

ANNO TRICESIMO TERTIO

Georgii III. Regis.

CAP. CV.

An Act for making and maintaining a Navigable Cut or Canal from a Place called *Hammerſide Hill* in the Pariſh of *Ulverſtone*, in the County Palatine of *Lancaſter*, to a Place called *Weint End*, near the Town of *Ulverſtone* aforeſaid.

[8th *May* 1793.]



WHEREAS the Town of Ulverſtone in the County Palatine of Lancaſter is a Place of Trade and Commerce, but by reaſon that there is not any Baſon, Dock, Wharf, or Pier at or in which the Shipping and Veſſels trading to the ſaid Town, or Places adjacent thereto, may be conveniently moored or lie, or be loaded or diſcharged; and the ſaid Town being ſituated at the Diſtance of Two Miles or upwards from the Sea Beach, the Carriage, Delivery, and Exportation of Goods and Merchandize are expenſive and incommodious: And whereas it would greatly Preamble.

tend to the Benefit, Welfare, and Prosperity of the said Town of Ulverstone, and to the Advantage and Improvement of the Places and Country adjacent, and be a considerable Accommodation to the Merchants and Mariners of the same, if a Navigable Cut or Canal should be made from a Place called Hammerside Hill, in the Parish of Ulverstone aforesaid, to a certain other Place in the same Parish called Weint End, with a Dock or Bason at or in some convenient Part thereof: And whereas the several Persons herein-after named are desirous, at their own Costs and Charges, to make and maintain the said intended Cut, Canal, or Navigation; but cannot effect the same without the Aid and Authority of Parliament: Wherefore, for obtaining and perfecting the good Effects and Purposes aforesaid, may it 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 Wilson Braddyll, Jane Braddyll, Thomas Sunderland, John Machell, Charles Luther Watson, Samuel Pole, William Pole, Peter Baker, Thomas Clarke, Henry Blundell, Daniel Backhouse, George Law, Thomas Brockbank junior, Samuel Hodgson, William Burnthwaite senior, John Jackson, Thomas Edmondson, James Bouskell, James Goad, Thomas Goad, Joseph Goad, Ralph Brewer, John Robinson, William Harrison, Francis Barker, Richard Greenbank Jackson, Richard Atkinson, John Birch, Scholes Birch, Robert Robinson, William Walmesley, Robert Fell, Myles Myres, William Petty, William Fitzgerald, Thomas Green, Arthur Onslow, and Edward Tatham, together with such Person or Persons as they, or the major Part of them, assembled at any General Meeting to be held as herein-after mentioned, shall nominate and appoint under their Hands, and the several and respective Successors, Executors, Administrators, and Assigns of the said Persons herein-before named, and of the Person or Persons so to be nominated and appointed, being Proprietors of any Share or Shares in the said Cut or Canal hereby authorized to be made, are and shall be and be united into a Company for carrying on, making, completing, and maintaining the said Navigable Cut or Canal passable for Ships, Boats, Barges, and all other Vessels, according to the Rules, Orders, and Directions, herein-after expressed, and shall for that Purpose be One Body Politick and Corporate, by the Name of The Company of Proprietors of the *Ulverstone* Canal Navigation,

Proprietors.

and by that Name shall have perpetual Succession, and shall have a Common Seal, and by that Name shall and may sue and be sued, and also shall and may have Power and Authority to purchase Lands to them and their Successors and Assigns, for the Use of the said Dock or Bason, Cut, Canal, or Navigation, and also for all other Locks, Docks, Piers, Wharfs, Landing Places, Warehouses, and all other Conveniencies belonging to the same, (and to inclose and enjoy the same), without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain: And the said Company of Proprietors, and their Successors or Assigns, shall be and are hereby authorized, from and after the First Day of June One thousand seven hundred and ninety-three, by themselves, their Deputies, Agents, Workmen, and Servants, to make and complete a Navigable Cut or Canal and Bason, to be called The Ulverstone Canal Navigation, and to be navigable and passable for all Ships, Boats, Barges, and other Vessels, from Hammerside Hill aforesaid, to Weint End aforesaid, and to supply the said intended Cut or Canal and Bason whilst making, and when made, with Water from all such Brooks, Springs, Streams, Rivulets, and Watercourses, as shall be found in digging or making the said Cut or Canal, Bason, and Navigation, and also from the several Brooks, Rivulets, Streams, or Watercourses, known by the Names of Newland Beck, Newland Furnace Race, and Newland Mill Race, Bechasykes Brook, Weint End Spring, the Runner from the Tarn, and such other Brooks, Rivulets, Streams, or Watercourses, as the said Company of Proprietors, and their Successors or Assigns, shall deem necessary and proper for supplying the said intended Cut or Canal with Water; and for the Purposes aforesaid to cut, open, deepen, enlarge, or straighten the Streams, Brooks, or Watercourses which may be brought into or made to communicate therewith respectively, and to dig, cut, or raise the Banks of any of the said Streams or Watercourses, for bringing Water into the said intended Cut or Canal and Bason, and to make such proper Trenches or Passages for Water, in, upon, or through the Lands adjoining or near the said intended Cut or Canal and Bason, or Navigation, so as the same do not injure the Iron Works and Mill at Newland, or any Machinery, or Works that Henry Blundell, his Heirs or Assigns, may at any Time hereafter erect upon any of the Streams or Rivulets passing through his Estates at Mansriggs and Broughton Beck in the said Parish of Ulverstone, or any other Machinery

A Body Corporate, and may purchase Lands.

Powers of Proprietors.

chinery or Works now supplied by any of the said Streams; and, for the Purposes aforesaid, the said Company of Proprietors, and their Successors or Assigns, their Deputies, Servants, Agents, and Workmen, are empowered to enter into and upon the Lands or Grounds of any Person or Persons whatsoever, to survey and take Levels of the same, or any Part thereof, and to set out and ascertain such Parts thereof as they shall think necessary and proper, for the making the said intended Cut or Canal and Bason, and any such Feeders, Aqueducts, and all such other Works, Matters, and Conveniencies, as they shall think proper and necessary for making, preserving, completing, and maintaining the said intended Cut or Canal and Bason, and other Works; and also to dig, cut, get, remove, take, carry away, and lay Earth, Clay, Stone, Soil, Rubbish, Wood, Sand, or any other Matters or Things, which may be dug or got in making the said intended Cut or Canal and Bason, or other Works, or in making any Feeders or Aqueducts, in or out of the Land of any Person or Persons adjoining or lying convenient thereto, and which may be proper, requisite, or necessary for making, carrying on, maintaining, or repairing the said intended Cut or Canal and Bason, or other Works, or which may hinder or obstruct the making or maintaining the same respectively, or in making and maintaining of any such Feeders, Trenches, Aqueducts, and Watercourses as aforesaid, as shall be necessary and proper to convey Water to or from the said intended Cut or Canal, and Bason with Water, according to the Intent and Purpose of this Act; and to make, build, erect, and set up, in or upon the said intended Cut or Canal and Bason, or upon the Land adjoining or near the same respectively, such and so many Bridges, Piers, Locks, Drains, Wharfs, Quays, Houses, Warehouses, Tollhouses, Landing Places, Weighing Beams, Cranes, or other Machines, Dry Docks, and other Works, Ways, Roads, and Conveniencies, as and where the said Company of Proprietors, their Successors or Assigns, shall think requisite and convenient for the Purposes of the said Cut or Canal, Bason, or Navigation, and also from Time to Time to alter, repair, amend, or discontinue the same; and to divert, alter, and extend any Bridges, Ways, Roads, Cuts, Locks, Aqueducts, Trenches, and other Works or Conveniencies, as well for the carrying and conveying of Stones, and other Minerals, Goods, Wares, Merchandizes, and other Articles, to and from the said intended Cut or Canal and Bason, as for the

carrying and conveying of all Manner of Materials neceſſary for the making, repairing, altering, or maintaining the ſaid intended Cut or Canal and Baſon, and the Works of or belonging to the ſame, or uſeful for any Purpoſe therein; and alſo to lay, work, or manufacture the ſaid Materials on the Grounds near to the Place or Places where the ſaid Works ſhall be or are intended to be made, repaired, or done; and alſo to make, repair, maintain, and alter any Fences or Paſſages, over, under, or through the ſaid intended Cut or Canal and Baſon, or the Paſſages, Feeders, Watercourſes, and Sluices reſpectively, which ſhall communicate therewith; and alſo to make, ſet out, and appoint ſuch Towing Paths, Banks, Roads, and Ways convenient for towing or drawing of Ships, Boats, Barges, and other Veſſels, paſſing upon the ſaid intended Cut or Canal, with Men, Horſes, or otherwiſe, and to conſtruct, erect, make, and do all other Matters and Things which they ſhall think convenient and neceſſary for the making, preſerving, compleating, and maintaining the ſaid intended Cut or Canal, Baſon, and other Works, in purſuance of and according to the true Intent and Meaning of this Act, they the ſaid Company of Proprietors, their Succeſſors or Aſſigns, doing as little Damage as may be in the Execution of the ſeveral Powers hereby granted, and making Satisfaction, in Manner herein-after mentioned, to the Owners or Proprietors of, or the Perſons intereſted in the Lands, Tenements, or Hereditaments, Waters, Watercourſes, Brooks, or Rivulets reſpectively, which ſhall be taken, uſed, removed, diverted, or prejudiced, for all Damages to be by them ſuſtained in or by the Execution of all or any of the Powers of this Act; and this Act ſhall be ſufficient to indemnify the ſaid Company of Proprietors, their Succeſſors or Aſſigns, and their Servants, Agents, or Workmen, and all other Perſons whatſoever, for what they or any of them ſhall do by virtue of the Powers hereby granted, ſubject nevertheleſs to ſuch Proviſions and Reſtrictions as are herein-after mentioned.

Line to be according to the Plan depoſited with the Clerk of the Peace.

II. And whereas a Map or Plan deſcribing the Line of the ſaid intended Cut, Canal, or Navigation and Baſon, and the Lands through which the ſame is intended to be carried, together with a Book of Reference, containing a Liſt of the Names of the Owners or reputed Owners and Occupiers of ſuch Lands, have been depoſited at the Office of the Clerk of the Peace for the County of Lancaſter; be it therefore further enacted, That the ſaid Map or Plan and Book of Reference ſhall remain in the Cuſtody

Custody of the Clerk of the Peace for the said County; and all Persons shall, at any seasonable Times, have Liberty to inspect and peruse the same, and to make Copies thereof or Extracts therefrom at their Will and Pleasure, paying the Clerk of the Peace the Sum of One Shilling for every such Inspection, and after the Rate of Sixpence for every One hundred Words of such Copies or Extracts of the said Book of Reference; and that the said Company of Proprietors, in making the said intended Cut, Canal, or Navigation and Bason, shall not deviate more than One hundred Yards from the Line or Course thereof described in the said Map or Plan, without the Consent in Writing of the Person or Persons through whose Lands or Grounds such Deviation shall be made: Provided always, That no Advantage shall be taken of or against the said Company of Proprietors, or any Interruption be given to the making of the said intended Cut, Canal, or Navigation and Bason, on Account of any Error or Omission in the said Book of Reference, in case it shall appear to any Three or more of the said Commissioners, and be certified, by Writing under their Hands, that such Error or Omission proceeded from Mistake: Provided always, That no Deviation shall be made from the Line or Course of the said intended Cut or Canal into any Lands or Grounds not described in the said Plan and Book of Reference, without the Consent in Writing of the Person or Persons through whose Lands or Grounds such Deviation shall be made.

The Dimensions of the Canal.

III. And be it further enacted, That the said Company of Proprietors, their Successors or Assigns, shall cause the said Canal to be made and completed of the Depth of Fifteen Feet, and of the Width of Thirty Feet at the Bottom, and Sixty-six Feet at the Top, with a sufficient Breadth for Towing Paths, Ways, and other Purposes, for the Use of the said Cut or Canal and Bason, as they the said Company of Proprietors, their Successors or Assigns, shall judge convenient.

Bodies Politick, Corporate, &c. empowered to sell Lands.

IV. And be it further enacted, That after any such Parts of the said Lands or Grounds shall be so set out and ascertained as aforesaid, for making the said Cut or Canal and Bason, Wharfs, or other Works herein-before mentioned, it shall and may be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees and Persons whatsoever, not only for and on Behalf of themselves, their Heirs

and Succeſſors, but alſo for and on Behalf of their Ceſtuique Truſts, whether Infants, Iſſue unborn, Lunaticks, Idiots, Femes Covert, or other Perſon or Perſons, and to and for all Femes Covert, who are or ſhall be ſeiſed or poſſeſſed of or intereſted in their own Right, and to and for every other Perſon or Perſons whomſoever, who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in any Lands which ſhall be ſo ſet out and aſcertained as aforeſaid, or any Part thereof, to contract for, ſell, and convey unto the ſaid Company of Proprietors, their Succeſſors or Aſſigns, or to ſuch Perſon or Perſons as they ſhall nominate and appoint, for the Uſe of the ſaid Navigation, all or any Part of ſuch Lands which ſhall from Time to Time be ſet out and aſcertained as aforeſaid.

Satisfaction to be made by Annual Rent where Title is doubtful.

V. Provided always, That where any Contract or Contracts ſhall be made with any Bodies Politick, Corporate, or Collegiate, Truſtees, or other Perſons whatſoever, by the ſaid Company of Proprietors, or their Succeſſors or Aſſigns, for the Purchaſe of any Lands, the Title of which ſhall not be then made out to the Satisfaction of the ſaid Company of Proprietors, or their Succeſſors or Aſſigns, then, and in all ſuch Caſes, from the Time of making ſuch Contract until a good Title ſhall be made to the ſaid Lands reſpectively, and the ſame ſhall be effectually conveyed to the ſaid Company of Proprietors, and their Succeſſors or Aſſigns, in Fee Simple, or other good Eſtate of Inheritance, the ſaid Bodies Politick, Corporate, Collegiate, Truſtees, and other Perſons contracting to ſell the ſaid Lands, ſhall be entitled to have and receive Annual Rents for the ſame reſpectively, from the ſaid Company of Proprietors, and their Succeſſors or Aſſigns; and from and immediately after the Time of making ſuch Contract or Contracts as aforeſaid, or upon a legal Tender of the Value of ſuch Lands, to be aſcertained by the Commiſſioners as hereinafter mentioned, they the ſaid Company of Proprietors, and their Succeſſors or Aſſigns, may and ſhall be at Liberty to enter on, and from thenceforth for ever to have, take, and enjoy the ſaid Lands ſo contracted for, without any Interruption or Eviction whatſoever.

Form of Conveyance for veſting Lands, &c. in the Company of Proprietors.

VI. And be it further enacted, That the Form of Conveyance for veſting any Lands and Intereſts in the Company of Proprietors, for the Uſe and Purpoſe of the ſaid Undertaking, ſhall and may be in the Form or to the Effect following:

I *A. B.* in Consideration of the Sum of to me paid by the Company of Proprietors of the *Ulverstone* Canal Navigation, do hereby grant, bargain, and sell to the said Company, all [*describing the Parcels to be conveyed*] and all my Right, Title, and Interest in and to the same and every Part thereof, to hold to the said Company of Proprietors, their Successors and Assigns for ever, by virtue of and according to the true Intent and Meaning of the Act of Parliament for making and maintaining the said *Ulverstone* Canal; all which said Hereditaments and Premises, I the said *A. B.* do hereby warrant and for ever defend to the said Company, their Successors and Assigns, against me the said *A. B.* and my Heirs for ever, by these Presents. In Witness whereof, I have hereunto set my Hand and Seal, this Day of in the Year of our Lord

And every such Conveyance and Conveyances to the Purport or Effect aforesaid shall be valid and effectual, and shall be kept by the Clerk or Clerks to the said Company of Proprietors, who shall, from Time to Time, when required, deliver attested Copies thereof to any Person or Persons requesting the same, and shall have and receive One Shilling for every One hundred Words of each such attested Copy, and so in Proportion for any less Number of Words, any Thing herein contained to the contrary notwithstanding.

Consent of Lords of Manors sufficient to enable the Company to cut through Waste Lands.

VII. And be it enacted by the Authority aforesaid, That the Consent of the most Noble Henry Duke of Buccleugh, and the most Noble Elizabeth Dutchess of Buccleugh, Lord or Lady of the Manors of Ulverstone and Egton cum Newland respectively, shall be, and shall be held, deemed, and taken to be, and is hereby declared to be sufficient and conclusive against all and every Person and Persons whatsoever, to enable the said Company of Proprietors, their Successors and Assigns, and they are hereby enabled to have, take, use, and enjoy, and to dig, trench, and embank, so much and such Parts of the Commons and Waste Grounds of and within the said Manors respectively, as shall and may from Time to Time be found necessary for the Use and Purposes of the said Cut or Canal and Bason, and other Works; and also for supplying the said Cut or Canal and Bason, or Navigation, with Water from the several Sources and Means in this Act provided; and that such Commons, and Waste Grounds, and Embankments for the Purposes aforesaid, shall be, and they are hereby

hereby vested in the said Company of Proprietors, their Successors and Assigns, in the same Manner as is in this Act provided for the vesting of any Lands to be purchased or vested by virtue of this Act.

Appointing Commissioners.

VIII. And whereas Differences may arise between the said Company of Proprietors, their Successors or Assigns, and the several Owners of Lands, Turbary, Toppin Earth, Peat Mols or Mosses, Waters, Tenements, and Hereditaments (other than and except the Commons and Waste Grounds herein-before mentioned), which shall or may be affected or prejudiced by the Execution of any of the Powers hereby granted; be it therefore further enacted, That Jeremiah Dixon of Fellfoot, Arthur Benson of Reading, James Machell of Newby Bridge, James Stockdale senior of Cark, John Postlethwaite of Dalton, all in the County of Lancaster, Esquires; and Malachi Crank of Urswick, Day Barker of Backbarrow, and Thomas Rigge of Hawkshead in the said County, Gentlemen; and all his Majesty's Justices of the Peace residing North of the Sands, not being Proprietors of the said Cut or Canal, shall be, and they are hereby appointed Commissioners for the settling, determining, and adjusting all Questions, Matters, and Differences whatsoever, which may arise between the said Company of Proprietors, their Successors or Assigns, and the several Owners of Lands, Mosses, Waters, and Hereditaments, other than and except as aforesaid, that shall or may be affected or prejudiced by the Execution of this Act; and they the said Commissioners, or any Three or more of them, acting on such Question, Matter, or Difference, are hereby empowered, by Examination of Witnesses upon Oath, (which Oath they are hereby empowered to administer), and by any other lawful Means, by Writing under their Hands and Seals, to determine and adjust the same; but if either or any of the Parties shall refuse to submit to the Determination of the said Commissioners, they the said Commissioners, or any Three of them, are hereby required and empowered to issue a Warrant or Warrants, under their Hands and Seals, to the Coroner for the Hundred of Lonsdale, in the said County Palatine of Lancaster, North of the Sands, for the Time being, but if the said Coroner happens to be a Proprietor of the said Cut or Canal, or any Way interested in the Matters in Question, then to the Coroner of the Hundred South of the Sands, he not being interested as aforesaid, requiring such Coroners respectively to summon and return a Jury, and he is hereby required accordingly to impannel, summon, and return a Jury of

If Parties refuse to submit to Commissioners, or are dissatisfied with their Determination,

Juries to be impanelled.

Twenty-four sufficient and indifferent Men, qualified according to the Laws 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 Three or more of them, at such Time and Place as shall in such Warrant be appointed, not being less than Nine nor more than Twenty-one Days after such Warrant shall be served upon the said Coroner, Twelve of which Jurymen shall be sufficient to determine the Matter in Question; and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array: And the said Commissioners, or any Three of them, are hereby empowered to summon and call before them all and every such Person and Persons as shall be thought necessary to be examined as Witnesses touching the Matter in Question, whom they shall examine upon Oath, which Oath the said Three Commissioners are hereby empowered to administer to them as well as to the Jurymen, who shall assess the Money to be paid as a Purchase for Lands or other Damages that may be sustained as aforesaid, and the said Commissioners shall give Judgement for such Purchase Money or Recompence so assessed by such Jury, which said Verdict, and the Judgement thereupon pronounced, shall be conclusive and binding upon all Parties: Provided always, and be it enacted, That if any such Coroner or his Deputy shall make Default in the Premises, every such Person shall, for every such Offence, forfeit the Sum of Ten Pounds; and if any Person so summoned and returned as aforesaid upon such Jury, or as a Witness, shall not appear, or appearing shall refuse to give his Verdict or Evidence, or in any other Manner wilfully neglect his Duty, contrary to the true Intent of this Act, every Person so offending respectively, having no reasonable Excuse to be allowed by the said Commissioners, shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds, to be levied by virtue of any Warrant or Warrants under the Hands and Seals of the said Commissioners, or any Three of them, by Distress and Sale of the Goods and Chattels of the Person or Persons so offending, rendering the Overplus to the Owner thereof, after such Penalties and the Charges of such Distress and Sale shall be deducted.

Jury to assess Damages, and their Verdict to be final.

Penalty upon Coroners, Jurymen, and Persons summoned to give Evidence.

Compensation to be made for the Tithes of the Lands to be taken.

IX. And be it further enacted, That full Recompence and Satisfaction shall be made by the said Company of Proprietors for all the Tithes both great and small of the Lands which shall be taken or made use of by them for

for the Purposes of this Act, to the several Persons who now are or hereafter may become entitled to such Tithes according to their respective Interests therein; such Tithes to be estimated at the Average Value of the Four Years, commencing at Michaelmas-day One thousand seven hundred and eighty-eight, and ending at Michaelmas-day One thousand seven hundred and ninety-two, such Average Value to be ascertained (in case of any Difference concerning the same) in like Manner as the Value of any other Hereditaments are herein-before directed to be ascertained: Provided always, That such Recompence and Satisfaction shall be made to all Spiritual Persons by an Annual Rent.

Empowering Quarter Sessions to appoint Commissioners, in case sufficient Number cannot be found in the Neighbourhood.

X. And be it further enacted, That in case it shall happen that there shall be a Want of Commissioners in the Neighbourhood, whereby it shall become difficult to procure a Meeting for executing the Powers of this Act, then it shall and may be lawful for the said Company of Proprietors, their Successors or Assigns, from Time to Time to make Complaint thereof to the Justices of the Peace for the said County of Lancaster, at any General Court of Quarter Sessions of the Peace, or any Adjournment thereof, which Justices are hereby authorized to hear the said Complaint, and upon due Proof thereof being made, to nominate and appoint such fit and proper Persons as they shall think fit to be Commissioners for the Purposes of this Act; and the said Commissioners so appointed shall from thenceforth have the like Powers as if appointed by the Authority of this Act; but no Commissioner, either appointed by this Act, or by the Means above mentioned, shall be capable of acting as such until he or they shall have taken and subscribed the following Oath, which Oath they the said Commissioners are hereby empowered to administer to each other;

Commissioners Oath.

I *A. B.* do swear, that I will faithfully, impartially, and honestly, according to the best of my Skill and Judgement, execute the Trusts reposed in me as a Commissioner by virtue of an Act of Parliament, intituled, *An Act for making and maintaining a Navigable Cut or Canal from a Place called* Hammerside Hill, *in the Parish of* Ulverstone *in the County Palatine of* Lancaster, *to a Place called* Weint End, *near the Town of* Ulverstone *aforesaid*, without Favour or Affection to any Person or Persons whomsoever.

So help me GOD.

Commissioners to give Ten Days Notice before any Meeting.

Which Commissioners shall give Ten Days previous Notice of any of their Meetings, in such Manner as the said Company of Proprietors, or their Successors or Assigns, shall at any General Meeting direct or appoint, for the Purpose of putting in Execution any of the Powers or Authorities vested in them by this Act, before they shall hear and determine any Disputes which shall come before them the said Commissioners.

Proceedings not to be void for Want of Form.

XI. Provided always, That no Proceeding to be had or taken in pursuance of this Act shall be quashed for Want of Form, or removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster, any Law or Statute to the contrary notwithstanding.

Parties requiring Juries to give Bond to prosecute and to pay Expences.

XII. Provided always, That in all Cases where any Party shall refuse to submit to the Determination of the Commissioners respecting any Purchase Money, Damages, or other Matters, but require a Jury to be summoned to determine the same, then, and in such Case, it shall be lawful for such Commissioners, before they issue out their Warrant or Warrants for the summoning such Jury, to require and take a Bond from such Party or Parties, with One sufficient Surety, to the Treasurer of the said Company of Proprietors, in the Penalty of Two hundred Pounds, to prosecute his, her, or their Complaint, and to bear and pay the Costs and Expences of summoning such Jury and taking such Inquest, in case a Verdict shall be given for no more or a less Sum than had been offered to them, or than had been assessed by the said Commissioners before the returning of the said Jury or Juries.

Purchase Monies paid in Trust, to be laid out to the same Uses,

XIII. And be it further enacted, That all Sums of Money which are to be paid to any Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees, or Persons acting as Guardians, Committees, or Trustees for or on Behalf of any Infants, Lunaticks, Idiots, Femes Covert, or other Cestuique Trusts, or to any Person or Persons whose Lands or Estates are limited in Strict Settlement, for the Purchase or Exchange of, or Damage to be done to any Lands or other Hereditaments by virtue of the Powers herein-before or hereinafter contained, where the same shall exceed the Sum of Twenty Pounds, shall be laid out, as soon as conveniently may be, by such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in

Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees, Person or Persons aforesaid, in the Purchase of Lands, Tenements, or Hereditaments in Fee Simple, to be conveyed to or to the Use of such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or such other Person or Persons as aforesaid, and for such Estates, and to, for, or subject to such Uses, Trusts, Limitations, Remainders, and Contingencies, as the Lands or other Hereditaments for, or in respect whereof such Money shall be paid as aforesaid were limited, settled, and assured at the Time such Money was so agreed for, ascertained, or assessed as aforesaid, or for such and so many of such Uses as shall be then existing or capable of taking Effect, such Conveyances and Settlements to be made at the Expence of the said Company of Proprietors; and in the mean Time, and until such Purchase shall be made, the said Money, as also such other Sum or Sums of Money to be paid as aforesaid, as shall not exceed Twenty Pounds, shall be placed out by such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or other Person or Persons as aforesaid, in some of the Publick Funds, or on Government or Real Securities, in the Names of Two or more Persons, to be nominated by the Party or Parties interested therein, and to be approved of by the said Commissioners; and as well the Interest arising or to be produced from such Funds or Securities, as also the Annual Rent of all such Lands or other Hereditaments, where a Rent shall be fixed upon as aforesaid, shall be paid to such Person or Persons respectively, as would for the Time being be entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments so to be purchased, in case the same were purchased, and settled pursuant to the Tenor and Meaning of this Act; and that the said Commissioners may, and are hereby impowered to settle what Shares and Proportions of such Money, or Recompence for Damages as aforesaid, shall be allowed to any Tenant, Tithe Owner, or other Person having a particular Estate, Term, or Interest in the Premises, for his or her Interest therein.

Penalty for destroying the Works.

XIV. And be it further enacted, That if any Person or Persons shall wilfully, maliciously, and to the Prejudice of, or with Intention to do Damage to the said Cut or Canal and Bason, or other Works of or belonging to the said Navigation, break, throw down, damage, or destroy any Banks, or fill up any Drains, or stop any Water-

Watercourses or other Works to be erected and made by virtue of this Act, or do any other wilful Hurt or Mischief to, or obstruct, hinder, or prevent the carrying on, completing, supporting, and maintaining the said intended Navigation, such Person or Persons shall be adjudged guilty of Felony; and the Court by and before whom such Person or Persons shall be tried and convicted, shall have Power and Authority to cause such Persons to be punished in like Manner as Felons are directed to be punished by the Laws of this Realm, or in Mitigation thereof to award such Sentence as the Law directs in Cases of Petty Larceny, as to such Court shall seem fitting.

Proprietors may raise 4000 *l.* among themselves.

XV. And, to the End the said Company of Proprietors, their Successors or Assigns, may be enabled to carry on so useful an Undertaking, be it enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Company of Proprietors, their Successors or Assigns, to raise and contribute among themselves, in such Proportion as to them shall seem meet and convenient, a competent Sum of Money for the making and completing of the said Cut or Canal and Bason, and the Roads, Ways, Works, and other Conveniencies to the same belonging, or requisite thereto respectively, provided that the said Sum does not exceed the Sum of Four thousand Pounds in the Whole, except as herein-after mentioned, and that the same be divided into such Number of Shares as hereafter directed, at a Price not exceeding Fifty Pounds per Share; and the Money so to be raised is hereby directed and appointed to be laid out and applied in the first Place for and towards the Payment, Discharge, and Satisfaction of all Fees and Disbursements for obtaining and passing this Act, and for making the Surveys, Plans, and Estimates incident thereunto, and all other Expences relating to the same, and all the Residue and Remainder of such Money for and towards making, completing, and maintaining the said Cut or Canal and Bason, and other the Purposes of this Act; and that the said Sum of Four thousand Pounds as shall be raised by the several Persons hereinbefore named, shall be divided and distinguished into Shares of Fifty Pounds each, and the said Shares be deemed Personal Estates, and shall be transmissible as such; and that the said Sum of Four thousand Pounds and the Shares of Fifty Pounds each, into which the same Sum is divided, shall be and are hereby vested in the said several Subscribers, and their several and respective

Application thereof.

Money to be divided into Shares of 50 *l.* each.

Shares deemed Personal Estates.

tive Succeſſors, Executors, Adminiſtrators, and Aſſigns, to their and every of their proper Uſe and Behoof, proportionably to the Sum they and each of them ſhall ſeverally ſubſcribe and pay thereunto; and ſhall receive their ſeveral Proportions of the Profits of ſuch Shares, at ſuch Times and in ſuch Manner as ſhall be agreed on at any General Meeting of the Subſcribers or Proprietors held for that Purpoſe, Notice of which Meeting ſhall be given at leaſt Twenty-one Days before the Time; and in caſe the ſaid Sum of Four thouſand Pounds herein-before authorized to be raiſed, ſhall be found inſufficient for the Purpoſes of this Act, then it ſhall be lawful for the ſaid Company of Proprietors, their Succeſſors or Aſſigns, to raiſe and contribute amongſt themſelves, in Manner and Form aforeſaid, in ſuch Shares and Proportions as to them ſhall ſeem meet, or by the Admiſſion of new Subſcribers, any further or other Sum of Money, not exceeding the Sum of Three thouſand Pounds, and every Subſcriber, towards raiſing ſuch further Sum of Money, ſhall be a Proprietor in the ſaid Undertaking, and have a Vote by himſelf or Proxy, in reſpect of every Share in the ſaid additional Sum of Three thouſand Pounds, as if the ſaid Sum had been originally raiſed, and a Part of the ſaid firſt Sum of Four thouſand Pounds; any Thing herein contained to the contrary notwithſtanding.

Proprietors may raiſe additional Sum amongſt themſelves, if neceſſary.

XVI. Provided always, That if the ſaid Company of Proprietors ſhall be deſirous of raiſing the ſaid further Sum of Three thouſand Pounds herein-before authorized to be raiſed, or any Part thereof, by Mortgage of the ſaid Undertaking, then, and in ſuch Caſe, it ſhall and may be lawful to and for the ſaid Company of Proprietors and their Succeſſors, as their Occaſions may require, by an Order of a General Meeting, of which Notice ſhall be given as before mentioned, to borrow and take up at Intereſt all or any Part of the ſaid further Sum, upon the Credit of their ſaid Navigation and Undertaking, as to them ſhall ſeem fit and convenient; and they are hereby fully authorized and empowered to aſſign and make over their ſaid Navigation and Undertaking, and the Tolls, Rates, and Duties ariſing and to ariſe by virtue of this Act, or any Part thereof, as a Security for any Sum or Sums of Money ſo to be borrowed, with Intereſt, to ſuch Perſon or Perſons, or his, her, or their Truſtee or Truſtees, who ſhall advance the ſame, under the Common Seal of the ſaid Company, by any Deed or Deeds of Mortgage to the Effect following:

If not ſufficient, may borrow,

and aſſign the Rates.

Form of Assignment.

WE the Company of Proprietors of the *Ulverstone* Canal Navigation, do, by virtue of an Act made in the Thirty-third Year of the Reign of King *George* the Third, *for making and maintaining a Navigable Cut or Canal from a Place called* Hammerside Hill, *in the Parish of* Ulverstone, *in the County Palatine of* Lancaster, *to a Place called* Weint End, *near the Town of* Ulverstone *aforesaid*, in Consideration of the Sum of to us paid by of hereby bargain, sell, and transfer unto the said all and singular the Tolls, Rates, and Duties arising by virtue of the said Act, and also the said Navigation and Undertaking, and all the Right, Title, and Interest of us the Company of Proprietors of, in, and unto the same, to hold unto the said 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 fully paid off. Given under our Seal, the Day of

And all and every Person and Persons to whom such Mortgage or Mortgages shall be made, shall be equally entitled to his, her, or their Proportions of the said Tolls, Rates, Duties, and Premises, according to the respective Sums in such Mortgage or Mortgages mentioned to be advanced, without any Preference by reason of the Priority of Date of any such Mortgage, or on any other Account whatsoever; and the Money so to be borrowed is hereby directed and appointed to be laid out and applied for and towards the making, completing, and maintaining the said Navigation, and the Works hereby authorized to be made, and other the Purposes of this Act.

Mortgages to be entered;

XVII. And be it further enacted, That an Entry or Memorial of every such Mortgage, containing the Date, Names of the Parties, and Sum of Money borrowed, shall, within Sixty Days next after the Date thereof, be entered gratis in One or more Book or Books, to be kept for that Purpose, by the Clerk of the said Company of Proprietors; which Book or Books shall and may be perused gratis at all seasonable Times by the Proprietors or Creditors of the said Navigation: And every Person to whom any such Mortgage shall be made, or who shall be entitled to the Money thereby secured, may from Time to Time assign or transfer his, her, or their Right, Title, Interest, or Benefit of, in, and to the same, to any

and may be assigned.

Person or Persons whomsoever, by any Deed or Instrument in Writing, under his, her, or their Hand and Seal, and which shall or may be made in the Words or to the Effect following:

Form of Transfer.

I [*or* we] of in Consideration of the Sum of paid by of do hereby transfer a certain Mortgage made by the Company of Proprietors of the *Ulverstone* Canal Navigation, to bearing Date the Day of for securing the Sum of and Interest, and all my [*or* our] Right and Property therein, to the said his or her Executors, Administrators, or Assigns. Dated this Day of in the Year of our Lord

Which said Assignment shall, within Sixty Days next after the Date thereof, be produced and notified to the said Clerk of the said Company of Proprietors, their Successors or Assigns, who shall thereupon cause an Entry to be made thereof in the aforesaid Book, for which last-mentioned Entry the said Clerk shall be paid the Sum of Five Shillings, and after such Entry made every such Assignment shall entitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the full Benefit of the original Mortgage; and every such Assignee 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 any such Assignments, at any Time afterwards to make void, release, or discharge the same, or any Monies thereby secured, or any Part thereof; and the Interest of the Money so to be borrowed by Mortgage as aforesaid shall be paid yearly on the Thirteenth Day of February, during the Continuance of such Mortgage, to the several Persons entitled thereto, in Preference to any Interest or Dividends due and payable by virtue of this Act to the said Company of Proprietors, or any of them.

Mortgagees not to vote on Account of lent Money, &c.

XVIII. Provided always, That such Mortgagee or Assignee of the same shall not be deemed a Proprietor of any Share, nor be capable of acting or voting either as Principal or by Proxy for or on Account of such Mortgage or Assignment; but all and every Person or Persons who shall by virtue of this Act have subscribed for One Share of the said Cut or Canal and Bason, his, her, or their

their Succeſſors, Executors, Adminiſtrators, and Aſſigns, ſhall be deemed a Proprietor of, and be a conſtituent Part of the ſaid Corporation hereby created, for ſo much, and ſhall have a Vote for every ſuch Share in every publick Meeting to be held as herein-after and before appointed for carrying on the ſaid Undertaking, which Vote may be given by him, her, or them, or in his, her, or their Abſence, by his, her, or their Proxy or Proxies, being a Proprietor or Proprietors, duly conſtituted under his, her, or their Hand and Seal, or Hands and Seals; and ſuch Votes ſhall be as valid as if ſuch Principal or Principals had voted in Perſon.

General Meeting for chooſing a Committee.

XIX. And be it further enacted, That the Firſt General Meeting of the Proprietors for putting this Act in Execution, ſhall be held within the Town of Ulverſtone aforeſaid on the Fourth Day of June One thouſand ſeven hundred and ninety-three, and every other General Meeting on the ſame Day in every Third Month in every Year for the future, except that Day falls on the Sunday, and then on the Day following, at which ſaid Firſt General Meeting the Proprietors aſſembled, together with ſuch Proxies as ſhall be preſent, ſhall chooſe Eleven Perſons, each being a Proprietor of the ſaid Cut or Canal and Navigation, out of whom any Three or more of them ſhall be a Committee for managing the Affairs of the ſaid Company of Proprietors, their Succeſſors or Aſſigns, as ſhall be from Time to Time ordered by ſuch Four General Meetings reſpectively, each Member of which Committee ſhall have no more than One Vote in the Committee, except the Chairman, who ſhall be choſen by and out of the ſaid Committee, and who, in caſe of a Diviſion of equal Numbers, ſhall have a Caſting Vote, although he may have given One Vote before: Provided always, That ſuch Committee ſhall from Time to Time be ſubject to the Controul of the ſaid General Meetings of the ſaid Proprietors as aforeſaid, and ſhall pay due Obedience to ſuch Orders and Directions as they ſhall from Time to Time receive from the ſaid Proprietors at ſuch General Meeting, ſuch Orders not being contrary to any expreſs Directions or Proviſions contained in this Act.

General Meetings may remove Committee Men and make Bye Laws.

XX. And be it further enacted, That the ſaid Company of Proprietors, their Succeſſors or Aſſigns, ſhall have Power and Authority, at any General Meeting aſſembled as aforeſaid, to remove or diſplace any Perſon or Perſons choſen upon ſuch Committee as aforeſaid, and to elect others in the Room of thoſe who ſhall die or be

so displaced, and to remove or displace any Officer or Officers under them, and to revoke, alter, amend, or change any of the Rules and Directions herein-before prescribed with regard to their Proceedings amongst themselves, as to the major Part of them shall seem meet, (the Method of calling General Meetings, Manner of voting, and appointing Committees only excepted); and shall have Power to make such new Rules, Bye Laws, and Orders for the good Government of the said Company, their Servants, Agents, and Workmen, for the good and orderly making, maintaining, and using the said Cut or Canal and Bason, or Navigation, and the Locks, Wharfs, Roads, Ways, Warehouses, and all other Works belonging thereto, and for the well governing of the Seamen, Watermen, Boatmen, Waggoners, Carters, and other Persons navigating thereon, or using and passing to or from the same, and to impose and inflict such reasonable Fines and Forfeitures upon the Breakers of such new Rules, Bye Laws, or Orders, as to the major Part of the General Meeting shall seem meet, not exceeding the Sum of Five Pounds for any one Offence; such Fines and Forfeitures to be levied and recovered by such Ways and Means as are herein-after mentioned; which said Rules, Bye Laws, and Orders, being put into Writing under the Common Seal of the said Company of Proprietors, their Successors or Assigns, shall be binding upon and observed by all Parties, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same.

Power to make Bye Laws.

XXI. And be it further enacted, That it shall and may be lawful to and for the said Proprietors of the said Cut or Canal and Bason, or Navigation, their Successors or Assigns, to sell or dispose of his or their Share or Shares therein, subject to the Rules and Conditions herein mentioned, which Sale or Sales shall not be valid until entered in a Book, kept for that Purpose, by the Clerk to the said Company of Proprietors, their Successors or Assigns, in the same Manner as herein-before mentioned in Cases of Mortgages or Assignments thereof, which Sale of the said Share or Shares shall be in the Form following:

Shares may be disposed of.

I *A. B.* in Consideration of paid to me by *C. D.* do hereby bargain, sell, and transfer to the said *C. D.* Share of the *Ulverstone* Canal Navigation, to hold to the said *C. D.* his Executors, Administrators, and Assigns, subject to the same Rules and Orders, and on the same Conditions, that I held the same

Form of Sale.

same immediately before the Execution hereof; and I the said *C. D.* do hereby agree to accept of the said Share, subject to the same Rules, Orders, and Conditions. Witness our Hands and Seals, the
Day of

Officers to be appointed, and how to be replaced.

XXII. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, their Successors or Assigns, or the major Part of them, at any General Meeting assembled, to nominate and appoint, by Writing under their Hands, or under the Hand of their Chairman, a Treasurer or Receiver, and a Collector or Collectors, and also a Clerk to the said Company of Proprietors, taking such Security for the due Execution of their respective Offices as the said Company of Proprietors shall think proper; and whenever any such Treasurer, Collector, or Clerk shall die, or be removed, or quit the Service of the said Company of Proprietors, it shall and may be lawful for the Committee of such Proprietors for the Time being, or any Three or more of them, by Writing under their Hands, to appoint such other fit Person or Persons in the Place of the Person so dying or being removed, or quitting the Service of the said Proprietors, until the then next General Meeting, when a new Treasurer, Collector, or Clerk shall be nominated and appointed for the Purposes aforesaid; and all such Treasurers, Collectors, Clerks, and all other Officers to the said Company of Proprietors, who may at any Time resign or be removed, and the respective Executors and Administrators of any who may die, shall within Two Calendar Months after Notice given in Writing, produce and deliver up to the said Committee for the Time being, or any Three or more of them, all Books, Accounts, Papers, or Writings whatsoever, relative to the Execution of such respective Offices, which shall be in their Custody or Power; and every such Officer or Person as aforesaid neglecting or refusing to deliver up such Books, Accounts, Papers, or Writings, shall for every such Neglect forfeit any Sum not exceeding One hundred Pounds.

Rates allowed to be taken.

XXIII. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors and their Successors to ask, demand, take, and recover to and for their own proper Use and Behoof, for Tonnage and Wharfage on all Merchant's Goods, Bar Iron, Pig Iron, Timber, Coals, and all other Goods except those herein after specified, any Sum not exceeding

exceeding Sixpence a Ton; for Slate, Lime, Iron Stone, Iron Ore, and all Kind of Dyes, any Sum not exceeding Four-pence per Ton; and upon every Veſſel continuing in the Baſon or Dock longer than Four Days after they ſhall have diſcharged their reſpective Cargoes, any Sum not exceeding One Penny per Ton per Week, to be computed from the Regiſter of each reſpective Veſſel; which Rates ſhall be paid in Proportion for any greater or leſs Quantity than a Ton, carried and conveyed upon or through the ſaid Canal and Navigation, or any Part thereof, to ſuch Perſon or Perſons, in ſuch Manner and under ſuch Regulations, as the ſaid Company of Proprietors, their Succeſſors or Aſſigns, ſhall direct or appoint: And in caſe of Denial or Neglect of Payment of any ſuch Rates or Duties, or any Part thereof, on Demand, to ſuch Perſon or Perſons as aforeſaid, the ſaid Company of Proprietors, their Succeſſors or Aſſigns, may ſue for the ſame, by Action of Debt, without Wager of Law, Eſſoin, or more than One Imparlance, or by Action upon the Caſe, in any Court of Record; or the Perſon or Perſons to whom ſuch Rates or Duties ought to have been paid, may, and they are hereby empowered to ſeize and diſtrain any Ship, Barge, Boat, or other Veſſel or Goods for or in reſpect whereof any Rates or Duties ought to be paid, or any Part of ſuch Goods, and detain the ſame until Payment of ſuch Rates or Duties, together with reaſonable Charges for ſuch Seizure and Diſtreſs; and if ſuch Diſtreſs ſhall not be redeemed within Five Days after the taking thereof, the ſame ſhall be appraiſed and ſold as the Law directs in Caſes of Diſtreſs for Rent: And the ſaid Proprietors ſhall have full Power, from Time to Time, at any General Meeting, to lower or reduce any of the ſaid Rates or Duties, and again to raiſe the ſame, not exceeding the Sums before mentioned, as often as ſhall be deemed neceſſary for the Benefit of the ſaid Cut or Canal, Baſon, Navigation, and Works aforeſaid.

How to be recovered.

May be reduced or altered.

XXIV. Provided always, That if any Goods whatſoever, which ſhall be ſo navigated, carried, and conveyed, ſhall remain upon any Wharf or Wharfs belonging to the ſaid Company of Proprietors, their Succeſſors or Aſſigns, for above the Space of Twenty-four Hours, then, and in ſuch Caſe, the ſaid Company of Proprietors ſhall be entitled to receive ſuch reaſonable Allowance over and above the Rates herein-before impoſed as ſhall be agreed on by the ſaid Proprietors and the Owners of ſuch Goods, or in caſe of Diſpute, it ſhall be aſcertained by the ſaid Commiſſioners, or any Three or more of them; and

Further Allowance for Goods remaining upon Wharf above 24 Hours.

Masters of Vessels to deliver in Accounts in Writing to Collectors of particular Goods.

and all Masters, Owners, and Managers of every Ship, Barge, Boat, and other Vessel, navigating upon the said Cut or Canal, or being in the said Bason, shall give a just Account in Writing signed by the Master, Owner, or Person having the Rule or Command of every such Ship, Barge, Boat, or Vessel, to the Collector of the said Rates or Duties, at the Place or Places where they shall usually attend for that Purpose, of what Quantity and Qualities of Goods shall be in, belonging to, or put on board, or carried in each Ship, Barge, Boat, or other Vessel; and in case he or they shall neglect or refuse to give such Account, or shall give a false Account, every Person so offending shall forfeit and pay to the said Company of Proprietors, their Successors or Assigns, the Sum of Ten Shillings for every Ton of Goods which shall be in such Ship, Barge, Boat or Vessel respectively, over and above the aforesaid Rates and Duties which shall be payable for the same; and in case of Neglect, Refusal, or Denial of Payment, on Demand, of such Forfeitures before mentioned, or any Part thereof, the same shall be recovered and levied in such Manner as other Forfeitures are before directed: And in case any Collector has Reason to dispute such Account of Goods so given in to him as aforesaid, it shall and may be lawful for such Collector to stop and detain any such Ship, Barge, Boat, or Vessel, and cause to be weighed, measured, or gauged, all such Goods, Wares, and Merchandizes as shall be therein contained, and the Expence of weighing, measuring, or gauging the same shall be paid by the Master of such Vessel, if the Quantity or Weight of the Goods be found to be more than the Quantity or Weight given in by him, and if otherwise, by the Collector or Collectors of such Rates; but the Rates of all Parcels of Goods not exceeding One hundred and twenty Pounds Weight, shall, from Time to Time, be fixed by the said Company of Proprietors, their Successors or Assigns, at any of their General Meetings.

In case of Difference concerning the Weight of Goods, Collectors may weigh them.

Canal not to be under the Power of Commissioners of Sewers.

XXV. Provided always, and be it further enacted, That the said Cut or Canal, Bason, Navigation, or any Works whatsoever to be made by virtue of this Act, shall not be subject to the Controul, Direction, Survey, or Order of any Commission of Sewers, or to any Law or Statute relating to Sewers, any Law or Statute notwithstanding.

Bridges to be built across the Canal near *Hammersmith Hill*.

XXVI. And whereas it will be necessary for the said Company of Proprietors of the said Ulverstone Canal

Navigation to make a moveable Bridge across the said Canal, for the Benefit and Accommodation of all Persons having Occasion in travelling to pass across the said Canal at or near Hammerside Hill aforesaid, be it enacted by the Authority aforesaid, That the said Company of Proprietors shall, and they are hereby required to make and for ever maintain, at their own proper Costs and Charges, a moveable Bridge at or near Hammerside Hill aforesaid across the said Canal, in such convenient Place as they shall think proper, sufficient for the Passage of and to be used by Persons travelling, or having Occasion to cross the said Canal with Horses, Carts, Cattle and Carriages, or without; and that all such Persons shall and may be at Liberty to make use of the same Bridge at all seasonable Times, so as not to obstruct, impede, or delay the Passage of Ships, Boats, and other Vessels, into, out of, or along the said Canal; but such Bridge shall not be deemed or taken to be a Publick or County Bridge, or Part of the Publick or Common Highway, except for the Purposes aforesaid; nor shall the same be maintainable out of the Publick or County Rate, nor otherwise than by the said Company of Proprietors, their Successors or Assigns.

Proprietors to be taxed for Lands and Buildings in the same Proportion as other Lands adjoining.

XXVII. And be it further enacted and declared, That the said Company of Proprietors, their Successors or Assigns, shall not at any Time be rated to any Parliamentary or Parochial Taxes or Assessments for and in respect of any Land to be purchased, or any Warehouses or other Buildings to be erected by them in pursuance of this Act, at any higher Value than the same Land, or the Land and Ground whereon such Warehouses and Wharfs and other Buildings shall be erected, was rated respectively at the Time of such Purchase or taking thereof.

Security to be taken of the Treasurer and other Officers.

XXVIII. And be it further enacted, That the said Company of Proprietors, their Successors or Assigns, shall, and they are hereby required and directed, to take a sufficient Security, by One or more Bond or Bonds, in a sufficient Penalty or Penalties, from their Treasurer, Receiver, and Collector for the Time being of the Monies to be raised by virtue of this Act, for the faithful Execution of his and their Office and Offices respectively.

To compel Payment of Subscriptions.

XXIX. And whereas several Persons have subscribed, or may hereafter subscribe, to advance Money towards carrying the Purposes of this Act into Execution, be it therefore further enacted, That the several Person or

Persons who have subscribed, or who shall hereafter subscribe, to advance any Money for and towards making and maintaining the said Canal, shall, and they are hereby required to pay the Sum or Sums of Money by them respectively subscribed, or such Parts or Proportions thereof as shall from Time to Time be called for by the said Company of Proprietors, or the said Committee, under and by virtue of the Powers and Directions of this Act, to such Person or Persons, and at such Times and Places, as shall be directed by the said Company of Proprietors, their Successors or Assigns, or the said Committee, in the Manner before mentioned; and in case any Person or Persons shall neglect or refuse to pay the same at the Time and Manner required for that Purpose, it shall be lawful for the said Company of Proprietors, their Successors or Assigns, to sue for and recover the same with Costs, in any Court of Law; and in case any Subscriber or Subscribers shall happen to die before he or they shall have paid the whole of their Subscription, then, and in such Case, it shall and may be lawful for the said Company of Proprietors, their Successors or Assigns, to sue for and recover the same from his or their Executors or Administrators, with Costs, in like Manner as they could have done before the Death of the said Subscriber.

Penalties and Forfeitures how to be recovered and applied.

XXX. And be it further enacted, That all Fines and Forfeitures inflicted by this Act, or which shall be inflicted by virtue of any Rule, Order, or Bye Law to be made in pursuance thereof, (of which Rule, Order, or Bye Law, when produced, all Justices are hereby required to take notice), the levying and recovering of which Fines and Forfeitures are not particularly herein directed, shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hands and Seals of One or more Justice or Justices of the Peace for the said County of Lancaster, which said Justice or Justices is and are hereby authorized to hear and examine Witnesses upon Oath or Affirmation, and determine thereon; and all such respective Fines, Forfeitures, and Penalties, by this Act imposed and inflicted, the Application whereof is not herein-before particularly directed, shall be paid into the Hands of the Treasurer appointed by virtue of this Act, who shall apply the same for the Use of the said Cut or Canal and Navigation; and the Overplus of the Money raised by such Distress and Sale, after deducting the Penalty and the reasonable Expences of the levying and recovering thereof, shall be rendered to the Owner of

the Goods so distrained and sold, and for Want of sufficient Distress the Offender shall be sent to the House of Correction, for such Term, not exceeding Six Months, nor less than Three Months, as such Justice or Justices shall think proper; and 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 afterwards be committed by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity, shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

Persons aggrieved by Irregularity of Distress to recover only the Special Damage.

XXXI. And be it further enacted, That any Person or Persons thinking himself, herself, or themselves aggrieved by any Order or Judgement made or given in pursuance of any Rule, Bye Law, or Order of the said Company of Proprietors, or by any Order or Determination of any Justice or Justices of the Peace, may, within Three Calendar Months after such Order shall have been made or given, complain to the Justices of the Peace at the General Quarter Sessions, or any Adjournment thereof, to be held in and for the said County of Lancaster, which Justices shall in a summary Way either hear and determine the said Complaint at such General Quarter Sessions or Adjournment, or if they think proper, may adjourn the Hearing thereof to the next General or Quarter Sessions of the Peace, to be held in and for the said County; and if they see Cause, may mitigate any Forfeiture or Fine, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye Law, Order, or Determination, and may also order such further Satisfaction to be made to the Party injured as they shall judge reasonable.

Persons aggrieved may appeal to the Quarter Sessions.

XXXII. And be it further enacted, 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 Action, Suit, or Information shall be brought or commenced within Six

Limitation of Actions.

Six Calendar Months next after the Fact committed, or in case there shall be a Continuation of Damages, then within Six Calendar Months next after the doing or committing such Damage shall cease, and not afterwards, and shall be laid and brought in the said County of Lancaster, and not elsewhere; and the Defendant or Defendants, in such Action, Suit, or Information, 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 so done, or if any Action, Suit, or Information shall be brought after the Time before limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then, and in such Case, if 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 have been given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have and be entitled to 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.

General Issue.

Treble Costs.

For making a Communication between the *Lancaster* Canal and the *Ulverstone* Canal.

XXXIII. And whereas by virtue of an Act of Parliament, made in the Thirty-second Year of the Reign of his present Majesty, a certain Navigable Canal is authorized to be made from Kirkby Kendal in the County of Westmorland to West Houghton in the County of Lancaster, with certain Collateral Cuts and Branches which are called the Lancaster Canal Navigation; and it is also proposed to add to the same Lancaster Canal Navigation, certain other Works or Cuts for the Purpose of extending the Communications of the said Lancaster Canal Navigation: And whereas it may be mutually beneficial to the Proprietors of the said Lancaster Canal Navigation, and to the Proprietors of the present Undertaking, if a free and reciprocal Communication shall be established between the said Lancaster Canal Navigation, and the now intended Canal or Navigation: Be it therefore enacted, That, from and after the Opening of the said several Navigations, and when and so soon as the transporting of Goods, Wares, or Merchandizes shall be effected in the said Canals, or any Part

thereof, it shall and may be lawful, from Time to Time and at all Times, to and for the said Proprietors of the said Lancaster Canal, and for the said Company of Proprietors of the said Ulverstone Canal, their Successors and Assigns, and all Persons authorized by virtue of the said Act or of this Act to navigate on the said Canals respectively, to have free Ingress, Egress, and Regress out of and along the said respective Canals, by and with all such Ships, Boats, Barges, and other Vessels laden and unladen, as shall navigate or be upon either of the said Canals respectively, without Delay, Hindrance, or Interruption of the One by the other of the said Companies of Proprietors, and without paying or rendering, or being liable to render or pay any greater Rates, Tonnage Duties, or Impositions for or in respect thereof, than any other Person or Persons navigating like Distances along the said respective Canals are or may be liable or subject to, under or by virtue of the said Lancaster Canal Navigation Act, or under or by virtue of the present Act respectively, and without either of the said Companies of Proprietors taking or requiring for or in respect of the Tonnage Rates, or other Duties of such Ships, Boats, Barges, or other Vessels, Goods, or Merchandizes, any greater or other Sum of Money than shall from Time to Time be imposed or assessed upon the Persons, Ships, Boats, or Vessels, Goods or Merchandizes generally carried along or using the said Navigations separately, and without passing into the other of them, any Thing herein-before contained to the contrary notwithstanding.

XXXIV. Provided, that nothing herein contained shall authorize any Person or Persons, using the Liberty of Ingress, Egress, and Regress hereby granted, to draw off the Water from the said Lancaster Canal or Branches, so as to prevent or impede the Navigation thereof.

Coals carried from the *Lancaster* Canal or its Branches, &c. into the *Ulverstone* Canal, not liable to the Sea Duty.

XXXV. And whereas a Doubt may arise whether Coals, Culm, or Cinders, carried from any Part of the Lancaster Canal, or any of the Branches thereof, or from any Part or Parts, Place or Places within the Hundred of Lonsdale in the said County of Lancaster, into the Ulverstone Canal across or along the Bay or Estuary separating the Two Canals are liable to the Duties on Coals carried by Sea; it is hereby provided, enacted, and declared, That such Coals, Culm, and Cinders so carried from the said Lancaster Canal, or the Branches thereof, or any of the Parts or Places aforesaid, into the said Ulverstone Canal, shall not be liable to the Duties chargeable on Coals, Culm, and Cinders carried by Sea.

 XXXVI. And

Publick Act. XXXVI. 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.