ANNO SEPTIMO

GEORGII IV. REGIS.

Cap. XXX.

An Act for making and maintaining a navigable Canal from the *Peak Forest* Canal in the Township of *Marple* in the County Palatine of *Chester*, to join the Canal Navigation from the *Trent* to the *Mersey* at or near *Harding's Wood Lock* in the Township or Hamlet of *Talk* or *Talk-on-the-Hill* in the County of *Stafford*.

[11th *April* 1826.]

WHEREAS the Towns of *Macclesfield* and *Congleton* in the County Palatine of *Chester*, and their respective Neighbourhoods, are very populous, and contain therein many large Mills for the Manufacture of Silk and Cotton and other Commercial Establishments, and the Population and Manufactures of the said Towns and Neighbourhoods have of late Years very considerably increased; but both the said Towns, and particularly the said Town of *Macclesfield*, are at a great Distance from any Water Communication; and the making and maintaining a navigable Cut or Canal from and out of the *Peak Forest* Canal at or near the northerly End of the Summit Level of the same Canal, in the Township of *Marple* in the Parish of *Stockport* in the said County Palatine, to join and communicate with the Canal Navigation from the *Trent* to the *Mersey* at or near a certain Lock upon such Canal called *Harding's Wood Lock*, in the Township or Hamlet of *Talk or Talk-*

on-the-Hill in the Parish of *Audley* in the County of *Stafford*, and which Canal would pass near to both the said Towns, would not only be every beneficial thereto, but would otherwise be of great public Utility: And whereas the several Persons herein-after named are desirous of being united into a Company for carrying into effect the Purposes aforesaid; 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 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 *William Acton*, *George Henry Ayton*, *Robert Anderson*, *Richard Arkwright*, *Joseph Bellott*, the Reverend *Francis Brandt* Clerk, the Reverend *Walter Davenport Bromley* Clerk, *John Watson Barton*, *George Frederick Baker*, *Joseph Bullock*, *Charles Barlow*, *Benjamin Broad*, the Honourable Lady *Bromley*, *Charles Buchanan*, *Hugh Hornby Birley*, *John Bent*, *Thomas B Birch*, *James Broadhurst*, *Joseph Birley*, *Peter Langford Brooke*, *Samuel Bayley*, *Thomas Brown*, *William Bent*, *William Brocklehurst*, *David Brocklehurst*, *Thomas Birchinall*, *Thomas Brodrick*, *John Brocklehurst*, *John Brocklehurst* the younger, *Thomas Brocklehurst*, *Thomas Broad*, *Thomas Bullock*, *Richard Watson Barton*, *John Barton*, the Reverend *Henry Delves Broughton* Clerk, *Samuel Reeves Brooks*, *George Cookson*, *Thomas Chaddock*, *John Currie*, *Ralph Capper*, *George Livesey Clowes*, *Charles Cholmondeley*, *James Clancy*, *Joseph Corbishley*, *John Clayton*, the Reverend *John Darcey* Clerk, *John Downes*, *Thomas Ryle Daintry*, *William Duckworth*, *Richard Dawson*, *M Day*, the Reverend *David Davies* D.D., *Frances Davies*, *John Daintry*, *John Smith Daintry*, *Samuel Edge*, *Richard Edwards*, *John Eyton*, *Samuel Eaton Edge*, *John Cole Everest*, *Richard Entwisle*, *Richard Flint*, *Thomas Firth*, *Joseph Firth*, *John Ford*, *William Faucett*, *James Fernley*, *John Fernley*, *Robert Garnett*, *William Garnett*, *Thomas Goodall*, *John Jasper Garnett*, *Thomas Grimsditch*, *John Baskerville Glegg*, *Isabella Elizabeth Gibson*, *Birkenhead Glegg*, *Thomas Heywood*, *James Higinbotham*, *John Harrop*, *John Hall*, *Philip Hall*, *Thomas Hall* of *Congleton*, *John Hornby*, *John Hoskins Harper*, *Jonathan Blundell Hollinshead*, *Thomas Hall* of *Macclesfield*, *Richard Hinckley*, *Samuel Hawkins*, *Appelles Howard*, *William Hopes*, *Fanny Hurt*, *Cassandra Hurt*, *Anne Hurt*, *Thomas Hand*, *James Hogg*, *Robert Hornby*, *Anne Hampson*, *Salisbury Price Humphreys*, *Peter Holland*, *John Howard*, *Benjamin Heywood*, *Richard Hancock*, *Robert Halstead Hargreaves*, *John Spice Hulbert*, the Reverend *Samuel Hall* Clerk, *George Holcombe*, *David Hall*, *Charles Hurt* the younger, *John Johnson* of *Congleton*, *John Johnson* of *Throstle Nest*, *Matthew Jackson*, *Thomas Barlow Jervis*, *Timothy Jones*, *Thomas Johnson*, *John Isherwood*, *Francis Jodrell*, *Edward Kent*. *Niven Kerr*, *Thomas Kinnersly*, *Edward Loyd*, *Roger Rowson Lingard*, *Joseph Lane*, *George John Legh*, *Charles Low*, *Thomas Lister*, *Edward Jeremiah Lloyd*, *Caroline Leigh*, *Jodrell Leigh*, *Ralph Leycester*, *Charles Bourne Lawton*, *Aaron Lees*, *John Lomas*, the Reverend *John Holdsworth Mallory* Clerk, *Thomas Marsland*, *John Marsland*, *Christopher Moorhouse*, *Daniel Morris*, *Frances Martin*, *William Madders*, *James Meadows*, the Reverend *John Massey* Clerk, *William Morton*, *Charles Mare*,

Proprietors incorporated.

Mare, John Moss, Joseph Macardy, Henry Moss, Matthew Millar, Sir *Harry Mainwaring Mainwaring* Baronet, *Thomas Mayson, William Moult, Thomas Newton, Devereux Jones Nicholls, William Nicholson, Francis Newbold, John Norbury, Ethelinde Natthey, John George Norbury, Martha Oldknow, Samuel Oldknow, Richard Ormrod, Thomas Parker, James Pattison* the younger, *William Potter, George Kent Pearson, Henry Potts, James Pattison, Joseph White Powell, Samuel Pearson, Nathaniel Pearson,* the Reverend *George Pownall* Clerk, *John Poole, George Philips, Shakespear Philips, William Alexander Provis, William Radcliffe, James Radcliffe, Samuel Radcliffe, George Roe, George Reade* of *Congleton, William Reade, George Reade* of *Manchester, William Rathbone, James Roscoe, Mary Ross, John Ryle, John Ryde, Daniel Rowson, William Sykes, Edmund Sykes, Richard Sykes, Samuel Stringer, Richard Simpson, Edward Sneyd, Thomas Starkey, Thomas Stanton, Joseph Schofield,* Sir *John Thomas Stanley* Baronet, *Richard Shuttleworth,* the Reverend *Jeremiah Smith* D.D., *John Stanton, Edward Smyth, Thomas Stringer,* the Reverend *Edward Stanley* Clerk, *Peter Swindells, John Powell Swanwick, Martin Swindells, Clement Swetenham, John Sherratt, Thomas Sherratt, Thomas Swinnerton, James Sutton, Joseph Strutt, James Stanton, William Starkey, Samuel Travis, John Thorpe* the younger, *Edward Venables Townshend, William Turner, William Tomkinson, Anna Maria Tomkinson, Frances Beatrice Tomkinson,* the Reverend *Henry Tomkinson* Clerk, *Samuel Thompson, John Taylor, Paul Tatlock, Robert Turner, Joseph Tunnicliffe, John Tunnicliff, Thomas Vaudrey* the elder, *William Vaudrey, Charles Vaudrey, Thomas Vaudrey* the younger, *Peter Venables, Gilbert Winter, John Kenyon Winterbottom, Thomas Walmsly, Thomas Worsley, Hugo Worthington, John Watson, Martha Watson, George Wilbraham, William Worthington, Robert Williamson, Thomas Itchenor Watts, Joseph Winter, Joshua Worsley, John Worsley,* Lady *Warburton, Randle Wilbraham, Holland Watson, Mary Wardle, Thomas Wardle, George Wilkinson, Thomas Ward, John Wilson, Richard Wood, Henry Wardle, Charles Wood, Anne Watson,* the Reverend *William Yates* Clerk, and *Richard York,* and their respective Successors, Executors, Administrators, and Assigns, or such of them as shall from Time to Time be possessed of any Share or Shares in the Navigation or Undertaking hereby authorized to be made and carried on, and also all such other Person or Persons as shall from Time to Time be possessed of any Share or Shares therein in manner herein-after provided, and their respective Successors, Executors, Administrators, and Assigns, shall be and they are hereby united into a Company for the carrying on, making, completing, and maintaining the said intended Canal for Barges, Boats, and other Vessels, according to the Powers and Authorities, Rules, Orders, and Directions, herein-after set forth and expressed for that Purpose, and shall be One Body Politic and Corporate by the Name of "The Company of Proprietors of the *Macclesfield* Canal," and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued, and shall also have full Power and Authority to purchase and hold Lands, Tenements, and Hereditaments, to them, their Successors and Assigns, for the Use of the said Undertaking, without incurring

Name of Company.

curring any of the Forfeitures and Penalties of the Statutes of Mortmain.

Power for making the Canal, &c.

II. And be it further enacted, That it shall be lawful for the said Company of Proprietors hereby incorporated, and are hereby authorized and empowered, from and after the passing of this Act, by themselves, their Deputies, Agents, Officers, Workmen, and Servants, to make, complete, and maintain a Canal or Navigation, navigable and passable for Barges, Boats, and other Vessels, from and out of and into the Canal belonging to the Company of Proprietors of the *Peak Forest* Canal at or near the northerly End of the Summit Level of the same Canal, in the Township of *Marple* in the Parish of *Stockport* in the County Palatine of *Chester*, in, through, and into the several Townships of *Marple*, *Lyme Hanley*, *Pointon*, *Pot Shrigley*, *Adlington*, *Bollington*, *Tytherington*, *Hurdsfield*, *Macclesfield*, *Sutton*, *Gawsworth*, *Bosley*, *Northrode*, *Buglawton*, *Congleton*, *Newbold Astbury*, *Moreton*, *Oddrode*, and *Church Lawton*, in the Parishes of *Stockport*, *Prestbury*, *Gawsworth*, *Astbury*, and *Church Lawton*, in the said County Palatine of *Chester*, and the Township or Hamlet of *Talk* or *Talk-on-the-Hill* in the Parish of *Audley* in the County of *Stafford*, to and to join and communicate with the Canal belonging to the Company of Proprietors of the Navigation from the *Trent* to the *Mersey* at or near a certain Lock upon such Canal called *Harding's Wood Lock*, in the said Township or Hamlet of *Talk* or *Talk-on-the-Hill* in the said Parish of *Audley* and County of *Stafford*, and near to the northerly End of the *Harecastle* Tunnel; and also in like Manner to make, complete, and maintain Five Reservoirs for the better supplying of Water to the said Canal or Navigation, one to be called the *Pot Shrigley* Reservoir, at or near *Pot Shrigley* in the several Townships of *Pot Shrigley* and *Rainow* in the said Parish of *Prestbury*, Two others, to be called respectively the Upper and Lower *Sutton* Reservoirs, in the said Township of *Sutton*, and Two others, to be respectively called the Upper and Lower *Bosley* Reservoirs, in the said Township of *Bosley*; and to make, complete, and maintain Feeders to the said Reservoirs respectively, and from them respectively into and to the said Canal, together with Locks, Docks, Basins, and other necessary Works and Conveniences for the said Navigation, and to supply the said Canal, and also the said Five Reservoirs, and the said Feeders, Locks, Docks, Basins, and other Works for the general Purposes of the said Navigation or Undertaking whilst making, and at all Times after the same shall be made, with the Flood Waters, as may be necessary for the Purposes of the said Navigation, as hereinafter particularly mentioned and specified; and to make, raise, and erect such Steam Engines and other Machines or Engines as may be necessary for the raising and supplying Water for any of the Purposes of this Act; and also to make, for the Purposes of supplying the said Canal or Navigation and Reservoirs, and each and every of them respectively, or any Parts thereof, with Water, such and so many Soughs, Tunnels, Channels, Feeders, Aqueducts, Headways, Archways, and other necessary Works as they shall think fit; and also to cleanse, scour, cut, dig, open, deepen, enlarge, or straighten all Springs, Streams, Brooks, and Watercourses which by virtue

virtue of the Powers of this Act shall be brought into or communicate with the said Reservoirs, Feeders, Locks, Docks, Basins, and Aqueducts, or any of them; and also, for the Purposes aforesaid, to cut or raise the Banks of any of the Streams, Brooks, and Watercourses aforesaid, and to make proper Trenches or Passages for Water in and upon the Lands or Grounds adjoining or near to the said Canal, Reservoirs, Feeders, Channels, Locks, Docks, Basins, and Aqueducts respectively, or any of them; and for the Purposes aforesaid the said Company of Proprietors, their Deputies, Servants, Agents, and Workmen, are hereby authorized and empowered to enter into and upon the Lands and Grounds of any Person or Persons, Bodies Politic, Corporate, or Collegiate whatsoever, and to survey and take Levels of the same or any Part thereof, and to set out or ascertain such Parts thereof as they shall think it necessary and proper for making the said Canal and the said Reservoirs and Feeders, and all such Locks, Docks, and Basins as aforesaid, and all other Matters, Works, and Conveniences as they shall think proper and necessary for making, effecting, preserving, improving, completing, maintaining, and using of the said Canal and Navigation, and the other Works thereunto belonging; and also to bore, search for, dig, cut, trench, sough, get, remove, take, and carry away and use Earth, Clay, Stone, Soil, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters or Things which may be dug or got in making the said Canal, Reservoirs, Locks, Docks, Basins, Feeders, Aqueducts, or other Works, or out of the Lands and Grounds of any Person or Persons adjoining or lying contiguous thereto, and which may be necessary, requisite, or proper for making, carrying on, or continuing, maintaining or repairing, the said intended Canal and Navigation, and the said Locks, Docks, Basins, and other the Works thereunto belonging, and hereby authorized to be made and carried on; and also to remove and carry away and lay Earth, Clay, Rock, Stones, Soil, Rubbish, Trees, Roots of Trees, Beds of Gravel and Sand, or any other Matters or Things which may hinder, prevent, or obstruct the making, using, or completing, extending and maintaining, the said Canal or Navigation, or any such Locks, Docks, or Basins, Reservoirs, Feeders, Channels, Aqueducts, Trenches, Passages, and Watercourses, or any other the Works aforesaid, hereby authorized to be made and constructed; and to make, build, erect, and set up, in and upon the said intended Canal or Navigation, Basins, Locks, Docks, Reservoirs, and Feeders, and other the Works hereby authorized to be made, or any of them, or upon the Lands adjoining the same respectively, such and so many Bridges, Piers, Arches, Tunnels, Aqueducts, Sluices, Locks, Floodgates, Gates, Pens, Weirs, Water-tanks, Dams, Drains, Wharfs, Quays, Houses, Warehouses, Tollhouses, Watch-houses, Landing Places, Weighing Beams, Fire Engines, or other Machines, and all such other Works, Ways, Roads, Towing Paths, and Conveniences, as and where the said Company of Proprietors shall or may think requisite or convenient for the Purposes of the said Canal and Navigation and the other Works thereof; and also from Time to Time to alter, repair, amend, or discontinue the same, and to divert, alter, widen, and enlarge or extend any Bridges, Ways, Roads, Passages, Cuts, Locks, Soughs, Tunnels, Basins, Docks, Feeders, Aqueducts, Sluices, Trenches, or other Works, as well for the carrying and con-

veying of Coals, Stones, or other Minerals, Goods, Wares, Merchandise, and other Articles and Things, to and from the said intended Canal and Navigation and other Works aforesaid, or any of them, as for the carrying and conveying all Manner of Materials necessary for the erecting, making, finishing, altering, amending, widening, deepening, enlarging, or maintaining the said Canal and Navigation, or the Works of or belonging to the same, or useful for any Purpose therein; and also to place, lay, work, or manufacture the said Materials on the Grounds or Lands adjoining to the Place or Places where the said Works or any of them shall or are intended to be made, erected, repaired, or done; and also to make, maintain, repair, and alter any Fences or Passages over, under, or through the said Canal or other Channels, or the Basins, Locks, Docks, Reservoirs, Tunnels, Archways, Headways, Aqueducts, Soughs, Trenches, Passages, Feeders, Watercourses, and Sluices respectively which shall communicate therewith; and also to make, set, and appoint such Towing Paths, Banks, Roads, and Ways convenient for towing, haling, or drawing of Boats, Barges, and other Vessels passing upon the said Canal or Navigation with Men, Horses, or otherwise, and proper Places for Boats and other Vessels navigated upon the said Canal or Navigation to turn, lie, and pass each other, as they the said Company of Proprietors shall think convenient; and to construct, erect, and keep in repair any Piers, Arches, Aqueducts, and other Works in, upon, and across any Rivers, Streams, or Brooks, for the making, using, maintaining, and repairing of the said Canal or Navigation, and Towing Paths on the Sides thereof; and to make such Roads and Ways as shall be found necessary under the Powers and Provisions of this Act, and expedient for the Use and Accommodation of the Owners or Occupiers of any such Lands and Grounds as shall be cut through, separated, or divided, or otherwise affected by, or of which the Use or Occupation shall be obstructed or rendered inconvenient in consequence of making the said Canal, or the said Feeders to the same and to the said Reservoirs respectively, or any or either of them, or by making or building Wharfs, Quays, Houses, Warehouses, Toll Houses, or other Buildings, or by making and using Landing Places contiguous or near thereto, or by the making of such Locks, Docks, Basins, Sluices, Floodgates, Weirs, Pens for Water, Water-tanks, Reservoirs, or Dams for the Use of the said Canal or Navigation, or other Works belonging thereto; and also to construct, erect, make, and do all other Matters and Things which they shall think convenient and necessary for the making, effecting, extending, preserving, improving, completing, and using the said Canal or Navigation, Reservoirs and other Works, in pursuance of and according to the true Intent and Meaning of this Act; they the said Company of Proprietors, their Deputies, Agents, Servants, and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and making Satisfaction in manner herein-after mentioned to the Owners and Proprietors of and all Persons interested in the said Lands, Tenements, or Hereditaments, Waters, Watercourses, Brooks, or Rivers respectively, which shall be taken and removed, diverted or prejudiced, for all Damages to be by them sustained in or by the Execution of all or any of the Powers of this Act; and this Act shall

be sufficient to indemnify the said Company of Proprietors, and their Deputies, Servants, Agents, and Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted, subject nevertheless to such Provisoes and Restrictions as are herein-after contained.

The Company not to take any Water from Rivers, &c. near the LineofCanal, except Surplus Water.

III. And for preventing Injury or Damage to the Owners and Occupiers of Mills which may be affected by making the said Canal and other Works, be it further enacted, That nothing in this Act contained shall authorize or empower the said Company of Proprietors or their Successors, or any Person or Persons acting by or under their Authority, to take or use the Waters of any of the Rivers, Brooks, Rivulets, Watercourses, and Streams of Water or Springs, at the Time of the Commencement of this Act flowing to or supplying or assisting in supplying with Water any Mill or Mills situate upon the said Rivers, Brooks, Rivulets, Watercourses, or Streams, except in Times of Floods and wet Seasons, and when there shall be a Surplus of Water over and above what is sufficient for the Supply of the said Mill or Mills; but that each and every of the said Rivers, Brooks, Rivulets, Watercourses, Streams of Water, and Springs which shall or may be crossed or diverted by the said Canal, or by any Feeder, Aqueduct, or other Work appertaining thereto, shall be well and effectually tunnelled or conducted under or by the Side of the said Canal, Feeder, Aqueduct, or other Work, by the said Company of Proprietors, into its former and ancient Course, for the Use of the said Mill or Mills.

Mode of ascertaining the Surplus Water.

IV. And for the Purpose of ascertaining the Surplus Water of the said Rivers, Brooks, Rivulets, Watercourses, and Streams of Water or Springs, in Times of Excess, and when there shall be more than a sufficient and ample Supply of Water for the Mills upon such Rivers, Brooks, Rivulets, Watercourses, and Streams of Water or Springs; be it further enacted, That *Nicholas Brown* of *Wakefield* in the County of *York*, Civil Engineer on the Part and Behalf of the Owners of the said Mills, and *Thomas Brown* of *Manchester* in the County Palatine of *Lancaster*, Civil Engineer on the Part and Behalf of the said Company of Proprietors of the said Canal, shall be and they are hereby appointed Engineers, and are hereby required, in the first place, to measure, gauge, and estimate, and by their Award or Awards in Writing under their Hands and Seals, which Award or Awards shall be for ever binding upon the same Parties respectively, and their respective Heirs, Successors, and Assigns, to ascertain and determine what shall be a sufficient and ample Supply of Water for the said Mills respectively; and by their said Award or Awards, with proper Plans and Sections to be thereto annexed, to ascertain, determine, and direct the Situations where proper Gauges or Weirs shall be placed upon the said Rivers, Brooks, Rivulets, Watercourses, and Streams of Water or Springs, and the Nature, Construction, Dimensions, and Levels of such Gauges, so as to denote and ascertain the Quantity of Water which ought to flow in the same Rivers, Brooks, Rivulets, Watercourses, Streams of Water or Springs respectively, at the respective Places where such Gauges shall be fixed for the Supply of the said Mills respec-

respectively, and which Quantity shall be equal to the Produce of such Rivers, Brooks, Rivulets, Watercourses, Streams of Water, or Springs respectively, when the Mills thereupon are or shall be fully and amply supplied with Water; and also by their said Award or Awards to ascertain, determine, and direct the Means of guarding and protecting such Gauges; and within Three Calendar Months from the passing of this Act the said Two Engineers shall and they are hereby required to nominate and appoint some indifferent Person as Umpire to decide any Matter in difference which may arise between the said Two Engineers so appointed as aforesaid; and the said Two Engineers shall, within Fifteen Calendar Months from the passing of this Act, make their Award or Awards in Writing upon the Matters and Things which they are hereby authorized to ascertain, determine, and direct, or such Part of such Matters and Things as they shall concur in Opinion upon; and in case of any Difference of Opinion the said Two Engineers are hereby required, within Ten Days from the making of their said Award or Awards, to certify in Writing the Matters and Things on which they shall disagree to the said Umpire, who shall, within Three Calendar Months from the Time of the Delivery of the said Certificate to him, by Writing under his Hand, award, determine, and settle all such Matters and Things as the said Two Engineers herein-before named shall not have agreed upon.

Provision in case of the Death of any of the Engineers.

V. Provided also, and be it further enacted, That in case at any Time or Times hereafter both or either of the Two Engineers so appointed as aforesaid, or any Engineers or Engineer to be appointed as herein-after mentioned, shall die before making their or his Award or Awards, and before appointing a Third Engineer as aforesaid, or shall neglect or refuse to act in the Execution of the several Powers and Authorities herein-before given to them for the Space of Three Calendar Months, Two other Engineers or One other Engineer, as the Case may happen, shall, within Two Calendar Months thence following, be appointed by the Parties or Party whose Engineers or Engineer shall so die as aforesaid, which newly-appointed Engineer or Engineers shall have the same Powers and Authorities in all respects as if they or he had been originally appointed Engineers or Engineer for the Purposes herein in this Behalf mentioned; and in case the said Umpire to be appointed as herein-before mentioned or any future Umpire shall die, or shall neglect or refuse to act in respect of the Matters and Things which shall be referred to him for the Space of One Calendar Month, then and in every such Case the then Two Engineers shall immediately thereupon appoint another Engineer to act, and who shall have full Power and Authority to act, as Umpire in the several Matters and Things which shall be referred to him; and the Awards or Award of any originally and newly appointed Engineers, or of any newly-appointed Engineers wholly, and of any such newly-appointed Umpire as aforesaid, shall be as binding and conclusive to all Intents and Purposes as if such Awards or Award had been made by the Engineers and Umpire respectively originally appointed: Provided always, that any Engineer or Engineers to be hereafter appointed for and on the Part and Behalf of the Owners of Mills upon the said Rivers, Brooks, Rivulets, Watercourses, and Streams

Streams of Water or Springs, and Persons interested in the Waters thereof, shall be appointed by Writing under the Hands of the Owners or Occupiers for the Time being of such Mills, or the major Part of them present at any Meeting (to be held in *Macclesfield* aforesaid) of such Owners and Occupiers, at which not fewer than Three Owners or Occupiers shall be present, and of the Time and Place of which Meeting at least Ten Days previous Notice shall be given by Advertisement in some one Newspaper published in the said County Palatine of *Chester*.

Provision in case of the Engineers not making an Award.

VI. Provided also, and be it further enacted, That in case the said Two Engineers so appointed as aforesaid, or their respective Successors or Successor, shall not agree in any Award to be made in the Premises, or in the Appointment of a Third Engineer, within the Times herein-before appointed for such Purposes respectively; or in case the Third Engineer to be appointed by them shall die before making his Award, or shall refuse or neglect to make his Award within the Time herein-before in that Behalf mentioned; or in case from any other Cause whatsoever no Award shall be made within the Time or Times herein-before mentioned; or in case any further Matter, Difference, or Question shall at any Time hereafter arise between the said Company of Proprietors and the Mill Owners or other Persons interested in the Waters of the said Rivers, Brooks, Rivulets, Watercourses, Streams of Water, or Springs, which shall not be provided for by any Award or Awards which shall have been previously made in the Premises; then and in every such Case the Matters and Things then remaining to be ascertained and determined shall be ascertained and determined by an Engineer to be appointed by the Justices of the Peace for the said County Palatine of *Chester* assembled at a General Quarter Sessions of the Peace for the same County, who shall and are hereby required, on the Application of the said Owners of Mills or any of them, or of the said Company of Proprietors of the said Canal, from Time to Time to appoint an Engineer for that Purpose by Writing under the Hand of the Chairman of the same Quarter Sessions; and every Award of such Engineer so to be appointed as last aforesaid shall, as to the Matters, Differences, or Questions thereby awarded and determined, be as binding and conclusive to all Intents and Purposes as if such Award had been duly made by the Engineers or Umpire originally appointed; any thing in this Act contained to the contrary thereof in anywise notwithstanding.

Gauges to be made and repaired by the Company.

VII. And be it further enacted, That all and every such Gauges or Weirs so ascertained, determined, and directed by the said Engineers to be made and set up as herein-before are mentioned, and all Works for securing and protecting the same respectively, shall be made, erected, finished, and completed by the said Company of Proprietors within such Time or respective Times as the said Engineers or Engineer so making the said Award as aforesaid shall by their or his said Award direct or appoint; and from and after such Gauges or Weirs and Works shall be made, erected, finished, and completed as aforesaid, the said Company of Proprietors, their Successors and

Assigns, shall for ever afterwards maintain and keep the same in good, substantial, and perfect Order, Repair, and Condition.

No Surplus Water to be taken until the Gauges, &c. are made and fixed up.

VIII. And be it further enacted, That the said Company of Proprietors shall not, under any Pretence whatsoever, take or use, or suffer to be taken or used, for the said Canal, or suffer to flow or run into the said Canal, or into any Feeder, Reservoir or Reservoirs, or other Works of or for the Use of the same Canal, any of such Surplus Water as aforesaid, except for the Purposes of executing the Works of the said Canal, until the Gauges or Weirs to be made upon the Rivers, Brooks, Rivulets, Watercourses, and Streams of Water or Springs from which such Water is intended to be taken, and the Works for securing and protecting the same, shall be actually made, set up, and perfectly completed, in such Situation, and of such Nature, Construction, Dimensions, and Levels, as shall be ascertained, determined, and directed in manner before mentioned.

Awards to be enrolled.

IX. And be it further enacted, That every Award in Writing, with the Plans and Sections thereunto annexed, shall be fairly engrossed, written, and drawn on Parchment, and within Six Calendar Months after the Execution thereof, or as soon as conveniently may be, shall be enrolled with the Clerk of the Peace for the said County Palatine of *Chester*, to the End that Recourse may be had thereto by any Person or Persons interested therein, for the Inspection and Perusal whereof no more than One Shilling shall be paid; and a Copy of every such Award, and of the Plans and Sections thereunto annexed, or any Part thereof respectively, signed by the Clerk of the Peace for the Time being for the said County Palatine or his Deputy, and purporting to be a true Copy, shall from Time to Time be made and delivered by such Clerk of the Peace for the Time being, or his Deputy as aforesaid, to any Person or Persons requesting the same, for which no more shall be paid than Four-pence for every Sheet of Seventy-two Words; and every such Award, Plans, and Sections, and each Copy of the same or any Part thereof respectively, signed as aforesaid, shall at all Times be admitted and allowed in all Courts whatsoever as legal Evidence; and every such Award, Plans, and Sections, and all Matters and Things therein contained, shall to all Intents and Purposes be binding and conclusive, except where some Proviso is herein contained to the contrary, unto and upon all Parties and Persons concerned or interested in the same.

Expences of Engineers, &c. how to be paid.

X. Provided always, and be it further enacted, That all the Charges and Expences of the said Engineers so appointed or to be appointed as aforesaid, and of the said Umpire so to be appointed, and of his or their Appointment, and also the Costs and Charges of making and enrolling every such Award as aforesaid, and the Plans and Sections to be annexed thereto as aforesaid, or the Enforcement and Execution of the several Directions herein-before contained touching the same Water, or anywise relating thereto respectively, shall be paid and borne by the said Company of Proprietors.

XI. And

For appointing Agents to inspect and examine Gauges, &c.

XI. And be it further enacted, That it shall and may be lawful to and for the Owners or Occupiers of the several Mills upon the said Rivers, Brooks, Rivulets, Watercourses, Streams of Water, and Springs, or the major Part of such Owners or Occupiers, by Writing under their Hands, at any Meeting to be convened and held in manner herein-before directed, from Time to Time to appoint an Agent for and on behalf of the same Owners or Occupiers, to examine and inspect from Time to Time the State and Condition of the Gauges or Weirs to be made and set up by the Authority of this Act, and the Works necessary for guarding and protecting the same Gauges or Weirs; and that such Agent shall be paid by the said Company of Proprietors of the said Canal at a Rate not exceeding One Guinea *per* Day, and not exceeding Ten Days in each Year.

Persons interested in Waters of the Rivers, &c. may repair Damages at the Expence of the Proprietors of the Canal.

XII. And be it further enacted, That all Persons interested in the said Rivers, Brooks, Rivulets, Watercourses, and Streams of Water and Springs, shall at all Times, by themselves or their Agents, have free Access to the whole of the said Canal, and to any Reservoirs or Reservoir, or other Receiver or Conductor of Water, for the Purpose of supplying the same Canal or any of the Works belonging thereto with Water, and into and upon the Lands and Grounds of the said Company of Proprietors, to view and examine the several Places where Water shall be taken for the Use of the said Canal, or any Reservoir or Reservoirs or other Works made for the Use of the said Canal, for the Purpose of ascertaining what Quantity of Water shall be taken to the Use of the said Canal, or prevented flowing to the Use of the Persons interested therein below, contrary to the true Intent and Meaning of this Act, and whether the Gauges, Tunnels, Culverts, Trenches, and Drains herein-before mentioned to be fixed or placed shall be in good Repair; and if it shall at any Time appear, that from any Obstruction, Want of Repair, or other Cause, the full and proper Quantity of Water is prevented from flowing or running to the entire Use of the Persons interested therein below, it shall be lawful for such Persons or any of them, or their or any of their Agents, to give Notice in Writing to the said Company of Proprietors to remove such Obstruction or other Cause, and make any Repairs necessary to secure the full and proper Flowing of the said Water to the Persons interested therein as aforesaid; and in case the said Company of Proprietors shall not, within the Space of Ten Days from the Service of such Notice, remove such Obstruction or other Cause, or proceed to make and complete such Repairs, then it shall be lawful for such Persons so interested as aforesaid or any of them, or any of their Agents, to remove such Obstruction or other Cause, and make any Repairs necessary to secure the full and proper Flowing of the said Water; and all reasonable Expences thereof, together with the Costs and Charges attending the same, shall be repaid by the said Company of Proprietors to any such Person or Persons aforesaid within the Space of Three Calendar Months next after an Account and Demand shall have been delivered and made thereof to the said Company; and in default of such Payment Two or more of the said Justices of the Peace for the said County Palatine of *Chester*, assembled at any Privy Sessions or otherwise, shall and are hereby required, upon Application to them by the Party or Parties or Person

or

or Persons aggrieved in the Premises, by Warrant under the Hands and Seals of the same Justices, to cause the same Expences, Costs, and Charges to be levied by Distress and Sale of the Goods and Chattels of the said Company of Proprietors, and to be paid to such Person and Persons as aforesaid, rendering to the said Company of Proprietors, or to their Clerk or Treasurer, the Overplus (if any), after deducting the reasonable Charges of making such Distress and Sale; or otherwise such Person or Persons shall and may sue for and recover the same against the said Company of Proprietors by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*, or in His Majesty's Court of Great Session for the said County Palatine of *Chester*.

The Company not to take Water from certain Brooks in Tytherington and Hurdsfield.

XIII. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend so as to enable the said Company of Proprietors to divert, turn, or alter, injure, affect, or diminish, any Stream or Rivulet running through the Lands and Grounds of *Edward Stracey* Esquire, or *Ann* his Wife, in the respective Townships of *Tytherington* or *Hurdsfield* in the said Parish of *Prestbury*.

Steam Engines to consume their own Smoke.

XIV. And be it further enacted, That every Steam Engine which shall be erected by the said Company of Proprietors, or in pursuance of this Act, shall be erected and built upon the best and most approved Principle of consuming its own Smoke.

Plans and Books of Reference to remain with the Clerks of the Peace.

XV. And whereas Maps or Plans describing the Lines of the said Cut or Canal, and of the said Reservoirs and Feeders, and the Estates, Lands, and Grounds in and through which the same are respectively to be carried or made, together with Books of Reference thereto, containing Lists of the Names of the Owners or reputed Owners and Occupiers of such Estates, Lands, and Grounds, have been deposited in the Offices of the Clerks of the Peace for the said County Palatine of *Chester* and the said County of *Stafford* respectively; be it therefore enacted, That the said Maps or Plans and Books of Reference so deposited shall remain with and be kept by the said several Clerks of the Peace for the said County Palatine and County respectively; and all Persons interested in any Manner therein shall have Liberty to inspect, peruse, and make Extracts therefrom and Copies thereof at seasonable Times, on Payment to the said Clerks of the Peace respectively of One Shilling for each Time of Inspection, and One Shilling more for every Hour during which such Inspection shall continue after the first, and paying for every Copy of One hundred Words the Sum of Sixpence, and so in proportion for any greater Number of Words; and the said Maps or Plans and Books of Reference, or true Copies thereof, or of so much thereof as shall relate to any Matter which may be in question, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere.

No Deviation from the Plans and Books of Reference.

XVI. Provided always, and be it further enacted, That the said Company of Proprietors shall not, in making the said Canal or Navigation and the said Reservoirs and Feeders hereby authorized to be

made, deviate more than One hundred Yards from the respective Lines or Courses described thereof respectively in the said Maps or Plans and Books of Reference respectively as aforesaid.

No Advantage to be taken of any Error or Omission in the said Books of Reference.

XVII. Provided always, and be it further enacted, That no Advantage shall be taken of or against the said Company of Proprietors, or any Interruption be given to the making of the said Canal, Feeders, and Reservoirs, and any other Works hereby authorized to be made, or any of them, on account of any Error or Omission in the said Books of Reference or either of them, in case it shall appear to any Two or more Justices of the Peace acting in and for the said County Palatine of *Chester* or the said County of *Stafford* (as the Case may be), and be certified in Writing under their Hands, that such Error or Omission proceeded from Mistake.

Houses, &c. not to be taken.

XVIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend to authorize or empower the said Company of Proprietors, or any other Person or Persons, to take, use, injure, or damage any House or Building, or any Ground which upon the First Day of *July* One thousand eight hundred and twenty-five was the Site of any House or other Building, or any Park, Avenue, planted Walk, Lawn, or Pleasure Ground, nor any Yard, Garden, or Orchard, without the Consent in Writing of the respective Owners and Occupiers thereof, other than and except such as are specified and contained in the Schedule to this Act annexed.

Before any Brook or Road is diverted or injured others are to be made.

XIX. Provided always, and be it further enacted, That in all Cases where it shall be found necessary for the Purposes of this Act to divert or turn any Brook, Stream, or Watercourse, or to cut through or injure any Carriage or Horse Road or Footway, either public or private, or to take down or injure any Bridge or Bridges, either public or private, so as to render the same impassable or inconvenient for Travellers or Carriages, or the Persons entitled to the Use thereof, or to divert or turn any such Road or Way, the said Company of Proprietors shall at their own Expence first make a Cut or Channel for such Brook, Stream, or Watercourse, or a temporary Bridge or Bridges, of no less Width than the former; and when such Cut or Channel shall be completed and finished the Part of the Bed or Channel of the Brook, Stream, or Watercourse so to be taken, used, diverted, and turned shall be and become vested in Fee Simple in the said Company of Proprietors, with full Power for them to sell or dispose of the same in such Manner and Form and under such Regulations as are herein-after directed with respect to Lands which shall be purchased by the said Company, and found unnecessary to be made use of for the Purposes of the said Navigation, or as near thereto as the Case will admit; and such Bridge or Bridges so to be built or otherwise enlarged, and such Road or Footway so to be altered as aforesaid, shall be for ever thereafter repaired and kept in repair by the Person or Persons who were by Law bound to repair the old Bridge, Road, or Way before such Alteration or Diversion; and further, that the Materials of the Bridges so to be taken down or enlarged shall be and become the absolute Property of the said Company of Proprietors.

Ascents to Bridges and Fences thereon.

XX. Provided always, and be it further enacted, That in all Places where the Line of the said Canal or Feeders by this Act authorized to be made shall cross any public Carriage Road, the Ascent of every Bridge which shall be made over the said Canal or Feeders, or any of them, for the Purpose of such Road, in the Place of any other Bridge, shall not be more than One Foot in Thirteen; and that a good and sufficient Fence shall be made on each Side of every such Bridge, which Fence shall not be less than Four Feet above the Surface of such Bridge.

Breadth of Canal.

XXI. And be it further enacted, That the Lands or Grounds to be taken and used for the said Canal, and the Towing Paths, Banks, and Side Drains thereof, and the Ditches and Fences for separating such Towing Paths, Banks, and Side Drains from the adjoining Lands, shall not exceed Twenty-five Yards in Breadth measured horizontally, except in such Places where any Basin, Sluice, or Weir shall be made, or where the said Canal shall be raised higher or shall be cut more than Six Feet deeper than the present Surface of the Land, and except in such Places where it shall be judged necessary for Boats, Barges, and other Vessels to turn, lie, or pass each other, or where any Warehouse, Crane, or Weighing Beam shall be erected, or where any Wharf shall be made for the Landing or Delivery of any Goods, Wares, or Merchandise which shall be carried or conveyed on the said Canal, nor more than Two hundred Yards in Breadth in any Place, except where the said Canal shall pass through or over any Common or Waste Lands, or where the Owner or Owners of any Lands or Grounds through which the said Canal shall pass shall consent, by Writing under his, her, or their Hand or Hands, to the same being made wider in or through his, her, or their Lands or Grounds respectively.

Directing how the Towing Path shall be made in certain Places.

XXII. And be it further enacted, That the said Company of Proprietors shall and they are hereby required to make the Towing Path of the said Canal through certain Lands lying in the said Townships of *Marple*, *Lyme*, *Hanley*, and *Pot Shrigley*, and belonging to *Thomas Legh* Esquire, of *Lyme*, on the westerly Side of such Canal, and through the said Townships of *Tytherington* and *Hurdsfield*, and also through certain Lands in the said Township of *Sutton* belonging to *Francis Newbold* and *Baker Dawson* Esquires, on the easterly Side of such Canal.

For regulating the Communication with the Peak Forest Canal.

XXIII. And whereas it is intended that the said Canal hereby authorized to be made shall join and communicate with the *Peak Forest* Canal on the Summit Pond thereof; and it is expedient that proper Means shall be taken to prevent the Water from being drawn from the said *Peak Forest* Canal to the Detriment thereof into the said Canal hereby authorized to be made; be it therefore further enacted, That the said Canal hereby authorized to be made shall be so made and constructed that the Top Water Line of the Summit Pond thereof shall be on one and the same Level with the Top Water Line of the Summit Pond of the said *Peak Forest* Canal; and that the Sill of the upper Gate or Gates of the Lock which shall be built on the Summit Pond of the said Canal hereby authorized to be

be made for the Passage of Boats to and from the lower Ponds of the same Canal, shall be made and at all Times for ever thereafter kept and continued on one and the same Level with the Sill of the upper Gate or Gates of the highest Lock on the said *Peak Forest* Canal; and that the Top of the Waste Weir at the Head of the said Lock on the Summit Pond of the said Canal hereby authorized to be made, shall be made and at all Times for ever thereafter kept and continued on one and the same Level with the Top of the Waste Weir at the Head of the said highest Lock on the said *Peak Forest* Canal; and that it shall and may be lawful for any Person or Persons, under the Authority or by the Direction of the said Company of Proprietors of the said *Peak Forest* Canal, from Time to Time to enter upon and view and inspect the Works of the said Company of Proprietors hereby incorporated, in order to ascertain whether the said Canal hereby authorized to be made, and the Sill and Waste Weir of the said Lock on the Summit Pond thereof, are made and constructed and from Time to Time continued agreeably to the Directions herein contained.

A Stop Lock to be made near the Junction.

XXIV. And be it further enacted, That the said Company of Proprietors hereby incorporated shall and they are hereby required, at their own Expence, and before they shall cut through, injure, or damage the Towing Path of the said *Peak Forest* Canal for the Purpose of forming a Communication between the said Canal hereby authorized to be made and the said *Peak Forest* Canal, to make and construct upon the said Canal hereby authorized to be made a proper Stop Lock of such Dimensions and Construction and in such Situation (not exceeding One hundred Yards from the said *Peak Forest* Canal) as shall be approved of by the Company of Proprietors of the said *Peak Forest* Canal, and shall be effectual for the Purpose of preventing more Water than shall be necessary for the Transit of any Boat, Barge, or other Vessel from either of the said Canals to the other from flowing out of the said *Peak Forest* Canal into the said Canal hereby authorized to be made, whenever it shall happen that the Surface of the Water in the Summit Pond of the said last-mentioned Canal shall be lower than the Surface of the Water in the Summit Pond of the said *Peak Forest* Canal, and also a Cottage or Dwelling House suitable for a Lock Keeper; and that after the said Stop Lock shall be made, the same Lock, and the Gates, Cloughs, Paddles, Wing Walls, and other Works thereto belonging, shall at all Times for ever thereafter be maintained and kept in good Repair and Condition by the said Company of Proprietors hereby incorporated; and that the said Stop Lock, and the Gates, Cloughs, and Paddles thereto belonging, so far only as the Regulation of the Water is concerned, shall be under the Control, Management, and Direction of the said Company of Proprietors of the *Peak Forest* Canal, and of such Agent or Agents as they from Time to Time shall appoint for that Purpose; and the said Cottage or Dwelling House shall be occupied by the Agent of the said Company of Proprietors of the *Peak Forest* Canal without any Rent or Recompence being paid for the same; but, subject to such Regulation, nothing herein contained shall extend, or be construed or taken to extend, to authorize the said Company of Proprietors of the said *Peak Forest* Canal,

or

or their Agent or Agents, or any other Person or Persons, to hinder or prevent any Boat, Barge, or other Vessel from passing from and out of the said *Peak Forest* Canal into the said intended Canal, or from and out of the said intended Canal into the said *Peak Forest* Canal, except when it shall be necessary to draw off the Water from the Summit Pond of the said *Peak Forest* Canal for the cleansing or repairing thereof, as herein-after is mentioned and provided for: Provided also, that nothing herein contained shall authorize or empower, or be construed to authorize or empower, and that it shall not be lawful for any Person or Persons, without the Consent of the said Company of Proprietors of the *Peak Forest* Canal, or their Agent or Agents for the Time being, to open the said Stop Lock or the Sluices thereof, or to pass any Water through the same respectively, so as to draw Water from the said *Peak Forest* Canal, except for the Purpose of passing Boats, Barges, or other Vessels through the said Stop Lock; and if any Person or Persons shall wantonly, wilfully, maliciously, or otherwise open the same Lock or Sluices, or pass any Water through the same respectively, so as to draw Water from the said *Peak Forest* Canal, except for the Purpose aforesaid, or shall permit more Water to pass through the said Lock when the same shall be in use than shall be necessary or requisite for passing the Boat, Barge, or other Vessel then actually navigating through the same Lock, so as thereby to waste the Water of the said *Peak Forest* Canal, every Person so offending shall for every such Offence forfeit and pay to the Use of the said Company of Proprietors of the *Peak Forest* Canal any Sum not exceeding Twenty Pounds nor less than Five Pounds, to be ascertained and adjudged, recovered and levied, in manner herein-after mentioned touching Penalties for Offences under this Act; and if any Person or Persons shall wantonly, wilfully, or maliciously injure or damage the said Lock, or any of the Cloughs, Paddles, Sluices, or other Works thereto belonging, every Person so offending shall for every such Offence forfeit and pay to the Use of the said Company of Proprietors hereby incorporated any Sum not exceeding Twenty Pounds nor less than Five Pounds.

A Bridge to be built.

XXV. And be it further enacted, That the said Company of Proprietors hereby incorporated shall and they are hereby also required, before they shall cut through, injure, or damage the Towing Path of the said *Peak Forest* Canal for the Purpose of forming such Communication therewith as aforesaid, to erect and build, and at all Times thereafter maintain, repair, and support, as Occasion shall require, a Bridge over the said intended Canal in such Situation as shall be approved of by the said Company of Proprietors of the *Peak Forest* Canal, with proper Approaches to such Bridge from and to the Towing Path of the said *Peak Forest* Canal, suitable for the Use and Convenience of the Men and Horses employed in the towing, haling, or drawing of Boats, Barges, or other Vessels passing upon the said *Peak Forest* Canal, such Bridge to be built of Brick, Stone, or Iron; and that in case the said Company of Proprietors hereby incorporated shall refuse or neglect to make, construct, erect, and build the said Stop Lock and Bridge and other Works, or any of them, or to maintain, repair, and support the same from Time to Time, and also to erect and build such Cottage or Dwelling House

as

as aforesaid, it shall and may be lawful for the said Company of Proprietors of the *Peak Forest* Canal to make, erect, set up, and from Time to Time, as Occasion shall require, maintain, repair, and support such Stop Lock, Bridge, and other Works as aforesaid, and also to erect or build such Cottage or Dwelling House as aforesaid; and all the reasonable Costs and Charges thereof, to be settled and allowed by Two or more of His Majesty's Justices of the Peace for the said County Palatine of *Chester*, shall from Time to Time be repaid, on Demand, by the said Company of Proprietors hereby incorporated to the said Company of Proprietors of the *Peak Forest* Canal or their Treasurer for the Time being; and the said last-mentioned Company, upon Refusal or Neglect of the said Company of Proprietors hereby incorporated to pay the said Costs and Charges as aforesaid, shall and may have such and the like Remedy against the said Company of Proprietors hereby incorporated for the Recovery thereof by Action at Law, or in such other Manner as is by this Act directed in case of Debts or other Demands due from the said Company of Proprietors hereby incorporated to any other Person or Persons or Bodies Corporate.

Further Regulation as to the Stop Lock.

XXVI. And be it further enacted, That in order to enable the said Company of Proprietors of the *Peak Forest* Canal to draw off the Water from the Summit Pond of the same Canal for the Purpose of cleansing or repairing the same, or on such other Occasions as they may find it necessary so to do, without at the same Time drawing off the Water of the Summit Pond of the said Canal hereby authorized to be made, the said Stop Lock shall be so made and constructed as that it will admit of a Gate or Gates, or other Stop or Dam, being put therein, in order to prevent the Water of the Summit Pond of the said Canal hereby authorized to be made from being drawn off as aforesaid, and that it shall be lawful for the said Company of Proprietors of the said *Peak Forest* Canal to use such last-mentioned Gate or Gates, or other Stop, whenever they shall find it necessary for the Purposes aforesaid to draw off the Water from the Summit Pond of the *Peak Forest* Canal.

In case it shall be necessary to alter the Lock.

XXVII. Provided always, and be it further enacted, That in case the said Stop Lock shall be built in such a Manner or upon such a Construction as that the same shall not be effectual for the Purpose intended, and the said Company of Proprietors of the *Peak Forest* Canal shall at any Time or Times after the said Stop Lock shall be erected and built as aforesaid be desirous of having any Alteration made therein or in the Construction thereof, so as in their Opinion the more effectually to secure the Water from being drawn from the said *Peak Forest* Canal into the said Canal hereby authorized to be made, and shall give Notice thereof to the said Company of Proprietors hereby incorporated, then and in every such Case the said Company of Proprietors hereby incorporated shall and they are hereby required, at their own Expence, forthwith to make such Alteration in the said Stop Lock or in the Construction thereof as shall be required in and by such Notice; but in case the said Company of Proprietors hereby incorporated shall think such Alteration unnecessary, and shall refuse or neglect to make the same,

the Propriety of making such Alteration shall be ascertained and determined by Engineers to be appointed as herein-after is mentioned.

In case of Difference Engineers to be appointed.

XXVIII. Provided nevertheless, That in case the said Company of Proprietors of the *Peak Forest* Canal and the said Company of Proprietors hereby incorporated shall differ in Opinion upon the original Plan and Construction or the Situation of the said Stop Lock, or at any future Time in the Alteration required by the said Company of Proprietors of the *Peak Forest* Canal to be made therein, and either of the said Companies shall give Notice to the other of such Difference of Opinion, then and in every such Case each of the said Companies or their respective Committees of Management shall and they are hereby required to appoint an Engineer within Twenty-one Days after such Notice as aforesaid shall have been given; and the said Two Engineers so appointed shall and they are hereby required, within Fourteen Days after the Expiration of the said Twenty-one Days, to nominate and appoint some other Engineer as Umpire to decide any Matter in Difference which may arise between the said Two Engineers so to be appointed as aforesaid; and the said Engineers or any Two of them shall and they are hereby required to ascertain and determine by their Award or Awards in Writing under their Hands, with proper Plans and Sections to be thereto annexed (in case the same shall be necessary), the Plan, Situation, Construction, and Dimensions of the Stop Lock so to be built as aforesaid, and of any Alteration to be from Time to Time made therein after the first Erection thereof; and the said Company of Proprietors hereby incorporated are hereby required to make, erect, and construct, or, as the Case may require, from Time to Time to alter and rebuild, such Stop Lock agreeably to the Award of the said Engineers or any Two of them, in case such Award shall direct the same to be done; and in default thereof it shall and may be lawful for the said Company of Proprietors of the *Peak Forest* Canal to make, erect, and construct, as the Case may require, and from Time to Time to alter and rebuild such Stop Lock agreeably to the Award of the said Engineers or any Two of them, in case such Award shall direct the same to be done as aforesaid, and to recover the reasonable Costs and Charges thereof from the said Company of Proprietors hereby incorporated in the Manner herein-before directed for the Recovery of any Money from the said Company of Proprietors hereby incorporated.

Expences of Engineers how to be paid.

XXIX. Provided always, and be it further enacted, That all the Expences of the said Engineers and Umpire so to be appointed as aforesaid, and of their and his Appointment, and also the Costs and Charges of making their Award or Awards as aforesaid of and concerning the original Plan and Constructions, or the Situation of the said Stop Lock, shall be borne and paid by the said Company of Proprietors hereby incorporated; but that in case the said Engineers and Umpire shall at any Time be appointed in consequence of the said Company of Proprietors of the *Peak Forest* Canal requiring an Alteration in the said Stop Lock or the Construction thereof, which by the Award of the said Engineers and Umpire it shall be determined is not necessary to be made, then and in such Case the Costs and Charges of the said Engineers and Umpire from Time to Time relating

relating to the Appointment and Award last mentioned, and also the Costs and Charges of such Appointment and Award, shall be borne and paid by the said Company of Proprietors of the *Peak Forest* Canal.

Company to make Regulating Pounds or Stop Locks in Oddrode.

XXX. And whereas, in order to prevent any Water being drawn or lost from the said Canal from the *Trent* to the *Mersey*, it is necessary that Stop or Pound Locks shall be erected in manner herein-after provided; be it therefore enacted, That before any Boat, Barge, or other Vessel shall be permitted to pass from the said Canal from the *Trent* to the *Mersey* into or upon the said Canal to be made by virtue of this Act, or from the said Canal last mentioned into or upon the said Canal from the *Trent* to the *Mersey*, Two Regulating Pounds or Stop Locks shall, by and at the Expence, Costs, and Charges of the Company of Proprietors hereby incorporated, be erected and built, and for ever thereafter be repaired and maintained, on the said Canal to be made by virtue of this Act, One of which Pounds or Locks shall be for the impounding and protecting of the Water in the said Canal from the *Trent* to the *Mersey*, and shall be placed in a convenient Situation in a certain Field numbered Three hundred and thirty-two in the Plan lodged by the said Company of Proprietors in the Private Bill Office of the House of Commons, and which said Field is now in the Possession of *Matthew Owen*, and is situate at or near a Place called *Hall Green*, in the Township of *Oddrode* in the Parish of *Astbury* in the said County Palatine of *Chester*, and the other of such Pounds or Locks shall be for the impounding and Protection of the Waters in the Canal hereby authorized to be made, and shall be placed in a convenient Situation in the said last-mentioned Field, or in the Field next adjoining on the Eastern Side thereof; which said Two Regulating Pounds or Stop Locks shall be made and constructed so as that the Gates of the one last provided for and to be erected to the Eastward, and which is intended for the impounding and Protection of the Water in the Canal hereby authorized to be made, shall open into and lock Six Inches downwards from such Canal to the Top Water Level of the *Harecastle* Summit of the said Canal from the *Trent* to the *Mersey*, and so as the Gates of the other of such Regulating Pounds or Stop Locks, which is intended for the impounding and Protection of the said last-mentioned Canal, shall open to such Canal; and that the Top of all the said Four Pairs of Gates shall be fixed at the Level of Twelve Inches at the least above the Top Water Level of the said *Harecastle* Summit of the Canal from the *Trent* to the *Mersey*; and the said Regulating Pounds or Stop Locks shall be made from Designs to be arranged and approved of by the Engineers respectively of the Company of Proprietors of the Canal from the *Trent* to the *Mersey* and of the Company hereby incorporated.

Company to build House for the Residence of Lock Keeper

XXXI. And be it further enacted, That the said Company of Proprietors hereby incorporated shall and they are hereby required, within One Calendar Month after the Completion of the said Regulating Pounds or Stop Locks, to erect and build, and at all Times thereafter at their own Expence to keep in good Repair, a House at or near the said first-mentioned Regulating Pound or Stop Lock for the

Lock Keeper to be appointed by the Company of Proprietors of the Trent and Mersey Canal.

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

Power for Company to dismiss in case of Misbehaviour.

No Boat to pass, without Consent, if the Water in Canal is below the Water in the Harecastle Summit.

XXXII. And be it further enacted, That when the Water of the lowest Pound of the said Canal hereby authorized to be made shall be below the Surface of the Water in the *Harecastle* Summit of the Canal from the *Trent* to the *Mersey*, no Boats, Barges, or other Vessels shall be allowed to pass through the said Regulating Pound or Stop Lock, except with the Consent of the Company of Proprietors of the Canal from the *Trent* to the *Mersey*.

Nothing herein to prevent Vessels passing from the one Canal to the other, subject to Regulations herein provided.

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

Water in the lowest Pound of new Canal to be Six Inches above the Top Water Level of the Harecastle Summit.

XXXIV. And be it further enacted, That the Top Water in the Canal hereby authorized to be made between the lowest Lock of such Canal on the Eastern Side of the River *Dane* and the said Regulating Pounds or Stop Locks at *Hall Green*, and which shall be called the lowest Pound of the said Canal hereby authorized to be made, shall be made and at all Times kept up to the Level of Six Inches above the Top Water Level of the said *Harecastle* Summit of the Canal from the *Trent* to the *Mersey*.

XXXV. And

Works to cause the waste Waters of the new Canal to fall into the Harecastle Summit.

XXXV. And in order to secure for the said Canal from the *Trent* to the *Mersey* the Supply of those Waters which shall be locked from the Summit Level of the Canal hereby authorized to be made down and into the said lowest Pound of the same Canal, and the Discharge of such Waters from the said lowest Pound into the *Harecastle* Summit of the Canal from the *Trent* to the *Mersey*; be it enacted, That the said Company of Proprietors hereby incorporated shall construct, and use all possible Diligence, Means, and Care to keep perfectly water-tight, the said Part of the said Canal hereby authorized to be made and herein-before described as the lowest Pound, and also shall and will construct and for ever maintain a Waste Weir within One hundred Yards above and upon the Eastern Side of the aforesaid Regulating Pounds or Stop Locks at *Hall Green* aforesaid; which said Waste Weir shall be made Twenty Yards in Length at the least, and the Top of it shall be fixed at the precise Height or Level of Six Inches above the Top Water Level of the *Harecastle* Summit of the Canal from the *Trent* to the *Mersey*; and shall also construct and for ever maintain a proper Feeder or Channel from the aforesaid Waste Weir into the Canal on the Western Side of and immediately below the said Stop Locks, in order that such Waste Waters may pass into the *Harecastle* Summit of the Canal from the *Trent* to the *Mersey*.

Height and Dimensions of Waste Weir.

No other Waste Weir to be made in the lowest Pound unless the Top Level be of a certain Height.

XXXVI. And be it further enacted, That no other Waste Weir or Waste Weirs except the One last mentioned shall be made in the aforesaid lowest Pound of the said Canal hereby authorized to be made, unless the Top Level of such other Waste Weir or Waste Weirs shall be fixed at the Height of Twelve Inches above the Top Water Level of the *Harecastle* Summit of the Canal from the *Trent* to the *Mersey*.

Fixing the Levels of other Waste Weirs.

XXXVII. And it is hereby further enacted, That the Top of the Second Waste Weir which shall be made in the said lowest Pound on the Eastern Side of the said Stop Locks shall be fixed at the precise Level of Twelve Inches above the Top Water Level of the *Harecastle* Summit of the Canal from the *Trent* to the *Mersey*, and also that the Top of the first Waste Weir which shall be made next below or on the Western Side of the said lowest Lock of the said Canal hereby authorized to be made on the Eastern Side of the River *Dane* shall be fixed at a Level of Eighteen Inches above the Top Water Level of the *Harecastle* Summit of the Canal from the *Trent* to the *Mersey*, and also that the Tops of all intermediate Waste Weirs which shall be constructed on the lowest Pound of the Canal hereby authorized to be made between the aforesaid Second Waste Weir above the said Stop Lock and the aforesaid first Waste Weir below the aforesaid lowest Lock on the East Side of the River *Dane*, shall be fixed upon such Levels as will form a regular graduated Plane between the Top of the said two last-mentioned Waste Weirs.

In case the new Company shall neglect to make the

XXXVIII. And be it further enacted, That if the said Company of Proprietors hereby incorporated shall fail or neglect to make, carry on, and complete the said Regulating Pounds or Stop Locks and the several Weirs agreeably to the Terms herein-before mentioned, and

above Works, the Company of Proprietors of the Trent and Mersey authorized to do same, with Power to raise Expences, &c.

shall not for ever after repair, support, and maintain the same Works, then and in every such Case it shall and may be lawful to and for the said Company of Proprietors of the Canal from the *Trent* to the *Mersey* to make, carry on, and complete the same Regulating Pounds or Stop Locks and Weirs, and to repair, support, and maintain the same respectively from Time to Time as the same shall require; and all the reasonable Costs and Charges thereof, to be settled and allowed by Two or more of His Majesty's Justices of the Peace for the said County Palatine of *Chester*, shall be repaid to the said Company of Proprietors of the Canal from the *Trent* to the *Mersey* within Two Calendar Months after an Account thereof shall be left at any of the Offices of the said Company of Proprietors hereby incorporated; and in default of Payment of the said Costs and Charges within the Time aforesaid, the said Company of Proprietors of the Canal from the *Trent* to the *Mersey* are by this Act authorized and empowered to levy the said Costs and Charges by Distress and Sale of the Goods and Chattels of the said Company hereby incorporated, in or upon the said Cut or Canal hereby authorized to be made, or the Wharfs, Quays, and Warehouses thereto adjoining, to and for the Use and on the Account of the said Company of Proprietors of the said Canal from the *Trent* to the *Mersey*, and to appoint One or more Person or Persons to receive and take the Tolls, Rates, and Duties hereby granted to the Company hereby incorporated, and thereout, in the first place, to pay all such Costs and Charges, rendering to the said Company of Proprietors hereby incorporated, or their Agents or Overseers, the Overplus, if any such there be, after deducting the reasonable Charges of making such Distress and Sale; and after such Costs and Charges shall be so paid and satisfied the Power of the said Receiver so to be appointed shall cease and determine; or otherwise the said Company of Proprietors of the Canal from the *Trent* to the *Mersey*, upon the Failure or Neglect of the said Company hereby incorporated in doing the said Works, or paying the said Costs and Charges as aforesaid, shall and may have such and the like Remedy against the said Company hereby incorporated for the Recovery of such Costs and Charges by Action at Law, to be commenced and prosecuted in such Manner as in other Cases is in and by this Act mentioned and directed with respect to Proceedings against the said Company hereby incorporated.

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

XXXIX. And whereas the Canal from the *Trent* to the *Mersey* at present derives its Supplies of Water from the Flood Waters of the River *Dane*, which divides the Counties of *Stafford* and *Chester*, as well as from many Rivers and Streams and other Sources of Waters which lie on the South and West Side of the River *Dane*; be it therefore enacted, That no Waters which at present supply the said Canal from the *Trent* to the *Mersey*, or any of its Works, shall in any way be taken for the Supply of the Canal hereby authorized to be made, or for any of its Works; and that no Water shall be taken from the River *Dane* aforesaid for the Supply of the Canal hereby authorized to be made but at a Level of Ten Feet at the least below a certain Gauge or Weir from which the Flood Waters of the River *Dane* are now taken by a Feeder to the *Rudyerd* Reservoir; and also that no Waters whatever shall in any way be taken from the South and West

Sides of the River *Dane* aforesaid for the Supply of the Canal hereby authorized to be made or any of its Works.

Power for the Trent and Mersey Canal Company to cut into the Canal, &c.

XL. And be it enacted, That it shall be lawful for the said Company of Proprietors of the Canal from the *Trent* to the *Mersey* at any Time or Times hereafter to cut into and to cross the Canal hereby authorized to be made by or with any Cut or Canal, Cuts or Canals, which the said Company of Proprietors of the Canal from the *Trent* to the *Mersey* may hereafter deem it necessary or expedient to make, Satisfaction being made by the said last-mentioned Company to the said Company hereby incorporated for any Damage or Injury which may thereby be done to the Banks of the Canal, or to any Towing Path, Locks, or other Works hereby authorized to be made, and all proper Protections by Stop Locks and other necessary Works being made by and at the Expence of the said Company of Proprietors of the Canal from the *Trent* to the *Mersey*, for preserving the Waters of the said Canal and Works hereby authorized to be made from Injury or Damage.

Bodies Politic, &c. empowered to sell and convey Lands for the Purposes of this Act.

XLI. And be it further enacted, That after any Lands, Grounds, or Hereditaments shall be set out and ascertained for making the said Canal or Navigation, and the Reservoirs, Feeders, Locks, Docks, Basins, and other Works and Conveniences hereby authorized to be made, or any of them or any Part thereof, it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, or for any other partial or qualified Estate or Interest, Husbands, Guardians, Trustees, and Feoffees in Trust for charitable and other Purposes, Committees, Executors, and Administrators, and all other Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of the Person or Persons entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, and for and on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest therein, and for every other Person or Persons whomsoever who is or are or shall be seised, possessed of, or interested in any Lands, Grounds, or Hereditaments which shall be so set out and ascertained for the Purposes aforesaid to contract for, sell, and convey the same and every Part thereof unto the said Company of Proprietors; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be made at the Expence of the said Company of Proprietors, and shall be made according to the following Form, or as near thereto as the Circumstances of the Case will admit; namely,

Form of Conveyance to the Company.

‘ I of the Sum of of in consideration to me paid by the ‘ Company of Proprietors of the *Macclesfield* Canal, do hereby, in ‘ pursuance and by virtue of the Power in that Behalf contained in ‘ the Act passed in the Seventh Year of the Reign of His Majesty ‘ King *George* the Fourth, intituled [*here insert the Title of this Act*], ‘ grant, release, assign, and confirm unto the said Company all [*here*

‘ *insert*

'*insert the proper Description of the Lands or Hereditaments intended to be conveyed*], and all my Estate and Interest therein, to hold unto and to the Use of the said Company and their Successors for ever, according to the true Intent and Meaning of the said Act. In witness whereof I have hereunto set my Hand and Seal the Day of in the Year of our Lord .'

And all such Conveyances and Assurances as aforesaid shall be good, valid, and effectual in the Law to all Intents and Purposes, and shall operate and be as a Merger of all outstanding Terms of Years, and be a complete Bar of all Estates Tail, and other Estates, Rights, Titles, Trusts, and Interests whatsoever.

For settling Contracts respecting Copyhold and Customary Lands.

XLII. And be it further enacted, That if any Contract, Agreement, Bargain, or Sale of or concerning any Lands, Tenements, or Hereditaments to be purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, shall be made or entered into of any Lands, Tenements, or Hereditaments which shall be Copyhold or Customary, or of the Nature of Copyhold or Customary, the same shall be executed and completed by Surrender thereof in the Court of the Manor of which the same is or are holden, according to the Custom of such Manor; and such Lands, Tenements, and Hereditaments shall continue subject to the same Fines, Rents, and Services as are due and payable and of right accustomed, in the same Manner as if this Act had not been made, unless the Lord or Lords, Lady or Ladies of the Manor for the Time being shall be willing and desirous to enfranchise the same; in which Case such Lord or Lords, Lady or Ladies, is and are hereby empowered so to do, notwithstanding he, she, or they shall be seised of or entitled to the same Manor or Manors for a less Interest than an Estate of Inheritance in Fee Simple; but inasmuch as the vesting and continuing of such Copyhold or Customary Premises in the said Company would prevent such Lord or Lords, Lady or Ladies, from receiving the Benefit of Fines, Heriots, and other Services due upon Death, Descent, or Alienation, in like Manner as he, she, or they would have done in case such Copyhold or Customary Premises had continued to be the Property of Individuals, the said Lord or Lords, Lady or Ladies of the said Manor or Manors, in case he, she, or they shall decline to enfranchise the respective Parcels of Copyhold or Customary Lands, Tenements, and Hereditaments which shall be so purchased by or vested in the said Company for the Purposes aforesaid, shall be entitled to and shall be paid by the said Company a reasonable Recompence and Satisfaction for the Loss that will arise to him, her, or them in respect of such Fines, Heriots, or other Services, the Enjoyment of which shall be diminished or lost by the vesting and continuing of such Copyhold or Customary Premises in a Body Corporate; which Recompence and Satisfaction, if not settled by Agreement between the Parties, shall be ascertained and settled by the Verdict of a Jury, as is directed by this Act.

Conveyance by Lords of Manors of Land taken

XLIII. And be it further enacted, That in all Cases where there shall be Occasion to cut through, take, or use, for the Purposes of this Act, any Part or Parts of any Commons or Waste Grounds, or other Lands,

Lands, Tenements, or Hereditaments which shall be charged with or subject to any Right or Rights of Common or Commons, whether of Pasture, Turbary, Estover, Piscary, or Easement, and whether appendant, appurtenant, or in gross, and whether created or then subsisting by Grant, Prescription, Custom, or otherwise howsoever, the Conveyance thereof by any Body Politic, Corporate, or Collegiate, or other Person or Persons, having such and the like Estate or Interest of and in the Manor wherein such Lands, Tenements, Common or Waste Grounds shall be situate, or (if the same shall not be the Waste of any Manor, then having such or the like Estate or Interest,) of and in the Soil of such Lands, Tenements, Wastes, Commons, and Hereditaments, as the Body or Bodies Politic, Corporate, or Collegiate, or Persons who are herein before enabled to sell and convey other Lands, Tenements, and Hereditaments have in such Lands, Tenements, and Hereditaments, shall be a good and sufficient Conveyance to the said Company of Proprietors, for the Purpose of vesting in them the Fee Simple and Inheritance of such Waste Ground or Common, or other Lands, Tenements, or Hereditaments, as fully and effectually as if every Person having such Right or Rights of Common upon such Common or Waste Grounds, or other Lands, Tenements, or Hereditaments, were seised thereof in Fee Simple in Possession, and had joined in and executed such Conveyance; and the Compensation to be paid for any Right of Common upon any such Commons or Waste Grounds as aforesaid shall be paid by the said Company of Proprietors to the Churchwardens of the respective Townships or Parishes wherein such Commons or Waste Grounds shall lie, and shall be by such Churchwardens received and applied for such general or public Purposes within such respective Townships or Parishes respectively as a Vestry of such respective Townships or Parishes to be convened by such Churchwardens for that Purpose shall direct; and that in all Cases where such Rights, Commons, Profits, or Easements shall be and extend over and be enjoyed and taken out of any other Lands, Tenements, or Hereditaments than such Wastes and Commons, the Compensation shall be paid or tendered to the Person or Persons, Bodies Politic, Corporate, or Collegiate, having such Estate or Interest as aforesaid in the said Rights, Commons, Profits, or Easements, or in the Lands, Tenements, or Hereditaments whereunto the same shall be appendant or appurtenant, or deposited in the Bank of *England* in manner by this Act directed, as the Case may be; provided that in Cases where any such Manor is vested in Freeholders or Inhabitants at large, or in any greater Number of Persons than Four, or where it is not known to what Lord or Lady such Manor belongs, or in what Manor such Common or Waste Ground is situated, the Conveyance by Four at least of the Freeholders whose Estates have Common Right in such Common or Waste Ground, and whose said Estates are assessed yearly to the Poor Rates to Three Fifths at least of the whole Property in each of the said Townships or Parishes which have such Common Right, to the said Company of Proprietors, shall also be a good and sufficient Conveyance.

from Commons to be sufficient.

Small Pieces of Land adjoining the Canal to be purchased by the Company.

XLIV. And be it further enacted, That if, in making the said Canal, Reservoirs, Feeders, or any other of the said Works hereby authorized to be made, any Close or Field shall be cut through or divided, so that the Owner or Owners of any such Close or Field shall not have any other Land adjoining or contiguous to what shall be left on each or either Side of the said Canal, Reservoirs, or Feeders, or any of them, or any of the said Works, then and in every such Case the said Company of Proprietors shall also take and purchase such Piece or Parcel, Pieces or Parcels, of such Close or Field so to be left as aforesaid, and shall pay for the same after the Rate and in the same Manner as they shall pay for the Land or Ground adjoining thereto required for the Purposes of this Act; provided that the Owner or Owners, Person or Persons entitled to the Possession and to the Rents and Profits of such Close or Field, and empowered, as herein-before expressed, to convey for the Purposes of this Act, shall, by Writing under his, her, or their Hand or Hands, require the said Company of Proprietors to take and purchase the same, together with the Land or Ground required for the Purposes of this Act; and all Conveyances made thereof in manner aforesaid shall be binding and conclusive in manner herein-before provided.

Power for the Company to purchase Lands severed and divided by the Canal in certain Cases.

XLV. And whereas it may happen that in many Cases not falling under the Provisions herein contained the Property and Estates of Persons whose Lands may be cut through for the Purposes of the said Canal or Undertaking may be severed and divided, to the Detriment and Inconvenience of the Owners or Proprietors thereof; and it may be found convenient, in order to prevent Disputes and Litigation respecting the Establishment of Bridges or other Communications across the said Canal, that such Lands, or Part or Parts thereof, should, with the Consent of such Owner or Proprietor, be purchased by the said Company; be it further enacted, That it shall be lawful for the said Company of Proprietors, and the absolute Owners or Proprietors of such Lands, and all Persons interested therein, and they are hereby authorized and empowered, at any Time within the Time herein-after limited for the Completion of the several Works hereby authorized to be made, to contract and agree for the Purchase of such Lands, or any Part or Parts thereof, by the said Company, not exceeding Twenty Statute Acres, from any One Owner, at such Price or Prices as shall be agreed upon; and the said Owner or Owners, and all and every Persons interested therein, shall, in pursuance of such Contract, convey and assure the said Lands to the said Company, and the said Company of Proprietors are hereby authorized and empowered to purchase and take and to have and to hold the same.

Power to purchase small Parcels of Land containing Materials.

XLVI. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors to purchase from any Person or Persons who may be willing to sell the same any small Pieces or Parcels of Land lying adjacent or near to the said Canal or other Works, containing any Materials proper for the maintaining and repairing of the said Canal or other Works of the said Company of Proprietors, where such Materials shall be wanted for that Purpose, not exceeding Twenty Statute Acres in the whole, any Law, Statute, or Usage to the contrary notwithstanding.

XLVII. And

Company empowered to re-sell.

XLVII. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby required, to sell and dispose of, and by Indenture under their Common Seal to grant and convey, in Fee, all such of the Messuages, Buildings, Lands, Tenements, or Hereditaments which shall be purchased by and conveyed to the said Company of Proprietors, as shall not be wanted for the said Canal and Works, or any Part or Parts thereof; and that all such Grants in Fee and Conveyances from the said Company of Proprietors shall be valid and effectual, any thing in this Act contained, or any other Law, Statute, or Custom, to the contrary thereof in anywise notwithstanding; and upon Payment of the Money which shall arise by such Sale or Sales of such Messuages, Lands, Tenements, or Hereditaments, or any Parts or Parcels thereof, it shall and may be lawful for the Treasurer or Treasurers of the said Company for the Time being to sign and give Receipts for the Money for which the same shall be sold (which Receipts shall be sufficient Discharges to the Purchaser or Purchasers for the Money for which such Premises shall be so sold, or for so much thereof as in such Receipts shall be acknowledged or expressed to be received); and such Person or Persons shall not be answerable or accountable for any Losses, Misapplication, or Non-application of such Purchase Money or any Part thereof.

Offer of Resale to be first made to the Owners of the adjoining Land.

XLVIII. Provided always, and be it enacted, That the said Company, before they shall contract for the Sale and Disposal of any such Messuages, Lands, Tenements, and Hereditaments, shall first offer to sell the same to the Owner or Owners of the adjoining Land at a Price to be fixed on by the said Company of Proprietors; but in case of Difference in that respect, then the Price at which the same shall be sold shall be adjusted and settled by a Jury, in like Manner as the Price for any Land to be taken in pursuance of this Act is herein directed to be settled in case of Difference or Dispute as to the Value thereof; and in case such Person or Persons to whom such Offer shall be made shall not then and thereupon agree or shall refuse to purchase the same, on Affidavit being made and sworn before One of the Masters of the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County in which such Messuages, Lands, Tenements, and Hereditaments shall lie, by some Person or Persons no way interested in the said Premises, stating that such Offer was made by or on behalf of the said Company of Proprietors, and that such Offer was not then and thereupon agreed to or was refused by the Person or Persons to whom the same was so made, such Affidavit shall, in all Courts whatsoever, be sufficient Evidence and Proof that such Offer was made, and was not agreed to or was refused by the Person or Persons to whom it was made, as the Case may be.

Mode of Proceeding where Persons having the preferable Right to purchase shall be absent.

XLIX. Provided always, and be it further enacted, That in all Cases where, by reason of Absence or otherwise, the Person or Persons to whom the Messuages, Lands, Tenements, or Hereditaments are herein-before directed to be re-sold cannot be found, it shall and may be lawful to and for the said Company of Proprietors, by public Advertisement inserted Three successive Weeks in some Newspaper published

published within the County in which such Messuages, Lands, Tenements, or Hereditaments shall be situate, or in case there shall be no such Paper, then in the *London Gazette*, to offer to sell such Messuages, Lands, Tenements, or Hereditaments to the said Person or Persons; and if no Application shall be made to the said Company of Proprietors, signed by or on behalf of the said Person or Persons, accepting such Offer, within Six Calendar Months from the Date of the said Advertisement, such Omission or Neglect shall be considered, deemed, and taken as a Refusal on the Part of such Person or Persons to purchase the same.

Owners of Land used in making a new Road to have the first Offer of the old Road.

L. Provided always, and be it further enacted, That wherever the Course of any Road or Way shall be altered in pursuance of this Act, and a new Road or Way opened and made in and upon the adjoining Land, the Offer of the Purchase of such old Road and Way shall be first made to the Owner of the Land which shall be cut and used for the Purpose of making such new Road or Way; and in case such Owner shall be desirous of becoming the Purchaser of such old Road or Way, and shall not agree with the said Company of Proprietors, or with their Committee, for the Price to be paid for the Purchase of the same, then and in such Case the Value thereof shall be settled and ascertained in such and the like Manner as the Price for any Land to be taken in pursuance of this Act is herein directed to be settled and ascertained, and such Owner shall be deemed the Purchaser thereof at the Sum to be ascertained by a Jury; and in case such Owner shall refuse to pay such Money upon Demand made thereof by the Clerk to the said Company, and Tender of the Conveyance of such old Road or Way, the same shall and may be recovered by the said Company by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster;* and in case any such Owner shall not agree or shall refuse to purchase any such old Road or Way, on Affidavit being made and sworn before One of the Masters of the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County Palatine of *Chester* or County of *Stafford*, by some Person or Persons no way interested in the said Premises, stating that such Offer was made by or on behalf of the said Company of Proprietors, and that such Offer was not then and thereupon agreed to or was refused by the Person or Persons to whom the same was so made, such Affidavit shall, in all Courts whatsoever, be sufficient Evidence and Proof that such Offer was made and was not agreed to or was refused by the Person or Persons to whom it was made, as the Case may be: Provided nevertheless, that if the Lands of Two or more Persons shall be taken for any such new Road or Way as aforesaid, each and every such Owner shall be entitled to the first Offer of so much of the old Road or Way as is lying immediately adjoining to his, her, or their Lands respectively, in manner aforesaid.

The Words "grant, bargain, and sell" to operate as Covenants for the Title.

LI. And be it further enacted, That in all Grants and Conveyances to be made by the said Company of Proprietors under or by virtue and in pursuance of the several Powers and Authorities to them hereby given the Words "grant, bargain, and sell" shall amount to and be construed and adjudged in all Courts of Judicature

to

to be express Covenants to the Grantee or other Purchaser, his, her, and their Heirs, Executors, Administrators, and Assigns, from the said Company of Proprietors, for themselves and their Successors, that they the said Company of Proprietors, notwithstanding any Act done by them, were at the Time of the Execution of such Grant or other Conveyance respectively seised of the Hereditaments and Premises thereby granted, bargained, and sold, of an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances, for quiet Enjoyment thereof against the said Company of Proprietors, their Successors and Assigns, and all claiming under them, and for further Assurance of such Lands, Hereditaments, and Premises thereby bargained and sold, to be made by the said Company of Proprietors, their Successors and Assigns, and all claiming under them, unless the same shall be restrained and limited by express particular Words contained in such Grants or Conveyances, or any of them; and that such Grantees or other Purchasers, and his, her, and their several Heirs, Executors, Administrators, and Assigns respectively, shall and may, in any Action or Actions to be brought, assign a Breach or Breaches thereupon, as they might do in case such Covenants were expressly inserted in such Grants or Conveyances respectively.

Application of Rents and Purchase Money.

LII. And be it further enacted, That all and every the Sums and Sum of Money which shall be had, received, and taken by the said Company of Proprietors as the Consideration for any such Sale as aforesaid shall be applied by the said Company of Proprietors for the same or for the like Purposes as the Money hereby authorized to be raised is to be applied.

Satisfaction to be made.

LIII. Provided always, and be it further enacted, That all and every Body or Bodies Politic, Corporate, or Collegiate, Trustees or other Persons herein-before capacitated to sell and convey Lands, Tenements, or Hereditaments, or any other Owner or Owners, and the Occupier or Occupiers of any Lands, Tenements, or Hereditaments through, in, or over which the said Canal or other Works hereby authorized are intended to be made, or any of them, shall receive Satisfaction for the Value of such Lands, Tenements, or other Works and Hereditaments, and for the Damages to be sustained in making and completing the said Works herein-before directed, in gross Sums, as shall be agreed upon by and between the said Owners and Occupiers respectively, or any of them, and the said Company of Proprietors; and from and immediately after the Time of making and executing such Sale and Conveyance, or any Contract or Contracts for the same, the said Company of Proprietors may and shall be at liberty to enter upon and from thenceforth for ever to have, take, and enjoy the said Lands, Tenements, and Hereditaments, for the Use and Maintenance of the said Canal, and for supplying the same with Water; and in case the said Company of Proprietors, and the said Parties interested in such Lands, Tenements, and Hereditaments, cannot or do not agree as to the Amount or Value of such Satisfaction, the same shall be ascertained and settled by the Verdict of a Jury as is herein-after directed.

In case the Parties refuse, or are incapable to treat, the Value to be settled by a Jury,

LIV. And for settling all Differences which may arise between the said Company of Proprietors and the several Owners of or Persons interested in the Lands, Tenements, or other Hereditaments which shall or may be taken, used, affected, damaged, or prejudiced in pursuance or execution of the Powers hereby granted, touching the Purchase Money or Recompence to be paid or made for the same; be it further enacted, That if any Body Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons so interested, entitled, or empowered to sell as aforesaid, for and on behalf of himself, herself, or themselves, or for and on behalf of their respective Cestuique Trusts, or of the Person or Persons entitled in Remainder after them as aforesaid, shall refuse to accept such Purchase Money or Recompence as shall be offered in Writing by the said Company or their Agent, and shall give Notice thereof in Writing to the said Company within Fourteen Days next after such Offer shall have been made, and the Party or Parties giving such Notice as aforesaid shall therein request that the Matter or Matters in dispute may be submitted to the Determination of a Jury; or if any such Body Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons entitled, interested, or empowered to sell as aforesaid, shall neglect or refuse to treat or shall not agree with the said Company of Proprietors concerning the same, or shall by reason of Absence be prevented from treating, or shall, by reason of Nonage or other Impediment not provided for by this Act, be incapable of treating or making such Agreements as shall be expedient for enabling the said Company to proceed in the making and carrying on of the said Canal and other the Works aforesaid, then and in any or either of the said several Cases the said Company or their Committee of Management shall and they are hereby empowered and required from Time to Time to issue a Warrant or Warrants under their Common Seal to the Sheriff of the County in which such Lands, Tenements, or Hereditaments shall lie, or in case such Sheriff or his Under Sheriff shall happen to be one of the said Company of Proprietors, or enjoy any Office of Trust or Profit under them, or shall be otherwise interested in the Matter in question, then to any One of the Coroners of the same County not interested as aforesaid, or if all the Coroners shall be so interested, then to the last Person then in being who filled the Office of Sheriff of the same County, and who shall not be interested as aforesaid, commanding such Sheriff or Coroner or other Person to impannel, summon, and return, and the said Sheriff, Coroner, or other Person is hereby accordingly authorized, empowered, and required to impannel, summon, and return, a Jury of at least Eighteen sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for the Trial of Issues joined in His Majesty's Courts of Record at *Westminster*, to come and appear before the said Sheriff, Under Sheriff, Coroner, or other Person at such Time and Place as in such Warrant or Warrants shall be appointed; and out of such Persons so to be impannelled, summoned, and returned a Jury of Twelve Men shall be drawn by the said Sheriff or Coroner, or some Person to be by him appointed, in such and the same Manner as Juries for the Trial of Issues joined in His Majesty's Courts at *Westminster* are by Law directed to be drawn;

to be summoned by the Sheriff or Coroner, or Person who shall have last filled the Office of Sheriff, and be disinterested.

and

and in case a sufficient Number of Jurymen shall not appear at the Time and Place appointed as aforesaid, the said Sheriff, Under Sheriff, Coroner, or other Person shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, being so qualified as aforesaid, to make up the said Jury to the Number of Twelve; and all Parties concerned shall and may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Sheriff, Under Sheriff, Coroner, or other Person is hereby empowered and required to summon and call before him all and every Person or Persons who shall be thought necessary to be examined as a Witness or Witnesses touching the Matters in question, and may order and authorize the said Jury, or any Six or more of them, to view the Place or Places or Matter in controversy; and such Jury upon their Oaths shall inquire of, assess, and ascertain the Sum or Sums of Money to be paid for the Purchase of such Lands, Grounds, Tenements, or Hereditaments as aforesaid, and also what other separate and distinct Sum or Sums of Money shall be paid by way of Recompence, either for the Damages which shall or may before that Time have been so sustained as aforesaid, or for the future temporary or perpetual Continuance of any recurring Damages which shall have been so occasioned as aforesaid, and the Cause or Occasion of which shall have been only in part obviated, repaired, or remedied by the said Company of Proprietors, and which can or will be no further obviated, repaired, or remedied by them; and the said Sheriff, Under Sheriff, Coroner, or other Person shall accordingly give Judgment for such Purchase Money or Recompence as shall be assessed by such Jury; which said Verdict and the Judgment to be thereupon pronounced as aforesaid shall be binding and conclusive to all Intents and Purposes against all Bodies Politic, Corporate, or Collegiate, and all other Persons whomsoever; provided that not less than Ten Days Notice in Writing of the Time and Place of Meeting of the said Jury shall be given by the Clerk or One of the Clerks of the said Company to the Party or Parties with whom such Controvery shall arise, by leaving such Notice at the Dwelling House of such Person or Persons, or the Clerk or Agent of any such Body Politic, Corporate, or Collegiate, or with some Tenant or Occupier of the Premises to be valued, or respecting which any such Question shall arise.

In default of Attendance of Jurymen, Standers-by may be returned.

Witnesses may be summoned.

Jurors may view the Place or Matter in question.

Verdict and Judgment thereon to be conclusive.

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

Jurymen not to be Owners of Lands to be taken for the Canal.

LVI. And be it further enacted, That if such Sheriff or his Deputy, or any Coroner or other Person herein-before authorized and directed to act in the Stead of such Sheriff, shall make default in

Penalty upon Sheriff, &c.

Jurors or Witnesses making default.

in the Premises, he shall for every such Offence forfeit the Sum of Fifty Pounds; and if any Person so to be summoned and returned upon any such Jury as aforesaid shall not appear, or appearing shall refuse to give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent of this Act, or if any Person so to be summoned to give Evidence as aforesaid shall not appear on being paid or tendered a reasonable Sum for his, her, or their Costs and Expences, or appearing shall refuse to be sworn, or (being of the Society of Persons called *Quakers*) to make his solemn Affirmation, or to be examined, or give Evidence, then and in such Case every such Person so offending shall forfeit and pay for every such Offence, for the Benefit of the Party for whom or on whose Account such Jury or Witness shall be summoned, any Sum not exceeding Ten Pounds, to be levied by virtue of any Warrant or Warrants under the Hand and Seal of any One of His Majesty's Justices of the Peace for the County in which the said Lands, Tenements, or Hereditaments shall be situate, by Distress and Sale of the Goods and Chattels of the Person or Persons so offending, rendering to him or them the Overplus of the Money thereby produced, after such Penalty and the Charges of such Distress and Sale shall be deducted.

Juries to be under the same Regulations as those of the Courts at Westminster.

Persons giving false Evidence subject to the Penalties of Perjury.

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

Expences of Juries.

LVIII. And be it further enacted, That in each and every Case where a Verdict shall be given for more Money for Recompence or Satisfaction for the absolute Sale of any Lands, Tenements, or other Hereditaments of or belonging to any Body or Bodies Politic, Corporate, or Collegiate, or to any Person or Persons unknown, or as Compensation for any Damages done or to be done to any Lands, Tenements, Hereditaments, or other Property, than had been previously offered by or on behalf of the said Company of Proprietors or their Committee of Management, or where any Verdict shall be found for any Damages where the Dispute is for Damages only, or where no Compensation or a smaller Sum than shall be given by such Verdict had been previously offered or tendered in respect thereof by or on behalf of the said Company of Proprietors or their Committee of Management, or where, by reason of Absence in foreign Countries, or other Impediment or Disability as aforesaid, there shall not be found any Person or Persons at hand who may be legally capacitated to enter into a Contract with and make Conveyances to and receive

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Compensation from the said Company of Proprietors or their Committee of Management as herein-before mentioned, then and in all such Cases all the reasonable Costs and Expences of impannelling, summoning, and returning such Jury, and taking such Verdict, shall be settled by the said Sheriff, Under Sheriff, Coroner, or other Person so impannelling, summoning, and returning such Jury, and be defrayed by the said Company of Proprietors; and in case such Costs shall not be paid by the said Company of Proprietors, or their Committee of Management, within Five Days after the same shall be demanded, the same shall and may be levied by virtue of any Warrant under the Hand and Seal of any Justice of the Peace acting in and for the County in which such Lands, Tenements, or Hereditaments shall be situate, by Distress and Sale of the Goods and Chattels of the same Company; but if any Verdict shall be given for the same Sum as had been previously offered by or on behalf of the said Company of Proprietors or their Committee of Management, or for a less Sum than had been so previously offered, or in case of such Refusal or Neglect to enter into Treaty with or make Conveyances to or receive Compensation from the said Company of Proprietors or their Committee of Management by any Body or Bodies Politic, Corporate, or Collegiate, or by any Person or Persons whomsoever, who is or are, by the Provisions of this Act or otherwise, legally capacitated to treat and convey or receive such Compensation as aforesaid, then and in all such Cases (except where by reason of Absence or otherwise any Person or Persons shall have been prevented from treating and agreeing as aforesaid, when such Costs and Expences shall be paid by the said Company of Proprietors,) the Costs and Expences of impannelling, summoning, and returning such Jury, and taking such Verdict, shall be settled in like Manner by the said Sheriff, Under Sheriff, Coroner, or other Person so impannelling, summoning, and returning such Jury, and be borne and paid in the Manner following; that is to say, one Moiety or Half Part of such said Costs and Expences shall be borne and paid by the said Company of Proprietors, and the other Moiety or Half Part thereof by the Body or Bodies Politic, Corporate, or Collegiate, or other Person or Persons, with whom the said Company of Proprietors shall have such Disputes or Controversies; which said Costs and Expences, having been so settled, shall and may be deducted out of the Money so assessed and adjudged as so much Money advanced to and for the Use of such Body or Bodies Politic, Corporate, or Collegiate, or other Person or Persons as aforesaid, and the Payment or Tender of the Remainder of such Sums or Sums of Money shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums of Money so assessed and adjudged; and in case no Compensation shall be given by such Verdict where the Dispute is for Compensation only, such Costs and Expences, after having been so ascertained and settled as aforesaid, shall and may be recovered by the said Company by such Ways and Means as are herein provided for the Recovery of any Penalty or Forfeitures incurred by this Act.

Persons requesting Juries to enter into a Bond to prosecute the Complaint and pay Expences.

LIX. And be it further enacted, That all and every Person and Persons with whom the said Company of Proprietors may have any such Controversy or Dispute as aforesaid shall, before the said Company shall be obliged to issue out their Warrant or Warrants for the summoning of such Jury, first enter into a Bond to the Treasurer or Treasurers of the said Company for the Time being, in a Penalty of One hundred Pounds, to prosecute such his, her, or their Complaint, and to bear and pay such Portion of the Expences of summoning such Jury, and taking such Inquest, and of summoning and the Attendance of Witnesses, as shall fall upon him, her, or them, to be paid according to the true Intent and Meaning of this Act.

No Complaint to be taken notice of unless Notice given to the Company within Six Months.

LX. And be it further enacted, That the said Company shall not be obliged by virtue of this Act to receive or take notice of any Complaint or Complaints to be made by any Person or Persons whomsoever for any Injury or Damage by him, her, or them sustained or supposed to be sustained by virtue or in consequence of this Act, unless Notice in Writing shall have been given in relation thereto, by or on behalf of such Person or Persons, to the said Company of Proprietors within the Space of Six Calendar Months next after the Time that such supposed Injury or Damage shall have been sustained, or such supposed Injury or Damage shall have ceased.

Value of Lands and Damages to be ascertained separately.

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

Compensation Money to be apportioned.

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

Remedies for Persons recovering Damages.

LXIII. And be it further enacted, That in case Default shall be made by the said Company of Proprietors in making Payment of all and every the Sum and Sums of Money agreed upon, awarded, or assessed as and for Compensation or Satisfaction for any Damages, as hereinbefore provided, to the Bodies Politic or Corporate, or Person or Persons to whom and in whose Favour the same shall have been so agreed upon, awarded, or assessed, by the Space of Twenty-one Days after Demand in Writing made thereof to the Clerk or Treasurer of the said Company, it shall be lawful for Two or more Justices

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of the Peace acting within their respective Jurisdictions, and they are hereby required, upon due Proof of the Default to be made before them upon Oath, by an Order under their Hands, to appoint One or more Person or Persons to receive the Tolls or Rates hereby granted and made payable, or any of them, and thereout, in the first place, to pay all and every such Sum and Sums of Money respectively so agreed upon, awarded, or assessed as aforesaid, and the Costs, if any, occasioned by such Default of Payment thereof, together with legal Interest for the same, to the Person and Persons entitled to receive Payment thereof, and also the Costs and Expences of collecting and receiving the said Tolls or Rates, every such Person so to be appointed giving Security to the said Company for the due and faithful Execution of his or their Office as they the said Justices shall deem proper and sufficient; and the Person and Persons so appointed shall be deemed a Collector or Collectors of the said Tolls or Rates, and shall have such and the same Powers for collecting the same as if he or they had been appointed for that Purpose by the said Company of Proprietors, until such Sums, together with Interest thereon, and the Costs and Charges of recovering and receiving the same, shall be fully paid and satisfied; or otherwise the Party or Parties so aggrieved by such Default of Payment shall and may recover such Sum and Sums so agreed upon, awarded, or assessed, and not paid as aforesaid, together with Interest and Costs for the same, by Action at Law in any of His Majesty's Courts of Record at *Westminster* against the said Company of Proprietors, with full Costs of Suit; or otherwise, in case such Sums so agreed upon, awarded, or assessed as aforesaid, together with Interest and Costs as aforesaid, shall not be satisfied and paid within the Space of Four Calendar Months, it shall be lawful for the Party or Parties so aggrieved and interested as aforesaid to seize and distrain any Boats, Barges, Vessels, or other Goods or Effects of the said Company which shall be found in the said Canal or Navigation, or any Part thereof, or any of the Works thereof, or thereunto belonging, (Information of such Distress being immediately given to the said Company,) and to detain the same until Payment of such Sums, together with Interest and Costs, together with the reasonable Charges attending such Distress; and if the Goods or Effects so belonging to the said Company shall not be redeemed within Ten Days next after the making such Distress, and Notice thereof given in Writing as aforesaid, the same may and shall be sold and disposed of in such Manner as the Law directs in case of Distress for Rent.

Power to enter Lands upon Payment or Tender of Purchase Money.

LXIV. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or assessed by any Jury or Juries in manner aforesaid, for the Purchase of any such Lands or Hereditaments, or as a Recompence for the yearly Produce or Profit thereof, or as a Compensation for Damages as herein-before mentioned, to the Proprietor or Proprietors of such Lands and Premises, or such other Person or Persons as shall be interested therein, or entitled to receive such Compensation, within Twenty-one Days after the same shall have been so agreed for, determined, or awarded; or if the Person or

Persons

Persons so entitled or interested, or any of them, cannot be found, or shall refuse to receive the same, or shall not be able to make a good Title to or shall refuse to execute a Conveyance or Conveyances of the Premises which shall be required for the Purposes of this Act, then upon Payment of the said Sum or Sums of Money into the Bank of *England*, as herein-after directed and required, for the Use of such Person or Persons so interested or entitled as aforesaid, it shall be lawful for the said Company of Proprietors, and their Agents, Servants, or Workmen, thereupon and not before, to enter upon such Lands, Grounds, or other Hereditaments respectively, and then and thereupon the Lands, Waters, and other Hereditaments, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall from thenceforth become vested in and become the sole Property of the said Company of Proprietors, to and for the Purposes of this Act for ever; and such Tender, Payment, or Investment shall not only bar all Right, Title, Interest, Claim, and Demand of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to and shall be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail and other Estates in Reversion and Remainder of his, her, and their Issue, and of every other Person whomsoever therein.

Verdicts of Juries to be recorded.

LXV. And be it further enacted, That all the said Verdicts and Judgments (being first signed by the said Sheriff, Under Sheriff, Coroner, or other Person present at the taking of such Verdicts and pronouncing of such Judgments respectively,) shall be kept by the respective Clerks of the Peace of the said County Palatine of *Chester* and the said County of *Stafford* respectively, as the Case shall require, amongst the Records of the Quarter Sessions of the said Counties respectively, and shall be deemed Records to all Intents and Purposes; and the same or true Copies thereof shall be allowed to be good Evidence in all Courts whatsoever, and all Persons shall have free Liberty to inspect the same, paying for each Inspection the Sum of One Shilling and no more, and also to make Copies thereof, paying for each Copy after the Rate of Sixpence for every Seventy-two Words.

Mortgagees to convey.

LXVI. And be it further enacted, That all and every Bodies and Body Politic, Corporate, and Collegiate, and all and every Person and Persons who shall have any Mortgage or Mortgages on any Lands, Tenements, or Hereditaments to be taken or used for the Purposes of this Act, shall, on Payment or Tender of the Principal Money and Interest due thereon, together with the Amount of Six Calendar Months Interest on the said Principal Money by the said Company of Proprietors, or their Clerk or Clerks or Agent, immediately convey, assign, and transfer such Mortgage or Mortgages to the said Company, or to such Person or Persons as they shall appoint; or in case such Mortgagee or Mortgagees shall have Notice in Writing from the said Company of Proprietors, or their Clerk or Clerks or Agent, that they will pay off and discharge the Principal Money and Interest which shall be due on the said Mortgage or Mortgages at the End or Expiration of Six Calendar Months (to be computed from

from the Day of giving such Notice), then at the End of Six Calendar Months, upon Payment of the Principal and Interest so due, such Mortgagee or Mortgagees shall convey, assign, or transfer his, her, or their Interest in the Premises to the said Company of Proprietors, or to such Person or Persons as they shall appoint; and in case such Mortgagee or Mortgagees shall refuse to convey or assign as aforesaid on such Tender or Payment, then all Interest on every such Mortgage shall from thenceforth cease and determine: Provided always, that in case the Sum due for Principal and Interest upon any such Mortgage or Mortgages shall amount to more than the Value of the Premises, to be ascertained as directed by this Act, then the said Company of Proprietors shall not be liable to pay the Mortgagee or Mortgagees more than the real Value of the Premises so ascertained as aforesaid, or the Residue thereof after such Allowance and Payment thereout to any Lessee or Tenant as herein-before directed: Provided also, that in case any such Mortgagee shall neglect or refuse to convey and assign as aforesaid, then upon Payment of the Principal Money and Interest due on any such Mortgage into the Bank of *England* at the End of Six Calendar Months from the Day of giving such Notice as aforesaid, for the Use of such Mortgagee or Mortgagees, the Cashier or Cashiers of the Bank shall give a Receipt or Receipts for the said Money, in like Manner as is by this Act directed in Cases of other Payments into the Bank; and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of every such Mortgagee, and also of every Mortgagor or Owner of the same Premises, and of all and every Person and Persons in Trust for him, her, or them, or any of them, shall vest in the said Company of Proprietors, to all Intents and Purposes whatsoever; and in case any Mortgage or Mortgages shall comprise any other Lands, Tenements, or Hereditaments than those which shall be so purchased or taken by the said Company of Proprietors, such Mortgagee or Mortgagees shall, upon Payment or Tender of the Sum so ascertained as the Value of the said Lands, Tenements, or Hereditaments as aforesaid, forthwith convey, assign, and transfer his, her, or their Interest in such Lands, Tenements, or Hereditaments to the said Company of Proprietors, or to such Person or Persons as shall be appointed in Trust for them; and in default of their so doing, and on Payment of such Money into the Bank of *England* for the Use of the Mortgagee or Mortgagees, the Cashier or Cashiers of the Bank shall give such Receipt or Receipts as aforesaid, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee or Mortgagees, and also of every Mortgagor or Owner of the same Premises, and of all and every Person or Persons in Trust for them or any of them in the Lands, Tenements, or Hereditaments the Value whereof shall have been so ascertained and paid into the Bank as aforesaid, shall vest in the said Company of Proprietors, and they shall be deemed to be in the actual Possession of the said Premises to all Intents and Purposes whatsoever; and such Sums of Money shall be deducted from the Amount of the Principal and Interest due to such Mortgagee or Mortgagees by virtue of such Mortgage or Mortgages.

Application of Compensation when amounting to or exceeding 200*l.*

LXVII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, or for any other Matter, Right, or Interest, of what Nature or Kind soever, purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity as herein-before mentioned, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account "*ex parte* the Company of Proprietors of the *Macclesfield* Canal," pursuant to the Method prescribed by an Act made in the First Year of the Reign of King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance or Part thereof as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Messuages, Lands, and Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made the said Money shall, by Order of the said Court of Exchequer upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

1 G. 4. c. 35.

LXVIII. Pro-

Where Compensation is less than 200*l.* and exceeds 20*l.*

LXVIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Three Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the Committee of Management of the said Company, such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties, in order that such Principal Money and the Dividends arising thereon may be applied in manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Exchequer.

Where less than 20*l.*

LXIX. Provided always, and be it further enacted, That where such Money so agreed or awarded to be paid as last before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Committee, or any Five or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out a good Title, &c.

LXX. And be it further enacted, That in case the Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid shall not be able to make a good Title to the Premises to the Satisfaction of the said Committee of Management, or shall refuse to execute such Conveyance or Conveyances, or in case such Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Committee to order the said Sum or Sums so awarded to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Control, and Disposition

Disposition of the said Court; which said Court, upon the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title, or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for the same, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

In case of disputed Title, the Person in Possession to be deemed lawfully entitled.

LXXI. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase by the said Company, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Exchequer; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

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

LXXII. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court of Exchequer, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges

Charges of obtaining such Order, to be paid by the said Company hereby incorporated, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Mines, &c. reserved to Lords of Manors and others.

LXXIII. Provided always, and be it further enacted, That nothing herein contained shall extend to defeat, prejudice, or affect the Right of any Lord or Lords, Lady or Ladies of any Manor or Manors, or of any Owner or Owners of any Lands or Grounds in, upon, or through which the said intended Canal, or any Towing Paths, Wharfs, Reservoirs, Feeders, Trenches, Sluices, Passages, Watercourses, or Conveniences aforesaid shall be made, to the Mines and Minerals lying and being within and under the Lands or Grounds to be set out or made use of for such Canal, Towing Paths, Wharfs, Quays, Reservoirs, Feeders, Trenches, Sluices, Passages, or Watercourses, or other Conveniences aforesaid, or any of them; but all such Mines and Minerals are hereby reserved to such Lord or Lords, Lady or Ladies, of such Manor or Manors, and to such Owner or Owners of such Lands or Grounds respectively, his, her, and their Heirs, Executors, Administrators, and Assigns respectively; and it shall and may be lawful for the Lord or Lords, Lady or Ladies of such Manor or Manors, or such Owner or Owners of such Lands or Grounds respectively (subject to the Conditions and Restrictions herein contained), to work, get, drain, take, and carry away, to his, her, or their own Use, such Mines and Minerals, not thereby injuring, prejudicing, or obstructing the said intended Canal, Towing Paths, Wharfs, Quays, Reservoirs, Feeders, Trenches, Sluices, Passages, Watercourses, or other Conveniences aforesaid, or any of them; any thing herein contained to the contrary notwithstanding.

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

LXXIV. Provided also, and be it further enacted, That if the Owner or Worker, Owners or Workers of any Coal or other Mine or Mines shall, in pursuing such Mine or Mines, work near or under the said intended Canal or other Works as aforesaid, so as in the Opinion of the said Company of Proprietors to endanger or damage the same, or in the Opinion of the said Owner or Worker, Owners or Workers, of the said Mine or Mines, to endanger or damage the further working thereof, then it shall be lawful for the said Company of Proprietors to treat and agree with such Owner or Worker, or Owners or Workers, for all such Coal or other Minerals as may be near or under the said intended Canal or other Works, as shall be thought proper to be left for the Security or Preservation of the said intended Canal or Works, or Mine or Mines, as aforesaid; and in case the said Company of Proprietors, and such Owner or Worker or Owners or Workers of such Mine or Mines, shall disagree in the Satisfaction to be made for such Coal or other Minerals, or in case of any such Disability or Incapacity to treat as hereinbefore mentioned, the Amount of the Satisfaction which such Owner or Worker, Owners or Workers of such Mine or Mines ought to have and receive from the said Company of Proprietors, on being restrained from working such Mine or Mines, shall be assessed and determined by a Jury in the Manner herein-before mentioned; and upon Payment or Satisfaction made to such Owner

or Worker, Owners or Workers of such Mine or Mines, by the said Company of Proprietors, according to the Verdict or Judgment of such Jury, such Owner or Worker, Owners or Workers of such Mine or Mines shall be and they are hereby perpetually restrained from working such Mine or Mines within the Limits for which Satisfaction shall by the said Jury be adjudged and declared to extend.

Owners of Mines may make Gateways, &c. under the Canal and Works.

LXXV. Provided always, and be it further enacted, That the Owners or Workers of such Mines as aforesaid shall have full Liberty to cut and drive such Gateways or Levels, and such Headings, Airways, and Waterways as may be necessary for working the other Part or Parts of such Mines, so as such Gateways or Levels do not exceed Four Feet Six Inches in Breadth and Six Feet in Height, and such Headings, Airways, or Waterways do not exceed Three Feet in Width and Three Feet Six Inches in Height, and that none of the said Gateways or Levels, Headings, Airways, or Waterways, be nearer to each other than Five Yards, and that the same be done and made under the Direction and Inspection of the Engineer for the Time being of the said Company of Proprietors, and be afterwards used and enjoyed without Injury or Prejudice to the said Canal and Reservoirs and other Works; and the said Company shall not be required to make any Compensation or Satisfaction for such Part of the said Mines as shall be used for making such Gateways or Levels, Headings, Airways, and Waterways as aforesaid, or any of them.

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

LXXVI. And be it further enacted, That for the better discovering of Persons who shall or may get or open, dig, sink, or carry on any Work for the discovering or getting of any Mines or Minerals contrary to the Direction of this Act, it shall and may be lawful for the said Company of Proprietors, their Agents and Servants, from Time to Time and at all Times hereafter, to enter upon any Lands or Grounds through or near which the said Canal and Works hereby authorized to be made shall be or pass, wherein any Mines shall or may be dug or opened or worked, for discovering the same, and likewise to enter into such Works or Mines, and there to view, search, measure, latch, and use all other Means for the discovering of the Distance of the said Canal and Works hereby authorized to be made from the working Part of such Mines or Works respectively, and for those Purposes to make use of the Ropes, Windlasses, and other Machinery belonging to the Owners or Workers of such Mines, for the Purpose of descending into and ascending from such Works or Mines, and examining the State thereof; and in case it shall appear that any such Mines have been worked or got, or any Works have been carried on for the discovering or getting of such Mines, contrary to the Directions of this Act, it shall and may be lawful for the said Company of Proprietors, and to and for their Agents, Servants, and Workmen, at the Expence, Costs, and Charges of the Owner or Owners of such Mines respectively, to enter into and upon all such Mines and Works, and from Time to Time to use all necessary and reasonable Ways and Means for repairing, supporting, sustaining, securing, and making safe the said Canal and other Works hereby authorized

authorized to be made, such Expences, Costs, and Charges to be recovered by the said Company of Proprietors in such and the same Manner as the Rates or Dues hereby granted are to be recovered, and shall be paid into the Hands of the Treasurer to the said Company of Proprietors, to be applied for the Purposes of this Act.

Company empowered to raise 300,000*l.* among themselves.

LXXVII. And be it further enacted, That it shall and may be lawful for the said Company of Proprietors to raise and contribute amongst themselves, in such Proportions as to them shall seem meet and convenient, such Sum or Sums of Money as they shall think necessary for the making, carrying on, and completing the said Canal, Aqueducts, Sluices, Reservoirs, Feeders, Ways, Locks, Quays, Wharfs, and other Works and Conveniences hereby authorized to be made, not exceeding in the whole the Sum of Three hundred thousand Pounds (except as herein-after is mentioned), and that the same shall be divided into such Number of Parts or Shares as herein-after directed; and the Money so to be raised as aforesaid, or a sufficient Part thereof, shall be laid out and applied, in the first place, in Payment, Satisfaction, and Discharge of the Costs, Charges, and Expences attending the obtaining and passing of this Act, and the making of the proper Surveys, Plans, and Estimates, and the doing and providing of all the Matters and Things preparatory and previous thereto, and all the Residue of such Money, or so much thereof as shall be necessary, shall be applied and disposed of for or towards the making, carrying on, completing, and maintaining of the said Canal and other Works respectively, and for other the Purposes of this Act.

Application thereof.

The Money raised to be divided into Shares, which shall be numbered in Progression.

LXXVIII. And be it further enacted, That the said Sum of Three hundred thousand Pounds shall be divided into Three thousand equal Shares of One hundred Pounds each, and that no Person shall take or subscribe for less than One Share in the said Undertaking; and such Shares shall be numbered in regular numerical Progression; and every Share shall for ever afterwards be distinguished by the Number to be appointed for the same; and the said Three thousand Shares shall be and they are hereby vested in the several Persons, Bodies Politic and Corporate, subscribing for and undertaking to raise and contribute the same, and their respective Executors, Administrators, Successors, and Assigns, to and for their own respective Use and Benefit, according and proportionably to the Number of Shares which they shall respectively subscribe for and undertake to raise and contribute; and all Persons, Bodies Politic and Corporate, and their respective Executors, Administrators, Successors, and Assigns, who shall subscribe for any Share or Shares in the said Undertaking, and pay such Sum or Sums of Money as shall be demanded on account thereof, not exceeding in the whole their proportionable Part of the said Sum of Three hundred thousand Pounds, towards the carrying on and completing the said Canal and other Works hereby authorized to be made, shall be entitled to and receive, after the said Navigation shall be completed, a due and just Proportion, according to their respective Number of Shares, of the clear Profits and Advantages which shall or may arise or accrue by or from the Rates, Tolls, Duties, and other Monies to be raised, recovered, or received by virtue of this Act, according to the true Intent and Meaning thereof; and shall also

from

from Time to Time bear and pay a like due and just Proportion of the Money wanted for carrying on the said Navigation and Undertaking, in the Manner herein-after directed.

Shares to be Personal Estate.

LXXIX. 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 Canal, or the Joint Stock or Fund of the said Company, shall be deemed Personal Estate, and transmissible as such, and not of the Nature of Real Property.

Names of Proprietors, and the Number of their Shares, to be entered in a Book.

LXXX. And for the better securing to the several Subscribers towards the said Navigation and Undertaking their respective Shares therein, be it further enacted, That the said Company of Proprietors, or their Committee of Management, shall, as soon as the same can or may be done, cause the Names and Additions of the several Persons who shall be entitled to any Share or Shares in the said Navigation and Undertaking, and the Number of Shares to which they shall be respectively entitled, and also the proper Number by which every such Share shall be distinguished, to be fairly and distinctly entered in a Register Book to be kept by the Clerk to the said Company of Proprietors, and after such Entry to cause the Common Seal of the said Company to be affixed thereto; which said Book shall from Time to Time be altered and corrected, and new Books from Time to Time shall be sealed with the said Common Seal, as the Change of Proprietors and Transfer of Shares shall render necessary or expedient; and the said Clerk shall also cause as many Tickets or Instruments to be prepared as there shall be Shares in the said Navigation and Undertaking, bearing respectively the same Numbers as in the said Books, and the Common Seal of the said Company to be affixed to each of such Tickets or Instruments, and thereupon to cause to be delivered to every Subscriber towards the said Navigation and Undertaking, upon Demand, a Ticket or Tickets specifying the Share or Shares to which he, she, or they is or are entitled in the said Undertaking; and every such Subscriber shall pay to the Clerk to the said Company Two and Sixpence and no more for every such Ticket or Instrument; and every such Ticket or Instrument shall be admitted as Evidence in all Courts whatsoever of the Title of such Subscriber, his, her, or their Executors, Administrators, Successors, and Assigns, to the Share therein specified, but the Want of any such Ticket or Instrument shall not hinder or prevent the Owner or Owners of any Share from selling or disposing thereof, or from receiving annually his, her, or their Share of the Profits of the said Navigation and Undertaking in respect thereof.

Tickets for the Shares to be delivered to the Subscribers;

which shall be Evidence of their Title.

The whole of the probable Expence to be subscribed before this Act is put in force.

LXXXI. And whereas the probable Expence of making the said Canal and other Works hereby authorized to be made will, according to an Estimate made thereof, amount to the Sum of Two hundred and ninety-five thousand Pounds or thereabouts; and the Sum of Two hundred and sixty thousand nine hundred Pounds, being more than Four Fifth Parts of such Expences, has already been subscribed for defraying such Expences by several Persons, under a Contract binding them, their Heirs, Executors, and Administrators, for the Payment of

the several Sums of Money so subscribed by them respectively; be it therefore enacted, That the whole of the said Sum of Two hundred and ninety-five thousand Pounds shall be subscribed in like Manner before any of the Powers given by this Act shall be put in force.

For raising Money by Mortgage.

LXXXII. Provided always, and be it further enacted, That in case the said Company of Proprietors shall, for the more speedy Completion of the said Canal, be desirous of raising by Mortgage upon the Credit of the said Navigation and Undertaking a further Sum not exceeding the Sum of One hundred thousand Pounds, and shall make an Order or Orders, or enter into a Resolution or Resolutions, to that Effect, at any Special Meeting or Meetings of the said Company to be called for that Purpose, then and in such Case it shall and may be lawful to and for the said Company of Proprietors, pursuant to such Order or Resolution, to borrow and take up at Interest such Sum of One hundred thousand Pounds, or any Part or Parts thereof, upon the Credit of the said Navigation and Undertaking, as to them shall seem meet and convenient; and the said Company of Proprietors are hereby accordingly fully authorized and empowered to grant, assign, and make over, by way of Mortgage, to any Person or Persons lending any such Money, or by way of collateral Security to any Person or Persons who shall borrow such Sum of Money, or any Part or Parts of such Sum of Money, for the Use of the said Company, the several Tolls, Rates, and Duties granted to them by this Act, or any Part thereof, (the Costs and Charges of which Assignment shall be paid out of the said Tolls, Rates, and Duties,) as a Security for the Sum or Sums of Money so to be borrowed, together with Interest for the same, unto the Person or Persons who shall lend and advance any such Sum or Sums of Money for the Use of the said Company, or unto his, her, or their Trustee or Trustees; all which Assignments or Mortgages shall be made by Deed in Writing under the Common Seal of the said Company, in the Form or to the Effect following; that is to say,

Form of Mortgage.

'BY virtue of an Act made in the Seventh Year of the Reign of His Majesty King *George* the Fourth, intituled [*insert the Title of this Act*], We the Company of Proprietors of the *Macclesfield* Canal, incorporated by virtue of the said Act, in consideration of the Sum of
of lawful Money of *Great Britain* to us paid by
do
hereby bargain, sell, and assign unto the said
his Executors, Administrators, and Assigns, the said Navigation and Undertaking, and all and singular the Tolls, Rates, and Duties granted or arising and payable to us by virtue of the said Act, and all the Estate, Right, Title, and Interest of us the said Company of, in, to, or out of the same respectively, to hold unto the said his Executors, Administrators, and Assigns, until the said Sum of
together with Interest for the same after the Rate of
per Centum per Annum, shall be fully paid and satisfied to him or them. Given under our Common Seal this
Day of .'

Or in any other Form, or to any other Effect, which may be better adapted to the Circumstances under which any such Sum of Money shall be borrowed, or collateral Security given; and all Persons to whom such Assignments or Mortgages shall be made shall be equally entitled (one with the other) to the said Tolls, Rates, Duties, and Premises thereby assigned, according and in proportion to the Sums by them respectively lent and advanced on the Credit thereof as aforesaid, without any Preference by reason of the Priority of Date of any such Assignment or Mortgage, or upon any other Account whatsoever; and the Money so to be borrowed as aforesaid shall be applied and disposed of for the carrying on, completing, and maintaining the said Navigation and other Works hereby authorized to be made, and for carrying the several Powers and Authorities hereby given into execution.

A Memorial of every Mortgage to be made by the Company's Clerk.

LXXXIII. And be it further enacted, That an Entry or Memorial of every such Assignment or Mortgage as aforesaid, containing the Date thereof, the Name or Names and Additions of the Party or Parties to whom the same shall be made, and the Sum thereby secured, with the Rate of Interest to be paid for the same, shall be made and entered in a Book to be kept for that Purpose by the Clerk or Clerks to the said Company of Proprietors for the Time being, and that such Book shall and may be perused *gratis* at any seasonable Times by any of the Proprietors or Creditors of the said Navigation and Undertaking; and that all and every Person or Persons to whom such Assignment or Mortgage shall be made as aforesaid, or who shall be entitled to the Money thereby secured, shall and may from Time to Time assign, transfer, and set over his, her, or their Right, Title, or Interest therein unto any Person or Persons whomsoever either by Indorsement thereon or otherwise; which Transfer shall and may be made by Deed in Writing in the Form or to the Effect following; namely,

Mortgages may be transferred.

Form of Transfer.

'I in consideration of the Sum of
'to me paid by of
'do hereby transfer the within Mortgage (*or* a certain Mortgage
'made to me by the Company of Proprietors of the *Macclesfield*
'Canal, bearing Date the Day of),
'and the Principal Sum of thereby secured,
'and the Interest now due and hereafter to grow due for the same,
'and all my Right and Property therein, unto the said
' his Executors, Administrators, and Assigns.
'In witness whereof I have hereunto set my Hand and Seal this
' Day of .'

Memorials of Transfers to be made before the Assignees shall be entitled.

And that every such Transfer shall, within Twenty-eight Days from the Date thereof, be produced to the Clerk or One of the Clerks to the said Company of Proprietors, who shall thereupon cause an Entry or Memorial thereof, to the same Purport and Effect as herein-before directed with respect to the original Assignment or Mortgage, to be made or entered in the Book to be kept for entering the Memorials of such original Assignments or Mortgages, and for such Entry or Memorial the said Clerk shall be paid the Sum of Two Shillings and Sixpence, and no more; and after such Entry shall be made, but not

not before, such Transfer shall entitle the Assignee or Assignees therein named, and his, her, or their Executors, Administrators, and Assigns, to the full Benefit of the original Mortgage.

Interest of Money borrowed to be first paid.

LXXXIV. And be it further enacted and declared, That the Interest of such Money as shall be so borrowed by Mortgage or Promissory Notes as aforesaid shall be paid half-yearly to the several Persons entitled thereto in Preference of any Interest or Dividend due and payable by virtue of this Act to the said Company of Proprietors or any of them, and shall from Time to Time be fully paid and discharged or provided for before the yearly or other Interest or Dividends due to the said Proprietors be paid, made, or divided.

Proprietors entitled to vote in respect of Shares.

LXXXV. And be it further enacted, That all and every Persons and Person, Bodies and Body Politic, Corporate, or Collegiate, and their respective Executors, Administrators, Successors, and Assigns, who shall by virtue of this Act have subscribed or undertaken for or become entitled to and be in the actual Possession of any Share or Shares for or towards raising the Sum of Three hundred thousand Pounds hereby authorized to be raised in the first instance, shall have a Vote or Votes at all Meetings of the said Company of Proprietors to be held in pursuance of this Act for or in respect of the Share or Shares for, to, or of which he, she, or they shall have so subscribed, undertaken, or become entitled or possessed, in manner following; that is to say, for or in respect of One Share, One Vote; for or in respect of Three Shares, Two Votes; for or in respect of Six Shares, Three Votes; for or in respect of Ten Shares, Four Votes; for or in respect of Fifteen Shares, Five Votes; for or in respect of Twenty Shares, Six Votes; for or in respect of Thirty Shares, Seven Votes; for or in respect of Fifty Shares, Eight Votes; for or in respect of Seventy-five Shares, Nine Votes; and for or in respect of One hundred Shares or upwards, Ten Votes; and every Question, Matter, or Thing which shall be proposed, discussed, or considered at any Meeting of the said Company to be held in pursuance of this Act shall be determined by the Majority of Votes then present.

Proprietors may vote by Proxy.

LXXXVI. Provided always, and be it further enacted, That it shall and may be lawful for every such Body Politic, Corporate, or Collegiate, entitled to vote at Meetings of the said Company of Proprietors to be held in pursuance of this Act, by Writing under their Common or Corporate Seal, and also for all and every other Person and Persons entitled to vote as aforesaid by Writing under his, her, or their Hand or Hands, and in case of the Infancy, Idiotcy, or Lunacy of any such Person or Persons, then for his, her, or their Guardian or Guardians, Committee or Committees, by Writing under the Hand or Hands of such Guardian or Guardians, Committee or Committees, to constitute and appoint any other Proprietor or Proprietors, entitled to vote in respect of his, her, or their own Share or Shares in the said Undertaking, their, his, or her Proxy or Proxies, to vote at any such Meetings of the said Company of Proprietors; and every such Vote by Proxy shall be as good and valid to all Intents and Purposes as if the Principal or Principals had voted in Person.

LXXXVII. And

Form of Appointment of Proxy.

LXXXVII. And be it further enacted, That the Appointment of every Proxy to vote under and by virtue of this Act shall and may be made in the Form or to the Effect following; that is to say,

'I Proprietor [*or* Guardian of a Proprietor] of Shares in the *Macclesfield* Canal Navigation, do hereby nominate, constitute, and appoint to be my Proxy [*or* Proxy of the said] in my [*or* his *or* her] Name, and in my [*or* his *or* her] Absence to vote and give my [*or* his *or* her] Assent or Dissent to any Business, Matter, or Thing relating to the said Navigation which shall be mentioned or proposed at any Meeting of the said Company of Proprietors, or any Adjournment thereof, until I [*or* the said] shall revoke this Appointment by Notice in Writing to the Clerk or Clerks of the said Company. In witness whereof I have hereunto set my Hand this Day of .'

Appointments of Proxies to be entered in a Book.

And every such Appointment shall be produced to the Clerk or Clerks of the said Company of Proprietors, and entered in a Book to be kept by him or them for that Purpose, before any Vote shall be given in respect of such Appointment, for which Entry the Clerk shall be paid the Sum of Two Shillings and Sixpence, and no more; which Book shall be sufficient Authority for any Proxy to give his Vote or Votes without Production of his Appointment at the Time of voting, until the same is revoked.

Proprietors not entitled to vote in respect of Shares until Calls are paid.

LXXXVIII. Provided always, and be it further enacted, That no Proprietor of any Shares in the said Navigation and Undertaking, either in Person or by Proxy, shall be entitled to vote at any Meeting of the said Company of Proprietors in respect of such Shares, unless the same shall be standing in the Name of such Proprietor in the Register Book herein-before directed to be made and kept at and immediately before such Meeting, nor unless the Sums of Money from Time to Time to be called for by the Committee of Management for the Time being to be appointed as herein-after directed, and due and payable at or before any such Meeting, in respect of all and every the Shares of such Proprietor, and all Arrears thereof, shall have been duly paid to the Treasurer or Treasurers of the said Company.

First and other General Meetings of Company.

LXXXIX. And be it further enacted, That the First General Meeting of the said Company of Proprietors for putting this Act in execution shall be held in the Town of *Macclesfield* upon the *Thursday* Six Weeks next after the passing of this Act, of which Meeting not less than Fourteen Days Notice shall be given by public Advertisement in some One or more Newspaper or Newspapers published or usually circulated within the said County Palatine of *Chester*, which Notice Two or more of the said Proprietors are hereby authorized to give; and there shall be held in each and every Year after the present Year One General Meeting of the Proprietors, to be convened upon the Third *Thursday* in *July* in every Year, at the Hour of Eleven in the Forenoon, in the said Town of *Macclesfield*, or at such Place or Places as the said Company of Proprietors at the preceding General Meeting shall from Time to Time direct and appoint; of which future General

ral Meeting not less than Fourteen Days Notice (both Days inclusive) shall be given by public Advertisement in such public Newspaper or Newspapers as herein-before mentioned, or in such other Manner as the said Company of Proprietors at their respective General Meetings shall direct; and at such First General Meeting the Proprietors then present shall proceed to elect, by the Majority of Votes, out of such Proprietors as at the Time of such Election shall respectively be possessed in their own Right of not less than Five Shares in the said Undertaking, Fifteen Persons to constitute a Committee of Management to manage and conduct the Affairs of the said Company as herein-after directed, and to fix and appoint such annual or other Payment or Remuneration for the Pains, Care, and Attendance of such Committee, whether prospectively or retrospectively, collectively or individually, and in such Manner and upon such Conditions as they shall think fit; and such Committee shall continue in Office until the General Meeting of the Company to be holden on the Third *Thursday* in the Month of *July* One thousand eight hundred and twenty-seven, and until others shall be chosen in their Stead, unless in the Events in this Behalf herein-after provided for: Provided always, that no Person holding any Office, Employment, or Contract under the said Company, or interested or concerned either directly or indirectly in the furnishing any Article, Matter, or Thing purchased by the said Company for the said Undertaking, shall be capable of being chosen or acting as a Member of such Committee during the Time of his Continuance in such Place, Office, or Employment, or holding such Contract.

Election of Committee of Management.

XC. And be it further enacted, That the said Company of Proprietors shall at the First General Meeting, and afterwards from Time to Time when necessary at any future General Meeting, elect and choose and under their Common Seal appoint a Treasurer or Treasurers to the said Company, taking good and sufficient Security from him or them for the faithful Discharge of the Trust reposed in him or them respectively, and also a Clerk or Clerks; and the said Clerk or Clerks shall in a proper Book or Books to be provided by the said Company for that Purpose enter and keep a true and perfect Account of the Names and Places of Abode of the several Proprietors of the said Undertaking, and of the several Persons who shall from Time to Time become Owners and Proprietors of or entitled to any Share or Shares therein, and of all Acts, Orders, Proceedings, and Transactions of every Meeting, as well of the General and Special Meetings of the said Company as of their Committee and Committees to be appointed as herein-after directed; the Entry of which Acts, Orders, Proceedings, and Transactions shall be signed by the Chairman of each respective Meeting; and the same when so entered and signed shall be deemed and taken to be original Acts, Orders, and Proceedings, and shall be allowed to be read in Evidence in all Courts, and before all Judges, Justices, and others; and each of the said Proprietors in the said Undertaking shall and may at all convenient Times have recourse to and peruse and inspect the same *gratis*, and may demand and have Copies thereof, or of any Part thereof, paying for every Hundred Words so to be copied the Sum of Sixpence, and so in proportion for any greater or less Number of

Treasurer and Clerk to be appointed.

Accounts to be kept.

Words; and if any such Clerk of the said Company shall refuse to permit or shall not permit any Proprietor or Person so interested as aforesaid to inspect or peruse such Book or Books of Proceedings, or refuse to make any such Copy or Copies at the Rate or Price aforesaid, he shall for every such Offence forfeit and pay a Sum not exceeding Ten Pounds; and whenever any such Treasurer or Clerk or Clerks shall die, or be removed, or quit the Service of the said Company, it shall be lawful for the Committee of Management of the said Company from Time to Time to appoint some other Person in the Place of the Treasurer or Clerk or Clerks so dying, being removed, or quitting, until the next General Meeting of the said Company, when the Clerk or Clerks, Treasurer or Treasurers so appointed, or some other Clerk or Clerks, Treasurer or Treasurers, shall be nominated and appointed for the Purposes aforesaid.

In case of Death, Removal, or Resignation, Committee may appoint others until the next General Meeting.

XCI. Provided always, and be it further enacted, That it shall not be lawful for the said Company to appoint the Person who may be appointed their Clerk, or One of their Clerks, in the Execution of this Act, or the Partner or Partners of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner or Partners, the Treasurer for the Purposes of this Act, or to appoint any Person who may be appointed Treasurer, or the Partner or Partners of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, the Clerk or One of the Clerks to the said Company; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person or Persons, being the Partner or Partners of any such Clerk, or the Clerk or other Person or Persons in the Service or Employ of any such Clerk or of his Partner, shall accept the Office of Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk or of one of the Clerks in the Execution of this Act, or if any such Treasurer shall hold or accept any Place or Office of Profit or Trust under the said Company (other than that of Treasurer), every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Treasurer and Clerk not to be the same Person.

XCII. And be it further enacted, That the said First General Meeting, or any other General Meeting of Proprietors, may fix and appoint any other Half-yearly or other General Meeting of Proprietors to be held periodically or otherwise, such General Meeting to be fixed and appointed and convened in such Manner as the said Company shall direct; and the said Company of Proprietors shall also have full Power and Authority from Time to Time at any General Meeting, whether Annual, Half-yearly, or otherwise, convened under the Powers and Authorities of this Act, to remove or displace any Person or Persons who shall have been chosen an Officer or Officers under them,

Other General Meetings may be appointed.

them, or any Member or Members of the said Committee of Management, and to revoke, alter, amend, or change any of the Rules and Directions herein prescribed and laid down with regard to their Proceedings among themselves, as to them shall seem meet; and also to make such Rules, Orders, and Bye Laws as to them shall seem meet and proper for the good Government of the said Company of Proprietors, and for regulating the Proceedings of the said Committee of Management and Sub-Committees respectively, and for the regulating of all Officers, Workmen, and Servants to be employed in or about the Affairs or Business of the said Company of Proprietors; and for the well and orderly using of the said intended Navigation, and the Locks, Sluices, Weirs, Feeders, Trenches, Levels, Dams, Wharfs, Cranes, Warehouses, Towing Paths, Ways, Roads, Grates, Bridges, Culverts, Engines, and other Works thereto belonging; and for regulating the Commencement, Continuance, Suspension, Cessation, Turn, and Order of the passing and repassing and navigating of all Vessels, Boats, and Barges, Persons, Horses, and Carriages, and the Bars, Poles, Wheels, Engines, and other Implements, to be used above or with all such Vessels, Boats, and Barges as shall from Time to Time be used upon the said Canal, Towing Paths, Roadways, or Wharfs, and the conveying of all Goods, Wares, and Merchandize which shall be navigated or conveyed thereon; and for the orderly Behaviour of all Bargemen, Watermen, Boatmen, and others who shall be employed in carrying or conveying any such Goods, Wares, or Merchandize, and for the Superintendence and Management of the said Navigation in all other respects whatsoever; and from Time to Time to alter and repeal such Rules, Orders, and Bye Laws, or any of them, and to make others, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against such Rules, Orders, and Bye Laws, or any of them, not exceeding the Sum of Five Pounds for any one Offence, as to the said Company of Proprietors shall seem meet and expedient; and all Rules, Orders, and Bye Laws so to be made as aforesaid, being reduced into Writing, with the Common Seal of the said Company thereto affixed, shall be binding upon and be observed by all Persons using or in anywise concerned in the said Works, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act upon the same; provided that such Rules, Orders, and Bye Laws be not repugnant to the Laws of that Part of the United Kingdom called *England*, or any of the express Directions or Provisions of this Act; and provided that Copies of such Rules, Orders, and Bye Laws, or such of them as shall concern or relate to the using of the said intended Navigation and Works, and the Tunnels, Locks, Roads, and Ways belonging thereto, or to the Conduct and Behaviour of Bargemen, Watermen, Boatmen, or others conveying Goods thereon, or to the Conduct and Behaviour of any Officers, Servants, or other Persons employed in or about the said Navigation and Works, or of the Persons resorting to or making use thereof, shall be painted in large Characters on Boards, and such Boards shall be affixed and continued in some conspicuous Places upon or near adjoining all the Wharfs on the said Navigation, and renewed as often as the same shall be obliterated or defaced, and shall be subject to Appeal in manner herein-after mentioned.

Power to make Bye Laws.

Publication of Bye Laws.

XCIII. And

Special Meetings of Proprietors how to be called.

XCIII. And be it further enacted, That if it shall at any Time appear to the Committee of Management, or to Five or more Proprietors of Ten Shares each at the least in the said Undertaking, to be necessary or expedient to call a Special Meeting of the Proprietors at large for the more effectually putting this Act into execution, or in order to take their Opinion respecting any Matters or Things to be done in or about the said Navigation, or respecting any Matter or Thing in which the Interest of the said Navigation and Undertaking, the Extent of its Trade, or the Interests of the Proprietors, is or are in any respect implicated or concerned, it shall be lawful for the said Committee of Management, pursuant to an Order or Resolution for that Purpose to be made at any Meeting of the same Committee, or for any Five or more of the Proprietors of Ten Shares or more each in the said Undertaking, to call a Special Meeting of the Proprietors at large by public Advertisement in some Newspaper or Newspapers published or usually circulated in the said County Palatine of *Chester*, or otherwise as the Committee of Management shall direct, specifying in such Advertisement the Cause of calling such Special Meeting, and the Time and Place when and where the same shall be held (the Time not being less than Fourteen Days after such Notice shall be given, and such Place being where the next General Meeting of the said Company would be held, and not elsewhere); and the said Company of Proprietors are hereby authorized and required to meet according to such Notice, and to take into consideration the Matters expressed in such Requisition and specified in such Notice; and the Decision and Determination, on and respecting such Matters only, of the Proprietors present at such Meeting, or the major Part of them, according to the Number of Votes they shall have a Right to give, either as Principals or Proxies, shall be binding and conclusive upon the rest of the Proprietors to all Intents and Purposes, and shall be observed and acted upon accordingly.

Chairman to be appointed, who shall have a casting Vote.

XCIV. And be it further enacted, That at every such Meeting as aforesaid One of the Proprietors present shall be appointed President or Chairman, who shall not only have a Vote or Votes as a Proprietor or Proxy, but shall also in case of an equal Division have the decisive or casting Vote; and if at any Time Two or more Persons shall be proposed as President or Chairman, and shall have an equal Number of Votes, then the Persons so proposed shall draw Lots for the said Office; and at every such Meeting as aforesaid the Proprietors present shall have Power to adjourn themselves from Time to Time to such Place or Places as shall at such General Meeting be thought meet and convenient, and as shall be agreed upon.

General Meetings for Appointment of Committee to consist of 200 Shares.

XCV. Provided always, and be it further enacted, That if at any such General Meeting there shall not be Proprietors present, either as Principals or Proxies, who shall together be possessed of Two hundred Shares at the least in the said Undertaking, no Nomination, Appointment, or Removal of any Member or Members of the said Committee shall be made or directed at that Time, but in such Case there shall be another Meeting of the said Company

of

of Proprietors held at the same Place, within the Space of Fourteen Days then next following, and so from Time to Time until there shall be Proprietors present at such Meeting having together such Number of Shares as aforesaid; and such Nomination, Appointment, or Removal shall then take place; and Seven Days Notice of every such adjourned Meeting shall be given by Advertisement in some One or more public Newspaper or Newspapers published or usually circulated within the said County Palatine of *Chester*, or otherwise, as the Committee of Management shall direct; and the Person or Persons appointed to be Member or Members of the said Committee at any such adjourned Meeting shall have the same Powers which he or they would have had, and shall continue in Office until such Time as he or they would have done, had he or they been chosen by the said First Meeting herein-before appointed.

Subsequent Appointment of Committee (by the Proprietors) in the Room of those going out of Office by Rotation.

XCVI. And be it further enacted, That the said Fifteen Persons so nominated and appointed, or the Person or Persons appointed in their Room or Stead respectively by virtue of this Act, shall continue in Office until the Third *Thursday* in the Month of *July* in the Year of our Lord One thousand eight hundred and twenty-seven, and on such Day Five of the said Members of the said Committee shall go out of Office, and cease to be Members of the said Committee; and in order to determine which of the said Committee shall go out of Office, the Clerk, or One of the Clerks of the said Company, at the General Meeting to be holden on that Day, or some Adjournment thereof, shall and he is hereby required to write upon each One of Fifteen distinct Pieces of Paper of equal Size the Name of One of the said Committee; and all such Papers shall be rolled up in the same Form as near as may be, and be put in a Box or Wheel, and Five of such Papers shall then be drawn out of such Box or Wheel by such Clerk or One of such Clerks, one by one, and those Five of the Committee whose Names shall be upon such Papers respectively so drawn shall then go out of Office, and cease to be Members of the said Committee; and the said Clerk or One of the said Clerks shall then in like Manner draw out of such Box or Wheel Five others of the said Papers one by one, and those Five Members of the Committee whose Names shall be upon such Papers respectively secondly so drawn shall, at the General Meeting of the said Company which shall be holden on the Third *Thursday* in the Month of *July* in the next succeeding Year, or some Adjournment thereof, at which other Members of the Committee shall be appointed, go out of Office, and cease to be Members of the said Committee; and the Five Members of the Committee whose Names shall be upon the Five Papers remaining in the said Box or Wheel after such Drawing as aforesaid shall, at the General Meeting of the said Company which shall be held on the Third *Thursday* in the Month of *July* in the next succeeding Year, or some Adjournment thereof, at which other Members of the Committee shall be appointed, go out of Office, and cease to be Members of the Committee of Management of the said Company; and at every General Meeting of the said Company to be holden after the First General Assembly appointed by this Act, on the Third *Thursday* in the Month of *July* in every Year, Five Per-

sons out of the Members of the said Company, who shall severally be possessed of and entitled to Five Shares at least in the said Undertaking, shall be elected by Show of Hands, (unless a Ballot be demanded, whereupon such Election shall be by Ballot,) in the Room or Stead of the Five Members of the Committee then going out of Office by Rotation or Efflux of Time, and such Five Persons so elected shall continue in Office for the Space of Three Years, (except in case of some Disqualification or Disability, as herein-after provided for, or in case of being removed or displaced at any General or Special Meeting of the said Company,) and until other Persons shall be elected in their respective Room or Stead, and no longer: Provided always, that it shall be lawful for the said Company of Proprietors again to nominate and appoint any such Person or Persons so qualified as aforesaid, and going out of Office, to be a Member of the said Committee.

For supplying Vacancies in the Committee.

XCVII. And be it further enacted, That in case any Person nominated and appointed to be a Member of the said Committee of Management in manner aforesaid shall die, or refuse to act, or shall not attend at One Fourth of the Meetings of the said Committee between any Two successive Annual Meetings of the Company, or shall cease to be possessed of Five Shares at the least in the said Undertaking, or shall hold any Place, Office, Employment, or Contract under the said Company, or be concerned or interested, either directly or indirectly, in the furnishing any Article, Matter, or Thing purchased by the said Company for the said Undertaking, then and in any such Cases it shall be lawful for the said Committee, at any of their Meetings, to nominate and appoint from and out of the said Company some Person or Persons qualified and not disqualified as aforesaid to be a Member or Members of the said Committee in the Room or Stead of the Member or Members so dying, refusing to act, neglecting to attend, ceasing to be qualified as aforesaid, or holding any Place, Office, Employment, or Contract under the said Company, or concerned or interested as before mentioned; and every Person so nominated and appointed shall have the like Powers and Authorities, and shall be subject to the like Rules, Orders, Regulations, and Restrictions, as the Person in whose Room or Stead he shall be so nominated and appointed, and shall continue in Office as a Member of the said Committee for such Time as and no longer than the Person in whose Room or Stead he shall be so nominated or appointed might have continued in Office.

Power to vary Qualification of the Members of the Committee.

XCVIII. Provided always, and be it further enacted, That it shall and may be lawful for the said Company of Proprietors, at any General or Special General Meeting to be held for the Purposes of the said Navigation, from Time to Time to vary, alter, or increase, as to the said Company shall seem meet, the Qualification of the Person to be chosen a Member of the said Committee of Management, so that such Qualification shall not exceed Ten Shares or less than Five Shares in the said Undertaking; and no Proposal for making any such Variation or Alteration shall be discussed or determined upon at any Meeting of the said Company unless Notice shall be given by public Advertisement in some Newspaper published or usually circulated

circulated within the said County Palatine of *Chester*, or otherwise, as the Committee of Management shall direct, Fourteen Days at least before any such Meeting, that such Variation or Alteration is intended to be proposed.

Committee and Officers to account.

XCIX. And be it further enacted, That at every Annual General Meeting of the said Company of Proprietors an Account of all the Monies received, laid out, and disbursed respecting the said Canal and other Works by the Committee, or by the Clerk or Clerks, Treasurer, Collector of Rates, and other Persons whomsoever employed about the said Undertaking, brought up to the Twenty-fifth Day of *March* before such Annual Meeting, shall be laid before the said Proprietors, to be audited and settled, and such Account shall be deposited with the Clerk or Clerks to the said Company of Proprietors during the Twenty-one Days immediately preceding such General Meeting, for the Purpose of being inspected by the Proprietors of Shares in the said Undertaking, who shall have free Access thereto at all seasonable Times during such Twenty-one Days, without Fee or Reward.

Regulations for Meetings of Committee of Management.

C. And be it further enacted, That the said Committee of Management shall, at their First and every other Meeting to be held in pursuance of this Act, elect a Chairman out of the Members of such Committee then present to preside at such Meeting; and that any Five or more Members of the said Committee of Management, but not less, shall be a sufficient Number to constitute a Meeting for the Purpose of doing all Acts, Matters, and Things, and exercising all the Powers and Authorities hereby directed to be done by and vested in such Committee; and that all Questions, Matters, and Things which shall be proposed, discussed, or considered by the said Committee at their said Meetings shall be decided and determined by the Majority of Members then present; but no Member shall have more than One Vote at such Meetings, save and except that in case of an equal Division the Chairman shall, besides his own Vote, always have the casting Vote; and if at any Meeting Two or more Persons shall be proposed to fill the Office of Chairman, and shall have an equal Number of Votes, then the Persons so proposed shall draw Lots for the same; and the said Committee for the Time being shall from Time to Time make Reports of their Proceedings, and of every material Occurrence respecting the said Undertaking, to the General Meetings of the said Company, and shall at all Times be subject to and obey the Orders and Directions of such General Meetings; and the said Committee for the Time being shall (subject nevertheless to such Orders and Directions as aforesaid) meet at such Times and Places, and shall from Time to Time adjourn themselves to such other Time and Place, as they shall think fit: Provided always, that if at any Meeting of the said Committee there shall not attend so many Members as are hereby required to constitute a Meeting for exercising the Powers hereby vested in such Committee, then and in such Case, and when and so often as the same shall happen, the Meeting shall be adjourned by the Member or Members then present, or if no Member be present, by the Clerk or Clerks to the said Company, or such other

Committee to make Reports to and be subject to the Orders of General Meetings.

Person

Person as the said Company shall appoint to attend in his or their Place, to such other Time and Place as he or they shall respectively think fit, not exceeding Seven Days therefrom.

Officers to be appointed by Committee of Management;

CI. And be it further enacted, That it shall and may be lawful for the said Committee of Management, and they are hereby authorized and required, from Time to Time (subject nevertheless to the Directions and Control of the General Meetings of the said Company) to nominate and appoint a Superintendent or Superintendents of the Works of the said Company, if they shall think expedient, and such Engineers, Surveyors, Collectors of the Tolls, Rates, and Duties herein-after granted, and other Officers, (except such as are directed to be appointed only by General Meetings of the said Company,) as the said Committee of Management shall think proper and expedient for the better carrying the Purposes of this Act into execution (the said Committee always taking good and sufficient Security from all Collectors and other Officers who shall have the Care and Custody of any Moneys to be raised and received by virtue of this Act for the faithful Discharge of the Trust reposed in them); and also from Time to Time to discharge and dismiss any such Superintendents, Engineers, Surveyors, Collectors, or other Officers, and appoint others in their Stead, as there shall be Occasion; and that all such Superintendents, Engineers, Surveyors, Collectors, and other Officers of the said Company of Proprietors, who shall at any Time quit or be dismissed from the Service of the said Company, and their Executors and Administrators, and the respective Executors or Administrators of those who may happen to die, shall immediately thereupon produce and deliver up to the said Committee of Management, or to such Person or Persons as they shall direct, all Books, Accounts, Writings, and Papers whatsoever which shall be in the Custody or Power of such Superintendents, Engineers, Surveyors, Collectors, or other Officers, Executors or Administrators respectively, in anywise relating to the said intended Navigation and Undertaking; and the said Committee of Management, or any Sub-Committee or Sub-Committees to be appointed in manner after mentioned, shall also have full Power and Authority, and they are hereby required, annually (or oftener, if they shall think fit,) to call for, audit, and settle all Accounts of Money received, paid, laid out, and disbursed for or on account of the said Company of Proprietors by the Treasurer or Treasurers, Collectors and other Officers so to be appointed as aforesaid, or by any other Person or Persons to be employed on behalf of the said Company in or about the said intended Navigation and Undertaking; and every such Superintendent, Engineer, Surveyor, Collector, and other Officer shall be paid by the said Company such Salary or Allowance as the said Committee shall appoint.

who shall have Power to dismiss such Officers,

and to audit Accounts.

Treasurer and other Officers to account;

CII. And be it further enacted, That every such Treasurer, Superintendent, Engineer, Surveyor, Clerk, Collector, and every other Officer and Person so to be appointed as aforesaid, shall, under their Hands, at such Time and Times and in such Manner as the said Company of Proprietors or their Committee of Management shall direct, deliver to the said Company of Proprietors, or to the said Committee, or to such Person or Persons as they shall respectively appoint,

point, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and also of all Moneys which shall have been by such Treasurer, Superintendent, Engineer, Surveyor, Clerk, Collector, Officer or Officers, and Person or Persons respectively, received by virtue and for the Purposes of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper and legal Receipts or Vouchers for such Payments, and shall pay all such Moneys as shall remain in their respective Hands to the said Company of Proprietors, or to the said Committee of Management, or to such Person or Persons as they shall respectively appoint; and if any such Treasurer, Superintendent, Engineer, Surveyor, Clerk, Collector, Officer, or Person shall refuse to produce and deliver up such Receipts or Vouchers, or to make Payment as aforesaid, or shall not deliver to the said Company of Proprietors, or to the said Committee, or to such Person or Persons as they shall respectively appoint, within Twenty-one Days after their being thereunto required by the said Company of Proprietors or by the said Committee, all Books, Papers, and Writings in his or their Custody or Power relating to the Execution of this Act, or shall refuse or neglect to pay such Moneys as upon the Balance of any Account or Accounts shall appear to be in their respective Hands to the said Company of Proprietors, or to the said Committee, or as they respectively shall direct or appoint, and in any of the Cases aforesaid the said Company of Proprietors may and they are hereby authorized and empowered to bring or cause to be brought any Action or Actions against the Treasurer, Superintendent, Engineer, Surveyor, Clerk, Collector, Officer or Officers, Person or Persons so neglecting or refusing as aforesaid, for the Recovery of the Moneys that shall be in the Hands of such Treasurer, Superintendent, Engineer, Surveyor, Collector, Clerk, Officer or Officers, Person or Persons respectively; or if Complaint shall be made by the said Company of Proprietors, or by the said Committee, or by such Person or Persons as they shall respectively appoint for that Purpose, of any such Refusal or Neglect as aforesaid, to any One or more of the Justices of the Peace for the County, City, or Place wherein the said Treasurer, Superintendent, Engineer, Surveyor, Clerk, Collector, Officer or Officers, Person or Persons so neglecting or refusing, shall be or reside, such Justice or Justices may, and he and they is and are hereby authorized and required, by a Summons under his or their Hand or Hands, to cause the Treasurer, Superintendent, Engineer, Surveyor, Clerk, Collector, Officer or Officers, Person or Persons, so neglecting or refusing, to appear before him or them; and upon his or their appearing, or having been summoned and not appearing, without giving some reasonable Excuse for such Non-appearance to the Satisfaction of such Justice or Justices, or not being to be found, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party or Parties, or by the Testimony of any One or more credible Witness or Witnesses upon Oath or Affirmation (which Oath or Affirmation such Justice or Justices is and are hereby empowered to administer), it shall appear to such Justice or Justices that any of the Moneys which shall have been collected and raised by virtue of this Act shall be in the Hands of such Treasurer, Superintendent, Engineer, Surveyor, Clerk, Collector,

and pay over Moneys in their Hands;

or, in default of Payment, the same may be recovered by Action at Law;

or before One or more Justices by Distress.

lector, Officer or Officers, Person or Persons, such Justice or Justices may and is and are hereby authorized and required, upon Non-payment thereof, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Treasurer, Superintendent, Engineer, Surveyor, Clerk, Collector, Officer or Officers, Person or Persons respectively; and if no Goods or Chattels of the Person or Persons against whom such Warrant shall be granted, sufficient to answer and satisfy the said Money and the Charges of making and levying the same, can be found, or if such Officer or Officers, Person or Persons, shall still persist in refusing or neglecting to deliver up all such Books, Papers, and Writings as aforesaid to the said Company of Proprietors or to the said Committee, or as they respectively shall appoint, then and in any of the Cases aforesaid such Justice or Justices shall commit every such Offender to the Common Gaol for such County, City, or Place, there to remain without Bail or Mainprize until he shall give and make a true and perfect Account and Payment as aforesaid, or till he shall compound with the said Company of Proprietors or with the said Committee, and shall have paid such Composition in such Manner as they respectively shall appoint, and until he shall deliver up such Books, Papers, and Writings as aforesaid, or give Satisfaction in respect thereof, to the said Company of Proprietors or to the said Committee: Provided always, that no Treasurer, Superintendent, Engineer, Surveyor, Clerk, Collector, Officer, or Person so committed for Want of sufficient Distress shall be confined or detained in Prison by virtue of this Act for any longer Space than Six Calendar Months.

For want of Distress, or in case of Refusal to deliver up Books, &c. Offenders may be imprisoned.

CIII. And be it further enacted, That all Books, Accounts, Writings, and Papers whatsoever which shall be in the Custody of any such Treasurer, Superintendent, Engineer, Surveyor, Clerk, Collector, and every other Officer and Person so to be appointed as aforesaid, his Executors or Administrators respectively, in anywise relating to the said intended Navigation and Undertaking, shall be and the same are hereby declared to be, and shall be construed, deemed, and taken to be the Right and Property of the said Company of Proprietors.

Books, Accounts, &c. declared to be the Property of the Company.

CIV. And be it further enacted, That if any Agent, Toll Collector, Wharfinger, Lock Keeper, Bridge Keeper, or other Servant of the said Company of Proprietors occupying any House, Offices, or Buildings belonging to the said Company, shall be discharged from his Office by or by Order of the said Company or their Committee, and shall not deliver up the Possession of such House, Offices, or Buildings, with the Appurtenants, together with all Books, Accounts, Writings, and Papers, and other Matters and Things in his Custody, Power, or Possession, within Seven Days next after Notice of such Discharge shall be given to him, or left at such House, Offices, or Buildings, or if the Wife or Family of any such Agent, Toll Collector, Wharfinger, Lock Keeper, Bridge Keeper, or other Servant who shall happen to die while in the Service of the said Company, shall refuse to deliver up the Possession of such House, Offices,

Agents, Collectors, &c. to give Possession of Houses, &c. when removed.

Offices, and Buildings, with the Appurtenances as aforesaid, together with the said Books, Accounts, Writings, Papers, and other Matters and Things belonging to the said Company in his, her, or their Custody, Power, or Possession, within Seven Days after another Person shall have been appointed in the Place and Stead of the Person so dying, then and in either of the said Cases it shall be lawful for any Justice of the Peace for the County where such Houses, Offices, and Buildings shall be, and he is hereby required, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such House, Offices, and Buildings in the Daytime, and to remove the Persons who shall be found therein, together with their Goods and Chattels, out of such House, Offices, and Buildings, and to take possession of all the Books, Accounts, Writings, Papers, and other Matters and Things belonging to the said Company, which shall be found therein, and to deliver the Possession of such House, Offices, and Buildings, together with the Books, Accounts, Writings, Papers, and other Matters and Things found therein belonging to the said Company, to the new-appointed Agent, Toll Collector, Wharfinger, Lock Keeper, Bridge Keeper, or other Servant, or other such Person or Persons as the said Company or their Committee shall appoint to receive the same.

Committee of Management may contract for Purchase of Lands, &c.

CV. And be it further enacted, That the said Committee of Management shall have full Power and Authority to contract for and purchase all such Lands, Tenements, or Hereditaments, and all such Matters and other Things as shall and may be wanted for the said Navigation and other Works hereby authorized to be made, or as shall be required to be purchased by virtue of this Act, and to sell and convey or demise such Part or Parts of any Lands, Tenements, or Hereditaments which may have been so purchased, and which shall not be wanted, or which it shall not be thought by the Committee necessary to keep for the Purposes of this Act, and to treat and agree with any Person or Persons whomsoever touching the Compensation to be made for any Damages to be done in the Exercise of the Powers hereby given, and to enter into and make such Contracts or Agreements with any Engineer or Engineers, Surveyors, Agents, Workmen, Servants, or other Persons, in and about or for carrying on the said Navigation and other Works, or any Part thereof, as shall be thought expedient; and to enter into and make all such Contracts, Bargains, and Agreements whatsoever, touching or in anywise concerning the said Undertaking, as they shall think proper; and to order and direct how the several Works shall from Time to Time be carried on; and also from Time to Time to use the Common Seal of the said Company of Proprietors in such Manner and for such Purposes as they shall think fit, by the Use whereof the said Company shall be bound; and generally to direct and manage all and singular the Affairs and Business of the said Company of Proprietors, and to do, execute, and perform all Acts, Matters, and Things which the said Company are by this Act authorized and empowered to do, save and except such only as are hereby expressly directed to be done by the Proprietors at large,

at

at any Meeting or Meetings of such Proprietors to be held as herein mentioned.

Committee of Management may appoint Sub-Committees.

CVI. And be it further enacted, That it shall be lawful for the said Committee of Management from Time to Time to nominate and appoint out of their own Body One or more Sub-Committee or Sub-Committees, (every such Sub-Committee to consist of Five or more Persons,) who shall have full Power and Authority to enter into and make any such Contracts or Agreements on behalf of the said Company of Proprietors, and to hire and employ any Agents, Workmen, and Servants in and about the said Undertaking, and to do, execute, and perform all other Matters and Things whatsoever in and about the said Navigation and Undertaking which the said Committee of Management are themselves herein-before authorized to do, or such of them as the said Committee of Management shall think proper to intrust to the Care and Management of any such Sub-Committee or Sub-Committees (save and except nevertheless the appointing of Collectors, Engineers, Superintendents, and other principal Officers, and the making Calls for Money upon the Proprietors of the said Navigation and Undertaking, all which shall be done by the said Committee of Management only as herein directed); and it shall also be lawful for the said Committee of Management, by an Order or Resolution for that Purpose, at any Time to break up and dissolve any such Sub-Committee or Sub-Committees, or to remove or displace any Member or Members thereof, and appoint some other or others in his or their Place or Stead, when and so often as such Committee of Management shall think proper and expedient; and such Sub-Committee shall have full Power and Authority to meet from Time to Time and adjourn from Place to Place as they shall think proper, and as Occasion shall require, for effectuating the Purposes aforesaid; and all Powers and Authorities hereby vested or which shall by the said Committee of Management be vested in any such Sub-Committee, within the Intent and Meaning of this Act, shall and may be exercised by the major Part of the Members present at their respective Meetings (the whole Number of Members present not being less than Three); and at all Meetings of such Sub-Committees respectively One of the Members present shall be appointed President or Chairman, and all Questions shall be decided by the Majority of Votes, and the President or Chairman shall, besides his own Vote, have the casting Vote in case of an equal Division, but no other Member shall have more than One Vote: Provided always, that every such Sub-Committee shall from Time to Time make Reports of their Proceedings to the Committee of Management, and shall at all Times be subject to the Examination and Control and pay due Obedience to the Orders and Directions of the said Committee in and about the Affairs and Business of the said Company.

Proceedings and Accounts of Committee and Sub-Committee to be entered

CVII. And be it further enacted, That the said Committee of Management, and also every such Sub-Committee as aforesaid, shall at their respective Meetings enter or cause to be entered, into Books to be provided for that Purpose at the Expence of the said Company of Proprietors, a full and true Account of all Monies disbursed and Payments made by such Committee and Sub-Committees respectively,

and by all and every Person and Persons employed by or under them, and of all Monies which shall be paid to or received by them respectively for or on account of the said Company of Proprietors; and also a full and true Account and proper Notes and Minutes of every Contract, Bargain, and Agreement which shall be entered into by them respectively for or on behalf of the said Company of Proprietors, and of all and singular their respective Orders, Transactions, and Proceedings whatsoever in and about the Affairs and Business of the said Company; and all reasonable Expences to be incurred at or by the respective Meetings of the said Committee of Management and of such Sub-Committees respectively as aforesaid shall be paid and defrayed out of the Cash or Stock of the said Company of Proprietors, and such Committee of Management and Sub-Committees respectively shall and may from Time to Time draw for the Amount of such Expences respectively upon the Treasurer or Treasurers to the said Company; but no other Money shall be issued or paid by the said Treasurer or Treasurers for or on account of the said Company without an Order being made for that Purpose by the said Committee of Management at some such Meeting as aforesaid, or without a Draft or Order signed by Three or more of the Members of the said Committee of Management; and every such Book, and all other Books and Papers and Writings belonging to the said Company of Proprietors, shall at all reasonable Times be open to the Inspection of all the said Proprietors, who may take Copies thereof or Extracts therefrom without Fee or Reward.

in proper Books.

Expences of Committee and Sub-Committee to be defrayed by the Company.

Directions for the issuing of Money by Treasurer.

CVIII. And be it further enacted, That the Committee of Management shall also have full Power and Authority from Time to Time, at any Meeting of the said Committee to be held in pursuance of the Powers and Provisions of this Act, to make such Call or Calls for Money from the several Proprietors of the said Navigation and Undertaking, in order to defray the Expences of carrying on the same, as they shall from Time to Time find wanting and necessary for those Purposes, so that no such Call shall exceed the Sum of Ten Pounds for or in respect of every Share in the said Navigation and Undertaking, and so that no such Calls shall be made except at a Distance of Three Months at least from each other, and so that Fourteen Days Notice at least shall be given of every such Call in some Newspaper or Newspapers published or usually circulated in the said County Palatine of *Chester*, or otherwise, as the Committee of Management shall from Time to Time order and direct; all which Money so to be called for as aforesaid shall be paid into the Hands of the Treasurer or Treasurers of the said Company of Proprietors, to be issued, paid, and applied for carrying on the said Navigation and Undertaking in such Manner as the said Committee of Management shall from Time to Time order and direct.

Committee empowered to make Calls.

CIX. And be it further enacted, That the respective Persons who have subscribed or who shall or may hereafter subscribe any Money for and towards the said Undertaking, or shall be the Owner or Owners, Proprietor or Proprietors of any Share or Shares in the said Undertaking, shall and they are hereby respectively required to pay the

Subscribers to pay the Calls upon their Subscriptions.

Sum or Sums by them respectively subscribed, or such Parts and Proportions thereof as shall from Time to Time be called for by the Committee of Management of the said Company for the Time being by virtue of the Powers and Directions of this Act, to such Person or Persons, at such Times and Places, and in such Manner as shall be directed by the said Committee; and in case any of such Subscribers shall neglect or refuse to pay the same at the Time and Place and in manner so required for that Purpose, the said Company are hereby empowered to sue for and recover the same, with Interest after the Rate of Five Pounds *per Centum per Annum* from the Time appointed for Payment thereof, in any Court of Law or Equity.

For enforcing Payment of Calls.

CX. And for the better enforcing the Payment of such Calls, be it further enacted, That if any Person or Persons upon whom any Call or Calls for Money shall or may hereafter be made under or by virtue of this Act, for or in respect of any Share or Shares in the said Undertaking, shall neglect or refuse to pay his, her, or their rateable or proportionable Share or Shares of the said Money to be called for and raised by virtue of this Act for the Space of Thirty Days next ensuing any such Call, he, she, or they so neglecting or refusing shall forfeit and pay the Sum of Twenty Shillings for every Share he, she, or they shall have in the said Undertaking; and if such Person or Persons shall continue to neglect or refuse to pay his, her, or their rateable or proportionable Share or Shares of the said Money to be called for and raised as aforesaid for the Space of Three Calendar Months next after such Call or Calls shall have been appointed to be paid as aforesaid, then and in such Case it shall and may be lawful to and for the said Company, at some General or Special General Meeting to be held after such Neglect or Refusal, to declare all and every or any of the Share or Shares of such Person or Persons so neglecting or refusing as aforesaid to be forfeited, and from thenceforth the said Share or Shares so declared to be forfeited as aforesaid, and all the Profit and Benefit thereof, and all Money advanced or paid in respect of such Share or Shares, shall lapse to and become vested in the said Company, their Successors and Assigns; and all such Share or Shares so forfeited shall be sold at a public Sale by the said Company for the most Money that can be got for the same, and the Monies arising from such Sale shall be applied for the general Purposes of this Act: Provided always, that no Share or Shares of and in the said Undertaking shall be forfeited or vested in or shall accrue to the said Company until Notice in Writing thereof shall be given by the Clerk or Clerks of the said Company to the Person or Persons, or to the Clerk or Clerks or other Head Officer or Officers of the Body or Bodies Politic, Corporate, or Collegiate, in whose Name or Names such Share or Shares shall at the Time of giving such Notice stand registered in the Books of the said Company, or left at his, her, or their Dwelling House, or usual or last known Place of Abode, Ten Days at the least previous to such Share or Shares vesting in or accruing to the said Company, provided that such Place or Places of Abode shall be known to the Clerk or Clerks of the said Company of Proprietors; and in case the same shall be unknown

unknown to the Clerk or Clerks of the said Company, such Notice shall be published in the *London Gazette* and such other public Newspaper or Newspapers as the said Committee shall order and direct; in which Notices respectively shall be contained a Statement and Account of how much Money is due from such Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, for his, her, or their Share or Shares in the said Undertaking; and that no such Share or Shares shall be forfeited to or vested in the said Company if the Owner or Owners of such Share or Shares shall pay what shall appear by such Statement to be due, together with legal Interest on the same, and the aforesaid Penalties for Nonpayment, and all Expences attending the Application for the same, within the Time specified in such Notice, any thing contained in this Act to the contrary thereof in anywise notwithstanding: Provided also, that every such Forfeiture, after the same shall be taken advantage of by the rest of the said Company as aforesaid, shall be an absolute Indemnification and Discharge to and for the Proprietor or Proprietors so forfeiting against all Actions, Suits, and Prosecutions for any Breach of Contract or Agreement between such Proprietor or Proprietors so forfeiting and the rest of the said Company, with regard to the future carrying on and Management of the said intended Navigation and Undertaking.

Forfeiture of Shares to be an Indemnity to Persons forfeiting.

CXI. Provided also, and be it further enacted, That in case the Money produced by the Sale of any Share or Shares shall be more than sufficient to pay all such Arrears of Call as aforesaid and lawful Interest thereon, with the Expences attending such Sale or Sales, the Surplus of such Money shall be paid, on Demand, to the Person or Persons to whom such Share or Shares shall have belonged; but the said Company shall not sell or transfer, or direct to be sold or transferred, any more of such Shares of such Defaulter or Defaulters than shall be sufficient as near as may be at the Time of such Sale to pay the Arrears due from such Defaulter or Defaulters for or on account of such Call or Calls, and the Interest and Expences attending the same; and from and after the Payment of all such Calls, and the Interest and Expences as aforesaid, any Share or Shares so vested in such Company as aforesaid which shall remain in their Hands unsold shall revert to and again become the Property of the Person or Persons to whom such Share or Shares shall have belonged immediately before such Forfeiture as aforesaid, in such Manner as if such Calls had been duly and regularly paid.

If Purchase Money of Shares shall be more than sufficient to pay the Arrears, Surplus to be paid to Owner.

CXII. And be it further enacted, That in all Actions brought by the said Company against any Person or Persons who hath or have subscribed or who shall hereafter subscribe or advance any Money for and towards the said Undertaking, or against any Owner or Owners, Proprietor or Proprietors of any Share or Shares in the said Undertaking, to recover any Sum or Sums of Money due and payable to the said Company for or by reason of any Call or Calls made by virtue of this Act, it shall be sufficient for the said Company to declare and allege that the Defendant or Defendants, being an Owner or Owners, Proprietor or Proprietors, of such and so many Share

Proceedings in Actions for Calls.

Share or Shares in the said Undertaking, is or are indebted to the said Company in such Sum or Sums of Money as the Call or Calls in arrear shall amount to for such and so many Call or Calls of such and so many Sum or Sums of Money upon such or so many Share or Shares belonging to the Defendant or Defendants (as the Case may happen to be), whereby an Action hath accrued to the said Company by virtue of this Act, without setting forth the special Matter; and on the Trial of such Action it shall be only necessary to prove that the Defendant or Defendants, at the Time of making such Call or Calls, was or were an Owner or Owners, Proprietor or Proprietors of some Share or Shares in the said Undertaking, and that such Call or Calls was or were in fact made, and that such Notice was given thereof as is directed by this Act, without proving the Appointment of such Committee, or any other Matter or Thing whatsoever, and the said Company shall thereupon be entitled to recover what shall appear due; and no Wager of Law shall be allowed in any such Action.

Shares may be sold.

CXIII. And be it further enacted, That it shall be lawful for the several Proprietors of the said Undertaking, their respective Executors, Administrators, and Assigns, to sell and dispose of any Share or Shares to which he, she, or they may be entitled therein, subject to the Rules and Conditions herein mentioned; the Transfer of which Shares shall be in the Form or to the Effect following:

Form of Transfer.

'I in consideration of
'paid to me by do hereby bargain, sell,
'assign, and transfer to the said his
'Executors, Administrators, and Assigns, Share
'[*or* Shares] of the Navigation called *The Macclesfield Canal Navi-*
'*gation*, being No. of the Shares in the said Navigation,
'to hold to the said his Executors, Administrators,
'and Assigns, subject to the same Rules, Orders, and Restrictions,
'and on the same Conditions, that I held the same immediately before
'the Execution hereof; and I the said
'do hereby agree to accept and take the said Share [*or* Shares],
'subject to the same Rules, Orders, Restrictions, and Conditions.
'As witness our Hands and Seals the Day
'of .'

Conveyances of Shares to be registered.

And on every such Sale the said Transfer, being executed by the Seller or Sellers and the Purchaser or Purchasers of such Share or Shares, shall be kept by the said Purchaser or Purchasers for his, her, or their Security, after the Clerk or Clerks to the said Company shall have registered in a proper Book or Books to be provided by the said Company and kept for that Purpose a Memorial of such Transfer and Sale for the Use of the said Company, and shall have testified or indorsed the Registry of such Memorial on the said Transfer, for which no more than Two Shillings and Sixpence shall be paid, and the said Clerk or Clerks is and are hereby required to register such Memorial accordingly; and until such Memorial shall have been registered as above directed such Purchaser or Purchasers shall have no Part of the Profits of the said Undertaking, nor any Dividend on such Share or Shares paid unto him, her, or

them, or any Vote in respect thereof as a Proprietor or Proprietors of the said Undertaking.

No Shares to be sold after a Call, until the same be paid.

CXIV. And be it further enacted, That after any Call of Money shall have been made as aforesaid no Person or Persons shall sell or transfer any Share or Shares which he, she, or they shall possess in the said Undertaking, upon pain of forfeiting his, her, or their respective Share or Shares therein to the said Company, in Trust for the Benefit of all the said Proprietors, unless he, she, or they, at the Time of such Sale or Transfer, shall have paid and discharged to the Treasurer of the said Company the whole and entire Sum of Money which shall have been called for upon each Share so sold or transferred, such Forfeiture nevertheless to be declared at a General Meeting in manner before directed.

Regulations as to Acquisitions of Shares.

CXV. And whereas much Inconvenience may arise by the frequent Transfer of the Shares of and in the said Undertaking by the Marriage or Death of Proprietors; and it may be difficult in such Cases to ascertain to whom the Dividends arising or becoming due upon such Shares ought to be paid and do belong; be it therefore enacted, That before any Person or Persons who shall claim any Part of the Profits of the said Undertaking in right of Marriage shall be entitled to receive the same, or be entitled to vote in respect of any Shares, an Affidavit containing the Copy of the Register of such Marriage shall be made and sworn to by some credible Person before a Master or a Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, and shall be transmitted to the Clerk or Clerks of the said Company, who shall file the same and make an Entry thereof in the Book or Books which shall be kept by the said Clerk or Clerks for the Entry of Transfers and Sales of Shares in the said Undertaking; and that before any Person or Persons who shall claim any Part of the Profits of the said Undertaking by virtue of any Bequest or Will, or in the Course of Administration, shall be entitled to receive the same, or be entitled to vote in respect of any Shares, the said Will or the Probate thereof, or the Letters of Administration, shall be produced and shown to the said Clerk or Clerks, or a Copy of so much of such Will as shall relate to the Share or Shares of the Testator shall be made and sworn to by the Executor or Executors of such Will before a Master or a Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, and shall also be transmitted to the said Clerk or Clerks, who shall file and enter the same in the Manner herein-before mentioned; and in all Cases, other than as herein-before mentioned, where the Right and Property in One or more Share or Shares in the said Undertaking shall pass from the original Proprietors thereof to any Person or Persons by any other legal Means than by a Transfer and Assignment thereof as herein directed, an Affidavit shall be made and sworn to by Two credible Persons before a Master or Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, stating the Manner in which such Share or Shares hath or have passed to such other Person or Persons, and such Affidavit shall be transmitted to the Clerk or Clerks of the said

By Marriage.

By Will, or in course of Administration.

By any other Means.

Company, who shall thereupon enter and register the Name or Names of every such new Proprietor or Proprietors in the Register Book or List of Proprietors in the said Undertaking.

The Persons whose Names appear in the Register Book to be deemed the Proprietors of the Shares standing in their Names, and answerable for Calls.

CXVI. And be it further enacted, That the Bodies Politic and Corporate, and all and every Person and Persons whose Name or Names shall at any Time hereafter stand in the said Register Book or List of the Proprietors of the said Company either as a Proprietor or Proprietors of One or more Share or Shares in the said Navigation, whether as original Subscribers, or as Successors, Executors, Administrators, or Assigns of original Subscribers, shall be deemed and taken to be Proprietors of the several Shares standing in the said Book in his or their respective Names, and shall be subject and liable to the Payment of all and every Call and Calls made and to be made thereon, and to all Actions, Suits, Forfeitures, and Penalties to which such Proprietors of Shares in the said Navigation are made subject and liable by this Act; and all Notices by this Act required to be given, previous to the Forfeiture of Shares, to the Proprietors thereof, shall, if given to the Person or Persons appearing by the Register Book of the said Company to be such Proprietor or Proprietors, or their Representatives, be in all respects good, sufficient, and conclusive; and all Payments of Interest and Dividends due and to grow due on any such Shares shall be made to such Persons as by the said Book of the said Company shall so appear to be Proprietors thereof; and that no Assignment or Transfer of any Share or Shares, or other Instrument giving Title to any such Share or Shares, which shall not have been brought to the said Clerk or Clerks to be enrolled or registered as directed by this Act, shall be given or admitted as Evidence, either to defeat any Action or Suit brought or to be brought by the said Company of Proprietors to recover the said Calls, or to entitle any Person or Persons to recover any Share or Shares forfeited to the said Company of Proprietors, or to make the said Company liable to the Payment of Interest or Dividends to any other Person or Persons than such as appear upon the said Book to be Proprietors of the said Shares; but that in all such Cases, unless where it shall be expressly proved that the said Book is defective by reason of some Neglect or Default of the said Clerk or Clerks, the said Book shall be considered as sufficient and conclusive Evidence of the Right and Title in and to the said Shares.

The Company may buy up Shares.

CXVII. And be it further enacted, That if the said Company of Proprietors or their Committee of Management for the Time being shall deem it expedient, out of any Surplus of Monies or otherwise, to buy up any Share or Shares in the said Canal Navigation which shall be offered for Sale, then and in such Case it shall be lawful for any General Meeting of the said Company of Proprietors either to direct that any such Share or Shares so bought shall merge in the said Undertaking, or that the same shall be transferred to the Clerk or Clerks of the said Company in Trust for the said Company; and such Share or Shares may in such last-mentioned Case at any Time thereafter be sold for the Benefit of the said Company, and for the raising of any Sum of Money which may be wanted for or towards the erecting or repairing of any Building or Works belonging to the said

said Canal, or any other Purpose necessary for carrying on the same.

The Company empowered to demand Rates for Goods conveyed upon the Canal.

CXVIII. And in consideration of the Charges and Expences which the said Company of Proprietors must sustain and incur in making and maintaining the said Canal and Works appertaining thereto hereby authorized to be made and maintained, be it further enacted, That it shall be lawful for the said Company of Proprietors hereby incorporated, from Time to Time and at all Times hereafter, to ask, demand, take, and recover, to and for their own proper Use and Behoof, the several Rates herein-after mentioned for Tonnage of the several Articles, Matters, and Things which shall be carried or conveyed upon the said Canal hereby authorized to be made; that is to say,

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

For every Ton of Ashler Stone, Slate, Flags, Spar, Coal, (except for burning Lime,) and other Minerals, the Sum of Three Halfpence *per* Mile:

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

Toll to be paid for a full Quarter of a Mile, or Quarter of a Ton.

And all such Rates, Tolls, and Duties shall be payable respectively in proportion for any greater or less Quantity than a Ton, or greater or less Distance than a Mile: Provided nevertheless, that in all Cases where any Boat, Barge, or other Vessel shall be navigated or pass by any Post, Mark, or Place where such Post or Mark had stood or been fixed, on the Side of the said Canal or Works respectively, describing and regulating the Length of a Quarter of a Mile (and which Posts or Marks the said Company of Proprietors are hereby required to cause to be affixed or set up), the said Rates, Tolls, and Duties shall be paid for a full Quarter of a Mile, although such Boat, Barge, or other Vessel shall not have actually passed the full Quarter of a Mile; and in all Cases when the Weight of the Lading contained in any such Boat, Barge, or other Vessel shall not make up an even Quarter of a Ton, yet the said Rates, Tolls, or Duties which would be payable for a Quarter of a Ton shall be paid to the said Company of Proprietors for any less Quantity: Provided always, that if the said Company shall not place or affix, or cause to be placed or affixed, such Posts or Marks as aforesaid, they shall forfeit and pay any Sum not exceeding Ten Pounds.

Table of Tolls to be fixed up.

CXIX. And be it further enacted, That a Table or Tables of the Rates or Tolls which shall or may be from Time to Time payable or demandable, painted in large Characters on a Board or Boards, shall be affixed and continued at the Place or Places where such Rates or Tolls shall be payable, received, or taken and tendered, as often as the said Rates or Tolls shall be altered, or as the said Board or Boards shall be obliterated or defaced.

CXX. And

For Payment of Rates in certain Cases.

CXX. And be it further enacted, That no Boat, Barge, or other Vessel having on board a Lading of less Weight than Fifteen Tons when the Water does not, or of less Weight than Ten Tons when the Water does, flow over the Weir of the highest Lock to be constructed on the said Canal, shall pass through any Lock on such Canal (except the Locks that may be made at the Junction thereof with the said *Peak Forest* and *Trent* and *Mersey* Canals respectively) without the Consent of the said Company of Proprietors or their principal Agent for the Time being in Writing first had and obtained, or unless the Owner or Navigator of such Boat, Barge, or other Vessel shall pay a Tonnage upon Fifteen Tons or Ten Tons Weight respectively, as the Case may happen as aforesaid, at or after the same Rate or respective Rates as shall be payable upon the actual Lading of such Boat, Barge, or other Vessel; and that no Boat, Barge, or other Vessel, being empty, shall (unless with the Consent in Writing of the said Company of Proprietors or their principal Agent for the Time being) pass through the said Locks or any of them (except as aforesaid) unless the Owner or Navigator of such Boat, Barge, or other Vessel shall pay the Sum of Two Shillings for or in respect thereof.

Exemption for Manure.

CXXI. Provided always, and be it further enacted, That no Rate or Toll shall be demanded or taken by virtue of this Act for or in respect of any Boat, Barge, or other Vessel laden wholly with Dung, Soil, Marl, and Ashes of Coal or Turf, to be used for the Improvement only of the Lands and Grounds in any Parish, Township, Hamlet, Village, or Place through which the said intended Canal shall pass, so that the same do not pass through any Lock to be made on the said intended Canal, but at such Times when the Water shall flow over the Waste Weir of such Lock; and the Person or Persons who shall own or be concerned or employed in carrying such Dung, Soil, Marl, Ashes, or Manure for the Improvement of Land shall have free Liberty to make use of the Towing Paths, Wharfs, and Quays belonging to the said Company of Proprietors, such Person or Persons not suffering the same to lie upon such Wharfs or Quays longer than may be necessary for the loading, unloading, and conveying thereof from and to the several Places where they are to be put on board and unloaded; provided that the Person or Persons claiming any such Exemption as aforesaid, and intending to pass through any Lock or Locks on the said intended Canal, shall give Notice to the nearest Collector of the said Rates, or Lock Keeper, of such his or their Intention, and shall specify the Lock or Locks through which he or they intend to pass, Three Hours at least before the passing through the same; and if any Person shall claim and take the Benefit of any of the said Exemptions who shall not be entitled thereto, or shall use or dispose of any of the Articles for which any such Exemption shall have been allowed in any other Manner than as before mentioned, he shall for every such Offence forfeit any Sum not exceeding Five Pounds.

For preventing Toll Collectors from taking undue Rates

CXXII. And be it further enacted, That every Toll Collector shall and he is hereby required to place his Christian and Surname painted on a Board in legible Characters in the Front or some other conspicuous Part of the Wharf immediately on his coming on Duty, each of

of the Letters of such Name or Names to be at least Two Inches in Length and of a Breadth in proportion, and painted either in White Letters on a Black Ground or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon Duty; and if any Collector of the same Rates or Tolls shall not place such Board as aforesaid, and keep the same there during the Time he shall be such Collector as aforesaid, or shall demand or take a greater or less Rate or Toll from any Person than he shall be authorized to do by virtue of the Powers of this Act, or of the Orders and Resolutions of the said Company made in pursuance thereof, or shall demand and take a Rate or Toll from any Person or Persons who shall be exempt from the Payment thereof and claim such Exemption, or shall refuse to permit or suffer, or shall in anywise hinder, any Person or Persons from reading the Inscriptions on the Boards to be affixed and placed as aforesaid, or either of them, or shall refuse to tell his Christian and Surname to any Person or Persons who shall demand the same on having paid the said Rates or Tolls, or any of them, or shall, in Answer to such Demand, give a false Name or Names, or upon the legal Rate or Toll being paid or tendered shall unnecessarily detain, or wilfully obstruct, hinder, or prevent, any Vessel or Boat from passing along the said Canal, or shall make use of any scurrilous or abusive Language to any Treasurer, Clerk, Surveyor, or other Officer, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Ten Pounds.

Power to take Wharfage Rates.

CXXIII. And whereas it may be found expedient for the said Company of Proprietors to make, build, and erect proper Wharfs and Cranes for loading and landing the Goods, Wares, Merchandize, Commodities, and other Things which may be landed, loaded, received, and forwarded at and from the said Wharfs; be it therefore further enacted, That (in consideration of the Expences which the said Company will by such Means sustain, and of the public Accommodation and Convenience which they will also thereby afford,) it shall and may be lawful for the said Company from Time to Time and at all Times to ask, demand, take, and recover, to and for their own proper Use and Behoof, for every Ton of Goods, Wares, Merchandize, Commodities, and other Things which shall be loaded from or landed upon any of the said Wharfs, and which shall remain thereupon not more than Six Days, any Sum not exceeding Three-pence, and for every Day or Part of a Day that they shall so remain after the first Six Days such further Sum as shall be determined by the said Committee of Management, not exceeding One Penny *per* Ton *per* Day.

Goods not to remain upon Wharfs more than a Month without Leave of the Company.

CXXIV. Provided always, and be it further enacted, That it shall not be lawful for any Person who shall have landed or laid any Goods, Wares, or Merchandize, or any other Thing whatsoever, upon any of the Quays, Wharfs, or Landing Places to be made by virtue of this Act, to permit the same or any Part thereof to remain longer than One Calendar Month without the Licence of the Committee of Management of the said Company, or the Agent or Collector of the said Company at any such Wharf, Quay, or

or Landing Place first had and obtained for that Purpose; and if any such Goods, Wares, or Merchandize, or other Things, so landed or laid upon any of the said Wharfs, Quays, or Landing Places, shall remain thereupon for a longer Space of Time than One Calendar Month, without such Licence as aforesaid, it shall and may be lawful for any such Collector or Agent of the said Company, or other Person authorized by them for that Purpose, to remove such Goods, Wares, and Merchandize, or other Things, to a Place of Safety, and there detain the same till Payment of the Charges of such Removal and Detention; and if such Charges shall not be paid within Ten Days after Demand by the Collector or Agent of the said Company, the Goods and Chattels so removed, or a sufficient Part thereof, shall and may be sold for Payment of such Charges and the Expences attending such Sale, such Charges and Expences, in case of Dispute, to be settled and determined by any One or more of the Justices of the Peace for the County in which the Cause of Dispute shall arise.

Table of Tolls for Wharfage to be fixed up.

CXXV. And be it further enacted, That the Rules and Regulations respecting the loading or landing Goods and other Things, and the Continuance thereof upon the said Wharfs, and a Table of the Sum or Sums to be paid for Wharfage, shall be respectively painted in large Characters on a Board or Boards, and that such Board or Boards shall be affixed and continued on some conspicuous Place or Places at all the Wharfs of the said Navigation, and shall be respectively renewed as often as the same Rules and Regulations, Sum or Sums for Wharfage, or any of them, shall be altered, or as the said Boards or any of them shall be obliterated or defaced.

For Recovery of Rates and Tolls.

CXXVI. And be it further enacted, That the Rates, Tolls, and Duties herein-before authorized to be demanded and taken by the said Company of Proprietors shall be paid to such Person or Persons, at such Place or Places upon or near to the said Canal, and in such Manner and under such Regulations, as the Committee of Management shall in that Behalf direct or appoint; and in case of Neglect or Refusal to pay any such Rates, Tolls, or Duties, or any Part thereof, unto the Person or Persons who shall be appointed to receive the same, it shall be lawful for the said Company of Proprietors to sue for the same by Action of Debt or upon the Case in any of His Majesty's Courts of Record at *Westminster*; and in every such Action it shall be sufficient for the Plaintiffs to declare, that under and by virtue of a certain Act passed in the Seventh Year of the Reign of His Majesty King *George* the Fourth, intituled [*here set forth the Title of this Act*], the said Company, or their Assignees or Mortgagees, were lawfully possessed of or entitled to such Tolls, Rates, or Duties as in and by the said Action are sought to be recovered, and to allege when, where, how, and wherefore such Tolls, Rates, or Duties accrued and became payable to the said Plaintiffs; or it shall be lawful for the Person or Persons to whom such Rates, Tolls, or Duties ought to have been paid, and he and they is and are hereby authorized and empowered, to seize and distrain the Goods, Wares, Merchandize, or Commodities for or in respect of which such Rates, Tolls, or Duties ought to have been paid as aforesaid, or any Part

Part thereof, and the Boat, Barge, or other Vessel laden therewith, or any other Boat, Barge, or Vessel, Goods or Commodities, belonging to the Owner of such first-mentioned Boat, Barge, or Vessel, and lying or being upon the said Canal hereby authorized to be made, or upon any Wharf or in any Warehouse adjoining thereto, and to detain the same respectively until full Payment shall be made of such Rates, Tolls, or Duties, and of all Arrears of the same which may be then due from the Owner of such Boat, Barge, or Vessel, to the said Company of Proprietors, together with the reasonable Costs and Charges of such Seizure and Distress; and in case such Distress shall not be redeemed within Six Days from the taking thereof, the same shall and may be appraised and sold as the Law directs in Cases of Distress for Rent.

Justices to settle the Amount of Rates due.

CXXVII. Provided always, and be it further enacted, That if any Dispute shall arise concerning the Amount of any such Rate or Rates, or of the Charges occasioned by any such Distress as aforesaid, it shall be lawful for the Person or Persons so distraining to retain such Distress, or the Money arising from such Sale, as the Case may happen, till the Amount of the Rates shall be ascertained by some Justice of the Peace for the County or Place where such Dispute shall arise, who on Application made to him for that Purpose shall examine the Matter on the Oath of the Parties, or of a Witness or Witnesses, and shall determine the Amount of the Rates due, or of the Charges of distraining for the same, and it shall be lawful for such Justice to award such Costs to either Party as in his Discretion shall seem proper; and if such Costs to be so awarded shall not forthwith be paid, such Justice shall and may grant his Warrant for levying the same by Distress and Sale of the Goods and Chattels of the said Company, or of the Person or Persons liable to pay the said Costs (as the Case may be), rendering the Overplus (if any), after defraying such Costs and the Expences attending such Distress and Sale, to the Owner or Owners of such Goods and Chattels so distrained.

For Recovery of Warehouse Rent.

CXXVIII. And be it further enacted, That it shall and may be lawful for the said Company of Proprietors to detain any Goods, Wares, or Merchandize which shall or may be deposited in any Warehouse of the said Company until the Warehouse Rent in respect of such Goods, Wares, and Merchandize shall be fully paid and satisfied; and in case of Nonclaim of such Goods, Wares, or Merchandize, or on Nonpayment of such Warehouse Rent within the Space of Two Calendar Months next after the same shall have been so deposited, to sell and dispose thereof by public Auction or private Contract, as they shall think best, and out of the Monies to arise by such Sale or Sales pay and satisfy themselves such Warehouse Rent, and all Costs, Charges, and Expences attending such Sale or Sales, rendering the Overplus (if any be), upon Demand, to the Owner or Owners thereof, Oath being first made in Writing (if required) by such Owner or Owners of his or their Right and Title to the Property so sold and disposed of before some Justice of the Peace for the said County Palatine of *Chester* or County of *Stafford*, as the Case may be; which Oath any such Justice is hereby duly authorized

rized and required to administer: Provided always, that Ten Days at least before any such Sale shall be made by the said Company Notice thereof shall be given by Advertisement in some Newspaper published or usually circulated within the said County Palatine of *Chester* or County of *Stafford*, as the Case may be, containing a Description of the Goods so deposited, and stating the Amount of Warehouse Rent due for the same.

The Company may vary the Tolls.

CXXIX. And be it further enacted, That it shall be lawful for the said Company of Proprietors, at any General or Special Meeting, from Time to Time to lower and reduce all or any of the Rates, Tolls, and Duties herein-before by this Act authorized to be taken, and afterwards from Time to Time again to advance and raise all or any of the said Rates, Tolls, and Duties which shall have been so lowered or reduced: Provided always, that the Rates, Tolls, and Duties so to be advanced or raised as aforesaid shall not in any Case exceed the respective Sums herein limited and appointed.

Committee of Management empowered to demise the Tolls.

CXXX. And be it further enacted, That it shall and may be lawful; from and after the Term of Two Years from the passing of this Act, for the said Committee of Management, or any Three or more of them, by any Instrument in Writing under their Hands and the Common Seal of the said Company, to let or demise all or any Part or Parts of the Rates, Tolls, and Duties arising from or to be payable under or by virtue of this Act, for any Term not exceeding Three Years at any One Time, to any Person or Persons for the highest Rent that can be had or got for the same, either by public Bidding or otherwise; provided that Two Calendar Months previous Notice be given in some of the public Newspapers published or usually circulated in the County Palatine of *Chester* of the Intention of the Committee of Management to lease or demise the said Rates, Tolls, and Duties, and so as that the Person or Persons renting the same shall give satisfactory Security to the said Committee of Management, by Articles in Writing, for the true Performance of his, her, or their Bargain, Contract, or Agreement with them; and the Person or Persons so renting the said Duties shall have full Power and Authority to ask, demand, collect, and receive the same, and shall in every respect be deemed and taken to be a Collector or Collectors appointed by the said Committee of Management.

For ascertaining the Weight of Timber and light Goods.

CXXXI. And, for the better ascertaining the Tonnage of Timber and of light Goods to be charged with the Payment of the Rates, Tolls, and Duties aforesaid, be it further enacted, That Forty Cubic Feet of Oak, Ash, Elm, Beech, Larch, Mahogany, and other heavy Timber or Wood, whether squared or not, and Fifty Cubic Feet of Pine, Fir, Deal, Poplar, and other light Timber or Wood, whether squared or not, and Forty Cubic Feet of Goods which shall not weigh Twenty Hundred Weight of One hundred and twelve Pounds Avoirdupois, shall be deemed, rated, and estimated as and for One Ton Weight.

Masters of Boats, &c. to give Account of Lading.

CXXXII. And be it further enacted, That the Master, Owner, or other Person having the Care of any Boat, Barge, or other Vessel navigating

navigating upon the said Canal or Navigation, or any Part thereof, shall from Time to Time give in a just and true Account in Writing signed by him to the Collector or Collectors of the said Tolls, Rates, or Duties at the Place or Places where they shall attend for that Purpose, of the several Quantities, Qualities, and Weight of the Goods, Wares, Merchandise, and Commodities contained in every Boat, Barge, or other Vessel, and of the Place from whence brought, or where intended to be landed or carried, and also the Quantities, Qualities, and Weight of such Goods, Wares, Merchandise, or Commodities as shall have been discharged or taken out of such Boat, Barge, or other Vessel within the Limits of the said Navigation, before their Arrival at the Place where such Account is to be given; and if such Goods, Wares, Merchandise, or Commodities shall be liable to the Payment of different Rates, then such Master, Owner, or other Person shall specify the Quantities liable to the Payment of each Rate; and in case any such Master, Owner, or other Person shall neglect or refuse to give such Account, or refuse to produce his Invoice or Bill of Lading to such Collector or Collectors, if demanded, or shall give a false Account thereof, or shall deliver any Part of his Lading or Goods at any other Place or Places than what shall be mentioned in such Account, or shall wilfully do any other Act whereby the Payment of the said Rates or any Part thereof shall be avoided, or if the Person or Persons sending or consigning such Goods or Things, or his or their Clerk or Agent, shall sign a false Account thereof, every Person so offending shall forfeit and pay to the said Company of Proprietors the Sum of Five Pounds for every such Offence, over and above all the Tolls, Rates, or Duties which shall be payable for such Goods, Wares, Merchandise, or Commodities.

In case of any Dispute respecting the Weight of Goods, Collectors may weigh, &c.

CXXXIII. And be it further enacted, That if any Difference shall arise between any Collector of the said Tolls, Rates, or Duties, and the Master or Person having Charge of any Boat, Barge, or other Vessel, or the Owner of any Goods, Wares, Merchandise, or other Commodities on board thereof, concerning the Weight or Quantity of any such Goods, Wares, Merchandise, or Commodities, it shall be lawful for any such Collector to stop and detain any such Boat, Barge, or other Vessel, and to weigh, measure, and gauge, or cause to be weighed, measured, and gauged, all such Goods, Wares, Merchandises, and Commodities as shall be therein contained; and in case the same shall, upon such weighing, measuring, and gauging, appear to be of greater Weight or Quantity than such Master, Owner, or other Person having the Care of such Boat, Barge, or other Vessel affirmed or stated the same to be, then the said Master, Owner, or other Person having the Care of such Boat, Barge, or other Vessel shall pay the Costs and Charges of such weighing, measuring, and gauging; and such Costs and Charges, in case of Refusal of Payment thereof upon Demand, shall and may be levied and recovered in the same Manner as the said Tolls, Rates, or Duties are hereby appointed to be levied and recovered; but if such Goods, Wares, Merchandise, and Commodities shall appear to be of the same Weight and Quantity or of less Weight and Quantity than the said Master, Owner, or other Person declared the same

Cost of weighing, &c. how to be paid.

to be, then the said Company of Proprietors shall pay the Costs and Charges of such weighing, measuring, or gauging, and shall also pay to such Master, Owner, or other Person, or to the Owner or Owners of such Goods, Wares, Merchandise, and Commodities, such Damages as shall appear to One or more of His Majesty's Justices of the Peace acting for the County in which the Detention shall take place, on the Oath of One or more credible Witness or Witnesses, to have arisen from such Detention; but in case it shall at any Time be made to appear to the said Justice or Justices, upon the Complaint of the said Company of Proprietors or any of their Officers, and upon the like Oath of One or more credible Witness or Witnesses, that such Stoppage and Detention, and weighing, measuring, and gauging, were without reasonable Ground or vexatious on the Part of such Collector, then the said Collector shall himself pay the Costs and Charges of such weighing, measuring, or gauging, and shall also pay to such Master or other Person, or to the Owner or Owners of such Goods, Wares, Merchandise, and Commodities, such Damage as shall appear to the said Justice or Justices, on the Oath of One or more credible Witness or Witnesses, to have arisen from such Detention; and in default of immediate Payment thereof by the said Company of Proprietors, or by such Collector, as the Case may be, the same shall be recovered from the said Company of Proprietors or the said Collector, as the Case may be, by Distress and Sale of their or his Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of the said Justice or Justices, or otherwise by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*.

Navigation to be free on Payment of Tolls.

CXXXIV. And be it further enacted, That all and every Person and Persons shall have free Liberty to use with Horses, Cattle, and Carriages the private Ways and Roads belonging to the said Canal Company (except the Towing Paths) for the conveying any Goods, Wares, Merchandise, or other Things to and from the said intended Canal, and the Wharfs, Quays, and Landing Places belonging thereto; and also with Boats, Barges, and other Vessels to navigate, pass upon, and use the said Canal for the Purpose of conveying any Goods, Wares, Merchandise, or Commodities whatsoever thereon respectively, and also to use the said Wharfs, Quays, and Landing Places for the loading and unloading of any Goods or other Things, and the said Towing Paths for the hauling and drawing of such Boats, Barges, and other Vessels, upon Payment of such Rates, Tolls, and Duties for the same respectively as shall be demanded by the said Company, not exceeding the several Rates, Tolls, and Duties herein-before mentioned, and subject always to the Rules, Orders, Bye Laws, and Regulations which shall from Time to Time be made by virtue of the Power by this Act given in that Behalf.

No Person to keep a Passage Boat without the Licence of the Company.

CXXXV. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to enable any Person or Persons (except the said Company, or any Person acting by or under their Authority) to keep or use any Boat or other Vessel for the Conveyance of Passengers for Hire or Reward along the said Canal; and if any Person shall convey any Passenger upon

upon the said Canal for Hire or Reward in any Boat or other Vessel, every Person so offending shall forfeit and pay for every Passenger so conveyed any Sum not exceeding Ten Shillings.

Owners of Lands may erect Wharfs.

CXXXVI. And be it further enacted, That it shall be lawful for the Lord or Lords, Owner or Owners of any Manor, Lands, or Grounds by or through which the said intended Canal shall be made, and for the Lessee or Lessees of such Owner or Owners, to make, erect, and set up, either for his, her, or their own private Use, or for the Use of the Public, any Wharfs, Quays, Landing Places, Cranes, Weighbeams, or Warehouses in or upon his, her, or their respective Wastes, Lands, or Grounds adjoining or near to the said Canal or any Basins connected therewith, and to make and lay out proper Ways and Roads to the same across any Lands belonging to the said Company of Proprietors, and to land any Goods or other Things upon such Wharfs, Quays, or Landing Places, or upon the Banks lying between the same and the said Canal, and also to make and use proper and convenient Places for Boats, Barges, and other Vessels to lie and turn in and pass each other, so that the making or using thereof respectively do not obstruct or prejudice the Navigation of the said Canal or the Passage or the Towing Paths thereof; and that all Rates or Tolls which shall be demanded and paid for the Use of such of the said Wharfs, Quays, Landing Places, Cranes, Weighbeams, and Warehouses respectively as shall be erected by such Lord or Lords, Owner or Owners, Lessee or Lessees, for the Use of the Public (not exceeding the Rates hereinbefore limited for Wharfage), shall be and the same are hereby accordingly vested in such Lord or Lords, Owner or Owners, Lessee or Lessees, as the Case may be, who shall make and erect such Wharfs, Quays, Landing Places, Cranes, Weighbeams, and Warehouses as aforesaid, and his, her, or their respective Heirs and Assigns, or his, her, or their respective Executors, Administrators, or Assigns, as the Case may be.

If they refuse, Company may erect.

CXXXVII. And be it further enacted, That if any such Lord or Lords, Owner or Owners, shall not within the Space of Six Calendar Months next after Notice in Writing shall be given to him, her, or them, or left at his, her, or their usual Place or Places of Abode, under the Hand or Hands of the Clerk or Clerks of the said Company on behalf of the said Company, stating that any Part or Parts of his, her, or their Wastes, Lands, or Grounds is or are necessary or proper for erecting and making any public Wharfs, Quays, Landing Places, Cranes, Weighbeams, or Warehouses, or for making and laying out any Road or Roads for the Conveyance of Goods to and from the said Canal, give Notice in Writing to the said Clerk or Clerks of his, her, or their Intention to erect and make, and shall not forthwith proceed to erect and make, and within Nine Calendar Months from the Date of such last-mentioned Notice make, erect, and lay out, and afterwards from Time to Time maintain and keep in good and substantial Repair, such proper and sufficient Wharfs, Quays, Landing Places, Cranes, Weighbeams, Warehouses, and Roads, for the Use of the Public, on the respective Part or Parts of the Wastes, Lands, or Grounds to be described in such

such Notice, then and in such Case the said Company of Proprietors shall have full Power and Authority, without any Hinderance or Restraint whatever, to take and make use of such Part or Parts of such Wastes, Lands, or Grounds for erecting and building proper and sufficient Wharfs, Quays, Landing Places, Cranes, Weighbeams, and Warehouses, and for making and laying out proper and convenient Roads to and from the said Canal, agreeably to such Notice so given by the said Clerk or Clerks as aforesaid, they the said Company of Proprietors first making Satisfaction for the same in such Manner as is herein-before directed with respect to any Lands or Grounds which shall be taken or used by the said Company for the Purposes of this Act.

Private Wharfs not to be used by Company without Consent.

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

Penalty on Persons evading Tolls.

CXXXIX. And be it further enacted, That in case any Person or Persons navigating or intrusted with the Care of any Boat, Barge, or other Vessel upon the said Canal or any Part thereof shall, with Intent to avoid or evade the due Payment of any of the Tolls, Rates, or Duties hereby made payable, load, unload, or take into or upon any such Boat, Barge, or other Vessel any Goods, Wares, Merchandise, or Commodities whatsoever liable to pay any of the Tolls, Rates, or Duties herein-before mentioned, at any other Place or Places than at the public or private Wharfs or Quays upon or belonging to the said Navigation, without having previously obtained Permission in Writing for that Purpose from the Committee of Management, or from some one of the Agents or Collectors of the Tolls to the said Company, or in case any Person or Persons shall do any other Act with Intent to evade the Payment of any of the said Tolls, Rates, or Duties, every Person so offending shall for every such Offence forfeit and pay to the said Company the Sum of Five Pounds.

Poles, &c. prohibited, unless of certain Dimensions.

CXL. And be it further enacted, That no Boat, Barge, or other Vessel having on board any Pole, Shaft, or Instrument used or to be used in punting or navigating such Boat, Barge, or other Vessel pointed or spiked with Iron or otherwise, of less Area at each End thereof than Four Square Inches, shall pass along any Part of the said Canal; and it shall be lawful for the Agents or Servants of the said Canal Company to seize such Poles, Shafts, or Instruments, in case they shall be found on board any such Boat, Barge, or other Vessel, or to stop and detain such Boat, Barge, or Vessel until such Poles, Shafts, or Instruments shall be delivered up; and the Master, Owner, or Person having the Care of such Boat, Barge, or other Vessel shall forfeit a Sum not exceeding Ten Pounds for every such Pole, Shaft,

Shaft, or Instrument found on board his Boat, Barge, or other Vessel.

Places to be made for Vessels to turn and pass each other.

CXLI. And be it further enacted, That it shall be lawful for the said Canal Company and they are hereby required, in such Parts of the said Canal as shall not be of sufficient Breadth for admitting a Boat, Barge, or other Vessel to turn about, or for Two Boats, Barges, or other Vessels to pass each other, to open and cut proper Spaces and Places in the Lands adjoining to the said Canal, at convenient Distances from each other, for the turning and passing of such Boats, Barges, or other Vessels; and that all Boats, Barges, or other Vessels passing upon the said Canal shall, upon meeting any other Boat, Barge, or Vessel, stop at, or go back to, and be in the said Spaces or Places to be made for that Purpose, in such Manner as the Committee of Management shall from Time to Time direct and appoint.

Penalty on Boats, &c. obstructing the Navigation.

CXLII. And be it further enacted, That if any Boat, Barge, or other Vessel shall be placed in any Part of the said Canal, or of the Trenches, Sluices, or Passages belonging thereto, so as to obstruct the Navigation or Passage thereon, and the Person having the Care of such Boat, Barge, or Vessel shall not immediately remove the same, or alter the Position thereof, upon Request made for that Purpose, he shall for every such Offence forfeit and pay a Sum not exceeding Twenty Shillings, and shall moreover forfeit and pay a Sum not exceeding Five Shillings for every Hour during which such Obstruction shall continue after such Request for Removal thereof shall be made as aforesaid; and it shall be lawful for any of the Collectors, Agents, or Servants of the said Canal Company to cause any such Boat, Barge, or Vessel to be unladen, if necessary, and to be removed in such Manner as shall be requisite for preventing any further Obstruction therefrom, and to seize and detain such Boat, Barge, or Vessel, and the Lading thereof, or any Part of such Lading, until the said Penalty or Penalties and the Charges of such Unlading or Removal shall be paid; and if

Boats, &c. sunk to be weighed up.

any Boat, Barge, or Vessel shall be sunk in any Part of the said Canal, and the Owner or Owners or Persons having the Care thereof shall not without Loss of Time weigh or draw up the same, it shall be lawful for the Agents or Servants of the said Canal Company, or any of them, to cause such Boat, Barge, or Vessel to be weighed and drawn up, and detain and keep the same until Payment shall be made of all Expences thereby necessarily incurred or occasioned.

Regulations as to Vessels passing Locks.

CXLIII. And be it further enacted, That no Boatman or other Person navigating or having the Care of any Boat, Barge, or other Vessel upon the said intended Canal, which shall pass through any Lock to be made thereon, shall suffer the Water to remain in the Lock longer than is necessary for his Boat, Barge, or other Vessel to pass through the same; and every such Boatman or other Person as aforesaid, in going down the said intended Canal, shall shut the Lower Gates and Paddles of every Lock before he shall draw the Cloughs of the Upper Gates thereof; and after he

shall have brought his Boat, Barge, or other Vessel into the said Lock, he shall then shut the Upper Gates and Paddles before he shall draw the Cloughs of the Lower Gates thereof; and in going up the said intended Canal towards such Head Level such Boatman or other Person, so soon as he shall have passed with his Boat, Barge, or other Vessel into the said Lock, shall shut the Lower Gates of the same before he shall draw the Paddles of the Upper Gates thereof; and after such Boatman or other Person shall have passed with his Boat, Barge, or other Vessel through or out of such Lock, he shall shut the Upper Gates thereof, and afterwards draw the Paddles of the Lower Gates, unless there shall then be a Boat, Barge, or other Vessel in sight of the said Lock coming down the said Canal, in which Case the Lower Gates of the said Lock shall be left shut, and the Upper Gates shall be left open; and in all dry Seasons, when there shall be a Scarcity of Water in the said Canal, the Boat, Barge, or other Vessel so going up the same, if within sight of a Boat, Barge, or other Vessel so coming down, and at a Distance not exceeding Three hundred Yards below a Lock, shall pass through such Lock before the Vessel coming down, and then such other Vessel shall come down into the said Lock; and if there shall be more Vessels than One below and above any Lock at the same Time in such dry Season within the Distance aforesaid, (which Distance shall be distinguished by a Post or Mark to be made and set up for that Purpose,) such Vessels shall go up and come down at such Lock by Turns as aforesaid, until all the Vessels so going up or coming down shall have passed the same, by which Means One Lock full of Water may serve Two Vessels; and if any Person or Persons shall offend in any of these Particulars, he or they shall, on Conviction before One or more Justice or Justices of the Peace for the said County Palatine of *Chester* or County of *Stafford*, as the Case may be, forfeit and pay the Sum of Forty Shillings; but if a Question shall arise on his or their Conviction, whether it was or was not a dry Season at the Time of such Offence committed, such Question shall be determined by the said Justice or Justices.

Boats, &c. to be gauged when required by the Company.

CXLIV. And be it further enacted, That every Owner, Master, or Person having the Charge or Command of any such Boat, Barge, or other Vessel shall from Time to Time, when thereto required, permit and suffer the same to be gauged and measured by such Person or Persons as shall be appointed for that Purpose by the said Canal Company or their Committee of Management; and every Owner, Master, or other Person having the Charge or Command of any Boat, Barge, or other Vessel, who shall refuse to permit any such Boat, Barge, or other Vessel to be gauged and measured as aforesaid, and also any Owner, Master, or other Person who shall have the Charge or Command of any Boat, Barge, or Vessel, who shall navigate the same upon the said Canal, or who shall cause or permit such Boat, Barge, or Vessel to be at any Time unloaded, without a Stage being laid from the Side of such Boat, Barge, or Vessel to the Bank of the said Canal in order to prevent any Dirt or Rubbish falling into the same, shall for every such Offence respectively forfeit and pay any Sum not exceeding Five Pounds.

CXLV. And

Boats navigating the Canal to be registered, and to have the Owners Names painted thereon, and Indexes fixed thereto.

CXLV. And be it further enacted, That every Owner, Master, or other Person having the Care or Command of any Boat, Barge, or other Vessel passing upon the said Canal hereby authorized and directed to be made shall cause his Name and Place of Abode, and a progressive Number of his Boat or Boats, Barge or Barges, or other Vessel or Vessels, to be registered and entered with the Clerk or Clerks of the said Company, or such other Officer or Officers of the said Company as shall be appointed for such Purpose, and shall also cause such Name, Place of Abode, and Number to be painted in large White Capital Letters and Figures on a Black Ground, Four Inches high at the least, and of a proportionable Breadth, at the Outside of the Head or Stern of every such Boat or Barge or other Vessel, higher than the Place to which the same shall sink into the Water when fully laden, and also shall fix on each Side of such Boats, Barges, or other Vessels respectively correct Indexes of Copper, Lead, or other Metal, of such graduated Dimensions, of such convenient Height, and under such Regulations as the Committee of Management of the said Company shall from Time to Time direct, so that the true Weight of the Lading on board may at all Times be clearly ascertained and shown; and every Owner, Master, or other Person having the Care or Command of any such Boat, Barge, or other Vessel, who shall navigate the same upon the said Canal without having such Names, Figures, or Indexes thereon as are herein-before directed, or shall alter, erase, deface, or destroy the same or any Part thereof, or shall fix any false Name, Figure, or Index, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings.

Owners of Boats, &c. answerable for Damage done by their Vessels, Horses, or Servants.

CXLVI. And be it further enacted, That the Master or Owner of any Boat, Barge, or Vessel navigating or passing upon the said Canal shall be and he is hereby made answerable for all such Damage, Spoil, or Mischief as shall be done by his Boat, Barge, or Vessel, or the Horses used in drawing the same, or by any of the Boatmen, Watermen, or others belonging to or employed in or about the same respectively, unto any of the Bridges, Weirs, Locks, Dams, Engines, Trenches, Sluices, or other Works in, upon, or belonging to the said Canal, either by loading or unloading or by navigating any such Boat, Barge, or Vessel, or by any other Means whatsoever; and also for any Trespasses or Damage that shall or may be committed or done to the Owners or Occupiers of any Buildings, Lands, or Tenements adjoining or lying near the said Canal by leaving open Gates or otherwise, and for any Trespass whatsoever contrary to the said several Directions and Restrictions in this Act contained, or any of them; and every such Master or Owner shall, upon Conviction before any One Justice of the Peace either upon Confession or upon the Oath or Oaths of One or more credible Witness or Witnesses (which Oath or Oaths such Justice is hereby empowered and required to administer), pay the Person or Persons injured the Damages, to be ascertained by such Justice, provided such Damages do not exceed the Sum of Ten Pounds; and upon Nonpayment, on Demand, the same shall be levied by Distress and Sale of the Goods and Chattels of such Master or Owner, in like Manner as any other Penalties or Forfeitures are by this Act directed to be levied; or if the

the Damages shall exceed the Sum of Ten Pounds, then the same may be sued for and recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*.

Owners may recover from their Servants.

CXLVII. And be it further enacted, That if any Owner or Owners of any Boat, Barge, or Vessel navigating or passing on the said Canal shall be compelled to pay any Penalty, or to make Satisfaction for any Damage, by reason of any wilful Act, Neglect, or Default of his or their Servant or Servants, Boatmen or Watermen, or any of them, then and in such Case every such Servant, Boatman, and Waterman shall be liable to repay such Penalty or Satisfaction for Damages, with the Costs attending the same, to such Owner or Owners; and in case of Nonpayment thereof upon Demand, and Oath made by such Owner or Owners of the Payment made by him or them of such Penalty or Satisfaction for Damages, and that the same and the Costs thereof have not been repaid to him or them by such Servants, Boatmen, or Watermen, or any of them, although demanded (such Oath to be made before any One or more of the Justices of the Peace for the County where such Penalty shall have been recovered), the Amount thereof shall be recovered in like Manner as any Penalty is hereby directed to be recovered.

Penalty on Persons floating Timber on Canal, or obstructing the Navigation, or throwing Ballast, &c. into the Canal.

CXLVIII. And be it further enacted, That if any Person or Persons shall float any Timber upon the said Canal, or shall navigate on the said Canal any Boat or Vessel laden with Timber, which shall lie over the Sides of such Boat or Vessel in such a Way as to obstruct the Passage of any other Boat or Vessel, and shall not, immediately upon Notice given of such Obstruction, haul or draw back such Boat or Vessel into such Place or Places as shall be made or be proper for Boats or other Vessels to pass each other, or shall not otherwise remove the same so as to make a free Passage for other Boats or Vessels; or if any Person or Persons shall wilfully throw any Ballast, Gravel, Stones, Rubbish, or other Matter or Thing into any Part of the said Canal, or into any Trenches, Sluices, or Passages for Water to be made in pursuance of this Act; or if any Person or Persons shall wantonly or unnecessarily open or draw, or cause to be opened or drawn, any Lock, Paddle, Valve, or Sluice belonging to the said Canal, or shall wilfully flush or draw off, or cause to be flushed or drawn off, the Water from any Part of the said Navigation, or shall leave any of the Gates or Sluices of any Lock open after any Boat or Vessel shall have passed through the same (except in such Cases as herein-before otherwise ordered); or shall wilfully obstruct, hinder, or prevent any Person in the Execution of this Act, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds nor less than Forty Shillings.

Unnecessarily opening Locks, wasting the Water,

or hindering the Execution of this Act.

Punishment of Persons wilfully destroying Works.

CXLIX. And be it further enacted, That if any Person or Persons shall wilfully, maliciously, and to the Prejudice of the said Navigation, break, throw down, or destroy any Bridge or Bridges, Bank or Banks, Lock or Locks, Erections or Buildings or other Works to be erected and made by virtue of this Act, every Person so offending, being lawfully convicted, shall be transported as Felons are directed to

be transported by the Laws and Statutes of this Realm, for any Term not exceeding Fourteen Years; or otherwise the Court before whom such Person shall be convicted may, in Mitigation of such Punishment (if they shall think fit), award such other Punishment as the Law directs in Cases of Petit Larceny.

Penalty on Persons bathing in Canal.

CL. And be it further enacted, That in case any Person or Persons shall bathe in the said Canal, or in any Waterway, Reservoir, Feeder, or Pond being the Property of the said Company, without the Permission of the said Company or their Agents, it shall be lawful for any Justice of the Peace for the said Counties of *Chester* or *Stafford*, and he is hereby required, upon Complaint made to him by One or more credible Witness or Witnesses of any such Offence, to issue a Warrant to apprehend the Party or Parties so accused, or it shall be lawful for any Person or Persons who shall see such Offence committed to apprehend and also for any Person or Persons to assist in apprehending the Offender or Offenders, and by Authority of this Act, without any other Warrant, to deliver him, her, or them into the Custody of a Peace Officer, in order to be secured and conveyed before some Justice of the Peace for the said County; and on the Party or Parties accused being brought before some Justice such Justice shall proceed to examine upon Oath any Witness or Witnesses who shall appear and be produced to give Evidence touching such Offence; and such Party or Parties being convicted, either by his, her, or their Confession, or upon such Evidence as aforesaid, shall for every such Offence respectively, and if more than One shall severally forfeit and pay any Sum not exceeding Forty Shillings; and in case such Offender or Offenders shall not upon Conviction forthwith pay such Penalty by him, her, or them incurred, such Justice is hereby required to commit such Offender or Offenders to the Common Gaol or House of Correction for the said County, there to be kept to hard Labour for any Time not exceeding One Calendar Month; and such Offender or Offenders shall not be discharged before the Expiration of the Time for which he, she, or they shall be so committed, unless such Penalty as aforesaid be sooner paid.

Punishment of Persons damaging Fences.

CLI. And be it further enacted, That in case any Person or Persons shall break down, destroy, carry away, or damage any Gate, Stile, Post, Rail, or other Fence to be put up or placed under the Authority of this Act for the fencing off the Towing Paths of the said Canal, Reservoirs, Feeders, or any other Works thereunto belonging (such Offence or Offences not amounting to Felony), any Person so offending, and being thereof convicted before any Justice of the Peace (not interested in the Premises) for the County where such Offence shall be committed, or the Offender shall be or reside, on the Confession of the Offender or Offenders, or on Proof of the Offence on the Oath of One or more credible Witness or Witnesses (which Oath such Justice is hereby empowered and required to administer), shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds; and no Person shall be deemed incompetent to give Evidence of such Offence by reason of his or her being a Proprietor of the said Canal hereby directed to be made, or the Owner of such Gate, Stile, Post, Rail, or other Fence; and in case such Of-

fender or Offenders shall not immediately pay such Penalty or Penalties, or find Securities to the Satisfaction of such Justice for the Payment thereof at such future Day as he shall think proper to appoint, it shall be lawful for such Justice to cause the same to be forthwith levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under his Hand and Seal, returning the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting such Penalty, and the Costs and Charges of such Distress and Sale; and one Half of such Penalty or Penalties shall be paid to the said Company, or other the Owner or Owners of such Gate, Stile, Post, Rail, or Fence so broken, destroyed, or carried away, and the other Half thereof shall go and be paid to the Informer or Informers; but if the Owner of such Gate, Stile, Post, Rail, or Fence shall be the Informer, and shall give Evidence of the Offence, then the whole of such Penalty or Penalties shall be paid to the Overseers of the Poor of the Township or Parish where such Offence shall be committed, for the Benefit of such Poor; and in that Case the Offender or Offenders shall (over and above the Payment of such Penalty as last mentioned) make such Recompence and Satisfaction to the Owner or Owners of such Gate, Stile, Post, Rail, or Fence, for the Damage done thereto by such Offender or Offenders, as the Justice before whom he, she, or they shall be convicted of such Offence shall think fit to allow in respect thereof, such Allowance for Damages to be added to such Penalty or Penalties, and levied therewith in manner before mentioned; and for Want of such Distress such Justice or Justices shall and may commit the Offender or Offenders to the Common Gaol of the said County, there to be kept to hard Labour for any Time not exceeding Three Calendar Months.

Penalty for leaving Rubbish, &c. on the Towing Paths.

CLII. And be it further enacted, That if any Person or Persons shall throw, cast, or lay on any Part of any Bank or Towing Path belonging to the said Canal any Dung or other Manure, Dust, Ashes, Rubbish, or other Matter, otherwise than on the Wharfs and other Places to be made and provided for the loading and unloading of Goods, Wares, and Merchandise, every such Person so offending shall forfeit and pay any Sum not exceeding Forty Shillings, to be recovered and applied in such Manner as other Penalties under this Act are directed to be recovered and applied.

Penalty on Lock Keepers giving any Preference.

CLIII. And be it further enacted, That if any Lock Keeper, Wharfinger, or other Person employed by or any Servant belonging to the said Company, shall give any undue Preference or show any Partiality to any Boat, Barge, or Vessel in passing through any Lock or Locks upon the said Canal, or in loading or unloading any Goods or Things at any of the Wharfs, Warehouses, Weighbeams, Cranes, or other Machines belonging to the said Company, every Person so offending shall upon Conviction forfeit and pay any Sum not exceeding Forty Shillings.

Enabling Company to cleanse adjoining

CLIV. And be it further enacted, That if at any Time hereafter the Ditches or Drains belonging to any Owner or Occupier of Lands adjoining or lying contiguous to the said Canal and other Works,

Works, or any of them, shall by reason of their not being sufficiently cleansed or opened, hinder and obstruct the free Passage of the Water from the Drains, Culverts, and Passages belonging to the said Navigation, and if the same shall not be perfectly cleansed and opened within Twenty-one Days after Notice in Writing shall have been given thereof to or left at the Place of Abode of such Owner or Occupier by the Clerk or Agent of the said Company, it shall then be lawful for the said Company (an Order in Writing for the said Purpose having been first obtained from any Two or more Justices of the Peace for the County in which the same Ditches or Drains shall be) from Time to Time, as often as there shall be Occasion, to open and cleanse, or cause to be opened and cleansed, the said Ditches or Drains; and the reasonable Expences thereof, when ascertained and allowed by the said Justices or any Two of them, shall be repaid to the said Company by such Owner or Occupier as aforesaid; and in case of Refusal to satisfy the same for the Space of Three Calendar Months after Demand shall have been made thereof such Charges and Expences shall and may be recovered and levied in such Manner as Forfeitures and Penalties are herein-after directed to be recovered.

Watercourses at the Landowner's Expence.

CLV. And to the Intent that the said Navigation may be carried on with as little Damage to private Property as possible, be it further enacted, That the said Company of Proprietors shall and they are hereby required, at their own proper Costs and Charges, to make or cause to be made Arches, Tunnels, Culverts, Drains, or other Passages over, under, by the Side of, or into the said Canal, and the said Reservoirs and Feeders, and the Trenches, Streams, and Watercourses communicating therewith, and the Towing Paths on the Sides thereof respectively, of such Breadth, Depth, and Dimensions as shall be sufficient at all Times to convey the Water clear from the Lands adjoining or lying near to the said Canal, Reservoirs, and Feeders, without obstructing or impounding the same more than formerly, and likewise to make or cause to be made such Back Drain or Drains as may be necessary, and shall be sufficient to carry off any Water which may ooze or pass through any of the Banks of the said Canal, Reservoirs, Feeders, Locks, Docks, Basins, and other Works hereby directed to be made, or either of them, to the Prejudice of any of the Lands or Grounds contiguous thereto, and also to make in proper Situations Watering Places for Cattle, where, by means of the said Canal, Reservoirs, and Feeders, or either of them, the Cattle of any Person or Persons occupying Lands adjacent to the said Canal, Reservoirs, Feeders, Locks, Docks, Basins, or other Works, or any or either of them, shall be deprived of their ancient Watering Places, and to supply the same at all Times with Water; and all such Arches, Tunnels, Culverts, Drains, and other Passages shall from Time to Time be supported, maintained, cleansed, scoured, and kept in good and sufficient Repair by the said Company; and if at any Time after Twenty-one Days Notice in Writing shall, by or on behalf of the said Owners or Occupiers of Lands adjoining or lying near to the said Canal, Reservoirs, Feeders, Locks, Docks, Basins, and other Works hereby directed to be made, or either of them, be given to the said Company, that the said Arches, Tunnels, Culverts,

Drains to be made to convey Water from Lands adjoining, and for providing Watering Places for Cattle.

Culverts, Drains, Back Drains, or other Passages, or any of them, is or are not made, cleansed, maintained, and repaired, according to the true Intent and Meaning of this Act, it shall be lawful for any Person or Persons to apply for and obtain an Order in Writing from any Two or more Justices of the Peace for the County within which such Lands shall lie, from Time to Time as often as there shall be Occasion, and the said Justices are hereby authorized and required, at their Discretion, to grant such Order as aforesaid, enabling such Person or Persons to cleanse and repair such Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages accordingly, and the reasonable Expences thereof (to be ascertained by the said Justices) shall be defrayed by the said Company of Proprietors; and in case of Neglect or Refusal to satisfy and defray such Expences for the Space of Twenty-one Days after Demand thereof made upon the said Company, such Expences shall and may be recovered and levied in such Manner as any other Money is by this Act directed to be recovered from the said Company: Provided always, that such Owner or Occupier of the said contiguous or adjoining Lands shall at the Time of making such Complaint have his or her respective Ditches, Drains, and Passages for Water and Watercourses leading to or from the Drains, Culverts, and Passages of the said Canal, Reservoirs, Feeders, Locks, Docks, Basins, and other Works hereby directed to be made, and each and every of them, sufficiently cleansed and opened to convey Water into and along the same; and provided also, that nothing in this Act contained shall extend to enforce the admitting of any Water arising from Floods into the said Canal, Reservoirs, Feeders, Docks, Locks, and Basins or other Works hereby directed to be made, or any of them, which may injure the said Navigation hereby directed to be made.

For fencing off Canals, Towing Paths, &c.

CLVI. And be it further enacted, That the said Company shall, at their own Costs, divide and separate, and keep constantly divided and separated, the said Canal, Towing Paths, Trenches, or Passages, or such Part or Parts thereof respectively as shall be declared necessary by any Two or more Justices of the Peace of the County in which the same shall be, from the adjoining Lands or Grounds, by Posts, Rails, Hedges, Ditches, Trenches, Banks, or other Fences sufficient to keep off Sheep and other Cattle, as well as for the due Protection of Gardens and Garden Grounds to be set out and made on the Lands or Grounds which shall be purchased by, conveyed to, or vested in the said Company as aforesaid; and the said Company shall, at their proper Costs and Charges, from Time to Time maintain and support the said Towing Paths, and the said Posts, Rails, Hedges, Ditches, Trenches, Banks, and other Fences to be set up and made as aforesaid, and also shall, at their like Costs and Charges, make, erect, and set up, and from Time to Time maintain and support, such and so many convenient Bridges across the said Canal, or any Aqueduct, Conductor, or Watercourse leading into the same, with proper Approaches to such Bridges respectively, and also Gates and Stiles in and through all the Hedges and Fences to be by them so made on the Side of such Towing Paths as aforesaid, in such Manner as any Two or more Justices of the Peace

Peace of the County in which the same shall be situate shall from Time to Time judge necessary and appoint, for the Use of the Owners and Occupiers of the Lands and Grounds or Hereditaments adjoining to such Canal; and the said Company shall not make the said Canal or any Part thereof, or any Trench or Watercourse belonging to the same, in or across any common Highway, public Bridleway, or Footpath, until they shall, at their own Costs and Charges, have made and provided a good and sufficient temporary Road, Bridleway, or Footpath for the Accommodation of all Persons whomsoever, and until a good and sufficient Bridge or Bridges, Passage or Passages, over, across, or under the said Highway, Bridleway, or Footpath, shall be made and perfected; and all such Gates, Stiles, Bridges, Arches, and other Works and Conveniences so to be made as aforesaid shall from Time to Time thereafter be supported and maintained and kept in sufficient Repair by the said Company.

If Company do not fence off Towing Paths, make Bridges, &c. Landowners may do it at the Company's Expence.

CLVII. And be it further enacted, That in case the said Company or their Agents shall refuse or neglect to divide and separate, and to keep divided and separated, the said Canal and Towing Paths in manner herein-before directed, or to make, erect, and set up such Gates, Bridges, and Stiles in, over, and through the Fences on the Sides of the said Towing Paths, or such Bridges, Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages for the Use and Convenience of the respective Owners or Occupiers of the Lands or Hereditaments adjoining or near to the said Canal, or to maintain and support such Gates, Stiles, and Bridges when erected, set up, and made, of such Dimensions and in such Manner as aforesaid, for the Space of Thirty Days next after the Times to be appointed by the said Justices as aforesaid, and after Notice shall have been given by or on behalf of the Owner or Owners of any such Lands or other Hereditaments, who shall find themselves aggrieved by any such Refusal or Neglect, to the said Company, then and in every such Case it shall be lawful for every or any of the Owners or Occupiers of the said adjacent Lands, Grounds, or Hereditaments, who shall find himself, herself, or themselves aggrieved as aforesaid, to make, erect, and set up all such Gates, Stiles, and Bridges, and other Conveniences as shall be necessary, and shall have been before directed or appointed by the said Justices to be made, erected, and set up by the said Company as aforesaid, and to maintain, repair, and support the same from Time to Time as Occasion shall require, so that in making and maintaining such Works the said Navigation, or the Banks thereof, or the Feeders belonging thereto, shall not be stopped or injured for any longer Space of Time or in any other Manner than shall be necessary for the doing thereof; and all the reasonable Costs and Charges thereof (to be settled and allowed by the said Justices) shall be repaid to the respective Owners or Occupiers of the said adjacent Lands, Grounds, or other Hereditaments, who shall have so erected and made, repaired or maintained, such Works as aforesaid, by the said Company; and in case the same shall not be paid to the said Owners or Occupiers by the said Company within Seven Days after Demand, then the same shall and may be recovered

from the said Company or their Treasurer by Warrant under the Hand and Seal of the said Justices in manner herein-after mentioned.

Landowners may make others at their own Expence.

CLVIII. Provided always, and be it further enacted, That if any Owners or Occupiers of any Lands or other Hereditaments by or through which the said Canal shall be made shall at any Time or Times hereafter choose to erect other Gates, Stiles, Bridges, Passages, Tunnels, Drains, Back Drains, Trenches, or other Passages, Watering Places, and other Conveniences respectively, than such as the said Justices shall have so directed or appointed to be made by the said Company, then and so often and in any such Case it shall be lawful for all or any of such Owners or Occupiers, with the Approbation and Consent of the Committee of Management of the said Company, to make, fix, and erect, at their own proper Costs and Charges, such Gate or Gates, Stiles, Bridges, Passages, Tunnels, Watering Places, or other Conveniences, of the same or the like Constructions with others made by the said Company, in, over, or near to the said Canal or the Towing Paths thereof, in such Places as the said Owners and Occupiers shall judge most necessary and convenient for the better Use, Cultivation, Improvement, or Occupation of such Lands and other Hereditaments, and to repair and support the same at their own like Costs and Charges as Occasion shall require, so as that the Navigation of, in, or upon the said Canal be not prevented or obstructed thereby for any longer Space of Time or in any other Manner than the same would necessarily have been if such Gates, Stiles, Bridges, Passages, Tunnels, Watering Places, or other Conveniences had been made or erected by the said Company as aforesaid.

Works damaged by Floods to be repaired by Company, who may get Materials from adjacent Lands for that Purpose.

CLIX. And whereas it may happen, from Floods or from some unexpected Accidents, that the Locks, Weirs, Floodgates, Dams, Banks, Trenches, or other Works of the said Navigation may be injured or destroyed, and the adjacent Lands may thereby suffer Damage, and it may be necessary that the same should be immediately repaired or rebuilt to prevent further Damages; be it therefore enacted, That when and as often as any such Case shall happen it shall be lawful for the said Company from Time to Time, or for their or any of their Servants, Agents, or Workmen, without any Delay or Interruption from any Person or Persons whomsoever, to enter into any Lands, Grounds, or Hereditaments adjoining or near to the said Canal and other Works or Conveniences, or any of them, (not being the Ground whereon any House or other Building stands, or Garden, Orchard, Park, Paddock, planted Walk, Nursery Grounds, or Avenue to a House,) and to dig for, get, and carry away, and use all such Stones, Gravel, and other Materials as may be necessary or proper for the Purposes aforesaid, without any previous Treaty whatsoever with the Owner or Owners, Occupier or Occupiers of, or other Person or Persons interested in, such Lands and Grounds or Hereditaments, or any of them, doing as little Damage thereby as the Nature of the Case will permit, and making Recompence for the same to the Owners and Occupiers of or other Persons interested in such Lands, Grounds, or Hereditaments, within the

the Space of Ten Days next after the same shall be demanded; which Damages, and the Compensation to be made in respect thereof, shall be settled and determined or assessed by the Ways and Means herein prescribed and directed with respect to other Damages to be done by making and completing the said Navigation.

Compensation in case of Damage by Floods.

CLX. Provided always, and be it further enacted, That the said Company shall make ample and full Satisfaction and Compensation to the Owner and Owners of any Lands, Hereditaments, and Premises that may be prejudiced or damaged by reason of any Floods or Accidents happening by reason or in consequence of the making of the said Canal and Reservoirs and other Works, for all such Damage or Loss which they may respectively sustain by reason of any such Floods or Accidents so happening as aforesaid, the same to be ascertained and settled, in case of any Difference, in manner aforesaid.

Allowing the Owners of Lands to make Branch Canals and Railways.

CLXI. And be it further enacted, That it shall be lawful for the Owners and Occupiers of the respective Lands or Grounds lying adjoining or near to the said Canal, or any other Person or Persons whomsoever, to cut or make, either upon their own Lands or upon the Lands of other Persons, with the Consent of such other Persons, any collateral Branch or Branches, Railway or Railways, from their respective Lands or Grounds, to communicate with the said Canal, and to make, at their own Expence, such Openings in the Sides of the said Canal as may be necessary and convenient for effecting such Communication, the same being done in such Manner and at such Times as shall cause as little Let, Hinderance, or Molestation as may be to the said Navigation or the Persons using the same: Provided always, that the Person or Persons making every such Branch shall give to the said Company Twenty Days previous Notice of his or their Intention to make such Opening; and if thereunto required by the said Company of Proprietors he or they shall also make, erect, and maintain to such Branch, to the Satisfaction of the said Company, a proper and sufficient Stopgate or Stopgates in order to prevent the Water from being drained or wasted out of the said Canal by means of making any such Branch to communicate therewith as aforesaid; and provided also, that in every Case where such Branch shall be made or intended to be made so as to cut through, injure, or damage the Towing Path of the said Canal, the Person or Persons making such Branch shall erect and build, previous to such cutting through, Injury, or Damage, and at all Times thereafter maintain, repair, and support, as Occasion shall require, a Bridge over such Branch, of such Dimensions and Construction and in such Situation as shall be approved of by any Two Justices of the Peace for the Counties of *Chester* or *Stafford* within their respective Jurisdictions, with proper Approaches to such Bridge from and to the Towing Path of the said Canal, suitable for the Use and Convenience of the Men and Horses employed in the towing, haling, or drawing of Boats, Barges, or other Vessels passing upon the said Canal, such Bridge to be built of Brick, Stone, or Iron; and the said Company shall not receive any Tonnage for the passing of any Goods or other Things along such Branch or Branches, Railway or Railways, so to be

be made by any such Owner or Occupier or Person or Persons as aforesaid.

Compensation for Damages not herein-before provided for.

CLXII. And be it further enacted, That if at any Time or Times hereafter any Person or Persons shall sustain any Damages in his, her, or their Lands, Tenements, Hereditaments, or Property by reason of the Execution of any of the Powers given by this Act, for which a Compensation is not herein-before provided, then and in every such Case such Damages shall from Time to Time be settled and ascertained or assessed by a Jury, and the Sum or Sums of Money to be paid for the same shall be levied, recovered, and applied in such and the same Manner as herein-before directed with respect to such Damages as are herein-before provided for, and the Money to be paid as a Recompence for the same.

To authorize Persons to use Water from Canal for condensing Water for Steam Engines.

CLXIII. And be it further enacted, That it shall be lawful for the Owners of any Lands near the said Canal to make a Communication between the Water therein and any Steam Engine or Engines by Means of One or more Metal Pipe or Pipes of sufficient Strength or Thickness, and so constructed as to prevent any Leakage or Waste of Water, and to draw from the said Canal such Quantities of Water as shall be sufficient to supply the said Engine or Engines with cold Water for the sole Purpose of condensing the Steam used for working any such Engines as aforesaid: Provided always, that the Proprietor of every such Engine shall return to the said Canal, in every Day in which he shall use such Engine, a Quantity of Water, on the same Level on which it shall be taken, equal to the Quantity so taken in every such Day from the said Canal, (the inevitable Waste thereof by condensing such Steam only excepted,) so that no Obstruction shall arise therefrom to the said Navigation; Provided also, that such Water so taken shall be applied to the working of the said Engine, and to no other Use or Purpose; and that every Person laying any Pipe in the said Canal for such Purpose shall and is hereby required to make good the Bank thereof, and to repair at his own proper Costs and Charges all such other Damages as may arise from the laying in of such Pipe, in such Manner and at such Times as shall cause as little Let, Hinderance, or Molestation as may be to the said Navigation or to the Persons using the same: Provided nevertheless, that no Person shall take any Water from the said Canal for the Use of any such Engine without giving One Calendar Month's previous Notice in Writing of such his Intention to the Committee of the said Company of Proprietors, in order that the said Committee may appoint a Person or Persons to inspect into the Premises on their Behalf, and to take care that the said Pipe is of a proper Strength and Thickness, and be laid into the Bank at a convenient Time to the said Company, and in a proper Manner, according to the Intent and Meaning of this Act; and if any Dispute shall arise between the said Company of Proprietors or the said Committee and any Person who shall be desirous of taking Water out of the said Canal for the Purposes of any such Engine, or who shall be in the Use of taking the same therefrom, such Dispute shall be finally settled and determined in such Manner as other Disputes are by this Act directed to be settled and determined.

CLXIV. And

Right of Fishery reserved to Lords of Manors, &c.

CLXIV. And be it further enacted, That the Lord or Lords, or Owner or Owners, of all and every Manor or Manors through which the said Canal shall be made, shall have and be entitled to the several and exclusive Right of Fishery of and in so much of the said Canal, Reservoirs, and Feeders as shall be made through the Common or Waste Lands within his, her, or their Manor or Manors respectively, or through any other Lands or Grounds lying within such Manor or Manors wherein such Lord or Lords, or Owner or Owners, now have or hath, or are or is entitled to the Right of Fishery; and the Owner or Owners of all other Lands or Grounds adjoining to the said Canal, Reservoirs, and Feeders shall also have and be entitled to the like Right of Fishery of and in so much of the said Canal, Reservoirs, and Feeders as shall be made by or in his, her, or their Lands or Grounds, so as by the Use and Exercise of any such Right of Fishery as aforesaid the said Canal, Reservoirs, and Feeders, or the Towing Paths, Banks, or other Works and Conveniences hereby authorized to be made, shall not be prejudiced or obstructed, or any Water drained or extracted from or out of the said Canal, Reservoirs, and Feeders, and so as the said Company, or their Agents, Servants, or Workmen, or any of them, shall not be liable to any Penalty, Action, or Prosecution for or by reason of the taking or destroying of any Fish in the said Canal, Reservoirs, and Feeders which shall be taken, killed, or destroyed through or by means of the necessary letting off the Water out of the same respectively, or for or on account of any Repairs or Works to be done in or about the same.

Penalty on Bargemen, &c. carrying Nets, Guns, &c. for killing Fish or Game.

CLXV. And be it further enacted, That if any Person or Persons navigating or working or being on board any Boat, Barge, or Vessel upon the said Canal shall carry with him or them, or have on board any Boat, Barge, or Vessel, any Fishing Net, Gun, Engine, or other Instrument for taking or destroying Fish or Game (not being qualified by Law so to do), such Person or Persons shall for every such Offence, being convicted thereof before any One Justice of the Peace on the Confession of the Party offending, or on the Oath of One or more credible Witness or Witnesses, forfeit and pay any Sum not exceeding Five Pounds; and in case any Master or other Person having the Rule or Command of any Boat, Barge, or Vessel, shall knowingly suffer or permit any Person (not being duly authorized so to do) to have, carry on board, or make use of any Fishing Net, Gun, Engine, or other Instrument for taking or destroying any Fish or Game, every such Master or Person shall for every such Offence, being in manner aforesaid convicted thereof, forfeit and pay any Sum not exceeding Five Pounds.

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

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

such Damages or Charges by Distress and Sale of the Offender's Goods and Chattels, in manner by this Act directed for the levying of any Penalties or Forfeitures.

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

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

Justices may proceed by Summons in the Recovery of Penalties.

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

CLXIX. And

For Recovery of Penalties.

CLXIX. And be it further enacted, That all Complaints and Informations of and for Offences against this Act, or any Rule, Order, or Bye Law to be made in pursuance thereof (except in Cases where the Manner of hearing and determining thereof is hereinbefore otherwise directed), shall and may be made before One or more Justice or Justices of the Peace for the County or Place wherein the Offence shall be committed; and such Justice or Justices is and are hereby authorized and empowered to take cognizance thereof, and to summon the Person or Persons complained of to appear before him or them, or upon Complaint upon Oath to issue his or their Warrant or Warrants for the Apprehension of any such Person or Persons, and upon the Appearance or Nonappearance of such Person or Persons pursuant to such Summons, or upon such Person or Persons being apprehended with such Warrant, to hear the Matter of every such Complaint and Information by Examination of any Witness or Witnesses upon Oath, and to make such Determination thereon as such Justice or Justices shall think proper; and upon Conviction of any Person such Justice or Justices shall and may issue a Warrant under his or their Hand and Seal or Hands and Seals for levying the Penalty or Forfeiture by virtue of this Act, or of any Bye Law made in pursuance thereof, imposed for such Offence, together with the Costs of Conviction, to be ascertained by such Justice or Justices, by Distress and Sale of the Goods and Chattels of the Person so convicted; and in case such Penalty or Forfeiture shall not be forthwith paid it shall and may be lawful for any such Justice or Justices to order any Person so convicted to be detained and kept in safe Custody until Return can be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice for his or their Appearance before such Justice, or before some other Justice of the Peace for the said County or Place in which such Offence shall be committed, on such Day or Days as shall be appointed for the Return of such Warrant of Distress (such Day or Days not being more than Seven Days from the taking of any such Security), and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Forfeiture and Costs as aforesaid, and such Penalty or Forfeiture and Costs shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justice, either by the Confession of the Offender or Offenders or otherwise, that the Offender or Offenders hath or have not sufficient Goods and Chattels whereon such Penalties, Forfeitures, Fines, Costs, and Charges may be levied were a Warrant of Distress issued, and such Justice shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justice or Justices, and he or they is and are hereby authorized and required, by Warrant under his or their Hand and Seal or Hands and Seals, to commit such Offender to the Common Gaol or House of Correction for any Term not exceeding Three Calendar Months, unless such Penalty or Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner paid

paid and satisfied; and all such Fines, Penalties, and Forfeitures when recovered shall, where the Application is not otherwise directed by this Act, be paid into the Hands of the Treasurer or Treasurers of the said Company, and shall be applied and disposed of towards defraying the Expences of the said Navigation; and the Overplus (if any) arising from such Distress and Sale, after Payment of the Penalty and the Costs and Charges attending the same, shall be returned, upon Demand, to the Owner of the Goods and Chattels so distrained.

For Apprehension and Commitment of Offenders in certain Cases.

CLXX. And be it further enacted, That it shall be lawful for any Person or Persons who shall see any Offence committed against this Act by any Person destroying or doing any wilful Damage to the said Canal or any other Works by this Act authorized to be made, contrary to any of the Provisions herein-before contained, to apprehend and detain any such Offender without any Warrant or other Authority than this Act, and to convey such Offender or cause him to be conveyed by some Constable or other Peace Officer before any Justice of the Peace for the County or Place in which the Offence shall be committed, who shall forthwith proceed against such Offender according to the Provisions in this Act contained.

Power for Committee to give Informer Part of the Penalties.

CLXXI. Provided nevertheless, and be it further enacted, That it shall be lawful for the Committee of Management of the said Company from Time to Time, if they shall think fit, to pay and apply any Part of the Penalties, Forfeitures, and Fines to and for the Use of the Informer or Informers, or other Person or Persons aiding or assisting in the Apprehension of any Offender or Offenders therein, or any of them.

CLXXII. And be it further enacted, That all and every Justice and Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act shall and may cause the Conviction to be drawn up in the following Form of Words, or any other Form of Words to the same Effect; that is to say,

Form of Conviction.

'} to wit. } BE it remembered, That on [*Time of Conviction*] at [*Place of Conviction*] [*Name of Offender*] of [*Addition of Offender*] was duly convicted before me [*or* us] [*Name and Style of convicting Justice or Justices*], for that the said [*Name of Offender*] on [*Time of committing Offence*] at [*Place of committing Offence*] did [*here state the Offence against the Act according to the Fact*], contrary to Form of the Statute made in the Seventh Year of the Reign of His Majesty King *George* the Fourth, intituled [*here set forth the Title of this Act*], and I [*or* we] do therefore declare and adjudge that the said [*Name of Offender*] has forfeited for the said Offence the Sum of [*Fine*] or shall be committed to [*Place of Imprisonment*] for the Space of [*Time of Imprisonment*]. Given under my Hand and Seal [*or* our Hands and Seals] the Day and Year first above written.'

Persons making Distress irre-

CLXXIII. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this

this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damages in an Action upon the Case. gularly not to be deemed Trespassers ab initio.

CLXXIV. And be it further enacted, That no Proceedings to be had and taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere. Proceedings not to be quashed for Want of Form, or removed by Certiorari.

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

CLXXVI. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in anywise relating to the said Rates and Duties, or respecting any Matter or Thing relating to the said Navigation or Undertaking, no Person or Persons acting by or under the Authority of the said Company of Proprietors, or in the Service of the said Company, shall for that Reason alone be in any Manner disqualified or incapacitated from giving Evidence in, upon, and respecting such Dispute, Suit, or Litigation. Officers under this Act not to be incompetent Witnesses.

CLXXVII. And be it further enacted, That in all Actions, Suits at Law or in Equity, and in all Proceedings under this Act or otherwise, for any Claim or Compensation against or for or on behalf of the said Company, and also in all Prosecutions commenced or instituted by or on behalf of the said Company, or other Proceedings in or consequent upon or arising out of any such Actions and Suits or Proceedings, it shall be lawful for the Clerk or Clerks, or any of them, for the Time being, of the said Company, in his or their own Name or Names, for or on behalf of the said Company, to make, sign, Clerk of the Company may grant Releases to Witnesses.

sign, seal, execute, and deliver all and every such General or other Release or Releases as may be deemed to be necessary for the Purposes of exonerating, releasing, or discharging all and every or any Person or Persons who shall or may be produced as a Witness or Witnesses in any such Actions, Suits, Prosecutions, or other Proceedings as aforesaid, from all Claims or Demands which may be necessary to be released by the said Company, in order to qualify such Person or Persons to give Evidence as a Witness or Witnesses in any such Actions, Suits, Prosecutions, or other Proceedings as aforesaid, and also to do any other Act, Matter, or Thing in any such Action, Suit, Prosecution, or other Proceedings, which any Plaintiff or Defendant may do in any Suit, Action, or Prosecution, or other Proceedings; and every such Release, Act, Matter, and Thing respectively shall be as valid and effectual in all respects and to all Intents and Purposes whatsoever as if the same were under the Seal of the said Company of Proprietors.

Punishing Persons giving false Evidence.

CLXXVIII. And be it further enacted, That all Persons who in any Examination to be taken upon Oath by virtue of this Act shall wilfully and corruptly give false Evidence or otherwise forswear themselves before any such Jury, or before any Justice of the Peace acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject and liable to such and the same Pains and Penalties as Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable to.

Appeal to Quarter Sessions.

CLXXIX. Provided always, and be it further enacted, That any Person or Persons thinking himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of any Rule, Bye Law, or Order of the said Company of Proprietors or their Committee, or by the Order or Determination of any Justice or Justices of the Peace, in pursuance of this Act, may, within Six Calendar Months after such Order shall be made or given, complain to the Justices of the Peace at the General or Quarter Sessions of the Peace to be held in and for the County in which the Cause of Appeal shall arise, the Person or Persons appealing having first given at least Ten Days clear Notice in Writing of such Appeal, and of the Nature and Matter thereof, to the Person or Persons appealed against, or to the Clerk or Clerks of the said Company, and forthwith after such Notice entering into a Recognizance before some Justice of the said County in which the said Cause of Appeal shall arise, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order and Award of the said Court thereupon; and the said Justices, upon due Proof of such Notice and Recognizance having been given and entered into, shall, in a summary Way, hear and determine such Complaint at such General or Quarter Sessions of the Peace to be held for the said County, or, if they think proper, adjourn the Hearing thereof until the next General or Quarter Sessions of the Peace to be held for the said County; and if they see Cause may mitigate any Forfeitures or Fines, and may order any Money to be returned which shall have been

been levied in pursuance of such Rule, Bye Law, Order, or Determination, and shall and may also award such further Satisfaction to be made to the Party injured, or such Costs to either of the Parties, as they shall judge reasonable and proper; and all such Determinations of the said Justices shall be final, binding, and conclusive upon all Parties to all Intents and Purposes whatsoever.

Plaintiff not to recover without Notice, or after Tender of Amends.

CLXXX. Provided always, and be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants, or left at his, her, or their last or usual Place or Places of Abode, Thirty Days before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action, nor shall the Plaintiff or Plaintiffs recover in such Action if Tender of good and sufficient Amends shall have been made to him, her, or them, or his, her, or their Attorney, by or on behalf of the Defendant or Defendants, before such Action brought, nor if such Tender of Amends shall be made at any Time after the said Action brought and before the Trial thereof, with Costs of Suit to the Time of such last-mentioned Tender; but on Proof of such Tender on any Trial to be had in such Action the Plaintiff or Plaintiffs shall be nonsuited, and shall pay Treble Costs, to be recovered in the same Manner as any Defendant or Defendants may recover Costs in any other Case by Law; or in case no Tender shall have been made it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgment shall be had, made, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

For Service of Notices, &c. on the Company.

CLXXXI. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person or Persons, or Party or Parties, to serve upon the said Company any Notice or Notices, Writ or Writs, or other legal Proceeding or Proceedings in Equity, the Service upon One of the Committee of Management to be appointed by virtue of this Act, or left at his last or usual Place of Abode, or upon the Clerk or Clerks of the said Company, or left at the Office or usual Place of Abode of such Clerk or Clerks, or upon any Agent or Officer of the said Company, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively upon the said Company.

Limitation of Actions.

CLXXXII. And be it further enacted, That if any Action, Suit, or Information shall be brought or commenced by any Person or Persons for any thing done or to be done in pursuance of this Act, or in execution of the Powers and Authorities or the Orders and Directions herein-before given or granted, every such Suit or Information shall be brought or commenced within Six Calendar Months next after the Fact shall have been committed, or in

case

case there shall be a Continuance of Damages then within Six Calendar Months next after the doing or committing of such Damage shall have ceased, and not afterwards, and shall be laid or brought in the County where the Matter in dispute shall arise and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may, at his, her, or their Election, plead specially, or plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by Authority of this Act; and if it shall appear to have been so done, or if any Action, Suit, or Information shall be brought after the Time so limited for bringing the same, or shall be brought in any other County than as aforesaid, then and in such Case the Jury shall find for the Defendant or Defendants, and in such Case also, or if the Plaintiff or Plaintiffs shall become Nonsuit, or suffer a Discontinuance of his, her, or their Action or Actions, Suits or Informations, after the Defendant or Defendants shall have appeared thereto, or if any Verdict shall pass against the Plaintiff or Plaintiffs, or if, upon Demurrer or otherwise, Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for the Recovery of the same as any other Defendant or Defendants hath or have in other Cases at Law.

Powers given by this Act to cease if Works not completed within Seven Years.

CLXXXIII. And be it further enacted, That in case the said Navigation and the several Works herein-before described and intended to be carried into effect under the Authority of this Act shall not have been completed within the Space of Seven Years from the passing of this Act, then and from thenceforth all the Powers and Authorities given by this Act shall cease and determine as to all such and so much of such Works as shall not have been completed within such Time, but without Prejudice to all or any of the Rights, Powers, and Privileges as to such and so much of the said Navigation and Works as shall have been completed within such Time as can or may be made beneficial or available to the said Company, and also saving all such Matters and Things as shall have been transacted, and such Contracts and Agreements as shall have been made, in pursuance of the Powers herein contained, and so that the said Company of Proprietors be not discharged from any Liability or Obligation to any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, arising out of the Provisions herein contained.

Canal not to be under the Commissioners of Sewers.

CLXXXIV. And be it further enacted, That the said Canal, Reservoirs, Feeders, and other Works hereby authorized to be made shall not be under the Survey or Order of any Commissioners of Sewers, nor subject to a Commission of Sewers, or any Law or Statute made for Sewers; any Law or Statute to the contrary in anywise notwithstanding.

Saving of the Rights of the Lords of Manors.

CLXXXV. Provided always, and be it further enacted, That all and every the Manorial and other Rights, Privileges, and Immunities whatsoever, of all and every the Lords and Ladies, Lord and Lady, of the

the Manors or Lordships of and in which any Lands or Grounds to be taken for the Purpose of this Act shall be situate, shall be and they hereby are saved and reserved to them and every of them, and to all Persons whomsoever seised or possessed thereof or interested therein, in as ample and beneficial a Manner as if this Act had not been passed.

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

The SCHEDULE to which this Act refers.

County.	Parish and Township.	Owners.	Lessees.	Occupiers.	Description of Property.
Chester	Parish of Stockport - - Township of Marple - -	The Company of Proprietors of the Peak Forest Canal	- - -	Themselves - -	Canal and Towing Path.
Ditto	Ditto - - - -	William Bowden - -	- - -	Himself - - -	Cottage, Stable, and Garden.
Ditto	Ditto - - - -	Ann Hill - - -	- - -	Solomon Warhurst - -	Garden.
Ditto	Ditto - - - -	George Bancroft, Esquire -	- - -	Jonathan Arrowsmith -	Wood.
Ditto	Ditto - - - -	Thomas Marriott, Esquire -	- - -	Himself - - - -	Plantation.
Ditto	Ditto - - - -	Thomas Wild - - -	- - -	George Green - - -	Garden.
Ditto	Ditto - - - -	ThomasLegh,Esquire,ofLyme	- - -	Thomas Legh, Esquire, and Thomas Bullock senior	Wood.
Ditto	Parish of Prestbury - - Township of Lyme Hanley	Same - - - -	- - -	Isaac Bullock - - -	Garden.
Ditto	Parish of Prestbury - - Township of Pointon - -	Viscountess Warren Bulkeley	- - -	Herself - - -	A Wood or Plantation.
Ditto	Ditto - - - -	Same - - - -	- - -	George Mattocks - -	Cottage.
Ditto	Parish of Prestbury - - Township of Pot Shrigley -	ThomasLegh,Esquire,of Lyme	- - -	John Mitchell - - -	Woods.
Ditto	Ditto - - - -	William Turner, Esquire -	- - -	Himself - - -	Woods.
Ditto	Parish of Prestbury - - Township of Adlington -	Thomas Legh, Esquire, of Adlington - - -	Peter Etchells - -	William Clayton - -	Wood.
Ditto	Ditto - - - -	Same - - - -	- - -	James Braddock - -	Garden.
Ditto	Parish of Prestbury - - Township of Pot Shrigley -	William Turner, Esquire -	- - -	Himself - -	Plantation or Wood.
Ditto	Parish of Prestbury - - Township of Adlington -	Thomas Legh, Esquire, of Adlington - - -	- - -	John Wyatt - -	Stable.
Ditto	Ditto - - - -	Same - - - -	Robert Roylance -	Thomas Walton - -	Pigstye.

The SCHEDULE to which this Act refers — *continued.*

County.	Parish and Township.	Owners.	Lessees.	Occupiers.	Description of Property.
Chester	Parish of Prestbury Township of Bollington	Thomas Birch, Esquire, and Charles Harwar		Thomas Brough	Bollington Mill Goit.
Ditto	Parish of Prestbury Township of Hurdsfield	John Ryle, Esquire		John Broome	Wood.
Ditto	Ditto	William Smyth, Esquire		William Trueman	Garden.
Ditto	Parish of Prestbury Township of Macclesfield	Samuel Leadbeater		Samuel Leadbitter, Thomas Wooley, George Blackwell, Francis Tatton, John Bailey, James Gaskell, Thomas Collier, and Thomas Shatwell	Garden.
Ditto	Ditto	Thomas Barnshaw		Himself	Cottage, Gardens, and Privy.
Ditto	Ditto	Same		Ralph Barnshaw	Cottage and Garden.
Ditto	Ditto	Same		Isaac Anderton	Cottage.
Ditto	Ditto	James Verdon		James Verdon, John Wright, William Harris, and James Ridgway	Garden.
Ditto	Ditto	Matthew Bamford		Himself	Yards, Gardens, Sheds, House, Private Road, and Privy.
Ditto	Ditto	Anthony Bown		Himself	Garden.
Ditto	Ditto	Matthew Bamford		George Massey	Garden.
Ditto	Ditto	Samuel Bamford		Himself	Shed or Stable.
Ditto	Ditto	Matthew Bamford		Himself	Shed and Yard.
Ditto	Parish of Prestbury Township of Sutton	Francis Newbold, Esquire, and Baker Dawson, Esquire,		Jane Salt	Cottage, Garden, Shed, or Stable and Privy.
Ditto	Ditto	Same		William Moss	Gardens.
Ditto	Ditto	Same		Thomas Brocklehurst, Esquire	Garden.
Ditto	Ditto	Same		Thomas Rathbone	Garden.
Ditto	Ditto	Same		Themselves	Wood.
Ditto	Ditto	John Allen		William Bennett	Garden.

The SCHEDULE to which this Act refers—*continued.*

County.	Parish and Township.	Owners.	Lessees.	Occupiers.	Description of Property.
Chester	Parish of Prestbury Township of Sutton	George Clark		William Ratcliffe, Thomas Tristram, Edward Pontefract, John Lees, and Thomas Rideings	Garden.
Ditto	Ditto	Charles Wood and Richard Wood		Themselves	Mill Goit.
Ditto	Ditto	Lord Bingham		Himself	Plantations.
Ditto	Parish of Gawsworth Township of Gawsworth	Earl of Harrington		James Broadhurst	Garden.
Ditto	Parish of Prestbury Township of Sutton	The Rev. David Davies, D. D.		Himself	Wood.
Ditto	Parish of Gawsworth Township of Gawsworth	Earl of Harrington		Joseph Brindley	Woods, Orchards, and Garden.
Ditto	Ditto	Same		Robert Mottershead	Wood.
Ditto	Parish of Prestbury Township of Bosley	Same		Himself	Woods.
Ditto	Ditto	Same		Same	Plantations.
Ditto	Parish of Prestbury Township of Northrode	John Smith Daintry, Esquire		John Wright	Road to Mr. Daintry's House.
Ditto	Ditto	Same		Himself	Wood.
Ditto	Parish of Astbury Township of Buglawton	Thomas Stringer		Himself	Fish Pond and Plantation.
Ditto	Ditto	Joseph Green, Esquire		Thomas Holland	Garden.
Ditto	Ditto	Samuel Pearson, Esq.		Himself	Woods.
Ditto	Ditto	William Pointon		Himself	Wood.
Ditto	Parish of Astbury Township of Buglawton	C. G. Parker, Esquire, Trustee of the late Lewis Disney Ffytche		Himself	Wood.
Ditto	Ditto	George Jolly		Himself	Woods.
Ditto	Ditto	James Porter senior		Himself	Woods.
Ditto	Parish of Astbury Township of Congleton	William Hand and Thomas Hand, Trustees of the late Henry Hand		Anne Galley	Wood.

The SCHEDULE to which this Act refers—*continued.*

County.	Parish and Township.	Owners.	Lessees.	Occupiers.	Description of Property.
Chester	Parish of Astbury - - Township of Congleton - -	Joseph Lockett - -	- - -	Thomas Harrison - -	Garden.
Ditto	Ditto - - - -	John Duncalf and Ann his Wife - - -	- - -	James Harrison - -	Cottage, Yard, Stable, or Barn, and Privy.
Ditto	Ditto - - -	Edward Snelson - -	- - -	Charles Capper - -	Cottage, Garden, and Stable.
Ditto	Ditto - - -	Martha Sharp - -	- - -	Herself - - -	Cottage, Yard, Garden, Pigstye, and Privy.
Ditto	Ditto - - -	Same - -	- - -	Thomas Knott - -	Shippon and Barn.
Ditto	Parish of Astbury - Township of Newbold Astbury - - -	The Reverend Sir Philip Grey Egerton, Baronet	- - -	Henry Whitehurst -	Wood.
Ditto	Ditto - - -	Same - - -	- - -	Henry Baddeley - -	Garden.
Ditto	Parish of Astbury - Township of Moreton -	George Ackers, Esq. - -	- - -	Himself - -	Woods.
Ditto	Ditto - - -	Same - - -	- - -	Same - - -	Plantation.
Ditto	Parish of Astbury - Township of Oddrode -	John Lowndes, Esq. -	- - -	Himself - - -	Woods, Orchard, Occupation Road, and Plantation.
Ditto	Ditto - - -	Same - - -	- - -	William Lowndes, Esquire.	Plantation, Garden, and Pool.
Ditto	Ditto - - -	Same - - -	- - -	William Longton - -	Garden.
Ditto	Parish of Astbury - Township of Oddrode -	John Lowndes, Esq. -	- - -	Peter Smith - -	Garden.
Ditto	Ditto - - -	James Sutton, Esquire, the Reverend Henry Delves Broughton, and John Arthur Borron, Esquire -	- - -	Themselves -	Rail Road.
Ditto	Ditto - - -	Daniel Morris - -	- - -	Jonathan Hulme - -	Cottage and Garden.
Ditto	Ditto - - -	Same - - -	- - -	Unoccupied - -	Cottage, Garden, and Privy.
Ditto	Ditto - - -	Same - - - -	- - -	Himself - - -	Stable and Yard.
Ditto	Ditto - -	Thomas Moors - -	- - -	Robert Amblett - -	Cottage and Garden.

The SCHEDULE to which this Act refers—*continued.*

County.	Parish and Township.	Owners.	Lessees.	Occupiers.	Description of Property.
Chester	Parish of Astbury - Township of Oddrode -	Thomas Moors - -	- - -	Samuel Cooke - -	Cottage and Garden.
Ditto	Ditto - -	Same - - -	- - -	Thomas Faulkner - -	Cottage, Stable, Garden, and Privy.
Ditto	Ditto - -	The Reverend William Moreton Moreton -	Thomas Mellor -	Thomas Mellor - -	Garden.
Ditto	Ditto - -	Same - -	Same - -	John Mountford, William Hall, and John Bentley	Garden.
Ditto	Parish of Church Lawton Township of Church Lawton	William Lawton, Esquire -	- - -	Timothy Booth - -	Garden.
Ditto	Ditto - -	Same - - - -	- - -	William Macclesfield - -	Cottage and Garden.
Ditto	Parish of Astbury - Township of Oddrode	Randle Wilbraham, Esq. -	- - -	Joseph Stones and James Cook	Garden.
Ditto	Parish of Church Lawton Township of Church Lawton	William Lawton, Esquire -	- - -	Himself - - - -	Plantations.
Ditto	Ditto - -	Same - - - -	- - -	William Owen - -	Cottage and Garden.
Ditto	Ditto - -	Same - - - -	- - -	James Machin - -	Cottage and Garden.
Ditto	Parish of Church Lawton Township of Church Lawton	The Company of Proprietors of the Navigation from the Trent to the Mersey -	- - -	Themselves - -	Feeder to the Canal, and Canal and Towing Path.
Ditto	Ditto -	William Lawton, Esquire -	- - -	Richard Edensor Heathcote, Esq. - - -	Rail Road, Tool House, and Part of Wharf.
Ditto	Ditto - - -	Same - - -	- - -	Ralph Birks - -	Garden.
Stafford	Parish of Audley, Township or Hamlet of Talk or Talk-on-the-Hill	Richard Edensor Heathcote, Esq. - - -	- - -	Richard Edensor Heathcote, Esq. and John Colclough	Boat Yard and Workshop.
Ditto	Ditto - -	Same - - -	- - -	Himself - - -	Coal Wharf and Branch of Canal.
Ditto	Ditto - -	Thomas Kinnersley, Esquire	- - -	Samuel Pool - -	Garden.
Ditto	Ditto - -	Same - - - -	- - -	Himself - -	Shed or Tool House and Rail Road.
Chester	Parish of Prestbury - Township of Lyme Hanley	Thomas Legh, Esquire, of Lyme - -	- - -	Thomas Bullock senior -	Wood.

The SCHEDULE to which this Act refers—*continued.*

County.	Parish and Township.	Owners.	Lessees.	Occupiers.	Description of Property.
Chester	Parish of Prestbury - Township of Lyme Hanley	Thomas Legh, Esquire, of Lyme - - -	- -	Isaac Bullock - -	Wood.
Ditto	Parish of Prestbury - Township of Pot Shrigley	William Turner, Esquire -	- -	Edward Unwin -	Wood.
Ditto	Parish of Prestbury - - Township of Rainow -	Thomas Gaskell junior, Esquire - -	- -	Charles Bradley -	Wood.
Ditto	Ditto - - -	George Ainsworth - -	- -	James Fernley, John Fernley, and Martin Swindells - -	Mill Dam.
Ditto	Ditto - - -	Thomas Gaskel junior, Esquire - -	- -	Himself - -	Plantation.
Ditto	Ditto - - -	Same - - -	- -	Joseph Broadhurst -	Garden.
Ditto	Ditto - - -	George Ainsworth - -	- -	Himself - -	Plantations.
Ditto	Parish of Prestbury - Township of Sutton -	George Frederick Baker -	- -	Himself - -	Plantations.
Ditto	Ditto - - -	Ann Thornycroft - -	- -	John Birchenall -	Wood.
Ditto	Ditto - - -	The Reverend David Davies, D.D. - - -	- -	Himself - -	Plantation.
Ditto	Parish of Gawsworth - Township of Gawsworth -	Earl of Harrington - -	- -	Himself - -	Wood.
Ditto	Ditto - - -	Same - - -	- -	George Whitaker -	Garden.
Ditto	Parish of Prestbury - Township of Bosley -	Same - - -	Joseph Broster -	James Broster	House, Barn, Stable, Shippon, and other Outbuildings, Stack Yard, Garden and Orchard.
Ditto	Ditto - - -	Same - - - -	Same - -	John Broster -	Wood.
Ditto	Parish of Prestbury Township of Wincle	Francis Newbold, Esq. and Baker Dawson, Esquire -	- -	Thomas Bullock -	Wood.
Ditto	Ditto - -	John Smith Daintry, Esquire	John Cotterill -	John Brocklehurst -	Wood.
Ditto	Ditto - -	Anthony Wildgoose - -	- -	John Bagshaw - -	Wood.
Ditto	Ditto - -	John Smith Daintry, Esquire	- -	Himself - - -	Wood.
Ditto	Parish of Prestbury - Township of Bosley -	Earl of Harrington - -	- -	Mary Burgess - -	Wood.

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