ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

****

Cap. 77.

An Act for better ſupplying with Coal the Town of *Newcaſtle-under-Lyme*, in the County of *Stafford*.

[5th *May* 1812.]

WHEREAS an Act was paſſed in the Fifteenth Year of the Reign of His preſent Majeſty, intituled, *An Act to enable Sir* 15 G. 3. c.
Nigel Greſley *Baronet, and* Nigel Bowyer Greſley *Eſquire, his Son, to make and maintain a Navigable Cut or Canal, from certain Coal Mines in* Apedale *to* Newcaſtle-under-Lyme, *in the County of* Stafford: And whereas by the ſaid Act, Sir *Nigel Greſley* Baronet, and *Nigel Bower Greſley* Eſquire, his Son and Heir Apparent, were, amongſt other Things, empowered to make and maintain a Navigable Cut or Canal for Boats and other Veſſels, from their Coal Mines in the Manor of *Apedale* in the ſaid County of *Stafford*, to *Newcaſtle-under-Lyme* aforeſaid: And it was thereby enacted, that for the Term of Twenty-one Years from the Completion of the ſaid Cut or Canal, no Coals that ſhould be brought from any Coal Mines belonging to the ſaid Sir *Nigel Greſley* or *Nigel Bowyer Greſley*, their Heirs or Aſſigns, upon the ſaid Cut or Canal, except Cannel Coal, ſhould be ſold to any Inhabitants of *Newcaſtle-under-Lyme* to be uſed and conſumed within the ſaid Town, or to any of the Inhabitants of that Part of the Pariſh of *Stoke-upon-Trent* which adjoins to *Newcaſtle Mill Pool*, for any greater Price than Five Shillings for each

Ton or Twenty Hundred Weight, each Hundred Weight to consist of Six Score Pounds Avoirdupoise; nor for a greater Price than Five Shillings and Sixpence a Ton for the further Term of Twenty-one Years, to commence from the Expiration of the said first-mentioned Term; and if the said Sir *Nigel Gresley* or *Nigel Bowyer Gresley*, their Heirs or Assigns, should neglect to supply the said Inhabitants aforesaid, with Coals at the Prices aforesaid, for the Space of One Month together, unless prevented by Accidents in the Works, or by Frost, they should for every such Offence forfeit the Sum of Forty Pounds, to be recovered and applied as therein mentioned: and it was directed, that in case it should, during the Second Term of Twenty-one Years, appear to the Commissioners thereby appointed, or any Seven or more of them, that the Price of Five Shillings and Sixpence a Ton should, by Advance of Labour, or other unforeseen Accidents, be insufficient to answer the Expences of getting and vending the said Coals at a reasonable Profit, it should be lawful for the said Commissioners to empower the said Sir *Nigel Gresley* and *Nigel Bowyer Gresley*, their Heirs and Assigns, to demand and take for such Coals Six Shillings a Ton: And whereas the said Canal has been made and completed, and the said Inhabitants have been supplied with Coals for the said first-mentioned Term of Twenty-one Years, at the Price and in the Manner directed by the said Act, and since the Commencement of the Second Term of Twenty-one Years, the Commissioners have empowered the said Sir *Nigel Gresley* and *Nigel Bowyer Gresley*, their Heirs and Assigns, to take any Sum, not exceeding Six Shillings a Ton, and since that Order Six Shillings a Ton has been paid by the said Inhabitants: And whereas the said Sir *Nigel Gresley* and *Nigel Bowyer Gresley* are both some Time since dead, and *Thomas Levett* and *Wilmot Maria* his Wife, *Richard Edensor Heathcote* and *Emma Sophia* his Wife, *Nigel Gresley*, and *Louisa Georgiana Maria Gresley*, are now the Owners of the said Manor of *Apedale*, and Proprietors of the said Coal Mines and Works, and Persons interested therein, under the said *Nigel Bowyer Gresley*, who, upon the Death of his said Father, became Sir *Nigel Bowyer Gresley*: And whereas Dame *Maria Elizabeth Gresley* Widow, is entitled to a Jointure of Eight hundred Pounds a Year for her Life, charged upon and issuing out of the said Manor and Coal Mines: And whereas the Mines of Coal upon their present Levels, and from which the Supply has been afforded, are now nearly exhausted and worked out, and the said Inhabitants cannot be supplied with the Quantities of Coal necessary for their Consumption, without other Mines at a greater Distance, fresh Engines of greater Power, Roads, and other Works and Conveniences being opened, made, and executed; and to open such Mines, and execute and complete such Works, a considerable Sum will be necessary, and must be laid out and expended therein, and without making some Allowance and Provision beyond what is authorized to be taken under the Powers of the said recited Act for the Money to be expended, and also for the great Advance and Increase of Labour, Materials, and all other Articles necessary and requisite to carry on such Works, the Coals from such Mines cannot be sold to the said Inhabitants, whose Consumption is now become very large without great Loss and Injury to the Proprietors of the said Mines and Works: And whereas it would be a great Advantage to the Inhabitants of the said Town of *Newcastle-under-Lyme* and Place adjoining, if the said Pro-

Proprietors were enabled more effectually to furniſh a Supply of Coal for the ſaid Town: And it is juſt and neceſſary that the Proprietors of the ſaid Mines and Works ſhould be relieved in the Premiſes; but which cannot be done without the Aid and 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, and 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 ſo much of the ſaid Act of the Fifteenth Year of the Reign of His preſent Majeſty as inflicts any Pains or Penalties upon the ſaid Sir *Nigel Greſley* and *Nigel Bowyer Greſley*, their Heirs or Aſſigns, relative to the ſupplying of the ſaid Inhabitants of *Newcaſtle-under-Lyme* and that Part of the ſaid Pariſh of *Stoke-upon-Trent* which adjoins the *Mill Pool* aforeſaid, with Coals, for the reſpective Terms and at the Prices mentioned and expreſſed in the ſaid recited Act, ſhall, on the Firſt Day of *December* One thouſand eight hundred and twelve, be repealed, and the ſame is hereby declared to be from thenceforth repealed.

Former Act in part repealed.

II. And whereas Doubts and Differences may ariſe between the ſaid *Thomas Levett* and *Wilmot Maria* his Wife, *Richard Edenſor Heathcote* and *Emma Sophia* his Wife, and *Nigel Greſley* and *Louiſa Georgiana Maria Greſley*, their Heirs or Aſſigns, and the ſaid Inhabitants of *Newcaſtle-under-Lyme*, and Part of the Pariſh of *Stoke-upon-Trent* aforeſaid, touching the Prices of Coals, or Powers hereby granted; be it therefore further enacted, That *George Wood*, *Thomas Fenton*, *John Swinnerton*, *William Hill*, *Bernard Coombe*, *Samuel Henſhall*, *Peter Walthall*, *Charles Haſſells*, *William Hyatt*, *William Nickiſſon*, *Thomas Kinnerſly* Junior, *Clement Liegh* Clerk, *Thomas Sparrow*, *John Bagſhaw*, *John Clews*, *Robert Robiſon*, *John Smith*, *William Bent*, *George Plant*, *John Turner*, *Samuel Mayer*, *Moreton Walhouſe*, *Thomas Butt* Clerk, and *John Whieldon*, ſhall be and are hereby appointed Commiſſioners for putting all the Powers in the ſaid recited Act and this Act in Execution, as in the ſaid recited Act and this Act is directed and deſcribed; and the Commiſſioners herein nominated, and their Succeſſors being elected and qualified according to the Directions of the ſaid recited Act, are hereby empowered to act as fully and effectually to all Intents and Purpoſes, as if they had been appointed Commiſſioners by or under the ſaid recited Act, although they are or ſhall be Inhabitants of *Newcaſtle-under-Lyme*, any Thing in the ſaid recited Act to the contrary notwithſtanding; provided always, that no Perſon ſhall act as Commiſſioner in any Caſe under the ſaid recited Act or this Act, (except in adminiſtering the following Oath), until he ſhall have taken and ſubſcribed the Oath following, before any Five or more of the ſaid Commiſſioners, who are hereby authorized and empowered to adminiſter the ſame to any other of the Commiſſioners, viz.:

Commiſſioners for exeting this Act.

'I *A. B.* do ſwear that I will, without Favour or Affection, Hatred or 'Malice, truly and impartially, according to the beſt of my Skill and 'Judgment, execute and perform the Powers and Authorities veſted 'in me by an Act made in the Fifteenth Year of the Reign of His 'Majeſty King *George* the Third, for making and maintaining a Navigable Canal from certain Coal Mines in *Apedale* to *Newcaſtle-under-Lyme* in the County of *Stafford*; and by a certain other Act made in 'the Fifty-ſecond Year of the Reign of His ſaid Majeſty King *George*

'the

' the Third, for better ſupplying with Coal the ſaid Town of *Newcaſtle-*
' *under-Lyme*, or either of them.

' So help me GOD.'

For Delivery of Coals from certain new Mines.

III. And be it further enacted, That for and during the Term of Six Years, to be computed from the Twentieth Day of *July* One thouſand eight hundred and twelve, the ſaid *Thomas Levett* and *Maria* his Wife, *Richard Edenſor Heathcote* and *Emma Sophia* his Wife, *Nigel Greſley* and *Louiſa Georgiana Maria Greſley*, their Heirs or Aſſigns, ſhall ſupply the ſaid Inhabitants of *Newcaſtle under Lyme* and that Part of the Pariſh of *Stoke-upon-Trent* which adjoins the *Mill Pool* aforeſaid, with Coals of pure and good Quality, at their Wharfs in *Newcaſtle* aforeſaid, from the Mines commonly called the Seven Feet and Eight Feet Nabs Mines otherwiſe *Bignall Hill* Mines, lying in and under the Lands or Grounds within the Manors of *Apedale* aforeſaid, and upon which a Fire Engine is intended to be erected for the Purpoſes of Working the ſame, at the Price of Seven Shillings and Sixpence *per* Ton for each Ton, and ſo in Proportion for any greater or leſſer Quantity than a Ton, to be eſtimated in the Manner and be of the Weight ſpecified in the ſaid recited Act, and to be uſed and conſumed by the ſaid Inhabitants within the ſaid Town and Place adjoining as aforeſaid, as in and by the ſaid former Act is directed.

Quantity of Coals to be delivered from certain Mines.

IV. And be it further enacted, That the ſaid Proprietors, *Thomas Levett* and *Wilmot Maria* his Wife, *Richard Edenſor Heathcote* and *Emma Sophia* his Wife, *Nigel Greſley* and *Louiſa Georgiana Maria Greſley*, their Heirs and Aſſigns, ſhall alſo ſupply the ſaid Inhabitants of *Newcaſtle-under-Lyme* and Place adjoining as aforeſaid, at their Wharfs aforeſaid, for their own Conſumption, and to be uſed and conſumed therein as aforeſaid, with any Quantity of Coals from the Ten Feet or Eight Feet Hams Mines, one or both of them, which are now open and working, and lying under the Lands and Grounds within the Manor of *Apedale* aforeſaid, not leſs than One hundred Tons *per* Week, at the Price of Six Shillings a Ton, each Ton containing the Weight aforeſaid, as ſettled and allowed by the Commiſſioners in the ſaid former recited Act, and ſo in Proportion for any greater or leſſer Quantity than a Ton.

On what Occaſion additional Price may be charged for the Coals.

V. Provided always, and be it further enacted, That in caſe it ſhall at any Time hereafter, during the ſaid Term of Six Years, be made appear to the ſaid Commiſſioners, or any Five or more of them, at a Meeting for that Purpoſe aſſembled, of which Six Days Notice ſhall be given in Manner hereinafter mentioned, ſpecifying the Intent of ſuch Meeting, that the aforeſaid Price of Seven Shillings and Sixpence *per* Ton for the Coals to be got from the Mines called the Seven Feet and Eight Feet Nabs Mines, otherwiſe *Bignall Hill* Mines, or Six Shillings *per* Ton for the Coals to be got from the Ten Feet or Eight Feet Hams Mines, ſhall by the Advance of Labour, or other unforeſeen Accidents, be inſufficient to anſwer the Expence of getting, carrying, and vending the ſaid Coals, and to afford a reaſonable Profit to the ſaid Proprietors of the ſaid Mines, their Heirs and Aſſigns; then and in ſuch Caſe it ſhall be lawful for the ſaid Commiſſioners, or any Five or more of them, at ſuch Meeting aſſembled, to give Power and Authority to the ſaid Proprietors, their Heirs and Aſſigns, to demand and take for ſuch Coals as aforeſaid, any Sum not exceed-

exceeding Eight Shillings per Ton for the Coals from the ſaid Seven Feet and Eight Feet Nabs Mines, and not exceeding Six Shillings and Sixpence per Ton for the Coals from the ſaid Ten Feet or Eight Feet Hams Mines, and ſo in Proportion as aforeſaid; and after ſuch Power and Authority given, it ſhall be lawful for the ſaid Proprietors, their Heirs and Aſſigns, to take and receive ſuch Price or Sum as ſhall be ſo authorized, at their Wharfs aforeſaid, any Thing hereinbefore contained to the contrary notwithſtanding.

Coal not to be mixed.

VI. And be it further enacted, That there ſhall not be mixed and delivered with the ſaid Coals from the Seven and Eight Feet Mines, or either of them, any Baſs, Slag, or other extraneous Matter; and that the Coals from the ſaid Two Mines to be uſed for the Purpoſes of this Act, ſhall all be riddled at the Works in *Apedale* aforeſaid, and no Slack ſhall be ſent down the Canal for the Purpoſes aforeſaid to the Wharfs aforeſaid, that will go or fall through an Inch Riddle, except ſuch Slack as ſhall be neceſſarily made after ſuch Riddling by the Removal from the Pits and the Carriage to the ſaid Wharfs in *Newcaſtle;* and that no more than Two hundred Weight of any Slack in the whole, in each and every Ton of the ſaid Coals, and ſo in Proportion for any greater or leſſer Quantity than a Ton, ſhall be ſold at the ſaid Wharfs, by the Proprietors of the ſaid *Apedale* Mines, or the Agents or Servants employed by them, or in the Town of *Newcaſtle* or Place aforeſaid, by Carriers or Dealers in Coals; and that each and every Perſon offending in any of the Caſes aforeſaid, ſhall for each and every Offence forfeit any Sum not exceeding Fifty Shillings.

Regulation as to Coal from different Mines.

VII. Provided always, and be it further enacted, That nothing in this Act contained ſhall authorize or empower the ſaid Commiſſioners to order a greater Quantity of Coals than One hundred Tons *per* Week from the ſaid Mines called the Ten Feet or the Eight Feet Hams Mines, to be brought to the ſaid Wharf in *Newcaſtle* aforeſaid, or either of them, in caſe there ſhall be Coals of the ſaid other Mines at the ſaid Wharfs or either of them; and that in caſe the ſaid Eight and Ten Feet Hams Mines ſhall be inſufficient to produce upon their preſent Levels the Quantity hereby required Weekly upon an Average during the ſaid Term of Six Years, then the ſaid Commiſſioners ſhall order and direct the ſaid Mines to be examined by Two competent Perſons, One to be appointed by the ſaid Commiſſioners, and the other by the Proprietors of the ſaid Mines, their Heirs or Aſſigns, or by Two ſuch Perſons to be nominated by the ſaid Commiſſioners, in caſe the Proprietors of the ſaid Mines ſhall neglect or refuſe ſo to nominate for Six Days, after Notice for that Purpoſe given to the Agent of the ſaid Proprietors Reſident in or near the Works at *Apedale* aforeſaid, which Perſons ſo to be nominated as aforeſaid, the ſaid Commiſſioners ſhall examine upon Oath (which Oath they the ſaid Commiſſioners are hereby empowered to adminiſter), if they ſhall think it neceſſary; and upon the Examination and Report of ſuch Two Perſons, they the ſaid Commiſſioners ſhall make their Order accordingly for a regular Average Weekly Supply of the ſaid Coals during the Remainder of the ſaid Term; and ſo in like Manner from Time to Time, as Circumſtances may ariſe in the working of the ſaid Mines, to vary, alter, and amend ſuch Order.

In case of Deficiency of Coal from particular Mines, Coal may be brought from other Mines.

VIII. And be it further enacted, That in case it shall happen that the said Inhabitants of *Newcastle* and Place aforesaid shall not be supplied with an adequate Quantity of any of the said Coals at the Wharfs aforesaid, or some of them, sufficient for their Use and Consumption, then it shall be lawful for the said Commissioners to order and direct that other Coals shall and may be brought from other Collieries, either by the said Canal or otherwise, for any Term not exceeding Six Months, and from Time to Time for a further Term not exceeding Six Months, and so on until it shall be proved to the Satisfaction of the said Commissioners, that the said Inhabitants are and shall be again sufficiently supplied by or from the said Mines in *Apedale* aforesaid; but that during the Time the said Commissioners shall continue to order Coals as aforesaid, no Penalty or Forfeiture shall attach or be levied upon the Owners of the said *Apedale* Mines for Want of such Supply as aforesaid.

Stock of Coal to be kept on the Wharf at Newcastle.

IX. And be it further enacted, That the said Proprietors of the said *Apedale* Mines shall have a Stock of One thousand Tons of Coals upon some or One of the Wharfs within the Town of *Newcastle* aforesaid, on every First Day of *December* after the First of *December* next, during the Remainder of the said Term, to meet any Deficiency which shall or may arise from the Passage of the said Canal being impeded by Frost; and that such Stock shall afterwards be kept up during the Months of *December* and *January*, unless hindered or prevented by Frost, or other unforeseen Causes or inevitable Accidents as aforesaid; and in case the said Quantity of One thousand Tons of Coals shall not, on the First Day of *December* yearly, be upon the said Wharfs or some of them, and so continued at all Times during the said Months of *December* and *January*, unless hindered or prevented by Frost, or Accident as aforesaid, then the said Proprietors of the said Mines shall, for each and every such Offence forfeit the Sum of Forty Pounds.

Power to sell at the advanced Price before the Time fixed, if Coals ready.

X. And be it further enacted, That it shall be lawful for the Proprietors of the said *Apedale* Mines to charge or sell Coals within the Town of *Newcastle* and Place aforesaid, from the Seven Feet and Eight Feet Nabs Mines of the Description aforesaid, at and after the Rate of Seven Shillings and Sixpence *per* Ton, previous to the First of *December* next, if they shall have any Coals from such Mines ready for Sale before that Time, any Thing in this Act or the said former Act to the contrary notwithstanding.

Penalty on charging more than the established Price for Coal.

XI. And be it further enacted, That if any Person or Persons whomsoever shall sell, take, or receive any greater Price or Prices respectively than as hereinbefore mentioned, and by this Act is directed to be taken from any such Inhabitant of *Newcastle* or Place adjoining as aforesaid (knowing him or her to be such), for any such Coals to be used and consumed as aforesaid; and if any Person or Persons whomsoever shall charge a greater Quantity of any such Coals to any such Inhabitant or Inhabitants aforesaid, than weighed or delivered to him, or shall sell the Ten Feet or Eight Feet Hams Mines, or either of them, for any other of the said Mine or Mines directed to be sold under the Powers of this Act, or shall mix any of the said other Mines with the said Ten Feet and Eight Feet Hams Mines, or either of them,

and ſell the ſame as or for any of the ſaid other Mines at the advanced Price aforeſaid, contrary to the true Intent and Meaning of this Act, or ſhall wilfully or intentionally water any Coals directed to be ſold under the Powers of this Act, with Intent to defaud, every Perſon guilty of any or either of the Offences aforeſaid, and who ſhall be convicted thereof under the Powers of the ſaid recited Act, or this preſent Act, ſhall forfeit for every ſuch Offence any Sum not exceeding Five Pounds, to be recovered as by the ſaid recited Act, and applied as this Act is directed.

Penalty on Perſons not entitled to it, demanding Coals at the eſtabliſhed Wharf.

XII. And be it further enacted, That if any Perſon ſhall demand and purchaſe any of the ſaid Coals at the Price or Prices directed to be taken by this Act, not being an Inhabitant entitled thereto, and to be conſumed as aforeſaid, and if any Inhabitant aforeſaid ſhall purchaſe any of the ſaid Coals at the Price or Prices aforeſaid, or any other Coals at any other Price or Prices, and ſhall mix them with the ſaid Coals ſo purchaſed at the Price or Prices limited by this Act, and ſhall take and carry the ſame out of the ſaid Town and Place adjoining as aforeſaid, to ſell, or with Intent to ſell the ſame, contrary to the true Intent and Meaning of the ſaid recited Act or this Act; or if any Perſon or Perſons ſhall deliver to any Inhabitant of the ſaid Town or Place adjoining as aforeſaid, any falſe, counterfeit, or altered Ticket, with Intent to defraud, every ſuch Perſon guilty of any of the Offences aforeſaid, and thereof ſhall be convicted under the Powers of the ſaid recited or this Act, ſhall forfeit for every ſuch Offence any Sum not exceeding Five Pounds.

Penalty on Perſons re-ſelling Coal at more than the eſtabliſhed Price.

XIII. And be it further enacted, That if any Perſon or Perſons being Carriers of Coals, or Dealers in Coals from the ſaid Wharfs in *Newcaſtle* aforeſaid, or Mines in *Apedale* aforeſaid, againſt whom any Information ſhall be laid, under the Powers of the ſaid recited or this Act, for carrying or taking out of the ſaid Town or Place adjoining as aforeſaid, any of the ſaid Coals purchaſed from the ſaid Mines at *Apedale* aforeſaid, at the limited Price or Prices reſpectively by this Act directed to be taken, to ſell, or with Intent to ſell the ſame out of the ſaid Town or Place aforeſaid, every ſuch Perſon ſhall be liable to be convicted of any ſuch Offence, upon due Proof of ſelling, or carrying out of the ſaid Town and Place aforeſaid intending to ſell, only being made, according to the Directions of the ſaid recited or this Act, and thereof ſhall incur the ſaid Penalty or Penalties thereby and hereby impoſed; unleſs ſuch Perſon or Perſons ſhall prove to the Satisfaction of the Magiſtrate or Magiſtrates before whom ſuch Information or Informations ſhall be laid, that the ſaid Coals are or have been had and purchaſed from other Mines and Works, and not mixed with any of the ſaid Coals from the ſaid *Apedale* Mines aforeſaid, and purchaſed at the limited Prices reſpectively aforeſaid, contrary to the true Intent and Meaning of the ſaid recited or this Act.

XIV. Provided always, and be it further enacted, That all the Powers, Privileges, and Authorities either by this Act or by the ſaid recited Act granted to the Inhabitants of the ſaid Town of *Newcaſtle-under-Lyme*, and the Place adjoining as aforeſaid, in reſpect to the Coals

Coals and Mines aforeſaid; and alſo all Penalties and Forfeitures thereby granted in reſpect to ſuch Inhabitants, ſhall extend and be conſtrued and deemed to extend to all Perſons conſuming Coals within the ſaid Town or Place adjoining, notwithſtanding ſuch Perſons may not inhabit and dwell within the ſaid Town or Place adjoining.

XV. Provided always, and be it further enacted, That notwithſtanding any Thing hereinbefore or in the ſaid recited Act contained, it ſhall be lawful for the ſaid Proprietors of the ſaid Mines to charge to the ſaid Inhabitants of the ſaid Town and Place adjoining, a further Price in reſpect of all Coals ſold at any Wharf or Wharfs eſtabliſhed upon the Line of the *Newcaſtle under-Lyme Junction Canal*, not exceeding the Sum of Four-pence *per* Ton, which further Price ſhall include the Tonnage and Freight of the ſaid Coals along the ſaid laſt-mentioned Canal.

Proviſion reſpecting the erecting of a Weighing Machine for Coal.

XVI. And be it further enacted, That in caſe the Corporation of *Newcaſtle* aforeſaid, ſhall erect or fix a Public Weighing Machine in the *Red Lion Square* in the ſaid Town of *Newcaſtle*, or in ſome other centrical or more convenient Part of the ſaid Town, then, and in ſuch Caſe every common Carrier or Dealer in Coals ſhall, if required by the Inhabitants of the ſaid Town or Place aforeſaid, for whom he or ſhe is carrying the ſaid Coals, or to whom he or ſhe is delivering the ſame, whether from the *Apedale* Mines or from any other Colliery or Collieries, forthwith take the Carriage with ſuch Coals, there to be weighed, and take and produce a Ticket containing the Name of the Perſon for whom they are weighed, and the Weight of ſuch Coals (the Perſon requiring ſuch Weighing and Ticket, paying or tendering Payment of the Charge for weighing the ſame and of ſuch Ticket); and if any Carrier or Dealer in ſuch Coals ſhall neglect or refuſe to weigh the ſaid Coals, and obtain ſuch Ticket, after ſuch Requeſt made to him for that Purpoſe, he or ſhe ſhall for every ſuch Offence forfeit any Sum not exceeding Forty Shillings.

Recovery of Penalties and Forfeitures.

XVII. And be it further enacted, That all Penalties or Forfeitures above the Sum of Five Pounds, which ſhall be levied or impoſed under the ſaid recited or this preſent Act, ſhall, after Payment of the Expences attending the ſame, be paid and applied as in and by the ſaid recited Act is directed; and all Penalties or Forfeitures of the Sum of Five Pounds, or under, ſhall, after Payment of ſuch Expences attending the ſame, be paid and applied in Manner following (that is to ſay) one Moiety to the Informer, and the other Moiety to the ſaid Commiſſioners appointed by and under this Act, to be by them applied for the Repair of the ſaid Machine, or for the better conducting and managing of the Carriage and Delivery of the ſaid Coals, or ſuch other Purpoſe relating thereto as they ſhall think proper to order and direct; and that all ſuch Fines and Forfeitures ſhall be levied in ſuch Manner and by ſuch Means as the Fines and Penalties impoſed by and under the Powers of the ſaid recited Act are directed to be levied; and further, that in the Caſe of Penalties to be incurred by the Proprietors of the ſaid Mines, ſuch Penalties ſhall alſo be recoverable by Diſtreſs to be levied upon the Goods

Goods and Chattels of the Proprietors of the Mines aforesaid, as well within the Manor of *Apedale* aforesaid, as within the said Town of *Newcastle-under-Lyme*.

Summons to be served before Penalties levied.

XVIII. And be it further enacted, That upon Complaint made by any Seven or more of the Inhabitants of *Newcastle-under-Lyme* and Place adjoining as aforesaid, to the Commissioners appointed by and under this Act, that the Supply of Coals from the said Seven Feet and Eight Feet Mines, and from the said Ten Feet or Eight Feet Hams Mines, or either of them respectively, has for Three successive Days been insufficient for the adequate Supply of the Inhabitants aforesaid, then the said Commissioners shall and they are hereby empowered, upon due Proof upon Oath (which Oath they the said Commissioners are hereby authorized to administer) being made to the Satisfaction of the said Commissioners of the Truth of the said Complaint, to summon the said Proprietors, their Heirs or Assigns, or their Agent, resident in or near the Works at *Apedale* aforesaid, to appear before them within Two Days from the Service of the said Summons, to answer the Matter of the said Complaint; and in case the said Summons shall not be complied with, or the said Proprietors, their Heirs or Assigns, shall not be able to prove upon Oath (and which Oath the said Commissioners are hereby also empowered to administer) to the Satisfaction of the said Commissioners, that they the said Proprietors, their Heirs or Assigns, have been prevented or hindered from supplying the said Inhabitants with Coals from the Mines aforesaid, by inevitable or unforeseen Accidents in the Works or otherwise than by their own Neglect or Default, that then the said Commissioners shall order any Number of Tons not exceeding Five hundred Tons *per* Week of the said Coals, or some of them, to be laid down at the Wharfs now within the Town of *Newcastle-under-Lyme* aforesaid, one or other of them; and in case the said Order of the said Commissioners shall not be complied with within Three Days after Notice thereof given to the Agent of the said Proprietors resident in or near the Works in *Apedale* aforesaid, then the said Proprietors of the said Mines, their Heirs or Assigns, shall forfeit the Sum of Five Pounds *per* Day (*Sundays* excepted) and so on from Day to Day until they shall comply with the said Order, unless hindered or prevented by inevitable or unforeseen Accidents.

For preventing Disturbances at the Wharf.

XIX. And whereas great Riots Injuries, and Disturbances, have frequently arisen at the said Wharfs in *Newcastle* aforesaid, respecting the Order and Manner of delivering and receiving the said Coals, and the Lives of many Persons have, for Want of proper Regulations, been rendered in great Danger; to remedy which, be it further enacted, That the said Commissioners to be appointed by or under this Act, or any Five or more of them, with the Concurrence of the Magistrates of the Town of *Newcastle* aforesaid for the Time being, shall have Power and are hereby authorized from Time to Time to make Bye-laws for the better Regulation and Order of receiving, conveying, and Delivery of Coals from the Proprietors of the said Mines at the said Wharfs, to the Inhabitants of the Town of *Newcastle* and Place aforesaid, and to impose and lay such

Fines and Penalties for the due Obſervance thereof, as they ſhall find requiſite and neceſſary, not exceeding Forty Shillings for each Offence; and which ſaid Bye-laws being firſt reduced into Writing ſhall be printed, and a printed Copy or Copies thereof ſhall be put up, affixed, and continued in ſome conſpicuous Place or Places of the Market Hall of the ſaid Town, or other Place of general Public Reſort; and ſhall be binding upon and obſerved by all Perſons, and ſhall be ſufficient in any Court of Law or Equity to juſtify any Perſon who ſhall act under the ſame, provided ſuch Bye-laws are not repugnant to the Laws of that Part of the United Kingdom called *England*, or to the Proviſions and Directions in this Act contained or any of them; and which Fines and Penalties ſhall be levied and recovered in ſuch Manner as the Penalties and Forfeitures by the ſaid recited Act are directed to be recovered, and applied as the Penalties of Five Pounds and under are by this Act directed to be applied.

Appeal given to the Quarter Seſſions.

XX. 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 Commiſſioners, or by the Order or Determination of any Juſtice or Juſtices of the Peace, may within Four Calendar Months after ſuch Order or Determination ſhall have been made or given, appeal to the Juſtices of the Peace at any General Quarter Seſſions to be held for the County or Place where ſuch Cauſe of Appeal ſhall happen or ariſe, firſt giving Fourteen Days Notice at the leaſt in Writing of ſuch Intention to appeal to the Parties intereſted in ſuch Complaint; and the ſaid Juſtices ſhall in a ſummary Way hear and determine the ſaid Appeal at ſuch Seſſions, or if they think proper may adjourn the Hearing thereof to the next General Court of Quarter Seſſions of the Peace to be held for the ſaid County or Place, and if they ſee Cauſe may mitigate any Penalty or Forfeiture, and may order any Money to be returned which ſhall have been levied in purſuance of ſuch Bye-law, Order, or Determination, and may alſo order any ſuch further Satisfaction to be made to the Party injured as they ſhall judge reaſonable, and may alſo order ſuch Coſts to be paid to the Party aggrieved by the Party aggreſſing, as they in their Judgment ſhall think juſt and reaſonable.

Application of Compenſation when exceeding 200l.

XXI. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchaſed, taken, or uſed by virtue of the Powers of this or the ſaid recited Act, for the Purpoſes thereof, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatic, or other Perſon or Perſons under any other Diſability or Incapacity, 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 High Court of Chancery, to be placed to his Account *ex parte* the Commiſſioners for executing this and the ſaid recited Act, 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

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 Incumbrances 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 and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments which shall be conveyed and settled to, for and upon such and the like Uses, Trusts, Intents, or Purposes, and in the same Manner as the Lands, Tenements, 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 or Settlement shall be existing undetermined or capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the said High Court of Chancery, 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 mean Time 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 Lands, Tenements, or Hereditaments so to be purchased, in case such Purchase or Settlement were made.

Where less than 100*l.* and above 10*l.*

XXII. 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 Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or 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 Commitees, 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 High Court of Chancery and be placed to his Account as aforesaid, in order to be applied in Manner hereinbefore directed: or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Commissioners for executing this and the said recited Act (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 hereinbefore directed, so far as the Case be applicable,

applicable, without obtaining or being required to obtain the Directions or Approbation of the High Court of Chancery.

When under 20l.

XXIII. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as next 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, or Hereditaments ſo purchaſed, taken, or uſed for the Purpoſes of this or the ſaid recited Act, in ſuch Manner as the ſaid Commiſſioners, 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, or Perſons cannot be found, the Purchaſe Money to be paid into the Bank, ſubject to the Order of Chancery on Petition.

XXIV. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands, Tenements, or Hereditaments, to be purchaſed by virtue of this or the ſaid recited Act, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes, to the Satisfaction of the ſaid Commiſſioners, or any Five or more of them; or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded 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 Commiſſioners, or any Five or more of them, to order the ſaid Sum or Sums of Money ſo awarded as aforeſaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery 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, Controul, and Diſpoſition of the ſaid High Court of Chancery; which ſaid Court, on 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, and 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 and 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 ſuch Sum or Sums of Money, 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 Titles.

XXV. 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

the Accountant General of the High Court of Chancery, in purſuance of this or the ſaid recited Act, for the Purchaſe of any Lands, Tenements, or Hereditaments, or of any Eſtate, Right, Title, or Intereſt in any Lands, Tenements, or Hereditaments to be purchaſed in purſuance of this or the ſaid recited Act, or to any Bank Annuities to be purchaſed with any ſuch Money, or 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, 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 ſhewn to the Satisfaction of the ſaid High Court of Chancery; 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.

Court may order reaſonable Expences to be paid by the Truſtees,

XXVI. 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 or the ſaid recited Act, the Purchaſe Money for the ſame, ſhall be required to be paid into the High Court of Chancery, and to be applied in the Purchaſe of other Lands, Tenements, or Hereditaments, to be ſettled to the like Uſes in purſuance of this or the ſaid recited Act, it ſhall be lawful for the ſaid High Court of Chancery, to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this or the ſaid recited Act, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable, to be paid by the ſaid Commiſſioners out of the Monies to be received by virtue of this or the ſaid recited Act, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Power to call Special Meetings.

XXVII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners by this Act appointed, or any Five or more of them, or the Clerk to be by them appointed, from Time to Time as Occaſion ſhall require, to call any Special Meeting or Meetings of the ſaid Commiſſioners, by Notice in Writing, to be affixed upon the Town Hall of *Newcaſtle-under-Lyme* aforeſaid, at leaſt Six Days previous to every ſuch Meeting; and that all Orders and Proceedings to be made at ſuch Special Meetings ſhall be as binding and concluſive as the ſame would have been if made under the Powers of the ſaid recited Act, any Thing therein contained to the contrary.

Power of the former Act not altered, to continue in Force.

XXVIII. And be it further enacted That all the Powers, Authorities, Matters, and Things contained in the ſaid recited Act, (except ſuch as are hereby varied, altered, or repealed), ſhall extend to this preſent Act as fully and effectually to all Intents and Purpoſes, as if the ſame were repeated and re-enacted, but ſubject nevertheleſs to the Alterations, Amendments, and Variations herein contained.

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

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