ANNO PRIMO

VICTORIÆ REGINÆ.

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Cap. lxxx.

An Act to amend and enlarge the Powers of the several Acts relating to the *Ellesmere* and *Chester* Canal. [30th *June* 1837.]

WHEREAS an Act was passed in the Seventh and Eighth Years of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend and enlarge the Powers and Provisions of the several Acts relating to the* Ellesmere *and* Chester *Canal Navigation*, whereby the Powers and Provisions contained in the said several Acts were consolidated into One Act, and further Powers were granted to the United Company of Proprietors of the said Canal: And whereas another Act was passed in the Eleventh Year of the Reign of His said late Majesty, intituled *An Act to enable the United Company of Proprietors of the* Ellesmere *and* Chester *Canal to make a Reservoir and to establish Vessels for the Conveyance of Goods from* Ellesmere Port *across the River* Mersey*; and also to amend and enlarge the Powers of the Act relating to the said Canal:* And whereas by the said recited Act of the Eleventh Year of the Reign of His said late Majesty the said United Company of Proprietors were authorized to make and maintain a Reservoir, adjoining or near to the said Canal, at or near to *Hurleston* Locks in the Townships of *Hurleston* and *Stoke* in the Parish of *Acton* in the County of *Chester*, for the Purpose of holding and preserving the superfluous Waters of the higher Pounds of the said Canal for the better supplying the lower Pounds thereof with Water: And whereas it was by the same Act provided, that in case the said Reservoir and other Works thereby authorized to be made should not have been made and completed within the Space of Seven Years from the passing of the said Act, then and from and after the Expiration of the said Term of Seven Years all the Powers, Autho-

7 & 8 G. 4. c. 102.

11 G. 4. c.51.

rities, and Privileges given by the said Act for making such Reservoir and other Works thereby authorized to be made should cease and determine, save only and except as therein-after mentioned: And whereas the said United Company, in exercise of the Powers and Authorities given to them by the said recited Act of the Eleventh Year of the Reign of His said late Majesty, have contracted for and absolutely purchased the Soil and Ground of the said Reservoir, and have made considerable Progress in the Construction thereof, but the same is not yet completed: And whereas by the said recited Act of the Eleventh Year of His said late Majesty the said United Company were authorized and empowered to purchase or build and establish Boats, Barges, and other Vessels for the Conveyance of Goods, Wares, and Merchandize to and from the said Canal upon, over, or across the River *Mersey*, and to carry and convey therein all such Goods, Wares, and Merchandize as should be offered to them for that Purpose: And whereas by the said recited Act of the Eleventh Year of His said late Majesty the said United Company were authorized and empowered, at any Time or Times thereafter and in manner therein mentioned, to contract with the Person or Persons who should be the Owner or Owners of or interested in certain Mills at the Weir near to the Bridge in the City of *Chester* for the Purchase thereof, or of his, her, or their Estate, Right, Title, or Interest therein, in case such Person or Persons should be willing to sell and dispose of the same, and by and out of the Monies to be raised under the Authority of the said recited Act of the Seventh and Eighth Years of the Reign of His said late Majesty or of that Act, or out of any other Monies in the Possession of the said United Company, to pay for the Purchase of such Mills, or such Estate, Right, Title, or Interest therein or thereto, such Sum or Sums of Money as should have been agreed upon between such Owner or Owners or other Person or Persons interested as aforesaid and the said United Company: And whereas the said United Company have not yet proceeded to make such Purchase of the said Mills, but have it in contemplation so to do: And whereas the said United Company some Time since contracted and agreed with the Governor and Company of the Bank of *England* that the said Governor and Company should lend and advance the Sum of One hundred and fifty thousand Pounds upon the Security of the said Canal and Tolls for a certain Time, and the said Governor and Company have accordingly advanced the same: And whereas it is expedient that the Term for making and constructing the said Reservoir should be enlarged, and also that for the Purpose of enabling the said United Company to complete the same and to carry into effect the other Objects of the said several recited Acts, and for the general Purposes of the Undertaking, the said United Company should be enabled to raise a further Sum of Money, and that some of the Powers and Provisions contained in the said several recited Acts should be altered, amended, and enlarged, and that further Powers should be granted: And whereas the several Purposes aforesaid cannot be accomplished without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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 the said Two recited Acts, and all the Powers, Exceptions, Penalties, Forfeitures, Payments, Rules, Remedies, Directions, Articles, Matters, and Things therein respectively contained, (except

Provisions of former Acts extended to this Act, ex-

(except so far as the same or any of them have heretofore been or are hereby varied, altered, or repealed,) shall extend and be construed to extend to and operate and be in force for the Purposes of this Act, as fully and effectually to all Intents and Purposes as if the same were repeated and re-enacted in this Act and were made Part thereof, and the said recited Acts and this Act shall as to all Matters and Things whatsoever, except as aforesaid, be construed as one Act. Except as hereby altered.

II. And be it further enacted, That the Time limited by the said recited Act of the Eleventh Year of His said late Majesty for the Completion of the said Reservoir and other Works authorized to be made under the said recited Act shall be and the same is hereby extended for the further Term of Three Years, to be computed from the passing of this Act. Time for completing the Reservoir extended.

III. Provided always, and be it further enacted, That in case the said Reservoir and other Works authorized by the said recited Act of the Eleventh Year of the Reign of His late Majesty shall not have been made and completed (unless prevented by inevitable Accidents) within the Space or Term of Three Years, to be computed from the passing of this Act, then from and after the Expiration of the said Term of Three Years all the Powers, Authorities, and Privileges by the said recited Act given to or conferred upon the said Company for making such Reservoir and other Works thereby authorized to be made shall cease and determine, save only and except as to so much of the said Reservoir and other Works as shall have been declared and certified to have been made and completed within the said Term by the Justices of the Peace of the County within which such Reservoir or other Works so completed shall be situate assembled at any General or Quarter Sessions of the Peace to be holden in and for the said County, at any Time before the Expiration of the said Term of Three Years, or within Six Calendar Months next after the Expiration thereof, upon the Evidence of Two or more Witnesses upon Oath to be produced before them for that Purpose, and which Oath such Justices are hereby empowered to administer. If Reservoir is not completed within Three Years the Powers of the Act to cease.

IV. 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 a Navigable Canal from the* Staffordshire *and* Worcestershire *Canal in the Parish of* Tettenhall *in the County of* Stafford *to the United Navigation of the* Ellesmere *and* Chester *Canals in the Parish of* Acton *in the County Palatine of* Chester: And whereas another Act was passed in the Seventh and Eighth Years of the Reign of His said late Majesty, intituled *An Act to enable the Company of Proprietors of the* Birmingham *and* Liverpool *Junction Canal Navigation to alter the Line of the said Navigation, and to make certain Branches therefrom, in the Counties of* Stafford *and* Salop: And whereas another Act was passed in the First Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to enlarge and amend the Powers and Provisions of the several Acts relating to the* Birmingham *and* Liverpool *Junction Canal, and to better supply the said Canal with Water:* And whereas another Act was passed in the Fourth and Fifth Years of the Reign of His said late Majesty King *William* the Fourth, intituled *An Act to enable the* Birmingham *and* Liverpool *Junction Canal Navigation Company to raise a further Sum of Money:* And whereas under or by Company may complete the Reservoir at Belvide, if the Birmingham and Liverpool Canal Company fail so to do. 7 & 8 G. 4. c. 2. 1 W. 4. c. 54. 4 & 5 W. 4. c. 21.

by virtue of the Provisions contained in the said recited Acts or some of them the said *Birmingham* and *Liverpool* Junction Canal Navigation Company are authorized and empowered, for the Purpose of procuring an additional Supply of Water for the said Canal and Works, to construct and maintain a Reservoir or Basin at *Belvide* in the Parish of *Brewood* in the County of *Stafford*, and also to construct and maintain such Feeders and Watercourses and other Works, and to do and perform all such other Acts and Matters, as may be necessary or convenient for conveying Water to the said Reservoir or Basin and preserving the same therein, and for conducting the same when necessary from the said Reservoir or Basin into the said Canal: And whereas considerable Progress has been made in the Formation and Construction of the said Reservoir or Basin and the Works connected therewith, but the same are not yet completed to the Extent authorized by the said recited Acts: And whereas the said Reservoir or Basin and other Works so authorized to be made as aforesaid will, when completed, be of great public Benefit, and afford great Assistance not only to the Navigation of the *Birmingham* and *Liverpool* Junction Canal, but also to the Navigation of the *Ellesmere* and *Chester* Canal, to which the Water from the said Reservoir is conveyed by a descending Lockage, and it is expedient therefore that the said United Company of Proprietors of the *Ellesmere* and *Chester* Canal should be empowered to complete the said Reservoir or Basin and other Works connected therewith in case the said Company of Proprietors of the *Birmingham* and *Liverpool* Junction Canal Navigation should fail or neglect to complete the same; be it therefore enacted, That in case the said Company of Proprietors of the *Birmingham* and *Liverpool* Junction Canal Navigation shall not within the Space of Six Calendar Months, to be computed from the passing of this Act, make, construct, and complete the said Reservoir or Basin to the Extent authorized by the said recited Acts, with the necessary Feeders and Watercourses and other Works for carrying the Water to the said Reservoir or Basin and preserving the same therein, and conducting such Water to the said *Birmingham* and *Liverpool* Junction Canal, it shall be lawful to and for the said United Company of Proprietors of the *Ellesmere* and *Chester* Canal, immediately upon the Expiration of such Period of Six Months, to proceed to take possession of such Part of the Land or Ground upon which such Reservoir, Basin, Feeders, and Watercourses and other Works are authorized to be made as shall be in the Possession of the said *Birmingham* and *Liverpool* Junction Canal Company, subject however to all such Duties, Engagements, and Liabilities as the said last-mentioned Company shall be subject or liable to, and also to take possession of so much and such Part or Parts of the said Reservoir or Basin, Feeders or Watercourses, and other Works as shall or may have been commenced by the said Company of Proprietors of the *Birmingham* and *Liverpool* Junction Canal Navigation, and which shall have been left unfinished, and to make, construct, and complete the said Reservoir or Basin, with the necessary Feeders or Watercourses and other Works, under or by virtue of the Powers and Provisions of the said recited Acts of the Seventh and Seventh and Eighth Years of the Reign of His late Majesty King *George* the Fourth, and the First and Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, without any Interference or Interruption on the Part or Behalf of the Company of Proprietors of the *Birmingham* and *Liverpool* Junction Canal Navigation.

V. And

Power to take Land.

V. And be it further enacted, That for the Purpose of making, constructing, and completing the said Reservoir or Basin, Feeders, Watercourses, and other Works, the said United Company, their Deputies, Agents, Servants, Surveyors, and Workmen, shall be and they are hereby authorized and empowered to enter into and upon the Lands and Grounds of or belonging to any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate whatsoever, subject to the Directions and Provisions contained in the said recited Acts of the Seventh and Seventh and Eighth Years of His late Majesty King *George* the Fourth, and the First and Fourth and Fifth Years of His late Majesty King *William* the Fourth, and to survey and take Levels of the same or any Part thereof, and to set out, ascertain, and appropriate such Part or Parts thereof as they shall think necessary or expedient, for making, constructing, and completing the said Reservoir or Basin, Feeders, Watercourses, and other Works hereby authorized to be made by the said United Company in the Event aforesaid, and to bore, dig, cut, trench, drain, sough, get, raise, remove, take, carry away, lay, use, and manufacture any Earth, Soil, Clay, Stone, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Materials or Things which can or may be dug, raised, or gotten in the making, constructing, or completing or repairing the said Reservoir or Basin, Feeders, Watercourses, and other Works respectively, or out of any Lands or Grounds of any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate adjoining or lying contiguous thereto, and which may be proper, requisite, necessary, or convenient for the same, or which may hinder, prevent, or obstruct the same, and also to make, build, and erect, bank, excavate, or set up, amend, and alter, in, under, or upon the said Reservoir or Basin, Feeders, or Watercourses and other Works, or upon the Lands adjoining the same respectively, such and so many Bridges, Piers, Arches, Tunnels, Aqueducts, Sluices, Culverts, Locks, Weirs, Dams for Water, Tanks, Basins, Reservoirs, Drains, Fire Engines or other Machines, and other Fences, Ways, Roads, and Conveniences, where and in such Manner as the said United Company shall think requisite or convenient for the several Purposes aforesaid, subject to the Restrictions and Directions contained in the said recited Acts of the Seventh and Seventh and Eighth Years of His late Majesty King *George* the Fourth, and the First and Fourth and Fifth Years of His late Majesty King *William* the Fourth, and also from Time to Time to alter, repair, amend, and improve, or discontinue the same, and also to place, lay, work, or manufacture the Materials necessary for the making, constructing, and completing or repairing the said Reservoir or Basin, Feeders, or Watercourses and other Works on the Lands or Grounds adjoining to the Place or Places where the said Reservoir or Basin, Feeders, Watercourses, and other Works, or any of them, shall be carrying on and executed; and also to make, set out, and appoint such Roads, and to construct, erect, and keep in repair any Bridges, Piers, Arches, or other Works in, upon, and across any Rivers or Brooks for the making, effecting, preserving, improving, completing, using, maintaining, and repairing the said Reservoir or Basin, Feeders, Watercourses, and other Works, and also to dig, take, and carry away any Soil, Gravel, Sandstone, or other Materials for the Purposes aforesaid in or from the Grounds or Premises of any Person adjoining to the said Reservoir or Basin, Feeders, Watercourses, and other Works, and also to construct, erect, make, and do all other Works, Matters, and Things which they shall think necessary and convenient

convenient for the making, constructing, completing, altering, and preserving, improving, carrying on, and rendering fit for Use, and using the said Reservoir or Basin, Feeders, Watercourses, and other Works hereby authorized to be made, constructed, and completed, according to the true Intent and Meaning of this Act, they the said United Company, their Deputies, Agents, Servants, and Workmen doing as little Damage as may be in the Execution of the several Powers to them hereby granted for the Purposes last aforesaid, and making full Satisfaction in the Manner directed by the said recited Acts of the Seventh and Seventh and Eighth Years of His late Majesty King *George* the Fourth, and the First and Fourth and Fifth Years of His late Majesty King *William* the Fourth, to the Owners and Proprietors of and all Persons interested in any Lands, Tenements, or Hereditaments, Mills, Forges, Watercourses, Brooks, or Rivers respectively which shall be taken and removed, diverted or injured, for all Damages to be by them sustained in or by the Execution of all or any of the Powers hereby granted for the Purposes last aforesaid; and this Act shall be sufficient to indemnify the said United Company, and their Deputies, Servants, Agents, and Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted.

Powers of former Acts extended to this Act.

VI. And be it further enacted, That for the more easily and effectually making, constructing, and completing and repairing and maintaining the said Reservoir or Basin, Feeders, Watercourses, and other Works hereby authorized to be made, constructed, and completed by the said United Company in the Event aforesaid, they the said United Company, their Agents, Servants, Workmen, and Labourers, and all and every Person and Persons, Bodies Politic, Corporate, and Collegiate, Corporations Aggregate and Sole, Tenants for Life or in Tail, or for any other partial or qualified Estate or Interest, Husbands, Guardians, Trustees, Feoffees in Trust for charitable or other Purposes, Committees, Executors, and Administrators, and all other Trustees and Persons whomsoever, shall take and have and be seised and possessed, and are and is hereby invested with the like Estates, Authorities, Powers, Securities, Rights, Remedies, Abilities, Interests, Privileges, and Advantages, and shall be and are and is hereby made subject and liable to such and the like Rules, Conditions, Directions, Limitations, Restrictions, Control, Payments, Penalties, Forfeitures, and Punishments, and with such and the like Benefit of Appeal, with respect or in relation to the said Reservoir or Basin, Feeders, Watercourses, and other Works by this Act authorized to be made, constructed, and completed by the said United Company in the Event aforesaid, as are mentioned, directed, given, granted, prescribed, established, and inflicted in and by the said recited Acts of the Seventh and Seventh and Eighth Years of His late Majesty King *George* the Fourth, and the First and Fourth and Fifth Years of His late Majesty King *William* the Fourth, to every Intent and Purpose whatsoever, and that the said recited Acts, and all the Clauses, Provisoes, Authorities, Rules, Orders, Regulations, Limitations, Restrictions, Prohibitions, Directions, Exemptions, Indemnities, Penalties, Forfeitures, Punishments, Matters, and Things therein respectively contained, except such Parts of the said Acts as are by any other of the said Acts or by this Act repealed, altered, or varied, shall extend and are hereby extended to, and shall take effect, operate, and be put in execution, in, for, and in respect of the making, constructing, and completing and

and maintaining and repairing the said Reservoir or Basin, Feeders, Watercourses and other Works by this Act authorized to be made, constructed, and completed by the said United Company in the Event aforesaid, as if all the said Clauses, Provisions, Authorities, Rules, Orders, Regulations, Limitations, Restrictions, Prohibitions, Directions, Exemptions, Indemnities, Penalties, Forfeitures, Punishments, Matters, and Things, so far as the same are applicable, were herein repeated, re-enacted, and applied to the Reservoir or Basin, Feeders, or Watercourses and other Works hereby authorized to be made, constructed, and completed by the said United Company in the Event aforesaid.

A Separate Account to be kept of Expences of constructing Rsservoir, &c.

VII. And be it further enacted, That the said United Company shall cause a separate and distinct Account to be kept of all Monies expended by them in making, constructing, and completing the said Reservoir or Basin, and the Feeders and Watercourses hereby authorized to be made, constructed, and completed by them in the Event aforesaid, which said Account shall be at all reasonable Times open to the Inspection of the Committee of Management of the *Birmingham* and *Liverpool* Junction Canal Navigation, and of any Person to be appointed by them for that Purpose.

Reservoir, &c. to be vested in the Birmingham and Liverpool Junction Canal Company on their paying all Expences incurred in completing the same.

VIII. And be it further enacted, That it shall be lawful for the said Company of Proprietors of the *Birmingham* and *Liverpool* Junction Canal Navigation and they are hereby authorized and empowered at any Time, upon Payment to the said United Company of the Principal Monies which may have been expended by them in making, constructing, and completing the said Reservoir or Basin, Feeders, Watercourses, and other Works hereby authorized to be made, constructed, and completed by them in the Event aforesaid, together with Interest for the same after the Rate of Five Pounds *per Centum per Annum*, and all Costs, Charges, and Expences incident thereto, (having previously given to the said United Company or to their Clerk Six Calendar Months Notice in Writing of their Intention to repay the same,) to re-enter upon and retain Possession of the Land or Ground upon which the said Reservoir or Basin, Feeders, Watercourses, and other Works may have been made, and then and in such Case, and immediately upon such Re-entry, all Powers, Rights, Privileges, and Authorities given to or vested in the said United Company by virtue of this Act in relation to the said Reservoir, Basin Feeders, Watercourses, and other Works shall immediately cease and determine, and the said United Company shall from thenceforth cease to have or possess any Interest, Power, or Authority in, over, or in relation to the said Reservoir, Basin, Feeders, Watercourses, and other Works, but the same and every Part thereof shall become and be the Property of and be vested in the said Company of Proprietors of the *Birmingham* and *Liverpool* Junction Canal Navigation, as fully and completely as if this Act had not been passed, any thing herein contained to the contrary thereof in anywise notwithstanding.

Rent to be paid by the Birmingham and Liverpool Canal Company for Water sup-

IX. And whereas the Company of Proprietors of the *Birmingham* and *Liverpool* Junction Canal Navigation will derive a great and immediate Benefit from the said Reservoir or Basin, Feeders and Watercourses, and other Works connected therewith, being completed, inasmuch as the Water from the said Reservoir or Basin will flow in the first instance into the said

plied from the Reservoir.

said *Birmingham* and *Liverpool* Junction Canal, and it is not fitting that the said Company should be permitted to draw any Water from the said Reservoir or Basin without making some Remuneration to the said United Company for the Monies which may be expended by them in completing the same; be it therefore enacted, That in case the said Reservoir or Basin, with the Feeders and Watercourses and other Works connected therewith, or any of them, shall be made, constructed, or completed by the said United Company under the Authority of this Act, the said Company of Proprietors of the *Birmingham* and *Liverpool* Junction Canal Navigation shall be at liberty to use for the Purposes of their Canal the Water contained in the said Reservoir or Basin under such Limitations and Restrictions as the said United Company shall think fit, upon the Terms of paying to the said United Company an annual Rent for the same, which Rent shall be a Sum equal in Amount to the Interest of the Monies expended by the said United Company in making, constructing, and completing the said Reservoir or Basin, Feeders, Watercourses, and other Works, calculated after the Rate of Five Pounds *per Centum per Annum* from the Time of expending the same respectively until they the said *Birmingham* and *Liverpool* Junction Canal Company shall in pursuance of the Power and Authority herein-before contained have re-entered upon and taken possession of the Land upon which the said Reservoir, Basin, and other Works shall have been constructed.

For Recovery of Rent in arrear.

X. And be it further enacted, That the annual Rent payable by the said Company of Proprietors of the *Birmingham* and *Liverpool* Junction Canal Navigation to the said United Company for the Use of the Water in the said Reservoir or Basin shall be payable yearly on the Twenty-fifth Day of *December*; and in case such annual Rent shall at any Time be in arrear and unpaid for the Space of Twenty-one Days next after the Day on which the same ought to have been paid (whether any Demand thereof shall have been made or not) it shall be lawful for the said United Company to enter into and upon all and singular the Lands and Tenements of the said Company of Proprietors of the *Birmingham* and *Liverpool* Junction Canal Navigation or any Part thereof, and there to detain and seize all Goods, Chattels, Monies, and other Property and Effects of the said last-mentioned Company for the said annual Rent or so much thereof as shall then be in arrear, and to deal with such Distress according to Law, in the same Manner as Landlords may by Law distrain for Rent in arrear, and in the same Manner in all respects as if the said annual Rent were actually a Rent reserved to the said United Company out of such Lands or Tenements on a Lease for Years, and also to receive and take all Tolls, Rates, and Duties which may become due and payable to the said Company of Proprietors of the *Birmingham* and *Liverpool* Junction Canal Navigation until thereby or otherwise the said annual Rent or so much thereof as may be in arrear shall be fully paid and satisfied: Provided always, that when the Principal Monies which may be expended by the said United Company in making, constructing, and completing the said Reservoir and Basin, Feeders, Watercourses, and other Works, with Interest for the same after the Rate of Five Pounds *per Centum per Annum* from the Time or respective Times of expending the same, shall have been fully paid and satisfied, the said yearly Rent and all Powers and Remedies for recovering the same shall cease and determine: Provided further, that the said yearly Rent shall be considered to all Intents and

Purposes as Interest, and the Payment thereof shall be considered as Payment of Interest, upon the Monies which may be expended by the said United Company.

Company authorized to raise a further Sum of 130,000*l.*

XI. And be it further enacted, That it shall be lawful for the said United Company and they are hereby authorized and empowered to raise, over and above and in addition to the several Sums heretofore raised or authorized to be raised under the Powers of the said recited Acts or either of them, such Sum and Sums of Money as shall from Time to Time be found necessary for the Purposes of the said recited Acts and of this Act, not exceeding in the whole the further Sum of One hundred and thirty thousand Pounds, by all and every or any or either of the Ways or Means by which the said United Company are authorized to raise any Sum or Sums of Money by virtue of the said first-recited Act.

Mortgages to be in the Form prescribed by the former Acts.

XII. And be it further enacted, That it shall be lawful for the said United Company to secure the Repayment of any Sum or Sums of Money which may be borrowed under the Authority of this Act, together with lawful Interest for the same, to the Person or Persons who shall advance any such Sum or Sums, his, her, or their Trustee or Trustees, Executors, Administrators, or Assigns, by Mortgage or Assignment of the Canal, Collateral Cut, Branches, and Railway by the said recited Acts and by this Act authorized to be maintained, supported, made, and completed, and the Rates, Tolls, and Duties arising therefrom; and every such Mortgage or Assignment shall be under the Common Seal of the said United Company, in the Form or to the Effect specified in the said first-recited Act, or as nearly conformable thereto as Circumstances will permit (and subject to the Mortgages or Securities already made by virtue of or under the Authority of the said recited Acts or either of them); and all Persons to whom any such Mortgages shall be made by virtue or under the Authority of this Act shall be entitled equally one with the other of them to their Proportion of the Tolls and Premises which shall be included in their respective Mortgages according to the respective Sums in such Mortgages mentioned to be advanced, without any Preference by reason of the Priority of Date of any such Mortgage or any other Account whatever; and an Entry or Memorial of every such Mortgage or other Security shall be made, and the same and the Monies thereby secured may from Time to Time be assigned and transferred in the Manner and Form directed by the said first-recited Act with respect to the Mortgages and other Securities thereby authorized to be made, entered, and transferred, or as nearly conformable thereto as the Case or respective Cases may be, and every Person to whom any such Mortgage shall be made or transferred shall have the same or the like Powers and Remedies for enforcing Payment of the Principal Money thereby secured and the Interest thereof if in arrear as are by the said recited Acts or either of them given to the Persons advancing the Money thereby authorized to be raised or any Part thereof.

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

XIII. And be it further enacted, That in case the said United Company shall at any Time be able to borrow or take up Money at a lower Rate of Interest than shall happen to be payable upon any Mortgage or Mortgages which may have been granted by the said Company under the Authority of this Act, and may be then subsisting, it shall be lawful for them to borrow and take up at such lower Rate of Interest any Sum

Sum or Sums of Money not exceeding the Amount which will be requisite to pay off and discharge the Mortgage or Mortgages bearing the higher Rate of Interest, and to secure the same in the Manner aforesaid, and by and with the Money so to be borrowed or taken up at such lower Rate of Interest to pay off and discharge the Money previously borrowed at a higher Rate of Interest: Provided always, that every Contract or Agreement made or to be made by the said United Company for raising or borrowing any Sum of Money in pursuance of the said recited Acts or of this Act for a fixed and definite Time shall be binding on the said Company.

Interest of Mortgages to be paid in preference to Dividends.

XIV. And be it further enacted, That the Interest of the Money which shall be raised by Mortgages under the Authority of this Act as aforesaid shall be paid half-yearly to the several Persons entitled thereto, in preference to any Dividends due and payable by virtue of the said Two several recited Acts or this Act to the said United Company or any of them, and shall from Time to Time be fully paid and discharged or provided for before the yearly or other Dividends due to the said Proprietors or any of them shall be paid, made, or provided.

In case Mortgages are paid off, the Company may borrow the same Amount again.

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

New Shares may be created.

XVI. And be it further enacted, That if the said United Company shall at any Time find it more convenient to raise the Whole or any Part of the said Sum of One hundred and thirty thousand Pounds hereby authorized to be borrowed by the Creation of new or additional Shares in the Joint Stock of the said Company than by borrowing the same on Mortgage of the said Tolls, Rates, or Duties, or if they shall deem it expedient, in order to enable them to pay off the Whole or any Part of the said Sum of One hundred and thirty thousand Pounds which may have been borrowed by them on Mortgage as aforesaid, or the Whole or any Part of the Sum of Seventy thousand Pounds by the said recited Act of the Eleventh Year of the Reign of His said late Majesty King *George* the Fourth authorized to be borrowed as aforesaid, to create new or additional Shares in the Joint Stock of the said Company, it shall be lawful for them so to do; and in either of the said Cases the said United Company are hereby authorized and empowered, at any Stated or General Assembly, to create such Number of additional Shares in their Joint

Stock as shall be requisite or necessary, so that the nominal Value of such new Shares, together with any Sum or Sums of Money that may have been borrowed under the Authority of the said recited Act of the Eleventh Year of the Reign of His late Majesty King *George* the Fourth or of this Act, and shall not be intended to be paid off out of the Monies to be produced by the Creation of such additional Shares, shall not exceed the additional Sum of One hundred and thirty thousand Pounds by this Act authorized to be raised, and the Sum of Seventy thousand Pounds authorized to be raised by the said recited Act of the Eleventh Year of the Reign of His late Majesty King *George* the Fourth; and the said United Company are hereby authorized and empowered to dispose of such new and additional Shares to such of the then Proprietors of the said United Company as shall be willing to accept the same, or to such other Person or Persons, Bodies Politic, Corporate, or Collegiate, and at such Price or Prices as to the said Company shall seem proper: Provided always, that if such Shares or any of them shall be sold at a Premium, the Person or Persons giving such Premium shall not thereby or in consequence thereof be entitled to any further or greater Interest or Privileges than the Holders of other Shares in the Joint Stock of the said Company for or in respect of which no such Premium may have been paid; and in case such Shares or any of them shall be sold at a Discount, the Person or Persons purchasing the same shall be entitled to the same Interest and Privileges as the Holders of other Shares in the Joint Stock of the said Company, and all and every the new Shares or Share to be so created shall be deemed Personal Estate, and be transmissible as such, to all Bodies Politic, Corporate, or Collegiate and other Persons to whom such new Shares or Share shall be so granted, and the respective Proprietors thereof, shall be entitled to such and the same Powers, Privileges, and Advantages, and be interested in the Profits of the said Undertaking, in proportion to the nominal Amount of such Shares respectively, and shall be liable to such and the same Restrictions, Penalties, and Forfeitures as if the Shares so created had been original Shares in the Joint Stock of the said Company, and the Admission of every Person, Body Politic, Corporate, or Collegiate to any such new Share or Shares by any Order or Resolution of the said United Company shall be a good and effectual Title to such Persons, Bodies Politic, Corporate, or Collegiate, and his, her, or their respective Successors, Executors, Administrators, or Assigns, on his, her, or their paying to the said Company the Purchase Money or Price agreed for the same.

Mortgagees may apply their Mortgage Monies in the Purchase of new Shares.

XVII. Provided always, and be it further enacted, That it shall and may be lawful for any Person or Persons who may be entitled to any Mortgage or Mortgages which shall have been or may be hereafter made or executed of the said Tolls, Rates, and Duties, and to the Principal Money and Interest due thereon, and from whom any Sum or Sums of Money shall become due and payable to the said United Company by reason of such Person or Persons having agreed to become the Purchaser or Purchasers of any new or additional Share or Shares which may be created, to offer and tender such Mortgage or Mortgages, so far as the Amount of Money due thereon will extend, in or towards the Payment of such new or additional Share or Shares, which Offer and Tender the said Company are hereby required to accept as such Payment; and in case the Amount of Money due on any such Mortgage or Mortgages shall

shall be more than the Price agreed to be paid for such new or additional Share or Shares, then and in such last-mentioned Case the Receipt or Receipts of the Person or Persons entitled to such Mortgage or Mortgages for so much of his, her, or their Mortgage Money as shall amount to the Price agreed to be paid for such new or additional Share or Shares, on Delivery thereof to the Treasurer or Treasurers for the Time being of the said Company, shall be and be accepted and taken by the said Company as Payment of the Purchase Money for such new or additional Share or Shares, and such Treasurer or Treasurers shall thereupon endorse on such last-mentioned Mortgage or Mortgages a Memorandum or Memorandums stating how much of such Mortgage or Mortgages has been so discharged.

Repeal of Clause in 7 & 8 G. 4. respecting the Reduction of Tolls.

XVIII. And whereas it is by the said recited Act of the Seventh and Eighth Years of the Reign of His said late Majesty King *George* the Fourth provided and enacted, that it shall be lawful for the said United Company from Time to Time and as often as they shall see fit to lessen and reduce all or any of the Rates, Tolls, and Duties thereby authorized to be taken for and in respect of any Articles, Matters, or Things which shall be conveyed upon the said Canal, Collateral Cuts, and Railway then completed by them as aforesaid and thereby authorized to be supported and maintained, or upon any Part thereof, and afterwards from Time to Time again to raise, advance, and vary the same or any of them so as not at any Time to exceed the Amount therein-before set forth and thereby authorized to be taken: And whereas it is expedient that the said Clause shall be repealed, and that other Provisions shall be made in lieu thereof; be it therefore enacted, That from and immediately after the passing of this Act the said Clause and every Part thereof shall be and the same is hereby repealed.

Power to reduce and again to advance the Tolls.

XIX. And be it further enacted, That it shall be lawful for the said United Company from Time to Time and as often as they shall see fit to lessen or reduce all or any of the Rates, Tolls, and Duties by the said recited Act of the Seventh and Eighth Years of the Reign of His said late Majesty King *George* the Fourth authorized to be taken for or in respect of any Description of Articles, Matters, or Things which shall be conveyed upon the said Canal, Collateral Cuts, and Railway, 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 authorized to be taken by the said recited Act: 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 *Salop* and *Chester*, and in the Towns of *Birmingham*, *Liverpool*, and *Manchester*: Provided also, that the Rates, Tolls, and Duties authorized to be taken by virtue of the said recited Act of the Seventh and Eighth Years of the Reign of His said late Majesty King *George* the Fourth shall at all Times be charged equally and after the same Rate *per* Ton *per* Mile throughout the whole of the said Canal, Collateral Cuts, and Railway 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

cular Part of the said Canal, Collateral Cuts, and Railway, 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 Canal, Collateral Cuts, and Railway 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 Articles, Matters, and Things thereon, any thing to the contrary thereof in anywise notwithstanding.

As to Tolls to be taken for crossing the Mersey.

XX. And whereas it is by the said recited Act of the Eleventh Year of His said late Majesty King *George* the Fourth enacted, that it shall be lawful for the said United Company, and they are by the same Act authorized and empowered, to purchase or build and establish Boats, Barges, and other Vessels for the Conveyance of Goods, Wares, and Merchandize to and from the said Canal, upon, over, or across the River *Mersey*, and to carry and convey therein all such Goods, Wares, Merchandize, Articles, Matters, and Things as shall be offered to them for that Purpose, and to ask, demand, receive, and recover to and for the Use and Benefit of the said United Company for such Carriage or Conveyance as aforesaid such Sum or Sums of Money as shall be agreed upon between the said United Company, their Agents or Servants, and the Owner or Owners of such Goods, Wares, and Merchandize, or as the General Committee of the said Company shall from Time to Time appoint, not exceeding for each and every of the several and respective Articles, Matters, and Things specified in the said recited Act such Sum or Sums as is and are therein set forth: And whereas it is expedient that the said last-recited Clause should be amended; be it therefore enacted, That it shall not be lawful for the said United Company, their Agents or Servants, to agree with the Owner or Owners of any such Goods, Wares, and Merchandize for the Carriage or Conveyance of the same to and from the said Canal, over or across the River *Mersey*, at or for any other Rate or Sum of Money than such as shall from Time to Time be appointed by the General Committee of the said United Company, under and by virtue of the Power by the said last-recited Act given to them for that Purpose, nor for the said United Company, their Agents or Servants, to ask, demand, receive, or recover for such Carriage or Conveyance as aforesaid any other Sum or Sums of Money than such as shall or may from Time to Time be so appointed: Provided always, that Tables of the Rates or Sums of Money which shall or may from Time to Time be so appointed by the said General Committee as aforesaid, painted in large Characters on Boards, shall be affixed and continued at the Places where such Rates or Sums of Money shall be payable, received, or taken, and shall be renewed as often as the said Rates or Sums of Money shall be altered, or as the Boards shall be obliterated or destroyed; and that it shall not be lawful for the said United Company to demand or receive, or cause to be demanded or received, any such Rates or Sums of Money but for and during such Times as the Boards so painted as aforesaid shall remain so affixed as aforesaid.

Tolls for crossing the Mersey to be charged equally.

XXI. And be it further enacted, That the Rates or Sums of Money which shall or may from Time to Time be appointed by the General Committee of the said United Company to be received for the Conveyance of

of Goods, Wares, and Merchandize upon, over, or across the River *Mersey* as aforesaid, shall at all Times be charged equally and after the same Rate *per* Ton in respect of the same Description of Goods, Wares, and Merchandize, Articles, Matters, and Things, and that no Reduction or Advance in the said Rates or Sums of Money shall either directly or indirectly be made partially or in favour of or against any particular Person or Persons, Company or Companies: Provided always, that the several Rates of Tonnage and Freight now charged by virtue of the said several Acts shall continue to be charged until the last *Thursday* in the Month of *July* next after the passing of this Act.

Present Rates to continue until the last Thursday in July.

For creating a Fund for Repairs.

XXII. And whereas it is expedient that a Fund should be raised from Time to Time, as a Resource and Provision for defraying any extraordinary Expences for Repairs or Improvements of the said Canal and other Works, without rendering necessary any Reduction of the Dividends, or the public Trade of the Country being impeded by Delay in effecting such Repairs and Improvements from Want of pecuniary Means; be it therefore further enacted, That if the said United Company of Proprietors or their General Committee for the Time being shall deem it expedient, out of any surplus Monies arising by virtue of this or the said recited Acts, or otherwise, (after Payment of the Interests of the several Sums borrowed under the Authority of the said Acts or any of them,) to invest any Part of such surplus Monies in the Public Funds or in Exchequer Bills for the Purposes aforesaid, then and in every such Case it shall be lawful for any General or Special Assembly of the said Company of Proprietors, to be held in manner directed by the said recited Acts, to authorize and empower their General Committee for the Time being to invest any Part of such surplus Monies in the Public Funds or in Exchequer Bills, in the Names of Trustees to be nominated from Time to Time by the said General Committee, so as that the Money so to be laid out and invested do not in any One Year exceed a Sum equal to the Amount of One Sixth Part of the Dividends made and payable to the Proprietors of the said Canal Navigation in the Year precedent thereto, and that such Trustee or Trustees do and shall, under the Direction of the said General Committee, from Time to Time receive the Interest and Dividends of the said Public Securities as and when the same shall be payable and received, and from Time to Time, under such Direction as aforesaid, re-invest the same and the Dividends of all Accumulations thereof in the Purchase of other the like Public Security or Securities, either in their own Name or Names or in the Name or Names of such other Trustee or Trustees as the said General Committee shall from Time to Time appoint, in order that the same may together with the said Principal Monies so to be invested as aforesaid be and become an accumulating Fund for the Purposes aforesaid, and the same shall from Time to Time be applied and disposed of for the Purposes aforesaid, as the said General Committee for the Time being or any General or Special Assembly of the said Company shall think proper and direct the same to be applied and disposed of, but such Fund shall not at any Time exceed the Amount of Thirty thousand Pounds.

Penalty on obstructing Towing Paths.

XXIII. And be it further enacted, That if any Person shall deposit any Timber, or other Article, Matter, or Thing, on any Part of the Towing Path of the said Canal or Collateral Cuts, or shall leave any Cart, Carriage,

riage, or Barrow standing on the said Towing Path for a longer Time than shall be necessary for the loading or unloading of such Cart, Carriage, or Barrow, so as to obstruct the said Towing Path and the free Use thereof, or shall drive any Horses or other Beasts (not employed in the hauling or drawing any Boat or other Vessel on the said Canal, or any Cart or other Carriage to or from the said Canal), or any Pigs or Sheep along any Part of such Towing Path which is not a public Highway, every Person so offending shall for each Offence forfeit and pay the Sum of Five Pounds, to be recoverable in manner directed by the said first-recited Act in respect of the Penalties thereby imposed.

Further Powers as to Wharfs, &c.

XXIV. And be it further enacted, That it shall be lawful for the said United Company to set out the Carriage and other Ways on the several Wharfs belonging to the said Canal and Collateral Cuts, and the Passages to and from the Landing Places thereon, and also to limit and determine the Extent of Ground adjoining the several Landing Places which for the Convenience of Business shall be at all Times kept clear and unobstructed, and also to determine the Number of Traders who shall be allowed to use the several Landing or Loading Places, and also with or without Indenture to demise or lease any of the Ground of the said Wharfs to be used as Places of Deposit for any Articles or Commodities which shall be landed at the said Wharfs, or which may be intended to be conveyed along the said Canal and Collateral Cuts.

As to the Construction of Boats.

XXV. And be it further enacted, That no Boat shall pass a Lock or be navigated upon any Part of the said Canal or Collateral Cuts now existing or hereafter to be made that shall have a Square Head or Stern, or Projection at the Side or Bottom thereof, or be constructed in any respect so as to injure or tend to injure the Locks, Bridges, Masonry, Banks, Lining, Puddling, or other Works of the said Canal, without the previous special Permission of the Committee of the said United Company or their Clerk for that Purpose duly authorized; and it shall be lawful for the said United Company, their Servants or Agents, to stop any such Boat and prevent it from passing any Lock or navigating the said Canal or Collateral Cuts or any Part thereof.

Power to make Double Locks.

XXVI. And whereas it would greatly expedite the Passage of Boats along the said Canal and Collateral Cuts if double or parallel Locks were made in certain Parts thereof; be it therefore further enacted, That it shall be lawful for the said United Company 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 Canal and Collateral Cuts 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.

Company may regulate the passing of Locks.

XXVII. And be it further enacted, That it shall be lawful for the said United Company from Time to Time to authorize and permit any Boat to pass any Lock before a Barge or Flat, and any Boat of the Description usually called Fly Boats carrying light Goods to pass any Lock before a Boat laden with Coals, Timber, Stone, Lead, or other heavy Goods, pro-

provided such Fly Boat be within Two hundred Yards of the Lock at which such Preference is given.

Justices may award Costs.

XXVIII. And be it further enacted, That it shall and may be lawful for any Justice of the Peace before whom any Complaint or Information shall be laid for or in respect of any Offence or Offences in the said several recited Acts or this Act mentioned, to ascertain and award the Costs and Charges incurred by the Complainant or Informer, as well in the Apprehension of the Offender or Offenders, and the conveying him, her, or them before such Justice, as in the Hearing and Determination of such Complaint or Information and the Commitment of such Offender or Offenders, and to adjudge and order the Person or Persons charged with any such Offence, on his, her, or their being duly convicted thereof, to pay to the Complainant or Informer such Costs and Charges, in addition to the Penalty or Forfeiture adjudged by and recovered by or before such Justice, which Costs and Charges so adjudged and ordered to be paid shall be recovered by the several Ways and Means by the said recited Acts or either of them directed as to the Recovery of Penalties imposed under the Authority thereof.

Committee empowered to affix the Company's Seal.

XXIX. Provided always, and be it further enacted, That it shall be lawful for the General Committee of the said United Company to cause the Common Seal of the said Company to be affixed to any Petition, Security, or other Document as may be from Time to Time necessary or requisite.

Paying the Expences of the Act.

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

Public Act.

XXXI. 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.

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