ANNO QUINQUAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 80.

An Act for uniting the Intereſts and Concerns of the Proprietors of the *Cheſter* Canal and *Elleſmere* Canal; and for amending the ſeveral Acts of His preſent Majeſty, relating to the ſaid Canals.

[21ſt *May* 1813.]

WHEREAS an Act was paſſed in the Twelfth Year of the Reign of His preſent Majeſty, intituled *An Act for making a Navigable Cut or Canal from the River* Dee, *within the Liberties of the City of* Cheſter, *to or near* Middlewich *and* Nantwich, *in the County of* Cheſter: And whereas by the ſaid recited Act certain Perſons therein named, together with ſuch Perſon or Perſons as they or the Majority of them at any General Meeting aſſembled ſhould nominate and appoint under their Hands and Seals, and their reſpective Executors, Adminiſtrators, and Aſſigns, were united into a Company for the better carrying on, making, completing and maintaining the ſaid Navigable Cut or Canal for Boats, Barges, and other Veſſels; according to the Rules, Orders, and Directions therein-after expreſſed; and the ſame Perſons were made one Body Politic and Corporate, by the Name of "The Company of Proprietors of the *Cheſter* Canal Navigation:" And whereas the ſaid Company of Proprietors were by the ſaid Act empowered to raiſe and contribute among themſelves a competent Sum of Money for making and completing the ſaid Navigable Cut or Canal, Roads, and other Works and Conveniencies, provided the ſame did not exceed the Sum of Forty-two thouſand Pounds, except as therein excepted; but in caſe the ſaid Sum of Forty-two thouſand Pounds 12 G. 3.

ſhould be found inſufficient for the making, completing, and maintaining the ſaid Navigable Cut or Canal, and other the Works thereby authorized to be made, and all neceſſary Charges and Expences relating thereunto, then and in ſuch Caſe the ſaid Company of Proprietors were empowered to borrow and take up at Intereſt any further or other Sum of Money, not exceeding the Sum of Twenty thouſand Pounds, on the Credit of the ſaid Navigation, Undertaking, and Premiſes, and the Tolls, Rates, and Duties ariſing or to ariſe by virtue of the ſaid Act, as a Security for any ſuch Sum or Sums of Money to be borrowed with Intereſt: And whereas another Act was paſſed in the Seventeenth Year of the Reign of His preſent Majeſty,

17 G. 3. intituled *An Act for varying and enlarging the Powers of an Act made in the Twelfth Year of the Reign of His preſent Majeſty, for making a Navigable Cut or Canal from the River* Dee, *within the Liberties of the City of* Cheſter, *to or near* Middlewich *and* Nantwich, *in the County of* Cheſter: And whereas another Act was paſſed in the Eighteenth Year of the Reign of His preſent

18 G. 3. Majeſty, intituled *An Act for the more effectually carrying into Execution the Powers contained in Two ſeveral Acts of Parliament, the one made in the Twelfth Year of His preſent Majeſty's Reign, for making a Navigable Cut or Canal from the River* Dee, *within the Liberties of the City of* Cheſter, *to or near* Middlewich *and* Nantwich *in the County of* Cheſter; *and the other made in the Seventeenth Year of His ſaid Majeſty's Reign, for varying and enlarging the Powers of the ſaid former Act:* And whereas under and by virtue of a certain other Act of Parliament made in the Forty-ſeventh Year of the

47 G. 3. Reign of His preſent Majeſty, intituled *An Act for continuing the Term and altering and enlarging the Powers of an Act of the Twenty-ſixth Year of His preſent Majeſty, for amending the Road from* Flookerſbrook Bridge *to the South End of* Wilderſpool Cauſeway, *and from the Town of* Frodſham *to* Aſhton Lane End, *in the County of* Cheſter, *ſo far as reſpects the* Cheſter *Diſtrict of the ſaid Roads; and for extending the ſame from the preſent Termination thereof at* Flookerſbrook Bridge *aforeſaid, to the North End of* Cow Lane Bridge, *in the City of* Cheſter, *and for making a new Road from ſuch propoſed Extenſion of the ſaid Road, to the North End of* Queen Street, *in the ſame City*; the Truſtees appointed by the ſaid Acts, at the Requeſt, Coſts, and Charges of the ſaid Company of Proprietors of the *Cheſter* Canal, are by the ſaid laſt-mentioned Act authorized and empowered to make a new Road of Communication from the Road lying between *Flookerſbrook Bridge* and the North End of *Cow Lane Bridge*, at or near a Houſe in the ſame Act mentioned, with a Bridge acroſs the ſaid *Cheſter Canal*, to the North End of *Queen Street*, in the ſaid City of *Cheſter*: And whereas an Act was paſſed in the Thirty-third Year of the Reign of His preſent

33 G. 3. Majeſty, intituled *An Act for making and maintaining a Navigable Canal from the River* Severn, *at* Shrewſbury *in the County of* Salop, *to the River* Merſey, *at or near* Netherpool *in the County of* Cheſter, *and alſo for making and maintaining certain Collateral Cuts from the ſaid intended Canal*, whereby certain Perſons therein named, together with ſuch other Perſons, Bodies Politic, Corporate or Collegiate, as ſhould be nominated and appointed in manner therein mentioned, were united into one Body Corporate by the Name and Style of "The Company of Proprietors of the *Elleſmere* Canal," and were authorized and empowered to make, complete, and maintain, a Canal navigable and paſſable for Boats, Barges, and other Veſſels, from and out of the River *Severn* within the Liberties of the Town of *Shrewſbury*, in the County of *Salop*, to unite with the River *Merſey* at or near *Netherpool* in the County of *Cheſter*, and alſo to

make, complete, and maintain, ſeveral collateral navigable Cuts, to branch from and out of the ſaid Canal as in the ſaid Act mentioned, and the ſaid Company of Proprietors were by the ſaid Act authorized and empowered to raiſe and contribute amongſt themſelves ſuch Sums of Money as in the ſaid Act mentioned, for the making, completing, and maintaining the ſaid Canal and Collateral Cuts, and Commiſſioners were appointed by the ſaid Act for carrying into Execution ſeveral Powers thereby veſted in ſuch Commiſſioners: And whereas another Act was paſſed in the Thirty-ſixth Year of the Reign of His preſent Majeſty, intituled *An Act to explain and* 36 G. 3. *amend an Act paſſed in the Thirty-third Year of the Reign of His preſent Majeſty, intituled* ‘ *An Act for making and maintaining a Navigable Canal from* ‘ *the River* Severn *at* Shrewſbury *in the County of* Salop, *to the River* Merſey *at or near* Netherpool *in the County of* Cheſter; *and alſo for making* ‘ *and maintaining certain Collateral Cuts from the ſaid intended Canal, and* ‘ *for varying and altering certain Parts of the* Whitchurch *Line of the ſaid* ‘ *Canal and Collateral Cuts, and for extending the ſame from* Franckton ‘ Common *to* Sherryman's Bridge *in the Pariſh of* Whitchurch *in the ſaid* ‘ *County of* Salop, *and for making and maintaining ſeveral other Branches* ‘ *and Collateral Cuts to communicate therewith*;’ and the Powers given by the ſaid recited Act of the Thirty-third Year of the Reign of His preſent Majeſty were by the ſaid Act of the Thirty-ſixth Year of the Reign of His preſent Majeſty varied, enlarged, and amended, in ſuch Manner as therein mentioned: And whereas another Act was paſſed in the ſaid Thirty-ſixth Year of the Reign of His preſent Majeſty, intituled *An Act to explain* 36 G. 3. *and amend an Act paſſed in the Thirty-third Year of the Reign of His preſent Majeſty, intituled* ‘ *An Act for making and maintaining a Navigable Canal* ‘ *from the River* Severn *at* Shrewſbury *in the County of* Salop, *to the* ‘ *River* Merſey *at or near Netherpool in the County of* Cheſter; *and alſo* ‘ *for making and maintaining certain Collateral Cuts from the ſaid intended* ‘ *Canal, and for varying and altering certain Parts of the Courſe of the ſaid* ‘ *Canal and Collateral Cuts between* Ruabon *and* Cheſter, *and for extend-* ‘ *ing the ſame, and for making and maintaining ſeveral other Branches and* ‘ *Collateral Cuts to communicate therewith*,’ the Powers given by the ſaid herein-before recited Acts of the Thirty-third and Thirty-ſixth Years of the Reign of His preſent Majeſty were by the Act of the Thirty-ſixth Year of the Reign of His preſent Majeſty, now in recital, extended, varied, and enlarged, in ſuch Manner as therein mentioned: And whereas another Act was paſſed in the Forty-firſt Year of the Reign of His preſent Majeſty, intituled *An Act to authorize the Company of Proprietors of the* Elleſ- 41 G. 3. ‘ mere *Canal, to extend the ſaid Canal from the* Whitchurch *Branch thereof,* ‘ *at or near certain Water Corn Mills called* The New Mills, *in the Pariſh* ‘ *of* Whitchurch *in the County of* Salop, *to and to communicate with the* Cheſ- ‘ ter *Canal in the Townſhip of* Stoke *in the Pariſh of* Acton *in the County of* ‘ Cheſter, *and for altering and amending the ſeveral Acts paſſed for making and* ‘ *maintaining the ſaid* Elleſmere *Canal*:’ And whereas another Act was paſſed in the Forty-ſecond Year of the Reign of His preſent Majeſty, intituled *An Act for repealing ſo much of an Act paſſed in the Thirty-third Year of* 42 G. 3. *His preſent Majeſty, intituled* ‘ *An Act for making and maintaining a Navi-* ‘ *gable Canal from the River* Severn, *at* Shrewſbury *in the County of* Salop, ‘ *to the River* Merſey *at or near* Netherpool *in the County of* Cheſter; *and* ‘ *alſo for making and maintaining certain Collateral Cuts from the ſaid intended* ‘ *Canal, as reſtrains the Company of Proprietors of the ſaid Canal from taking* ‘ *Tonnage on Coals, Coke, Culm, Lime or Lineſtone, upon a Part of the ſaid*

‘ *Canal,*

'*Canal, and for authorizing the said Company of Proprietors to raise a Sum of Money to make up the Amount of their original Subscription; and for further amending the several Acts passed relative to the making of the said Canal*;' and by the said last-mentioned Act, a certain Clause of Exemption contained in the said recited Act of the Thirty-third Year of the Reign of His present Majesty, whereby the said Company of Proprietors were restrained from taking Tonnage upon Coals, Coke, Culm, Lime or Limestone, conveyed along a certain Part of the said Canal lying between *Pont Cysyltee* and the Upper End of the *Cegedog Valley*, near *Brymbo* in the County of *Denbigh*, was repealed, and the said Company of Proprietors were authorized and empowered to raise such further Sums of Money by such Ways and Means as therein mentioned, and the Powers and Provisions contained in the said several recited Acts of the Thirty-third, Thirty-sixth, Thirty-sixth, and Forty-first Years of the Reign of His present Majesty, were by the said Act of the Forty-second Year of the Reign of His present Majesty varied, enlarged, and amended, in such Manner as therein mentioned: And whereas an Act was passed in the Forty-fourth Year of the Reign

44 G. 3. of His present Majesty, intituled *An Act to enable the Company of Proprietors of the* Ellesmere *Canal, to make a Railway from* Ruabon *Brook to the* Ellesmere *Canal, at or near the Aqueduct at* Pontcysyllte, *in the Parish of* Llangollen, *in the County of* Denbigh, *and also to make several Cuts or Feeders for better supplying the said Canal with Water*, whereby the Powers and Provisions in the several recited Acts of the Thirty-third, Thirty-sixth, Thirty-sixth, Forty-first, and Forty-second Years of the Reign of His present Majesty, were by the said Act of the Forty-fourth Year of the Reign of His present Majesty varied, enlarged, and amended as therein mentioned: And whereas an Act was passed in the Fiftieth Year of the

50 G. 3. Reign of His present Majesty, intituled *An Act to enable the Company of Proprietors of the* Ellesmere *Canal to extend the* Whitchurch *Line of the said Canal from* Sherryman's Bridge *to* Castle Well, *in the Town of* Whitchurch, *in the County of* Salop; *and for amending the several Acts for making the said Canal*; whereby the Powers and Provisions in the said recited Acts of the Thirty-third, Thirty-sixth, Thirty-sixth, Forty-first, Forty-second, and Forty-fourth Years of the Reign of His present Majesty, were by the said Act of the Fiftieth Year of the Reign of His present Majesty varied, enlarged, and extended as therein mentioned: And whereas in pursuance of the said Act passed in the Forty-first Year of the Reign of His present Majesty, the Extension of the *Ellesmere* Canal, and the Communication thereof with the *Chester* Canal, have been fully completed and executed: And whereas it was lately proposed and agreed, by and between the said Company of Proprietors of the *Chester* Canal Navigation and the said Company of Proprietors of the *Ellesmere* Canal, that the same Canals, and the Property and Interest therein respectively, should be united and consolidated upon the Terms herein-after mentioned: And whereas it would be advantageous not only to the Parties respectively interested in the said *Chester* Canal and *Ellesmere* Canal, but also to the Public, that the Estates and Interests, Property, Affairs and Concerns of and in the said *Chester* Canal and *Ellesmere* Canal, should be united and consolidated, and vested in an United Company of Proprietors, and that for the better Management of such Affairs and Concerns, the several Legislative Provisions, Powers, and Authorities, relating to the Premises contained in the said several recited Acts, should be consolidated, and, as far as Occasion may require, extended to the whole Line of the United

Canals

Canals and their Affairs and Concerns, and also for that Purpose, that the several Acts of Parliament herein-before recited should be varied, altered, and amended; but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and immediately after the Thirtieth Day of *June* next ensuing, the several Persons who are Proprietors of the *Chester* Canal Navigation, and their Successors and Assigns, and the several Persons who are Proprietors of the *Ellesmere* Canal, and their several Successors and Assigns, shall be and are hereby united into a Company for completing, maintaining, and supporting the Navigation of the said Canals, according to the Rules, Orders, and Directions herein-after mentioned or referred unto, and shall for that Purpose be One Body Corporate, by the Style of "The United Company of Proprietors of the *Ellesmere* and *Chester* Canals," and by that Name shall have perpetual Succession, and shall have a Common Seal, and by that Name shall and may sue and be sued. Uniting the Companies.

II. And be it further enacted, That the said several Canals, and all Collateral Cuts, Towing-paths, Railways, and other Improvements thereof respectively, and all Messuages, Lands, Tenements, and Hereditaments now held, used, occupied, and enjoyed therewith respectively, or accepted, reputed, had, taken or known as Part, Parcel, or Member thereof, or belonging to the same respectively, or any Part thereof, or to the said Companies respectively, shall be the Estate and Property of the United Company of Proprietors of the *Ellesmere* and *Chester* Canals, their Successors and Assigns, and they shall have, hold, and enjoy the same in as full, ample, and beneficial a Manner, to all Intents and Purposes whatsoever, as previous to the said Thirtieth Day of *June* the same Premises could or might have been separately held and enjoyed by the said Companies respectively, subject to the Provisions and Regulations herein-after mentioned. Uniting the Concerns of the Two Canals.

III. And be it further enacted, That the United Company of Proprietors of the *Ellesmere* and *Chester* Canals, from and after the said Thirtieth Day of *June*, shall be interested in and entitled to the Estate and Property of the said several Canals in the Shares and Proportions, and in Manner herein-after mentioned (that is to say): That the several Persons who previous to the passing of this Act were Proprietors of the said *Chester* Canal, their respective Executors, Administrators, and Assigns, shall, upon and after the said Thirtieth Day of *June*, for every Share in the said *Chester* Canal Navigation, have and be entitled to One-fourth Part of a Share in the united Estate and Property of the said *Ellesmere* and *Chester* Canals, and so in Proportion to the Amount of their respective Shares in the said *Chester* Canal, making in the whole Fifty Shares in such United Estate and Property, and be interested therein accordingly; and that the several Persons, who previously to the said Thirtieth Day of *June* were Proprietors of the *Ellesmere* Canal, their respective Executors, Administrators and Assigns, shall, upon and after the said Thirtieth Day of *June*, be interested in the United Estate and Property in such and the same Proportions and Shares, and in such and the same Manner, in all Respects, as previous to the Uniting the Interests of the Proprietors.

passing this Act the several Proprietors of the *Ellesmere* Canal were respectively interested therein.

Shares to be deemed Personal Property.

IV. And be it further enacted, That all and every the Shares and Proportions of all Bodies Politic, Corporate and Collegiate, and all other Person and Persons of and in the said United Navigations, and the Estate and Property, or the Joint Stock or Fund of the United Company of Proprietors of the *Ellesmere* and *Chester* Canals, shall be deemed Personal Estate, and transmissible as such, and not of the Nature of Real Estate, and shall and may be assigned, transferred and disposed of in the Manner directed or mentioned or referred unto in and by the said recited Act of the Thirty-third Year of the Reign of His present Majesty.

Regulations, Provisions, Rates and Duties of the Chester Canal repealed.

V. And be it further enacted by the Authority aforesaid, That the several Clauses in the said recited Acts made and passed relative to the *Chester* Canal, any or either of them, mentioned or contained in respect to the Votes of Subscribers, borrowing Monies, and making Securities for the same; General Assemblies for chooſing Committees, and the Powers and Authorities thereof respectively; Sale and Disposition and Transfer of Shares, Appointments and Duties of Clerks, Rates of Tonnage and Wharfage, Exemption from Tolls, Power to vary the same, Regulations, Penalties and Restrictions with respect to the Conduct of Boats and Boatmen as to the passing Locks, opening and leaving open Swivel and Drawbridges, removing Vessels, obstructing Navigation, and weighing sunken Vessels, as to overloading or obstructing the *Chester* Canal, or throwing Ballast therein, for fixing Annual Meetings, and appointing Commissioners, and regulating the Conduct thereof, for calling Meetings of Commissioners, for Recovery of Fines and Forfeitures and Application thereof, Forms of Conviction, and, as to the Power of Majority of Commissioners, shall be and the same are hereby repealed.

Powers of the Chester and Ellesmere Canal Acts, extended to the united Concerns of the Two Canals.

VI. And be it further enacted, That all and every the Clauses, Powers, Provisoes, Authorities, Orders, Rules, Regulations, Limitations, Restrictions, Prohibitions, Directions, Exemptions, Indemnities, Penalties, Forfeitures, Punishments, Benefits of Appeal, Rates of Tonnage and Wharfage, Matters and Things, contained in the several herein-before recited Acts, all and every or any or either of them, for the beneficial Enjoyment, using, managing, governing or regulating the *Chester* Canal and *Ellesmere* Canal (except so much of the same Acts as are repealed, altered, or varied by this Act) shall extend, and are hereby extended, and shall affect, operate, and be put into Execution for and in respect of the said united Navigations of the *Ellesmere* and *Chester* Canals throughout the whole Line and Lines thereof, and be received and taken, used and available by the said United Company of Proprietors, in such and the same Manner and as fully and effectually, to all Intents and Purposes whatsoever, as the same, or any or either of them could or might have extended to operate, or been put in Execution or rendered available upon for or in respect of that Part of the United Navigation lately forming the *Chester* Canal, and that Part of the said United Navigation lately called the *Ellesmere* Canal, or either of them respectively, previous to the making and passing of this Act, and as if all the said Clauses, Provisoes, Powers, Authorities, Orders, Rules, Regulations, Limitations, Restrictions, Prohibitions, Directions, Exemptions, Indemnities, Penalties, Forfeitures, Punishments,

Punishments, Benefits of Appeal, Rates of Tonnage and Wharfage, Matters and Things contained in the said herein-before recited Acts, all and every or any or either of them (and which are not in and by this Act repealed, altered or varied) were herein repeated and re-enacted for or in respect of and applied to the said United Navigation of the *Ellesmere* and *Chester* Canals, and the consolidated Affairs and Concerns of the United Company of Proprietors created and incorporated by this Act; any Law or Statute to the contrary notwithstanding.

Regulating the Mode of calculating Weight of Timber.

VII. And, in order to explain such Part of the said recited Act of the Thirty-third Year of the Reign of His present Majesty, as relates to the establishing of certain Rules for ascertaining the Weight of Timber and other Articles conveyed in or upon the said Canals; be it further enacted, That the Tonnage for Timber shall be ascertained and charged according to the real Weight thereof, and that One hundred and twenty Pounds Weight Avoirdupois shall be deemed and taken as and for One hundred Weight, with respect to all such Timber, any Law, Custom or Usage to the contrary in anywise notwithstanding.

Rates may be reduced.

VIII. And be it further enacted, That it shall and may be lawful to and for the United Company of Proprietors incorporated by this Act, from Time to Time at any General Assembly to be held in the Manner prescribed by this Act, to lessen or reduce all or any of the Rates granted and hereby extended as aforesaid, as they shall think proper, and afterwards from Time to Time, at any General Assembly, to advance and raise all or any of the said Rates so lessened to any Sum or Sums of Money, not exceeding the respective Rates granted and hereby extended as aforesaid, as often as it shall be deemed necessary for the Interests of the said United Navigation of the *Ellesmere* and *Chester* Canals.

The Affairs and Concerns of the United Company to be conducted under the Rules prescribed by the Ellesmere Canal Acts.

IX. And be it further enacted, That from and after the said Thirtieth Day of *June* the United Navigation of the *Ellesmere* and *Chester* Canals, and the joint Affairs and Concerns in relation thereto, and of the United Company of Proprietors incorporated by this Act, shall be conducted and managed according to the Rules, Orders, Regulations, and Provisions, created and granted in respect to that Part of the Line of the United Navigation aforesaid, lately called *The Ellesmere Canal*, except as herein-after provided for, and which Rules, Orders, Regulations and Provisions, are meant and intended to be extended, and are hereby extended to the whole Line of the United Navigation of the *Ellesmere* and *Chester* Canals, and shall and may be exercised and adopted and used accordingly, except so far as they are altered and varied by this present Act.

New Regulation respecting General Committee.

X. And be it further enacted, That the General Committee to be appointed according to the Provisions of the *Ellesmere* Canal Acts before recited, some or one of them, shall consist of (amongst others), not less than Six Proprietors duly qualified to serve as such, who shall be resident within the said City of *Chester*, or within Five Miles thereof, provided such a Number shall be there resident, and be willing to serve in that Character and Situation.

XI. And

Sub-Committee to be appointed.

XI. And be it further enacted, That for the Management and Superintendence of that Part of the ſaid United Canal which lies between the End of the *Wirral* Branch of the ſaid *Elleſmere* Canal, which communicates with the River *Merſey*, and the Town of *Nantwich* aforeſaid, a Sub-Committee, conſiſting of not leſs than Six Perſons of the General Committee of the ſaid United Company, reſident within the ſaid City of *Cheſter*, or within Five Miles thereof, and of Three or more Perſons reſident within the ſaid City of *Cheſter*, or within Five Miles thereof, and who may or may not be Members of the ſaid General Committee, but who are duly qualified to ſerve upon ſuch General Committee, ſhall be appointed at ſuch Times and by ſuch Perſons as are appointed and directed with reſpect to the Nomination and Appointment of ſuch General Committees, with the like Powers to meet at ſuch Time and Times, and at ſuch Place or Places within the ſaid City of *Cheſter*, as they or the Majority of them ſhall appoint, and to adjourn from Time to Time as they or the Majority of them aſſembled ſhall think proper; but ſuch Meetings, and the ſeveral Matters, Things, and Buſineſs to be there from Time to Time tranſacted and done, ſhall be ſubject to the ſame Rules, Regulations, and Proviſions, as are contained in the ſaid recited Acts or any of them, relating to that Part of the ſaid United Canal called *The Elleſmere Canal*, in reſpect to the Committees thereby to be appointed: Provided always, that all and every the Acts to be done by ſuch Sub-Committee from Time to Time, ſhall be under the Controul and Direction of the General Committee and General Aſſemblies to be appointed as aforeſaid, it being hereby intended that ſuch Sub-Committees ſhall be aſſiſtant to the ſaid General Committees and General Aſſemblies, and be under their Direction and Controul.

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

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

General Aſſemblies, when to be held.

XIII. And be it further enacted, That the General Aſſemblies of the ſaid United Company ſhall be held on the laſt *Thurſday* in the Months of *February* and *July* in every Year, inſtead of the Times appointed by the ſaid ſeveral recited Acts of the Thirty-third and Thirty-ſixth Years of His preſent Majeſty; and that in all and every other Reſpect, the Directions touching and concerning the ſaid General Aſſemblies and their Acts, made in and by the ſaid laſt-mentioned Acts, ſhall be binding upon the ſaid United Company.

Agreements made before the Act, to be binding.

XIV. And be it further enacted, That all Contracts and Agreements made previous to the paſſing of this Act, entered into by or on the Part and Behalf of the ſaid Company of Proprietors of the *Cheſter* Canal, and the ſaid Company of Proprietors of the *Elleſmere* Canal reſpectively, in purſuance of the ſaid recited Acts or any of them, ſhall be as good, valid, and effectual to all Intents and Purpoſes whatſoever, as if this Act had not been made, and be binding upon the United Company of Pro-

prietors incorporated by this Act, their Succeſſors and Aſſigns, who ſhall have the Benefit thereof.

For continuing the Powers of 47 G. 3. relating to a certain new Road, &c.

XV. And whereas it is in and by the ſaid recited Act of the Forty-ſeventh Year of the Reign of His preſent Majeſty enacted, that nothing therein contained ſhould extend or be conſtrued to extend to authorize the Truſtees therein mentioned, to make the new Road of Communication from the Road lying between *Flookerſbrook Bridge* and *Cow Lane Bridge*, to the North End of *Queen Street*, unleſs the Company of Proprietors of the *Cheſter* Canal Navigation ſhould apply to and requeſt the ſaid Truſtees to make the ſame, and ſhould in the firſt Inſtance advance and pay into the Hands of the ſaid Truſtees ſuch Sum of Money as ſhould be neceſſary for defraying the Expence of making ſuch new Road of Communication and the Bridge over the ſaid Canal, and of purchaſing the Land through which the ſame Road ſhould be propoſed to be carried; and ſhould, by Writing under the Seal of the ſaid Company, undertake and agree, well and ſufficiently to maintain, repair, and uphold the ſaid Road and Bridge, at their own Coſts and Charges, at all Times after the ſame ſhould be ſo made; ſo that if ſuch new Road of Communication ſhould be made, the ſaid Company of Proprietors ſhould be at the whole Expence of repairing, upholding, and maintaining the ſame: And whereas it is expedient that ſuch Proviſion ſhould be extended to the ſaid United Company; be it therefore enacted, That every Contract or Agreement entered into by the ſaid United Company of Proprietors of the *Elleſmere* and *Cheſter* Canals with the ſaid Truſtees, for the making, repairing, upholding and maintaining the ſaid Road and Bridge, ſhall be as good, valid, and effectual as if the ſame had been entered into with the ſaid Company of Proprietors of the *Cheſter* Canal Navigation; and the ſaid United Company ſhall be ſubject to the ſame Rules, Regulations and Reſtrictions reſpecting the making, repairing, upholding and maintaining the ſaid Road and Bridge, as the ſaid Company of Proprietors of the *Cheſter* Canal Navigation were made ſubject or liable to in and by the ſaid recited Act of the Forty-ſeventh Year of the Reign of His preſent Majeſty; and that when the ſaid new Road of Communication ſhall be ſo made as aforeſaid, the Land conſtituting the preſent Road from *Cow Lane Bridge* aforeſaid, to the Point where ſuch new Road of Communication will join the ſaid Canal, ſhall be veſted in the ſaid United Company of the ſaid *Elleſmere* and *Cheſter* Canals and their Succeſſors, in ſuch and the ſame Manner as the ſame would have veſted in the ſaid Company of Proprietors of the *Cheſter* Canal Navigation, in caſe this Act had not been made.

United Company empowered to treat with Mortgagees.

XVI. And whereas ſeveral Sums of Money are now due and owing by the ſaid Company of Proprietors of the *Cheſter* Canal Navigation, on Mortgage of the ſaid Canal and Works, be it therefore enacted, That it ſhall and may be lawful to and for the ſaid Company of Proprietors of the *Elleſmere* and *Cheſter* Canals to contract and agree with all and every Perſon and Perſons having any Mortgage or Mortgages, or other Incumbrance on the ſaid *Cheſter* Canal Navigation and Works, for the Purchaſe or Redemption of all ſuch Mortgage or Mortgages or other Incumbrance, and of all his, her, or their Eſtate, Right and Intereſt therein, either by the Payment of any groſs Sum or Sums of Money, or by the Creation of any new or additional Share or Shares, or Part or Parts of any new or additional Share or Shares in the United Eſtate and Property of the ſaid

Company of Proprietors of the *Elleſmere* and *Cheſter* Canals, or by ſuch other Ways and Means as the ſaid Company of Proprietors of the *Elleſmere* and *Cheſter* Canals at any of their Meetings ſhall deem expedient; and it ſhall be lawful for the ſaid Company of Proprietors of the *Elleſmere* and *Cheſter* Canals, at any of their General or Special Meetings, to be holden in Manner directed by the ſaid recited Acts of the *Elleſmere* Canal, or ſome of them, or by this Act, to create ſuch new or additional Share or Shares, or Part or Parts of ſuch new or additional Share or Shares, in the ſaid United Eſtate and Property, as ſhall be ſufficient to pay off and diſcharge ſuch Mortgage or Mortgages, or other Incumbrances as aforeſaid; and each and every Perſon and Perſons, Bodies Politic and Corporate, who ſhall receive or accept any ſuch Share or Shares, or Part or Parts of ſuch Share or Shares, ſhall be intereſted in the ſaid united Eſtate and Property, and ſhall have, hold, and enjoy ſuch and the like Privileges, Benefits, and Advantages, and ſhall be ſubject to the like Pains, Penalties and Forfeitures, for or in reſpect of any ſuch Share or Shares, or Part or Parts of ſuch Share or Shares ſo holden by him, her, or them, as if ſuch Share or Shares, or Part or Parts of ſuch Share or Shares, had been originally created in and by virtue of the ſaid recited Acts or this Act, or any of them.

Preſcribing what Forms of Conveyance ſhall be uſed.

XVII. And be it further enacted, That the Forms of Conveyance, Aſſignment, Conviction, and all other Forms preſcribed by the ſaid Act of the Thirty-third Year of His preſent Majeſty, ſhall be uſed by the Company of Proprietors of the ſaid United Canals, and each and every of ſuch Proprietors, in ſuch and the like Manner as they are before directed by the ſame Act with reſpect to the ſaid Company of Proprietors of the ſaid *Elleſmere* Canal; regard being had to the Alterations made by this Act, and to the Corporate Name of the ſaid New and United Company impoſed and given by this Act.

For paying Expences of this Act.

XVIII. And be it further enacted, That the Coſts and Charges of obtaining and paſſing this Act, and all other Coſts, Charges and Expences concerning the ſame, ſhall be borne, paid, and defrayed by the ſaid Company of Proprietors of the *Elleſmere* and *Cheſter* Canals, by and out of the Firſt Money that ſhall come to their Hands by virtue of this Act.

Public Act.

XIX. And be it further enacted, That this Act ſhall be deemed and taken to be a Public Act, and ſhall be judicially taken Notice of as ſuch, by all Judges, Juſtices, and others, without being ſpecially pleaded.

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