Anno tricesimo tertio

Georgii II. Regis.

An Act to amend an Act passed in the Seventh Year of the Reign of His late Majesty King *George* the First, for making the River *Weaver* navigable, from *Frodsham Bridge* to *Winsford Bridge*, in the County of *Chester*; and for the more effectual preserving and improving the Navigation of the said River.

WHEREAS by an Act passed in the Seventh Year of the Reign of His late Majesty, intituled, An Act for making the River *Weaver* navigable, from *Frodsham Bridge* to *Winsford Bridge*, in the County of *Chester*, certain Persons in the said Act named, and their Successors, were authorized and impowered to make the said River navigable, from Frodsham Bridge to Winsford Bridge aforesaid, upon the Terms and under the Provisions in the said Act contained; and Commissioners were thereby appointed for settling, determining, and adjusting, in Manner therein mentioned, all Matters about which any Differences might arise, between the Undertakers of the

Preamble, recciting Act 7 Geo. I.

the said Navigation, or their Successors, and the Owners and Occupiers of any Weirs, Mills, Lands, Tenements, and Hereditaments: And whereas, by virtue of the said Act, the said River has been made navigable; but some of the Works for making and using the said Navigation have been greatly injured and damaged, and no Method is appointed by the said Act for recovering Satisfaction for such Damages: and the said Act is, in many other Parts, defective; and it will be impracticable to improve or preserve the said Navigation, unless the said Act be explained, amended, and rendered more effectual: And whereas the Purposes of the said former Act may be more effectually answered, if Trustees were appointed with further and more proper Powers for preserving and improving the said Navigation, and all the Interest and Property of the said Undertakers, and their Successors and Assigns, in, over, and upon, the same, were transferred to, and vested in, such Trustees and their Successors; May it therefore please Your most Excellent Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this present Act, all Persons who were or have been appointed by or in pursuance of the said Act, made in the Seventh Year of His late Majesty's Reign, Undertakers and Trustees of or for the said Navigation, and their Successors and Assigns, and all other Persons whatsoever, shall be, and they are hereby divested and discharged of and from all Powers, Authorities, Estates, Properties, Rights, Titles, Interests, and Trusts, granted by, or which have arisen or accrued in pursuance or by virtue of the said Act; and all such Undertakers and Trustees, their Successors and Assigns, shall also be, and they are hereby freed, discharged, and exonerated, of and from the Payment of all Debts, Demands, Charges, and Expences whatsoever, which have been contracted, or have arisen, accrued, or become payable, for or in respect of the said Navigation, or the Execution of any of the Powers of the said Act; any thing in the said Act, or in any other Act of Parliament contained to the contrary notwithstanding.

The Undertakers under the former Act divested and discharged.

And whereas, in the making and preserving of the said Navigation, and executing the Powers of the said Act, a Debt of Twenty thousand five hundred Pounds hath been contracted, and the Repayment thereof, with Interest, after the Rate of Five Pounds per Centum per Annum for

The present Debt of 20,500 *l.* charged upon, and made payable out of, the Rates and Duties.

for Eighteen thousand Pounds, Part of the said Monies, and after the Rate of Four Pounds Ten Shillings per Centum per Annum, for Two thousand five hundred Pounds, the Residue thereof, is charged upon, and secured by, several Mortgages and Assignments of the Rates and Duties granted by the said Act: And whereas the Undertakers appointed by, or in pursuance of, the said former Act, have, in executing the Powers and Purposes thereof, employed various Workmen, and purchased and contracted for divers Materials and Necessaries for and concerning the making, supporting, and continuing, of the said Navigation, and several considerable Sums are at this Time due, and growing due, for the same; be it therefore enacted by the Authority aforesaid, That from and after the passing of this present Act, the said Debt of Twenty thousand five hundred Pounds, together with the Interest due, or to become due, for the same, shall be, and is hereby charged upon, and shall be, and is hereby made payable out of, the Tonage Rates and Duties granted by the said former, and continued and established by this present Act; and that all the Contracts and Agreements of the said Undertakers for the Wages of Workmen, the Purchase of Materials, or any other Matters or Things employed, used, or had, in or concerning the making or maintaining the said Navigation, or which shall hereafter be received or had for the Use and Benefit thereof, in Consequence of such Engagements or Contracts, and all Sums of Money now due, or growing due, for the same, shall be discharged and paid by the Trustees appointed by this present Act, out of the Tonage Rates and Duties aforesaid.

Trustees Names.

And be it further enacted by the Authority aforesaid, That from and after the passing of this present Act, the Right Honourable Thomas Lord Viscount Killmurry, in the Kingdom of Ireland; the Right Honourable James Smith Stanley, commonly called Lord Strange; the Right Honourable George Grey, commonly called Lord Grey; the Right Honourable George Cholmondeley, commonly called Lord Malpas; the Right Honourable Thomas Bellasis, commonly called Lord Bellasis; the Right Honourable Talmash, commonly called Lord Huntingtour; the Honourable Booth Grey, the Honourable John Grey, the Honourable James Cholmondeley, the Honourable Richard Barry, the Honourable John Smith Barry, the Honourable John Nedham, Sir Richard Grosvenor, Sir John Thomas Stanley, Sir Peter Warburton, Sir Bryan Broughton Delves, Sir Richard Brooke, Sir Lynch Salusbury Cotton, Sir William Bunbury, Sir Henry Mainwaring,

waring, Sir Philip Touchet Chetwode, Sir Ellis Cunliffe Sir William Meredith, Sir Peter Leicester, Baronets; Sir William Moreton Knight, Henry Harvey Aston, John Arden, Thomas Asheton, John Amson, Peter Brooke, Thomas Booth, Trafford Barnston, Richard Wilbraham Bootle, Peter Brooke junior, Owen Salusbury Brereton, John Blackburn, Thomas Blackburn, Thomas Cholmondeley, Charles Crew, Esquires; the Reverend Joseph Crew Doctor in Divinity, the Reverend Randle Crew Doctor in Divinity, George Clarke, Thomas Corbett, William Cooper, John Ciequett, Richard Davenport, John Downes, John Dickenson, Samuel Egerton, Philip Egerton, John Egerton, John Egerton junior, Esquires; the Reverend Thomas Egerton Clerk, George Eaton, Robert Houlkes, Esquires; the Reverend Francis Gastrell Clerk, Thomas Grosvenor, John Legg, Thomas Gorst, George Hunt, Daniel Hore, George Heron, Esquires; the Reverend Domvile Halstead Clerk, John Houghton, Allen Horford, Thomas Hough, Peter Legh of Lime, Charles Legh, George Legh, Ralph Leicester, Peter Legh of Booths, Thomas Legh, Henry Cornwall Legh, George Leicester, Robert Lawton, John Leech, Esquires; the Reverend Ashburnham Legh Clerk, Roger Mainwaring, Charles Mainwaring, Peter Morgan, Esquires; the Reverend Robert Moreton Clerk, Thomas Patten, Thomas Prescott, John Parker, John Pimlott, Thomas Ravenscroft, William Robinson, Peter Shakerley, Thomas Swetenham, Thomas Slaughter, John Stafford, William Tatton, Henshaw Thornicroft, Thomas Tatton, Massey Taylor, George Venables Vernon, Ralph Vernon, George Warren, Hugh Warburton, Roger Wilbraham, Randle Wilbraham, Esquires; the Reverend Henry Offley Wright Clerk, William Wright, Philip Henry Warburton, and Thomas Widdens, Esquires; shall be, and they and their Successors to be elected in such Manner, and under such Qualifications, as by the said former Act is prescribed for electing Commissioners, are hereby appointed Trustees for putting the said former Act and this present Act in Execution, and for making, perfecting, and maintaining, the Navigation of the River Weaver, from Frodsham Bridge to Winsford Bridge, in the County of Chester; and that all such Powers, Authorities, Estates, Properties, Rights, and Titles, Interests, and Trusts, vested or lodged in the said Undertakers and Trustees appointed by the said former Act, and their Successors and Assigns (except such Powers, Authorities, and Interests as are hereby varied or altered) and the Tonnage Rates, Duties, Profits, and Advantages thereby granted (subject to the Payment of

Their Power.

the

the said Debt, with Interest for the same, as aforesaid) shall be, and are hereby lodged and vested in the said Trustees appointed by this present Act, and their Successors, for ever.

The River to be made navigable, and kept so.

And be it further enacted by the Authority aforesaid, That the same Trustees, or such Person or Persons as they, or any Five or more of them, shall, by Writing or Writings under their Hands, nominate and appoint, their Agents, Officers, Workmen, and Servants, shall be, and are hereby impowered and authorized to make and keep navigable and passable, for Boats, Flatts, and other Vessels, the said River, and the navigable Cuts and Branches thereof; and, for that Purpose, to cleanse, scour, open, deepen, enlarge, or straiten, the same, and any other Streams, Brooks, or Watercourses, which do come, or may be brought, into, or made to communicate therewith; and to dig or cut the Banks of the said River, and of any other the Streams, Brooks, or Watercourses aforesaid, for bringing Water into the said River; and to make such new Cuts, Canals, Trenches, and Passages for Water, in, upon, or through, the Lands or Grounds adjoining or near unto the same River, or to such Streams, Brooks, or Watercourses, as aforesaid, or any of them, as they the same Trustees, or any Five or more of them, shall think proper, for effecting the Purposes of this and the said former Act; be it the Ground or Soil of the King's most Excellent Majesty, His Heirs, and Successors, or of any other Person or Persons, Bodies Politic or Corporate whatsoever; and also to dig, cut, remove, and take away, all Trees, Roots, Beds of Gravel or Sand, or any other Obstructions or Impediments whatsoever, which may any way hinder or prevent the said Navigation, either in sailing, hauling, or towing, of Boats, Flatts, or Vessels, with Oxen, Horses, or otherwise; and also to build, erect, set up, and make, over or in the said River, navigable Cuts, and Branches, before mentioned, or upon the Lands adjoining or near to the same, or any of them, such and so many Bridges, Sluices, Locks, Weirs, Pens for Water, Stanks, Dams, Quays, Winches, and other Engines, Posts, and Stoops, Landing-places, Weighing-beams, Warehouses, and other Works and Conveniencies, for the Purposes of making and preserving the Navigation only, as and where the said Trustees, or any Five or more of them, shall think fit, and, from time to time, as there shall be Occasion, to alter, repair, increase, enlarge, and amend, the same; and also to make, amend, widen, turn, alter, or enlarge, any Ways, Passages, or other

Conveniencies, for the carrying and conveying of Goods, Commodities, or other Things, to or from the said River, navigable Cuts, and Branches; and also to carry and convey, in, over, and upon, any Lands or Grounds, all Sorts of Materials for making, perfecting, improving, and finishing, the said Works and Navigation, and for altering, repairing, and maintaining the same; and also to lay, work, and manufacture, the said Materials, on the Ground near to the Place or Places where the said Works, or any of them, shall or are intended to be made, erected, or done; and also to amend, alter, or heighten, any Bridge or Bridges, Cuts or Watercourses, as may any ways hinder or obstruct the said Navigation; and also to get, dig, take, and carry away, Soil, Clay, Gravel, or Stone, and other Materials, proper, requisite, or convenient, for making, carrying on, altering, and continuing, the said Works and Undertakings, in or from any Ground of any Person or Persons adjoining or lying contiguous to the said River, navigable Cuts, and Branches, not being the Ground whereon any House stands, or an Orchard, Paddock, planted Walk, or Avenue to a House; and also to make, set out, appoint, set off, maintain, and keep, Towing-paths, Banks, and Ways, convenient for towing and drawing (with Men, Horses, or otherwise) of Boats, Flatts, and other Vessels, passing in, through, and upon, the said River, Cuts, and Branches, by this or the said former Act made, or intended to be made, navigable, as the said Trustees, or any Five or more of them, shall think convenient; and also to make and erect, any Dam or Dams, Reservoir or Reservoirs, on any Part of the said River, or Brooks running into the same, in order to facilitate and supply the said Navigation, from time to time, as there shall be Occasion; and also, from time to time, to repair, preserve, and maintain, such Dam or Dams, Reservoir or Reservoirs; and also to order, direct, do, and perform, all other Works, Matters, and Things, which the said Trustees, or any Five or more of them, shall judge necessary or proper for carrying on, completing, preserving, or maintaining, and for the good and orderly using the said Navigation, and for executing the Purposes of this and the said former Act; they the said Trustees doing as little Damage as may be to and upon the Premisses wherein such Works shall be made or done; and first making Satisfaction, in the Manner herein after mentioned, to the Owners and Occupiers of, and Persons interested in, any Mills, Weirs, Lands, Tenements, or Hereditaments respectively, for any Damage that may happen or be occasioned

sioned to such Mills, Weirs, Lands, Tenements, or Hereditaments, for or on account of the said Navigation.

Trustees impowered to purchase Lands, and incapacitated Persons to treat.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall be, and are hereby impowered to agree with the Owners and Proprietors of, and Persons interested in, any Messuages, Mills, Weirs, Lands, Tenements, or Hereditaments, which they the said Trustees, or any Five or more of them, shall judge necessary or proper to be altered, removed, cut, digged, or used, for the Purposes of this or the said former Act: And that it shall be lawful for all Bodies Politick and Corporate, Husbands, Guardians, Trustees, Committees, Executors, or Administrators, for and on Behalf of their Cestuique Trusts, whether Femes Covert, Infants, or Issue unborn, Lunaticks, or Idiots, and to and for all and every other Person and Persons whatsoever, who are or shall be seised or possessed of, or interested in, any such Messuages, Mills, Weirs, Lands, Tenements, or Hereditaments, either to demise or lease the same, or any Part thereof, for any Term or Number of Years, at a certain yearly Rent, or otherwise to contract for, and to sell and convey the Inheritance, in Fee-simple, of all or any such Messuages, Mills, Weirs, Lands, Tenements, or Hereditaments, unto the said Trustees, and their Successors and Assigns, or to such Person or Persons as they, or any Five or more of them, shall nominate and appoint: And that all such Contracts, Agreements, Bargains, Sales, Leases, and Conveyances, shall be good and valid in the Law, to all Intents and Purposes, not only to convey the Estate and Interest of the Person or Persons conveying, but also to convey all Right, Estate, Interest, Use, Trust, Property, Claim, and Demand, whatsoever, of the several and respective Cestuique Trusts, whether Femes Covert, Infants, or Issue unborn, Lunaticks or Idiots, or other Persons whatsoever, and all claiming, or to claim, by, from, or under them, or any of them; any Law, Statute, Usage, or any other Matter or Thing whatsoever, to the contrary thereof in any wise notwithstanding: And that all Persons, so demising, leasing, or conveying, as aforesaid, are and shall be indemnified for what they shall do by virtue and in pursuance of this Act.

And, for the better effecting the Premisses, and due rating the Value of the Lands, Tenements, Hereditaments, and other Matters, so to be leased or purchased, and the settling of the Damages, for which Satisfaction shall or ought to be given (in case the said Trustees cannot agree before-hand with the respective Owners, Proprietors,

prietors, or Occupiers, of such Messuages, Mills, Weirs, Lands, Tenements, or Hereditaments) concerning the same; and for the Execution of certain other Powers and Purposes herein after specified in this Behalf; be it enacted by the Authority aforesaid, That instead and in lieu of the Powers and Authorities to certain Commissioners in and by the said former Act given and granted, that the Commissioners of the Land Tax, for the time being, for the County Palatine of Lancaster; and in case at any Time there shall not be any such Commissioners, then, and in such Case, from time to time, as often as the same shall so happen, the Persons who were the last Commissioners of the Land Tax for the said County, and such Persons as are qualified to have acted as Commissioners of such Land Tax, if they had been appointed Commissioners for the said Tax, or any Nine or more of them assembled together, in such Manner as herein after is mentioned and directed, shall be, and are hereby constituted and appointed Commissioners for the Purposes herein before and after-mentioned: And they the said Commissioners, or any Nine or more of them, being assembled together in the Town of Northwych, in the said County of Chester, or in the Town of Warrington, in the County of Lancaster, or at some other Place within Eight computed Miles from the Matter in Question, are hereby authorized, and shall have full Power and Authority, to mediate and determine all Differences between the said Trustees, their Successors and Assigns, and the respective Proprietors, Owners, and Occupiers, of such Messuages, Mills, Weirs, Lands, Tenements, Hereditaments, and Premisses, which shall be proposed or intended to be purchased, leased, made use of, dug up, cut through, pulled down, demolished, removed, or otherwise prejudiced or damaged, by carrying on, improving, effecting, and maintaining, the said Navigation, or which shall or may in any wise be prejudiced thereby, or by reason thereof; and by Writing, under their Hands, to adjust, settle, and determine (with the Consent of the Parties concerned) what Satisfaction such Person or Persons, Bodies Politick or Corporate, respectively, shall have for such Proportion of his, her, or their, Messuages, Mills, Weirs, Lands, Tenements, Hereditaments, or Premisses, which shall be made use of, cut through, pulled down, demolished, removed, or otherwise prejudiced or damaged, as aforesaid, and for the Damage which shall be thereby sustained; and to adjust and settle what Share and Proportion of such Purchase-money or Satisfaction every Tenant, or other Person, having a particu-

Commissioners of the Land Tax for *Lancaster*, &c. to determine Differences.

far Estate, Term, or Interest, in any of the Premisses, shall have for his, her, or their respective Interests therein; and if it shall happen, that the said Trustees, their Successors and Assigns, for and on the Part of themselves, or that any other Person or Persons, Bodies Politick or Corporate, for and on his, her, or their own Parts, shall dislike or be dissatisfied with such Determination of the said Commissioners, or any Nine or more of them, or shall decline such Determination, or that any such Bodies Politick or Corporate, or any Person or Persons whatsoever, shall, for the Space of Thirty Days next after Notice in Writing (under the Hand of the Treasurer or Clerk of the said Trustees for the time being) given to the principal Officer or Officers of such Bodies Politick or Corporate, or to such Person or Persons respectively, or to the Tenant or Tenants in Possession of the Messuages, Mills, Weirs, Lands, Tenements, or Hereditaments, intended to be purchased, leased, altered, removed, cut, digged, or used, as aforesaid, shall neglect or refuse to treat, or shall not agree with the said Trustees, or any Five or more of them, or, by reason of Absence, shall be prevented from treating, touching the Matters aforesaid (except such Absence shall be occasioned by his or their necessary Attendance upon either House of Parliament) then, and in every such Case, the said Commissioners, or any Nine or more of them, shall and may, and they are hereby authorized and impowered, from time to time, to issue out their Warrants, under their Hands and Seals, to be directed to the Sheriff of the County Palatine of Lancaster, for the time being, or in case such Sheriff shall happen to be personally and immediately interested in the Matter in Question, or any Ways related to any of the Parties who are personally and immediately interested or concerned therein, then to One of the Coroners of the same County, commanding such Sheriff or Coroner respectively to impanel, summon, and return, a Jury; and the said Sheriff or Coroner respectively to whom the said Warrant or Warrants shall be directed, is hereby required accordingly, to impanel, summon, and return, a Jury of Twenty four able and sufficient Men, qualified according to the Laws and Statutes of this Realm to be returned for Trials of Issues joined in his Majesty's Courts at Westminster, to appear before the said Commissioners, or any Nine or more of them, at such Time and Place, not being above Eight Miles distant from the Place, where the Matter in Question shall arise, as by such Warrant or Warrants shall be directed and appointed, and not being less than Ten Days after such Warrant

And, if the Parties dislike the Determination,

Commissioners impowered to issue their Warrants to the Sheriff or Coroner of *Lancaster*, to impanel a Jury to appear before the Commissioners at the Time and Place appointed.

Sheriff or Coroner, for every Default, to forfeit 20*l*.

Warrant shall be served upon the said Sheriff or Coroner respectively, or more than Twenty Days after such Service, upon Pain to forfeit for every Default in not making such Return Twenty Pounds, to be sued for and recovered in the Manner herein after directed; and also to return in Issues upon every Person so impanelled and returned, not appearing, contrary to the true Intent and Meaning of this Act, the Sum of Forty Shillings, which shall be levied upon the Goods and Chattles of the Person not appearing as aforesaid, by Warrant or Warrants, under the Hands and Seals of the said Commissioners, or any Nine or more of them; and in case a sufficient Number of Jurymen shall not appear, the said Sheriff or Coroner 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; and the said Commissioners, or any Nine or more of them, are hereby impowered, by Warrant or Warrants, under their Hands and Seals, from time to time, as Occasion shall require, to summon and call before them, all and every such Person and Persons as shall be thought proper or necessary to be examined as Witnesses, touching the Matters in Question; and the said Commissioners, or any Nine or more of them, may order and authorize the said Jury, or any Six or more of them, to view the Place or Places or Matters in Question; which Jury upon their Oaths, to be administered by the said Commissioners, or any Nine or more of them (and which Oath, as also the Oaths of such Person or Persons as shall be called upon to give Evidence, the said Commissioners, or any Nine or more of them, are hereby impowered to administer) shall enquire of, assess, and ascertain, such Value, Compensation, and Damages, as they shall adjudge fit, to be awarded to the Owners and Occupiers of, and Persons interested in, any such Messuages, Mills, Weirs, Lands, Tenements, Hereditaments, and Premisses, or any Part thereof; and the said Commissioners, or any Nine or more of them, being the Majority then present, shall give Judgement for such Value, Compensation, and Damages, so to be assessed by such Juries; which said Verdict, and the Judgement thereupon declared or pronounced by the said Commissioners, or any Nine or more of them, and the Value or Recompence assessed (Notice in Writing being first given of their Meeting, at least Fourteen Days before such Meeting, to the Treasurer or Clerk of the

Issues to be returned and levied on Jurors not appearing.

Sheriff or Coroner to return a *Tales de Circumstantibus*.

Commissioners may summon Witnesses,

and order the Jury to view,

Jury to assess Damages.

Commissioners to give Judgement finally.

said Trustees for the time being, and to all other Parties concerned, or such Notice being left at their Dwelling-houses, or usual Places of Abode, or with the Tenant or Occupier of the Premisses, or at his or her usual Place of Abode) shall be binding and conclusive to all Intents and Purposes, against the King's Majesty, His Heirs, and Successors, and against all and every other Party or Parties, their Heirs, Successors, Executors, Administrators, or Assigns, and all others, claiming any Title or Interest in the same Messuages, Mills, Weirs, Tenements, Lands, Hereditaments, and Premisses, or any Thing thereunto belonging or appertaining, in Possession, Reversion, Remainder, or Expectancy, or otherwise, as well Bodies Politick and Corporate, Femes Covert, Infants, Ideots, Lunaticks, Tenants in Tail, as others, and their respective Heirs, Successors, Executors, and Administrators, and all claiming by, from, or under, him, her, or them, or any of them.

Provided always, and be it further enacted, That the said Commissioners, and each of them, before he or they take upon him or themselves the Execution of any of the Powers or Authorities hereby given to him or them (other than the administering the Oath following to one another) shall take the Oath following; videlicet,

Commissioners Oath.

I *A. B.* shall and will, without Favour or Affection, Hatred or Malice, truly and impartially, according to the best of my Skill and Knowledge, execute and perform all and every the Powers and Authorities as a Commissioner appointed in pursuance of an Act, intituled, *An Act to amend an Act passed in the Seventh Year of the Reign of His late Majesty King* George *the First, For making the River* Weaver *navigable from* Frodsham Bridge *to* Winsford Bridge, *in the County of* Chester; *and for the more effectual preserving and improving the Navigation of the said River.*

Which Oath the said Commissioners, or any Nine or more of them, are hereby authorized and impowered to administer, at their First Meeting, or at any subsequent Meetings, in pursuance of this Act.

Persons giving false Evidence, how to be punished.

And be it further enacted by the Authority aforesaid, That all and every Person and Persons, who, in any Examination directed to be taken by this or the said former Act, shall give false Evidence before the Commissioners appointed, or to be appointed, by virtue or in pursuance of this present Act, or before any Justice or Justices of the Peace, or before any Jury, shall and may be prosecuted for the same; and such Person or Persons as shall

be convicted thereof, shall be subject and liable to the same Punishments and Disqualifications which any Person or Persons can or may be subject and liable to for wilful and corrupt Perjury by any of the Laws or Statutes of this Realm.

Witnesses not appearing, or refusing to be sworn,

And be it further enacted by the Authority aforesaid, That if any Person or Persons, summoned to give Evidence by virtue of this or the said former Act, shall neglect or refuse to appear at such Time or Times, Place or Places, as shall be appointed in the Warrant or Warrants granted by the said Commissioners, or any Nine or more of them, or, appearing, shall refuse to be sworn or examined by, or give Evidence before, the said Commissioners; or if any Person summoned as a Juryman as aforesaid, shall, after his Appearance, refuse to be sworn; or, being so sworn, refuse to give, or not give his Verdict, or in any other Manner wilfully neglect his Duty in the Premisses, contrary to the true Intent and Meaning of this Act, every Person so offending (having no reasonable Excuse to be allowed by the said Commissioners, or any Nine or more of them) shall, for every such Offence, forfeit and pay any Sum not exceeding the Sum of Five Pounds, to be levied on the Goods and Chattles of the Person or Persons so offending, by Warrant or Warrants under the Hands and Seals of the said acting Commissioners, or any Nine or more of them, by Distress and Sale of the Offenders Goods, rendering the Overplus (if any be, and the same be demanded) to the Owners thereof, after such Penalty and the Charges of such Distress and Sale are deducted.

and Jurymen refusing to be sworn, or to give a Verdict,

to be fined by the Commissioners.

Payment of Jury and Witnesses.

Provided always, and be it further enacted by the Authority aforesaid, That in case any Jury, to be summoned and sworn as aforesaid, shall give a Verdict for more Monies as a Recompence or Satisfaction for any Messuages, Mills, Weirs, Tenements, Lands, or Hereditaments, or for any Damage to be done thereto, than what shall have been offered by or on Behalf of the said Trustees, or any Five or more of them, before the summoning or returning of such Jury, for ascertaining such Recompence or Satisfaction, that then the Expences of returning, summoning, and maintaining, such Jury and the Witnesses, shall be paid by the said Trustees, or their Treasurer or Clerk for the time being, out of the Monies to arise by virtue of this Act; but if any such Jury shall give a Verdict for no more, or for less Monies than shall have been offered by or on Behalf of the said Trustees, before the summoning and returning such Jury for such Recompence or Satisfaction, that then the Expences of returning,

returning, summoning, and maintaining such Jury and Witnesses, shall be borne by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; and all such Expences as aforesaid shall be ascertained and settled by any Two of His Majesty's Justices of the Peace for the County of Lancaster; and in all Cases where such Expences are to be borne and defrayed by such Person or Persons as aforesaid, the same shall be deducted and taken out of the Monies 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 and Tender of the whole Sum or Sums so assessed and adjudged.

Commissioners Decrees to be transmitted to the Court of *Exchequer* at *Chester*.

And be it further enacted by the Authority aforesaid, That all such Verdicts, Judgements, Orders, Sentences, Decrees, and other Proceedings of the said Commissioners, or any Nine or more of them, and of the Juries so made, shall be fairly written on Parchment or Paper, without any Stamps thereupon, under the Hands of such acting Commissioners, and shall be transmitted to, and kept in, the Court of Exchequer at Chester: And that such Verdicts, Judgements, Orders, Sentences, Decrees, and other Proceedings, shall be deemed Records of the said Court, to all Intents and Purposes whatsoever; and that Copies thereof shall be taken, adjudged, and deemed good and effectual Evidence and Proof in any Court of Law or Equity whatsoever; and all Persons may have Recourse to the same gratis, and may have Copies thereof, which Copies the Keeper of the Records of the said Court, or his Deputy for the time being, is hereby required to make and deliver, being paid for every such Copy (not exceeding Two hundred Words) the Sum of Six Pence, and so proportionably for every greater or less Number of Words: And that all such Judgements, Orders, Sentences, and Decrees, shall be final and conclusive; and that they or any of them shall not be removeable, or liable to be removed, by Writ of Certiorari or otherwise, into any of His Majesty's Courts of Record at Westminster, or elsewhere.

Satisfaction being made or rendered, Trustees may proceed.

And be it further enacted and declared, That upon Payment of such Sum or Sums as shall be agreed or contracted for, or assessed and adjudged for Damages and Costs, or for the Purchase of any such Messuages, Mills, Weirs, Lands, Tenements, or Hereditaments, or upon legal Tender thereof made by the Treasurer or Clerk of the said Trustees, for the time being, to the Parties concerned

concerned (which Sum or Sums of Money the said Trustees, or any Five or more of them, are hereby authorized to pay out of any Monies to be raised by virtue of this or the said former Act) and in case any such Parties cannot be met with, or shall refuse to accept the same, then, upon Payment of such Sum into the Hands of such Person or Persons as the said Commissioners, or any Nine or more of them, shall, by Writing under their Hands appoint, or in Default of such Appointment, for the Space of Five Days next after Application shall be made for that Purpose, to any Five or more of the said Commissioners, on Behalf of the said Trustees, then, upon Payment of such Sum into the Hands of the Clerk of the Peace of the said County of Chester, for the time being, or to his Deputy (who are hereby respectively authorized and required to receive the same, for the Use of the Parties interested as aforesaid) it shall and may be lawful to and for the said Trustees, or any Person or Persons employed or authorized by them, or any Five or more of them, to enter upon the Messuages, Mills, Weirs, Lands, Tenements, or Hereditaments, in respect whereof such Money was so agreed for or assessed as aforesaid, and to make use thereof for the Purpose of this and the said former Act; and as well the said Trustees, as all other Persons employed or authorized by them, shall be and are hereby indemnified for so doing; and all and every Person and Persons, Bodies Politick and Corporate whatsoever, shall from thenceforth be divested of all Right, Title, Claim, Interest, and Property, in or to the same, to all Intents and Purposes whatsoever.

Future Damages how to be ascertained.

And be it further enacted by the Authority aforesaid, That if, at any Time or Times hereafter, any Person or Persons shall sustain any Damage in his, her, or their Lands, Tenements, Hereditaments, or Property, by reason of the said Navigation, either by raising the Water to be used in such Navigation, or by turning, diverting, or lowering the Stream thereof, or by not sufficiently making up the Banks thereof, or by not cleansing the same, or by turning or diverting any other Streams or Brooks that shall be brought into the same, or by reason of any Works made, or to be made, for carrying on the said Navigation, or by any other Act, Neglect, or Default, of the Workmen employed therein, or by any other Ways or Means not hereby otherwise provided for, in every such Case such Damages shall, from time to time, be settled, ascertained, and determined, in such Manner as the other Damages herein before mentioned are provided for; and the said Trustees, on Demand made to

their

their Treasurer or Clerk, for the time being, shall pay to the Party or Parties injured or aggrieved the Monies so assessed; and in case the said Treasurer or Clerk (being thereunto required as aforesaid) shall not make such Payment within Thirty Days after such Request made, the Person or Persons aggrieved may appoint One or more Person or Persons to receive the Rates and Duties made payable by this or the said former Act, and thereout to pay the Damages which shall have been settled and assessed as aforesaid; and the Money to be received by such Receiver or Receivers, shall and is hereby declared to be as so much Money received to the Use of the Persons who have suffered such Damage, in Order and Course successively, as such Determinations shall be in Priority of Time: And after such Damages so settled and assessed shall be paid and satisfied, the Power and Authority of such Receiver or Receivers, for the Purposes last mentioned, shall cease and determine; any thing herein contained to the contrary notwithstanding.

Proviso.

Provided always, That no Person or Persons whatsoever shall be intitled to Satisfaction for any Damages, nor shall the said Commissioners, or any of them, be obliged, to take Notice of any Application in Relation thereto, unless the Complaint of such Damages shall be made within the Space of Six Months after such Damages shall be sustained.

Appointment of Officers;

And be it further enacted by the Authority aforesaid, That, at the First or any succeeding Meeting after the passing of this present Act, the said Trustees, or any Five or more of them, shall be, and they are hereby impowered, by Writing under their Hands, from time to time, to appoint such Person or Persons as they shall think fit, to be Collector or Collectors of the said Tonage Rates, and Duties, made payable by this or the said former Act; and also a Treasurer or Treasurers to receive all Monies arising by virtue of this or the said former Act (such Treasurers or Collectors giving Security, to the Satisfaction of the said Trustees, or any Five or more of them, for the due Execution of their respective Offices) and such Collector or Collectors, and all other Persons who shall receive any Money by virtue of this or the said former Act, shall, from time to time, pay over all the Monies so collected or received, into the Hands of the said Treasurer or Treasurers, at such Times and in such Manner as the said Trustees, or any Five or more of them, under their Hands, shall direct and appoint; and the said Trustees, or any Five or more of them, by Writing under their Hands, may also appoint a Clerk or Clerks, and such other

other Officers as they shall think fit to employ in the Execution of this and the said former Act, and may allow to such Treasurers, Collectors, Clerks, and other Officers, such Salaries or Recompence, out of the Monies to be raised by virtue of this and the said former Act, as they the said Trustees, or any Five or more of them, shall think reasonable; and all such Officers shall be, from time to time, removeable at the Will and Pleasure of the said Trustees, or any Five or more of them.

who are to account.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall and may, from time to time (at such Time and Times as they shall think proper) summon before them, and if they think fit, examine upon Oath (which Oath any One of the said Trustees is hereby impowered to administer) all or any of the said Treasurers, Collectors, Clerks, and other Officers and Persons employed in, or intrusted with, the Receipt or Expenditure of all or any of the Monies raised, or to be raised, or made payable, by virtue of this or the said former Act; and every such Treasurer, Collector, Clerk, and other Officer and Person, employed or intrusted as aforesaid, is hereby required to render to the said Trustees, or any Five or more of them, a true, exact, and perfect Account in Writing, of all and every Sum and Sums of Money so by him respectively received and expended as aforesaid; and in case any or either of such Treasurers, Collectors, Clerks, or other Officers, or Persons so employed or intrusted, shall be found in Arrear, or refuse to account or to pay the Money due upon the Balance of such Account, then, upon Complaint made by the said Trustees, or any Five or more of them, to the said Commissioners, or any Nine or more of them, it shall and may be lawful to and for the said Commissioners, or any Nine or more of them, to summon before them such Treasurer, Collector, or Clerk, or other Person so employed or intrusted, and upon his Refusal or Neglect before such Commissioners to account or to pay the Money due upon the Balance of Accounts to, or to the Use of, the said Trustees, or on his neglecting to appear in Obedience to such Summons, Proof being made upon Oath before such Commissioners, or any Nine or more of them (which Oath any One of the said Commissioners is hereby impowered to administer) that the Party neglecting to appear was personally served with such Summons, or that the same was left for him at his usual Place of Abode) it shall also be lawful to and for the said Commissioners, or any Nine or more of them, by Warrant or Warrants under their Hands and Seals,

to levy by Distress and Sale of the Goods and Chattles of the Person or Persons so found in Arrear, or refusing to account or to pay the Money due upon the Balance of Accounts, such Sum or Sums of Money as he or they shall be required to account for, or as shall be found due upon the Balance of his or their Account or Accounts; and, for want of sufficient Distress, it shall be lawful for such Commissioners, or any Nine or more of them, by like Warrant or Warrants under their Hands and Seals, to commit such Person or Persons to the Common Gaol of the County of Chester; there to remain, without Bail or Mainprize, until he or they shall have made a true and perfect Account, and paid such Monies as shall appear to be remaining in his or their Hands, to the said Trustees, or any Five or more of them, or according to their Appointment, or until he or they shall have compounded for the same, and paid such Composition-monies; which Composition the said Trustees, or any Five or more of them, are hereby impowered to make, or such Trustees, or any Five or more of them, may and are hereby impowered to bring, or cause to be brought, any Action or Actions, in their own Names, or in the Name of any One or more of them, against any such Officer or Person so refusing, neglecting, or making Default, as aforesaid, for Recovery of the Monies that shall be in the Hands of such Officer or Person respectively.

Present Officers (except Undertakers) to continue in Employment until others be appointed.

Provided always, and be it further enacted by the Authority aforesaid, That the Collectors, Treasurers, Clerks, Agents, and all other Officers whatsoever (except the said Undertakers) who, at the Time of passing this Act, shall be employed in the Execution of the said former Act, shall continue to act in their respective Offices and Employments, for the putting of this and the said former Act in Execution, until such Collectors, Treasurers, Clerks, Agents, and Officers, or some other Persons in their stead, shall be appointed by the said Trustees, or any Five or more of them, to such respective Offices.

No Commissioner or Juryman capable of acting where interested.

Provided always, and be it further enacted by the Authority aforesaid, That no Person or Persons shall be capable of acting as a Justice of the Peace or a Commissioner, or of being a Juryman, in any Case relating to the Execution of this or the said former Act, wherein he or they respectively shall be in any wise directly or indirectly interested or concerned in the Matter in Question; nor shall any Commissioner or Commissioners sit or act, in any of the Cases before or herein after mentioned, unless such Commissioner or Commissioners shall, at the Time of such Sitting or Acting, be respectively seised and possessed of

Qualification of Commissioners.

Lands,

Lands, Tenements, or Hereditaments, being Freehold, Copyhold, or Leasehold (over and above all Ground Rents, Incumbrances, and other Reservations, payable out of, or in respect of, such Leasehold Estates) which shall, at the Time of such Sitting or Acting, be assessed in the County of Lancaster to the publick Taxes, for the Value of One hundred Pounds per Annum, or more: And in case any Commissioner shall sit or act, being so interested, or not having such Estate as aforesaid, every such Person, so sitting and acting, shall forfeit the Sum of Fifty Pounds to any Person or Persons who shall inform or sue for the same; to be recovered in any of His Majesty's Courts of Record at Westminster, by Action of Debt, or on the Case, wherein no Essoin, Protection, Wager of Law, or more than One Imparlance, shall be allowed; and upon any such Suit or Prosecution, the Proof of such Qualification shall lie upon, and be made out by, every Person so to be sued or prosecuted.

No Person disqualified from being a Witness by reason of his being an Inhabitant to Lands in the County of *Chester*.

Provided always, and be it further enacted by the Authority aforesaid, That no Person shall be disqualified from being examined as a Witness, or giving his or her Testimony, before any Jury which shall be summoned by virtue of this or the said former Act, or before any Justice of Assize, Justice of the Peace, or any of the said Commissioners, with respect to any Matter or Thing to be inquired into by virtue or in pursuance of this or the said former Act, for or by reason of his being an Inhabitant, or possessed of, interested in, or intitled to, any Lands, Tenements, or Hereditaments, in the said County of Chester; unless such Person be immediately and particularly interested in the Matter in Question, and further than in the general Light of an Inhabitant or Land-owner of the said County of Chester; any Custom, Rule, Order, Law, Statute, or Usage, to the contrary notwithstanding.

Trustees may borrow Money.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Five or more of them, at any Meeting to be held in pursuance of this Act, from time to time, to assign over the Tonage Rates and Duties granted or made payable by this or the said former Act (the Costs and Charges of assigning the same to be paid out of such Tonage Rates or Duties) as a Security for any Sum or Sums of Money to be borrowed, with Interest, not exceeding the Rate of Five Pounds per Centum per Annum, to such Person or Persons, or their Trustees, who shall advance the same, by the following Words of Assignment, under their Hands and Seals, or by any other Words for that Purpose; videlicet,

BY virtue of an Act made in the Thirty third Year of the Reign of His Majesty King *George* the Second, intituled, *An Act to amend an Act passed in the Seventh Year of the Reign of His late Majesty King* George *the First, for making the River* Weaver *navigable from* Frodsham Bridge *to* Winsford Bridge, *in the County of* Chester; *and for the more effectual preserving and improving the Navigation of the said River*; we [illegible] of the Trustees do assign unto *A. B.* his Executors, Administrators, and Assigns, in Consideration of the Sum of [illegible] from this [illegible] Day of [illegible] in the Year of our Lord [illegible] until the said Sum of [illegible] with Interest, at the Rate of [illegible] *per Centum per Annum*, shall be repaid, such Proportion of all the Rates and Duties arising by virtue of the said Acts, as the said Sum of [illegible] shall bear to the whole Sum advanced on the Credit of the same.

And all and every Person and Persons to whom the said Trustees, or any Five or more of them, shall, at any Time, make such Assignment or Assignments, shall be equally intitled to their Proportion of the said Tonage Rates or Duties, according to the respective Sums in such Assignment mentioned to be advanced, to secure the Repayment thereof, with Interest; as aforesaid, without any Preference by reason of Priority of Assignment, or on any other Account whatsoever; and the Money so borrowed shall be applied, in the First Place, in discharging the Expences incident to, and attending, the obtaining of this Act, and afterwards in defraying all Charges and Expences incurred, and to be incurred, in maintaining and improving the said Navigation, and in discharging the Principal and Interest Monies due, and to become due, to any Person or Persons, upon any Mortgage and Assignment of the said Tonage Rates and Duties, or any Part thereof, and for carrying into Execution the Purposes of this and the said former Act, and to no other Use or Purpose whatsoever: And Entries or Memorials of every Assignment or Assignments to be made by virtue of this present Act, containing the Dates, Names of the Parties, and Sums of Money borrowed, shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Clerks, Treasurer or Treasurers, to the said Trustees; which said Book or Books shall and may be perused, at all seasonable Times, by all Persons whomsoever, without Fee or Reward: And all and every Person or Persons, to whom any such Assignment or Assignments shall be made as

Application of Money borrowed.

Assignments may be transferred.

as aforesaid, or who shall be intitled to the Money thereby secured, may, from time to time, assign or transfer his, her, or their Right, Title, Interest, or Benefit, to the Principal and Interest thereby secured, to any Person or Persons whatsoever, indorsing on the Back of such Security, before One credible Witness, the following Words, or Words to the like Effect:

I Do transfer this Assignment, with all my Right and Title to the Principal hereby secured, and to all the Interest now due, to *C. D.* his Executors, Administrators, or Assigns. Dated this Day of

Witness *G. H.*

Which said Transfer or Assignment shall be produced and notified to the said Clerk or Clerks, Treasurer or Treasurers, who shall cause an Entry or Memorial to be made of such Assignment or Transfer, containining the Dates, Names of the Parties, and Sum of Money therein transferred, in the said Book or Books to be kept for the entering the said original Assignments; for which the said Clerk or Clerks, Treasurer or Treasurers, shall be paid such Sum as the said Trustees, or any Five or more of them, shall appoint, not exceeding Six Pence; and after such Entry made (but not till then) every such Assignment shall intitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignees may, in like Manner, assign again, and so toties quoties; and it shall not be in the Power of such Person or Persons, who shall have made such Assignment, to make void, release, or discharge the same, or any Monies thereby due, or any Part thereof.

Notice to be given of borrowing Money;

Provided always, That no Money shall be borrowed by the said Trustees, or any of them, by virtue of this Act, unless Notice shall be given in such publick News Papers, as, for the time being, shall be published at Chester, Liverpoole, and Manchester, or (in case no such News Papers, or any or either of them, shall be so published) in The London Gazette, Thirty Days at least before the Meeting for borrowing such Monies, expressing the Time of such Meeting, and the Purpose for which it is to be held; and that, from time to time, all the said Monies shall be borrowed of such Person or Persons as shall propose and be willing and ready to lend the same,

and to be borrowed of such as will lend at the lowest Interest.

at the lowest Rate of Interest.

Provided

All Assignments and Mortgages to be redeemable on 12 Months Notice.

Provided also, and be it further enacted by the Authority aforesaid, That all and every Mortgage or Assignment, which hath been or shall be made by virtue of this or the said former Act, shall be subject to Redemption, upon the Expiration of Twelve Calendar Months from the Time that any Notice in Writing, under the Hand of the Treasurer or Clerk of the said Trustees for the time being, shall be given to the Party or Parties intitled to the Money secured by such respective Mortgage or Assignment, his, her, or their Trustee or Trustees, or be left at the Dwelling-house or usual Place of Abode of such Party or Parties, Trustee or Trustees respectively: And if, after the Expiration of the said Twelve Months, upon legal Tender of such Principal Monies, and the Interest due thereupon, to be made by such Treasurer or Clerk, to the Party or Parties intitled thereto, or his, her, or their Trustee or Trustees, such Party or Parties, Trustee or Trustees, shall refuse to accept the same, or if such Party or Parties, Trustee or Trustees, cannot be found, then, upon such Notice being left in Writing as aforesaid, for him, her, or them, to receive such Monies of the said Treasurer or Clerk, the Interest of such Monies shall cease for and during the Time that such Party or Parties, Trustee or Trustees, shall neglect or refuse to demand such Monies of the said Treasurer or Clerk; any thing in this or in the said former Act contained to the contrary thereof in any wise notwithstanding.

On Refusal to receive the Money after such Notice and Tender of it, Interest to cease.

Trustees may bring Actions for Damages.

And be it further enacted by the Authority aforesaid, That the Right and Property of all and every the Bridges, Sluices, Locks, Weirs, Pens for Water, Stanks, Dams, and other Works, and the Ground whereon the same are erected, fixed, and made, and all and every the Lands, Buildings, Tenements, Hereditaments, and other Matters and Things, belonging to the said Navigation, already erected, built, made, or purchased, by virtue of the said former Act, or hereafter to be erected, built, made, or purchased, by virtue of this present Act, shall be, and are hereby vested in the said Trustees, and their Successors and Assigns; and they, or any Five or more of them, are hereby authorized and impowered to bring and maintain Actions in the Name or Names of any One or more of them, or in the Name of their Treasurer or Clerk for the time being, against any Person or Persons who shall take away, break down, spoil, or damage, any such Lands, Buildings, Bridges, Sluices, Locks, Weirs, Pens for Water, Stanks, Dams, or any other Works, Matters, or Things, or any or either of them, or any Part or Parts thereof respectively: And the Damages to be recovered,

covered (after deducting the Costs of Suit) shall be paid and applied to such and the same Uses and Purposes as the said Tonage Rates and Duties, made payable by this or the said former Act, are thereby and hereby directed to be applied, and to or for no other Use or Purpose whatsoever.

First Meeting of Commissioners.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall meet on the Twenty eighth Day after the Day of passing of this Act, at the House known by the Sign of The Crown, in Northwych, in the said County of Chester, now in the Possession of Charles Maltus, and shall then proceed in the Execution of this and the said former Act: And the said Trustees, or any Nine or more of them, shall hold One General Meeting on the First Thursday in July in each Year, in the said Town of Northwych; and the Trustees, or any Five or more of them, assembled at such First Meeting, and at every General annual Meeting, may then, and from time to time afterwards, at any intermediate Times of the Year, adjourn and hold their Meetings at such Place or Places, not being above Eight computed Miles distant from the said River, as shall be most convenient for putting in Execution the Authorities of this and the said former Act: And if at any Time a sufficient Number of Trustees shall not attend to adjourn, then, and in every such Case, and from time to time afterwards, as often as such Case shall so happen, the Meeting appointed to be there held, shall be deemed adjourned till that Day Month, and be then held at the same Place where such Meeting was appointed to be held; but the Clerk or Treasurer to the said Trustees shall cause Notice in Writing of all Meetings (except Committee Meetings) to be fixed upon the Market-cross, or some other publick Place in Northwych aforesaid, and to be inserted in the Chester News Paper, Fourteen Days at the least before every such Meeting is held; and at all their Meetings (except Committee Meetings) the said Trustees shall bear and defray their own Expences: And the said Trustees, or any Nine or more of them, assembled at such General annual Meetings, shall examine the Accounts of all their Officers and Servants for the preceding Year; and the Allowance of such Accounts by the said Trustees, or any Nine or more of them, so assembled, shall be a sufficient Discharge to all Parties concerned; and that the said Trustees, or any Nine or more of them, shall and may, at such General annual Meeting, or at any other of their Meetings, appoint such Number of the said Trustees as they shall think proper to be Committees; and that the

Annual Meetings to be held.

Method of adjourning.

Power to appoint Committees to inspect and settle the current Accounts, and direct the Works.

said Trustees so to be appointed, or any Three or more of them, shall and may, from time to time, inspect and settle the current Accounts, direct the Works, and controul the Officers and Servants employed in pursuance of this and the said former Act; and that no Order or Determination shall be made by the said Trustees, in the Execution of this or the said former Act, unless the Majority of the Trustees, assembled at a Meeting to be held in pursuance of this Act, shall concur therein, such Majority not being less than the Number of Trustees hereby authorized to make any such Order or Determination; and that no Order or Determination of the said Trustees, or any of them, shall be revoked or altered, unless Nine Trustees shall be present and concur therein.

Trustees suffering Locks, &c. to go out of Repair, so as to render the Navigation ineffectual, Commissioners may appoint Persons to receive the Rates and Duties and apply them in such Repairs.

And be it further enacted by the Authority aforesaid, That if, by reason of any Neglect or Default of the said Trustees, their Successors or Assigns, the Locks, Weirs, and other Works of the said Navigation, or any of them, shall, at any Time or Times hereafter, be so much out of Repair, or the said River, or the navigable Cuts or Branches thereof, shall be stopped and choaked up, so as to render the said Navigation ineffectual; that then, and in such Case, the said Commissioners, or any Nine or more of them, shall and may, from time to time (as Occasion shall require) cause Notice to be given in some publick News Paper, to be published at Chester, Manchester, or Liverpoole, or (in case those Papers, or any of them, shall not then be continued) in the London Gazette, and also to the Treasurer or Clerk of the said Trustees for the time being, for a General Meeting of the Commissioners appointed by or in pursuance of this Act; which General Meeting shall not be held within less than Six Days after such Notice given, at some convenient Place, not exceeding Eight computed Miles from the Limits of the said Navigation, in order to view and consider the State and Condition of the Locks, Weirs, and other Works of the said Navigation: And in case the said Trustees (being required by Writing, under the Hands of the major Part of the Commissioners so to be assembled, after such View as aforesaid, specifying the Repairs necessary to be done, such major Part not being less than Nine) shall not, from time to time, within Two Days after such Request made, and Notice given to their Treasurer or Clerk for the time being, make Preparation to repair and amend such Locks, Weirs, and other Works, and proceed with all convenient Speed to repair the same; that then, and in such Case, it shall and may be lawful to and for the said Commissioners, or any Nine or more of them, at

such Meeting as aforesaid, to appoint One or more Person or Persons, to seize and take Possession of all the Locks, Weirs, and other Works of the said Navigation, and to demand, receive, take, and recover, all the Rates and Duties made payable by this or the said former Act, in like Manner as the said Trustees, their Successors or Assigns, might have demanded, received, taken, and recovered the same; such Person or Persons giving the like Security to the said Trustees, or any Five or more of them, as their Treasurer for the time being shall have given; and that such Person or Persons, so appointed as aforesaid, shall and may, out of the said Rates and Duties (after and subject to the Payment of all such Interest for the Money borrowed or owing upon the said Rates and Duties, as shall then be in Arrear, or shall incur, during the Time of such Possession, and all other incidental Expences relating to the said Navigation) pay, lay out, and expend, such Sum or Sums of Money, as shall be requisite and necessary to repair and amend the Locks, Weirs, and other Works of the said Navigation; and after the same, in the Judgement of Three skilful Persons, or any Two of them, to be named and chosen as hereafter mentioned (that is to say, One of such Persons to be named by the said Trustees, or any Five or more of them; another to be named by the said Commissioners, or the major Part of such of them as shall have given such Notice as aforesaid; and the Third to be chosen by such Two Persons so nominated as aforesaid) shall be sufficiently repaired, amended, and rendered effectual, and by Writing under the Hands of such Persons, or any Two of them, shall be certified so to be; or, in case such Commissioners shall refuse or decline to name any such Person, by the Space of Nine Days after Notice in Writing, under the Hand of the Treasurer or Clerk to the said Trustees for the time being, to be given to such Commissioners, or left at their respective Dwelling-houses; or, having made such Nomination, the Person so to be nominated by the said Commissioners as aforesaid, shall, upon Request to be made by such Treasurer or Clerk, refuse or decline, for the Space of Nine Days after such Request, to join in the naming such Third Person; then, and in either of the said Cases, if the said Trustees, or any Five or more of them, upon such Refusal or Neglect, do cause the said Locks, Weirs, and other Works of the said Navigation, to be viewed and inspected by Two or more skilful Persons, and such Persons (by Writing under their Hands) do certify the same to be sufficiently repaired, that then, and from thenceforth, the Power and Authority of such Receiver or Receivers, for the Purposes last mentioned, shall cease and determine;

After Locks, &c. shall be repaired, Receivers Power to cease.

determine; and the Property and Possession of the said Navigation, and of the Locks, Weirs, Works, Tolls, and Appurtenances thereof, shall from thenceforth be immediately vested in the said Trustees, to all Intents and Purposes whatsoever; any thing in this or in the said former Act contained to the contrary notwithstanding.

Disputes touching Receivers,

Provided always, and it is hereby enacted and declared by the Authority aforesaid, That if Differences or Disputes shall arise between the said Trustees and Commissioners, or such Receiver or Receivers, touching the Monies arising from the Rates and Duties so to be received by such Receiver or Receivers, or the Disbursement thereof, that then, and in such Case, such Differences and Disputes shall be left to the Determination of such Persons so to be named and chosen as aforesaid; and the Determination in Writing, under the Hands of such Persons, or any Two of them, touching the Premisses, shall be binding and conclusive to all Parties; any thing herein contained to the contrary notwithstanding.

to be referr'd to Arbitration.

Penalty for not shutting Lock Gates.

And it is hereby further declared and enacted by the Authority aforesaid, That if any Boatman, or Person having the Care of, or passing with any Boat, Flatt, or other Vessel, through any Lock upon the said River, or any of the navigable Cuts or Branches thereof, shall suffer the Water to remain in the Lock, longer than is necessary for his Boat, Flatt, or Vessel, to pass through any such Lock, and shall not, in coming down the said River, navigable Cuts or Branches, or any of them, shut the lower Gates of such Lock, before he or they shall draw the Cloughs of the upper Gates thereof; and after he or they shall have brought his or their Boat, Flatt, or Vessel, into the said Lock, shall not shut the upper Gates before he or they shall draw the Cloughs of the lower Gates thereof, or in going up the said River, navigable Cuts or Branches, or any of them, shall not, as soon as he or they shall have passed with his or their Boat, Flatt, or Vessel, out of the said Lock, shut the upper Gates of the said Lock, and afterwards draw the Cloughs of the lower Gates, unless there shall be then a Boat, Flatt, or Vessel, within Four hundred Yards of the said Lock, coming down the said River, navigable Cuts, or Branches, or any of them; or if any Person or Persons shall open any Gate or Gates in the Hauling-ways, for the passing of Men or Horses, hauling any Boat, Flatt, or other Vessel, up or down the said River, navigable Cuts or Branches, and shall not shut such Gate or Gates, after the said Men or Horses shall have passed through the same; every Person offending in any of the Particulars aforesaid,

said, and being convicted thereof, before any Justice of the Peace for the said County of Lancaster, upon the Oath of any One or more credible Witness or Witnesses, shall, for every such Offence, forfeit and pay any Sum, not exceeding Twenty Shillings, nor less than Five Shillings, One Moiety of which Penalty shall be paid to the Informer or Informers, and the other Moiety thereof to the Treasurer or Clerk of the said Trustees for the time being, to be applied in such Manner as the Rates and Duties made payable by this or the said former Act, are directed to be applied: And in Default of Payment thereof, the Person or Persons so offending shall, by Warrant of such Justice, be sent to the House of Correction for the said County of Chester, there to be kept to hard Labour, for such Time as such Justice of the Peace shall direct, not exceeding Two Months.

Masters of Vessels obstructing the Passage of the River, how punishable.

And be it further enacted, That if any Person, having the Care and Management of any Boat, Flatt, or other Vessel, shall put or lay such Boat, Flatt, or other Vessel, in any Part of the said River, navigable Cuts or Branches, or any of them, so as to obstruct the Passage of any other Boat, Flatt, or Vessel, or hinder the opening or shutting of any of the said Locks, and shall not immediately, upon Request made, remove such Boat, Flatt, or other Vessel, he shall, for every such Offence, forfeit the Sum of Five Shillings for every Hour such Boat, Flatt, or Vessel, shall continue to obstruct such Passage, or prevent the opening or shutting of any Lock, as aforesaid; and it shall be lawful for the Agents or Servants of the said Trustees, or any of them, to cause any such Boat, Flatt, or Vessel, to be unloaded, if necessary, and to be removed in such Manner as shall be proper for avoiding any Obstruction in the Navigation, or in the Use of such Locks, and to detain such Boat, Flatt, or Vessel, and the Loading thereof, or any Part of such Loading, until the reasonable Charges occasioned by such Removal are discharged, paid, and satisfied.

Persons overloading and thereby obstructing the Passage, to forfeit 5*l*.

And, to the End that the said River, navigable Cuts and Branches thereof, may remain free and open for the Passage of all Boats, Flatts, or other Vessels; be it enacted by the Authority aforesaid, That if any Person or Persons shall overload any Boat, Flatt, or other Vessel, navigating in the said River, or the navigable Cuts or Branches thereof, and when so over-loaded, shall put such Boat, Flatt, or other Vessel, into any of the Streams or Branches of the said River, navigable Cuts or Branches, or into any shallow Place, so as to obstruct the Passage of any other Boat, Flatt, or Vessel, and shall not immediately,

diately, upon Notice given to the Owner or Master, or Person having the Command or Rule of any such Boat, Flatt, or other Vessel, so obstructing the Passage as aforesaid, haul such Boat, Flatt, or other Vessel, back into such Place or Places, as shall be proper or made or provided for Boats, Flatts, or other Vessels, to pass each other, every such Master or Owner, or Person so obstructing or offending as aforesaid, shall forfeit and pay to the said Trustees, for every such Offence, the Sum of Five Pounds.

Penalty for demanding unwarranted Rates and Duties.

And it is hereby further declared and enacted by the Authority aforesaid, That if any Collector or Receiver of the Rates and Duties granted or made payable by this or the said former Act, shall at any Time or Times, directly or indirectly, ask, demand, or receive, for Lock-duties, of or for any Goods, Wares, Merchandizes, or any other Things, any Sum or Sums of Money whatsoever, over and above the Rates and Duties made payable by the said former or this present Act, every Person so offending shall, for every such Offence, forfeit and pay the Sum of Twenty Pounds, to be recovered by the Party aggrieved, or any other Person or Persons that will inform and sue for the same.

Tonage of Coal, Clay, Flint, Timber, and Wood, how to be ascertained.

And, for the better ascertaining the Tonage of Rock Salt, or White Salt, Sugar, Tobacco, Coal, Cannel Coal, Charcoal, Coakes, Cinders, Clay, Flint, Timber, and Wood, charged with the Rates and Duties made payable by this or the said former Act; it is hereby enacted and declared by the Authority aforesaid, That Forty Bushels of Rock Salt, or White Salt, or Eight Barrels of Sugar, each not being more than Three hundred Pounds in Weight, or Two Hogsheads of Sugar, each not being more than Twelve hundred Pounds in Weight, or Three Hogsheads of Tobacco, each not being more than Eight hundred Pounds in Weight, and that Four Tierces, each being not more than Six hundred Pounds in Weight, or Three Tierces, each being not more than Eight hundred Pounds in Weight (after the Rate of One hundred and twenty Pounds to the Hundred Weight) shall respectively be deemed, rated, and estimated, One Ton Weight; and that Sixty three cubical Feet of Coal, Cannel Coal, Charcoal, Coakes, and Cinders, shall be deemed, rated, and estimated, One Ton Weight; and that One hundred and twenty Pounds Weight of Clay and Flint shall be deemed and taken as and for One hundred Pounds in Weight, and Twenty of such Hundred Pounds Weight of Clay, and Twenty one of such Hundred Pounds Weight of Flint, shall be

deemed, rated, and estimated, One Ton; and that Fifty Feet of round and Forty Feet of square Oak Timber, and Fifty Feet of Fir, Balk, Poplar, or other Wood, shall be deemed, rated, and estimated, One Ton.

Owners Names, and what Water each Vessel draws, to be marked on the Outside, under Penalty of 40s.

And be it further enacted by the Authority aforesaid, That every Owner, Master, or Person, having the Charge of any Boat, Flatt, or other Vessel, shall cause the Name of the Owner to be set in large legible Capital Letters, in some conspicuous Place on each of the Outsides of every such Boat, Flatt, or other Vessel, higher than the same shall sink into the Water when full laden, and shall also set plain and legible Figures or Marks at each End of every such Boat, Flatt, or Vessel, on the Outside thereof, shewing, as near as may be, how much or how far every Five Ton Weight of Loading, reckoning in this respect Twenty hundred Weight Averdupoize to the Ton, which shall be put into such Boat, Flatt, or Vessel, will sink the same into the Water; and if the Owner, Master, or Person, having the Charge of any such Boat, Flatt, or other Vessel as aforesaid, shall not at all Times have such Name of the Owner and such Figures on the Outsides of his Boat, Flatt, or other Vessel, as aforesaid, every such Master, Owner, or other Person having the Charge thereof, shall, for every such Neglect or Default, forfeit and pay the Sum of Forty Shillings.

Power to measure and gauge Vessels.

And, to the end that it may be known what Quantity of Goods, Wares, and Merchandizes, and other Commodities and Things, any Boat, Flatt, or other Vessel, sailing, passing, or trading, within the Limits of the said Navigation, doth contain or carry; it is hereby further enacted, That the said Trustees, and their Agents or Servants, shall or may, at their own Charge and Expence, measure or gauge the Hold of every such Boat, Flatt, or other Vessel, sailing, passing, or trading within the Limits of the said Navigation, before such Vessel takes in any Lading, and having gauged, measured, and found the Tonage, Measurement, and Dimensions of the said Hold, the same shall be entered in a Book to be kept for that Purpose, by the Clerk of the said Trustees for the time being, together with the Names of the Owner or Owners, and the Master of such Boat, Flatt, or other Vessel, and also the Number or Mark to be placed, set, and painted thereon, as aforesaid, and which said Book shall and may be inspected gratis, by any of the Parties concerned in, or chargeable with, the Rates and Duties made payable by this or the said former Act.

Contents to be entered in a Book, with the Name of Owner and Number of the Vessel.

Masters of Vessels to give an Account of their Loading.

And, for the more easy collecting the Tonage Rates and Duties made payable by this or the said former Act, be it further enacted by the Authority aforesaid, That every

Master, or other Person having the Command of any Boat, Flatt, or other Vessel, passing on the said River, or the navigable Cuts and Branches within the Limits aforesaid, shall make and give a just, true, and perfect, Report or Account in Writing, signed by himself, unto such Person or Persons as shall, from time to time, be nominated and appointed by the said Trustees, or any Five or more of them, to receive the same, or to collect such Tonage Rates and Duties as aforesaid, and at such Place or Places as shall be by them assigned and appointed, of the Quantity, Quality, and Weight, of the Goods, Wares, Merchandizes, and other Commodities and Things, which shall be loaden or contained in such Boat, Flatt, or other Vessel; and also of the Quantity, Quality, or Weight, of such Goods as shall have been discharged or taken out of such Boat, Flatt, or other Vessel, within the Limits of the said Navigation, before their Arrival at the Place where such Account or Report is to be made or given: And, on Failure of making or giving such Account or Report, or in case of his or their making or giving a false Account or Report, every such Master, or other Person, shall forfeit the Sum of Seven Shillings and Six Pence for every Ton of such Goods, Wares, and Merchandizes, over and above what shall be contained in such Account or Report, and so in Proportion for any less Quantity; and in case of Neglect or Refusal of the Payment of such Penalties, or either of them, on Demand thereof made, it shall and may be lawful to and for the said Trustees, or any Five or more of them, or such Person or Persons as they shall appoint, to stop and detain any Boat, Flatt, or other Vessel, or any Goods, Wares, Merchandizes, Commodities, or Things, loaded therein, and to detain and keep the same, until the said Penalties and Forfeitures shall be paid and satisfied.

Power to Collectors to weigh, measure, or gauge Goods in Dispute.

And be it further enacted by the Authority aforesaid, That, if any Difference or Dispute shall arise between the Collectors of the Tonage Rates and Duties made payable by this or the said former Act, and the Owner, Master, or Person having Charge of any Boat, Flatt, or other Vessel, or the Owner of any Goods, Wares, Merchandizes, or other Things, chargeable with or liable to the Payment of any of the said Tonage Rates and Duties, concerning the Weight, Gauge, Quantity, or Quality, of the same, it shall and may be lawful to and for any such Collector to stop and detain any such Boat, Flatt, or other Vessel, and to weigh, measure, or gauge the same, or cause to be weighed, measured, or gauged, all such Goods, Wares, and Merchandizes, or other Things,

Things, or any Part thereof, as shall be in any Vessel or Vessels, where and when any Dispute shall arise: And in case such Goods, Wares, and Merchandizes, or other Things, shall, upon weighing, measuring, or gauging, appear to be of a greater Weight or Quantity than was declared in the Report or Account given in by the Master, or Person having the Command of such Boat, Flatt, or other Vessel, so as to make the same chargeable with, or liable to, the Payment of as much or more Money than was demanded by the Collector before the weighing, measuring, or gauging, of such Goods, Wares, and Merchandizes, or other Things; then, and in such Case, the Master or Owner of such Boat, Flatt, or other Vessel, or the Owners of such Goods, Wares, and Merchandizes, so weighed, measured, or gauged, shall pay the Costs and Charges of such weighing, measuring, and gauging thereof; all which said Costs and Charges, upon Refusal of Payment thereof on Demand, shall and may be recovered as the Rates made payable by this or the said former Act are appointed to be recovered: And in case such Goods, Wares, and Merchandizes, or other Things, shall, upon the weighing, measuring, or gauging, thereof, appear to be of no greater Weight or Quantity than the Master or Owner declared the same to be before the weighing, measuring, and gauging thereof; then, and in such Case, such Collector shall pay the Costs and Charges of such weighing, measuring, and gauging, and shall also pay to the Master, Owner, or other Person having the Charge of such Boat, Flatt, or other Vessel, or to the Owner or Owners of such Goods, Wares, and Merchandizes, One Shilling for every Hour that such Boat, Flatt, or other Vessel, shall be detained by Occasion of such weighing, measuring, or gauging, and so in Proportion for any greater or less Time than an Hour: And, in Default of immediate Payment thereof, the same shall be levied by Distress and Sale of the Goods and Chattles of such Collector, by Warrant or Warrants under the Hand and Seal of any Justice of the Peace for the said County of Lancaster, rendering the Overplus to the Owner or Owners thereof, after such Distress and Sale made, if any there be, upon Demand.

Salt Officers Certificate to govern the Tonage of Rock and White Salt.

Provided also, That if any such Dispute or Difference shall happen concerning the Weight or Quantity of the Lading of any Boat, Flatt, or other Vessel, carrying Rock Salt, or White Salt, upon the said River, Cuts, or Branches, and the Master, or other Person having the Charge of any such Boat, Flatt, or other Vessel, shall, on Demand, produce to the Collector of the

said

said Rates and Duties, made payable by this or the said former Act, the Permit or Certificate given by the Salt Officer for the Duty of such Rock Salt or White Salt; then, and in such Case, the Rates and Duties, made payable by this or the said former Act, shall be paid for so many Tons of Rock Salt, or White Salt, reckoning Forty Bushels to the Ton, as shall be mentioned in such Permit or Certificate, and no more (and so in Proportion for a less Quantity than a Ton) and then, and in such Case, such Rock Salt, or White Salt, shall not be liable to be weighed or measured; any thing in this or the said former Act contained to the contrary notwithstanding.

Boats sunk to be weighed up.

And be it further enacted by the Authority aforesaid, That if any Boat, Flatt, or other Vessel, shall happen to be sunk within the Limits of the said Navigation, and that the Owner, and Person having the Charge, Rule, or Command thereof, do not with all possible Speed, weigh or draw up the same again out of the Way of other Vessels passing and repassing the said Navigation, it shall and may be lawful to and for the Agents or Servants of the said Trustees to cause such Boat, Flatt, or other Vessel, to be weighed or drawn up, and to detain and keep the same, till Payment be made of all Expences occasioned thereby; and if Payment be not made in Twenty one Days after such Boat, Flatt, or other Vessel, be drawn up, then, and in such Case, it shall and may be lawful to and for such Agents or Servants to cause Sale to be made thereof for reimbursing the said Expences or other incidental Charges thereof; returning the Overplus (if any be) upon Demand, to the Owner or Master of the said Boat, Flatt, or Vessel.

Persons maliciously damaging the Works, guilty of Felony;

And, for preventing the malicious throwing down or damaging any of the Works which shall be erected or made in pursuance of this or the said former Act; be it further enacted by the Authority aforesaid, That if any Person or Persons shall wilfully and maliciously, and to the Prejudice of the said Navigation, break, throw down, damage, or destroy any Banks, or other Works already erected or made, or hereafter to be erected and made, for the Purpose aforesaid, whereby the Water shall be so much spent and wasted, as to hinder, prevent, or prejudice the said Navigation, or do any other wilful and malicious Mischief to obstruct, hinder, or prevent the carrying on, completing, supporting, and maintaining of the said Navigation; such Person or Persons shall be adjudged guilty of Felony, and every such Felon shall be subject and liable to the like Pains and Penalties as in Cases of Felony; and the Courts by and before whom such

such Person or Persons shall be tried, shall, and hereby have Power and Authority to transport every such Felon for the Space of Seven Years, in like Manner as other Felons are directed to be transported by the Laws and Statutes of this Realm; or otherwise the Judge or Judges before whom such Person or Persons shall be respectively convicted, shall and may punish such Offender or Offenders by Fine and Imprisonment in the Common Gaol of the County of Chester, at the Discretion of such Judge or Judges.

Penalty may be mitigated.

And be it further enacted by the Authority aforesaid, That if, after the passing of this present Act, any Person or Persons whatsoever shall wantonly, or through Carelessness or Negligence, break, throw down, damage, or destroy, any Banks or other Works, erected or to be erected or made for the Purposes of the said Navigation, or shall wantonly, and without Occasion, or in a careless and negligent Manner, open, or cause to be opened, any Lock or Clough belonging to the said Navigation, or shall suffer any Boat, Flatt, or Vessel, to be moored unto, or lie under any of the Bridges within the Limits of the said Navigation; or if any Person or Persons shall leave any of the Cloughs open and running, after any Boat, Flatt, or Vessel shall have passed any Lock belonging to the said Navigation; or if any Person or Persons shall draw, or cause to be drawn, any Clough or Cloughs in the Lock-gates on the said River, so as to mis-spend or waste the Water of the said River, or do any other Act to the Prejudice of the said Navigation; every such Person or Persons so offending in any of the said Particulars, and being thereof convicted before any One or more Justice or Justices of the Peace for the said County of Lancaster, by the Oath of One or more Witness or Witnesses (which Oath such Justice or Justices is and are hereby respectively impowered and required to administer) shall forfeit and pay, for every such Offence, the Sum of Forty Shillings; and, in Default of Payment thereof, the Person or Persons so offending, shall, by Warrant or Warrants of such Justice or Justices, be sent to the House of Correction for the said County of Chester; there to be kept to hard Labour for any Time such Justice or Justices shall direct, not exceeding Two Months, or until Payment of the said Damages; or otherwise it shall and may be lawful for any Person or Persons to sue for and recover such Damages, with Double Costs of Suit, by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at Westminster, where-

Penalty on Persons wantonly or carelessly doing Damage.

in no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

Masters of Vessels answerable for their Crews.

And be it further enacted by the Authority aforesaid, That the Master, Owner or Owners of every Boat, Flatt, or other Vessel, which shall pass upon the said River, navigable Cuts, or Branches, shall be answerable and liable to make Satisfaction for any Damage, Spoil, or Mischief, that shall be done by his, her, or their Boat, Flatt, or Vessel, or by any Person or Persons belonging to, or employed in or about the same respectively, or by his, her, or their Horses or Servants, to any of the Bridges, Locks, Stanks, Dams, Sluices, Cuts, Banks, or other Works, that now are or shall be erected and maintained in, upon, or near the said River, Cuts, or Branches, or by loading or unloading any Boat or Vessel; and also for any Trespass or Damage that shall or may be done with respect to any Lands, Tenements, or Hereditaments, or any Crop on the Ground adjoining, or lying near to the said River, Cuts, or Branches; and if any such Damage, Spoil, or Mischief shall be done to any or either of the said Bridges, Locks, Stanks, Dams, Sluices, Cuts, Banks, or other Works, the same shall be inquired into and determined by any Justice of the Peace for the said County of Lancaster, who is hereby authorized and required, upon Complaint or Information made before him, to summon the Master, Owner or Owners of such Boat, Flatt, or Vessel, and also the Offender or Offenders against whom such Complaint or Information shall be made, to appear before him, and upon his, her, or their Appearance, or making Default to appear (Proof being made upon Oath before such Justice, that the Party neglecting to appear was personally served with such Summons, or that the same was left for him, her, or them, at his, her, or their usual Place of Abode) such Justice shall proceed to examine into the Truth of such Complaint or Information, and upon Conviction of the Party complained of, by Proof upon Oath of One or more credible Witness or Witnesses, shall award and order such Sum of Money to be paid by such Master, Owner or Owners, as a Recompence for such Damage, Spoil, or Mischief, as he the said Justice shall think proper, not exceeding the Sum of Ten Shillings; and in case of Nonpayment of such Sum of Money so awarded and ordered, for the Space of Seven Days, the said Justice is hereby authorized and required to cause the same to be levied by Distress and Sale of the Boats, Flatts, Vessels, or other Goods and Chattles, of such Owner or Owners, by Warrant under the Hand and Seal of such Justice, render-

rendering to the Master or Owner the Overplus (if any be) upon Demand, after such Sum, together with the reasonable Charges of such Information and Conviction, Distress and Sale, have been first satisfied and paid; and if any Trespass or Damage shall be done to the Owners or Possessors of such Lands, Tenements, or Hereditaments, or Crop on the Ground adjoining to the said River, Cuts, or Branches, then, and in such Case, the said Owner or Owners of such Boat or Vessel, shall and may be sued and prosecuted for the same, in any of his Majesty's Courts of Record at Westminster; and if a Verdict pass against him, her, or them, or Judgement be given against him, her, or them, upon Demurrer, or by Default, the Plaintiff, in any such Case, shall recover his, her, or their Damages thereby sustained, with Treble Costs of Suit.

The Rates and Duties for certain Commodities reduced from and after 29 *Sept.* 1760.

Provided always, and be it further enacted by the Authority aforesaid, That from and after the Twenty ninth Day of September, One thousand seven hundred and sixty, the Rates and Duties to be taken for or in respect of the Goods and Commodities herein after-mentioned, which shall be conveyed upon the said River, or the navigable Cuts and Branches thereof, shall not exceed the respective Sums herein after-mentioned; that is to say, Not exceeding the Sum of Twelve Pence for every Ton of Pipe-clay, Flint-stone, Coal, or Slate, nor more than Ten Pence for every Ton Weight of Pig-metal, Iron-mine, Iron-stone, Lime-stone, Brick, Flag, Ashler-stone, Paving-stone, or Mill-stones, and so in Proportion for any greater or less Weight than a Ton of such Goods and Commodities; and that from and after the Expiration of Fifteen Years, to be computed from the said Twenty ninth Day of September, One thousand seven hundred and sixty, no greater Rate or Duty shall be taken for or in respect of any Goods, Wares, Merchandize, Commodities, or other Things whatsoever, conveyed upon the said River, or the navigable Cuts or Branches thereof, than the Sum of Twelve Pence for every Ton Weight, and so in Proportion for any greater or less Weight than a Ton.

And after 15 Years from the said 29 *Sept.* 1760, no greater Rate than 12 *d.* *per* Ton.

Application of the Rates and Duties.

And be it further enacted by the Authority aforesaid, That from and after all the Payments, Disbursements, Costs, Damages, and Expences, made, suffered, sustained, or any wise occasioned by the said Trustees or their Successors, relating to the making, preserving, and improving the Navigation of the said River, and the navigable Cuts and Branches thereof, shall be fully paid and satisfied, together with the said several Sums of Money so borrowed, or to be borrowed on any Assignment or Assign-

signments, Mortgage or Mortgages, of the said Rates and Duties, or any Part thereof, with such Interest for the same respectively as aforesaid, that then the clear Produce of the said present and future Rates and Duties shall, from time to time, be employed for and towards amending and repairing the publick Bridges within the said County of Chester, and afterwards for the repairing and amending of the highways in the same County, or such other publick Charges or Uses of the said County, and in such Manner as the Justices of the Peace, at the Quarter Session to be held in the next Week after the Feast of Saint Michael, in and for the said County of Chester, shall yearly order, direct, and appoint; in which Application and Appointment of the said clear Produce, such of the Trustees of the said Navigation as shall be in the Commission of the Peace for the said County of Chester, shall have an equal Authority to act and direct with any other Justice of the Peace for that County.

If any of the present Creditors chuse to take Assignments under this Act in lieu of their present Securities, they are at Liberty, giving Notice before 24 *June*, 1761.

Provided always, and be it further enacted by the Authority aforesaid, That if any Person or Persons, to whom any Money shall be due or owing by virtue of any Assignment or Assignments heretofore made, of all or any Part of the Rates or Duties granted by the said former Act, or of any other Security or Securities, in pursuance thereof, shall, on or before the Twenty fourth Day of June, One thousand seven hundred and sixty one, in Writing, under his, her, or their Hand or Hands, express his, her, or their Desire to the said Trustees, or any Five or more of them, or to their Treasurer or Clerk for the time being, to have any or either of such Assignments or Securities exchanged for a Mortgage or Mortgages, Assignment or Assignments, to be made in such Form and Manner as is herein before directed with respect to the Monies to be hereafter borrowed on the Credit of the said Rates and Duties; then, and in every such Case, within the Space of Three Calendar Months after every such Application respectively, the said Trustees, or any Five or more of them, shall cause to be prepared, and shall execute in such Manner and Form, as is herein before-mentioned and prescribed with respect to the Monies to be hereafter borrowed, a Mortgage or Mortgages, Assignment or Assignments, for the principal Sums due or owing on such former Assignments or Securities respectively, and shall and may exchange such Mortgages or Assignments respectively for such former Assignments or Securities; and such Person or Persons shall from thenceforth be deemed and taken, to all Intents and Purposes, to be a Creditor or Creditors under and by virtue of this Act; any

any thing herein contained to the contrary notwithstanding.

Remedy for the Recovery of Rates and Duties.

And be it further enacted by the Authority aforesaid, That in case of Neglect or Denial of Payment, on Demand, of the Rates or Duties made payable by this or the said former Act, or any Part thereof, the Person or Persons who, for the time being, shall be appointed to receive and collect the said Rates and Duties, is and are hereby authorized and required to seize and detain any Goods, Wares, Merchandizes, Commodities, or Things, for which the said Rates and Duties ought to be paid, or the Boats, Flatts, or Vessels, conveying the same; and in case such Rates and Duties shall not be paid within the Space of Five Days next after such Seizure made, it shall be lawful for the Collector or Collectors to sell such Goods, Wares, Merchandizes, Commodities, Boats, or Vessels, rendering the Overplus (if any there be) upon Demand, to the Owners, after the said Rates or Duties, together with the reasonable Charges of such Seizure, Detention, and Sale, shall be satisfied and paid; any thing in this or the said former Act contained to the contrary notwithstanding.

No Allowances to be made but Interest, in respect of any Money owing, nor any Allowance for Risque or Hazard.

Provided always, and be it further enacted by the Authority aforesaid, That no Allowance whatsoever shall be made, for or in respect of the Monies now due and owing, other than the Interest mentioned in the Deeds or Writings for securing the Payment of such Monies, or for or in respect of any Monies that shall be hereafter borrowed upon the Credit of the said Rates and Duties, exceeding the Interest herein before authorized to be paid; nor shall any Allowance whatsoever be made to the said Trustees, or any other Person or Persons, for or in Consideration of any Risque or Hazard of the Undertaking; any thing in the said former Act contained to the contrary notwithstanding.

An annual Account to be stated and audited.

And be it enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, shall make up and state One general annual Account, and enter the same in a Book to be kept for that Purpose; and that a true Copy of such Account, under the Hands of any Five or more of the said Trustees, shall be delivered yearly to the Justices of the Peace, at the Quarter Session to be held in the First Week after the Anniversary of the Translation of Saint Thomas the Martyr, for the same County of Chester, to be entered or filed amongst the Proceedings of the said Quarter Session; and the said Justices shall and are hereby directed and impowered to order and direct the Clerk of the Peace of the same County,

ty, or his Deputy, for the time being, or such other Person or Persons as they shall think proper, to examine and audit such Accounts; for which Purpose all such Books, Vouchers, and Papers, relating thereto, as the said Justices shall, from time to time, direct and require, shall be produced and shewn to such Auditor, by the Treasurer or Clerk of the said Trustees for the time being; and after the same shall be audited, and certified under the Hand or Hands of the said Clerk of the Peace or his Deputy, or such other Person or Persons so appointed as aforesaid, to be just and true, the same shall be allowed; and that the Allowance of such Account, from time to time, by the Justices, or the major Part of them, assembled at the same or any other subsequent Quarter Session of the Peace to be held in and for the said County, shall be a sufficient Discharge to the said Trustees; the Expence of auditing which Accounts (being first settled by the said Justices) shall be paid out of the Rates and Duties made payable by this or the said former Act, so as the same exceed not the Sum of Five Pounds for the auditing any One such yearly Account; and that, from time to time, after all the Monies borrowed or to be borrowed, and the Interest of such Monies, shall be fully paid and discharged, and the Costs and Expences occasioned by, or relating to, the making, maintaining, preserving, and improving, the said Navigation, shall be paid and satisfied, or Money sufficient reserved for that Purpose, the clear Produce or Surplus remaining of the Monies arising by virtue of this or the said former Act, shall be paid by the Treasurer or other Officer of the said Trustees, or such other Person as shall have the Custody or Charge of such Surplus Money, for the time being, into the Hand or Hands of such Person or Persons as the Justices of Peace assembled at the Quarter Session, to be held in the next Week after the Feast of Saint Michael, in and for the said County of Chester, or the major Part of them so assembled, shall, from time to time, direct or appoint: And in case of Non-payment thereof, within the Space of Ten Days after Demand made by the Person or Persons so appointed, such Surplus Money shall and may, from time to time, be sued for, and recovered, with Double Costs of Suit, by and in the Name or Names of such Person or Persons; and the Surplus Money, so paid and recovered, shall be applied and disposed of in such Manner as is herein before mentioned.

And be it further enacted by the Authority aforesaid, That every Lock which shall hereafter be constructed, made,

or

All Locks to be made of the same Width as the lowest Lock now on the River.

or rebuilt in the said River, or any navigable Cut or Branch thereof, shall be of the same Width, at the least, below the Surface of the natural Stream of the Water in the said River, navigable Cuts, and Branches, as the lowest Lock lately constructed in the navigable Cut, at or near a Place on the said River, called Pickerens, now is; and that the said Trustees shall, with all possible and convenient Speed, proceed to put the Locks, Weirs, and other Works of the said Navigation, into such good Order and Condition, that there may be a sufficient Water-way, of the Depth of Four Feet and an Half, at the least, throughout the whole Course of the said Navigation; and shall, from time to time, and at all Times afterwards, keep and maintain such sufficient Water-way, by removing all Impediments or Obstructions thereto, as Occasion may require, with all possible and convenient Speed.

Powers of the former Act (not hereby altered) to take effect as if re-enacted.

And be it further enacted by the Authority aforesaid, That the said former Act, and all and every the Rates, Duties, Powers, Authorities, Rules, Orders, Directions, Regulations, Restrictions, Penalties, Forfeitures, Rights, Interests, Properties, Privileges, Provisions, Clauses, Punishments, Matters and Things, in and by the said former Act given, granted, inserted, contained, and provided for, other than and except so far forth as the same, or any of them respectively, are varied, altered, or otherwise explained, in and by this present Act, shall be used, exercised, and executed, and be and continue in Force, as fully and effectually, to all Intents and Purposes, as if the same were expressly inserted, repeated, and re-enacted, in and by this present Act.

No Wharf, &c. to be erected between *Frodsham Bridge* and *Pickerens Boat*.

Provided always, That no Wharf, Warehouse, Quay, or Landing-place for Goods or Merchandize, shall be erected or made by the said Trustees, their Successors or Assigns, near the said River, between Frodsham Bridge and the Place in the said former Act called Pickerens Boat; any thing in this or the said former Act contained to the contrary notwithstanding.

Lords of Manors, &c. may build Warehouses, &c.

Provided always, and be it enacted by the Authority aforesaid, That nothing in this Act contained shall be construed, to restrain or hinder the Lord or Lords of any Manor or Manors, or the Owner or Owners of any Lands or Grounds lying upon or near the Banks of the said River, or of any Lands or Grounds through which any Cut or Cuts hath or have or shall be made, from making, or erecting, or using any Warehouses, Weigh-beams, Cranes, Quays, Landing-places, or Wharfs, upon the Banks of the said River or Cuts, in and upon their own

Lands,

Lands, Wastes, or Grounds, so that the erecting or using of such Warehouses, Cranes, or Wharfs, do not obstruct or prejudice the said Navigation, or any of the Powers given by this or the said former Act; and all Rates, Dues, and Duties, that shall be paid for the Use and Benefit of the same Warehouses, Weigh-beams, Cranes, Quays, Landing-places, and Wharfs respectively, shall be, and the same are hereby vested in such Lord or Lords of such Manor or Manors, or the Owner or Owners of such Lands, Wastes, and Grounds respectively, who shall make or erect any such Warehouses, Weigh-beams, Cranes, Quays, Landing-places, or Wharfs, upon his, her, or their Lands, Wastes, or Grounds, lying upon the said River or Cuts.

Fastening one Vessel to another deemed Anchorage, and Duties to be thereupon paid.

Provided also, and be it further enacted by the Authority aforesaid, That if any Master, Owner, or other Person, having the Care of any Boat, Flatt, or other Vessel, navigating on the said River, or any of the Cuts or Branches thereof, shall tie or fasten his Boat, Flatt, or other Vessel, to any other Boat, Flatt, or Vessel, which shall be then moored, anchored, or fastened, at or near any Warehouse, Quay, or Wharf, or to any Lands belonging to any Person or Persons intitled to any Duty or Demand for Anchorage, Moorage, or Wharfage, for or in respect of such Warehouse, Quay, Wharf, or Lands, or any of them, that then, and in such Case, such tying or fastening shall be deemed to be Anchoring or Mooring, and shall subject such Master, Owner, or other Person, whose Boat, Flatt, or Vessel shall be so tied or fastened to any such other Vessel, to the Payment of such and the same Duties and Demands, as if the Boat, Flatt, or other Vessel, of such Master, Owner, or other Person, had been anchored or moored at such Warehouse, Quay, or Wharf, or to the Lands of such Person or Persons as shall be intitled to such Duty or Demand for Anchorage, Moorage, or Wharfage; any Custom or Usage to the contrary notwithstanding.

Commissioners or Trustees in the Commission of the Peace may act as Justices.

And be it further enacted by the Authority aforesaid, That each of the said Commissioners, who shall be in the Commission of the Peace for the County Palatine of Lancaster, and also every other Justice of the Peace for the said County of Lancaster, shall and may, and is hereby impowered to act as a Justice of the Peace in the Execution of this Act, notwithstanding his being a Commissioner, and although the Subject and Occasion of his acting therein arise in the County of Chester aforesaid.

And be it further enacted by the Authority aforesaid, That all and every Warrant and Warrants that shall and

Commissioners Warrants to whom to be directed.

may be granted by any Person or Persons enabled or impowered to grant the same, under or by virtue of this Act, shall and may be directed to the Constable, Headborough, or other Officer, of the Township, Parish, or Place, where the Offender or Offenders shall live, reside, or inhabit; which Constable, Headborough, or other Officer, is hereby authorized and required to execute the same.

And whereas several Parts of the Highway, containing Fifty two Rods and a Quarter in Length, leading from Witton Common, to the Termination of the said Navigation, at or near the North Side of Witton Bridge, have, by the Undermining of the Lands in the said Road, for the getting of Rock Salt, fallen in; and the Passage through such Road is thereby rendered extremely dangerous, and will probably, in a short Time, be totally destroyed: And whereas it is doubtful whether the said Road can be effectually repaired and kept in Repair; and no Power is given, by the Laws in being, to make or lay out a new Road, in lieu thereof; and the Expence of repairing such Road, in case the same be capable of being repaired, or of making a new Road instead thereof (if Powers were given for that Purpose) would be a very great and heavy Burden upon the Inhabitants of the Township in which such Road lies: And whereas there is not any other Way to the said Termination of the Navigation; and it is necessary that a proper and convenient Passage, for the Conveyance of Goods to and from the same, should be, at all Times, preserved; be it therefore enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and they are hereby impowered, to cause the said Road to be amended and repaired, or, in case it shall be judged more convenient by the said Trustees, or any Five or more of them, at a General annual Meeting assembled, to divert or alter the Course or Path of any Part or Parts of the said Road, or to make any new Road in lieu thereof, then, and in either of the said Cases, the said Trustees, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall authorize and appoint, shall and may agree for and purchase any Lands, Grounds, or Hereditaments, lying contiguous to the said Road, for the Purpose of turning or altering the said Road, or of making such new Road: And all Bodies Politick, Corporate, or Collegiate, and all other Corporations, and all Trustees, Guardians, Commissioners, and other Persons whomsoever, are hereby impowered to sell and convey any Lands, Tenements, or Hereditaments, for the Purposes aforesaid; and shall be and are

Trustees may contract for the Purchase of Lands to be laid into the Road.

Bodies Politick, &c. may treat for the Sale of Lands, &c.

indemnified for so doing; and the Conveyances so made shall be valid and effectual to all Intents and Purposes whatsoever: And if the Owner or Owners of, or Person or Persons interested in, any such Lands, Grounds, or Hereditaments, shall, upon such Notice as herein before directed to be given, with respect to Lands or Hereditaments intended to be purchased for the Benefit of the said Navigation, refuse or neglect to treat for such Purchase, or shall not agree with the said Trustees, or any Five or more of them, then, and in any such Case, the Value of such Grounds or Hereditaments shall be enquired into, assessed, and ascertained, by a Jury, to be impanelled, summoned, and returned, under such Penalties, Fines, or Forfeitures, and in such Manner as the Value of Lands or Hereditaments, necessary to be made use of for the Benefit of the said Navigation, are herein before directed to be enquired into, assessed, and ascertained; and the Verdict of the said Jury, and the Judgement and Order of the Commissioners, or any Nine or more of them thereupon, shall finally bind, and be conclusive to all Parties and Persons interested in the said Lands, Grounds, and Hereditaments, in Possession, Reversion, or in any other Manner whatsoever; and shall not be removed by Certiorari: And that, from and after such Verdict and Judgement, and after Payment or Tender of the Damages and Recompence thereby assessed and ascertained, in the Manner herein before prescribed with respect to the Purchase of Lands or Hereditaments for the Benefit of the said Navigation, or after the Execution of any Conveyance as aforesaid of any Lands, Grounds, or Hereditaments, to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint, and Payment or Tender of the Money thereby stipulated to be paid for the Purchase thereof, in Manner aforesaid, that then and from thenceforth the said Trustees, or any Five or more of them, or any Person or Persons by them, or any Five or more of them, for that Purpose impowered or employed, may, and is, and are hereby authorized and impowered, to turn or divert any Part or Parts of the said Road through such Lands, Tenements, or Hereditaments, or to turn and convert the same into a new Road, in lieu of the present Road, and that, from thenceforth, the Lands, Tenements, or Hereditaments, through which such Road shall be turned, or such new Road made, shall be deemed to be, and shall be, for ever thereafter, to all Intents and Purposes, a publick Highway: And that, from and after the Time that the said present Road shall be repaired or altered as aforesaid,

Where Persons shall refuse, or neglect to treat,

the Damage and Recompence to be settled by a Jury.

Verdict of the Jury to be binding and conclusive.

Lands when purchased to be made Part of the Roads,

and kept in Repair as such.

or

Inhabitants of the Townships liable to future Repairs.

or such new Road made, the same shall be repaired, and kept in Repair, by the Inhabitants of the Township in which the same lies, in such Manner as the other Roads or Highways within the same Township are or ought, by the Laws in being, to be repaired and amended.

Trustees authorized to lay out 600*l.* in repairing the old, or making a new Road.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Five or more of them, to apply and pay out of the Monies to arise by the Tonage Rates and Duties of the said River, or that may be borrowed on the Credit thereof, any Sum or Sums of Money, not exceeding the Sum of Six hundred Pounds in the whole, in and upon account of the repairing, turning, and diverting, the Course of any Part or Parts of the said Road, or the making of such new Road; any thing in this or the said former Act to the contrary notwithstanding.

Buildings, &c. not to be damaged by this Act.

Provided always, and be it further enacted by the Authority aforesaid, That in altering the said Road, or any Part thereof, or making such new Road, nothing shall be done which shall or may in any wise injure or damage any House or Building, or any Yard, Garden, Orchard, Plantation, or Nursery of Trees, or any Walk of Trees, or Avenue to any House.

Penalties and Forfeitures how to be recovered, and applied.

And it is hereby further enacted and declared by the Authority aforesaid, That all the pecuniary Penalties and Forfeitures, inflicted and made payable by this or the said former Act (except in Cases wherein it is thereby or hereby otherwise ordered, directed, and provided) where such Penalties or Forfeitures do not exceed the Sum of Five Pounds, shall and may be recovered by Distress and Sale of the Offender's Goods and Chattles, by a Warrant or Warrants, under the Hand and Seal, or Hands and Seals of any Justice or Justices of the Peace for the said County of Lancaster: And in case sufficient Distress shall not be found, it shall be lawful for any such Justice or Justices to commit the Offender or Offenders to the Common Gaol or House of Correction of the said County of Lancaster, or to the Common Gaol or House of Correction of the County of Chester, which such Justice and Justices is and are hereby authorized to do, although the Cause for which such Penalties or Forfeitures were incurred arose out of the ordinary Jurisdiction of such Justice or Justices, there to remain, without Bail or Mainprize, for any Space of Time, not exceeding Three Months; and all such Penalties and Forfeitures, or such Parts thereof as are not by this or the said former Act directed to be applied, shall be paid into the Hands of the Treasurer or Clerk of the said Trustees, to be applied for the Purposes

poses of this or the said former Act; and that all such Penalties or Forfeitures, as exceed the Sum of Five Pounds, shall and may be recovered, with Double Costs of Suit, by any Person or Persons who will sue for the same, by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at Westminster, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance shall be allowed.

Persons aggrieved may appeal to the General Quarter Sessions.

Provided always, and be it further enacted by the Authority aforesaid, That all Persons who shall think themselves aggrieved by the Order or Judgement of any Justice or Justices of the Peace, upon account of any Offence committed against this Act, may appeal to the Justices of the Peace for the said County of Lancaster, at the next General Quarter Session, or the Second General Quarter Session, after the Cause of Complaint shall arise; the Person or Persons so appealing giving Security, to the Satisfaction of the said Justice or Justices, to prosecute such Appeal with Effect, and to pay the Costs which shall be ascertained by the said General or Quarter Session, in case such Order or Judgement shall be affirmed; and the Justices, in the said General or Quarter Session, are hereby authorized and required to hear and determine such Appeal, and to make such Order therein, and to award such Costs, as to them shall appear just; which Order shall be final and conclusive to all Parties, and shall not be removed or removeable by any Writ of Certiorari, or otherwise, into any of His Majesty's Courts of Record at Westminster, or elsewhere.

Proceedings not to be quash'd for want of Form.

Provided nevertheless, and be it further enacted by the Authority aforesaid, That no Order or other Proceedings to be made or had, by or before any Justice of the Peace, in relation to the Premisses, shall be quashed or vacated for want of Form only; and that it shall and may be sufficient for such Justice or Justices to draw up the Conviction of any such Offender or Offenders against this present Act in the following Form, or Words to the same Effect:

County of } BE it remembered, That on the Day of in the Year of His Majesty's Reign, *A. B.* is convicted before of His Majesty's Justices of the Peace for the County aforesaid of [*specifying the Offence, and Time, and Place, when and where the same was committed, as the Case shall be*]

Given under Hand and Seal, or Hands and Seals, the Day and Year aforesaid.

Proceedings to be entered in a Book.

And be it further enacted by the Authority aforesaid, That Accounts of all Monies that shall be received, raised, and borrowed, by virtue of this or the said former Act, and of the Expenditure of such Monies respectively, and also of all Debts, Contracts, Orders, and Proceedings, of the said Trustees, or any of them, in the Execution of or relating to this Act, shall be, from time to time, regularly and fairly entered in Books to be kept for that Purpose; and such Entries, being signed by any Five or more of the said Trustees, shall be deemed Originals, and shall be admitted to be read as Evidence in all Courts whatsoever.

Books may be read in Evidence.

Writings to be without Stamps.

Provided also, and be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Assignment, Transfer, or other Security for the borrowing of Money, or other Writing, under the Hand and Seal, or Hands and Seals of, or only signed by, any Commissioner or Commissioners, Trustee or Trustees, for putting this Act in Execution, or any Justice or Justices of the Peace, or exhibited before them, or any of them, touching any Power or Authority vested by the said former or this present Act in such Commissioners, Trustees, or Justices of the Peace, or any of them, shall be charged or chargeable with any Stamp Duties whatsoever.

Contracts made pursuant to the Order of Trustees to be binding.

And be it further enacted by the Authority aforesaid, That all Contracts in Writing to be entered into pursuant to any Order of the said Trustees, to be made at a Meeting of Five or more of them, by their Clerk, Treasurer, or other Officer, with any Workmen, or other Person or Persons, shall be binding upon all such Parties as shall sign the same, his or their Executors and Administrators: And that Actions and Suits may be maintained thereon, and Damages and Costs recovered, against the Parties failing in the Execution thereof; and the Sum of Money requisite for putting the Works into such Condition and Repair, as by the said Contracts the said Parties ought to have done, shall be the Measure of the Damages to be recovered in any Action against such Contractor as aforesaid making Default in fulfilling his said Contract; any Law or Usage to the contrary in any wise notwithstanding.

Distress not to be deemed unlawful for want of Form, nor the Party distraining to be deemed a Trespasser *ab initio*.

And be it further enacted by the Authority aforesaid, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of

Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers, ab initio, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover Satisfaction for the Special Damage in an Action upon the Case; provided, That no Action or Suit shall be commenced against any Person or Persons for any thing done, or to be done, in pursuance of this Act, until Ten Days Notice shall be thereof given to the Treasurer or Clerk of the said Trustees for the time being, or after a sufficient Satisfaction, or a Tender thereof, hath been made to the Party or Parties aggrieved; or after Six Calendar Months next after the Fact committed: And every such Action shall be laid in the County of Lancaster, and not elsewhere: And the Defendant and Defendants, in every such Action or Suit, shall and may plead at his Election Specially, or the General Issue, and give this and the said former Act, and the Special Matter, in Evidence at any Trial to be had thereupon; and that the same was done in pursuance, and by the Authority, of this or the said former Act: And if the same shall appear to be so done, or that such Action or Suit shall be brought before Ten Days Notice shall be thereof given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County; then the Jury shall find for the Defendant or Defendants: And upon such Verdict, or if the Plaintiff or Plaintiffs shall be Nonsuited, or discontinue his, her, or their Action or Actions, after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs; then the Defendant or Defendants shall and may recover Treble Costs; and have such Remedy for the same, as any Defendant or Defendants hath or have, in other Cases by Law.

Limitation of Actions.

General Issue.

Treble Costs.

And be it enacted by the Authority aforesaid, That this Act shall be deemed, adjudged, and taken to be a Publick Act; and be judicially taken Notice of as such, by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

Publick Act.

FINIS.