ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

Cap. 73.

An Act to amend and enlarge the Powers of the several Acts passed for making a Navigable Canal from the *Trent* to the *Mersey*, and other Canals connected therewith. [20th *May* 1809.]

WHEREAS an Act was passed in the Sixth Year of the Reign of His present Majesty, intituled, *An Act for making a Navigable Cut or Canal from the River* Trent, *at or near* Wilden Ferry *in the County of* Derby, *to the River* Mersey *at or near* Runcorn Gap: And whereas an Act was passed in the Tenth Year of the Reign of His said present Majesty, intituled, *An Act to amend an Act, made in the Sixth Year of the Reign of His present Majesty, for making a navigable Cut or Canal from the River* Trent, *at or near* Wilden Ferry, *in the County of* Derby, *to the River* Mersey, *at or near* Runcorn Gap, *and for granting further Powers for that Purpose*: And whereas an Act was passed in the Fifteenth Year of the Reign of His said present Majesty, intituled, *An Act to amend and render more effectual, Two Acts passed in the Sixth and Tenth Years of the Reign of His present Majesty, for making a navigable Cut or Canal from the River* Trent, *at or near* Wilden Ferry, *in the County of* Derby, *to the River* Mersey, *at or near* Runcorn Gap: And whereas an Act was passed in the Sixteenth Year of the Reign of His said present Majesty, intituled, *An Act to enable the Company of Proprietors of the Navigation from the* Trent *to the* Mersey, *to make a navigable Canal from the said Navigation on the South Side of* Harecastle, *in the County of* Stafford, *to* Froghall, *and a Railway from thence to or near* Caldon, *in the said*

6 G. 3. c. 96.

10 G. 3. c. 102.

15 G. 3. c. 20.

16 G. 3. c. 32.

County, and to make other Railways: And whereas an Act was passed in the Twenty-third Year of the Reign of His said present Majesty, intituled, 23 G. 3. c. 33. *An Act to amend and render more effectual, several Acts passed in the Sixth, Tenth, Fifteenth, and Sixteenth Years of the Reign of His present Majesty, for making a navigable Canal from the* Trent *to the* Mersey, *and a Branch from the said Canal to* Froghall, *and a Railway from thence to or near* Caldon, *in the County of* Stafford: And whereas an Act was passed in the Thirty-seventh Year of the Reign of His said present Majesty King *George* 37 G. 3. c. 36. the Third, intituled, *An Act to enable the Company of Proprietors of the Navigation from the* Trent *to the* Mersey, *to make a navigable Canal from and out of a certain Branch of their said Navigation, called the* Caldon *Canal, at or near* Endon, *to or near the Town of* Leek, *in the County of* Stafford, *and also a Reservoir for supplying the several Canals of the said Company with Water*: And whereas another Act was passed in the said Thirty-seventh Year of the Reign of His said present Majesty, intituled, 37 G. 3. c. 81. *An Act to enable the Company of Proprietors of the Navigation from the* Trent *to the* Mersey, *to extend several Branches of Canal from and out of their said Navigation*: And whereas an Act was passed in the Forty-second Year of 42 G. 3. c. 25. the Reign of His said present Majesty, intituled, *An Act to enable the Company of Proprietors of the Navigation from the* Trent *to the* Mersey, *to make Railways, to alter the Course of the Railway from* Froghall *to* Caldon, *and Part of the Course of the Canal from* Froghall *to* Uttoxeter, *and to amend the* Trent *and* Mersey *Canal Acts*: And whereas by the said Acts, or some of them, the said Company are empowered to ask, demand, take, and receive, to and for their own proper Use and Benefit, for Tonnage and Wharfage for all Coals, Stones, Timber, and other Goods, Wares, Merchandize, and Commodities, which shall be navigated upon or through the said Canals, such Rates or Duties as the said Company shall think fit, not exceeding the Sum of One Penny Half-penny per Mile for every Ton of such Goods and Commodities, and so in Proportion for a less Quantity than a Ton; which Rates and Duties are directed to be paid to such Person or Persons, at such Place or Places near to the said Canal, in such Manner and under such Regulations as the said Company shall direct or appoint: And whereas the said Company have made and completed all the Works authorized by the said recited Acts, except the Canal from *Froghall* to *Uttoxeter*, which they are proceeding in with the utmost Expedition; but to enable them to finish it, a further Sum is necessary to be raised; and it is also expedient that some of the Provisions of the said Acts should be amended, and further Powers granted; 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 it shall be lawful for the said Company, and they are hereby authorized and empowered to borrow and raise on Mortgage of the said Canals, Undertakings, and Premises, and the Tolls and Duties thereby arising, at legal or less Interest, any Sum not exceeding Thirty thousand Pounds, from such Person or Persons as shall be willing to lend the same, and to assign the same Premises or any Part thereof as a Security for any such Sum or Sums of Money with Interest; and that all the Regulations and Provisions in the said recited Acts or any of them, with respect to borrowing Money, shall be extended to this Act.

Power to raise more Money.

Power to take Rain and Flood Waters.

II. And whereas in the Neighbourhood of the said Reservoir in *Rudyerd Vale* in the said County of *Stafford*, there are frequent Rains and sudden

Showers, occaſioned in ſome Degree by the ſurrounding Hills, which cauſe Floods and Superfluities of Water, particularly on the River *Dane* in the ſaid County of *Stafford*, part of which if collected and conducted into the ſaid Reſervoir would be of great Uſe in affording a ſeaſonable Supply to the ſame for the benefit of the Navigation of the ſaid Canals; be it therefore further enacted, That it ſhall be lawful for the ſaid Company, and they are hereby authorized and empowered to make and maintain a Trench or Gutter from the ſaid Reſervoir to the ſaid River *Dane*, between a Bridge called *Dane Bridge*, and the Paper Mill ſtanding on the ſaid River a ſhort Diſtance below the ſaid Bridge, and there to erect a Weir, Twelve Inches at leaſt in heighth above the Level of the Weir of the ſaid Mill, to receive from Time to Time a part of the Flood or ſuperfluous Water of the ſaid River, when it ſhall riſe to the ſaid Heighth, and not otherwiſe; and alſo to make and maintain ſuch other Trenches or Gutters on the Sides of the Hills contiguous to the ſaid Reſervoir as may be neceſſary for occaſionally collecting Rain and Flood Waters for the Purpoſes aforeſaid, not affecting, turning, or diverting thereby any Springs or Streams of Water from or out of their uſual Courſe, nor affecting, turning, or diverting the neceſſary Supplies of the ſaid River *Dane*, or diminiſhing the requiſite Supply of Water for the adjacent Farms and Lands, making Compenſation and Satisfaction for all Treſpaſs and Damage to be done or occaſioned by the ſaid Trenches or Gutters, in the ſame Manner as Satisfaction is required and directed to be made by the ſaid Acts or any of them for Damages to be done by the Execution of the Powers of any of the ſaid Acts; any Thing in the ſaid Acts contained to the contrary thereof in anywiſe notwithſtanding: Provided always, That if the Weir of the ſaid Paper Mill ſhall at any Time hereafter be either raiſed or lowered, (which nothing in this or the ſaid recited Acts contained ſhall prevent the Owner of the ſaid Mill for the Time being, from Time to Time doing as Occaſion may require), then that the ſaid Company ſhall and they are hereby required to raiſe or lower the Weir to be erected by them in the ſame Proportion, ſo that the ſame may at all Times be and continue of the Heighth of Twelve Inches above the Level of the Weir of the ſaid Paper Mill; and in caſe the ſaid Paper Mill Weir ſhall at any Time hereafter be taken down or removed, then that it ſhall be lawful for the ſaid Company to erect a new one of the ſame Dimenſions, in the Place of the old one, or as near to the Scite thereof as may be, making Compenſation and Satisfaction for all Treſpaſs and Damage to be done or occaſioned thereby in Manner aforeſaid.

Power to alter the Treble Locks at Lawton.

III. And whereas at *Lawton* in the County of *Cheſter*, there are Three Locks on the ſaid Canal placed contiguous to each other, call'd *The Treble Locks*, which occaſion a great and unneceſſary Waſte of Water, and great Delays in the Paſſage of Boats, to the manifeſt Injury of Trade and Commerce; be it therefore further enacted, That it ſhall be lawful for the ſaid Company to remove the ſaid Three Locks, and to place them at ſuitable and convenient Diſtances from each other, making Satisfaction for all Treſpaſs and Damage to be done thereby, in Manner directed by the ſaid recited Act.

Power to alter Rates.

IV. And whereas the ſaid Company are by the ſaid Firſt recited Act reſtrained and prohibited from taking leſs Tolls or Duties on Goods and Merchandize carried on the ſaid Canals, than are granted and empowered to

to be collected and received by the ſaid Act, without the Conſent of the Commiſſioners therein named at Meetings to be held for that Purpoſe in Manner therein directed; from which many public Inconveniences have ariſen; be it therefore further enacted, That it ſhall be lawful for the ſaid Company, at any of their General Meetings aſſembled, to order and direct their Collectors and Agents to collect and receive ſuch lower Rate or Duty on any Goods or Merchandize carried on the ſaid Canals, than they are authorized by the ſaid Acts to collect and receive for and upon ſuch Goods, as the ſaid Company ſhall deem it neceſſary for promoting the Extenſion of Commercial Intercourſes on the ſaid Canals, and the Benefit of the Public; ſuch Order to remain and continue in force till altered or reſcinded by the ſaid Company at ſome ſubſequent General Meeting; provided that ſuch reduced Rates ſhall not be partially made in favour of any particular Perſon or Perſons, but ſhall be general and extended equally to all Perſons navigating or carrying Goods on the ſaid Canals; and that Goods and Merchandize carried on the ſaid Canals, and paſſing into or from the *Birmingham* and *Fazeley* Canal, ſhall be entitled to the ſame Reduction in Proportion to the Length of the Voyage, as Goods and Merchandize navigated on the Canal between *Preſton Brook* and *Shardlow*.

For the more eaſily aſcertaining the Weight of Goods.

V. And whereas by the ſaid Firſt recited Act the Maſters, Owners, and Managers of every Boat or Veſſel, navigating upon the ſaid Canal, are required to give a juſt Account in Writing, to the Collectors of the ſaid Tonnage or Duties, of the Quantities of Goods in or belonging to each Boat or other Veſſel, and in caſe of Neglect or Refuſal to deliver ſuch Account, or of giving a falſe Account, they are made ſubject to a Forfeiture as in the ſaid Act is contained; and whereas it is by the ſaid recited Act further provided, that if any Difference ſhall ariſe between any Collector and the Maſter, Owner, or Manager of any Boat or Veſſel, or the Owner of any Goods, concerning the Weight and Quantity of the ſame, ſuch Collector may ſtop and detain any ſuch Boat or Veſſel, and weigh, meaſure, and gauge all ſuch Goods as ſhall be therein contained; and whereas the ſaid Proceeding is attended with great Delay, Expence, and Inconvenience, and ſhould not be reſorted to, unleſs in Caſes of Neceſſity; be it therefore further enacted, That if at any Time hereafter any Diſpute or Difference ſhall ariſe between any of the ſaid Collectors and the Maſter, Owner, or Manager of any Boat or Veſſel, or the Owner of any Goods, concerning the Weight or Quantity of the Goods in ſuch Boat or Veſſel, and the ſame cannot be ſettled and adjuſted without unloading ſuch Boat or Veſſel, and weighing, meaſuring, or gauging ſuch Goods, it ſhall and may be lawful to and for the ſaid Company or their ſaid Collectors, and they are hereby authorized and empowered to charge the Weight of ſuch Goods by and according to the Weight thereof, declared by the Gauge of ſuch Boat, and the graduated Index thereon, any Thing in the ſaid recited Act contained to the contrary notwithſtanding.

For preventing Boats ſtopping at improper Places and Times.

VI. And whereas great Injuries and Inconveniences, both Public and Private, have been done and occaſioned by Boats and Veſſels ſtopping, and lying at obſcure and improper Places on theſe Canals, thereby affording Facilities to evil-diſpoſed Perſons to plunder and rob the Cargoes on board, and to the Perſons having the Care of ſuch Boats to treſpaſs on the Lands and Grounds adjoining; for preventing the like in future, and for affording as much Security and Protection as poſſible to the Commerce carried on by

by these Canals; be it further enacted, That it shall not be lawful to or for any Boat or Vessel (unless prevented by some inevitable Accident or other reasonable Cause), to stop or lie on any Part of these Canals in the Day-time longer than may be necessary for loading or unloading, receiving, or delivering Goods into or out of such Boat or Vessel, or to lie or be moored in the Night on any Part of these Canals, other than and except at some Wharf or Quay, or in some Bason or Place appointed for Boats or Vessels to lie or moor in, under the Penalty of a Sum not exceeding Forty Shillings for every Offence, to be recovered and applied in the same Manner as Forfeitures and Penalties are directed to be recovered and applied by the said First recited Act.

Penalty on Persons obstructing the Passage of the said Canals.

VII. And be it further enacted, That if any Boat or other Vessel shall be wilfully placed in any Part of the said Canals, whereby or by Means whereof the Passage of any Part of the said Canals shall be obstructed or impeded, and the Person having the Care of such Boat or Vessel shall not without Delay, on Request made by an Agent of the said Company, remove the same, he shall for every such Offence forfeit any Sum not exceeding Forty Shillings, to be recovered, levied, and applied in the same Manner as the Forfeitures or Penalties incurred by any of the said former Acts are directed to be recovered and applied; provided that the Rights of Owners of Land to load and unload Goods, Wares, and Merchandize, in pursuance of the Powers of the said first recited Act be not prejudiced.

In case of not making out Titles.

VIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be ordered to be paid, shall not be able to make a good Title to the Premises to the Satisfaction of the Commissioners named in the said Acts, or any Two of them, or shall refuse to execute a 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 any 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 Two or more of them, 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 Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, and Hereditaments, [*describing them*] subject to the Order, Controul, and Disposition of the said Court, 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, or to order Distribution 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 and Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums, 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.

Respecting disputed Titles.

IX. 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 Chancery, in purſuance of this or the ſaid recited Acts, for the Purchaſe of any Lands, Tenements, or Hereditaments to be purchaſed in purſuance thereof, 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, and all Perſons claiming under 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 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.

Expences of Purchaſes, and inveſting the Money, how to be paid.

X. 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 Acts, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid Court, and to be applied in the Purchaſe of other Lands, Tenements, or Hereditaments, to be ſettled to the like Uſes in purſuance thereof reſpectively, 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 of obtaining ſuch Order, to be paid by the ſaid Company of Proprietors, who ſhall from Time to Time pay ſuch Sums of Money, for ſuch Purpoſes as the ſaid Court ſhall direct.

Public Act.

XI. 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.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1809.