ANNO QUINTO

VICTORIÆ REGINÆ.

Sess. 2.

****

Cap. xxxiii.

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

[31st *May* 1842.]

WHEREAS an Act was passed in the Seventh and Eighth Years of the Reign of His Majesty King *George* the Fourth, intituled *An Act to amend and enlarge the Powers* 7 & 8 G. 4.
and Provisions of the several Acts relating to the Ellesmere *and* Chester c 102.
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 Majesty, intituled *An Act to enable* 11 G. 4. &
the United Company of Proprietors of the Ellesmere and Chester 1 W. 4. c. 51.
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 an Act was passed in the First Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act to amend and* 7 W. 4. &
1 Vict. c. 80.

enlarge the Powers of the several Acts relating to the Ellesmere *and* Chester *Canal:* And whereas it would be of great public Utility if the said United Company were empowered to establish and work Boats for the Conveyance of Passengers, Goods, Merchandize, Minerals, and other Commodities and Things, along the said Canal and other Canals communicating therewith, and to procure Haulage and Trackage and other motive Power for the Boats of other Traders: And whereas it is expedient that, for the Purpose of enabling the said Company to carry into effect the several Objects aforesaid, and other the Objects of the said recited Acts, and for the general Purposes of the said 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 recited Acts should be altered, amended, and enlarged, and that further Powers should be granted; but the same cannot be accomplished without the 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 Three recited Acts, and all the Powers, Provisions, Matters, and Things therein respectively contained, (except so far as the same or any of them have heretofore been or are hereby altered or repealed,) shall extend, not only to the said Canal, collateral Cuts, and other Works already constructed or now carrying on and constructing by the said United Company, but shall 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.

Provisions of the former Acts extended to this Act.

Company authorized to act as Common Carriers.

II. And be it enacted, That it shall be lawful for the said United Company to carry, as Common Carriers, for their own Profit, on the said Canal, or any other Canal or River communicating therewith, either directly or by means of any intermediate Canal, River, or Railway, Passengers, Cattle, Animals, Goods, Wares, Merchandize, Minerals, Articles, Matters, or Things, and, for the Purpose of collecting, conveying, depositing, and delivering the same, to purchase, provide, construct, and employ such Boats, Horses, Carts, Waggons, Carriages, Steam Carriages, Machinery, Engines, Apparatus, Conveniences, Matters, and Things, and to do, perform, and execute such Acts and Deeds, as to them may seem meet.

Company empowered to provide Haulage and Trackage for Boats of other Owners.

III. And be it enacted, That it shall be lawful for the said United Company, for their own Profit, to provide, use, and employ Cattle, Steam Boats, Tug Boats, Steam Carriages, Steam Engines, and other motive Power, Conveniences, and Things, for the Haulage and Trackage of the Boats of any other Person or Company upon or along the said Canal, or any other Canal or navigable River communicating therewith, either directly or by means of any intermediate Canal or navigable River or Railway.

Power to contract with other Com-

IV. And be it enacted, That it shall be lawful for the said United Company to make and enter into such Contracts and Agreements with

with any Company or Persons, being the Owners or Proprietors or having the Management or Preservation of any Canal or navigable River, or entitled to the Banks on either Side thereof respectively, for the Use of such Canals or navigable Rivers, and the Banks or Towing Paths thereof, and also to enter into such Contracts and Agreements with any Company or Persons for the granting to such Company or Persons the Use of the Canal and collateral Cuts belonging to the said United Company, and the Banks and Towing Paths thereof respectively, or any or either of them, or any Part thereof respectively, upon such Terms and Conditions, and upon the Payment of such annual or other Sum or Sums of Money, as shall be thought expedient; and all such Contracts and Agreements shall be binding upon the said United Company and such other Companies or Persons as shall be Parties thereto, and their respective Successors, Heirs, Executors, Administrators, and Assigns, and may be in such Form, and may contain all such Covenants and Provisions, as the contracting Parties may respectively think advisable and mutually agree upon.

Companies for the Use of their Canals.

V. And be it enacted, That it shall be lawful for the said United Company and they are hereby authorized and empowered, for their own Use and Benefit, to ask, demand, receive, and recover, for such Carriage or Conveyance as aforesaid of any such Cattle, Animals, Goods, Wares, Merchandize, Minerals, Articles, Matters, or Things as herein-before mentioned, such Sums of Money as the Proprietors of the said Canal and collateral Cuts assembled at any General or Special Meeting of the said United Company, or as the General Committee of the said United Company shall from Time to Time appoint, or as shall be agreed upon between some Person authorized in that Behalf by the said Proprietors and the Persons desirous of transmitting such Cattle, Animals, Goods, Wares, Merchandize, and other Things as herein-before mentioned, and also to demand, receive, and recover for the Conveyance of any such Passengers, and for the Haulage and Trackage of Boats belonging to other Persons than to the said United Company, such Sums of Money as the Proprietors of the said Canal shall at any such General or Special Meeting as aforesaid, or as the General Committee of the said United Company shall from Time to Time appoint.

Power to demand such Sums as may be agreed upon.

VI. Provided always, and be it enacted, That such Sums of Money so to be from Time to Time appointed or agreed upon for such Carriage or Conveyance, and for such Haulage and Trackage as aforesaid, shall at all Times be charged equally to all Persons and after the same Rate, whether *per* Mile or *per* Ton or otherwise, upon the same Portion of the said Canal and collateral Cuts, or of any other Canal or River, under the like Circumstances, and that no Reduction or Advance of or Exemption from the Payment of the said Sums or any of them shall be made either directly or indirectly in favour of or against any particular Company or Person; but without Prejudice always to different Sums or Rates being appointed in respect of different Descriptions of Cattle, Animals, Goods, Wares, Merchandize, Minerals, Articles, Matters, or Things carried or conveyed by the said United Company, or for or in respect of the First, Second, or Third Class Cabins or Conveyances for Passengers, and without Prejudice

Sums to be charged equally.

Prejudice to the said United Company appointing different Charges for the Haulage and Trackage by them of different Descriptions of Vessels, and in respect of the different Rates of Speed at which such Haulage or Trackage shall be provided; but such different Sums or Rates shall be charged equally to all Persons and Parties under the like Circumstances, and not in favour of any particular Person or Party.

United Company empowered to contract with other Canal Companies for the Division of Tolls.

VII. And in order to facilitate the Carriage and Conveyance of Passengers, Goods, and Merchandize, and other Matters and Things, it is expedient that the said United Company should be empowered to enter into any Arrangements with any other Company or Persons, so as to avoid the Necessity of a Change of Boats and other Delays arising from a Diversity of Interest; be it enacted, That, notwithstanding any thing in this or the recited Acts contained, it shall be lawful for the said United Company from Time to Time to enter into any Contract or Agreement with any other Company or Persons (and which Contract or Agreement such other Company or Persons are hereby authorized to enter into) for the Division or Apportionment of Rates, Tolls, and Duties in such Manner as may be deemed advisable and be mutually agreed upon, and any such Contract may contain such Covenants and Provisions as the contracting Parties may respectively think advisable and mutually agree upon: Provided always, that no such Contract shall in any Manner alter, affect, increase, or diminish any of the Rates, Tolls, or Duties which the respective Companies or Persons, Parties to such Contracts, shall for the Time being be respectively authorized and entitled to have, demand, recover, or receive of or from any Person or any other Company, but that all other Persons and Companies shall, notwithstanding any such Contract, be entitled to the Use and Benefit of any of the Canals upon the same Terms and Conditions, and on Payment of the same Tolls, Rates, and Duties, as they would have been in case no such Contract had been entered into.

Contract not to affect Persons not Parties to it.

Provisions in force relating to Common Carriers to extend to the said United Company.

VIII. And be it enacted, That nothing herein contained shall in any Case extend to charge or make liable the said United Company further or in any other Case than where, according to the Laws of this Realm for the Time being, Stage Coach Proprietors and Common Carriers would be liable; nor shall any thing herein contained extend in any degree to deprive the said United Company of any Protection or Privilege which, either now or at any Time hereafter, Common Carriers or Stage Coach Proprietors have or may have, but the said United Company shall from Time to Time and at all Times have and be entitled to the Benefit of every such Protection and Privilege.

Power to purchase Lands required for additional Purposes.

IX. And be it enacted, That for any of the following Purposes it shall be lawful for the said United Company, in addition to the Lands authorized by the said recited Acts to be taken by them, to contract with any Party willing to sell the same for the Purchase of any Land not exceeding in the whole Fifty Acres; (that is to say,)

For

For the Purpose of making and providing additional Stations, Yards, Wharfs, and Places for the Accommodation of Passengers, and for receiving, depositing, and loading or unloading Goods or Cattle to be conveyed or that shall have been conveyed upon the Canal or otherwise by the said United Company, under the Authority of this Act, and for the Erection of Weighing Machines, Toll Houses, Offices, Warehouses, and other Buildings and Conveniences; and

For the Purpose of making convenient Roads or Ways to the Canal, collateral Cuts, and Railway:

And it shall be lawful for all Bodies Politic, Corporate, or Collegiate, and all other Persons who, under the several Provisions contained in the said recited Acts or any of them, would be enabled to sell and convey Lands required for the Canal or other Purposes of the said Undertaking, to sell and convey Lands required for any such additional Purpose as aforesaid.

Power to sell additional Lands, and purchase other instead.

X. And be it enacted, That it shall be lawful for the said United Company to sell the additional Land which they at any Time shall have so acquired, or any Part thereof, in such Manner and for such Considerations and to such Persons as the said Company shall think fit, and again to purchase other Lands for the like Purposes, and afterwards sell the same, and so from Time to Time, but the total Quantity of additional Land to be held at any Time by the Company for the Purposes aforesaid shall not exceed Fifty Acres.

Restraint on Purchase from incapacitated Persons.

XI. And be it enacted, That the said United Company shall not, by virtue of the Power to purchase Land for additional Purposes, purchase more than Fifty Acres from any Party under legal Disability, or who would not be able to sell and convey such Lands, except under the Powers of the said recited Acts and this Act; and if the said United Company purchase the said Quantity of Land from any Party under such legal Disability, and afterwards sell the Whole or any Part of the Land so purchased, it shall not be lawful for any Party, being under legal Disability, to sell to the Company any other Lands in lieu of the Lands so sold or disposed of by the said United Company.

Company authorized to raise a further Sum of 50,000*l.*

XII. And be it 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 Fifty 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.

Sums borrowed to be secured by Mortgage of the Canal, &c.

XIII. And be it 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

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 authorized to be maintained, supported, made, and completed, and the Rates, Tolls, and Duties arising therefrom and in pursuance of this Act.

Mortgages to be under the Common Seal of the Company.

XIV. And be it enacted, That 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 several recited Acts or either of them.

Mortgages and Bonds to be by Deed duly stamped.

XV. Provided always, and be it enacted, That every Mortgage, Bond, or other Security for Money, and every Transfer of any Share, Mortgage, Bond, or other Security to be granted or made by virtue of this Act, shall be by Deed duly stamped, wherein the Consideration for the same shall be truly stated; any thing herein or in the said recited Acts contained to the contrary notwithstanding.

Rights of Mortgagees.

XVI. And be it enacted, That 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.

Entry of Mortgages, &c.

XVII. And be it enacted, That 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.

For enforcing Payment of Interest.

XVIII. And be it enacted, That 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 Money borrowed at a higher Rate.

XIX. And be it 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 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.

XX. And be it enacted, That the Interest of the Money which shall be raised by Mortgage 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 Three several recited Acts or of this Act to the said United Company or any of them, and shall from Time to Time be fully paid and discharged or provided for before the yearly or other Dividends due to the said Proprietors or any of them shall be paid, made, or provided.

In case Mortgages be paid off, Company authorized to borrow the same Amount.

XXI. And be it enacted, That in case the said United Company shall raise the Whole or any Part of the said Sum of Fifty 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 Fifty thousand Pounds in the whole at any One Time.

Additional Tonnage on Vessels laden with Lime, Limestone, and Coal, passing Locks, and not travelling Two Miles on Canal.

XXII. And be it enacted, That in addition to the Rates of Tonnage granted by the herein-before recited Acts or either of them, and thereby authorized to be taken, it shall be lawful for the said United Company to ask and receive, to and for the Use and Behoof of the said Company, in respect of the Cargo or Lading of every Boat laden with Lime, Limestone, or Coal only, navigating on any Part of the said Canal and the collateral Cuts or Branches thereof, by the said recited Acts or either of them authorized to be maintained, supported, made, extended, or completed, which shall not have passed along the same for the full Distance of Two Miles, but which shall have passed through any Lock or Locks thereon, any Sum or Sums of Money not exceeding in the whole the Sum of Two-pence *per* Ton in respect of each and every Lock passed through by such Boat.

XXIII. And

Additional Powers to Committee in Interval between General Meetings.

XXIII. And be it enacted, That the General Committee of the said United Company shall, in the Interval between the holding of the General Meetings of the Proprietors, have full Power and Authority to lessen or reduce and to raise or advance the Tolls, Rates, or Duties for the Time being payable to the said Company by virtue of the said several recited Acts or this Act, for any Term or Space, but not longer than until the next General Meeting of the said Company, or the next Special Meeting thereof, called for the Purpose of taking such Reduction, Abatement, or Advance into consideration, and subject to the Provisions in the same Acts contained as to the Reduction or Advance of Tonnage Rates and Duties.

Amendment of first-recited Act, as respects the Exhibition of Tables of Tolls.

XXIV. And whereas it was by the said recited Act of the Seventh and Eighth Year of the Reign of His Majesty King *George* the Fourth enacted, that Tables of the Rates, Tolls, or Duties which should or might be from Time to Time payable or demandable by virtue of the said Act, painted in large Characters on Boards, should be affixed and continued at the Places where such Rates, Tolls, or Duties should be payable, received, or taken, and should be renewed as often as the said Rates, Tolls, or Duties should be altered, or as the Boards should be obliterated or destroyed; and that it should not be lawful for the said United Company to demand or take, or cause to be demanded or taken, any such Rates, Tolls, or Duties, but for and during such Times as the Boards so painted as aforesaid should remain so affixed as aforesaid: And whereas it was by the said recited Act of the First Year of Her Majesty Queen *Victoria* enacted, that Tables of the Rates or Sums of Money which should or might from Time to Time be appointed by the said Committee of the United Company for the Carriage or Conveyance of Goods, Wares, and Merchandize upon, over, or across the River *Mersey*, painted in large Characters on Boards, should be affixed and continued at the Places where such Rates or Sums of Money should be payable, received, or taken, and should be renewed as often as the said Rates or Sums of Money should be altered, or as the Boards should be obliterated or destroyed; and that it should 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 should remain so affixed as aforesaid: And whereas it is expedient that the said Clauses should be amended and extended; be it therefore enacted, That Tables of the Rates, Tolls, Duties, or Sums of Money which shall or may be from Time to Time payable or demandable by virtue of the said recited Acts, and also by virtue of this Act, for such Haulage and Trackage as aforesaid, painted or printed in large and legible Characters, shall be affixed and continued at the Places where such Rates, Tolls, or Duties, or Sums of Money, shall be payable, received, or taken, and shall be renewed as often as the said Rates, Tolls, Duties, or Sums of Money shall be altered, or as the Tables shall be obliterated or destroyed; and it shall not be lawful for the said Company to demand or take any such Rates, Tolls, Duties, or Sums of Money, but for and during such Times as such Tables thereof respectively shall remain so affixed as aforesaid:

Tables of Tolls to be set up where Tolls are ordinarily paid.

said: Provided always, that if at any Time 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 Rates, Tolls, Duties, or Sums of Money as shall be so payable or demandable, 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.

Amendment of first-recited Act as to Exhibition of Bye Laws.

XXV. And whereas by the said recited Act of the Seventh and Eighth Years of the Reign of His Majesty King *George* the Fourth it was enacted, that all Bye Laws made under the Authority of the said Act, being reduced into Writing under the Common Seal of the said Company of Proprietors, and printed and published, and painted on Boards, should be hung up and affixed and continued upon the Front of the several Toll Houses to be erected on the Line of the said Canal and collateral Cuts and Railway, and should from Time to Time be renewed as often as the same or any Part thereof should be obliterated, defaced, or destroyed: And whereas it is expedient that the said Clause should be amended; be it therefore enacted, That Copies of all Bye Laws which shall have been and which shall or may from Time to Time be made by the said United Company, under the Authority of the said recited Acts or any of them, painted or printed in large and legible Characters, shall be hung up, affixed, and continued at the Places where the Rates, Tolls, or Duties payable or demandable by virtue of the said recited Acts or this Act shall be payable, received, or taken, and shall be renewed as often as the said Bye Laws shall be altered, or as such painted or printed Copy, or any Part thereof, shall be obliterated or destroyed.

Occupation Rent to be paid by Company for Lands entered on by them for digging Gravel, &c.

XXVI. And whereas by the said recited Act of the Seventh and Eighth Years of the Reign of His Majesty King *George* the Fourth the said Company, and their Officers and Servants, are empowered, in case of Damage or Danger to the said Canal or collateral Cuts by Floods or unexpected Accidents, to take and carry away Stones, Gravel, and other Materials from adjoining Lands, for repairing and rebuilding the same, without previous Treaty with the Owners or Occupiers of or other Persons interested in such Lands, making reasonable Compensation to such Owners, Occupiers, or other Persons, within Ten Days next after the same should be demanded, for the Damages which might be done by means thereof, which Damages, and the Recompence to be made in respect thereof, (in case the several Persons concerned should not agree about the same,) it was thereby declared should be determined and adjusted, or assessed, awarded, and recovered, in the Manner and by the Ways and Means therein-before prescribed with respect to other Damages done in making and maintaining the said Canal and collateral Cuts thereby authorized to be maintained, supported, made, and completed: And whereas it is expedient that the same Clause should be amended, and

that the said Company should be chargeable with an Occupation Rent for the Time during which they shall retain the Possession of the Lands into which they may enter for the Purposes of getting Stone, Gravel, and Materials, under the Provisions of the said recited Act, or for repairing the said Canal, collateral Cuts, and Railway, and the Banks and Towing Paths thereof, under the Authority of that Act, and that the Mode of determining, assessing, and recovering the Amount of Compensation to be paid by the said Company to the Owners and Occupiers of and other Persons interested in the said Lands should be varied in the Manner herein-after expressed; be it therefore enacted, That from and after the passing of this Act the said United Company shall pay unto the Owners or Occupiers of all the Lands, Grounds, or Hereditaments which the said United Company, their Deputies, Agents, Officers, Workmen, or Servants, may have at any Time before the passing of this Act entered upon, for the Purpose of getting Stone, Gravel, or other Materials for the Repair of the said Canal or collateral Cuts or other Works by the said recited Acts authorized, and which now remain in their Possession, and also to the Owners or Occupiers of all the Lands, Grounds, and Hereditaments which they shall or may at any Time hereafter enter upon, (and which they are hereby authorized to do without previous Treaty with the Owners or Occupiers or other Persons interested in such Lands,) for the Purpose of getting Stone, Gravel, or other Materials for the Repair, Maintenance, and Support of the said Canal or collateral Cuts, and the Banks and Towing Paths thereof, and other Works by the said recited Acts or any of them authorized to be made and constructed, an Occupation Rent for the Surface Value of such Lands, Grounds, or Hereditaments, such Rent to commence at the Time of the passing of this Act, or at the Time when any such Lands, Grounds, or Hereditaments respectively shall hereafter be entered upon as aforesaid, as the Case may require, and to continue until the said Company shall surrender and yield up such Lands, Grounds, or Hereditaments respectively, well laid down and levelled as herein-after mentioned, unto the Persons for the Time being entitled to the Possession thereof, such Rent to be payable by equal quarterly Payments in every Year, with a proportionate Part from the last quarterly Day of Payment up to the Time of giving up the Possession of the said Lands; and in case the said United Company, and the Owners or Occupiers or Persons entitled to the Possession of such Lands, Grounds, or Hereditaments, shall not agree as to the Amount of such Rent, then the same shall be ascertained and fixed by any Two Justices of the Peace for the County in which such Lands may lie, who, upon Application made to them by the said Company, or by any Person or Persons on their Behalf, or by the Owners or Occupiers of or Persons entitled to the Possession of such Lands, Grounds, or Hereditaments as aforesaid, shall examine into the said Matter, and shall determine and settle the Amount of the Rent which shall be payable by the said Company; and in case of Nonpayment of such Rent, or any quarterly or other Payment thereof, for the Space of Fourteen Days after the same shall have become due, the same shall and may be recovered, by the Person or Persons to whom the same shall be due and payable, by Distress and Sale of any Goods and Chattels of the said Company, or of their Treasurer

surer for the Time being, in the same Manner as by the said first-recited Act is directed with respect to the Recovery of Compensation or Satisfaction for Damage, Spoil, or Injury done by the said Company.

Compensation to be made for permanent Damage to Soil;

XXVII. And be it enacted, That when and as soon as the said United Company shall have ceased to dig for, get, work, and take Stone, Gravel, and other Materials from any such Lands, Grounds, or Hereditaments as aforesaid, they shall cause the Pits or Holes made therein to be filled up and levelled, and the said Lands, Grounds, and Hereditaments to be rendered fit for Tillage and Cultivation, so far as the same can or may be done, and shall make Compensation, and Satisfaction to the Owners or Occupiers thereof or Persons interested therein for the permanent Injury, Damage, or Deterioration which may have been done or caused to the Surface of such Lands, Grounds, or Hereditaments by the Exercise of any of the Powers aforesaid; and in case the said United Company, and the Person or Persons interested in such Land or Ground, shall not agree as to the Amount of such Compensation, then the same shall be ascertained and fixed by any Two Justices of the Peace for the County in which such Lands, Grounds, or Hereditaments shall lie, who, upon Application made to them by the said Company, or by any Person or Persons on their Behalf, or by the Owners or Occupiers or Persons interested in such Lands, Grounds, or Hereditaments, shall examine into the said Matter, and shall determine and settle the Amount of the Compensation which shall be payable by the said Company; and in case of Nonpayment of the same or any Part thereof for the Space of Fourteen Days after the same shall have become due, the same shall and may be recovered by the Person or Persons to whom the same shall be due and payable, by Distress and Sale of any Goods and Chattels of the said Company or of their Treasurer for the Time being, in the same Manner as in the said first-recited Act is directed with respect to the Recovery of Compensation or Satisfaction for Damage, Spoil, or Injury done by the said Company.

to be settled by Two Justices, in case of Disagreement.

Accounts of Tolls rateable to the Poor to be kept.

XXVIII. And for the Purpose of providing for the proper rating of the Canal and collateral Cuts to the Relief of the Poor, be it enacted, That the United Company shall keep an Account of the whole Tolls and Trackage received by them, and rateable for the Relief of the Poor, showing the gross Amount of the monthly Receipts in respect of such Tolls and Trackage received in every Year, and the Amount and Particulars of the Expenditure in every such Year on account of any Expences, the probable annual average Cost of which is to be taken into account in ascertaining the net annual Value of the Canal and collateral Cuts, for the Purpose of rating the same for the Relief of the Poor; and if the United Company carry for their own Benefit any Passengers, Cattle or other Animals, Goods or other Matters, they shall keep a separate Account, showing the Amount of Tolls or Sums which would have been received by the United Company in every such Year for the Use of the Canal and collateral Cuts, in respect of such Passengers, Cattle, Goods, or other Matters, if the same had been carried by any other Party, and the Amount of Tolls

or

or Sums which shall have been actually received by the United Company for the Carriage of the same.

Power to Overseers of Poor to inspect Accounts.

XXIX. And be it enacted, That at any Time during the first Fourteen Days in the Months of *February* and *August* in each Year it shall be lawful for the Overseers of the Poor of the several Parishes through which the Canal and collateral Cuts shall pass to inspect such Accounts; and if the United Company fail to keep such Accounts, or to permit such Inspection thereof, they shall forfeit to each Overseer who shall demand the said Accounts, or who shall be refused the Inspection of such Accounts or either of them, for every such Failure to keep such Accounts, Thirty Pounds, and for every Day during which the Refusal to permit such Inspection may continue the Sum of Ten Pounds *per* Day; and such Penalties shall be recoverable by Action of Debt or on the Case in any of the Superior Courts, and shall be applied for the Benefit of the Poor of the Parish within which such Failure may occur.

An Annual Account to be prepared, and a Copy thereof transmitted to the Clerk of the Peace.

XXX. And be it enacted, That the said Company shall every Year cause an annual Account to be prepared, showing the total Receipt and Expenditure of all Funds levied by virtue of the said recited Acts or of this Act for the Year ending on the Thirtieth Day of *June*, under several and distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account, duly audited and certified by the Clerk for the Time being of the said Company, and shall transmit a Copy of such Account, free of Charge, to the Clerks of the Peace for the same Counties of *Chester*, *Salop*, *Denbigh*, and *Flint*, on or before the Thirty-first Day of *January* then next, which Account shall be open to the Inspection of the Public at all seasonable Times, on Payment of the Sum of Seven Shillings and Sixpence for every such Inspection: Provided always, that if the said Company shall omit to prepare and transmit such Account as aforesaid they shall forfeit for every such Omission the Sum of Twenty Pounds.

Repeal of Clause in first-recited Act as to Limitation of Actions.

XXXI. And whereas it is by the said recited Act of the Seventh and Eighth Year of the Reign of His Majesty King *George* the Fourth enacted, that no Action, Suit, or Information, or other Proceeding, should be brought, commenced, or prosecuted against any Person or Persons for any thing done or to be done in pursuance of that Act, or in the Execution of the Powers or Authorities of, or any of the Orders made, given, or directed in, by, or under the said Act, unless Fourteen Days previous Notice should be given in Writing by the Person or Persons intending to commence and prosecute such Action, Suit, or Information, to the Defendant or Defendants, nor unless such Action, Suit, or Information should be brought or commenced within Three Calendar Months next after the Fact committed, or in case there should be a Continuation of Damages, within Three Calendar Months next after the doing or committing such Damage should have ceased, and not afterwards, and should be laid and brought in the County where the Matter in dispute or Cause of Action should arise, and not elsewhere; and the Defendant or Defendants in such Action, Suit, or Information should and might plead the

the General Issue, and give the said Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of the said Act; and if it should appear to have been so done, or if any such Action, Suit, or Information should have been brought or commenced before or after the Time limited for bringing the same, or in any County or Place other than as aforesaid, then and in every such Case the Jury should find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs should become nonsuited, or suffer a Discontinuance of his, her, or their Action, Suit, or Information after the Defendant or Defendants should have appeared, or if a Verdict should pass against the Plaintiff or Plaintiffs, or if upon Demurrer or otherwise Judgment should be given against the Plaintiff or Plaintiffs, the Defendant or Defendants should (if the Judge before whom the Case is tried should certify the same to have been vexatious) have Double Costs, and should have such Remedy for recovering the same as any Defendant hath for recovering Costs of Suit in any other Case by Law: And whereas it is expedient that the said Provision should be repealed; be it therefore enacted, That the said Provision shall be and the same is hereby declared to be repealed.

Not to interfere with the Trent and Mersey Navigation.

XXXII. Provided always, and be it enacted, That nothing in this Act contained shall take away, diminish, alter, prejudice, or affect any of the Rights, Privileges, Powers, or Authorities vested in the Company of Proprietors of the Navigation from the *Trent* to the *Mersey*, or authorize or empower the said United Company to propel Boats or other Vessels on the said *Trent* and *Mersey* Navigation, or the Branches or Extensions thereof, by means of Steam Power or Machinery, or to do any Act by means whereof the full and free Use of the said *Trent* and *Mersey* Navigation, or the Branches and Extensions thereof, may be obstructed or impeded, or the Banks, Locks, or other Works of or belonging to the said Navigation, or the Branches or Extensions belonging thereto, may be damaged or injured, without the Consent of the said Company of Proprietors of the Navigation from the *Trent* to the *Mersey* under their Common Seal first had and obtained.

Expences of the Act.

XXXIII. And be it enacted, That the Costs, Charges, and Expences of obtaining and passing this Act, 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 by virtue of the said several recited Acts or this Act, in preference to any other Payments whatsoever.

Interpretation of Act.

XXXIV. And be it enacted, That in the said recited Acts and this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender shall include Females:
The Word "Month" shall mean Calendar Month:
The Expression "Superior Courts" shall mean Her Majesty's Superior Courts of Record at *Westminster:*
The Word "Oath" shall include Affirmation in case of Quakers, or other Declaration or Solemnity lawfully substituted for an Oath in the Case of other Persons exempted by Law from the Necessity of taking an Oath:
The Word "Lands" shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure:
The Word "County" shall include any Riding or other like Division of a County:
The Word "Sheriff" shall include Under Sheriff or other legally competent Deputy, and the Words "Clerk of the Peace" shall include his legally constituted Deputy; and where any Matter in relation to any Lands required to be done by any Sheriff or by any Clerk of the Peace, the Expression "the Sheriff," or the Expression "the Clerk of the Peace," shall in such Case be construed to mean the Sheriff or the Clerk of the Peace of the County, City, Liberty, or Place where such Land shall be situated; and if the Lands in question, being the Property of one and the same Party, be situate not wholly in One County, City, Liberty, or Place, the same Expression shall be construed to mean the Sheriff or Clerk of the Peace of any County, City, Liberty, or Place where any Part of the Lands shall be situate:
The Word "Justice" shall mean Justice of the Peace for the County, City, Liberty, or Place where the Matter requiring the Cognizance of any Justice shall arise, and who shall not be interested in the Matter; and where the Matter shall arise in respect of Lands, being the Property of one and the same Party, situate not wholly in any One County, City, Liberty, or Place, the same shall mean a Justice acting for the County, City, Liberty, or Place where any Part of such Lands shall be situate, and who shall not be interested in such Matter:
The Word "Boat" shall include any Vessel, Lighter, Float, Keel, Barge, Raft, or Craft, and any other Kind of Vessel whatsoever.

Public Act. XXXV. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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