



ANNO PRIMO

GULIELMI IV. REGIS.

Cap. lv.

An Act to consolidate and extend the Powers and Provisions of the several Acts relating to the Navigation from the *Trent* to the *Mersey*.

[22d April 1831.]

WHEREAS an Act was passed in the Sixth Year of the Reign of King George the Third, intituled *An Act for making a Navigable Cut or Canal from the River Trent at or near Wilden Ferry in the County of Derby to the River Mersey at or near Runcorn Gap*, whereby the several Persons therein named, their several and respective Successors, Heirs, and Assigns, together with such Person or Persons as they or the major Part of them at any General Meeting assembled should nominate and appoint under their Hands and Seals, were united into a Company for the better carrying on, making, completing, and maintaining the said Navigable Cut or Canal passable for Boats, Barges, and other Vessels, from the River *Trent* near *Wilden Bridge*, through or near *Swarkstone* and *Willington*, in the said County of *Derby*, and *Wichnor*, *Rugeley Stone*, and *Burslem*, in the County of *Stafford*, and through or near *Lawton* and *Middlewich*, and near *Northwich*, in the County of *Chester*, to the River *Mersey* aforesaid, at or near *Runcorn Gap* aforesaid, according to the Rules, Orders, and Directions therein expressed and laid down; and it was by the said Act enacted, that the said Persons should for that Purpose be One Body Politic and Corporate, by the Name of "The Company of Proprietors of the Navigation from the

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6 G. 3. c. 96.

Trent to the Mersey,” and by that Name should have perpetual Succession, and should have a Common Seal, and by that Name should and might sue and be sued; and by the said Act the said Company were authorized to take certain Rates and Duties for Coal, Stones, Timber, and other Goods, Wares, Merchandize, and Commodities navigated, carried, or conveyed upon or through the said Cut or Canal: And whereas it is recited in and by the said Act, that, by an Act passed in the Thirty-second Year of the Reign of His Majesty King George the Second, the Most Noble Francis Duke of Bridgewater was enabled to make a Navigable Cut or Canal from a certain Place in the Township of *Salford* to or near *Worsley Mill* and *Middlewood* in the Manor of *Worsley*, and to or near a Place called *Hollin Ferry*, in the County Palatine of *Lancaster*; and that by another Act, passed in the Thirty-third Year of the Reign of King George the Second, the said Francis Duke of Bridgewater was further enabled to make a Navigable Cut or Canal from or near *Worsley Mill* over the River *Irwell* to the Town of *Manchester* in the County Palatine of *Lancaster*, and to or near *Longford Bridge* in the Township of *Stretford* in the said County; and that by a subsequent Act, passed in the Second Year of the Reign of His then present Majesty King George the Third, the said Francis Duke of Bridgewater was further enabled to make a Navigable Cut or Canal from *Longford Bridge* aforesaid to or near a certain Place called the *Hempstones*, in the Township of *Halton* in the County of *Chester*, and there to communicate the same with the said River *Mersey*; and had made great Progress in the Execution thereof; and that if the said Navigation to be made by the said Francis Duke of Bridgewater by virtue of the last therein recited Act, and the Navigation by the said Act of the Sixth Year of King George the Third authorized to be made, were to communicate with each other at a certain Brook commonly called or known by the Name of *Preston Brook*, near *Preston-on-the-Hill* in the County of *Chester*, and to be from thence carried on by one and the same Canal to the River *Mersey* at or near a Place called *Runcorn Gap*, such Communication would render both the said Navigations more convenient and complete, and be of greater Advantage to the Public than if the Navigation of the said Duke of Bridgewater had terminated at the *Hempstones*; and that the said Duke of Bridgewater was willing and desirous, at his own Costs and Charges, to extend, carry on, and maintain such Navigation from that Part of the said Brook called *Preston Brook*, where the Navigation then to be made by the said Company of Proprietors should first communicate therewith, to the River *Mersey* at or near *Runcorn Gap* aforesaid, on the Terms and Considerations therein mentioned; and it was by the said Act of the Sixth Year of the Reign of King George the Third enacted, that the said Francis Duke of Bridgewater, his Heirs and Assigns, should be, and he and they were thereby fully authorized, empowered, and required from Time to Time and at all Times thereafter, at his and their own proper Costs and Charges, by the Ways and Means, and by and under the like Provisions, Powers, and Authorities in all respects as were authorized, made, or directed in all or any of the Acts in the said last-mentioned Act recited, to make, extend, complete, and maintain the therein mentioned Navigable Cut or Canal then carrying on by him as aforesaid, passable for Boats,

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Barges, and other Vessels, to that Part of the said Brook called *Preston Brook*, where the said Navigation by the said Act passed in the Sixth Year of the Reign of King *George* the Third authorized to be made should first communicate therewith, and from thence into the said River *Mersey* at or near *Runcorn Gap* aforesaid, as fully, completely, and effectually, to all Intents and Purposes, as if the Course of the said Navigation had been described and the said Termination thereof fixed by the said Act passed in the Second Year of the Reign of King *George* the Third, and the same to be and remain for ever a free Navigation on Payment of the Tolls in and by the said Act of the Sixth Year of the Reign of King *George* the Third mentioned, and to be supplied with Water from both the said Canals when so united as aforesaid; and it was further enacted by the said Act of the Sixth Year of the Reign of King *George* the Third, that if the said Duke of *Bridgewater*, his Heirs or Assigns, should fail to make, carry on, and complete the said Cut or Canal from such Part as aforesaid of the said Brook called *Preston Brook*, to the River *Mersey* at or near *Runcorn Gap* aforesaid, within the Space of Four Years from the passing of the last-mentioned Act, or should not for ever thereafter repair, support, and maintain the said Cut or Canal with the other Works authorized and directed to be made, then and in every such Case it should and might be lawful to and for the said Company of Proprietors, their Successors and Assigns, to make, carry on, and complete the said Cut or Canal from such Part as aforesaid of the said Brook called *Preston Brook*, to the River *Mersey* at or near *Runcorn Gap* aforesaid, and to repair, support, and maintain the same from Time to Time as Occasion should require; and all the Costs and Charges thereof, to be settled and allowed by the Commissioners appointed by the last-mentioned Act, or any Seven or more of them, should be repaid to the said Company of Proprietors, their Successors and Assigns, within the Space of Two Calendar Months after the same should have been settled and allowed, and an Account and Demand thereof should have been delivered and made to the said Duke of *Bridgewater*, his Heirs or Assigns, or his known Agent; and in default of Payment of the said Costs and Charges within the Time aforesaid, the said Commissioners, or any Seven or more of them, should and they were thereby empowered and required, by Warrant under their Hands and Seals, or the Hands and Seals of any Seven or more of them, to levy the said Costs and Charges by Distress and Sale of the Goods and Chattels of the said Duke of *Bridgewater*, his Heirs and Assigns, in or upon the said Cut or Canal, or the Wharfs, Quays, and Warehouses adjoining or near to the same, to and for the Use of the said Company of Proprietors, their Successors and Assigns; and that such Commissioners might moreover, in manner aforesaid, appoint One or more Person or Persons to receive the Tolls, Rates, and Duties in and by the said Act of the Sixth Year of the Reign of King *George* the Third granted to the said Duke, and thereout, in the first place, pay all such Costs and Charges, rendering to the said Duke of *Bridgewater*, his Heirs and Assigns, his or their Agents, or Overseers of the said Cut or Canal, the Overplus, if any such there were, after the Deduction of the reasonable Charge of making such Distress and Sale, to be settled by the Commissioners or any Seven or more of them; and after such Costs and Charges should be so paid

paid and satisfied, the Power of the said Receivers to be appointed by the said Commissioners should cease and determine ; or otherwise the said Company of Proprietors, their Successors and Assigns, upon the Failure or Neglect of the said Duke of *Bridgewater*, his Heirs or Assigns, doing the same, or paying the Costs and Charges as aforesaid, should and might have such and the like Remedy against the said Duke of *Bridgewater*, his Heirs or Assigns, for the Recovery of such Costs and Charges, by Action at Law, to be commenced and prosecuted in such Manner as in other Cases was in and by the therein recited Acts or any of them mentioned and directed : And whereas the said Cut or Canal from such Part as aforesaid of the said Brook called *Preston Brook*, to the River *Mersey* at or near *Runcorn Gap* aforesaid, and other the Works authorized by the Act passed in the Sixth Year of King *George* the Third, were made and completed by the said Duke of *Bridgewater*, who has since departed this Life : And whereas another Act was passed in the Tenth Year of the Reign of King *George* the Third, intituled *An Act to amend an Act made in the Sixth Year of the Reign of His present Majesty, for making a Navigable Cut or Canal from the River Trent, at or near Wilden Ferry in the County of Derby, to the River Mersey at or near Runcorn Gap ; and for granting further Powers for that Purpose* : And whereas another Act was passed in the Fifteenth Year of the Reign of King *George* the Third, intituled *An Act to amend and render more effectual Two Acts passed in the Sixth and Tenth Years of the Reign of His present Majesty, for making a Navigable Cut or Canal from the River Trent, at or near Wilden Ferry in the County of Derby, to the River Mersey at or near Runcorn Gap* : And whereas another Act was passed in the Sixteenth Year of the Reign of King *George* the Third, intituled *An Act to enable the Company of Proprietors of the Navigation from the Trent to the Mersey to make a Navigable Canal from the said Navigation on the South Side of Harecastle in the County of Stafford to Froghall, and a Railway from thence to or near Caldon in the said County, and to make other Railways*, whereby the said Company, their Successors and Assigns, were fully authorized and empowered to make, complete, and maintain a Navigable Cut or Canal, passable for Boats, Barges, and other Vessels, from the said Canal so made and completed on the South Side of *Harecastle* in the County of *Stafford*, by *Hanley*, *Norton*, and *Chedleton*, to *Froghall*, and from thence to make, complete, and maintain a Railway for the Conveyance of Coal, Stone, and other Goods to or near several Lime Works and Limestone Quarries at or near *Caldon* in the County of *Stafford*, and also to make, complete, and maintain other Railways from the said proposed Canal and Railway to the several Coal Mines and Limestone Quarries lying near the Course of the said Canal and Railway first-mentioned, or the Termination thereof, from Time to Time, as they should think proper, so that no such other or Collateral Railway should exceed the Length of One thousand Yards : And whereas another Act was passed in the Twenty-third Year of the Reign of King *George* the Third, intituled *An Act to amend and render more effectual several Acts passed in the Sixth, Tenth, Fifteenth, and Sixteenth Years of the Reign of His present Majesty, for making a Navigable Canal from the Trent to the Mersey, and a Branch from the said Canal to Froghall, and a Railway from thence to or near Caldon*

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in the County of Stafford, whereby the said Company, their Successors and Assigns, were authorized and empowered to extend the said Canal at *Froghall* aforesaid about the Distance of Five hundred and thirty Yards on a Level, and to make, complete, and maintain a Railway from thence to the said Lime Works and Limestone Quarries at or near *Caldon* aforesaid, and to make a Reservoir at some convenient Place, within the Distance of Three thousand Yards of the South Side of the Summit of the said Canal at *Stanley Moss*, for the better supplying the said Canal with Water, and, for the better making such new Railway as aforesaid, to remove the Materials which formed the then existing Railway, or any Part thereof: And whereas another Act was passed in the Thirty-seventh Year of the Reign of King George the Third, intituled *An Act to enable the Company of* 37G. 3. c. 36.

Proprietors of the Navigation from the Trent to the Mersey to make a Navigable Canal from and out of a certain Branch of their said Navigation called the Caldun Canal, at or near Hendon, to or near the Town of Leek in the County of Stafford, and also a Reservoir for supplying the several Canals of the said Company with Water, whereby the said Company of Proprietors, their Successors and Assigns, were authorized and empowered to make and complete, and at all Times thereafter to support and maintain, a Cut or Canal, navigable and passable for Boats, Barges, and other Vessels, from and out of the said Canal called the *Caldun Canal*, at or near *Hendon* aforesaid, to or near the Town of *Leek* aforesaid, and to supply the said Canal, whilst the same should be making and when made, with Water from such Springs as should be found in making the same; and also to make and at all Times maintain a Reservoir in the said Vale lying between *Horton* and *Rudyard*, called *Rudyard Vale*, in the said County of *Stafford*, and also a Trench or Feeder from the said Reservoir for conveying Water to the said Canal for the Purpose of supplying the same and also the said other Canals belonging to the said Company with Water; and also to form a Communication between the said proposed Canal and such Part of the said *Caldun Canal* as lies between *Hazlehurst Wood* near *Hendon* and *Froghall* aforesaid; and to do and perform all such Matters and Things as might be necessary for making, effecting, using, and maintaining the said Canal, and the said Reservoir, Trench or Feeder, and other Works: And whereas another Act was passed in the same Thirty-seventh Year of the Reign of King George the Third, intituled *An Act to enable the Company of* 37G. 3. c. 81.

Proprietors of the Navigation from the Trent to the Mersey to extend several Branches of Canal from and out of their said Navigation, whereby the said Company, their Successors and Assigns, were authorized and empowered to make and complete, and at all Times thereafter to support and maintain, a Cut or Canal, navigable and passable for Boats, Barges, and other Vessels, from and out of the said Canal called the *Caldun Canal*, at *Froghall*, to or near to the Town of *Uttoxeter* in the County of *Stafford*; and also another Navigable Cut or Canal from and out of the said *Caldun Canal* at *Shelton* to or near *Cobridge* in the County of *Stafford*; and also another Navigable Cut or Canal from and out of the said *Trent* and *Mersey* Canal at *Longport* to a Place called *Dale Hall*, in *Burslem* aforesaid, together with necessary Towing Paths, Wharfs, and other Conveniences for the said Cuts or Canals respectively; and to do and perform all such Matters

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- and Things as might be necessary for making, effecting, using, and maintaining the said proposed Cuts or Canals and other Works: And whereas another Act was passed in the Forty-second Year of the
- 42 G. 3. c. 25. Reign of King George the Third, intituled *An Act to enable the Company of Proprietors of the Navigation from the Trent to the Mersey to make Railways, to alter the Course of the Railway from Froghall to Caldon, and Part of the Course of the Canal from Froghall to Uttoxeter, and to amend the Trent and Mersey Canal Acts*, whereby the said Company, their Successors and Assigns, were fully authorized and empowered to make and complete, and at all Times thereafter to support and maintain, a Railway from the said Canal from the *Trent* to the *Mersey* at *Stoke-upon-Trent* to *Lane End*, and another Railway from the said Canal at *Etruria* to *Hanley*, and also another Railway from the said Canal at or near *Dale Hall* to *Burslem* in the said County of *Stafford*, for the Passage of Waggons and Carriages of Forms and Constructions and with Burthens suitable to such Railways, to be approved of by the said Company; and also to alter and vary the Course of the said Railway from *Froghall* to *Caldon*, and a Part of the said proposed Canal from *Froghall* to *Uttoxeter*, near *Alveton Mill* in the Parish of *Alveton* in the said County of *Stafford*; and to do and perform all such Matters and Things as might be necessary for making, effecting, using, and maintaining the said proposed Railways, Alterations, and other Works: And whereas another Act was passed in the Forty-ninth Year of the Reign of King George the
- 49 G. 3. c. 73. Third, intituled *An Act to amend and enlarge the Powers of the several Acts passed for making a Navigable Canal from the Trent to the Mersey, and other Canals connected therewith*, whereby the said Company were (amongst other Things) authorized and empowered to make and maintain a Trench or Gutter from the said Reservoir in *Rudyard Vale* to the said River *Dane*, between a Bridge called *Dane Bridge*, and the Paper Mill standing on the said River a short Distance below the said Bridge, and there to erect a Weir in manner therein mentioned: And whereas another Act was passed in the Fourth Year of the Reign of His said late Majesty King George the Fourth, intituled
- 4 G. 4. c. 87. *An Act to enable the Company of Proprietors of the Navigation from the Trent to the Mersey to make an additional Tunnel through Harecastle Hill in the County of Stafford, and an additional Reservoir in Knypersley Valley in the said County, and to amend and enlarge the Powers of the several Acts for making and maintaining the said Navigation, and the several Canals connected therewith*, whereby the said Company of Proprietors, their Successors and Assigns, were authorized and empowered (amongst other Things) to make and complete, and at all Times thereafter to continue, support, and maintain, an additional Tunnel or Cut or Canal, navigable for Boats, Barges, and other Vessels, from and out of their said Canal on the South Side of the said Tunnel called *Harecastle Tunnel*, unto and into their said Canal on the North Side of the said Tunnel, in a parallel Course or Direction thereto, and on the Eastern Side thereof, together with necessary Towing Paths, Wharfs, and other Conveniences for the said additional Tunnel or Cut or Canal; and to make, form, and complete an additional Reservoir at *Knypersley Valley*, for the Purpose of supplying the several Canals of the said Company of Proprietors with Water, with a Dam thereto not exceeding Forty-five Feet in Height; and also

also to deepen, alter, and extend the said Trench or Gutter by the said last-recited Act authorized to be made, so as not to prejudice or affect the necessary Supplies of Water to the River *Dane*, or to the adjacent Farms and Lands; and to do and perform all such Matters and Things as might be necessary for making, effecting, using, and maintaining the said additional Tunnel or Cut or Canal, and the said additional Reservoir and other Works: And whereas the Powers of the Commissioners appointed by the said recited Acts, some or one of them, are repealed by the last-recited Act of the Fourth Year of the Reign of His said late Majesty: And whereas an Act was passed in the Seventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for making and maintaining a Navigable Canal from the Peak Forest Canal, in the Township of Marple in the County Palatine of Chester, to join the Canal Navigation from the Trent to the Mersey at or near Hardingswood Lock in the Township or Hamlet of Talk or Talk-on-the-Hill in the County of Stafford*, whereby certain Persons were declared to be a Body Politic and Corporate by the Name of the Company of Proprietors of the *Macclesfield* Canal, and were authorized and empowered to make, complete, and maintain a Canal or Navigation, navigable and passable for Barges, Boats, and other Vessels, from and out of and into the Canal belonging to the Company of Proprietors of the *Peak Forest* Canal, to and to join and communicate with the Canal belonging to the Company of Proprietors of the Navigation from the *Trent* to the *Mersey* at or near a certain Lock upon such Canal called *Hardingswood Lock*, in the said Township or Hamlet of *Talk* or *Talk-on-the-Hill* in the Parish of *Audley* and County of *Stafford*, and near to the northernly End of the *Harecastle* Tunnel: And whereas an Act was passed in the Seventh and Eighth Years of the Reign of His said late Majesty, intituled *An Act for enabling the Company of Proprietors of the Navigation from the Trent to the Mersey to make Two Branches or Cuts from and out of the same Navigation, and for further amending the Acts of the said Company*, whereby the said Company of Proprietors of the Navigation from the *Trent* to the *Mersey* were authorized and empowered to make, complete, and maintain so much and such Part of the said Canal authorized by the said recited Act of the Seventh Year of the Reign of His said late Majesty to be made and constructed as extended from the Western Extremity of the Western Regulating Pound or Stop Lock directed by the said last-mentioned Act to be erected and made in a certain Field in the Township of *Oddrode*, numbered Three hundred and thirty-two on the Plan of the said then intended Canal lodged with the Clerk of the Peace for the said County of *Chester* (then in the Possession of *Matthew Owen*), and near a certain Place called *Hall Green*, in the said County of *Chester*, to join the said Navigation from the *Trent* to the *Mersey* at or near *Hardingswood Lock* in the Township or Hamlet of *Talk* or *Talk-on-the-Hill* in the Parish of *Audley* in the County of *Stafford*, and to construct, erect, make, and do all Aqueducts, Bridges, Towing Paths, Culverts, Wharfs, Quays, Landing Places, Cranes, Weighbeams, Warehouses, and all other Works, Matters, and Things auxiliary to or for the Purpose of making, completing, maintaining, supplying, and rendering fit for Use and using such Part of the said Canal or Navigation and Works aforesaid,

7 G. 4. c. 30.

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aforesaid, or in any other Manner whatsoever in respect thereof, which the said Company of Proprietors of the *Macclesfield Canal* were by the said last-mentioned Act authorized to construct, erect, make, and do in that Behalf, under and subject nevertheless to all such Rules, Regulations, Conditions, Directions, and Provisions as the said last-mentioned Company were by the said last-mentioned Act made subject to in that Behalf, except as the same were in and by the said Act passed in the Seventh and Eighth Year of the Reign of His said late Majesty altered, varied, or repealed: And whereas by the said Act of the Seventh and Eighth Year of the Reign of His said late Majesty the said Company of Proprietors of the Navigation from the *Trent* to the *Mersey* were also authorized and empowered to make, complete, and maintain a Navigable Cut or Canal, passable for Boats, Barges, and other Vessels, from and out of the said Navigation from the *Trent* to the *Mersey*, on the East Side of a certain Bridge called the *Brickkiln Field Bridge* or *Brook's Lane Bridge*, in the Township of *Newton* in the Parish of *Middlewich* in the County of *Chester*, to the Extent of One hundred Yards from the said Navigation from the *Trent* to the *Mersey*, to and to communicate with a certain Branch Cut or Canal then intended to be made and which is now in progress of making by the united Company of Proprietors of the *Ellesmere* and *Chester Canal*; and the said Company of Proprietors of the Navigation from the *Trent* to the *Mersey* were also thereby authorized and empowered to make, construct, erect, sink, and drive such and so many Reservoirs, Aqueducts, Feeders, Tunnels, Perforations, Weirs, Shafts, Wheels, Engines, and other Machinery, for the Purpose of filling and supplying the said Cut or Canal authorized to be made by them as last aforesaid, 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 better making and maintaining of such Cut or Canal, as the said Company of Proprietors of the Navigation from the *Trent* to the *Mersey* should from Time to Time think necessary or expedient; and also to supply such Cut or Canal and Reservoirs with Water from all such Brooks, Springs, Streams, Watercourses, Mines, Hollows, Caverns, and other Sources or Repositories of Water as should be found in making such 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 might be situated within the Line of such Cut or Canal, or which might prevent or otherwise impede or obstruct the making of the same: And whereas the several Cuts or Canals, Branches, Extensions, Railways, Tunnels, Reservoirs, and Works authorized by the said several Acts passed in the Sixth, Tenth, Fifteenth, Sixteenth, Twenty-third, Thirty-seventh, Forty-second, and Forty-ninth Years of the Reign of King *George the Third*, and by the said Two several Acts passed in the Fourth Year and in the Seventh and Eighth Year of the Reign of His said late Majesty, to be made by the said Company of Proprietors of the Navigation from the *Trent* to the *Mersey*, have been duly made and completed by them, except a Part of the Railway from *Stoke-upon-Trent* to *Lane End*, authorized to be made by the said Act passed in the Forty-second Year of the Reign of King *George the Third*, extending from the Western End of the
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Lower Market Place in *Lane End* into the Lands of the Most Noble *George Granville* Marquis of the County of *Stafford*, at a Place called *Mill Field Lane*, computed to be about One thousand Yards in Length: And whereas the said Company of Proprietors of the Navigation from the *Trent* to the *Mersey* were authorized to take certain Tolls on all Goods, Wares, and Merchandize passing along such Cuts or Canals, Branches, Extensions, and Railways so authorized to be made and completed by them: And whereas a large Sum of Money has been expended by the said Company of Proprietors of the Navigation from the *Trent* to the *Mersey* in making and completing the said several Canals and other Works so authorized to be made by the said Company as aforesaid, and considerable Sums of Money have been borrowed, and are now owing, under the Authority and on the Credit of the said recited Acts, or some or one of them: And whereas it is expedient that so much of the said recited Act of the Sixth Year of the Reign of King *George* the Third as relates to such Part of the said Navigation from the *Trent* to the *Mersey* as was thereby authorized to be made by the said Company of Proprietors of the Navigation from the *Trent* to the *Mersey*, and which extends from the River *Trent*, at or near *Wilden Ferry* in the County of *Derby*, to the Junction of the same with the said Duke of *Bridgewater's* Canal at *Preston Brook* in the County of *Chester*, and also the said several Acts of the Tenth, Fifteenth, Sixteenth, Twenty-third, Thirty-seventh, Forty-second, and Forty-ninth Years of the Reign of King *George* the Third, and the said Two several Acts of the Fourth and of the Seventh and Eighth Year of the Reign of His said late Majesty King *George* the Fourth, should be repealed, and new Powers and Provisions granted and made instead thereof, for the Maintenance and Management of the said Part of the said Navigation from the *Trent* to the *Mersey* so made by the said Company of Proprietors of such last-mentioned Navigation, and the said several other Cuts or Canals, Branches, Extensions, Railways, Reservoirs, Feeders, and other Works so authorized to be made and completed by them, and for the other Purposes herein-after mentioned: 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 so much of the said Act of the Sixth Year of the Reign of King *George* the Third, and the Powers, Authorities, Provisoes, Clauses, Matters, and Things therein contained, as relate to such Part of the said Navigable Cut or Canal from the *Trent* to the *Mersey* as was thereby authorized to be made by the said Company of Proprietors incorporated by the same Act, and which Part of the said Navigable Cut or Canal extends from the River *Trent*, at or near *Wilden Ferry* in the County of *Derby*, to the Junction of the same Navigable Cut or Canal with the said late Duke of *Bridgewater's* Canal at *Preston Brook* in the County of *Chester*, and also the said several herein-before recited Acts of the Tenth, Fifteenth, Sixteenth, Twenty-third, Thirty-seventh, Forty-second, and Forty-ninth Years of the Reign of King *George* the Third, and the said Two several recited Acts of the Fourth Year and of the Seventh and Eighth Year of the Reign

Acts repealed.

of His late Majesty King *George* the Fourth, and all and every the Powers, Authorities, Matters, and Things therein respectively contained, shall be and the same are hereby repealed: Provided always, that nothing herein contained shall revive any Part or Parts of the several Acts herein-before recited which may have been repealed previous to the passing of this Act.

Rules for the Interpretation of this Act.

II. And in order to avoid unnecessary Repetitions, and to remove any Doubts as to the Meaning of certain Words in this Act; be it enacted, That the Word "Navigation," without any special Addition, shall be deemed to mean the Navigation from the *Trent* to the *Mersey*, and the several Branches and Extensions thereof, and the Railways, Reservoirs, Tunnels, Towing Paths, and Works belonging thereto; and that the Words "the said Company," without any special Addition, shall be deemed to mean the said Company of Proprietors of the Navigation from the *Trent* to the *Mersey* hereby established; and that the Word "Canals" shall be deemed to include Navigable Cuts or Canals and Tunnels; and that the Word "Justice" shall be deemed to mean Justice of the Peace; and that the Word "Tolls" shall be deemed to mean Tolls, Rates, and Duties; and that the Word "Penalty" shall be deemed to include any Penalty, Fine, or Forfeiture of a pecuniary Nature; and that the Word "Goods" shall be deemed to include all Goods, Wares and Merchandize, Commodities and Articles whatsoever; and that the Words "Boat or other Vessel" shall be deemed to include any Boats, Barges, Flats, Keels, or Vessels whatsoever; and that the Words "conveyed through" or "conveyed upon" shall be deemed to mean navigated, carried, or conveyed in, through, by, along, or upon; and that the Word "forfeit" shall include forfeit and pay; and that the Words "Justice," "Person," "Party," "Proprietor," "Trustee," "Witness," "Owner," "Occupier," "Tenant," "Worker," "Mortgage," "Mortgagee," "Sum of Money," "Name," "Offender," "Book," "Piece of Land," "Lock," "Wharf," shall be deemed to include any Number of Justices, Persons, Parties, Proprietors, Trustees, Witnesses, Owners, Occupiers, Tenants, Workers, Mortgages, Mortgagees, Sums of Money, Names, Offenders, Books, Pieces of Land, Locks, Wharfs, respectively, as the Case may be; and that the Meaning of any of the aforesaid several Words shall not be restricted, although the same be subsequently referred to in the Singular Number or Masculine Gender only.

Nothing herein to prevent the Recovery of Penalties, and Punishment of Offences, under former Acts;

III. Provided always, and be it further enacted, That nothing herein contained shall extend to prevent the suing for or Recovery of any Penalty incurred by any Offence against the Provisions of the said recited Acts so repealed as aforesaid, or any of them, previously to the passing of this Act, or to prevent or defeat any Prosecution commenced or to be brought for any such Offence; but all Penalties which have been incurred before the passing of this Act under the Provisions of the said Acts, or any of them, may be sued for, and all Offences which have been committed before the passing of this Act against the Provisions of the said recited Acts, or any of them, may be prosecuted, in the same Manner to all Intents and Purposes as if this Act had not been passed.

IV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend in any way to repeal, alter, or invalidate the Authorities, Powers, and Provisions in all respects, or any of them, or any Part of them, granted unto and vested in the said Duke of *Bridgewater*, his Heirs and Assigns, by the said recited Act of the Sixth Year of the Reign of His late Majesty King *George* the Third, for making and maintaining a Canal Navigation from *Preston Brook* in the County of *Chester* to the River *Mersey* at or near *Runcorn Gap* in the said County of *Chester*. nor to affect the Powers granted to the Duke of Bridgewater, &c.

V. Provided always, and be it further enacted, That the Heirs or Assigns of the said Duke of *Bridgewater*, or other the Owner or Owners, Proprietor or Proprietors for the Time being of the said Cut or Canal in the said Act passed in the Sixth Year of the Reign of King *George* the Third mentioned, from *Preston Brook* to the River *Mersey* at or near *Runcorn Gap* aforesaid, shall and they are hereby required for ever hereafter to repair, support, and maintain the same, with the other Works authorized and directed by the said Act of the Sixth Year of the Reign of King *George* the Third to be made and maintained by the said Duke of *Bridgewater*, his Heirs and Assigns; and if the Heirs or Assigns of the said Duke, or other such Owner or Owners, Proprietor or Proprietors of the said last-mentioned Cut or Canal, shall not, at all Times hereafter, repair, support, and maintain the said last-mentioned Cut or Canal and Works, then and in every such Case it shall and may be lawful to and for the Company hereby established to repair, support, and maintain the same Cut or Canal and Works, from Time to Time, as Occasion shall require; and all the Costs and Charges thereof shall be repaid to the said Company hereby established by the Heirs or Assigns of the said Duke, or other the Owner or Owners, Proprietor or Proprietors of the last-mentioned Cut or Canal and Works, within the Space of Two Calendar Months after an Account and Demand thereof shall have been delivered and made to or left at the usual Place of Abode of the Heirs or Assigns of the said Duke, or other such Owner or Owners, Proprietor or Proprietors as last aforesaid, or his or their known Agent; and upon the Failure or Neglect of the Heirs or Assigns of the said Duke, or other such Owner or Owners, Proprietor or Proprietors as last above mentioned, to pay the said Costs and Charges, it shall and may be lawful for the said Company hereby established to recover such Costs and Charges by Action at Law, to be commenced and prosecuted by the said Company hereby established, against the Heirs or Assigns of the said Duke, or other such last-mentioned Owner or Owners, Proprietor or Proprietors, in any of His Majesty's Courts of Law at *Westminster*. Heirs of the Duke of Bridgewater, &c. to keep in repair the Canal from Preston Brook to the Quay at or near Runcorn Gap.

VI. And be it further enacted, That from and immediately after the passing of this Act the several Persons, and Bodies Politic and Corporate, who were immediately before the passing of this Act Proprietors of Shares in the Joint Stock or Fund of the Company of Proprietors of the Navigation from the *Trent* to the *Mersey*, incorporated by the said first herein-before recited Act, shall be and they are hereby re-united into, and they and their Successors, Executors, Re-establishment of the Navigation Company.

ecutors, Administrators, and Assigns, Proprietors for the Time being of Shares in the Capital or Joint Stock of the Company hereby established, shall for ever remain and be, a Company for maintaining and supporting all and every the Canals and Branches made by the said Company of Proprietors of the Navigation from the *Trent* to the *Mersey* by virtue of the said recited Acts so repealed as aforesaid, together with all Reservoirs, Railways, Aqueducts, Tunnels, Culverts, Bridges, Embankments, Feeders, Locks, Basins, Docks, Towing Paths, Wharfs, Quays, Warehouses, Toll Houses, Houses, Buildings, Weighing Machines, Engines, and other Works and Appurtenances thereto adjoining or belonging, according to the Rules, Orders, Powers, Provisions, and Directions herein-after contained, and for that Purpose shall be One Body Corporate, by the Name of "The Company of Proprietors of the Navigation from the *Trent* to the *Mersey*," 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 shall have full Power to purchase and hold Lands, Tenements, and Hereditaments to them, their Successors and Assigns, for the Purposes of this Act, without incurring any of the Penalties of the Statutes of Mortmain, and shall have Power to sell and dispose of any Lands, Tenements, or Hereditaments hereby vested in them, or to be hereafter purchased or acquired by them in the Manner directed by this Act.

Not to affect
the Powers
vested in the
Duke of
Bridgewater,
&c. by 6 G. 3.
c. 96.

VII. Provided also, and be it further enacted, That nothing herein contained shall extend or be construed to extend to affect, alter, or prejudice in any way any of the Powers, Authorities, Privileges, Rights, or Provisions granted unto or vested in the late Most Noble *Francis Duke of Bridgewater* deceased, his Heirs and Assigns, by the said recited Act of the Sixth Year of the Reign of *King George the Third*, intituled *An Act for making a Navigable Cut or Canal from the River Trent, at or near Wilden Ferry in the County of Derby, to the River Mersey at or near Runcorn Gap*; but that all the Powers, Authorities, Rights, Privileges, and Provisions whatsoever granted to and vested in the said Duke of *Bridgewater*, his Heirs and Assigns, by the said last-mentioned Act, shall continue and remain in full Force in all and every respect as though this Act had not passed; any thing herein contained to the contrary thereof notwithstanding.

Canals and
Works of
former Com-
pany vested
in the Com-
pany now
established.

VIII. And be it further enacted, That from and immediately after the passing of this Act the said Canal already made under the Authority of the several Acts so repealed as aforesaid, or some of them, from the River *Trent* near *Wilden Bridge*, below an ancient Ferry called *Wilden Ferry*, in the County of *Derby*, through or near *Swarkstone* and *Willington* in the County of *Derby*, and *Wichnor*, *Rugeley*, *Stone*, and *Burslem* in the County of *Stafford*, and through or near *Lawton* and *Middlewich*, and near *Northwich*, in the said County of *Chester*, to *Preston Brook* in the said County of *Chester*, and all and every the several other Canals, Branches, Extensions, Reservoirs, and Railways made under the Authority of the said several Acts so repealed as aforesaid, some or one of them, which said Canal and Canals, Branches and Railways are situate in or pass through the several Parishes, Townships, Hamlets, or Places of *Aston*,
Wiln,

Wiln, Shardlow, Weston, Swarkstone, Barrow, Arliston, Sinfen, Twyford, Stenson, Findern, Willington, and Egginton, in the County of Derby, Burton-upon-Trent, Stretton, Horninglow, Shobnal, Burton extra otherwise Bond End, Branston, Tatenhill, Dunstall, Barton-under-Needwood, Wichnor, Alrewas, Alrewas Hays, King's Bromley, Armitage, Handsacre, Rugeley, Colton, Colwich, Bishton, Little Haywood, Great Haywood, Hixon, Stowe, Chartley, Holm, Weston-upon-Trent, Sandon, Burston, Aston, Stoke, Stone, Kibbleston, Meaford, Oulton, Barlaston, Trentham Lane End, Stoke-upon-Trent, Longton, Fenton Culvert, Fenton Vivian, Shelton, Burslem, Sneyd Wolstanton, Tunstall, Ravens Cliff, Oldcote, Golden Hill, Bagnall, Hulton Abbey, Norton on the Moors, Bemmersley, Biddulph, Leek, Stanley, Endon, Longsdon, Leek and Lowe, Horton on the Moors, Horton Hay, Rudyerd, Rushton James, Rushton Spencer, Heaton, Chedleton, Cunsall, Ipstones, Checkley, Foxt, Kingsley, Whiston, Alton otherwise Alveton, Cotton, Farley, Denstone, Ellaston, Prestwood, Rocester, Uttoxeter, Crakemarsh, Creighton, Stramshall, Audley, and Talk-on-the-Hill, in the County of Stafford, Church Lawton, Astbury, Oddrode, Sandbach, Betchton, Hassall, Wheelock, Warmingham, Elton, Moston, Tetton, Middlewich, Newton, Kinderton, Croxton, Davenham, Whatcroft, Shipbrook, Rudheath, Shurlitch, Great Budworth, Lostock-Gralam, Wincham, Marston, Marbury, Anderton, Barnton, Little Leigh, Bartington, Dutton, Runcorn, Aston, Preston-on-the-Hill, Prestbury, and Winckle, in the County of Chester, together with all Reservoirs, Railways, Aqueducts, Tunnels, Culverts, Weirs, Drains, Soughs, Roads, Bridges, Embankments, Feeders, Locks, Basins, Docks, Towing Paths, Wharfs, Quays, Warehouses, Toll Houses, Houses, Buildings, Weighing Machines, Engines, and other Works thereto belonging, and the Ground and Soil thereof respectively, and all and every other the Lands and Hereditaments, Easements, Rights, and Privileges, which immediately previous to the passing of this Act were vested in the said Company incorporated by the first herein-before recited Act, or in any Person or Persons in Trust for them, for the Purposes of the said recited Acts so repealed as aforesaid, or any of them, shall be and continue absolutely vested in the said Company hereby established, their Successors and Assigns, in such and the like Manner as if the said recited Acts, or any of them, had not been repealed.

IX. And be it further enacted, That from and immediately after the passing of this Act all the Monies, Goods, Chattels, Effects, Bonds, Deeds, Books, Writings, Maps, Plans, and Personal Estate of the said Company incorporated by the first herein-before recited Act, shall be and the same are hereby vested in the said Company of Proprietors hereby established; and all Persons, and Bodies Politic and Corporate, who at the Time of the passing of this Act shall owe any Sum of Money to the said Company of Proprietors incorporated by the said first herein-before recited Act, shall pay the same, together with all Interest (if any) due or to accrue due for the same, to the said Company hereby established; and all Tolls which at the Time of the passing of this Act are due and payable or accruing due under or by virtue of any of the said Acts so repealed, or any other Acts or Act, to the Company incorporated by the first herein-before

Personal Estate, Debts, Contracts, &c. of the former Company vested in the Company hereby established.

[Local.]

9 B

recited

recited Act, shall become and be due and payable to the said Company hereby established, and shall and may be collected and recovered by the same Ways and Means, and under the same Restrictions and Regulations, and with the same Penalties in respect thereof, as the Tolls by this Act made payable to the said Company hereby established; and all Conveyances, Contracts, Agreements, Bonds, Covenants, and Securities made or entered into before the passing of this Act to, with, in favour of, or by or for the said Company incorporated by the said first-recited Act hereby repealed, shall be and remain as good, valid, and effectual in favour of, against, and with reference to the said Company hereby established, and may be proceeded on and enforced, in the same Manner, to all Intents and Purposes, as if the said Company hereby established had been Parties to and executed the same, or had been named or referred to therein, instead of the said Company incorporated by the first herein-before recited Act.

Tolls made
liable to
Debts due
under former
Acts.

X. And be it further enacted, That all Debts which at the Time of the passing of this Act shall be due and owing by the said Company incorporated by the said first herein-before recited Act shall be paid, with all Interest due and to accrue due thereon, by the said Company hereby established; and all Tolls which shall be taken or received under 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 Company incorporated by the said first-recited Act.

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

XI. And be it further enacted, That all Conveyances, Contracts, Agreements, Mortgages, Bonds, Covenants, and Securities made and entered into before the passing of this Act by virtue of the Powers of the said several Acts so repealed as aforesaid, 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 Company incorporated by the said first-recited Act, and all Appointments of Proxies made, shall remain in full Force and Effect, and shall be and continue available, in all respects whatsoever, 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.

Tolls now
due to be
recovered.

XII. And be it further enacted, That all Tolls made or imposed under or by virtue of the said several Acts so repealed as aforesaid, 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 Means and under such Restrictions and Regulations as any Tolls to be received 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 several Acts so repealed as aforesaid, or any of them, from any Person whomsoever, shall and may be demanded and recovered from such Person in the same

same Manner and by the same Means as if the same had been incurred or become due by virtue of this Act.

XIII. And be it further enacted, That the several Persons who, at the Time of the passing of this Act, shall compose the General Committee and the Select Committee of Management of the said Company of Proprietors of the Navigation from the *Trent* to the *Mersey* shall continue in their respective Offices until the first General Assembly to be holden under the Authority of this Act; and such General and Select Committees respectively shall be invested with and shall and may have and exercise the same Powers and Authorities as if they had been nominated respectively under the Authority of this Act.

Present Committees to be continued until a General Assembly.

XIV. And be it further enacted, That each Clerk, Agent, Collector, and other Officer (except the Treasurer) appointed by virtue of or acting under the Authority of the said several Acts so repealed as aforesaid, or any of them, and not acting contrary to the Provisions and Directions in this Act contained, shall hold and enjoy his Office, together with the Salary or Emolument thereunto annexed, until he shall be removed therefrom by the said Company hereby established, or by the General or the Select Committee of Management thereof respectively; and each such Clerk, 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 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.

Old Officers and Servants to continue till they are removed by the Company.

XV. And be it further enacted, That all Books containing the Accounts of the said Company of Proprietors incorporated by the first herein-before recited Act, the Registers of Shares and of Transfers of Shares in the Joint Stock, the Proceedings of the General Assemblies and of the General and Select Committees of the said Company, provided and kept by the said Company, and made Evidence by the said Acts hereby repealed, or any of them, and all Books containing the Proceedings of the Commissioners appointed by the said Acts, or some of them, and made Evidence thereby, and all other Documents by the said Acts, 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 kept under former Acts to be Evidence.

XVI. And be it further enacted, That the several Maps or Plans which, in pursuance of the said several Acts so repealed as aforesaid, or any of them, have been deposited with the respective Clerks of the Peace of the said Counties of *Derby*, *Stafford*, and *Chester*, and in the Office of the Clerk of the Parliaments, shall remain in the Custody of the said Clerks of the Peace and in such Office, 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 such Clerks from whom such Inspection or Extract or Copy may be demanded respectively the Sum of One Shilling for every such Inspection,

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

Inspection, and at the Rate of Sixpence for every One hundred Words of such Copy or Extracts; and the said Maps or Plans and Book 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 respective Clerks who may have made the same, shall be admitted Evidence in all Courts of Law or elsewhere.

Company hereby established authorized to maintain the Canals, &c. already made.

XVII. And be it further enacted, That the said Company hereby established 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 several Canals, Branches, Extensions, Railways, and Works made and completed by the said Company of Proprietors incorporated by the first herein-before recited Act, under or by virtue of the said several Acts so repealed as aforesaid, or any of them, together with the several Buildings, Erections, Locks, Quays, Wharfs, Reservoirs, Aqueducts, Tunnels, Culverts, Weirs, Basins, Docks, Roads, Bridges, Cuts, Feeders, Drains, Soughs, 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, Tunnels, Culverts, Weirs, Docks, Bridges, Cuts, Drains, Soughs, and other Works, as the said Company hereby established shall think expedient for maintaining, repairing, improving, and supporting such said several Canals, Branches, Extensions, Railways, and Works, together with the Reservoirs, Tunnels, and Appurtenances belonging thereto, and for the full Use and Enjoyment thereof, and for supplying the same with Water; and it shall be lawful for the said Company hereby established to supply the said Canals and every of them with Water from all and every the Brooks, Streams, and Watercourses from which the said Canals or any of them are now supplied by virtue of the said several Acts so repealed as aforesaid, or any of them, or of this Act, or of any Contract or Agreement entered into for that Purpose.

Capital of the Company, and Number of Shares.

XVIII. And be it further enacted, That the Capital of the said Company hereby established shall be considered as consisting of the Sum of One hundred and thirty thousand Pounds, and shall remain, as at present, divided into Two thousand six hundred equal Shares of Fifty Pounds each; and the said Shares are hereby respectively vested in the several Persons, and Bodies Politic, Corporate, and Collegiate, who, at the Time of the passing of this Act, were Proprietors of Shares in the Joint Stock or Funds of the Company incorporated by the said first herein-before recited Act, according to their respective Rights and Interests therein at the Time of the passing of this Act; and all Bodies Politic, Corporate, and Collegiate, and all other Persons, who shall be in the Possession of or entitled to One or more Share or Shares in the Capital of the said Company hereby established, and their respective Successors, Executors, Administrators, and Assigns, shall be entitled to and shall (subject to such Reservation as herein-after mentioned) receive, at such Times as the General Committee of the said Company shall direct or appoint, the entire and net Distribution of a proportionable Part of the net Profits and Advantages

XIX. And be it further enacted, That the Shares in the Capital of the said Company hereby established shall be deemed Personal Estate, and be transmissible as such, and shall not be of the Nature of Real Property.

' I in consideration of the Sum of Form of
 ' paid to me by the Receipt whereof I the said Transfer.
 ' do hereby acknowledge, do hereby bargain, sell,
 ' assign, and transfer to the said his Executors,
 ' Administrators, and Assigns, Share [or Shares]
 ' of and in the Navigation from the *Trent* to the *Mersey*, being
 ' Number of the Shares in the said Navigation,
 ' to hold to the said his Executors, Administrators,
 ' and Assigns, subject to the same Rules, Orders, and Restrictions,
 ' and on the same Conditions, that I held the same immediately before
 ' the Execution hereof; and I the said do hereby
 ' agree to accept and take the said Share [or Shares], subject to the
 ' same Rules, Orders, Restrictions, and Conditions. As witness our
 ' Hands and Seals the Day of
 ' in the Year of our Lord One thousand .

[Local.]

Shares to be entered in a Book, and Certificate given.

XXI. And whereas, for the better securing to the several Proprietors of the said Navigation their respective Shares therein, the said Company of Proprietors of the Navigation from the *Trent* to the *Mersey* have caused the Names and proper Additions of the several Persons who are entitled to Shares in the said Navigation, with the Number of Shares which they are respectively entitled to, and also the proper Number by which every Share hath been and is distinguished, to be fairly and distinctly entered in a Book kept by the Clerk or Clerks of the said Company, and have caused a Certificate or Ticket, with the Common Seal of the said Company affixed thereto, to be delivered to every such Proprietor, specifying the Share or Shares to which he or she or they is or are entitled in the said Navigation; be it enacted, That the same Book and Certificates shall, to all Intents and Purposes whatsoever, be confirmed and be deemed and taken to be the Book and Certificates of the Company hereby established, as if the same Book had been originally made, and the said Certificates delivered, by and under the Common Seal of the said Company hereby established; and the said Company hereby established shall and they are hereby required to cause the Names and proper Additions of the several Persons who shall hereafter be entitled to Shares in the said Navigation, with the Number of Shares they are entitled to, and the proper Number by which such Share hath been and is distinguished, to be in like Manner entered in the said Book, which shall hereafter be kept by the Clerk or Clerks of the said Company hereby established; and every such Certificate or Ticket already delivered, and every such Certificate or Ticket hereafter to be delivered, shall be admitted in all Courts whatsoever as *prima facie* Evidence of the Title of such Proprietor, his or her Executors, Administrators, or Assigns, to the Share or Shares therein specified of and in the said Navigation; but the Want of such Certificate or Ticket shall not hinder or prevent the Owner of any of the said Shares from establishing his Title thereto, or from selling or disposing thereof; which said Certificate or Ticket may be in the Words or to the Effect following:

Form of Certificate.

‘ Company of Proprietors of the Navigation from the *Trent* to the
‘ *Mersey*.

‘ Number

‘ THESE are to certify, That _____ is a Proprietor
‘ of the Share Number _____ of and in the Navigation
‘ from the *Trent* to the *Mersey*, subject to the Rules, Regulations,
‘ and Orders of the 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 _____.

When Certificates are damaged, lost, or destroyed, new ones may be given.

XXII. And be it further enacted, That if any such Certificate or Ticket as aforesaid shall be worn out or damaged, then, upon the same being brought and shown at some Meeting of the General or Select Committee of the said Company, such Certificate or Ticket may be cancelled and destroyed, and another similar Certificate or Ticket given under the Common Seal of the said Company to the
Person

Person in whom the Property of such Certificate or Ticket, and the Share therein mentioned, shall be at that Time vested; or in case such Certificate or Ticket shall be lost or totally destroyed, then, upon due Proof thereof, a like or similar Certificate or Ticket shall be given to the Person who was the Owner of or entitled to such Certificate or Ticket so lost or destroyed; and a due Entry of such Certificate or Ticket (if any such have been made) shall be entered by the Clerk or Clerks of the said Company in manner herein directed, the said Clerk or Clerks receiving for every such Certificate or Ticket which shall be so given or exchanged the Sum of Two Shillings and Sixpence, and no more.

XXIII. And whereas by the Marriage or Death of Proprietors of Shares in the said Navigation it may be difficult to ascertain to whom the Dividends arising or becoming due upon such Shares ought to be paid; be it therefore further enacted, That before any Person who shall claim any Part or Share of the Profits of the said Navigation in right of Marriage shall be entitled to receive the same or to vote in respect of any Shares, an Affidavit or (in the 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 (not being such Claimant) before a Master or a Master Extraordinary in Chancery, or a Justice of the Peace; and in case of such Marriage having taken place out of *England*, a Certificate under the Hand and Seal of the Ambassador or Consul of His *Britannic* Majesty, or of the Mayor or other Chief Officer of the Town or Place in which such Marriage was solemnized, verified by a Notary Public; and such Affidavit, solemn Affirmation in Writing, or such Certificate respectively, as the Case may be, shall be transmitted to the Clerk or Clerks for the Time being of the said Company hereby established, who shall file the same, and make an Entry thereof in the Register Book which shall be kept by the said Clerk for the Entry of Transfers of Shares in the said Navigation; and that before any Person claiming any Part of the Profits of the said Navigation by virtue of any Bequest by Will or by Letters of Administration shall be entitled to receive the same or to vote in respect of any Share, the Probate of such Will, or such Letters of Administration, shall be produced and shown to the said Clerk or Clerks, and registered by him in the said Book; and in all Cases, other than herein-before mentioned, when the Right or Property of any Share in the Capital of the said Company hereby established shall pass from the Proprietor thereof to any other Person by any other legal Means than by a Transfer thereof as by this Act directed, an Affidavit or solemn Affirmation in Writing shall be made and sworn or solemnly affirmed to by some credible Person before a Master or a Master Extraordinary in Chancery, or some Justice of the Peace, stating the Manner in which such Share hath passed to such other Person; which Affidavit or solemn Affirmation shall be transmitted to the said Clerk or Clerks of the said Company, who shall thereupon file the same respectively, and enter the Name of such new Proprietor in the Register Book or List of Proprietors of the said Navigation.

Shares de-
volving by
Marriage,
Will, &c. to
be notified.

XXIV. And

Receipt from
joint Pro-
prieters.

XXIV. And be it further enacted, That in all Cases where any Share or Shares in the Capital of the said Company hereby established shall be held by any Two or more Persons jointly, the Receipt of any One of such Persons shall be a good and sufficient Discharge to the said Company or their Treasurer for the Money which may become payable under the Provisions of this Act for or in respect of such Share or Shares, and shall discharge the said Company hereby established from all Obligation of seeing to its Application or being answerable for its Misapplication; provided that no Notice in Writing to the contrary shall, previous to any such Payment, have been given to the Treasurer of the said Company by any other Person holding jointly such Share or Shares.

Receipts
from Parent
or Guardian
of Minors to
be sufficient
Discharges.

XXV. And be it further enacted, That in all Cases where Money shall be payable under the Provisions of this Act to any Proprietor who shall be a Minor, the Receipt of the Parent or of the Guardian or of any One of the Guardians for the Time being of such Minor shall be a sufficient Discharge to the said Company hereby established, and their Treasurer, for the same.

Times for
holding the
General
Assemblies.

XXVI. And be it further enacted, That the first General Assembly or Meeting of the said Proprietors shall be held at the Office of the said Company hereby established at *Stone* in the County of *Stafford* on the Fourth *Monday* next after the passing of this Act, or as soon thereafter as conveniently may be; and thenceforth General Assemblies of the said Proprietors shall be held on the *Wednesday* in *Easter* Week and on the First *Wednesday* in *December*, in every Year, at or before the Hour of Eleven of the Clock in the Forenoon.

If not Pro-
prieters
present re-
presenting
Six hundred
Shares, Meet-
ing to be
adjourned.

XXVII. Provided always, and be it further enacted, That if at any General Assembly to be holden as aforesaid under the Provisions of this Act there shall not be Proprietors present, in Person or by Proxy, who shall together be possessed of at least Six hundred Shares in the said Navigation, the said General Assembly shall be forthwith adjourned, and a new Assembly of the said Proprietors shall be held at the same Place on that Day Fortnight following; at which said last-mentioned General Assembly, and at every adjourned General Assembly, Proprietors present (in Person or by Proxy) of not less than Four hundred Shares shall be competent to act.

Power of
General
Assemblies.

XXVIII. And be it further enacted, That a Majority of the Proprietors present as aforesaid at every General Assembly to be holden according to the Provisions of this Act shall have Power and Authority to call for, audit, and settle all Accounts of Money received and laid out on account of the said Company hereby established, with the Receiver or Receivers and other Officer or Officers of the said Company, or any other Person whomsoever employed by or concerned for or under them in and about the aforesaid Navigation and Works, and shall have Power and Authority to adjourn themselves over from Time to Time and from Place to Place as shall be thought convenient; and to remove or displace any Person chosen a Member of the General or Select Committees herein-after mentioned, or any other Officer under them; and to revoke, alter, amend, or change

change any of the Rules and Directions herein prescribed and laid down with regard to their Proceedings (the Method of calling General Assemblies, and their Time and Place of meeting and voting, and appointing Committees, only excepted); and also to impose Fines upon any Proprietor or Proprietors not attending in Person or by Proxy at General Assemblies of the said Proprietors, such Fines not in any Case exceeding the Sum of Five Shillings upon each of the Shares any absent Proprietor may possess in the said Navigation, and which Fines may be deducted out of the next Dividends due to such absent Proprietor; and also to make and give all such Orders and Directions respecting the Payment of all Costs, Charges, and Expences incurred and to be incurred in or about the maintaining, protecting, defending, or supporting of the Rights and Interests of the said Company hereby established, as well as respecting the Expences of the said Proprietors and Committees at their respective Assemblies and Meetings; and also to make and give all such Orders and Directions, and to do all such Matters and Things in or about the Management of the said Navigation and the Affairs of the said Company, as the Majority of the Proprietors present in manner aforesaid at any such General or Special Assembly to be holden according to the Provisions of this Act shall deem necessary or expedient, except as herein-before excepted.

XXIX. Provided also, and be it further enacted, That if at any Time it shall appear to any General Committee or to any Select Committee appointed under the Powers of this Act, that a Special Assembly of Proprietors is necessary to be held in *London, Westminster*, or in either of the Counties of *Stafford, Chester, and Derby*, it shall be lawful for such General or Select Committee to cause Notice thereof to be given in some one of the Newspapers usually circulated in each of the Counties of *Stafford, Chester, and Derby*, declaring in such Notices the Place where and the Time when such Assembly is to be held, the same not being less than Ten Days after such Notice given, and the Objects of such Special Assembly being specified in Writing, and such Specification left at the Office of the said Company in *Stone*, for the Information and Inspection of the said Proprietors; and the Proprietors are hereby authorized to meet pursuant to any such Notice, and proceed to the Execution of the Powers vested in them with respect to the Business so specified; provided only that at every such Assembly there shall be Proprietors present, in Person or by Proxy, who shall together be possessed of at least Six hundred Shares in the said Navigation.

Special Assembly of Proprietors may be called by Committee.

XXX. And be it further enacted, That if at any Time it shall appear to any Fifteen or more of the Proprietors of the Company hereby established, that, for more effectually putting this Act into execution, a Special Assembly of such Proprietors is necessary to be holden, it shall be lawful for such Fifteen or more of them from Time to Time to direct the Clerk or Clerks of the said Company hereby established to cause Notice to be given thereof (which Notice he is hereby required to give accordingly) in some one of the Newspapers usually circulated in each of the Counties of *Chester, Derby, and Stafford*, or in such other Manner as the said Company shall at any

Special Assembly may be called by the Proprietors.

[*Local.*]

9 D

General

General Assembly direct or appoint, declaring in such Notices the Place where and the Time when such Assembly is to be held, the same not being less than Ten Days after such Notice given, and likewise specifying in every such Notice the Reason for and Object of such Assembly; and the said Company are hereby authorized to meet pursuant to such Notices, and proceed to the Execution of the Powers by this Act given them, with respect to the Matters so specified only; and all such Acts of the Proprietors, or the major Part of them, at such Special Assemblies, shall be as valid, to all Intents and Purposes, as if the same were done at Assemblies holden in manner herein-before appointed, but nevertheless so as at every such last-mentioned Assembly there shall be Proprietors present, in Person or by Proxy, who together shall be possessed of at least Six hundred Shares in the said Navigation.

Special
Notices of
Assemblies.

XXXI. And be it further enacted, That, besides such Notices as are herein-before mentioned, Special Notice shall be given, in Writing or otherwise, of all General Assemblies and Meetings by Adjournment, and of all Special Assemblies, to be holden under the Authority of this Act, to all such of the said Proprietors as shall notify in Writing at the Office of the said Company at *Stone* to what Place and under what Address to them respectively such special Notice shall be sent; which special Notice may be so sent by the Public Post within the respective Times limited and prescribed by this Act with respect to the Notices thereby respectively directed to be given.

Power to
make Bye
Laws.

XXXII. And be it further enacted, That the said Company hereby established shall have Power at any General or Special Assembly to make such Rules, Bye Laws, Regulations, and Orders as to them shall seem right and proper for the good Government of the said Company, their Agents and Servants, and for maintaining, using, and managing the said Navigation and the Works already made, and to be made by virtue of this Act, and for the well-governing of the Boat Owners, Boat Masters, or Boatmen who shall convey any Goods through or upon the said Navigation or any Part thereof, and from Time to Time to alter and repeal the said Rules, Bye Laws, Regulations, and Orders, or any of them, and to make others, and to impose such reasonable Fines and Forfeitures upon the Breakers of any of such Rules, Bye Laws, Regulations, and Orders, as to the major Part of such General Assembly shall seem meet, not exceeding the Sum of Five Pounds for any One Offence, such Fines or Forfeitures to be levied or recovered by such Ways and Means as are herein-after mentioned; which said Rules, Bye Laws, Regulations, and Orders shall be put into Writing under the Common Seal of the said Company hereby established, and Copies thereof shall be printed or painted and affixed on Boards, which shall be hung up and affixed and continued upon the Front of the several Toll Houses erected and to be erected on the Line of the said Navigation, 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, Bye Laws, Regulations, and Orders, or a Duplicate thereof, under such Common Seal, shall be binding upon and observed by all Parties, and shall be sufficient in any Court of Law or Equity, or other Judicature, to

justify all Persons who shall act under the same, provided they shall not be repugnant to any of the Laws of that Part of the United Kingdom called *England*, or to any of the Directions in this Act contained; and all such Rules, Bye Laws, Regulations, and Orders shall be subject to Appeal in manner herein-after mentioned.

XXXIII. Provided always, and be it further enacted, That until such Rules, Bye Laws, Regulations, and Orders shall be made as aforesaid, all Rules, Bye Laws, Regulations, and Orders made under the Authority and according to the Directions of the said several Acts so repealed as aforesaid, or any of them, with reference to the said Navigation, and which were in force immediately before the passing of this Act, shall continue and be in full Force and Effect in such and the like Manner as if this Act had not passed.

Present Bye Laws to remain in force till new ones made.

XXXIV. And be it further enacted, That it shall be lawful for the said Company hereby established, at any General or Special Assembly, or at any Adjournment thereof, to nominate and appoint a Treasurer or Treasurers and also a Clerk or Clerks to the said Company, and such principal Agent, Receivers, Collectors, and other Officers as they shall think proper, with such Salary or Remuneration respectively as shall to the said Company seem proper; and the said Company shall take such Security from every Treasurer, Receiver, Collector, and other Officer 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 the said Company are hereby authorized from Time to Time at any General or Special Assembly, or any Adjournment thereof, to remove any such Treasurer, Clerk, Receiver, Collector, or other Officer, or any of them, and to elect another or others in his Stead; and such Clerk or Clerks shall attend the General and Special Assemblies of the said Company, and the Meetings of the said General and Select Committees respectively: Provided always, that previous to the Appointment of any such Clerk or Clerks or principal Agent, not less than Ten Days Notice of the Intention to make such Appointment shall be given in some one of the Newspapers published in each of the Counties of *Stafford*, *Derby*, and *Chester*.

Assemblies may appoint and remove Officers.

XXXV. Provided always, and be it further enacted, That it shall not be lawful for the said Company hereby established to appoint the Person or Persons who may be appointed to act as their Clerk or Clerks in the Execution of this Act, or the Partner of any such Clerk, or any Clerk or other Person in the Service or Employ of any such Clerk or of the Partner of such Clerk, to be the Treasurer or One of the Treasurers for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer or One of the Treasurers, or the Partner of any such Treasurer, or any Clerk or other Person in the Service or Employ of any such Treasurer or of the Partner of any such Treasurer, to be Clerk to the said Company; and if any Person shall act in both the Capacities of Clerk and Treasurer or One of the Clerks or Treasurers for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk of any other Person in the Service or Employ of such Clerk or of the Partner of

Same Person not to be Clerk and Treasurer.

of such Clerk, shall act as Treasurer or One of the Treasurers, or as Deputy of any such Treasurer, or in any Manner officiate for any such Treasurer, or being the Partner of any such Treasurer, or the Clerk of or other Person in the Service or Employ of any such Treasurer or of the Partner of any 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 such Treasurer shall hold any Place or Office of Profit or Trust under the said Company other than that of Treasurer or One of the Treasurers, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person 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.

XXXVI. 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 General or Select Committee of the said Company hereby established, or any Person on their Behalf, make out and deliver to the said General or Select Committee, or to such Person as they shall for that Purpose appoint, a true and perfect Account in Writing under his Hand of all Monies which shall have been by him had, collected, or received for or on behalf of the said Company, and how and to whom and for what Purpose the same and every Part thereof hath been disposed of, together with his 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 to such Person as the said General or Select Committee 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 General or Select Committee, or to such Person as they shall appoint, within Two Days after being thereunto required by the said General or Select Committee, or such other Person as last mentioned, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, then and in every such Case, Complaint being made thereof by the said Company, or any Person on their Behalf, to any Justice for the County within which such Officer or Person shall be or reside, such Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his 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 General or Select Committee 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 so collected and received shall be in the Hands of or be owing from such Officer or Person, such Justice may and he is hereby

hereby empowered on Nonpayment 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 and deliver to such Justice such Account in Writing as aforesaid, or to pay the Balance thereof, 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 shall have delivered up the Vouchers and Receipts relating to such Accounts, and shall have paid all the Money which shall be in the Hands of or owing from him, and the reasonable Charge of such Distress and Sale (if any) as shall in that respect have been made, or until he shall have compounded with the said Company for such Money and Charges, and paid the Composition Money to the said Company, (and which Composition the General or the Select Committee of 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 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 Three Calendar Months.

XXXVII. And be it further enacted, That at the General Assembly of Proprietors to be first held according to the Provisions of this Act, Twenty-one Persons, each of them being a Proprietor of not less than Eight Shares in the said Navigation, shall be chosen and appointed a General Committee to manage the Affairs of the said Company in such Manner as is herein-after directed, and as shall from Time to Time be ordered by any General or Special Assembly of the Proprietors of the said Navigation; and every General Committee shall continue and have Power to act until a new or other General Committee of Twenty-one Persons shall be appointed by a General or Special Assembly of the Proprietors of the said Navigation, which last-mentioned Committee such Assembly is hereby authorized from Time to Time to appoint: Provided always, that no Person holding any Office or Place or Employment (except the Treasurers and the Members of the Select Committee herein-after appointed), or being concerned or interested in any Contract under the said Company hereby established, shall be capable of serving on any such General Committee during the Time of his continuing in such Place, Office, or Employment, or during the Continuance of such Contract; nor shall any Member of such General or Select Committee be capable of accepting any other Office, or taking any Contract under the said Company, whilst he shall continue a Member

Appointment
of General
Committee.

[*Local.*]

9 E

of

of such Committees, or either of them : Provided also, that nothing herein contained shall extend to prevent any Member of such General or Select Committee from disposing to the said Company of any Stone, Gravel, Wood, Water, or any Matter or Thing which shall be the Produce of his own Land.

Meetings of
General
Committees.

XXXVIII. And be it further enacted, That a Meeting of the said General Committee shall be held at the Office of the said Company at *Stone* aforesaid at Twelve of the Clock at Noon on the Day next preceding each of the said General Assemblies of the said Proprietors so directed to be held at *Stone* aforesaid, and on such Two other Days in every Year as any General or Special Assembly of the Proprietors of the said Navigation shall from Time to Time direct, and in default of such Direction, then on the first *Tuesday* in *July* and the last *Tuesday* in *September* in every Year; and any Five or more of such General Committee shall be competent to act at such Meetings.

General
Committee
to declare
Dividends.

XXXIX. And be it further enacted, That the General Committee, when and so often as a sufficient Sum for the Purpose shall in their Opinion have been raised by the Net Profits and Gains of the Company hereby established, shall declare a Dividend out of such Profits upon the Capital of the said Company, and shall direct such Dividend to be paid to the several Proprietors at such Time and Place as the said General Committee shall think proper, unless the same be controuled or altered by a General Assembly of the Proprietors of the said Navigation : Provided always, that the said General Committee shall not at any Time be bound to declare such a Dividend as will exhaust the whole of the Profits for the Time being made by the said Company, but may, in declaring any Dividend, retain such a Sum of Money as they may think proper, in order to provide for the usual or any casual or extraordinary Expences to which the Company may be liable.

Other Powers
of General
Committee.

XL. And be it further enacted, That it shall and may be lawful for every General Committee so appointed as aforesaid to meet together for the Dispatch of Business, from Time to Time, as often and at such Place as such General Committee, or any Five or more of them, from Time to Time shall deem fit ; and such General Committee, when so assembled, shall have Power to adjourn themselves over from Time to Time and from Place to Place ; provided that before any such Meeting, except Meetings by Adjournment, shall be holden by the said General Committee, Notice thereof shall be given by Letter to each Member of such Committee, to be forwarded by the Public Post to his or her usual or last Place of Residence, in which Notice shall be specified the Place where and the Time when such Meeting is to be holden, the same not being less than Seven Days after such Notice given ; and such Committee shall, in the Interval between the holding of each General Assembly, have full Power and Authority to buy and purchase Lands, Liberties, and Materials for the Use of the said Navigation, to employ, order, and direct all Work and Workmen, to place and displace altogether, or for such Time as may seem expedient, all Officers, Clerks, Agents, and Ser-
vants,

vants, to pay or direct Payment to be made from Time to Time out of the Joint Stock or Common Fund of the said Company to all such Officers, Clerks, Agents, Servants, or any other Person employed as Surveyor, Engineer, or in any other Capacity by the said Company or by their Directions, such Sum of Money, by way of Remuneration for his Time, Trouble, and Services, as to such Committee shall seem fit, to make all Contracts and Bargains touching the said Navigation, and to direct and manage all and every the Affairs of the said Company : Provided always, that all Questions, Matters, and Things which shall be proposed, discussed, or considered at the Meetings of the said General Committee shall be finally determined by the Majority of Members then present, the whole Number present not being in any Case less than Five ; and no Member of the said General Committee (although he may be a Proprietor of many Shares in the said Undertaking) shall have more than One Vote in any General 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 : Provided also, that no Money shall be issued or paid by the Treasurer or Treasurers of the said Company, for or on account of the said Company, without an Order being made for that Purpose by a General or Special Assembly of the Proprietors, or by the said General Committee, or the Select Committee herein-after appointed, at their respective Meetings, or without a Draft or Order signed by Three or more Members of such General Committee, or by the Members of the said Select Committee, or any Two of them.

No Money to be paid by Treasurer without an Order of General or Select Committee.

XLI. And be it further enacted, That in case any Treasurer, Clerk, or principal Agent of the said Company hereby established shall die or be removed from or cease to remain in the Service of the said Company, it shall be lawful for the said Company, at any General Assembly, or for the General or the Select Committee of the said Company, to appoint any other fit and proper Person to execute such Office in the Place of the Person who shall so die or be removed from or quit the Service of the said Company ; and in case any such new Appointment shall be made by the said General or Select Committee, the same shall only continue until the next General Assembly of the said Proprietors, when the Appointment of such Person to such Office shall either be confirmed, or such other fit Person appointed to succeed to such Office as the Proprietors at such General Assembly shall think proper.

General Assembly or Committees may appoint temporary Treasurer or Clerk.

XLII. And be it further enacted, That for facilitating the Dispatch of Business, and the more effective Management of the Concerns of the Company hereby established, it shall and may be lawful for such Company from Time to Time, at their respective General Assemblies, to nominate and appoint any Three of the Persons who shall have been chosen Members of the said General Committee to be a Select Committee for managing and conducting the Affairs of the said Company, who shall nevertheless remain and be Members of the said General Committee ; and it shall also be lawful for such Company to pay or authorize the Payment to each of such Three Persons so from Time to Time constituting such Select Committee as aforesaid of such Sum of Money annually, or from Time to Time, as such Company

Power to appoint and pay a Select Committee.

Company at their respective General Assemblies shall think fit, out of the common Funds or Joint Stock of the said Company, as a Remuneration for managing and conducting the Affairs of the said Company.

Powers of
Select Com-
mittee.

XLIII. And be it further enacted, That all the Powers by this Act given to or vested in the said General Committee, except the Power of declaring Dividends, shall and may be exercised by the said Select Committee, or any Two of them (where Two only shall be present), subject nevertheless to the Examination and Controul of the said General Committee; but such Powers shall be exercised by the said Select Committee at such Times only as the said General Committee shall not be assembled for the Dispatch of Business.

Chairman
to be ap-
pointed, and
Minutes of
Orders and
Proceedings
of General
Assemblies
and Com-
mittees to be
kept in a
Book, and to
be Evidence.

XLIV. And be it further enacted, That at all General and Special Assemblies of the said Proprietors, and at all Meetings of the General and Select Committees respectively, one of the Members present shall be appointed Chairman, who shall and may at all such General and Special Assemblies, and at all Meetings of the said General Committee, not only vote as a Proprietor, but, in case of an Equality of Votes, shall and may have the decisive or casting Vote; and the Orders and Proceedings of every General and Special Assembly of the said Company, and of every Meeting of the General and Select Committees respectively, shall be taken down in Writing, and shall be signed by the Chairman at such respective Assemblies and Meetings, and shall afterwards be entered in a Book to be provided and kept for that Purpose, and which Book shall be signed by the Chairman of each respective Assembly or 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; and the Orders and Proceedings of any General or Special Assembly, so signed, shall be valid and binding upon the said Company of Proprietors, without the Common Seal of the said Company being affixed thereto: Provided always, that the said General and Select Committees respectively shall at all Times, upon the Requisition in that Behalf of Five or more Proprietors of not less than Ten Shares together, or of One Proprietor of not less than Five Shares, in the said Navigation, direct that any One of such Five or more Proprietors, or such One Proprietor, making such Requisition, shall inspect the Book or Books in which the Proceedings of the said General and Special Assemblies and of the said General Committee are respectively entered, and have Copies thereof, paying Sixpence for every One hundred Words or Figures so to be copied; and if any Clerk or Officer of the said Company, entrusted with the Custody of such Books, shall refuse to permit any such Proprietor so authorized as aforesaid to inspect such Books, or refuse to make any such Copy at the Rate aforesaid, he shall for every such Offence forfeit the Sum of Five Pounds, to be levied in manner hereafter mentioned; and every such Book, and all Papers and Documents belonging to the said Company, shall be deposited and locked up in such Manner and at such Place as the said Company or their Committees respectively shall from Time to Time appoint.

Proprietors
may inspect
such Books.

XLV. And

XLV. And be it further enacted, That the said General Committee and the said Select Committee respectively shall, by themselves or their Clerk or Agent, keep a full and true Account of all Monies disbursed and Payments made by the said Committees respectively, and by every Person employed by or under them, and of every Sum of Money which they shall receive respectively, on behalf of the said Company, and shall regularly, by themselves or their Clerk or Agent, write and enter in a Book or Books to be provided for that Purpose from Time to Time, at the Expence of the said Company, Notes, Minutes, or Copies, as the Case may require, of every Contract, Bargain, and Agreement entered into by the said Committees respectively for or on behalf of the said Company: Provided always, that the said Committees respectively shall at all Times, upon the Requisition in that Behalf of One Proprietor holding Two or more Shares in the said Navigation, direct that any such Proprietor making such Requisition shall have free Access to all or any of such Books, at seasonable Hours, for his or her Inspection, without paying any thing for the same; and if any Clerk or Officer of the said Company entrusted with the Custody of such Books shall refuse to permit any such Proprietor so authorized as last aforesaid to inspect such last-mentioned Books, he shall for every such Offence forfeit the Sum of Five Pounds, to be levied in manner herein-after mentioned.

Committees shall keep Books of Accounts to which Access may be had by the Proprietors.

XLVI. Provided always, and be it further enacted, That the Proceedings of every such General and Select Committee respectively shall from Time to Time be subject to the Examination and Controul of the General and Special Assemblies of the said Proprietors to be holden under the Authority of this Act, and such respective Committees shall pay due Obedience to all such Orders and Directions in and about the Amount and Payment of the Dividends and the Management of the Affairs of the said Company as shall from Time to Time be made at any such General or Special Assemblies respectively as aforesaid, such Orders and Directions not being contrary to any express Directions or Provisions in this Act contained.

Committees subject to the Controul of the General and Special Assemblies.

XLVII. And be it further enacted, That the Confirmation by any General or Special Assembly of the Acts and Proceedings of the said General Committee and Select Committee respectively shall at all Times hereafter be a full Indemnity and Discharge to such Committees respectively; and no Member of the General or of the Select Committee for the Time being shall become personally answerable for the Performance of any Contract or Agreement into which he shall or may enter as one of such Committees respectively, on behalf of the said Company hereby established, but all Persons with whom any Contracts or Agreements shall from Time to Time be entered into by the said Committees respectively shall have full Power to resort to and proceed against the said Company, either at Law or in Equity, for the Performance of any such Contract or Agreement, or for Damages occasioned by Breach or Nonperformance thereof; and the Joint Stock and Property of the said Company shall from Time to Time be answerable and accountable for the due Performance of every Contract entered into by the said Committees,

Indemnity to Committees.

[*Local.*]

9 F

or

or either of them, and for all Damages which shall be recovered or decreed by reason of any Breach or Nonperformance thereof.

Common
Seal to be de-
posited at
the Com-
pany's Office.

XLVIII. And be it further enacted, That the Common Seal of the said Company shall be deposited and kept locked up in an Iron Closet or Chest belonging to the said Company, at their Office at *Stone*, and the Key of such Chest shall be and remain in the Custody of the said Select Committee.

No Proprie-
tor to have
less than One
nor more
than One
hundred
Shares.

XLIX. And be it further enacted, That no Person, or Body Politic, Corporate, or Collegiate, now being or hereafter becoming a Proprietor in the said Navigation, shall be a Proprietor of less than One Share or more than One hundred Shares, either in his or its own Name, or in the Name of any other Person or Persons in Trust for him or for such Body, (except the same shall have been acquired by Will or Act of Law,) upon pain of forfeiting to the said Company, their Successors and Assigns, all such Shares exceeding One hundred Shares as aforesaid.

Regulation
as to voting.

L. And be it further enacted, That all and every Body or Bodies Politic or Corporate, and other Person or Persons, who now are or is or hereafter shall be possessed of or entitled to Two or more Shares in the said Navigation, his, her, and their respective Successors, Executors, Administrators, and Assigns, shall have One Vote in respect of every Two such Shares in the said General and Special Assemblies of the said Company, which Vote shall or may be given by him or her, or by his or her Proxy (such Proxy being a Proprietor in the said Navigation) duly constituted under his or her Hand; the Appointment of which Proxy shall be according to the Form or to the Effect following; (*videlicet*,)

Form of
Proxy.

‘ I of one of the Proprietors of the
‘ Navigation from the *Trent* to the *Mersey*, do hereby nominate,
‘ constitute, and appoint of [and in
‘ case it is intended to appoint Two or more Proprietors as Proxies,
‘ add the Words, jointly and each of them severally,] in my Name
‘ and in my Absence to vote or give my Assent or Dissent to any
‘ Business, Matter, or Thing relative to the said Navigation which
‘ shall be proposed at any General or Special Assembly of the Pro-
‘ prietors of the said Navigation, or any Adjournment thereof, from
‘ Time to Time and at all Times hereafter, until I shall revoke this
‘ Appointment by Notice in Writing under my Hand to the Clerk
‘ or Clerks of the said Company. In witness whereof I have here-
‘ unto set my Hand this Day of
‘ One thousand eight hundred .’

Restriction
as to Proxies
and Votes.

Provided always, that no Person shall have or hold more Proxies than for Ten absent Proprietors, or vote in any Question for more than Two hundred Shares under or by virtue of such Appointments.

Revoking of
Proxies.

LI. Provided always, and be it further enacted, That the Appointment of such Proxy shall not be revoked by the Proprietor who shall have so constituted the same afterwards voting or acting in Person;

Person; but the Proprietor holding such Proxy shall be entitled to vote in respect thereof at any subsequent General Assembly, unless such Proprietor shall revoke such Appointment by Notice in Writing under his Hand given to the Clerk or Clerks of the said Company.

LII. And be it further enacted, That where any Shares in the said Navigation shall be held by Two or more Persons as joint Proprietors, any One of such joint Proprietors attending a General Assembly of the said Company (in case only One shall attend) shall be entitled to vote in respect of such joint Shares.

As to voting
of joint
Proprietors.

LIII. And be it further enacted, That in case any Proprietor entitled to vote at any such General Assembly as aforesaid shall be a Feme Covert, an Idiot, Lunatic, or Person of unsound Mind, or a Minor, such Proprietor may vote at any such Assembly by the Committee or Committees of his or her Estate, or any One of such Committees, or his or her Parent, Husband, Guardian or Guardians, or any One of such Guardians, as the Case may be, and that without Prejudice to the Right of any such Committee, Parent or Guardian to vote in respect of his or her own Shares (if any) in the said Navigation.

Incapacita-
ted Persons
may vote by
their Com-
mittees and
Guardians.

LIV. And whereas in and by the said Act of the Sixteenth Year of the Reign of King *George* the Third, after reciting that the said Company of Proprietors of the Navigation from the *Trent* to the *Mersey* did intend to make a Part of the Canal then proposed to be made, and which hath been since made, and is now called the *Caldon Canal*, through the Pool or Pound of Water at *Cunsall Forge*, then the Property of the Right Honourable *Marmaduke Lord Langdale*, situate at *Cunsall* in the said County of *Stafford*, and to cleanse and deepen the said Pool or Pound of Water, which would be of advantage to the said Forge, it is enacted, that it should not be lawful for the Tenants or Occupiers of the said Forge, or Pool or Pound of Water, to draw the Water from the said Pool or Pound more than Nine Inches lower than the Cap or Top of a certain Weir in the said Act mentioned then erected at the said Pool or Pound of Water, which Weir still exists, and is now called the *Forge Weir*: And whereas the said Pool or Pound of Water has been cleansed and deepened by the said Company of Proprietors of the Navigation from the *Trent* to the *Mersey*, and now forms Part of the said *Caldon Canal*: And whereas the said Forge has been long since disused, and certain Mills, which are now claimed by *John Leigh* Esquire, have been erected in lieu thereof, adjoining the said last-mentioned Canal, and near to and below a Lock called the *Flint Mill Lock*, which is about Half a Mile distant from the aforesaid Weir, and the said Pool or Pound of Water hath been continued and extended to the said *Flint Mill Lock*: And whereas the Water from the said Pool or Pound for the Supply of the said Mills, ever since the said Forge was disused, has been drawn out of the said last-mentioned Canal through Gates or Paddles placed in a Watercourse or Sluice communicating therewith at or near the said *Flint Mill Lock*: And whereas for the Purpose of regulating and adjusting the Supply of Water to the said Mills

Regulations
respecting
the Water at
Cunsall Mills.

Mills from the aforesaid Pool or Pound of Water, a Mark and Scale of Inches have been placed by the said Company of Proprietors, with the Approbation of the said *John Leigh*, and are intended to be continued on or near the said *Flint Mill Lock*, and upon or near that Part of the said *Caldon Canal* where the Water is so drawn out as aforesaid for the Use of the said Mills, which Mark corresponds exactly in Height with the Cap or Top of the said *Forge Weir*: And whereas it is expedient that Provision should be made with respect to the Supply of Water to the said Mills, and for improving that Part of the said *Caldon Canal* which is made through the said Pool or Pound of Water; be it therefore enacted, That it shall be lawful for the Owner or Occupier for the Time being of the said last-mentioned Mills, (howsoever the same shall hereafter be extended or altered in anywise,) or of any Mills to be hereafter substituted or erected upon the Site or in lieu of the said last-mentioned Mills, at all Times hereafter to draw the Water from the said Pool or Pound of Water, for the Use of such Mills, out of the said *Caldon Canal* in that Part thereof adjoining the said *Flint Mill Lock* where the same is now drawn out, and in no other Part thereof; but so nevertheless as that the Water in the said *Caldon Canal* or Pound shall never be drawn off more than Nine Inches, measured by the said Scale, below the said Mark which has been so placed as aforesaid on or near the said *Flint Mill Lock*, corresponding in Height with the Cap or Top of the said *Forge Weir*: Provided always, that if at any Time hereafter the Owner or Occupier for the Time being of the aforesaid Mills shall raise the said *Forge Weir* (which the said Company of Proprietors shall not hinder or prevent him or them from doing) to a Height not exceeding Six Inches above the present Cap or Top of the said Weir, then and in such Case the aforesaid Mark and Scale of Inches shall also be raised by the Engineer of the said Company to the same Height, so that the said Mark shall correspond and be put on a Level with the Cap or Top of the said Weir when so raised; and in case the said *Forge Weir* shall be so raised as aforesaid, the said Company shall thereupon forthwith, at their own Expence, raise the Banks and Weirs of the said Pound so far as it shall be necessary, and continue the same so raised in order to prevent the Water escaping from the said Pound by reason of the said *Forge Weir* being raised: Provided nevertheless, that notwithstanding any such Alteration as aforesaid it shall not be lawful for any Person or Persons, without the Licence or Consent in Writing of the said Company first had and obtained for that Purpose, to draw the Water out of the said last-mentioned Canal or Pound more than Nine Inches below the said Mark at its increased Height.

If the Forge Weir is lowered, the Mark and Scale of Inches to be lowered also.

LV. Provided always, and be it further enacted, That in case the Owner or Occupier for the Time being of the aforesaid Mills shall, after raising the said *Forge Weir* as aforesaid, at any Time afterwards be compelled to lower and shall lower the same, then and in such Case the said Mark and Scale of Inches shall also be lowered by the Engineer of the said Company to the same Height as the said *Forge Weir*, and thenceforth it shall be lawful for such Owner or Occupier as aforesaid to draw the Water out of the said *Caldon Canal* or Pound, for the Use of the said Mills, Nine Inches below the then reduced Height

Height of the said *Forge Weir*, in like Manner as if no Alteration thereof had been made.

LVI. And be it further enacted, That if the Owner or Occupier for the Time being of the last-mentioned Mills, or any other Person or Persons, without the Consent of the said Company hereby established, shall draw the Water from the said last-mentioned Canal or Pound lower than Nine Inches below the Mark corresponding in Height with the Cap or Top of the said *Forge Weir* as aforesaid, so as to obstruct the Passage of any Boat or Boats along or through the said *Caldon Canal*, then and in such Case the said Company hereby established, their Agents or Servants, or any Person or Persons navigating upon the said *Caldon Canal*, shall and may and they are hereby authorized and empowered to shut down the Gates or Paddles of the Watercourse by which the said Mills are or shall be supplied with Water from the said *Caldon Canal*, and to continue the same so shut until the Water in the said Canal or Pound shall be raised within Three Inches of such Mark.

Power to shut the Paddles at the Mills where the Water is drawn Nine Inches below the Mark.

LVII. And for increasing and securing the Supply of Water to the said Mills, and for improving the Navigation of the said last-mentioned Canal between the Lock called *Oak Meadow Lock*, at the Head of the said Pool or Pound of Water, and the said *Flint Mill Lock*, at the other Extremity thereof, be it further enacted, That the Company hereby established shall and they are hereby required, within Twelve Calendar Months after the passing of this Act, at their own Expence, to widen and straighten the said Canal between the Weir called the *Crowgutter Weir* and the said *Flint Mill Lock*, in the Line or Course now marked or staked out, the said *John Leigh* giving to the said Company the Land required for that Purpose, and requiring no Compensation for the same, and also to construct and maintain a Side Basin at the said *Flint Mill Lock*, which shall ever afterwards be continued and used in order to receive and preserve a Portion of the Water used in working the said Lock; and it shall not be lawful for the said Company to draw out of the said Canal at the said *Flint Mill Lock*, or elsewhere between the same and the said *Oak Meadow Lock*, any more Water than shall be received into the said Canal at the said *Oak Meadow Lock*; and the said Company shall and they are hereby further required, at all Times to prevent as much as possible any unnecessary Waste of Water in using or working the said *Flint Mill Lock*, and also within Twelve Calendar Months from the passing of this Act to amend and improve the said Pool or Pound of Water along the whole Line thereof, from the said *Oak Meadow Lock* to the said *Flint Mill Lock*, by beating up and lining the Rocks through which the Water now escapes, and shall at all Times maintain and keep in good Repair and Condition, and, as near as may be, Water-tight, the said Pool or Pound of Water, and the Sides and Banks thereof, and the said *Flint Mill Lock*, and the said Side Basin so to be constructed there as aforesaid, and all the Weirs, Paddles, Flood Gates, and Sluices on the Line of the said Pool or Pound of Water, except only the said *Forge Weir*, and the Flood Gates and Paddles belonging thereto, and the Sluices, Gates, or Paddles of the Watercourse at the said *Flint Mill Lock*, by which

Company to widen Canal and construct a Side Basin.

To prevent unnecessary Waste of Water.

[*Local.*]

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the

the said Mills are supplied with Water, which last-mentioned Weir, Sluices, Gates, and Paddles, the Owner or Occupier for the Time being of the said Mills shall for ever hereafter maintain and keep in repair, so as to prevent as much as possible any Loss or Escape of Water whatever from the said Pool or Pound of Water; and the said Company shall from Time to Time keep the said Pool or Pound of Water between the said *Oak Meadow Lock* and the said *Flint Mill Lock* properly cleansed: Provided nevertheless, that it shall be lawful for the said Company hereby established, their Servants and Agents, for ever hereafter, at the Approach of and in Times of Flood, to open or cause to be opened the Flood Gates at the said *Forge Weir*, for the Purpose of carrying off the surplus Water from the said *Caldon Canal*, in case (on Application being made at the said Mills, or to any Agent, Workman, or Servant employed at the said Mills, or either of them, for that Purpose by the said Company, or their Agents or Servants,) the Owner or Occupier for the Time being of the said Mills shall refuse or neglect immediately to open the said Flood Gates.

Exception
relating to
Earl Ferrers'
Salt Works

LVIII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to authorize or empower the said Company hereby established, their Successors or Assigns, to make any Navigable Trench or Sluice to communicate with the said Canals, or any of them, within the Distance of One hundred and fifty Yards from certain Salt Works and Brine Pits, being at the Time of passing the said Act of the Sixth Year of the Reign of King *George the Third* the Property of the Right Honourable *Washington Earl Ferrers*, and now claimed by the Right Honourable *Earl Ferrers*, situate at *Shirley Wich* in the said County of *Stafford*, or to take or divert any Water from the Brook or Stream that flows to the said Salt Works or Brine Pits, without the Consent of the Proprietor thereof for the Time being in Writing first had and obtained for that Purpose.

Exception
relating to
Toft Farm.

LIX. Provided always, and be it enacted, That nothing in this Act contained shall authorize or empower the said Company hereby established, their Deputies, Agents, Officers, Workmen, Servants, or Assigns, or any of them, to exercise any of the Powers or Authorities given by this Act on the South Side of the River *Trent*, between *Wolseley Bridge* and a large Ash Tree now or formerly standing in the lower Meadow of a Farm called the *Toft*, at the Time of passing the said last-mentioned Act belonging to Sir *William Wolseley* Baronet, and in the Possession of *Robert Smith*, and now claimed by Sir *Charles Wolseley* Baronet, and in the Possession of *Thomas Birch*.

Exception
relating to
Mr. Jervis.

LX. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to enable the said Company hereby established, their Successors or Assigns, to take into the said Navigation any Water out of a certain Rivulet or Brook running from *Oulton Heath* to the River *Trent* in the said County of *Stafford*, through the Lands which at the Time of passing the said Act of the Sixth Year of the Reign of King *George the Third*,

Third, hereby repealed, were the Property of *Swinfen Jarvis* Esquire, deceased, and now claimed by *Swinfen Jervis* Esquire, to the Prejudice of the said *Swinfen Jervis*, or other the Proprietor thereof for the Time being, without the Licence and Consent of such Proprietor for that Purpose first had and obtained in Writing under his or their Hand and Seal or Hands and Seals respectively.

LXI. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to authorize or empower the said Company hereby established, their Successors or Assigns, or any Person employed by or for them or any of them, to make any Cut, Canal, or Sluice, or other Works concerning the same, within Three hundred and fifty Yards of the Capital Messuage or Manor House at the Time of passing the said last-mentioned Act the Property of *James Tomkinson* Gentleman, but now claimed by the Reverend *James Tomkinson*, called *Croxton Hall*, in the said County of *Chester*, nor nearer thereto than on the South-west Side of the River *Dane*, below the Bridge standing on the said River, called *Croxton Bridge*, without having the Consent in Writing of the Proprietor for the Time being of *Croxton Hall* aforesaid; or through or over any other Part of the Meadow called the *Fender Eye*, than the West End or Corner thereof, and near to the Footroad leading from *Middlewich* to *Croxton Hall* aforesaid, or through or over any other Part of the Meadow called the *Ash Eye*, than on that Side lying near to the said Bridge, and contiguous to the said River *Dane*, without first having such Consent as last aforesaid; nor to prevent, restrain, or in any respect obstruct the said *James Tomkinson*, his Heirs or Assigns, or other such Proprietor as aforesaid, from making or erecting Mills and other Buildings and Works relating thereto upon his Lands in *Croxton* aforesaid, at or near the Place where certain Mills, commonly called *Croxton Mills*, heretofore stood; nor to prevent or in any Manner hinder his or their having and enjoying the free Use and Benefit of the Water in the said River *Dane* for supplying the Mills which shall or may be erected as aforesaid, as fully and effectually as he or they lawfully could or might have had and enjoyed the same if this Act had not been made.

Exception with respect to Mr. Tomkinson at Croxton Hall.

LXII. Provided always, and be it further enacted, That nothing herein contained shall extend to prevent the Right Honourable *John Earl of Shrewsbury*, or his Assigns, or any Person claiming or to claim under or by virtue of an Act passed in the Sixth Year of the Reign of King *George the First*, intituled *An Act for annexing the late Duke of Shrewsbury's Estates to the Earldom of Shrewsbury, and confirming Gilbert Earl of Shrewsbury's Settlement, in order thereto, and for other Purposes therein mentioned*, from having and taking all and every the Powers and Remedies given by any of the said recited Acts so repealed as aforesaid for obtaining and recovering such Compensation (if any) as the said Earl or his Assigns, or any Person claiming or to claim as aforesaid, is or are or may be entitled to under or by virtue of the said Acts, or any of them, for or in respect of any Land taken by the said Company for the Purposes of the said Acts or any of them; but that such Powers and Remedies, and also the Provisions in the said recited Acts with reference thereto, may be

Nothing herein to affect certain Rights claimed by the Earl of Shrewsbury.

be exercised and enforced in the same Manner to all Intents and Purposes as if this Act had not been made: Provided always, that nothing herein-before contained shall extend or be construed to extend to give to the said Earl or his Assigns, or any Person claiming or to claim as aforesaid, any other or greater Right or Power, than he or they possessed or were entitled to previous to the passing of this Act.

No Water to be taken out of the Trent, nor from any Brook that now flows into the Trent between Burton and Wilden.

LXIII. Provided always, and be it enacted, That nothing herein contained shall authorize or empower the said Company hereby established, their Successors or Assigns, or any Agent, Workmen, Servants, or other Person whomsoever employed by him or them, by any Means or Devices whatsoever, to take or convey into any Part of the said Navigation any Water out of the said River *Trent* otherwise than is by this Act expressly authorized, or to take or to divert into the said Navigation any Water out of any Streams, Brooks, or Watercourses that now flow into that Part of the said River *Trent* which runs between *Burton-upon-Trent* and *Wilden Ferry* aforesaid, except what shall be necessarily used during the Time the said Navigation or any Part thereof shall at any Time be repairing; and that all the waste Water to be taken or diverted out of any ancient Streams, Rivers, or Brooks which now flow into the said River *Trent* above the Town of *Burton-upon-Trent* aforesaid, over and above what shall be necessarily taken or used for filling the said Navigation, and for the Purpose of Lockage, shall be discharged into the said River *Trent* as high or higher upon the said River than the Town of *Burton-upon-Trent*.

Works constructed near Wichnor Mills confirmed to the Company.

LXIV. And whereas the said Navigation from the *Trent* to the *Mersey* hath been made through a Part of the said River *Trent*, and through the Water adjoining, where the same had been pounded for the Use and Benefit of certain Mills called *Wichnor Mills*, with the Consent and Approbation of the Parties interested in the said Mills, and in a Manner very advantageous to the said Mills and the Possessors and Proprietors thereof, and a Lock is fixed off the said Navigation at the Head of the Pound of Water made for the Use of such Mills, which will, under proper Regulations and Restrictions, throw all the waste Water into the River *Trent* at that Place, being above the Town of *Burton*, and effectually prevent any Waste or other Discharge of it, except what will be necessary to fill the said Navigation and supply the Lockage thereupon; be it therefore further enacted, That the said Navigation so made as aforesaid, and the Locks, Weirs, and other Works so made, erected, and constructed thereupon and for the Use thereof, shall be and remain and are hereby vested in the said Company hereby established, their Successors and Assigns, and that the said Company, their Successors and Assigns, shall and they are hereby required to make Satisfaction to every Owner of the Soil within or on the Side or Sides of the said River *Trent* and Water so pounded for all Damages by him or her sustained by means or on account of using the said Navigation through the said River and pounded Water, in such Manner as Satisfaction is herein-after directed to be made by this Act for other Damages which may be done by using the said Navigation; and that it shall and may be lawful for the said Company from Time to Time, and at all Times for

for ever hereafter, to maintain, repair, hold, use, and enjoy the said Locks, Weirs, and other Works, for the Use and Benefit of the said Navigation, and also from Time to Time to take a sufficient Quantity of Water from the River *Trent* at *Wichnor* aforesaid for filling the said Navigation and supplying the Lockage thereupon: Provided always, that the Quantity of Water to be taken out of the said River *Trent* by virtue of the Powers hereby given shall at all Times be less than the Quantity which shall be brought by the said Navigation into the said River above *Wichnor* aforesaid, and that the same shall be respectively ascertained by the Paddles or Gauges already made, and which shall from Time to Time and at all Times hereafter be continued, maintained, and repaired by the said Company at the Places where the said Paddles or Gauges are now situate respectively; that is to say, at or near the Lock next above and at or near the Lock next below the Place where the said Navigation crosses the said River *Trent*; and in case at any Time hereafter any Dispute or Difference shall arise touching the Manner of repairing the said Paddles or Gauges (or the Quantities of Water to be brought into or taken out of the River *Trent*), the same shall be settled and determined by the Engineer of the said Company, and the Agent of the Proprietor for the Time being of the Navigation of the said River from *Burton-upon-Trent* to *Wilden Ferry* aforesaid, or by Two Arbitrators, the one to be nominated by the Engineer of the said Company, the other by the Agent of such Proprietor as last aforesaid; and in case the said Parties so appointed shall not agree, then the same shall be settled and determined by an Umpire to be appointed by such Two Arbitrators; and the said Arbitrators or Umpire shall and may, by Writing under their or his Hands, order and direct the Expences of repairing the same to be paid by the said Company; and in case such Expences shall not be paid within the Space of Thirty Days after such Order being left at the Principal Office of the said Company, then any One or more Justice or Justices of the Peace for the County of *Stafford* shall and may, by Warrant under his or their Hand and Seal or Hands and Seals, cause the same to be levied, together with all reasonable Costs and Charges, upon the Goods and Chattels of the said Company, or upon the Tolls granted by this Act.

Regulations with respect to the Quantity of Water to be taken out of the River *Trent*.

LXV. Provided always, and be it further enacted, That if more Water shall at any Time be taken from or out of the River *Trent* at *Wichnor* than shall be brought into the said River at *Alrewas* by Means of the said Navigation, except whilst the said Navigation from the *Trent* to the *Mersey*, or any Part thereof, near or below that Place, shall be repairing, the said Company hereby established shall be liable to forfeit and pay to the Owner for the Time being of the Navigation of the River *Trent* from *Wilden Ferry* to *Burton-upon-Trent*, or his Lessees or Assigns, for every Time that more Water shall be so taken from or out of the said River *Trent* at *Wichnor* than shall be brought in at *Alrewas* by means of the said Navigation, except as aforesaid, any Sum of Money not exceeding Five Pounds nor less than Forty Shillings, upon Conviction upon Oath of any One credible Witness before any One or more Justice or Justices of the said County of *Stafford*, which Penalty the said

Penalty on Company taking more Water at *Wichnor* than shall be brought into the *Trent* at *Alrewas*.

[Local.]

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Justice

Justice or Justices is and are hereby authorized and required to levy, by Warrant under his or their Hands and Seals, by Distress and Sale of the Goods and Chattels of the said Company.

No Water to be taken out of certain other Rivers and Brooks.

LXVI. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to authorize, and empower the said Company, their Successors or Assigns, or their Agents or Servants, or any Person employed by them or any of them, by any Means whatsoever, to take or divert into the said Navigation any Water out of or from the River *Weaver* in the said County of *Chester*, or out of the River *Dane* (except as herein-after is mentioned), or the Brook called *Wincham Brook* or *Peover Eye*, or the Brook called *Wade Brook*, in the said County of *Chester*, which communicate with the said River *Weaver*, or any of them, or out of any of the Brooks or Rivulets running or flowing in or near the Line or Course of such Navigation, or any of them, and which now fall into the said Rivers; but that each and every of such Brooks or Rivulets as shall or may be crossed or intercepted by the said Navigation shall be well and effectually conducted by the said Company, under or by the Side of the said Navigation, into the ancient Course of such respective Brooks or Rivulets.

For Security of Owners of Mills on the Churnett and Dove.

LXVII. And for preventing Injury or Damage to the Owners or Occupiers of Mills upon the Rivers *Churnett* and *Dove*, and other Persons interested in the Water of the said Rivers, or either of them, or the Streams and Waters flowing into the same respectively; be it further enacted, That nothing herein contained shall extend or be construed to extend to authorize or empower the said Company to take or divert, for the Supply of the said Canals, Reservoirs, or other Works made by virtue of the said Act passed in the Sixteenth and of the said Two other Acts respectively passed in the Thirty-seventh Years of King *George* the Third, any Water out of the said Rivers *Churnett* or *Dove*, or either of them, or out of any Brooks or Streams which now flow into the said Rivers respectively, except what shall be necessary for filling the said *Caldon Canal* and for the Purpose of Lockage, in like Manner as the same Water is now taken by the said Company below the Mills called *Chedleton Mills*, situate in *Chedleton* aforesaid; but that each and every of such Brooks or Streams which are crossed or affected by the said Canals, Reservoirs, or other Works, shall be well and effectually conducted by the said Company, under or by the Side of the said Canals, Reservoirs, or other Works, into the ancient Course of such Brooks or Streams of Water; save and except a certain Brook or Stream now flowing down the said Vale called *Rudyard Vale*, into the *Rudyard Reservoir*, and such Springs as arise within the said Vale above the Dam of the said Reservoir; and in order to make a Compensation to the Persons interested in the said last-mentioned Brook or Stream and Springs, and to give them at all Times a Quantity of Water at least equal to such Brook or Stream and Springs so intercepted, the Weir and Gauge already constructed and fixed by the said Company in the Watercourse below the Dam of the *Rudyard Reservoir* (the said Gauge being Five Feet long and One Inch high) shall at all Times hereafter be kept in repair by the said Company, of the same Height and

and Dimensions as the present Weir and Gauge, so as to discharge at all Times into the ancient Course of the said last-mentioned Brook or Stream a Quantity of Water at least equal to the Quantity of Water now discharged through the said Gauge; and that all the waste Water which shall or may flow out of the Pound at the Summit of the said *Caldon* Canal shall be discharged into the said River *Churnett* higher than the Mills called *Chedleton Mills*, situate at *Chedleton* aforesaid; and the said Company shall and they are hereby required, at all Times hereafter, to keep the Lock of the said Pound next to the River *Trent* in good and sufficient Repair, in order to prevent the Water of the said Pound being wasted and diverted from the said River *Churnett*.

LXVIII. Provided always, and be it further enacted, That in case the said Company shall neglect to keep the said Weir and Gauge of their present Height and Dimensions, so as to discharge the same Quantity of Water as is now discharged through the same, it shall and may be lawful to and for the Owner or Occupier of any Mill situate upon the Rivers *Churnett*, *Dove*, or *Trent*, or for his or her Agent or Workmen, to discharge or cause to be discharged from the said Reservoir into the said River *Churnett* such Quantity of Water as shall be equal to the Quantity of Water last mentioned; and the said Company shall over and above forfeit and pay for each and every Hour that the said Quantity of Water shall wilfully be prevented from running or flowing into the said River *Churnett* the Sum of Forty Shillings, one Moiety of which shall go to the Informer, and the other to the Poor of the Parish where the Offence shall be committed; which said Penalty shall and may be recovered before any One of His Majesty's Justices for the County of *Stafford*, on the Oath of any One credible Witness.

Penalty on the Company neglecting to discharge the stipulated Quantity of Water from the Reservoir at Rudyard Vale.

LXIX. Provided also, and be it further enacted, That nothing herein contained shall extend or be construed to extend to authorize or empower the said Company, their Successors or Assigns, to alter, divert, or make use of the Watercourse or Stream of Water running and flowing from and out of a certain Meer or Pool called *Budworth Mere*, in the Parish of *Great Budworth* in the said County of *Chester*, into, in, and along a certain Rivulet or Brook called the *Lee Brook*, to and into a certain Pool or Place called *Park Mill Pool*, or to alter, divert, or make use of the present Watercourses or Streams of Water, or any of them, now flowing to certain Mills formerly the Property of Sir *Peter Leicester* Baronet, but now claimed by Lord *De Tabley*, situate in *Tabley*, *Peover*, or *Witton* in the said County of *Chester*, or to any of them, or to the Pool, Lake, or Piece of Water in the Park of the said Lord *De Tabley* in *Tabley* aforesaid, or to cut through, alter, divert, or make use of certain Springs of Water called the *Highfield Springs*, in *Tabley* aforesaid, or of any other Springs, Watercourses, or Streams of Water now flowing to and supplying with Water the Dwelling House of the said Lord *De Tabley* in *Tabley* aforesaid, so as to prevent the said several Springs, Watercourses, or Streams of Water respectively above mentioned, or any of them, from respectively flowing to the said Place or Pool called *Park Mill Pool*, the said Dwelling House, the said Pool, Lake, or Piece of Water

Budworth Mere not to be used.

Water in the Park, or to the aforesaid Mills respectively, or to any other Mill which may hereafter be erected by the said Lord *De Tabley*, or any Person or Persons claiming under or through him, in *Tabley*, *Witton*, or *Peover* aforesaid, or any of them, without the special Licence and Consent of the said Lord *De Tabley*, or any such Person or Persons claiming under or through him, in Writing under his or their Hand and Seal or Hands and Seals respectively first had and obtained.

Protection
for the *Tabley*
Estate ;

LXX. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to authorize and empower the said Company, their Successors or Assigns, or their Agents, Servants, or Workmen, to extend the said Canals or Towing Paths, or any Part thereof, already made, through or into any Part of the Lands now called the *Ley*, the Lawn or the Park of or claimed by the said Lord *De Tabley*, or other the Person or Persons as aforesaid, lying and being in *Tabley* aforesaid in the said County of *Chester*, or to make or erect any Wharfs, Quays, Warehouses, or other Buildings in or upon those Lands or any Part thereof.

For *Marbury*
Hall ;

LXXI. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend to authorize or empower the said Company, their Successors or Assigns, or their Agents, Servants, or Workmen, or any other Person employed by them or any of them, to make any Sluice, Trench, or other Conveniences or Works within the Distance of Three hundred Yards from the Mansion House, formerly of the Honourable *Richard Barry*, but now claimed by *John Smith Barry* Esquire, called *Marbury Hall*, in *Marbury* in the said County of *Chester* (except into or through the Field called the *Hop Yard*), or to make any Towing Paths on that Side of the said Cuts or Canals already made which shall be next to the said Mansion House, or to take or divert any Water out of the Mill Pool, formerly of the said *Richard Barry*, but now claimed by the said *John Smith Barry*, in *Marbury* aforesaid, or out of the Brook or Stream flowing into the same.

and for the
Clough Hall
Estate.

LXXII. Provided always, and be it further enacted, That nothing herein contained shall extend to grant to the said Company any Powers to take or use any Part of the *Clough Hall* Estate, now claimed by *Thomas Kinnersly* Esquire, for the Purposes of Wharfs, Warehouses, or Buildings, other than such as is now used for those Purposes, or to make or use any other Towing or Horse Path over the said *Clough Hall* Estate than the Towing or Horse Path which the said Company do now use, without the Consent in Writing of the said *Thomas Kinnersly*, his Heirs or Assigns, for that Purpose first had and obtained.

For securing
the Property
of *Leek*
Waterworks.

LXXIII. And whereas the Lord of the Manor of *Leek* and his Predecessors have, at a considerable Expence, erected Works for supplying the Town of *Leek* and Places adjacent thereto with Water ; be it therefore further enacted, That the said Company and their Successors shall not make, or permit or suffer to be made, any Cut, or to be laid any Pipe, from the said Reservoir in *Rudyard Vale*, or
other

other Works authorized to be made by the said several Acts so repealed as aforesaid, some or one of them, or by this Act, in order to supply the said Town of *Leek* or the Places adjacent with Water, without the Consent in Writing under the Hand of such Lord of the Manor for the Time being first had and obtained.

LXXIV. And whereas, by the said recited Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, it was enacted, that, for the Supply of the said additional Reservoir and also of the then present Reservoirs of the said Company of Proprietors at *Knypersley* aforesaid with Water, it should be lawful for the said Company to take the Water of a certain Brook called *Park Brook* into the said Reservoirs or either of them, and to continue the Use of the same; be it further enacted, That, for the Supply of the said Reservoirs of the said Company hereby established at *Knypersley* with Water, it shall be lawful for the said Company to take the Water of the said Brook called *Park Brook* into the said Reservoirs or either of them, and to continue the Use of the same: Provided always, that nothing in this Act contained shall invalidate or affect any Agreement now subsisting between the said Company incorporated by the said first herein-before recited Act and *James Bateman* Esquire, or any former Owners of the *Knypersley* Estate, or the Owners of Mills upon the River *Trent*, relating to the Waters to be taken and used by the said Company hereby established for the Supply of the said Reservoirs at *Knypersley* aforesaid, nor to affect or alter any Payments made in pursuance of such Agreements, nor to authorize or empower the said Company hereby established to diminish the Quantity of Water now running and flowing from the said Reservoirs and the said Brook for the Use of the Mills now or heretofore belonging to the said *James Bateman* or such other Owners of Mills as aforesaid; but that the Weir or Water Gauge and other Works already erected shall be continued and maintained by the said Company hereby established, for the Purpose of ascertaining and discharging for the Use of the said Mills a Quantity of Water equal to that which they enjoyed at the Time of making the said Weir or Water Gauge and other Works last mentioned.

Power to take
the Water of
Park Brook.

For Security
of Mill
Owners.

LXXV. And be it further enacted, That in case the said Company hereby established shall neglect to discharge by the said Weir or Gauge such Quantity of Water as shall be equal to the Quantity of Water running and flowing at the Time of the passing of the said Act of the Fourth Year of the Reign of His said late Majesty King *George* the Fourth, it shall and may be lawful for the Owners or Occupiers of the said Mills to discharge from the said Reservoirs or either of them such last-mentioned Quantity of Water; and the said Company shall over and above forfeit and pay for each and every Hour that such Quantity of Water shall wilfully be prevented by them from running or flowing for the Use of the said Mills as aforesaid the Sum of Forty Shillings, which said Penalty shall be paid to the Informer, and shall and may be recovered before any One of His Majesty's Justices for the County of *Stafford*, on the Oath of any One credible Witness.

Penalty on
Company
neglecting to
discharge the
stipulated
Quantity of
Water from
Knypersley
Reservoir.

Company empowered to continue and maintain the Feeder to Rudyerd Reservoir and the Weir at the River Dane, with any other contiguous thereto that may be necessary.

LXXVI. And whereas, in and by the said Act passed in the Forty-ninth Year of the Reign of King *George* the Third, it was enacted, that it should be lawful for the said Company incorporated by the said first herein-before recited Act, and they were thereby authorized and empowered, to make and maintain a Trench or Gutter from the said Reservoir in *Rudyerd Vale* aforesaid to the said River *Dane*, between a Bridge called *Dane Bridge* and the Paper Mill standing on the said River, a short Distance below the said Bridge, and there to erect a Weir Twelve Inches at least in Height above the Level of the Weir of the said Mill, to receive from Time to Time a Part of the flood or superfluous Water of the said River when it should rise to the said Height, and not otherwise; and also to make and maintain such other Trenches or Gutters on the Sides of the Hills contiguous to the said Reservoir as might be necessary for occasionally collecting Rain and Flood Waters for the Purposes aforesaid; not affecting, turning, or diverting thereby any Springs or Streams of Water from or out of their usual Course, nor affecting, turning, or diverting the necessary Supplies of the said River *Dane*, or diminishing the requisite Supply of Water for the adjacent Farms and Lands; making Compensation and Satisfaction for all Trespass and Damage to be done or occasioned by the said Trenches or Gutters in the same Manner as Satisfaction is required and directed to be made for Damages done by the Execution of the Powers of this Act: And whereas, by the said recited Act of the Fourth Year of the Reign of King *George* the Fourth, it was amongst other Things enacted, that the said Company incorporated by the said first herein-before recited Act should be authorized and empowered to deepen, alter, and extend the said last-mentioned Trench or Gutter by the said Act of the Forty-ninth Year of the Reign of King *George* the Third authorized to be made, so as not to prejudice or affect the necessary Supplies of Water to the River *Dane* or to the adjacent Farms and Lands; and that when and as soon as the said Trench or Gutter should have been so altered and extended, then that the said last-mentioned Company should, at their own Cost and Expence, erect a Weir at the Communication of the said Trench or Gutter with the said River *Dane*, of the Height of Six Inches above the Level of the Weir of the Paper Mill belonging to *John Smith Daintry* Esquire, which Weir so to be erected should adjoin to the southerly End of the said Paper Mill Weir, to receive from Time to Time a Part of the flood or superfluous Water of the said River when it shall rise to the said Height, and not otherwise; and also to make and maintain such other Trenches or Gutters on the Sides of the Hills contiguous to the said Reservoir in *Rudyerd Vale* as might be necessary for occasionally collecting Rain and Flood Waters for the Use of the said Navigation: And whereas the said Trench or Gutter hath been accordingly altered and extended, and the last-mentioned Weir hath been made and erected at the southerly End of the said Paper Mill Weir; be it therefore further enacted, That the said Company hereby established shall and are hereby authorized and empowered, at their own Costs and Charges, for ever hereafter to continue, support, and maintain the said Trench or Gutter so altered and extended as aforesaid, and also the said Weir made and erected at the southerly End of the said Paper Mill Weir, for the Purpose of receiving from Time to Time a Part of the flood

or superfluous Water of the said River *Dane* when it shall rise to the Height of Six Inches above the Level of the Weir of the said Paper Mill, and not otherwise ; and also to make and maintain such other Trenches and Gutters on the Sides of the Hills contiguous to the said Reservoir in *Rudyard Vale* as may be necessary for occasionally collecting Rain and Flood Waters for the Purposes aforesaid ; not affecting, turning, or diverting thereby any Springs or Streams of Water from or out of their usual Course, nor affecting, turning, or diverting the necessary Supplies of the said River *Dane*, or diminishing the requisite Supply of Water for the adjacent Farms and Lands ; making Compensation and Satisfaction for all Trespass and Damage to be done or occasioned by the said Trenches or Gutters in the same Manner as Satisfaction is herein-after directed by this Act to be made for any Damages or Injury done by the Execution of any of the Powers of this Act.

LXXVII. And whereas it is expedient, and hath been agreed by and between the said *John Smith Daintry* and the said Company hereby established, that the said Weir which crosses the River *Dane* at the said Paper Mill claimed by the said *John Smith Daintry* shall for ever hereafter remain and be kept and maintained by the said Company at its present Height or Level and Width ; be it therefore enacted, That the said Company shall and they are hereby authorized and required, at their own Costs and Charges, for ever hereafter to maintain, support, and keep the said Weir across the said River *Dane* at the said Paper Mill at its present Height or Level and Width, and in good and sufficient Order and Repair ; and also it shall and may be lawful for the said Company from Time to Time to get and take all such Stone as shall be necessary for the Maintenance and Reparation of the said Weir in manner aforesaid in and out of the Bed of the said River *Dane*, so far as the same extends through the Estate of the said *John Smith Daintry*, or in or out of the Lands and Grounds of the said *John Smith Daintry* lying on the South East Side of the said Weir, or any Part thereof, without making any Compensation for the same, they the said Company doing as little Damage by the getting, taking, and carrying away of the said Stone as reasonably may be, but making Satisfaction to the said *John Smith Daintry*, or other Person or Persons claiming under or through him, for all wilful or unnecessary Trespass or Damage to be done or occasioned thereby.

Power to
maintain
Paper Mill
Weir.

LXXVIII. And be it further enacted, That the said *John Smith Daintry*, or the Person or Persons claiming under or through him, and his and their Tenants, Occupiers of the Estate of the said *John Smith Daintry* at *Wincle* and *Heaton* for the Time being, shall and may use at all Times a Bridle and Foot Road by the Side of the said Trench or Gutter, upon the Banks thereof, between the said Estate of the said *John Smith Daintry* and the Turnpike Road in *Rushton* leading from *Leek* to *Macclesfield*, and over the Ends or under any of the Bridges that now are or may be erected across the said Trench or Gutter ; and also that the said *John Smith Daintry*, or the Person or Persons claiming as aforesaid, and his and their Tenants, Occupiers as aforesaid, shall and may have full and free Liberty at all Times hereafter

J. S. Daintry
to have a
Right of Road
along the
Dane Feeder.

hereafter to navigate and float any Timber or other Thing along the said Trench or Gutter, in Boats or otherwise, doing as little Injury or Damage as possibly may be to the said Trench or Gutter and Bridges, and so as in both or either of the said Cases no Obstructions be occasioned in the Use and Enjoyment thereof respectively by the said Company, their Agents or Servants.

Flood Waters
of Dane only
to be taken.

LXXIX. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Company hereby established at any Time or Times to take any Water from the said River *Dane* other than the flood and superfluous Waters thereof, or to make and continue more than One Trench or Gutter to communicate with the said River *Dane* for the Purpose of taking such flood and superfluous Waters as aforesaid.

Crown of
Paper Mill
Weir to be
only Three
Feet in
Thickness.

LXXX. Provided always, and be it enacted, That the Head or Crown of the said Weir which crosses the River *Dane* at the said Paper Mill shall never exceed Three Feet in Thickness, and shall at all Times be kept and maintained by the said Company so as to descend backwards or up stream at least One Inch in Ten Inches, until the Bottom of the Water of the said River becomes Twelve Inches lower or deeper than the Front or highest Part of the Stone Work or Crown of the said Paper Mill Weir, and that the whole Bed of the said River Eastward or up stream so far as the Weir erected by the said Company at the southerly End of the said Paper Mill Weir extends, and at the Distance of Five Feet from the said Weir erected by the said Company, shall at all Times be kept by the said Company of the said Depth of Twelve Inches at least lower than the Front of the said Paper Mill Weir.

Contract with
certain Pro-
prieters of
Limestone
Quarries
respecting
the Delivery
of Limestone
confirmed.

LXXXI. And whereas it was recited in and by the said Act passed in the Sixteenth Year of the Reign of King *George* the Third, that there were very great Quantities of excellent Limestone in the Parishes of *Caldon* and *Alveton* in the said County of *Stafford*, lying near the Termination of the Railway by such Act authorized to be made, within the Estates of many different Persons, which Stone might be conveyed by means of the said Railway and the Canal by such last-mentioned Act also authorized to be made, and of the said Navigation between the *Trent* and the *Mersey*, to a very great Extent, and that the Price of Lime under the Provisions and Regulations of that Act would be much reduced, which would greatly contribute to the Improvement of Land, and be highly beneficial to the Public; and it was further recited, that the said Company of Proprietors incorporated by the said first herein-before recited Act, in order to ascertain the Price of such Limestone, and to make the said Advantages general and permanent, had made a Contract in Writing with *Thomas Gilbert*, *John Gilbert*, *Richard Hill*, *George Smith*, *Sampson Whieldon*, *Henry Copestake*, *Robert Bill*, and *William Woolliscroft*, being Proprietors of the different Quarries of Limestone lying near the Termination of the said last-mentioned Railway, according to their respective Estates and Interests in the said Limestone, by which the said Limestone Proprietors agreed, yearly and every Year for ever thereafter, to deliver to the said last-mentioned Company, their Successors or Assigns, or to

to such Person or Persons and at such Time and Times as such Company or their Clerk should nominate and appoint, such Quantities of good and merchantable Limestone, ready got and broke in the Pits where got, (as near as conveniently might be to such last-mentioned Railway,) as such Company or their Clerk or Agent should direct or appoint, at and after the Rate of Seven-pence *per* Ton for every Ton of such Stone, each Ton to consist of Twenty-one Hundred Weight, at One hundred and twenty Pounds to the Hundred, of which Quantity Notice was to be given before the last Day of *October* in the preceding Year; and further, that if they, the said Limestone Proprietors, their Heirs or Assigns, should at any Time thereafter neglect or refuse to deliver such Quantities as should be required, it should be lawful for the said last-mentioned Company, their Successors and Assigns, and such Person or Persons as they or their Clerk or Agent should from Time to Time nominate or appoint, to enter into and upon the Lands, Grounds, or Stone Quarries of any of the said Proprietors of Limestone, their Heirs or Assigns, and to get, take, and carry away such Quantities of Limestone as they should think proper out of any of the Pits or Quarries aforesaid, paying after the Rate of Two-pence a Ton, to be computed as aforesaid, for the same (such Stone to be got in a regular and proper Manner); and it was further agreed, that the said Company last mentioned should, as soon as conveniently might be after the passing of the said Act of the Sixteenth Year of the Reign of King *George* the Third, make proper and convenient Railways from the said Railway from *Froghall* to or near the Face of each of the said Limestone Pits in the several Pieces of Land or Ground wherein the said several Parties had Limestone as aforesaid, and keep the same at all Times in proper Repair, and should take the Tonnage to be allowed by the said last-mentioned Act, according to the Length of such respective Railway, for the Stone to be conveyed upon the same; and it was further recited in and by such last-mentioned Act, that the said *John Gilbert, Richard Hill, George Smith, and Sampson Whieldon* were interested in the said Limestone lying in the said Parish of *Alveton*, by virtue of a Lease made by the Right Honourable the Earl of *Shrewsbury*, and that the said Earl was seised of the Freehold thereof, subject to such Lease, and that the said Earl had agreed with the said Company last mentioned that the said Agreement should for ever continue and remain binding upon the said Earl and all Persons claiming under him, and his and their Lessees and Tenants from Time to Time, with respect to the said Limestone lying in the said Parish of *Alveton*; be it therefore enacted, That the said Contract and Agreement so made as aforesaid shall be and is hereby continued, ratified, and confirmed, and shall be and for ever remain binding upon the said Company hereby established, their Successors and Assigns; and the several Proprietors of such Limestone as aforesaid, and their respective Heirs, Executors, Administrators, and Assigns, and that the said Limestone shall be got and provided by the several Proprietors thereof, at the Rate and Price aforesaid, in such Proportions as shall be agreed amongst them and approved by the said Company hereby established before the last Day of *September* for the Year then next succeeding; and in default of such Agreement and Approbation, the same shall be got and pro-

[*Local.*]

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vided

A Book to be provided, and Entries to be made therein of the Quantities of Limestone ordered before the last Day of September yearly.

vided in the Proportions following ; (that is to say,) Two Fifth Parts thereof by the Earl of *Shrewsbury*, his Lessees or Tenants, out of the Quarry lying in the said Parish of *Alveton* ; One Fifth Part thereof out of the Lands now or late of the said *Thomas Gilbert*, called the *Low Pieces*, in the said Parish of *Caldon* ; One other Fifth Part out of the Land now or late of the said *Henry Copestake*, called *Hemingslow* or *Caldonlow*, in the said Parish of *Caldon* ; and the remaining Fifth Part out of the Land now or late of the said *Robert Bill*, *Sampson Whieldon*, and *William Woolliscroft*, called the *Quarter-piece*, in the said Parish of *Caldon* ; and to the Intent that the Public may be supplied with Limestone as punctually and conveniently as may be, the said Company hereby established, their Successors and Assigns, shall and are hereby required to direct one of their Clerks, whose Name and Place of Residence they shall notify to the Public, to provide a Book and make Entries therein of the Quantities of Limestone which any Person or Persons shall order under the Authority of this Act, which Order shall be given and Entry made on or before the last Day of *September* in any Year, for Stone to be delivered in the then succeeding Year ; and the said Company hereby established, their Successors and Assigns, shall and are hereby required to distribute such Orders amongst the several Proprietors of the said Limestone in the Proportions aforesaid, as near as conveniently may be, and notify the same to them on or before the Fifteenth Day of *October* then next following.

No Order to be entered for less than 100 Tons, and a Deposit of 2*d.* per Ton to be left with the Clerk of the Company.

LXXXII. And for the better and more certain Accommodation of the Public, and the greater Security and Convenience of the Proprietors of the said Limestone ; be it further enacted, That no such Order shall be given and entered in the said Book for any less Quantity of Stone than One hundred Tons, and that a Deposit shall be made at the Time such Order shall be given and entered with the Clerk of the said Company hereby established as aforesaid of Twopence *per* Ton in proportion to the Quantity of Stone ordered, and shall be afterwards paid to the Person to whom such Company shall allot the providing and furnishing such Stone, in part of Payment of the same ; which Stone shall, for the greater Convenience in carrying away the same, be got and ready to be delivered in manner following ; (that is to say,) any Quantity between One hundred and Three hundred Tons shall be got and ready to be delivered within any Time to be named in such Order, not being sooner than Two Months from the Time of giving the same ; any Quantity between Three hundred and Six hundred Tons, within any Time to be named in such Order, not being sooner than Three Months from the Time of giving the same ; any Quantity between Six hundred and One thousand Tons, within any Time to be named in such Order, not being sooner than Five Months from the Time of giving the same ; and any Quantity exceeding One thousand Tons shall be delivered in manner following ; *videlicet*, One Fourth Part thereof before the First Day of *January*, One other One Fourth Part before the First Day of *April*, One other One Fourth Part before the First Day of *July*, and the remaining One Fourth Part before the First Day of *October*, in the Year next succeeding such Order ; and all the said Stone to be so ordered shall be carried away as soon as conveniently may be by the

the Person ordering the same, from Time to Time as the same shall be got (Obstructions by Frost or other inevitable Accidents excepted); and that it shall and may be lawful for any Person to give and enter Orders for any Quantity of Limestone at other Times than before mentioned, upon the Person giving such Order making a Deposit of Four-pence *per* Ton for the Quantity ordered, and agreeing to take the same at the Times when it will be convenient to have the same got, without interfering with the Orders so to be given on or before the said last Day of *September*; and in case the Quantity of Limestone so to be ordered on or before the last Day of *September* shall not be provided and furnished according to such Deposit and the Directions aforesaid, (unavoidable Obstructions by Frost excepted,) the said Company hereby established shall repay such Deposit to the Person making the same and giving such Order, his Executors or Administrators, and also a further Sum, by way of Forfeiture, equal to that so deposited; or in default of Payment thereof, the same shall and may be respectively recovered from such Company, their Successors and Assigns, by Action of Debt in any of His Majesty's Courts of Record at *Westminster*; and such Company, their Successors and Assigns, shall and may in like Manner recover the same from the Proprietor or Proprietors of Limestone who had received such Deposit and undertaken to execute such Order, and made Default therein; and in case the Person ordering such Limestone and making such Deposit shall not carry away the said Limestone according to the Directions and true Intent and Meaning of this Act, he for such Default shall forfeit such Deposit; and moreover, in case of such Neglect and Default as aforesaid in the Proprietor or Proprietors of Limestone, with respect to Limestone ordered and entered in such Book on or before the last Day of *September* in any Year, it shall and may be lawful for the said Company hereby established, their Successors or Assigns, or for the Person to whom such Limestone was to be delivered, to enter into the Pit or Quarry of such Proprietor or Proprietors of Limestone having so made Default, and to employ any Person to get the Quantity so required, upon paying the Sum of Two-pence *per* Ton only, of the Measure aforesaid, for such Limestone, such Person getting the same in a regular and proper Manner.

Orders for Limestone may be given at other Times of the Year, on depositing 4*d.* per Ton, &c. Penalty on either Party making Default, &c.

LXXXIII. And be it further enacted, That the said Company hereby established, their Successors and Assigns, shall and they are hereby required to keep, at the Office of the Works of the said last-mentioned Company at *Caldonlow*, a Book in which shall be duly entered from Time to Time an Account of the Number of Tons of Limestone (calculating at the Rate of One hundred and twenty Pounds to the Hundred Weight, and Twenty-one Hundred Weight to the Ton,) which shall be got, taken, and carried away by the said last-mentioned Company, their Successors and Assigns, or any Person by their Order; and which said Book shall at all seasonable Times and Hours of the Day be open to the Inspection of any or either of the said Proprietors of such Limestone as aforesaid, and their respective Heirs, Executors, Administrators, and Assigns, or his or their Agents.

Company to keep Books of Account of Limestone dug, &c.

LXXXIV. And

Part of Mac-
clesfield
Canal conso-
lidated with
the Trent and
Mersey Navi-
gation.

LXXXIV. And whereas the said Company incorporated by the first herein-before recited Act, in pursuance of the Powers to them given by the said recited Act of the Seventh and Eighth Year of the Reign of His said late Majesty King *George* the Fourth, have made and completed so much of the said *Macclesfield* Canal authorized to be made by the said recited Act of the Seventh Year of the Reign of His said late Majesty as extends from the Western Extremity of the Western Regulating Pound or Stop-lock directed by the said last-mentioned Act to be erected and made in the aforesaid Field in the Township of *Oddrode*, therein mentioned to be in the Possession of *Matthew Owen*, near *Hall Green* aforesaid, and now joins the said Navigation from the *Trent* to the *Mersey* at or near *Hardingswood* Lock aforesaid; be it further enacted, That from and immediately after the passing of this Act the said last-mentioned Part of the said *Macclesfield* Canal and Works by the said last-mentioned Act of the Seventh and Eighth Year of the Reign of His said late Majesty authorized to be made by the said Company of Proprietors incorporated by the first herein-before recited Act shall be consolidated with and become and be deemed Part of the Navigation of the said Company hereby established, and shall be managed therewith, and be under the Rules and Regulations of the said Company, and shall be subject and liable to the several Provisoos, Rules, Regulations, Provisions, Clauses, and Enactments in this Act contained.

Powers of the
Macclesfield
Canal Com-
pany pro-
tected as to
remaining
Parts of their
Canal.

LXXXV. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to abridge or controul or in anywise affect the Power and Authority by the said Act passed in the Seventh Year of the Reign of His said late Majesty given to the said Company of Proprietors of the *Macclesfield* Canal to raise such Sum or Sums of Money as are by the said Act authorized, for the Purpose of making, carrying on, and completing the said Canal and other Works and Conveniences by the said last-mentioned Act authorized to be made (except as herein mentioned and provided), or in anywise to alter, vary, or affect any of the Powers, Authorities, Directions, Regulations, or Provisions of the said last-mentioned Act (save and except as herein contained), or to subject the said Company incorporated by the said first herein-before recited Act, or the Company hereby established, to any of the Directions, Regulations, or Provisions of the said last-mentioned Act respecting the Money thereby authorized to be raised, or respecting the Meetings to be held, or the Appointments, Powers, or Duties of Committees, Sub-Committees, or Officers, or the supplying of Vacancies, or the keeping, producing, or rendering of Accounts, or in any other Manner relating to the Administration or Management of the Affairs of the said Company of Proprietors of the *Macclesfield* Canal.

Macclesfield
Canal Com-
pany not to
receive Tolls
on that Part
of the Canal
made by the
Trent and
Mersey
Company.

LXXXVI. Provided always, and be it further enacted, That neither the said Company of Proprietors of the *Macclesfield* Canal, nor any Proprietor of any Share under and by virtue of the said recited Act passed in the Seventh Year of the Reign of His said late Majesty, as such Proprietor under the said last-mentioned Act, shall be entitled to mortgage, assign, or deal with in any Manner, or to receive any Part or Proportion whatsoever, of the Profits or Advantages which may

may arise or accrue by or from the Tolls and other Monies to be raised, recovered, or received in respect of the said Part of the said *Macclesfield* Canal, and the said other Works connected therewith, by the said Act of the Seventh and Eighth Year of the Reign of His said late Majesty authorized to be made or done by the Company of Proprietors incorporated by the said first herein-before recited Act.

LXXXVII. And whereas by the said recited Act passed in the Seventh Year of the Reign of His said late Majesty, it was enacted, that Two Regulating Pounds or Stop-locks should, by and at the Expence, Costs, and Charges of the said Company of Proprietors of the *Macclesfield* Canal thereby incorporated, be erected and built and be for ever thereafter repaired and maintained on the said Canal thereby authorized to be made, one of which Regulating Pounds or Stop-locks should be for the impounding and Protection of the Water in the said Canal from the *Trent* to the *Mersey*, and should be placed in a convenient Situation in the said Field numbered Three hundred and thirty-two in the Plan lodged by the said Company of Proprietors thereby incorporated in the Private Bill Office of the House of Commons, and which said Field was then in the Possession of *Matthew Owen*, situate at or near the said Place called *Hall Green*, in the Township of *Oddrode* in the Parish of *Astbury* in the said County Palatine of *Chester*: And whereas the said Company of Proprietors of the *Macclesfield* Canal were by their said Act required, within One Calendar Month after the Completion of the said Regulating Pounds or Stop-locks, to erect and build and at all Times thereafter, at their own Expence, to keep in good Repair a House at or near the said Regulating Pound or Stop-lock so to be erected for the Protection of the Water in the said Canal from the *Trent* to the *Mersey*, for the Habitation of a Person to be appointed from Time to Time by the said Company of Proprietors incorporated by the said first herein-before recited Act, for superintending under their Direction and Controul the said last-mentioned Regulating Pound or Stop-lock: And whereas it was by the said Act further enacted, that the said Company of Proprietors of the *Macclesfield* Canal should construct and for ever maintain a Waste Weir within One hundred Yards above and upon the Eastern Side of the aforesaid Regulating Pounds or Stop-locks, together with a proper Feeder or Channel from the aforesaid Waste Weir into the Canal on the Western Side of and immediately below the said Stop-locks, in order that the waste Waters therein mentioned might pass into the *Harecastle* Summit of the Canal from the *Trent* to the *Mersey*: And whereas the said Two Regulating Pounds or Stop-locks, together with the House for the Residence of a Lock-keeper, and also the said Waste Weir, and Feeder or Channel from the said Waste Weir, have been erected, made, and completed by the said Company of Proprietors of the *Macclesfield* Canal: And whereas it will be convenient that the said Regulating Pound or Stop-lock erected for the Protection of the Water of the said Canal from the *Trent* to the *Mersey* as aforesaid, being the nearest of the said Pounds or Locks to the Junction of the *Macclesfield* Canal with the said Canal from the *Trent* to the *Mersey*, near *Hardingswood* Lock, together with the afore-mentioned House for the Residence of

Waste Weir and Stop-lock of the *Macclesfield* Canal, near *Hardingswood* Lock, to vest in the *Trent and Mersey* Company.

[Local.]

9 L

a Lock-

a Lock-keeper, and the said Feeder or Channel from the said Waste Weir, should be vested in and become the Property of the said Company hereby established, and their Successors, and be from thenceforth repaired and maintained by such last-mentioned Company; be it therefore enacted, That the said last-mentioned Regulating Pound or Stop-lock, House, and Feeder or Channel from the said Waste Weir, shall from henceforth be vested in and become the Property of the said Company hereby established, and shall be for ever hereafter repaired and maintained by such Company at their own Expence, Costs, and Charges.

Lock-keeper to be appointed by the Trent and Mersey Company.

LXXXVIII. And be it further enacted, That the said Company hereby established shall from Time to Time appoint the Person to be resident in the said House for the Purpose of superintending and managing, and, under the Direction and Controul of the said Company hereby established, he shall have and is hereby invested with full Power and Authority to superintend and manage the said Regulating Pound or Stop-lock for the impounding and Protection of the Waters in the said Navigation, and to prevent any Waste, Loss, or Misapplication of such Water in the passing of Vessels through the same Lock; and every such Person so appointed may be removed by the said Company hereby established at their Will and Pleasure, and the same Company shall have Power to appoint another Person in his Stead, and so *toties quoties* as it may be necessary or as the said Company shall think fit: Provided always, that in the Event of any Misbehaviour on the Part of the Person so to be from Time to Time appointed as last aforesaid in discharging the Duties to which he shall be so appointed as aforesaid it shall and may be lawful to and for the said Company of Proprietors of the *Macclesfield* Canal to dismiss such Person from the said Situation, but the Appointment of his Successor shall in all Cases rest with the Company hereby established.

Boats not to pass without Consent, if the Water is below the Level in Harecastle Summit.

LXXXIX. And be it further enacted, That when the Water of the lowest Pound of the said *Macclesfield* Canal, being the Part between the lowest Lock of such Canal on the Eastern Side of the River *Dane* and the Western Regulating Lock at *Hall Green* aforesaid, shall be below the Surface of the Water in the *Harecastle* Summit of the said Navigation from the *Trent* to the *Mersey*, no Boats, Barges, or other Vessels shall be allowed to pass through the said Regulating Pound or Stop-lock, except with the Consent of the Company hereby established.

Subject to Restrictions, Vessels may pass from one Canal into the other.

XC. And be it further enacted, That, subject to the several Regulations and Restrictions herein provided, nothing in this Act contained shall extend or be construed to extend to authorize the said Company hereby established, or any other Person or Persons, to hinder or prevent any Barge, Boat, or other Vessel from passing from and out of the said Navigation from the *Trent* to the *Mersey* into the said *Macclesfield* Canal, or from and out of the said *Macclesfield* Canal into the said Navigation.

Level of the Water in the lowest Pound

XCI. And be it further enacted, That the Top-water in the said *Macclesfield* Canal, between the lowest Lock of such Canal on the Eastern

Eastern Side of the River *Dane* and the said Regulating Pounds or Stop-locks at *Hall Green*, being the lowest Pound of the said *Macclesfield* Canal, shall be made and kept up to the Level of Six Inches above the Top-water Level of the said *Harecastle* Summit of the said Navigation.

of the Mac-
clesfield
Canal.

XCII. And in order to secure for the said Navigation the Supply of those Waters which shall be locked from the Summit Level of the said *Macclesfield* Canal down and into the said lowest Pound of the same Canal, and the Discharge of such Waters from the said lowest Pound into the *Harecastle* Summit of the said Navigation; be it further enacted, That the said Company of Proprietors of the said *Macclesfield* Canal shall use all possible Diligence, Means, and Care to keep perfectly Water-tight the said Part of the said *Macclesfield* Canal herein-before described as the lowest Pound, and also shall and will for ever maintain a Waste Weir within One hundred Yards above and upon the Eastern Side of the aforesaid Regulating Pounds or Stop-locks at *Hall Green* aforesaid, which said Waste Weir shall be Twenty Yards in Length at the least, and the Top of it shall be and remain fixed at the precise Height or Level of Six Inches above the Top-water Level of the *Harecastle* Summit of the said Navigation.

Macclesfield
Canal Com-
pany to
maintain
Waste Weir
at the lowest
Pound.

XCIII. And be it further enacted, That no other Waste Weir or Waste Weirs, except the one last-mentioned, shall be made in the aforesaid lowest Pound of the said *Macclesfield* Canal unless the Top Level of such other Waste Weir or Waste Weirs shall be fixed at the Height of Ten Inches above the Top-water Level of the *Harecastle* Summit of the said Navigation.

Restriction
as to making
other Waste
Weirs in
the lowest
Pound.

XCIV. And be it further enacted, That the Top of the Second Waste Weir in the said lowest Pound, on the Eastern Side of the said Stop-locks, shall be fixed at the precise Level of Ten Inches above the Top-water Level of the *Harecastle* Summit of the said Navigation; and also that the Top of the First Waste Weir next below or on the Western Side of the said lowest Lock of the said *Macclesfield* Canal, on the Eastern Side of the River *Dane*, shall be fixed at a Level of Twelve Inches above the Top-water Level of the *Harecastle* Summit of the said Navigation; and also that the Tops of all intermediate Waste Weirs which shall be constructed on the lowest Pound of the said *Macclesfield* Canal, between the aforesaid Second Waste Weir above the said Stop-lock and the aforesaid First Waste Weir below the aforesaid lowest Lock, on the East Side of the River *Dane*, shall be fixed upon such Levels as will form a regular graduated Plane between the said Two last-mentioned Waste Weirs.

Fixing the
Levels of
other Waste
Weirs.

XCV. And be it further enacted, That if the said Company of Proprietors of the said *Macclesfield* Canal shall not for ever hereafter repair, support, and maintain the Eastern Regulating Pound or Stop-lock at *Hall Green* aforesaid, and the said several Weirs, agreeably to the Terms herein-before mentioned, then, and as often as such Case shall happen, it shall and may be lawful to and for the said Company

Power for the
Trent and
Mersey
Company to
repair, if the
Macclesfield
Company
neglect.

Company hereby established to repair, support, and maintain the same Regulating Pound or Stop-lock and Weirs respectively from Time to Time as the same shall respectively require; and all the reasonable Costs and Charges thereof, to be settled and allowed by Two or more of His Majesty's Justices of the Peace for the County of *Chester*, shall be repaid to the said Company hereby established within Two Calendar Months after an Account thereof shall be left at any of the Offices of the Company of Proprietors of the *Macclesfield* Canal; and in default of Payment of the said Costs and Charges within the Time aforesaid, the said Company hereby established are hereby authorized and empowered to levy the said Costs and Charges by Distress and Sale of the Goods and Chattels of the said Company of Proprietors of the said *Macclesfield* Canal in or upon the said *Macclesfield* Canal, or the Wharfs, Quays, and Warehouses thereto adjoining, to and for the Use and on the Account of the Company hereby established; and if no sufficient Distress can be had or found, then to appoint One or more Person or Persons to receive and take the Tolls, Rates, and Duties by the said recited Act of the Seventh Year of the Reign of King *George* the Fourth granted to the said Company of Proprietors of the *Macclesfield* Canal, and thereout, in the first place, to pay all such Costs and Charges, rendering to the last-mentioned Company, or their Agents or Overseers, the Overplus, if any such there be, after deducting the reasonable Costs and Charges of receiving and taking such Tolls, Rates, and Duties, or of making such Distress and Sale, as the Case may be; and after such Costs and Charges shall be so paid and satisfied, the Power of the said Receiver so to be appointed shall cease and determine; or otherwise the said Company hereby established, upon the Failure or Neglect of the said Company of Proprietors of the *Macclesfield* Canal in doing the said Works or paying the said Costs and Charges as aforesaid, are hereby authorized and empowered to recover such Costs and Charges by Action at Law against the said Company of Proprietors of the said *Macclesfield* Canal.

No Waters to be taken from the present Supplies of the Trent and Mersey Navigation.

XCVI. And be it further enacted, That no Waters which at present supply the said Navigation or any of its Works shall in any way be taken for the Supply of the said *Macclesfield* Canal or for any of its Works; and that no Water shall be taken from the River *Dane* aforesaid for the Supply of the said *Macclesfield* Canal, but lower down the Course of the said River than a certain Gauge or Weir from which the Flood Waters of the River *Dane* are now taken by a Feeder to the *Rudyerd* Reservoir aforesaid, and at a Place where the Level of the Water in the said River shall be at least Ten Feet below the Top of the said Gauge; and also that no Waters whatever shall in any way be taken from the South and West Sides of the River *Dane* aforesaid for the Supply of the said *Macclesfield* Canal or any of its Works.

Power to cut into the *Macclesfield* Canal.

XCVII. And be it further enacted, That it shall be lawful for the said Company hereby established at any Time or Times hereafter to cut into and to cross the said *Macclesfield* Canal by or with any Cut or Canal, Cuts or Canals, which the said Company may hereafter deem it necessary or expedient to make, Satisfaction being made by the

the said Company to the said Company of Proprietors of the *Macclesfield* Canal for any Damage or Injury that may thereby be done to the Banks of the said *Macclesfield* Canal, or to any Towing Path, Locks, or other Works belonging thereto, and all proper Protections by Stop-locks and other necessary Works being made by and at the Expence of the said Company hereby established, for preserving the Waters of the said *Macclesfield* Canal and Works belonging thereto from Injury or Damage.

XCVIII. And be it further enacted, That the said Company hereby established shall and they are hereby required to keep and continue that Part of the *Macclesfield* Canal by the said last-mentioned Act of the Seventh and Eighth Year of the Reign of His said late Majesty authorized to be made and constructed, of no less Dimensions than the several Dimensions following; that is to say, of the clear Depth of not less than Five Feet of Water, and of the Width of not less than Sixteen Feet at the Bottom of the said Part of the said Canal, and not less than Thirty-one Feet at the Top of the Water of the said Part of the said Canal; and that each of the Aqueducts made and constructed over the Navigation from the *Trent* to the *Mersey*, and over the Turnpike Road leading from *Lawton Red Bull Gate* to *Burslem*, and any Aqueduct or Aqueducts to be made in lieu or instead thereof, shall be not less than Ten Feet wide, and shall have not less than Five Feet clear Depth of Waterway.

Dimensions of the Part of the *Macclesfield* Canal authorized to be made by the *Trent and Mersey* Company.

XCIX. And be it further enacted, That from and immediately after the passing of this Act the said Company hereby established shall and they are hereby required for ever hereafter to maintain, uphold, support, and keep in perfect Repair the said Part of the said *Macclesfield* Canal which, by the said last-mentioned Act of the Seventh and Eighth Year of the Reign of His said late Majesty, was authorized to be made and constructed by the Company of Proprietors incorporated by the said first herein-before recited Act, and the Aqueducts, Bridges, Towing Paths, Culverts, and all other Works, Matters, and Things thereunto belonging and appertaining, so as at all Times to keep up and preserve the free and complete Navigation of the said Part of the said *Macclesfield* Canal; and in case the said Company hereby established shall at any Time permit or suffer the said Part of the said *Macclesfield* Canal, or any Part thereof, or any or either of the Aqueducts, Bridges, Towing Paths, Culverts, Works, Matters, and Things thereunto belonging, to be dilapidated or out of repair, and shall not, upon a Notice in Writing requiring the necessary Reparation and Amendment thereof being left at the principal Office of the said Company hereby established, by or on behalf of the said Company of Proprietors of the *Macclesfield* Canal, forthwith repair and amend the same when necessary, it shall be lawful to and for the said Company of Proprietors of the *Macclesfield* Canal to proceed to do and execute such necessary Reparations and Amendments, and the Expence attending the same shall be paid and defrayed by the said Company hereby established; and in case the Amount thereof shall not be paid upon Demand, the same may be recovered by Action of Debt or on the Case in any of His Majesty's Courts of Law at *Westminster*, with full Costs of Suit.

The *Trent and Mersey* Company to keep in repair the *Macclesfield* Branch and other Works.

[Local.]

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Power for the
Macclesfield
Canal Com-
pany to make
Wharfs in
a particular
Place.

C. Provided always, and be it further enacted, That, notwithstanding any thing herein contained, it shall and may be lawful to and for the said Company of Proprietors of the *Macclesfield* Canal, under and by virtue and subject to the Provisions and Restrictions contained in the said Act passed in the Seventh Year of the Reign of His said late Majesty, to make and erect and continue public Wharfs, Quays, Basins, Landing Places, Cranes, Weighbeams, Warehouses, and other necessary Conveniences upon certain Land purchased by them for the Purpose, lying on the Western Bank or Side of the Line of the said Part of the said *Macclesfield* Canal made by the said Company incorporated by the said first herein-before recited Act, which Land commences at the Distance of Eighty Yards or thereabouts Northwards from where the Boundary Line of the Counties of *Stafford* and *Chester* crosses the said Canal, and extends Northwards to the Length of Seventy-five Yards from the said Commencement; provided that such Wharfs, Quays, Basins, Landing Places, Cranes, Weighbeams, Warehouses, and other Conveniences, all and every of them, and the Sites thereof respectively, shall not be converted to or used for any other Purposes than public Wharfs, Quays, Basins, Landing Places, Cranes, Weighbeams, and Warehouses for the *Macclesfield* Canal and the said Navigation from the *Trent* to the *Mersey*, and the Conveniences of all Persons using and navigating the same Canal and Navigation, or either of them, in such and the like Manner as if the said last-mentioned Act of the Seventh and Eighth Year of the Reign of His said late Majesty had not been repealed; and provided that in the Use and Management of the said Wharfs, Quays, Basins, Landing Places, Cranes, Weighbeams, and Warehouses, the said Company of Proprietors of the *Macclesfield* Canal, and the other Person or Persons using the same, shall not in any Manner interfere with, prejudice, obstruct, or impede the said Part of the said *Macclesfield* Canal made and completed by the said Company incorporated by the first herein-before recited Act, or the free and full Navigation thereof.

No Cut or
Communica-
tion to be
made from
the Wharfs by
the Maccles-
field Canal
Company.

CI. And be it further enacted, That no Branch, Cut, Canal, Railroad, or other Way (except a Horse and Carriage Road for the necessary Communication from the said Wharfs and Premises lastly mentioned to or with the Turnpike Road leading from *Congleton* to *Newcastle*) shall be made or extended by the said Company of Proprietors of the *Macclesfield* Canal from the Land which hath been or shall or may be taken or used by the said Company of Proprietors of the *Macclesfield* Canal for the Purpose of the said last-mentioned Wharfs, Quays, Basins, Landing Places, Cranes, Weighbeams, and Warehouses, whereby any further or other Communication shall or may be made to or with the said Part of the said *Macclesfield* Canal made and completed by the said Company incorporated by the first herein-before recited Act, or to or with the said Navigation from the *Trent* to the *Mersey*.

Towing Path
to be made
on the East-
ern Side of
the Maccles-
field Branch.

CII. And be it further enacted, That the Towing Path for such Part of the *Macclesfield* Canal made and completed by the said Company incorporated by the first herein-before recited Act, which extends along the said Space of Seventy-five Yards, shall be at all
Times

Times hereafter continued on the Eastern Side of the said *Macclesfield* Canal.

CIII. And whereas the said Company incorporated by the said first herein-before recited Act, in further pursuance of the Powers given to them by the said recited Act of the Seventh and Eighth Year of the Reign of His said late Majesty, have made and completed the said Navigable Cut or Canal of One hundred Yards from the said Navigation from the *Trent* to the *Mersey* to the said Branch Cut or Canal now in progress of making from *Wardle Green* to *Middlewich* by the said United Company of Proprietors of the *Ellesmere* and *Chester* Canal as aforesaid; be it therefore enacted, That the said Cut or Canal of One hundred Yards communicating with the said Branch Cut or Canal now in progress of making as aforesaid by the said United Company of Proprietors of the *Ellesmere* and *Chester* Canal as aforesaid, and other Works, by the said Act of the Seventh and Eighth Year of the Reign of His said late Majesty authorized to be made by the said Company incorporated by the said first herein recited Act, shall be consolidated with and become and be deemed Part of the general Navigation of the said Company hereby established, and be managed therewith, and be under the Rules and Regulations of the said Company hereby established, and be subject and liable to the several Powers, Provisoes, Rules, Regulations, Provisions, Clauses, and Enactments contained in this Act, except so far as the same are limited or controlled by the Clauses and Enactments herein contained especially made applicable to the said Cut or Canal of One hundred Yards.

Canal of 100 Yards and Works at Middlewich consolidated with the Navigation of the Trent and Mersey Company.

CIV. And be it further enacted, That the said Company hereby established shall and they are hereby required for ever hereafter, at their own Costs and Expences, to maintain, support, uphold, and keep in good and perfect Repair the said Cut or Canal of One hundred Yards, and also the several Locks, Bridges, Aqueducts, Towing Paths, Culverts, Works, Matters, and Things thereunto belonging, so as at all Times to keep open and preserve the free and complete Navigation of the same Cut or Canal to and with the other Part of the Branch Cut or Canal now in progress of making from *Wardle Green* to *Middlewich* by the United Company of Proprietors of the *Ellesmere* and *Chester* Canal, and to and with the said Navigation from the *Trent* to the *Mersey*.

Company to maintain such Canal and Works.

CV. And be it further enacted, That in order that no unnecessary Loss of Water may be occasioned to the said United *Ellesmere* and *Chester* Canals, the said Company hereby established shall and they are hereby required, at their own proper Costs and Charges, at all Times to keep in good and substantial Order, Condition, and Repair the Lock lately erected by the said Company incorporated by the first herein-before recited Act on the said Cut or Canal communicating with the said *Chester* and *Ellesmere* Canal, which said Lock is and shall be of the Capacity and Dimensions following; (that is to say,) Seventy-seven Feet in Length, Eight Feet and 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 such Lock, and so that the Rise of the said Lock

Trent and Mersey Navigation Company to maintain Lock on Middlewich Branch.

Lock shall not be less than Ten Feet Four Inches; and shall and will cause the said Lock to be at all Times kept closed and shut, except at such Times as the same may require to be opened for the Passage of Boats, or for other necessary Purposes; and the said Company hereby established shall do all other Acts proper or requisite to prevent the Escape, Leakage, or unnecessary Waste of Water through the said Lock, or through the Gates and Sluices thereof.

Ellesmere and Chester Canal Company not to take any Waters belonging to the Trent and Mersey Navigation Company.

CVI. And be it further enacted, That it shall not be lawful in any Case or on any Pretence for the said United Company of the *Chester* and *Ellesmere* Canal, or their Servants, Agents, or Workmen, or any of them, or any other Person or Persons whomsoever, to divert or take 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 incorporated by the first herein-before recited Act were, or the Company hereby established are, by Law authorized or empowered to take for the Use of such Navigation.

Dimensions of Locks from Wardle Green to Middlewich.

CVII. 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 United Company of Proprietors of the *Ellesmere* and *Chester* Canal shall and they are hereby required to make and maintain each and every one of the Locks on the said Branch Cut or Canal now in progress of making from *Wardle Green* to *Middlewich* 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.

Power to complete the unfinished Part of Lane End Railway.

CVIII. And be it further enacted, That the said Company hereby established shall have and they are hereby invested with full Power and Authority from and immediately after the passing of this Act, at their own Costs and Charges, to make and complete and at all Times hereafter to support and maintain all such Part of the Railway from *Stoke-upon-Trent* to *Lane End* authorized to be made by the said recited Act of the Forty-second Year of the Reign of King *George* the Third as is herein-before recited to be unfinished, and that the said Company shall and they are hereby required to make, construct, and complete such Part as aforesaid of the said Railway within Twelve Calendar Months next after they shall be required so to do by Notice in Writing from the said Marquis of the County of *Stafford*, his Heirs or Assigns, in manner as described in the Map or Plan of the same Railway, and the Book of Reference thereto, deposited in the Office of the Clerk of the Peace of the County of *Stafford*.

Power to make Double Locks.

CIX. And whereas the said Company incorporated by the first herein-before recited Act have made Double or Parallel Locks on certain Parts of the said Navigation, and it would greatly expedite the Passage of Boats along the said Navigation if such Double or Parallel

Parallel Locks were made throughout the said Navigation; be it therefore further enacted, That it shall be lawful for the said Company hereby established, and they are hereby authorized and empowered, at any Time or Times hereafter to make and complete and afterwards to maintain Double or Parallel Locks on such Parts of the said Navigation as they shall think fit, and for that Purpose to take and use small Strips or Pieces of Land adjoining or near to the present Locks, sufficient for the making and maintaining such Double or Parallel Locks, with the Ponds, Basins, Culverts, Piers, Walls, Abutments, Sluices, and Conveniences belonging or necessary thereto; the said Company making Compensation and Satisfaction for the Land in manner herein directed with regard to other Land purchased or acquired by the said Company.

CX. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Company hereby established, or any Person acting under their Authority, to take, use, injure, or damage, for the Purpose of this Act, any House or other Building, or any Garden, Orchard, Yard, Park, Paddock, Plantation, planted Walk, or Avenue to a House, without the Consent of the Owner and Occupier thereof, and of all other Persons interested therein.

Houses, &c.
not to be
taken without
Consent.

CXI. And be it further enacted, That it shall be lawful for the said Company hereby established, and they are hereby authorized and empowered, to contract from Time to Time with any Person, Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, who shall be willing to sell, for the Purchase of any Parcel or Parcels of Land, Buildings, or Hereditaments, not exceeding in the whole Fifty Statute Acres in addition to such Land as the said Company now possess or are hereby authorized to take, 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, Locks, Basins, Staiths, Messuages, Warehouses, or 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 Navigation, or for making any convenient Roads, Avenues, or Ways leading thereto, or for any other Purposes whatsoever connected with the said Navigation or Limestone Quarries as aforesaid, which the said Company hereby established shall judge requisite and necessary; and it shall be lawful for all Bodies Politic, Corporate, and Collegiate, Corporations Aggregate and Sole, Trustees, and all other Persons whomsoever, to sell and grant or convey to the said Company hereby established, and their Successors, any Parcel or Parcels of Land, Buildings, and Hereditaments whatsoever, for the Purposes aforesaid, or any of them, and that without inquiring or ascertaining, or being bound to inquire or ascertain, whether the Lands, Buildings, or Hereditaments so sold, granted, or conveyed to the said Company for the Purposes aforesaid, or any of them, will or will not, together with other Lands and Hereditaments previously purchased by the said Company for the same Purposes, or any of them, amount to or make up a greater Quantity of Land than Fifty Statute Acres in the whole.

Empowering
the Company
to purchase
Fifty Acres
of Land.

[*Local.*]

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CXII. And

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

CXII. And be it further enacted, That it shall be lawful for the said Company hereby established, and they are hereby authorized and empowered, from Time to Time or at any Time or Times hereafter, to sell and dispose of such additional Lands, Buildings, 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 Lands, Buildings, and Hereditaments as the said Company shall think proper, either together or in Parcels, by public Auction or private Contract, as shall be thought advisable or expedient, to any Person who shall be willing to become the Purchaser thereof, and again from Time to Time to contract for the Purchase of any other Lands, Buildings, and Hereditaments more eligible or 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 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.

Restraining
the Company
from buy-
ing more
than Fifty
Acres of
Land from
incapacita-
ted Persons.

CXIII. And whereas the said Company hereby established are, by virtue of this Act, enabled to purchase Fifty Statute Acres of Land for the Purposes thereof, and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all other Persons, 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 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, 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 instead of the Lands so sold; be it therefore enacted, That it shall not be lawful for the said 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 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, more than such Fifty Statute Acres; and in case the said Company shall afterwards sell the Whole or any Part of such Fifty Statute Acres so purchased, it shall not be lawful for the said Company to purchase of or from the same

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, 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, or other Persons being under legal Disability or incapacitated, to sell to the said Company, any other Lands in lieu or instead of those Fifty Statute Acres, or any Part thereof, so sold or disposed of by the said Company.

CXIV. And be it further enacted, That after any Lands, Buildings, 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 for and 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 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, who is or shall be seised, possessed of, or interested in or entitled to any such Lands, Buildings, or Hereditaments as shall be so set out and ascertained as aforesaid, to contract for, sell, and convey the same, and every Part thereof, unto the said Company hereby established; 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 be a complete Bar to all Estates Tail, with the Remainders or Reversions expectant thereon, and all other Estates, Rights, Titles, Trusts, Claims, and Interests whatever; 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 hereby established; and such of them as shall be made of any Freehold Lands or other Hereditaments to the same Company may be made according to the following Form, or as near thereto as the Circumstances of the Case will admit; *videlicet*,

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

Form of Con-
veyance to
the Company.

‘ I of the Sum of of in consideration
‘ of lawful Money of Great
‘ Britain to me paid by the Company of Proprietors of the Navigation
‘ from the Trent to the Mersey, do hereby, by virtue of the Powers
‘ contained in an Act passed in the First Year of the Reign of His
‘ Majesty King William the Fourth, intituled [*here set forth the Title*
‘ *of this Act*], grant and release to the said Company of Proprietors
‘ all [*describing the Premises to be conveyed*], and the Reversion and
‘ Reversions, Remainder and Remainders, Rents, Issues, and Profits
‘ thereof, and all my Estate, Right, Title, and Interest in and to the
‘ same and every Part thereof, to hold unto and to the Use of the
‘ said Company of Proprietors, and their Successors, for ever, by
‘ virtue of and 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 if the Premises are Leasehold for Years, they may be assigned by a Form answerable to the above, substituting only the Words applicable to the Assignment of a Chattel; and all such Conveyances and Assignments respectively shall be kept by the Clerk to the said Company hereby established.

Provision as
to Convey-
ance of Copy-
hold Lands.

CXV. Provided always, and be it further enacted, That if any Lands, Tenements, or Hereditaments of Copyhold or Customary Tenure shall be taken or used for the Purposes of this Act, the Conveyance thereof shall be executed and completed by Surrender to the said Company of the Lands, Tenements, or Hereditaments comprised therein in the Court of the Manor of which the same are holden or Parcel, according to the Custom of such Manor, and such Lands, Tenements, or Hereditaments shall continue subject to the same Fines, Rents, and Services as are due and payable and of Right accustomed, in the same Manner as if this Act had not been passed, unless the Lord or Lady of the Manor for the Time being shall be desirous of enfranchising the same, in which Case such Lord or Lady, notwithstanding her Coverture, and whether sole or married, is and are hereby empowered so to do, notwithstanding he or she 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 hereby established as a Body Corporate would prevent such Lord or Lady from receiving the same Benefit of Fines, Heriots, and other Services due upon Death, Descent, or Alienation, in like Manner as he or she would have done in case such Copyhold or Customary Premises had continued to be the Property of Persons in their natural Capacities, the said Lord or Lady of the said Manor, in case he or she shall decline to enfranchise the respective Parcels of Copyhold or Customary Land held of or Parcel of the said Manor which shall be so purchased by or vested in the said Company hereby established for the Purposes aforesaid, shall be entitled to and shall be paid by such Company a reasonable Recompence and Satisfaction for the Loss that would arise to him or her in respect of such Fines, Heriots, and other Services, the Receipt or Enjoyment of which shall be diminished
or

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 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.

CXVI. And be it further enacted, That in all Cases where the Lord or Lady of any Manor, whereof any Copyhold or Customary Lands or Tenements required to be taken or used for the Purpose 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 Lady shall be seised of or entitled to such Manor respectively for a less Interest than an Estate in Tail General or Special, or where he or she cannot, either alone or with the Concurrence of any other Person who shall consent to the Enfranchisement, by levying a Fine or suffering a Common Recovery, or otherwise, 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 by the Direction and under the Approbation of the Court of Exchequer, or without such Direction and 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 to be purchased, taken, or used for the Purposes thereof, which shall belong to any Person under any Disability or Incapacity; 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 have been taken for any of the Purposes of this Act, shall be settled by Agreement between the Parties, such Agreement shall not be valid without the Consent and Approbation of the Lord or Lady of the Manor whereof the same Copyhold or Customary Lands and Tenements are holden or Parcel; and if not so settled, it 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 in other respects by or under which the said Copyhold or Customary Lands or Tenements shall or may be holden, or the Remedy for the Recovery of such Rents, after the Apportionment thereof; and in all Cases where the Lord or Lady of any Manor whereof any Copyhold or Customary Lands or Tenements purchased or taken by the said Company hereby established 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

Lords of Manors under Incapacities enabled to enfranchise and to apportion the Rents.

[*Local.*]

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aforesaid,

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 thereof, and for ever thereafter continued freed and discharged from the Fines, Heriots, and other Services in respect whereof such Recompence and Satisfaction shall have been made as aforesaid.

Waste Lands
may be con-
veyed by
Lords of
Manors, &c.

CXVII. And be it further enacted, That in all Cases where any Lands shall be taken for the Purposes of this Act, there shall be occasion to cut through, take, or use any Part of any Commons or Waste, or other Lands, Tenements, or Hereditaments which shall be charged with or subject to any Right of Common or Easement, whether appendant, appurtenant, or in gross, or whether created or then subsisting by Grant, Prescription, Custom, or otherwise howsoever, the Conveyance thereof by any Body Politic, Corporate, or Collegiate, or other Person, having such and the like Estate or Interest of and in the Manor wherein such Lands, Tenements, and Common or Waste Grounds shall be, or if the same shall not be the Waste of any Manor, then having such or the like Estate or Interest of or in the Soil of such Lands, Tenements, and Wastes or Commons, as the Body Politic, Corporate, or Collegiate, or Person, who is and are herein-before enabled to sell and convey other Lands, Tenements, and Hereditaments, shall be a good and sufficient Conveyance thereof to the said Company hereby established, for the Purpose of vesting in them the Fee Simple and Inheritance of such Waste Grounds or Commons, or other Lands, Tenements, or Hereditaments, discharged from such Right of Common or Easement, as fully and effectually as if every Person having such Right 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 Ground as aforesaid shall be paid by the said Company to the Churchwardens of the respective Parishes wherein such Commons or Waste Grounds shall be, and shall by such Churchwardens be received and applied for such general or public Purposes within such Parishes respectively as a Vestry of such respective Parishes, to be convened by such Churchwardens for that Purpose, shall direct; but the said Company shall not be liable to see to the Application of such Compensation Money, or answerable for the Misapplication thereof; and in all Cases where such Rights, Commons, Profits, or Easements shall be and extend over and be enjoyed and taken out of any other Lands, Tenements, or Hereditaments than such Wastes and Commons, the Compensation shall be paid or tendered to the Person, or Body Politic, Corporate, or Collegiate having such Estate or Interest, as aforesaid in the said Rights, Commons, Profits, or Easements, or in the Lands, Tenements, or Hereditaments whereunto the same shall be appendant or appurtenant, or deposited in the Bank of *England* in manner by this Act directed, as the Case may be; provided that in all Cases where any such Manor is vested in Freeholders or Inhabitants at large, or in any greater Number of Persons than Four, or

Conveyance
of Waste
Lands vested
in Free-

where it is not known to what Lord or Lady such Manor belongs, or in what Manor such Common or Waste Grounds are situate, the Conveyance by Four at least of the Freeholders whose Estates have Common Right in such Common or Waste Ground, and whose said Estates are assessed yearly to the Poor Rates to Three Fifth Parts at least of the whole Property in each of the said Parishes which have such Common Right, to the said Company hereby established, shall be a good and sufficient Conveyance for vesting in the said Company the Fee Simple and Inheritance of such Common or Waste Grounds, discharged from such Right of Common.

holders or
Inhabitants
at large in
certain
Cases.

CXVIII. And be it further enacted, That every Body Politic, Corporate, and Collegiate, Trustee, and other Person herein-before enabled to sell or convey Lands or other Hereditaments, and any other Owner and the Occupier of any Lands, Grounds, or other Hereditaments which shall be taken for the Purpose of this Act, may accept and receive in gross Sums such Satisfaction for the Value of such Lands, Grounds, and Hereditaments, and also such Compensation for the Damages to be sustained for or by reason of the severing or dividing the same Lands and Hereditaments from the other Lands and Hereditaments belonging to such Body Politic, Corporate, or Collegiate, Trustee, or other Person interested therein, and for or on account of the Detriment, Injury, Loss, Damage, or Prejudice which shall or may be sustained by such Body Politic, Corporate, or Collegiate, Trustee, or other Person interested therein, as shall be agreed upon by and between the said Owners and Occupiers respectively, or any of them, and the said Company hereby established; and in case the said Company, and the said Parties interested in any such Lands, Grounds, 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 directed.

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

CXIX. And be it further enacted, That in case of any Difference between the said Company hereby established, or their Agents, and any Body Politic, Corporate, or Collegiate, Trustee, or other Person interested in or entitled to, or hereby empowered to sell or agree for, any Lands, Tenements, or Hereditaments which shall or may be taken, used, affected, damaged, or prejudiced in pursuance or execution of the Powers hereby granted, relative to the Price or Value, Damages or Recompence, to be given for the same, and in case such Price or Value, Damages or Recompence, cannot be settled, adjusted, and agreed for by and between the said Company, or their Agents, and such Proprietors of or Persons interested in the Lands, Tenements, or Hereditaments as aforesaid, his or her Agent, or if any such Body Politic, Corporate, or Collegiate, Trustee, or other Person 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 Officer of any such Body Politic, Corporate, or Collegiate, or to such Trustee or other Person respectively, or left at the last or usual Place or Places of his or her Abode, or with the Tenant or Occupier of any Lands

Differences
to be settled
by a Jury.

Lands or other 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 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 maintain or carry on the said Navigation and other Works hereby authorized to be made, or shall not within the Space of Forty Days produce and fully disclose the State of the Title to the Premises which he or she is in Possession of, and to the Interests which he or she shall claim therein, then and in any of the said Cases, and in all other Cases wherein any Matter or Thing is hereby referred to the Decision of a Jury, the said Company shall and they are hereby empowered and required to issue a Warrant or Warrants under their Common Seal to the Sheriff of the County in which the Lands or Hereditaments in question shall be interested, and in case such Sheriff or his Under Sheriff shall be one of such Company, or enjoy any Office of Trust or Profit under them, or shall be in any way interested in the Matters in question, then to one 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 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 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 every Person who shall be thought necessary to be examined as a Witness touching the Matters in question, and may order and authorize the said Jury, or any Six or more of them, to view the Place or Matter in controversy; and such Jury, upon their Oaths, (which Oaths, as well as the Oaths to such Person as shall be called upon to give Evidence, the said Justices are hereby empowered to administer,) shall inquire of, assess, and ascertain the Sum of Money to be paid for the Purchase of such Lands or other Hereditaments, and also what other separate or distinct Sum of Money shall be paid by way of Recompence, either for the Damage which

which shall or may before that Time have been so sustained as aforesaid, or for the future temporary or perpetual Continuance of 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 Advantages and Conveniences which shall or may arise to the Person having such Controversy or Dispute by means of the said Navigation; and the said Justices shall accordingly give Judgment for the Purchase Money or Recompence 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, or Collegiate, and all other Persons whomsoever: Provided always, that not less than Seven Days Notice in Writing, signed by the Clerk or Clerks to the said Company, of the Time and Place of Meeting of the said Justices and Jury, shall be given to the Party with whom such Controversy shall arise, by leaving such Notice at the Dwelling House of such Person, or of the Clerk or Agent of any such Body Politic, Corporate, or Collegiate, or with some Tenant or Occupier of the Premises to be valued or respecting which any such Question shall arise; and in case such last-mentioned Party shall (after such Notice being given as aforesaid) fail to attend or produce Evidence before such Jury, they shall proceed to inquire, assess, ascertain, and give Judgment upon the Matters in dispute as if such Party were present.

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

Damages to be assessed separately from the Value of the Land.

CXXI. Provided always, and be it further enacted, That no Person shall be summoned or chosen to be of any such Jury as aforesaid who shall be an Owner or Occupier of any Lands, Grounds, Waters, Tenements, or other Hereditaments which shall be required for any of the Purposes of the said Navigation or any of the Works hereby authorized to be made, or who shall be possessed of or interested in any Share in such Navigation, or be a Mortgagee of the Tolls, or who shall hold any Office or Place of Trust or Emolument under the said Company, or be otherwise interested in such Navigation.

Interested Persons not to be summoned on Juries.

CXXII. And be it further enacted, That if such Sheriff or his Deputy 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 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

Fines on Sheriffs not summoning, and on Persons summoned making Default.

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give his Verdict, or in any other Manner wilfully neglect his Duty contrary to the true Intent of this Act, or if any Person so to be summoned to give Evidence shall not appear, without sufficient Excuse, after having been paid or tendered a reasonable Sum for his or her Costs and Expences, or appearing shall refuse to be sworn, 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 Witness 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 or her the Overplus of the Money thereby produced, after such Penalty, and the Charges and Expences of such Distress and Sale, shall be deducted.

Jurors subject to the same Penalties as in the Courts.

Witnesses committing Perjury.

CXXIII. 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 every Person who in any Examination to be taken by virtue of this Act, upon his or her Oath, or, being of the Society of Persons called *Quakers*, upon his or her solemn Affirmation, shall wilfully and corruptly give false Evidence before any such Jury, or before any Justice 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.

Expences of Juries and Witnesses how to be defrayed.

CXXIV. And be it further enacted, That in every Case where the Verdict of a Jury shall be given for a greater Sum than shall have been previously offered or tendered by the said Company hereby established for the Purchase of any Messuages, Tenements, or Hereditaments to be used or taken by them for the Purposes of this Act, or as a Compensation or Recompence for any Damage, Loss, or Injury which may happen or arise in the Execution of any of the Powers hereby granted, all the Costs of summoning such Jury and the Expence of Witnesses shall be defrayed by the said Company; and such Costs and Expences shall be settled and determined by some Justice 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 for such County, which Warrant any such Justice is hereby authorized and required to issue under his Hand

and Seal, on Application made to him for that Purpose by the Party entitled to receive such Costs and Expences; but if the Verdict of the Jury shall not be given for a greater Sum than shall have been previously offered or tendered by or on behalf of the said Company, then and in every such Case one Moiety of the Costs and Expences shall be defrayed by the Person with whom the said Company hereby established shall have such Controversy or Dispute, and the other Moiety thereof shall be defrayed by the said Company; and the said first-mentioned Moiety of such Costs and Expences (all such Costs and Expences having been first ascertained and settled by some Justice of such County in manner herein-before described) may be deducted out of the Money to be determined or adjudged to be paid to such Person as aforesaid, as so much Money advanced to and for his or her Use; and the Payment or Tender of the Remainder of the Money so to be determined or adjudged shall be deemed and taken, to all Intents and Purposes whatsoever, to be a good Tender or Payment in satisfaction of the Whole thereof: Provided always, that in 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: Provided also, that in case no Compensation shall be given by such Verdict as aforesaid, where the Dispute is for Compensation only, the whole of the aforesaid Costs and Expences shall be paid by the Party claiming Compensation, and the same, after having been so ascertained and settled as aforesaid, shall and may be recovered by the said Company by such Ways and Means as are herein provided for the recovering of any Penalty or Forfeiture incurred under this Act.

CXXV. And be it further enacted, That every Person with whom the said Company hereby established 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 such 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 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.

Persons requiring Juries to be summoned shall give Security.

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

Compensation Money to be apportioned.

CXXVII. And be it further enacted, That all the said Verdicts and Judgments, being first signed by the Clerk of the Peace, or his Deputy,

Verdicts to be recorded.

puty, or other Person who shall take such Verdict as aforesaid, 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 admitted as 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.

Disputes or Differences how settled in Cases not specially provided for.

CXXVIII. And be it further enacted, That in all Cases of Difference or Dispute between the said Company hereby established and any Person whatsoever, concerning the Satisfaction to be made for any Trespass, Injury, or Damage by any such Person alleged to be sustained by reason of carrying into effect any of the Provisions of this Act, or of any thing heretofore done in pursuance of any of the said recited Acts so hereby repealed as aforesaid, or concerning any Injury or Damage by the said Company alleged to be sustained by the Infraction of or Nonobservance of any of the Provisions and Directions in this Act contained by any Person whomsoever, then and in every Case, where the Mode of ascertaining the Extent of or Satisfaction for any such alleged Trespass, Injury, or Damage shall not be otherwise specially provided for by this Act, and where the Parties in dispute cannot agree respecting the same, such alleged Trespass, Injury, and Damage, and the Satisfaction for the same, if any, shall be ascertained in the same Manner by a Jury in all respects as herein-before directed with respect to the disputed Value of any Lands or Hereditaments to be purchased by the said Company hereby established, in pursuance of this Act.

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

CXXIX. And be it further enacted, That the said Company hereby established 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 whomsoever 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 Compensation claimed in respect thereof, by or on behalf of such Person to the said Company, within the Space of Six Calendar Months after the Time such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

Power to enter and take possession of Land on Payment or Tender of Purchase Money.

CXXX. And be it further enacted, That upon Payment or legal Tender of any such Sum of Money as shall have been contracted or agreed for between the Parties, or assessed by any Jury in manner aforesaid, for the Purchase of any Lands, Tenements, or other Hereditaments, or as a Recompence for the yearly Produce or Profits thereof, or as a Compensation for Damages, as herein mentioned, to the Proprietor of such Lands, Tenements, or other Hereditaments, or to such other Person as shall be interested therein or entitled to receive such Money or Compensation respectively, within One Calendar Month

Month after the same shall have been so contracted or agreed for or assessed as aforesaid, 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 of Money into the Bank of *England* as herein-after directed or required, within One Calendar Month after the same shall have been so contracted or agreed for or assessed as aforesaid, for the Use of the Person entitled thereto, it shall be lawful for the said Company, and their Agents, Workmen, and Servants, immediately to enter upon such Lands, Tenements, and other Hereditaments respectively, and then and thereupon such Lands, Tenements, and other Hereditaments, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall thenceforth be vested in and become the sole Property of the said Company to and for the Purposes of this Act; and such Payment, Tender, or Investment shall not only bar all Right, Title, Claim, Interest, and Demand of such Person 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 or her 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 hereby established, or any Person acting under their Authority, to dig or cut such Lands or Ground, Tenements, or other Hereditaments, for the Purposes of making or maintaining the Navigation and Works hereby authorized to be made and maintained, without the Leave and Consent of such Person respectively; and in case any Person lawfully authorized by the said Company shall enter upon any such Premises for any of the Purposes of this Act, before such Payment, Tender, or Investment as aforesaid, the said Company shall forfeit and pay the Sum of Ten Pounds for every Day such Person shall remain on the said Premises.

CXXXI. Provided always, and be it further enacted, That nothing in this Act shall extend or be construed to extend to give to the said Company hereby established any Mines, Minerals, Coals, Stone, or Slate under any Land which shall hereafter be taken or purchased by such Company under the Provisions of this Act, except so much 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 such Company, as if this Act had not been passed, but so as nevertheless not to prejudice or to injure any such Canal or other Works by the said recited Acts or any of them, or by this Act, authorized to be made or maintained.

Company not
to claim
Mines, &c.

Tenants at
Will, &c. to
quit after
Notice.

CXXXII. And be it further enacted, That every Tenant at Will or Lessee for a Year, or any other Person in Possession of any Lands, Tenements, and 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 a Tenant at Will or Lessee for a Year or from Year to Year, shall deliver up the Possession of such Premises to the said Company hereby established, or to such Person or Persons as they shall appoint to take possession of the same, at the Expiration of Three Calendar Months next after Notice to that Effect shall have been given by the said Company, or by any Person 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 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 at such other Time after the Expiration of Three Calendar Months as he or she shall be required to give up such Possession; and in case any such Tenant or Lessee or Person so in Possession as aforesaid shall refuse to give such Possession as aforesaid, it shall be lawful for the said Company to issue their Precept to the Sheriff of the County in which the Premises shall be situate, to deliver Possession of the said Premises to such Person as shall in such Precept 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 and Execution of such Precept on the Person so refusing to give Possession as aforesaid, by Distress and Sale of his or her Goods.

Proviso for
the Interest
of such
Tenants.

CXXXIII. 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 Company hereby established, or to the Person 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 to the Sheriff to give Possession of the Lands and Premises in the Occupation of such Tenant or Lessee as hereinbefore 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 by a Jury in like Manner as herein directed respecting any Compensation for Lands or Hereditaments taken or made use of by the said Company.

Persons hold-
ing under
Leases to
produce the
same.

CXXXIV. And be it further enacted, That in all Cases where any Person shall claim any Satisfaction or Compensation for or in respect of any unexpired Term or Interest in any Lands, Tenements, or Hereditaments through, in, or upon which the said Navigation and the Works hereby authorized to be made are or may pass or be made, under or by virtue of any Demise, Lease, Assignment, or other Grant thereof, the said Company hereby established shall and they are hereby

hereby authorized to require such Person to produce and shew the Lease, Demise, Assignment, or Grant in respect of which such Claim to Satisfaction or Compensation shall be made, and if such Lease, Demise, Assignment, or Grant shall not be produced and shewn, the Person claiming under the same shall be considered as holding only from Year to Year.

CXXXV. And be it further enacted, That every Person 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 Interest due thereon, together with the Amount of Six Calendar Months Interest on the said Principal Money, by the said Company hereby established, or by such Person as they shall appoint, immediately convey, assign, and transfer such Mortgage to the said Company, at their Expence, or to such Person as they shall appoint; or in case any such Mortgagee shall have Notice in Writing from the said Company, or from such Person as they shall appoint, that they will pay off and discharge the Principal Money and Interest which shall be due on such 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 shall convey, assign, and transfer his or her Interest in the Premises to the said Company, or to such Person as shall be appointed as aforesaid; and in case such Mortgagee shall refuse to convey and assign as aforesaid on such Tender or Payment, then all Interest on every such Mortgage shall from thenceforth cease and determine: Provided always, that in case the Sum due for Principal and Interest upon any such Mortgage shall amount to more than the real Value of the Premises to be taken and made use of for the Purposes of this Act, and which shall be ascertained by a Jury 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; and such Mortgagee or Mortgagees may thereupon accept such assessed Value, and assign, transfer, and convey such mortgaged Premises without the Consent of the Mortgagor or Mortgagors thereof, and without Prejudice to the Claims of such Mortgagee or Mortgagees upon the Mortgagor or Mortgagors, or in respect of any collateral or other Security, for Payment of the Residue of the Principal Monies and Interest then remaining due: 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 Mortgage as aforesaid into the Bank of *England* at any Time after the End of Six Calendar Months from the Day of giving such Notice as aforesaid, for the Use of the Mortgagee, the Cashier of the said Bank shall give a Receipt for the said Money in like Manner as 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 the said Mortgagee, and of every Person in Trust for him or her, shall vest in the

Mortgages
to be con-
veyed to the
Company
after Tender.

the said Company, and they shall be deemed to be in the actual Possession of the Premises comprised in such Mortgage to all Intents and Purposes whatsoever: Provided also, that if such Mortgage shall comprise any other Lands or Hereditaments than those which shall be so taken by the said Company, such Mortgagee shall, upon Payment of the Sum so ascertained to be the Value of the said Lands or Hereditaments so taken as last mentioned, forthwith convey, assign, and transfer his or her Interest in such Lands or Hereditaments to the said Company, or to such Person as they shall appoint; and in default of such Conveyance, Assignment, and Transfer, and on Payment of such Money into the Bank of *England* for the Use of such Mortgagee, the Cashier of the Bank shall give such Receipt as above mentioned, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee, and of every Person in Trust for him or her, 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 by virtue of such Mortgage.

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

CXXXVI. And be it further enacted, That in all Cases where a Part only of any Lands or Hereditaments subject to any Mortgage shall be required for the Purposes of this Act, and the Mortgagee 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 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, shall be settled and agreed upon by and between such Mortgagee and the Person entitled to the Equity of Redemption of such Lands or Hereditaments, on the one Part, and the said Company hereby established 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 settled and agreed upon, or ascertained and assessed as aforesaid, shall be paid to such Mortgagee in satisfaction of his or her Claim, so far as the same will extend, or in case of his or her 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 into the Bank as last aforesaid, shall be and be accepted and taken in satisfaction of the Claims of such Mortgagee so far as the same will extend, and also in full Discharge and Exoneration of such Part of the mortgaged Lands as shall be so taken and used from all Principal, Interest, and other Money due or secured thereon: Provided always, that, notwithstanding any thing herein-before contained, such Mortgagee shall have, retain,

retain, and be entitled to such and the same Powers, Remedies, and Means for recovering and compelling Payment of his or her Mortgage Money, or the Residue thereof, as the Case may be, and the Interest thereof respectively, upon and out of the Residue of the mortgaged Lands or Hereditaments not required for the Purposes of this Act, as he or she would otherwise have had or been entitled to for recovering or compelling Payment thereof upon or out of the whole of the Lands, Tenements, or Hereditaments originally comprised in such Mortgage.

CXXXVII. And be it further enacted, That if any Money shall be agreed or assessed to be paid for the Purchase of Lands or Hereditaments purchased, taken, or used by virtue of the Powers of this Act, which shall belong to any Body 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 Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to 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 Company of Proprietors of the Navigation from the *Trent* to the *Mersey*, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His said late Majesty King *George* the Fourth, intituled *An Act for better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; and shall, when so paid in, there remain until the same shall, by Order of the said Court made upon a Petition to be preferred to the said Court in a summary Way by the Person 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 to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court of Exchequer shall authorize to be purchased or paid, 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 or Settlement shall be existing undetermined or capable of taking effect; and in the meantime, and until such Order can be made, the said Money may, by Order of the said Court, upon Application thereto, be invested by the said

Application
of Compens-
ation when
amounting
to 200*l*.

1 G. 4. c. 35.

[*Local.*]

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Accountant

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 in 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 200l.
and amount-
ing to 20l.

CXXXVIII. 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 under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person for the Time being entitled to the Rents and Profits of the Lands or Hereditaments so purchased, taken, or used, or of his or her Guardian or Committee, in case of Infancy, Idiotcy, or Lunacy or other Incapacity, to be signified in Writing under their Common Seal or respective Hands (as the Case may be), 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 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 Company hereby established, 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 by such Trustees applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank of *England*, without obtaining or being required to obtain any Order of the Court of Exchequer touching the Application thereof; and the said Company shall not in any Case be liable to see to the Application of such Purchase Money, or be answerable for the Misapplication thereof.

When less
than 20l.

CXXXIX. Provided also, and be it further enacted, That where such 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 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 any of the Purposes of this Act, for his or her or their own Use and Benefit; or in case of Infancy or Lunacy or other Incapacity, then to his or her Parent, Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person respectively entitled thereto.

CXL. And be it further enacted, That in case the Person to whom any Sum 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 hereby established, or in case such Person to whom such Sum of Money shall be awarded as aforesaid cannot be found, or if the Person entitled to such Lands or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Company to order every such Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England* in the Name and with the Privy 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 making claim to such Sum 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 same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person making claim thereunto, and to make such Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum of Money is and are hereby required to give a Receipt for such Sum of Money, mentioning and specifying therein for what and for whose Use the same is or are received, to such Person as shall pay any such Sum of Money into the Bank as aforesaid.

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

CXLI. 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 Privy of the Accountant General of the said 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 who shall have been in Possession or in Receipt of the Rents and Profits of such Lands or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person, or under the Possession of such Person, shall be deemed and taken to have been lawfully entitled to such Lands or Hereditaments according to such Possession, until the contrary shall be shewn 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 was lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Persons in Possession presumptively entitled.

CXLII. Pro-

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

CXLII. Provided always, and be it further enacted, That where, by reason of any Disability or Incapacity of any Person 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 the 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 Company hereby established out of the Monies to be received by virtue of this Act, who should from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Power to buy
small Pieces
of Land con-
taining Ma-
terials ad-
jacent to the
Canal.

CXLIII. And be it further enacted, That it shall and may be lawful for the said Company hereby established to purchase from any Person willing to sell the same, over and besides the Land hereinbefore authorized to be purchased and taken, any small Pieces or Parcels of Ground lying adjacent to or near the said Navigation, Towing Paths, or other Works by this Act authorized to be made or maintained, containing any Stone or other Materials proper for maintaining and repairing such Part of any of such Towing Paths or other Works, where such Materials shall be wanted for that Purpose, not exceeding the Quantity of Twenty Statute Acres.

Power to get
Materials in
Cases of sud-
den Damage.

CXLIV. And whereas it may happen, from Floods or from some unexpected Accidents, that the Tunnels, Reservoirs, Feeders, Locks, Weirs, Sluices, Flood Gates, Dams, Pens, Tanks, Basins, Banks, Trenches, Embankments, or other Works of the said Navigation may give way or be damaged or destroyed, or the adjacent Lands flooded, damaged, or endangered, and that it may be necessary that the same should be immediately repaired or rebuilt, to prevent further Damage; be it therefore enacted, That as often as any such Case shall happen, it shall be lawful for the said Company hereby established, their Deputies, Agents, Officers, Workmen, and Servants, from Time to Time to enter into any Lands, Grounds, or Hereditaments adjoining or near to the said Navigation, (not being the Ground whereon any House stands, or not being an Orchard, Garden, 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, Clay, Gravel, Soil, and other Materials as may be necessary or proper for the Purposes aforesaid, without any previous Treaty whatsoever with the Owner, Occupier of, or other Person 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 Owner and Occupier of or other Person interested in such Lands, Grounds, or Hereditaments, within the Space of Five Days next after the same shall be demanded, for all Damages which may have been 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

the several Parties concerned should not agree about the same, shall be determined and adjudged or assessed, awarded and recovered, in the Manner and by the Means herein prescribed with respect to the Damages done in making and maintaining the said Navigation and Works.

CXLV. And whereas in pursuance of the Provisions of the said recited Acts so repealed as aforesaid, some or one of them, and of this Act, the said Company are and may be possessed of Lands and Hereditaments disused or not necessary to be made use of for the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Company hereby established to grant and convey by way of absolute Sale, for a Consideration in Money, such Part or Parts of the Lands or Hereditaments which shall have been heretofore or which shall hereafter be so purchased by and conveyed to them as aforesaid, as are not or shall not be wanted for the Purposes of this Act; and Conveyances from the said Company shall be valid and effectual, any Law, Statute, or Custom to the contrary thereof in anywise notwithstanding.

Company empowered to sell Land and Buildings not wanted for the Purposes of this Act.

CXLVI. Provided always, and be it further enacted, That the said Company hereby established, before they shall sell and dispose of such Lands or Hereditaments, shall first offer to resell the same to the Person whose Lands shall immediately adjoin the Lands or Hereditaments so proposed to be sold; and in case of any Disagreement as to the Price to be paid for such Lands or Hereditaments, the same shall be adjusted and settled by a Jury in like Manner as the Price for any Land to be taken in pursuance of this Act is herein directed to be settled in case of Difference or Dispute as to the Value thereof; and if such Person shall not agree or shall refuse to repurchase the same, it shall and may be lawful to and for any Person, not interested in the Premises, to make an Affidavit, to be sworn before a Master or a Master Extraordinary of the High Court of Chancery, or before One of His Majesty's Justices for the County where such Lands or Hereditaments shall lie or be, stating that such Offer was made by or on the Behalf of the said Company, and that such Person did not agree or that he refused to purchase such Lands or Hereditaments, as the Case may be; and such Affidavits shall in all Courts be sufficient Evidence and Proof that such Offer was made and refused or not agreed to.

Adjoining Land Owners to have first Offer of Purchase.

CXLVII. Provided always, and be it further enacted, That in all Cases where, by reason of Absence or otherwise, any Person entitled to avail himself of any Offer so to be made as aforesaid shall be in Foreign Parts, or cannot be found, it shall and may be lawful to and for the said Company hereby established, by public Advertisement, inserted Three successive Weeks in some Newspaper published or circulated within the County in which such Lands or Hereditaments shall be situated, or in case there shall be no such Paper, then in the *London Gazette*, to offer to resell such Lands or Buildings to such Person; and if no Application shall be made to the said Company, signed by or on behalf of such Person, or his or her Agent, accepting such Offer, within Six Calendar Months from the Date of

Mode of Proceeding when the Persons having a preferable Right to repurchase shall be absent.

[*Local.*]

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the said Advertisement, such Omission or Neglect shall be considered, deemed, and taken as a Refusal on the Part of such Person to purchase the same; and an Affidavit of the Fact by the Clerk or Clerks of the said Company, sworn before a Master or Master Extraordinary in Chancery, shall be deemed a sufficient Proof of such Omission or Neglect.

Acceptance
of the Offer
made by the
Company to
be a binding
Agreement.

CXLVIII. And be it further enacted, That in case any Person entitled to avail himself or herself of any Offer to be so made by the said Company hereby established shall, before the Expiration of Six Calendar Months next after the Insertion of the last of the said Advertisements, signify in manner aforesaid to the said Company his or her Desire or Intention to purchase the Lands or Hereditaments for the Time being offered for Sale, the Offer so made and the Intention so signified shall constitute an Agreement between such Person and the said Company for the Purchase by him or her of the said Lands and Hereditaments; and the Agreement shall be binding on both Parties both at Law and in Equity; and in case such Person and the said Company shall differ or not agree with respect to the Price to be paid for the said Lands or Hereditaments, then and in such Case the Price or Prices thereof shall be ascertained by a Jury in the Manner herein directed with respect to the disputed Value of Premises to be purchased by the said Company in pursuance of this Act; and the Expences of hearing and determining such Difference shall be borne and paid in the same Manner as by this Act directed with respect to Purchases made by the said Company (*mutatis mutandis*); and the Money produced by any Sale which may be made by the said Company of such Lands and Hereditaments as aforesaid shall be applied to the Purposes of this Act.

In Cases of
Dispute as to
Pre-emption.

CXLIX. And be it further enacted, That if more than One Owner of adjoining Lands shall, in any of the aforesaid Cases, signify in manner aforesaid his or her Desire to purchase any such Premises as aforesaid, it shall be lawful for the said Company hereby established to elect to which of such Owners they will sell the same.

On Sale of
Land, Com-
pany may
reserve a
Road.

CL. Provided also, and be it further enacted, That it shall be lawful for the said Company hereby established, on the Sale of any Lands or Hereditaments under the Authority of this Act, to reserve a Road to and from any other Land or Hereditaments belonging to the said Company, or which shall have been sold under the Powers contained in this Act or any of the said Acts as aforesaid, so that the said Company, or the Owner of such last-mentioned Land or Hereditaments, may have a convenient Road thereto.

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

CLI. Provided always, and be it further enacted, That upon Payment of the Money which shall arise by the Sale of such Lands or Hereditaments, or any Parts or Parcels thereof, it shall be lawful for the Treasurer for the Time being to the said Company hereby established to sign and give a Receipt for the Money for which the same shall be sold, which Receipt shall in every Case be a sufficient Discharge to any Person for the Purchase Money for such Lands or

Hereditaments, or any Parts or Parcels thereof, which shall be sold, or for so much thereof as in such Receipt shall be expressed to be received, and such Person shall not afterwards be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Purchase Money or any Part thereof.

CLII. And be it further enacted, That all Conveyances to be made by the said Company hereby established, under or by virtue or in pursuance of the several Powers and Authorities to them hereby given, may be made in the following Form, or as near thereto as the Circumstances of the Case will admit; *videlicet*,

Form of
Conveyance
from the
Company.

‘ WE the Company of Proprietors of the Navigation from the *Trent*
‘ to the *Mersey*, in consideration of the Sum of of
‘ lawful Money of *Great Britain* to us paid by of
‘ do hereby, by virtue of the Powers contained in an Act passed in
‘ the First Year of the Reign of His Majesty King *William* the
‘ Fourth, intituled [*here set forth the Title of this Act*], grant and
‘ release to the said all [*describing the Premises to be*
‘ *conveyed*], and all our Right, Title, and Interest in and to the
‘ same and every Part thereof, to hold the same to the said
‘ his Heirs and Assigns for ever [*or to such Uses as the Purchaser*
‘ *may desire*]. In witness whereof we the said Company of Proprie-
‘ tors of the Navigation from the *Trent* to the *Mersey* have hereunto
‘ caused our Common Seal to be set and affixed this Day
‘ of in the Year of our Lord .’

CLIII. And be it enacted, That in all Conveyances to be made by the said Company hereby established of any Freehold Lands or Hereditaments, the Word “grant” shall amount to and be construed and adjudged in all Courts of Judicature to be express Covenants to every Grantee or other Purchaser, his or her Heirs, Executors, Administrators, and 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 thereof, his or her 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, at the Expence of the Persons requiring the same, of such Hereditaments and Premises by the said 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 every such Grantee or Purchaser, and his or her Heirs, Executors, Administrators, and Assigns respectively, shall and may in any Action to be brought assign a Breach or Breaches thereupon, as he or she might do in case such Covenants were 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

The Word
“grant” to
amount to
certain
Covenants.

Words

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 hereby established in the Premises assigned; and all Copyholds shall be surrendered according to the Custom of the Manor in which the same are situate.

Company
empowered
to redeem
any Rents
granted under
former Acts.

CLIV. And whereas by virtue of the Powers and Authorities contained in the said recited Acts so repealed as aforesaid, or some of them, the Company incorporated by the first herein-before recited Act purchased certain Lands, Tenements, or other Hereditaments for the Purpose of making the said Canals or the Works belonging thereto by the said recited Acts or some of them authorized to be made, or for other Purposes of the said Acts or some of them, in consideration of certain perpetual or other Rents or annual Sums of Money to be paid by the said Company: And whereas it may be convenient to the said Company hereby established to purchase such perpetual or other Rents or annual Sums; be it therefore further enacted, That it shall be lawful for the said Company hereby established and they are hereby authorized and empowered, to purchase such Rents or annual Sums, or any of them, from any Person, Body Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, who may be entitled to and willing to sell the same; and that it shall be lawful for all Bodies Politic, Corporate, and Collegiate, Corporations Aggregate and Sole, Trustees, and all other Persons whomsoever, to sell and release to the said Company hereby established, and their Successors, any such perpetual or other Rents or annual Sums, in the same Manner, and subject to such and the same Rules, Regulations, and Restrictions, as are herein-before directed and contained relative to the Purchase of Lands and Hereditaments.

Rents to con-
tinue payable
till redeemed.

CLV. And be it further enacted, That until such perpetual or other Rents or annual Sums shall be purchased as aforesaid, the same shall continue to be paid by the said Company hereby established, and, in case of Nonpayment thereof within Thirty-one Days after the same shall respectively become due and be demanded, shall be recoverable by such Ways and Means as are herein-after mentioned with regard to the Interest of Money which the said Company are herein-after authorized to borrow.

Deficiencies
in Land Tax
to be made
good by the
Company.

CLVI. And whereas, by reason of the Exercise of the Powers granted by this Act for the Purchase of Lands and Hereditaments by the said Company hereby established, there may be Deficiencies in the Assessments for Land Tax in the several and respective Parishes, Townships, Hamlets, or Places in which such Lands or Hereditaments may be situate; be it therefore enacted, That, for preventing the same, the said Company hereby established shall, from and after they shall have become seised and possessed by virtue of the Powers of this Act of any Lands or Hereditaments charged or chargeable 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

several Parishes, Townships, Hamlets, or Places respectively, out of the Monies to arise by virtue of this Act, every such Sum 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.

CLVII. And be it further enacted, That the said Company hereby established, their Successors and Assigns, shall, at their own proper Charges, keep constantly divided and separated the Towing Paths on the Side of the said Navigation, or such Part or Parts thereof as shall be found necessary, with sufficient Posts and Rails, Hedges, Ditches, Trenches, Banks, Walls, or other Fence sufficient to keep in Sheep and other Cattle, to be set and made on the Lands purchased by, conveyed to, or vested in the said Company as aforesaid, from the Lands adjoining to such Towing Paths, and shall, at their own Costs and Charges from Time to Time maintain and support the said Towing Paths, and the said Posts, Rails, Hedges, Ditches, Trenches, Banks, Walls, and other Fences so set up and made as aforesaid, and also shall, at their own Charges, make, erect, and set up, and from Time to Time alter, maintain, and support, such and so many convenient Gates, Bridges, and Stiles in and over all the Hedges, Ditches, and Fences to be by them so made on the Sides of such Towing Paths as aforesaid, as shall from Time to Time be necessary for the Use of the Owners and Occupiers of the Lands or Hereditaments adjoining the said Navigation.

Towing Paths
to be fenced
from the
adjoining
Lands.

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

Regulating
Ascent to
Bridges.

CLIX. And be it further enacted, That where, by means of maintaining any Part of the said Navigation, the adjacent Lands or Grounds shall be deprived of their usual Watering Places for Cattle, then and in such Case the said Company hereby established, their Successors and Assigns, shall, at their own proper Costs and Charges, set out and provide proper and convenient Places in the Lands adjoining the said Navigation for Cattle to drink out of and water at in every such Ground where they were heretofore accustomed to drink and water as aforesaid, and to supply the said Watering Places with Water from and out of the said Canals, if necessary.

Where Cattle
are deprived
of Watering
Places, others
to be pro-
vided.

[*Local.*]

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CLX. Pro-

Land Owners
may erect
Warehouses,
&c. on their
own Lands.

CLX. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to restrain or hinder the Lord of any Manor, or the Owner of any Lands or Grounds, adjoining to any of the said Canals made by virtue of the said recited Acts so repealed as aforesaid, or any of them, from making, erecting, or using any Wharfs, Quays, Landing Places, Cranes, Weighbeams, or Warehouses in or upon their respective own proper Lands, Grounds, or Wastes adjoining or near to such Canals, or from landing any Goods or Things whatsoever thereupon, or upon the Banks lying between the same and any of such Canals, or from making and using proper and convenient Places for Boats or other Vessels to lie in, turn, or pass by each other, so that the making, erecting, or using thereof respectively shall not obstruct or prejudice the Navigation of or on any of such Canals, or the Towing Paths on the Sides thereof; and all Rates, Dues, and Duties that shall be paid for the Use and Benefit of the said Wharfs, Quays, Landing Places, Cranes, Weighbeams, and Warehouses respectively shall be and the same are hereby vested in such Lord of such Manor, or the Owner of such Lands or Grounds or Wastes, who shall make and erect such Wharfs, Quays, Landing Places, Cranes, Weighbeams, or Warehouses upon their respective own proper Lands, Grounds, or Wastes respectively, his or her Heirs and Assigns, so that the Tolls granted to the said Company hereby established, their Successors and Assigns, for Tonnage and Wharfage, shall not be thereby reduced or altered.

But if not
done within
Twelve
Months after
Notice, Com-
pany may
build.

CLXI. Provided also, and be it enacted, That if any such Lord or Owner shall not, within the Space of Twelve Months after Notice given in Writing to him or her, or left at his or her last or usual Place of Abode, by or on behalf of the said Company hereby established, their Successors and Assigns, that any Part of such Lands, Grounds, or Wastes is intended to be used by them for the Purpose of erecting Warehouses and Buildings for the Use of the said Navigation, make, erect, and maintain proper and sufficient Warehouses and Buildings on the respective Part or Parts of the Lands, Grounds, and Wastes comprised or described in such Notice, then and in every such Case the said Company hereby established, their Successors and Assigns, shall have full and absolute Power and Authority, without any Hindrance or Restraint whatsoever, to make use of such Lands, Grounds, or Wastes, except such as are herein particularly specified and excepted, for all or any of the Purposes aforesaid, first making Satisfaction for the same in such Manner as is directed with respect to other Lands or Grounds which shall be taken and used for the like Purposes.

Saving Rights
of Land
Owners:

CLXII. Provided always, and be it further enacted, That nothing herein contained shall prejudice, affect, or lessen the Right of any Lord or Lords of any Manor or Manors, or the Owner or Occupier of any Lands or Grounds, adjoining the said Navigation, to make, erect, or use, in or upon their respective own proper Lands or Grounds or Wastes, such Wharfs, Quays, Landing Places, Cranes, Weighbeams, Warehouses, and Places for Boats or other Vessels to lie in, turn, or pass by each other, as they were respectively entitled to make, erect, or use, and have lawfully enjoyed at the Time of the passing of this Act.

CLXIII. And be it further enacted, That it shall be lawful for the Owners and Occupiers of the respective Lands lying adjoining or near to the said Canals by this Act authorized to be maintained 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 Canals, and to make at their own Expence such Openings in the Sides of such Canals as may be necessary and convenient for effecting such Communication, provided the same be done under the Direction, Superintendence, and Inspection of the Engineer of the said Company, and so that no further or other Communication shall be thereby made with the said Navigation, and so that such Branch or Branches be made without diverting any Streams of Water used for supplying the said Canals or any of them, or which are or shall be necessary for the working of any Furnaces, Forges, Mills, or Works, so as not to diminish the Tolls herein-before authorized to be taken by the said Company hereby established, and so that no Impediment, Injury, Loss of Water, or Damage be occasioned thereby to the said Navigation or the Company hereby established, and so that the Person or Persons making every such Branch or Branches, if thereunto required by the said Company hereby established, make, erect, and maintain sufficient and effectual Bridges and Stop Gates on every such Branch or Branches, to the Satisfaction of the Engineer of the said Company, and keep the same at all Times in good Repair and Condition, in order to preserve the Communication along the Towing Paths of the said Canals, and to prevent the Water being drained or wasted out of the said Canals by means of such Branch or Branches; and the said Company hereby established 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 as aforesaid.

Branch Cuts may be made by Owners of adjoining Lands.

CLXIV. And be it further enacted, That in case the Owner or Owners of any Farms or Lands used for agricultural Purposes, and lying on and adjoining both Sides of the said Canals hereby authorized to be maintained, shall find the Bridges already erected by the said Company insufficient for the due Use and Occupation of such Farms and Lands, then and in such Case the said Company hereby established shall, at their own Costs and Charges, erect and set up and keep and maintain in repair such convenient Bridge or Bridges across the said Canals, not being Swing, Swivel, or Draw Bridges, and not thereby injuring, obstructing, or narrowing the said Canals or Towing Paths, as Two Justices of the County in which such Farms or Lands shall be situate shall, upon their own View, and upon hearing the said Owner or Owners, or his or their Attorney or Agent and Witnesses, and the Attorney or Agent of the Company hereby established and their Witnesses, think necessary, and by Writing under their Hands and Seals order to be made, erected, and set up for the Use and Accommodation of the Owner or Occupier of such Farms or Lands as aforesaid; and in case the said Company shall refuse or neglect to erect and set up such Bridge or Bridges within the Space of Twenty-one Days next after the Expiration of the Time within which the same shall be so ordered to be made, it shall be lawful for such last-mentioned Owner or Owners to erect and set up such Bridge or

Mode of Proceeding in case there are not sufficient Bridges erected for the agricultural Purposes of the Owners of the adjoining Lands.

or Bridges, and the Expence thereof shall be defrayed by the said Company; and if the Amount of such Expence shall not be paid to such Owner or Owners on Demand made upon the said Company, the same shall and may be recovered by Distress and Sale of the Goods of the said Company, by Warrant under the Hand and Seal of any Justice of the Peace for the County, City, or Place.

This Remedy
not to extend
to Persons not
having Lands
on both Sides
the Canal
before pass-
ing of this
Act.

CLXV. Provided always, and be it further enacted, That nothing herein contained shall extend to authorize or enable the Owner or Owners of any Farm or Lands, to require a Bridge or Bridges to be made, erected, or set up at the Costs and Charges of the said Company hereby established, unless the Farm or Lands on both Sides of the Canals, for the Use and Occupation whereof such Bridge or Bridges shall be made, erected, or set up, or required to be made, erected, or set up, was or were, at the Time of passing this Act, the Property of One and the same Person, or of Two or more Persons as Joint Tenants or Tenants in Common, or the Property of some Person claiming by, from, through, or under him or them; nor shall any thing herein contained be deemed, or construed to make the said Company hereby established chargeable with or liable to pay for the Land on which any such Bridge or Bridges shall be erected, nor for any Trespass or Damage occasioned by making, erecting, or repairing the same, or carrying Materials thereto.

Power for
Owners and
Occupiers of
any Lands to
erect Bridges.

CLXVI. And be it further enacted, That in case the Owner or Occupier of any Land used either for agricultural or other Purposes, and lying on and adjoining both Sides of the said Canals, shall at any Time hereafter find the Bridges already made or hereafter to be made by the said Company insufficient for the Use and Accommodation of the last-mentioned Land, then and in such Case the said Owner and Occupier of such last-mentioned Land may and he is hereby authorized and required, at his own Costs and Charges, to erect and set up and to keep and maintain in repair such convenient Bridge or Bridges across the said Canals, not being any Swivel, Swing, or Draw Bridge, and not thereby injuring, obstructing, or narrowing the said Canals or Towing Paths, as Two Justices of the County in which such last-mentioned Land shall be situated shall, upon their own View, and upon hearing the same Owner or Occupier, or his Attorney or Agent and Witnesses, and the Attorney or Agent of the said Company hereby established and their Witnesses, think necessary and order to be erected and set up, under the Direction, Superintendence, and Inspection of the Engineer of the said Company, for the Use and Accommodation of such last-mentioned Land.

Notice to be
given of
Meeting of
Justices.

CLXVII. And be it further enacted, That previous to the Meeting of the said Justices for the Purposes aforesaid, Twenty-one Days Notice, in Writing, shall be given by such Owner or Occupier to the said Company hereby established of the Time and Place at which such Justices shall meet as aforesaid; and in case the Attorney, Agent, or Witnesses of the said Company, or any of them, shall not attend the said Justices pursuant to such Notice, unless sufficient Cause shall be shewn to such Justices for such Absence, it shall be lawful for the said Justices to make such Order or Orders as they shall think proper,

proper, agreeably to the Provisions of this Act, in the Absence of such last-mentioned Attorney, Agent, or Witnesses, or to adjourn from Time to Time the said Meeting to some future Day, as to them shall seem right and proper.

CLXVIII. And to the end that the said Navigation may be maintained with as little Damage to private Property as possible, be it further enacted, That the said Company hereby established, and their Successors, shall and they are hereby required, at their own proper Costs and Charges, to make or cause to be made such Arches, Tunnels, Drains, or other Passages over or under or into the said Navigation, and all Trenches, Streams, and Watercourses communicating therewith, of such Depth and Breadth as shall be sufficient at all Times to convey the Water from the Lands adjoining or lying near to the said Navigation, without obstructing or impeding the same; and that all such Arches, Tunnels, Drains, or other Passages shall from Time to Time be supported, maintained, and kept in good and sufficient Repair by the said Company; and if at any Time after One Calendar Month's Notice shall be given in Writing to the said Company by or on behalf of any Owner or Occupier of the said adjacent Lands, who shall find himself or herself aggrieved by the Obstruction of any of the said Watercourses, or the said Arches, Tunnels, Drains, or other Passages shall not be made, cleansed, repaired, and maintained according to the true Intent and Meaning of this Act, it shall and may be lawful for any such Owner or Occupier from Time to Time, as often as there shall be Occasion, to make, cleanse, and repair, or cause to be made, cleansed, and repaired, such Arches, Tunnels, Drains, or other Passages; and the reasonable Expences thereof shall be repaid to such Person by the said Company, their Successors and Assigns; and in case of Neglect or Refusal to satisfy the same for the Space of Five Days after Demand thereof made upon the said Company, such Expences shall and may be recovered and levied in such Manner as the Costs and Charges of making and erecting Bridges and other Works by the Owners of Lands are by this Act directed and appointed to be recovered and levied.

Drains to be made into the Canal to convey the Water from the Lands adjoining.

CLXIX. And be it further enacted, That if at any Time hereafter the Ditches or Drains belonging to any Owner or Occupier of Lands adjoining or lying near or contiguous to the said Navigation, and which said Ditches or Drains any such Owner or Occupier shall be liable to cleanse or keep open, shall, by reason of their not being sufficiently cleansed or opened, hinder or obstruct the free Passage of the Water from the Drains, Culverts, and Passages belonging to the said Navigation, and if the same shall not be perfectly cleansed and opened within Twenty-one Days after Notice in Writing shall have been given thereof to or left at the usual Place of Abode of such Owner or Occupier, signed by the Clerk or any Agent of the said Company hereby established, it shall then be lawful for the said Company (an Order in Writing for the said Purpose having been first obtained from any Two or more Justices for the County in which the same Ditches or Drains shall be) from Time to Time, as often as there shall be Occasion, to open and cleanse, or cause to be opened

Ditches for carrying off Water from the Drains of the Navigation to be kept open.

[*Local.*]

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and

and cleansed, the said Ditches or Drains; and the reasonable Expences thereof, when ascertained and allowed by the said Justices, or any Two of them, shall be repaid to the said Company by such Owner or Occupier as aforesaid; and in case of Refusal to satisfy the same for the Space of Three Calendar Months after Demand shall have been made thereof, the Amount of such Charges and Expences shall be determined, levied, and recovered in such Manner as the Costs and Charges of making and erecting Bridges by the Owners of Lands are hereby directed and appointed to be recovered and levied.

Mines not to be worked within Forty Yards of the Harecastle Tunnels.

CLXX. And be it further enacted, That no Owner or Worker of any Mine or Mines, Mineral or Minerals, nor any other Person whomsoever, shall open, dig, sink, or carry on any Work for the discovering or getting of any Mine or Mines, Mineral or Minerals, in or under any Lands within the Distance of Forty Yards from the said Tunnels through *Harecastle Hill*, or either of them, nor shall any Mine or Mines, Mineral or Minerals, be worked or got under such Tunnels; or in or under any Lands within such Distance from the same respectively as aforesaid, without the Consent of the said Company hereby established in Writing under their Common Seal for that Purpose first had and obtained; save and except Liberty for every Owner or Worker of such Mine or Mines to cut and drive such Gateways or Levels, and such Headings, Airways, or Waterways, as may be necessary for working the other Part or Parts of such Mine or Mines, so as such Gateways or Levels do not exceed Four Feet and Six Inches in Breadth, and Six Feet in Height, and such Headings, Airways, or Waterways do not exceed Two Feet and Three Inches in Width, and Three Feet in Height, and that none of the said Gateways or Levels, Headings, Airways, or Waterways be nearer to each other than Six Yards, and that the same be done and made under the Direction and Inspection of the Engineer for the Time being of the said Company, and be afterwards used and enjoyed without Injury or Prejudice to such Tunnels or either of them.

In case of Dispute as to the Quantity of Mines to be left unworked.

CLXXI. Provided always, and be it further enacted, That in case the said Company hereby established shall at any Time or Times hereafter require any less Quantity of the said Mines or Minerals than is contained in or under the Lands lying within the Space or Distance of Thirty Yards from the Western Side of the said Tunnel made through *Harecastle Hill* by virtue of the first herein-before recited Act, or within the Space or Distance of Thirty Yards from the Eastern Side of the said additional Tunnel, to be left unworked or ungotten for the Security and Preservation of the said Tunnels and Works, or any of them, but nevertheless the Owner or Worker of the said Mines or Minerals shall deem it necessary that all the Mines or Minerals within the last-mentioned respective Spaces or Distances of Thirty Yards should be left unworked and ungotten for the Security and Preservation of the said Mines, then and in every such Case the Question or Dispute as to the Quantity of such Mines or Minerals necessary to be left for the last-mentioned Purpose (such Quantity not exceeding the whole of the Mines and Minerals contained within the said respective Spaces or Distances of Thirty Yards) shall be tried,

settled, and determined by an Issue at Law in manner herein-after mentioned or provided.

CLXXII. Provided also, and be it further enacted, That when and as often as any Mines or Minerals lying under the said Tunnels through *Harecastle Hill*, or either of them, or in or under any Lands within the Space or Distance of Forty Yards from the same respectively, shall become workable in the due and regular Course of working and getting the same, Notice thereof in Writing shall be given by the Owner or Worker of such Mines or Minerals to the said Company hereby established, and thereupon the said Company shall pay to the Owners or Workers of such Mines or Minerals respectively, in proportion to their respective Interests therein, for all or so much of the said Mines or Minerals so becoming workable and contained in or under the Lands within the said Space or Distance of Forty Yards as shall be required by the said Company to be left ungotten or unworked for the Security or Preservation of the said Tunnels and Works or any of them, or (as the Case may be) for so much of the said Mines and Minerals so becoming workable as shall be ascertained and determined, in pursuance of the Provision herein-before contained, to be necessary to be left unworked or ungotten for the Security and Preservation of the said Mines: Provided nevertheless, that the Mines and Minerals lying under the said Tunnels through *Harecastle Hill*, or either of them, or in or under the Lands within the Space between the same Tunnels, shall in no Case be worked or gotten by any Person whomsoever; but when and as often as the last-mentioned Mines or Minerals or any of them shall from Time to Time become workable in the due and regular Course of working and getting of the same, Satisfaction shall be made by the said Company for the said last-mentioned Mines and Minerals to the Owner or Worker thereof, such Satisfaction to be ascertained, fixed, and determined by an Issue at Law in manner herein-after mentioned or provided.

Satisfaction to Mine Owners adjoining *Harecastle Tunnels*.

CLXXIII. Provided also, and be it enacted, That in case the said Company hereby established shall at any Time or Times hereafter require a less Quantity of the said Mines or Minerals than is contained in or under the Lands within the aforesaid Space or Distance of Forty Yards to be left unworked or ungotten, or in case, upon the Trial of any such Question or Dispute as before mentioned, it shall be ascertained and determined that a less Quantity of the said Mines or Minerals than is contained within the aforesaid respective Spaces or Distances of Thirty Yards is or shall be necessary to be left unworked and ungotten for the Security and Preservation of the said Mines, then and in either of the said Cases the Owner or Worker of the said Mines or Minerals shall be at liberty to work and get all such Mines and Minerals which the said Company shall not require, or which shall have been so ascertained and determined not to be necessary to be left unworked or ungotten for the Purpose aforesaid; and all and every the Owner and Worker, Owners and Workers of such Mine or Mines, and their respective Heirs, Executors, Administrators, and Assigns, shall be and is and are hereby absolutely restrained from working such Part or Parts of the said Mine or Mines for which they shall respectively be entitled to receive Satisfaction as aforesaid,

Mine Owners may get the Mines not required to be left unworked.

aforesaid, save and except Liberty to cut and drive such Gateways, Levels, Headings, Airways, and Waterways as aforesaid.

Satisfaction
for Damages
to Owners of
Mines under
the said
Tunnels.

CLXXIV. And be it further enacted, That the said Company hereby established shall make good and satisfy any Damages (not caused or occasioned by any Infraction or Nonobservance of the Prohibitions herein contained) which may or shall be at any Time or Times whatsoever sustained by any Person or Persons respectively, being Owners of or interested in any Lands, Grounds, Mines, Minerals, Tenements, or Hereditaments, for or by reason of the making, repairing, or maintaining of the said Tunnels through *Harecastle Hill*, or either of them, or supplying the same or any Part thereof with Water as aforesaid, or by the flowing, leaking, or oozing of the Water over or through the Banks, Bottom, or any Part of the Channel of the said Tunnels respectively, or over or through any Passages, Gutters, or Watercourses which shall be made by the said Company pursuant to the Powers hereby given, or by not cleansing the said Passages, Gutters, or Watercourses, or by turning or diverting any Streams or Brooks into the same, or by reason or means of the Execution of any of the Powers herein contained for maintaining and repairing the said Tunnels respectively, by the said Company, or their Agents, Workmen, or Servants; and all Questions and Disputes concerning the Satisfaction so to be made, or Damages sustained as aforesaid, shall be tried, settled, and determined by an Issue at Law in manner herein-after mentioned or provided.

Owners of
Mines may
make Soughs
into any Tun-
nels, under
certain Regu-
lations.

CLXXV. And be it further enacted, That it shall and may be lawful for the Owner or Proprietor of any Coals, Ironstone, Salt Rock, or other Minerals which shall have been discovered or cut in any Tunnel or Aqueduct hereby authorized to be maintained, to make and maintain a Sough or Soughs, Drain or Drains, to unwater the remaining Part of such Mines, Salt Rock, or Minerals, and to discharge the Water arising and flowing from the same into such Tunnels or any of them; provided that such Settling Places be made at convenient Distances in such Soughs or Drains as shall be approved and directed by the said Company hereby established, or their Engineer for the Time being, and cleansed as often as shall be necessary, at the Expence of the Person making the same, in order to prevent the Mud and Earth from being conveyed into such Tunnels or any of them; and provided that such Part of such Soughs or Drains as shall be under or within the Distance of Ten Yards from such Tunnels or any of them, on either Side thereof, shall not exceed Four Feet in Breadth, and that the same shall be made under the Direction and Inspection of the said Company, or their Engineer for the Time being, and that no Water shall be taken or drained out of the Summit Pound of any of the said Canals in *Harecastle Vale* hereby authorized to be maintained, or from the Springs, Streams, or Brooks that supply the same Summit Pound near *Harecastle Vale*, unless such Water shall be returned into the Summit Pound of the said Canals in *Harecastle Vale* aforesaid.

Preserving
Rights of the
Owners of
Mines, &c.

CLXXVI. And be it further enacted, That nothing herein contained shall extend or be construed to extend to defeat, prejudice, or

or affect the Right of any Lord or Lady of any Manor or Manors, Common or Waste Grounds, or of any Owner of any Lands or Grounds, in, upon, or through which the said Canals, Railways, Towing Paths, Wharfs, Quays, Trenches, Sluices, Passages, Watercourses, or Conveniences hereby authorized to be made or maintained, or any of them, shall have been made, to the Mines, Minerals, or Quarries, or to the Salt Springs, Brine, or Rock Salt lying or being within or under any of the Lands or Grounds set out or made use of for any of such Canals, Railways, Towing Paths, Wharfs, Quays, Trenches, Sluices, Passages, or Watercourses, or other Conveniences, or any of them; but all such Mines, Minerals, Quarries, Salt Springs, Brine, and Rock Salt are hereby reserved to such Lord or Lady of such Manor, or of such Common or Waste Grounds, and to such Owner of such Lands or Grounds respectively, their Heirs or Assigns; and that it shall and may be lawful to and for the Lord or Lady of such Manor or Manors, Common or Waste Grounds, or such Owner of such Lands or Grounds respectively, subject to the Conditions and Restrictions herein contained, to work and to take and carry away to his or her own Use such Mines, Minerals, or Quarries, and such Salt Springs, Brine, and Rock Salt, not thereby injuring, prejudicing, damaging, or obstructing such Canals, Railways, Towing Paths, Wharfs, Quays, Trenches, Sluices, Passages, Watercourses, or other the Conveniences aforesaid, or any of them; and all Questions and Disputes touching any Injury, Prejudice, Damage, or Destruction which shall at any Time or Times hereafter be charged or alleged by the said Company to have been made, done, or committed by such last-mentioned Lord or Lady or Owner of such Lands or Grounds as last mentioned, shall be tried, settled, ascertained, and determined by an Issue at Law in manner herein-after mentioned or provided: Provided nevertheless, that nothing herein contained shall alter, prejudice, or in anywise affect the Powers, Provisions, Restrictions, and Enactments herein contained, or any of them, relating to the Mines or Minerals under the said Tunnels made through *Harecastle Hill*, or in or under any Lands within the Distance of Forty Yards from the same Tunnels or either of them.

CLXXVII. And be it further enacted, That if the Owner or Worker of any Coal or other Mine shall, in pursuing such Mine, work near to or under any Part of any of the said Canals, Railways, and Works hereby authorized to be made or maintained, (except the Owner or Worker of any Mines or Minerals lying in the Land under or within the Distance of Forty Yards from the said Tunnels through *Harecastle Hill*, or either of them, respecting which Provision is herein-before made,) so as in the Opinion of the said Company hereby established to endanger or damage the same Canals, Railways, and Works, or any of them, or in the Opinion of the said Owner or Worker of the said Mine to endanger, damage, or impede the further working thereof, then it shall be lawful for the said Company and they are hereby required to treat with such Owner or Worker for all such Coals or other Minerals as may be near to or under any of such Canals, Railways, or Works respectively, (except as before excepted,) and as shall be necessary to be left for the Security or Preservation of such Canals, Railways, or Works respectively, or of

Mines not to be worked to prejudice the Navigation, &c.

[*Local.*]

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such

such Mine or Mines as aforesaid ; and in case any Question or Dispute shall arise between the said Company and such Owner or Worker of such Mine or Mines as to how much of such Coals or Minerals is necessary to be left unworked or ungotten for the Purposes aforesaid, or as to the Satisfaction to be made for such Coals or other Minerals so to be left as aforesaid, or in case there shall be any legal Incapacity or Disability in the Owner or Worker of such Coals or other Mines to treat or agree with the said Company, then and in either or any of the said Cases such Question or Dispute, and in the Case of such Incapacity or Disability as aforesaid, then the Satisfaction to be made for the Coals or other Minerals belonging to such incapacitated or disabled Person, as well as the Quantity of Coals or other Minerals belonging to such last-mentioned Person which shall be necessary to be left unworked or ungotten for the Purposes aforesaid, shall be ascertained, settled, and determined by an Issue at Law in manner herein-after mentioned or provided ; and upon Satisfaction being made, or upon Notice being given by the said Company to such Owner or Worker of the Desire and Intention of the said Company to make Satisfaction for such Coals or other Minerals, such Owner or Worker of any such Mine or Mines shall be and is hereby absolutely restrained from working such Part or Parts of the said Mine or Mines for which such Satisfaction shall have been made or such Notice given as aforesaid ; save and except Liberty to cut and drive such Levels or Headings as may be necessary for working the other Part or Parts of such Mine or Mines, not exceeding Four Feet and Six Inches in Breadth or Six Feet in Height each, nor nearer to each other than Six Yards.

Method of
trying feigned
Issues.

CLXXVIII. And be it further enacted, That in order to try, ascertain, settle, and determine all Questions, Disputes, and Matters which are herein-before directed to be tried, ascertained, settled, or determined by an Issue at Law, such Issue shall from Time to Time be tried before the Justices of Assize for the County in which the Cause of Action shall arise, by an Action upon a feigned Issue, to be commenced and prosecuted in one of His Majesty's Courts of Record at *Westminster*, in which Action the Person or Persons, Body Politic, Corporate, or Collegiate, claiming Satisfaction, Compensation, or Damages from the said Company, shall, or (as the Case may be) the Person or Persons, Body Politic, Corporate, or Collegiate, requiring all the Mines or Minerals contained in or under the Lands lying within the aforesaid respective Spaces or Distances of Thirty Yards from the said Tunnels through *Harecastle Hill*, to be left unworked or ungotten for the Purposes aforesaid, shall be Plaintiff or Plaintiffs, and the said Company shall be Defendants ; or in case the said Company shall claim Satisfaction, Compensation, or Damages for any Injury, Prejudice, Damage, or Obstruction done or committed in or upon or to the said Navigation, then as often as the Case shall arise the said Company shall be Plaintiffs in the said Action, and the Person or Persons, Body Politic, Corporate, or Collegiate, from whom such Satisfaction, Compensation, or Damages shall be claimed shall be Defendant or Defendants ; and in both or either of the said Cases the Defendant or Defendants shall immediately accept a Declaration and shall plead to the said Action ; and in case the said Parties should

should differ touching the Terms of the said Issue, the same shall be settled by the proper Officer of the Court in which such Action shall be commenced; and such Issue shall be tried before a Special Jury, to be summoned, impannelled, and reduced in the usual Manner, as in the Cases of Actions at the Common Law; and the said Court shall have Power to direct a new Trial upon the said Issue if they shall see fit, and shall give Judgment for the Sum of Money ultimately awarded by the Verdict of such Jury.

CLXXIX. 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 Discovery or getting of any Mines or Minerals contrary to the Directions of this Act, it shall and may be lawful for the said Company hereby established, their Agents and Servants, from Time to Time and at all Times hereafter to enter upon any Lands or Grounds adjoining to or near the said Navigation wherein any Mines, Coal Pits, or Delphs now are or shall or may be dug or opened, or Works for discovering the same now are or shall be, and likewise to enter into such Mines, Coal Pits, or Works, and there to view, search, measure, latch, and use all other Means for the discovering of the Distance of the said Navigation from the working Part of such Mines, 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, for the Purpose of descending into and ascending from such Works or Mines, and examining the State thereof; and in case it shall appear that any such Mines, Coal Pits, Delphs, or Works have been worked or got, or any Works have been carried on for the discovering or getting of such Mines, contrary to the Directions of this Act, it shall and may be lawful for the said Company, and for their Agents, Servants, and Workmen, at the Expence, Costs, and Charges of the Owner or Owners of such Mines respectively, to enter into and upon all such Mines 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 Navigation, such Expences, Costs, and Charges to be recovered by the said Company in such and the same Manner as the Tolls granted by this Act are to be recovered, and shall be paid into the Hands of the Treasurer to the said Company, to be applied for the Purposes of this Act.

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

CLXXX. Provided always, and be it further enacted, That all Coals, Ironstone, Salt Rock, and other Minerals which shall be found and dug up in making or carrying on the Works hereby authorized to be made, carried on, and completed, shall be laid upon the Surface of the Lands in some convenient Place near the said Works, at the Expence of the said Company hereby established; and it shall and may be lawful to and for the Person in whose Lands or Grounds the said Coals, Ironstone, Salt Rock, and other Minerals shall be found and dug up, to take, carry away, and dispose of the same to and for his or her own Use and Benefit, not thereby impeding or obstructing the said Navigation, or the making and carrying on such other Works.

Coal, Ironstone, and other Materials dug out of Lands to be taken by the Owners.

CLXXXI. Pro-

No Mills to
be built by
the Company
on the Canal
or Towing
Paths, or
Warehouses,
&c. in any
Garden, &c.

CLXXXI. Provided always, and be it further enacted, That it shall not be lawful for the said Company hereby established, their Successors or Assigns, to erect or build any Mill upon any of the said Canals hereby authorized to be maintained, or upon the Lands which have been or shall be set out for the Towing Paths, Wharfs, or Quays on the Sides thereof; or to make, erect, or build any Warehouses, Buildings, Quays, Wharfs, Cranes, or Weighbeams within the Distance of Fifty Yards of any Capital or Manor House, or in or upon any Foldyard, Garden, Park, Paddock, planted Walk, or Avenue to a House, or Lawn inclosed, adjoining to any Mansion House, that are now used as such, or to take down or damage any Dwelling House or Outhouse, without the Consent of the Proprietor thereof respectively; or to cut down any Timber Wood, Brushwood, or Underwood upon any of the Estates or Lands through or into which any of such Canals, Towing Paths, Trenches, Sluices, Roads, Passages, or other Conveniences, or any Part thereof respectively, are already or shall be made or carried, except such Timber Wood, Brushwood, or Underwood as shall grow or be in or upon any of the Lands or Grounds which shall have been or which shall be set out or used for the making of any of such Canals, or the Towing Paths, Trenches, Sluices, Roads, Passages, or Conveniences, or any Part thereof respectively, by the said recited Acts so repealed as aforesaid, or any of them, or by this Act, authorized to be made or maintained.

For pre-
serving Salt
Works.

CLXXXII. Provided also, and be it enacted, That the said Company hereby established, their Successors or Assigns, or their Agents or Servants, or any other Person by them authorized or employed, shall not sink for, raise, or get any Brine or Rock Salt in or out of any of the Lands or Grounds which shall have been or shall be set out and ascertained for the Purposes of the said Navigation, nor carry or convey in Pipes, Troughs, or Soughs to be laid in, upon, or under any Part of the said Lands or Grounds or otherwise, any Brine for the making of Salt, or erect or make any Buildings for the making or manufacturing of Salt in or upon such Lands or Grounds, but shall be and are hereby restrained from doing any of the Acts, Matters, or Things aforesaid; and that in case the said Company, their Successors or Assigns, or their Agents, Servants, or Workmen, or any other Person authorized or employed by them, shall attempt to sink any Pit for the getting and raising any such Brine or Rock Salt, or to lay any Pipe, Trough, or Sough to convey such Brine in, upon, or under any Part of such Lands or Grounds as aforesaid, or to erect any Buildings upon the same for the making or manufacturing of Salt, then and in every such Case it shall and may be lawful to and for the Proprietor or Proprietors for the Time being of the Lands or Grounds adjoining to the said Canal near which any such Pipe, Trough, or Sough may be laid for the Purpose of conveying such Brine as aforesaid, to obstruct, hinder, and prevent the same, and to remove any Materials brought or made use of for any of the Purposes aforesaid, without being guilty of any Trespass, or liable to any Action or Suit, for so doing.

Rights to
Fisheries.

CLXXXIII. Provided always, and it is hereby enacted, That the Lord or Lady or Owner of every Manor through or in which any
of

of the said Canals or Reservoirs so made as aforesaid pass or are situate shall have and be entitled to the sole, several, and exclusive Right of Fishery of and in so much of every of such Canals or Reservoirs as shall be made over or through the Common or Waste Lands within his or her Manor respectively, and also in, over, or through any other Lands or Grounds lying within any such Manor wherein such Lord or Lady or Owner now hath 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 in or through which any of such Canals or Reservoirs have been made shall also have and be entitled to the like sole, several, and exclusive Right of Fishery of and in so much of such Canals or Reservoirs as are made in, over, or through any of his, her, or their Lands or Grounds respectively; so as in the Use and Exercise of the said Right of Fishery none of such Canals or Reservoirs, or the Towing Paths, Banks, or other Works and Conveniences aforesaid, shall be prejudiced or obstructed, or any Water drained or exhausted from or out of any of such Canals or Reservoirs, and so as the said Company hereby established, their Successors or Assigns, 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 any of such Canals, Reservoirs, Trenches, or Sluices, which shall be taken, killed, or destroyed through or by means of the letting off the Water out of any Part of any of such Canals or Reservoirs for or upon account of any Repairs or Works to be done in or about the same; and also it shall and may be lawful for the Lord or Lady of such Manor, and the Owner of such Lands or Grounds, being qualified by Law so to do, to take and kill Game upon so much of such Canals, Reservoirs, Towing Paths, and other the Lands or Grounds belonging to the said Company, as shall be made through their respective Lands or Grounds as aforesaid.

CLXXXIV. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to empower the said Company, their Successors or Assigns, to erect any House or other Building (except such Warehouses, Watch-houses, or other Houses or Works as shall be necessary for using, preserving, and maintaining the said Canals, Reservoirs, Towing Paths, Railways, and Limestone Quarries hereby authorized to be made or maintained and worked, or for the Use or Accommodation of any Person employed by the said Company,) upon any of the Lands or Grounds which have been or shall be set out and taken for the Use of such Canals, Reservoirs, Railways, and Limestone Quarries, or to plant any Trees on such Lands or Grounds, unless they shall first obtain the Consent of the Person who was Owner of such Lands or Grounds at the Time of the setting out the same, his or her Heirs or Assigns, in Writing under his or her Hand; and that in case any House or other Building (except as aforesaid) shall be erected, or any Trees shall be planted, upon any such Lands or Grounds, without such Consent as aforesaid, it shall and may be lawful to and for the Person who was Owner of such Lands or Grounds at the Time of the setting out the same as aforesaid, his or her Heirs or Assigns, to take or pull down

Company
not to erect
Houses, &c.
without Con-
sent of Land
Owners.

[*Local.*]

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and

and remove such Houses and other Buildings, and to cut down and carry away such Trees, without being guilty of any Trespass, or liable to any Action or Prosecution, for so doing.

Construction
of Steam
Engines.

CLXXXV. And be it further enacted, That the Furnace of every Steam Engine erected or to be erected by the said Company hereby established shall be constructed upon the best Principle of consuming its own Smoke.

Power to
borrow the
Remainder of
the Money
authorized by
former Acts
to be bor-
rowed.

CLXXXVI. And whereas, by the said Act passed in the Fourth Year of the Reign of His said late Majesty, the Company incorporated by the first herein-before recited Act were authorized and empowered to borrow and raise, by Mortgage of the said several Canals, Undertakings, and Premises, and the Rates and Duties thereby arising, at legal or less Interest, any Sum of Money, not exceeding in the whole the Sum of Sixty thousand Pounds, from such Person or Persons as should be willing to lend the same, and to assign the same Premises, or any Part thereof, as a Security of such Sum or Sums of Money: And whereas by the said Act passed in the Seventh and Eighth Year of His said late Majesty, the said last-mentioned Company were, in like Manner and upon the same Terms as last aforesaid, authorized and empowered to borrow and raise the Sum of Twenty thousand Pounds: And whereas of the said Sum of Sixty thousand Pounds so authorized to be borrowed as first aforesaid, the said last-mentioned Company have borrowed only the Sum of Fifty thousand Pounds, and of the said Sum of Twenty thousand Pounds secondly authorized to be borrowed as aforesaid, the said last-mentioned Company have borrowed no Part whatsoever; be it further enacted, That the said Company hereby established may and they are hereby authorized and empowered at any Time or Times hereafter to borrow and take up at Interest, upon the Terms and in the Manner aforesaid, any Sum or Sums of Money for the Purposes of the said Navigation and Works hereby authorized to be made and maintained, not exceeding in the whole the Sum of Thirty thousand Pounds.

Power to
borrow
Money at a
lower Rate
to pay off
Mortgages
made at a
higher Rate
of Interest.

CLXXXVII. And be it further enacted, That in case the said Company hereby established shall at any Time or Times hereafter be required to pay off and discharge the said Sum of Fifty thousand Pounds or any Part thereof, or shall be able to borrow or take up Money at a lower Rate of Interest than shall happen to be payable upon any Mortgage which may have been granted by the said Company incorporated by the first herein-before recited Act, or which shall hereafter be granted by the Company hereby established, and may be then subsisting, it shall be lawful for the said last-mentioned Company to borrow and take up, at such lower Rate of Interest, any Sum of Money, not exceeding the Amount which will be requisite to pay off and discharge the said Sum of Fifty thousand Pounds, or so much thereof as shall be required to be paid as aforesaid, or the Mortgage bearing the higher Rate of Interest, as the Case may be, 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.

CLXXXVIII. And be it further enacted, That every Mortgage or Security which shall be made or given by the Company hereby established, 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 Form following, or in any other Form to the like Effect; (that is to say,)

‘ **B**Y virtue of an Act passed in the First Year of the Reign of His Majesty King *William* the Fourth, intituled *An Act [here set forth the Title of this Act]*, we, the Company of Proprietors of the Navigation from the *Trent* to the *Mersey*, by virtue of the Powers contained in the said Act, and in consideration of the Sum of
‘ to us lent and advanced by
‘ of the Receipt whereof is hereby acknowledged,
‘ do hereby grant and assign unto the said 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, and all our Right, Title, and Interest
‘ of, in, and to the same, to hold unto the said 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, and to whom Mortgages have been made under the said recited Acts so repealed as aforesaid, or any of them, shall be equally entitled, one with the other, to their Proportion of the said Rates, Tolls, and Duties, according to the respective Sums secured by or due upon such Mortgages, without any Preference by reason of the Priority of Date of any such Mortgage, or on any other Account whatsoever; and a Memorial of every such Mortgage to be made as aforesaid, containing the Date thereof, and the Name with the proper Addition of the Person to whom the same shall have been made, and 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 or Clerks of the said Company, for which he shall be paid Two Shillings and Sixpence, and no more; and the Person to whom any such Mortgage as aforesaid shall have been or shall be made, or who shall be entitled to the Money due thereon, shall and may from Time to Time transfer his or her Right or Interest therein to any Person, by Writing under his or her Hand and Seal, in the Form or to the Effect following; (that is to say,)

‘ **I** of in consideration of the
‘ Sum of paid by of
‘ do hereby transfer to the said his Executors,
‘ Administrators, and Assigns, a certain Mortgage made by the
‘ Company of Proprietors of the Navigation from the *Trent* to the
‘ *Mersey* 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 .’

Or

Memorial of
Transfer to
be kept by
the Clerk.

Or may use any other legal or valid Form of Transfer for the Purpose aforesaid ; and every such Transfer shall, within Twenty-eight Days after the Date thereof, be produced to the Clerk to the said Company, who shall cause a Memorial to be made thereof in a Book to be kept as aforesaid, for which such Clerk shall be paid Two Shillings and Sixpence, and no more ; and every such Entry made of such Transfer shall from thenceforth entitle every such Assignee, his or her 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 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 always, 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 Company.

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

CLXXXIX. And be it further enacted, That the Interest of the Money raised and now due under the Authority of the said recited Acts so repealed as aforesaid, some or one of them, and to be raised by virtue of this Act, on Mortgage as aforesaid, shall be paid half-yearly to the several Persons entitled thereto, in preference to any Dividends payable by virtue of this Act to the several Proprietors of Shares in the Capital or Joint Stock of the said Company hereby established, and shall from Time to Time be fully paid and discharged or provided for before the yearly or other Dividends to the said Proprietors, or any of them, shall be paid, made, or provided for ; and in case the said Interest, 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 a Demand thereof in Writing shall have been made upon the said Company, or left at the principal Office of the said Company at *Stone* aforesaid, then it shall be lawful for any Two or more Justices acting in and for any of the said Counties of *Stafford*, *Derby*, or *Chester*, 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 to receive the Whole or such Part of the said Tolls as shall be requisite to pay the Interest so due and unpaid as aforesaid ; and the Money to be received by such Person is hereby declared to be so much Money received by or to the Use of the Person to whom such Interest shall be then due, until the same, together with the Costs and Charges of recovering and receiving the said Tolls, shall be fully satisfied and paid ; and after such Interest and Costs shall be paid and satisfied, the Power and Authority of such Receiver for the Purpose aforesaid shall cease and determine ; and the Balance (if any) of the Monies received by him shall be paid to the said Company, or as they shall direct ; or the Interest so due and unpaid as aforesaid shall or may be sued for and recovered with Costs by Action of Debt in any of His Majesty's Courts of Record at *Westminster*.

Power to
take Tolls.

CXC. And be it further enacted, That it shall and may be lawful for the said Company hereby established, from Time to Time and
at

at all Times hereafter, to demand, receive, take, and recover to and for their own Use and Benefit,

For Tonnage and Wharfage for all Coal, Stones, Timber, and other Goods whatsoever which shall be navigated, carried, or conveyed through or upon the said Canal extending from the River *Trent* at or near *Wilden Ferry* to the River *Mersey* at or near *Runcorn Gap*, including the said additional Tunnel through *Harecastle Hill* (except such Part of the said Canal as was authorized to be made by the said *Francis Duke of Bridgewater*, his Heirs or Assigns), such Sum or Sums of Money as the said Company shall from Time to Time direct or appoint, not exceeding the Sum of One Penny Halfpenny *per Ton per Mile*, and so in proportion for any greater or less Quantity than a Ton, and for any greater or less Distance than a Mile :

And for Tonnage and Wharfage for all Coal, Stone, Timber, and other Goods whatsoever which shall be navigated, carried, or conveyed through or upon the said Canal, called the *Caldon Canal*, such Sum or Sums of Money as the said Company shall from Time to Time direct or appoint, not exceeding the Sum of One Penny Halfpenny *per Ton per Mile*, and so in proportion for any greater or less Quantity than a Ton, and for any greater or less Distance than a Mile ; and also the further Sum of One Halfpenny *per Mile* for every Ton of Coals, Cannel, and Slack brought from any of the Coal Mines within the Parishes of *Kingsley* and *Cheadle*, lying on the South Side of the River *Churnett*, which shall be navigated, carried, or conveyed along or upon any Part of the said last-mentioned Canal between the Turnpike Road in *Chedleton* and the Termination of the said Railway near *Caldon* aforesaid :

And for Tonnage and Wharfage for all Coal, Stone, Timber, and other Goods whatsoever which shall be navigated, carried, or conveyed through or upon the said Branch Cut or Canal from the said *Caldon Canal* at or near *Endon* to or near the Town of *Leek*, such Sum or Sums of Money as the said Company shall from Time to Time direct or appoint, not exceeding the Sum of One Penny Halfpenny *per Ton per Mile*, and so in proportion for any greater or less Quantity than a Ton, and for any greater or less Distance than a Mile :

And for Tonnage and Wharfage for all Coal, Stone, Timber, and other Goods whatsoever which shall be navigated, carried, or conveyed through or upon the Canal, from and out of the said Canal from the *Trent* to the *Mersey* at *Longport* to *Dale Hall* in *Burslem*, such Sum or Sums of Money as the said Company shall from Time to Time direct or appoint, not exceeding a Sum after the Rate of One Penny Halfpenny *per Ton per Mile*, and so in proportion for any greater or less Quantity than a Ton, and for any greater or less Distance than a Mile :

And for Tonnage and Wharfage of all Coal, Limestone, and other Stone, Saggar-clay, Bricks, and Sand which shall be carried or conveyed by or upon any of the said several Railways from the said Canal from the *Trent* to the *Mersey* to *Lane End*, *Hanley*, and *Burslem* respectively, such Sum or Sums of Money as the said Company shall from Time to Time direct or appoint, not ex-

[*Local.*]

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ceeding

ceeding the Sum of Two-pence *per Ton per Mile*; and for all other Goods such Sum or Sums of Money as the said Company shall from Time to Time direct or appoint, not exceeding the Sum of Three-pence *per Ton per Mile*, and so in proportion for any greater or less Quantity than a Ton, and for any greater or less Distance than a Mile:

And for all Goods to be carried or conveyed by or upon the said Railway from *Froghall* to or near *Caldon* aforesaid, such Sum or Sums of Money as the said Company shall from Time to Time direct or appoint, not exceeding the Sum of Two-pence *per Ton per Mile*, and so in proportion for any greater or less Quantity than a Ton, and for any greater or less Distance than a Mile:

And for all Goods to be conveyed through or upon the said Canal from *Froghall* to *Uttoxeter*, such Sum or Sums of Money as the said Company shall from Time to Time direct or appoint, not exceeding One Penny Halfpenny *per Ton per Mile*, and so in proportion for any greater or less Quantity than a Ton, and for any greater or less Distance than a Mile; but in no case shall the aggregate Amount of the said last-mentioned Tolls exceed One Shilling and Sixpence *per Ton*.

Tolls to be
taken on the
Macclesfield
Branch.

CXCI. And be it further enacted, That it shall and may be lawful for the said Company hereby established, from Time to Time and at all Times hereafter, to demand, receive, take, and recover, to and for their own Use and Benefit, in respect of the said Part of the said *Macclesfield* Canal so made and completed by the said Company incorporated by the first herein-before recited Act as aforesaid, the several Tolls for all Goods, Articles, and Things conveyed upon the said last-mentioned Part of the said *Macclesfield* Canal herein-after specified; (that is to say,)

For every Ton Weight of Sand, Gravel, Paving Stones, Bricks, Clay, Coal for burning Lime, Limestone, and Rubblestone for Roads, the Sum of One Penny *per Mile*:

For every Ton of Ashler Stone, Slate, Flag, Spar, Coal (except for burning Lime), and other Minerals, the Sum of One Penny Halfpenny *per Mile*:

For every Ton of Timber, Lime, Goods, Wares, and all other Merchandize, Articles, Matters, and Things not mentioned above, the Sum of Two-pence *per Mile*.

Exemption
as to Manure
on the
Macclesfield
Branch.

CXCII. Provided always, and be it further enacted, That no Toll shall be demanded or taken for or in respect of any Boat, Barge, or other Vessel laden with Dung, Soil, Marl, and Ashes of Coal or Turf, to be used for the Improvement only of the Lands and Grounds in any Parish, Township, Hamlet, Village, or Place through which the said last-mentioned Part of the said *Macclesfield* Canal shall pass, so that the same do not pass through any Lock made or to be made on the said Part of the said *Macclesfield* Canal but at such Times when the Water shall flow over the Waste Weir of such Lock; and the Person who shall own or be concerned or employed in carrying such Dung, Soil, Marl, Ashes, or Manure for the Improvement of Land, shall have free Liberty to make use of the Towing Paths, Wharfs,

or Quays belonging to the said Company hereby established, such Person not suffering the same to be upon any of such Wharfs or Quays longer than may be necessary for the loading, unloading, and conveying thereof from and to the several Places where they are to be put on board and unloaded; provided that the Person claiming any such Exemption as aforesaid, and intending to pass through any Lock on such last-mentioned Part of the said *Macclesfield* Canal, shall give Notice to the nearest Collector of the said Tolls, or Lock-keeper, of such his Intention, and shall specify the Lock or Locks through which he intends to pass, Three Hours at least before passing through the same; and if any Person shall claim and take the Benefit of any of the said Exemptions who shall not be entitled thereto, or shall use or dispose of any of the Articles for which any such Exemption shall have been allowed in any other Manner than as before mentioned, he shall for every such Offence forfeit to the Company any Sum not exceeding the Sum of Five Pounds, to be recovered and enforced (in case of Nonpayment) by the said Company in the same and the like Manner as the Payment of other Penalties inflicted by this Act are directed to be recovered and enforced.

CXCIII. And be it further enacted, That the Company hereby established shall and may and they are hereby authorized and empowered to demand, take, receive, and recover, to and for their own Use and Benefit, for the Tonnage of all Goods which shall be conveyed through or upon the said Branch Cut or Canal now in progress of making by the said United Company of Proprietors of the *Ellesmere* and *Chester* Canal from *Wardle Green* to *Middlewich*, or any Part thereof, and which shall pass or be brought into or upon the said Navigation from the *Trent* to the *Mersey*, or which shall be conveyed through, upon, or along the said Navigation from the *Trent* to the *Mersey*, and pass or be brought into or upon such Branch Cut or Canal, or any Part thereof, or which shall be conveyed through or upon any Part of the said Navigable Cut or Canal of One hundred Yards, the several Tolls herein-after mentioned, being in full for all Tonnage Rates, Tolls, and Duties in respect of the said Navigable Cut or Canal of One hundred Yards; (that is to say,)

For every Ton Weight of Coal, Coke, Culm, Limestone, and Rock Salt, the Sum of Nine-pence :

For every Ton Weight of Freestone, Timber, Slate, Ironstone, Lead Ore, Iron, and Lead, the Sum of Nine-pence Halfpenny :

For every Ton Weight of all or any other Goods, Wares, Merchandize, Articles, Matters, or Things whatsoever, the Sum of Ten-pence Halfpenny.

CXCIV. And be it further enacted and declared, That in all Cases of Goods carried upon the said Part of the said *Macclesfield* Canal made and completed by the said Company incorporated by the first herein-before recited Act, where there shall be a Fraction of a Mile, if such Fraction be more than a Quarter of a Mile it shall, in calculating the said Tolls, be taken as One Half of a Whole Mile, and where such Fraction shall be less than a Quarter of a Mile, it shall be taken as a Whole Quarter of a Mile; and where there shall be a Fraction of a Ton in the Weight of any Lading, a Proportion of the said

Company
may take
Tolls on the
Middlewich
Branch.

Fraction of a
Mile or Ton
in Tolls.

said Tolls shall be demanded and taken by the said Company according to the Numbers of Quarters of a Ton contained therein, so that no Fraction be considered less than a Quarter of a Ton; and that the said Railway from the said Canal at *Stoke* to the Lower Market Place in *Lane End* aforesaid shall, in calculating the said Tolls on such Goods as shall pass on such Railway to or from the said Market Place, be considered and estimated at Two Miles only; and the said Company hereby established shall cause a Stone or other conspicuous Mark, with a proper Inscription, to be erected and maintained at the End of each Quarter of a Mile on the Side of all the said Canals hereby authorized to be maintained.

Charges for
Wharfage
and Ware-
housing.

CXCV. And be it further enacted, That, in addition to the Tolls hereby made payable, any Sum of Money not exceeding the Sum of Two-pence *per* Ton shall and may be demanded and taken by the said Company for the Wharfage of Coals, Culm, Lime, Limestone, Clay, Iron, Ironstone, Lead Ore or any other Ores, Timber, Stone, Bricks, Tiles, Slates, Gravel, or other Things which shall be placed and remain on any Wharf or Quay belonging to the said Company for any Time exceeding Twenty-four Hours and not exceeding Seven Days, and any Sum not exceeding the Sum of Two-pence *per* Ton for every further Seven Days that such Articles or Things shall remain upon such Wharfs or Quays; and any Sum not exceeding the Sum of Two-pence shall and may be demanded and taken by the said Company for the Wharfage or Warehousing of every Package not exceeding One hundred and twenty Pounds Weight; and any Sum not exceeding the Sum of Three-pence for every Package exceeding One hundred and twenty Pounds Weight and not exceeding Six hundred Pounds Weight; and any Sum not exceeding the Sum of Four-pence for every Package exceeding Six hundred Pounds Weight and not exceeding One thousand two hundred Pounds Weight; and any Sum not exceeding the Sum of Five-pence for every Package exceeding One thousand two hundred Pounds Weight, which shall be respectively placed upon any of the Wharfs, Quays, or Warehouses belonging to the said Company, and shall continue therein or thereupon for any Time exceeding Twenty-four Hours and not exceeding Seven Days: Provided always, that in case any Package or Packages shall be left and remain in or upon any such Wharfs, Quays, or Warehouses more than Seven and not exceeding Fourteen Days, then the Owner or Owners of such Package or Packages shall pay to the said Company any Sum not exceeding the further Sum of Two-pence for every Package not exceeding One hundred and twenty Pounds Weight; and any Sum not exceeding the further Sum of Three-pence for every Package exceeding One hundred and twenty Pounds Weight and not exceeding Six hundred Pounds Weight; and any Sum not exceeding the further Sum of Four-pence for every Package exceeding Six hundred Pounds Weight and not exceeding One thousand two hundred Pounds Weight; and any Sum not exceeding the further Sum of Five-pence for every Package exceeding One thousand two hundred Pounds Weight; and any Sum not exceeding the Sum of Six-pence for every further Seven Days which any Package shall remain upon such Wharfs, Quays, or Warehouses after the Expiration of Fourteen Days.

CXCVI. Pro-

CXCVI. Provided also, and be it further enacted, That Lime and Limestone carried or conveyed on the Canal from the *Trent* to the *Mersey* between *Wilden Ferry* and *Preston Brook* aforesaid, or through or upon the said Canal called the *Caldon Canal*, and by or upon the Railway leading from *Froghall* to *Caldon*, shall not pay more than One Halfpenny *per Ton per Mile*; and Paving Stones, Gravel, Sand, and all other Materials for making and repairing of Roads, (Limestone excepted,) Dung, Soil, Marl, or Ashes to be used as Manure for Land only, shall not nor shall any of them be charged with or liable to pay any of the Tolls authorized to be taken by this Act for being carried upon either of the said last-mentioned Canals, or any Part thereof, but shall be free and exempted from the same, so that the Things hereby exempted from the Payment of such Tolls do not pass through any Lock but at such Times when the Water shall flow over the Weir made to convey the waste Water from the Summit Pound of the said Canals; and also that such Person who shall own or be concerned or employed in carrying Paving Stones, Gravel, Sand, or other Materials for the Repairs of Roads, or Dung, Soil, Marl, or other Manure (except Lime and Limestone) for Land, shall have free Liberty to make use of the Towing Paths, Wharfs, or Quays belonging to the said Company hereby established, their Successors and Assigns, such Person not suffering such Paving Stones, Gravel, Sand, or other Materials for repairing Roads, or Dung, Soil, Marl, or other Manure, to lie upon any of such Wharfs or Quays longer than shall be necessary for loading, unloading, and conveying the same from and to the several Places where they are put on board and unloaded, making good any Damages that may be done to the Sides or Banks of the said Navigation, or any Part thereof, by the loading, unloading, or discharging any Boat or other Vessel, which Recompence or Satisfaction, in case of any Difference, shall be settled in manner herein-after directed.

Toll on Lime.

Stones, Sand, &c. for Roads, and Manure for Land, exempted from Toll.

CXCVII. And in order to prevent the Consumption of Water by the conveying of Lime or Limestone which by this Act is to pay less Tolls than are hereby authorized to be taken upon other Goods passing through the Locks upon the said Navigation, when there shall not be sufficient Water to supply the Lockage for Goods which pay the full Tolls authorized to be taken by this Act; be it further enacted, That it shall not be lawful for any Boat or other Vessel carrying Lime or Limestone to pass through any Lock upon the said Navigation except at Times when the Water flows over the Weir made to convey the waste Water from the Pound out of which such Lock is to be filled, without paying the like Toll which other Goods are liable to pay; provided that nothing herein contained shall extend to exempt any Boat or other Vessel conveying Lime or Limestone through or upon the said Branch Cut or Canal now in progress of making from *Wardle Green* to *Middlewich* aforesaid, or any Part thereof, and which shall pass or be brought into or upon the said Navigation from the *Trent* to the *Mersey*, or which shall be conveyed through, upon, or along the last-mentioned Navigation, and pass or be brought into or upon such Branch Cut or Canal, or any Part thereof, or which shall be conveyed through or upon the said Cut or Canal of One hundred Yards communicating with the *Ellesmere* and

At what Time Vessels loaded with Lime or Limestone may pass through the Locks, &c.

[Local.]

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Chester

Chester Canal as aforesaid, from the Payment of the Tolls herein-before made payable for Lime or Limestone conveyed through or upon the said Branch Cut or Canal, the said Navigation, and the said Canal of One hundred Yards respectively, in manner aforesaid.

Masters of Boats to give an Account in Writing to the Collectors of the Particulars of Goods.

CXCVIII. And for the more easy collecting the said Tolls hereby authorized and directed to be paid, be it further enacted, That the Master, Owner, or Manager of every Boat or other Vessel navigating upon any of the said Canals hereby authorized to be maintained, or on any Part thereof, shall give a just Account in Writing, signed by the Master, Owner, or Person having the Rule or Command of every such Boat or other Vessel, to the Collectors of the said Tolls, at the Place or Places where they shall attend for that Purpose, of what Quantities of Goods shall be in or belonging to each Boat or other Vessel, from whence brought, and where it is intended to land the same; but if the Goods contained in such Boat shall be liable to the Payment of different Tolls, then such Master, Owner, or Manager shall specify the Quantities liable to the Payment of each Toll; and in case any such Master, Owner, or Manager neglect or refuse to give such Account, or shall give a false Account, or shall deliver any Part of such Loading or Goods at any other Place than what is mentioned in that Account, he shall forfeit and pay to the said Company hereby established, their Successors and Assigns, the Sum of Ten Shillings for every Ton of Goods which shall be in such Boat or Vessel respectively, of which such Account shall be so refused to be given, or of which such false Account shall be given, or which shall be delivered out as aforesaid, as the Case shall happen to be, over and above the respective Tolls to be paid for the same; and in case of Neglect, Refusal, or Denial of Payment, on Demand, of any such Forfeiture before mentioned, or any Part thereof, to the said Company, their Successors and Assigns, then and in such Case the same shall be recovered and levied in such Manner and by such Methods as the said Tolls hereby granted to the said Company, their Successors and Assigns, are herein-after directed and appointed to be recovered and levied.

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

CXCIX. And be it further enacted, That if any Difference shall arise between any Collector of the Tolls, and the Owner or Person having the Charge of any Boat or other Vessel, or the Owner of any Goods, concerning the Weight or Quantity or Description of any such Goods, it shall be lawful for any such Collector to stop and detain any such Boat or other Vessel, and to weigh, measure, gauge, and examine, or cause to be weighed, measured, gauged, or examined, such Boat or other Vessel, and all such Goods as shall be therein respectively contained; and in case the same shall appear to be of greater Weight or Quantity than or of a different Description from 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 may be recovered and levied by such Ways and Means and in such Manner as the said Tolls are hereby appointed to be recovered and levied; but if such Goods shall appear to be of the same or less Weight

Weight or Quantity than the same shall by such Account appear to be, then the said Company hereby established shall pay the Costs and Charges of such weighing, measuring, or gauging, and shall also pay to such Master, Owner, or other Person having the Management of such Boat or other Vessel, or to the Owner of such Goods, such Damages as shall appear to any Justice of and for the County where such weighing, measuring, or gauging shall take place, 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 any such Justice, upon the like Oath of some credible Witness, 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, Owner, or other Person, or to the Owner of such Goods, such Damage as shall appear to such Justice to have arisen from such Detention; and in default of immediate Payment thereof by the said Company hereby established, or by the said Collector, as the Case may be, the same may be recovered from the said 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; and the Overplus, after deducting the Costs of such Distress and Sale, shall be given to the said Company or to the said Collector, as the Case may be.

CC. Provided always, and be it further enacted, That if at any Time hereafter any Dispute or Difference shall arise between any Collector of the said Tolls, and the Master, Owner, or Manager of any Boat or Vessel, or the Owner of any Goods, concerning the Weight or Quantity of the Goods in such Boat or Vessel, and the same cannot be settled and adjusted without unloading such Boat or Vessel, and weighing, measuring, or gauging such Goods, it shall be lawful to and for the said Company hereby established, or any of their Collectors, and they are hereby authorized and empowered, to charge the Weight of such Goods by and according to the Weight thereof declared by the Gauge of such Boat, and the graduated Index thereon.

In case of Dispute about Weight, the Tonnage to be charged by Gauge of the Boat.

CCI. And be it further enacted, That the Owner of every Boat, Barge, or other Vessel navigating the said Canals hereby authorized to be maintained, or any of them, shall cause his, her, or their Name or Names and Place or Places of Abode, and the Number of his, her, or their Boat, Barge, or other Vessel, to be entered with the principal Agent of the said Company hereby established, 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, in some conspicuous Part of each of the external Sides of every such Boat, Barge, or other Vessel, so as to be always open to View; and shall permit and suffer every such Boat, Barge, or other Vessel to be gauged, weighed, measured, and indexed, at the Expence of such Owner or Owners, whenever it shall be required by the said Company, or any Person or Persons by them appointed for that Purpose; and all and every Owner or Owners or other Person having the Care of any Boat, Barge, or other Vessel, or who shall conduct

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

conduct the same along the same Canals, or along any Part thereof respectively, without having such Boat, Barge, or other Vessel 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 shall raise, lower, or displace any Index placed on any such Boat, Barge, or other Vessel, or who shall refuse to permit and suffer such Boat, Barge, or other Vessel to be gauged, weighed, measured, and indexed, shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence; and it shall be lawful for the said Company, or any Agent, Lock-keeper, or Servant of the said Company, to prevent any Boat, Barge, or other Vessel that shall not be so marked and indexed as aforesaid from passing any Lock on the said Canals or any Part thereof.

Weight of
Timber, &c.

CCII. And be it further enacted, That Forty entire Cubic Feet of Oak or Ash Timber shall be rated and estimated at and for One Ton Weight; and Fifty Cubic Feet of Fir or Deal Balk, Poplar, Beech, and Birch, at and for One Ton Weight; and that Six Score Pounds Weight Avoirdupoise of all Goods, Articles, and Things conveyed on the said Navigation, shall be deemed and taken as and for One Hundred Weight, and Twenty of such Hundred Weight shall be deemed a Ton, within the Intent and Meaning of this Act.

Power to re-
duce and
advance
Tolls.

CCIII. Provided always, and be it further enacted, That it shall be lawful for the said Company hereby established, from Time to Time, and as often as they shall see fit, to lessen or reduce all or any of the Rates, Tolls, and Duties hereby authorized to be taken for or in respect of any Description of Articles, Matters, or Things which shall be conveyed upon the said Navigation, and afterwards from Time to Time again to raise or advance 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: Provided always, that previous to any Reduction or Advance in the said Rates, Tolls, and Duties being carried into effect, One Calendar Month's Notice at least shall be given in some one of the Newspapers published in each of the Counties of *Derby, Stafford, Salop, and Chester*, and in the Towns of *Birmingham and Liverpool*; Provided also, that the Rates, Tolls, and Duties to be taken by virtue of this Act shall at all Times be charged equally and after the same Rate *per Ton per Mile* throughout the whole of the said Navigation, in respect of the same Description of Articles, Matters, or Things, and that no Reduction or Advance in the said Rates, Tolls, and Duties shall, either directly or indirectly, be made partially, or in favour of or against any particular Person or Persons, Company or Companies, or be confined to any particular Part of the said Navigation; but that every such Reduction or Advance of Rates, Tolls, and Duties upon any particular Kind or Description of Articles, Matters, or Things, shall extend to and take place throughout the Whole and every Part of the said Navigation upon and in respect of the same Description of Articles, Matters, or Things so reduced or advanced, and shall extend to all Persons whomsoever navigating the same, or carrying the same Description of

of Articles, Matters, and Things thereon, any thing to the contrary thereof in anywise notwithstanding.

CCIV. Provided always, and be it further enacted, That nothing herein contained shall extend to prejudice or affect, or to compel the said Company hereby established, unless they shall so think fit, to lessen or reduce, all or any of the Tolls hereby authorized to be taken in respect of all or any Goods, Articles, and Things conveyed upon the said Part of the said *Macclesfield* Canal so made and completed by the said Company of Proprietors of the Navigation from the *Trent* to the *Mersey* as aforesaid, or all or any of the Tonnages of Nine-pence, Nine-pence Halfpenny, and Ten-pence Halfpenny *per* Ton by this Act authorized to be taken in respect of Goods which shall be conveyed through or upon the said Branch Cut or Canal now in progress of making by the said United Company of Proprietors of the *Ellesmere* and *Chester* Canal from *Wardle Green* to *Middlewich*, or any Part thereof, and which shall pass or be brought into or upon the said Navigation from the *Trent* to the *Mersey*, or which shall be conveyed through, upon, or along the said Navigation from the *Trent* to the *Mersey*, and pass or be brought into or upon such Branch Cut or Canal or any Part thereof, or which shall be conveyed through or upon any Part of the said Navigable Cut or Canal of One hundred Yards, or any other Tolls or Tonnages in Gross hereby authorized to be demanded, taken, or recovered: Provided also, that in case the said Company shall at any Time or Times, by virtue of the Power and Authority herein-before contained, lessen, reduce, raise, advance, or vary all or any of the said Tolls or Tonnages in Gross, such Reduction or Advance shall be made equally upon all Goods, Matters, and Things of the like Kind and Description carried or conveyed on the Cut or Canal whereon such Reduction or Advance is intended to take place, and upon all Persons and Companies navigating such Cut or Canal.

Certain Tolls
not to be
affected.

CCV. And be it further enacted, That every Person shall have free Liberty to use with Horses, Cattle, and Carriages the Railways, private Roads, and Ways, and with Boats or other Vessels any of the Canals authorized to be maintained, such Boats or other Vessels being of such Breadth or Width as can conveniently pass through the Locks, Tunnels, and other Works already made or to be made by the said Company hereby established, and not exceeding Seven Feet in Breadth, and to use the said Wharfs or Quays for loading or unloading Coals and other Goods, and the said Towing Paths for haling and drawing such Boats and Vessels, upon Payment of such Tolls as shall be demanded by the said Company, their Successors and Assigns, not exceeding the Tolls herein-before mentioned and made payable, and subject to the Rules and Regulations which shall be from Time to Time made by the said Company by virtue of the Powers hereby granted; provided the said Boats or other Vessels, or Waggon or other Carriages, shall not, without the Licence and Consent of the said Company, or of the said General or Select Committee, pass along the said Navigation 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

Navigation
to be free on
Payment of
Tolls.

[Local.]

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of

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*.

No Boat to
pass without
Payment for
Fifteen Tons.

CCVI. And be it further enacted, That no Boat or other Vessel without Lading, or with a less Lading than Fifteen Tons, shall pass through any Lock on the said Navigation, without the Consent of the said Company or their principal Agent, unless the Owner or Person using such Boat or other Vessel shall pay to the said Company a Tonnage for Fifteen Tons of Lading, calculated, for the whole Length of the Voyage upon the said Navigation, after the highest Rate of Tonnage payable for any Goods or Articles carried or conveyed upon the said Navigation, in the same Manner as if such Boat or Vessel had actually on Board Fifteen Tons of Lading of such Goods or Articles: Provided always, that in case any such Boat or Vessel shall on her Voyage to her Place of Destination, or on her Return therefrom, or in both Voyages taken together, have such Lading or Ladings on board as shall in the whole amount to Fifteen Tons or any less Weight, then no further Payment in respect of the Tonnage of such Fifteen Tons or any less Weight shall be demanded or taken by the said Company; and in case any such Boat or Vessel shall on both such Voyages taken together have a Lading or Ladings of more than Fifteen Tons, then the said Company shall not be entitled to demand or take a Tonnage for any greater Weight than the Excess of such Ladings taken together beyond the said Fifteen Tons so paid for as aforesaid, calculated after the highest Rate of Tonnage payable for the Description or Descriptions of Goods of which such Ladings shall consist: Provided nevertheless, that such Consent of the said Company or their principal Agent shall not be partially given in favour of any particular Person or Persons, Company or Companies: Provided also, that whenever such Consent shall be given for any Boat or Vessel to pass through the Lock called *King's Lock*, lying on the South Side of the Town of *Middlerwich*, such Consent shall extend to and include all other Boats without Lading, or with a less Lading than Fifteen Tons, passing on the same Day along the whole Extent of the said Navigation between the said Lock and *Preston Brook*, or any Part thereof: And provided also, that no Owner or Master of any Boat or other Vessel without Lading, or with a less Lading than Fifteen Tons, which shall pass through any Lock or Locks upon the said Cut or Canal of One hundred Yards, shall be charged with Tolls for or on account of passing through such last-mentioned Lock or Locks in respect of any greater Quantity of Lading than shall be actually on board such Boat or Vessel.

Pleasure
Boats.

CCVII. Provided also, and be it further enacted, That it shall and may be lawful to and for the Owner and Occupier of any Land adjoining to the said Canals or Reservoirs hereby authorized to be maintained to use any Pleasure Boat upon any of the said Canals or Reservoirs (not passing through any Lock without the Consent of the said Company hereby established, or their principal Agent for the Time being,) without any Interruption from the said Company, their Successors or Assigns, and without paying Toll for the same, and so

as the same be not made use of for carrying any Goods to Market or for Sale, or any Persons for Hire, and so as the same do not obstruct or prejudice the Navigation of any of such Canals or the Towing Paths on the Sides thereof; and the respective Owners of all such Pleasure Boats shall, in their own Lands, make convenient Places for such Boats to lie in, and shall not suffer the same to be moored or remain upon any Part of the said Canals.

CCVIII. Provided always, and be it further enacted, That no Passage Boat or Vessel which may be intended or used for the Purpose of carrying Passengers and Parcels for Hire or Reward shall be permitted to pass or be navigated through or upon any of the said Canals hereby authorized to be maintained, or upon any Part thereof, but upon such Terms as may be fixed and agreed upon between the said Company hereby established and the Person who may be desirous to navigate or make use of such Passage Boat or Vessel as aforesaid.

Passage Boats not to be navigated on the Canal but on Terms agreed upon with the Company.

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

Tables of Tolls to be set up.

CCX. 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 Company or their Agent first obtained, remove or alter, any such Table so painted or printed as aforesaid, or any Part thereof, or any Number, Letter, Figure, or Mark thereon, every Person so offending shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Penalty for defacing Tables.

CCXI. And be it further enacted, That the said Tolls hereby made payable shall be paid at such Place or Places near the said Navigation, to such Person, and in such Manner, and under such Regulations, as the said Company hereby established shall appoint; and in case of Neglect or Refusal of Payment, on Demand, of any of the Tolls by this Act authorized to be demanded and taken, or any Part thereof, or any Arrears of such Tolls, to the Person appointed to receive the same, the said Company may sue for the said Tolls respectively

Payment of Tolls how to be enforced.

respectively by Action of Debt or upon the Case in any Court of Record; and in every such Action it shall be sufficient for the Plaintiffs to declare that under or by virtue of a certain Act, intituled [here set forth the Title of this Act], the said Company, or their Assignees or Mortgagees, as the Case may be, are lawfully possessed of or entitled to such Tolls as in and by such Action are sought to be recovered, and to allege when, where, how, and wherefore such Tolls became payable to the said Plaintiffs; or such Person so appointed as aforesaid may and he or she is hereby empowered to seize and take the Goods or other Things for or in respect whereof any Tolls or any Arrears thereof ought to have been paid, or any Part thereof respectively, and the Boat, Vessel, or Carriage laden therewith, and in like Manner to seize and take any other Boat or other Vessel or Carriage belonging to the Person from whom such Arrears shall be due, whether laden or empty, passing or being upon the said Navigation and Railways, or either of them, for any Arrears of Tolls due and payable to the said Company, and to detain the same Boats, Vessels, and Carriages until such Payment shall be made, and also until Payment of all Tolls and Arrears of the said Tolls which may be due from the Owner of such Boat or other Vessel, Carriage, or Goods, to the said Company, together with reasonable Charges for such Seizure and Detention; and if such Distress shall not be redeemed within Five Days after the taking thereof, the same shall be appraised and sold in like Manner as the Law directs in Cases of Distress for Rent.

Penalty on
Persons evad-
ing Payment
of the full
Toll.

CCXII. And be it further enacted, That if any Person shall fraudulently carry or convey any Article or Thing whatsoever on the said Navigation, or any Part thereof, on Payment of a lower Toll than that to which such Articles or Things are hereby subject or liable, and shall be thereof convicted before any Justice of or for the County where such Offence shall be committed, every such Person so offending shall for every such Offence forfeit and pay to the said Company hereby established any Sum not exceeding Five Pounds, over and above the Toll to which such Articles are liable.

For settling
Disputes
about the
Amount of
Tolls.

CCXIII. Provided always, and be it further enacted, That if any Dispute shall arise concerning the Amount of any such Tolls 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 Tolls due, and the Charges of seizing, distraining, keeping, or selling such Distress, as the Case may happen, shall be ascertained by some Justice for the County, Town, or Place in which such Distress shall be made, who, upon Application made to him for that Purpose, shall examine the Matter upon Oath of the Parties or other Witness, and determine the Amount of the Tolls due; and it shall be lawful for such Justice 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.

CCXIV. And

CCXIV. And be it further enacted, That if any Person navigating or having the Care of any Boat or other Vessel upon the said Navigation, or any Part thereof, shall, with Intent to avoid the Payment of the Tolls due and payable to the said Company hereby established, unload or take into any Boat, Barge, or other Vessel any Goods whatsoever liable to pay any of the Tolls due and payable to the said Company by virtue of this Act, at any other Place than at the public or private Wharfs or Quays upon or belonging to the said Navigation, without first having obtained a Consent in Writing for that Purpose from the General or Select Committee of the said Company, or some or one of the Agents or Collectors of the Tolls of the said Company duly authorized for that Purpose, or if any Person shall do any other Act with Intent to evade the Payment of any such Tolls, or shall ride or drive any Horse, Sheep, or other Cattle on any of the Towing Paths of the said Navigation, other than any Horse which may be used in drawing or haling any Boat or Vessel, then and in every such Case every such Person so offending, and being thereof convicted before One Justice of the County where the Offence shall be committed, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on fraudulently unloading Goods to avoid Payment of Tolls.

CCXV. And be it further enacted, That it shall be lawful for the said Company hereby established to let or demise all or any Part of the Tolls to be payable under or by virtue of this Act, for any Term not exceeding Three Years at any One Time, to any Person, for the highest Rent that can be had or gotten for the same, either by public Bidding or otherwise, provided that One Calendar Month's previous Notice be given in One of the public Newspapers published or usually circulated in each of the Counties of *Derby*, *Stafford*, and *Chester*, of their Intention to let or demise the said Tolls, or such Part thereof as shall be so let, and so as that the Person renting the same shall give to the said Company such Security as the General or Select Committee of the said Company for the Time being shall deem satisfactory for the true Performance of his, her, or their Bargain, Contract, or Agreement; and the Person so renting the said Tolls shall have full Power and Authority to ask, recover, and receive the same, and shall have the same Powers for recovering the same as are hereby given to the said Company, and shall in every respect be deemed and taken to be a Collector appointed by virtue of this Act.

Power to lease Tolls.

CCXVI. And be it further enacted, That every Toll Collector shall and he is hereby required to place his Christian and Surname, painted or printed on a Board in legible Characters, on the Front or some other conspicuous Part of the Stop Gate or Toll House immediately on his coming on Duty, each of the Letters of such Names to be at least Three Inches in Length, and of a Breadth in proportion, and painted or printed either in White Letters on a Black Ground or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be on Duty; and if any Collector of any such Tolls shall not place such Board as aforesaid, and keep the same there during the Time he shall be on Duty as aforesaid, or shall demand or take a greater or less Toll from any

For preventing Collectors misbehaving.

[*Local.*]

10 C

Person

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 Company hereby established made in pursuance thereof, or shall demand or take Toll 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 or Tables of Tolls aforesaid, 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 any of the said Tolls, or shall in answer to such Demand give a false Name, or upon the legal Toll being paid or tendered shall unnecessarily detain or wilfully obstruct or prevent any Boat, Barge, or Vessel from passing along the said Navigation, or shall use any scurrilous or abusive Language to any Treasurer, Clerk, Engineer, or other Officer, or to any Passenger, Owner, or Master of any Boat, or other Person employed in navigating the same, then and in every such Case every such Toll Collector so offending, and being convicted thereof as aforesaid, shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Boat Owner
or Master an-
swerable for
Damages, &c.
done by any
of his Crew.

CCXVII. And be it further enacted, That the Owner or Master of every Boat or other Vessel navigating within the Limits of, in, through, or upon any of the said Canals hereby authorized to be maintained, and the Owner or Proprietor of any Waggon or other Carriage travelling upon any of the Railways or other Works already made or hereby authorized to be made and completed as aforesaid, shall be and is hereby made answerable for any Damage, Spoil, or Mischief that shall be done by his Boat or other Vessel or Carriage, or any of the Boatmen, Watermen, or Drivers belonging to or employed in or about the same respectively, unto any of the Bridges, Weirs, Locks, Dams, Engines, or other Works in, upon, or near such Canals and Railways respectively, and by loading or unloading any Boat or other Vessel or Carriage, and for any Trespass or Damage that may be done to the Proprietor of any Building, Erection, Lands, or Tenements adjoining to the same, or any of them, other than is authorized by this Act; and the said Owner or Master of such Boat or other Vessel or such Carriage as aforesaid shall and may be sued and prosecuted for the same in any Court of Record whatsoever, and if found guilty, or a Verdict pass against him, or Judgment be given against him upon Demurrer or by Default, the Plaintiff in any such Case shall recover his Damages thereby sustained, with full Costs of Suit; and in case the Owner of any such Boat, Barge, Vessel, or Carriage employed in any of the said Canals or Railways respectively, shall be compelled to pay any Penalty or to make Satisfaction for any Damages occasioned by any Neglect or Default of any of his Boatmen or Servants (inevitable Accidents only excepted), such Boatman or Servant respectively shall be liable to repay such Penalty or Damages, with the Costs attending the same, to such Owner, to be recovered before One Justice of the County where the Offence shall be committed, in such and the same Manner as all Penalties are herein-after directed to be recovered.

Owners of
Boats may
recover Pe-
nalties from
their Ser-
vants.

CCXVIII. And

CCXVIII. And be it further enacted, That in case any Boatman or Person employed in navigating any Boat or Vessel on the said Navigation shall pass with any Boat or Vessel any Drawbridge or Swivelbridge which is at present or may hereafter be laid across or over the said Navigation, and shall neglect to shut and fasten such Bridge after such Boat or Vessel shall have passed such Bridge, so that by such Neglect the free Passage for Travellers over any such Bridge shall be interrupted, every such Boatman or Person guilty of such Neglect, and being convicted thereof by the Oath of One credible Witness before One of His Majesty's Justices of or for the County where such Offence shall be committed, shall forfeit and pay for every such Offence any Sum not exceeding Two Pounds; and if any Person shall wilfully open any such Drawbridge or Swivelbridge when no Vessel is to pass through the same, so as to interrupt a free Passage over the same for Travellers or Carriages, such Person shall, on being thereof convicted in manner aforesaid, forfeit and pay any Sum not exceeding Two Pounds nor less than Twenty Shillings, at the Discretion of any such Justice; which said Forfeitures respectively are to be recovered in the same Manner as any other Forfeiture is by this Act directed to be recovered; and the Money arising by any such Forfeiture shall be applied in manner following; (that is to say,) one Half thereof shall be paid to the Informer, and the other Half to the Poor of the Township or Parish where such Offence shall be committed.

Penalty on neglecting to shut and fasten Swivel or Draw Bridges.

CCXIX. And be it further enacted, That it shall be lawful for the said Company, by any such Bye Law as aforesaid, from Time to Time to authorize and permit any Boat or Vessel of the Description usually called Fly Boats, carrying light Goods, Merchandize, or other Articles, to pass any Lock or Locks before a Boat or Vessel laden with Coals, Timber, Stones, Lead, or other heavy Articles, provided such Fly Boat be within One hundred Yards from the Lock at which such Preference is given.

Preference may be given to Fly Boats.

CCXX. And be it further enacted, That if any Person shall wantonly, or through Carelessness or Negligence, open or cause to be opened any Lock or Clough belonging to the said Navigation, or shall in such Manner suffer any Boat or other Vessel to strike or run upon any of the Bridges or Locks thereof, or if any Person shall wilfully flush or draw off the Water from any Part of the said Navigation, or shall leave any of the Cloughs open and running after any Boat or other Vessel shall have passed any Lock belonging to any Part of the said Navigation, or if any Person shall draw or cause to be drawn any Clough in the Lock Gates on the said Navigation, so as to mispend or waste the Water in any Part of the said Navigation, or shall wilfully and maliciously do any other Act to the Prejudice of the said Navigation, every such Person so offending in any of the said Particulars, and being thereof convicted before One Justice of or for the County where such Offence shall be committed, upon the Oath of One Witness, shall forfeit and pay for every such Offence any Sum not exceeding the Sum of Five Pounds nor less than Twenty Shillings.

Penalty on wilfully or carelessly wasting the Water, &c.

CCXXI. And

For prevent-
ing Boats
stopping at
improper
Places and
Times.

CCXXI. And be it further enacted, That it shall not be lawful to or for any Boat or Vessel (unless compelled by some inevitable Accident or other reasonable Cause) to stop or lie on any Part of the said Navigation in the Day-time longer than may be necessary for loading or unloading, receiving or delivering, Goods into or out of such Boat or Vessel, or to lie or be moored in the Night on any Part of the said Navigation 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, to be recovered and applied in the same Manner as Forfeitures and Penalties are directed to be recovered and applied by this Act.

Vessels ob-
structing Na-
vigation to
be removed.

CCXXII. And be it further enacted, That if any Boat or other Vessel shall be placed in any Part of the said Canals hereby authorized to be maintained, so as wilfully to obstruct the Navigation thereof, and the Person having the Care of such Boat or Vessel shall not immediately, upon Request made, remove the same, he shall for every such Offence forfeit the Sum of Twenty Shillings, and the further Sum of Five Pounds for every Hour such Obstruction shall continue; and it shall be lawful for any Agent or Servant of the said Company hereby established to cause any such Boat or Vessel 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 and the Loading thereof, or any Part of such Loading, until the Charges occasioned by such Removal be paid; and if any Boat or Vessel shall be sunk in any Part of any of such Canals, and the Owner or Person having the Use or Command of such Boat or Vessel shall not, without Loss of Time, weigh or draw up the same, it shall be lawful for any Agent or Servant of the said Company hereby established 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 the Expences necessarily occasioned relating thereto; and on Nonpayment thereof within One Calendar Month after Demand made for that Purpose, it shall be lawful for the said Company to break up such Boat, and to convert the same to their own Use.

Vessels sunk
to be
drawn up.

Penalty on
Persons float-
ing Timber
or obstruct-
ing the Navi-
gation, or
trespassing
on Lands
adjoining.

CCXXIII. And be it further enacted, That if any Person shall float any Timber in or upon the said Navigation, or shall suffer the Loading of any Vessel navigating thereon to lie over the Sides thereof, so as by such floating or loading to obstruct the Passage of any other Boat, Barge, or other Vessel, or to do any Damage thereto, or to any of the Works already made or to be made by virtue of this Act; or shall load or unload any Goods or Articles in or over any of the Locks or Aqueducts of the said Navigation; or shall navigate or cause to be navigated any Boat or other Vessel through or upon the said Navigation without a Rudder to steer or guide the same, or without a skilful Person on board to steer and manage such Boat or other Vessel, and also a Person attending to the Horse drawing the same; or shall cut down any Corn or Grass growing on any Lands adjoining or contiguous to the said Navigation, without the Consent of the Owner thereof respectively; or shall wilfully commit any Trespass on any

such

such Lands with or without his Horse; or shall wilfully obstruct or prevent any Person in the Execution of this Act; every Person so offending in any of the Cases aforesaid shall, on Conviction thereof in manner aforesaid, forfeit and pay for every such Offence any Sum not exceeding Five Pounds nor less than Twenty Shillings.

CCXXIV. And be it further enacted, That if any Person shall overload any Boat or other Vessel navigating through or upon the said Navigation, 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 the Boat or Vessel so obstructing the Passage as aforesaid, remove the same, so as to make a free Passage for other Boats or Vessels to pass each other, every such Owner or Person having the Care of such Boat or Vessel so obstructing the Passage as aforesaid shall forfeit and pay for every such Offence, on Conviction thereof as aforesaid, the Sum of Five Pounds.

Persons overloading and obstructing the Passage of the Canal to forfeit Five Pounds.

CCXXV. And be it further enacted, That if any Person shall throw any Ballast, Gravel, Dirt, Stones, Rubbish, dead Animal, or other Nuisance into the said Navigation or any Part thereof, or shall drown any Animal therein, every such Person shall for every such Offence, on Conviction thereof as aforesaid, forfeit and pay a Sum not exceeding Forty Shillings.

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

CCXXVI. And be it further enacted, That if any Person shall throw, cast, or lay on any Part of any Railway, or any Bank or Towing Path belonging to the said Navigation, any Dung or other Manure, Dust, Ashes, Rubbish, or other Matter, otherwise than on the Wharfs and other Places to be made and provided for the loading and unloading of Goods, every such Person so offending shall, on Conviction thereof as aforesaid, forfeit and pay any Sum not exceeding Forty Shillings.

Penalty on throwing Rubbish on Towing Paths.

CCXXVII. And be it further enacted, That in case any Boat or other Vessel having on board any Pole, Shaft, or Instrument used or to be used in propelling or navigating such Boat or other Vessel, pointed or shod with Iron, shall pass along any Part of the said Navigation, it shall be lawful for any Agent or Servant of the said Company hereby established to seize all such Poles, Shafts, and Instruments, in case they shall be found on board any such Boat or other Vessel, and to stop and detain such Boat or Vessel until such Poles, Shafts, and Instruments shall be delivered up; and the Master, Owner, or Person having the Care of such Boat or other Vessel, and so offending, shall, on Conviction thereof as aforesaid, forfeit a Sum not exceeding Five Pounds for every such Pole, Shaft, or Instrument found on board his Boat or other Vessel.

Boats not to carry Poles shod with Iron.

CCXXVIII. And be it further enacted, That if at any Time or Times hereafter any Collector, Surveyor, or Agent of the said Company shall have reasonable Cause to suspect that any Person guilty of Felony, or that any stolen Goods, is or are concealed on board any Boat or Vessel passing along or being upon the said Navigation, it shall

Power to search for stolen Goods, &c.

[*Local.*]

10 D

shall

shall be lawful for such Collector, Surveyor, or Agent, assisted by such Person or Persons as may be deemed necessary for that Purpose, to stop and detain such Boat or other Vessel, and to search and examine the same, and to seize and detain any such Goods as shall be found on board such Boat or Vessel, and also to apprehend and detain any such suspected Person found concealed therein, and also the Boatmen and other Persons navigating such Boat or Vessel, and to take such Boatmen and other Persons, and also any Person found concealed in such Boat or Vessel, with all reasonable and convenient Dispatch, before a Justice of the Peace, to be dealt with according to Law.

Penalty on Boatmen and others having Nets, Guns, &c. on board for taking Fish or Game.

CCXXIX. And be it further enacted, That if any Person navigating or working any Boat or other Vessel on any Part of the said Navigation (not being qualified by the several Laws and Statutes of this Realm relating to Game) shall have on board of any such Boat or other Vessel any Fishing Net, Gun, Engine, or other Instrument for taking or destroying Fish or Game, except any Net or Nets, Gun or Guns, which shall be really and *bonâ fide* Part of the Loading or Cargo of such Boat or other Vessel, such Person, being lawfully convicted, on the Oath of any credible Witness, before any Justice acting for the County where the Offence shall be committed, shall, being thereof convicted as aforesaid, for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings; and in case the Master or any other Person having the Care of any Boat or other Vessel upon the said Navigation shall knowingly permit any Person employed in navigating such Boat, or any other Person, not being duly qualified as aforesaid, to have, carry on board, or make use of any Fishing Net, Gun, Engine, or other Instrument for taking or destroying Fish or Game, such Master or Person having the Command of such Boat or other Vessel shall, being thereof convicted as aforesaid, forfeit and pay any Sum not exceeding Forty Shillings for every such Offence.

Places to be made for Boats to turn or lie in, &c.

CCXXX. And be it further enacted, That the said Company hereby established shall and they are hereby authorized in such Parts of the said Navigation as shall not be of a sufficient Breadth for admitting a Boat or other Vessel to turn about and lie in, or Two Boats or other Vessels to pass each other, to open or cut and keep opened proper Spaces or Places in the Lands adjoining to the said Navigation, at convenient Distances from each other, for the turning, lying, and passing of any such Boat or Vessel, in such Places as the said General Committee or the Select Committee shall think proper; and that the said Boats or other Vessels sailing or being haled or navigated in or upon the said Navigation 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 or the Select Committee of the said Company shall from Time to Time direct or appoint.

Penalty on wilfully damaging or destroying Works, &c.

CCXXXI. And be it further enacted, That if any Person shall wilfully, maliciously, and to the Prejudice of the said Navigation break, throw down, cut through, damage, or destroy any Bank, Lock, Reservoir, Dam, or other of the Works made or built under or by virtue of the said recited Acts so repealed as aforesaid, or any of them, or

which may be made or built 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 of, the said Navigation or any Part thereof, 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 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 such Court think fit, award such Sentence as the Law directs in Cases of Felony ; or otherwise every Person so offending, and being thereof lawfully convicted, on the Oath of some credible Witness, before a Justice for the County wherein such Offence shall be committed, shall forfeit and pay any Sum not less than Double the Value proved upon Oath to be done, at the Discretion of such Justice.

CCXXXII. And whereas it is expedient that a Fund should be raised from Time to Time as a Resource and Provision for supporting or increasing the Dividend payable to the Proprietors of the said Navigation, or for defraying any casual or extraordinary Expences, and for Repairs or Improvements of the said Navigation, 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 ; and it is also expedient that the said Company hereby established should have Power to lay out from Time to Time some Part of any surplus Monies arising by virtue of this Act ; be it therefore enacted, That it shall be lawful for any General or Special Assembly of the said Company of Proprietors to authorize and empower their General or Select Committee for the Time being to invest the Whole or any Part of such surplus Monies in the Government Stocks or Funds, or in Exchequer Bills, or Real Securities, in the Names of Trustees to be nominated from Time to Time by the said General or Select Committee, so that the Money so to be laid out and invested do not in any One Year exceed a Sum equal to One Tenth Part of the total Amount of Dividends made to the Proprietors in the Year preceding ; and the Interest and Dividends of the said Public Securities, and of any further Securities to be purchased as herein-after mentioned, may from Time to Time, at the Discretion of the said General Committee, be either invested in the Purchase of other like Public Securities in the Name or Names of the same or any other Trustee or Trustees, so as to form an accumulating Fund, or applied in supporting or increasing the Dividends made to the Proprietors of Shares in the said Navigation ; and the Securities purchased shall be held as a reserved Fund for the Purposes aforesaid, so long and to such an Extent as the said Company shall think it necessary or proper to keep a reserved Fund for those Purposes, and, subject thereto, shall be held by or in Trust for the said Company ; and such Securities may from Time to Time be sold and transferred, and the Money arising therefrom be applied to the aforesaid Purposes or any of them, or be divided amongst the Proprietors at such Time or Times as the said General Committee shall think proper : Provided
always,

Power to
create a Fund
for Repairs,
&c.

always, that such Fund shall not at any Time exceed the Amount of One hundred thousand Pounds.

Company
may purchase
Shares.

CCXXXIII. And be it further enacted, That it shall be lawful for the said Company hereby established, at any General or Special Assembly of the said Company, to authorize and empower their General or Select Committee, out of any surplus Monies or otherwise, from Time to Time to buy up any Share or Shares in the said Navigation, and to direct that such Share or Shares shall merge in the Capital or Joint Stock of the Company, or that the same shall be transferred to the Clerk or Clerks of the said Company, or to some other Person or Persons in Trust for the said Company; and such Share or Shares may in such last-mentioned Case, at any Time or Times thereafter, be sold for the raising of any Sum or Sums of Money which may be wanted for or towards the Maintenance, Improvement, or Support of the said Navigation or any Part thereof, or otherwise for the Benefit of the said Navigation, or may be merged in the said Capital or Joint Stock, as any such General or Special Assembly shall direct.

For granting
Annuities to
Persons who
have been in
the Service of
the Company;

CCXXXIV. And be it further enacted, That it shall be lawful for the said Company hereby established, at any General or Special Assembly to be holden by virtue of this Act, to give and grant to such Officers and Servants as shall have served them with Integrity and Fidelity, and who shall by reason of Age or Infirmary be incapable of further Service, and whose Infirmary shall be proved, either by the Certificate of a Physician or otherwise, to the Satisfaction of such General Assembly, Annuities for their respective Lives, or for shorter Terms, such Annuities not to exceed One Half of the Salaries or Wages paid to them respectively by the said Company, or in lieu of such Annuities any Sum of Money in Gross not exceeding the Sum of Two hundred Pounds; and also that it shall and may be lawful to and for the said Company, at any such General Assembly as aforesaid, to give any annual Sum of Money to any public Charity, or any Sum of Money by way of Donation for other charitable or benevolent Purposes, in any of the Counties in which any Part of the said Navigation is situated, so as such annual Subscription shall not in the whole exceed in any One Year the Sum of One hundred Pounds, nor such Donations exceed in the whole the Sum of Two hundred Pounds in any One Year.

and for
subscribing
or making
Donations to
public Cha-
rities.

Collectors
and others to
deliver up
Possession of
Houses, &c.
when dis-
charged.

CCXXXV. And be it further enacted, That if any Officer, Toll Collector, ~~Servant~~, Wharfinger, Lock-keeper, Workman, or Labourer of the said Company hereby established, occupying any House, Office, Building, or Land belonging to the said Company, without paying Rent for the same, shall be discharged from his Office, and shall not deliver up the Possession of such House, Office, Building, or Land, with the Appurtenances, in his Custody, Power, or Possession, within Six Days next after Notice of such Discharge shall be given to him, or left at such House, Office, or Building; or if the Wife or Family of any such Toll Collector, Wharfinger, Lock-keeper, Workman, or Labourer who shall happen to die whilst in the Service of the said Company, or any other Person in Possession of such House, Office, Building, or Land, shall refuse to deliver up the Possession thereof,

with

with the Appurtenances, within Fourteen Days after another Person shall have been appointed in the Place and Stead of the Person so dying or being discharged as aforesaid ; then and in either of the said Cases it shall be lawful for any Justice, and he is hereby required, by Warrant under his Hand and Seal, to order the Constable or other Peace Officer, or such other Person as shall be specially named by him, with such Assistance as shall be necessary, to enter such House, Office, Building, or Land, in the Day-time, and to remove any Person who shall be found therein, with his or her Goods and Chattels, out of such House, Office, Building, or Land, and to deliver Possession of such House, Office, Building, or Land to the new appointed Toll Collector, Wharfinger, Lock-keeper, Workman, or Labourer, or to such other Person as shall be appointed by or on behalf of the said Company to receive the same.

CCXXXVI. And be it further enacted, That if any Officer, Toll Collector, Servant, Wharfinger, Lock-keeper, Workman, or Labourer of the said Company hereby established shall die or be discharged from his Office, and shall not, or, in case of his Death, if his Wife or Family or personal Representatives shall not, immediately upon Demand, deliver up every Book, Paper, and other Matter and Thing belonging to the said Company in his, her, or their Custody, Power, or Possession, then and in either of the Cases it shall be lawful for any Justice and he is hereby required, by Warrant under his Hand and Seal, to order the Constable or other Peace Officer, or such other Person as shall be specially named by him, with such Assistance as shall be necessary, to enter into the House, Office, Buildings, or Land in his, her, or their Occupation, in the Day-time, and to take possession, for the Use of the said Company, of all the Books, Papers, Matters, and Things belonging to the said Company which shall be found therein.

Books and
Papers to be
delivered up,
&c.

CCXXXVII. And be it further enacted, That the said Navigation 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.

Canal not
subject to
Commission-
ers of Sewers.

CCXXXVIII. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable before any Justice, it shall be lawful for the Justice before whom Complaint shall be made for any Offence committed against this Act, and he is hereby required, 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 Forfeiture incurred, and to proceed in the Recovery of the same, although no Information in Writing has been exhibited or taken before such Justice ; and all Proceedings by Summons, without Information or Writing, shall be as good, valid, and effectual, to all Intents and Purposes, as if an Information in Writing had been exhibited ; and a Copy or Duplicate of such Summons delivered to the Person therein required to appear, or left at his or her usual or last Place of Abode, shall be deemed good and sufficient Service thereof.

Justices may
proceed by
Summons in
Recovery of
Penalties.

Recovery and
Application
of Penalties.

CCXXXIX. And be it further enacted, That all Penalties and Forfeitures for the Offences in this Act mentioned, or imposed by any Rule, Order, or Bye Law made in pursuance hereof, in relation to which the Manner of convicting the Offenders is not herein particularly directed, shall be adjudged by and recovered before any Justice for the County or Place in which such Offence shall occur, in a summary Way, and such Justice is hereby empowered to convict the Offender upon Information on the Oath or (such Person being of the Denomination of Persons called *Quakers*) on the solemn Affirmation of any credible 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 any such Penalty or Forfeiture 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, rendering the Overplus (if any), on Demand, to the Party whose Goods and Chattels shall be so distrained (the reasonable Charges of such Distress and Sale being first deducted); and all Penalties and Forfeitures when recovered, where the Application is not otherwise directed by this Act, shall be paid to the Treasurer of the said Company hereby established, for the Use and Benefit of the said Company, unless any such Penalty or Forfeiture 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 for 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, and he is hereby authorized and required, to order the Offender so convicted to be detained and kept in safe Custody until a Return can be conveniently made to such Warrant of Distress, unless the Offender shall give sufficient Security, to the Satisfaction of such Justice, for his or her Appearance before such Justice, or before some other Justice for such County or Place, on such Day as shall be appointed for the Return of such Warrant of Distress (such Day not being more than Seven Days from the taking of any such Security, and which Security the said Justice is 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 otherwise, that he or she hath not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences could be levied if a Warrant of Distress should be issued, (in either of which last-mentioned Cases such Justice shall not be required to issue such Warrant of Distress,) it shall be lawful for such Justice, and he is authorized and required, by Warrant under his Hand and Seal, to commit such Offender 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 any such Justice as aforesaid, shall be sooner paid and satisfied, or unless such Offender shall be otherwise discharged by Course of Law.

CCXL. Pro-

**General or
Select Com-
mittee may
pay Part of
the Penalties
to Informers.**

Provision in case of Irregularity of Distress.

**For securing
transient
Offenders.**

Form of Conviction.

' } BE it remembered, That on the
' to wit. } 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 committed, as the Case may be*], contrary to an Act passed in
' the First Year of the Reign of King William the Fourth, intituled
' [*here set forth the Title of this Act, or, in the Case of an Offence*
' *against any Order, Rule, or Bye Law, state the Rule, Order, or Bye*
' *Law, and whether made under the Authority of this Act or any of the*
' *Acts hereby repealed, with the Title of the Act or Acts*]. Given
' under my Hand and Seal the Day and Year first above written.'

CCXLIV. And

Penalty on
Witnesses
refusing to
attend or
give Evi-
dence.

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

Company's
Servants not
incompetent
Witnesses.

CCXLV. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in anywise relating to any of the Tolls which the said Company hereby established are entitled to receive by virtue of this Act, or respecting any Matter relating to the said Navigation, no Person acting under the Authority of or in the Service of the said Company shall for that Reason alone be in any Manner incapacitated from giving Evidence respecting such Dispute, Suit, or Litigation.

Members of
the Select
Committee,
or Clerk or
Solicitor of
the Company,
may grant
Releases to
Witnesses.

CCXLVI. 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 on behalf of the said Company, and also in all Prosecutions commenced or instituted by or on the Behalf of the said 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 any Member of the Select Committee, or for the Clerk or Clerks or either of them, or the principal Agent for the Time being of the said Company, not being personally interested otherwise than as a Proprietor of Shares in the said Undertaking, in his own Name, for and on the Behalf of the said Company, to sign, execute, and deliver every such General or other Release as may be deemed to be necessary for the Purpose of exonerating and releasing any Person who may be produced as a Witness in any such Action, Suit, Prosecution, Arbitration, Reference, or other Proceeding as aforesaid, from any Claim or Demand which may be necessary to be released by the said Company in order to qualify such Person to give Evidence as a Witness in any such Action, Suit, Prosecution, Arbitration, Reference, or other Proceeding aforesaid, and also to do any other Act 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 and Act respectively shall be as valid and effectual, to all Intents and Purposes whatsoever, as if the same were under the Seal of the said Company.

Persons
giving false
Evidence.

CCXLVII. And be it further enacted, That every Person who, in any Examination to be taken upon Oath by virtue of this Act, shall wilfully

wilfully and corruptly give false Evidence, or otherwise forswear himself or herself, before any Jury or any Justice acting under the Authority of this Act, shall and may be prosecuted for the same, and, upon Conviction thereof, shall be subject to the same Fines and Penalties as Persons guilty of Perjury are subject to by the Laws of this Realm.

CCXLVIII. And be it further enacted, That so often as any Sum of Money shall be directed to be paid by any Justice in pursuance of this Act as or by way of Compensation for any Damage, Spoil, or Injury of any Kind whatsoever committed by the said Company hereby established, or any Person acting under their Authority, and such Sum of Money shall not be paid by the said Company to the Party entitled to receive the same within Ten Days after Demand in Writing made from or upon the said Company in pursuance of the Directions of such Justice, and in which Demand the Direction or Order of such Justice shall be stated, the Amount of such Compensation shall and may be levied 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 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 entitled to receive such Sum of Money as or by way of Compensation for any such Damage or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum of Money, and the Expences of hearing and determining the Matter in dispute, and also the Expences of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the said Company or such Treasurer as aforesaid: 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, the Sum of Money so directed to be paid by such Justice as aforesaid, and also all such Costs and Expences as he shall have sustained by virtue of any such Warrant as aforesaid.

In case of Nonpayment of Compensation for Damages, the same may be levied by Distress, &c.

CCXLIX. And be it further enacted, That when any Damages or Charges are 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 Disputes respecting the same, shall be settled and determined by the Justice 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 and Charges by Distress and Sale of the Offender's Goods and Chattels in manner by this Act directed for the levying any Penalties or Forfeitures.

Damages and Charges may be settled by Justices.

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

Proceedings not to be quashed for Want of Form.

Appeal to
General or
Quarter
Sessions.

CCLI. And be it further enacted, That if any Person, or any Body Politic, Corporate, or Collegiate, shall think himself, herself, or itself aggrieved by any Order or Judgment made or given in pursuance of any Rule, Bye Law, or Order of the said Company hereby established, or if the said Company or any such Person or Body shall think himself, herself, or itself aggrieved by any Order, Judgment, or Determination of any Justice relating to any Matter in this Act mentioned or contained, such respective Parties may, within Four Calendar Months next after such Order, Judgment, or Determination shall have been given, appeal to the Justices of any General or Quarter Sessions to be holden in and for the County wherein such Cause of Appeal shall arise, first giving Ten Days Notice in Writing of such Intention to appeal, and of the Nature thereof, to the Person, or Body against whom such Complaint shall be intended to be made, or to the said Company, (as the Case may be,) and entering into Recognizance before some Justice with Two sufficient Sureties in the Sum of Twenty Pounds each, or in case the Company shall be the Appellants, Two sufficient Sureties entering into Recognizance for them in the like Sum, 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 holden 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.

Limitation of
Actions.

CCLII. And be it further enacted, That no Action, Suit, or Information or other Proceeding shall be commenced or prosecuted against the said Company of Proprietors hereby established, their Clerk or Treasurer, or any Agent, Officer, or Person acting for or under the Direction of such Company, 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 One Calendar Month's previous Notice shall be given in Writing by the Person intending to commence and prosecute such Action, Suit, or Information, to the Defendant or Defendants, nor unless such Action, Suit, or Information shall be commenced within Six Calendar Months next after the Fact committed, or, in case there shall be a Continuation of Damages, within Three Calendar Months next after the committing of such Damage shall have ceased, and not afterwards, and shall be laid and brought in the County where the Matter in dispute 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 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 commenced after the Time limited for bringing the same, or in any County or Place other than as aforesaid, then and in every such Case

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 have his, her, or their 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.

CCLIII. And be it further enacted, That in all Cases wherein it may be necessary for any Person to serve any Summons or Notice, or any Writ or other Proceeding, at Law or in Equity, upon the said Company hereby established, Service thereof respectively on any Member of the said General or Select Committee, or delivered to some Inmate at his last or usual Place of Abode within this Realm, or on the Clerk or Clerks of the said Company, or either of them, appointed as aforesaid, or leaving the same at the Office of the said Company in *Stone* aforesaid, or in case such Clerk or Clerks or the said Office should not be found or known, then Service thereof on, or leaving the same at the last or usual Place of Abode of, any Agent or Officer employed by the said Company, shall be deemed good and sufficient Service of the same respectively on the said Company. Service of Notice on the Company.

CCLIV. And be it further enacted, That in all Cases when it may be necessary for the said Company hereby established to give any Summons or Notice to any Body Politic, Corporate, or Collegiate, or to any Person soever, under the Provisions or Directions contained in this Act, such Summons or Notice may be given in Writing signed by the Clerk, Attorney, or Solicitor for the Time being of the said Company, without being required to be under the Common Seal of the said Company. Service of Notice by the Company.

CCLV. And be it further enacted, That the Costs and Charges of obtaining and passing this Act, and all other Costs, Charges, and Expences relating to the same or in any way incident thereto, shall be paid by the said Company hereby established out of the Money already received under the said Acts hereby repealed, or out of the first Money to be received or raised by virtue of this Act, in preference to any other Payment whatsoever. Expences of this Act.

CCLVI. 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.

10. The Commission has also received information from the Government of the United States of America that the United States has provided military assistance to the Government of the United Kingdom for the purpose of maintaining the security of the United Kingdom.

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