ANNO TRICESIMO TERTIO

Georgii III. Regis.

CAP. XCI.

An Act for making and maintaining a Navigable Canal from the River *Severn* at *Shrewsbury* in the County of *Salop*, to the River *Merſey* at or near *Netherpool* in the County of *Cheſter*; and alſo for making and maintaining certain Collateral Cuts from the ſaid intended Canal. [30th *April* 1793.]

WHEREAS the making and maintaining a Canal for the Navigation of Boats, Barges, and other Veſſels from the River Severn at Shrewſbury in the County of Salop, through, by, or near the Towns of Elleſmere and Wrexham in the Counties of Salop and Denbigh, the City of Cheſter, and through the ſeveral Counties of Salop, Denbigh, Flint, and Cheſter, and the County of the City of Cheſter, and alſo certain Collateral Cuts to be connected Preamble.

with the said Canal as herein-after described, will open a Communication for the cheap and easy Conveyance of Goods, Wares, Provisions, and Merchandize, and all heavy Commodities, between the Rivers Severn, Dee, and Mersey, and the Ports of Liverpool, Chester, and Bristol, and the several intermediate Towns and Places, will greatly promote and facilitate the Intercourse of Trade and Commerce between the several Places aforesaid, will encourage and increase Manufactures, and will materially assist the Agriculture of the Country throughout the Line and Neighbourhood of the said Canal and Collateral Cuts, by a Supply of Lime and other Manure at a moderate Expence; and the said Canal and Collateral Cuts will tend very much to reduce the Price of Coals in the Neighbourhood thereof, and will be, in other Respects, of great publick Utility; but the same cannot be effected without the Authority of Parliament: 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 Robert Atkins, Nathaniel Ashton, Francis Agard, Job Atterbury, Samuel Adams, Thomas Awcott, John Adcock, George Allen, Samuel Archer, Richard Allen, Edward Archer, Samuel Arderne, John Ashton, Edward Arnold, Jonathan Atherston, Charles Allen, William Allen, John Armston, Robert Adcock, Robert Adcock, Oliver Aris, John Allen, Robert Abbey, the Reverend Henry Cay Adams, Thomas Arnold, Obadiah Ayton, Obadiah Arrowsmith, James Arnold, Thomas Abbey, Richard Archer, Thomas Astbury, William Astbury junior, Nicholas Andrews, John Adams, Isaac Shortland Bartlett, John Bartlett, Shem Buxter, Philip Box, George Brookes, Thomas Berry, Joseph Browett, Thomas Barber, John Bateman junior, Charnal Bateman, Thomas Barker, William Bingham, Henry Browne, James Bentley, Richard Barsamo, Philip Burton, John Bate, William Barrar, John Bass, Edward Bracebridge, John Burr, George Bracebridge, Robert Bates, James Blair, Daniel Baker, James Baker, William Bellamy junior, Thomas Barwell, Robert Bingley, John Breedon, William Blount, James Bingley, Robert Blunt, William Blower, John Barratt, William Bellamy, Thomas Buxton, Thomas Bryers, John Brooke, Francis Breedon, Thomas Brewster, Joseph Bull, John Barratt, John Billinge, Christopher Bennett, Richard Burton, Francis Burgess, Storer Beaumont, James Boot, James Bankart, Samuel Bankart senior, Edward Burton,

Proprietors.

Burton, William Biſhop, Thomas Blount, John Bankart, Thomas Byron, Joſeph Burbridge, Thomas Bull, Robert Beardmore, Samuel Bankart junior, Thomas Burley, David Burditt, Nathaniel Bentley, Thomas Bown, Joſeph Barber, William Biggs, George Brearey, John Beaſley, Thomas Bywater, William Bradley, William Blunt, William Brown, John Birtles, William Burbridge, William Bakewell, John Brown, Francis Braithwaite, John Bailey, Cornelius Belgrave, Thomas Barry, George Bown, Francis Boot, John Blakeway, Samuel Yate Benyon, Andrew Barker, William Balaam junior, Thomas Bartlett, Jeremiah Briggs, William Bucknall, Samuel Briſcoe, Thomas Baniſter, Edward Boſtock, Edward Boſtock junior, John Brown, John Buſwell, Thomas Bartlett, Philip Bradford, Thomas Blyth, William Belgrave, William Berry, James Bottomley, John Biſhop, John Biſhton, Charles Bage, Joſhua Blakeway, Henry Bevan, Benjamin Benyon, Arthur Blayney, Walter Brown, John Barnett, Nathaniel Betton, Joſeph Bromfield, William Bates, Thomas Boultbee, Thomas Beck, John Beck, John Baker, Thomas Byollen, Robert Byollen, Thomas Birch, John Bennett, William Bird, John Birch, John Byng junior, Richard Briſcoe, William Bullock, William Bret, Aaron Bryerley, William Bakewell, Richard Bloxam, William Butlin, James Berry, Thomas Brown, Henry Butterworth, the Reverend William Birch, Samuel Butler, Thomas Bree D. D. Martin Bawcutt, William Bindley, Henry Burton, Richard Bury, William Buck, Chriſtian Henry Bollmawn, Benjamin Butterworth, Samuel Barton, Samuel Brown, Joſeph Banks, Read Beſt, Robert Bunnery, Harry Barnes, William Bayley, Benjamin Bowden, John Ballard, John Boſworth, Richard Bird, Thomas Burgeſs, Thomas Bolton, Edward Baker, Nathaniel Banbury, Thomas Binns, Acton Chaplin, James Carey, Sophia Charteris, Mark Collingridge, Sir Foſter Cunliffe Baronet, the Reverend Thomas Carr, Edward Cater, Charles Callow, Thomas Cox, Edward Chamberlain, George Cooper, John Cox, Roger Cox, George Carr, Anthony Carr, Thomas Coleman, Thomas Carnall, John Edward Carter, Edward Copſon, Thomas Copſon, Richard Cheſlyn, Henry Coleman, Hamlett Clarke, Joſeph Chamberlaine, John Chapman, George Croſher, William Clarke, Joſeph Craddock, Samuel Caldecot, Richard Cartwright, William Corniſh, John Clarke, James Cort, George Cave, Andrew Carpendale, Thomas Cooper, Robert Cooper, Edward Cooper, Benjamin Cooper, William Cowdell, John Cooper, John Cartwright, Joſeph Cradock, Thomas Clarke, Thomas Cheſter, James Cooke, William Chamberlain, William Cox, Henry Coleman, Samuel Clarke, William Chamberlain, Henry Cooke, Samuel Copley, William Charteris,

teris, Chriſtopher Carter, William Cumberland, Thomas Combe, William Cawwood, William Cooper, Henry Clarke, William Cooper, Francis Critchley, William Clarke, Richard Cooke, Thomas Cox, William Cleaver, William Cole, George Church, Samuel Cox, Thomas Clarridge, John Calvert, Charles Clarke, Thomas Jukes Collier, the Reverend John Cooper, Lewis Cooke, the Reverend John Carr, William Crockett, Joſeph Clay junior, William Chrus, Henry Court, Philip Conſtable, B S Carles Clerk, Daniel Clowes, Thomas Conway, William Cope, William Cole, the Reverend John Coates, Thomas Cooper, George Cockle, John Collard, John Cox, R Clarke, Waſtell Cliffe, John Cleeter, John Crump, Richard Chattock, Thomas Carr, Henry Cole, John Carr, Joſeph Cottrell, John Hood Chapman, William Clarke, Thomas Clowes, William Cattel, John Cope, James Cole, Samuel Clowes, William Cope, Joſeph Corbet, John Day, Robert Day, John Dethick, George Daniel, Matthew Dalley, Thomas Dumole, Edward Daniel, John Dickens, Joſeph Dalby, Benjamin Dowley, James Douglas, Edward Dunmore, Robert Dalby, Richard Dalby, William Darker, William Davies, John Driver, Joſeph Drake, Jonas Dunmore, James Dewes, Thomas Deakin, Samuel Dolby, John Dancer, Samuel Dumbleton, Henry Donly M. D. John Davenport, William Davies, Thomas Dicken, John Dodſon, Joſeph Downes, Thomas Daniel, Samuel Daniel, Thomas Daniel, Thomas Dadley, Benjamin Dickens, Thomas Davis, Joſeph Dutton, Samuel Dalton, John Deeton, Thomas Dickenſon, Thomas Drinkwater, James Davies junior, Thomas Douglaſs, John Douglaſs, William Davies, Luke Dreſſer, John Edwin, Nathaniel Edwards, Edmund Evans, William Eaton, William Elverſon, John Elverſon, Joſeph Eyre, John Eames, Jonas Elliot, William Ellis, John Barefat Eames, Richard Eddowes, William Eames, John Ellis, John Ella, James Ella, Joſeph Eldridge, Joſeph Elliot, Edward Eaton, William Eyre, Rowland Edwards, Edward Wynne Evans, John Eaton, Roger Eddowes, John Edgerley, William Eddowes, Joſeph Eberall, Richard Evans, William Eyre, Charles Earl, Edward Evans, Humphry Evett, Joſeph Eames, Thomas Eyre, John Elſton, Edward Eagles, John Evans, Robert Fell, Thomas Footman, Thomas Franklin, Edward Fox, Francis Fox, Leonard Foſbrooke, James Foſbrooke, John Fletcher, the Reverend John Fiſher, Robert Flower, William Firmadge, Thomas Freer, William Freer, John Flude, Thomas Farmer, Thomas Frank, John Fox, Thomas Flavell, Sampſon Fenton, Robert Freer, William Falkner, John Fox, George Iliff Foſter, Richard Fox junior, John Flavell, Samuel Freer, Thomas Froſt, John Fletcher, the Reverend William Fallowfield,

lowfield, William Fieldhouſe, William Fowler *junior*, Joſeph Fowler, Joſeph Farrer, William Fieldhouſe, William Fletcher, Frederick Bartholomew Folch, William Fell LL. D. John Fullelove, George Freer, John Fox, John Farr, Samuel Ford, Ebenezer Fownes, Thomas Foden, Edmund Ford, Thomas Fielding, William Forman, William Golby, Edward Gray, Thomas Gilling, William Grahame, William Goodman, Thomas Garner, William Gardiner, John Goode, the Reverend Joſeph Gregory, William Goodman, Richard Goodman, Thomas Goodman, Tobias Green, John Goodman, Thomas Gurden, John Green, Francis Goude, John Goodwin, Thomas Green, James Gibſon, Thomas Grundy, Thomas Griffith, James Guthree, Daniel Green, James Golby, Richard Goodman, Samuel Gulliver, Charles Garland Greenwollers, Henry Noton Gamble, W Gregory, Peter Gregory, John Gibbons, John Gregory, Andrew Glover, William Greaves, John Glover, William Girod, John Gill *junior*, Thomas Greenway, Thomas Gilbert, John Gimblett, George Greenway, William Grant, John Grew, William Griffin, Thomas Goddard, William Giddings, Jonathan Grundy, Bernard Geary, Benjamin Goode, Elizabeth Gaſcoigne, John Geary, Richard Greaves, John Grocock, Daniel Golby, John Hawkins, James Long Hutton, Solomon Holloway, William Hillyer, Jacob Hurſt, Charles Marius Hardy, William Holt, John Hardy, Richard Hughes, William Hardy, John Horrocks, Thomas Haden, John Homfrey, William Hunt, William Hood, Sir Thomas Hanmer Baronet, George Hextall, John Hurſt, William Hardy, William Hall, Samuel Huſkiſſon, Thomas Hickling, William Heyrick, William Hulſe, William Heard, Elizabeth Heyrick, John Heyrick *junior*, Robert Hinde, John Henſhaw, John Hill, Thomas Hunt, Edward Hodges, William Hind, John Hall, John Hall, John Higginſon, John Huſkinſon, William Hill, John Harding, Clay Hextall, Robert Benjamin Heygate, Charles Horton, William Harrold, William Hill, Samuel Headley, John Hughes, Francis Hayes, Edward Harris, George Harries, Samuel Henton, George Henton *junior*, William Hyde, John Hall, Thomas Higginſon, Nicholas Higginſon, John Hood, Joſeph Hopewell, Thomas Hill, John Herrick, Thomas Hulſe, William Hammond, John Howes, Charles Hill, William Hamſhaw, Thomas Hurſt *junior*, William Herrick, Edward Hannell, John Holwell, Thomas Haſeldine, Richard Halford, James Hill, Thomas Hicks, William Horton, Edward Homer, Samuel Hughes, William Hopwood, Joſeph Hall, John Matthews Hopkins, William Holditch, John Hayes, John Hall, William Hayes, John Haines, Thomas Hobell, Thomas Hobcroft, Robert Herbert,

bert, Rowland Hunt, Sir Richard Hill Baronet, John Hill, Edward Harries Clerk, John Hughes, Thomas Harries, Samuel Harwood M. D. Richard Harries, John Hanley junior, Mary Hatchell, William Harding, Phineas Huſſey, Henry Halford, Benjamin Haſlewood, Michael Hutchinſon M. D. Richard Hand, William Huſſey, Mary Hawkins, John Hawkins, John Hanſon, John Hall, Abel Humphrys, George Humphrys, Joſeph Hawkins, Thomas Headon, John Hollyer, James Hewitt, Aaron Hern, the Reverend William Homer, Lambert Horſefall, Iſaac Hawkes, Thomas Lakin Hawkes, Henry Harries, William Hames, Julius Hardy, Edward Hughes, Thomas Hodgkins, Henry Harding, Richard Haines, Hannah Haſſall, Sarah Haſſall, Joſeph Holmes, Henry Hickman, James Harriſon, William Harries, Benjamin Hughes, John Horſefall, John Horſefall, Richard Hilditch, Barnabas Hartſham, Walter Hovenden, Walter Haynes, Samuel Hill, Joſeph Holland, Joſeph Hawtyn, the Reverend Arthur Homer, James Hill, James Hill junior, William Inkerſole, William Joynſon, Robert Judd, Joſeph Iliffe, Joſeph Inkerſole, Thomas Inkerſole, George Ireland, Robert Roſs Iliffe, William Ingle, John Ingle, John Jackſon, Thomas Jeffcut, Robert Johnſon, Thomas Jackſon, James Jackſon, Thomas Wightman Jee, the Reverend Rice Jones, Ralph Jackſon, Matthew Jones, John Johnſon, John Johnſon ſenior, Joſias Jeſſop, John Jones, Thomas Jeſſon, John James junior, William Jackſon, John Jones, Thomas James, Richard Jeſſon, Joſeph Jeſſon, Thomas Jackſon, John Iddins, Thomas Jones, Palmer Nathaniel Johnſon Clerk, William Kirby, William Kirby, James Kelſall, David Kendall, Thomas King, Samuel Knight, John Knowles, Richard Knowles, William Keightly, John Kettle, Samuel Kirkman, Iſaac Kilby, Robert Kirkman, John Kettleby, William Knight, Thomas Keſtin, William King, John Kirby, Robert Kilborn, Francis Kilborn, John Kynaſton, Edward Kynaſton Clerk, John Kenrick, John Knight, T Kynaſton, Edmund Kirby, John Kendall, Joſeph Kendrick, Joſeph Kyte, Joſeph Levers junior, Charles Lucas, Thomas Lake, Richard Lidington, Thomas Lovatt, William Jeffrey Lockett, Ralph Lomas, Joſeph Lee junior, Robert Lee, Richard Loſeby, John Latham, Charles Latham, Edward Long, John Lemas, Thomas Lockwood junior, Thomas Langford, William Latham, Henry Lewin, Thomas Lockwood, John Leach, Colwell Langton, Thomas Leach, Richard Loſeby, George Luck, Joſeph Lakin, Edward Lewin, William Laundon, John Lefevre, Henry Lines, Francis Lambert, Thomas Lanyon, John Robert Lloyd Clerk, Robert Lawrence, Samuel Lawrence,

Thomas Loxdale *junior*, John Lee, William Leſter, William Laton, Richard Lee, Thomas Leatherbarrow, Edward Lawrence, Richard Lacon, Francis Lee, Richard Legh, William Lee, William Lawſon Clerk, James Lea, Thomas Lea, Penny Lloyd, William Lewin, John Lee, Andrew Lawrence, John Lee *junior*, William Lea, Edward Lee, John Lakin, Nathaniel Lowe, George Lee, William Lea, James Lockett, Abraham Lambley, Stephen Leeke, John Mills, William Marſhall, Joſeph Moorley, John Marſhall, Iſaac Millington, James Mallett, Richard Morriſon, J Mansfield, James Mansfield, William Maſh, Thomas Marriott, James Maſh, John Munton, Francis Moore, Edward Marſton, John Mitchell, Thomas Moore, Charles Meredith, Richard Mitchell, John Mitchell, John Morpott, James Morpott, Thomas Moore, Methuſalah Moore, William Mitchell, William Mawſon, Harry Marris, Edward Maſon, Thomas Mitchell, William Munro, Thomas Muggleſton, Charles Mills, John Marſhall, William Marſhall, Richard Marriot, Jonathan Manton, John Mould, John Maſon, John Maſon, Walter Vaughan Morris, John Maddock, Joſeph Muckleſton, James Maſon, Andrew Maddocks, John Morris, Thomas Maddocks, Joſeph May, Matthias Mogeridge, Joſeph Morley, William Marſh, William Marſh, Edward Mann, Joſeph Naſh, John Nicholls, William Nixon, James Nutt *junior*, Thomas Noale, Thomas Nixſon, William Neal, Thomas Nixon, John Nixon, Charles Nevill, Ezakil Nathan, William Orme, Robert Overton, Robert Orton, John Baſs Oliver, Thomas Weſtley Oldham, David Oſwin, Francis Oſborn, George Oſborn, Samuel Oliver, Robert Outlaw Clerk, William Oſwell, John Owen, George Owen *junior*, Joſeph Parrott, Samuel Potter, the Reverend John Parry, James Potter, Thomas Powell, James Potter *junior*, John Hollis Pigot, William Palmer, Thomas Palmer, John Palmer, Henry Palmer, William Parſons, Thomas Parſons, William Paddy, Richard Poole, William Peet, Michael Payne, Leonard Piddocke, John Power, Daniel Palmer, William Poſtlethwaite, John Philip Perry, William Peberdy, James Park, William Pycroft, John Price, Thomas Peach, Thomas Pulford, Philip Perry, Joſeph Pegg, Thomas Pollard, John Pratt, Daniel Preſton, John Palmer, George Pearſon, George Pinkerton, William Peach, R Phillips, Thomas Pettefer, Nathaniel Pearce, Thomas Preſt, William Pratt *junior*, Humphrey Pedley, the Reverend Edward Powys, Edward Prichard, William Priſſick, Robert Pemberton, William Peate, Richard Price, Thomas Price, Thomas Preſland, Thomas Pinches, William Poole, Richard Philips, Edward

ward Phillips, Thomas Edward Poole, Mary Perrott, Richard Phillips, Edward Pridden, the Reverend Josiah Pratt, Henry Parker, Edward Palmer, Lewis Pocket, George Pickard, Samuel Pears, James Pallett, Edward Porter, William Pemberton, Thomas Pratt, William Pears, George Pope, Thomas Reeve Porter, Charles Pratt, Thomas Priestnall, Samuel Padbury, the Reverend John Pattinson, Wollaston Pym, Joseph Pycroft, Charles Proud, Stephen Panting, Thomas Pitt junior, Michael Russel, Francis Russel, Robert Read, William Rogers, William Richardson, Edward Rowland, Henry Richardson junior, Henry Redhead, George Rose, Thomas Russel, John Richards, James Richards, Thomas Read, Rowland Rowse, John Rowland, Henry Richards, Edward Rawlings, Matthew Reid, Thomas Robinson, Benjamin Russel, Thomas Read, the Reverend Edward Roberts, the Reverend Thomas Roberts, James Ralphs, Thomas Ridding, Fletcher Rullivant, Edward Ryley, J H Rann, John Russel, Thomas Roby, John Ratcliffe, Joseph Russell, J B Rolls, George Mills Ryder, Noah Rollason, Robert Rowell, Cleophas Ratliff, Thomas Richards, Robert Ryley, Elizabeth Rann, John Royle, William Rostill, Thomas Sleath, Henry Sheriff, Samuel Shenstone, James Simpson, Thomas Saxelbye, Joseph Saunders, John Storer, James Sadler, John Stayley, John Swann, Edward Swann, John Shipley, Thomas Smith, George Smith, Richard Shipley, William Stableford, Christopher Staveley junior, Joseph Slater, William Shepherd, Thomas Stretton, Nathaniel Shuttleworth, John Stiles, John Simpkin, Richard Stevens, William Stretton, John Strain, William Spencer, Thomas Swenburn, George Stableford, William Sprigg, Thomas Spencer, Thomas Shepherd, John Stevenson, Samuel Sharman, Ambrose Salusbury, Joseph Sowter, Benjamin Sutton, William Shepherd, John Sturges, Charles Stockdale, John Satchell, Thomas Spawton, Abraham Samuel, John Saywell, William Slayter, Joseph Scott, Thomas Sanderson, Joseph Smith, Thomas Sutton, Thomas Sanderson, Frederick Shuttleworth, Thomas Swindler, Edward Smith, Joseph Spencer, Thomas Smith, Thomas Sansome, Thomas Shenston, William Smith, Benjamin Smith, William Smith, John Smith, Thomas Stafford, William Sutton, Edward Stevenson, Richard Smith, Thomas Sparrow, Robert Stringer, Samuel Stone, William Swenburne, John Stanton, John Seaton, Michael Smith, Richard Stanton, William Stain, John Smith, Joseph Sims, Bennett Stokes, William Spencer, Thomas Sweatman, Thomas Scrivener, George Cuttel Stringer, Richard Scott, William Simes, Thomas Lees Sealy, James Slade,

Thomas Slade, William Shakeſhaft, Stephen Simpſon, John Spinder, Samuel Sherrat, Hannah Sowden, Joſeph Smith, Thomas Sharp, William Sutton, Thomas Spurrier, Suſannah Stephens, William Boltby Sleith, Thomas Shepherd, Edward Smith, Stephen Sedger, William Smith, Francis Singleton, John Smart, R. Simſon M. D. William Sanders, William Serjeant, the Reverend Richard Smith, Robert Sadler Clerk, William Lilly Smith Clerk, Benjamin Smith, John Smith, Thomas Smith, James Swain, Stephen Seager junior, Jonathan Sherwood, Thomas Sewell, John Lovatt Thacker, Joſeph Thacker, Francis Tantum, Thomas Towers, James Tyler, Robert Thompſon, Thomas Thompſon, Thomas Thornelow, John Thorp, William Turgg, Thomas Thornicroft, Joſeph Thornton, John Toone, Henry Thornton, William Tyler, Thomas Tile, William Taylor, Charles Twells, Samuel Tudor, William Tranter, James Trelleam, the Reverend John Tomkies, Richard Thomas, John Turton, William Tindall Clerk, Richard Taylor, James Timmins, James Tompſon, Edward Thomaſon, John Thompſon, William Twycroſs, John Taylor, Samuel Twemlow, Newton Treen, George Toon, George Harley Vaughan, George Vowe, Thomas Varnham, James Villers, Roger Vaughton, Charles Upton, William Underwood, Thomas Unett, William Urwick, James Whitney, John Wheeler, William Wilſon, John Wilkinſon, Francis Wright, Edward Cheney Winſlow, George Watſon, Francis Wilmot, George Wheeldon, Edward Wheeldon, Paul Webſter, William Wright, John Whitehurſt, Robert Ward, Thomas Wedge, William White, Henry Wood, Thomas Wilds, George Wartnaby, Joſeph Weſt, Joſeph Wheatley, John Wadds, Joſeph Winter, Robert Walker, Solomon Woodward, William Wartnaby junior, Joſhua Wilkinſon, William Watchorn, Charles Watchorn, William Walker, Edward Webb, Joſeph Wallis, Francis Ward, John Wood, John Walker, George Woollands, John Wright, Robert Whittle, William Woodburn, Iſaac Whyley Clerk, John Woodruffe, Richard Watſon, John Woodruffe, Thomas Walker, the Reverend Thomas Wartnaby, Thomas Wheeldon, James Wilſon, the Reverend Thomas Willows, John Weſt, William Wilmot, John Weſton, Thomas Webſter, Samuel Whittle senior, William Wilkinſon, Richard Warren, William Ward, George Woolloton, Joſeph Weſt, William Woodcock, John Wright, Edis Walton, Thomas Whitehead, Charles Ward, John Ward, Robert Worth, William Webb, Charles Waiſtell, Joſeph Wright, John Wartnaby, Samuel Wood, Thomas Weſtley, Thomas Wright, George Woodward, Thomas Winter,

Hugh

Hugh Wilson, John Wilson, Joseph Wyatt, Bentley Warren, Joseph Loxdale Warren, Joshua Williams, Francis Wynn, William Webb, Henry Williams, Richard Warburton, Thomas Warren, Richard Wright, John Walker Wilson, William Wilson, John Woorellow, John Waring, Henry Wright, Samuel Ward, John Warden Clerk, Jeremiah Wright, William Wright, Harry Watts, Philip Williams, Thomas Webb, James Ward, William Whitmore, Thomas Whateley, Edward Welchman, Marc Wratislavia, Frederick Charles Wratislavia, Richard Webster, Richard Worcester, James Whittem, Bradford Wilmor, John Walk, John Whateley, Thomas West, Charles Whittingham, James Wall, Thomas Walcot, William Whateley, Robert Webb, Richard Woodfield, John Wood, Lucy Waire, John Woodcock, Henry Ward, Robert Watson, William Whitfield, Edward Walker, Norris Walker, Samuel Wall, and William Young, and their several and respective Successors, Executors, Administrators, and Assigns, together with such other Person or Persons, Bodies Politick, Corporate, or Collegiate, as they, or the major Part of them who shall be assembled at the First General Meeting, to be held as herein-after mentioned, shall nominate and appoint by Writing under their Hands and Seals, shall be, and hereby are united into a Company for making, completing, and maintaining the said intended Canal and Collateral Cuts, according to the Rules, Orders, and Directions herein-after mentioned, and shall for that Purpose be one Body Corporate, by the Name and Style of The Company of Proprietors of the Ellesmere Canal, 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 that the said Company of Proprietors shall have Power and Authority, from and after the Twenty-fourth Day of June in the Year of our Lord One thousand seven hundred and ninety-three, on which Day this Act shall commence and take Effect, to purchase and hold Lands and Hereditaments to them and their Successors and Assigns, for the Use of the said Navigation, and to sell the said Lands and Hereditaments again, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain; and the said Company of Proprietors shall be, and hereby are authorized and empowered, by themselves, their Deputies, Agents, Officers, Workmen, and Servants, to make and complete a Canal, to be called The Ellesmere Canal, navigable and passable for Boats, Barges, and other Vessels, from and out of the River Severn, within the Liberties of the Town of Shrewsbury, above a certain Bridge there called

Proprietors incorporated.

Company of Proprietors empowered to make the Canal.

Bagley Bridge, and adjoining the Turnpike Road leading from Shrewsbury to Wem in the said County of Salop, and also from and out of another Part of the said River Severn, within the Liberty of the said Town of Shrewsbury, and adjoining a certain Close or Parcel of Land there called Warehouse Field, belonging to and in the Occupation of Andrew Beacall, into and through the several Parishes, Townships, Hamlets, or Places of Shrewsbury, Saint Mary, Saint Julian, Saint Alkmond, Castle Ward, Cotton Hill, Hancott, Almond Park, Newton, Wollascott, Berwick, Leaton, Fitz, Baschurch, Yeaton, Walford, Prescott, Newtown, Eyton, Weston-Lullingfield, Stanwardine, Stanwardine in the Wood, Ellesmere, Kenwick Wood, Tetchill, Hordley, Bagley, Whittington, Francton, Higher Ridge, Lower Ridge, New Marton, Hindford, Henlle, Ebnall, Daywell, Saint Martin, Ifton Rhynn, and Weston Rhynn, in the County of Salop; Chirk, Gwern-Ospin, Pen-y-Clawdd' Ruabon, Christionydd, Kewrick, Bodyltin, Ryddalt, Moreton below, Wrexham, Esclusham below, Bersham, Broughton, Wrexham Regis, Acton, Byston Goreton, Gresford, Burrashead, Burrashova, and Allington, in the County of Denbigh; Gresford and Horsley in the County of Flint; Pulford, Eccleston, Saint Mary on the Hill, Marlston-cum-Leach, Saltney Side, Brewer's Hall, the Holy and Undivided Trinity, Saint Oswald in the Liberties of the City of Chester; Saint Oswald, Blacon, Little Mollington, Backford, Great Mollington, Lea, Moston, Caughall, Chorlton, Wervin, Croughton, Stoke, Little Stanney, Great Stanney, Whitby, Eastham, and Netherpool, in the County of Chester, to unite with the River Mersey at or near Netherpool aforesaid; and also to make a Collateral Cut, for the Navigation of Boats, Barges, and other Vessels, to branch from and out of the said intended Canal in Hordley aforesaid, in the said County of Salop, and to pass through the several Parishes, Townships, Hamlets, or Places of Hordley, Whittington, Francton, Felton, Rednall, Sutton, Wootton, Oswestry, Aston, Twyford, Maesbury, Moreton, Crickheath, and Llwyntydmon, in the said County of Salop, to Llanymynech in the same County, subject to the Provisions hereinafter contained; and also another Collateral Cut, for the like Purpose, to branch from and out of the said intended Canal, in the Parish of Wrexham aforesaid, in the said County of Denbigh, and to pass through the several Parishes, Townships, Hamlets, or Places of Wrexham, Bersham, Broughton, and Brumbo, in the said County of Denbigh, to the Collieries in Brumbo aforesaid; and also another Collateral Cut, for the like Purpose, to branch from

Collateral Cuts to *Llanymynech.*

To *Brumbo.*

To *Holt.*

from and out of the ſaid intended Canal in Allington aforeſaid, in the ſaid County of Denbigh, and to paſs through the ſeveral Pariſhes, Townſhips, Hamlets, or Places of Gresford, Allington, and Holt, in the ſaid Counties of Denbigh and Flint, to the Town and Borough of Holt in the ſaid County of Denbigh; and alſo another Collateral Cut, for the like Purpoſe, to branch from and out of the ſaid intended Canal in Francton, and in the Pariſh of Whittington aforeſaid, in the ſaid County of Salop, and to paſs through the ſeveral Pariſhes, Townſhips, Hamlets, or Places of Whittington, Francton, Tetchill, Elleſmere, Lyth, Birch, Newton, Welchhampton, Lee, Spoonhill, Doddington, Edgeley, Whitchurch, Alkington, Tilſtock, Great Aſh, and Prees, in the ſaid County of Salop, and Hanmer, Bronington, and Bettisfield, in the ſaid County of Flint, to a Place called Prees Higher Heath, in the Pariſh of Prees, in the ſaid County of Salop; and to ſupply the ſaid intended Canal and Collateral Cuts whilſt making, and at all Times for ever after the ſame ſhall have been made, with Water, from all ſuch Brooks, Springs, Streams, Rivers, Rivulets, Waters, and Watercourſes as are or ſhall flow or be found in digging or making the ſaid Canal and Collateral Cuts reſpectively, or within the Diſtance of Two Miles from the ſaid intended Canal and the ſeveral Collateral Cuts aforeſaid, or any of them; and alſo to make any Reſervoir or Reſervoirs, and to erect One or more Fire Engine or Fire Engines, or other Machines, for ſupplying the ſaid intended Canal and Collateral Cuts, or any of them, or any Part or Parts thereof, with Water; and alſo to make ſuch and ſo many Soughs, Tunnels, Feeders, Aqueducts, and Channels, for ſupplying the ſaid Fire Engines, Reſervoirs, Canal and Collateral Cuts with Water, and for conveying Water from any ſuch Reſervoir or Reſervoirs to the ſaid Canal and Collateral Cuts, as by the ſaid Company of Proprietors ſhall be deemed neceſſary and proper; and alſo, for effecting the Purpoſes aforeſaid, to cleanſe, ſcour, and dig, open, deepen, enlarge, or ſtraighten, the Streams, Brooks, or Watercourſes which come or may be brought into or communicate with the ſaid Canal or Collateral Cuts reſpectively, and to dig, cut, or raiſe the Banks of any of the ſaid Streams, Brooks, or Watercourſes for bringing Water into the ſaid Canal and Collateral Cuts, or any of them; and to make ſuch proper Trenches or Paſſages for Water in, upon, or through the Lands or Grounds adjoining or near to the ſaid Canal or Collateral Cuts, or any of them, or ſuch Streams, Brooks, or Watercourſes as aforeſaid,

To *Prees.*

or

or any of them, as the said Company of Proprietors shall think fit; and for the Purposes aforesaid, the said Company of Proprietors, their Deputies, Servants, Agents, and Workmen, are hereby authorized and empowered to enter into and upon the Lands and Grounds of any Person or Persons, Bodies Politick, Corporate, or Collegiate whatsoever, and 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 Canal and Collateral Cuts, and any such Reservoir or Reservoirs, Feeders, and Aqueducts, and all such other Works, Matters, and Conveniencies, as they shall think proper and necessary for making, effecting, preserving, improving, completing, maintaining, and using the said Canal and Collateral Cuts, and other Works; and also to bore, dig, cut, trench, sough, get, remove, take, carry away, lay, use, and manufacture any Earth, Clay, Stone, Soil, Rubbish, Trees, Roots of Trees, Beds of Gravel, or Sand, or any other Matters or Things, which may be dug or got in making the said Canal and Collateral Cuts, or other Works, or in making any Reservoir or Reservoirs, Feeders, or Aqueducts, or out of the Lands and Grounds of any Person or Persons adjoining or lying convenient thereto, and which may be proper, requisite, or necessary for making, carrying on, continuing, maintaining, or repairing the said Canal and Collateral Cuts, or other Works, or which may hinder, prevent, or obstruct the making, using, or completing, extending, or maintaining the same respectively, or the making, using, completing, extending, and maintaining of such Reservoirs as aforesaid, or of any such Feeders, Trenches, Passages, Aqueducts, and Watercourses as aforesaid, as shall be necessary and proper to convey Water to or from the said Canal and Collateral Cuts, or any of them, according to the Intent and Purpose of this Act; and to make, build, erect, and set up, in or upon the said Canal or Collateral Cuts, or any of them, or upon the Lands adjoining or near the same respectively, such and so many Bridges, Piers, Arches, Tunnels, Aqueducts, Sluices, Floodgates, Weirs, Pens for Water, Water Stanks, Dams, Wharfs, Quays, Houses, Warehouses, Tollhouses, Watchhouses, Landing Places, Weighing Beams, Cranes, Fire Engines, or other Machines, Dry or wet Docks, and other Works, Ways, Roads, and Conveniencies, as and where the said Company of Proprietors shall think necessary and convenient for the Purposes of the said Navigation; and also from Time to Time to alter,

alter, repair, and amend or discontinue the same, and to divert, alter, widen, enlarge, and extend any Bridges, Ways, Roads, Passages, Cuts, Locks, Soughs, Tunnels, Reservoirs, Aqueducts, Trenches, Sluices, or other Works or Conveniences, as well for the carrying and conveying of Coals, Stones, Minerals, Goods, Wares, Merchandizes, and other Articles to and from the said Canal and Collateral Cuts, or any of them, as for the carrying and conveying of all Manner of Materials necessary for the making, erecting, finishing, altering, repairing, maintaining, amending, widening, or enlarging the said Canal, Collateral Cuts, and the Works of or belonging to the said Navigation, or which may be useful for any Purposes thereof; and also to place, lay, work, or manufacture the said Materials on the Grounds near to the Place or Places where the said Works or any of them shall be, or are intended to be made, erected, repaired, or done; and also to make, maintain, repair, and alter any Fences or Passages over, under, or through the said Canal and Collateral Cuts, or any of them, or the Reservoirs, Tunnels, Aqueducts, Soughs, Trenches, 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, haling, or drawing of Boats, Barges, and other Vessels passing upon the said Canal, Cuts, and Trenches, with Men, Horses, or otherwise, and proper Places for Boats, Barges, and other Vessels navigated upon the said Canal, Cuts, or Trenches, to turn, lie, or pass each other, as they the said Company of Proprietors shall think convenient; and to construct, erect, and keep in repair, any Piers, Arches, Aqueducts, and other Works, in, upon, and across any Rivers or Brooks, for the making, using, maintaining, and repairing of the said Canal, Cuts, Trenches, Towing Paths, and other Works; and to construct, erect, make, and do all other Matters and Things which they shall think convenient or necessary for the making, effecting, extending, preserving, improving, completing, and using of the said Canal, Collateral Cuts, and other Works to be made or constructed in pursuance of and according to the true Intent and Meaning of this Act, they the said Company of Proprietors, their Deputies, Agents, Servants, and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and making full Satisfaction, in Manner herein-after mentioned, to the Owners or Proprietors of, and all Persons interested in, the

Lands, Tenements, or Hereditaments, Waters, Watercourses, Brooks, or Rivers, 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, and their Deputies, Servants, Agents, and Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted, subject nevertheless to such Provisoes and Restrictions as are herein-after mentioned and contained.

Houses, Gardens, &c. not to be injured, except such as are mentioned.

II. Provided always, That nothing herein contained shall authorize or empower the said Company of Proprietors, or any Person or Persons acting by or under their Authority, to take, use, injure, or damage, for the Purposes of the said Canal and Collateral Cuts, or any of them, or any other of the Purposes aforesaid, any House or other Building which was erected and built on or before the First Day of January in the Year of our Lord One thousand seven hundred and ninety-three, or any Land or Ground which on the said First Day of January was set apart and used as or for a Garden, Orchard, Yard, Park, Paddock, Planted Walk, or Avenue to a House, without the Consent of the Owners and Occupiers thereof, other than and except Gardens and Yards belonging to any Cottages or Tenements under the yearly Value of Six Pounds, and other than and except a Garden situate in the Castle Ward without the Walls in the Parish of Saint Mary in the Town of Shrewsbury aforesaid, belonging to Sarah Windsor Spinster, and in the Occupation of William Greenway; and also except another Garden situate in Castle Ward aforesaid, belonging to John Upton Innkeeper, and in the Occupation of John Edgerton; and also except another Garden situate in the Township of Cotton Hill in the Parish of Saint Julian aforesaid, belonging to John Mytton Esquire, and in the Occupation of Thomas Tudor Apothecary; and also except a Garden and Yard situate in the Township of Berwick in the Parish of Saint Mary last aforesaid, belonging to and in the Occupation of John Allen; and also a Garden situate in the Township of Walford in the Parish of Baschurch aforesaid, belonging to Thomas Pressland Esquire, and in the Occupation of Edward Middleton; and also except a Garden situate in the Township of Eyton in the Parish of Baschurch aforesaid, belonging to Edward Ellesmere, and in the Occupation of Thomas Cotton; and also except a Garden and Yard situate in the

Township of Stanwardine in the Wood in the Parish of Baschurch aforesaid, belonging to and in the Occupation of Thomas Reeves; and also except a Yard situate in the last-mentioned Parish and Township, belonging to Sir Watkin Williams Wynne Baronet, and in the Occupation of Thomas Jones; and also except a Garden situate in the Township of Kenwick's Wood in the Parish of Ellesmere aforesaid, belonging to Francis Reynolds Gentleman, and in the Occupation of John Wilkinson Esquire; and also except a Yard situate in the Township of Frankton in the Parish of Whittington aforesaid, belonging to William Cartwright, and in the Occupation of Jeffery Jenkins; and also except a Garden situate in the Township of Higher Ridge in the Parish of Ellesmere aforesaid, belonging to Edward Blakeway and Edward Ellesmere, Gentlemen, (as Trustees for Jane Randles and Ellen Randles, Infants), and Samuel Broughall Gentleman, and in the Occupation of Thomas Rogers; and also except a Garden situate in the Township of Daywell in the Parish of Whittington aforesaid, belonging to and in the Occupation of Thomas Lovett Esquire; and also except a Garden situate in the Township of Ifton Rhynn in the Parish of Saint Martin, belonging to and in the Occupation of John Cash; and also except a Garden and Yard situate in the Township of Weston Rhynn in the said Parish of Saint Martin, belonging to George Stoakes, and in the Occupation of John Richards; and also except Three Gardens respectively situate in the Township of Pen-y-Claudd in the Parish of Chirk aforesaid, belonging to Richard Myddelton Esquire, and in the several Occupations of Roger Davies, Edward Jones, and Robert Edwards; and also except a Garden situate in the Township of Christionydd in the Parish of Ruabon aforesaid, belonging to and in the Occupation of Philip Rogers; and also except a Garden situate in the last-mentioned Parish and Township, belonging to Ellis Morgan, and in the Occupation of Mary Morgan; and also except a Garden situate in the Township of Bodyltyn in the Parish of Ruabon aforesaid, belonging to and in the Occupation of the Reverend Thomas Youde; and also except a Garden situate in the Township of Esclusham below, in the Parish of Wrexham aforesaid, belonging to Philip Yorke, and in the Occupation of John Rowland; and also except a Garden and Yard situate in the last-mentioned Township, also belonging to the said Philip Yorke, and in the Occupation of Thomas Cesar; and also except a Garden situate in the Township of Acton in the said Parish of Wrexham, belonging to Edward Williames Vaughan

Saleſbury Eſquire, and in the Occupation of Richard Vaughan; and alſo except Two Gardens ſituate in the Townſhip of Allington in the Pariſh of Gresford aforeſaid, belonging to Mrs. Wardle Widow, and in the Occupation of Martha Evans Widow; and alſo except a Garden ſituate in the Townſhip and Pariſh of Pulford aforeſaid, belonging to Hugh Leay, and in the Occupation of Robert Parſonage; and alſo except a Paddock ſituate on Saltney Side in the Pariſh of Saint Mary on the Hill aforeſaid, belonging to and in the Occupation of Joſeph Snow Eſquire; and alſo except a Garden and Yard ſituate on Saltney Side aforeſaid, in the ſaid laſt-mentioned Pariſh, belonging to John Cotgreave Eſquire, and in the Occupation of Edward Jenkins; and alſo except a Garden ſituate in the Townſhip of Croughton in the Pariſh of Saint Oſwald aforeſaid, belonging to William Leche Eſquire, and in the Occupation of Ann Davies; and alſo except a Garden ſituate in the Townſhip of Little Stanney in the Pariſh of Stoake aforeſaid, belonging to Sir Thomas Charles Bunbury Baronet, and in the Occupation of John Crimes; and alſo except a Garden ſituate in the Townſhip of Sutton in the Pariſh of Felton aforeſaid, belonging to Thomas Hulſon, and in the Occupation of John James; and alſo except a Garden ſituate in the Townſhip of Aſton in the Pariſh of Oſweſtry aforeſaid, belonging to Thomas Tyrwhitt Jones Eſquire, and in the Occupation of Iſaac Hughes; and alſo except a Garden and Yard ſituate in the Townſhip of Maeſbury in the Pariſh of Oſweſtry aforeſaid, belonging to George Withers, and in the Occupation of John Pigott; and alſo except a Garden ſituate in the Townſhip of Crickheath in the Pariſh of Oſweſtry aforeſaid, belonging to the Right Honourable George Edward Henry Arthur Earl of Powis, and in the Occupation of Edward Davies; and alſo except a Garden ſituate in the Townſhip of Llwyntidmon in the Pariſh of Llanymynech aforeſaid, belonging to Charles Hawker Eſquire, and in the Occupation of William Lloyd; and alſo except a Garden ſituate in the laſt-mentioned Pariſh and Townſhip, belonging to Sir Henry Bridgeman Baronet, and in the Occupation of George Savage; and alſo except a Paddock ſituate in the Townſhip of Brumbo and Pariſh of Wrexham aforeſaid, belonging to the Right Honourable Richard Earl Groſvenor, and in the Occupation of Ann Powell; and alſo except an Orchard ſituate in the Townſhip of Allington and Pariſh of Gresford aforeſaid, belonging to George Johnſon Eſquire, and in the Occupation of Sarah Weaver; and alſo except a Garden ſituate in the Townſhip and Pariſh

Parish of Holt aforesaid, belonging to Elizabeth Powell Widow, and in the Occupation of Edward Maddocks; and also except a Yard and Garden situate in the last-mentioned Parish and Township, belonging to John Arrowsmith, and in the Occupation of John Browne; and also except a Garden situate in the Township of Lyth and Birch in the Parish of Ellesmere aforesaid, belonging to Thomas Byollin, and in the Occupation of Samuel Barrow; and also except a Garden situate in the Township of Lee in the Parish of Ellesmere aforesaid, belonging to Richard Austin, and in the Occupation of Mary Austin; and also except a Garden situate in the Township of Tetchill in the Parish of Ellesmere aforesaid, belonging to the most Noble Francis Duke of Bridgewater, and in the Occupation of John Price; and also except a Yard situate in the said last-mentioned Parish and Township, belonging to the said Duke of Bridgewater, and in the Occupation of James Roberts; which are meant and intended to be made use of for the Purposes of this Act.

Plan and Book of Reference to be authenticated by the Speaker of the House of Commons, and deposited.

III. And whereas a Survey has been taken to ascertain the Practicability of making the said Canal and Collateral Cuts, and a Map or Plan, with a proper Book of Reference thereto, has been made in consequence thereof, in order to shew the Line or Course of the said Canal and Collateral Cuts, and the various Distances from Place to Place as they respectively affect the Property of each Individual through which they respectively pass, and the Extent and Particulars of the Whole; be it therefore further enacted, That there shall be Five Parts made of the said Map or Plan, and Book of Reference thereto, which shall be certified by the Right Honourable the Speaker of the House of Commons, and severally deposited, One with the Clerk of the Peace for the said County of Salop, another with the Clerk of the Peace for the said County of Denbigh, another with the Clerk of the Peace for the said County of Flint, another with the Clerk of the Peace for the said County of Chester, another with the Town Clerk for the said County of the City of Chester, and the other with the Clerk to the said Company of Proprietors; to any of which Maps, Plans, and Books of Reference, all Persons shall have Liberty to resort and to examine, or make Extracts from or Copies of the same, as Occasion shall require, paying to the said respective Clerks for Copies of or Extracts from the said Book of Reference after the Rate of Sixpence for every One hundred Words; and the said Maps or Plans, and Books of Reference, so certified,

tified, or true Copies thereof, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere; and the Clerk for the Time being to the said Company of Proprietors, upon Twenty-one Days Notice to him given for that Purpose, shall, and is hereby required from Time to Time to produce the said Map or Plan, and Book of Reference, to be so deposited with him as aforesaid, before the Commissioners to be appointed in Manner herein-after mentioned, or any Jury or Juries to be impanelled by virtue of this Act, at the Time and Place to be mentioned in such Notice, in order that the same may be then and there given in Evidence, such Clerk to the said Company of Proprietors having a reasonable Sum of Money allowed for his travelling Expences, Absence from Home, and Attendance on such Occasions.

Power to deviate a Hundred Yards from the Line laid down in the Plan.

IV. And be it further enacted, That the said Company of Proprietors, in making the said intended Canal and Collateral Branches, shall not deviate more than a Hundred Yards from the Course or Direction delineated in the said Map or Plan, and set forth in the said Book of Reference, nor cut, carry, or convey the same Canal and Collateral Cuts, or any of them, into, through, across, under, or over any Part or Parts of the several Lands or Grounds now or late belonging to, or reputed to belong to the said several and respective Persons named or described in the said Book of Reference, other than within the like Distance of One hundred Yards from such Part or Parts of such Lands or Grounds as are mentioned in the said Book of Reference in that Respect, or belonging to any other Person not named in such Book of Reference, without the Approbation and Consent in Writing signed by the Person or Persons to whom such Lands and Grounds do or shall respectively belong; but nothing herein contained shall extend to restrain or prevent the said Company of Proprietors from making any further Deviation above One hundred Yards from the said Course or Direction of the said Canal and Collateral Cuts, or any of them, in case all the Persons to whom the Lands, Grounds, or Hereditaments to be cut through or made use of for the Purposes of such Deviation shall belong, shall consent thereto.

Land Owners omitted in the Book of Reference not to obstruct making the Canal.

V. Provided always, and it is hereby further enacted and declared, That the said Company of Proprietors shall and may make the said intended Canal and Collateral Cuts into, through, across, or over the Estates, Lands, or Grounds of any Person or Persons whomsoever, into whose Estates, Lands, or Grounds such Devi-

ations as aforesaid shall extend, although their Names are not mentioned in the said Book of Reference, or into the Estates, Lands, or Grounds of any Person or Persons whose Name or Names shall appear to the Satisfaction of the said Commissioners, and be by them, or any Seven or more of them, certified under their Hands, to be by Mistake omitted in the said Book of Reference, or that instead thereof the Name or Names of some other Person or Persons to whom such last mentioned Estates, Lands, and Grounds do not belong, have or hath been by Mistake inserted therein, any Thing herein contained to the contrary thereof in anywise notwithstanding.

The Company of Proprietors not to take the Water of the River *Perry*.

VI. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to authorize or empower the said Company of Proprietors, under any Pretence whatever, to take or suffer to be taken or used for the said Canal and Collateral Cuts, or any of them, or to flow or run into any Reservoir or Reservoirs or other Works, for the Use thereof, any of the Rivulets, Springs, Feeders, Watercourses, or Streams of Water now flowing into or supplying the River Perry in the said County of Salop, above a certain Mill situate in the Township of Ruyton, of the Eleven Towns in the said County of Salop, called The Platt Mill, except in Times of Floods and wet Seasons, and when there shall be a Surplus of Water in the said River, or the Rivulets or Watercourses flowing into the same, for the Supply of all the Mills upon the said River; but that all such Rivulets, Springs, Feeders, Watercourses, and Streams of Water which shall or may be crossed or diverted by the said Canal and Collateral Cuts, or any Reservoir, Conductor, Aqueduct, or other Works appertaining thereto, above the said Mill called The Platt Mill, shall be well and effectually tunnelled and conducted under such Canal, Collateral Cuts, Reservoirs, Conductors, or other Works, by the said Company of Proprietors, immediately either into the former and ancient Course of such Rivulets, Springs, Feeders, Watercourses, or Streams of Water, or in such other Manner as that the Whole thereof, except in such Times of Floods and wet Seasons, shall flow into the said River Perry.

No Water to be carried across the River *Dee* for supplying that Part of the Canal to be

VII. Provided also, and it is hereby further enacted, That nothing herein contained shall extend, or be deemed, construed, or taken to extend, to authorize or empower the said Company of Proprietors, their Agents, Workmen, or Servants, or any other Person or Persons,

under any Pretence whatsoever, to take or suffer any Water to be taken out of or from the said intended Canal and Collateral Cuts, or any or either of them, from, across, or under the said River Dee, for the Purpose of supplying with Water that Part of the said Canal which is intended to be cut from the City of Chester to the said River Mersey. made from *Chester* to the *Mersey*.

No Water to be taken from the River *Belan* for the Use of the Canal.

VIII. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to authorize or empower the said Company of Proprietors, under any Pretence whatsoever, to take, or suffer to be taken or used for the said Canal and Collateral Cuts, or any of them, or to flow or run into any Reservoir or Reservoirs, or other Works for the Use thereof, any of the Springs, Watercourses, or Streams of Water, now flowing into the River or Brook called Belan; which runs through the Town or Village of Ruabon aforesaid, in the said County of Denbigh, or any of the Rivulets, Streams, or Feeders flowing into or supplying the said River or Brook called Belan; but that all such Springs, Watercourses, or Streams of Water which shall or may be crossed or diverted by the said Canal or Collateral Cuts, or any Reservoirs, Conductors, Aqueducts, or other Works appertaining thereunto, shall be well and effectually tunnelled and conducted under such Canal, Collateral Cuts, Reservoirs, Conductors, or other Works, by the said Company of Proprietors, immediately into the former and ancient Course of such Springs, Watercourses, or Streams of Water, so that the Whole thereof shall flow into the former and ancient Course through such Tunnels and Conductors.

Canal not to be made through certain Lands of Sir *Watkin Williams Wynn* Baronet.

IX. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to authorize or empower the said Company of Proprietors, their Deputies, Agents, Officers, Workmen, or Servants, to enter into, upon, or under any of the Lands or Grounds of Sir Watkin Williams Wynn Baronet, lying on the Eastern Side of the Turnpike Road leading from and between the Town or Village of Ruabon aforesaid, and the New Bridge over the River Dee in the County of Denbigh, without the Licence and Consent of the said Sir Watkin Williams Wynn, his Heirs or Assigns, in Writing, first had and obtained for that Purpose.

Canal not to be made through any of the Lands of *William Massey* Esquire.

X. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Company of Proprietors, or any Person or Persons acting

acting by or under their Authority, to enter into, cut, embank upon, take, use, or injure, or to exercise all or any of the Powers aforesaid in or upon the Demesne or other Lands, Grounds or Meadows of William Massey of Moston Hall in the County of Chester, Esquire, lying on the South or South-west Side of the Turnpike Road from Chester to Eastham, without the Consent in Writing of him, his Heirs or Assigns, first had and obtained for that Purpose; and that the said Canal shall not be made or cut nearer to the said Demesne or other Lands of the said William Massey than the present Course of a certain Brook or Drain called Backford Brook, being the Boundary between the Manor of Moston and the Parish of Backford in the said County of Chester.

Breadth of Canal and Towing Paths.

XI. And be it further enacted, That the Lands or Grounds to be taken or used for the making of the said Canal and Collateral Cuts respectively, and for the Towing Paths thereto, and the Ditches, Drains, and Fences to separate such Towing Paths from the adjoining Lands, shall not exceed Twenty-four Yards in Breadth, except in such Places where any Docks, Basons, or Pens of Water shall be made, or where the said Canal and Collateral Cuts, or any of them, or any Part thereof, shall be raised higher or cut more than Five Feet below the present Surface of the Land, and except in such Places where it shall be judged necessary for Boats, Barges, and other Vessels to turn, lie, or pass each other, or where any Warehouses, Cranes, or Weigh Beams may be erected, or where any Wharfs or other Places may be set out or appropriated for the Reception or Delivery of any Coals, Lime, Limestone, Minerals, Timber, or other Goods, Wares, and Merchandize, which shall be conveyed on the said Navigation, and not above Forty-five Yards in Breadth in any Place, without the Consent of the Owners of the Lands or Hereditaments adjoining to the said Canal or Collateral Cuts respectively.

No Building to be erected on the Towing Paths, except for the Navigation.

XII. And be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to enable the said Company of Proprietors to erect or build any House, Mill, or other Building, (other than and except Warehouses, Toll-houses, Watch-houses, and Cottages, and other Conveniences for their Workmen, for the Use of the said Navigation, and other than and except any Mill or Mills, with Millers Houses and other Conveniences thereto, in lieu of others which may have been purchased under the Authority of this Act), upon the Lands which shall be set out for the Towing Paths,

Wharfs, or Quays, or other Purposes of the said Navigation, without the Consent of the Person or Persons who shall be Owner or Owners of such Lands, at the Time of setting out the same for the Purposes aforesaid; or to convert or employ any Water that shall be brought into or discharged out of the said Canal and Collateral Cuts, or any of them, or any Trenches or Sluices hereby authorized to be made for the Use of any Mill or Mills hereafter to be erected near the same, (except for the Use of any such Mill or Mills that may be erected in lieu of others which may have been purchased under the Authority of this Act), or to cut down any Timberwood, Brushwood, or Underwood, upon any of the Estates or Lands through or into which the said Canal, Collateral Cuts, Towing Paths, Trenches, Sluices, Roads, Passages, Works, or Conveniences, or any Part thereof, respectively shall be made, except such Timberwood, Brushwood, or Underwood as shall grow or be in or upon any of the Lands or Grounds which shall be taken or used for the making of the said Canal, Collateral Cuts, Towing Paths, Trenches, Sluices, Roads, Passages, Works, or Conveniences respectively as aforesaid; and the Proprietors of the respective Lands and Grounds on which such Timberwood, Brushwood, or Underwood shall stand or be growing at the Time of the Commencement of this Act, their Heirs, Executors, Administrators, or Assigns, shall have it in their Election to take such Timberwood, Brushwood, or Underwood respectively, when felled or cut down by the said Company of Proprietors, at such Price or Value as the same respectively shall have been estimated at or purchased by the said Company of Proprietors; but in case the same shall not have been estimated at or purchased by them upon a Valuation separate and distinct from the Lands or Grounds upon which the same shall respectively grow, then at such Price or Value as shall be agreed on for that Purpose, between such Proprietors or Owners of Land and the said Company of Proprietors or their Agents, and in case of any Difference of settling or ascertaining the same, then at such Price or Value as the Commissioners hereby appointed shall direct; and the said Timberwood, Brushwood, and Underwood, so to be fallen by the said Company of Proprietors, or by their Order, shall and may be carried and conveyed upon any Part of the said Canal and Collateral Cuts, Trenches, and Sluices, free from all Rates to be raised and levied by virtue of this Act; and if any House, Mill, or other Building, save as aforesaid, shall be erected upon any such Lands or Grounds, without

such Consent as aforesaid, it shall and may be lawful for the Person or Persons who was or were Owner or Owners of such Lands or Grounds at the Time of setting out the same for the Purposes aforesaid, or his, her, or their Heirs, Executors, Administrators, or Assigns, to take, pull down, and remove such Houses, Mills, and other Buildings, without being deemed guilty of Trespass, or liable to any Action or Prosecution for so doing.

Bodies Politick empowered to sell and convey Lands.

XIII. And be it further enacted, That after any Lands, Grounds, or Hereditaments shall be set out and ascertained for making the said Canal and Collateral Cuts, or any Part or Parts thereof, and for providing and constructing the Wharfs, and other Works and Conveniences herein-before mentioned, or any of them, it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, and Feoffees in Trust for charitable and other Purposes, Committees, Executors, and Administrators, and all other Trustees and Persons whomsoever, 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, Ideots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest therein, and for every other Person or Persons whomsoever, who is, are, or shall be seised, possessed of, or interested in, any Lands, Grounds, or Hereditaments, which shall be so set out and ascertained for the Purposes aforesaid, to contract for, sell, or convey the same, and every Part thereof, unto the said Company of Proprietors; and if it shall happen that by making the said Canal and Collateral Cuts, or any of them, or by the Conveyance of Water thereto, or by making or constructing of any of the Works hereby authorized to be made, the Property of any Land Owner or Land Owners shall be separated into small Parcels, so as to render the Occupation thereof inconvenient, it shall be lawful for such Bodies Politick, Corporate, and Collegiate, and all such other Person and Persons so entitled or interested as aforesaid, by and with the Consent of the Commissioners hereby appointed, or any Five or more of them, to be testified by Writing under their Hands and Seals, although they may not be assembled at any Meeting of the said Commissioners to be held by virtue of this Act, to contract for, sell, and dispose of, or to convey, in Exchange for other Lands, all or any Part

Lands separated into small Parcels may be exchanged or sold.

of

of such small Parcels of Land so separated, to any Person or Persons whomsoever, for such Price or Consideration, in Money or other Equivalent, as to the said Commissioners shall seem reasonable; and all Bodies Politick, Corporate, or Collegiate, and all other Persons whomsoever, so conveying or exchanging as aforesaid, are hereby indemnified for what they shall respectively do in relation to any such Sale or Exchange which he, she, they, or any of them shall make by virtue and in pursuance of this Act; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be made at the Expence of the said Company of Proprietors, and such of them as shall be made of any Lands or other Hereditaments, to the said Company of Proprietors, shall be made according to the following Form; videlicet,

Contracts and Sales to be made at the Expence of the Company.

I *A. B.* of in Consideration of the Sum of to me paid (*or* in Consideration of the Annual Rent of to me to be hereafter yielded and paid by yearly or half-yearly Payments, as may be agreed upon) by the Company of Proprietors of the *Ellesmere* Canal, do hereby grant and release to the said Company, all [*describing the Premises to be conveyed*], and all my Right, Title, and Interest to and in the same, and every Part thereof, to hold to the said Company and their Successors for ever, by virtue and according to the true Intent and Meaning of the Act of Parliament passed for making and maintaining the said *Ellesmere* Canal. In Witness whereof I have hereunto set my Hand and Seal, this Day of in the Year of our Lord

Form of Conveyance to the Company.

Which said Conveyances shall be kept by the Clerk or Clerks to the said Company of Proprietors, who shall, from Time to Time, when requested, deliver attested Copies thereof to any Person or Persons requiring the same, and shall have and receive Sixpence for every One hundred Words of each such attested Copy, and so in Proportion for any less Number of Words; and every such Conveyance as aforesaid, which shall be made to any Person or Persons other than the said Company of Proprietors, shall be according to the following Form:

I *A. B.* do hereby, by virtue and in pursuance of a certain Act of Parliament, intituled, *An Act for making and maintaining a Navigable Canal from the River* Severn *at* Shrews-

Form of Conveyance between Land Owners.

Shrewſbury *in the County of* Salop, *to the River* Merſey *at or near* Netherpool *in the County of* Cheſter, *and alſo for making and maintaining certain Collateral Cuts from the ſaid intended Canal*, and by and with the Conſent and Approbation of Five or more of the Commiſſioners appointed under or by virtue of the ſaid Act, teſtified by their Signature hereof, and in Conſideration of the Sum of to me in Hand paid by *C. D.* at or before the Sealing and Delivery of theſe Preſents, the Receipt whereof I do hereby acknowledge, (*or* in Exchange for certain Lands ſituate conveyed to me by *C. D.* by Writing under his Hand and Seal, bearing even Date herewith,) grant and releaſe to the ſaid *C. D.* all [*deſcribe the Premiſes*] to hold to the ſaid *C. D.* his Heirs and Aſſigns for ever: As Witneſs my Hand and Seal, this Day of

And every ſuch Conveyance to be made by virtue of this Act, in the Form and Manner aforeſaid, ſhall be valid and effectual to all Intents and Purpoſes whatſoever; any Law, Statute, Uſage, or Cuſtom to the contrary thereof in anywiſe notwithſtanding.

Satisfaction to be made.

XIV. Provided always, and be it further enacted, That all and every Body or Bodies Politick, Corporate, or Collegiate, Truſtees, or other Perſons herein-before capacitated to ſell or convey Lands and other Hereditaments, or any other Owner or Owners, and the Occupier or Occupiers of any Lands or other Hereditaments, through, in, or upon which the ſaid Canal and Collateral Cuts, Towing Paths, Quays, or other Works hereby authorized, are intended to be made, or of any Mills, Forges, or other Works from which any Water to ſupply the ſaid Canal and Collateral Cuts, or any of them, may or ſhall be taken or diverted, may accept and receive Satisfaction for the Value of ſuch Lands and Grounds, Mills, Forges, or other Works, Water, and Hereditaments, and for the Damages to be ſuſtained by making and completing the ſaid Works herein-before directed, either in Groſs Sums or by Annual Rents, as ſhall be agreed upon by and between the ſaid Parties intereſted reſpectively, or any of them, and the ſaid Company of Proprietors; and in caſe the ſaid Company of Proprietors and the ſaid Parties intereſted in ſuch Lands and Grounds or other Hereditaments cannot agree as to the Amount or Value of ſuch Satisfaction, the ſame ſhall be aſcertained and ſettled by the Commiſſioners hereby appointed, in ſuch Manner, and ſubject to ſuch Verdict of a Jury, if required, as is herein-after directed; and all

If Parties cannot agree, Price to be ſettled by Commiſſioners or a Jury.

such yearly Rents or Sums as shall be agreed on between the said Company of Proprietors and the said Parties interested in such Lands and Grounds or other Hereditaments, or as shall be so ascertained and settled as aforesaid, shall be charged on the Rates arising by virtue of this Act, and shall be paid by the said Company of Proprietors either yearly or half-yearly, as the same shall be agreed to become due and payable; and in case the same shall not be paid within Twenty Days next after the same shall so become due and payable, it shall be lawful for the said Commissioners, or any Five or more of them, although not assembled at any Meeting to be held by virtue of this Act, and they are hereby required, by an Order under their Hands, to appoint One or more Person or Persons to receive the Rates hereby granted and made payable, and to pay the same to such Person or Persons to whom such yearly Rents or Sums shall be due and unpaid as aforesaid, the said Commissioners taking such Security from every such Collector for the due and faithful Execution of his Office, as they shall judge proper and sufficient; and every Person so appointed shall be deemed a Collector of the said Rates, and shall have the same Power and Authority for collecting the same, and shall receive and retain thereout a reasonable Satisfaction for his Trouble therein, in like Manner as if he had been appointed a Collector of the said Rates by the said Company of Proprietors, until such yearly Rents or Sums, with all Costs and Damages occasioned by the Nonpayment thereof, shall be fully satisfied and paid; or it shall be lawful for such Bodies Politick, Corporate or Collegiate, Trustees, or other Person or Persons to whom such yearly Rents or Sums shall be due and owing as aforesaid, to sue for and recover the same, with Costs of Suit, by Action of Debt, in any of His Majesty's Courts of Record, or otherwise to seize and distrain any Boats, Vessels, or other Goods or Effects of the said Company of Proprietors, which shall be found upon the said Canal and Collateral Cuts, or any of them, or in or upon the Wharfs, Quays, Warehouses, or other Works thereto belonging, (Information of such Distress being immediately given to the said Company of Proprietors, by Notice in Writing delivered to some of their Clerks or Collectors of the Rates, or affixed to some of their Wharfs or Quays near to the Place where such Distress was made), and to detain the same until Payment of such yearly Rents or Sums then due and owing, together with the reasonable Charges attending such Distress; and

Yearly Rents charged on the Rates.

and if such Distress shall not be redeemed within Five Days next after making the same, and Notice thereof given in Writing as aforesaid, then such Boats, Vessels, or other Goods or Effects so distrained, shall and may be sold or disposed of in such Manner as the Law directs in case of a Distress for Rent.

Commissioners and their Qualifications.

XV. And be it further enacted, That every Person who shall, in his own Right, or in the Right of his Wife, and not as Mortgagee, or Trustee, or Lessee, be seised of or entitled unto a Freehold or Copyhold Estate, situate within the Counties of Salop, Flint, Denbigh, Chester, and the County of the City of Chester, or in any One or more of the said Counties respectively, of the clear yearly Value of One hundred Pounds, over and above all Rents, Annuities, Incumbrances, and Reprizes; and also the eldest Son or Heir Apparent of every Person having such Estate as aforesaid within the said Counties, or any of them, of the clear yearly Value of Four hundred Pounds, over and above all Rents, Annuities, Incumbrances, and Reprizes; and also every Person usually residing within the said Counties, or any of them, and having a Personal Estate, or Real and Personal Estate together, of the Value of Three thousand Pounds, shall be and are hereby appointed Commissioners for settling, determining, and adjusting all Matters, Questions, and Differences, which shall or may arise between the said Company of Proprietors and the several Owners of and Persons interested in any Lands, Grounds, Tenements, Mills, Mines, Waters, or Hereditaments, which shall or may be taken, used, affected, or prejudiced by the Execution of any of the Powers hereby granted, and every Person so qualified shall be and is hereby appointed a Commissioner for all other the Purposes of this Act for which Commissioners are hereby appointed; but no Person shall act, or be qualified to act, as a Commissioner for the Execution of the Powers hereby given to such Commissioners, during the Time of his holding any Place of Profit arising out of the Rates to be collected by virtue of this Act, or of his being a Proprietor in the said Navigation, or concerned or interested in any Contract or Bargain to be made for the Purposes of this Act, or in any Case where he shall be any Way interested or concerned in the Matter in Question, or (except in administering the Oath herein-after mentioned) until he shall have taken and subscribed an Oath to the Effect following, before any Five or more of the said Commissioners, who are hereby authorized and required to administer the same; videlicet,

Commissioners not to act where interested, and to take an Oath.

I *A. B.*

I *A. B.* do ſwear, That I will truly and impartially, according to the Evidence which ſhall be laid before me, and to the beſt of my Skill and Knowledge, execute and perform the Powers and Authorities veſted in me as a Commiſſioner by an Act of Parliament, made in the Thirty-third Year of the Reign of King *George* the Third, intituled, *An Act for making and maintaining a Navigable Canal from the River* Severn *at* Shrewſbury *in the County of* Salop, *to the River* Merſey *at or near* Netherpool *in the County of* Cheſter, *and alſo for making and maintaining certain Collateral Cuts from the ſaid intended Canal*; and that I am qualified to act as a Commiſſioner according to the Directions of the ſaid Act. Oath of Commiſſioners.

And if any Perſon ſhall act as a Commiſſioner in the Execution of this Act, not being qualified as hereinbefore mentioned, every ſuch Perſon ſhall, for every ſuch Offence, forfeit the Sum of Fifty Pounds to any Perſon who ſhall ſue for the ſame, to be recovered, with full Coſts of Suit, by Action at Law in any of his Majeſty's Courts of Record; and ſuch Perſon ſo ſued ſhall prove that he is qualified as above, or otherwiſe ſhall pay the ſaid Penalty without any other Proof or Evidence on the Part of the Plaintiff or Plaintiffs than that ſuch Perſon hath acted as a Commiſſioner in the Execution of this Act. Penalty on Commiſſioners acting, not being qualified.

XVI. And be it further enacted, That any of the ſaid Commiſſioners who are or ſhall be Juſtices of the Peace for the ſaid Counties, or any of them, ſhall and may, notwithſtanding their being Commiſſioners, act as Juſtices of the Peace in the Execution of this Act; but that no Perſon who ſhall have or accept any Place of Profit ariſing out of the Rates to be raiſed by virtue of this Act, or ſhall be a Proprietor of any Share or Shares of the ſaid Navigation, or ſhall be concerned or intereſted in any Contract or Bargain made or to be made for or on account of the ſaid Undertaking, ſhall be capable of acting as a Juſtice of the Peace in any Matter reſpecting the ſame, ſo long as he ſhall hold or be intereſted in ſuch Place of Profit, Share or Shares, Contract or Bargain as aforeſaid. Commiſſioners may act as Juſtices of the Peace; but not while they hold any Place of Profit under the ſaid Act.

XVII. And be it further enacted, That the ſaid Commiſſioners ſhall hold their Firſt Meeting for the Purpoſes of this Act at ſuch Time and Place as they ſhall be thereunto required by the Firſt General Aſſembly of the ſaid Company of Proprietors, to be held as herein-after appointed, by Publick Advertiſement as herein-after mentioned; and the ſaid Commiſſioners ſhall, and are hereby required First Meeting of the Commiſſioners.

required at such their First Meeting to appoint, out of Three Persons to be nominated by the said Company of Proprietors, such One or more of them as the said Commissioners shall think proper to be their Clerk or Clerks; and the said Commissioners shall have Power from Time to Time, at any of their subsequent Meetings, to remove any such Clerk or Clerks, and appoint another or others in his or their Stead out of Three Persons to be nominated by the said Company of Proprietors; and every such Clerk or Clerks shall be paid for his or their Care and Trouble in the Execution of his or their Office by the said Company of Proprietors; and all the Orders and Proceedings of the said Commissioners, as well at their First as at every subsequent Meeting, shall be regularly entered by their Clerk or Clerks, in a Book to be kept for that Purpose, and to be provided from Time to Time by the said Company of Proprietors; and such Entries, being signed by such Number of Commissioners respectively as are empowered by this Act to make such Orders or carry on such Proceedings, or by their Clerk or Clerks by the Orders and Directions of such Number of Commissioners as aforesaid, who shall be assembled at any such Meeting or Meetings, shall be deemed Originals, and shall be admitted as Evidence in all Courts of Law or Equity; but no such First or other Meeting whatsoever of the said Commissioners, except such Adjourned Meetings as herein-after mentioned, shall at any Time be had for putting into Execution any of the Powers or Authorities vested in the said Commissioners by this Act, unless Ten Days previous Notice at least of every such intended Meeting shall be given in One or more Newspaper or Newspapers usually circulating in the County in which such Meeting shall be proposed to be held; and every Meeting of the said Commissioners by virtue of this Act shall be held publickly; and no Order, Direction, or Determination of the said Commissioners, or any of them, touching any of the Matters and Things herein contained, (except in such Cases as are hereby otherwise directed), shall be valid and effectual unless the same shall be made or done at some Meeting to be held in pursuance of this Act; and all the Powers and Authorities by this Act given to or vested in the said Commissioners (except such as may be executed without their being assembled at any Meeting or Meetings) shall and may from Time to Time be exercised by the Majority of the Commissioners present at every such Meeting, the whole Number present at any such Meeting not being less than Five.

Proceedings of the Commissioners to be entered.

XVIII. And be it further enacted, That upon any Application to be made in Writing, by or on the Behalf of the said Company of Proprietors, or by any Owner or Occupier of any Lands or Hereditaments to be affected by the making of the said Canal or Collateral Cuts, or any of them, or any of the Works relating thereto, or upon any such Application by or on the Behalf of any Body Politick, Corporate, or Collegiate, or Person or Persons interested in any Matter to be determined by the said Commissioners, to any Five or more of the said Commissioners, (although they shall not then be assembled together at a Meeting for the Purposes of this Act), requesting or desiring them to appoint a Special Meeting of the said Commissioners, it shall be lawful for the said Commissioners so requested or applied to, and they are hereby authorized and required, within Seven Days next after such Request or Application made, to give publick Notice, in Manner aforesaid, of such Meeting, to be held at such Time and Place as they shall think proper, such Time not being less than Fourteen nor more than Twenty-one Days from the Day on which such Request or Application shall be made to them as aforesaid; and the said Commissioners are hereby authorised, empowered, and required, notwithstanding any previous or intervening Adjournment of their Meetings, to assemble at the Time and Place so to be appointed, in order to put into Execution the Powers and Authorities hereby given to and vested in them, respecting any Matter for which such Special Meeting shall be required; and in case the Business to be transacted at any General or Special Meeting of the said Commissioners, to be held in pursuance of this Act, shall not be concluded and finished on or within the Day appointed for such Meeting, or if a sufficient Number of Commissioners shall not attend for that Purpose, then and in such Case any One or more of the Commissioners who may be then present shall adjourn such Meeting to such Time and Place, or Times and Places, as such One Commissioner, or the major Part of such Commissioners, if there be more than One present at any such Meeting or Meetings, shall think proper and convenient, but no such Adjournment shall be made for a longer Time than Two Calendar Months; and if it shall happen that there shall not appear at any Meeting to be held under the Powers of this Act, any Commissioner or Commissioners to adjourn, or if they shall omit to make an Adjournment, then and in such Case, and as often as the same shall so happen, any Clerk to the said Commissioners shall and may, by publick Notice to be given in Manner aforesaid, appoint

Commissioners may hold Meetings on Application of the Company of Proprietors or other Persons.

point the Commissioners to meet at the House or Place where the last Meeting of the said Commissioners was appointed to be held, within Fourteen Days next after the Day on which such former Meeting was to have been held; or any Three or more of the said Commissioners may at any Time or Times revive or continue the Meetings of the said Commissioners, by calling another Meeting, to be held at such Time or Times as any such Three Commissioners shall appoint, and at any Place or Places within Ten Miles of the said Canal and Collateral Cuts, or any of them, publick Notice being given in Manner aforesaid by the same Commissioners of all such Revivals and Continuations of the said Meetings: Provided always, That every Special Meeting of the Commissioners, to be held upon such Request or Application as aforesaid, for hearing or determining any particular Complaint, Controversy, Dispute, or Difference, between the said Company of Proprietors, and any other Person or Persons, shall be held at some Place within Ten Miles of the Place where such Complaint or Dispute shall arise.

Meetings to determine Disputes, &c. to be held within Ten Miles of the Place where the Dispute or Complaint shall arise.

Commissioners to examine Witnesses on Oath, and to settle any Matters in Dispute.

XIX. And be it further enacted, That the said Commissioners shall be, and they are hereby authorized and required at any of their Meetings to examine Witnesses on Oath, to be administered by them, touching any Matter which may in pursuance of this Act be submitted to the Consideration of the said Commissioners; and they are hereby empowered and enabled, by Writing under their Hands and Seals, to determine and adjust from Time to Time what Sum or Sums of Money shall be paid by the said Company of Proprietors (either in Gross or by an Annual Rent or Payment) for the absolute Purchase of, or as a Recompence for, the Use of the Lands, Grounds, or Hereditaments which shall be so set out and ascertained as aforesaid, for making the said Canal and Collateral Cuts, or any Part thereof, or for any other the Purposes of this Act, and also to adjust and determine the Compensation to be made by the said Company of Proprietors for any Damages which may or shall be at any Time or Times hereafter sustained by any Bodies Politick, Corporate, or Collegiate, or by any Person or Persons respectively, being Owners of or interested in any Lands, Grounds, Tenements, Mills, Mines, or other Hereditaments, for or by reason of the severing or dividing the same, or by reason of the making, using, repairing, or maintaining the said Canal and Collateral Cuts respectively, and the Reservoirs, Aqueducts, Feeders, Tunnels, Sluices, Trenches, Passages, Gutters, Watercourses,

courses, Roads, Ways, Railways, or other Works or Conveniences belonging thereto, or by supplying the same or any of them with Water as aforesaid, or by the flowing, leaking, or oozing of Water over or through the Banks of the said Canal and Collateral Cuts, Reservoirs, Sluices, and Trenches, or any of them, or over or through any Passages, Gutters, or Watercourses, which shall be made pursuant to the Powers hereby given, or by not cleansing the same, or by diverting any Streams or Brooks into the same, or by reason or means of the Execution of any other of the Powers hereby given to the said Company of Proprietors.

If Parties are dissatisfied with the Determination of the Commissioners, Value to be ascertained by a Jury.

XX. Provided always, and be it further enacted, That if the said Company of Proprietors, or their General Committee for the Time being, or any such Body Politick, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons so interested or entitled as aforesaid, shall be dissatisfied with any such Judgement or Determination, and shall give Notice thereof in Writing to any Three or more of the said Commissioners, within Fourteen Days next after the same shall have been made; or shall refuse or neglect to submit any such Matter to the Determination of the said Commissioners; or if any such Body Politick, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons, shall refuse to receive, upon due Tender thereof made, such Purchase Money, or the First Payment of such Annual Rent, or such Recompence as shall be so determined to be paid; or shall, upon Notice in Writing given to the Principal Officer of any such Body Politick, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at the last or usual Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of any Lands or other Hereditaments to be made use of for the Purposes of this Act, for the Space of Twenty-one Days next after such Notice, neglect or refuse to treat, or shall not agree with the said Company of Proprietors, or by reason of Absence or otherwise shall be prevented from treating, or through Disability by Nonage, Coverture, or other Impediment, cannot treat for themselves, or make such Agreement or Agreements as shall be necessary for the Purposes aforesaid, or shall not within the before-mentioned Space of Twenty-one Days produce and fully disclose the State of the Title to the Premises which they are or shall be in Possession of, and to the Interest which they claim therein; then and in every such Case the said Commissioners shall and are hereby empowered

powered and required to issue a Warrant under their Hands and Seals to the Sheriff of the County, in which the Matter in Question shall arise, and in case any such Sheriff or his Under Sheriff shall be One of the Company of Proprietors, or enjoy any Office of Profit or Trust under them, or shall be otherwise interested in the Matter in Question, then to any One of the Coroners of such County who shall not be so interested as aforesaid, and in case all the said Coroners of such County shall be so interested, then to the last Person who filled the Office of Sheriff of such County then in being, and who shall not be interested as aforesaid, commanding such Sheriff, Coroner, or other Person to impanel, summon, and return a Jury, and the said Sheriff, Coroner, or other Person is hereby required accordingly to impanel, summon, and return a Jury of Twelve sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for the Trials of Issues in His Majesty's Courts at Westminster, to appear before the said Commissioners at such Time and Place as in such Warrant shall be appointed, such Time not being less than Fourteen nor more than Twenty-one Days after such Warrant shall be served upon the said Sheriff, Coroner, or other Person; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid, the said Sheriff, Coroner, or other Person, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, (being so qualified as aforesaid), to make up the said Jury to the Number of Twelve; and every such Jury and Juryman shall be liable and subject to the same Regulations, and to the same Pains and Penalties for Default, as if he and they had been returned for the Trial of any Issue joined in any of His Majesty's Courts at Westminster, 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 are hereby empowered and required, by a Summons or Notice to be signed by any Three or more of the said Commissioners, either previous to or at the Time of any such Meeting or Meetings, to summon and call before them all and every Person and Persons who shall be thought necessary to be examined as a Witness or Witnesses touching the Matters in Question, and to hear and examine such Witness or Witnesses upon Oath; and the said Commissioners may order and authorize the said Jury, or any Six or more of them, to view the Place or Places, or Matter or Matters in Question; which

Jury, upon their Oaths, (which Oaths, as well as the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Commissioners are hereby empowered to administer), shall inquire of, assess, and ascertain the Sum of Money, or Annual Rent to be paid for the Purchase of such Lands or other Hereditaments, or the Recompence to be made for the Damages that shall or may be sustained as aforesaid, and shall assess separate Damages for the same, and the said Commissioners shall give Judgement for such Purchase Monies, Rent, or Recompence, so to be assessed by such Jury; which said Verdict, and the Judgement thereupon pronounced as aforesaid, shall be signed by the said Commissioners, and shall be binding and conclusive to all Intents and Purposes against all Bodies Politick, Corporate, or Collegiate, and all other Persons, and shall not be removed by Certiorari, or other Process, into any of His Majesty's Courts of Record at Westminster, or any other Court, any Law or Statute to the contrary notwithstanding.

Fine upon Sheriffs, &c. making Default.

XXI. And be it further enacted, That if the Sheriff, or other Person so directed to summon and return a Jury as aforesaid, or his Deputy or Agent, shall make Default in the Premises, he shall, for every such Offence, forfeit the Sum of Twenty Pounds; and if any Person so summoned and returned as aforesaid upon such Jury shall not appear, or appearing shall refuse to be sworn or to give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent of this Act, or if any Person so summoned to give Evidence shall not appear, or appearing shall refuse to be sworn, or examined, or to give Evidence, every Person so offending, 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 under the Hands and Seals of the said Commissioners, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to him the Overplus, after such Penalty and the Charges of such Distress and Sale shall be deducted; and every such Penalty which shall be paid by or recovered from any Person who shall have been summoned to give Evidence as aforesaid, shall go and be paid to the Person or Persons who shall appear to the said Commissioners to be injured by the Default of such Person.

Expences of Commissioners, Witnesses.

XXII. And be it further enacted, That whensoever a Jury is or shall be called by the Commissioners as aforesaid,

ſes, and Jury, by whom to be paid.

ſaid, or any Witneſs or Witneſſes is or ſhall be examined by and before the ſaid Commiſſioners alone, or by and before the ſaid Commiſſioners and Jury jointly, as herein-before directed, the ſaid Commiſſioners ſhall, and they are hereby required, according to their Diſcretion, to give and award to each of the ſaid Jurors and Witneſſes in every ſuch Caſe, ſuch ſeveral and reſpective Sum and Sums of Money as ſhall be a reaſonable Recompence for the Expences and Trouble of their Journey and Attendance; and in each and every Caſe where a Verdict ſhall be given for more Money, or for a greater Annual Rent, as a Recompence or Satisfaction for the abſolute Sale of any Lands, Grounds, Mills, Waters, or other Hereditaments, of any Perſon or Perſons whomſoever, or as a Compenſation for any Damages done or to be done to ſuch Lands or other Hereditaments or Property, than had been previouſly offered by or on Behalf of the ſaid Company of Proprietors before the Meeting of the ſaid Commiſſioners, or than had been by them determined and aſſeſſed as aforeſaid, or where any Verdict ſhall be found for any Damages, where the Diſpute is for Damages only, and where no Compenſation had been previouſly offered or tendered in reſpect thereof, by and on Behalf of the ſaid Company of Proprietors, or where, by reaſon of Abſence in Foreign Countries, or other Impediment or Diſability as aforeſaid, there ſhall not be found any Perſon or Perſons at Hand who may be legally capacitated to enter into a Contract with, and make Conveyances to, or receive Compenſations from the ſaid Company of Proprietors as herein-before mentioned, then, and in all ſuch Caſes, all the Expences of calling ſuch Commiſſioners, ſummoning ſuch Jury, and taking ſuch Verdict, ſhall be ſettled by the ſaid Commiſſioners, and be defrayed by the ſaid Company of Proprietors; but if any Verdict ſhall be given for the ſame Sum or Rent that had been previouſly offered by or on Behalf of the ſaid Company of Proprietors, or had been ſo determined or aſſeſſed by the ſaid Commiſſioners, or for a leſs Sum than had been ſo previouſly offered, determined, or aſſeſſed; or in caſe no Damages ſhall be given by the Verdict, where the Diſpute is for Damages only, or in caſe of ſuch Refuſal to enter into Treaty with, or make Conveyances to, or receive Compenſations from the ſaid Company of Proprietors, by any Bodies Politick, Corporate, or Collegiate, or by any Perſon or Perſons whomſoever, who is or are by the Proviſions of this Act, or otherwiſe, legally capacitated to treat and convey or receive ſuch Compenſations

ſations as aforeſaid; then, and in all ſuch Caſes, (except where, by reaſon of Abſence or otherwiſe, any Perſon ſhall have been prevented from treating and agreeing as aforeſaid), the Coſts and Expences of calling a Meeting of ſuch Commiſſioners, ſummoning ſuch Jury, and taking ſuch Verdict, ſhall be ſettled in like Manner by the ſaid Commiſſioners, and be borne and paid by the Perſon or Perſons with whom the ſaid Company of Proprietors ſhall have ſuch Concerns, Controverſies, or Diſputes; which ſaid Coſts and Expences having been ſo ſettled ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged, as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons; and the Payment or Tender of the Remainder of ſuch Sum or Sums of Money ſhall be deemed and taken, to all Intents and Purpoſes, to be a Payment or Tender of the whole Sum or Sums ſo aſſeſſed and adjudged.

Perſons requeſting Juries, to enter into Bonds to proſecute.

XXIII. And be it further enacted, That all and every Perſon or Perſons making Complaint, and requeſting a Jury to be ſummoned, ſhall (before the ſaid Commiſſioners ſhall iſſue out their Warrant for that Purpoſe) enter into a Bond, with Two ſufficient Sureties, to the Treaſurer to the ſaid Company of Proprietors, in a Penalty of One hundred Pounds, with Condition to proſecute his, her, or their ſaid Complaint, and to bear and pay the Coſts and Expences of ſummoning ſuch Jury, and taking ſuch Verdict, in caſe the ſame ſhall be given for no greater or for a leſs Sum or Rent than had been offered by or on Behalf of the ſaid Company of Proprietors, or than had been aſſeſſed by the Commiſſioners before the ſummoning and returning the ſaid Jury or Juries, for the Purchaſe of, or as a Recompence for any Lands, Grounds, Mills, or Hereditaments, or as a Compenſation for any Damages; or in caſe no Verdict ſhall be found for Damages, where the whole Diſpute was whether any Damage was or was not done as aforeſaid.

Notice of Injury to be given to the Proprietors before Complaint to the Commiſſioners.

XXIV. And be it further enacted, That the ſaid Commiſſioners ſhall not, nor ſhall any of them, be obliged or allowed, by virtue of this Act, to receive or take Notice of any Complaint or Complaints to be made by any Perſon or Perſons whomſoever, for any Injury or Damage by him, her, or them ſuſtained, or ſuppoſed to be ſuſtained, by virtue or in conſequence of this Act, unleſs Application ſhall have been made in relation thereto, by or on Behalf of ſuch Perſon or Perſons, to the ſaid Company of Proprietors, or to their Treaſurer or Clerk, or to their known Agent or Agents, or to ſome Collector

or

or Collectors of the Rates arising from the said Navigation, residing nearest to the Place where the Cause of Complaint shall arise, Ten Days at the least before such Complaint shall be made to the said Commissioners, within the Space of Six Calendar Months next after the Time that such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

Compensation to be made for Tithes.

XXV. 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, which would have been issuing from or out of any of the Lands which shall be taken or made use of for the Purposes of this Act, to the several Persons who now are, or at any Time hereafter might have 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 Value to be ascertained (in case of any Difference concerning the same) in like Manner as the Value of any Lands or other Hereditaments is herein-before directed to be ascertained: Provided always, that such Recompence and Satisfaction shall be made to Spiritual Persons by an Annual Rent.

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

XXVI. And be it further enacted, That the said Commissioners and Juries respectively shall award all Determinations, Judgements, and Verdicts, which they shall respectively make and give in the Execution of the Powers hereby vested in them concerning the Value of Lands, Mills, and other Hereditaments, separately and distinctly from the Consideration of any other Damages sustained, or to be sustained by any Person or Persons, in consequence of the Execution of any of the Powers of this Act, and shall distinguish the Value set upon the Lands and other Hereditaments, and the Money assessed or adjudged for such Damages as aforesaid, separately and apart from each other.

Power to enter and take Possession of Lands, &c. on Payment or Tender of Purchase Money.

XXVII. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money, or giving such Security as the said Commissioners shall approve for Payment of any such Annual Rent as shall have been contracted or agreed for between the Parties, or adjusted and determined by the said Commissioners, or assessed by such Juries in Manner respectively as aforesaid, for the Purchase of any such Lands, Waters, Mills,

Tithes, or other Hereditaments, or as a Recompence for the yearly Produce or Profits thereof, or as a Compensation for Damages as herein-before mentioned, to the Proprietor or Proprietors of such Lands and Premises, or to such other Person or Persons as shall be interested therein, or entitled to receive such Money, Rent, or Compensation respectively, at any Time after the same shall have been so agreed for, determined, or assessed, or if the Person or Persons so entitled or interested, or any of them, cannot be found, or shall refuse to receive the same, then upon the Investment thereof in such Publick Funds or Government Securities, bearing an Annual Interest, as the said Commissioners shall by Writing under their Hands appoint, in case the same shall exceed the Sum of Twenty Pounds; and if the same shall not exceed the said Sum, then on leaving or depositing the Money in the Hands of the Treasurer to the said Company of Proprietors for the Use of such Person or Persons so interested or entitled as aforesaid, and in all or any of the said Cases, as often as the same shall happen, it shall be lawful for the said Company of Proprietors, and their Agents, Workmen, and Servants, immediately to enter upon such Lands, Grounds, and other Hereditaments respectively, (or, before such Payment or Tender, by Leave of the Owners and Occupiers thereof), and then and thereupon such Lands and Grounds, Waters, Mills, and other Hereditaments, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall from thenceforth be vested in and become the sole Property of the said Company of Proprietors, to and for the Purposes of this Act for ever; and such Tender, Payment, Investment, or Deposit shall not only bar all Right, Title, Claim, Interest, and Demand of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to, and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail, and other Estates in Reversion and Remainder of his, her, or their Issue, and of every other Person whomsoever therein: Provided nevertheless, That before such Payment, Security, Tender, Investment, or Deposit as aforesaid, it shall not be lawful for the said Company of Proprietors, or any Person acting under their Authority, to dig or cut the Lands or Grounds of the Person or Persons entitled to such Payment or Security, for the Purpose of making the said Canal and Collateral Cuts, or any of them, without the Leave and Consent of such Person or Persons respectively.

Verdicts to be recorded.

XXVIII. And be it further enacted, That all the Determinations of the said Commissioners which shall be submitted to and acquiesced in by the Parties concerned, and also the said Judgements and Verdicts, shall be transmitted to and be kept by the respective Clerks of the Peace, or other Persons having the Custody of the Records of the Quarter Sessions for the said Counties of Salop, Denbigh, Flint, and Chester, and the County of the City of Chester respectively, wherein the Matter in Question shall happen, and shall be deemed to be Records of such Quarter Sessions to all Intents and Purposes, and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever, and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling, and to have Copies thereof, paying for every Copy the Sum of Sixpence for every One hundred Words, and so in Proportion for any less Number of Words.

Purchase Money belonging to Corporations, &c. to be laid out to the same Uses.

XXIX. And be it further enacted, That all Sums of Money which are to be paid to any Bodies Politick, Corporate, or Collegiate, 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, Ideots, Femes Covert, or other Cestuique Trusts, or to any Person or Persons whose Lands or Estates are limited in strict or other Settlement, for the Purchase or Exchange of, or the Damage to be done to any Lands or Hereditaments by virtue of the Powers herein contained, shall, in case the same shall exceed the Sum of Twenty Pounds, be laid out as soon as conveniently may be by such Bodies Politick, Corporate, or Collegiate, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees, Person or Persons aforesaid, in the Purchase of Lands, Tenements, and Hereditaments, either in Fee Simple, or such other Tenure as the Owner or Owners of the Premises which may have been appropriated or made use of for the Purposes of this Act had therein at the Time the same shall be so appropriated or made use of, and which said Lands, Tenements, and Hereditaments so to be purchased, shall be conveyed to or to the Use of such Bodies Politick, Corporate, or Collegiate, or to or for such other Person or Persons, and for such Estates, and to, for, upon, and subject to such Uses, Trusts, Limitations, Remainders, and Contingencies, as the Lands and Grounds, Tenements or Hereditaments for or in respect whereof such Money shall be paid as aforesaid, were

limited, settled, and assured at the Time when such Money was so agreed for, ascertained, or assessed respectively as aforesaid, or for such and so many of such Uses as shall be then existing and capable of taking Effect; and that such Conveyances and Settlements shall be made at the Expence of the said Company of Proprietors; and in the mean time, and until such Purchase or Purchases shall be made, the said Money shall be placed out by such Bodies Politick, Corporate, or Collegiate, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees, Person or Persons as aforesaid, in some of the Publick Funds, or on Government or Real Securities, producing an Annual Interest, in the Names of Two or more Persons to be nominated by the Parties interested therein, and to be approved of by the said Commissioners; and the Interest arising or to be produced from any such Funds and Securities, and also the Annual Rent for such Lands and Grounds, Mills, Tenements, and Hereditaments, where a Rent shall be fixed upon as aforesaid, shall be paid to such Person or Persons respectively as would have been entitled for the Time being to the Rents and Profits of such Lands and other Premises so to be purchased, in case the same had been purchased and settled pursuant to the Tenor and true Meaning of this Act; and the said Commissioners shall, and are hereby empowered to settle what Shares and Proportions of the Purchase Money or Compensation for Damages which shall be so agreed for, determined, and adjusted, or assessed in Manner respectively as aforesaid, shall be allowed to any Tenant, Tithe Owner, or other Person or Persons having a particular Estate, Term, or Interest in the Premises, for his, her, or their respective Interests therein.

Commissioners to settle the Proportion of the Money to be paid to the several Persons interested.

XXX. And whereas several Persons being respectively Owners of or entitled to the Rents and Profits of certain Lands or Hereditaments intended to be cut through, taken, or used for making the said Canal and Collateral Cuts or some of them, or for the Purposes thereof, have requested to become Subscribers to the said Navigation, and there may be other Owners or Persons entitled to the Rents and Profits of other Lands and Hereditaments also intended to be cut through, taken, or used for the Purposes aforesaid, and who have not yet applied, but may hereafter wish to become Subscribers to the said Navigation, in Proportion to the Extent or Value of such their Lands or Hereditaments respectively; be it therefore further enacted, That as well the said several Land Owners who have so already applied to become Sub-

Land Owners to be admitted Proprietors under certain Limitations.

Subscribers to the said Navigation as aforesaid, as also all other Owners of such Lands or Hereditaments intended to be so cut through, taken, or used as aforesaid, who shall, at or before the First General Meeting or Assembly of the said Proprietors, to be held as herein-after mentioned, apply in Writing to Charles Potts of the City of Chester Esquire, to be admitted Subscribers to the said Undertaking, shall be admitted to subscribe thereto for such Sums or Amount as they may be respectively willing to subscribe, not exceeding such Amount or Proportion as the Extent or Value of their said respective Lands or Hereditaments may, in the Judgement of the Committee of the said Proprietors to be appointed as herein-after mentioned, bear to the whole Extent or Value of the Lands or Hereditaments of the said several other Land Owners who have already applied to become Subscribers as aforesaid, which may be made use of for the Purposes of this Act, and to the Sums of Money for which the said last mentioned Land Owners may be admitted Subscribers as aforesaid, and not exceeding the Sum of One thousand Pounds, nor less than the Sum of One hundred Pounds, for any One such Land Owner, and so that the Subscriptions of all such Land Owners shall not exceed in the Whole the Sum of Forty thousand Pounds; and all such Land Owners who have applied, or who may hereafter so apply, to be admitted to be Subscribers as aforesaid, shall, after the Payment of such Deposit as herein-after mentioned, be, and hereby are, united and incorporated with the said Company of Proprietors of the said Undertaking, and shall be considered as Proprietors in Proportion to their said respective Subscriptions, in like Manner, in all Respects, and to all Intents and Purposes, as if such several Land Owners had been herein-before named and constituted Members of the said Company of Proprietors: Provided always, That none of the said Land Owners, who have already, or who may hereafter, apply to be admitted Subscribers as aforesaid, shall be so admitted, or be considered as Subscribers to the said Undertaking, or capable of deriving any Benefit or Advantage therefrom, unless they shall, on or before the First Day of August next after the Commencement of this Act, have paid unto John Bishop of Shrewsbury in the County of Salop Esquire, his Executors, Administrators, or Assigns, a Deposit of Five Pounds of lawful Money of Great Britain for every One hundred Pounds of their said respective Subscriptions, and so in Proportion for any greater or less Sum which they may be so admitted to subscribe

as aforesaid, the said Deposit to be considered as a Part of their said Subscriptions, and to be applied and made use of accordingly.

Proprietors to raise Money amongst themselves for making the Canal, Collateral Cuts, and other Works.

XXXI. And be it further enacted, That it shall be lawful for the said Company of Proprietors to raise and contribute amongst themselves, in such Proportions as they shall think proper, a competent Sum of Money for making and completing the said Canal and Collateral Cuts, and the Reservoirs, Feeders, Quays, Wharfs, and other Works and Conveniences belonging or requisite thereto, not exceeding in the Whole the Sum of Four hundred thousand Pounds, (except as hereinafter mentioned), and that the same shall be divided into such Number of Shares as the General Committee of the said Company of Proprietors, to be appointed by virtue of this Act, shall from Time to Time think fit; and that the said Shares shall be and are hereby vested in the several Persons so raising and contributing the same, and their several and respective Executors, Administrators, Successors, and Assigns, to their and every of their proper Use and Benefit, proportionably to the Sums they shall severally raise and contribute; and all Bodies Politick, Corporate and Collegiate, and all Persons, their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe for One or more Share or Shares, or such Sum or Sums as shall be demanded in lieu thereof, towards carrying on and completing the said Navigation, and other the Purposes of the said Subscription, shall be entitled to and receive, after the said Navigation shall be completed, the intire and nett Distribution of an equal proportionable Part, according to the Money so by them respectively paid, of the Profits and Advantages that shall and may arise and accrue by the Rates and other Sums of Money to be raised, recovered, or received, by the said Company of Proprietors by the Authority of this Act; and every Body Politick, Corporate and Collegiate, Person and Persons, having such Property in the said Undertaking as aforesaid, shall bear and pay a proportionable Sum towards carrying on the same, in Manner herein directed and appointed.

Shares to be Personal Estate.

XXXII. And be it further enacted, That all and every the Shares and Proportions of all Bodies Politick, Corporate and Collegiate, and all other Person and Persons, of and in the said Navigation, or the Joint Stock or Fund of the said Company of Proprietors, shall be deemed Personal Estate, and transmissible as such, and not of the Nature of Real Property.

Proprietors to receive Five Pounds *per Centum* until Canal be finished.

XXXIII. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby required, out of the Money to be raised as aforesaid, during the Time the said Canal and Collateral Cuts, and all Things necessary for making, completing, and maintaining the same, shall be carried on, and until the same shall be completed and finished, to pay unto every Body Politick, Corporate or Collegiate, and to the several other Persons, their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe and pay in any Sum or Sums of Money towards carrying on and completing the said Navigation, Interest for the Money so subscribed and paid, after the Rate of Five Pounds per Centum per Annum, from the Time that each of such Sums shall be respectively advanced and paid in pursuance of this Act, unless the Majority of the said Company of Proprietors, present at any General Assembly of the same Proprietors, shall resolve or determine that such Interest shall not be paid, or that a lower Rate of Interest shall be paid in respect of such Sum or Sums of Money.

Subscribers to have a Vote for every 100*l.*

XXXIV. And be it further enacted, That every Body Politick, Corporate or Collegiate, and every Person who shall, by virtue of this Act, have subscribed or undertaken to pay One hundred Pounds or upwards towards the Joint Stock of the said Company of Proprietors, his, her, or their respective Successors, Executors, Administrators, and Assigns, shall have a Vote for every One hundred Pounds, but not exceeding Ten Votes in the Whole, in the stated and special General Assemblies to be held as herein appointed for carrying on the said Undertaking, which Vote or Votes may be given by them, him, or her, or by their, his, or her Proxies or Proxy, constituted under the Seal of such Body Politick, Corporate or Collegiate, or the Hand and Seal of such other Person, every such Proxy being a Proprietor in the said Undertaking; and every such Vote by Proxy shall be as good and sufficient to all Intents and Purposes as if such Principal had voted in Person; and every Question, Matter, or Thing, which shall be proposed, discussed, or considered in any stated or special General Assembly of the said Company of Proprietors, shall be determined by the Majority of Votes and Proxies then present, computing One Vote to every One hundred Pounds Joint Stock in, or Subscription to the said Undertaking, but without any additional Vote for any fractional Part or Parts of such Stock or Subscription not amounting to One hundred Pounds in the Whole; provided nevertheless

theleſs that no Perſon ſhall act as Proxy for more than Five abſent Proprietors; the Appointment of which Proxies ſhall or may be made according to the Form following:

Form of Appointment of Proxies.

I *A. B.* of
One of the Proprietors of the *Elleſmere* Canal Navigation, and being poſſeſſed of or entitled to the Sum of in the Joint Stock or Subſcription to the ſaid Navigation, do hereby nominate, conſtitute, and appoint *C. D.* of to be my Proxy, in my Name and in my Abſence to vote, or give my Aſſent or Diſſent to any Buſineſs, Matter, or Thing relating to the ſaid Navigation, that ſhall be mentioned or propoſed at any Aſſembly of the Company of Proprietors of the ſaid Navigation, in ſuch Manner as he the ſaid *C. D.* ſhall think proper, according to his Opinion and Judgement, for the Benefit of the ſaid Navigation, or any Thing appertaining thereto. In Witneſs whereof I have hereunto ſet my Hand and Seal, the Day of

And at every General Aſſembly of the Company of Proprietors, One of the Proprietors preſent ſhall be appointed Chairman, and ſhall not only have a Vote as a Proprietor or Proxy, but in caſe of an Equality of Votes, ſhall have the Deciſive or Caſting Vote, although he may have given One Vote for himſelf as a Proprietor, or One or more Votes for the Perſons by whom he may have been appointed Proxy, in relation to the Matter in Queſtion.

Proprietors may raiſe an additional Sum amongſt themſelves if neceſſary.

XXXV. And be it further enacted, That in caſe the Money herein-before authorized to be raiſed ſhall be found inſufficient for the making, completing, and maintaining of the ſaid Canal and Collateral Cuts, and other the Works hereby authorized to be made, and all neceſſary Charges and Expences relating thereto, then and in ſuch Caſe it ſhall be lawful for the ſaid Company of Proprietors to raiſe and contribute amongſt themſelves, in Manner and Form aforeſaid, and in ſuch Shares and Proportions as to them ſhall ſeem meet, or to raiſe, by the Admiſſion of new Subſcribers, any further or other Sum of Money for completing and perfecting the ſaid Undertaking, not exceeding the Sum of Fifty thouſand Pounds; and every Body Politick, Corporate or Collegiate, or other Perſon, being a Subſcriber towards raiſing ſuch further or other Sum of Money, ſhall be a Proprietor in the ſaid Undertaking, and have a like Vote by themſelves, himſelf, or herſelf, or their, his, or her

her Moiety or Moiety, in respect of every One hundred Pounds of the said additional Sum so to be raised, and shall also be liable to such Forfeitures, and stand interested in all the Profits of the said Navigation, in Proportion to the Sum they, he, or she shall or may subscribe thereunto, as generally and extensively to all Intents and Purposes as if such further or other Sum, hereby allowed to be subscribed for and raised, had originally been Part of the said Sum of Four hundred thousand Pounds.

Power to raise Money by Mortgage.

XXXVI. Provided always, That in case the said Company of Proprietors, or the General Committee to be appointed by virtue of this Act, shall be desirous of raising the said Sum of Fifty thousand Pounds, or any Part thereof, or any further Sum or Sums of Money, not exceeding in the Whole the Sum of Fifty thousand Pounds, in Addition to the said several Sums of Four hundred thousand Pounds and Fifty thousand Pounds herein-before mentioned, by Mortgage of the said Undertaking, it shall be lawful for the said Company of Proprietors, or the said General Committee, to borrow and take up at Interest all or any Part of the said several Sums of Fifty thousand Pounds and Fifty thousand Pounds on the Credit of the said Navigation and Undertaking, and to assign the Property of the said Navigation, and the Rates arising or to arise to the said Company of Proprietors by virtue of this Act, or any Part thereof, (the Costs and Charges of assigning the same to be paid out of such Rates), as a Security for any Sum or Sums of Money so to be borrowed with Interest, to such Person or Persons, or to his, her, or their Trustee or Trustees, who shall advance the same; all which said Assignments shall be made under the Common Seal of the said Company of Proprietors, in the Form or to the Effect following; (that is to say),

Form of Assignment.

BY virtue of an Act of Parliament, made in the Thirty-third Year of the Reign of King *George* the Third, intituled, *An Act for making and maintaining a Navigable Canal from the River* Severn *at* Shrewsbury *in the County of* Salop, *to the River* Mersey *at or near* Netherpool *in the County of* Chester, *and also for making and maintaining certain Collateral Cuts from the said intended Canal*, we, the Company of Proprietors of the said Navigation, incorporated by and under the said Act, in Consideration of the Sum of to us in Hand paid by *A. B.* of do hereby bargain, sell, and assign unto the said *A. B.* his Executors,

Executors, Administrators, and Assigns, the said Navigation, and all and singular the Rates arising and payable to us by virtue of the said Act, and all our Estate, Right, Title, and Interest of, in, and to the same, to hold unto the said *A. B.* his Executors, Administrators, and Assigns, until the said Sum of
with Interest for the same after the Rate of
per Centum per Annum, shall be fully paid and satisfied. Given under our Common Seal, this Day of

And all Persons to whom such Assignments shall be made, shall be equally entitled, one with the other, to their Proportion of the said Rates and Premises, according to the respective Sums in such Assignments mentioned to be advanced, without any Preference by reason of Priority of any such Assignments, or on any other Account; and a Memorial of every such Assignment, containing the Date, Name or Names, Addition or Additions, of the Person or Persons to whom made, the Sum of Money borrowed, and Rate of Interest, shall, within Twenty-one Days from the Date of every such Assignment, be entered in One or more Book or Books, to be kept by the Clerk to the said Company of Proprietors, which Book or Books shall and may be perused, at all seasonable Times, by any of the Proprietors or Creditors of the said Navigation, and any other Persons interested therein, without Fee or Reward; and the Person or Persons to whom any such Assignment shall be made as aforesaid, or who shall be entitled to the Money due thereon, shall and may, from Time to Time, transfer his, her, or their Right or Interest therein, to any Person or Persons, by Writing under his, her, or their Hand and Seal, or Hands and Seals, in the Form or to the Effect following:

I *A. B.* of
in Consideration of the Sum of
paid by *C. D.* of
do hereby transfer a certain Mortgage made by the Company of Proprietors of the *Ellesmere* Canal to
bearing Date the Day of
for securing the Sum of
and all Interest now due and to become due thereon, and all my Right and Property therein, to the said *C. D.* Executors, Administrators, and Assigns. Dated this Day of

And every such Transfer shall, within Twenty-one Days after the Date thereof, be produced to the Clerk to the

said Company of Proprietors, who shall cause a Memorial to be made thereof, in like Manner as of the original Mortgages or Assignments, for which the said Clerk shall be paid the Sum of Two Shillings; and every such Entry made of such Transfer shall from thenceforth entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the full Benefit of the original Mortgage, and it shall not from thenceforth be in the Power of any Person or Persons who shall have made any such Assignment to make void, release, or discharge the original Mortgage, or any Money thereby secured, or any Part thereof; and the Interest of the Money which shall be borrowed or raised by Mortgage as aforesaid, shall be provided for and paid half-yearly to the several Persons entitled thereto, before any yearly or other Interest or Dividends due to the said Company of Proprietors, or any of them, shall be paid, made, or divided.

Interest of Money borrowed to be paid in Preference to Dividends.

Assignees not to vote on Account of having lent Money.

XXXVII. Provided always, That no Person to whom any such Assignment shall be made or transferred as aforesaid shall be capable of acting or voting by virtue of such Assignment, either as Principal or by Proxy, at any Assembly or Meeting of the said Company of Proprietors, for or on Account of his or her having lent or advanced any Money on the Credit of any such Assignment.

First and other General Assemblies.

XXXVIII. And be it further enacted, That the First General Assembly of the said Company of Proprietors for putting this Act into Execution, shall be held at the Sign of The Royal Oak in the Town of Ellesmere aforesaid, upon the Third Day of July in the Year of Our Lord One thousand seven hundred and ninety-three, at the Hour of Eleven in the Forenoon; and the Second General Assembly of the said Company of Proprietors shall be held upon the Thirtieth Day of October then next ensuing, at such Place and Hour as the said Company of Proprietors, at their said First Assembly, shall appoint; and all future General Assemblies of the said Company, except such Special General Assemblies as herein-after mentioned, shall be held on the last Wednesdays in the Months of April and October respectively in every Year, at the Hour of Eleven in the Forenoon, at such Places as the said Company of Proprietors, at their preceding General Assemblies, shall from Time to Time direct and appoint; of which General Assemblies Twenty-one Days previous Notice at the least shall be given, by public Advertisement in some Newspaper or Newspapers usually circulating in the County

through which the said Canal and Collateral Cuts, or some of them, shall pass, and in such other Manner as the said Company of Proprietors, at their respective General Assemblies, shall direct; and the said Company of Proprietors, at such respective General Assemblies, shall chuse and elect, out of such of the said Proprietors as at the Time of such Election shall respectively be possessed in their own Right of Stock to the Amount of Five hundred Pounds at the least in the said Navigation, One General Committee, and such other Committee or Committees as the said Company of Proprietors, at any such General Assembly, shall judge expedient, to manage the Affairs of the said Company of Proprietors as herein directed, the said General Committee to consist of Thirteen or more Persons, and every such other Committee to consist of Five or more Persons; and the said Company of Proprietors shall have Power and Authority, at any such General Assembly, to remove and displace any Person or Persons who shall have been chosen a Member or Members of such General or other Committee or Committees, or any Officer or Officers under them, and to revoke, alter, amend, or change any of the Rules and Directions which may have been prescribed and laid down by virtue of this Act, with regard to their Proceedings amongst themselves, as they shall think proper, (the Method of calling General or Special Assemblies, and their Time and Place of Meeting and 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 and the said General and other Committee or Committees, and their Servants, Agents, or Workmen, and for the whole, complete, and total Superintendence and Management of the said Navigation, and of the Bargemen, Watermen, Boatmen, and others who shall carry any Goods, Wares, or Merchandize upon any Part of the said Navigation, as to the said General Assemblies shall seem meet; and to impose and inflict such reasonable Fines or Forfeitures upon all Persons who shall offend against any such Rules, Bye Laws, or Orders, as to such General Assembly shall seem meet, not exceeding the Sum of Ten Pounds for any One Offence; which said Rules, Bye Laws, and Orders, being reduced into Writing, under the Common Seal of the said Company of Proprietors, shall be binding upon and observed by all Parties using or in any Way concerned in the said Navigation, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same,

same, provided that they be not inconsistent with or repugnant to the Laws of this Realm, or to the Provisions and Directions in this Act contained, or to any of them; and every such General Assembly shall have Power to call for, audit, and settle all Accounts of Money received, laid out, and disbursed on Account of the said Navigation, by the Treasurers, Receivers, or Collectors of the Rates, and other Officers by them appointed, or by any other Person or Persons whomsoever, employed by or concerned for or under them in and about the said Navigation, and the Works thereto belonging; but no Vote or Votes by Proxy shall be given, or have any Power in or as to the Audit and Settlement of Accounts; and the said Company of Proprietors shall have Power to adjourn themselves from Time to Time to such Place or Places as shall at such General Assemblies be thought proper and convenient.

General Assemblies for chooling Committees to consist of Five hundred Shares.

XXXIX. Provided always, and be it further enacted, That if at any such stated General Assembly there shall not be Persons present who shall be possessed of or entitled unto at least Five hundred Shares or Subscriptions of One hundred Pounds or upwards in the said Navigation, either as Principals or Proxies, no Choice of any General or other Committee, nor any Removal of any Person or Persons from any such Committee, nor any Election of any Person or Persons in the Room of such of the Members of any such Committees who shall die or decline to act, shall be made at that Time, but in such Case there shall be another Assembly of the said Company of Proprietors of the said Navigation at the same Place, upon that Day Fortnight, and so from Time to Time, until there shall be Persons present at such Assembly having such Number of Shares, or such Amount of Subscription, as aforesaid; and such Choice, Removal, or new Appointment of any Member of any such Committee, shall then take place, and not before; and the Persons then chosen to be of any such General and other Committees shall have the same Powers which they would have had, and shall continue in such Offices until such Time as they would have done, had they been chosen by any such stated General Assembly on the Day first appointed for holding the same; and in case of Failure of the assembling of a sufficient Number of Proprietors, having such Shares or Subscriptions, as Principals or Proxies, at such stated General Assembly, every Proprietor who shall not attend such Second or Adjourned Assembly in Person or by Proxy shall forfeit to the said Company of Proprietors, for every Share or Sub-

ſcription of One hundred Pounds which he or ſhe ſhall poſſeſs in the ſaid Navigation or Undertaking, the Sum of Ten Shillings, to be deducted out of his or her next ſucceeding Payment of Intereſt or Dividends of the Profits of the ſaid Undertaking as the Caſe may happen; and in caſe no Intereſt or Dividends ſhall be payable to ſuch Perſon or Perſons making Default as aforeſaid, within Three Calendar Months next after the making of ſuch Default, then the Payment of the ſaid Forfeiture of Ten Shillings may be recovered and enforced by the Ways and Means herein-after appointed for the Recovery of any other of the Penalties or Forfeitures impoſed by this Act.

Aſſembly of Proprietors may be ſpecially convened.

XL. And be it further enacted, That if it ſhall at any Time appear that for the more effectually putting this Act into Execution a Special General Aſſembly of the ſaid Company of Proprietors is neceſſary to be held, it ſhall be lawful for any Five or more of the ſaid Proprietors, who may each of them be poſſeſſed of or entitled unto Five Shares or Subſcriptions of One hundred Pounds or upwards at the leaſt in the ſaid Navigation, to cauſe Twenty-one Days Notice at leaſt to be given thereof in ſome Two Newſpapers uſually circulating in the Country through which the ſaid Canal and Collateral Cuts or ſome of them are propoſed to paſs, or in ſuch other Manner as the ſaid Company of Proprietors ſhall at any General Aſſembly direct or appoint, ſpecifying in ſuch Notice the Reaſon and Intention of requeſting ſuch Special Aſſembly, and the Time when and Place where the ſame ſhall be held, which Place ſhall be within Ten Miles of the ſaid Canal and Collateral Cuts, or ſome of them; and the ſaid Proprietors are hereby authorized to meet purſuant to ſuch Notice, and ſuch of them as ſhall be preſent ſhall proceed to the Execution of the Powers by this Act given to the ſaid Company of Proprietors with reſpect to the Matters ſo ſpecified only; and all ſuch Acts of the Proprietors, or of the major Part of them, met together at every ſuch Special General Aſſembly, (provided ſuch major Part ſhall be poſſeſſed of at leaſt One hundred Shares or Subſcriptions of One hundred Pounds in the ſaid Navigation either as Principals or Proxies), ſhall be as valid with reſpect to the Matters ſpecified in ſuch Notice, as if the ſame had been done at any ſtated General Aſſembly.

General Aſſembly to elect and appoint Officers,

XLI. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors at any General Aſſembly, and they are hereby authorized and required, from Time to Time to nominate and appoint, by Writ-

ing under their Hands, or the Common Seal of the said Company of Proprietors, a Treasurer or Treasurers, and One or more Collector or Collectors of the said Rates, and also One or more Clerk or Clerks to the said Company of Proprietors, and also to such Committee or Committees, taking such Security for the due Execution of their respective Offices as the said Company of Proprietors shall think proper; and such Clerk or Clerks shall in a proper Book or Books, to be provided by the said Company of Proprietors for that Purpose, enter and keep a true and perfect Account of the Names and Places of Abode of the several Proprietors of the said Navigation, and of the several Persons who shall from Time to Time become Owners and Proprietors of or entitled to any Share or Shares therein, and of all Acts, Proceedings, and Transactions of the said Company of Proprietors and Committees respectively, and each of the said Proprietors of the said Navigation shall and may at all convenient Times have Recourse to and peruse and inspect the same, and also the Book or Books to be kept by the Clerk or Clerks to the said Commissioners, gratis, and may demand and have Copies thereof, or of any Part thereof, paying for every One hundred Words so to be copied the Sum of Sixpence; and if any such Clerk or Clerks to the said Company and General or other Committees, or to the Commissioners, shall refuse to permit any Proprietor or Proprietors so interested as aforesaid, to inspect or peruse such Book or Books of Proceedings at all convenient Times and Seasons, or refuse to make any such Copy or Copies at the Rate or Price aforesaid, he shall for every such Offence forfeit and pay the Sum of Five Pounds; and in case any such Treasurer, Collector, or Clerk shall die or quit the Service of the said Proprietors, or such Committee or Committees, or by reason of any Negligence, Misconduct, or Inability in such Treasurer, Collector, or Clerk to execute such Office or Offices, it shall be requisite to displace or remove him or them, then and in every such Case it shall and may be lawful for the Proprietors assembled at any such stated or Special General Assembly as aforesaid, or for the General Committee of the said Proprietors, to remove any such Treasurer, Collector, or Clerk; and in case any such Collector, Treasurer, or Clerk shall so die, be removed from, or quit the Service of the said Company of Proprietors, or of the said Committee or Committees, then it shall be lawful for the said Company of Proprietors, at their said stated or Special General Assemblies, or for the General

and take Security from them.

neral Committees of the said Proprietors, to appoint any other fit Person or Persons to execute such Office or Offices, in the place of the Person or Persons who shall so die, be removed from, or quit the Service of the said Proprietors, or of the said Committee or Committees; but in case any such new Appointment be made by the said General Committees, the same shall only continue until the next stated or Special General Assembly of the said Proprietors, when the Appointment of such Person or Persons to such respective Office or Offices shall either be confirmed, or such other fit Person or Persons appointed to succeed to such Office or Offices, as the said Proprietors at such stated or Special General Assembly may think proper.

Powers of the Committees, and Regulations respecting the same.

XLII. And be it further enacted, That no Member of the said General or any other Committee (although he may be a Proprietor of many Shares or Subscriptions of One hundred Pounds or upwards in the said Navigation) shall have more than One Vote in any Committee, except the Chairman, who shall be chosen by and out of the said Committee, and who in case of an Equality of Votes upon any Question which may be agitated in the said Committee, shall have the Casting Vote, although he may have given One Vote before; and that all the Powers and Authorities hereby vested in, or directed to be exercised by, the said General and other Committee or Committees, may be done and exercised by the major Part of them present at their respective Meetings, the whole Number present not being less than Seven at such General Committee Meetings, nor less than Three at such other Committee Meetings; and every such General and other Committee as aforesaid shall from Time to Time make Reports of their Proceedings to the said stated General Assemblies, and, if required, to the said Special General Assemblies of the Proprietors, and shall obey their Orders and Directions; and the said General and other Committee or Committees shall (subject nevertheless at all Times to such Orders and Directions as aforesaid) meet at such Times and Places, and shall from Time to Time adjourn themselves to such other Times and Places as they shall think fit; but no Person holding any Place, Office, or Employment under the said Company, shall be capable of being chosen to serve upon any Committee during the Time of his Continuance in such Place, Office, or Employment; and in order to defray the Expences of their Meetings, the said General and other Committee or Committees shall from Time to Time receive out of the Capital Stock of the said Pro-

prietors

prietors such Sum or Sums of Money as shall be directed, adjusted, and settled at such stated General Assemblies; and the said General and other Committee or Committees (subject nevertheless at all Times to such Orders and Directions as aforesaid) shall make Agreements and Bargains with the Workmen, Agents, Undertakers, and other Persons employed or concerned in making and completing the said Navigation, and all and every Part or Parts thereof, and shall by themselves, or their Clerk or Clerks aforesaid, keep a full and true Account of all Money disbursed, and Payments made, by the said General and other Committee or Committees respectively, and by all and every Person and Persons employed by or under them, and of all and every Sum and Sums of Money which they shall receive on Behalf or in respect of such Navigation from any Collector or Collectors of the said Rates, or other Officer or Officers, or from any other Person or Persons whomsoever, employed in, or having any Concerns, Dealings, or Transactions with the said Navigation and Undertaking, or in or with any Part or Parts thereof, and shall regularly by themselves, or their Clerk or Clerks as aforesaid, write, insert, and enter in a Book or Books, to be from Time to Time provided at the Expence of the said Company of Proprietors for that Purpose, Notes, Minutes, or Copies (as the Case shall require) of every such Contract, Bargain, Receipt, and Disbursement, and of all other their Orders and Proceedings, which Book or Books shall be deposited with and kept locked up under the Care and Direction of the said General and other Committee or Committees respectively, (provided always that every Proprietor, upon every reasonable Desire, shall have free Access thereto as hereinbefore mentioned, for his or her Inspection); and the said General Committee shall have Power, from Time to Time, (subject nevertheless to the Directions and Controul of any such General Assembly), whenever they shall judge it expedient, by Writing under their Hands, to appoint any Engineer or Engineers to inspect the Works of the said Navigation, and an Architect or Architects for erecting and surveying any Buildings to be erected by the said Company of Proprietors, and also a Land Surveyor or Land Surveyors for any Purpose relating to the Execution of this Act; and every such Engineer, Architect, and Land Surveyor shall be paid by the said Company of Proprietors such Salary or Allowance as the said General Committee shall direct or appoint; and any such General Committee may remove any such Engineer, Architect, and Land Surveyor whenever they think proper; and

the said General Committee shall also have Power, from Time to Time, to make such Call or Calls of Money from the Subscribers to and Proprietors of the said Navigation, to defray the Expences of or to carry on the same, as they from Time to Time shall find wanting and necessary for those Purposes, so that no such Call shall exceed the Sum of Ten Pounds for every One hundred Pounds, and so in Proportion for any greater or less Share or Interest which any Person or Persons shall or may be possessed of or entitled unto in the said Undertaking; and such Calls shall not be made but at the Distance of Three Calendar Months at least from each other, and Twenty-eight Days Notice at the least shall be given of all such Calls as aforesaid, by Advertisement in some Newspaper or Newspapers usually circulating in the Country through which the said intended Canal and Collateral Cuts, or some of them, are proposed to pass; and such General and other Committee or Committees shall (subject nevertheless to the Orders and Directions of such General Assemblies as aforesaid) have full Power and Authority to direct and manage all and every the Affairs of the said Company of Proprietors, as well in contracting for and purchasing Messuages, Lands, Tenements, and other Hereditaments and Materials for the Use of the said Navigation, as in employing, ordering, and directing the Works and Workmen, and in placing and displacing Under Officers, Clerks, Servants, and Agents, and in making all Contracts and Bargains touching the said Undertaking; and every Owner or Owners of any Share or Shares in the said Undertaking shall pay his, her, or their rateable Proportions of the Monies to be called for as aforesaid to such Person or Persons, and at such Time and Place, as the said General Committee shall from Time to Time appoint and direct; and if any Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Part of the said Money so called for as aforesaid, at the Time and Place appointed by such General Committee, or within Ten Days next ensuing, he, she, or they so neglecting or refusing shall forfeit a Sum not exceeding Five Pounds for every Share; and in case such Person or Persons shall continue to neglect or refuse to pay his, her, or their rateable Calls as aforesaid, for the Space of Six Calendar Months next after the Time so appointed for Payment thereof, then he, she, or they so neglecting or refusing shall forfeit his, her, or their respective Share and Shares in the said Navigation, and all the Profits and Benefits thereof; all which Shares so forfeited shall be-

Committee to make Calls.

vested in the said Company of Proprietors of the said Navigation, in Trust for and for the Benefit of all the rest of the said Proprietors, in Proportion to their respective Interests in the said Navigation, or shall, at the Discretion of the said stated or Special General Assemblies, be publickly sold for the Use of the rest of the said Proprietors, whose Shares and Interests shall not have been forfeited as aforesaid: Provided nevertheless, That no Advantage shall be taken of any Forfeiture of any Share or Shares in the said Navigation, until personal Notice shall have been given to or left at the usual Place or Places of Abode of the Owner or Owners of such Share or Shares respectively; and the same Share or Shares shall likewise be declared to be forfeited at some stated or Special General Assembly of the Company of Proprietors, within Six Calendar Months next after such Forfeiture shall have been incurred.

Shares may be forfeited, but no Advantage to be taken of Forfeiture without personal Notice.

XLIII. And be it further enacted, That if any Owner or Owners of any Share or Shares in the said Navigation shall happen to die before such Call or Calls shall have been made for the full Sum to be advanced on any Share or Shares which he, she, or they shall have been possessed of or entitled to, without having made Provision, by Will or otherwise, how or in what Manner such Share or Shares shall be disposed of, and how or by what Means the future Calls in respect thereof shall be paid to the said Company of Proprietors for the Purpose of the said Navigation, then and in such Case the Executors or Administrators of any such Owner so dying, or the Trustee or Trustees, Committee or Committees, of any Lunatick or Lunaticks, Guardian or Guardians, of any Infant or Infants, or of any other Person or Persons entitled to the Estate and Effects of such deceased Owner, shall be indemnified against all and every such Infant or Infants, and against all and every other Person or Persons whomsoever, for or on account of his, her, or their having paid any Sum or Sums of Money, when called for as aforesaid, to complete every such Subscription; and if such deceased Owner or Owners shall not have left Assets sufficient, or in case the Executors or Administrators, Trustee or Trustees, Committee or Committees, Guardian or Guardians, shall refuse or neglect to answer such Calls, the said Company of Proprietors shall be, and they are hereby authorized and required to admit any other Person or Persons to be Proprietor or Proprietors of the Share or Shares of such deceased Owner or Owners, on Condition that he, she, or they so admitted do and shall, on or before such Admission, pay

On the Death of Subscribers before Shares completed, Executors may do it.

to the Executors or Administrators of such deceased Owner or Owners, or to the Trustee or Trustees, Guardian or Guardians, of any Infant or Infants, or to any other Person or Persons who may be entitled to his or her Effects, the full Sum and Sums of Money which shall have been paid by such Owner or Owners, in his, her, or their Lifetime, by virtue of any Call or Calls, or otherwise, upon such Share or Shares, or such other Sum or Sums of Money as the same can be sold for; and in case no Person or Persons shall be found who is or are willing to be admitted on such Condition as aforesaid, then and in such Case such Share or Shares shall be forfeited to and become vested in the rest of the Company of Proprietors of the said Navigation, in Trust for and for the equal Benefit of all the rest of the said Proprietors, in Proportion to their respective Interests in the said Navigation, and shall be subject to be sold and disposed of in like Manner as other forfeited Shares may be sold and disposed of by virtue of this Act.

Shares may be sold.

XLIV. And be it further enacted, That it shall be lawful for the several Proprietors of the said Navigation, his, her, or their respective Executors or Administrators, to sell and dispose of any Share or Shares to which he, she, or they may be entitled therein, subject to the Rules and Conditions herein mentioned; the Conveyance of which Shares shall be in the Form or to the Effect following:

Form of Conveyance of Shares.

I *A. B.* in Consideration of paid to me by *C. D.* do hereby bargain, sell, assign, and transfer to the said *C. D.* the Sum of Capital Stock of and in the Navigation called *The Ellesmere Canal*, being Part (*or* the Whole, *as the Case may be*) of my Share in the said Navigation, to hold to the said *C. D.* Executors, Administrators, and Assigns, subject to the same Rules, Orders, and Restrictions, and on the same Conditions that I held the same immediately before the Execution hereof; and I the said *C. D.* do hereby agree to take and accept the said Capital Stock, or Share of subject to the same Rules, Orders, Restrictions, and Conditions. As witness our Hands and Seals, the Day of

And on every such Sale, the said Deed of Conveyance (being executed by the Seller or Sellers, and the Purchaser or Purchasers of such Share or Shares) shall be kept by the said Purchaser or Purchasers, for his, her,

or

or their Security, after the Clerk or Clerks to the said Company of Proprietors shall have entered, in a proper Book or Books to be kept for that Purpose, a Memorial of such Transfer and Sale, for the Use of the said Company, and have testified or indorsed the Entry of such Memorial on the said Deed of Sale or Transfer, for which no more than Two Shillings shall be paid; and the said Clerk or Clerks is or are hereby required to make such Entry or Memorial accordingly; and until such Memorial shall have been made and entered as above directed, such Purchaser or Purchasers shall have no Part or Share of the Profits of the said Navigation, nor any Interest for such Share or Shares paid to him, her, or them, nor any Vote in respect thereof as a Proprietor or Proprietors of the said Navigation.

After a Call, no Share to be sold until such Call shall be paid.

XLV. And be it further enacted, That after any Call of such Money shall have been made by such General Committee as aforesaid, no Person or Persons shall sell or transfer any Share or Shares which he, she, or they shall possess in the said Navigation, on Pain of forfeiting his, her, or their respective Share or Shares therein to the said Company of Proprietors, in Trust for the Benefit of all the said Proprietors, unless he, she, or they, at the Time of such Sale or Transfer, shall have paid and discharged to the Treasurer of the said Company of Proprietors the whole and entire Sum of Money which shall have been called for upon each Share so sold or transferred, such Forfeiture nevertheless to be notified and declared at a General Assembly in Manner before directed.

Regulations as to the Acquisition of Shares;

XLVI. And whereas much Inconvenience may arise by the frequent Change of the Right and Title to the Shares of and in the said Navigation, by the Marriage and Death of Proprietors, and it may be difficult in such Cases to ascertain to whom the Dividends arising or becoming due upon such Shares ought to be paid and do

By Marriage,

belong; be it therefore further enacted, That before any Person or Persons, who shall claim any Part or Share of the Profits of the said Navigation in Right of Marriage, shall be entitled to receive the same, an Affidavit, containing a Copy of the Register of such Marriage, or the Effect of such Register, shall be made and sworn to by some credible Person before One of the Judges at Westminster, or before either of His Majesty's Justices of the Courts of Great Session for the said several Counties of Denbigh and Flint, and of the Court of Session for the said County of Chester, a Master or Master Extraordinary

traordinary in Chancery, or any One of his Majesty's Justices of the Peace; and the said Judges, Justices, Master or Masters Extraordinary in Chancery, and Justices of the Peace, are hereby authorized and empowered to swear any such Person to such Affidavit, and such Affidavit shall be transmitted (Post or Carriage free) to the Clerk or Clerks to the said Company of Proprietors for the Time being, who shall file the same, and make an Entry thereof in the Book or Books which shall be kept by the said Clerk or Clerks for the Entry of Transfers and Sales of Shares in the said Navigation; and that before any Person or Persons, who shall claim any Part or Share of the Profits of the said Navigation, by virtue of any Bequest or Will, or in a Course of Administration, shall be entitled to receive the same, the said Will, or the Probate Copy thereof, shall be produced and shewn to the said Clerk, or an Affidavit, containing a Copy of so much of such Will as shall relate to the Share or Shares of the Testator, or of the Letters of Administration in case the Proprietor shall have died Intestate, shall be made and sworn to by an Executor or Executors of such Will, or by an Administrator or Administrators of the Estate and Effects, (as the Case may happen to be), before One of the Judges at Westminster, One of his Majesty's Justices of the Courts of Great Session for the said several Counties of Denbigh and Flint, and of the Court of Session for the said County of Chester, a Master or Master Extraordinary in Chancery, or One of his Majesty's Justices of the Peace, and shall also be transmitted (Post or Carriage free) to the said Clerk or Clerks, who shall file and enter the same in Manner herein-before mentioned.

or Will, or in Course of Administration.

XLVII. And, for the better Security of the several Proprietors of the said Undertaking to their respective Shares therein; be it further enacted, That the said Company of Proprietors shall and are hereby required, at their Second or some subsequent General Assembly, to cause the Names and proper Additions of the several Persons who shall then be entitled to the Shares in the said Undertaking, with the Number of the Shares or the Amount of all the Subscriptions which they are then respectively entitled to hold, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Book to be kept by the Clerk to the said Company of Proprietors, and after such Entry to cause their Common Seal to be affixed thereto, and shall also cause a Ticket or Instrument, with the Com-

Names of Proprietors to be entered, and Tickets of their Shares delivered to them.

mon Seal of the said Company affixed thereto, to be delivered to every such Subscriber upon Demand, specifying the Share or Shares to which he or she is entitled in the said Undertaking, every such Proprietor paying to the Clerk Two Shillings and no more for every such Ticket or Instrument; and such Ticket or Instrument shall be admitted in all Courts whatever as Evidence of the Title of such Subscriber, his or her Executors, Administrators, and Assigns, to the Share or Shares therein specified, but the Want of such Ticket or Instrument shall not hinder or prevent the Owner of any of the said Shares from selling or disposing thereof.

Rates of Tonnage.

XLVIII. And, in Consideration of the great Charge and Expence which the said Company of Proprietors must incur and sustain in making and maintaining the said Canal and Collateral Cuts, and other Works hereby authorized to be made and maintained; be it further enacted, That it shall be lawful for the said Company of Proprietors from Time to Time and at all Times hereafter, to ask, demand, take, recover, and receive to and for the Use and Benefit of the said Company, the several Rates herein-after mentioned, for the Tonnage and Wharfage of all Coals, Stone, Timber, Merchandize, and other Goods, Matters, and Things whatsoever, which shall be carried or conveyed upon any Part of the said Canal and Collateral Cuts, or any of them; (that is to say),

For all Coal, Coak, Culm, Lime, Limestone, and Rock Salt, the Sum of One Penny Halfpenny per Ton per Mile:

For all Freestone, Timber, Slate, Ironstone, Lead Ore, Iron and Lead, the Sum of Two-pence per Ton per Mile:

And for all other Goods, Wares, Merchandizes, and Things whatsoever, the Sum of Three-pence per Ton per Mile:

Any Proportion of a Mile to be taken as a Mile.

And in all Cases where there shall be a Fraction of a Mile in the Distance which any Boat, Barge, or other Vessel shall be navigated or pass upon the said Canal and Collateral Cuts, or any of them, such Fraction shall, in ascertaining the said Rates, be deemed and considered as a whole Mile; and that in all Cases where there shall be a Fraction of a Ton in the Weight of Lading in any Boat, Barge, or other Vessel so to be navigated on the said Canal and Collateral Cuts, or any of them, a Proportion of the said Rates shall be demanded and taken by the said Company of Proprietors for such Fraction, according

cording to the Number of Quarters of a Ton contained therein; and in all Cases where there shall be a Fraction of a Quarter of a Ton in any such Weight of Lading as aforesaid, such Fraction shall be deemed and considered as a whole Quarter of a Ton; and in order the better to ascertain such Distances, the said Company of Proprietors shall cause the same to be measured, and Stones or Posts with proper Inscriptions to be erected, and for ever after maintained, on the Sides of the said Canal and Collateral Cuts respectively, at the Distance of One Mile from each other, or at such less Distances as the said Company of Proprietors or their General Committee shall think fit:

All which said Rates shall be paid to such Person or Persons, at such Place or Places at or near to the said Canal and Collateral Cuts, or any of them, in such Manner and under such Regulations as the said Company of Proprietors at some stated or Special General Assembly or Assemblies shall direct or appoint; and in case of Denial or Neglect of Payment of any such Rates, or any Part thereof, on Demand, to the Person or Persons appointed to receive the same as aforesaid, the said Company of Proprietors may sue for the same by Action of Debt or upon the Case in any of His Majesty's Courts of Record; or the Person or Persons to whom such Rates ought to have been paid may, and he or they is and are hereby empowered to seize the Goods or other Things for or in respect whereof any such Rates ought to have been paid, or any Part thereof, and the Boat or other Vessel laden therewith, and detain the same until such Payment shall be made, and also until Payment of all Arrears of the said Rates which may be due from the Owner or Owners of such Boat or Vessel to the said Company of Proprietors, together with reasonable Charges for such Seizure and Detention; and if such Goods shall not be redeemed within Five Days next after the taking thereof, the same shall be appraised and sold as the Law directs in Cases of Distress for Rent; and the said Company of Proprietors shall have full Power, from Time to Time, at any General Assembly, to lower or reduce all or any of the said Rates, and again to raise the same as they shall think proper, not exceeding the Rates before-mentioned, as often as it shall be deemed necessary for the Interests of the said Navigation. Rates may be altered.

XLIX. Provided always, and be it further enacted, That none of the said Rates shall be payable, demanded, or taken by virtue of this Act, for or in respect of any Exemption from Rates,

Boat, Barge, or other Vessel laden with Coal, Coak, Culm, Lime, or Limestone only, which may pass or be navigated along any Part of the said Canal between Pont Cysyltee and the upper End of the Cegedog Valley near Brumbo aforesaid, provided such Boat, Barge, or other Vessel shall pass or be navigated with the same Lading Ten Miles at the least along any other Part of the said Canal and Collateral Cuts, or any of them, and shall pay Tonnage after the Rates aforesaid for such Ten Miles at the least, in respect of the same Boat, Barge, or other Vessel, and the Lading therein; and that none of the said Rates shall be payable or demanded or taken by virtue of this Act, for or in respect of any Dung, Soil, Marl, Ashes, or other Manure, (except Lime), which shall be used for the Improvement only of the Lands and Grounds through which the said Canal and Collateral Cuts, or any of them, or any Works thereto belonging, shall pass or be made, or for or in respect of any Gravel, Sand, or other Materials, to be employed for the Purpose only of making or repairing of any publick Roads in any of the Parishes through which the said Canal or Collateral Cuts or any of them may pass, provided the same Soil, Marl, Ashes, Manure, Gravel, Sand, or other Materials, do not pass any Lock to be made by virtue of this Act, but at such Time or Times when the Water shall flow over the Waste Weir of such Lock; and that the Person or Persons who shall own, or be concerned or employed in carrying, such Soil, Marl, Ashes, Manure, Gravel, Sand, or other Materials, shall have free Liberty to make use of the Towing Paths, Wharfs, or Quays belonging to the said Company of Proprietors, such Person or Persons not suffering the Articles or Things aforesaid to lie upon such Wharfs or Quays longer than may be necessary for the loading, unloading, and conveying thereof from and to the several Places where they are to be put on Board and unloaded: Provided also, That if any Person shall claim and take the Benefit of any such Exemption, not being entitled thereto, or shall use or dispose of any of the Articles for which any such Exemption shall have been allowed, in any other Manner than as before mentioned, he shall, for every such Offence, forfeit any Sum not exceeding Ten Pounds, nor less than Forty Shillings, at the Discretion of the Magistrate before whom such Person shall be convicted.

Company empowered to lease the Rates.

L. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby authorized and empowered, at any of their stated or Spe-

cial General Assemblies, by Writing under their Common Seal, at any Time or Times to let to farm the Rates hereby made payable, or any Part or Parts thereof, upon the Whole or any Part or Parts of the said Canal and Collateral Cuts, unto any Person or Persons, for any Time or Term they shall think proper, not exceeding Three Years from the Commencement of any Lease; and every such Lease shall be valid and effectual; and the Lessee or Lessees thereof, and also such Person or Persons as such Lessee or Lessees shall appoint to collect and receive the Rates so let, shall, during the Continuance of every such Lease, be deemed Collectors of the Rates so let, and shall have the same Power and Authority for collecting and recovering the same, as if they had been appointed for that Purpose by the said Company of Proprietors, provided publick Notice of the Intention to let the said Tolls, or any Part thereof, be given by Writing by the said General Committee, or any Seven or more of them, or their Clerk, by Advertisements published and continued in such Newspapers as aforesaid, at least Twenty-one Days prior to any such General Assembly, at which the said Rates, or any Part thereof, are proposed to be let as aforesaid.

Masters of Boats to give an Account of their Lading.

LI. And, for the better ascertaining, and more easy and effectual collecting of the said Rates hereby directed to be paid to the said Company of Proprietors, be it further enacted, That the Master, Owner, or other Person or Persons having the Care of any Boat, Barge, or other Vessel navigating upon the said Canal and Collateral Cuts, or upon any Part or Parts thereof, shall give to the Collectors of the said Rates, or to any other Officers to be appointed for such Purpose by the said Company of Proprietors, at the Place and Places where he or they shall attend for that Purpose, a just Account in Writing, signed by the Master, Owner, or other Person or Persons having the Care of such Boat, Barge, or other Vessel, of the Quantities, Qualities, and Weight of the Goods and other Things which shall be embarked in or upon each such Boat, Barge, or other Vessel, from whence brought, and where the same is intended to be landed; and if the Goods or other Things contained in any such Boat, Barge, or other Vessel, shall be liable to the Payment of different Rates, then such Master, Owner, or other Person or Persons, shall specify the Quantities liable to the Payment of each of the said Rates; and in case he or they shall neglect or refuse to give such Account, or shall refuse to produce his or their Invoice or Bill of Lading to the Officer demanding the

same, or shall, with Intent to avoid the Payment of the said Rates or Duties, or any Part of them, give a false Account, or shall deliver out any Part of such Lading or Goods at any other Place or Places than what is or are mentioned in such Invoice or Bill of Lading, every Person so offending shall forfeit and pay the Sum of Twenty Shillings for every Ton of Goods or other Things, and so in Proportion for any less Quantity than a Ton, which shall be in or be conveyed by such Boat, Barge, or other Vessel respectively, of which or of whose Lading such Account shall be refused, or such false Account given, or whose Lading shall be delivered out as aforesaid, as the Case shall happen to be, over and above the aforesaid respective Rates which shall be payable for the same.

What Quantities of Timber and light Goods shall be deemed a Ton.

LII. And, for the better ascertaining the Tonnage of Stone, Timber, and other Goods to be charged with the Payment of such Rates as aforesaid, and the Content and Burthen of the Boats, Barges, and other Vessels carrying and conveying such Stone, Timber, and other Goods, Matters, and Things on the said Canal and Collateral Cuts; be it further enacted and declared, That Fifty Cubick Feet of round, or Forty Cubick Feet of square Oak, Ash, Elm, or Beech Timber, and Fifty Cubick Feet of Fir or Deal Balk, Poplar, Birch, or other Timber or Wood not cut into Scantlings, shall, for the Purposes of this Act, be respectively deemed, rated, and estimated as and for One Ton Weight; and that One hundred and twenty Pounds Weight Avoirdupois of Coal, Coak, Culm, Lime, Freestone, and Limestone, and One hundred and twelve Pounds Weight of all other Commodities, shall, for the Purposes of this Act, be deemed, rated, or estimated as and for One Hundred Weight; and Thirty Hundred Weight of Limestone, and Twenty Hundred Weight of all other Commodities, shall, for the Purposes of this Act, be respectively deemed One Ton; any Usage of rating or estimating the same to the contrary hereof notwithstanding: And if any Difference shall arise between any Collector of the said Rates and the Master, Owner, or other Person having the Care or Charge of any Boat, Barge, or other Vessel, or the Owner of any Goods, Wares, Merchandize or other Things loaded or embarked therein, concerning the Measure of such Timber, or concerning the Weight or Quantity of the Goods, Wares, or other Matters or Things therein embarked or contained, it shall be lawful for any such Collector to stop and detain any such Boat, Barge, or other Vessel, and to weigh, measure,

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

measure, or gauge, or cause to be weighed, measured, or gauged, such Boat, Barge, or other Vessel, and all such Timber, Goods, Wares, and Merchandize, or other Matters or Things as shall be therein embarked or contained; and in case the same shall, upon such weighing, measuring, or gauging, appear to be of greater Measure, Weight, or Quantity than the Account given thereof by such Master, Owner, or other Person having the Care or Charge of such Boat, Barge, or other Vessel, then the same Master, Owner, or other Person giving in such Account, shall pay the Costs and Charges of such weighing, measuring, and gauging, all which Costs and Charges, upon Refusal of Payment thereof upon Demand, shall and may be recovered and levied in the same Manner as the said Rates are hereby appointed to be recovered and levied; but if such Timber, Goods, Wares, Merchandize, or such other Matters and Things, shall appear to be of the same or of less Weight or Quantity than the Account given thereof by the said Master, Owner, or other Person, then the said Collector shall pay the Costs and Charges of such weighing, measuring, and gauging, and shall also pay to such Master, Owner, or other Person, or to the Owner or Owners of such Goods, Wares, Merchandize, or other Things, such Damages as shall appear to the said Commissioners, upon the Oath of any credible Witness, (which Oath the said Commissioners are hereby empowered and required to administer), to have arisen from such Detention; and in Default of immediate Payment thereof, the same shall be recovered from the said Company of Proprietors, by Action of Debt, in any of His Majesty's Courts of Record, or in such other Manner as any of the Penalties or Forfeitures hereby imposed upon the said Company of Proprietors, their Agents, Servants, or Workmen, may be recovered and levied by virtue of this Act.

Power to fix the Price of small Parcels.

LIII. And be it further enacted, That it shall be lawful for the said Company of Proprietors, from Time to Time, at any General Assembly (with the Consent of the major Part of the said Commissioners present at any General Meeting of the said Commissioners) to ascertain and fix the Price, or Sum or Sums of Money to be charged or taken for the Carriage of any Parcel (not exceeding Five hundred Pounds Weight) upon the said Canal and Collateral Cuts respectively, or upon any Part thereof; and the said Company of Proprietors shall, from Time to Time, cause to be printed and affixed upon every publick Wharf on the said Canal and

Collateral Cuts, in some conspicuous Place, a List or Account ascertaining and particularizing the Price, or Sum or Sums of Money, so to be charged or taken for the Carriage of such Parcels as aforesaid, upon the said Canal and Collateral Cuts, or upon any Part of them; and in case any Owner or Master, or other Person having the Care of any Boat, Barge, or other Vessel, navigating or passing upon the said Canal and Collateral Cuts, or upon any Part or Parts thereof, after such List or Account, so ascertaining and particularizing the Price, or Sum or Sums of Money, at which every such Parcel shall be so carried and conveyed, shall be so fixed up as aforesaid, shall demand or take for the Carriage of any such Parcel as aforesaid, more than the Price, or Sum or Sums of Money, in such List or Account ascertained and particularized for that Purpose, such Owner, Master, or other Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds, nor less than Forty Shillings, at the Discretion of the Magistrate before whom such Person shall be convicted.

Navigation to be free upon Payment of Rates, under certain Restrictions.

LIV. And be it further enacted, That all Persons whomsoever shall have free Liberty to use with Horses, Cattle, and Carriages, the Roads, Ways, and Passages (except the Towing Paths) to be made by virtue of this Act, for the Purpose of conveying any Timber, Goods, Wares, Merchandize, and other Things, to or from the said Canal and Collateral Cuts, and every Part thereof, without paying any Thing for the Use of such Roads, Ways, and Passages, and also to navigate and pass upon and use the said Canal and Collateral Cuts with any Boats or Vessels, and to employ the said Wharfs and Quays for loading and unloading such Merchandize, Timber, and other Goods and Things, and also to use the said Towing Paths with Horses and other Cattle, for haling and drawing such Boats and Vessels, upon Payment of such Rates as shall be demanded by the said Company of Proprietors, not exceeding the respective Sums herein mentioned, and subject to the Rules and Regulations which shall be from Time to Time made by the said Company of Proprietors by virtue of the Powers herein granted, provided the said Boats or other Vessels shall not, without the Consent of the said Company of Proprietors, or their General Committee, pass upon the said Navigation at any other Times than between the Hours of Seven in the Morning and Five in the Evening, during the Months of November, December, January, and February; between

the Hours of Five in the Morning and Seven in the Evening during the Months of March, April, September, and October; and between the Hours of Four in the Morning and Nine in the Evening, during the Months of May, June, July, and August, in every Year; and provided that no Boat or other Vessel, of less Dimensions than Sixty Feet in Length and Twelve Feet in Breadth, or of less Burthen than Thirty Tons, shall pass through any of the Locks to be made by virtue of this Act, (unless the Water shall then run over the Waste Weirs above the said Locks, or unless Two Boats, each of them not less than Seven Feet Beam and Sixty Feet in Length, and of the Burthen of Thirty Tons together, shall pass together through any of the said Locks), without the Consent of the said Company of Proprietors, or their General Committee, in Writing, first had and obtained for that Purpose, except in or upon such Parts of the said Canal and Collateral Cuts, or any of them, as shall or may be adapted to the Navigation of Boats, Barges, or other Vessels of Seven Feet Beam only; and in such Case no Boat or other Vessel of less Dimensions than Sixty Feet in Length, and Seven Feet in Breadth, or of less Burthen than Eighteen Tons, shall, without such Consent as aforesaid, pass through any of the Locks to be made by virtue of this Act, upon such last mentioned Parts of the said Canal and Collateral Cuts, or any of them, (unless the Water shall then run over the Waste Weirs above the said Locks).

Passage Boats not to be navigated on the Canal, but upon Terms to be fixed by Proprietors.

LV. Provided always, and be it further enacted, That no Passage Boats or Vessels, which may be intended or used for the Purpose of carrying Passengers and small Parcels, shall be permitted to pass or be navigated upon the said Canal and Collateral Cuts, or any of them, but upon such Terms as may be fixed or agreed upon between the said Company of Proprietors at any of their stated or special General Assemblies, and the Person or Persons who may be desirous to navigate or make use of such Passage Boats or Vessels as aforesaid.

Drains to be made to convey Water from the Lands adjoining.

LVI. And, to the End that the said Navigation may be carried on with as little Damage to private Property as possible, be it further enacted, That the said Company of Proprietors shall, and they are hereby required, at their own proper Costs and Charges, to make or cause to be made such Arches, Tunnels, Culverts, Drains, Sewers, or other Passages, over, under, by the Side of, or into the said Canal and Collateral Cuts, and the Trenches, Streams, and Watercourses communicating therewith, and the Towing Paths on the Sides thereof respectively,

respectively, of such Depth, Breadth, and Dimensions as shall be sufficient at all Times to convey the Water clear from the Lands adjoining or lying near to the said Canal or Cuts, without obstructing or impounding the same; and likewise to make, or cause to be made, such Back Drain or Drains as may be necessary and shall be sufficient to carry off any Water which may ooze or pass through any of the Banks of the said Canal and Collateral Cuts, or any of them, to the Prejudice of any of the Lands or Grounds contiguous thereto; and also to make proper Watering Places for Cattle in all Cases where by Means of the said Canal or Collateral Cuts, or any of them, or any other of the Works hereby authorized to be made, any Person or Persons occupying Lands adjacent thereto shall be deprived of their ancient Watering Places, and to supply the same at all Times with Water; and that all such Arches, Tunnels, Culverts, Drains, and other Passages, shall from Time to Time be supported, maintained, cleansed, scoured, and kept in good and sufficient Repair by the said Company of Proprietors: And if at any Time or Times after Thirty Days Notice in Writing shall, by or on the Behalf of any of the said Owners or Occupiers of Lands adjoining or lying near to the said Canal and Collateral Cuts, or any of them, or any other of the Works hereby authorized to be made, be given to the said Company of Proprietors, or to their Clerk or Clerks, known Agent or Collector, that the said Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages, or any of them, is or are not made, cleansed, maintained, and repaired, according to the true Intent and Meaning of this Act, it shall be lawful for any Person or Persons to apply for and obtain an Order in Writing from any Three or more of the said Commissioners, though not assembled at any Meeting, from Time to Time, as often as there shall be Occasion, (and the said Commissioners are hereby authorized and required, at their Discretion, to grant such Order as aforesaid), enabling such Person or Persons to make, cleanse, and repair such Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages accordingly, as well through the Lands or Grounds of the Person or Persons obtaining such Order as aforesaid, as through any other Lands or Grounds in or through which such Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages may by the said Order of such Three or more Commissioners be directed to be made, and the reasonable Expences thereof (to be ascertained by the said Commissioners)

And Watering Places for Cattle.

shall

shall be defrayed by the said Company of Proprietors; and in case of Neglect or Refusal to satisfy and defray such Expences for the Space of Two Calendar Months next after Demand thereof made upon the said Company of Proprietors, or upon their Clerk or known Agent or Collector, such Expences shall and may be recovered and levied in such Manner as any other Money is by this Act directed to be recovered from the said Company of Proprietors: Provided always, That such Owner or Occupier of the said contiguous or adjoining Lands shall, at the Time of making such Complaint, have his or her respective Ditches, Drains, Passages for Water, and Watercourses leading to or from the Drains, Culverts, and Passages of the said Canal and Collateral Cuts, and other Works as aforesaid, and each and every of them, sufficiently cleansed and opened to convey Water into the same: Provided also, That nothing herein contained shall extend to inforce the admitting of any Water arising from Floods into the said Canal and Collateral Cuts, or any of them, which may injure the said Navigation.

For fencing off Towing Paths, and making Bridges, &c.

LVII. And be it further enacted, That the said Company of Proprietors shall, at their own Costs, (within Three Calendar Months next after any Part of the said Canal and Collateral Cuts, and Towing Paths thereto respectively belonging, shall be dug out and formed), divide and separate, and keep constantly divided and separated, the Towing Paths on each Side of the said Canal and Collateral Cuts, and the Trenches, Feeders, or Passages hereby authorized to be made on such Part or Parts thereof respectively, as shall be declared necessary by the said Commissioners, in case there shall be any Doubt or Dispute about the same, from the adjoining Lands or Grounds, by Posts and Rails, Hedges, Ditches, Trenches, Banks, or other Fences, sufficient to keep off Sheep and other Cattle; the same to be set out and made on the Lands or Grounds which shall be purchased by, conveyed to, or vested in the said Company of Proprietors as aforesaid; and the said Company of Proprietors shall, at their own proper Costs and Charges, from Time to Time, maintain and support the said Towing Paths, and the said Posts, Rails, Hedges, Ditches, Trenches, Banks, and other Fences, so set up and made as aforesaid; and also shall, at their own like Costs and Charges, make, erect, and set up, and from Time to Time maintain and support such and so many convenient Gates, Bridges, and Stiles, in, over, or through all the Hedges and Fences, to be by them so

made on the Sides of such Towing Paths as aforesaid; and also all such Bridges, Arches, Culverts, and Passages, over, under, or by the Side of, or into the said Canal and Collateral Cuts, and the Feeders, Trenches, and Aqueducts communicating therewith, and the Towing Paths on the Sides thereof, of such Dimensions and in such Manner as the said Commissioners shall, at any of their publick Meetings, from Time to Time, judge necessary and appoint, in case there shall be any Dispute about the same, for the Use of the Owners and Occupiers of the Lands and Grounds, Mills, or Hereditaments adjoining to such Canal, Cuts, and other Works, or any of them respectively; and the said Company of Proprietors shall not make the said Canal or Collateral Cuts, or any Part thereof, or any Trench, or Watercourse belonging to the same, in or across any Common Highway, Publick Bridle Way, or Foot Path, until they shall, at their own proper Costs and Charges, have made and perfected such Bridge or Bridges, Passage or Passages, Arch or Arches, over, across, or under the same Highway, Publick Bridle Way, or Foot Path, of such Dimensions and in such Manner as the said Commissioners shall at some Publick Meeting from Time to Time judge necessary and appoint, not being contrary to the true Intent and Meaning of this Act; and all such Gates, Stiles, Bridges, Arches, and other Works and Conveniences, so to be made as aforesaid, shall from Time to Time, and at all Times thereafter, be supported, maintained, and kept in sufficient Repair by the said Company of Proprietors: And in case the said Company of Proprietors, or their Agents, shall refuse or neglect to divide and separate, and to keep divided and separated, the Towing Paths of the said Navigation in Manner herein-before directed, or to make, erect and set up such Gates, Bridges, and Stiles, in, over, and through the Fences on the Sides of the said Towing Paths, or such Bridges, Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages over, under, or by the Sides of, or into the said Canal and Collateral Cuts, and the said Trenches, Streams, and Watercourses as aforesaid, or to make such Watering Places for Cattle, as herein-before directed for the Use and Convenience of the respective Owners or Occupiers of the Lands, Mills, or Hereditaments adjoining, or near to the said Canal and Collateral Cuts, or to maintain and support such Gates, Stiles, Bridges, Arches, Passages, and Watering Places, when erected, set up, and made of such Dimensions and in such Manner as aforesaid, for the Space of

If Company do not fence off Towing Paths, and make Bridges, &c. Land Owners may do it at Company's Expence.

Three Calendar Months next after the Time to be appointed for those Purposes by the said Commissioners, or after Notice shall be given by or on the Behalf of the Owners or Occupiers of any such Lands or other Hereditaments, who may be aggrieved by any such Refusal or Neglect; then and in every such Case it shall be lawful for every or any of the Owners or Occupiers of the said adjacent Lands, Grounds, Mills, or Hereditaments who shall find himself, herself, or themselves aggrieved by such Refusal or Neglect, to make, erect, and set up all such Gates, Stiles, Bridges, Arches, Passages, Watering Places, and other Conveniences, as the said Commissioners shall have before directed or appointed to be made, erected, and set up by the said Company of Proprietors as aforesaid, and to maintain, repair, and support the same from Time to Time as Occasion shall require, so that in making and maintaining such Works as aforesaid, the said Canal and Navigation, or the Banks thereof, or the Feeders or Aqueducts belonging thereto, shall not be stopped or injured for any longer Space of Time, or in any other Manner than shall be necessary for the doing thereof; and all the reasonable Costs and Charges thereof (to be settled and allowed by the said Commissioners) shall be repaid to the respective Owners or Occupiers of the said adjacent Lands, Grounds, Mills or other Hereditaments, who shall have so erected and made, repaired, or maintained such Works as aforesaid, by the said Company of Proprietors within the Space of Three Calendar Months next after the same shall have been so settled and allowed, and an Account and Demand in Writing shall have been delivered and made thereof to and from the said Company of Proprietors, or any of their Clerks for the Time being; and in Default of Payment of the said Costs and Charges within the Time aforesaid, the said Commissioners shall, and they are hereby required, by Warrant under their Hands and Seals, to levy the said Costs and Charges by Distress and Sale of any of the Goods and Chattels of the said Company of Proprietors which shall be found in or upon the said Canal or Collateral Cuts, or the Wharfs, Quays, or Warehouses adjoining or near to the same, belonging to the said Company, to be applied to and for the Use of such Person or Persons who shall have so incurred such Costs and Charges as aforesaid, rendering to the said Company of Proprietors, or to some of their known Agents or Collectors, the Overplus (if any), after deducting the reasonable Charges of making such Distress and Sale, to be settled by the said Commissioners, and every or any of the

said Owners or Occupiers, upon Refusal or Neglect of the said Company of Proprietors to pay the said Costs and Charges as aforesaid, shall and may also have such and the like Remedy against the said Company of Proprietors for the Recovery thereof by Action at Law, to be commenced and prosecuted in such Manner as in other Cases is in and by this Act directed.

If Bridges, &c. made by the Company, are insufficient, Land Owners may make others at their own Expence.

LVIII. Provided always, and be it further enacted, That if the Owners or Occupiers of any Lands, or Hereditaments, through which the said Canal and Collateral Cuts, or any of them, shall be made, do, or shall at any Time or Times hereafter apprehend, that any of the Gates, Stiles, Bridges, Passages, Arches, Tunnels, Drains, Back Drains, Trenches, or other Passages, Watering Places, and other Conveniences respectively, which the said Commissioners shall have so directed or appointed to be made by the said Company of Proprietors, are insufficient either in their Number or Situation for the commodious Use and Occupation of the respective Lands, Grounds, Mills, or Hereditaments, on both Sides, or on either Side thereof, then and so often, or in any such Case, it shall be lawful for all or any such Owners or Occupiers, with the Consent and Approbation of the said Committee, upon Request made to them for that Purpose, or in case of their Refusal for the Space of Twenty-one Days next after such Request, then, with the Consent and Approbation of the said Commissioners, to make, fix, and erect, at their own Costs and Charges, any such other Gates, Stiles, Bridges, Passages, Arches, Culverts, Watering Places, or other Conveniences of the same or the like Construction with those made and erected by the said Company of Proprietors, in, over, or near to the said Canal and Collateral Cuts, or the Towing Paths thereof respectively, in such Places as shall be found and adjudged most necessary and convenient for the better Use, Cultivation, Improvement, or Occupation of such Lands and other Hereditaments, and to repair and support the same at their own like Costs and Charges, as Occasion shall require, so as that the Navigation of, in, or upon the said Canal and Collateral Cuts, or any of them, be not prevented or obstructed thereby for any longer Space of Time, or in any other Manner than the same would necessarily have been if such Gates, Stiles, Bridges, Passages, Arches, Watering Places, or other Conveniences, had been made or erected by the said Company of Proprietors.

LIX. And be it further enacted, That if any Swivel Bridge or Drawbridge shall be laid over or across the said Canal and Collateral Cuts, or any other Cuts, Trenches, or Passages, to be made by virtue of this Act, all and every Person or Persons opening any such Drawbridge or Swivel Bridge shall, and he and they is and are hereby required and directed, so soon as any Vessel shall have passed any such Bridge, to shut and fasten the same, (except such Bridges as may be erected for the private Use of Occupiers of Land); and every Person neglecting so to do, or wilfully opening any such Swivel Bridge or Drawbridge when no Vessel is to pass through the same, shall forfeit and pay, for every such Offence, the Sum of Forty Shillings; 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, then the Master or Owner of such Vessel shall forfeit and pay for every such Offence the Sum of Forty Shillings; One Moiety of which said respective Penalties shall go to the Informer. Swivel or Drawbridges to be shut after Vessels have passed.

LX. And whereas it may happen, from Floods or from some unexpected Accidents, that the Locks, Weirs, Flood Gates, Dams, Banks, Reservoirs, Trenches, or other Works of the said Navigation, may be injured or destroyed, and the adjacent Lands may thereby suffer Damage, and it may be necessary that the same should be immediately repaired or rebuilt to prevent further Damage; be it therefore further enacted, That when and as often as any such Case shall happen, it shall be lawful for the said Company of Proprietors, from Time to Time, or for their or any of their Servants, Agents or Workmen, without any Delay or Interruption from any Person or Persons whomsoever, to enter into any Lands, Grounds, or Hereditaments, adjoining or near to the said Canal, Collateral Cuts, and other Works or Conveniences, or any of them, (not being the Ground whereon any House or other Building stands, or an Orchard, Park, Paddock, Planted Walk, Nursery for Trees, or Avenue to a House), and to dig for, work, get, and carry away and use all such Stones, Gravel, and other Materials, as may be necessary or proper for the Purposes aforesaid, without any previous Treaty whatsoever with the Owner or Owners, Occupier or Occupiers of, or other Person or Persons interested in such Lands, Grounds, or Hereditaments, or any of them, doing as little Damage thereby as the Nature of the Case will permit, and making Recompence for the same Works damaged by Floods to be repaired by the Company.

to

to the Owners and Occupiers thereof, or other Persons interested in such Lands, Grounds, or Hereditaments, within the Space of One Calendar Month next after the same shall be demanded; which Damages, and the Compensation to be made in respect thereof, shall be settled and determined or assessed by the Ways and Means herein-before prescribed and directed with respect to other Damages to be done in or about the making and completing the said Navigation.

Enabling the Company to cleanse the adjoining Watercourses at the Land-owners Expence.

LXI. And be it further enacted, That if at any Time hereafter, the Ditches or Drains belonging to any Owner or Occupier of any Lands adjoining or lying contiguous to the said Canal and Collateral Cuts, and other Works, or any of them, shall, by reason of their being not sufficiently cleansed or opened, hinder and obstruct the free Passage of the Water from the Drains, Culverts, and Passages belonging to the said Navigation, and if the same shall not be perfectly cleansed and opened within Two Calendar Months after Notice in Writing shall have been given thereof to such Owner or Occupier, by the Clerk or any Agent of the said Company of Proprietors, it shall then be lawful for the said Company of Proprietors, (an Order in Writing for that Purpose having been first obtained from any Three or more of the said Commissioners, although not assembled at any Meeting), from Time to Time as often as there shall be Occasion, to open and cleanse, or cause to be opened and cleansed, the said Ditches and Drains; and the reasonable Expences thereof, when ascertained and allowed by the said Commissioners, shall be repaid to the said Company of Proprietors by the Owners or Occupiers of such Lands and Grounds to which the said Ditches and Drains so opened and cleansed shall belong; and in case of Refusal or Neglect to satisfy the same for the Space of Two Calendar Months next after Demand shall have been made thereof from the respective Owner or Owners, Occupier or Occupiers of such Lands and Grounds as aforesaid, such Charges and Expences shall and may be recovered in such Manner as the Forfeitures and Penalties are herein-after directed to be recovered.

Lords of Manors and Land Owners may erect Wharfs, &c.

LXII. And be it further enacted, That the Lord or Lords, Lady or Ladies, of any Manor or Manors, and the Owner or Owners of any Lands or Grounds near to, through, or by which the said Canal or Collateral Cuts, or any of them, shall be made by virtue of this Act, may build, construct, or use any Wharfs, Quays, Landing Places, Cranes, Weigh-beams, or Ware-houses, in or upon his, her, or their respective own

proper Lands, Grounds, or Wastes, adjoining or near to the said Canal and Collateral Cuts, or any of them, with necessary Ways and Roads to the same, and may land any Goods or Merchandize, Coal, Lime, or other Things upon such Wharfs, Quays, or Landing Places, or upon the Banks lying between the same and the said Canal and Collateral Cuts, or any of them, and may make and use proper and convenient Places for Boats and other Vessels to lie and turn in, and pass by each other, so that the making, constructing, or using thereof respectively do not obstruct or prejudice the Navigation of the said Canal and Collateral Cuts, or any Part thereof, or any Towing Path on the Sides thereof respectively; and all Rates which shall be paid for the Use and Benefit of the said Wharfs, Quays, Landing Places, Cranes, Weigh-beams, and Warehouses respectively, shall be subject to the Power herein contained for the said Commissioners to limit, ascertain, and make Regulations of and concerning such Rates of Wharfage, and are hereby vested in such Lord or Lords, Lady or Ladies, of such Manor or Manors, or in the Owner or Owners of such Lands, Grounds, or Wastes, who shall make, construct, and erect the same respectively as aforesaid, and his, her, and their Representatives, so that the Rates and Powers herein granted to the said Company of Proprietors shall not be thereby reduced, altered, or infringed.

If not done by Land Owners, or within a certain Time, Proprietors may build Wharfs, &c.

LXIII. Provided always, and be it further enacted, That if any Lord or Lady of a Manor, or Land Owner, shall not within the Space of Six Calendar Months next after Notice given in Writing to him, her, or them, or left at his, her, or their usual Place or Places of Abode, by or on Behalf of the said Company of Proprietors, that any Part or Parts of such Lands, Grounds, or Wastes is or are necessary or proper to be used for the Purpose of making and erecting Warehouses, Buildings, or other Conveniences as aforesaid, for the Use of the said Navigation, or for laying out and making necessary and convenient Roads for the Conveyance of Goods to and from the said Canal and Collateral Cuts, or any of them, lay out, construct, and make, and from Time to Time maintain, and keep in good and substantial Repair, such proper and sufficient Wharfs, Quays, Warehouses, Buildings, Roads, and other Conveniences as aforesaid, for the Use of the said Navigation, as the said Commissioners shall think necessary, on the respective Parts of the Lands, Grounds, or Wastes described in such Notice, then and in such Case

the said Company of Proprietors shall have full Power and Authority, without any Hindrance or Restraint whatsoever, to make Use of any such Lands, Grounds, or Wastes, (not being the Ground whereon any House or other Building stands, or any Garden, Orchard, Yard, Park, Paddock, Planted Walk, Nursery of Trees, or an Avenue to any House, or the Banks and Forelands of the River Dee, except as herein-mentioned), for erecting and constructing proper and sufficient Wharfs, Warehouses, Buildings, and other Conveniences as aforesaid; and for laying out and making necessary and convenient Roads to and from the said Canal and Collateral Cuts, or any of them respectively, agreeably to such Notice to be delivered as aforesaid, they the said Company of Proprietors first making Satisfaction for the same in such Manner as is and hath been herein-before directed with respect to other Lands or Grounds which shall be taken or used for the Purposes of this Act.

Further Allowance to the Company of Proprietors for Goods remaining upon their Wharfs a certain Time.

LXIV. And be it further enacted, That if any Coals, Stone, Timber, or any other Matters or Things whatsoever, which shall be carried and conveyed on the said Navigation, shall lie or remain upon any Wharf or Wharfs, Quay or Quays, belonging to the said Company of Proprietors, or to any other Person or Persons, and adjoining to the said Canal and Collateral Cuts, or any of them, for above the Space of Twenty-four Hours, then and in such Case the said Company of Proprietors, or such other Person or Persons, shall be entitled to receive such reasonable Rates or Allowance over and above the Rates herein-before authorized to be taken, as shall be agreed upon between the said Company of Proprietors, or their Agent or Agents, or such other Person or Persons, and the Owner or Owners of such Coals, Stone, Timber, Goods, Wares, Merchandize, or other Things; and in case of any Dispute concerning the same, it shall be ascertained and adjusted by the said Commissioners, who are hereby authorized and empowered to make such Regulations, from Time to Time, as they may think fit, for limiting and ascertaining the Rates of Wharfage to be taken by the said Company of Proprietors, and all and every such other Person or Persons, being the Owners of any such Wharfs or Quays as aforesaid.

Company of Proprietors not to use Private Wharfs.

LXV. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Company of Proprietors, or any other Person or Persons, to make use of any Wharf, Quay, Landing Place, Crane, Weigh Beam, or Warehouse, which shall be set out, erected, or made, by the Lord or Lords,

Lady or Ladies of any Manor, or the Owner or Owners of any Lands or Grounds adjoining or near to the said Canal and Collateral Cuts, or any of them, for his, her, or their private exclusive Use only, not to set up, erect, repair, or use any Crane or Weighing Machine in or upon any such Wharf, Quay, or Landing Place, without the Consent of the Owners or Occupiers thereof respectively; any Thing herein contained to the contrary notwithstanding.

Masters to put their Names on the Outside of Boats.

LXVI. And be it further enacted, That every Owner or Master of any Boat, Barge, or other Vessel, not being a Pleasure Boat, passing upon the said Canal and Collateral Cuts, or any of them, shall cause his Name, and Place of Abode, and the Number of his or her Boat, Barge, or other Vessel, to be entered with the Clerk or Clerks to the said Company of Proprietors, and shall also cause such Name and Number to be painted in large white Capital Letters and Figures, on a black Ground, Three Inches high at the least, and of a proportionable Breadth on the Outside of the Head or Stern of every such Boat, Barge, or other Vessel, higher than the Place to which the same shall sink into the Water when full laden; and also shall and is hereby required to fix on each Side thereof respectively, correct Inders of Copper, Lead, or other Metal, of such graduated Dimensions, and of such convenient Heights, and under such Regulations as the said Company of Proprietors shall from Time to Time direct; or other proper Means shall be used, under the Direction of the said Company of Proprietors, so that the true Weight of the Lading on Board may at all Times be ascertained and shewn, and shall permit and suffer every such Boat, Barge, or other Vessel to be gauged, weighed, or measured, at the Expence of the said Company of Proprietors, whenever it shall be required by them, or any Person or Persons appointed for that Purpose; and every Owner, Master, or other Person having the Care or Command of any Boat, Barge, or other Vessel, or who shall navigate the same upon the said Canal and Collateral Cuts, or any of them, without having such Name, Figures, and Inder thereon as are herein-before directed, or who shall alter, erase, deface, or destroy such Name, Figures, and Inder, or any Part thereof, or shall fix thereon any false Name, Figure, or Inder, or who shall refuse to permit and suffer such Boat, Barge, or other Vessel to be gauged and measured, or shall wilfully suffer or permit any Boat, Barge, or other Vessel navigating upon or lying in the said Canal and Collateral Cuts or any of them, to be

Weight of the Lading of Vessels to be marked.

loaded

loaded or unloaded without a Stage being laid from the Side of such Boat, Barge, or other Vessel, to the Bank of the said Canal or such Collateral Cuts, so as effectually to prevent any Soil or other Matter or Thing, intended to be taken on Board or discharged out of such Boat, Barge, or other Vessel, from falling into the said Canal or Collateral Cuts, or any of them, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Boat Owners to be accountable for Damages done by the Boatmen.

LXVII. And be it further enacted, That the Master or Owner of every Boat, Barge, or other Vessel navigating upon the said Canal and Collateral Cuts, or any of them, shall be and is hereby made answerable for any Trespass, Damage, Spoil, or Mischief that shall be done by his Boat, Barge, or other Vessel, or by any of the Boatmen, Watermen, or other Person or Persons belonging to or employed in or about the same respectively, to any of the Bridges, Weirs, Locks, Dams, Engines, or other Works, in, upon, or belonging to the said Canal and Collateral Cuts, or any of them, or to any of the Trenches, Aqueducts, Sluices, Passages, or other Works or Conveniences to be made by virtue of this Act, either by the loading or unloading of any Boat, Barge, or other Vessel, or by any other Means whatsoever, or to the Owners or Proprietors of any Building or other Erection, Lands, Tenements, or Hereditaments adjoining or lying near to the same Canal and Collateral Cuts, or to any of them, by leaving open any Gate or Gates, Locks or Bridges, or by any other Means whatsoever; and the said Master or Owner of such Boat or other Vessel may be sued and prosecuted for the same in any of his Majesty's Courts of Record; and if a Verdict or Judgement shall be given against him, either on Proof made, or by Default, or upon Demurrer, the Plaintiff in any such Case shall recover his Damages thereby sustained, with full Costs of Suit, to be taxed as between Attorney and Client.

Masters to recover from their Servants any Sums for their Defaults.

LXVIII. And be it further enacted, That in case the Owner or Owners of any Boat, Barge, or other Vessel as aforesaid employed on the said Navigation, shall be compelled to pay any Penalty, or to make Satisfaction for any Damage or Trespass by Reason of any wilful Neglect or Default done or committed by his or their Servants, Boatmen, or Watermen, or any of them, such Servants, Boatmen, or Watermen, and each and every of them, shall be liable to repay such Penalty or Damage, (with the Costs thereof), to such Owner or Owners; and in case of Nonpayment thereof upon Demand and Oath made

made by such Owner or Owners of the Payment made by him or them of such Penalty or Satisfaction for Damages; and that the same and the Costs thereof have or hath not been repaid to him or them by such Servants, Boatmen, or Watermen, or any of them, although demanded, (such Oath to be made before any One Justice of the Peace for the County where such Penalty and Satisfaction shall have been incurred or paid), the Amount thereof shall be recovered in like Manner as any Penalty is hereby directed to be recovered.

Places to be made for Boats to turn or lie in, or for other Boats to pass.

LXIX. And be it further enacted, That the said Company of Proprietors shall and may in such Parts of the said Canal and Collateral Cuts, or any of them, as shall not be of sufficient Breadth for admitting a Boat, Barge, or other Vessel to turn about or lie whilst another Boat, Barge, or Vessel shall pass by, or to admit Two Boats, Barges, or other Vessels to pass each other; and they are in such Cases hereby empowered to make and cut proper Spaces or Openings into the Lands adjoining to the said Canal and Collateral Cuts, or any of them, at convenient Distances from each other for the turning, lying, or passing of any such Boats, Barges, and other Vessels; and all such Boats, Barges, and other Vessels which shall be haled or navigated upon the said Canal and Cuts, or any of them, shall, upon meeting any other Boat, Barge, or other Vessel navigating thereon, stop at, or go back to, and lie in the said Spaces or Openings in such Manner as the said General Committee shall from Time to Time direct and appoint: And if any Boat, Barge, or other Vessel shall be placed or shall lie abreast in any Part of the said Canal, or any of the said Collateral Cuts, or any Trench, Sluice, or Passage belonging thereto, not being moored at both Ends, or if any Person or Persons navigating and having the Care of any Boat, Barge, or other Vessel, shall wilfully obstruct the Navigation of the said Canal and Collateral Cuts, or any of them, by Means of the misplacing or otherwise misconducting such Boat, Barge, or other Vessel, and shall not immediately upon Request made moor the same at both Ends, or alter the Situation of such Boat, Barge, or other Vessel, or otherwise stop or effectually secure the same, as the Case shall require, so as that the said Obstruction shall cease and be removed, every Person so offending shall for every such Offence forfeit a Sum not exceeding Five Pounds, and also the Sum of Ten Shillings for every Hour during which such Obstruction shall continue, after the making of such Request; and it shall be lawful for the Agents or Servants of the said

Vessels obstructing the Navigation to be removed, and Vessels sunk to be weighed up.

Company of Proprietors, or any of them, to cause any such Boat, Barge, or other Vessel to be unloaded if necessary, and to be removed in such Manner as shall be proper for preventing or removing such Obstruction in the Navigation, and to seize and detain such Boat, Barge, or other Vessel, and the Loading thereof, or any Part of such Loading, until the Charges occasioned by such Unloading and Removal shall be paid; and if any Boat, Barge, or other Vessel, shall be sunk in any Part of the said Canal and Collateral Cuts, or in any such Trench or Sluice as aforesaid, and the Owner or Owners, or other Person or Persons having the Care of such Boat, Barge, or other Vessel, shall not, without Loss of Time, weigh or draw up the same, it shall be lawful for the Agents or Servants of the said Company of Proprietors, or any of them, to cause such Boat, Barge, or other Vessel to be weighed or drawn up, and to detain, keep, and use the same, or otherwise to sell and dispose thereof, for the Satisfaction of all the Expences necessarily incurred and occasioned in and about the weighing or drawing up the same.

Penalty on Persons overloading and obstructing the Passage of the said Canal, or throwing Ballast, &c. therein.

LXX. And be it further enacted, That if any Person or Persons shall float any Timber upon the said Canal and Collateral Cuts, or any of them, or if any Person or Persons shall suffer the Loading of any Boat, Barge, or other Vessel navigating thereon, to lie over the Sides thereof, or shall overload any Boat, Barge, or other Vessel navigating thereon, so as by such loading or overloading to obstruct the Passage of any other Boat, Barge, or Vessel, and shall not immediately, upon Notice given of such Obstruction, hale such Boat, Barge, or Vessel into such Place or Places, Opening or Openings, as shall be proper, or be made for the Purpose of enabling Boats, Barges, and other Vessels to pass each other, or shall not otherwise remove the same Obstruction, so as to make a free Passage for other Boats, Barges, or Vessels navigating thereon, every such Owner or Owners, or other Person or Persons floating such Timber, or having the Care of such Boat, Barge, or other Vessel, shall forfeit and pay for every such Offence a Sum not exceeding Five Pounds; and if any Person shall throw any Ballast, Gravel, Stones, or Rubbish into any Part of the said Canal, Collateral Cuts, Trenches or Watercourses, to be made by virtue of this Act, or shall wantonly or unnecessarily open, or cause to be opened, any Lock, Gate, Paddle, Valve, or Clough, belonging to the said Canal and Collateral Cuts, or any of them, or suffer any Boat, Barge, or other Vessel, to strike or run

Penalty on Persons opening the Locks, or doing other Damage to the Navigation.

upon any of the Bridges or Locks thereof, or if any Person or Persons shall wilfully stuck or draw off, or cause to be flushed or drawn off, the Water from any Part of the said Canal or Collateral Cuts, or any of them, or shall leave any of the said Valves or Cloughs open and running after any Boat, Barge, or other Vessel shall have passed any Lock belonging to the same, or shall draw, or cause to be drawn, any Paddle, Valve, or Clough, in any of the Lock Gates on the said Navigation, so as to mispend or waste the Water thereof, or shall wilfully obstruct, hinder, or prevent any Person in the Execution of this Act, every Person offending in any of the Cases aforesaid, shall forfeit and pay, for every such Offence, any Sum not exceeding Five Pounds nor less than Twenty Shillings; and if any Person shall wilfully and maliciously, and to the Prejudice of the said Navigation, break, throw down, damage, or destroy, any Banks or other Works to be erected and made by virtue of this Act, every such Person shall be adjudged guilty of Felony; and every such Person so offending, and being thereof lawfully convicted, shall be subject to the like Pains and Penalties as in Cases of Felony; and the Court by and before whom such Person shall be tried and convicted, shall have Power and Authority to cause such Person to be punished in like Manner as Felons are directed to be punished by the Laws and Statutes of this Realm, or in Mitigation of such Punishment, such Court may award such Sentence as the Law directs, in Cases of Petit Larceny; or otherwise, every Person so offending, and being thereof lawfully convicted on the Oath of One or more credible Witness or Witnesses, before One or more of His Majesty's Justices of the Peace for the County or Place where such Offence shall be committed, shall forfeit any Sum not less than Double the Value or Amount of the Damage proved upon Oath to have been done, at the Discretion of such Justice or Justices; such Penalty, together with reasonable Costs, to be levied by Distress and Sale of the Goods and Chattels of such Offender, rendering the Overplus, if any, to such Offender; or such Offender shall and may be committed to the Common Gaol for the County or Place where such Offence shall happen, for any Time not exceeding Six Calendar Months, at the Discretion of the Justice or Justices before whom such Offender shall have been convicted.

Penalty on destroying the Works.

LXXI. And be it further enacted, That no Boatman or other Person navigating or having the Care of any Boat, Barge, or other Vessel upon the said Canal and

Regulations of Vessels passing the Locks.

and Collateral Cuts, or any of them, which shall pass through any Lock to be made thereon, shall suffer the Water to remain in such Lock longer than is necessary for his Boat, Barge, or other Vessel to pass through the same; and also that every such Boatman, or other Person as aforesaid, in going down the said Canal and Collateral Cuts, or any of them, shall, previous to his bringing his Boat, Barge, or other Vessel into any Lock, shut the Lower Gates of such Lock, and the Sluices thereto belonging, before he shall draw the Cloughs of the Upper Gates thereof, and after he shall have brought such Boat, Barge, or other Vessel through the said Lock, he shall then shut the Upper Gates before he shall draw the Cloughs of the Lower Gates thereof; and in going up the said Canal and Collateral Cuts, or any of them, towards the Head Level, or Head Levels thereof, such Boatman, or other Person, so soon as he shall have passed with his Boat, Barge, or other Vessel through the said Lock, shall shut the Upper Gates of the same before he shall draw the Cloughs of the Lower Gates thereof, unless there shall then be a Boat, Barge, or other Vessel coming down the said Canal, or any such Collateral Cut, in Sight of the said Boatman, or other Person passing such Lock, in which Case the Lower Gates of the said Lock shall be left shut, and the Upper Gates shall be left open; and in all dry Seasons, when there shall be a Scarcity of Water in the said Canal and Collateral Cuts, or any of them, the Boat, Barge, or other Vessel so going up the same (if within Sight of a Boat, Barge, or other Vessel so coming down), and at a Distance not exceeding One hundred Yards below a Lock, shall pass through such Lock before the Boat, Barge, or other Vessel coming down, and then such other Boat, Barge, or other Vessel shall come down into the said Lock; and if there shall be more Boats, Barges, or other Vessels than One below and above any Lock at the same Time, in any such dry Season, within the Distance aforesaid, (which Distance shall be distinguished by a Post or Mark to be set up and made for that Purpose), such Boats, Barges, or other Vessels shall go up and come down at such Lock, by Turns as aforesaid, until all the Boats, Barges, and other Vessels, so going up or coming down, shall have passed the same, by which Means One Lock full of Water may serve Two Boats, Barges, or other Vessels; and any Person or Persons acting contrary to these Directions, in passing any such Lock or Locks, shall forfeit the Sum of Ten Shillings, for every such Offence; but if any Question

or Dispute shall arise on his or their Conviction, whether it was or was not a dry Season at the Time of such Offence committed, such Question shall be determined by the said Commissioners.

Lock Keepers not to give Preference.

LXXII. And be it further enacted, That if any Lock Keeper, Wharfinger, or other Servant belonging to the said Company of Proprietors, shall give any undue Preference, or shew any Partiality to any Boat, Barge, or other Vessel, in passing through any Lock or Locks upon the said Canal or Collateral Cuts, or any of them, or in loading or unloading any Goods or other Things at any of the Wharfs, Warehouses, Weigh Beams, Cranes, or other Machines belonging to the said Company of Proprietors, every Person so offending shall forfeit and pay the Sum of Twenty Shillings to the Informer.

Boats passing Locks with less than Thirty Tons, to pay for Thirty Tons.

LXXIII. Provided always, and be it further enacted, That in all Parts of the said Canal and Collateral Cuts, or any of them, which shall be adapted to the Navigation of Boats, Barges, or other Vessels of Fourteen Feet Beam, every Boat, Barge, or other Vessel, or any Two Boats, Barges, or other Vessels navigating abreast, passing through any Lock or Locks in the said Navigation with a less Lading or Burthen than Thirty Tons contained in such Boat, Barge, or other Vessel, or in such Two Boats, Barges, or other Vessels so navigating abreast, at any Time or Times when there shall be Water sufficient to enable such Boat, Barge, or other Vessel, or such Two Boats, Barges, or other Vessels navigating abreast, to pass through such Lock or Locks with a Lading or Burthen of more than Thirty Tons, shall pay to the said Company of Proprietors, a Tonnage Rate for Thirty Tons of Lading, in the same Manner as if such Boat, Barge, or other Vessel, or such Two Boats, Barges, or other Vessels navigating abreast, had actually on Board Thirty Tons of Lading, unless such Boat shall be returning after having passed on the said Navigation with more than Thirty Tons, or unless there shall be waste Water running over the Regulating or Waste Weirs of such Locks; but if at any Time there shall not be sufficient Water in any such Lock or Locks to enable such Boat, Barge, or other Vessel, or such Two Boats, Barges, or other Vessels navigating abreast, to pass through the same with Thirty Tons Weight of Lading, then and in every such Case it shall be lawful for all Boats, Barges, and other Vessels navigating singly, and all such Two Boats, Barges, and other Vessels so navigating abreast as aforesaid, to pass any such Lock or Locks with any less

less Weight of Lading than Thirty Tons; and the Owner or Owners or other Person or Persons having the Care or Command of such Boat, Barge, or other Vessel, or of such Two Boats, Barges, or other Vessels navigating abreast, shall not be compellable to pay a Lock due for any greater Weight of Lading than shall at such Time be actually on Board the same Boat, Barge, or other Vessel, or Boats, Barges, or other Vessels navigating abreast, provided that such Lading shall not be less than the Water will enable such Boat, Barge, or other Vessel, or Boats, Barges, or other Vessels navigating abreast, to carry; any Thing in this Act to the contrary in anywise notwithstanding.

Vessels passing Seven Feet Locks, not fully laden, to pay Tonnage for Eighteen Tons.

LXXIV. Provided also, and be it further enacted, That in all Parts of the said Canal and Collateral Cuts, or any of them, which shall be adapted to the Navigation of Boats, Barges, and other Vessels of Seven Feet Beam only, every Boat, Barge, and other Vessel, passing through any Lock or Locks on such Part or Parts of the said Navigation, with a less Lading or Burthen than Eighteen Tons contained in such Boat, Barge, or other Vessel, at any Time or Times when there shall be Water sufficient to enable such Boat, Barge, or other Vessel to pass such Lock or Locks with a Lading or Burthen of Eighteen Tons, shall pay to the said Company of Proprietors, a Tonnage Rate for Eighteen Tons of Lading, in the same Manner as if such Boat, Barge, or other Vessel had actually on Board Eighteen Tons of Lading; but if at any Time there shall not be sufficient Water in any such last mentioned Lock or Locks to enable such Boat, Barge, or other Vessel to pass through the same with Eighteen Tons Weight of Lading, then and in every such Case it shall be lawful for the same Boat, Barge, or other Vessel to pass any such Lock or Locks with any less Weight of Lading than Eighteen Tons; and the Owner or other Person having the Care or Command of such Boat, Barge, or other Vessel, shall not be compellable to pay for any greater Weight of Lading than shall at such Time be actually on Board the same Boat, Barge, or other Vessel, provided that such Lading shall not be less than the Water will enable such Boat, Barge, or other Vessel to carry; any Thing in this Act to the contrary thereof in anywise notwithstanding.

Boats of Half the Width of the Locks to pay the Whole Tonnage, unless Two of them pass together.

LXXV. Provided also, That in all Cases where Boats, Barges, or other Vessels of not greater Width than half the Width of any of the Locks to be made by virtue of this Act, shall pass any such Lock, (except when the

the Water shall run over the Waste or Regulating Weirs of such Lock), the same shall be subject to the Payment of the like Rates as if such Boats, Barges, or other Vessels, had on Board Thirty Tons of Lading, unless Two of such Boats, Barges, or other Vessels shall pass such Lock together alongside of each other, and shall together have at least Thirty Tons of Lading.

Canal not to be under the Power of Commissioners of Sewers, and how to be rated.

LXXVI. And be it further enacted, That the said Canal and Collateral Cuts, or any of the 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 whatsoever; and the said Company of Proprietors shall or may, from Time to Time hereafter, be rated and charged to all Parliamentary and Parochial Taxes, Rates, and Assessments, for or on account of any Lands or Grounds to be purchased or taken, or of any Warehouses or other Buildings to be erected by them in pursuance of this Act, in the same Proportion as other Lands, Grounds, and Buildings adjoining to or lying near the same, are or shall be rated and charged; but it shall and may be lawful to and for the said Company of Proprietors to agree with any Owner or Owners of any Lands or Hereditaments of sufficient yearly Value, adjoining or lying near to the Lands or Hereditaments to be purchased or taken for the Purposes of this Act, for an Exemption from all Rates and Taxes in respect of such last-mentioned Lands and Hereditaments, and for charging the same upon the adjoining Lands or Hereditaments of the Person or Persons from whom any Lands or Hereditaments shall be so purchased or taken, for the Purposes of this Act; and in all such Cases all the Parochial and other Rates, Taxes, Charges, and Assessments, which might be thereafter charged upon or payable in respect of the Lands or Hereditaments to be so purchased or taken for the Purposes of this Act, shall be rated and charged upon such adjoining Lands, and upon the Owners and Occupiers thereof, and the Lands and Hereditaments to be purchased for the Purposes of this Act shall be exempted and discharged therefrom.

Allowing Land Owners to carry Manure Toll-free.

LXXVII. And be it further enacted, That it shall be lawful for any Person or Persons owning or occupying any Lands or Grounds through which the said Canal and Collateral Cuts, or any of them, or any Cuts or Trenches thereto belonging shall pass, to have and use any Boats, Barges, or other Vessels, for the Carriage or Conveyance of any Dung, Marl, Soil, or Compost (Lime and Limestone

ſtone excepted), upon the ſaid Canal and Collateral Cuts, or any of them, to and from his, her, and their Lands or Grounds, through which the ſaid Canal and Collateral Cuts, or any of them, ſhall ſo paſs for the Improvement thereof, without paying any Tonnage Rates, or Lock Dues whatſoever to the ſaid Company of Proprietors for the ſame; and for that Purpoſe ſuch Perſon and Perſons ſhall have Liberty to make uſe of the Towing Paths, Wharfs, and Quays, belonging to the ſaid Navigation, ſo as that the publick Buſineſs of ſuch Wharfs and Quays be not thereby impeded or obſtructed, and ſo as that ſuch Perſon or Perſons do not ſuffer ſuch Dung, Marl, Soil, or Compoſt, to lie upon ſuch Wharfs and Quays longer than may be neceſſary for loading, unloading, and carrying the ſame to and from ſuch his, her, or their Lands or Grounds, and do and ſhall make good any Damages that may be done to the Sides or Banks of the ſaid Canal or Collateral Cuts, or any Part or Parts thereof, by the loading, unloading, or diſcharging any ſuch Boats, Barges, or other Veſſels, which Damages (in caſe of any Difference reſpecting the ſame) ſhall be ſettled and aſcertained by the ſaid Commiſſioners; but no ſuch Boats, Barges, or other Veſſels, ſhall at any Time paſs through any Lock, except when the Water ſhall flow over the Waſte Weir of ſuch Lock, without paying the Tonnage Rates and Lock Dues to which other Boats, Barges, or Veſſels, paſſing through the ſame, would be liable by the Rules and Proviſions herein-before contained and ſet forth.

Rights of Lords of Manors and Land Owners to the Fiſhery preſerved.

LXXVIII. And be it further enacted, that the Lord and Lords, Lady and Ladies of all and every Manor and Manors through or in which the ſaid Canal and Collateral Cuts, Reſervoirs, Trenches, and Sluices or any of them, ſhall be made, ſhall have and be entitled to the excluſive Right of Fiſhery of and in ſo much of the ſaid Canal, Collateral Cuts, Reſervoirs, Trenches, and Sluices thereto belonging, as ſhall be made over, under, or through the Common or Waſte Lands within his, her, or their Manors reſpectively, and as ſhall be made over or through any other Lands or Grounds in the Pits, Ponds, or Waters whereof, ſuch Lord or Lords, Lady or Ladies, now have or hath, or are or is entitled to the Right of Fiſhery; and that the Owner or Owners of all other Lands or Grounds, through or in which the ſaid Canal and Collateral Cuts, Reſervoirs, Trenches, and Sluices, or any of them, ſhall be made, ſhall alſo have and be entitled to the like Right of Fiſhery of and in ſo much of the ſaid Canal or Collateral Cuts, or other Works, as ſhall be made in, over, under,

under, or through his, her, or their Lands or Grounds respectively, so as that in the Use and Exercise of such Rights of Fishery, the said Canal and Collateral Cuts, or other Works hereby authorized to be made, shall not be prejudiced or obstructed, or any Water drained or exhausted from or out of the same, and so as the said Company of Proprietors, or their Agents, Servants, or Workmen, or any of them, shall not be liable to any Penalty, Action, or Prosecution, for or by reason of the taking or destroying of any Fish in the said Canal, Collateral Cuts, or other Works, or any of them, which shall be taken, killed, or destroyed, through or by means of the letting the Water out of them respectively, for the Purposes of the said Canal or Collateral Cuts, or other Works, or on account of any Repairs or Works to be done in and about the same Canal, Cuts, or other Works respectively; and it shall be lawful for the Lord or Lords, Lady or Ladies of such Manor or Manors, and for the Owner or Owners of such Lands or Grounds, (being qualified by Law so to do), to take and kill Game upon so much of the said Canal and Collateral Cuts, and other Works, as shall be made in or through their respective Lands or Grounds as aforesaid; any Thing herein contained to the contrary notwithstanding.

Power for Land Owners to use Pleasure Boats.

LXXIX. And be it further enacted, That it shall be lawful for the Owners and Occupiers of any Lands or Hereditaments adjoining to the said Canal and Collateral Cuts, or any of them, to use any Pleasure Boat or Boats upon the said Canal and Collateral Cuts, or any of them, (not passing through any Locks, unless they shall first pay Tonnage and Lock Dues equal to the Tonnage for One Mile on a Boat or Vessel carrying Ten Tons, or obtain the Consent of the said Company of Proprietors), without any Interruption from the said Company of Proprietors, or any of their Officers or Agents, and without paying any Rate for the same, so as the same Pleasure Boat or Boats be not made use of for carrying any Goods or other Things, and so as the same shall not obstruct or prejudice the Navigation of the said Canal and Collateral Cuts, or the Towing Paths or other Works belonging thereto, provided that such Boats do not in any Case pass through any Lock, except when the Water shall be running over the Waste Weirs of such Lock.

Mines reserved to Lords of Manors and other Proprietors.

LXXX. Provided always, and be it further enacted, That nothing herein contained shall extend to prejudice or affect the Right of any Lord or Lords, Lady or Ladies of any Manor or Manors, or of any Owner or Owners of any Lands or Grounds, in, upon, or through which

the said Canal and Collateral Cuts, or any of them, or any Towing Paths, Wharfs, Quays, Reservoirs, Trenches, Sluices, Passages, Watercourses, or other Conveniences aforesaid, shall be made to the Mines and Minerals lying and being within or under the said Lands or Grounds; but all such Mines and Minerals are hereby reserved to such Lord or Lords, Lady or Ladies of such Manor or Manors, and to such Owner or Owners of such Lands or Grounds respectively; and it shall be lawful for the Lord or Lords, Lady or Ladies of such Manor or Manors, and for such Owner or Owners of such Lands or Grounds respectively, subject to the Conditions and Restrictions herein contained, to work, get, drain, take, and carry away, to his, her, or their own Use, such Mines and Minerals, not thereby injuring, prejudicing, or obstructing the said Navigation, or any the Works or Conveniences belonging thereto.

Company's Agents to be at Liberty to enter Lands or Mines to view the Works.

LXXXI. And be it further enacted, That it shall be lawful for the said Company of Proprietors, by themselves or their Agents or Servants, at any Time or Times to enter upon any Lands through or near which the said Canal, Collateral Cuts, and Works hereby authorized to be made, shall be or pass, wherein any Coal or other Mines shall or may have been dug, opened, or wrought, and likewise to enter into such Coal or other Mines, and there to view, search, and measure, latchdial, and use all other Means for the discovering the Distance of the said Canal, Collateral Cuts, and Towing Paths from the Working Parts of such Mines respectively; and in case it shall appear that any Mine hath been opened or wrought under the said Canal and Collateral Cuts, or any of the Works belonging thereto, or so near thereto as to endanger or damage the same, it shall be lawful for the said Company of Proprietors, and for their Agents, Servants, or Workmen, at the Expence, Costs, and Charges of the Owners or Proprietors of such Mine or Mines, to enter into and upon such Mine and Mines, and from Time to Time to use all reasonable Ways and Means for repairing, supporting, sustaining, securing, and making safe the said Canal and Collateral Cuts, Towing Paths, and other Works; and such Expences, Costs, and Charges shall, in case such Mines shall have been so worked or wrought subsequent to the Commencement of this Act, be recovered by the said Company of Proprietors, in case of Nonpayment thereof upon Demand, in such and the same Manner as any Penalty is herein directed to be recovered, and shall be

paid

paid into the Hands of the Treasurer to the said Company of Proprietors for the Use and Benefit of the said Company.

Power to make Rollers or inclined Planes, &c.

LXXXII. And be it further enacted, That if the said Company of Proprietors shall think it necessary or expedient that Boats, Barges, or other Vessels, Waggons or other Carriages, or any Merchandize, Goods, Wares, or other Matters or Things should be conveyed over or along any Part or Parts of the intended Track or Line of the said Canal and Collateral Cuts, or any of them, by Rollers, inclined Planes, Rail Ways, Waggon Ways, or Cranes, or in any other Manner than by and upon Water, it shall be lawful for the said Company of Proprietors, or their General Committee, to cause any such Rollers, Rail Ways, inclined Planes, or other Works before mentioned, to be made for that Purpose, at such Place or Places in, upon, or near to the said Canal and Collateral Cuts, or any of them, as they shall think proper; and the same, when so made, shall be taken and considered as Part or Parts of the said Canal and Collateral Cuts, in like Manner as if such Place or Places had been made navigable.

Power for Land Owners, &c. to make Railways to Mines, Limestone Quarries, and Furnaces, &c.

LXXXIII. And be it further enacted, That in case any Proprietor or Proprietors of any Manor, Lands, or Hereditaments, containing any Mines of Coal, Ironstone, or other Minerals, Limestone, Freestone, or other Stone or Slate, or the Proprietor or Proprietors of any Furnaces or other Works respectively, lying within the Distance of Three Miles from the said Canal and Collateral Cuts, or any of them, or the Renters, Lessees, or Occupiers of such Mines, Furnaces, or other Works, shall find it expedient or necessary to make any Rail Way or Road for the Purpose of conveying his, her, or their Coals, Ironstone, Minerals, Limestone, Freestone, or other Stone or Slate, to the said Canal and Collateral Cuts, or any of them, over the Lands of any other Person or Persons, or to make any Bridges for that Purpose over any River, Brook, or Watercourse, then, and in every such Case, it shall be lawful for him, her, or them to make any such Rail Way, Road, and Bridges, and also a proper and sufficient Wharf or landing Place at the End of every such Rail Way, or Road, on the Side of the said Canal and Collateral Cuts, or any of them, he, she, or they first paying or tendering Satisfaction for the Damages to be thereby occasioned to any Lands, Grounds, or Hereditaments, in Manner herein directed with respect to Land to be taken for the Purposes of this Act; and it shall be lawful for the Owner or Owners of,

of, and Person or Persons interested in, or who shall be in the Receipt of the Rents and Profits of such Lands and Hereditaments respectively, to treat and agree with any such Proprietor, Renter, Lessee, or Occupier, for the Damage to be done to the Owner or Owners or Occupiers of such Lands or Hereditaments, by making any such Rail Way, Road, Bridge, Wharf, or landing Place, and in case they cannot agree concerning the Amount or Value of such Damage, or in case the Owner or Owners of, or Person or Persons interested in such Lands or Hereditaments shall refuse or neglect to treat, or by reason of Absence, Incapacity, Disability, or otherwise, shall be prevented from treating, then the same shall be settled and ascertained by the said Commissioners between the Parties, and be subject to the Verdict of a Jury, if required, in such and the like Manner as the Value of the Lands to be taken for making the said Canal and Collateral Cuts, or any of the Works to belong thereto, are by this Act directed to be settled and ascertained.

Cuts may be made to Mines with Consent of Land Owners.

LXXXIV. And be it further enacted, That it shall be lawful for the said Company of Proprietors to make any Navigable Branch or Branches from the said Canal and Collateral Cuts, or any of them, in, through, or over any Common or Waste Lands, with the Consent under the Hand and Seal of the Lord or Lady of the Manor, and also in, over, or through any other Lands or Grounds with the like Consent of the Owners thereof, or the Guardians, Trustees, or Committees of any such Owners, who may be under any Disability or Incapacity of acting for themselves, to communicate with any Mine, Quarry, Bed, or Pit of Stone, Limestone, Freestone, or Slate, or for any other Purpose whatsoever, and such Branch or Branches when made and completed shall be deemed and taken as a Part or Parts of the Canal and Cuts to be made by virtue of this Act, for and in respect of the Payment of Rates thereon, and for every other Use and Purpose of this Act; but if the Lord or Lady of any such Manor, or any such Owner or Owners of Lands, shall be desirous to make such Navigable Communication at his, her, or their own Expence, they and each or any of them is and are hereby authorized and empowered, with the Consent of the said Company of Proprietors, or their General Committee, so to do; and such Lord or Lady, Owner or Owners, shall, in making such Communications, have the Benefit of and be invested with all the Powers and Privileges given or granted to the said Company of Proprietors in

and by this Act as far as the same can be made applicable thereto; provided that Notice in Writing of such Intention be given to the said Company of Proprietors, or to their General Committee, or their Clerk or Clerks, before they the said Company shall have begun to make the same, and that such Communication shall be proceeded in with all due and reasonable Speed, after such Notice given, and that the same shall lie under and be subject to all the Rules, Orders, and Restrictions of this Act, as far as the same can be made applicable thereto; and also, provided that all such Communications shall be so made and effected without taking away, diverting, or lessening (unless with the Consent of the said Company of Proprietors) any Streams, Brooks, or other Waters which are necessary for the Supply of the said Navigation, and without any other Damage or Injury to the said Canal or Collateral Cuts, or to any of the Works or Conveniencies hereby authorized to be made.

River *Dee* Company to cut the Canal across their Lands.

LXXXV. And whereas the Company of Proprietors of the Undertaking for recovering and preserving the Navigation of the River Dee are bound by several Acts of Parliament to preserve a certain Depth of Water in the Channel of the said River Dee at a moderate Spring Tide, and the Preservation of the Company's Lands depends upon the Stability and Security of the Banks of the said River; in order the more effectually to secure the said Company, their Successors and Assigns, from all Damages that may accrue to them by the Nature of the Works proposed to be erected and made by the said Ellesmere Canal Company, in, upon, over, or through the Banks and Forelands of the said River Dee, and in order that the said intended Canal may be made within or over the Land or Ground belonging to the said Company of Proprietors for recovering and preserving the Navigation of the said River Dee, and communicate with the said River without doing any Damage to the Banks, or other Works belonging thereto, it hath been proposed that such Part or Parts of the said intended Canal, Banks, and Towing Paths, and such Locks, Bridges, and other Works as shall be made or erected within the Land or Ground belonging to the said River Dee Company, shall be made and erected, and from Time to Time repaired and amended by such Persons, under such Conditions, Restrictions, and Agreements as are herein mentioned; and therefore it is hereby further enacted and declared, That the Committee of the said Company of Proprietors of the Undertaking for recovering and pre-

ſerving the Navigation of the ſaid River Dee ſhall and do, with all convenient Speed, after they ſhall be requeſted thereto by the ſaid Company of Proprietors of the ſaid intended Canal, well and ſufficiently make the ſaid intended Canal of a ſufficient Breadth for the Navigation of Boats, Barges, and other Veſſels of Fourteen Feet Beam, through their own Land or Ground in a ſtraight Line to that Part of the ſaid intended Canal which ſhall be cut or made through the Lands next adjoining to the Lands of the ſaid Company of Proprietors of the Undertaking for recovering and preſerving the Navigation of the River Dee, on either Side of the ſaid River, and alſo, ſhall make and erect ſuch Banks, Towing Paths, Locks, Bridges, and other Works adjoining to, in, over, under, through, or acroſs ſuch Part as is laſt mentioned of the ſaid intended Canal, as ſhall be neceſſary to complete the ſame for the Purpoſes of the ſaid Canal; and the ſaid Company of Proprietors of the Undertaking for recovering and preſerving the Navigation of the ſaid River Dee ſhall from Time to Time, and at all Times then afterwards, repair and amend ſuch Part of the ſaid intended Canal, Banks, and Towing Paths, and ſuch Locks, Bridges, and other Works as ſhall be made by them as aforeſaid: But if the ſaid Company of Proprietors of the Undertaking for recovering and preſerving the Navigation of the ſaid River Dee ſhall neglect or refuſe to continue, and to make and complete ſuch Part of the ſaid intended Canal, and ſuch other Works, Matters, and Things as are before mentioned, or ſhall not make and complete the ſame within the Space of One Year next after ſuch Notice ſhall be given to them or their Committee as aforeſaid; or if they ſhall at any Time or Times afterwards neglect to repair any Defects or want of Reparation that may be wanting in ſuch Part of the ſaid Cut or Canal, and other Works, Matters, and Things as are before directed to be made by them, by the Space of One Month next after Notice ſhall be given to them or their Committee, by or on the Behalf of the ſaid Company of Proprietors of the ſaid intended Canal, then, and in any of the ſaid Caſes, (but not otherwiſe), it ſhall and may be lawful to and for the ſaid Company of Proprietors of the ſaid intended Canal, or their Servants, Agents or Workmen, not only to make the ſaid intended Cut or Canal over, under, or through the Land or Ground of the ſaid Company of Proprietors of the Undertaking for recovering and preſerving the Navigation of the ſaid River Dee, from the ſaid River Dee in ſuch Courſe and Direction as is hereinbefore

before mentioned, but also to make and erect such Banks, Towing Paths, Locks, Bridges, and other Works, in, upon, through, under, or over the same Lands, as shall or may be necessary and proper for the Purposes of the said intended Cut or Canal, and also from Time to Time to repair any such Defects or want of Reparation as shall or may be necessary in or upon such Part of the said intended Cut or Canal, Banks, Towing Paths, Locks, Bridges, and other Works last mentioned.

River *Dee* Company to be reimbursed their Expences in making and repairing that Part of the Canal, &c. to be made through their Lands.

LXXXVI. And be it further enacted, That the Company of Proprietors of the said intended Cut or Canal shall and do from Time to Time pay, or cause to be paid, unto the said Company of Proprietors of the Undertaking for recovering and preserving the Navigation of the said River Dee, all such Sums of Money as they shall reasonably lay out and expend in the making, completing, and keeping in repair such Part of the said intended Canal, and such Banks, Towing Paths, Locks, Bridges, and other the Works last herein-before mentioned; the said several Sums of Money to be laid out by the said Company of Proprietors of the Undertaking for recovering and preserving the Navigation of the said River Dee, in the making and completing such Part of the said intended Canal, and such Banks, Towing Paths, Locks, Bridges, and other the Works last herein-before mentioned, to be paid when and as often as the same shall amount to the Sum of Two hundred Pounds or upwards, within the Space of Ten Days next after the Delivery of an Account thereof to the Clerk, Agent, Receiver, or Treasurer for the Time being of the Company of Proprietors of the said intended Cut or Canal; and the several further Sums of Money to be from Time to Time laid out and expended by the said Company of Proprietors of the Undertaking for recovering and preserving the Navigation of the said River Dee, in and about the Repairs or Amendments of such Part of the said intended Canal, and such Banks, Towing Paths, Locks, Bridges, and other the Works last herein-before mentioned, to be paid at the End of every Year, or within Ten Days next after the Delivery of an Account thereof, to the Clerk, Agent, Receiver, or Treasurer for the Time being of the Company of Proprietors of the said intended Canal; and in case the said Company of Proprietors of the said intended Canal shall neglect or refuse to pay such Sum or Sums of Money from Time to Time, the Company of Proprietors of the Undertaking for recovering and preserving the Navigation of the River Dee shall and may recover the same by

Action

Action at Law in any of His Majesty's Courts of Record against the said Company of Proprietors of the said intended Canal, with Costs of Suit, as between Attorney and Client: Provided always, That in case any Difference shall arise touching the Reasonableness of the Claims of the said Company of Proprietors of the Undertaking for recovering and preserving the Navigation of the River Dee, and the said intended Canal Company, for or in respect of any Sum or Sums of Money so to be laid out and expended as aforesaid, the same shall be settled and adjusted by any Five or more of the Commissioners appointed by this Act; and in case either of the said Companies shall be dissatisfied with the Determination of the said Commissioners, then subject to such Verdict of a Jury as is herein-before directed for ascertaining and settling the Value of the Property to be taken for the Use of the said intended Canal.

The Soil of the River *Dee* Company's Lands cut through by the Canal, to remain vested in the said Company.

LXXXVII. And, in Consideration that the said Company of Proprietors of the Undertaking for recovering and preserving the Navigation of the said River Dee hath consented and agreed that the said intended Cut or Canal, Banks and Towing Paths, and such Locks, Bridges, and other Works as shall or may be necessary for the Purposes aforesaid, may be made within, through, or across such Part of their Land or Ground as is herein-before mentioned, without any Recompence or Satisfaction being made for the same, except for such Part or Parts of the said Ground as shall be actually cut, and such Part or Parts thereof as shall be used for Towing Paths; it is hereby enacted and declared, That the Soil under the said Canal, Banks, Locks, Bridges, and other Works, so far as the same shall be made within, through, or under the Land or Ground belonging to the said Company of Proprietors of the Undertaking for recovering and preserving the Navigation of the said River Dee, shall continue and remain vested in the said Company, their Successors or Assigns: But nevertheless the said Company of Proprietors of the said intended Canal, and all and every other Person and Persons, shall and may have full, free, and uninterrupted Liberty and Privilege to use the said Cut or Canal, and the Banks, Towing Paths, Locks, Bridges, and other Works, to be made within or upon the Land or Ground of the said Company of Proprietors of the Undertaking for recovering and preserving the Navigation of the said River Dee, in as full and ample Manner as they, or any of them, can, shall, or may have a Right to use any other Part or Parts of the Cut or Canal, Banks, Towing Paths,

Locks, Bridges, and other Works, to be made by virtue and under the Authority of this Act; and that the said Company of Proprietors of the said intended Cut or Canal shall have and be entitled to demand and receive such Tonnage Rates and Duties for the Passage of Boats and other Vessels in or upon such Part of the said intended Cut or Canal as goes within and through the Land or Ground of the said Company of Proprietors of the Undertaking for recovering and preserving the Navigation of the River Dee, and shall and may recover the same by such Ways and Means as herein-before directed for the Recovery of the Tonnage Rates and Duties before mentioned.

This Act not to lessen any Tonnage or Duties payable to the River *Dee* Company.

LXXXVIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be deemed or construed to extend, to alter, defeat, or obstruct any of the Powers, or to lessen or abridge all or any of the Tonnage or Duties, Sum or Sums of Money payable to the Company of Proprietors of the Undertaking for recovering and preserving the Navigation of the River Dee, by the several Acts of Parliament for making the said River navigable; but that the said Company and their Successors, their Deputies, Agents, Workmen, Officers, and Servants, may at all Times hereafter be at Liberty to have, take, receive, use, exercise, and enjoy all such Tonnage Duties, Sum and Sums of Money, Powers, Rights, and Privileges, in as full and ample Manner as they might or could have done in case this Act had not been made, any Thing herein contained to the contrary in anywise notwithstanding.

Deficiency in certain Cases to be made up to the River *Dee* Company.

LXXXIX. And whereas the making the said intended Canal will very probably lessen the Tolls or Duties now payable to the said Company of Proprietors of the Undertaking for recovering and preserving the Navigation of the River Dee, and it has been agreed between them and the said Canal Company, that if the said Tolls or Duties shall at any Time from and after the making the said intended Canal, and communicating the same to the said River Dee, in any One Year, be reduced below the Annual Sum of Two hundred and ten Pounds, that then they the said intended Canal Company, their Successors and Assigns, shall and will make up the Deficiency of the said Tolls or Duties; be it therefore enacted, That when and as often as the Tolls or Duties shall in any One Year, to be computed from the First of January to the Thirty-first of December, after the Commencement of this Act, produce less than the said Sum

of Two hundred and ten Pounds a Year, that then the said intended Canal Company, their Successors and Assigns, shall and will from Time to Time, make up and pay to the said Company of Proprietors of the Undertaking for recovering and preserving the Navigation of the said River Dee, their Successors and Assigns, such Sum and Sums of Money as will make up the Annual Receipt of the said Tolls and Duties the full Sum of Two hundred and ten Pounds.

The Company of Proprietors not to take the Water of *Finchett's Gutter.*

XC. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to authorize or impower the said Company of Proprietors, under any Pretence whatever, to take, or suffer to be taken or used for the said Canal and Collateral Cuts, or any of them, or to flow or run into any Reservoir or Reservoirs, or other Works for the Use thereof, any of the Water usually flowing into a certain Stream or Watercourse, called Finchett's Gutter, in the County of Chester and County of the City of Chester, or either of them, except in wet Seasons, without the Consent of the Company of Proprietors of the Undertaking for recovering and preserving the Navigation of the River Dee.

The Proprietors of the Water Works at *Chester* indemnified against any Injury from the Canal.

XCI. Provided always, and it is hereby further enacted, That nothing herein contained shall extend, or be deemed, construed, or taken to extend, to authorize or impower the said Company of Proprietors, their Agents, Workmen, or Servants, or any other Person or Persons, under any Pretence whatsoever, to take, or suffer to be taken or used for the said Canal and Collateral Cuts, or any of them, or to conduct or carry, or cause to flow or run into any Reservoir or Reservoirs, or other Works for the Use or Service of the same, or any of them, any Water from the Rivers Morlas, Caeriog, and Dee, or any or either of them, or from any Brook, Stream, or Watercourse running into the same Rivers, or any or either of them, and which now run or flow into the said River Dee, at any Time or Times between the Fifteenth Day of June and the Fifteenth Day of September in any Year, without the previous Consent and Approbation of the Owners or Proprietors for the Time being of the Water Works, constructed or used for supplying the City of Chester with Water, or of Three or more of such Owners or Proprietors, or their Clerk or Agent for the Time being, first had and obtained in Writing under their or his Hands or Hand for that Purpose;

Purpose; and that on the Fifteenth Day of June in every Year, the Keys of the Paddles, Valves, and Cloughs into or through which any of the Water from the several Rivers, Brooks, Streams, or Watercourses aforesaid shall flow, or be designed to flow, for the Use and Benefit of the said intended Canal and Collateral Cuts, or any or either of them, shall be delivered up by or on the Behalf of the said Company of Proprietors, unto and in the Hands of the Owners or Proprietors of the said Water Works, or their Clerk or Agent for the Time being, there to remain until the Fifteenth Day of September then next following, when such Keys shall be redelivered unto or for the Benefit of the said Company of Proprietors; nor shall any Water from the aforesaid Rivers, Brooks, Streams, or Watercourses, or any or either of them, be taken or used for, or thrown into or for the Service of the said intended Canal and Collateral Cuts, or any or either of them, at any other Time or Times of the Year when the Water of the said River Dee shall not flow or run over a certain Causeway at or near the Bridge in the City of Chester, commonly called Dee Bridge; and also that the said Company of Proprietors for the Time being shall, and they are hereby expressly directed and required, at their own Costs and Charges, and by Means of Reservoirs, or other proper Works to be made or constructed for that Purpose, to cause all the Water which shall be used for, or run or flow into the said intended Canal and Collateral Cuts, or any of them, (except so much of such Water as shall be used for Lockage to the River Severn, and also so much thereof as shall be wanted for Lockage between a certain Brook dividing the Counties of Chester and Denbigh, called Pulford Brook, and the said City of Chester), to be returned over a Waste Weir, and to run and be discharged into the said River Dee above the aforesaid Causeway, by the Channel of the River Allen, or of Pulford Brook, or by some other proper Channel, to be cut and made by and at the Expence of the said Company of Proprietors for that Purpose.

Compensation to be made to the Proprietors of *Chester* Water Works and *Dee* Mills for any Injury from the Canal.

XCII. And it is hereby further enacted and declared, That if at any Time or Times hereafter it shall happen, that by the taking, or making Use of the Water of the aforesaid Rivers Morlas, Caeriog, and Dee, or any or either of them, or of any of the Brooks, Streams, or Watercourses running into the same, for the Use of the said intended Canal, or otherwise by reason of the Non-compliance or Non-observance by the said Company of Proprietors

Proprietors for the Time being, with and of the Directions and Prohibitions respectively contained in this Act, or any of them, the aforesaid Waterworks shall be rendered incapable of supplying the said City of Chester with Water as the same hath been usually done by them, or the Proprietors or Occupiers of the Corn or other Mills upon the River Dee near to the Bridge aforesaid, or any of them, shall be hindered from working the same in the usual Manner for Want of a sufficient Quantity of Water for that Purpose, then and in every such Case the said Company of Proprietors shall, and they are hereby required forthwith to pay and make good unto the Owners or Proprietors, Lessees, or Occupiers of such Waterworks or Mills respectively, so much Money as shall be a full and entire Compensation and Satisfaction for the Damages to be sustained by them by Reason or on Account of such Loss of Water as aforesaid, the Amount or Value of such Compensation (in case the same shall not be agreed upon between the said Company of Proprietors for the Time being, and the Proprietors, Lessees, or Occupiers of such Waterworks or Mills respectively), to be ascertained and settled by the Commissioners hereby appointed, in such Manner, and subject to such Verdict of a Jury (if required), as by this Act is mentioned and directed respecting the Satisfaction for other Damages occasioned by making and completing the said Canal and Collateral Cuts respectively, and to be paid and recovered accordingly.

Saving to the Corporation of *Liverpool* their Tolls and Jurisdiction.

XCIII. And whereas the Mayor, Bailiffs, and Burgesses of the Town of Liverpool, have for Time immemorial been in the constant Practice of collecting certain Tolls or Duties on Goods, Wares, and Merchandize brought into and out of the Port of Liverpool aforesaid, and also certain Tolls upon all Goods, Wares, and Merchandizes brought into and out of the Town of Liverpool aforesaid; be it enacted, That no Article, Clause, Matter, or Thing herein contained, shall extend, or be construed to extend, to abridge, lessen, or take away all or any of the said Tolls or Duties, but that the same shall remain and continue vested in the said Mayor, Bailiffs, and Burgesses, and their Successors, and be by them and their Agent and Agents from Time to Time demanded, received, and collected as they are and ought to be demanded, received, and collected; and also, that nothing in this Act contained shall extend to take away, alter, abridge, lessen, change, or intrude upon any Jurisdiction or Power of the Corporation of Liverpool,

or

or any Part thereof, in, about, or concerning the Docks, Piers, or Harbour of Liverpool; and also saving, reserving, and confirming to the said Corporation of Liverpool, and their Successors, all their Franchises, Liberties and Privileges, Rights, Estates, and Interests whatsoever, which have been and now are held and enjoyed, used and occupied, any Thing herein contained to the contrary notwithstanding.

For making Recompence for Damages not herein-before particularly provided for.

XCIV. And be it further enacted, That if at any Time or Times hereafter any Person or Persons shall sustain any Damage in his, her, or their Lands, Tenements, or Hereditaments, or Property, by Reason of the Execution of any of the Powers hereby given, and for which no Remedy is herein-before provided, then and in every such Case the Recompence or Satisfaction for such Damage shall from Time to Time be settled by the said Commissioners, and be recovered in such Manner as herein-before directed in respect to any other Recompence or Satisfaction for Damages herein-before mentioned.

Subscribers compelled to pay their Subscriptions.

XCV. And be it further enacted, That the respective Persons who have subscribed, or who shall hereafter subscribe to advance any Money for and towards making and maintaining the said Canal and Collateral Cuts, and the other Works hereby authorized to be made, shall and are hereby required to pay the Sum or Sums by them respectively subscribed, (or such Parts and Proportions thereof as shall from Time to Time be called for by the said General Committee, by virtue of the Powers and Directions of this Act), at such Times and Places and in such Manner as shall be directed by the said General Committee; and in case any of such Subscribers shall neglect or refuse to pay the same at the Time and Place and in Manner so required for that Purpose, it shall be lawful for the said Company of Proprietors to sue for and recover the same in any Court of Law or Equity.

For extending the *Prees* Collateral Cut from *Fenshall* to the *Chester* Canal, if the Consent of the Land Owners can be obtained.

XCVI. And whereas it appears by Surveys and Levels lately taken that it is practicable to make a further Collateral Cut or Canal, sufficient for the Navigation of Boats, Barges, and other Vessels of Fourteen Feet Beam, from a certain Part of the before-mentioned Collateral Cut extending from Franckton to Prees Higher Heath aforesaid, at or near a certain Place called Fenshall in the Township of Bronnington in the Parish of Hanmer, in the said County of Flint, through the several Parishes, Townships, Hamlets, and Places of Bronnington, Iscoyd,

Hanmer, and Malpas, in the said County of Flint; Stockton, Old Castle, Newton, (in the Parish of Malpas), Cuddington, Chorlton, Overton, Edge, Duckington, Broxton, Chowley, Coddington, Newton, (by Tattenhall), and Tattenhall, in the said County of Chester, to a certain Place called the Crow's Nest in Tattenhall aforesaid, there to communicate with the Chester Canal Navigation, and which said additional Cut or Canal, when made, will open a certain Communication for the cheap and easy Conveyance of Goods, Wares, Merchandize, Coal, Lime, and other Articles, for the Use and Consumption of the Places through or near which such additional Cut or Canal may pass, and will be in other Respects of great publick Utility; be it therefore further enacted, That in case all the Persons entitled to or in Receipt of the Rents and Profits of the Lands or other Hereditaments which may be proper or necessary to be cut through, used, or likely to be affected by such additional Cut or Canal, or by any Wharfs, Quays, Towing Paths, Ways, Sluices, Aqueducts, Feeders, or other Works or Conveniences which may be required to be erected or made for the Purposes thereof, shall respectively give their Assents thereto; or in case they or any of them shall withhold or refuse to give such their Assents, and the said Company of Proprietors of the said Ellesmere Canal shall obtain an Authority from Parliament for that Purpose as herein-after mentioned; they the said Company of Proprietors shall, and they are hereby required, as soon as conveniently may be, and within Two Years at the most after so much of the said Collateral Cut extending from Franckton to Prees Higher Heath aforesaid, as lies or will extend from Franckton to Fenshall aforesaid, and the several Works and Conveniences hereby authorized to be made and constructed for the Purposes thereof, shall have been completed by themselves, their Agents, Officers, Workmen, and Servants, to make and complete, at the Costs and Charges of the said Company of Proprietors, the said additional Cut or Canal from, at, or near Fenshall aforesaid to the said Chester Canal at or near Tattenhall aforesaid, navigable and passable for Boats, Barges, and other Vessels of Fourteen Feet Beam, and also to make and erect all such Wharfs, Quays, Towing Paths, Ways, Sluices, Aqueducts, Feeders, and other Works and Conveniences as may be necessary and proper for the maintaining, carrying on, and using the same Cut or Canal; and the said Company of Proprietors and their respective Committees,

Committees, and also the Commissioners, Agents, Clerks, and other Officers, to be elected and appointed in such Manner as herein mentioned and prescribed, shall have and be entitled to receive the like Rates of Tonnage and Wharfage, and to exercise all such Powers and Authorities in, upon, and in Relation to the making and maintaining the said additional Cut or Canal, and the several Works and Conveniences requisite for the Purposes thereof, and also in relation to the settling, reducing, regulating, applying, and disposing of such Tonnage and Wharfage which may be taken or arise thereon, and at any Wharfs or Quays to be erected or made on the Sides thereof, and also in and about any other Matter or Thing relating to such additional Cut or Canal, or to the conducting, carrying on, and using the same, in like Manner, and as fully to all Intents and Purposes, and subject to the same Restrictions and Limitations as are hereby given to and directed to be used and exercised by the said Company of Proprietors and their said respective Committees, and the said Commissioners, Agents, Clerks, and other Officers respectively as aforesaid, in and about the making, erecting, maintaining, carrying on, and using the said Ellesmere Canal, and the several other Collateral Cuts and Branches hereby authorized to be made: Provided always, That in case any of the Persons entitled to or in Receipt of the Rents and Profits of any Lands or Hereditaments intended to be cut through, used, or affected by the making and completing of the before-mentioned additional Cut or Canal as aforesaid, or any of the Works or Conveniences requisite for the Purposes thereof, shall, upon Application being made to them either personally or by Writing for that Purpose, withhold or refuse his, her, or their Assent to the cutting through or using such their respective Lands or other Hereditaments for the Purposes of the said intended additional Cut or Canal, or the Works or Conveniences requisite thereto, then and in such Case the said Company of Proprietors shall, and they are hereby required, in the next ensuing Session of Parliament, at their own proper Costs and Charges, to apply for and use their best Endeavours to obtain an Act of Parliament to authorize and empower them to make, complete, and maintain such additional Cut or Canal from, at, or near the said Place called Fenshall to the said Chester Canal in Tattenhall aforesaid, in the Line or Course herein-before mentioned, or in such other Line or Course as may be thought most fit and expedient, and

shall, as soon as conveniently may be after the Commencement of this Act, apply to and endeavour to obtain the Assent of the several Owners and Occupiers of all such Lands and Hereditaments as may be proposed to be cut through, used, or affected by the same Cut or Canal, or the Works and Conveniences requisite or necessary thereto, and shall take all other necessary Steps preparatory to such Application to Parliament; and that in such future Act of Parliament, in case the same shall be applied for and obtained, there shall be contained all such proper and necessary Powers, Provisions, and Authorities for making and maintaining the said proposed additional Cut or Canal, and the Works and Conveniences requisite for the Purposes thereof, as to Parliament shall seem meet.

The Proprietors empowered to make use of the waste Water of the *Chester* Canal.

XCVII. And it is hereby further enacted, That in Consideration of the Advantages which the Proprietors of the said Chester Canal Navigation will derive from the said intended additional Cut or Canal by Increase of Tonnage and an additional Supply of Water to and upon the said Chester Canal, the said Company of Proprietors of the said Ellesmere Canal shall, and hereby are authorized and empowered, so soon as the said additional Cut or Canal shall be completed and connected with the said Chester Canal, to take and use for the Purposes of the said Ellesmere Canal, or any of the Collateral Cuts or Branches belonging thereto, or to convey into the River Dee at such Place or Places as may be found most convenient for that Purpose, all the Surplus or Waste Water of the said Chester Canal, in such Manner as they the said Company of Proprietors of the said Ellesmere Canal may think proper.

For making a Collateral Cut from the *Llanymynech* Branch to *Morda Bridge*, if Consent of Land Owners can be obtained.

XCVIII. And whereas it appears by Surveys and Levels lately taken, that it is practicable to make a further Collateral Cut or Canal, for the Navigation of Boats and other Vessels, from a certain Part of the before-mentioned Collateral Cut, extending from Hordley to Llanymynech aforesaid, at or near a certain Place called Maesbury Marsh, in the Township of Maesbury in the Parish of Oswestry aforesaid, through the several Townships of Maesbury and Weston Cotton in the Parish of Oswestry aforesaid, to or near a certain Bridge called Morda Bridge near the Town of Oswestry aforesaid, and which additional Cut or Canal, when made, will open a further Communication for the cheap and easy Conveyance of Goods, Wares, Merchandizes, Coal, Lime, and other Articles for the Use and Consumption of the

Inhabitants

Inhabitants of the Town of Oſwestry aforeſaid, and of the ſeveral other Places through or near which ſuch laſt-mentioned additional Cut or Canal may paſs, and will be in other Reſpects of great publick Utility: Be it therefore further enacted, That in caſe all the Perſons entitled to, or in Receipt of the Rents and Profits of the Lands or other Hereditaments which may be proper or neceſſary to be cut through or uſed, or likely to be affected by the ſaid laſt-mentioned additional Cut or Canal, or by any Wharfs, Quays, Towing Paths, Ways, Sluices, Aqueducts, Feeders, or other Works, or Conveniences which may be required to be erected or made for the Purpoſes thereof, ſhall reſpectively give their Aſſents thereto; or in caſe they or any of them ſhall withhold or refuſe to give ſuch their Aſſents, and the ſaid Company of Proprietors of the ſaid Elleſmere Canal ſhall obtain an Authority from Parliament for that Purpoſe, as herein-after mentioned, they the ſaid Company of Proprietors ſhall, and they are hereby required, as ſoon as conveniently may be, and before the ſaid Collateral Cut or Branch from Hordley to Llanymynech aforeſaid, and the ſeveral Works and Conveniences to be made and conſtructed for the Purpoſes thereof, ſhall be completed by themſelves, their Agents, Officers, Workmen, and Servants, to make and complete, at the Coſts and Charges of the ſaid Company of Proprietors, the ſaid additional Cut or Canal, from, at, or near Maelbury Marſh to Morda Bridge aforeſaid, navigable and paſſable for Boats and other Veſſels, and alſo to make and erect all ſuch Wharfs, Quays, Towing Paths, Ways, Sluices, Aqueducts, Feeders, and other Works and Conveniences, as may be neceſſary and proper for the maintaining, carrying on, and uſing the ſame Cut or Canal; and the ſaid Company of Proprietors, and their reſpective Committees, and alſo the Commiſſioners, Agents, Clerks, and other Officers, to be elected and appointed in ſuch Manner as herein mentioned and preſcribed, ſhall have and be entitled to receive the like Rates of Tonnage and Wharfage, and to exerciſe all ſuch Powers and Authorities in, upon, and in relation to the making and maintaining the ſaid laſt-mentioned additional Cut or Canal, and the ſeveral Works and Conveniences requiſite for the Purpoſes thereof, and alſo in relation to the ſettling, reducing, regulating, applying, and diſpoſing of ſuch Tonnage and Wharfage which may be taken or ariſe thereon, and at any Wharfs or Quays to be erected or made on the Sides thereof,

and also in and about any other Matter or Thing relating to the same additional Cut or Canal, or to the conducting, carrying on, and using the same, in like Manner, and as fully to all Intents and Purposes, and subject to the same Restrictions and Limitations as are hereby given to, and directed to be used and exercised by the said Company of Proprietors and their said respective Committees, and the said Commissioners, Agents, Clerks, and other Officers respectively as aforesaid, in and about the making, erecting, maintaining, carrying on, and using the said Ellesmere Canal, and the several other Collateral Cuts and Branches hereby authorized to be made: Provided always, That in case any of the Persons entitled to, or in Receipt of the Rents and Profits of any Lands or Hereditaments intended to be cut through or affected by the making and completing of such last-mentioned additional Cut or Canal as aforesaid, or any of the Works or Conveniences requisite for the Purposes thereof, shall, upon Application being made to them, either personally or by Writing for that Purpose, withhold or refuse his, her, or their Assent to the cutting through or using of such their respective Lands or other Hereditaments, for the Purposes of the same additional Cut or Canal, or the Works or Conveniences requisite thereto, then and in such Case the said Company of Proprietors shall, and they are hereby required, within Two Years next after the Commencement of this Act, at their own proper Costs and Charges, to apply for, and use their best Endeavours to obtain an Act of Parliament to authorise and empower them to make, complete, and maintain such additional Cut or Canal from, at, or near the said Place called Maesbury Marsh, to the said Bridge called Morda Bridge, in the Line or Course herein-before mentioned, or in such other Line or Course as may be thought most fit and expedient; and shall in due Time, previous to such future Application to Parliament, give regular and sufficient Notices of such Application, and prepare and deposit with the proper Officers Books of Reference and Plans of such additional Cut or Canal; and the said Company of Proprietors or their Agents shall, as soon as conveniently may be after the Commencement of this Act, apply to and endeavour to obtain the Assents of the several Owners and Occupiers of all such Lands and Hereditaments as may be proposed to be cut through, used, or affected by the same Cut or Canal, or the Works and Conveniences requisite and necessary thereto, and shall take

take all other neceſſary Steps preparatory to ſuch Application to Parliament; and that in ſuch future Act of Parliament, in caſe the ſame ſhall be applied for and obtained, there ſhall be contained all ſuch proper and neceſſary Powers, Proviſions, and Authorities for making and maintaining the ſaid additional Cut or Canal, and the Works and Conveniences requiſite for the Purpoſes thereof, as to Parliament ſhall ſeem meet.

The making of the *Llanymynech* Branch of the Canal ſuſpended, until a Report of Engineers appointed to ſurvey the Country be obtained.

XCIX. And whereas it is conceived to be practicable to make a Navigable Canal from the Summit of the ſaid Elleſmere Canal, hereby authorized to be made, at or near Morton Hall Farm, in the Townſhip of Prees Henlle, in the ſaid County of Salop, by or as near as conveniently may be to the Town of Oſweſtry in the ſame County, to the Limeſtone Quarries at or near Porthywaen in the ſaid County of Salop, there to communicate with a Navigable Canal which hath been propoſed to be made from the ſaid Limeſtone Quarries at or near Porthywaen aforeſaid to Welch Pool in the County of Montgomery, and to ſubſtitute ſuch Canal from Prees Henlle to Porthywaen aforeſaid, or ſome other Cut or Canal between Prees Henlle and Porthywaen or Llanymynech aforeſaid, more advantageous to the Publick, in Lieu and Place of the Collateral Cut or Branch hereby authorized to be made from and out of the ſaid Elleſmere Canal in Hordley aforeſaid to Llanymynech aforeſaid, and Application may at a future Seſſion of Parliament be made for that Purpoſe; and it hath been propoſed, that previous to the making and completing the ſaid Collateral Cut or Branch from Hordley to Llanymynech aforeſaid, hereby authorized to be made, an Inveſtigation ſhall take place, and proper Surveys and Levels be taken to aſcertain and determine whether ſuch Canal from Prees Henlle to Porthywaen aforeſaid, if made, would not be more advantageous to the Publick than the making the ſaid Collateral Cut or Branch from Hordley to Llanymynech aforeſaid, hereby authorized to be made; be it therefore further enacted and provided, That all the Powers and Authorities in this Act contained, ſo far as the ſame relate to the ſaid Collateral Cut or Branch from the ſaid Elleſmere Canal in Hordley to Llanymynech aforeſaid, ſhall be ſuſpended for the Space of Two Years from the Commencement of this Act, to the Intent that in the mean Time proper Surveys and Levels may be taken by able Engineers, who ſhall take into Conſideration the comparative Advantages likely to reſult

to

to the Publick, or to the said Company of Proprietors, the Injury or Inconvenience which may be done to private Property, and all other Facts and Circumstances which may enable them to form their Judgements relative to the Matters intended to be submitted to their Consideration; and shall make a Report whether it will be adviseable, and for the Advantage of the Publick, that the said Collateral Cut or Branch from Hordley to Llanymynech aforesaid, or any Part thereof, should be pursued and executed conformably to the Course or Plan laid down by this Act, and the Map or Plan thereby referred to; or whether the same, or any and what Part thereof, should be varied or abandoned and given up, and the said other Cut or Canal from Prees Henlle to the said Limestone Quarries at or near Porthywaen aforesaid, be executed in lieu thereof, and upon what Terms the said last mentioned Cut or Canal, in the Judgement of the said Engineers, may or ought to be so executed, as well in relation to the Expence of making and executing the same, as also in relation to all other Facts and Circumstances affecting the Interests of the said Ellesmere Canal, and of the said proposed Canal from Porthywaen to Welch Pool aforesaid; and in case the Engineers and Surveyors herein-after appointed, or the Umpire to be appointed as herein-after mentioned, shall report in Favour of the said Collateral Cut from Hordley to Llanymynech aforesaid, as authorized to be made under this Act, that then and in such Case the Powers and Authorities given by this Act, with respect to the same Collateral Cut, shall be no longer suspended, but shall be carried into Execution; but in case the said Engineers and Surveyors, or the said Umpire, shall within Eighteen Calendar Months next after the Commencement of this Act, certify and report that it will in their or his Judgement be most advantageous to the Publick, and therefore fit and adviseable, that all or any Part of the said Collateral Cut or Branch from Hordley to Llanymynech aforesaid should be varied or abandoned, and that in lieu and Place thereof the said Cut or Canal from Prees Henlle aforesaid to the said Limestone Quarries at or near Porthywaen aforesaid should be made and executed; that then and in such Case all the Powers and Authorities in this Act contained, so far as the same relate to the said Collateral Cut or Branch from Hordley to Llanymynech aforesaid, shall be further suspended until the End of the Session of Parliament next after the making of such Report, to the Intent that any Person or Persons who may be willing to comply with the Terms of the said Report may apply

to Parliament for sufficient Powers and Authorities to make and execute a Canal from Prees Henlle aforesaid to the said Limestone Quarries at or near Porthywaen aforesaid, in such Line or Direction as may be set forth in the said Report, which in such Case this Act, or any Thing herein contained, shall not prevent or obstruct; and in case such last mentioned Powers and Authorities shall not be applied for and obtained in the Session of Parliament next after the making of such Report, or in case no such Report as herein mentioned shall be made within the Time herein prescribed for the making thereof, then and in either of the said Cases the Powers and Authorities given by this Act, with respect to the said Collateral Cut or Branch from Hordley to Llanymynech aforesaid, shall not be further suspended, but shall be carried into Execution: And William Jessop of Newark upon Trent in the County of Nottingham Engineer, and Thomas Dadford of Llanhiddell in the County of Monmouth Engineer, or such other Person or Persons as may be appointed in the stead of them, or either of them, in Manner herein-after mentioned, shall be and hereby are appointed Engineers and Surveyors for the Purposes aforesaid; and shall be and are hereby authorized, by Writing under their Hands and Seals, to constitute and appoint any other fit Person to be an Umpire between them to decide upon all such Questions touching the Premises wherein they may not concur in Opinion; and in case they the said William Jessop and Thomas Dadford, or either of them, shall die, or on or before the Twenty-ninth Day of September One thousand seven hundred and ninety-three refuse to act, or become incapable of acting as such Engineers and Surveyors as aforesaid, then the said Company of Proprietors, in case of the Death, Refusal, or Incapacity of the said William Jessop, and the Right Honourable Edward Lord Clive, or in case of his Death, the Mayor of Oswestry for the Time being, in case of the Death, Refusal, or Incapacity of the said Thomas Dadford, shall, by Writing, appoint some other fit Person to be an Engineer and Surveyor, and to act with the Survivor or other of them the said William Jessop and Thomas Dadford in the Matters aforesaid; and the like Nomination and Appointment shall from Time to Time be made until the Powers intended to be given to the said Engineers and Surveyors as aforesaid shall have been completely executed; and the said Engineers and Surveyors shall, and they are hereby required to make their Report touching all such Matters and Things as

are hereby submitted to their Determination, within Eighteen Calendar Months next after the Commencement of this Act; and in case the said Engineers and Surveyors shall not make their Report in Manner herein mentioned within the said Eighteen Calendar Months, then the said Umpire shall, and is hereby required to make a Report in Manner herein mentioned, touching the Matters aforesaid, within Two Years from the Commencement of this Act; and that Two Parts at the least of the said Report, whether the same shall be made by the said Engineers and Surveyors, or by the said Umpire, shall be written on Parchment, and shall be signed and sealed by the Person or Persons making the same, and One Part of the said Report shall be deposited with the Clerk of the Peace for the said County of Salop, and another Part of such Report be delivered to the Clerk to the said Company of Proprietors within Two Years and One Month from the Commencement of this Act.

Majority of the Proprietors, assembled at a General Meeting, may make future Applications to Parliament for Power to open other Communications with the Canal.

C. And whereas the major Part of the Proprietors of the said Ellesmere Canal Navigation may hereafter judge it expedient to make Application to Parliament for Power to make other Navigable Communications with the said Canal and Collateral Cuts, or some of them, than such as are authorized or referred to by this Act, but by reason of Infancy or otherwise may not be able to obtain the Consent and Concurrence of all the Proprietors, be it therefore further enacted, That in case the Persons entitled to the greater Number of the Shares in the said Ellesmere Canal Navigation, and who shall attend by themselves or Proxies at any General Assembly of the said Company of Proprietors, shall think it proper to make any such Application to Parliament as aforesaid, it shall be lawful for them to order and cause the Common Seal of the said Company of Proprietors to be affixed to any Petition for that Purpose, and such Application to be proceeded in and prosecuted, and any Money arising by virtue of this Act, or which may have been so subscribed or contributed as aforesaid, to be applied in defraying the Expences incurred by or in consequence of any such Application; and the same shall be deemed to be the Act of the Whole of the said Company of Proprietors, in like Manner and as fully and effectually as if every one of the said Proprietors had been capable of acting for himself, and had attended such General Assembly and concurred therein; and it shall be lawful for the Guardians, Trustees, or Committees of the Proprietors of any Shares

Shares in the said Ellesmere Canal Navigation, being Minors, Lunaticks, or under any other Disability or Incapacity of acting for themselves, and the Executors or Administrators of any deceased Proprietors of such Shares, to apply any of the Money which shall come to their Hands as Guardians, Trustees, Committees, Executors, or Administrators as aforesaid, towards defraying the proportionable Shares of the Expences incurred by and in consequence of any such Application, which shall be payable by the Persons on whose Behalf they act, or to raise Money for that Purpose by Mortgage of any such Shares; which Mortgages they are hereby authorized to make by Writing under their Hands and Seals, with the Consent of Five or more of the said Commissioners, and such Mortgages shall be valid and effectual.

Fines and Forfeitures.

CI. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted by this Act, or which shall be inflicted by any Rule, Order, or Bye Law to be made in pursuance thereof, (the Levying and Recovery whereof is or are not particularly herein-before directed), shall, in case of Nonpayment thereof, on Conviction of the Offenders respectively, be levied by Distress and Sale of the Goods and Chattels of the Offenders by Warrant under the Hand and Seal of any Justice of the Peace for the County or Place wherein the Offence shall be committed, or the Offender shall be or reside; and every such Justice is hereby authorized and required to examine Witnesses on Oath, and hear and determine the same; and all such Fines, Forfeitures, and Penalties (the Application whereof is not herein-before particularly directed) shall be paid into the Hands of the Treasurer to the said Company of Proprietors, and shall be applied and disposed of for the Use of the said Company; and the Overplus of the Money raised by such Distress and Sale, after deducting the Fines, Penalties, or Forfeitures, and the Expences of such Distress and Sale, shall be rendered to the Owner of the Goods and Chattels so distrained; and for Want of sufficient Distress, and in case the Fine, Penalty, or Forfeiture shall not be forthwith paid, it shall be lawful for such Justice, by Warrant under his Hand and Seal, to commit such Offender to the Common Gaol or House of Correction, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Fine, Penalty, or Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

CII. And

Persons aggrieved by Irregularity in Distress to recover only the Special Damages.

CII. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor shall 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 Proceeding relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio on account of any Irregularity which shall be afterwards 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.

CIII. And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That every Justice of the Peace, before whom any Person shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up according to the following Form; videlicet,

Form of Conviction.

BE it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before me *C. D.* One of His Majesty's Justices of the Peace for the County of [*specifying the Offence, and the Time and Place when and where committed, as the Case may be*], contrary to an Act of Parliament passed in the Thirty-third Year of the Reign of King *George* the Third, intituled, [*Here set forth the Title of the Act*].

Given under my Hand and Seal, the Day and Year first above mentioned.

Persons aggrieved may appeal to the Quarter Sessions.

CIV. 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, Judgement, or Determination of any Justice or Justices of the Peace relating to any Matter or Thing in this Act mentioned or contained, may, within Six Calendar Months next after such Order, Judgement, or Determination shall have been made or given, (first giving Ten Days Notice of such Complaint to the Person or Persons against whom such Complaint is intended to be made), complain to the Justices of the Peace at the General Quarter Sessions to be held in and for the County in which the Cause of

Appeal shall arise, who shall in a summary Way either hear and determine the said Complaint at such General Quarter Sessions, or if they think proper, may adjourn the hearing thereof to the next General Quarter Sessions of the Peace to be held for such County; and the said Justices may, if they see Cause, 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 and award such further Satisfaction to be made to the Party injured as they shall judge reasonable; but no Proceedings to be had and taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster or elsewhere; any Law or Statute to the contrary notwithstanding.

Proceedings not to be quashed for Want of Form, nor removeable by *Certiorari*.

CV. And be it further enacted, That if any Action or Suit shall be brought or commenced against any Person or Persons for any Thing done in pursuance of this Act, every such Action or Suit shall be brought or commenced within Six Calendar Months next after the Fact committed; or in case there shall be a Continuation of Damages, then within Three Calendar Months next after the doing or committing such Damage shall have ceased, and not afterwards, and shall be laid and brought in the County where the Matter in Dispute or Cause of Action 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 so done, or if any such Action or Suit shall be brought after the Time so limited for bringing the same, or in any other County or Place than as aforesaid, then and in every 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 or Suit 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 hath for Costs of Suit in other Cases by Law.

Limitation of Actions.

General Issue.

Treble Costs.

Publick Act.

CVI. 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.