ANNO QUARTO

GEORGII IV. REGIS.

****

Cap. lxxxvii.

An Act to enable the Company of Proprietors of the Navigation from the *Trent* to the *Mersey* to make an additional Tunnel through *Harecastle Hill* in the County of *Stafford*, and an additional Reservoir in *Knypersley Valley* in the said County; and to amend and enlarge the Powers of the several Acts for making and maintaining the said Navigation, and the several Canals connected therewith. [17th *June* 1823.]

WHEREAS an Act was made in the Sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for making a Navigable Cut or Canal from the River* 6 G. 3. c. 96.
Trent *at or near* Wilden Ferry, *in the County of* Derby, *to the River* Mersey *at or near* Runcorn Gap: And whereas another Act was made in the Tenth Year of the Reign of His said late Majesty, intituled *An Act to amend an Act made in the Sixth Year of the Reign* 10G.3.c.102.
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 another Act was made in the Fifteenth Year of the Reign of His said late Majesty, intituled *An* 15 G.3. c. 20.

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 another Act was made in the Sixteenth Year of the
16 G. 3. c. 32. Reign of His said late 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 County, and to make other Railways:* And whereas another Act was made in the Twenty-
23 G. 3. c. 33. third Year of the Reign of His said late Majesty, intituled *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 another Act was made in the Thirty-seventh Year of the Reign of
37 G. 3. c. 36. His said late 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 and out of a certain Branch of the 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 made in the Thirty-seventh Year of the Reign of
37 G. 3. c. 81. His said late Majesty, intituled *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 the said Navigation:* And whereas another Act was made in the Forty-second Year of the
42 G. 3. c. 25. Reign of His said late 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 another Act was made in the Forty-ninth Year of the Reign of His said late
49 G. 3. c. 73. Majesty, intituled *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:* And whereas there is in such Part of the said first-mentioned Canal from the *Trent* to the *Mersey* as lies in the Parishes of *Wolstanton* and *Audley* in the said County of *Stafford*, a Tunnel, or Subterraneous Cut or Canal, of the Length of Two thousand eight hundred Yards and upwards, under or through a certain Hill called *Harecastle Hill*; but which Tunnel, from the great Increase that has taken place in the Trade and Commerce of the Country since the making of the same, is become insufficient for passing the Boats navigating the said Canals with adequate Convenience and Dispatch; and it would be of great Public Utility if an additional Tunnel, or Navigable Cut or Canal, were made through the said Hill: And whereas it is expedient that an additional Reservoir be made in a certain Valley called *Knypersley Valley* in the said County of *Stafford*, near to the present Reservoir of the said Company at *Knypersley* aforesaid, in order to afford a further and seasonable Supply of Water for the said

Canals in dry Seasons: And whereas by the said Act passed in the Forty-ninth Year of the Reign of His said late Majesty the said Company of Proprietors were authorized and empowered to make a Trench or Gutter from their Reservoir in *Rudyerd Vale* to the River *Dane* in the said County of *Stafford*, and it would be of great Benefit to the said Canals if such Trench or Gutter were altered and extended so as to increase the Fall and the Flow of Water along the same: And whereas the said Company of Proprietors are willing to make such additional Canal and other Works at their own Costs and Charges: And whereas it is expedient that some of the Provisions of the said recited Acts should be amended, and further Powers be 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 the said Company of Proprietors, their Successors and Assigns, shall be and they are hereby fully authorized and empowered, by their Agents, Officers, Workmen, and Servants, from and immediately after the passing of this Act, at their own Costs and Charges, to make and complete, and at all Times hereafter to continue, support, and maintain, an additional Tunnel, or Cut or Canal, navigable for Boats, Barges, and other Vessels, from and out of their said Canal, on the South Side of the said Tunnel called *Harecastle Tunnel*, unto and into their said Canal on the North Side of the said Tunnel, in a parallel Course or Direction thereto, and on the Eastern Side thereof, together with necessary Towing Paths, Wharfs, and other Conveniences for the said additional Tunnel, or Cut or Canal, and to make, form, and complete an additional Reservoir at *Knypersley Valley*, for the Purpose of supplying the several Canals of the said Company of Proprietors with Water, with a Dam thereto not exceeding Forty-five Feet in Height, and also to deepen, alter, and extend the said Trench or Gutter so as not to prejudice or affect the necessary Supplies of Water to the River *Dane*, or to the adjacent Farms and Lands, and to do and perform all such Matters and Things as may be necessary for making, effecting, using, and maintaining the said additional Tunnel, or Cut or Canal, and the said additional Reservoir and other Works, making Satisfaction for any Lands, Grounds, Mines, Hereditaments, or Waters that shall be taken for the Purposes of this Act, and for any Trespass or Damage that shall be done in carrying this Act into Execution, in manner directed by the said recited Acts and this Act, for the Land to be taken and used, and for all Trespass and Damage to be done in or by the Execution of the said recited Acts or this present Act, or any of them: Provided always, that it shall be lawful for the said Company of Proprietors to supply the said additional Tunnel, or Cut or Canal, with Water from such and the same Sources and in like Manner as the present Tunnel, or Cut or Canal, is now supplied.

Power to make an additional Tunnel, or Navigable Cut or Canal, from the South Side of Harecastle Tunnel, Reservoir, &c.

II. And whereas Levels and Surveys have been taken to ascertain the Practicability of making the said additional Tunnel, Cut, or Canal, and Reservoir, and altering the said Trench or Gutter, and Maps or Plans, describing the Line of the said additional Tunnel, Cut or Canal, and

Surveys have been taken, and a Book of Reference made.

and the said Reservoir, and Trench or Gutter, and the Lands in and through which the same are to be carried, or made and altered, and Books of Reference thereto, containing Lists of the Owners or reputed Owners and Occupiers of such Lands, have been deposited at the respective Offices of the Clerks of the Peace for the Counties of *Stafford* and *Chester*; be it therefore enacted, That the said respective Maps, Plans, and Books of Reference shall remain in the Custody of the said Clerks of the Peace, to which all Persons shall, at any seasonable Time, have Liberty to resort, and take Extracts and Copies thereof, as Occasion shall require, paying to the Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every Seventy-two Words of such Copies or Extracts; and such Maps or Plans shall be allowed and given in Evidence in all Cases whatsoever.

Maps, &c. allowed to be given in Evidence.

Canal and Reservoir to be made pursuant to the Plans.

III. And be it further enacted, That the said Company of Proprietors, in making the said additional Tunnel, or Cut or Canal, shall not deviate more than Twenty Yards from the Course or Direction in the said Maps or Plans, and set forth in the said Books of Reference respectively, nor cut, carry, and convey the same into, through, across, under, or over any other Part or Parts of the several Estates, Lands, and Grounds now or late belonging, or reputed to belong, to such Person or Persons respectively, than are mentioned in the said Books of Reference.

Land Owners being omitted in the Book of Reference not to obstruct the making of the Canal, &c.

IV. Provided always, and be it hereby further enacted, That the said Company of Proprietors shall and may make the said additional Tunnel, or Cut or Canal, and Reservoir, and alter and extend the said Trench or Gutter, through, across, or over the Lands or Grounds of any Person or Persons whose Name or Names shall appear, to the Satisfaction of any Two or more Justices of the Peace for the said County of *Stafford*, and be by them certified under their Hands, to be by Mistake omitted in the said Books of Reference, or that instead thereof the Name or Names of some other Person or Persons, to whom such last-mentioned Estates, Lands, or Grounds do not belong, hath or have by Mistake been inserted therein; any thing herein contained to the contrary thereof in anywise notwithstanding.

Not to injure Houses, &c.

V. Provided also, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize the said Company of Proprietors, or any other Person or Persons, in making the said additional Tunnel, or Cut or Canal, and other Works hereby authorized, to take, use, pull down, injure, or damage any House or other Building which was erected or built before the Twenty-ninth Day of *September* One thousand eight hundred and twenty-two, or any Land or Ground which on the last-mentioned Day was set apart and used as and for a Garden, Yard, Orchard, Park, Paddock, planted Walk, or Avenue to a House, without the Consent in Writing of the respective Owners thereof.

Company compellable to purchase small Slips of

VI. And be it further enacted, That if in making the said additional Tunnel, or Cut or Canal, and Reservoir, and altering the said Trench or Gutter, any Pieces or Parcels of Land or Ground shall be cut

cut through or divided, so that what shall be left on each or either Side of the said Canal, Reservoir, and Trench or Gutter, shall be less than Half an Acre in Quantity, or less than Twenty Yards in Average Breadth throughout the whole Length thereof, and if the Owner or Owners of any such Pieces or Parcels of Land or Ground shall not have any other Land or Ground adjoining or contiguous to what shall be so left on either Side of the said Canal, Reservoir, and Trench or Gutter, then and in every such Case the said Company of Proprietors shall also take and purchase the Piece or Parcel, Pieces or Parcels of Land or Ground so to be left on each or either Side of the said Canal, Reservoir, and Trench or Gutter, being less than Half an Acre in Quantity, or less than Twenty Yards in Average Breadth throughout the whole Length thereof as aforesaid, and shall pay for the same after and in the same Manner as they shall pay for the Land or Ground adjoining thereto, which shall be taken and used for making the said Canal, Reservoir, and Trench or Gutter, provided the Owner or Owners, or Person or Persons entitled to the Possession or to the Rents and Profits of such small Pieces or Parcels of Land or Ground respectively, shall require the said Company of Proprietors to take and purchase the same, but not otherwise.

Land left by the Sides of the Canal.

VII. And be it further enacted, That the said Company of Proprietors shall not be obliged, by virtue of the said Acts or 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 the said Acts or this Act, unless Notice shall have been given in relation thereto, by or on behalf of such Person or Persons, to the said Company of Proprietors, in manner by this Act directed, within the Space of Six Calendar Months next after the Time that such Injury or Damage shall have ceased and been discontinued.

Notice of Injury to be given to Proprietors within Six Months.

VIII. And be it further enacted, That the Juries to be impannelled by virtue of the said Acts and this Act, in all Verdicts which they shall make and give in the Execution of the Powers vested in them, concerning the Value of Lands, Mines, Mills, Tenements, and other Hereditaments, and any other Damages sustained or to be sustained by any Person or Persons, in consequence of the Execution of any of the Powers of the said Acts and this Act, shall distinguish the Value set upon the Lands, Mines, Mills, Tenements, and other Hereditaments, and the Money assessed or adjudged for such Damages as aforesaid, separately and apart from each other.

Verdict of Value of Lands and Damages to be ascertained separately.

IX. And whereas, in pursuance of the Provisions of the said Acts and this Act, the said Company of Proprietors may be possessed of Lands and Buildings not necessary to be made use of for the Purposes of the said Acts or this Act; be it therefore further enacted, That it shall be lawful for the said Company of Proprietors, by Indenture under their Common Seal, to grant and convey, by way of absolute Sale for a Consideration in Money, such Part or Parts of the Lands or Buildings which shall be so

Company empowered to sell Land not wanted for the Purposes of the Act.

so purchased by and conveyed to them as aforesaid, as are not or shall not be wanted for the Purposes of the said Acts or this Act, and Conveyances from the said Company of Proprietors shall be valid and effectual, any Law, Statute, or Custom to the contrary thereof in any wise notwithstanding; and upon Payment of the Money which shall arise by the Sale or Sales of such Lands or Buildings, it shall and may be lawful for the Treasurer or Treasurers for the Time being to the said Company of Proprietors, to sign and give Receipts for the Money for which the same shall be sold, which Receipts shall be sufficient Discharges to any Person or Persons for the Purchase Money for which such Lands and Buildings 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 afterwards be answerable or accountable for any Loss, Misapplication, or Non-application of such Purchase Money or any Part thereof: Provided always, that the said Company of Proprietors, before they shall sell and dispose of such Lands or Buildings, shall first offer to resell the same to the Person or Persons from whom they shall have purchased the same, or who would have been then entitled thereto in case such Lands and Buildings had not been purchased by the said Company of Proprietors, the Price at which the same shall be resold being 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 if such Person or Persons shall not agree or shall refuse to re-purchase the same, it shall and may be lawful to and for any Person or Persons, not interested in the Premises, to make an Affidavit, to be sworn before a Master Extraordinary of the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County where such Lands or Buildings shall lie or be, stating that such Offer was made by or on the Behalf of the said Company of Proprietors, and that such Person or Persons did not agree or refused to purchase such Lands or Buildings (as the Case may be); and such Affidavit shall in all Courts be sufficient Evidence and Proof that such Offer was made and not agreed to or refused.

Mode of proceeding where Persons having preferable Right to repurchase shall be absent.

X. Provided always, and be it further enacted, That in all Cases where, by reason of Absence or otherwise, the Person or Persons from whom the Lands or Buildings to be resold shall have been purchased, or who would have been then entitled thereto as aforesaid, 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 within the County in which such Lands or Buildings shall be situated, or in case there shall be no such Paper, then in the *London Gazette*, to offer to resell such Lands or Buildings 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 repurchase the same.

XI. And

Compensation hereafter to be made in Gross Sums, and not by Annual Rents.

XI. And be it further enacted, That so much of the said recited Acts as authorizes or directs any Compensation or Satisfaction to be made for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes of the said recited Acts, by Annual Rents, shall be and the same is hereby repealed, and from henceforth all such Compensations and Satisfactions shall be made by a Sum or Sums in Gross: Provided always, that nothing herein contained shall affect or invalidate any Compensations or Satisfactions already made, and which are or shall be payable at the Time of passing this Act: Provided always, that it shall and may be lawful for the said Company of Proprietors, with the Consent of the Parties interested, to purchase, for a Sum or Sums in Gross, any Annual Rent or Rents now payable by them as a Compensation or Satisfaction for any Lands, Tenements, or Hereditaments, purchased for the Purposes of the said recited Acts by any Annual Rent or Rents.

Company empowered to purchase Annual Rents.

Repeal of so much of Acts as relates to Commissioners.

XII. And be it further enacted, That so much of the said recited Acts of the Sixth and Forty-second Years of the Reign of His said late Majesty, as relates to the Appointment of Commissioners for settling, determining, and adjusting such Questions, Matters, and Differences as are therein mentioned, and all the Powers by the said herein-before recited Acts or any of them vested in or given to such Commissioners, shall be and the same are hereby repealed; provided always, that nothing herein contained shall invalidate, prejudice, alter, or affect any Acts, Orders, or Judgments made, done, executed, or passed in conformity with the said recited Acts, by or before the said Commissioners, previously to the passing of this Act.

Settling Differences by a Jury.

XIII. And for settling all Differences and Disputes which may hereafter arise between the said Company of Proprietors, their Successors and Assigns, and any other Person or Persons, Bodies Politic, Corporate, or Collegiate, touching the Compensation or Satisfaction to be paid for any Lands, Grounds, Tenements, Mines, Hereditaments, or Waters which shall or may be taken for the Purposes of this Act or the said recited Acts, or which shall or may be affected or prejudiced by the Execution of any of the Powers granted by this Act or any of the said recited Acts; and in all Cases whatsoever wherein any Person or Persons shall allege to have sustained Trespass or Damage of any Kind, for which Compensation or Satisfaction is or ought to be made by the said Company of Proprietors, under the Provisions of this Act or the said recited Acts, and in respect of which no other Mode of Inquiry or Adjustment is particularly specified in this Act; be it further enacted, That in all or any of the said Cases, if any Body Politic, Corporate, or Collegiate, or other Person or Persons interested or claiming to be interested in the several Matters aforesaid, shall refuse to accept such Recompence, Satisfaction, or Compensation, if any, as shall be offered in Writing by the said Company of Proprietors, or their Agent, and shall give Notice in Writing to the said Company of Proprietors, therein requesting 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, or other Person or Persons so interested or claiming to be interested as aforesaid, shall neglect or refuse to treat or shall not agree with the said Company of

Proprietors

Proprietors concerning the same, or shall by reason of Absence, or any other Cause, be prevented from treating, or shall by reason of Nonage or other Impediment be incapable of treating, then and in any of the said Cases the said Company of Proprietors shall and they are hereby empowered and required from Time to Time to issue a Warrant under their Common Seal to the Sheriff of the County where the Premises in respect of which such Question may arise shall be situated; or in case such Sheriff shall happen to be one of the said Company of Proprietors, or enjoying any Office of Trust or Profit under them, or shall be otherwise interested in the Matters in question, then to any one of the Coroners of the said County, not so interested; or if all the Coroners shall be so interested, then to the last Person then in being who filled the said Office of Sheriff of the same County, who shall not be so interested as aforesaid, commanding such Sheriff or Coroner, or other Person, to summon and impannel 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 appear before the said Sheriff or Coroner, or other Person as aforesaid, or such other Person or Persons as the said Sheriff, Coroner, or other Person shall depute or appoint to act on such Occasion, at such Time and Place as shall in such Warrant be appointed; and in case a sufficient Number of Jurymen shall not appear at the Time and Place to be appointed as aforesaid, the said 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, Coroner, or other Person or Persons, is or are hereby empowered and required to summon and call before him or them all and every Person and 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 Matters in controversy; and such Jury upon their Oaths (which Oaths, as well as the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Sheriff, Coroner, or other Person or Persons, is and are hereby authorized and empowered to administer,) shall enquire of, assess, and ascertain whether any and what Sum or Sums of Money shall be paid by way of Recompence, Satisfaction, or Compensation, either for Damages, or on any Occasion or for any Reason whatever, which shall, according to the Provisions of this Act or the said recited Acts, require any Recompence, Satisfaction, or Compensation to be made or given; and the said Sheriff, Coroner, or other Person or Persons as aforesaid, shall accordingly give Judgment for such Recompence, Satisfaction, or Compensation, if any, 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 Sheriff, Coroner, or other Person or Persons, and the said Jury, shall be given

by the Clerk of the said Company of Proprietors to the Party or Parties with whom any such Controversy 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; and the said Verdict and Judgment shall be signed by the said Sheriff, Coroner, or other Person or Persons pronouncing the same, and shall not afterwards be removed or be removable by Certiorari, or any other Process, into any of His Majesty's Courts of Record at *Westminster*, or any other Court whatsoever, any Law or Statute to the contrary notwithstanding.

Penalty on Sheriff, Jurors, or Witnesses making Default.

XIV. And be it further enacted, That if such Sheriff, or any Coroner or other Person herein-before authorized and directed to act in the Stead of such Sheriff, shall make Default in the Premises, he shall for every such Offence forfeit any Sum not exceeding the Sum of Fifty Pounds; and if any Person so to be summoned and returned upon any such Jury as aforesaid shall not appear without sufficient Excuse, or appearing shall refuse to be sworn or give a Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent and Meaning 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, examined, or to 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 or on whose Account such Jury or Witness shall be summoned, any Sum not exceeding the Sum of Ten Pounds, to be levied, by virtue of any Warrant or Warrants under the Hand and Seal of any Justice of the Peace of the County where such Person shall live or reside, 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.

How the Expences of the Jury and Witnesses to be borne.

XV. And be it further enacted, That in case any Jury or Juries, to be summoned and sworn pursuant to the Directions and Authority of the said recited Acts or this Act, shall give in and deliver a Verdict or Assessment for more Money as a Recompence or Satisfaction for the Right, Interest, or Property of any Person or Persons in any Houses, Buildings, Lands, Tenements, Hereditaments, or Premises, to be taken for making the said Canals and other Works thereby authorized, or for any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to and offered by the said Company of Proprietors, before the summoning or returning of any Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property, or for any Loss or Damage as aforesaid, then and in such Case the Costs and Expences of summoning and returning the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the Treasurer to the said Company of Proprietors, out of any Money which shall then be in his Hands, or out of any Monies to be received by virtue of the said recited Acts and this Act; but

if any such Jury or Juries, so summoned and sworn as aforesaid, shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by the said Company of Proprietors, before the summoning and returning of the said Jury or Juries, as a Recompence and Satisfaction for any such Right, Interest, or Property in any such Houses, Buildings, Lands, Tenements, Hereditaments, or Premises, or Losses or Damages as aforesaid, then the Costs and Expences of summoning and returning the said Jury and Witnesses, and all other Expences as aforesaid, shall be borne and paid, in equal Proportions, by the Person or Persons with whom the said Company of Proprietors shall have such Controversy or Dispute, and the said Company of Proprietors; which said Costs and Expences, having been ascertained and settled by some Justice of the Peace for the County, Liberty, or Place wherein the Cause of Dispute shall arise, not interested in the Matter in question, (who is hereby required to examine and settle the same,) 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 Person or Persons; and the Payment or Tender of the Remainder of such Monies shall be deemed and taken, to all Intents and Purposes, to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged; or otherwise such Costs and Expences, in case the same or any Part thereof shall exceed such Damages, and shall not be paid upon Demand, after being so ascertained and settled as aforesaid, may be recovered by the said Company of Proprietors by the Ways and Means herein-after provided for the Recovery of Penalties and Forfeitures; provided always, that in all Cases where any Person or Persons shall, by reason of Absence, have been prevented from treating, such Costs and Expences shall be borne and paid by the said Company of Proprietors in manner aforesaid; any thing in the said recited Acts or either of them contained to the contrary notwithstanding.

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

XVI. 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 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 his, her, or their Oath or Oaths, shall wilfully and corruptly give false Evidence before any such Jury, 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.

Persons requesting a Jury to enter into Bond to prosecute.

XVII. And be it further enacted, That all and every Person or Persons with whom the said Company of Proprietors may have any such Controversy or Dispute as aforesaid shall, before the said Company of Proprietors shall be obliged to issue out their Warrant or Warrants for summoning of such Jury, enter into a Bond to the Treasurer of the said Company of Proprietors for the Time being, in a Penalty of One hundred Pounds, to prosecute such his, her, or their Complaint, and to bear and pay the Expences of summoning such

such Jury and taking such Inquest, and of summoning and Attendance of Witnesses, in case such Costs and Expences shall fall upon him, her, or them to pay, according to the true Intent and Meaning of this Act.

Verdicts of Juries to be recorded.

XVIII. And be it further enacted, That all the said Verdicts and Judgments shall be kept by the Clerk of the Peace of the County wherein the Matter in question shall arise, amongst the Records of the Quarter Sessions of the said County, 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.

Repealing so much of 37 G. 3. as respects Compensation for Tithes, except Compensation already made.

XIX. And be it further enacted, That so much of the said recited Act passed in the Thirty-seventh Year of the Reign of His late Majesty, as directs that full Recompence and Satisfaction shall be made for all the Tithes, both Great and Small, of the Lands which shall be taken or made use of by the said Company of Proprietors to the several Persons who may be entitled thereto, such Tithes to be estimated at the Average Value of the Three Years commencing at *Michaelmas Day* One thousand seven hundred and ninety-three, and ending at *Michaelmas Day* One thousand seven hundred and ninety-six, shall be and the same is hereby repealed: Provided always, that nothing herein contained shall affect or invalidate any Recompence or Satisfaction, by Rents-Charge or otherwise, which the said Company of Proprietors shall have made or granted for Tithes previous to the passing of this Act.

Steam Engines to consume their own Smoke.

XX. And be it further enacted, That the Furnace of every Steam Engine erected or to be erected by the said Company of Proprietors, under or by virtue of the said recited Acts or this Act, shall be constructed upon the best Principle of consuming its own Smoke.

Regulating Ascent to Bridges.

XXI. Provided always, and be it further enacted, That in all Places where the Line of the said Canals by the said Acts and this Act authorized to be made shall cross any public Carriage Road, the Ascent to every Bridge hereafter to be made over the said Canals, or any of them, for the Purpose of such Road, shall not be more than One Foot in Thirteen Feet, 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.

Time for completing Works.

XXII. And whereas the said additional Tunnel, or Cut or Canal, will require considerable Time in the due Execution of it, but may be completed, if not prevented by inevitable Accident, within the Space of Ten Years; and the said Reservoir and Trench or Gutter may be completed within the Space of Seven Years from the passing of this Act; be it therefore enacted, That if the said additional Tunnel, or Cut or Canal, shall not have been completed within the Space of Ten Years, and the said Reservoir and Trench or Gutter within the

Space

Space of Seven Years, from the passing of this Act, so as to answer the Objects of this Act, all the Powers and Provisions given and granted by this Act in respect thereof shall from thenceforth cease and become void, save only and except as to so much of the said Works as shall have been completed within the respective Times aforesaid.

Tonnage allowed to be taken.

XXIII. And be it further enacted, That it shall be lawful for the said Company of Proprietors from Time to Time, and at all Times hereafter, to ask, demand, take, and recover, to and for their own Use and Benefit, for Tonnage and Wharfage, for every Ton of Coal, Stone, Timber, and other Goods, Wares, Merchandize, and Commodities whatsoever, which shall be navigated, carried, or conveyed upon or through the said additional Cut or Canal, such Rates or Duties as the said Company of Proprietors shall think fit, not exceeding the Sum of One Penny Halfpenny *per* Mile, and so in proportion for a greater or less Quantity than a Ton, and also in proportion for a greater or less Distance than a Mile; which said Rates and Duties shall be paid to such Person or Persons, at such Place or Places, and in such Manner and under such Regulations as the said Company of Proprietors shall direct or appoint; and in case of Neglect or Denial of Payment on Demand of any such Rates or Duties, or any Part thereof, to such Person or Persons as aforesaid, the said Company of Proprietors may sue for and recover the same in such Manner as the said Rates or Duties are by the said former Acts directed to be sued for or recovered, subject to such and the same Exemptions as are specified and contained in the said recited Acts.

Company may raise Money by Mortgage of the Tolls and Duties, and Securities may be transferred.

XXIV. And be it further enacted, That for and towards making the said additional Tunnel, or Cut or Canal, and Reservoir, and other Works hereby authorized to be made or done, it shall and may be lawful to and for the said Company of Proprietors, and they are hereby authorized and empowered, to borrow and raise, by Mortgage of their said several Canals, Undertakings, and Premises, and the Rates and Duties thereby arising, at legal or less Interest, any Sum or Sums of Money, not exceeding in the whole the Sum of Sixty thousand Pounds, from such Person or Persons who shall be willing to lend the same, and to assign the same Premises, or any Part thereof, as a Security for such Sum or Sums of Money with Interest; and that all the Regulations and Provisions in the said recited Acts or any of them contained, with respect to borrowing Money and transferring the Securities for the same, shall be extended to this Act.

Power to purchase small Parcels of Land containing Materials.

XXV. 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 several Navigable Canals or other Works of the said Company of Proprietors, containing any Materials proper for the maintaining and repairing of the said Canals 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.

XXVI. Pro-

Coals, &c. got in digging the Canal may be taken by the Proprietors o the Land.

XXVI. Provided always, and be it further enacted, That all Coals, Ironstone, and other Minerals which shall be found and dug up in making, carrying on, and completing the said additional Tunnel, or Cut or Canal, shall be laid upon the Surface of the Lands in some convenient Place near the said additional Tunnel, or Cut or Canal, at the Expence of the said Company of Proprietors, their Successors and Assigns, and it shall and may be lawful for the Person or Persons respectively, in whose Lands or Grounds such Coals, Ironstone, or other Minerals shall be found and dug up, to take, carry away, and dispose of the same to and for his and their own Use and Benefit, not thereby impeding or obstructing the making and carrying on the said additional Tunnel, or Cut or Canal, or other Works hereby authorized to be made; and that it shall and may be lawful for the Owner or Owners, Proprietor or Proprietors of any Mines or Minerals which shall or may be discovered or cut in the said additional Tunnel, or Cut or Canal, to make a Sough or Soughs, Drain or Drains, to unwater the remaining Part of such Mines or Minerals, and to discharge the Water arising and flowing from the same into such additional Tunnel, or Cut or Canal, in such Manner nevertheless, and under and subject to such Restrictions, Regulations, and Provisions, as are contained in the said recited Act of the Sixth Year of His said late Majesty, in respect of any Soughs or Drains thereby authorized to be made for the unwatering of any Mines or Minerals, and discharging the Water flowing from the same into any Tunnel or Aqueduct.

Owners of Mines not to get the same within Thirty Yards of the additional Tunnel.

XXVII. And be it further enacted, That no Owner or Worker of any Mine or Mines, Mineral or Minerals, nor any other Person whosoever, shall open, dig, sink, or carry on any Work for discovering or getting of any Mine or Mines, Mineral or Minerals, within the Distance of Thirty Yards on either Side of the said additional Tunnel, or Cut or Canal; nor shall any Mine or Mines, Mineral or Minerals be worked or got under the said additional Tunnel, or Cut or Canal, or within such Distance from the same as aforesaid, without the Consent of the said Company of Proprietors, in Writing under their Common Seal, for that Purpose first had and obtained, save and except Liberty for the Owners or Workers of such Mines to cut and drive such Gateways or Levels, and such Headings, Air-ways, and Water-ways, 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 and Six Inches in Breadth, and Six Feet in Height, and such Headings, Air-ways, or Water-ways do not exceed Two Feet and Three Inches in Width, and Three Feet in Height, and that none of the said Gateways or Levels, Headings, Air-ways, or Water-ways, be nearer to each other than Six 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 additional Tunnel, or Cut or Canal.

Satisfaction to Mine Owners.

XXVIII. Provided always, and be it further enacted, That when any Mines or Minerals lying under the said additional Tunnel, or Cut or Canal, or within the Distance of Thirty Yards on the Eastern Side thereof, shall become workable in the due and regular Course of

working and getting the same, the said Company of Proprietors shall pay to the Owners or Workers of such Mines or Minerals respectively such Price or Prices, in proportion to their several Interests therein, as the said Parties shall agree upon, for so much of the said Mines or Minerals as shall be contained within the intermediate Range or Space from a Line to be drawn Thirty Yards East of the said present Tunnel to Thirty Yards East of the said additional Tunnel, or Cut or Canal; and if any Question or Dispute shall arise between the said Company of Proprietors and any such Owners or Workers of the said Mines or Minerals, his, her, or their Heirs, Executors, or Administrators, touching the Value of the said Mines or Minerals, or the Price to be paid for the same, then the same shall be settled and determined by a Jury to be summoned and returned in manner directed by this Act.

Power to purchase further Part of Mines, &c.

XXIX. Provided always, and be it further enacted, That in case the said Company of Proprietors shall, at any Time or Times hereafter, judge it necessary that any further Part or Parts of the said Mines or Minerals, over and above the said Space or Distance of Thirty Yards, should be left for the Security and Preservation of the said additional Tunnel, or Cut or Canal, then it shall be lawful for the said Company of Proprietors, at their Option, and upon Notice in Writing to the Owners or Workers of such Mines or Minerals, to require that such further Part or Parts of the said Mines or Minerals, not exceeding the additional Space or Distance of Ten Yards beyond the first-mentioned Space of Thirty Yards, shall be left unworked and ungotten; in which case such further Part of the said Mines or Minerals shall be so left unworked, subject to such and the same Exceptions and Provisions as are herein-before contained and directed with regard to the said first-mentioned Space of Thirty Yards; and all such further Part of the said Mines or Minerals so required to be left unworked or ungotten shall be paid for by the said Company of Proprietors to such Owners or Workers, in such and the like Manner as is herein-before directed in respect to the Mines contained within the said first-mentioned Distance of Thirty Yards.

Satisfaction for Damages.

XXX. Provided always, and be it further enacted, That the said Company of Proprietors shall make good and satisfy any Damages, not caused or occasioned by any Infraction or Non-observance of the Prohibitions herein contained, which may or shall be, at any Time or Times whatsoever, sustained by any Person or Persons respectively being Owners of or interested in any Lands, Grounds, Mines, Minerals, Tenements, or Hereditaments, for or by reason of the making, repairing, or maintaining of the said additional Tunnel, or Cut or Canal, or supplying the same or any Part thereof with Water as aforesaid, or by the flowing, leaking, or ouzing of the Water over or through the Banks, Bottom, or any Part of the Channel of the said additional Tunnel, or Cut or Canal, or over or through any Passages, Gutters, or Watercourses which shall be made pursuant to the Powers hereby given, or by not cleansing the said Watercourses, Trenches, or Passages, or by turning or diverting any Streams or Brooks into the same, or by reason or means of the Execution of any of the Powers herein contained for making, maintaining, and

repairing the said additional Tunnel, or Cut or Canal, by the said Company of Proprietors, their Successors and Assigns, their Agents, Workmen, or Servants.

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

XXXI. 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 Directions 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 additional Tunnel, or Cut or Canal, shall be or pass, wherein any Mines shall or may be dug or opened, or Works 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 additional Tunnel, or Cut or Canal, from the working Part of such Mines or Works, for discovering the same 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 additional Tunnel, or Cut or Canal, hereby 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 granted by this or the said recited Acts 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 the said Acts and this Act.

Regulation as to Weir to be erected at the Communication with the River Dane.

XXXII. Provided always, and be it further enacted, That when and as soon as the said Trench or Gutter shall have been altered and extended by the said Company of Proprietors, by virtue and in pursuance of this Act, that the said Company of Proprietors, at their own Costs, Charges, and Expences, shall erect a Weir at the Communication of the said Trench or Gutter with the said River *Dane*, of the Height of Six Inches above the Level of the Weir of the Paper Mill belonging to *John Smith Daintry* Esquire, which Weir so to be erected shall adjoin to the Southerly End of the said Paper Mill Weir; and that all and every the Regulations and Provisions contained in the said recited Act of the Forty-ninth Year of His said late Majesty, of and concerning the present Weir of the said Company of Proprietors, and the Weir at the said Paper Mill, shall continue in force and be applicable to the Weir so to be erected as aforesaid, except so far as the same are varied by this Act.

XXXIII. And

Power to take the Water of Parkbrook.

XXXIII. And be it further enacted, That for the Supply of the said additional Reservoir, and also of the present Reservoir of the said Company of Proprietors, at *Knypersley* aforesaid, with Water, it shall be lawful for the said Company of Proprietors to take the Water of a certain Brook called *Parkbrook* into the said Reservoirs, or either of them, and to continue the Use of the same: Provided always, that nothing in this Act contained shall invalidate or affect any Agreement or Agreements now subsisting between the said Company of Proprietors and *James Bateman* Esquire, or any former Owners of the *Knypersley* Estate, or the Owners of Mills upon the River *Trent*, relating to the Waters now taken and used by the said Company of Proprietors for the Supply of the said present Reservoir, nor to affect or alter any Payments made by the said Company of Proprietors in pursuance of such Agreements, nor to authorize or empower the said Company of Proprietors to diminish the Quantity of Water now running and flowing from the said present Reservoir and the said Brook for the Use of the Mills belonging to the said *James Bateman*, or such other Owners of Mills as aforesaid, but that such Weir or Water Gauge and other Works shall be erected and continued by the said Company of Proprietors as shall be necessary for ascertaining and discharging, for the Use of the said Mills, a Quantity of Water equal to that which they now enjoy as aforesaid, such Weir or Water Gauge, and other Works, to be constructed and determined upon by the Engineer of the said Company of Proprietors and such Person as the Owners of the said Mills shall nominate or appoint; and in case they shall not agree upon the same or any Part thereof, then that the said Weir or Water Gauge, and other Works, shall be settled and adjusted by any Two Justices of the Peace for the County in which the Cause of Complaint shall arise.

Restriction for Security of Mill Owners.

Penalty on the Company's neglecting to discharge the stipulated Quantity of Water.

XXXIV. Provided always, and be it further enacted, That in case the said Company of Proprietors shall neglect to discharge by the said Weir or Gauge such Quantity of Water as shall be equal to the Quantity of Water now running and flowing as aforesaid, it shall and may be lawful for the Owners or Occupiers of the said Mills to discharge from the said Reservoirs, or either of them, such Quantity of Water ascertained as aforesaid; and the said Company of Proprietors shall over and above forfeit and pay for each and every Hour that the said Quantity of Water so ascertained shall wilfully be prevented by them from running or flowing for the Use of the said Mills as aforesaid, the Sum of Forty Shillings, which said Penalty shall be paid to the Informer, and shall and may be recovered before any One or more of His Majesty's Justices of the Peace for the County of *Stafford*, or by Action at Law in any One of His Majesty's Courts of Record at *Westminster*, on the Oath of any One or more credible Witness or Witnesses.

Power to appoint a Select Committee.

XXXV. And be it further enacted, That for facilitating the Dispatch of Business, and the more effective Management of the Concerns and Affairs of the said Company of Proprietors, it shall and may be lawful to and for the said Company of Proprietors, at their respective General Assemblies, to nominate and appoint any Three of the Persons who shall have been chosen Members of the Committee of Twenty-one Persons,

Persons, pursuant to the said recited Acts, to be a Select Committee for managing and conducting the Affairs, Concerns, and Business of the said Company of Proprietors; and that all the Powers and Authorities in and by the said recited Acts given to or vested in the said Committee of Twenty-one Persons shall and may be done and exercised by such Select Committee of Three Persons, or the major Part of them present at their respective Meetings, but subject nevertheless to the Examination and Approval of the said General Committee of Twenty-one Persons, and to such and the like Examination and Controul of the said General Assemblies as are in and by the said recited Acts or any of them directed, with respect to the Acts and Proceedings of Committees.

For granting Annuities to Persons who have been in the Service of the Company;

XXXVI. And whereas by the said recited Act passed in the Forty-second Year of the Reign of His said late Majesty, the said Company of Proprietors were authorized and empowered, at any General Assembly to be holden in pursuance of the said first-recited Act, to give and grant to such Officers and Servants as are therein particularly described, and who should by reason of Age or Infirmity be incapable of further Service, to be ascertained by the Oath or Affidavit in Writing of a Physician, and of a Surgeon and Apothecary, sworn before some Justice of the Peace for the County wherein such Officer or Servant should reside, such Annuities for their respective Lives as in the said Act are mentioned; be it further enacted, That from and after the passing of this Act it shall be lawful for the said Company of Proprietors, at any General Assembly to be holden as aforesaid, to give and grant to any such Officers or Servants, whose Infirmity shall be proved either by the Oath of a Physician, or of a Surgeon or Apothecary, sworn as aforesaid, or otherwise to the Satisfaction of such General Assembly, such Annuities for their respective Lives as aforesaid, or in lieu thereof any Sum or Sums of Money in gross not exceeding Two hundred Pounds; and also that it shall and may be lawful to and for the said Company of Proprietors, at any General Assembly to be holden as aforesaid, to subscribe or give any annual Sum or Sums of Money to any Public Charity or Charities, or any Sum or Sums of Money by way of Donation, for other charitable or benevolent Purposes, in any of the Counties through which the said several Canals or any of them or any Part thereof pass or passes, so as such annual Subscriptions shall not in the whole exceed in any One Year the Sum of One hundred Pounds, nor such Donations exceed in the whole the Sum of Two hundred Pounds in any One Year.

and for subscribing or making Donations to Public Charities.

Treasurer and Clerk not to be the same Person.

XXXVII. Provided always, and be it further enacted, That it shall not be lawful for the said Company of Proprietors to continue or appoint the Person or Persons who has or have been or may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, the Treasurer or Treasurers for the Purposes of the said Acts and this Act, or to continue or appoint any Person or Persons who has or have been or may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or

Treasurers, the Clerk or Clerks to the said Company of Proprietors; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of the said Acts and this Act, or if any Person being the Partner of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, shall accept the Office of Treasurer, or being the Partner of any such Treasurer or Treasurers shall accept the Office of Clerk in the Execution of the said Acts and this Act, or if any such Treasurer shall hold or accept any Place or Office of Profit or Trust under the said Company of Proprietors other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person 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.

Powers of former Acts extended to this Act.

XXXVIII. And be it further enacted, That for the more easy and effectual making, completing, repairing, maintaining, and using the said additional Tunnel, or Cut or Canal, Reservoir, and other Works, the said Company of Proprietors, their Agents, Servants, Workmen, and Labourers, and all and every other Person or Persons, Bodies Politic, Corporate, or Collegiate whatsoever, shall have and be seised and possessed of, and is and are hereby invested with, such and the like Estates, Authorities, Powers, Abilities, Interests, Privileges, and Advantages, and shall be and is and are hereby made subject and liable to such and the like Rules, Conditions, Directions, Regulations, Restrictions, Controuls, Payments, Penalties, Forfeitures, Punishments, and Benefit of Appeal, as are mentioned, directed, given, granted, prescribed, established, and inflicted in and by the said recited Acts, to every Intent and Purpose whatsoever; and that the said Acts, and all the Clauses, Provisoes, Powers, Authorities, Orders, Rules, Regulations, Limitations, Restrictions, Prohibitions, Directions, Exemptions, Indemnities, Penalties, Forfeitures, Punishments, Matters, and Things therein respectively contained, (except such Parts of the said Acts as relate to Exemptions from Stamp Duties, and also except such Parts of the said Acts as are by any other of the said Acts, or by this Act, altered or varied,) shall extend and are hereby extended to, and shall take effect, operate, and be put in execution in, for, and in respect of the making, completing, repairing, maintaining, and using the said additional Tunnel, or Cut or Canal, Reservoir, and other Works by this Act authorized to be made, as if all the said Clauses, Provisions, Powers, Authorities, Orders, Rules, Regulations, Limitations, Restrictions, Prohibitions, Directions, Exemptions, Indemnities, Penalties, Forfeitures, Punishments, Matters, and Things, were herein repeated, re-enacted, and applied to the said additional Tunnel, or Cut or Canal, Reservoir, and other Works, Matters, and Things by this Act authorized to be made, done, and performed; or as the same would have been done if the said additional Tunnel, or Cut or Canal, Reservoir, and other Works, Matters, and Things hereby authorized to be made and done, had been authorized to be made, done, and performed by the said former Acts or any of them.

XXXIX. Pro-

This Act not to give additional Powers to make Wharfs, &c. on Clough Hall Estate.

XXXIX. Provided always, and be it further enacted, That nothing herein contained shall extend to grant to the said Company of Proprietors any further or additional Powers to take or use any Part of the *Clough Hall* Estate, now belonging to *Thomas Kinnersly* Esquire, for the Purposes of Wharfs, Warehouses, or Buildings, or to make or use any other Towing or Horse Path over the said *Clough Hall* Estate, than the Towing or Horse Path which the said Company of Proprietors do now use or are empowered to make and use under the recited Acts; but nevertheless this Proviso shall not affect nor abridge, nor be construed to affect or abridge, in any degree, the Powers granted to the said Company of Proprietors for the said Purposes by the said recited Acts.

Canal not to be under Commissioners of Sewers.

XL. And be it further enacted, That the said additional Tunnel, or Cut or Canal, and Reservoir, and other Works authorized to be made and done by this Act, 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.

Notice on Company how to be served.

XLI. And be it further enacted, That all Notices, and all Writs and other legal Proceedings against the said Company of Proprietors, shall and may be served on the Clerk for the Time being to the said Company of Proprietors, or left at his last or usual Place of Abode, or on any Member of the said Select Committee of the said Company of Proprietors, or left at his last or usual Place of Abode, or at the Office of the said Company of Proprietors, and shall be deemed and taken to be good and valid Service of such Notices, Writs, and other legal Proceedings on the said Company of Proprietors.

Recovery and Application of Penalties.

XLII. And be it further enacted, That all Penalties, Forfeitures, and Fines inflicted or authorized to be imposed by the said recited Acts or this Act, or either of them, (the Manner of levying, recovering, and applying whereof is not otherwise directed,) shall, upon Proof of the Offences respectively before any Justice of the Peace for the County or Place where the Offence shall be committed (as the Case may require), either by the Confession of the Party offending, or by the Oath of any credible Witness or Witnesses (which Oath such Justice is in every such Case hereby fully authorized to administer), be levied, together with the Costs attending the Information and Conviction, by Distress and Sale of the Goods and Chattels of the Party or Parties so offending, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby empowered and required to grant), and the Overplus (if any), after such Penalties, Forfeitures, and Fines, and the Charges of such Information, Conviction, Distress, and Sale, are deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels; and the Monies arising by such Penalties, Forfeitures, and Fines respectively, when paid or levied, if not otherwise directed to be applied, shall be from Time to Time paid, One Moiety to the Informer, and the other Moiety to any Treasurer or Treasurers to the said Company of Proprietors, and be applied for the Purposes of the said Acts and this Act; and in case such Penalties, Forfeitures, and Fines respectively shall not be paid forthwith upon Conviction, then it shall and may be

be lawful for such Justice to order the Offender or Offenders so convicted to be detained in safe Custody, until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, for his, her, or their Appearance before him on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Seven Days from the Day of taking 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 or Warrants, it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for any such Justice of the Peace, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol of the County or Place aforesaid, or to any House of Correction within the same, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

For securing transient Offenders.

XLIII. And whereas Persons guilty of Offences against any of the said Acts or this Act may be transient Persons, unknown to the Collectors and other Officers of the said Company of Proprietors; be it further enacted, That it shall and may be lawful for the said Collectors or other Officers respectively, and such Person or Persons as they or any of them shall call to their Assistance, without any Warrant or other Authority than this Act, to seize and detain any Person or Persons (being unknown to such Collectors or other Officers) who shall commit any Offence or Offences against the said recited Acts or either of them or this Act, and take him, her, or them before any Justice or Justices of the Peace for the County or Place where the Offence or Offences shall be committed, or such Offender or Offenders shall be seized and apprehended; and such Justice or Justices shall and is and are hereby required to proceed and act with respect to such Offender or Offenders according to the Provisions of the said recited Acts or this Act.

Expences of obtaining this Act how to be paid.

XLIV. And be it further enacted, That the Costs and Charges of obtaining and passing this Act, and all other Costs, Charges, and Expences in anywise incidental thereto or concerning the same, with lawful Interest, shall be borne, paid, and defrayed by the said Company of Proprietors by and out of the first Money which shall be received by virtue of the said recited Acts or this Act.

Public Act.

XLV. 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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