ballast, &c.  
in the Canals  
or Cuts.

XCIV. And be it further enacted, That if any Person or Persons whomsoever shall wantonly or unnecessarily open or cause to be opened any Lock, Paddle, Valve, Sluice, or Clough, belonging to the said Canal or Collateral Cuts already made or to be made, or when necessarily emptying a Lock, for the Purpose of passing into or entering the same, shall neglect to shut the Top Gate or Gates thereof, and the Paddles, Valves, or Cloughs thereto belonging, before he or she shall draw the Paddles, Valves, or Cloughs of or belonging to the Bottom Gates thereof or any of them, or shall suffer any Boat or other Vessel to strike or run against any of the Bridges or Locks thereof, or shall flush or draw off the Water from any Part of the said Canal, Collateral Cuts, or Waterline, or any Watercourse, Trench, or Feeder belonging thereto, or shall leave any of the Paddles, Cloughs, or Sluices open and running, after any Boat or other Vessel shall have passed any Lock belonging to the said Canal or Cuts, or if any Person or Persons shall draw or cause to be drawn any Clough or Cloughs in the Lock Gates or Let-offs on the said Canal or Cuts, so as to mis-spend or waste the Water in such Canal or Cuts, every such Person so offending in any of the said Particulars, and being thereof convicted before some Justice or Justices of the Peace for the County in which such Offence shall be committed, by the Oath of some Witness or Witnesses, which Oath such Justice or Justices is and are hereby respectively empowered to administer, shall forfeit and pay for every such Offence any Sum not exceeding the Sum of Five Pounds nor less than Twenty Shillings, at the Discretion of the said Justice or Justices.

Persons in-  
juring Lock  
Gates, &c.

XCV. And be it further enacted, That every Boatman or other Person navigating any Boat or other Vessel upon the said Canal or Collateral Cuts already made or to be made, through any Lock made thereon, shall in going down the same from a higher to a lower Level carefully shut the Lower Gates of such Lock, and the Paddles, Cloughs,

Regulations  
for Vessels  
passing the  
Locks.

Cloughs, and Sluices thereunto belonging, before he shall draw the Paddles, Cloughs, or Sluices of the Upper Gates thereof, and after he shall have brought his Boat or other Vessel into the said Lock, shall shut the Upper Gates, and the Paddles, Cloughs, and Sluices thereof, before he shall draw the Paddles, Cloughs, or Sluices of the Lower Gates thereof; and in going up the said Canal or Collateral Cuts from a lower to a higher Level, such Boatman or other Person shall first guide his Boat or other Vessel into the said Lock, and carefully shut the Lower Gates thereof, and the Paddles and Sluices thereto belonging, before he shall draw the Paddles, Cloughs, or Sluices of the Upper Gates thereof; and at all Times a Vessel going up the said Canal or Collateral Cuts, if within Sight of any Boat or Vessel coming down, and at a Distance not exceeding Three hundred Yards below a Lock, shall, if such Lock shall be empty, pass through the same before the Vessel coming down, and then the Vessel next above such Lock shall come down; but in case such Lock shall be full, then the Vessel coming down shall pass through the same before the Vessel going up, and then the Vessel below such Lock shall go up; and if there shall be more Vessels than One below and above any Lock at the same Time, within the Distance aforesaid, which Distance shall be distinguished by a Post or Mark to be set up or made for that Purpose, such Vessels shall go up and come down at such Lock by Turns as aforesaid, until all the said Vessels going up or coming down shall have passed, by which Means One Lock full of Water may serve Two Vessels; and if any Person shall act contrary to the Rules herein-before laid down, and shall be convicted thereof before any Justice of the Peace, upon the Oath of any credible Witness, as also the Master or other Person having the Command of such Boat or Vessel, shall forfeit the Sum of Forty Shillings.

For prevent-  
ing Boats  
stopping at  
improper  
Places.

XCVI. And whereas great Injuries and Inconveniences, both public and private, have been done and occasioned by Boats and Vessels stopping and lying at obscure and improper Places on the said Canal and Collateral Cuts, thereby affording Facilities to evil-disposed Persons to plunder and rob the Cargoes on board, and to the Persons having the Care of such Boats to trespass on the Lands and Grounds adjoining; for preventing the like in future, and for affording as much Security and Protection as possible to the Commerce carried on by the said Canal, be it further enacted, That it shall not be lawful to or for any Boat or Vessel (unless prevented by some inevitable Accident, or other reasonable Cause,) to stop or lie on any Part of the said Canal or Collateral Cuts already made or to be made, in the Day-time, longer than may be necessary for loading or unloading, receiving or delivering Goods into or out of such Boats or Vessel, or to lie or be moored in the Night on any Part of the said Canal or Collateral Cuts other than and except at some Wharf or Quay, or in some Basin or Place appointed for Boats or Vessels to lie or moor in, under the Penalty of a Sum not exceeding Forty Shillings for every Offence.

Tide Basin to  
be kept clear  
at all Times.

XCVII. And in order that the Tide Basin of the said Canal at *Ellesmere Port*, upon the River *Mersey*, may at all Times be kept clear

clear and unobstructed, be it enacted, That no Boat, Vessel, or Raft shall be permitted to lie or be placed in the said Tide Basin for any longer Space of Time than shall be necessary for the Purpose of passing through the same into or out of the said Canal; and if the Person having the Charge or Care of any Boat, Vessel, or Raft, shall place the same in the said Tide Basin, or permit the same to remain therein contrary to the Directions of this Act, it shall be lawful for the said Company, or for their Agents or Servants, to cause such Boat, Vessel, or Raft to be forthwith removed.

XCVIII. And be it further enacted, That if any Person navigating or working or being on board any Boat or other Vessel upon the said Canal or Collateral Cuts already made or to be made (not being qualified to kill Game) shall carry on board and use any Fishing Net, Gun, Engine, every such Person, being thereof lawfully convicted on the Oath of any credible Witness, before any Justice of the Peace for the County in which the Offence shall be committed, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and in case any Master, or other Person having the Command or Care of any Boat or other Vessel, shall suffer or permit any Person (not being qualified as aforesaid) to have, carry on board, and make use of any Fishing Net, Gun, Engine, or other Instrument for taking or destroying Fish or Game, and shall be thereof convicted as aforesaid before any Justice of the Peace for either of the Counties aforesaid, he shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Persons on board having Nets, &c. and not qualified, forfeit 5*l.*

XCIX. And be it further enacted, That if any Person shall wilfully, maliciously, and to the Prejudice of the said Navigation, break, throw down, damage, or destroy any Bridges, Banks, Locks, or other Works already made by virtue of the said several recited Acts, or to be erected or made by virtue of this Act, or do any other wilful Hurt or Mischief to, or obstruct, hinder, or prevent the carrying on, completing, supporting, and maintaining the said Canal or Collateral Cuts already made or to be made, or Railroad, every Person so offending, and being thereof lawfully convicted, shall be adjudged guilty of Felony, and every such Person shall be subject and liable to the like Pains and Penalties as in Cases of Felony; and the Court by and before whom such Person or Persons shall be tried and convicted, shall have Power and Authority to transport such Person for the Space of Seven Years, in like Manner as Felons are directed to be transported by the Laws and Statutes of this Realm, or in mitigation of such Punishment may, if they think fit, award such Sentence as the Law directs in Cases of Petit Larceny; or otherwise every Person so offending, and being thereof lawfully convicted, on the Oath of some credible Witness, before some of His Majesty's Justices of the Peace for the Counties wherein such Offence shall be committed, shall forfeit any Sum not less than Double the Value of the Damage proved upon Oath to be done, at the Discretion of such Justice.

Clause to prevent destroying the Works.

C. And be it further enacted, That all Persons shall have free Liberty to use, with Horses, Cattle, and Carriages, the Roads, Ways,  
[Local.] 28 0 and

Passage upon Canals to be free, paying Rates.

and Passages to or from the said Canal, Collateral Cuts, and Railway, already made or to be made, for the Purpose of conveying any Timber, Goods, Wares, Merchandize, or other Things to or from the same, and every Part thereof, and also to navigate and use the same Canal and Collateral Cuts with Boats or other Vessels properly constructed, and to pass upon and use the said Railway with Carts, Waggon, and other Carriages, and to employ the Wharfs and Quays for loading and unloading such Goods and other Things, upon Payment only of such Rates and Tolls as shall be demanded by the said United Company, not exceeding the respective Sums herein mentioned, and subject to the Rules and Regulations which shall be from Time to Time made by the said United Company by virtue of the Powers herein granted; provided the said Boats or other Vessels, or Waggon or other Carriages, shall not, without the Licence and Consent of the said United Company or their General Committee, pass along the said Canal or Collateral Cuts or Railway at any other Times than between the Hours of Seven in the Morning and Five in the Evening during the Months of *November, December, January, and February*, and between the Hours of Five in the Morning and Seven in the Evening during the Months of *March, April, September, and October*, and between the Hours of Four in the Morning and Nine in the Evening during the Months of *May, June, July, and August*.

Vessels passing Locks with less than 30 Tons, to pay for 30 Tons.

CI. Provided always, and be it further enacted, That if any Boat, Barge, or other Vessel, or any Two Boats, Barges, or other Vessels navigating abreast, without Lading, or with a less Lading or Burthen than Thirty Tons contained in such Boat, Barge, or other Vessel, or in such Two Boats, Barges, or other Vessels so navigating abreast, shall, in passing along the said Canal or Collateral Cuts already made or to be made, or any of them, pass through any Lock or Locks which shall be adapted to the Reception of Boats, Barges, or other Vessels of Fourteen Feet Beam, at any Time or Times when there shall be Water sufficient to enable such Boat, Barge, or other Vessel, or such Two Boats, Barges, or other Vessels so navigating abreast, to pass through such Lock or Locks with a Lading or Burthen of Thirty Tons, every such Boat, Barge, or other Vessel, or any Two Boats, Barges, or other Vessels navigating abreast, shall pay to the said United Company a Tonnage Rate for Thirty Tons of Lading, calculated for the whole Length of the Voyage after the highest Rate of Tonnage which shall be payable for any Articles, Matters, or Things which shall be carried or conveyed upon the said Canal or Collateral Cuts, in the same Manner as if such Boat, Barge, or other Vessel, or such Two Boats, Barges, or other Vessels navigating abreast, had actually on board Thirty Tons of Lading of such Articles, Matters, and Things as shall be chargeable with such highest Rate of Tonnage, unless such Boat shall be returning after having passed on the said Navigation with more than Thirty Tons, or unless there shall be waste Water running over the Regulating or Waste Weirs of every Lock through which such Boat shall pass; but if at any Time there shall not be sufficient Water in every such Lock or Locks to enable such Boat, Barge, or other Vessel, or such Two Boats, Barges, or other Vessels navigating abreast, to pass through the same with Thirty Tons Weight of Lading, then and in every such Case it shall be lawful for

all Boats, Barges, and other Vessels navigating singly, and all such Two Boats, Barges, and other Vessels so navigating abreast as aforesaid, to pass with any less Weight of Lading than Thirty Tons, and the Owner or Owners, or other Person or Persons having the Care or Command of such Boat, Barge, or other Vessel, or of such Two Boats, Barges, or other Vessels navigating abreast, shall not be compellable to pay for any greater Weight of Lading than shall at such Time be actually on board the same Boat, Barge, or other Vessel, or Boats, Barges, or other Vessels navigating abreast; provided that such Lading shall not be less than the Water will enable such Boat, Barge, or other Vessel, or Boats, Barges, or other Vessels navigating abreast, to carry.

CII. Provided also, and be it further enacted, That if any Boat, Barge, or other Vessel passing without any Lading, or with a less Lading or Burthen than Eighteen Tons contained in such Boat, Barge, or Vessel, shall, in passing along the said Canal or Collateral Cuts already made or to be made, or any of them, pass through any Lock or Locks which shall only be adapted to the Reception of Boats, Barges, or Vessels of Seven Feet Beam, at any Time or Times when there shall be Water sufficient to enable such Boat, Barge, or other Vessel to pass such Lock or Locks with a Lading or Burthen of Eighteen Tons, every such Boat, Barge, or other Vessel shall, if it shall not pass through any Lock capable of containing Vessels of Fourteen Feet Beam, shall pay to the said United Company a Tonnage Rate for Eighteen Tons of Lading, calculated for the whole Length of the Voyage after the highest Rate of Tonnage which shall be payable for any Articles, Matters, or Things which shall be carried or conveyed along the said Canal or Collateral Cuts, in the same Manner as if such Boat, Barge, or other Vessel had actually on board Eighteen Tons of Lading of such Articles, Matters, or Things as shall or may be chargeable with such highest Rate of Tonnage, unless such Boat shall be returning after having passed on the said Navigation with more than Eighteen Tons, or unless there shall be waste Water running over the Regulating or Waste Weir of every Lock through which such Boat shall pass; but if at any Time there shall not be sufficient Water in any such last-mentioned Lock or Locks to enable such Boat, Barge, or other Vessel to pass through the same with Eighteen Tons Weight of Lading, then and in every such Case it shall be lawful for all Boats, Barges, or other Vessels to pass along such Lock or Locks with any less Weight of Lading than Eighteen Tons, and the Owner or other Person having the Care or Command of such Boat, Barge, or other Vessel, shall not be compellable to pay for any greater Weight of Lading than shall at such Time be actually on board the same Boat, Barge, or other Vessel, provided that such Lading shall not be less than the Water will enable such Boat, Barge, or other Vessel to carry.

Vessels passing Seven Feet Locks, without Lading or not fully laden, to pay Tonnage for 18 Tons.

CIII. Provided always, and be it further enacted, That no Passage Boats or Vessels, which may be intended or used for the Purpose of carrying Passengers and small Parcels, shall be permitted to pass or be navigated upon the said Canals and Collateral Cuts already made or to be made, or any of them, but upon such Terms as may be

fixed  
 Passage Boats not to be navigated on the Canal but on Terms to be fixed by Company.

fixed or agreed upon between the United Company and the Person or Persons who may be desirous to navigate or make use of such Passage Boats or Vessels as aforesaid.

Company to  
make Water-  
courses in  
Cases where  
the Lands are  
deprived of  
Water by  
means of the  
Canals.

CIV. And be it further enacted, That the said United Company shall and they are hereby authorized and directed, at their own Costs and Charges, after any Lands necessary for the said Branch Cut or Canal and Works hereby authorized to be made shall be taken and laid out, forthwith to make and finish, and from Time to Time to maintain and keep in Repair, such and so many Watercourses, Feeders, and Drains, by the Sides of or alongside or under the said Branch Cut or Canal and Reservoirs, of such Dimensions and in such Manner and with such proper and convenient Bridges over the same respectively, as Two or more Justices of the Peace for the County in which such Lands are situate shall from Time to Time judge necessary and appoint, (in case there shall be any Dispute about the same,) for the Purpose of irrigating any Meadow or Pasture Land which may have been heretofore irrigated, or for the Use of the Owners or Occupiers of the Lands, Grounds, or Hereditaments adjoining to such Branch Cut or Canal and on the Towing Paths, or for the Purpose of effectually supplying the Cattle which shall or may be depastured or kept in or upon the Lands and Hereditaments through or near which such Branch Cut or Canal or Works shall be made, or with Part of the Water of any River or Brook, or Spring of Water, of which such Cattle would otherwise be deprived by the making or fencing of any Part or Parts of the said Branch Cut or Canal or Works, and which Watercourses and Drains, or any of them, shall or may be made as may be found most proper and effectual for the Purpose last aforesaid; and all such Watercourses, Feeders, Drains, and Bridges so to be made for the Purpose last aforesaid shall from Time to Time thereafter be maintained and kept in sufficient Repair and Condition by the said Company; and in case the said Company shall refuse or neglect to make and finish such Watercourses, Feeders, Drains, and Bridges as herein-before directed, or to repair and maintain the same or any of them when made in manner aforesaid, for the Space of Twenty Days next after the Time to be appointed for these Purposes respectively by such Justices, then and in every such Case it shall be lawful for every or any of the Owners or Occupiers of the said Lands or Hereditaments, who shall find himself, herself, or themselves aggrieved by such Neglect or Refusal, to make and finish all such Watercourses, Feeders, Drains, and Bridges as the said Justices shall have before directed or appointed to be made as aforesaid, and to repair and maintain the same from Time to Time as Occasion shall require, so that in making and maintaining such Watercourses, Feeders, Drains, and Bridges as aforesaid, the said Branch Cut or Canal, Reservoirs, or other Works hereby authorized to be made by the said Company shall not be obstructed or hindered for any longer Space of Time or in any other Manner than shall be necessary for the doing thereof; and all the reasonable Costs and Charges thereof, to be settled and allowed by the said Justices, shall be repaid to the respective Owners or Occupiers of the said Lands and Hereditaments who shall have so made, repaired, or maintained such Watercourses, Feeders, Drains, and Bridges as aforesaid, or any of them, by the  
said



said Company, within the Space of Ten Days next after the same shall have been so settled and allowed, and an Account and Demand in Writing shall have been delivered and made thereof to and from the said Company; and in default of Payment of the said Costs and Charges within the Time aforesaid, the said Justices shall and they are hereby required, by Warrant under their Hands and Seals, to levy the said Costs and Charges by Distress and Sale of any of the Goods and Chattels of the said Company, for the Use of such Person or Persons to whom such Costs and Charges shall have been allowed, rendering to the said Company the Overplus (if any) after deducting the reasonable Charges of making such Distress and Sale, to be settled by the said Justices; and every or any of the said Owners or Occupiers, upon Refusal or Neglect by the said Company of Proprietors to pay the said Costs and Charges as aforesaid, shall and may also have such and the like Remedy against them, or any of them, for the Recovery thereof by Action at Law, to be commenced and prosecuted in such Manner as in other Cases is by this Act prescribed and directed.

CV. Provided always, and be it further enacted, That if the Owners or Occupiers of any Lands or other Hereditaments in or through which the said Branch Cut or Canal so to be made shall pass, do or shall at any Time or Times hereafter apprehend that any of the Watercourses, Feeders, Drains, and Bridges respectively, which the said Justices shall have so directed or appointed to be made by the said United Company, or which without such Direction shall have been made by them, are insufficient either in their Number, Size, Length, or Situation, for the commodious and effectual supplying of the Cattle to be depastured or kept in or upon the same Lands or Hereditaments with Water, according to the true Meaning of this Act, then and in every such Case, and so often as the same shall happen, it shall be lawful for any such Owners or Occupiers, with the Consent and Approbation of the said United Company, upon Request made to them, or in case of their Refusal for the Space of Ten Days next after such Request, then with the Consent and Approbation of the said Justices, to make and finish at their own Costs and Charges any other Watercourses, Feeders, Drains, and Bridges, in such Places as shall be found and adjudged most necessary and convenient for the better supplying such Cattle with Water as aforesaid, or for the better Use, Cultivation, Improvement, or Occupation of such Lands or Hereditaments, and to repair and support the same at their own Costs and Charges, as Occasion shall require, so that the Passage of Boats or other Vessels through or along the said Branch Cut or Canal be not prevented or obstructed thereby for any longer Space of Time or in any other Manner than the same would necessarily have been if such Watercourses, Feeders, Drains, and Bridges had been made by the said United Company.

Proprietors and Occupiers to make Watercourses at their own Expence.

CVI. And be it further enacted, That if the Owners or Occupiers of any Lands through which the said Branch Cut or Canal shall be made, do or shall at any Time or Times find that the several Gates, Stiles, Bridges, Arches, Passages, Watering Places, and other Conveniences

Owners of Land may erect Gates, Bridges, &c.

[*Local.*]

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which

which the said Justices shall have ordered and directed to be made by the said United Company in, upon, over, under, or through the said Branch Cut or Canal or the Towing Paths thereof, are insufficient, either in Number or Situation, for the commodious Use and Occupation of the respective Lands and Grounds on both Sides or on either Side of the said Branch Cut or Canal, then and in every such Case it shall be lawful for such Owners or Occupiers, with the Consent and Approbation of the said United Company, upon Request made to them for that Purpose, or in case of their Refusal for the Space of Twenty Days after such Request, then with the Consent and Approbation of any Two or more, of the said Justices, to make, fix, and erect, at their own Costs and Charges, such other Gates, Stiles, Bridges, Arches, Passages, Watering Places, or other Conveniences, of the same or the like Construction with such as shall have been made and erected by the said United Company, on, in, over, or near the said Canal or Towing Paths thereof, and in such Place as shall be found and adjudged most necessary and convenient for the better Use, Cultivation, and Improvement or Occupation of the said Lands, and to repair and support the same at their own like Costs and Charges, as Occasion shall require, so as the said Navigation be not prevented or obstructed thereby for any longer Space of Time or in any other Manner than will be necessary for making other Gates, Stiles, or Bridges in or over the said Branch Cut or Canal by the said United Company.

Lords of  
Manors and  
Owners may  
erect Wharfs  
on their own  
Lands :

CVII. And be it further enacted, That it shall be lawful for the Lord or Lords, Lady or Ladies of any Manor or Manors, and the Owner or Owners of any Lands or Grounds near to or through or by which the said Canal and Collateral Cuts, made and to be made by the said United Company by this Act re-incorporated, or any Part thereof, shall pass, to erect and use any Wharfs, Landing Places, Cranes, Weighing Beams, or Warehouses, in or upon his, her, or their respective Wastes, Lands, or Grounds adjoining or near to the said Canal and Collateral Cuts, or any Part thereof, and to land any Goods or other Things upon such Wharfs or Landing Places, or upon the Banks lying between the same and the said Canal or Collateral Cuts, or any Part thereof; and also to make and use proper and convenient Places for Waggons, Carts, and other Carriages to lie and turn in and pass each other; but so nevertheless that no such Wharf, Landing Place, Crane, Weighbeam, or Warehouse, Lying or Turning Place, shall be made, erected, or set up on the Towing-path Side of the said Canal and Collateral Cuts, without the special Licence and Consent of the said Company; and all Rates or Tolls which shall be paid for the Use of such Wharfs, Landing Places, Cranes, Weighbeams, and Warehouses respectively, shall be and the same are hereby accordingly vested in the Lord or Lords, Lady or Ladies of such Manors, or the Owner or Owners of such Lands or Grounds, who shall make and erect the same as aforesaid, and his, her, or their Representatives: Provided always, that the upright Wall of every Wharf to be made upon the Line of the said Canal or Collateral Cuts, shall be set at the least Eight Feet without the Line of the Topwater Level of the said Canal or Collateral Cuts, so that a Boat or Boats whilst lying thereat shall

shall be clear of the Passage of other Boats, and not in anywise narrow, impede, or obstruct the Navigation of the said Canal or Collateral Cuts, or any Part thereof.

CVIII. And be it further enacted, That if such Lord or Lords, Lady or Ladies, Owner or Owners, shall not, within the Space of Three Calendar Months next after Notice given in Writing to him, her, or them, or left at his, her, or their last or usual Place or Places of Abode, by or on behalf of the said United Company, signifying that any Part of such Waste Lands or Grounds is necessary or proper to be used by them for the Purpose of erecting and making Wharfs, Landing Places, Warehouses, and Buildings for the Use of the said Canal or Collateral Cuts, or for making or laying out necessary and convenient Roads for Conveyance of Goods to and from the said Canal or Collateral Cuts, make, erect, and lay out, and from Time to Time maintain and keep in good and substantial Repair, such proper and sufficient Wharfs or Landing Places, Warehouses, Buildings, and Roads, for the Use of the said Canal and Collateral Cuts, as any Two or more Justices of the Peace for the County in which such Works shall be necessary shall think necessary, on the respective Part or Parts of the Waste Lands and Grounds described in such Notice, then and in every or any such Case the said United Company shall have full Power and Authority, without any Hindrance or Restraint whatsoever, to make use of such Waste Lands or Grounds, not being the Ground whereon any House or other Building stands, or a Garden, Orchard, Yard, Park, planted Walk, or an Avenue to a House, (except as herein-before is mentioned or referred to), for erecting and building proper and sufficient Wharfs, Landing Places, Warehouses, and Buildings, and making and laying out necessary and convenient Roads to and from the said Canal and Collateral Cuts, agreeably to such Notice to be delivered as aforesaid.

But if they refuse when required by the Company, the Company may erect the same.

CIX. And be it further enacted, That the said United Company shall make Satisfaction for the Lands or Grounds taken and used by them for the Purpose of making any such Wharfs, Landing Places, Warehouses, Buildings, and Roads as aforesaid, in such Manner as is herein directed with respect to any other Lands or Grounds which shall be taken or used by the said United Company for the Purposes of this Act.

Compensation to be made for Lands taken for Wharfs, &c.

CX. And be it further enacted, That nothing herein contained shall authorize or empower the said United Company, or any other Person or Persons, to make use of any Wharfs, Quays, Landing Places, Cranes, Weighbeams, or Warehouses, which shall be set out, erected, or made by the Lord or Lords, Lady or Ladies of any Manor, or the Owner or Owners of any Lands or Grounds adjoining or near to the said Canal or Collateral Cuts, for his, her, or their private Use only, or to set up, erect, or use any Cranes or Weighing Machines in or upon any such Wharfs, Quays, or Landing Places, without the Consent of such Lord or Lords, Lady or Ladies, Owner or Owners.

Regulations respecting Private Wharfs.

CXI. And

Wharfingers  
not to give  
Preference.

CXI. And be it further enacted, That if any Wharfinger or other Servant belonging to the said United Company shall give any undue Preference or show any Partiality in loading or unloading any Goods or other Things at any of the Wharfs, Warehouses, Weighbeams, Cranes, or other Machines belonging to the said United Company, any Person so offending shall forfeit and pay any Sum not exceeding Five Pounds to the Informer.

Limiting  
Wharfage.

CXII. And be it further enacted, That no more than the Sum of Two-pence *per* Ton shall be demanded or taken by the said United Company, or by any such Lord or Lords, Lady or Ladies, Land Owner or Owners, who shall make, erect, or build any such Wharfs or Quays, or Depôts for the Wharfage of Coals, Culm, Lime, Limestone, Clay, Iron, Ironstone, Lead Ore or any other Ores, Timber, Stone, Brick, Tiles, Slates, Gravel, or other Things, nor more than Two-pence for the Warehousing of every Package not exceeding Fifty-six Pounds Weight, nor more than Four-pence for the Warehousing of every Package above Three hundred Pounds Weight and not exceeding Six hundred Pounds Weight, and not more than Six-pence *per* Ton for the Warehousing any Package exceeding One thousand Pounds Weight, which shall be respectively placed upon any of the Wharfs or Warehouses hereby authorized to be made, and which shall be placed and remain in and upon any such Wharfs, Quays, or Warehouses, and shall not continue thereupon for a longer Space of Time than Twenty-four Hours: Provided always, that in case any of the said Articles shall be left and remain in and upon any such Wharfs, Quays, or Warehouses over and above the Time hereby limited for the same respectively, then the Owner or Owners of such Articles shall pay to the Proprietors of such Wharfs, Quays, or Warehouses, the further Sum of Three Halfpence *per* Ton for Wharfage, and Two-pence *per* Ton for warehousing for the next Seven Days, and the like Sum of Three Halfpence or Two-pence respectively *per* Ton for every further Seven Days while such Articles shall remain upon such Wharfs, Quays, or Warehouses after the Expiration of the said first-mentioned Seven Days: Provided also, that it shall be lawful for the said United Company to erect, repair, and use any Cranes or Weighing Machines upon any such Wharfs or Quays last mentioned, for the more convenient loading and unloading and weighing of any Goods, Wares, Merchandize, or Commodities, in case the Proprietors of such Wharfs or Quays shall refuse or neglect to make and erect the same for the Space of Six Calendar Months after they shall have received Notice in Writing for that Purpose from the said United Company, or, when so erected, neglect or refuse to keep the same in repair; any thing in this Act contained to the contrary thereof notwithstanding.

Canals and  
other Works  
not to be un-  
der the Power  
of Commis-  
sioners of  
Sewers.

CXIII. And be it further enacted, That the said Canals and Collateral Cuts and other Works already made or to be made by virtue of this Act, or any of them, or any Part thereof respectively, shall not be subject to the Controul, Direction, Survey, or Order of any Commissioners of Sewers, or to any Law or Statute relating to Sewers; any Law or Statute to the contrary notwithstanding.

CXIV. Provided always, and be it further enacted, That nothing herein contained shall extend to defeat, prejudice, and affect the Right of any Lord or Lords of any Manor or Manors, Common or Waste Grounds, or of any Owner or Owners of any Lands or Grounds in, upon, or through which the said Canal or Collateral Cuts, or Railway, or other Works so already made and completed as aforesaid, or any Part thereof, shall have been made, or in, upon, or through which the said Branch Cut or Canal, or other Works hereby authorized, or any of them, shall be made, to the Mines, Minerals, Coal, or Quarries lying or being within or under the Lands or Grounds so made use of for such Canal or Collateral Cuts, or Railway or other Works already made and completed, or any Part thereof, or to be set out or made use of for such Branch Cut or Canal or other Works, or any of them; but all such Mines, Minerals, Coal, and Quarries are hereby reserved to such Lord or Lords of such Manor or Manors, or of such Common or Waste Grounds, or to such Owner or Owners of such Lands or Grounds respectively, their Heirs or Assigns; and it shall be lawful for the Lord or Lords of such Manor or Manors, Common or Waste Grounds, or such Owner or Owners of such Lands or Grounds respectively, to work all such Mines, Coal, and Quarries, and to take and carry away all such Coals, Ironstone, and Minerals as shall be gotten therein, to his and their own Use, as fully and effectually as if this Act had not been passed; provided that in working such Mines, Coal, and Quarries, no Injury be done to the said Navigation, or to any of the Works hereby authorized; any thing herein contained to the contrary notwithstanding.

Preserving  
the Rights of  
Lords of  
Manors and  
others.

CXV. And be it further enacted, That for the better discovering of Persons who shall or may get or open, dig, sink, or carry on any Work for the discovering or getting of any Mines or Minerals or Coal contrary to the Directions of this Act, it shall and may be lawful for the said United Company, their Agents and Servants, from Time to Time, and at all Times hereafter, to enter upon any Lands or Grounds through or near which the said Canal or Collateral Cuts already made or to be made, or the said Railway, shall be or pass, wherein any Mines, Coal Pits, or Delphs shall or may be dug or opened, or Works for discovering the same shall be; and likewise to enter into such Works or Mines, Coal Pits or Delphs, and there to view, search, measure, latch, and use all other Means for the discovering of the Distance of the said Canal or Collateral Cuts or Railway from the working Part of such Mines, Coal Pits, or Delphs or Works, for discovering the same respectively; and for those Purposes to make use of the Ropes, Windlasses, and other Machinery belonging to the Owners or Workers of such Mines, Coal Pits, or Delphs or Works, for the Purpose of descending into and ascending from such Works, Pits, Delphs or Mines, and examining the State thereof; and in case it shall appear that any such Mines, Coal Pits, or Delphs have been worked or got, or any Works have been carried on for the discovering or getting of such Mines or Coal, contrary to the Directions of this Act, the Owners or Occupiers of such Mines, Coal Pits, or Delphs shall, upon Notice to that effect being given to him or them, or to any of the Agents or Workmen employed in such Mine or

Method of  
discovering  
when Mines  
are worked  
contrary to  
this Act.

[*Local.*]

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Mines,

Mines, Pit or Pits, Delph or Delphis, immediately desist from working and prosecuting the same in the Course or Direction objected to in such Notice; and it shall and may be lawful for the said Company, and to and for their Agents, Servants and Workmen, at the Expence, Costs, and Charges of the Owner or Owners of such Mines, Pits, or Delphs respectively, to enter into and upon all such Mines, Pits, Delphs, and Works, and from Time to Time to use all necessary and reasonable Ways and Means for repairing, supporting, sustaining, securing, and making safe the said Canal or Collateral Cuts or Railway; such Expences, Costs, and Charges to be recovered by the said United Company, by Action of Debt or on the Case in any of His Majesty's Courts of Record, and such Costs and Charges shall be paid into the Hands of the Treasurer to the said Company, to be applied for the Purposes of this Act: Provided also, that if, after such Notice having been given as aforesaid, the Owners or Occupiers of any such Mines, Pits, or Delphs shall continue to work and prosecute the same in the Course or Direction objected to, he and they shall be liable to make good, not only to the said United Company any Damage which may be occasioned to the said Canal and Collateral Cuts or Railway by the sinking of the Bed or Bottom thereof, or otherwise, in consequence of such improper working and Prosecution of the said Mines, Pits, or Delphs, but also to any other Person or Persons any Injury to be occasioned to him or them, or to his, her, or their Lands, Tenements or Hereditaments, Goods or Chattels, by the breaking down of the Banks of the said Canal or Collateral Cuts, and the overflowing of the Water therein in consequence of such improper working, and a Compensation for all such Damages or Injury as aforesaid, to be in like Manner recovered from such Owners or Occupiers by Action of Debt or on the Case in any of His Majesty's said Courts of Record.

Railways to  
Mines now  
made.

CXVI. And whereas by the said recited Act passed in the Thirty-third Year of the Reign of His said late Majesty, the several Proprietors of Manors, Lands, and Hereditaments, containing Mines of Coal, Ironstone, or other Minerals, and the Proprietors of Furnaces and other Works, respectively lying within the Distance of Three Miles from the said Canal and Collateral Cuts by the said Act authorized to be made, and the Renters, Lessees, or Occupiers of such Mines, Furnaces, or other Works, were empowered to make Railways or Roads from such Mines, Furnaces, or Works, and to make Bridges over Rivers, Brooks and Watercourses, for the Purposes of conveying their Coals, Ironstone, Minerals, Limestone, Freestone, and other Stone or Slate to the said Canal and Collateral Cuts; and also to make proper and sufficient Wharfs or Landing Places at the End of such Railways or Roads, and by the Side of the said Canal or Collateral Cuts, in the Manner therein mentioned: And whereas, in pursuance and under the Authority of the said recited Act, various Railways or Roads have been made to the said Canal and Collateral Cuts, and very many Bridges built, and Wharfs or Landing Places erected: And whereas it is expedient that the Right to the said Railways and Roads, Bridges, Wharfs, and Landing Places, shall be preserved to the several Persons who may be now interested in or entitled to the same; be it therefore further enacted, That all and every

Person and Persons who at the Time of the passing of this Act shall possess any Estate, Right, or Title, whether at Law or in Equity, in or to, or who shall be in any Manner interested in any such Railways or Roads, Bridges, Wharfs, or Landing Places, or any of them already made, his, her, or their Heirs, Executors, or Administrators, shall continue to possess the same Estate, Right, Title, and Interest therein, and shall and may exercise and enjoy the same; and all Privileges incident thereto, in as full, ample, and beneficial a Manner as if the same had been by this Act expressly authorized to be made; any thing herein contained to the contrary thereof in anywise notwithstanding.

CXVII. And whereas the probable Expence of making the said Branch Cut or Canal from *Wardle Green* to *Middlewich* aforesaid, and other the Works hereby authorized to be made, will, according to an Estimate thereof, amount to the Sum of Sixty-eight thousand eight hundred and thirty-seven Pounds Eighteen Shillings and Three-pence; be it therefore further enacted, That it shall be lawful for the said United Company, for the Purpose of enabling them to make and complete the said Branch Cut or Canal from *Wardle Green* to *Middlewich* aforesaid, and other their Works hereby authorized to be made, from Time to Time to borrow of and from the Commissioners for carrying into Execution an Act passed in the Third Year of the Reign of His present Majesty King *George* the Fourth, 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, not exceeding in the whole the Sum of Eighty thousand Pounds, as the said Company may deem expedient for the Purposes aforesaid, and to secure to the said Commissioners and their Successors the Repayment of the Whole or of any Part of the Money so borrowed, with lawful Interest for the same, by Mortgage or Assignment, either generally of the whole of the said Canal and Collateral Cuts hereby authorized to be maintained, supported, made, or completed, and of the whole of the Rates, Tolls, and Duties arising therefrom, or otherwise only by Mortgage or Assignment of the said Branch Cut or Canal from *Wardle Green* to *Middlewich* aforesaid, and other the Works hereby authorized to be made, and of the Rates, Tolls, and Duties hereby granted and to arise from such last-mentioned Branch Cut or Canal, separately and distinctly from the other Parts of the said Canal and Collateral Cuts, and the Rates, Tolls, and Duties arising therefrom, as shall be agreed upon between the said Company and the said Commissioners, and subject nevertheless to such Provisions and Conditions as the said Commissioners shall direct and appoint.

Enabling the Company to borrow Money of Exchequer Loan Commissioners.

CXVIII. And be it further enacted, That every Mortgage or Assignment which shall be given or made by the said United Company to the said Commissioners, shall have Priority over and shall precede all other Mortgages and Securities which shall be granted by the said Company; any thing contained in this Act, or in any Mort-

Mortgages to Commissioners for Issue of Exchequer Bills to have Priority.

gage

gage or Security which may hereafter be granted under the Powers of this Act, to the contrary in anywise notwithstanding.

Company may borrow Money from other Persons or amongst themselves.

CXIX. Provided always, and be it further enacted, That in case the said United Company shall be desirous of raising all or any Part of the said Sum of Eighty thousand Pounds, either by Contribution amongst themselves or by Loan from any other Person or Persons, instead of borrowing the same from the said Commissioners for the Issue of Exchequer Bills, it shall be lawful for the said Company, and they are hereby authorized and empowered, to borrow and take up at Interest, of and from any of the Members of the said Company who shall be willing to advance the same, or of and from any other Person or Persons, all or any Part of the said Sum of Eighty thousand Pounds, and to secure the Repayment of the Whole or of any Part of the Money so borrowed; together with lawful Interest for the same, to the Person or Persons who shall advance any such Sum or Sums, his, her, or their Trustee or Trustees, Executors, Administrators, or Assigns, by Mortgage or Assignment, either generally of the whole of the said Canal, Collateral Cuts, and Railway by this Act authorized to be maintained, supported, made, and completed, and of the whole of the Rates, Tolls, and Duties arising or to arise therefrom and by this Act granted, or otherwise only by Mortgage or Assignment of the said Branch Cut or Canal from *Wardle Green* to *Middlewich* aforesaid hereby authorized to be made, and the Rates, Tolls, and Duties to arise therefrom and by this Act granted, separately and distinctly from the other Parts of the said Canal and Collateral Cuts, and the Rates, Tolls, and Duties arising therefrom, as shall be found most convenient, and as shall be agreed upon between the Parties.

Separate Account to be kept of Proceeds of Branch Cut.

CXX. And be it further enacted, That an Account shall be kept of the Rates, Tolls, and Duties received or collected upon or in respect of the said Branch Cut or Canal from *Wardle Green* to *Middlewich* aforesaid, hereby authorized to be made, separately and distinctly from the Account of the Rates, Tolls, and Duties collected on other Parts of the said Canal and Collateral Cuts; and it shall be lawful for the said United Company, and they are hereby authorized and empowered, from Time to Time, and as often as they shall think fit, to lessen and reduce all or any of the Rates, Tolls, or Duties hereby authorized to be taken for or in respect of all or any of the Articles, Matters, or Things which shall be conveyed upon any Part of the said Branch Cut or Canal from *Wardle Green* to *Middlewich* aforesaid; hereby authorized to be made, and afterwards from Time to Time again to raise and advance and vary the same or any of them, so as not at any Time to exceed the Amount herein-before set forth and hereby authorized to be taken.

Money may be borrowed at a lower Rate of Interest to pay off existing Mortgages.

CXXI. And be it further enacted, That in case the said United Company shall at any Time be able to borrow or take up Money at a lower Rate of Interest than shall happen to be payable upon any Mortgage or Mortgages which may have been granted by the said Company, and may be then subsisting, it shall be lawful for them to borrow and take up at such lower Rate of Interest any Sum or Sums of Money not exceeding the Amount which will be requisite to pay off



off and discharge the Mortgage or Mortgages bearing the higher Rate of Interest, and to secure the same in the Manner aforesaid, and by and with the Money so to be borrowed or taken up at such lower Rate of Interest to pay off and discharge the Money previously borrowed at a higher Rate of Interest.

CXXII. And be it further enacted, That every Mortgage or Security which shall be made or given by the said United Company, for securing the Payment of the Money so to be borrowed as aforesaid, shall be made under the Common Seal of the said Company, and may be made in the Words following, or in any other Words to the like Effect; (that is to say),

Form of  
Mortgage.

‘ **B**Y virtue of an Act passed in the Seventh and Eighth Years of  
 ‘ the Reign of His Majesty King *George* the Fourth, intituled  
 ‘ *An Act, &c.* [*here set forth the Title of this Act*], we the United  
 ‘ Company of Proprietors of the *Ellesmere* and *Chester* Canal, by  
 ‘ virtue of the Powers contained in the said Act, and in consideration  
 ‘ of the Sum of \_\_\_\_\_ to us lent and advanced  
 ‘ by *A. B.* of \_\_\_\_\_, do grant and assign unto  
 ‘ the said *A. B.* his [*or her*] Executors, Administrators, and Assigns,  
 ‘ the said Navigation, and all and singular the Rates, Tolls, and  
 ‘ Duties arising and payable to us by virtue of the said Act, [*or other-*  
 ‘ *wise, as the Case may be,*] the Navigable Cut or Canal from *Wardle*  
 ‘ *Green* to *Middlewich* in the County of *Chester*, by the said Act  
 ‘ authorized to be made, and all and singular the Rates, Tolls, and  
 ‘ Duties arising or to arise therefrom, and payable to us by virtue of  
 ‘ the said Act, and all our Right, Title, and Interest of, in, and to  
 ‘ the same; to hold unto the said *A. B.* his [*or her*] Executors,  
 ‘ Administrators, and Assigns, until the said Sum of \_\_\_\_\_  
 ‘ with Interest for the same after the Rate of \_\_\_\_\_ *per*  
 ‘ *Centum per Annum*, shall be fully paid and satisfied. Given under  
 ‘ our Common Seal, this \_\_\_\_\_ Day of \_\_\_\_\_ in the  
 ‘ Year of our Lord \_\_\_\_\_

And all Persons to whom such Mortgages shall be made shall be equally entitled, one with the other, to their Proportion of the said Rates, Tolls, and Premises, according to the respective Sums secured by such Mortgages, without any Preference by reason of the Priority of Date of any such Mortgage, or any other Account whatsoever; and a Memorial of every such Mortgage, containing the Date thereof, and the Name or Names, with their proper Addition or Additions, of the Person or Persons to whom the same shall have been made, and of the Sum borrowed, together with the Rate of Interest to be paid thereon, shall be entered in a Book to be kept by the Clerk to the said Company, for which he shall be paid Two Shillings and Sixpence, and no more; and the Person or Persons to whom any such Mortgage shall have been made, or who shall be entitled to the Money due thereon, shall and may from Time to Time transfer his, her, or their Right or Interest therein to any Person or Persons whomsoever, by Writing under his, her, or their Hand and Seal or Hands and Seals, in the Form or to the Effect following:

[*Local.*]

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‘ I

Transfer of  
Mortgage.

‘ I of the Sum of of in consideration  
 ‘ of paid by  
 ‘ do hereby transfer to the said  
 ‘ his Executors, Administrators, and Assigns,  
 ‘ a certain Mortgage made by the United Company of the *Ellesmere*  
 ‘ and *Chester* Canal to , bearing Date the  
 ‘ Day of for securing the Sum  
 ‘ of and all Interest now due and to  
 ‘ become due thereon, and all my Right and Property therein. Dated  
 ‘ this Day of

And every such Transfer shall within Twenty-eight Days after the Date thereof be produced to the Clerk to the said United Company, who shall cause a Memorial to be made thereof in like Manner as of the original Mortgage, for which such Clerk shall be paid Two Shillings and Sixpence, and no more; and every such Entry made of such Transfer shall from henceforth entitle such Assignee or Assignees, his or their Executors, Administrators, Assigns, or Successors, to the full Benefit of the original Mortgage, and it shall not from thenceforth be in the Power of any Person or Persons who shall have made any such Transfer to make void, release, or discharge the original Mortgage, or any Money thereby secured, or any Part thereof: Provided, that no Person to whom any such Mortgage shall be made or transferred as aforesaid shall be capable of acting or voting by virtue thereof, either as a Principal or Proxy, at any General Assembly of the said United Company.

Interest of  
Money bor-  
rowed to be  
paid in pre-  
ference to  
Dividends.

CXXIII. And be it further enacted, That the Interest of the Money which shall be raised by Mortgages as aforesaid shall be paid Half-yearly to the several Persons entitled thereto, in preference to any Interest or Dividends due and payable by virtue of this Act to the said United Company, or any of them, and shall from Time to Time be fully paid and discharged or provided for, before the yearly or other Interest or Dividends due to the said Proprietors, or any of them, shall be paid, made, or provided; and in case the same, or any Part thereof, shall be behind and unpaid by the Space of Twenty-one Days next after the same shall become due and payable as aforesaid, and the same shall not be paid within Seven Days next after Demand thereof shall have been made from the said Company, or left at the Office of the said Company, then it shall be lawful for any Two or more Justices of the Peace acting in and for any of the said Counties of *Salop*, *Chester*, or *Denbigh*, and they are hereby required, on Request to them made by or on behalf of any Creditor whose Interest shall be so in arrear, by an Order under their Hands to appoint some Person or Persons to receive the Whole or such Part or Parts of the said Rates as are liable to pay such Interest so due and unpaid as aforesaid; and the Money so to be received by such Person or Persons is hereby declared to be so much Money received by or to the Use of such Person or Persons to whom such Interest shall be then due, until the same, together with the Costs and Charges of recovering and receiving the Rates, shall be fully satisfied and paid; and after such Interest and Costs shall be paid and satisfied, the Power and Authority of such Receiver and Receivers for the Purposes aforesaid

aforesaid shall cease and determine; or otherwise the said Interest so due and unpaid as aforesaid shall be sued for and recovered, with Costs, by Action of Debt in any of His Majesty's Courts of Record at *Westminster*.

CXXIV. And be it further enacted, That in case the said United Company shall raise the Whole or any Part of the said Sum of Eighty thousand Pounds, and shall afterwards be required or be desirous to pay off, and shall pay off all or any Part of the Principal Sum or Sums secured by such Mortgages or any of them, then and in every such Case it shall and may be lawful for the said Company, and they are hereby authorized and empowered again to raise, in lieu of the Principal Money or Principal Monies so paid or to be paid off by them, so much and such Sum or Sums of Money as they shall from Time to Time have paid off, or be required or be desirous to pay off, to the Holders of the said Mortgages or any of them, or any Part or Parts thereof, and so from Time to Time as often as the same shall happen, but so nevertheless that the said Company shall not in any Event have due upon Mortgage more than the Sum of Eighty thousand Pounds in the whole at any one Time.

In case Mortgages shall be paid off, Power to raise the Amount again.

CXXV. And be it further enacted, That if the said United Company shall at any Time find it more convenient to raise the Whole or any Part of the said Sum of Eighty thousand Pounds by the Creation of new or additional Shares in the Joint Stock of the said Company, than by borrowing the same on Mortgage of the said Tolls, Rates, or Duties, or if they shall deem it expedient, in order to enable them to pay off the Whole or any Part of the said Sum which may have been borrowed by them on Mortgage as aforesaid, to create such new or additional Shares, it shall be lawful for them so to do; and in either of the said Cases the said United Company are hereby authorized and empowered, at any Stated or General Assembly, to create any Number of additional Shares in their Joint Stock, not exceeding in the whole Four hundred and twenty-five such additional Shares, and so as to make up the whole Number of Shares in the said Company to not more than Four thousand; and the said Company are hereby authorized and empowered to dispose of such new and additional Shares to such of the then Proprietors of the said United Company as shall be willing to accept the same, or to such other Person or Persons, Bodies Politic, Corporate, or Collegiate, and at such Price or Prices as to the said Company shall seem proper: Provided always, that if such Shares, or any of them, shall be sold at a Premium, the Person or Persons giving such Premium shall not thereby or in consequence thereof be entitled to any further or greater Interest or Privileges than the Holders of other Shares in the Joint Stock of the said Company, for or in respect of which no such Premium may have been paid; and all and every the new Share or Shares to be so created shall be deemed Personal Estate, and be transmissible as such to all Bodies Politic, Corporate, or Collegiate, and other Persons, to whom such new Share or Shares shall be so granted, and the respective Proprietors thereof shall be entitled to such and the same Powers, Privileges, and Advantages, and be interested in the Profits of the said Canal in proportion to the Amount of

New Shares may be created.

of such Shares respectively, and shall be liable to such and the same Restrictions, Penalties, and Forfeitures, as if the Shares so created had been original Shares in the Joint Stock of the said Company; and the Admission of every Person, Body Politic, Corporate, or Collegiate, to any such new Share or Shares, by any Order or Resolution of the said United Company, shall be a good and effectual Title to such Persons, Bodies Politic, Corporate, or Collegiate, and his, her, or their respective Successors, Executors, Administrators, or Assigns, on his or their paying to the said Company the Purchase Money or Price agreed for the same; and every such new Share or Shares so to be created shall be numbered, and the Names and Additions of the Persons respectively entitled thereto, and the Numbers of such Shares, shall be entered in a Book, and Tickets or Instruments, with the Common Seal of the said Company affixed thereto, shall be issued, in like Manner and Form as is hereby directed and prescribed with respect to the original Shares in the Joint Stock of the said Company.

Mortgagees may apply their Mortgages in the Purchase of new Shares.

CXXVI. Provided always, and be it further enacted, That it shall and may be lawful for any Person or Persons who may be entitled to any Mortgage or Mortgages which may hereafter be made or executed of the said Tolls, Rates, and Duties, and to the Principal Money and Interest due thereon, and from whom any Sum or Sums of Money shall become due and payable to the said United Company, by reason of such Person or Persons having agreed to become the Purchaser or Purchasers of any new or additional Share or Shares which may be created, to offer and tender such Mortgage or Mortgages, so far as the Amount of Money due thereon will extend, in or towards the Payment of such new or additional Share or Shares, which Offer and Tender the said Company are hereby required to accept as such Payment; and in case the Amount of Money due on any such Mortgage or Mortgages shall be more than the Price agreed to be paid for such new or additional Shares or Shares, then and in such last-mentioned Case the Receipt or Receipts of the Person or Persons entitled to such Mortgage or Mortgages, for so much of his, her, or their Mortgage Money as shall amount to the Price agreed to be paid for such new or additional Share or Shares, shall, on Delivery thereof to the Treasurer or Treasurers for the Time being of the said United Company, be and be accepted and taken by the said Company as Payment of the Purchase Money for such new or additional Share or Shares, and such Treasurer or Treasurers shall thereupon endorse on such last-mentioned Mortgage or Mortgages a Memorandum or Memorandums, stating how much of such Mortgage or Mortgages has been so discharged.

Capital of the Company and Number of Shares.

CXXVII. And be it further enacted, That the Capital or Joint Stock of the said United Company hereby re-incorporated, unless and until the same shall be increased by the Creation of new Shares, in pursuance of the Power for that Purpose herein-before contained, shall consist of the Sum of Four hundred and seventy-five thousand five hundred and sixty-eight Pounds Fifteen Shillings, and the same shall be considered as divided into Three thousand five hundred and seventy-five Shares and Three Quarters of a Share, of One hundred and

and thirty-three Pounds each; and the said Shares shall be and are hereby vested in the several Persons who at the Time of the passing of this Act were Proprietors of Shares in the Joint Stock or Fund of the United Company of Proprietors of the *Ellesmere* and *Chester* Canals, formed and incorporated by and under the Authority of the said recited Act of the Fifty-third Year of the Reign of His late Majesty, hereby repealed, and their several and respective Executors, Administrators, and Assigns, rateably and in proportion to the Number of Shares they may respectively have held therein at the Time of the passing of this Act; and such Shares shall be numbered, beginning with Number One, in regular or arithmetical Progression ascending, whereof the common Excess or Difference shall always be One, and every such Share shall always be distinguished by the Number to be applied to the same; and all Bodies Politic, Corporate, and Collegiate, and all other Persons, their several and respective Successors, Executors, Administrators, and Assigns, who shall be in the Possession of or entitled to One or more Share or Shares, shall be entitled to and receive, at such Time and Times as the said United Company shall direct or appoint, the entire and net Distribution of an equal proportionable Part of the net Profits and Advantages (after setting apart such Proportion thereof as is herein-after mentioned) that shall or may arise or accrue by the Rates, Tolls, and Duties, and other Sum and Sums of Money to be raised, recovered, or received by the said Company by the Authority of this Act; and every Body Politic, Corporate, or Collegiate, Person or Persons, having or possessing such Share or Shares in the said Undertaking, shall be liable to bear and pay a proportionate Sum towards carrying on the same, in the Manner herein directed and appointed.

CXXVIII. 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 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.

Shares to be Personal Property.

CXXIX. And be it further enacted, That all and every Body or Bodies Politic, Corporate, or Collegiate, or other Person or Persons, who now are or hereafter shall or may become entitled to be and be in the actual Possession of One or more Share or Shares in the Capital or Joint Stock of the said United Company, his, her, or their respective Successors, Executors, Administrators, and Assigns, shall be deemed a Proprietor of every such Share, and shall have a Vote for and in respect of every such Share up to Ten in the Stated and Special General Meetings to be held as herein-after appointed, for carrying on the said Undertaking, or relative thereto; but no Person or Persons shall be entitled to more than Ten Votes, whatever Number of Shares he or she or they may hold in the said Capital or Joint Stock; which Vote or Votes shall and may be given by him, her, or them, or by his, her, or their Proxy or Proxies, duly constituted under his, her, or their Hand or Hands, or Common Seal if a Corporation, 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;

Corporate Bodies, &c. in Possession of One or more Shares, entitled to vote either in Person or by Proxy.

[*Local.*]

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provided

provided nevertheless, that no Person shall act as Proxy for more than Five absent Proprietors; the Appointment of which Proxies may be made according to the Form or to the Effect following:

Form of  
Proxy.

I \_\_\_\_\_ of \_\_\_\_\_ One of the Proprietors of the *Ellesmere* and *Chester* Canal, do hereby nominate, constitute, and appoint \_\_\_\_\_ of \_\_\_\_\_ to be my Proxy, in my Absence to vote or give my Assent to or Dissent from any Business, Matter, or Thing relating to the said Undertaking, 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 Undertaking or any thing appertaining thereto. In witness whereof I have hereunto set my Hand, the Day of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_.

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 and Proxies then present.

Names of  
Proprietors  
to be regis-  
tered.

Tickets to be  
issued.

CXXX. And for the better securing to the several Proprietors of the said Undertaking their respective Shares therein, be it further enacted, That the said Company shall and they are hereby required, at their First or some subsequent General Meeting after the passing of this Act, to cause the Names and proper Additions of the several Persons who shall then be entitled to Shares in the said Undertaking, and also, in case of any new Shares in the said Undertaking being created, the Names and Additions of the several Persons who shall be entitled to such new Shares, with the Number of the Shares which such Persons shall at the Time of making such Entry be respectively entitled to hold, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Book to be kept by the Clerk of the said Company, and after such Entry made to cause their Common Seal to be affixed to such Book; and also shall cause a Certificate or Ticket, with the Common Seal of the said Company to be affixed thereto, to be delivered to every Proprietor on Demand, specifying the Share or Shares to which he, she, or they is or are entitled in the said Undertaking, every such Proprietor paying to the Clerk to the said Company Two Shillings and Sixpence, and no more, for every such Certificate or Ticket; and such Certificate or Ticket shall be admitted in all Courts whatsoever as Evidence of the Title of such Subscriber, his or her Executors, Administrators, or Assigns, to the Share or Shares therein specified, but the Want of such Certificate shall not hinder or prevent the Owner of any of the said Shares from selling or disposing thereof; and which said Certificate or Ticket may be in the Words or to the Effect following:

The *Ellesmere* and *Chester* Canal Company.

Number \_\_\_\_\_

THESE are to certify, That \_\_\_\_\_ of \_\_\_\_\_ is a Proprietor of the Share, Number \_\_\_\_\_ of the *Ellesmere* and *Chester* Canal, subject to the Rules, Regulations, and Orders of the said \_\_\_\_\_

said Company; and that the said his [or her]  
 Executors, Administrators [or Successors] and Assigns, is and are  
 entitled to the Profits and Advantages of such Share. Given under  
 the Common Seal of the said Company, the Day of  
 in the Year of our Lord

CXXXI. And be it further enacted, That if any of such Certificates or Tickets as aforesaid shall be worn out or damaged, then, upon the same being brought and shown at some General Meeting of the said Company, such Certificates or Tickets may be cancelled and destroyed, and other similar Certificates or Tickets given, under the Seal of the said Company, to the Person or Persons in whom the Property of such Certificates or Tickets, and the Shares therein mentioned, shall be at that Time vested; or in case such Certificates or Tickets shall be burnt or totally destroyed, then, upon due Proof thereof, like Certificates or Tickets shall be given to the Person or Persons who was or were the Owner or Owners of or entitled to such Certificates or Tickets so burnt or destroyed; and due Entry of the Transfer of such Certificates or Tickets (if any such have been made) shall be entered by the Clerk of the said Company in manner herein directed, the said Clerk receiving for every Certificate or Ticket which shall be so given or exchanged the Sum of One Shilling and no more.

New Tickets  
 may be  
 issued.

CXXXII. Provided always, and be it further enacted, That where One or more Share or Shares in the said Undertaking shall be held by Two or more Persons as Joint Proprietors, the Proprietor whose Name shall stand first in the Books of the said Company in respect of such Joint Share shall alone be entitled to vote, by himself or his Proxy, at any such General or Special General Assembly as aforesaid.

How Joint  
 Proprietors  
 are to vote.

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

Lunatics and  
 other incapa-  
 citated Per-  
 sons may vote  
 by their Com-  
 mittees, &c.

CXXXIV. And be it further enacted, That the First General Meeting of the said United Company of Proprietors for putting this Act in execution shall be held at *Ellesmere* in the County of *Salop*, within Six Months after the passing of this Act, between the Hours of Twelve and Two, of which Meeting Seven Days Notice at the least shall be given by public Advertisement, signed by Two or more Proprietors, in some Newspaper published within the Counties of *Salop* and *Chester* respectively; and the next and every other General Meeting shall be held at such Times and Places as shall at such First or any subsequent General Meeting be appointed: Provided always, that

First and  
 other Gene-  
 ral Meetings.

that Two General Meetings at the least shall be held in each Year; and of every General Meeting not less than Seven Days Notice shall be given by public Advertisement in such Newspapers as herein-before mentioned; and all such Meetings may be adjourned from Time to Time, and from Place to Place, as shall be found expedient.

General Committee may alter the Day and Place of holding the General Meeting.

CXXXV. Provided always, and be it further enacted, That it shall and may be lawful for the General Committee appointed or to be appointed under and by virtue of the Powers of this Act, in case they shall deem it expedient so to do, to alter the Day and Place which may have been appointed at any General Meeting of the said Proprietors for their next General Meeting, and to appoint such other Day and Place for holding such next General Meeting of the said Proprietors as the said Committee shall judge most proper and convenient, on causing Notice to be inserted in some Newspaper or Newspapers usually circulated in the respective Counties of *Salop, Chester, Denbigh, Flint, and Merioneth*, Ten Days at the least previously to the holding of such General Meeting of Proprietors so to be altered as aforesaid, specifying in such Notice the Day and Place of holding the same.

Chairman to be appointed.

CXXXVI. And be it further enacted, That the said United Company at their General and Special General Meetings shall and may appoint some Person of the said Company to be Chairman; and such Chairman shall and may not only vote as a Proprietor or Proxy, but in case of an Equality of Votes shall and may have the decisive or casting Vote.

General Meetings to elect Committee of Management, &c.

CXXXVII. And be it further enacted, That the said United Company of Proprietors, at such respective General Meetings, shall choose and elect Twenty-five Persons (each of them being a Proprietor at the Time of such Election possessed in his own Name, or beneficially interested as Tenant in Possession, of Five Shares at least in the said Undertaking,) as a General Committee to manage the Affairs of the said United Company, as herein directed, Five of whom shall at all Meetings of the said Committee be a Quorum.

Six Proprietors in Chester to be on the Committee.

CXXXVIII. And be it further enacted, That the General Committee of the said Company so to be appointed shall consist of (amongst others) not less than Six Proprietors, duly qualified to serve as such, who shall be resident within the said City of *Chester*, or within Five Miles thereof, provided such a Number shall be there resident, and be willing to serve in that Character and Situation.

No Person holding any Place of Profit or Contract under the Company to vote in the Committee.

CXXXIX. And be it further enacted, That every Person who shall hold any Place of Profit under or any Contract with the said United Company, or be in any Manner interested or concerned, directly or indirectly, in supplying any Articles or Materials for the Use of the said Company, unless gratuitously, shall cease to be a Member of the said Committee of Management during the Time that he shall be so employed, or shall be so concerned or interested as aforesaid; and in case any Person holding any Place of Profit under



or any Contract with the said Company, or being in any Manner concerned, directly or indirectly, in supplying any Articles or Materials for the Use of the said Company (except as aforesaid), shall vote or attempt to vote at any such Meeting of the said Committee of Management, then and in every such Case every Person so offending shall forfeit and pay for every such Offence the Sum of Fifty Pounds, together with full Costs of Suit, to any Person 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, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed; and One Moiety of such Penalty, when recovered, shall be paid to the Person or Persons who shall sue for the same, and the other Moiety shall be paid to the said Company, to be applied to the Purposes of this Act.

CXL. And be it further enacted, That the said United Company of Proprietors shall have Power and Authority from Time to Time, at any General Meeting, to make such Rules, Bye Laws, and Orders as to them shall seem right and proper, for the good Government of the said United Company, their Agents and Workmen, and for making, maintaining, using, and managing the said Canals and Collateral Cuts, and other Works, in all respects whatever; and from Time to Time to declare and fix the Amount of the Dividends to be paid out of the Profits of the said United Company to the several Proprietors of the said Canal, in respect of their Shares therein, and to make such Orders as to the Time and Manner of Payment of such Dividends, as to such General Meeting shall seem proper; and from Time to Time to alter and repeal the said Bye Laws, Orders, and Regulations, or any of them, and to make others; and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against the same, as to the major Part of such General Meetings shall seem meet, not exceeding the Sum of Five Pounds for any such Offence; such Fines and Forfeitures to be levied and recovered by such Ways and Means as herein-after mentioned; which said Bye Laws, being reduced into Writing under the Common Seal of the said Company of Proprietors, and printed and published and painted on Boards, shall be hung up and affixed and continued upon the Front of the several Toll Houses to be erected on the Line of the said Canal and Collateral Cuts and Railway, 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 Rules, Orders, and Bye Laws 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 act under the same, provided they 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 Rules, Bye Laws, and Orders shall be subject to Appeal in manner herein-after mentioned.

CXLI. And be it further enacted, That every such General Meeting shall have Power to call for, audit, and settle all Accounts for Money received, laid out, and disbursed on account of the said

[*Local.*]

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Undertaking,

General Meetings may make Bye Laws, &c.

General Meetings may audit Accounts.

Undertaking, by the Treasurers, Receivers, or Collectors of the Rates, and other Officers by them appointed, or by any other Person or Persons employed by or concerned for or under them in and about the said Canal and Collateral Cuts and Railway, and the Works thereto belonging.

General Meetings to consist of Proprietors entitled to 200 Votes.

CXLII. Provided always, and be it further enacted, That if at any General Meeting there shall not be Persons present in Person or by Proxy who shall be possessed of or entitled to at least Two hundred Shares in the said Canal, and by virtue of such Shares entitled to Two hundred Votes in the Aggregate, within Two Hours from the Time appointed for such Meeting, no Choice of a Committee shall be made, nor shall any Business be done or transacted at that Time, but in such Case there shall be another Meeting of the said Company of Proprietors at the same Place at the Expiration of Fourteen Days, and if a sufficient Number of Proprietors shall not then attend, the said General Meeting shall stand adjourned to that Day in the Month next following, and so from Time to Time, as often as the same shall occur, until at any such Meeting there shall be a sufficient Number of Proprietors present as aforesaid, when the Meeting shall proceed to Business (and not before); and any Committee so before 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; and in case of Failure of assembling a sufficient Number of Proprietors having such Shares or Subscriptions as Principals or Proxies at such First General Meeting, every Proprietor who shall not attend such Second Meeting shall forfeit to the said Company of Proprietors, for every Share or Subscription of One hundred and thirty-three Pounds which he or she shall possess in the said Undertaking, the Sum of Ten Shillings, unless such Proprietor shall have a sufficient Excuse for his or her Non-attendance as aforesaid, to be judged of by the Chairman of such Meeting, such Sum of Ten Shillings to be deducted out of his or her next succeeding Payment of Interest or Dividends of the Profits of the said Undertaking, as the Case may happen; and in case no Interest or Dividends shall be payable to such Person or Persons making Default as aforesaid, within Six Calendar Months next after the making of such Default, then the Payment of the said Forfeiture of Ten Shillings may be recovered and enforced by the Ways and Means herein-after appointed for the Recovery of any other of the Penalties or Forfeitures imposed by this Act.

Meetings of Proprietors may be specially convened.

CXLIII. And be it further enacted, That any Five or more Proprietors of the said Company, holding in the Aggregate Fifty Shares or upwards in the said Undertaking, may at any Time, by Writing under their Hands left at the Office of the said Company, or given to any Member of the Committee of the said Company, or left at his last or usual Place of Abode, require the said Committee to call a Special General Meeting, so as such Requisition fully express the Objects for which such Special General Meeting is required to be called; and in case of Neglect or Refusal of the said Committee to call such Meeting for the Space of Twenty-one Days after such Notice given as aforesaid, the same may be called by such Proprietors,

by giving Ten Days Notice thereof in some Newspaper or Newspapers usually circulated in the said Counties of *Salop* and *Chester* respectively; and the said Company are hereby authorized to meet in pursuance of such Notice, and such of them as shall be present shall proceed to the Execution of the Powers of this Act given to the said Company with respect to the Matters specified in such Notice, as if the same had been done at a General Meeting at the Time herein-before appointed for holding the same.

CXLIV. And be it further enacted, That no Business shall be transacted at any Special General Meeting other than the Business for which it shall have been called, and no other Business shall be transacted at any Adjourned Special or General Meeting than the Business left unfinished at the Meeting from which such Adjournment took place.

Business at  
Special and  
Adjourned  
General  
Meetings.

CXLV. And be it further enacted, That it shall be lawful for the said United Company, at any General Meeting, or at any Adjournment thereof, to nominate and appoint a Treasurer or Treasurers, and a Receiver or Receivers, Collector or Collectors of the said Rates, and also a Clerk to the said Company, and such other Officers as they shall think proper, with such Salaries or Salary, or Remuneration, as shall to the said Company seem proper; and the said Company shall and they are hereby required to take sufficient Security from every such Treasurer, Receiver, Collector, and other Officers having the Care or Custody of any Money to be raised or received by virtue of this Act, for the due Execution of their respective Offices, as the said Company shall think proper; and from Time to Time to remove any such Treasurer or Treasurers, Collector or Collectors, Clerk or other Officer or Officers, or any of them, and to elect others or another in their or his Stead or Room; and such Clerk shall attend the General Meetings of the said Company and the Meetings of the said Committee; and in case any such Collector or Receiver shall die, be removed from or quit the Service of the said Company, it shall be lawful for the said Company, at their said Stated or Special General Meetings, or for the Committee of the said Proprietors, to appoint any other fit Person or Persons to execute such Office or Offices, in the Place of such Person or Persons who shall so die, be removed from or quit the Service of the said Proprietors or of the said Committee; but in case any such new Appointment be made by the said Committee, the same shall only continue until the next Stated or Special General Meeting of the said Proprietors, when the Appointment of such Person or Persons to such respective Office or Offices shall either be confirmed, or such other fit Person or Persons appointed to succeed to such Office or Offices, as the said Proprietors at such Stated or Special General Meeting shall think proper; all which Acts of the said Committee shall be conclusive, unless revoked by the General Meeting holden next after such Acts as aforesaid.

General  
Meetings  
to appoint  
Officers.

Treasurer,  
&c. to give  
Security.

Officers may  
be appointed  
ad interim.

CXLVI. Provided always, and be it further enacted, That it shall not be lawful for the said United Company of Proprietors 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 of

Same Person  
not to be  
Clerk and  
Treasurer.

or

or other Person in the Service or Employ of any such Clerk or of the Partner of 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 of or other Person in the Service or Employ of such Treasurer or of the Partner of such Treasurer, to be the Clerk to the said Company; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk of or other Person in the Service or Employ of such Clerk, or of the Partner of such Clerk, shall act as Treasurer, or as Deputy of such Treasurer, or in any Manner officiate for such Treasurer, or being the Partner of any such Treasurer, or the Clerk of or other Person in the Service or Employ of such Treasurer or of the Partner of such Treasurer, shall act as Clerk in the Execution of this Act, or as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any Treasurer shall hold any Place or Office of Profit or Trust under the said Company other than that of the Treasurer, every 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, together 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, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Officers to  
account.

CXLVII. And be it further enacted, That every Officer and Person who shall be appointed or employed by virtue of this Act, shall from Time to Time, when thereunto required by the said Committee or by the said United Company of Proprietors, make out and deliver to the said Committee, or to such Person or Persons as they shall for that Purpose appoint, a true and perfect Account, in Writing under his or her Hand, of all Monies which shall have been by him or her had, collected, or received, and how and to whom and for what Purpose the same and every Part thereof hath or have been disposed of, together with Vouchers and Receipts for such Payments; and every such Officer or Person shall and is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing from him or her, to such Person or Persons as the said Committee or the said Company shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render such Account, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof when thereunto required in manner aforesaid, or shall refuse or neglect to deliver up to the said Committee, or to the said Company, or to such Person or Persons as they shall respectively appoint, within Seven Days after being thereunto required by the said Committee, or by the said Company, or by such other Person or Persons, all Books, Papers, and Writings in his or her Custody or Power relating to the Execution of this Act, then and in every such Case, Complaint being made thereof by the said Committee or by the said Company, or by any Person on their Behalf, to any Justice of the Peace for the County within which such Officer shall be or reside, such Justice may and he is hereby authorized and required, by Warrant under his  
Hand

Hand and Seal, to cause such Officer or Person to be brought before him, and upon his or her appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account, if produced, in such Manner as the said Committee or the said Company might have done; and if upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath of any credible Witness, it shall appear to such Justice that any of the Monies which shall have been collected and received shall be in the Hands of or be owing from such Officer or Person, such Justice may and he is hereby empowered, on Non-payment thereof, by Warrant under his Hand and Seal to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and if no Goods or Chattels shall be found sufficient to answer and satisfy the said Monies, and the Charges of taking and making such Distress, and of selling the same, or if such Officer or Person shall not appear before such Justice at the Time and Place appointed for that Purpose, or if such Officer or Person, appearing, shall refuse or neglect to make out and deliver to such Justice such Account in Writing as aforesaid, or to produce and deliver to the said Justice the several Vouchers and Receipts relating to such Accounts, or to deliver up such Books, Papers, and Writings as aforesaid, then and in any of the Cases aforesaid the said Justice may and is hereby authorized and required, by Warrant under his Hand, to commit such Officer or Person to the Common Gaol or House of Correction of such County, there to remain without Bail or Mainprize until he or she shall have delivered up the Vouchers and Receipts relating to such Accounts, and shall have paid all the Money which shall appear to be in the Hands of or owing from him or her, and the reasonable Charge of such Distress and Sale (if any) as shall in that respect have been made, or until he or she shall have compounded with the said Committee, or with the said Company, for such Money and Charges, and paid the Composition Money to the said Committee or the said Company, (and which Composition the said Committee and the said Company are hereby respectively empowered to make,) and shall have delivered up all such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Committee or to the said Company: Provided always, that no Person who shall be committed for Want of sufficient Distress only shall be detained in Prison for any longer Space of Time than Six Calendar Months.

CXLVIII. And be it further enacted, That the said Committee shall, until the next General Meeting to be holden in manner aforesaid, meet at such Times and in such Places, and from Time to Time adjourn themselves to such other Time and Place, as they shall think fit; and at all Meetings of the said Committee One of the Members present shall be appointed Chairman; and all Questions, Matters, and Things which shall be proposed, discussed, or considered at such Meetings, shall be finally determined by the Majority of Votes then present, the whole Number present not being in any Case less than Five; and such Committee shall have full Power and Authority to direct and manage all and every the Affairs of the said Company, as well in contracting for and purchasing Messuages, Tenements, or

Powers of  
Committee,  
and Regula-  
tions.

[*Local.*]

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other

other Hereditaments, and Materials for the Use of the said Undertaking; as in employing, ordering, and directing the Works and Workmen, and in placing and displacing Officers, Clerks, Servants, Agents, and Workmen, (except the Treasurer and Clerk, herein-before directed to be appointed by a General Meeting of the said United Company, save only as herein-after directed,) and in making all Contracts and Bargains touching the said Undertaking; and no Member of the said Committee (although he may be a Proprietor of many Shares in the said Undertaking) shall have more than One Vote in any Committee, except the Chairman of such Meeting, who, in case of an equal Division, shall always have a Second or casting Vote, although he may have given One Vote before; and every such Committee shall keep a regular Minute and Entry of their Proceedings, and from Time to Time make Report of their Proceedings to the said Stated General Meetings, and if required, to the Special General Meetings of the Proprietors, and shall obey their Orders and Directions; but no Person holding any Place, Office, or Employment, or being concerned or interested in any Contract or Contracts under the said Company, shall be capable of being chosen to serve on any such Committee during the Time of his Continuance in such Place, Office, or Employment; and the said Committee (subject nevertheless at all Times to such Orders and Directions as aforesaid) shall by themselves, or their Clerk or Clerks, Agent or Agents as aforesaid, keep a full and true Account of all Monies disbursed and Payments made by the said Committee, and by all and every Person and Persons employed by or under them, and of all and every Sum and Sums of Money which they shall receive on behalf of or in respect of such Undertaking from any Collector or Collectors of the said Rates or other Officer or Officers, or from any other Person or Persons whomsoever, employed in or having any Concerns, Dealings, or Transactions with the said Undertaking, or in or with any Part or Parts thereof, and shall regularly, by themselves, or their Clerk or Clerks, Agent or Agents aforesaid, write, insert, and enter in a Book or Books to be from Time to Time provided at the Expence of the said Company for that Purpose, Notes, Minutes, or Copies (as the Case shall require) of every such Contract, Bargain, Receipt, and Disbursement; which Book or Books shall be deposited with and kept locked up under the Care and Direction of the said Committee: Provided always, that the said Committee shall at all Times, upon the Requisition in that Behalf of any Five or more of the Proprietors holding in their own Right, in the Aggregate, not less than Fifty Shares in the Capital or Joint Stock of the said Company, direct any of such Proprietors making such Requisition to have free Access to such Book or Books at seasonable and convenient Hours, for his or their Inspection, without paying any thing for the same.

Committee  
to be under  
Controul of  
General  
Meetings.

CXLIX. And be it further enacted, That such Committee shall keep a regular Minute or Entry of their Proceedings, and from Time to Time make Reports to and be subject to the Examination and Controul of the General and Special Meetings of the said Proprietors as aforesaid, and shall pay due Obedience to all such Orders and Directions in and about the Premises as shall from Time to Time be made by the said Proprietors at any such General or Special Meeting; such

such Orders and Directions not being contrary to any express Directions or Provisions in this Act contained.

CL. And be it further enacted, That it shall be lawful for the said Committee to nominate and appoint, out of their own Body, a Sub-committee or Sub-committees (every such Sub-committee to consist of Five or more Persons), who shall have full Power and Authority to enter into and make any such Contracts or Agreements on behalf of the said United Company as aforesaid, and to hire and employ any Agents, Workmen, or Servants in or about the said Undertaking, and to do, execute, and perform all other Matters and Things whatsoever in or about the said Undertaking which the said Committee are themselves herein-before authorized to do, or such of them as the said Committee shall think proper to entrust to the Care and Management of any such Sub-committee or Sub-committees; and it shall be lawful for the said Committee, by an Order or Resolution for that Purpose, to break up and dissolve any such Sub-committee or Sub-committees, or to remove and displace any Member or Members thereof, and to appoint some other or others in his or their Place and Stead, when and as often as such Committee shall think proper and expedient; and such Sub-committees shall have full Power and Authority to meet from Time to Time, and adjourn from Place to Place, as they shall think proper, and as Occasion shall require, for effectuating the Purposes aforesaid; and all Powers and Authorities hereby vested, or which shall by the said Committee be vested in any such Sub-committee or Sub-committees, within the Intent and Meaning of this Act, shall and may be exercised by the major Part of the Members present at their respective Meetings, the whole Number present not being less than Three; and at all Meetings of such Sub-committees respectively One of the Members present shall be appointed President or Chairman; and all Questions shall be decided by the Majority of Votes, and the President or Chairman shall have the casting Vote in case of an equal Division, although he may have given One Vote before.

Committee  
may appoint  
Sub-com-  
mittees, with  
Power to  
make Con-  
tracts, &c.

CLI. And be it further enacted, That for the Management and Superintendance of that Part of the said United Canal which lies between the End of the *Wirrall* Branch of the said *Ellesmere* Canal, which communicates with the River *Mersey* and the Town of *Nantwich* aforesaid, a Sub-committee, consisting of not less than Six Persons, Members of the General Committee of the said United Company, resident within the said City of *Chester* or within Five Miles thereof, and of Three or more Persons resident within the said City of *Chester* or within Five Miles thereof, and who may or may not be Members of the said General Committee, but who are duly qualified to serve, and not being disqualified from serving upon such General Committee, shall be appointed at such Times and by such Persons as are appointed and directed with respect to the Nomination and Appointment of such General Committees, with the like Powers to meet at such Time and Times, and at such Place or Places within the said City of *Chester*, as they or the Majority of them shall appoint; and to adjourn from Time to Time, as they or the Majority of them assembled shall think proper; but such Meetings, and the several Matters, Things, and

Sub-com-  
mittee for  
*Chester* Line.

Business

Business to be there from Time to Time transacted and done, shall be subject to the same Rules, Regulations, and Provisions as are contained in this Act in respect to the other Sub-committees to be appointed by virtue thereof: Provided always, that all and every the Acts to be done by any such Sub-committee from Time to Time shall be under the Controul and Direction of the General Committee and General Meetings to be appointed as aforesaid, it being hereby intended that such Sub-committees respectively shall be assistant to the said General Committees and General Meetings, and be under their Direction and Controul.

If there shall not be Persons qualified for Committees, a less Number may act.

CLII. Provided always, and be it further enacted, That if at any Time or Times hereafter there shall not be a sufficient Number of Persons duly qualified as aforesaid, resident within the said City of *Chester* or within Five Miles thereof, to form the said General and Sub-committees, or either of them, in manner aforesaid, the same shall be respectively formed of such less Number of Persons as shall be so resident and duly qualified to serve thereon, provided there be not less than Three Persons so resident and qualified.

Committee may appoint temporary Treasurer, &c.

CLIII. And be it further enacted, That in case any Treasurer or Clerk of the said United Company shall die, or be removed from or quit the Service of the said Company, it shall be lawful for the said Company, at their Stated or Special General Meetings, or for the Committee of the said Company, to appoint any other fit and proper Person or Persons to execute such Office or Offices, in the Place of the Person or Persons who shall so die, or be removed from or quit the Service of the said Proprietors; and in case any such new Appointment shall be made by the said Committee, the same shall only continue until the next General Meeting of the said Proprietors, when the Appointment of such Person or Persons to such respective Office or Offices shall either be confirmed, or such other fit Person or Persons appointed to succeed to such Office or Offices as the said Proprietors at such General Meeting shall think proper.

Orders and Proceedings to be entered in a Book.

CLIV. And be it further enacted, That the Orders and Proceedings of every Meeting, as well of the General and Special General Meetings of the said United Company as of the Committee, shall be entered in a Book or Books to be provided and kept for that Purpose, and shall be signed by the Chairman of each respective Meeting; and such Orders and Proceedings, when so entered and signed, shall be deemed and taken to be original Orders and Proceedings, and shall be allowed to be read in Evidence in all Courts, and before all Judges, Justices, and others.

Notice of Meetings, how to be given.

CLV. Provided always, and be it further enacted, That all Notices herein directed to be given of any General or Special Meeting of Proprietors, or of any Adjournment thereof respectively, or to any of the said Proprietors, and not herein otherwise provided for, shall be signed by the Chairman of the Committee of the said Company, or by the Clerk of the said Company, and shall be given by Advertisement to be inserted in some Newspaper usually printed or circulated in the Counties of *Salop* and *Chester* respectively; and that such Notices,



Notices, when so published and given, shall be deemed and considered the same as personal Notices.

CLVI. And whereas, by the Marriage or Death of Proprietors of Shares in the said Undertaking, 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 enacted, That before any Person or Persons who shall claim any Part of the Profits of the said United Company in right of Marriage shall be entitled to receive the same, or to vote in respect of any Shares, an Affidavit, or, in case of a Person being of the Society called *Quakers*, a solemn Affirmation, in Writing, containing a 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 a Master Extraordinary in Chancery, or some Justice of the Peace, and shall be transmitted to the Clerk of the said United Company, who shall file the same, and make an Entry thereof in the Book or Books which shall be kept by the said Clerk for the Entry of Transfers or Sales of Shares of the said Undertaking; and before any Person or Persons who shall claim any Part of the Profits of the said Undertaking by virtue of any Bequest or Will, or of any Administration, shall be entitled to receive the same, or to vote in respect of any Shares, the said Will, or the Probate thereof, or the Letters of Administration, (such Probate or Letters of Administration being sued out of the Ecclesiastical Court within the Jurisdiction of which the Testator or Intestate resided at the Time of his Death,) shall be produced and shewn to the said Clerk, or a Copy of so much of such Will as shall relate to the Share or Shares of the Testator, or a Copy of such Letters of Administration in case of Intestacy, shall be made and sworn or solemnly affirmed to by the Executor or Executors of the said Will, or the Administrator or Administrators of the Intestate, before a Master or a Master Extraordinary in Chancery, or any 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-before mentioned; and in all Cases other than herein-before mentioned, when the Right and Property of any Share or Shares in the said Undertaking shall pass from the original Proprietor or Proprietors thereof to any other 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 or solemnly affirmed to by some credible Person or Persons, before a Master or a Master Extraordinary in Chancery, or any of His Majesty's Justices of the Peace as aforesaid, stating the Manner in which such Share or Shares hath or have 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 Undertaking.

Regulation  
as to Acqui-  
sition of  
Shares.

CLVII. And be it further enacted, That in all Cases where Money shall be payable, under the Provisions of this Act, to any Proprietor in the said Undertaking who shall be a Minor under the Age of

[Local.]

28 X

Twenty-

Receipt of  
Guardians of  
Minors to be  
a sufficient  
Discharge.

Twenty-one Years; the Receipt of the Parent or Guardian for the Time being of such Minor shall be a sufficient Discharge to the said United Company and their Treasurer for the same.

Shares may  
be sold.

CLVIII. And be it further enacted; That it shall be lawful for the several Proprietors of the said Canal, and his, her; or their respective Executors and Administrators, to sell and dispose of any Share or Shares to which he, she, or they shall be entitled therein, subject to the Rules and Conditions herein mentioned and provided; and the Form of the Conveyance of Shares may be in the following Words or to the like Effect, varying the Names and Descriptions of the contracting Parties, as the Case may require :

Form of  
Conveyance.

I *A. B.* of \_\_\_\_\_ in consideration of \_\_\_\_\_  
paid to me by *C. D.* of \_\_\_\_\_ do hereby bargain,  
sell, assign, and transfer to the said *C. D.* [*as the Case may be,*  
Share or Shares] of and in the Undertaking called "The  
*Ellesmere and Chester Canal;*" to hold unto the said *C. D.*, his  
Executors, Administrators, and Assigns, subject to the same Rules,  
Orders, and Regulations, and on the same Conditions that I held  
the same immediately before the Execution hereof; and I the said  
*C. D.* do hereby agree to take and accept of the said Share  
or Shares of the said Undertaking, subject to the same Rules,  
Orders, Restrictions, and Conditions. As witness our Hands and  
Seals, the \_\_\_\_\_ Day of \_\_\_\_\_

And on every such Sale the Deed of Conveyance (being executed by the Seller or Sellers and the Purchaser or Purchasers of such Share or Shares) shall be kept by the Purchaser or Purchasers, for his, her, or their Security, after the Clerk or Clerks to the said United Company shall have entered, in a proper Book or Books to be kept for that Purpose, a Memorial of such Transfers and Sales for the Use of the said United Company, and have testified and indorsed the Entry of such Memorial on the said Deed of Sale or Transfer, for which no more than Two Shillings and Sixpence, exclusive of Stamps, shall be paid for each Share so transferred; and the said Clerk or Clerks is or are hereby required to make such Entry or Memorial accordingly; and until such Memorial shall have been made and entered as above directed, such Purchaser or Purchasers shall have no Part or Share of the Profits of the said Undertaking, nor any Interest for such Share or Shares paid to him, her, or them, nor any Vote or Votes in respect thereof as a Proprietor or Proprietors of the said Undertaking.

For creating  
a Fund for  
Repairs.

CLIX. And whereas it is expedient that a Fund should be raised from Time to Time, as a Resource and Provision for defraying any extraordinary Expences for Repairs or Improvements of the said Canal and other Works, without rendering necessary any Reduction of the Dividends, or the Public Trade of the Country being impeded by Delay in effecting such Repairs and Improvements from want of pecuniary Means; be it therefore further enacted, That if the said United Company of Proprietors, or their General Committee for the Time being, shall deem it expedient, out of any Surplus Monies arising by virtue of this Act, or otherwise, after the Debt charged upon the  
said

said Canal shall be discharged, to invest any Part of such Surplus Monies in the Public Funds, or in Exchequer Bills, for the Purposes aforesaid; then and in every such Case it shall be lawful for any General or Special Assembly of the said Company of Proprietors, to be held in manner directed by this Act, to authorize and empower their General Committee for the Time being to invest any Part of such Surplus Monies in the Public Funds, or in Exchequer Bills, in the Names of Trustees to be nominated from Time to Time by the said General Committee, so as that the Money so to be laid out and invested do not in any One Year exceed a Sum equal to the Amount of One Tenth Part of the Dividends made and payable to the Proprietors of the said Canal Navigation in the Year precedent thereto; and that such Trustee or Trustees do and shall, under the Direction of the said General Committee, from Time to Time receive the Interest and Dividends of the said Public Securities as and when the same shall be payable and received, and from Time to Time, under such Direction as aforesaid, re-invest the same, and the Dividends of all Accumulations thereof, in the Purchase of other the like Public Security or Securities, either in their own Name or Names, or in the Name or Names of such other Trustee or Trustees as the said General Committee shall from Time to Time appoint, in order that the same may, together with the said Principal Monies so to be invested as aforesaid, be and become an accumulating Fund for the Purposes aforesaid; and the same shall from Time to Time be applied and disposed of for the Purposes aforesaid, as the said General Committee for the Time being, or any General or Special Assembly of the said Company, shall think proper, and direct the same to be applied and disposed of; but such Fund shall not at any Time exceed the Amount of Twenty thousand Pounds.

CLX. And be it further enacted, That the Lord and Lords or Owner and Owners of all and every Manor and Manors, through which the said Canal or Collateral Cuts and other Works hereby authorized to be maintained, supported, made, or completed, shall pass, shall have and be entitled to the sole, several, and exclusive Right of Fishery of and in so much of the said Canal and other Works as shall pass over, upon, or through the Common or Waste Lands within his, her, or their Manor or Manors respectively, and also in, over, through, or upon any other Lands or Grounds lying within such Manor or Manors, where such Lord or Lords, Owner or Owners, now have or hath, or are or is entitled to the Right of Fishery in the Pits, Ponds, and Waters now being in such last-mentioned Lands or Grounds respectively; and the Owner or Owners of all other Lands or Grounds through which the said Canal or Collateral Cuts or any such other Works shall pass, shall also have and be entitled to the like, sole, several, and exclusive Rights of Fishery of and in so much of the said Canal or Collateral Cuts and other Works as shall pass in, over, through, or upon his, her, or their Lands or Grounds respectively; so as in the Use and Exercise of the said Right of Fishery no Prejudice be done to the said Canal or Collateral Cuts or other Works hereby authorized to be maintained, supported, made, or completed, or the Navigation thereof be interrupted, or any Water drained or exhausted from or out of the said Canal

Rights of  
Lords of  
Manors and  
Land Owners  
to the Fish-  
eries.

Canal or Collateral Cuts or other Works; and so that the said United Company, or their Agents, Servants, or Workmen, or any of them, shall not be liable to any Penalty, Action, or Prosecution for or by reason of the taking or destroying of any Fish in the said Canal or Collateral Cuts or other Works, which shall be taken, killed, or destroyed through or by means of the letting off the Water out of the said Canal or Collateral Cuts or other Works, or by using the same, for or upon account of any Repairs or Works in or about the same.

Company  
may contract  
for the  
Works.

CLXI. And be it further enacted, That the said United Company, or such Person or Persons as they shall for that Purpose appoint, is and are hereby authorized to contract and agree with any Person or Persons for making the said Branch Cut or Canal and Reservoirs, or any Part or Parts thereof, or any other of the Canal or Collateral Cuts or Works hereby authorized to be maintained, supported, made, or completed or done by the said Company, in such Manner, and for such Sum and Sums of Money, and under such Regulations and Restrictions, as the said Company shall think proper; and all Contracts in Writing for any of the Purposes aforesaid shall be binding upon the said Company, and all other the Parties thereto, and their respective Successors, Heirs, Executors, or Administrators; and that Actions and Suits may be maintained thereon, and Damages and Costs recovered against the said Company, or either of the Parties failing in the Execution thereof.

Recovery and  
Application  
of Penalties.

CLXII. And be it further enacted, That all Penalties and Forfeitures for all and every the Offences in this Act mentioned, in relation to which the Manner of convicting the Offenders is not particularly mentioned or directed, shall be adjudged by and recovered before any Justice of the Peace for the County in which such Offence may occur, in a summary Way; and such Justice and Justices is and are hereby authorized and empowered to convict the Offender or Offenders, upon Information on the Oath or Affirmation of any Person, or on the Confession of the Party offending (which Oath or Affirmation such Justice is hereby authorized to administer); and in default of Payment of such Penalties or Forfeitures, the same shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of such Justice or Justices, rendering the Overplus (if any), on Demand, to the Party or Parties whose Goods and Chattels shall be so distrained, (the reasonable Charges of such Distress and Sale being first deducted); and One Half of the Penalties and Forfeitures, when recovered, shall be paid to the Informer, and One Half thereof shall be paid to the Treasurer of the said United Company, for the Use and Benefit of the said Company, unless such Penalties or Forfeitures shall be incurred by the said Company, in which Case the same shall be paid, One Half to the Informer and One Half to the Overseers of the Poor of the Parish or Place within which the Offence shall be committed, to be applied by such Overseers to the Benefit of the Poor of such Parish or Place; and in case such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for such Justice or Justices, and he and they is and are hereby authorized and required, to order the Offender or Offenders so convicted to be

be detained and kept in safe Custody until a Return can conveniently be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice or Justices, for his, her, or their Appearance before such Justice or Justices, or before some other Justice or Justices of the Peace for the said respective Counties, on such Day or Days as shall be appointed for the Return of such Warrant of Distress (such Day or Days not being more than Seven Days from the taking of any such Security), and which Security the said Justice or Justices is and are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty, and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of any such Justice, upon the Confession of the Offender or Offenders or otherwise, that he, she, or they hath or have not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences could be levied if a Warrant of Distress should be 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 and they is and are hereby authorized and required, by Warrant under his or their Hand and Seal or Hands and Seals, to commit such Offender or Offenders to the Common Gaol or House of Correction for the County or Place where such Offence shall be committed, there to remain for any Time not exceeding Three Calendar Months, unless such Penalty or Forfeiture, together with all Costs and Charges attending such Proceedings as aforesaid (to be ascertained by such Justice), shall be sooner paid and satisfied, or unless such Offender or Offenders shall be otherwise discharged by due Course of Law.

CLXIII. And be it further enacted, That where any Distress shall be made for any 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 Proceeding relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

Persons aggrieved by Irregularity in Distress to recover Damages.

CLXIV. And whereas Persons guilty of Offences against this Act may be transient Persons, unknown to the Collectors, Surveyors, and other Persons under this Act; be it further enacted, That it shall and may be lawful to and for the said Collectors and Surveyors, and other Officers respectively, to seize and detain any such unknown Person or Persons guilty of any Offence against the Act, and convey him, her, or them before some Justice or Justices of the Peace for the County in which such Offence may be committed, without any other Warrant or Authority than this Act for so doing; and such Justice or Justices of the Peace respectively is and are hereby respectively

For securing transient Offenders.

[Local.]

28 Y

empowered

empowered and directed to proceed immediately to the Conviction or Acquittal of such Offender or Offenders.

Form of  
Conviction.

CLXV. And for the more easy Conviction of Offenders against this Act, be it further enacted, That every Justice of the Peace before whom any Person shall be convicted of any Offence against this Act shall and may cause the Conviction to be drawn up according to the following Form, or any other Form to the same Effect, as the Case shall happen; *videlicet*,

‘ 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 County of \_\_\_\_\_ [*specifying the*  
‘ *County, the Offence, and the Time and Place when and where com-*  
‘ *mitted, as the Case may be*] contrary to an Act passed in the Seventh  
‘ and Eighth Years of the Reign of King *George* the Fourth, intituled  
‘ [*here set forth the Title of this Act.*] Given under my Hand and  
‘ Seal the Day and Year first above written.’

Appeal.

CLXVI. And be it further enacted, That if any Person or Persons, or any Body or Bodies Politic, Corporate, or Collegiate, shall think himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of any Rule, Bye Law, or Order of the said United Company, or if the said Company, or any such Body or Bodies, Person or Persons, shall think himself, herself, or themselves aggrieved by any Order, Judgment, or Determination of any Justice or Justices of the Peace relating to any Matter or Thing in this Act mentioned or contained, such respective Parties may, within Three Calendar Months next after such Order, Judgment, or Determination shall have been made or given, appeal to the Justices of the Peace at any General or Quarter Sessions to be held in and for the County wherein such Cause of Appeal shall happen or arise, first giving Fourteen Days Notice in Writing of such Intention to appeal, and of the Nature thereof, to the Body or Bodies, Person or Persons, against whom such Complaint is intended to be made, or to the said Company, as the Case may be, and forthwith after such Notice entering into Recognizance before some Justice of the Peace, with Two sufficient Sureties, conditioned to try such Appeal and to abide the Order and Award of the said Court thereon; and the said Justices shall in a summary Way either hear and determine the said Complaint at such General or Quarter Sessions, or, if they think proper, may adjourn the Hearing thereof to the next following General or Quarter Sessions of the Peace to be held for such County; and the said Justices may, if they see Cause, mitigate any Forfeiture or Fine, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye Law, or Determination, and may also order and award such further Satisfaction and Costs to be made or paid to the Party injured as they shall adjudge reasonable; but no Proceedings to be had and taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be recovered by Certiorari, or by any other Writ or Process whatsoever, into any of His Majesty’s Courts of Record at *Westminster* or elsewhere, any Law or Statute to the contrary notwithstanding.

CLXVII. And be it further enacted, That no Action, Suit, or Information, or other Proceeding, shall be brought, commenced, or prosecuted against any Person or Persons for any thing done or to be done in pursuance of this Act, or in the Execution of the Powers or Authorities of; or any of the Orders made, given, or directed in, by, or under this Act, unless Fourteen Days previous Notice shall be given in Writing, by the Person or Persons intending to commence and prosecute such Action, Suit, or Information, to the Defendant or Defendants, nor unless such Action, Suit, or Information shall be brought or commenced within Three Calendar Months next after the Fact committed, or in case there shall be a Continuation of Damages, within Three Calendar Months next after the doing or committing such Damage shall have ceased, and not afterwards, and shall be laid and brought in the County where the Matter in dispute or Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in such Action, Suit, or Information shall and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, or if any such Action, Suit, or Information shall have been brought or commenced before or after the Time limited for bringing the same, or in any County or Place other than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or suffer a Discontinuance of his, her, or their Action, Suit, or Information, after the Defendant or Defendants shall have appeared, or if a 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 (if the Judge before whom the Cause is tried shall certify the same to have been vexatious) have Double Costs, and shall have such Remedy for recovering the same as any Defendant hath for recovering Costs of Suit in any other Case by Law.

Limitation of  
Actions.

CLXVIII. And be it further enacted, That in all Actions or Suits at Law or in Equity, and in all Proceedings under this Act or otherwise, for any Claim or Compensation against or for or on behalf of the said United Company, and also in all Prosecutions commenced and instituted by or on behalf of the said United Company, and in all Arbitrations, References, or other Proceedings in or consequent upon, or arising out of any such Actions, Suits, or Proceedings, it shall be lawful for the Clerk for the Time being of the said Company, (not being personally interested other than as a Proprietor of Shares in the said Company, in case he shall so be,) in his own Name, for and in behalf of the said Company, to make, sign, seal, execute, and deliver all and every such general or other Release or Releases as may be or be deemed to be necessary for the Purpose of exonerating, releasing, and discharging all and every or any Person or Persons who shall or may be produced as a Witness or Witnesses in any such Action, Suit, Prosecution, Arbitration, Reference, or other Proceeding as aforesaid, from all or any Claims or Demands which may be necessary to be released by the said Company, to qualify such Person or Persons to give Evidence as a Witness or Witnesses in any such

Clerk of the  
Company  
may grant  
Releases to  
Witnesses.

such Action, Suit, Prosecution, Arbitration, Reference, or other Proceeding aforesaid, and also to do any other Act, Matter, or Thing in any such Action, Suit, Prosecution, Arbitration, Reference, or other Proceeding, which any Plaintiff or Defendant may do in any Action, Suit, or Prosecution, Arbitration, Reference, or other Proceeding; and every such Release, Act, Matter, and Thing respectively shall be as valid and effectual in all respects, and to all Intents and Purposes whatsoever, as if the same were made under the Seal of the said Company.

In case of Nonpayment of Compensation for Damages, &c. the same to be levied by Distress of the Goods of the Company or their Treasurer.

CLXIX. And be it further enacted, That when and as often as any Sum of Money shall be directed or ordered to be paid by any Justice of the Peace in pursuance of this Act, as or by way of Compensation or Satisfaction for any Damage, Spoil, or Injury of any Nature or Kind whatsoever, done or committed by the said United Company, or any Person acting by or under their Authority, and such Sum of Money shall not be paid by the said Company to the Party or Parties entitled to receive the same within Ten Days after Demand in Writing shall have been made from the said Company, in pursuance of the Directions or Order made by such Justice, and in which Demand the Order of such Justice shall be stated, the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Company by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice, which Warrant any such Justice is hereby authorized and required to grant under his Hand and Seal, on Application made to him for that Purpose by the Party or Parties entitled to receive such Sum 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 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: Provided always, that it shall be lawful for such Treasurer to retain, out of any Monies which he shall have received or shall receive in pursuance of this Act, all such Damages, Costs, Charges, and Expences as he shall have sustained or be put unto by virtue of any such Warrant as aforesaid.

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

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

CLXXI. And



CLXXI. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before any Justice of the Peace, it shall be lawful for the Justice of the Peace before whom Complaint shall be made for any Offence committed against this Act, to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeitures incurred, and to proceed in the Recovery of the same, although no Information in Writing shall have been exhibited or taken before such Justice; and all such Proceedings by Summons, without Information in Writing, shall be as good, valid, and effectual, to all Intents and Purposes, as if an Information in Writing were exhibited.

Justices may proceed by Summons in Recovery of Penalties.

CLXXII. And be it further enacted, That in all Cases wherein it may be necessary or requisite for any Person or Party to serve any Summons or Notice, or any Writ or other Proceeding at Law or in Equity, upon the said United Company, Service thereof respectively upon any of the Members of the General Committee of Management of the said Company, or left at his last or usual Place of Abode, or upon the Clerk of the said Company, or left at the Office of the said Company, or upon any Officer or Servant 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.

Declaring what shall be good Service.

CLXXIII. And be it further enacted, That in all Cases where it may be necessary or requisite for the said United Company to give any Notice to any Body Politic, Corporate, or Collegiate, or to any Person whomsoever, under the Provisions or Directions contained in this Act, such Notice shall be in Writing, signed by the Clerk or Clerks for the Time being of the said Company, without being required to be under the Common Seal of the said Company.

All Notices given by the Company to be signed by the Clerk.

CLXXIV. And be it further enacted, That the Costs and Charges of obtaining and passing this Act, and of making the Surveys, Plans, and Estimates, and all other Costs, Charges, and Expences relating to or concerning the same, or in any way incident thereto, shall be borne, paid, and defrayed by the said United Company out of the Money already received, or out of the first Money to be received or raised by virtue of this Act, in preference to any other Payments whatsoever.

Expences of the Act.

CLXXV. And whereas under the Authority of the several recited Acts so repealed as aforesaid, or some of them, a Communication hath been made by the said United Company between their said Canal and the River *Dee* in the City of *Chester*, with a Basin or Lying Place for Vessels, and a Lock into the Tideway of the said River, and a Bridge over the same, over and through the Lands of the Company of Proprietors of the Undertaking for recovering and preserving the Navigation of the River *Dee*; be it therefore enacted, That the Soil under the said Extension of the said Canal and Basin, and the Banks,

Soil of Canal in the River *Dee* Company's Lands to be vested in them.

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Locks,

Locks, Bridge, and other Works thereof, so far as the same have been made through the Lands or Ground belonging to the said Company of Proprietors of the said Undertaking for recovering and preserving the Navigation of the River *Dee*, shall continue and remain vested in the said Company, their Successors or Assigns; but nevertheless, the said United Company, and all and every other Person and Persons, shall and may have full, free, and uninterrupted Liberty and Privilege to use the said Cut or Canal, and the Banks, Towing Paths, Locks, Bridges, and other Works so made as aforesaid, within or upon the Land or Ground of the said Company of Proprietors of the Undertaking for recovering and preserving the Navigation of the River *Dee*, in as full and ample Manner as they or any of them can, shall, or may have a Right to use any other Part or Parts of the said Canal, Banks, Towing Paths, Locks, Bridges, and other Works to be maintained, supported, made and completed by virtue and under the Authority of this Act; and that the said United Company shall have and be entitled to demand and receive such Tonnage Rates and Duties for the Passage of the Boats and other Vessels in or upon such Part of the said Canal as goes within and through the Land or Ground of the said Company of Proprietors of the Undertaking for recovering and preserving the Navigation of the River *Dee*, and shall and may recover the same by such Ways and Means as herein-before directed for the Recovery of the Tonnage Rates and Duties before mentioned; they the said United Company, nevertheless, from Time to Time and at all Times hereafter, at their own proper Costs and Charges, maintaining and supporting the said Basin or Cut, and all Banks, Towing Paths, Locks, and Bridges thereon.

This Act not to lessen any Tonnage payable to the said River *Dee* Company.

CLXXVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be deemed or construed to extend to alter, defeat, or obstruct any of the Powers, or to lessen or abridge all or any of the Tonnage or Duties, Sum or Sums of Money, payable to the Company of Proprietors of the Undertaking for recovering and preserving the Navigation of the River *Dee*, by the several Acts of Parliament for making the said River navigable; but that the said Company and their Successors, their Deputies, Agents, Workmen, Officers, and Servants, may at all Times hereafter be at liberty to have, take, receive, use, exercise, and enjoy all such Tonnage Duties, Sum and Sums of Money, Powers, Rights, and Privileges, in as full and ample Manner as they might or could have done in case this Act had not been made.

For causing waste Waters which may happen on the Wirral Branch of the Canal to flow into the River *Dee*.

CLXXVII. And be it further enacted, That the said Company of Proprietors shall cause all the waste Waters happening on the *Wirral* Branch of the said Canal to flow from the said Canal in such a Direction as that the said waste Waters may run into the said River *Dee*, in the most convenient Place or Places for the Navigation of such River; and that no Water shall be permitted to flow from or out of the said Canal into the River *Mersey*, except what may be wanted and used for the Purpose of Navigation upon the said Canal, and the unavoidable Waste at the Locks at the North End of the *Wirral* Branch of the said Canal.

CLXXVIII. And whereas by the said Act of the Thirty-third Year of the Reign of His late Majesty, hereby repealed, it was recited, that the Mayor, Bailiffs, and Burgesses of the Town of *Liverpool* have from Time immemorial been in the constant Practice of collecting certain Tolls or Duties on Goods, Wares, and Merchandizes brought into and out of the Port of *Liverpool* aforesaid, and also certain Tolls upon all Goods, Wares, and Merchandizes brought into and out of the Town of *Liverpool* aforesaid; and it was enacted, that no Article, Clause, Matter, or Thing therein contained should extend or be construed to extend to abridge, lessen, or take away all or any of the said Tolls or Duties, but that the same should remain and continue vested in the said Mayor, Bailiffs, and Burgesses, and their Successors, and be by them and their Agent and Agents from Time to Time demanded, received, and collected; be it therefore hereby further enacted, That nothing in this Act contained shall extend to abridge, lessen, or take away all or any of the said Tolls or Duties, or to alter, abridge, lessen, or change any Jurisdiction or Power of the Corporation of *Liverpool*, or any Part thereof, in, about, or concerning the Docks, Piers, or Harbour of *Liverpool*; and also saving, reserving, and confirming to the said Corporation of *Liverpool* and their Successors all their Franchises, Liberties, and Privileges, Rights, Estates, and Interests whatsoever, which have been and now are held and enjoyed, used and occupied.

Saving to the Corporation of *Liverpool*.

CLXXIX. And whereas the said United Company of Proprietors have, under the Authority of the said recited Act of the Forty-fourth Year of the Reign of His late Majesty, hereby repealed, constructed a Weir, Sluices, and other Works across the River *Dee* in the Parish of *Llandisilio* in the County of *Denbigh*, by means whereof they are enabled to take Water from the said River for the Supply of the said Canal and Collateral Cuts: And whereas the said United Company have also, under the Authority of the said recited Act, constructed a Weir, Sluices, and other Works at *Bala Pool* otherwise *Pimble Mere*, in the County of *Merioneth*, whereby the said United Company are enabled to pound up and retain Water in the said Pool or Mere, at a higher Level than that at which the Water of the said Pool or Mere stood previously to the making of such Weir and other Works, and are also thereby enabled occasionally to draw Water out of the said Pool or Weir into the River *Dee*, at a lower Level than that at which the same was discharged into the said River previously to the making of such Weir and other Works, in order to replace therein the Water which may have been taken from the said River by the Weir or Sluice at *Llandisilio*, for supplying the said Canal and Collateral Cuts: And whereas it is expedient that the said United Company should be empowered to make, maintain, and support such Weirs, Sluices, and other Works at *Llandisilio* aforesaid, and to continue to draw Water from the said River *Dee* for the Supply of the said Canal and Collateral Cuts; and also to make, maintain, and support such Weirs, Sluices, and other Works at *Bala Pool*, otherwise *Pimble Mere* aforesaid, as shall be necessary for pounding up and retaining the Water in the same Pool or Reservoir, and to draw off the Water therefrom from Time to Time, as Occasion shall require,

Company empowered to maintain the Weirs, &c. at *Bala Pool* and *Llandisilio*, and take a Supply of Water from the River *Dee*.

require, for the Purpose of supplying the said River *Dee* with the same Quantity of Water as may have been taken therefrom by means of the Weir, Sluices, and other Works at *Llandisilio* aforesaid; be it therefore further enacted, That it shall be lawful for the said United Company, and they are hereby authorized and empowered, from Time to Time and at all Times hereafter, to maintain and support, make, erect, and construct such Weirs, Embankments, Sluices, and other Works, at and across the River *Dee* in the Parish of *Llandisilio* aforesaid, as shall from Time to Time be necessary for drawing off the Water from the said River *Dee*, into the said Canal and Collateral Cuts, and from Time to Time, as often as they shall see Occasion or think fit so to do, to draw off and take the Water from the said River *Dee* by the means of the said Weir, Sluices, and other Works at *Llandisilio* aforesaid, for the Purpose of feeding or supplying the said Canal and Collateral Cuts therewith.

Company may erect Works at Bala Pool, &c. for restoring the Water to the River *Dee*.

CLXXX. And be it further enacted, That it shall be lawful for the said United Company, and they are hereby authorized and empowered, from Time to Time and at all Times hereafter, to maintain and support, make, erect, and construct such and so many Weirs, Embankments, Sluices, Floodgates, and other Works, at or near to *Bala Pool* otherwise *Pimble Mere*, in the Townships of *Llanfawr* and *Bala* in the County of *Merioneth*, and to do and execute all such other Matters and Things as shall from Time to Time be necessary for pounding, keeping up, retaining, and drawing off the Water in and from the said Pool or Mere, so as to be thereby enabled at all Times to replace in or restore to the said River *Dee* an equal or greater Quantity of Water than shall or may have been taken therefrom by the said United Company by means of the said Weir, Sluices, and other Works at *Llandisilio* aforesaid, for the Purpose of feeding and supplying the said Canal and Collateral Cuts therewith, under the Power or Authority for that Purpose herein-before contained; and also from Time to Time, when and so often as Occasion shall require, to draw off the Water from the said Pool or Mere, into the said River *Dee*, in such Quantities as shall from Time to Time be sufficient to replace and restore to the said River *Dee* an equal or greater Quantity of Water than shall have been taken therefrom for the Purposes aforesaid.

Company required to restore to the River *Dee* the same Quantity of Water as shall have been taken therefrom.

CLXXXI. Provided always, and be it further enacted, That the said United Company shall and they are hereby required, from Time to Time, by means of the Weirs, Sluices, and other Works hereby authorized to be maintained and constructed at *Bala Pool* otherwise *Pimble Mere* aforesaid, to draw down and convey into the said River *Dee*, from and out of the said Pool or Mere, an equal or greater Quantity of Water than shall have been taken from the said River *Dee* into the said Canal by means of the said Weirs, Sluices, and other Works at *Llandisilio* aforesaid, and shall afterwards have passed through the Locks and over the Weirs constructed by the said United Company at *New Martin Moor* in the Parish of *Saint Martin* in the County of *Salop*.

CLXXXII. And

CLXXXII. And in order that the Company of Proprietors of the Undertaking for recovering and preserving the Navigation of the River *Dee* may not be injured by the Powers herein granted for supplying the said Canal and Collateral Cuts with Water from the said River *Dee*, be it further enacted, That the said United Company of Proprietors of the *Ellesmere* and *Chester* Canal shall be and they are hereby authorized and required to supply the said River *Dee*, at or near the said City of *Chester*, in the most proper and convenient Place or Places for the Navigation of that River, and from other Sources or Streams than those which already fall into the said River, as much Water at the least as shall be equal to the Quantity taken from the said River *Dee* into the said Canal and Collateral Cuts at *Llandisilio* aforesaid, and afterwards passing through the Locks and over the Weirs at *New Martin* aforesaid, which shall not have been replaced in or restored to the said River from and out of the said Pool or Mere called *Bala Pool*, in pursuance of the Provision in that Behalf herein-before contained.

Further Supply of Water to the River *Dee*.

CLXXXIII. 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 Canal or Collateral Cuts belonging to the said United Company by this Act incorporated, or any other Person 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 Branch or Branches from their respective Lands or Grounds to communicate with such Canal and Collateral Cuts, and to make, at their own Expence, such Openings in the Sides of such Canal or Collateral Cuts as may be necessary and convenient for effecting such Communication, so that such Cut or Cuts be made without diverting any Streams of Water which are necessary for supplying the said Canal and Collateral Cuts belonging to the said United Company, or which are or shall be necessary for the working of any Furnaces, Forges, Mills, or Works, and so as no Impediment, Injury, Loss of Water, or Damage be occasioned thereby to such Canal or Collateral Cuts, and so as the Person or Persons making every such Cut or Cuts, and if thereunto required by the said Company, make, erect, and maintain a Stopgate or Stopgates on every such Cut or Cuts, in order to prevent the Water being drained or wasted out of such Canal or Collateral Cuts, or any Part thereof, by means of making any such Cut or Cuts to communicate therewith as aforesaid; and the said United Company shall not receive any Tonnage for the passing of any Goods or other Things along such Branch or Branches, in case the same shall be made by any such Owner or Occupier, or Person or Persons as aforesaid.

Allowing the Owners of Lands to cut Branch Canals.

CLXXXIV. And whereas by an Act of this present Session of Parliament the Company of Proprietors of the Navigation from the River *Trent* to the River *Mersey* are authorized and empowered to make a Navigable Cut or Branch from their said Canal, on the East Side of a certain Bridge in the Township of *Newton* and Parish of *Middlewich* in the said County of *Chester*, for the Extent of One hundred Yards, so as to communicate with the said Branch Cut or Canal from *Wardle Green* to *Middlewich* aforesaid, hereby authorized to be made,

In case the Trent and Mersey Company do not extend the Middlewich Branch to their Canal, the Ellesmere and Chester Canal.

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with

Company  
may make  
such Extension.

with a Bridge over the same, and a Lock and other Works necessary thereto: And whereas it is expedient that some Provision should be made for the making and completing thereof by the said United Company, in case the said Company of Proprietors of the Navigation from the River *Trent* to the River *Mersey* should neglect or refuse or omit to make and complete the same within a Time to be limited for that Purpose; be it therefore further enacted, That in case the said Company of Proprietors of the Navigation from the River *Trent* to the River *Mersey* shall not, unless prevented by unforeseen or inevitable Accident, well and sufficiently make and complete, fit for Navigation, the said Cut or Branch by the said Act authorized to be made, so as to join to and unite with the said Branch Cut or Canal from *Wardle Green* aforesaid, together with the Lock and other Works necessary thereto, within the Space of Twelve Calendar Months, after Notice in Writing to that Effect shall have been given by the said United Company of Proprietors hereby established, or their Clerk, to the said Company of Proprietors of the *Trent* and *Mersey* Canal, to be left at their Canal Office, or with the Clerk or Treasurer, then and in such Case it shall and may be lawful for the said United Company of Proprietors hereby established, by themselves, their Deputies, Agents, Officers, Servants, and Workmen, to make and complete the said Cut or Branch from the said Navigation from the *Trent* to the *Mersey*, with the said Bridge and Lock and all necessary Works thereto, so as to unite with the said Branch Cut or Canal from *Wardle Green* to *Middlewich* aforesaid, or so much of such Cut or Branch and other Works as shall not then have been made and completed fit for the Navigation of Boats, Barges, and other Vessels, by the said Company of Proprietors of the Navigation from the *Trent* to the *Mersey*; and the said United Company of Proprietors hereby established, their Deputies, Agents, Officers, Servants, and Workmen, shall and may use and exercise, and are hereby invested with all and every the same Powers and Authorities for the making and executing and completing the said Cut or Branch and other Works herein-before mentioned, and by the said Act of this present Session authorized to be made, as by the said Act are given and granted to the said Company of Proprietors of the said Navigation from the *Trent* to the *Mersey*, their Agents, Servants, and Workmen, for the doing thereof, in as full and ample a Manner in all respects as if such Powers and Authorities had been included in this Act, and thereby expressly given to the said United Company hereby established, their Agents, Servants, and Workmen; and the said United Company by this Act established shall and may, and they are hereby authorized and empowered to demand and recover from the said Company of Proprietors of the Navigation from the *Trent* to the *Mersey*, all the Costs, Charges, and Expences attending the making and completing such Cut or Branch and other Works, by Action of Debt or on the Case in any of His Majesty's Courts of Record, with full Costs of Suit; and the said Company of Proprietors of the Navigation from the *Trent* to the *Mersey* shall at all Times, and at their own Costs and Expence, cause the said Cut or Branch, by the said Act of this present Session authorized to be made from their said Navigation to unite with the Branch Cut or Canal hereby authorized to be made, with the said Bridge and Lock and other Works necessary thereto, to

be kept in good and substantial Repair, Order, and Condition, so as to be at all Times fit for the Navigation of Boats, Barges, and other Vessels, to the Satisfaction of the Committee of Management for the Time being of the said United Company by this Act established, or their Engineer for the Time being; and in case the said Cut or Branch, or the Bridge or Lock, or other Works necessary thereto, shall at any Time be out of repair, and the said Company of Proprietors of the Navigation from the *Trent* to the *Mersey* shall not, when thereunto required by Notice in Writing under the Hand of the Clerk of the said United Company by this Act established, forthwith repair or amend the same, it shall be lawful for the said United Company by this Act established to cause such Repair or Amendment to be made, and to demand and recover the Costs, Charges, and Expences attending the same from the said Company of Proprietors of the Navigation from the *Trent* to the *Mersey*, by Action of Debt or on the Case in any of His Majesty's Courts of Record, with full Costs of Suit; and in case the same Cut or Branch shall, under the Power herein-before contained for that Purpose, be made or completed by the said United Company by this Act established, it shall be lawful for the said Company, and they are hereby authorized and empowered (until the Costs and Expences of making or completing the same shall have been repaid to them by the said Company of Proprietors of the Navigation from the *Trent* to the *Mersey*) to collect and receive the same Rates, Tolls, and Duties for the several Articles, Matters, and Things which shall or may be carried upon or along the said Cut or Branch, as the Company of Proprietors of the Navigation from the *Trent* to the *Mersey* are by the said Act of this present Session authorized or empowered to receive; and the Collector or Collectors who may be appointed by the said United Company by this Act established, shall have the same Power and Authority for collecting and receiving the same, as if he or they had been appointed for that Purpose by the said Company of Proprietors of the Navigation from the *Trent* to the *Mersey*: Provided always, that the said United Company by this Act established shall at all Times duly account to the Proprietors of the said Navigation from the *Trent* to the *Mersey*, for the Rates, Tolls, and Duties which may be so received or collected; and the same shall, after deducting the Costs and Expences of collecting the same, be applied in part Discharge and Satisfaction of the Sums due to the said United Company by this Act established.

CLXXXV. 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. Public Act.

## SCHEDULE referred to in the Act.

No. on the Plan.	Landowners Names.	Occupiers Names.	Description of Premises.	Parish.	Township.
2.	Rev. William Gilpin - -	Rev. William Gilpin	Plantation	Davenham	Stanthorne.
6.	William Court - - -	Richard Darlington -	Vegetable Garden.	Middlewich	Newton.
9.	Thomas Page - - -	Thomas Ollier - -	Ditto -	Ditto -	Ditto.
14.	Samuel Whittaker - - -	John Singleton - -	Cottage and Garden.	Ditto -	Ditto.
15.	Ditto - - -	John Thomson - -	Ditto -	Ditto -	Ditto.
17.	The Rev. Joseph Proctor, D.D. Vice-Chancellor, the Rev. Christopher Wordsworth, D.D. Master of Trinity College, the Very Rev. James Wood, D.D. Master of Saint John's College, and the Rev. James Schofield, Greek Professor, Trustees for the University of Cambridge, and John Plant as their Lessee	James Woodbinder Thomas Holford - William Walker - Samuel Moores - Joseph Hough - - Samuel Collinson - John Gorst - - John Walton - Elijah Halman - Thomas Ellis - Thomas Burgess - William Brookes - William Gorst - Richard Morris - James Colclough - Thomas Briscall - James Boston - John Chesworth - John Plant - -	Potatoe Field	Ditto -	Ditto.