Anno decimo

Georgii III. Regis.

An Act to amend an Act made in the Sixth Year of the Reign of His present Majesty, for making a navigable Cut or Canal from the River *Trent*, at or near *Wilden Ferry*, in the County of *Derby*, to the River *Mersey*, at or near *Runcorn Gap*; and for granting further Powers for that Purpose.

WHEREAS an Act was made in the Sixth Year of the Reign of His present Majesty, intituled, An Act for making a navigable Cut or Canal from the River *Trent* at or near *Wilden Ferry*, in the County of *Derby*, to the River *Mersey*, at or near *Runcorn Gap*, whereby certain Persons therein mentioned and described, were united into one Body politick and corporate, by the Name of The Company of Proprietors of the Navigation from the *Trent* to the *Mersey*; with Power and Authority, at their own Costs and Charges, by the Ways and Means therein mentioned, to make, compleat, and maintain such navigable Cut or Canal, passable for Boats, Barges and other Vessels; and certain Preamble; reciting Act 6 *Geo.* III.

tain Commissioners were appointed by the said Act to execute the several Powers therein expressed: And whereas the said Company have by virtue of the said Act nearly made and compleated the said Cut or Canal, from the said River Trent to Shutborough in the County of Stafford, being about Thirty-five Miles, and have made great Progress therein at several other Places, and are now proceeding with great Expedition in the Execution of the remaining Parts thereof: And whereas the said Company were, for the Purposes of making and compleating the said Cut or Canal, by the said Act enabled to raise and contribute amongst themselves the Sum of One hundred and thirty thousand Pounds, in Manner therein mentioned, with Power, if that Sum was not sufficient, by the same Means to raise, for the Purpose aforesaid, a further Sum of Twenty thousand Pounds: And whereas the said Company have already raised and contributed amongst themselves the Sum of Eighty-six thousand nine hundred Pounds, which hath been nearly expended in carrying on the Works authorized by the said Act; and several of the Proprietors did, at their General Assembly, held the Twenty-sixth Day of September last, agree to raise and contribute amongst themselves the further Sum of Forty-three thousand one hundred Pounds, to be advanced and paid after the said Sum of Eighty-six thousand nine hundred Pounds should be expended, making together the said Sum of One hundred and thirty thousand Pounds: And whereas by reason of the great Increase in the Value of Land, and Wages of Artists and Labourers, and from other unforeseen Expences and Circumstances, it hath been found that the said Sum of One hundred and thirty thousand Pounds, with the Addition of the said Sum of Twenty thousand Pounds, will not be sufficient for compleating the said Cut or Canal: And whereas some Amendments are necessary to be made to the said Act, and some further and other Powers and Provisions wanting for carrying on, compleating, securing and preserving the said Navigation: May it therefore please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for the said Company of Proprietors, their Successors and Assigns, to raise and contribute amongst themselves, in such Shares and Proportions

Company of Proprietors impowered to raise amongst themselves.

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tions as to them shall seem meet and convenient, or by the Admission of new Subscribers to the said Undertaking, any such Sum or Sums of Money as shall be further wanted beyond the said Sum of One hundred and thirty thousand Pounds already raised or subscribed, for perfecting and compleating the said navigable Cut or Canal, and other Works authorised to be made by the said Act, not exceeding in the Whole the Sum of Seventy thousand Pounds; and that the same be divided into such Number of Shares as they shall think proper, at a Price not exceeding Two hundred Pounds per Share; provided that no Person do subscribe or become a Proprietor of more than Thirty Shares in the said Navigation, either in this Subscription alone, or in the said former and this present Subscription together, or by any other Means whatsoever, either in his own Name, or in the Name of any other Person or Persons in Trust for him, except the same shall hereafter come to him by Will or Act in Law, upon Pain of forfeiting to the said Company, all such Shares exceeding Thirty Shares as aforesaid; and every Subscriber, towards raising such further or other Sum or Sums of Money as aforesaid, shall have a like Vote by himself or Proxy, in respect of every such Share in the said further Sum so to be raised, and shall also be liable to such Forfeitures, and stand interested in all the Profits and Powers of the said Navigation proportionally to the Sum he or they may subscribe thereto, as generally and extensively, to all Intents and Purposes, and if such further or other Sum hereby allowed to be subscribed and raised had originally been Part of the said One hundred and thirty thousand Pounds, any Thing in the said Act contained to the contrary thereof in any wise notwithstanding; or it shall be lawful for the said Company, or the Committee for the Time being to be by them appointed by virtue of the said recited Act, or any Seven or more of such Committee, at any of their Meetings assembled, to borrow and take up, at legal or less Interest, all or any Part of the said Sum of Seventy thousand Pounds on the Credit of the said Navigation and Undertaking, as to them shall seem meet and convenient; and they are hereby fully authorised and impowered to assign over the said Navigation, Undertaking, and Premises, and the Tolls, Rates, and Duties arising by virtue of the said recited Act, or any Part thereof (the Costs and Charges of assigning the same to be paid out of

such further Sum as may be wanted.

No Subscriber to have more than 30 Shares.

Subscribers to additional Sum to have Votes.

Tolls, &c. may be assigned.

such Tolls, Rates, and Duties) as a Security for any such Sum or Sums of Money to be borrowed, with Interest, to such Person or Persons, or their Trustees, who shall advance the same, under the common Seal of the said Company, by the following Words of Assignment, or by any other Words to the same Effect; videlicet,

Form of Assignment.

BY Virtue of an Act made in the Tenth Year of the Reign of His Majesty King *George* the Third, to explain and amend an Act passed in the Sixth Year of the Reign of His present Majesty, for making a navigable Cut or Canal from the River *Trent*, at or near *Wilden Ferry*, in the County of *Derby*, to the River *Mersey*, at or near *Runcorn Gap*; we the Company of Proprietors of the said Navigation, incorporated by and under the said Act of the Sixth Year of His present Majesty's Reign, in Consideration of the Sum of of lawful *British* Money, to us in Hand paid by do assign unto the said his Executors, Administrators, and Assigns, all and singular the Tolls, Rates, and Duties arising by virtue of the said recited Act, and also the said Navigation, Undertaking and Premises, and all the Estate, Right, Title, and Interest of the said Company of Proprietors, of, in, and unto the same; to hold unto the said his Executors, Administrators, and Assigns, until the said Sum of together with Interest for the same after the Rate of *per Centum, per Annum*, shall be repaid.

And all and every Person and Persons to whom such Assignment or Assignments shall be made, shall be equally intitled to their Proportion of the said Tolls, Rates, Duties and Premises, according to the respective Sums in such Assignment mentioned to be advanced, to secure the Repayment thereof, with the Interest as aforesaid, without any Preference by reason of Priority of Assignment, or on any other Account whatsoever; and the Money so borrowed, by any or either of the above Methods, shall be applied, in the first Place, for discharging the Expences incurred in, and in relation to the obtaining of this Act; and afterwards for making, continuing, compleating, and maintaining the said navigable Cut or Canal, and other Works authorised by this or the said recited

Expences of obtaining this Act to be first paid.

recited Act, and in carrying this and the said former Act, and the several Provisions, Powers, and Authorities, therein and herein contained, into effectual Execution.

And be it further enacted by the Authority aforesaid, That Entries or Memorials of every such Assignment or Assignments, containing the Dates, Names of the Parties, and Sums of Money borrowed, shall be made in a Book or Books to be kept for that Purpose by the Clerk to the said Company of Proprietors; which said Book or Books shall, and may be perused at all seasonable Times by any of the Proprietors or Creditors of the said Navigation, or other Persons interested therein, without Fee or Reward; and that all and every Person and Persons to whom any such Assignment or Assignments shall be made 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 said Principal and Interest Money thereby secured, to any Person or Persons whatsoever, by indorsing on the Back of such Security, before One credible Witness, the following Words, or Words to the like effect; videlicet,

Assignments to be entered in a Book.

Assignments may be transferred.

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

Form of Transfer.

A. B.

Witness *E. F.*

Which said Transfer or Assignment shall, within Twenty Days after the Date thereof, be produced and notified to the said Clerk, who shall cause an Entry or Memorial to be made of such Assignment or Transfer, containing the Dates, Names of the Parties, and Sums 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 shall be paid the Sum of One Shilling; and after such Entry made, but not until then, every such Assignment shall intitle such Assignee, his, her, and their Executors, Administrators and Assigns to the Benefit thereof, and Payment thereon;

Clerk's Fee.

thereon; and such Assignees may in like Manner assign again, and so toties quoties: But in case any Sum so assigned shall not exceed the Sum of One hundred Pounds, it shall and may be lawful for the Person or Persons intitled to such Assignment respectively, by an Indorsement of his, her, or their proper Name, without Witness, to transfer his, her, or their Property in such Assignment to any other Person or Persons, without an Entry to be made thereof in the said Book or Books; and all such last-mentioned Transfers or Assignments shall intitle such Assignee, his, her, or their Executors, Administrators and Assigns to the Benefit thereof and Payment thereon; and such Assignee may, in like Manner, assign or transfer the same again, and so toties quoties; and it shall not be in the Power of such Person or Persons, who shall have made any such Assignment, to make void, release or discharge the same, or any Monies thereby due, or any Part thereof.

Sums not exceeding 100 *l.* may be transferred without Entry or Witness.

And it is hereby further enacted, That the Interest of the Money, which shall be borrowed by Mortgage as aforesaid, shall be paid half-yearly to the several Parties intitled thereto, in preference of any Interest or Dividends due and payable, by virtue of the said recited or this present Act, to the said Company of Proprietors, or any of them; and shall from Time to Time be fully paid and discharged, or provided for, before the yearly or other Interest or Dividends due to the said Proprietors, or any of them, shall be paid, made or divided; and that all such Transfers, Securities and Assignments, shall be free from all Stamp-duties.

Interest of Mortgage-monies to be paid Half-yearly.

Transfers exempted from Stamps.

And be it further enacted, That it shall and may be lawful for the Proprietor of any Share or Shares in the said Undertaking to sell and transfer the same, after any Call of Money shall be made, if, at the Time of making such Transfer, he shall have paid all the Money then due in respect of such Share or Shares, and all the Penalties and Forfeitures incurred by him, her, or them, in respect thereof; any Thing in the said recited Act contained to the contrary notwithstanding.

Proprietor after Call made, having paid all Dues, may sell, or transfer.

And whereas the several Shares and Interests of the said Company of Proprietors of and in the said Undertaking and Premises are by the said Act vested in them, and their several and respective Heirs and Assigns, in the Nature of Real Estates, which it is apprehended may be productive

productive of Inconveniencies to the said Proprietors; be it therefore further enacted, That from and after the Twenty-ninth Day of September, One thousand seven hundred and seventy, all and every the Shares, Parts and Proportions, belonging to the several Proprietors of and in the said Navigation, Undertaking, and Premises, shall be deemed to be Personal Estate, and shall be transmissable as such, and not of the Nature of Real Estate, any Thing in the said Act contained to the contrary notwithstanding. Shares to be deemed Personal Estates.

And whereas the said Company were, by the said recited Act, prohibited from taking any Water out of the River Trent, or out of any Streams, Brooks or Watercourses, which then flowed into the same, between Burton and Wilden Ferry, except for the making and repairing of the said Navigation: And it was by the said Act directed, that all the Waste Water to be taken or diverted out of any ancient Streams, Rivers or Brooks, which then flowed into the River Trent above the Town of Burton, over and above what should be necessarily taken and used for filling the said Canal, and the Purpose of Lockage, should be discharged into the said River Trent, as high or higher than the Town of Burton: And whereas the said Navigation hath been made through a Part of the said River Trent, and through the Water adjoining, where the same had been pounded for the Use and Benefit of the Mills, called Whichnor Mills, with the Consent and Approbation of the Parties interested in the said Mills, and in a Manner very advantageous to the said Mills and the Possessors and Proprietors thereof; and a Lock is fixed upon the said Navigation at the Head of the said Pound of Water, which will, under proper Regulations and Restrictions, throw all the Waste Water into the River Trent at that Place, being above the Town of Burton, and effectually prevent any Waste or other Discharge of it, except what will be necessary to fill the said Navigation and supply the Lockage thereupon: Be it therefore further enacted by the Authority aforesaid, That the said Navigation so made as aforesaid, and the Locks, Weirs, and other Works made, erected and constructed thereupon, and for the Use thereof, shall be, and is and are hereby fully ratified and confirmed to the said Company of Proprietors, their Successors and Assigns; and that the said Company of Proprietors, their Successors, and Assigns, shall, and they are hereby required to make Satisfaction Works constructed near *Whichnor* Mills, confirmed to the Proprietors; who are to make Satisfaction for Damages.

tisfaction to the Owner and Owners of the Soil within or on the Side or Sides of the said River Trent, and Water so pounded, for all Damages by him or them sustained, by means or on account of making and using the said Navigation through the said River and pounded Water, in such Manner as Satisfaction is directed to be made by the said recited Act for other Damages to be done by making or using the said Navigation; and that it shall and may be lawful for the said Company from Time to Time, and at all Times for ever hereafter, to maintain, repair, hold, use, and enjoy the said Locks, Weirs, and other Works for the Use and Benefit of the said Navigation; and also to take a sufficient Quantity of Water from the River Trent, at Whichnor aforesaid, for filling the said Navigation and supplying the Lockage thereupon; any Thing in the said recited Act contained to the contrary thereof notwithstanding.

Regulations with respect to the Quantity of Water to be taken.

Provided always, That the Quantity of Water to be taken out of the said River by virtue of the Powers hereby given, shall at all Times be less than the Quantity which shall be brought by the said Navigation into the said River, above Whichnor aforesaid; and that the same shall be respectively ascertained by Paddles or Gages to be made, and from Time to Time maintained and repaired by the said Company, at or near the Lock next above, and at or near the Lock next below, the Place where the said Navigation crosses the said River Trent, in such Manner as shall be settled and agreed upon by the principal Engineer of the said Company, and the Agent of the Right Honourable Lord Paget (who is Proprietor of the Navigation of the said River from Burton to Wilden Ferry aforesaid) his Heirs or Assigns, or by Two indifferent Persons, the one to be nominated by the Engineer of the said Company, the other by the Agent of the said Lord Paget, his Heirs or Assigns; and that before the said Paddles or Gages shall be made or constructed, Twenty Days Notice at least shall be given by the Engineer of the said Company to the said Lord Paget, or his known Agent, of the Time when the same are intended to be begun to be made, in order that the said Agent may attend, to settle and adjust the Manner of constructing and executing the same; and in case he shall neglect to give his Attendance, or to fix upon One indifferent Person for the Purpose aforesaid, then the Engineer

neer of the said Company shall and may proceed to complete the same on the Behalf of the said Company, in such Manner as if the Agent of the said Lord Paget had concurred therein: And if at any Time hereafter any Dispute or Difference shall arise, touching the Manner of making or repairing the said Paddles or Gages, or the Quantities of Water to be brought into or taken out of the said River Trent, the Commissioners named in the said Act, or any Seven or more of them, qualified and acting for the said County of Stafford, shall and may, and they are hereby fully authorised and impowered, to hear and determine the same, and to order and direct the Manner in which the said Paddles or Gages shall be made or repaired, and the said Water brought into or conveyed out of the said River, agreeable to the true Intent and Meaning of this Act; and shall and may order and direct the Expences of making or repairing the same to be paid by the said Company; and in case the same shall not be paid within the Space of Thirty Days, then the said Commissioners, or any Seven or more of them, shall and may, by Warrant under the Hands and Seals, cause the same to be levied, together with all reasonable Costs and Charges, upon the Goods and Chattels of the said Company, or upon the Tolls and Duties granted by the said Act.

In case of Differences, Commissioners for Com' *Stafford* to settle the same,

and levy the Expence by Distress.

Provided also, and be it further enacted by the Authority aforesaid, That if more Water shall at any Time be taken from or out of the River Trent at Whichnor, than shall be brought into the said River at Alrewas, by means of the said Canal, except whilst the said Navigation, or any Part thereof, near or below that Place, shall be making or repairing, the Proprietors of the said Navigation shall be liable to forfeit and pay to the Right Honourable Henry Lord Paget, the Owner of the Navigation of the River Trent from Wilden Ferry to Burton, or his Lessees or Assigns, for every Time that more Water shall be so taken from or out of the said River Trent at Whichnor, than shall be brought in at Alrewas, by means of the said Canal, except as aforesaid, any Sum of Money not exceeding Five Pounds, nor less than Forty shillings, upon Conviction, upon the Oath of any One or more credible Witness or Witnesses, before any One or more Justice or Justices of the Peace of the said County of Stafford; which Penalty the said Justice or Justices is and are hereby authorised

Penalty on Proprietors taking more Water at *Whichnor* than shall be brought into the *Trent* at *Alrewas*.

Penalty may be levied by Distress.

thorised and required to levy, by Warrant under his or their Hands and Seals, by Distress and Sale of the Goods and Chattles of the said Company of Proprietors.

Proprietors to make Satisfaction for Materials taken from private Grounds.

And be it further enacted by the Authority aforesaid, That from Time to Time, as the said Company of Proprietors, their Agents and Servants, shall, by virtue of the Powers of the said former Act, dig, take, and carry away, any Soil, Clay, Gravel or Stone, for making, carrying on, and compleating the said Cut or Canal, and other Works authorised by the said former Act, or this present Act, in or from the Grounds of any Person or Persons adjoining or lying near thereto, or the Course thereof, the said Company shall make a reasonable Satisfaction for the same, from Time to Time, within Three Calendar Months after any such Materials shall be got or dug, and the Damages done to such Land or Ground can be ascertained, and Application shall be made by the respective Owners for that Purpose: And in case the said Company and the Owners of the Lands from whence such Soil, Clay, Gravel, or Stone shall be got, cannot agree upon such Satisfaction, or the said Land Owners shall refuse to treat, or, by reason of Absence, shall be prevented from treating, or through Disability, Nonage, Coverture or other Impediment, cannot treat for themselves, or make such Agreement as shall be necessary; then the said Satisfaction shall be determined by Commissioners or a Jury, in such Manner as directed by the said Act, in respect of any other Satisfaction to be made by the said Company.

Differences how to be settled.

And whereas the said Company of Proprietors are, by the said recited Act, impowered to ask, demand, take and recover, to and for their own proper Use and Behoof, for Tonnage and Wharfage of all Coals, Stones, Timber, and other Goods, Wares, Merchandizes, and Commodities, which shall be navigated, carried, or conveyed upon or through the said Cut or Canal, such Rates and Duties as the said Company shall think fit, not exceeding the Sum of One Penny Halfpenny per Mile, for every Ton of Coal, Timber, Stone, and other Goods, Wares, Merchandizes and Commodities, which shall be navigated carried or conveyed upon or through the said Cut or Canal, and so in proportion for a greater or less Quantity than a Ton: And whereas it may be doubtful, whether the said Company

pany are authorised by the said Act to demand, collect, or receive any Rate or Duty whatsoever for the Tonage or Wharfage of any Goods or Commodities, which shall be carried or conveyed upon the said Cut or Canal, a less Distance than a Mile, be it therefore further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Company, and they are hereby authorised and impowered to ask, demand, take, and recover, to and for their own proper Use and Behoof, for Tonnage and Wharfage for all such Coals, Stones, Timber, and other Goods, Wares, Merchandizes and Commodities, as shall be navigated, carried or conveyed upon or through the said Cut or Canal, such Rates and Duties as they shall think fit, not exceeding the Rate of One penny halfpenny, per Mile as aforesaid, for every Ton of Coals, Stone, Timber, Goods, Wares, Merchandizes, and Commodities, which shall be navigated, carried or conveyed upon or through the said Cut or Canal, and so in proportion for a greater or less Quantity than a Ton, and also in proportion for a greater or less Distance than a Mile; which Rates and Duties for any Distance less than a Mile, shall be paid in such Manner, and with such such Remedy for Recovery thereof, as the Rates and Duties are directed to be paid and recovered by the said recited Act.

Rates for less than a Mile.

And whereas by the said recited Act, Powers were given to the Commissioners therein named, or thereby to be appointed, to determine and adjust, and, under the particular Circumstances, and upon the particular Occasions therein mentioned, to issue their Warrant to the Sheriff of the Counties of Derby, Stafford, and Chester respectively, to impanel, summon, and return a Jury to inquire of, assess, and ascertain the Sum or Sums of Money, or annual Rent to be paid for the Purchase of the Lands or Grounds which shall be set out and ascertained for making the said Cut or Canal, or any Part thereof, or other the Purposes therein mentioned, and also the Recompence to be made for any Damages that might or should be at any Time or Times whatsoever sustained for or by reason of the making, repairing, or maintaining the said Cut or Canal, Trenches, Passages, Gutters, Watercourses, Roads, Ways or Sluices, or supplying the same or any of them with Water, or by the flowing, leaking, or oozing of Water over or through the Banks thereof, or by reason or means of the Execution of any of the Powers therein contained:

tained: And whereas it might be disagreeable and inconvenient to the Parties interested, if the said Commissioners and Juries, or either of them, were to blend the Consideration of the Value of the Lands, and the Damages which then have, or may thereafter be sustained, in one and the same Judgement or Verdict, and in one gross Sum: Be it therefore further enacted by the Authority aforesaid, That the said Commissioners and Juries respectively, shall from henceforth, in all Determinations, Judgements and Verdicts, which they shall respectively make and give in Execution of the Powers vested in them by virtue of the said recited, or this present Act, concerning the Value of Lands, and Damages sustained, or to be sustained, separate and distinguish the Value set upon the Lands, and the Money assessed or adjudged for Damages from each other; all which said Determations, Judgements and Verdicts shall be final to all Intents and Purposes, and shall not be removed by Certiorari, or other Process whatsoever, into any of His Majesty's Courts of Record at Westminster, or any other Court; any Law or Statute notwithstanding.

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

Clerk's Fee for Copies.

And be it further enacted, That it shall and may be lawful to and for the Clerk or Clerks, employed or to be employed by the said Company of Proprietors, to demand and take, for Copies of the Proceedings of the said Company, after the Rate of Sixpence for every Two hundred Words, from any Person or Persons who shall demand or request such Copies.

Vessels under 15 Tons not to pass without Leave,

or paying Rates as for 6 Tons.

And be it further enacted, That no Boat or other Vessel loaded with less Burthen than Fifteen Tons shall pass through any of the Locks, made or to be made by virtue of the said recited Act, without the Consent of the said Company of Proprietors, or their principal Agent for the Time being, first had and obtained in Writing; unless such Boat or other Vessel shall be going for, or returning after having delivered its respective Lading; or unless the Owner or Master of such Boat or other Vessel shall pay the Rates of Tonnage required by the said Act for Six Tons, and also the Sum of Sixpence at each Lock which such Boat or Vessel shall pass, as a Lock-due for extraordinary Waste of Water.

Navigation to be free.

And be it further enacted, That it shall and may be lawful to and for all and every Person and Persons whomsoever, at, under, and subject to the Rates, Tolls, and

and Duties granted by the said recited and this present Act, to navigate and use, upon the said Cut or Canal, Boats and other Vessels of such Breadth or Width as can conveniently pass through the Locks, Tunnels, and other Works made or to be made by the said Company, upon or in respect of the said Navigation; any Thing in the said recited Act contained to the contrary notwithstanding.

5*l.* Penalty on wilfully or carelessly wasting the Water.

And be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever shall wantonly, or through Carelessness or Negligence, open or cause to be opened any Lock or Clough belonging to the said navigable Cut or Canal, or shall in such Manner suffer any Boat or other Vessel to strike or run upon any of the Bridges or Locks thereof; or if any Person or Persons shall wilfully flush or draw off the Water from any Part of the said Canal, or shall leave any of the Cloughs open and running, after any Boat or other Vessel shall have passed any Lock belonging to the said Cut or Canal; or if any Person or Persons shall draw, or cause to be drawn, any Clough or Cloughs, in the Lock Gates on the said Navigable Cut or Canal, so as to mis-spend or waste the Water in such Navigable Cut or Canal; or shall wilfully and maliciously do any other Act to the Prejudice of the said Navigation; every such Person so offending, in any of the said Particulars, and being thereof convicted before One or more Justice or Justices of the Peace for the Counties of Derby, Stafford, or Chester respectively, by the Oath of One or more Witness or Witnesses, which Oath such Justice or Justices is and are hereby respectively impowered to administer, shall forfeit and pay for every such Offence any Sum not exceeding the Sum of Five Pounds, nor less than Twenty Shillings, at the Discretion of the said Justice or Justices.

5*l.* Penalty on neglecting to shut, &c. Swivel or Draw-bridges.

And be it further enacted by the Authority aforesaid, That if any Swivel-bridge, or Draw-bridge or Bridges, is, are, or shall be laid over or across the said Cut or Canal, every Boatman, Person or Persons opening any such Draw-bridge or Swivel-bridge, shall, and he and they is and are hereby required and directed, so soon as any Vessel shall have passed such Bridge, to shut and fasten the same; and every Person neglecting so to do, and being convicted thereof by the Oath of One or more credible Witness or Witnesses, before One or more of His Majesty's Justices

of the Peace residing in the County where such Offence shall be committed, shall forfeit and pay for every such Offence any Sum not exceeding the Sum of Five Pounds: And in case such Bridge shall be left open longer than necessary for the Passage of any Vessel as aforesaid, through the Neglect or Carelessness of any Person belonging to any such Vessel, that the Master or Owner of such Vessel shall also forfeit and pay, for every such Offence, any Sum not exceeding the like Sum of Five Pounds, on due Proof being made before any such Justice or Justices of such Neglect as aforesaid: And if any Person or Persons shall wilfully open any such Draw-bridge or Swivel-bridge, when no Vessel is to pass through the same, so as to interrupt a free Passage over the same for Travellers or Carriages, such Person or Persons shall, on being convicted thereof in Manner aforesaid, forfeit and pay any Sum not exceeding the Sum of Five Pounds, nor less than the Sum of Twenty Shillings, at the Discretion of the said Justice or Justices: Which said Forfeiture or Forfeitures are to be levied and recovered in the same Manner as any other Penalty or Forfeiture is by the said former Act, or this Act directed to be levied and recovered; and the Money arising by such Forfeiture or Forfeitures shall be applied in the Manner following, that is to say, One Half thereof shall be paid to the Informer, and the other Half thereof to the Poor of the Township or Parish where such Offence shall be committed; any Thing contained in the said Act notwithstanding.

Recovery and Application of the Forfeiture.

And be it further enacted by the Authority aforesaid, That in Default of Payment of any of the Forfeitures inflicted by this or the said former Act, the Person or Persons offending, and liable to such Forfeitures, shall, by Warrant or Warrants of One or more Justice or Justices of the Peace for the said Counties of Derby, Stafford, or Chester respectively, be sent to the House of Correction for such of the said Counties wherein the said Offence shall be committed, there to be kept to hard Labour for any Space of Time such Justice or Justices shall direct, not exceeding Three Calendar Months, or until Payment of such Forfeitures; or otherwise it shall and may be lawful for any Person or Persons to sue for and recover such Forfeitures, with Double Costs of Suit, by Action of Debt, Plaint, or Information, in any of His Majesty's Courts of Record at Westminster, wherein no Essoin, Protection,

On Nonpayment of Forfeitures, Offender to be committed to hard Labour;

or Penalty may be recovered by Action, with Double Costs.

Protection, Wager of Law, or more than One Imparlance shall be allowed.

And be it further enacted by the Authority aforesaid, That all Persons who shall think themselves aggrieved by any Thing done in pursuance of this Act, for which no particular Method of Relief hath been appointed, may appeal to the Justices of the Peace, at their General Quarter Sessions to be held in and for the said Counties of Derby, Stafford, or Chester respectively, where the Cause of Appeal shall arise, and not elsewhere, and within Six Calendar Months after the Cause of Complaint shall have arisen; such Appellant first giving Ten intire Days Notice at the least in Writing of the Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer to the said Company of Proprietors; and within Four Days after such Notice, enter into Recognizance before some Justice of the Peace for the respective County, with sufficient Securities, conditioned to try such Appeal, and abide the Order of, and to pay such Cost as shall be awarded by, the Justices at such Session; and the said Justices, at such Session, shall hear and finally determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Parties appealing, or appealed against, as they the said Justices shall think proper; and the Determination of such Quarter Session shall be final, binding, and conclusive, to all Intents and Purposes.

Persons aggrieved may appeal to the Quarter Sessions;

giving Notice,

and entering into Recognizance.

And be it further enacted by the Authority aforesaid, That if any Action, Suit, or Information, shall be brought or commenced against any Person or Persons for any Thing done, or to be done, in pursuance of this Act, or in the Execution of the Powers and Authorities, or the Orders and Directions herein before given or granted; every such Suit or Information shall be brought or commenced within Six Calendar Months next after the Fact committed, or, in case there shall be a Continuance of Damages, then within Six Calendar Months next after the doing or committing such Damages shall cease, and not afterwards; and shall be laid and brought in the said Counties of Derby, Stafford, or Chester, respectively where the Matters in dispute shall arise, and not elsewhere; and the Defendant or Defendants, in such Action or Suit, shall and may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act: And if it shall appear to have been

Limitation of Actions.

General Issue.

so done, or if any Action, Suit, or Information shall be brought after the Time so limited for bringing the same, or shall be brought in any other County or Place than as aforesaid; then, and in such Case, the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become Nonsuit, or suffer a Discontinuance of his, her, or their Action, Suit, or Information, after the Defendant or Defendants shall have appeared; or if a Verdict shall pass against the Plaintiff or Plaintiffs; or if, upon Demurrer, or otherwise, Judgement shall be given against the Plaintiff or Plaintiffs; the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for the same as any Defendant or Defendants hath or have for Costs of Suit in other Cases by Law.

Treble Costs.

Publick Act.

And be it further enacted, That this Act shall be allowed in all Courts whatsoever, as a Publick Act; and all Judges, Justices, and other Persons, are hereby required to take Notice of it as such, without specially pleading the same.

FINIS.