ANNO TRICESIMO QUARTO

Georgii III. Regis.

CAP. XXVI.

An Act for making and maintaining a Navigable Canal from and out of the Canal Navigation from *Manchester* to or near *Ashton-under-Lyne* and *Oldham*, in the County Palatine of *Lancaster*, at the intended Aqueduct Bridge in *Dukinfield*, in the County of *Chester*, to or near to *Chapel Milton*, in the County of *Derby*; and a Communication by Railways or Stone Roads from thence to *Load's Knowl*, within *Peak Forest*, in the said County of *Derby*; and a Branch from and out of the said intended Canal to *Whaley Bridge*, in the said County of *Chester*. [28th *March* 1794.]

WHEREAS the making and maintaining a Canal, navigable for Boats, Barges, and other Vessels, from and out of the Canal Navigation from *Manchester* to or near *Ashton-under-Lyne* and *Oldham*, in the County Palatine of *Lancaster*, at the intended Aqueduct Bridge in *Dukinfield*, in the County of *Chester*, to or near to *Chapel Milton*, in the County of *Derby*, and a Communication by Railways or Stone Roads from the Termination of the said intended Canal to *Load's* Preamble.

Knowl, within *Peak Foreſt*, in the ſaid County of *Derby*, and a Branch or Cut from and out of the ſaid intended Canal, near *Bottom's Hall*, to *Whaley Bridge*, in the ſaid County of *Cheſter*, will be of great publick Utility, will open a uſeful and eaſy Communication from the Towns of *Mancheſter* and *Aſhton-under-Lyne*, in the ſaid County of *Lancaſter*, and *Stockport*, in the County of *Cheſter*, and the adjacent Country, to the very extenſive Limeſtone Rocks at or near to *Load's Knowl* and *Peak Foreſt*, in the ſaid County of *Derby*, and will open a Communication with many large and extenſive Mines of Coal, Stone, and other Minerals: And whereas the ſeveral Perſons herein-after named are deſirous, at their own Coſts and Charges, to make and maintain the ſaid intended Canal, Cut, Railways, Stone Roads, and Communications; but cannot effect the ſame without the Aid and 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 *John Anderton*, the Truſtees of the Real Eſtates of *John Aſtley*, *John Allen*, *Samuel Axon*, *John Arden*, *Richard Bright*, *John Brown*, *James Barton*, *Henry Barton*, *Thomas Bateman*, *George Buxton Brown*, *Robert Bunney*, *William Bennett*, *William Barrow*, *Peter Bramwell*, *John Barber*, *Joſeph Bruckſhaw*, *Samuel Bowler*, *Joſhua Bruckſhaw* and *Peter Thorneley*, *James Brown*, *Thomas Bowden*, *James Currie* M. D. the Executors of *James Crabtree*, *John Cope*, *William Creſſwell*, *Thomas Chadwick*, *James Carrington*, *George Hyde Clarke*, *John Crowder*, *John Collier*, *John Creſſwell* of *New Mill*, *John Creſſwell* of *Loughborough*, *James Carrington*, *Thomas Cotterell*, *Peter Drinkwater*, *George Duckworth*, *Thomas Downs*, *James Doxon*, *William Egerton*, *John Entwiſle* and *James Entwiſle*, the Reverend *Charles Ethelſton* Clerk, *James Edge* and *John Beſwick*, *Ralph Fogg*, *John Fletcher*, *Edmund Ford*, *Ellen Fearnhead*, *William Gilby* M.D. *Robert Grimſhaw*, *John Grimſhaw* ſenior, *Peter Gaſkell*, *George Goodman* M.D. *Benjamin Gratrix* and *Samuel Gratrix*, *John Grimſhaw*, *John Dodgſon* and *William Wright*, the Truſtees of *Gorton Chapel*, *Samuel Hardman*, *Samuel Heywood*, *Nathaniel Heywood*, *John Higginbottom* of *Brabury*, *George Hilton*, *Thomas Holland*, *Edward Hobſon*, *William Harriſon*, *John Harrop*, *James Hampſon*, the Reverend *Ralph Harriſon* Clerk, *Edward Harris*, *Otho Hulme*, *William Hunt*, *Harry Hunt*, *Thomas Homer*, *John Hyde*, *Samuel Hyde*, *John Higginbottom* of *Hucklow*, *Nathan Hyde*, *Joſeph Heaword*, *James Harriſon*, *Robert Hodgſon*, *John Bower Jodrell*, *Samuel Kinder*, *Thomas Kerſhaw* and *Thomas Winterbottom*, *Henry Kirk*, *Richard Kyrk*, *John Lees* of *Fairfield*, *Samuel Lees*, *James Lees* ſenior, *Mary Lloyd*, *John Lowrence*, *Thomas Leach*, *John Lyon* M.D. *Elizabeth Lyon*, *John Lees* of *Oldham*, *James Lees* of *Clarksfield*, the Reverend *John Lingard* Clerk, *Thomas Lee*, *Thomas Peter Legh*, *Mary Linwood*, *James Mallalieu*, *John Maud*, *Joſeph Mellor*, *J C Morrey*, *Ralph Morton*, *Samuel Marſland* and *Peter Marſland*, *Robert Markland*, *John Marchington*, the Reverend *Thomas Newton* Clerk, *William Nicholſon*, *Robert Needham*, *Thomas Ollivant*, *James Ogden*, *Ralph Ogden*, *Samuel Oldknow*, *Anthony Ollerenſhaw*, *Joſhua Parr* M.D. *John Parker*, *Samuel Philips*, *Nathaniel Philips*, *Robert Philips*, *John Philips* junior, *Thomas Philips*, *William Pownall*, *Catharine Plumbe*, *Ann Potts*, *George Baſnet Percival*, *Mary Rigby*, *James Ruſhton*, *Triſtram Ridgway*, *William Rigby*, *Richard Roberts*, *James Rixon*, *Samuel Swire*, *Thomas Smith*, *Beckwith Smith*,

Proprietors Names.

John Simpſon, the Reverend *John Swertner* Clerk, the Executors of *Samuel Smith*, *John Schofield*, *Thomas Sidebotham*, *Daniel Stafford*, *John Stringer*, *Thomas Swinburn*, *Jonathan Taylor*, *John Taylor* of *Aſhton under Lyne*, *Robert Thorneley*, *John Taylor* of *Bugſworth*, *Randle Taylor*, the Reverend *Robert Thorp* Clerk, *Matthew Wilkinſon*, *John Wood*, *John Whitehead*, *Thomas Worthington*, *Mary Walker* and *Hannah Walker*, *William White*, *Joſhua Wood*, *Abel Wood*, *John Worthington* of *Aſhton under Lyne*, *John Worthington* of *Stockport*, *Iſaac Worthington*, *George Worthington*, *Richard Walker*, *Thomas Walker*, *John Wright*, and *George Wright*, *William Wood*, *George Wood*, *John Whitaker*, *Joſeph Wyatt*, *William Ward* ſenior, *William Ward* junior, *Elizabeth Wingfield*, and *Edward Whitehead*, and their ſeveral and reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, ſhall be and are hereby united into a Company for making, completing, and maintaining, the ſaid intended Canal, and Branch or Cut, and the ſaid Railways or Stone Roads, according to the Rules, Orders, and Directions herein-after mentioned, and ſhall for that Purpoſe be One Body Corporate, by the Name and Stile of *The Company of Proprietors of the Peak Foreſt 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 Twentieth Day of *May* in the Year of our Lord One thouſand ſeven hundred and ninety-four, on which Day this Act ſhall commence and take Effect, to purchaſe and hold Lands, Tenements, and Hereditaments, to them, their Succeſſors and Aſſigns, for the Uſe of the ſaid Navigation, and alſo to ſell and diſpoſe of any of the ſaid Lands, Tenements, and Hereditaments, ſo purchaſed, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain; and that it ſhall be lawful for the ſaid Company of Proprietors, and they are hereby accordingly authorized and impowered, by themſelves, their Deputies, Agents, Officers, Workmen and Servants, by Cuts, Tunnels, Aqueducts, or otherwiſe, to make and complete a Canal to be called *The Peak Foreſt Canal*, navigable and paſſable for Boats, Barges, and other Veſſels, from and out of the Canal Navigation from *Mancheſter* to or near *Aſhton under Lyne* and *Oldham*, in the County Palatine of *Lancaſter*, at the intended Aqueduct Bridge in *Dukinfield*, in the County of *Cheſter*, to or near to *Chapel Milton*, and a Communication by Railways or Stone Roads from thence to *Load's Knowl*, in *Peak Foreſt*, both in the ſaid County of *Derby*; and alſo to make and complete a Branch or Cut for the Paſſage of Boats, Barges, and other Veſſels, from and out of the ſaid intended Canal, near a certain Place in the Townſhip of *Yeardſley Whaley*, in the Pariſh of *Taxall*, in the ſaid County of *Cheſter*, called *Bottom's Hall*, to *Whaley Bridge*, in the ſaid Townſhip of *Yeardſley Whaley*; and alſo from Time to Time to make and maintain ſuch other Railways or Stone Roads from the ſaid Canal and Cut, and Railways or Stone Roads hereby authorized to be made, to any Coal Mines, Lead Mines, Stone Quarries, Lime Stone Rocks, and Iron Works, already or hereafter to be eſtabliſhed within the Diſtance of Two Miles from the ſaid Canal or Cut, Railways or Stone Roads, hereby authorized to be made, or from any Part thereof reſpectively, as the ſaid Company of Proprietors ſhall think proper and direct to be made; and the ſaid Company of Proprietors are hereby alſo authorized and impowered, by themſelves, their Deputies, Agents, Officers, Workmen, and Servants, to ſupply the ſaid intended

Incorporated.

Company of Proprietors impowered to make the Canal.

Branch to *Whaley Bridge*.

To make Railways.

General Powers of effecting the Purpoſes of this Act.

intended Canal and Cut, whilſt the ſame ſhall be making, and at all Times for ever after the ſame ſhall be 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 intended Canal and Cut, or within the Diſtance of Two Miles from the ſaid intended Canal and Cut, or either 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 Cut, or any Part or Parts thereof reſpectively, or any ſuch Reſervoir, 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 Cut, with Water, and for conveying Water from any ſuch Reſervoir or Reſervoirs to the ſaid Canal and Cut reſpectively, 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, vary, and make ſtraighter, the Streams, Brooks, or Watercourſes, which come near, or may be brought into, or communicate with the ſaid intended Canal and Cut, or either of them, and to dig, cut, or raiſe, the Banks of any of the ſaid Streams, Brooks, or Watercourſes, for bringing Water into the ſaid intended Canal and Cut, and to make ſuch proper Trenches and Paſſages for Water, in, upon, or through, the Lands and Grounds adjoining or near to the ſaid intended Canal and Cut, or ſuch Streams, Brooks, or Watercourſes as aforeſaid, 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 impowered 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, Cut, and Railways, or Stone Roads, 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, ſupplying with Water, effecting, preſerving, improving, completing, maintaining, and uſing, the ſaid intended Canal, Cut, and Railways or Stone Roads, 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 intended Canal, Cut, Railways, or Stone Roads, 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 being convenient or contiguous thereto, and which may be proper, requiſite, or neceſſary, for making, carrying on, continuing, maintaining, or repairing, the ſaid intended Canal, Cut, Railways, or Stone Roads, 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 of ſuch Feeders, Trenches, Paſſages, Aqueducts, and Watercourſes as aforeſaid, as ſhall be neceſſary and proper to convey Water to or from the ſaid intended Canal and Cut, or either of them, according to the Intent and Purpoſe of this Act, and alſo to make, build, erect, and

ſet up, in, over, under, or upon, the ſaid intended Canal and Cut, or upon the Lands adjoining, or near to the ſame, ſuch and ſo many Bridges, Piers, Arches, Tunnels, Aqueducts, Sluices, Locks, Flood Gates, Weirs, Pens for Water, Water Stanks, Dams, Wharfs, Quays, Houſes, Warehouſes, Toll Houſes, Watch Houſes, Landing Places, Weighing Beams, Cranes, Fire Engines, or other Machines, Dry Docks, Wet Docks, and other Works, Ways, Roads, and Conveniences, 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, 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 Conveniencies, as well for the carrying and conveying of Stones, Coals, Minerals, Goods, Wares, Merchandize, and other Articles, to and from the ſaid intended Canal and Cut, and Railways or Stone Roads, 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 intended Canal, Cut, and Railways or Stone Roads, 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 Lands or 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, and to turn any Roads, Fences, or Paſſages, over, under, through, or along, the Sides of the ſaid intended Canal, Cut, Railways, or Stone Roads, 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 intended Canal, Cut, Trenches, or Paſſages, with Men, Horſes, or otherwiſe, and proper Places for Boats, Barges, and other Veſſels, navigated upon the ſaid intended Canal, Cut, Trenches, or Paſſages, 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 intended Canal, Cut, Trenches, Towing Paths, Railways or Stone Roads, 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, preſerving, improving, completing, and uſing, of the ſaid intended Canal, Cut, and Railways or Stone Roads, 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 any Lands, Tenements, Mills, or other Hereditaments, Falls of Water, Millſteads, 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

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 hereinafter mentioned and contained.

Power to make Rollers or inclined Planes, etc.

II. Provided always, 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 Minerals, 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 intended Canal and Cut, or either of them, by Rollers, inclined Planes, Railways, Waggonways, or Cranes, or in any other Manner than by and upon Water, then and in such Case it shall be lawful for the said Company of Proprietors to cause any such Rollers, inclined Planes, Railways, or other Works before-mentioned, to be made for such Purpose or Purposes, at such Place or Places, in, upon, or near to, the Line of the said intended Canal and Cut, or either 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 intended Canal and Cut, and Works hereby authorized to be made, in like Manner, and to all Intents and Purposes as if such Parts or Places had been made navigable.

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

III. Provided also, and be it further enacted, That nothing herein contained shall authorize or impower 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 intended Canal, Cut, and Railways, or Stone Roads, 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-four, 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 respectively, other than and except a Garden situate in the Township of *Dukinfield*, belonging to the Trustees of the Real Estates of *John Astley*, Esquire, deceased, and now or late in the Occupation of *Thomas Taylor*; Two Gardens and a Barn, situate in the Township of *Bradbury*, now or late belonging to *John Arden* Esquire, and in the Occupation of *James Lee*; a Garden, situate in *Bradbury* aforesaid, now or late belonging to *Isaac Cheetham*, and in the Occupation of *Thomas Hyde*; a Garden, situate in the Township of *Romiley*, now or late belonging to the Reverend *Robert Tharp*, and in the Occupation of *Thomas Axon*; Two Gardens, situate in the Township of *Romiley* aforesaid, now or late belonging to or in the Occupation of *Thomas Axon* and *Samuel Axon*; a Garden, situate in the Township of *Marple*, now or late belonging to *John Taylor*, and in the Occupation of *William Jackson*; a Garden, situate in the Township of *Marple* aforesaid, now or late belonging to *John Hollingworth*, and in the Occupation of *Thomas Sykes*; and an untenanted House and Garden, situate in *Bradshaw Edge*, in the Parish of *Chapel in le Frith*, now or late belonging to *Peter Kirk*.

Plan and Book of Reference to be

IV. And whereas a Survey has been taken to ascertain the Practicability of making the said Canal and Cut, and Railways or Stone Roads, and a Map

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 Cut, Railways or Stone Roads; be it therefore further enacted, That there shall be Three 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 *Chester*, another with the Clerk of the Peace for the said County of *Derby*, 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 any of the said Maps or Plans, and Books of Reference so certified, 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 so to be deposited with him as aforesaid, before the Commissioners to be appointed in Manner herein-after mentioned, or any Jury or Juries to be impannelled 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.

authenticated by the Speaker of the House of Commons, and deposited.

V. And be it further enacted, That the said Company of Proprietors, in making the said intended Canal, Cut, and Railways or Stone Roads, shall not deviate more than One 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, Cut, and Railways or Stone Roads, 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 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, 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 intended Canal, Cut, and Railways or Stone Roads, 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.

Power to deviate One hundred Yards from the Line laid down in the Plan.

VI. Provided always, and it is hereby further enacted and declared, That the said Company of Proprietors shall and may make the said intended Canal, Cut, and Railways or Stone Roads, into, through, across, or over, the Estates, Lands, or Grounds, of any Person or Persons whomsoever, into whose Estates, Lands, or Grounds, such Deviation as aforesaid

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

ſaid 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 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.

Allowing the Company an Option in future to adopt either of the Two Lines near *Marple Dale*, as laid down in the Plan.

VII. And whereas there are Two Lines laid down in the ſaid Map or Plan for the Courſe of the ſaid Canal, near a certain Place called *Marple Dale*, and it is not expedient that either of the ſaid Lines ſhould now be adopted, be it therefore further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, at any Time hereafter, to make and maintain the ſaid Canal in ſuch One of the ſaid Two Lines as to them ſhall ſeem beſt.

Directing how the Towing Path through the Lands of *George Hyde Clarke*, Eſq. and Mr. *Samuel Oldknow*, ſhall be made.

VIII. And be it further enacted, That the ſaid Company of Proprietors ſhall and they are hereby required to make the Towing Path of the ſaid intended Canal through that Part of the Lands of *George Hyde Clarke* Eſquire, which lies between the High Road leading from *Denton* to *Hyde*, and a Place called *Wood End*, all in the ſaid County of *Cheſter*, on the Eaſterly Side of the ſaid intended Canal, and through the Lands of *Samuel Oldknow*, lying in the Townſhip of *Marple*, in the ſaid County of *Cheſter*, on the Weſterly Side of the ſaid intended Canal.

The Company not to take any Water from the Rivers near the Line of the Canal, except in Times of Floods.

IX. And, for preventing Injury or Damage to the Owners or Occupiers of Mills and Millſteads upon the Rivers or Brooks near the Line of the ſaid intended Canal and Cut, or which may be affected by making the ſaid intended Canal and Cut, and other Works hereby authorized to be made; 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 whatſoever, to take, or ſuffer to be taken or uſed for the ſaid intended Canal or Cut, or for the Supply of any Reſervoir or Reſervoirs, or other Works of the ſaid Navigation, any of the Rivulets, natural Feeders, Watercourſes, Streams of Water, or Springs, viſible at the Time of the Commencement of this Act, flowing to, or ſupplying, or aſſiſting in ſupplying with Water, any Mill or Mills ſituate upon the ſaid Rivers or Brooks, except in Times of Floods and wet Seaſons, and when there ſhall be a Surplus of Water for the Supply of the Mills upon the ſaid reſpective Rivers and Brooks, but that each and every of ſuch Rivulets, natural Feeders, Watercourſes, Streams of Water, and Springs, viſible as aforeſaid, which ſhall or may be croſſed or diverted by the ſaid intended Canal or Cut, or by any Reſervoir, Conductor, Aqueduct, or other Work appertaining thereto, ſhall be well and effectually tunnelled or conducted under or by the Side of the ſaid intended Canal or Cut, Reſervoir, or other Work, by the ſaid Company of Proprietors, into the former or ancient Courſe of ſuch Rivulets, Springs, Feeders, Watercourſes, or Streams of Water, ſo that the whole natural Streams thereof ſhall flow through or along ſuch Tunnels or Paſſages, and into the former or ancient Courſes thereof as heretofore: And for the Purpoſe of taking the Surplus or Flood Waters of the

Gauge Weirs to be erected

the Rivers and Brooks to ſupply the ſaid Reſervoirs, the ſaid Company of Proprietors ſhall, and they are hereby required to make and erect, on the Channel to be made to conduct the natural Stream of each River or Brook along the Side of and paſt each Reſervoir, a proper Gauge Weir, and an Overfall or Tumbling Bay, of Dimenſions ſuitable to the Gauge of the River or Brook, the Surface or Cap of which Gauge Weir ſhall be level, and ſhall be made of durable Stone or Metal, and ſo placed that there ſhall be a perpendicular Fall of Six Inches at the leaſt immediately from the Surface or Cap of ſuch Gauge Weir to the Surface of the Water below the ſame, and ſuch Channels, Gauge Weirs, and Tumbling Bays ſhall be ſo conſtructed, that the natural Stream of the River or Brook on which any ſuch Reſervoir ſhall be made may paſs through and along the ſame into its former Courſe or Channel without any Obſtruction or Diminution, and ſo that no Water may be taken into any Reſervoir from the Brook called *Todd's Brook*, except the Surplus Water when the Stream of the ſaid *Todd's Brook*, near its Junction with the *Goit*, ſhall exceed Four Inches and an Half in Depth over a Gauge Weir of Ten Feet in Length, and ſo that no Water may be taken into any Reſervoir from the Brook called *Comb's Brook*, except the Surplus Water when the Stream of the ſaid *Comb's Brook*, at the Lane leading from *Tunſtead Milton* to *Tunſtead*, ſhall exceed Three Inches and an Half in Depth over a Gauge Weir of Ten Feet in Length, and ſo that no Water may be taken into any Reſervoir from the Brook called *Hockham Brook*, except the Surplus Water when the Stream of the ſaid *Hockham Brook*, at a Place called *The Waſh*, ſhall exceed Three Inches in Depth over a Gauge Weir of Ten Feet in Length.

acroſs the Brooks.

X. Provided always, and be it further enacted, That if it ſhall at any Time hereafter be found by Experience, that the Gauges of *Todd's Brook*, *Comb's Brook*, and *Hockham Brook*, herein-before deſcribed, or any of them, are not ſufficient for the full and ample Supply of Water for the Uſe of the ſeveral Water Corn Mills, Cotton Factories, Printing Works, Collieries, and other Works ſituated and being on or near the ſaid Rivers or Brooks reſpectively, then, and in ſuch Caſe, the ſaid Company of Proprietors ſhall enlarge the ſaid Gauges in and upon the ſaid Rivers and Brooks reſpectively, ſo as to ſecure to the ſaid Water Corn Mills, Cotton Factories, Printing Works, Collieries, or other Works, the natural Streams of the ſaid Rivers and Brooks reſpectively in common Seaſons, in as full and ample a Manner as before the paſſing of this Act; any Thing herein contained to the contrary thereof in anywiſe notwithſtanding.

Gauges to be enlarged if not ſufficient for the Protection of the Mill Owners.

XI. And be it further enacted, That for the Purpoſe of taking Care that no Water, except as allowed by this Act, be taken for the ſaid intended Canal or Cut, and that all Tunnels, Gauges, Trenches, Reſervoirs, Locks, and Banks, to be made in purſuance of this Act, ſhall be at all Times kept in proper Repair, it ſhall be lawful for the ſaid Company of Proprietors, and they are hereby required to appoint Two Perſons, who ſhall be paid by them, for the Purpoſe of ſuperintending, regulating, and keeping in ſufficient Repair, all and every the ſaid Tunnels, Gauges, Trenches, Reſervoirs, Locks, and Banks, to be made in purſuance or by virtue of this Act, and that the Names and Places of Abode of ſuch Perſons, and for which Diſtrict they ſhall be reſpectively appointed,

Two Agents to be appointed.

pointed, ſhall be left at the Office of the reſpective Clerks of the Peace for the Counties of *Derby* or *Cheſter*, for the Inſpection of any Perſon or Perſons whomſoever, upon Payment of the Fee of One Shilling to the ſaid Clerk of the Peace; and in caſe the ſaid Company of Proprietors ſhall neglect or refuſe to appoint ſuch Two Perſons, or either of them, for the Purpoſes and in Manner aforeſaid, then the Juſtices of the Peace for the reſpective County, at any of their General Quarter Seſſions, ſhall and they are hereby authorized and impowered, upon the Application of any Three or more Mill Owners or Mill Occupiers who may be affected thereby, to nominate and appoint ſuch Agent or Agents as ſhall not have been appointed by the ſaid Company of Proprietors for the Purpoſes aforeſaid, and to fix and appoint what Coſts and Charges ſhall be allowed by the ſaid Company of Proprietors to the Perſons making ſuch Application.

Juſtices at the Seſſions may remove Agents, and appoint others.

XII. And be it further enacted, That it ſhall be lawful for the Juſtices of the Peace aſſembled at any General Quarter Seſſions for the County of *Derby* or *Cheſter*, as the Caſe may be, on Complaint to them made by any Three or more Owners or Occupiers of Mills upon any of the ſaid Rivers or Brooks, of any Neglect of Duty, or other improper Conduct, by any of the Agents ſo to be appointed as aforeſaid, Twenty-one Days Notice of their Intention to make ſuch Complaint being firſt given by ſuch Owners or Occupiers of Mills to the ſaid Agent or Agents, and to the Clerk to the ſaid Company of Proprietors, to remove ſuch Agent or Agents, or otherwiſe, as to ſuch Juſtices ſhall ſeem meet, and ſuch Juſtices ſhall and may appoint ſuch other Perſon or Perſons to be the Agent or Agents, in the Room of the Perſon or Perſons ſo to be removed as aforeſaid, as ſhall for that Purpoſe be recommended to the ſaid Juſtices by the ſaid Company of Proprietors, or their Clerk, and in caſe no ſuch Recommendation be then made to the ſaid Juſtices, they the ſaid Juſtices ſhall and may appoint ſuch other Perſon or Perſons to be the Agent or Agents as aforeſaid as they the ſaid Juſtices may ſee fit and proper; and ſuch Juſtices ſhall alſo order and determine by whom the Coſts and Expences of ſuch Application and Appointment ſhall be paid: Provided nevertheleſs, That in caſe of any ſuch Appointment being made at any Quarter Seſſions as aforeſaid, the Perſons ſo appointed ſhall be and be deemed and taken to be Officers or Servants of the ſaid Company, to all Intents and Purpoſes whatſoever, and ſhall be allowed and paid by them ſuch Salary as the Juſtices at the ſaid Quarter Seſſions ſhall fix and direct.

For repairing Damage done to the Channel, and Works made to preſerve the Mill Waters.

XIII. And be it further enacted, That if the Channels or Watercourſes to be made for conveying the Waters of the ſaid Rivers and Brooks by the Side or Sides of the ſaid intended Canal, Cut, or Reſervoirs, or the Banks, Gauge Weirs, or other the Works thereof, or any of them, ſhall be at any Time or Times hereafter damaged or put out of Repair, ſo as to occaſion any Diminution of the ordinary Current of the ſaid Rivers and Brooks, then it ſhall be lawful for any of the ſaid Mill Owners or Occupiers to give Notice in Writing to, or to leave ſuch Notice at the uſual Place of Abode of the Agent who ſhall then have the Management of the Channel, Watercourſe, Reſervoir, Bank, Gauge Weir, or other Work ſo out of Repair, and immediately after ſuch Notice given or left as aforeſaid, the ſaid Agent is hereby required, at the Expence of the

ſaid Company of Proprietors, to cauſe the ſaid Channel or Watercourſe, Reſervoir, Bank, Gauge Weir, or other Work, ſo damaged or out of Repair, to be well and ſufficiently repaired; and if, after ſuch Notice, the ſaid Agent ſhall refuſe or neglect to cauſe ſuch Channel or Watercourſe, Reſervoir, Bank, Gauge Weir, or other Work, to be well and ſufficiently repaired, without any Delay, except what may be unavoidable, ſuch Agent ſhall forfeit and pay any Sum not exceeding Five Pounds, nor leſs than Five Shillings, at the Diſcretion of the Juſtice or Juſtices before whom ſuch Agent ſhall be convicted, for each and every Day during ſuch Neglect or Refuſal, until the ſame ſhall be repaired, which ſaid Penalty ſhall be paid, One Half to the Informer, and the other Half to the Poor of the Pariſh, Townſhip, or Place, in which the Neglect ſhall take place.

Perſons intereſted in the Waters liable to be affected by the Canal to have Acceſs to the Works.

XIV. And be it further enacted, That all Perſons intereſted in the Waters of the Rivers or Brooks that may be affected by the ſaid intended Canal or Cut ſhall at all Times, by themſelves or their Agents, have free Acceſs to the Whole of the ſaid intended Canal and Cut, and the Reſervoirs and Works thereto belonging, and the Lands and Grounds of the ſaid Company of Proprietors, or of any other Perſon or Perſons whomſoever, at the ſeveral Places at which Water ſhall be taken into the ſame, for the Purpoſe of examining and aſcertaining what Quantity of Water ſhall be taken in at the ſaid Places.

Compenſation to be made for Damages done by Breach of Reſervoirs or other Works.

XV. And be it further enacted, That if any Injury or Damage ſhall happen to be done to the Owner or Occupier of any Mill, Edifice, Lands, or Hereditaments, by the Breach of any Reſervoir to be made for the Purpoſe of the ſaid intended Canal or Cut, or any of the Locks or Works of the ſaid Navigation, or by the Water flowing from the ſaid Canal or Cut, or any ſuch Reſervoir, or from any other Accident, then, and in every ſuch Caſe, full Compenſation ſhall be made to the Owner and Occupier of, and all other Perſons intereſted in, any ſuch Mill, Edifice, Lands, or Hereditaments, by the ſaid Company of Proprietors, for all ſuch Injury and Damage; which Injuries and Damages, and the Compenſation to be made in Reſpect thereof, ſhall be ſettled and determined or aſſeſſed by the Ways and Means herein directed with Reſpect to other Damages to be done by making and completing the ſaid Navigation.

Breadth of Canal, *etc.* and Towing Paths.

XVI. And be it further enacted, That the Lands or Grounds to be taken or uſed for the making of the ſaid Canal and Cut, 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 or Cut, or either 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,

tion, 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 and Cut.

Where Roads are injured, others to be made.

XVII. Provided always, and be it further enacted, That in all Caſes where, in Exerciſe of the Powers aforeſaid, any Part of any Carriage or Horſe Road, either publick or private, ſhall be found neceſſary to be cut through, taken, or ſo much injured as to be impaſſable or inconvenient for Travellers or Carriages, or the Perſon entitled to the Uſe thereof, the ſaid Company of Proprietors ſhall, at their own Expence, before any ſuch Road ſhall be cut through, taken, or injured as aforeſaid, cauſe a good and ſufficient Carriage or Horſe Road (as the Caſe may require) to be ſet out and made inſtead thereof, as convenient for Paſſengers and Carriages as the Road ſo to be cut through, taken, or injured as aforeſaid, or as near thereto as may be, and ſhall cauſe the ſame to be put in good and ſubſtantial Order and Condition.

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

XVIII. 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), 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 Cut reſpectively, or either 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, or to cut down any Timberwood, Bruſhwood, or Underwood, upon any of the Eſtates or Lands through or into which the ſaid Canal, Cut, and Railways or Stone Roads, 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, Cut, and Railways or Stone Roads, 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 in ſettling or aſcertaining the ſame, then at ſuch Price or Value as the Commiſſioners

ers hereby appointed ſhall direct; 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 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.

Power to take Water from Mines.

XIX. And whereas the making ſuch Canal and Cut will be of particular Advantage to the Owners and Proprietors of certain Coal Mines and other Mines and Minerals already opened, and which may be opened, contiguous or near to the ſaid Canal, and it will be neceſſary, for ſupplying the ſaid Canal with Water, that the Water to be raiſed by the Fire Engines, Water Engines, or other Machines erected or to be erected for draining the ſaid Mines, ſhould be diſcharged into the ſaid Canal and Cut; be it therefore enacted, That it ſhall be lawful for the ſaid Company of Proprietors, and they are hereby authorized and impowered, at all Times hereafter, to have, divert, and take, the Water to be raiſed or drained by Means of any Fire Engine, Water Engine, or other Machine or Level, already or hereafter to be erected, made, or opened, in or upon any Lands or Mines within the Diſtance of Two thouſand Yards from the ſaid Canal and Cut, or either of them, without any Recompence or Satisfaction to be made by the ſaid Company of Proprietors for the ſaid Water ſo to be diverted and taken as aforeſaid, and that it ſhall be lawful for the ſaid Company of Proprietors for the Purpoſe of ſupplying the ſaid Canal and Cut with the ſaid laſt-mentioned Water, and for the conveying the ſame thereto, to make any ſuch Reſervoir or Reſervoirs as aforeſaid, Trenches, Aqueducts, or Feeders, doing no Injury thereby to any Mines lying under or near to ſuch Reſervoirs, Trenches, Aqueducts, or Feeders, and making Recompence and Amends to the Owners and Proprietors of Lands, in Manner as herein is directed and provided, for any Lands to be taken or uſed, or for any Damage to be occaſioned to any other Lands, by reaſon of the making of any ſuch Reſervoirs, Trenches, Aqueducts, or Feeders.

To oblige Proprietors of Fire Engines to lift their Water into the Canal and Branch.

XX. And be it further enacted, That all Owners, Proprietors, Leſſees, or Renters of Mines, within the Diſtance of Two thouſand Yards from the ſaid Canal and Cut, or either of them, ſhall and are hereby required to cauſe to be lifted and thrown up all ſuch Water as ſhall from Time to Time be raiſed by any Fire Engine, Water Engine, or other Machine erected or to be erected or uſed for the Purpoſe of working their Mines, to ſuch a Heighth or Level as may be ſufficient to convey ſuch Water into the ſaid Canal or Cut, ſo as ſuch Owners or other Perſons be not obliged to raiſe the ſaid Water, at their own Expence, higher than may be neceſſary for draining and diſcharging the Water from their Mines; but that in caſe the ſaid Company of Proprietors ſhall, for the Purpoſe of ſupplying the ſaid Canal and Cut, or either of them, with Water, think it expedient that the ſaid Owners or other Perſons ſhould raiſe the Water out of their Mines to a higher Level than may be neceſſary for draining and diſcharging ſuch Water out of ſuch Mines, and ſhall give Notice in Writing, under the Seal of the ſaid Company of Proprietors,

prietors, or under the Hand of their Clerk, requiring the ſaid Water ſo under Level to be thrown into the ſaid Canal or Cut, then, and in ſuch Caſe, the ſaid Owners or other Perſons ſhall be obliged to lift up ſuch Water into the ſaid Canal or Cut agreeable to ſuch Notice; and the ſaid Company of Proprietors ſhall, and they are hereby directed to make Compenſation, from Time to Time, to the ſaid Owners or other Perſons, for all extraordinary Expences they may thereby be put to, either by an Annual Rent, or an Allowance in Groſs, at the Option of ſuch Owners or other Perſons; and in caſe the ſaid Company of Proprietors and ſuch Owners or other Perſons ſhall not agree upon ſuch Compenſation, the ſame ſhall be adjuſted and determined in Manner hereinafter provided with reſpect to the Satisfaction to be made to the Owners of Lands to be taken for the Uſe of the ſaid Canal and Cut.

For Protection of Eſtates of *Foſter Bower* Eſq. and the Rev. *Simon Jacſon*.

XXI. Provided always, and be it enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to include any of the Eſtates, Lands, Tenements, or Hereditaments of *Foſter Bower* Eſquire, or the Reverend *Simon Jacſon* Clerk, or of either of them, in the Counties of *Cheſter* and *Derby*, lying and being to the South of a certain Turnpike Road leading from the Town of *Macclesfield*, in the ſaid County of *Cheſter*, to *Chapel in le Frith*, in the ſaid County of *Derby*, nor to enable, authorize, or impower, the ſaid Company of Proprietors, or any other Perſon or Perſons whomſoever, to enter into or upon ſuch Eſtates, Lands, Tenements, or Hereditaments, for any of the Purpoſes of this Act, or under Colour or Pretence thereof, or to do any Act, Matter, or Thing, in or upon ſuch Eſtates, Lands, Tenements, or Hereditaments, or to ſubject or make liable the ſaid *Foſter Bower* or *Simon Jacſon*, or either of them, his or their, or either of their Heirs or Aſſigns, for or in reſpect of his or their, or either of their Eſtates, Lands, Tenements, or Hereditaments, ſo lying to the South of the ſaid Turnpike Road as aforeſaid, or any Mines or Minerals therein being, or any of the Water raiſed or to be raiſed thereout or therefrom by any Ways or Means whatſoever, or any of the Brooks, Springs, Streams, Rivers, Rivulets, Waters, or Watercourſes, in, upon, or under, the Eſtates, Lands, Tenements, or Hereditaments laſt aforeſaid, to any Obligations, Duties, Requiſitions, Reſtraints, Incumbrances, or Conditions, to which the ſaid *Foſter Bower* and *Simon Jacſon* reſpectively, and his and their Eſtates, Lands, Tenements, and Hereditaments, laſt aforeſaid are not now ſubject and liable, but that the ſaid *Foſter Bower* and *Simon Jacſon* reſpectively, his and their reſpective Heirs and Aſſigns, ſhall and may have and enjoy his and their reſpective Eſtates, Lands, Tenements, and Hereditaments, and all and ſingular the Premiſes laſt aforeſaid, ſo lying and being to the South of the ſaid laſt mentioned Turnpike Road, in as full and ample a Manner, to all Intents and Purpoſes, and free from all and every Obligations, Duties, Requiſitions, Reſtraints, Incumbrances, and Conditions whatſoever, to which the ſame are not now ſubject or liable, as if this Act had not been made; any Thing herein contained to the contrary thereof in anywiſe notwithſtanding.

To impower Mr. *Hodgſon* to make Tunnel under the Canal.

XXII. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to hinder or prevent *Robert Hodgſon* Eſquire, his Heirs or Aſſigns, from making or driving Cuts or Levels under the ſaid intended Canal, where the ſame

ſhall be or paſs on any Part or Parts of the Lands and Grounds now belonging to the ſaid *Robert Hodgſon*, called *The Hagg Bank Eſtate*, he the ſaid *Robert Hodgſon*, his Heirs or Aſſigns, doing no Injury or Damage to the ſaid intended Canal, or any Works belonging to the ſame, nor in any Way obſtructing the Navigation thereof.

Bodies Politick, *etc.* impowered to ſell and convey Lands.

XXIII. And be it further enacted, That after any Lands, Grounds, or Hereditaments, ſhall be ſet out and aſcertained for making the ſaid intended Canal, Cut, and Railways or Stone Roads, or any Part or Parts thereof, and for providing and conſtructing the Reſervoirs, Wharfs, and other Works and Conveniencies 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, Idiots, 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 Intereſts therein, and to 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, and convey, the ſame, and every Part thereof, unto the ſaid Company of Proprietors; and if it ſhall happen, that by making the ſaid intended Canal, Cut, and Railways or Stone Roads, 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 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 that all ſuch Contracts, Agreements, Sales, Exchanges, Conveyances, and Aſſurances, ſhall be valid and effectual in Law, to all Intents and Purpoſes whatſoever, any Law, Statute, Uſage, or Cuſtom, to the contrary thereof in anywiſe notwithſtanding; 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 by virtue and in purſuance of this Act; and all ſuch Contracts, Agreements, Sales, Conveyances, Exchanges, and Aſſurances, (other than thoſe which concern any Purchaſe or Exchange between any ſuch reſpective Land Owners), ſo to be made as aforeſaid, 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

Lands ſeparated into ſmall Parcels, may be exchanged or ſold.

of Proprietors, shall be made according to the following Form; *(videlicet)*,

Form of Conveyance to 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 the Company of Proprietors of the *Peak Forest* Canal, do hereby grant and release to the said Company all [*describing the Premises to be conveyed*], and all my Right, Title, and Interest, in and to the same, and every Part thereof, to hold to the said Company of Proprietors for ever, by virtue and according to the true Intent and Meaning of the Act of Parliament, passed for making and maintaining the said *Peak Forest* Canal. In Witness whereof, I have hereunto set my Hand and Seal, this Day of in the Year of our Lord

And which said Conveyances shall be kept by the Clerk or Clerks to the said Company of Proprietors, who shall, from Time to Time, when required, deliver attested Copies thereof to any Person or Persons requiring the same, and shall have and receive Two Shillings and Sixpence for every such attested Copy; and every such Conveyance as aforesaid, which shall be made to any Person or Persons other than the said *Peak Forest* Canal Company, shall be according to the following Form; *(videlicet)*,

Form of Conveyance to other Persons than the Company.

'I *A. B.* of do hereby, in Consideration of the Sum of to me in Hand paid by *C. D.* of 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], convey and assign 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 in the Year of our Lord

And every such Conveyance shall be valid and effectual.

Company to purchase Land cut off, less than Half an Acre, or less than 20 Yards in Breadth.

XXIV. And be it further enacted, That if in making the said intended Canal and Cut, Railways or Stone Roads, or either of them, any Pieces or Parcels of Ground shall be cut through and divided, so that what shall be left on each or either Side of the said intended Canal, Cut, and Railways or Stone Roads, or any of them, shall be less than Half an Acre in Quantity, or less than Twenty Yards in Breadth throughout the whole Length thereof, and if the Owner or Owners of any such Pieces or Parcels of Ground shall not have any other Land or Ground adjoining or contiguous to what shall be so left on each or either Side of the said intended Canal, Cut, Railways or Stone Roads, then, and in every such Case, the said Company of Proprietors shall also take and purchase the Piece or Parcel, Pieces or Parcels, of Ground so to be left on each or either Side of the said intended Canal, Cut, Railways or Stone Roads, or any of them, being less than Half an Acre in Quantity, or less than Twenty Yards in Breadth, throughout the whole Length thereof as aforesaid, and shall pay for the same after the same Rate and in the same Manner

Manner as they ſhall pay for the Land or Ground adjoining thereto, which ſhall be taken and uſed for making the ſaid intended Canal, Cut, Railways or Stone Roads, provided the Owner or Owners, or the Perſon or Perſons, entitled to the Poſſeſſion, or to the Rents and Profits of ſuch ſmall Pieces or Parcels of Ground reſpectively, ſhall require the ſaid Company of Proprietors to take and purchaſe the ſame, but not otherwiſe; and the Conſent of the Commiſſioners is hereby declared not to be neceſſary to the Sale to the ſaid Company of Proprietors, of any Pieces or Parcels of Ground anſwering the Deſcription next beforementioned.

Company to purchaſe Land ſeparated by the Canal, or to make a Communication.

XXV. And be it further enacted, That in all Caſes where by the effecting of the ſaid Undertaking, any Part or Parts of the Lands or Grounds of any Perſon or Perſons whomſoever ſhall be ſevered and divided from the other Part or Parts of the Lands or Grounds of ſuch Perſon or Perſons, ſo as to deprive ſuch Perſon or Perſons, or the Occupier or Occupiers of ſuch Lands or Grounds of a convenient or proper Acceſs to the ſame, then, and in every ſuch Caſe, the ſaid Company of Proprietors ſhall, and they are hereby required either to purchaſe the Lands or Grounds ſo ſeparated and deprived of a Road as aforeſaid (the Purchaſe Money in ſuch Caſes to be ſettled, adjuſted, and levied, by ſuch Ways and Means as are herein appointed with regard to other Purchaſe Monies, and to be apportioned, paid, and diſpoſed of, in the Manner herein directed), or to build and conſtruct, and afterwards to maintain and keep in good and ſufficient Repair, a proper Bridge or Bridges, at the Coſts and Charges of the ſaid Company of Proprietors, for the Convenience of the Owner or Owners, and Occupier or Occupiers, of ſuch Lands or Grounds, as the ſaid Commiſſioners ſhall think fit and determine, in caſe ſuch Owner or Owners ſhall require either ſuch Land to be purchaſed, or a Bridge to be erected for the Uſe thereof; and that if the ſaid Company of Proprietors ſhall neglect or refuſe, by the Space of Six Calendar Months next after Notice ſhall be given to them, or the Clerk or Clerks by them appointed, to purchaſe ſuch Parts of the Lands or Grounds which ſhall be ſo deprived of a Road thereto as aforeſaid, or to build and conſtruct, and keep in good and ſufficient Repair ſuch Bridge or Bridges, purſuant to a Determination of the ſaid Commiſſioners, that then, and in every ſuch Caſe, it ſhall and may be lawful for the Perſon or Perſons whoſe Lands are ſo ſeparated, and who ſhall have given Notice as aforeſaid, to build himſelf, herſelf, or themſelves, ſuch Bridge or Bridges as ſhall be neceſſary for the Purpoſe of making a proper Communication between the different Parts of the Lands ſo ſeparated, and to recover the Expence of building ſuch Bridge or Bridges from the ſaid Company of Proprietors by the ſame Way and Remedy as is herein provided for recovering of other Damages done for effecting the Purpoſes of this Act.

For preſerving Copyhold Rights.

XXVI. Provided alſo, and be it further enacted, That all Contracts, Agreements, Bargains, Sales, and Exchanges, of or concerning any Lands, Tenements, or Hereditaments, which ſhall be Copyhold, or of the Nature of Copyhold, ſhall be executed and completed by Surrender thereof in the reſpective Courts of the Manor whereof ſuch Lands, Tenements, or Hereditaments, ſhall be held, according to the Cuſtom of the ſame Manors reſpectively, and ſuch Lands, Tenements, or Hereditaments, ſhall remain and continue ſubject to ſuch and the ſame Fines, Rents, and Services,

vices, as are due and payable, and of Right accuſtomed, in ſuch and the ſame Manner as if this Act had not been made, unleſs the Lords of the Manors for the Time being whereof ſuch reſpective Copyhold Hereditaments ſhall be holden ſhall be deſirous of enfranchiſing the ſame, in which Caſe ſuch Lords ſhall be competent ſo to do, notwithſtanding they ſhall be ſeiſed of or entitled to the ſame Manors reſpectively for a leſs Intereſt than an Eſtate of Inheritance in Fee Simple.

Satisfaction to be made.

XXVII. 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, Cut, and Railways or Stone Roads, 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 Cut, or either 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 herein-after directed; and all 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 Charges 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

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

Yearly Rents charged on the Rates.

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, Cut, and Railways or Stone Roads, 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 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 for settling Differences.

XXVIII. And whereas Differences may arise between the said Company of Proprietors and the several Owners of and Persons interested in the Lands, Grounds, Tenements, Hereditaments, Mills, or Waters, which shall or may be affected or prejudiced by the Execution of the Powers hereby granted, touching the Purchase Money to be paid, or Recompence to be made to them respectively; be it therefore enacted, That the Right Honourable *George Harry Grey*, commonly called *Lord Grey*, the Right Honourable *George Augustus Henry Cavendish*, commonly called *Lord George Cavendish*, the Honourable *Booth Grey*, the Honourable *John Grey*, the Honourable *William Booth Grey*, the Honourable *Architel Grey*, the Honourable *Henry Grey*, the Honourable *Wilbraham Tollemache*, the Reverend Sir *George Booth* Baronet, Sir *George Warren* Baronet, Knight of the Bath, Sir *John Fleming Leicester* Baronet, the Right Honourable Sir *Richard Pepper Arden* Knight, Master of the Rolls, Sir *Henry Mainwaring* Baronet, *John Arden*, *Dukinfield Astley*, *John Astley*, *Richard Arkwright*, *Thomas Beard*, *Foster Bower*, *Robert Bancroft*, *John Barker*, *George Barker*, *John Bagshaw*, Sir *Robert Cotton* Baronet, *John Crewe*, *Penn Asheton Curzon*, *Edward Coke*, *George Hyde Clarke*, *Randolph Carlile*, *Joseph Dale*, *John Dale*, *Joseph Denman* M. D. *William Egerton*, *Samuel Finney*, *Peter Davenport Finney*, *Samuel Greg*, *Samuel Frith*, *Robert Gee*, *Joseph Gould*, *James Harrison*, *Robert William Haye*, *Micah Hall*, *Edward Hawkins*, *Robert Hodgson*, *John Bower Jodrell*, *George Johnson*, the Reverend *Croxton Johnson*, the Reverend *Simon Jacson*, *Francis Jodrell*, *Thomas Marsden Jodrell*, *Edmund Henry Jodrell*, *Thomas Peter Legh*, *Egerton Leigh*, *John Leigh* of the Temple, *George Leycester*, *Hugh Leycester*, the Reverend *Oswald Leycester*, *John Leigh* of *Oughtrington*, *John George Leigh*, *George Lloyd*, *Robert Longston*, *James Longston*, *Robert Longden*, *Samuel Marsland*, *Thomas Mills*, *Samuel Needham*, *Robert Needham*, *Samuel Oldknow*, the Reverend *Charles Prescot*, *Thomas Parker*, *Peter Patten*, *John Stringer*, *Samuel Simpson*, *William Tatton*, *Bage Thornhill*, *Charles White* F. R. S. the Reverend *Henry Offley Wright*, *Richard White*, *Edmund Wheeldon*, *Isaac Wheeldon*, and *Robert Wright*, and their Successors, to be elected in Manner hereinafter mentioned, shall be and are hereby appointed Commissioners for settling, determining, and adjusting, all Questions, Matters, and Differences, which shall or may arise between the said Company of Proprietors and the several Proprietors of and Persons interested in any Lands,

Grounds, Tenements, or Hereditaments, Mills, Millſteads, Falls of Water, or Waters that ſhall or may be affected or prejudiced by the Execution of any of the Powers hereby granted.

Elections of new Commiſſioners.

XXIX. And, for continuing a ſufficient Number of Commiſſioners for putting this Act in Execution, be it further enacted, That when any of the Commiſſioners hereby appointed, or to be elected in Manner herein mentioned, ſhall die, or refuſe to act, the ſurviving or remaining Commiſſioners ſhall, and they are hereby impowered, from Time to Time, at ſome Meeting to be held for that Purpoſe, by Writing under their Hands, to elect and appoint another Perſon in the Place of every Commiſſioner dying or refuſing to act, and all ſuch Commiſſioners ſo to be appointed ſhall, from the Time of their reſpective Appointments, have the like Authority in all Things relating to the Execution of this Act as if they had been expreſsly named Commiſſioners in and by this Act.

Impowering the Quarter Seſſions to nominate Commiſſioners in caſe the Survivors neglect, or a ſufficient Number cannot be found in the Neighbourhood.

XXX. And be it further enacted, That, in caſe it ſhall happen that the ſurviving or remaining Commiſſioners ſhall at any Time neglect or refuſe, upon any Vacancy, to nominate or appoint a new Commiſſioner, or for Want of a proper Number of Commiſſioners in the Neighbourhood it ſhall become difficult to procure a Meeting or Meetings for executing the Powers of this Act, or in caſe the Commiſſioners nominated in this Act, or hereafter to be elected under and by virtue thereof, ſhall be reduced to a leſs Number than Twenty-four, then, and in any of the ſaid Caſes, it ſhall be lawful for the ſaid Company of Proprietors from Time to Time to make Complaint thereof to the Juſtices of the Peace for the County Palatine of *Cheſter*, or for the County of *Derby*, at any General Quarter Seſſions of the Peace, or any Adjournment thereof, and the Juſtices to whom ſuch Complaint ſhall be made are hereby authorized to receive and hear the ſaid Complaint, and, upon due Proof thereof being made to them, to nominate and appoint ſuch fit and proper Perſons as they in their Diſcretion ſhall think fit, to be Commiſſioners for the Purpoſes of this Act, and the ſaid Commiſſioners ſo nominated and appointed ſhall from thenceforth have the like Powers and Authorities as if appointed by or under the Authority of this Act.

Commiſſioners may act as Juſtices of the Peace.

XXXI. 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 either of them, ſhall and may, notwithſtanding their being Commiſſioners, act as Juſtices of the Peace in the Execution of this Act.

Qualification of Commiſſioners.

XXXII. Provided always, and be it further enacted, That no Perſon ſhall act as a Commiſſioner in any Caſe in the Execution of this Act, during the Time of his holding any Place of Profit ariſing out of the Rates to be collected by virtue of this Act, or during the Time of his being a Proprietor in the ſaid Navigation, or concerned or intereſted in any Contract or Bargain made or to be made for the Purpoſes of this Act, or in any Caſe where he ſhall be in anywiſe intereſted or concerned in the Matter in Queſtion, nor unleſs he ſhall reſide in the County of *Cheſter* or *Derby*, and ſhall be ſeiſed in his own Right, or in the Right of his Wife, and not as a Mortgagee, at the Time of ſuch his acting, of an Eſtate of Freehold or Copyhold, or both, in Lands, Tenements, or Hereditaments, of the yearly Value of Two hundred Pounds, or unleſs he ſhall be poſſeſſed of

of or entitled to a Perſonal Eſtate of the Value of Five thouſand Pounds, or be eldeſt Son or Heir Apparent of a Peer, or of a Perſon qualified to ſerve in Parliament as a Knight of the Shire; nor ſhall any Perſon act as a Commiſſioner in the Execution of this Act, (otherwiſe than in adminiſtering an Oath or Affirmation to the Effect following to the other Commiſſioners), until he ſhall have taken ſuch Oath or Affirmation before any One or more of the ſaid Commiſſioners, who is or are hereby authorized and impowered to adminiſter the ſame; (that is to ſay),

Oath.

'I, *A. B.* do ſwear [*or*, being One of the People called Quakers, do ſolemnly affirm] that I am truly and *bona fide* in the actual Poſſeſſion and Enjoyment [*or*, Receipt] of the Rents and Profits of Lands, Tenements, and Hereditaments, of the clear yearly Value of Two hundred Pounds above Reprizes, [*or*, poſſeſſed of, *or*, entitled to a Perſonal Eſtate to the Amount or Value of Five thouſand Pounds], and that I will, without Favour or Affection, truly and impartially, according to the beſt of my Skill and Knowledge, execute and perform the Powers and Authorities veſted in me as a Commiſſioner by an Act, made in the Thirty-fourth Year of the Reign of King *George* the Third, intituled, [*ſet forth the Title of this Act.*]'

And the Clerk to the ſaid Company of Proprietors ſhall be preſent when ſuch Oath ſhall be taken by any Commiſſioner appointed or to be appointed by virtue of this Act, and an Entry or Memorandum of ſuch Oath being taken by the Commiſſioners ſhall be made by and certified under the Hand of ſuch Clerk, which Certificate ſhall be deemed ſufficient Evidence of ſuch Oath having been taken in all Courts whatſoever; and if any Perſon by this Act declared incapable to act as a Commiſſioner ſhall nevertheleſs preſume to act as ſuch in the Execution of this Act, every ſuch Perſon ſhall for every ſuch Offence forfeit the Sum of Fifty Pounds to any Perſon who will 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 at *Weſtminſter*, or in His Majeſty's Court of Seſſion for the ſaid County of *Cheſter*, in which Action no Eſſoin, Protection, Privilege, or Wager of Law, or more than One Imparlance, ſhall be allowed; and ſuch Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof or Evidence on the Part of the Proſecutor than that ſuch Perſon hath acted as a Commiſſioner in the Execution of this Act.

Notice to be given of Meeting of Commiſſioners.

XXXIII. And be it further enacted, That no Meeting whatſoever of the ſaid Commiſſioners ſhall at any Time or Times be had for putting in Execution any of the Powers or Authorities veſted in them by this Act, unleſs previous Notice of the Time, Place, and Purpoſe, of ſuch Meeting ſhall be given and inſerted in the *Cheſter* and *Derby* Weekly News-papers, ſo long as the ſame ſhall be publiſhed, or in ſuch of them as ſhall continue to be publiſhed, or in ſuch other Manner as the ſaid Commiſſioners ſhall direct or appoint, at leaſt Fourteen Days before ſuch Meeting; and that every Meeting of the ſaid Commiſſioners, by virtue of this Act, ſhall be publick; and no Act, Order, or Proceeding, of the ſaid Commiſſioners, or any of them, in the Execution of this Act, (except in ſuch Caſes as are hereby otherwiſe directed), ſhall be valid, unleſs the ſame ſhall be made or done at a Meeting to be held in purſuance of this Act; and that all Powers

Powers and Authorities by this Act given to or vested in the said Commissioners shall and may from Time to Time be exercised by the Majority of the Commissioners present at every such Meeting, such Majority on all Occasions not being less than Five.

On Application of the Proprietors or Land Owners, Commissioners to meet.

XXXIV. And be it further enacted, That upon any Application to be made by the said Company of Proprietors, or any Five or more of them, or by the Owners or Occupiers of any Grounds, Lands, Tenements, or Hereditaments, to be affected by the said intended Canal, Cut, Railways or Stone Roads, or any of the Works necessary or relating thereto, or any of them, unto the Commissioners appointed by and for the Purposes of this Act, or unto any Five or more of them, requesting or desiring them to appoint a General Meeting of the Commissioners, the Commissioners so applied to shall, and they are hereby respectively authorized and required, within Fourteen Days after such Request or Application made, to give Notice in Manner aforesaid of a General Meeting to be held at such Time and Place as shall be specified in such Notice, such Time not being less than Fourteen Days, nor more than Twenty Days from the Day on which such Request shall be made to them as aforesaid; and the said Commissioners are hereby authorized, impowered, and required, to assemble at the Time and Place so to be appointed, in order to put this Act, and the Powers and Authorities hereby given to and vested in them, in Execution, and shall then adjourn themselves, and afterwards meet at such Time and Place as the said Commissioners there assembled shall think proper and convenient; and if it shall happen that there shall not appear at any Meeting which shall be appointed to be had or held by the said Commissioners, a sufficient Number of Commissioners to act at such Meeting, and to adjourn to any other Time, then, and from Time to Time, as often as the Case shall happen, the Clerk or Clerks to the said Commissioners shall and may, by publick Notice, to be given in Manner aforesaid, appoint the said Commissioners to meet at the Place where the last Meeting of the said Commissioners was appointed to be held, on that Day Fortnight after the Day on which the last Meeting of the Commissioners was appointed to be held.

Power to hold occasional Meetings.

XXXV. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners, or any Five or more of them, and they are hereby impowered, although they shall not be assembled at any Meeting to be held by virtue of this Act, from Time to Time, and at all Times, upon such Request made as aforesaid, by Notice in Writing signed by them, and published in Manner aforesaid, to summon a Meeting of the said Commissioners at such Time and Place as shall be mentioned in such Notice, for the settling and ascertaining such Damages as are herein directed to be settled and ascertained, and for other Purposes, notwithstanding any Adjournment of the said Commissioners.

Places of holding the Meetings of Commissioners.

XXXVI. Provided also, and be it further enacted, That every Meeting of the Commissioners for hearing and determining any Complaint, Controversy, Dispute, or Difference, between the said Company of Proprietors and any other Person or Persons, shall be held at the Towns of *Ashton-under-Lyne*, *Stockport*, or *Chapel in le Frith*, or at some Place within One Mile of some Part of the said Canal, Cut, Railways or Stone Roads respectively, and so as that all the Meetings of the said Commissioners

to be holden in purſuance of this Act, ſhall be appointed and holden only between the Hours of Ten in the Morning and Four in the Afternoon; and no Order ſhall be made, or any Proceedings of the ſaid Commiſſioners had or done, under this Act, at an earlier or later Hour than as aforeſaid.

Proceeding of Commiſſioners to be entered.

XXXVII. And be it further enacted, That all the Orders and Proceedings of the ſaid Commiſſioners ſhall be regularly entered in a Book or Books to be kept for that Purpoſe, ſuch Books to be open, at all ſeaſonable Times, to the Inſpection of any Perſon intereſted in the ſaid Proceedings, and deſirous of ſeeing and examining the ſame, without Fee or Reward; and ſuch Entries, being ſigned by ſuch Number of the ſaid Commiſſioners reſpectively as are impowered by this Act to make ſuch Orders, or carry on ſuch Proceedings, ſhall be deemed Originals, and the ſame, or true Copies thereof, ſhall be admitted as Evidence in all Courts whatſoever; and the ſaid Commiſſioners may and are hereby required, at their Firſt Meeting, to appoint, out of Three Perſons, to be nominated by the ſaid Company of Proprietors, ſuch One of the ſaid Three Perſons as the ſaid Commiſſioners ſhall think proper, to be their Clerk, and from Time to Time may remove any ſuch Perſon, and on ſuch Removal, or in caſe any ſuch Clerk ſhall die, or quit the ſaid Employment, the ſaid Company of Proprietors, or their Committee for the Time being, ſhall, within the Space of One Calendar Month after Notice in Writing for that Purpoſe to be given by the ſaid Commiſſioners, nominate Three other Perſons, and give Notice thereof unto the ſaid Commiſſioners, from whom ſuch Notice in Writing was received, and they the ſaid Commiſſioners ſhall and may appoint ſuch One of the ſaid Three laſt named Perſons as they ſhall think proper to be their Clerk, and in like Manner a Clerk to the ſaid Commiſſioners ſhall be from Time to Time nominated and appointed, as Occaſion ſhall require; and ſuch Clerk ſhall be paid, for his Care, Expences, and Trouble, in the Execution of his Office, by the ſaid Company of Proprietors; and ſuch Clerk or Clerks, who ſhall be removed, or die, or quit the Service as aforeſaid, his or their reſpective Executors or Adminiſtrators, ſhall, within Two Calendar Months after Notice in Writing to him or them reſpectively given by the ſaid Commiſſioners, produce and deliver up to ſuch Commiſſioners all Books, Accounts, Papers, or Writings whatſoever, relating to the Execution of his or their Office, which ſhall be in his or their Cuſtody or Power, and every ſuch Perſon neglecting or refuſing to produce and deliver up ſuch Books, Accounts, Papers, or Writings, after ſuch Notice as aforeſaid, ſhall, for every ſuch Neglect or Refuſal reſpectively, forfeit the Sum of Fifty Pounds.

Clerk to be appointed.

Commiſſioners to ſettle Differences.

XXXVIII. And be it further enacted, That the ſaid Commiſſioners acting in any Queſtion, Matter, or Difference, which ſhall or may ariſe, are hereby authorized and impowered, by Writing under their Hands, with the Conſent of the Parties concerned, to determine and adjuſt, from Time to Time, what Sum or Sums of Money ſhall be paid by the ſaid Company of Proprietors, either by an annual Rent or Payment, or by a Sum of Money in Groſs, to and at the Election of the Bodies Politick, Corporate, or Collegiate, Perſon or Perſons reſpectively, who ſhall be ſo entitled or intereſted as aforeſaid, for the abſolute Purchaſe of the Lands or Grounds which ſhall be ſet out and aſcertained for making the ſaid intended Canal, Cut, Railways or Stone Roads, Trenches, and Towing

Paths, and other Works and Conveniencies, or any Part thereof, and other the Purpoſes of this Act, and alſo to determine and adjuſt what other diſtinct Sum or Sums of Money ſhall be paid by the ſaid Company of Proprietors as a Recompence for any Damages which may or ſhall, at any Time or Times whatſoever, be ſuſtained by ſuch Bodies Politick, Corporate, or Collegiate, or any Perſon or Perſons reſpectively, being Owners of and intereſted in any Lands, Grounds, Tenements, Waters, Mills, Millſteads, Falls of Water, or Hereditaments, for or by Reaſon of the ſevering or dividing the ſame, or the making, repairing, or maintaining, the ſaid intended Canal, Cut, Railways or Stone Roads, Reſervoirs, Aqueducts, Feeders, Trenches, Paſſages, Gutters, Watercourſes, Roads, Ways, or Sluices, or ſupplying the ſame, or any of them, with Water as aforeſaid, or by the flowing, leaking, or oozing, of the Water over or through the Banks of the ſaid intended Canal, Cut, Reſervoirs, Trenches, or Sluices, or over or through any Paſſages, Gutters, or Watercourſes, which ſhall be made purſuant to the Powers hereby given for conveying or communicating Water to or from the ſaid intended Canal and Cut, or by not cleanſing the ſaid Watercourſes, Trenches, or Paſſages, or by turning or diverting any Streams or Brooks into the ſame, or by Reaſon or Means of the Execution of any of the Powers herein contained, by the ſaid Company of Proprietors, or their Agents, Workmen, or Servants, in caſe ſuch Price or Value, Damages, and Recompence reſpectively cannot be ſettled, adjuſted, and agreed for, by and between the ſaid Company of Proprietors, or their Agents, and ſuch Proprietors of or Perſons intereſted in the ſaid Lands or Grounds, Tenements, Waters, Mills, Millſteads, Falls of Water, or Hereditaments as aforeſaid; and if the ſaid Company of Proprietors, for and on the Part and Behalf of themſelves, or any ſuch Bodies Politick, Corporate, or Collegiate, Truſtee or Truſtees, or other Perſon or Perſons ſo intereſted or entitled as aforeſaid, for and on his, her, or their Part or Parts, ſhall refuſe to ſubmit any ſuch Matter to the Determination of the ſaid Commiſſioners, or ſhall be diſſatisfied with any Determination which ſhall be by them made as aforeſaid, or if any ſuch Bodies Politick, Corporate, or Collegiate, Truſtee or Truſtees, or any other Perſon or Perſons entitled or intereſted as aforeſaid, ſhall refuſe to receive, upon due Tender thereof made, ſuch Purchaſe Money or annual Rent, or ſuch Recompence as ſhall be determined to be paid, or ſhall, upon Notice in Writing given to the principal Officer or Officers of ſuch Bodies 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 ſuch Lands or Grounds, 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 ſhall be prevented from treating, or through Diſability by Nonage, Coverture, or other Impediment, cannot treat for themſelves, or make ſuch Agreement as ſhall be convenient for promoting the Navigation or other Works aforeſaid, or ſhall not produce and evince a clear Title to the Premiſes which they are or ſhall be in Poſſeſſion of, or to the Intereſt which they claim therein, then and in every ſuch Caſe the ſaid Commiſſioners ſhall, and they are hereby impowered and required, from Time to Time, to iſſue a Warrant or Warrants, under their Hands and Seals, to the Sheriff of the ſaid County of *Cheſter* or *Derby*,

Derby, as the Caſe may be; and in caſe the ſaid Sheriff or Under Sheriff ſhall happen to be One of the ſaid Company of Proprietors, or enjoy any Office of Truſt or Profit under them, or ſhall be otherwiſe intereſted in the Matter in Queſtion, then to ſome One of the Coroners of the ſaid Counties, or either of them, as the Caſe may be, not intereſted as aforeſaid, commanding ſuch Sheriff or Coroner reſpectively to impannel, ſummon, and return a Jury, and the ſaid Sheriff or Coroner is hereby required accordingly to impannel, ſummon, and return, a Jury of Twenty-four 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*, or in His Majeſty's Court of Seſſion at *Cheſter*, to appear before the ſaid Commiſſioners at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed, not being leſs than Nine nor more than Twenty-one Days after ſuch Warrant or Warrants ſhall be ſerved upon the ſaid Sheriff or Coroner; 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 or Coroner, or their Deputies reſpectively, ſhall return other honeſt and indifferent Men of the Standers-by, or that can ſpeedily be procured to attend that Service, (being ſo qualified as aforeſaid), to make up the ſaid Jury to the Number of Twelve, and all Parties concerned may have their lawful Challenges againſt any of the ſaid Jurymen, but ſhall not challenge the Array; and the ſaid Commiſſioners are hereby impowered to ſummon and call before them all and every ſuch Perſon and Perſons who ſhall be thought neceſſary to be examined as a Witneſs or Witneſſes touching the Matters in Queſtion; 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 Matters in Controverſy, 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 impowered to adminiſter) ſhall enquire of, aſſeſs, and aſcertain, the Sum of Money or annual Rent to be paid for the Purchaſe of ſuch Lands, Grounds, Tenements, or Hereditaments, or the Recompence to be made for the Damages that may or ſhall 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 Juries; 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 the King's Majeſty, His Heirs and Succeſſors, and againſt all Bodies Politick, Corporate, or Collegiate, and all other Perſons whomſoever; and if any ſuch Sheriff or Coroner, or his or their Deputy or Agent, ſhall make Default in the Premiſes, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Twenty Pounds; and if any Perſon ſo ſummoned and returned as aforeſaid upon ſuch Jury ſhall not appear, or appearing ſhall refuſe 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 and examined, or 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, for the Benefit of the Party on whoſe Behalf ſuch Perſon was ſummoned, to be levied by virtue of any Warrant or Warrants under the Hands

Jury to be ſummoned in certain Caſes.

Hands and Seals of the ſaid Commiſſioners, by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo offending, rendering to him, her, or them, the Overplus, after ſuch Penalty and the Charges of ſuch Diſtreſs and Sale ſhall be deducted.

Expences of Commiſſioners and Jury.

XXXIX. And be it further enacted, That in all Caſes where a Verdict ſhall be given for more Monies, as a Recompence or Satisfaction for any Lands, Grounds, Waters, Hereditaments, or Property of any Perſon or Perſons whomſoever, or for any Damage to be done to any Lands, Grounds, Waters, Hereditaments, or Property of any Perſon or Perſons, 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 determined and aſſeſſed by the ſaid Commiſſioners, or if no ſuch Recompence or Satisfaction had been offered or tendered in Reſpect of Damages by or on Behalf of the ſaid Company of Proprietors, then all the Expences of calling the Meeting of the Commiſſioners, ſummoning ſuch Jury, and taking ſuch Inqueſt, ſhall be ſettled by the ſaid Commiſſioners, and be defrayed by the ſaid Company of Proprietors; but if any Verdict ſhall be given or made for the ſame, or a leſs Sum than had been previouſly offered by or on Behalf of the ſaid Company of Proprietors, or than had been determined or aſſeſſed by the ſaid Commiſſioners as aforeſaid, or in caſe no Damage ſhall be given by the Verdict, where the Diſpute is for Damages only, then and in every ſuch Caſe the Coſts and Expences of calling a Meeting of ſuch Commiſſioners, ſummoning ſuch Jury, and taking ſuch Inqueſt, 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 Controverſy or Diſpute, which ſaid Coſts and Expences, having been ſo ſettled, ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged, where the ſame ſhall exceed ſuch Coſts and Expences, as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons, and the Payment or Tender of the Remainder of ſuch Monies ſhall be deemed and taken, to all Intents and Purpoſes, to be a Payment or Tender of the whole Sum or Sums ſo aſſeſſed or adjudged: Provided always, That whenever any Perſon or Perſons ſhall, by Reaſon of Abſence, or otherwiſe, have been prevented from treating, One Half of ſuch Coſts, Charges, and Expences, ſhall be borne and defrayed by the ſaid Company of Proprietors, and the other Half by ſuch other Perſon or Perſons as aforeſaid.

Perſons requeſting a Jury, to enter into a Bond to proſecute.

XL. And be it further enacted, That all and every Perſon and Perſons making Complaint, and requeſting ſuch Jury, ſhall, before the ſaid Commiſſioners ſhall be obliged to iſſue out their Warrant or Warrants for the ſummoning ſuch Jury, firſt enter into a Bond, with ſufficient Sureties, to the Treaſurer of the ſaid Company of Proprietors for the Time being, in the Penalty of One hundred Pounds, or in ſuch other Penalty as the ſaid Commiſſioners ſhall appoint, not exceeding the Sum of One hundred Pounds, to proſecute ſuch his, her, or their Complaint, or to bear and pay the Coſts and Expences of ſummoning ſuch Jury, and taking ſuch Inqueſt, in the Proportion and Manner herein-before mentioned.

Notice of Injury to be given to the

XLI. Provided always, and be it further enacted, That the ſaid Commiſſioners, or any of them, ſhall not be obliged, by virtue of this Act, to receive

receive or take Notice of any Complaint or Complaints to be made by any Perſon or Perſons whomſoever, for any Damage or Injury by him, her, or them, ſuſtained, or ſuppoſed to be ſuſtained, by virtue of this Act, unleſs Notice in Writing hath been or ſhall be given in relation thereto, by or on Behalf of ſuch Perſon or Perſons, to the ſaid Company of Proprietors, or to their Clerk or Clerks, or Treaſurer, within Six Calendar Months at leaſt next after the Time that ſuch ſuppoſed Injury or Damage ſhall have been ſuſtained, or the doing or committing thereof ſhall have ceaſed. Proprietors, before Complaint to the Commiſſioners.

XLII. And be it further enacted, That all and every Perſon or Perſons who, in any Examination to be taken by virtue of this Act, ſhall wilfully give falſe Evidence before the ſaid Commiſſioners, or before any ſuch Jury as aforeſaid, ſhall and may be proſecuted for the ſame, and, upon Conviction thereof, ſhall be ſubject to ſuch Puniſhments and Diſqualifications as any Perſon or Perſons can or may be ſubject to for wilful and corrupt Perjury by the Laws or Statutes of this Realm. Perſons guilty of Perjury, may be proſecuted.

XLIII. 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, Grounds, Tenements, 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. Verdict of Value of Land and Damages to be aſcertained ſeparately.

XLIV. 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 Verdicts of the Juries, and the Judgements of the ſaid Commiſſioners thereon as aforeſaid, ſhall be tranſmitted to, and kept by the Clerk of the Peace for the ſaid County of *Cheſter* or *Derby*, as the Caſe may be, and ſhall be deemed Records to all Intents and Purpoſes, and the ſame, or true Copies thereof, ſhall be allowed to be good Evidence in all Courts whatſoever, and all Perſons ſhall have Liberty to inſpect the ſame, paying for each Inſpection the Sum of Two Shillings and Sixpence, and no more, and to take Copies thereof, paying for each Copy after the Rate of Sixpence for every One hundred Words; and that immediately on ſuch Payment of ſuch Sum or Sums of Money, or on giving ſuch Security as the ſaid Commiſſioners ſhall approve for Payment of any ſuch annual Rent as ſhall be contracted or agreed for between the Parties, or determined and adjuſted or aſſeſſed as aforeſaid, for the Purchaſe of any ſuch Lands, Grounds, Tenements, or Hereditaments as aforeſaid, to the Proprietors thereof, or other Perſon or Perſons entitled to receive ſuch Money or Rent reſpectively, or legal Tender thereof made to ſuch Proprietors, or Perſon or Perſons, or to the principal Officer or Officers of any ſuch Body Politick, Corporate, or Collegiate, or if any ſuch Proprietors, or Perſon or Perſons, cannot be found or aſcertained, or ſhall refuſe to accept ſuch Money, or the Security for ſuch Rents, then upon Payment and Delivery thereof to ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall, by Writing under their Hands, appoint, for the Uſe of, and to Verdict to be recorded, and Lands veſted in the Proprietors.

to be paid or delivered upon Demand, without Fee or Reward, to ſuch Proprietor, or Perſon or Perſons reſpectively as aforeſaid, ſuch Lands, Grounds, Tenements, and Hereditaments, and all the Eſtate, Right, Title, Intereſt, Uſe, Truſt, Property, Claim, and Demand whatſoever, in Law or Equity, of the Perſon or Perſons for whoſe Uſe ſuch Money or Rent ſhall be paid or ſecured as aforeſaid, in, to and out of the ſame, ſhall veſt in the ſaid Company of Proprietors, and they ſhall reſpectively be deemed in Law to be in the actual Seiſin and Poſſeſſion thereof to all Intents and Purpoſes whatſoever, as fully and effectually as if every Perſon having any Eſtate in the Premiſes had actually conveyed the ſame by Leaſe and Releaſe, Bargain and Sale inrolled, Feoffment with Livery and Seiſin, Fine and Recovery, or any other legal Conveyance whatſoever; and ſuch Payment or Security ſhall not only bar all Right, Title, Intereſt, Claim, and Demand, of the Perſon or Perſons to whoſe Uſe the ſame ſhall be made or granted, but alſo ſhall extend and be deemed and conſtrued to bar the Dower and Dowers of the Wife and Wives of ſuch Perſon and Perſons, and all Eſtates Tail, and other Eſtates and Intereſts in Poſſeſſion, Reverſion, Remainder, or otherwiſe, therein, againſt the Iſſue or Iſſues of ſuch Perſon or Perſons, and all and every other Perſon or Perſons whomſoever having or claiming any Right, Title, Eſtate, or Intereſt therein, either at Law or in Equity, as fully and effectually as a Fine or Recovery, or either of them, would do, if levied or ſuffered by all the proper Parties in due Form of Law.

Verdicts of Juries may be removed by *Certiorari*.

XLV. And be it further enacted, That if the ſaid Company of Proprietors, or the Owners or Occupiers of, or the Perſon or Perſons intereſted in any Lands, Grounds, Tenements, Hereditaments, Waters, Mills, Millſteads, or Falls of Water, which ſhall or may be affected or prejudiced by the Execution of the Powers by this Act granted, ſhall be diſſatisfied with the Determination of the Jury by this Act authorized to determine Differences and aſſeſs Damages between them, then and in all ſuch Caſes it ſhall at all Times, within the Space of Six Calendar Months next after ſuch Determination, be lawful for the Party being ſo diſſatisfied to remove the Judgement thereupon given, in purſuance of this Act, by *Certiorari*, or other Proceſs, into any of His Majeſty's Courts of Record at *Weſtminſter*, and upon the Return thereof to commence One or more Action or Actions at Law, or to proceed to the Trial of One or more feigned Iſſue or Iſſues, as the Court to which ſuch Judgement ſhall have been removed ſhall direct, wherein the Party or Parties affected by ſuch Judgement ſhall be Plaintiff or Plaintiffs, and the ſaid Company of Proprietors ſhall be Defendant, or otherwiſe, as the ſaid Court ſhall direct, provided that in all Caſes where a Verdict and Judgement ſhall be given in any of His Majeſty's Courts of Record at *Weſtminſter* for more Monies, as a Recompence or Satisfaction for any Lands, Grounds, Tenements, Hereditaments, Waters, Mills, Millſteads, or Falls of Water, or other Property, or for any Damage to be done to any Lands, Grounds, Tenements, or Hereditaments, Waters, Mills, Millſteads, or Falls of Water, or Property, than ſhall have been determined by the Verdict of the Jury under this Act, then Double Coſts for ſuch Suits in ſuch of His Majeſty's Courts of Record at *Weſtminſter* ſhall be paid by the ſaid Company of Proprietors to the Perſon or Perſons obtaining ſuch Verdict and Judgement; and in all Caſes where a Verdict, not afterwards ſet aſide, ſhall be given for the ſame, or leſs Monies than ſhall have been determined by the Verdict of the Jury under this Act, then Double Coſts

Costs for such Suits in any of His Majesty's Courts of Record at *Westminster* shall be paid to the said Company of Proprietors by the Person or Persons obtaining such Verdict.

Purchase Money belonging to Corporations, *etc.* to be laid out to the same Uses.

XLVI. 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, Idiots, 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 impowered 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, or other Person or Persons having a particular Estate, Term, or Interest, in the Premises, for his, her, or their respective Interest therein.

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

XLVII. And

Compenſation to be made for Tithes.

XLVII. 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-nine, and ending at *Michaelmas-day* One thouſand ſeven hundred and ninety-three, 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.

For paying off Mortgages on Lands uſed for the Navigation.

XLVIII. And be it further enacted, That in caſe any Lands to be uſed for the Purpoſes of this Act ſhall happen to be in Mortgage to any Perſon or Perſons, it ſhall be lawful for the ſaid Company of Proprietors, upon Application being made to them by ſuch Mortgagee or Mortgagees, his, her, or their Executors or Adminiſtrators, and the ſaid Company of Proprietors are hereby authorized and required to pay ſuch Sum or Sums of Money, after the ſame ſhall have been ſo agreed for and adjuſted, or aſſeſſed in Manner aforeſaid, for ſuch Lands in Mortgage, in Part of the Principal Money that ſhall be due on ſuch Mortgage or Mortgages unto ſuch Mortgagee or Mortgagees, his, her, or their Executors or Adminiſtrators; provided always, that upon Receipt of ſuch Sum or Sums, ſuch Mortgagee or Mortgagees, his, her, or their Executors or Adminiſtrators reſpectively, ſhall acknowledge the Receipt of ſuch Sum or Sums of Money, by an Indorſement to be made upon the Back of ſuch Mortgage or Mortgages, and ſigned by ſuch Mortgagee or Mortgagees, his, her, or their Executors or Adminiſtrators reſpectively, in the Preſence of One or more credible Witneſs or Witneſſes, in Satisfaction of ſo much of the Principal Money due upon ſuch Mortgage or Mortgages.

Satisfaction to be made by annual Rent where the Title is doubtful.

XLIX. Provided always, and be it further enacted, That where any Contract or Contracts ſhall be made with any Bodies Politick, Corporate, or Collegiate, Truſtees, or other Perſons whomſoever, by the ſaid Company of Proprietors, or their Succeſſors, for the Purchaſe of any Lands, Grounds, or Hereditaments, through, into, or upon which the Canal, Cut, Railways or Stone Roads, Towing Path, Quays, or other Works, hereby authorized are intended to be made, and the Title of ſuch Lands, Grounds, or Hereditaments reſpectively, ſhall not be thereupon made out to the Satisfaction of the ſaid Company of Proprietors, then, and in all ſuch Caſes, from the Time of making ſuch Contracts, until a good Title ſhall be made to the ſaid Lands, Grounds, or Hereditaments reſpectively, and the ſame ſhall be effectually conveyed to the ſaid Company of Proprietors, in Fee Simple, or other good Eſtate of Inheritance, the ſaid Bodies Politick, Corporate, or Collegiate, Truſtees, and other Perſons contracting to ſell the ſaid Lands, Grounds, or Hereditaments, ſhall be entitled to have and receive annual Rents or Sums for the ſame reſpectively from the ſaid Company of Proprietors, and in caſe ſuch annual Rents or Sums reſpectively ſhall not be agreed on between the ſaid Company of Proprietors and the ſaid Bodies Politick, Corporate, or Collegiate,

giate, Truſtees, or other Perſons, entitled to the ſaid Lands, Grounds, or Hereditaments, the ſame ſhall be aſcertained and ſettled by the ſaid Commiſſioners, in ſuch Manner, and ſubject to the Verdict of a Jury, if required, as the Value of the Lands to be ſet out for making the ſaid intended Canal, Cut, Railways or Stone Roads, and Towing Paths, are herein directed to be aſcertained and ſettled.

Mines, &c. reſerved to Lords of Manors, and others.

L. Provided always, and be it further enacted, That nothing herein contained ſhall extend to defeat, 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 intended Canal, Cut, and Railways or Stone Roads, or any Towing Paths, Wharfs, Quays, Trenches, Sluices, Paſſages, Watercourſes, or Conveniencies aforeſaid, ſhall be made to the Mines and Minerals lying and being within and under the Lands or Grounds to be ſet out or made uſe of for ſuch Canal, Cut, Railways or Stone Roads, Towing Paths, Wharfs, Quays, Trenches, Sluices, Paſſages, or Watercourſes, or other Conveniencies aforeſaid, or any of them; 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, his, her, and their Heirs, Executors, Adminiſtrators, and Aſſigns reſpectively, and it ſhall and may be lawful for the Lord or Lords, Lady or Ladies, of ſuch Manor or Manors, or 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 intended Canal, Cut, Railways or Stone Roads, Towing Paths, Wharfs, Quays, Trenches, Sluices, Paſſages, Watercourſes, or other Conveniencies aforeſaid, or any of them; any Thing herein contained to the contrary notwithſtanding.

Mines, &c. not to be worked to prejudice the Navigation.

LI. Provided alſo, and be it further enacted, That if the Owner or Worker, Owners or Workers, of any Coal or other Mine or Mines, ſhall, in purſuing ſuch Mine or Mines, work near or under the ſaid intended Canal, Cut, Railways or Stone Roads, or other Works as aforeſaid, ſo as in the Opinion of the ſaid Company of Proprietors to endanger or damage the ſame, or in the Opinion of the ſaid Owner or Worker, Owners or Workers, of the ſaid Mine or Mines, to endanger or damage the further working thereof, then it ſhall be lawful for the ſaid Company of Proprietors to treat and agree with ſuch Owner or Worker, or Owners or Workers, for all ſuch Coal or other Minerals as may be near or under the ſaid intended Canal, Cut, and Railways or Stone Roads, or other Works, as ſhall be thought proper to be left for the Security or Preſervation of the ſaid intended Canal, Cut, Railways or Stone Roads, or Works, or Mine or Mines, as aforeſaid; and in caſe the ſaid Company of Proprietors, and ſuch Owner or Worker, or Owners or Workers, of ſuch Mine or Mines ſhall diſagree in the Satisfaction to be made for ſuch Coal or other Minerals, then it ſhall be lawful for the ſaid Commiſſioners, at the Requeſt of the ſaid Company of Proprietors, or of ſuch Owner or Worker, Owners or Workers, of ſuch Mine or Mines, to cauſe a Jury to be ſummoned and impannelled in the Manner herein-before directed, who ſhall, and they are hereby authorized and required, by ſuch

Ways and Means as aforeſaid, to aſſeſs and determine what Satisfaction ſuch Owner or Worker, Owners or Workers, of ſuch Mine or Mines ought to have and receive from the ſaid Company of Proprietors, on being reſtrained from working ſuch Mine or Mines, and upon Payment or Satisfaction made to ſuch Owner or Worker, Owners or Workers, of ſuch Mine or Mines, by the ſaid Company of Proprietors, according to the Verdict or Judgement of ſuch Jury, ſuch Owner or Worker, Owners or Workers, of ſuch Mine or Mines ſhall be, and they are hereby perpetually reſtrained from working ſuch Mine or Mines within the Limits for which Satisfaction ſhall by the ſaid Jury be adjudged and declared to extend.

Company's Agents to enter Mines to view the Works.

LII. And, for the better diſcovering Perſons who ſhall or may open, dig, ſink, or carry on, any Work for the getting of Coal or other Minerals, contrary to the Directions of this Act; 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, in the Day Time, to enter upon any Lands or Grounds through or near which the ſaid intended Canal and Works hereby authorized to be made ſhall be or paſs, wherein any Coal or other Mines ſhall or may be dug or opened, and likewiſe to enter into ſuch Coal or other Mines, and there to view, ſearch, dial, ſatch, meaſure, and uſe all other Means for diſcovering the Diſtance of the ſaid intended Canal or Works from the working Part of ſuch Mines reſpectively, and in caſe it ſhall appear that any Mine hath been worked or got contrary to the Directions of this Act, it ſhall be lawful for the ſaid Company of Proprietors, and for their Agents, Servants, and Workmen, at the Expence, Coſts, and Charges, of the Owners or Proprietors of ſuch Mines reſpectively, to enter into and upon all ſuch Mines, and from Time to Time uſe all neceſſary and reaſonable Ways and Means for repairing, ſupporting, ſuſtaining, and making ſafe the ſaid intended Canal and other Works, and ſuch Expences, Coſts, and Charges ſhall be recovered by the ſaid Company of Proprietors, in ſuch and the ſame Manner as the Rates hereby granted are to be recovered, and ſhall be paid into the Hands of the Treaſurer or Receiver for the Time being, to the ſaid Company of Proprietors, to be applied for the Purpoſes of this Act.

Proprietors to raiſe Money among themſelves.

LIII. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors to raiſe and contribute among themſelves, in ſuch Proportions as to them ſhall ſeem meet and convenient, a competent Sum of Money for making and completing the ſaid intended Canal, Cut, Railways or Stone Roads, Aqueducts, Trenches, Sluices, and the Reſervoirs, Feeders, Ways, Locks, Quays, Wharfs, and other Works and Conveniences thereto belonging, not exceeding in the Whole the Sum of Ninety thouſand Pounds (except as herein mentioned), and that the ſame ſhall be divided into ſuch Number of Shares as herein directed, and that no Perſon ſubſcribing thereto, or becoming a Proprietor in ſuch Navigation, do become a Proprietor of leſs than One Share; and the Money ſo to be raiſed is hereby directed and appointed to be laid out and applied, in the Firſt Place, for and towards the Payment, Diſcharge, and Satisfaction of all Coſts, Charges, and Expences in applying for, obtaining, and paſſing, this Act, and all other neceſſary Expences, preparatory and relating thereto, and all the Reſidue and Remainder of

ſuch

ſuch Money for and towards making, completing, and maintaining, the ſaid intended Canal, Cut, Railways or Stone Roads, and other the Purpoſes of this Act, and to no other Uſe, Intent, or Purpoſe whatſoever.

The Money to be divided into Shares of 100*l.* each, and to be Perſonal Eſtate.

LIV. And be it further enacted, That the ſaid Sum of Ninety thouſand Pounds, or ſuch Part thereof as ſhall be raiſed by the ſeveral Perſons herein-before named, ſhall be divided into Nine hundred equal Parts or Shares at a Price not exceeding One hundred Pounds *per* Share; and that ſuch Shares ſhall be numbered in regular Progreſſion, and every ſuch Share ſhall always be diſtinguiſhed by the Number to be appointed for the ſame, and that the ſaid Nine hundred Shares ſhall be and are hereby veſted in the ſeveral Perſons, Bodies Politick or Corporate, ſo ſubſcribing 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 Sum they ſhall ſeverally ſubſcribe and pay thereunto; and all and every the ſaid Shares ſhall be Perſonal Eſtate, and tranſmiſſible as ſuch, and not of the Nature of Real Property; and all Bodies Politick and Corporate, and every Perſon and Perſons, their ſeveral and reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, who ſhall ſeverally ſubſcribe the Sum of One hundred Pounds, or ſuch Sum or Sums as ſhall be demanded in lieu thereof, towards carrying on and completing the ſaid intended Canal, ſhall be entitled to and receive, after the ſaid Canal, Cut, and Railways or Stone Roads, ſhall be completed, the entire and neat Diſtribution of a Nine hundredth Part of the Profits and Advantages that ſhall and may ariſe and accrue by the Rates and other Sum and Sums of Money to be raiſed, recovered, or received, by the Authority of this Act, and ſo in Proportion for any greater Number of Shares; and every Body Politick or Corporate, Perſon or Perſons, having ſuch a Property of a Nine hundredth Part, or One Share, in the ſaid intended Canal, and ſo in Proportion for any greater Number of Shares as aforeſaid, ſhall bear and pay a proportionable Sum towards carrying on the ſaid Undertaking in Manner herein directed and appointed.

Shares to be numbered;

and deemed Perſonal Eſtate.

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

LV. And, for the better ſecuring to the ſeveral Proprietors of the ſaid Undertaking their reſpective Shares therein, be it further enacted, That the ſaid Company of Proprietors ſhall and are hereby required, at their Firſt 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 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 Common 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 whatſoever as Evidence of the Title of ſuch Subſcriber, his or her Executors, Adminiſtrators, and Aſ-

ſigns, 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; and which ſaid Ticket or Inſtrument may be in the Words or to the Effect following; *(videlicet)*,

'The Company of Proprietors of the *Peak Foreſt* Canal.

N°

'THESE are to certify, That *A. B.* of is a Proprietor of the Share or Number being One Share of 'the *Peak Foreſt* Canal, ſubject to the Rules, Regulations, and Orders, 'of the ſaid Company; and that the ſaid *A. B.* his, [her, *or* their] Executors, Adminiſtrators, [*or* Succeſſors] and Aſſigns, is and are entitled to the Profits and Advantages of ſuch Share.

'Given under the Common Seal of the ſaid Company 'the Day of 'in the Year of our Lord

Subſcribers to have a vote for every Share;

LVI. And be it further enacted, That all and every Body and Bodies Politick or Corporate, or other Perſon or Perſons, who ſhall by virtue of this Act have ſubſcribed or undertaken for One Share of the ſaid Navigation, and their reſpective Executors, Adminiſtrators, and Aſſigns, ſhall be deemed a Proprietor for every ſuch Share, and ſhall have a Vote for every ſuch Share in the General and Special Aſſemblies to be held as herein appointed for carrying on the ſaid Undertaking, which Vote may be given by him, her, or them, or in his, her, or their Abſence, by his, her, or their Proxy or Proxies, ſuch Proxy or Proxies being a Proprietor or Proprietors, duly conſtituted under his, her, or their Hand or Hands; and ſuch Vote or Votes by Proxy ſhall be as good and ſufficient, to all Intents and Purpoſes, as if ſuch Principal or Principals had voted in Perſon; and every Queſtion, Matter, or Thing, which ſhall be propoſed, diſcuſſed, or conſidered, in any General or Special Aſſembly of the ſaid Company of Proprietors, to be held by virtue of this Act, ſhall be determined by the Majority of Votes and Proxies then preſent, computing One Vote to every Share: Provided nevertheleſs, that no Perſon ſhall have more than Five Votes in his or her own Right, nor more than Five other Votes in the Right of ſuch Proxy or Proxies; and the Appointment of which Proxy ſhall or may be made in the Words or to the Effect following:

not exceeding Five Votes to each Subſcriber, nor Five for Proxies.

'I of One of the Proprietors of the *Peak Foreſt* Canal Navigation, do hereby nominate, 'conſtitute, and appoint of (being a Proprietor as aforeſaid) 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 and Undertaking, that ſhall be mentioned or propoſed at any Meeting of the 'Proprietors of the ſaid Navigation, or any of them, in ſuch Manner as 'he the ſaid ſhall think proper, according to his 'Opinion and Judgement, for the Benefit of the ſaid Navigation and 'Undertaking, or any Thing appertaining thereto.

'In Witneſs whereof I have hereunto ſet my Hand, the 'Day of in the 'Year of our Lord

Such

Such Proprietor having appointed his or her Proxy as aforeſaid, being hereby nevertheleſs authorized and impowered, by any Inſtrument in Writing under his or her Hand for that Purpoſe, at his or her Will and Pleaſure to revoke and make void ſuch Appointment, and in like Manner, from Time to Time, on future Occaſions, to appoint any other Perſon, under the like Reſtriction, to act as Proxy for him or her, in his or her Abſence.

Proprietors may raiſe an additional Sum if neceſſary.

LVII. And be it further enacted, That in caſe the ſaid Sum of Ninety thouſand Pounds, herein-before authorized to be raiſed, ſhall be found inſufficient for making, completing, and repairing, the ſaid intended Canal, Cut, and Railways or Stone Roads, 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 by the Admiſſion of new Subſcribers, any further or other Sum of Money for completing and perfecting the ſaid Navigation, not exceeding the Sum of Sixty thouſand Pounds; and every Subſcriber towards raiſing ſuch further or other Sum of Money ſhall be a Proprietor in the ſaid Undertaking, and have a like Vote by himſelf, or herſelf, or his or her Proxy, in reſpect of every Share in the ſaid additional Sum ſo to be raiſed, not exceeding Five Votes in the Whole, and ſhall alſo be liable to ſuch Forfeitures, and ſtand intereſted in all the Profits and Powers of the ſaid Navigation, in Proportion to the Sum he, ſhe, or they 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 Ninety thouſand Pounds; any Thing herein contained to the contrary thereof in anywiſe notwithſtanding.

Power to raiſe Money by Mortgage.

LVIII. Provided always, That in caſe the ſaid Company of Proprietors ſhall be deſirous of raiſing the ſaid Sum of Sixty thouſand Pounds, herein-before authorized to be raiſed, or any Part thereof, by Mortgage of the ſaid Undertaking, it ſhall be lawful for the ſaid Company of Proprietors, by an Order of any General Aſſembly of the ſaid Company, to borrow and take up at Intereſt all or any Part of the ſaid Sum of Sixty thouſand Pounds, on the Credit of the ſaid Navigation and Undertaking, as to them ſhall ſeem meet and convenient; and the ſaid Company of Proprietors, and the Committee of the ſaid Company, after an Order of any General Aſſembly, are hereby fully authorized and impowered to aſſign the Property of the ſaid Navigation, and the Rates ariſing or to ariſe 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 ſuch Sum or Sums of Money to be borrowed as aforeſaid, with Intereſt, to ſuch Perſon or Perſons, or to his, her, or their Truſtee or Truſtees, who ſhall advance the ſame, all which ſaid Mortgages or Aſſignments ſhall be made under the Common Seal of the ſaid Company, in the Words or to the Effect following; (that is to ſay),

Form of Mortgage.

'BY virtue of an Act, made in the Thirty-fourth Year of the Reign of King *George* the Third, intituled [*ſet forth the Title of this Act*] 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
' of do assign unto the said
' his [*or*, her] Executors, Administrators, and Assigns,
' the said Navigation, and all and singular the Rates arising by virtue
' of the said Act, and all the Estate, Right, Title, and Interest, of us
' the said Company of Proprietors of, in, and to the same, to hold unto
' the said his, [*or*, her], Executors, Administrators,
' and Assigns, until the said Sum of together with
' Interest for the same, after the Rate of for every
' One hundred Pounds for a Year, shall be fully paid and satisfied.
' Given under our Common Seal, this Day of
' in the Year of our Lord

And all and every Person and Persons to whom such Mortgage or Assignment shall be made, shall be equally entitled, One with the other, to his, her, or their Proportion or Proportions 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 whatsoever; and a Memorial of every such Assignment, containing the Date, Name, or Names, of the Person or Persons to whom made, the Sum of Money borrowed, and the Rate of Interest, shall be entered in a Book or Books to be kept by the Clerk or Clerks to the said Company of Proprietors, which said Book or Books shall and may be perused at all seasonable Times, by any of the Proprietors or Creditors of the said Navigation, or other Persons interested therein, without Fee or Reward; and all and every Person or Persons to whom any such Mortgage or Mortgages, Assignment or Assignments, 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 whomsoever, which Transfer shall and may be made in the Words or to the Effect following; (that is to say),

Mortgages may be transferred.

Form of Transfer.

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

And every such Transfer shall, within Sixty Days after the Date thereof, be produced to the Clerk or Clerks to the said Company, who shall cause a Memorial to be made thereof, in like Manner as the original Mortgages or Assignments, for which the said Clerk or Clerks shall be paid such Sum as the said Company of Proprietors shall appoint, not exceeding the Sum of Two Shillings and Sixpence; and after such Entry made, every such Transfer shall entitle such Assignee or Assignees, his, her, and their Executors, Administrators, and Assigns, to the full Benefit thereof,

and Payment thereon, and it ſhall not be in the Power of any Perſon or Perſons, who ſhall have made ſuch Transfer, to make void, releaſe, or diſcharge, the ſame, or any Sum or Sums of Money thereon due or thereby ſecured, or any Part thereof.

Intereſt of Money borrowed to be paid in Preference to the Dividends, or may be ſued for at Law.

LIX. And be it further enacted, That the Intereſt of the Money which ſhall be borrowed by Mortgage as aforeſaid ſhall be paid half-yearly to the ſeveral Perſons entitled thereto, in Preference to any Intereſt or Dividends due and payable by virtue of this Act to the ſaid Company of Proprietors, or any of them, and ſhall from Time to Time be fully paid and diſcharged, or provided for, before the yearly or other Intereſt or Dividends due to the ſaid Proprietors, or any of them, ſhall be paid, made, or divided; and in caſe the ſame, or any Part thereof, ſhall be behind and unpaid for the Space of Sixty Days next after the ſame ſhall become due and payable as aforeſaid, and after Demand thereof made, that then it ſhall be lawful for the ſaid Commiſſioners, and they are hereby required, on Requeſt to them made by any Creditor whoſe Intereſt ſhall be ſo in Arrear, by an Order under their Hands, to appoint One or more Perſon or Perſons to receive the Whole, or ſuch Part or Parts of the ſaid Rates or Duties as are liable to pay ſuch Intereſt ſo due and unpaid as aforeſaid; and the Money ſo to be received by ſuch Perſon or Perſons is hereby declared to be as ſo much Money received by or to the Uſe of ſuch Perſon or Perſons to whom ſuch Intereſt ſhall be then due, until the ſame, together with the Coſts and Charges of recovering and receiving the ſaid Rates and Duties, ſhall be fully ſatisfied and paid; and after ſuch Intereſt and Coſts ſhall be paid and ſatisfied, the Power and Authority of ſuch Receiver or Receivers, for the Purpoſes aforeſaid, ſhall ceaſe and determine, or otherwiſe, the ſaid Intereſt ſo due and unpaid as aforeſaid, ſhall be ſued for and recovered, with Coſts, by Action of Debt in any of His Majeſty's Courts of Record at *Weſtminſter*.

Mortgagees not to vote on Account of having lent Money.

LX. Provided always, That no Perſon to whom any ſuch Mortgage or Aſſignment ſhall be made or transferred as aforeſaid, ſhall be deemed a Proprietor of any Share, or ſhall be capable of acting or voting as ſuch, either as Principal or by Proxy, at any Meeting of the ſaid Company of Proprietors, for or on Account of his or her having lent or advanced any Sum or Sums of Money on the Credit of ſuch Aſſignment.

Firſt and other General Aſſemblies.

LXI. 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 *Globe Tavern* in the Town of *Aſhton-under-Lyne* aforeſaid, on the Fifth Day of *June*, in the Year of our Lord One thouſand ſeven hundred and ninety-four, at the Hour of Eleven in the Forenoon, and the Second General Aſſembly of the ſaid Company of Proprietors ſhall be held upon the Firſt *Thurſday* in *June* 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 Firſt *Thurſday* in the Month of *June* in every Year, at the Hour of Eleven in the Forenoon, at ſuch Places as the ſaid Company of Proprietors, at their next preceding General Aſſembly, ſhall, from Time to Time, direct and appoint, all ſuch Meetings being at the Hour of Eleven in the Forenoon, of which

General

General Assemblies Twenty-one Days previous Notice, at the least, shall be given, by publick Advertisement, in some Newspaper or Newspapers usually circulated in the Country through which the said Canal, Cut, and Railways or Stone Roads, 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, together with such Proxies as shall be then present, 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 Committee to manage the Affairs of the said Company of Proprietors, as herein directed, the said Committee to consist of Thirteen 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 Committee, or any Officer or Officers under them, and to chuse and elect others in case of Death or other Vacancy, 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, their Agents, and Workmen, for making, maintaining, and using, the said intended Canal, Cut, Railways or Stone Roads, Aqueducts, Trenches, Soughs, and the Warehouses, Wharfs, Fire Engines, or other Machines, Passages, Locks, Tunnels, and all other Conveniencies, Matters, and Things, that shall be made for the same, and also for and concerning all such Vessels, Goods, and Commodities, as shall be navigated and conveyed thereon, and also for the well governing of the Bargemen, Watermen, Boatmen, and others, who shall be employed in the conveying of any Goods, Wares, or Merchandize, upon any Part of the said intended Canal, Cut, Railways or Stone Roads, and Trenches, and from Time to Time to alter and repeal the said Bye Laws, Orders, and Regulations, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against the same, as to the major Part of such General Assembly shall seem meet, not exceeding the Sum of Five Pounds for any One Offence, such Fines and Forfeitures to be levied and recovered by such Ways and Means as herein-after mentioned, which said Rules, Bye Laws, and Orders, being reduced into Writing under the Common Seal of the said Company, shall be binding upon, and observed by all Parties, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same, provided they be not repugnant to the Laws of this Realm, or any Directions in this Act contained; 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;

Committe to be appointed.

Company may remove Members of the Committee, &c.;

make Bye Laws.

counts; 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 choofing Committees to conſiſt of Forty Shares.

LXII. 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 Forty Shares or Subſcriptions of One hundred Pounds or upwards in the ſaid Navigation, either as Principals or Proxies, no Choice of a 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 Committee 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 Committees ſhall have the ſame Powers which they would have had, and continue in ſuch Office until ſuch Time as they would have done had they been choſen by any ſuch 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 Firſt 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 Subſcription 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 eſpecially convened.

LXIII. 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 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, Cut, and Railways or Stone Roads, 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 Three Miles of the ſaid Canal, Cut, Railways and Stone Roads, 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 the major Part of them, met together at every ſuch Special General Aſſembly (provided ſuch major Part ſhall be poſſeſſed of at leaſt Twenty-one 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.

Officers to the Company to be appointed.

LXIV. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors at any General Meeting aſſembled, and they are hereby authorized and required, from Time to Time, to nominate and appoint a Treaſurer or Treaſurers, and Clerk or Clerks, and ſuch other Officers as they ſhall think proper, and ſhall take ſuch ſufficient Security from every ſuch Treaſurer or Treaſurers, and other Officer, having the Care or Cuſtody of any Money to be raiſed or received by virtue of this Act, for the due Execution of his or their Office, as the ſaid Company of Proprietors ſhall think proper, and from Time to Time to remove any ſuch Treaſurer or Treaſurers, Clerk or Clerks; and every ſuch Clerk, or all ſuch Clerks, or One of them, ſhall always attend the General Meetings and Aſſemblies of the ſaid Proprietors, and the Meetings of the ſaid Committee, and ſhall, in a proper Book or Books to be provided 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 intended Navigation and Undertaking, and of the ſeveral Perſons who ſhall from Time to Time become Owners and Proprietors, or entitled to any Share or Shares therein, and of all the Acts, Proceedings, and Tranſactions, of the ſaid Company of Proprietors, and of the ſaid Committee, by virtue of and under the Authority of this Act; and that every Proprietor of the ſaid Navigation and Undertaking 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 of the ſaid Company, *gratis*, and may demand and have Copies thereof, or of any Part thereof, paying Sixpence for every One hundred Words ſo to be copied; and if any ſuch Clerk or Clerks ſhall refuſe to permit any of the ſaid Proprietors to inſpect or peruſe any ſuch Books at all convenient Times and Seaſons, or refuſe to make any ſuch Copy or Copies in a reaſonable Time at the Rate aforeſaid, he ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Pounds for the Benefit of the Perſon or Perſons to whom ſuch Refuſal ſhall be made; and whenever any ſuch Treaſurer or Treaſurers, Clerk or Clerks, ſhall die, or be removed from or quit the Service of the ſaid Company of Proprietors, it ſhall and may be lawful for the Committee of ſuch Proprietors for the Time being, or a Majority of them, to appoint ſome other fit Perſon or Perſons to be Treaſurer or Treaſurers, Clerk or Clerks, in the Place of him or them ſo dying, being removed, or quitting the ſaid Service, until the then next General Aſſembly of the ſaid Proprietors, when ſuch Appointment ſhall be confirmed, or another Treaſurer or Treaſurers, Clerk or Clerks, ſhall be nominated and appointed in his or their Stead.

Powers of the Committee; for making Calls.

LXV. And be it further enacted, That the Committee for the Time being of the ſaid Company of Proprietors ſhall have Power from Time to

Time to make ſuch Call or Calls for Money from the Proprietors of the ſaid intended Canal, Cut, Railways or Stone Roads, to defray the Expences of, and to carry on the ſame, as they ſhall from Time to Time find neceſſary for thoſe Purpoſes, ſo that no ſuch Call do exceed the Sum of Ten Pounds upon each Share, and ſo as no Calls be made but at the Diſtance of Three Calendar Months, at the leaſt, from each other; which Monies ſo called for ſhall be paid to ſuch Perſon or Perſons, and in ſuch Manner as the ſaid Committee ſhall from Time to Time appoint and direct for the Uſe of the ſaid Undertaking; and ſuch Committee ſhall, until the next General Aſſembly to be holden in Manner as aforeſaid, meet at ſuch Times and Places, and from Time to Time adjourn themſelves to ſuch other Time and Place as they ſhall think fit; and in order to defray the Expence of the Meetings of the ſaid Committee, it ſhall be lawful for the ſaid Committee, and they are hereby allowed to expend or detain to themſelves a reaſonable Sum of Money out of the Capital Stock of the ſaid Proprietors, for their Expences in attending ſuch Meetings, and the ſaid Committee ſhall have Power and Authority to direct and manage all and every the Affairs of the ſaid Company of Proprietors, as well in buying and purchaſing Lands, Tenements, and Hereditaments, and Materials for the Uſe of the ſaid intended Canal, Cut, Railways or Stone Roads, and other Works, as in employing, ordering, and directing, the Works and Workmen, and in placing and diſplacing Under Officers, Clerks, Servants, Agents, and Workmen, and in making all Contracts and Bargains, touching the ſaid intended Canal, Cut, and Railways or Stone Roads, ſo that no ſuch Purchaſe, Bargain, or other Matter, be done or tranſacted without the Concurrence of a Majority of the ſaid Committee then aſſembled; and every Owner or Owners of One or more Share or Shares in the ſaid intended Canal, Cut, and Railways or Stone Roads, ſhall pay his, her, or their Shares and Proportions of the Monies to be called for as aforeſaid, at ſuch Time and Place as ſhall be appointed, of which Two Calendar Months Notice at the leaſt ſhall be given, (except the Firſt Call, not exceeding Ten Pounds for every Share, which may be on Twenty-eight Days Notice), by publiſhing the ſame in ſome Two or more ſuch Newſpapers as aforeſaid, or in ſuch other Manner as the ſaid Company of Proprietors ſhall at any General Aſſembly direct or appoint; and if any Perſon or Perſons ſhall neglect or refuſe or pay his, her, or their rateable or proportionable Part or Share of the ſaid Money to be called for by the Firſt Call to be made by virtue of this Act, at the Time and Place appointed as aforeſaid, it ſhall be lawful for the ſaid Company of Proprietors to ſue for and recover the ſame in any of His Majeſty's Courts of Record, by Action of Debt, or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed; and if any Perſon or Perſons ſhall neglect or refuſe to pay his, her, or their rateable or proportionable Part or Share of the ſaid Money to be called for after the firſt Call as aforeſaid, at the Time and Place ſo appointed, he, ſhe, or they, ſo neglecting or refuſing, ſhall forfeit the Sum of Five Pounds for every One hundred Pounds of his, her, or their reſpective Share and Shares in the ſaid intended Canal, Undertaking, and Premiſes; and in caſe ſuch Perſon or Perſons ſhall neglect or refuſe to pay his, her, or their rateable or proportionable Part or Share of the ſaid Money to be called for as aforeſaid, for the Space of Three Calendar Months after the Time appointed

pointed for Payment thereof as aforeſaid, and at the Place ſo to be appointed for Payment thereof as aforeſaid, then he, ſhe, or they, ſo neglecting or refuſing, ſhall forfeit his, her, or their reſpective Share and Shares in the ſaid intended Canal, Cut, Railways and Stone Roads, Undertaking, and Premiſes, and all the Profit and Benefit thereof, and all Money advanced by him, her, or them, to and for the Uſe and Benefit of the other Proprietors of the ſaid intended Canal, Cut, Railways and Stone Roads, and all ſuch Forfeitures ſhall be ſold at a public Sale, by the ſaid Company, for the moſt Money they can get for the ſame, and the Produce thereof ſhall be equally divided amongſt the Reſt of the ſaid Company of Proprietors, in Proportion to their reſpective Shares and Intereſts in the ſaid intended Canal and Undertaking.

Subſcribers to have Notice before their Shares are forfeited.

LXVI. Provided always, That no Advantage ſhall be taken of the Forfeiture of any Share or Shares of the ſaid Navigation or Undertaking, until perſonal Notice be given by the Clerk or Clerks, Treaſurer or Treaſurers, of the ſaid Company of Proprietors, to the Owner or Owners thereof, or Notice in Writing left at his, her, or their uſual or laſt Place of Abode, nor unleſs the ſame ſhall be declared to be forfeited at ſome General Aſſembly of the ſaid Company of Proprietors which ſhall be held after the End of Three Calendar Months after the Forfeiture ſhall happen to be made, and every ſuch Forfeiture ſhall be an Indemnification and Diſcharge to and for every Proprietor or Proprietors ſo forfeiting, after ſuch Share or Shares ſhall have been deemed to be forfeited by a General Aſſembly, but not before, againſt all Action and Actions, Suits or Proſecutions whatſoever, to be commenced or proſecuted for any Breach of Contract, or other Agreement, between ſuch Proprietor or Proprietors ſo forfeiting, and the Reſt of the Proprietors, with regard to carrying on the ſaid intended Navigation and Undertaking.

Committee to be under Controul of General Aſſemblies.

LXVII. And be it further enacted, That ſuch Committee ſhall from Time to Time make Reports of their Proceedings to, and be ſubject to the Examination and Controul of the ſaid General and Special Aſſemblies of the ſaid Proprietors as aforeſaid, and ſhall pay due Obedience to all ſuch Orders and Directions in and about the Premiſes as ſhall from Time to Time be made by the ſaid Proprietors at any ſuch General or Special Aſſembly, ſuch Orders and Directions not being contrary to any expreſs Directions or Proviſions in this Act contained.

Books of Accounts to be kept.

LXVIII. And be it further enacted, That proper Books of Accounts and other Matters relating to the ſaid Navigation and Undertaking ſhall be kept, and that all ſuch Books, and other Matters, ſhall be depoſited and kept under the Direction of the Committee for the Time being, at ſuch Place or Places as the ſaid Company of Proprietors ſhall, from Time to Time, direct, and every Proprietor or Proprietors, at all reaſonable Times, ſhall have free Acceſs to the ſame for his, her, or their Inſpection, without Fee or Reward.

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

LXIX. And be it further enacted, That if any Owner or Owners of any Share or Shares in the ſaid Undertaking, 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 Undertaking, 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 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 diſpoſed of.

LXX. And be it further enacted, That it ſhall be lawful for the ſeveral Proprietors of any Share or Shares of the ſaid Undertaking, to ſell and diſpoſe of any ſuch Share or Shares which he, ſhe, or they ſhall or may be entitled to therein, in Manner and ſubject to the Rules and Conditions herein mentioned, and any ſuch Purchaſer or Purchaſers ſhall, for his, her, or their Security, as well as that of ſuch Proprietor or Proprietors, have a Duplicate or Duplicates of the Deed of Aſſignment or Conveyance made to him, her, or them, and executed by ſuch Perſon or Perſons from whom he, ſhe, or they ſhall purchaſe the ſame, and alſo by the Purchaſer or Purchaſers, One Part whereof, ſo executed, ſhall be delivered to the ſaid Committee, or to their Clerk or Clerks, to be filed and kept for the Uſe of the ſaid Company, and an Entry thereof ſhall be made in a Book or Books to be kept by the ſaid Clerk or Clerks for that Purpoſe, for which no more than Two Shillings and Sixpence ſhall be paid, and the ſaid Clerk or Clerks is and are hereby required to make ſuch Entry accordingly, and until ſuch Duplicate of ſuch Deed ſhall be ſo delivered unto the ſaid Committee or Clerk as aforeſaid, ſuch Purchaſer or Pur-

chaſers ſhall have no Part or Share of the Profits of the ſaid Navigation or Undertaking, nor any Intereſt paid to him, her, or them, for his, her, or their Share ſo purchaſed, or be entitled to a Vote as Proprietor or Proprietors of the ſaid Navigation and Undertaking.

No Shares to be ſold after Call made, until the Money is paid.

LXXI. And be it further enacted, That after any Call of ſuch Monies ſhall be made by the Authority of this Act, no Perſon or Perſons ſhall ſell or transfer any Share which he, ſhe, or they ſhall then have in the ſaid intended Canal, Cut, Railways or Stone Roads, and Undertaking, until the Monies called for upon their reſpective Share or Shares ſo to be ſold ſhall be paid, and every Perſon making Default herein ſhall forfeit ſuch his, her, or their reſpective Share or Shares of the ſaid intended Canal, Cut, Railways or Stone Roads, and Undertaking, to the ſaid Company, in Truſt, for the Benefit of all the other Proprietors, unleſs the Perſon or Perſons who ſhall be Vendor or Vendors ſhall, at the Time of ſuch Transfer, pay the Money called for upon every Share ſo ſold or transferred to the Treaſurer of the ſaid Company, ſuch Forfeiture having been firſt notified and declared at a General Aſſembly in Manner before directed with reſpect to the Forfeiture of Shares for not anſwering the Calls made thereon as aforeſaid.

LXXII. And be it further enacted, That every Aſſignment or Tranſfer of any of the ſaid Shares ſhall be in the Form or to the Effect following:

Form of Transfer of *Shares*.

'I *A. B.* of in Conſideration of the Sum of paid to me by *C. D.* 'of do hereby bargain, ſell, aſſign, 'and transfer to the ſaid *C. D.* his [*or*, her] Executors, Adminiſtrators, 'and Aſſigns, Share [*or*, Shares] being Number in 'the *Peak Foreſt* Canal Navigation: To hold to the ſaid *C. D.* his [*or*, 'her] Executors, Adminiſtrators, and Aſſigns, ſubject to the ſame Rules 'and Orders, and on the ſame Conditions, on which I held the ſame 'immediately before the Execution hereof: And I the ſaid *C. D.* do 'hereby agree to accept of the ſaid Share [*or*, Shares] ſubject 'to the ſame Rules, Orders, and Conditions: Witneſs our Hands and 'Seals, the Day of in the 'Year of our Lord

Directing what ſhall be done on Alienation of Shares by Marriage or Death.

LXXIII. And whereas much Inconvenience may ariſe by the frequent Transfer of the Right and Title to the Shares of and in the ſaid intended Canal, Cut, Railways or Stone Roads, by the Marriage or Death of Proprietors, and it may be difficult to aſcertain to whom the Dividends ariſing or becoming due upon ſuch Shares ought to be paid and do 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 intended Canal, Cut, and Railways or Stone Roads, 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*, a Maſter Extraordinary in Chancery, or One of His Majeſty's Juſtices of the Peace, and ſhall be tranſmitted to the Clerk of the ſaid Company 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 for the entering of Transfers of Shares in the ſaid intended Canal, Cut, and Railways or Stone Roads; and that before any Perſon or Perſons who ſhall claim any Part or Share of the Profits of the ſaid intended Canal, Cut, and Railways or Stone Roads, 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, or the Letters of Adminiſtration, in caſe the Proprietor ſhall have died inteſtate, ſhall be produced and ſhewn to the ſaid Clerk.

Rates of Tonnage.

LXXIV. 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, Cut, and Railways or Stone Roads, 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 navigated, carried, or conveyed, upon any Part of the ſaid Canal and Cut, and the ſaid Railways or Stone Roads, or any Part thereof reſpectively; (that is to ſay),

For every Ton of Limeſtone the Sum of Three Halfpence *per* Mile:

For every Ton of Stone (except Limeſtone), Lime, Coal, and other Minerals, the Sum of Two-pence *per* Mile:

For every Ton of Dung, Clay, Sand, and Gravel, not paſſing through a Lock, the Sum of One Penny *per* Mile:

For every Ton of Dung, Clay, Sand, and Gravel, paſſing through a Lock, the Sum of Two-pence *per* Mile:

For every Ton of Timber, Goods, Wares, and other Merchandize, and all other Articles, Matters, and Things, not herein-before particularized, the Sum of Three-pence *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, Waggon, or other Carriage, ſhall be navigated or paſs upon the ſaid Canal and Cut, and Railways or Stone Roads, or either 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, Waggon or other Carriage, ſo to be navigated on the ſaid Canal and Cut, or either of them, or ſo to paſs on the ſaid Railways or Stone Roads, a Proportion of the ſaid Rates ſhall be demanded and taken by the ſaid Company of Proprietors for ſuch Fraction, according 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 Cut, and Railways or Stone Roads, reſpectively, at the Diſtance of One Mile from each other, or at ſuch leſs Diſtance as the ſaid Company of

Canal to be meaſured, and Stones ſet up.

Recovery of Rates.

of Proprietors, or their 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 Cut, and Railways or Stone Roads, or either 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 and they is and are hereby impowered 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, Waggon or other Carriage, 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, Waggon or Carriage, 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.

Payment of Wharfage.

LXXV. And be it further enacted, That no more than the Sum of Three-pence *per* Ton ſhall be demanded or taken for Wharfage by the ſaid Company of Proprietors, or by any other Perſon or Perſons whomſoever, unleſs the Goods, Wares, and Merchandize which ſhall be laid on any Wharfs or Quays to be erected or made by virtue of this Act, ſhall remain or continue on ſuch Wharf or Quay for a longer Time than the Space of Ten Days; but if the ſame ſhall remain and continue thereon for more than the Space of Ten Days, then the further Sum of One Halfpenny a Day ſhall be paid for the Wharfage of every Ton of ſuch Goods, Wares, and Merchandize.

Company impowered to leaſe the Rates.

LXXVI. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, and they are hereby authorized and impowered, at any of their 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, Cut, and Railways or Stone Roads, 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 Committee, or any Seven or more of them, or their Clerk, by Advertiſement 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.

Power to fix the Price of ſmall Parcels.

LXXVII. 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 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 Cut 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 Cut reſpectively, 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 Cut reſpectively, 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 Cut reſpectively, 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 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.

Maſters of Boats to give an Account in Writing of Particulars of Lading.

LXXVIII. And, for the better aſcertaining and more eaſily collecting the ſaid Rates, be it further enacted, That the Maſter, Owner, or Manager, or Perſon having the Care of any Boat, Barge, or other Veſſel, Waggon or other Carriage, navigating or paſſing upon the ſaid intended Canal, Cut, and Railways or Stone Roads, or any of them, or any Part thereof, ſhall give an exact and true Account, in Writing, ſigned by him or them, to the Collectors of the ſaid Rates, at the Place or Places where they ſhall attend for that Purpoſe, of what Quantity of Goods ſhall be in or belong to ſuch Boat, Barge, or other Veſſel, Waggon or other Carriage, from whence brought, and where the ſame are intended to be landed, and if the Goods contained in ſuch Boat, Barge, or other Veſſel, Waggon or other Carriage, ſhall be liable to the Payment of different Rates, then ſuch Maſter, Owner, or Perſon, ſhall ſpecify the Quantities liable to the Payment of each Rate; and in caſe any ſuch Perſon ſhall neglect or refuſe to give ſuch Account, or to produce his Bill of Lading to any ſuch Collector, demanding the ſame, or ſhall give a falſe Account, or ſhall deliver any Part of his Lading or Goods at any other Place than what is or are mentioned in ſuch Account, with Intent to avoid the Payment of the ſaid Rates, or any Part of them, he ſhall forfeit and pay the Sum of Ten Shillings for every Ton of Goods and other Things, and ſo in Proportion for any leſs Quantity than a Ton, which ſhall be in any

ſuch Boat, Barge, or other Veſſel, Waggon or other Carriage reſpectively, of which ſuch Account ſhall be ſo refuſed to be given, or of which ſuch falſe Account ſhall be given, or which ſhall be fraudulently delivered out as aforeſaid, as the Caſe ſhall happen to be, over and above the reſpective Rates directed to be paid for the ſame by virtue hereof.

Weight of Tonnage, &c. aſcertained.

LXXIX. And, for the better aſcertaining the Tonnage of Timber and other Goods to be charged with the Payment of ſuch Rates as aforeſaid, be it further enacted and declared, That Forty cubick Feet of Oak, Aſh, Elm, or Beach Timber, or Fifty cubick Feet of Fir or Deal Balk, Poplar, or other Timber or Wood, not cut into Scantlings, ſhall, for the Purpoſes of this Act, be deemed, rated, or eſtimated, as and for One Ton Weight, and that One hundred and twenty Pounds Weight Avoirdupois ſhall, for the Purpoſes of this Act, be deemed, rated, or eſtimated, as and for One hundred Weight; any Uſage of rating or eſtimating the ſame to the contrary notwithſtanding.

If any Difference concerning Weight, Collectors may weigh or meaſure Boats, *etc.*

LXXX. And be it further enacted, That if any Difference ſhall ariſe between any Collector of the ſaid Rates and the Maſter or Perſon having Charge of any Boat, Barge, or other Veſſel, Waggon or other Carriage, or the Owner of any Goods or other Things, concerning the Weight or Quantity of any Goods, Wares, or other Things, it ſhall be lawful for any ſuch Collector to ſtop and detain ſuch Boat, Barge, or other Veſſel, Waggon or other Carriage, and to weigh, meaſure, or gauge, or cauſe to be weighed, meaſured, or gauged, ſuch Boat, Barge, or other Veſſel, Waggon or other Carriage, and all ſuch Goods and other Things as ſhall be therein contained, and in caſe the ſame ſhall, upon ſuch weighing, meaſuring, or gauging, appear to be of greater Weight or Quantity than what is ſet forth and contained in the Account given thereof as aforeſaid, then the Maſter, Owner, or Perſon giving in ſuch Account, ſhall pay the Coſts and Charges of ſuch weighing, meaſuring, and gauging, all which ſaid Coſts and Charges, upon Refuſal of Payment thereof upon Demand, ſhall and may be recovered and levied by ſuch Ways and Means, and in ſuch Manner as the ſaid Rates are hereby appointed to be recovered and levied; but if ſuch Goods or other Things ſhall appear to be of the ſame or leſs Weight or Quantity than the ſame ſhall by ſuch Account appear to be of, then the ſaid Collector ſhall pay the Coſts and Charges of ſuch weighing, meaſuring, and gauging, and ſhall alſo pay to ſuch Maſter or Perſon, or to the Owner or Owners of ſuch Goods, or other Things, ſuch Damages as ſhall appear to the ſaid Commiſſioners, on the Oath of any credible Witneſs, (all which ſaid Oaths the ſaid Commiſſioners are hereby impowered to adminiſter), to have ariſen from ſuch Detention, and in Default of immediate Payment thereof by the Collector, the ſame ſhall be recovered from the ſaid Company of Proprietors, by Action of Debt, in any of His Majeſty's Courts of Record at *Weſtminſter*, or in His Majeſty's Court of Seſſion for the ſaid County of *Cheſter*.

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

LXXXI. 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, Cut, and Railways or Stone Roads, and every Part thereof, without paying any

any Thing for the Uſe of ſuch Roads, Ways, and Paſſages, and alſo to navigate, and paſs upon and uſe the ſaid Canal and Cut, and Railways or Stone Roads, 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.

Veſſels under Fifteen or Ten Tons, not to paſs Locks without Conſent of Proprietors.

LXXXII. And be it further enacted, That no Boat, Barge, or other Veſſel, of leſs Burthen than Fifteen Tons when the Water does not, or of leſs than Ten Tons when the Water does flow over the Weirs of any of the Locks of the ſaid intended Canal and Cut, ſhall paſs through any of the Locks to be made by virtue of this Act, without the Conſent of the ſaid Company of Proprietors, or their principal Agent for the Time being, in Writing, firſt had and obtained, or unleſs the Owner or Navigator of ſuch Boat, Barge, or other Veſſel, ſhall pay Tonnage equal to a Boat, Barge, or other Veſſel, of Fifteen Tons or Ten Tons reſpectively as aforeſaid.

Regulations of Veſſels paſſing Locks.

LXXXIII. And be it further enacted, That no Boatman or other Perſon navigating or having the Care of any Boat or other Veſſel upon the ſaid intended Canal or Cut, which ſhall paſs through any Lock to be made thereon, ſhall ſuffer the Water to remain in the Lock longer than is neceſſary for his Boat or other Veſſel to paſs through the ſame, and alſo that every ſuch Boatman or other Perſon as aforeſaid, in going down from the Head Level of the ſaid intended Canal, ſhall, previous to his bringing his Boat or Veſſel into any Lock, ſhut the lower Gates of ſuch Lock before he ſhall draw the Cloughs of the upper Gates thereof, and after he ſhall have brought his Boat or other Veſſel into the ſaid Lock, he ſhall then ſhut the upper Gates and Paddles before he ſhall draw the Cloughs of the lower Gates thereof, and in going up the ſaid intended Canal towards ſuch Head Level, ſuch Boatman or other Perſon, ſo ſoon as he ſhall have paſſed with his Boat or other Veſſel into the ſaid Lock, ſhall ſhut the lower Gates of the ſame before he ſhall draw the Paddles of the upper Gates thereof, unleſs there ſhall then be a Boat or other Veſſel in Sight of the ſaid Lock coming down the ſaid intended Canal, 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 intended Canal, the Boat or Veſſel ſo going up the ſame, if within Sight of a Boat or other Veſſel ſo coming down, and at a Diſtance not exceeding Three hundred Yards below a Lock, ſhall paſs through ſuch Lock before the Veſſel coming down, and then ſuch other Veſſel ſhall come down into the ſaid Lock; and if there ſhall be more Veſſels than One below and above any Lock at the ſame Time, in ſuch dry Seaſon, within the Diſtance aforeſaid, (which Diſtance ſhall be diſtinguiſhed by a Poſt or Mark to be made and ſet up for that Purpoſe), ſuch Veſſels ſhall go up and come down at ſuch Lock by Turns as aforeſaid, until all the Veſſels ſo going up or coming down ſhall have paſſed the ſame, by which Means One Lock full of Water may ſerve Two Veſſels; and if any Perſon or Perſons ſhall offend in any of theſe Particulars,

he

he or they ſhall forfeit the Sum of Forty Shillings, but if a Queſtion 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.

To prevent Lock Keepers *etc.* giving any Preference.

LXXXIV. And be it further enacted, That if any Lock Keeper, Wharfinger, or other Servant, belonging to the ſaid Company of Proprietors, ſhall give any Preference, or ſhew Partiality to any Boat, Barge, or other Veſſel, in paſſing through any Lock or Locks upon the ſaid intended Canal and Cut, or either of them, or to any Waggon or other Carriage, in paſſing over or along the ſaid Railways or Stone Roads, or any of them, or in loading or unloading any Goods or other Things at any of the Wharfs, Warehouſes, Weigh Beams, Cranes, and other Machines, belonging to the ſaid Company of Proprietors, every Perſon ſo offending ſhall forfeit and pay the Sum of Forty Shillings to the Informer.

Maſters to put their Names on Outſide of their Boats.

LXXXV. And, for the better Regulation of Maſters of Boats, Barges, and other Veſſels, and Boatmen and others employed by or under them, and for the more eaſy Detection of any Thing by them done contrary to the Directions of this Act; be it further enacted, That every Owner, Maſter, or Perſon having the Rule or Command of any Boat, Barge, or other Veſſel, Waggon or other Carriage, paſſing upon the ſaid intended Canal and Cut, and Railways or Stone Roads, or any of them, ſhall cauſe his Name and Place of Abode, and the Number of his or her Boat, Barge, or other Veſſel, Waggon or other Carriage, to be entered with the Clerk or Clerks to the ſaid Company of Proprietors, and ſhall alſo cauſe ſuch Name and Number to be printed in large White Capital Letters and Figures, on a Black Ground, Six Inches high at the leaſt, and of a proportionate Breadth, on the Outſide of every ſuch Waggon or Carriage, and 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 of ſuch Boat, Barge, or other Veſſel reſpectively, correct Indexes of Copper, Lead, or other Metal, or otherwiſe, of ſuch graduated Dimenſions, and of ſuch convenient Height, and under ſuch Regulations, as the ſaid Company of Proprietors ſhall from Time to Time direct, ſo that the true Weight of the Lading on Board may at all Times be thereby aſcertained and ſhewn, and ſhall permit and ſuffer every ſuch Boat, Barge, or other Veſſel to be gauged 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, provided that no ſuch Veſſel ſhall be gauged or meaſured more than Four Times in any One Year; and every Owner, Maſter, or other Perſon having the Rule or Command of any Boat, Barge, or other Veſſel, Waggon or other Carriage, who ſhall navigate or drive the ſame upon the ſaid intended Canal and Cut, Railways or Stone Roads, or any of them, without having ſuch Name, Figure, and Index, thereon, as herein-before directed, or ſhall alter, eraſe, deface, or deſtroy, the ſame, or any Part thereof, or ſhall fix any falſe Name, Figure, or Index, or who ſhall refuſe to permit and ſuffer the ſame to be gauged and meaſured, ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds, nor leſs than Forty Shillings.

Weight of the Lading of Veſſels to be marked;

and Veſſels to be gauged.

LXXXVI. And

Masters or Owners of Boats answerable for Damages.

LXXXVI. And be it further enacted, That the Maſter or Owner of any Boat, Barge, or other Veſſel, navigating upon the ſaid intended Canal and Cut, or either of them, and alſo of any Waggon or other Carriage uſed or employed upon the ſaid Railways or Stone Roads, or any of them, ſhall be and is hereby made anſwerable for any Damage, Spoil, or Miſchief, that ſhall be done by his Boat, Barge, or other Veſſel, Waggon or other Carriage, or any of the Boatmen, Watermen, or others, belonging to or employed in or about the ſame reſpectively, unto any of the Bridges, Weirs, Locks, Banks, Dams, Engines, or other Works, in, upon or belonging to the ſaid intended Canal, Cut, Railways or Stone Roads, or any of them, or any of the Trenches, Tunnels, Aqueducts, Sluices, and Paſſages, to be made as aforeſaid, or by loading or unloading any Boat, Barge, or other Veſſel, Waggon or other Carriage, and for any Treſpaſs or Damage that ſhall or may be done to the Owners or Occupiers of any Buildings, Erections, Lands, Tenements, or other Property adjoining or lying near to the ſame, or any of them, or any other Treſpaſs whatſoever, contrary to the ſeveral Directions and Reſtrictions in this Act contained, or any of them, and the ſaid Maſter or Owner of ſuch Boat, Barge, or other Veſſel, Waggon or other Carriage, ſhall, for every ſuch Damage, upon Conviction of ſuch Perſon or Perſons before any Juſtice of the Peace for the County or Place where any ſuch Offence ſhall be committed, either by the Confeſſion of the Party or Parties offending, or upon the Oath or Oaths of One or more credible Witneſs or Witneſſes, (which Oath or Oaths ſuch Juſtice is hereby impowered and required to adminiſter), pay to the Perſon or Perſons injured the Damages to be aſcertained by ſuch Juſtice, provided that ſuch Damages do not exceed the Sum of Five Pounds, and ſhall, over and above ſuch Damages, forfeit and pay to the Informer any Sum not exceeding Twenty Shillings, nor leſs than Ten Shillings, and all Coſts, Charges, and Expences attending ſuch Conviction, which Damages, Penalties, and Coſts, ſhall be levied by Diſtreſs and Sale of the Goods and Chattels of the Maſter, or Owner or Owners, of ſuch Boat, Barge, or other Veſſel, Waggon or other Carriage, by Warrant or Warrants, under the Hand and Seal of ſuch Juſtice, and the Overplus (if any) after ſuch Penalty, Damages, and the Coſts and Charges of ſuch Diſtreſs and Sale are deducted, ſhall be returned, upon Demand, to the Maſter, or Owner or Owners, of ſuch Goods and Chattels, or if the ſaid Damages ſhall exceed the Sum of Five Pounds, then and in ſuch Caſe the Maſter, or Owner or Owners, of ſuch Boat, Barge, or other Veſſel, Waggon or other Carriage, ſhall and may be ſued and proſecuted for the ſame in any Court of Record at *Weſtminſter*, or in the Court of Seſſion at *Cheſter*, and if found guilty, or a Verdict paſs againſt him, or Judgement be given againſt him upon Demurrer or by Default, the Plaintiff in ſuch Caſe ſhall recover his Damages thereby ſuſtained, with full Coſts of Suit.

Maſters to recover back from their Servants any Sums paid for their Neglect or Default.

LXXXVII. And be it further enacted, That in caſe the Owner or Owners of any Boat, Barge, or other Veſſel, navigating on the ſaid intended Canal and Cut, or either of them, or of any Waggon or other Carriage uſed or employed upon the ſaid Railways or Stone Roads, or any of them, ſhall be compelled to pay any Penalty, or make Satisfaction for any Damage by Reaſon of any wilful Neglect or Default done or committed by his or their Servant, ſuch Servant ſhall be liable to repay ſuch Penalty or Satisfaction to ſuch Owner or Owners; and in caſe of Non-payment, upon Demand thereof, and Oath made by ſuch Owner or Owners of the Payment by him

or them of ſuch Penalty or Satisfaction, and that the ſame hath not been repaid to him or them by ſuch Servant although demanded, (ſuch Oath to be made before One Juſtice of the Peace for the County where ſuch Penalty and Satisfaction ſhall have been recovered), the ſame Penalty and Satisfaction ſhall be levied by Warrant under the Hand and Seal of ſuch Juſtice, by Diſtreſs and Sale of the Goods and Chattels of ſuch Servant, together with all Coſts and Charges attending ſuch Diſtreſs and Sale, and the ſaid Penalty and Satisfaction, when recovered, ſhall be paid to ſuch Owner or Owners in Diſcharge of ſuch Penalty and Satisfaction ſo by him or them paid for the wilful Act or Default of ſuch Servant as aforeſaid; and in caſe no ſufficient Diſtreſs can be had, ſuch Juſtice of the Peace ſhall and is hereby required to commit ſuch Servant to the Common Gaol, or any Houſe of Correction for the ſaid County of *Cheſter* or *Derby*, as the Caſe may be, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months.

Works damaged by the Floods to be repaired by the Company.

LXXXVIII. 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 damaged or deſtroyed, and the adjacent Lands, and Property thereon, thereby damaged, and that it may be neceſſary the ſame ſhould be immediately repaired or rebuilt to prevent further Damages; be it therefore further enacted, That when and as often as any ſuch Caſe may 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 intended Canal, Cut, Reſervoirs, or Trenches, or any of them, not being the Ground whereon any Houſe ſtands, nor being an Orchard, Yard, Garden, 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 Works will admit of, and making Recompence for ſuch Damages to the Owners and Occupiers of, or other Perſons intereſted in, ſuch Lands, Grounds, Property, or Hereditaments, within the Space of Six Calendar Months next after the ſame ſhall be demanded, for all Damages which ſhall or may be done by Means of the digging for, getting, working, taking, carrying away, and uſing ſuch Stones, Gravel, and Materials, or any of them, which Damages, and the Satisfaction and Recompence in reſpect thereof, ſhall be ſettled, adjuſted, aſſeſſed, aſcertained, and determined, by the Ways and Means herein preſcribed with reſpect to other Damages done by the making and completing the ſaid Navigation.

Drains to be made to convey Water from the Land adjoining;

LXXXIX. And, to the End that the ſaid intended Canal, Cut, and Railways or Stone Roads, 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, or other Paſſages, over, under, by the Side of, or into, the ſaid intended Canal and Cut, and the Trenches, Streams, and Watercourſes communicating therewith, and the Towing Paths on the Sides thereof

thereof 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 intended Canal and Cut, without obſtructing or impounding the ſame, and alſo to make or cauſe to be made ſuch Back 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 intended Canal and Cut, or either 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 Places where, by Means of the ſaid intended Canal and Cut, or either of them, the Cattle of any Perſon or Perſons occupying Lands adjacent to the ſaid Canal and Cut, or either of them, ſhall be deprived of their ancient Watering Places, and to ſupply the ſame with Water out of the ſaid Canal and Cut if neceſſary; and that all ſuch Bridges, Arches, Tunnels, Culverts, Drains, and other Paſſages, ſhall from Time to Time be ſupported and kept in good and ſufficient Repair by the ſaid Company of Proprietors; and if at any Time after Notice in Writing ſhall, by or on the Behalf of the ſaid Owners or Occupiers of Lands adjoining or lying near to the ſaid intended Canal and Cut, or either of them, 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, 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 the ſaid Commiſſioners, 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 cleanſe and repair ſuch Arches, Tunnels, Culverts, Drains, Back Drains, or other Paſſages accordingly, and the reaſonable Expences thereof (to be aſcertained by the ſaid Commiſſioners) 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 Three Calendar Months 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 intended Canal and Cut, and each and every of them, ſufficiently cleanſed and open to convey Water into the ſame, and provided alſo that nothing herein contained ſhall extend to enforce the admitting of any Water ariſing from Floods, into the ſaid intended Canal and Cut, or either of them, which may injure the Navigation thereof.

and Watering Places for Cattle.

XC. And be it further enacted, That the ſaid Company of Proprietors ſhall, and they are hereby required, at their own proper Charges, after any Lands ſhall be taken for the Uſe of the ſaid intended Canal, Cut, Railways or Stone Roads, Aqueducts, Trenches, and Towing Paths, to divide and ſeparate, and keep conſtantly divided and ſeparated, the Towing Paths on the Sides of the ſaid intended Canal and Cut, and the ſaid Railways or Stone Roads, and the Trenches, Feeders, or Paſſages, hereby authorized to be made, or ſuch Parts of ſuch Trenches, Feeders,

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

Feeders, or Paſſages, as ſhall be found neceſſary by the ſaid Commiſſioners, from the Lands or Grounds adjoining to ſuch Towing Paths, Railways or Stone Roads, Trenches, Feeders, or Paſſages, with good and ſufficient Poſts, Rails, Hedges, Ditches, Mounds, or other Fences; and ſhall, at their own Coſts and Charges, from Time to Time, maintain and ſupport the ſaid Towing Paths, and the ſaid Poſts, Rails, Hedges, Ditches, Mounds, and other Fences, ſo made as aforeſaid, as the ſaid Commiſſioners ſhall, from Time to Time, judge neceſſary and appoint; and the ſaid Company of Proprietors ſhall alſo, at their own Charges, make, erect, and ſet up, and from Time to Time maintain and ſupport ſuch and ſo many convenient Gates and Stiles in and through the Hedges and Fences to be by them ſo made on the Sides of ſuch Towing Paths as aforeſaid, and alſo ſuch Bridges, Arches, Culverts, Drains, and Paſſages over, under, by the Sides of, or into, the ſaid intended Canal and Cut, 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 from Time to Time judge neceſſary and appoint, and that the ſaid Company of Proprietors ſhall not make the ſaid intended Canal, Cut, Railways or Stone Roads, or any Feeder, Trench, or Watercourſe, in or acroſs any common Highway, publick Bridleway, or Foot Path, until they ſhall, at their own proper Charges, have made and perfected ſuch Stone or Brick Bridges, or Arches, acroſs ſuch Highway, Bridleway, or Path, with Wing Walls, Ramparts, and Side Banks, belonging or approaching to, over, and from, ſuch Bridges, ſuch Approaches not to be ſteeper or of greater Aſcent than Three Inches in a Yard in Length, and ſo in Proportion for any greater or leſs Length, and of ſuch Dimenſions, and in ſuch Manner as the ſaid Commiſſioners ſhall judge proper; and all ſuch Gates, Stiles, Bridges, Arches, and other Works and Conveniencies to be made, ſhall from Time to Time be ſupported, maintained, and kept in ſufficient Repair, by the ſaid Company of Proprietors.

The Company liable to be indicted at Common Law for not making Stone or Brick Bridges over the Canal.

XCI. And be it alſo declared and enacted, That the ſaid Company of Proprietors ſhall be liable to be indicted at Common Law for not making Stone or Brick Bridges in all Carriage Highways over and acroſs the ſaid intended Canal, Cut, and Trenches, together with proper Wing Walls, Ramparts, and Side Banks, over and from ſuch Bridges, where ſuch Bridges can be made by Approaches not ſteeper or of greater Aſcent than Three Inches in every Yard in Length, and ſo in the like Proportion of Aſcent; any Thing in this Act contained to the contrary notwithſtanding.

The Company liable to be indicted at Common Law for not repairing Bridges, &c. and to pay Coſts.

XCII. And be it likewiſe declared and enacted, That the ſaid Company of Proprietors ſhall be liable to be indicted at Common Law for not repairing and keeping in Repair all Bridges, Wing Walls, Ramparts, Side Banks, and Approaches aforeſaid, to be erected and made by virtue of this Act, in any Highway, publick Bridleway, or Foot Path, over and acroſs the ſaid intended Canal and Cut, and that the ſaid Company ſhall alſo be liable to pay the Coſts of all ſuch Proſecutions, upon Proof of One Calendar Month's Notice being given to or left at the Houſe of the Treaſurer, or any of the Clerks of the ſaid Company, previous to the Commencement of ſuch Proſecution, by the Surveyor of the Highways on either Side of the ſaid intended Canal and Cut, and on Conviction of the Defendants.

Juſtices at Seſſions, in certain Caſes,

XCIII. Provided always, and be it enacted, That if it ſhall appear to the ſaid Company of Proprietors, or to their Engineer or Engineers, that on

on Account of the Situation of the Bridge intended to be made in any ſuch aforeſaid Carriage Highway, a Swivel or Wooden Bridge would be more convenient to the Publick than a Bridge of Stone or Brick, or that the Approach herein-before directed to be made by the ſaid Company of Proprietors cannot be made, without very great Expence, of leſs Aſcent, than Three Inches in a Yard in Length, then, and in every ſuch Caſe, upon Application being made to His Majeſty's Juſtices who ſhall be aſſembled at any General Quarter Seſſions of the Peace which ſhall be held for the County wherein ſuch Bridge ſhall be intended to be made, by or on Behalf of the ſaid Company of Proprietors, it ſhall be lawful for ſuch Juſtices, upon Proof of One Calendar Month's Notice having been previouſly given of ſuch intended Application, to the Surveyors of the Highways within the Townſhip wherein any ſuch aforeſaid Bridge is intended to be built, to enquire into the Premiſes, and to order, direct, and determine whether any ſuch aforeſaid Bridge ſhall be of Stone or Brick, or a Wooden or Swivel Bridge, and of what Aſcent the Approach herein-before directed to be made by the ſaid Company of Proprietors ſhall be; any Thing herein contained to the contrary in anywiſe notwithſtanding.

to determine what Bridges ſhall be made.

XCIV. And be it further enacted, That if any Swivel Bridge or Draw Bridge ſhall be laid over or acroſs the ſaid Canal and Cut, or either of them, or any Trenches or Paſſages to be made by virtue of this Act, all and every Perſon or Perſons opening any ſuch Swivel Bridge or Draw 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, and every Perſon neglecting ſo to do ſhall forfeit and pay, for every ſuch Offence, any Sum not exceeding Five Pounds nor leſs than 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, any Sum not exceeding Five Pounds nor leſs than Forty Shillings, on due Proof being made before any Juſtice of the Peace for the County of *Cheſter* or *Derby*, as the Caſe may be, of ſuch Neglect as aforeſaid; and if any Perſon or Perſons ſhall wilfully open any ſuch Draw Bridge or Swivel Bridge when no Veſſel is to paſs through the ſame, ſo as to interrupt a free Paſſage for Travellers, Cattle, or Carriages, ſuch Perſon or Perſons, being convicted thereof in the Manner aforeſaid, ſhall forfeit and pay a Sum not exceeding Five Pounds nor leſs than Twenty Shillings, at the Diſcretion of ſuch Juſtice of the Peace; which ſaid Forfeiture or Forfeitures ſhall be levied and recovered in the ſame Manner as any other Penalty or Forfeiture is by this Act directed to be levied and recovered, and the Money ariſing by ſuch Forfeiture or Forfeitures ſhall be applied in the Manner following; (that is to ſay), One Half thereof ſhall be paid to the Informer, and the other Half to the Poor of the Townſhip or Pariſh where ſuch Offence ſhall be committed; any Thing herein contained to the contrary notwithſtanding.

Swivel and Draw Bridges to be ſhut and faſtened after Veſſels ſhall have paſſed through them, on Penalty of 5*l.*

XCV. And be it further enacted, That, in caſe the ſaid Company of Proprietors ſhall refuſe or neglect to make, erect, and ſet up, ſuch Fences on the Sides of the ſaid Towing Paths or Banks, and alſo ſuch Gates and Stiles in and through the Fences on the Sides of the ſaid Towing Paths, or ſuch Bridges, Arches, Culverts, Tunnels, Drains, or other Paſſages over, under, or by the Side of, or into the ſaid intended Canal, Cut, and Railways or Stone Roads, and the ſaid Trenches, Streams, and Watercourſes as aforeſaid,

In caſe Company do not fence off the Towing Paths, and make Bridges, Land Owners may do it at Company's Expence.

aforesaid, or to make such Watering Places for Cattle as herein directed, or to repair, maintain, and support such Gates, Stiles, Bridges, Passages, Arches, Culverts, and Watering Places, when erected, set up, and made, of such Dimensions, of such Materials, and in such Manner as aforesaid, for the Space of Six Calendar Months next after the Times to be appointed for these Purposes by the said Commissioners, or after Notice shall be given by or on Behalf of the Owners or Occupiers of any such Lands, Grounds, Mills, or Hereditaments, who shall find themselves aggrieved by any such Refusal or Neglect, it shall be lawful for any such Owners or Occupiers to make, erect, and set up, such Fences, Gates, Stiles, Bridges, Passages, Arches, Culverts, Watering Places, and other Conveniencies as aforesaid, 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 the Works aforesaid, the said intended Canal, Cut, Railways or Stone Roads, 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 is absolutely necessary for the doing thereof, and all the reasonable Expence thereof, together with the Costs and Charges attending the same, (to be settled and allowed by the said Commissioners), shall be repaid to such respective Owners or Occupiers 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 shall have been delivered and made thereof, and, in Default of such Payment, the said Commissioners shall, and they are hereby required, by Warrant under their Hands and Seals, to cause the same to be levied by Distress and Sale of the Goods and Chattels of the said Company of Proprietors, and to be paid to such respective Owners or Occupiers as aforesaid, rendering to the said Company of Proprietors, or to some of their Agents, the Overplus (if any), after deducting the reasonable Charges of making such Distress and Sale; or otherwise, such Owners or Occupiers respectively shall and may sue for and recover the same against the said Company of Proprietors, by Action of Debt, in any of His Majesty's Courts of Record at *Westminster*, or in the Court of Session at *Chester*.

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

XCVI. Provided always, and be it further enacted, That if the Owners or Occupiers of Lands or Hereditaments through which the said intended Canal, Cut, and Railways or Stone Roads, or any of them, shall be made, do, or shall at any Time or Times find that any of the Gates, Stiles, Bridges, Arches, Culverts, Tunnels, Drains, or other Passages, over, under, or by the Side of, the said intended Canal, Cut, and Railways or Stone Roads, or any of them, or the Towing Paths, Aqueducts or Feeders, belonging thereto, or any such Watering Places and other Conveniencies which the said Commissioners shall have directed or appointed to be made by the said Company of Proprietors as aforesaid, are insufficient, either in the Number or Situation, for the commodious Use and Occupation of their respective Lands, Grounds, Mills, or Hereditaments, then, and in every such Case, it shall be lawful for any of such Owners or Occupiers, with the Consent and Approbation of the Committee of the said Company of Proprietors, upon Request made to them for that Purpose, or, in case of their Refusal for the Space of Twenty-one Days after such Request, then, with the Consent and Approbation of the said Commissioners, to make, fix, and erect, at their own

own Coſts and Charges, ſuch Gates, Stiles, Bridges, Paſſages, Arches, Culverts, Watering Places, or other Conveniencies, of the ſame or the like Conſtruction and Materials with thoſe made and erected by the ſaid Company of Proprietors, in ſuch Places as ſhall be found and judged moſt neceſſary and convenient for the better Uſe and Occupation of ſuch Lands, and to repair and ſupport the ſame at their own like Coſts and Charges, as Occaſion ſhall require, ſo as the ſaid Navigation of the ſaid intended Canal and Cut, and the Paſſage on the ſaid Railways or Stone Roads be not prevented or obſtructed thereby for any longer Space of Time or in any other Manner than the ſame will neceſſarily be by any of the other Gates, Stiles, or Bridges, or other Conveniencies aforeſaid, to be made or erected in or over the ſame Cut or Canal by the ſaid Company of Proprietors as aforeſaid.

Lords of Manors, and Land Owners, may erect Warehouſes, &c. on their Lands.

XCVII. And be it further enacted, That any Lord or Lords, Lady or Ladies, of any Manor, and the Owner or Owners of any Lands or Grounds through which the ſaid intended Canal, Cut, and Railways or Stone Roads, ſhall be made, may erect or uſe any Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouſes, in or upon their reſpective Lands, Grounds, or Waſtes adjoining or near to the ſaid intended Canal, Cut, and Railways or Stone Roads, and may land any Goods or other Things upon ſuch Wharfs, Quays, or Landing Places, or upon the Banks lying between the ſame, and the ſaid intended Canal, Cut, Railways or Stone Roads, and alſo may make and uſe proper and convenient Places for Boats and other Veſſels, to lie in, turn, and paſs by each other, ſo that the making or uſing thereof do not obſtruct or prejudice the Navigation and Buſineſs of the ſaid intended Canal, Cut, Railways or Stone Roads, or any Towing Path on the Sides thereof; and all Rates that ſhall be paid for the Uſe and Benefit of the ſaid Wharfs, Quays, Landing Places, Cranes, Weigh Beams, and Warehouſes reſpectively, ſhall be, and the ſame are hereby veſted in the Lord or Lords, Lady or Ladies, of ſuch Manor, or the Owner or Owners of ſuch Lands or Grounds who ſhall make and erect the ſame as aforeſaid.

If not done within a limited Time, Company may build.

XCVIII. Provided always, That if any ſuch Lord or Lords, Lady or Ladies, Owner or Owners, ſhall not within the Space of Six Calendar Months next after Notice given in Writing to him or them, by or on Behalf of the ſaid Company of Proprietors, that any Part of ſuch Lands, Grounds, or Waſtes, is neceſſary or proper to be uſed by them for the Purpoſe of erecting Warehouſes and Buildings for the Uſe of the ſaid Navigation, or for making and laying out neceſſary and convenient Roads for the Conveyance of Goods to and from the ſaid intended Canal and Cut, make, erect, and lay out, and from Time to Time maintain and keep in good and ſubſtantial Repair ſuch proper and ſufficient Warehouſes, Buildings, and Roads for the Uſe of the ſaid Navigation, as the ſaid Commiſſioners may think neceſſary, on the reſpective Parts of the Lands or Grounds deſcribed in ſuch Notice, that then 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, for erecting and building proper and ſufficient Warehouſes and Buildings, and making and laying out neceſſary and convenient Roads to and from the ſaid intended Canal and Cut, agreeable to ſuch Notice as aforeſaid, firſt making Satisfaction for the ſame in ſuch Manner as is directed with reſpect to other Lands or Grounds which ſhall be taken or uſed for the Purpoſes of this Act.

XCIX. Pro-

Rates of Tonnage on Private Wharfs.

XCIX. Provided alſo, and be it further enacted, That no more than the Sum of Three-pence *per* Ton ſhall be demanded or taken by any Lord or Lords, Lady or Ladies, Land Owner or Land Owners, who ſhall or may erect or build any Wharf or Quay, or make or lay out any Roads to and from the ſaid intended Canal, in purſuance of the Notice to be given by or on Behalf of the ſaid Company of Proprietors to ſuch Lord or Lords, Lady or Ladies, Land Owner or Land Owners, for that Purpoſe as aforeſaid, for the Wharfage of any Goods, Wares, or Merchandize, where the ſame ſhall be reſpectively placed, and remain upon any ſuch Wharfs or Quays, and ſhall not continue thereupon for a longer Space of Time than Ten Days, but if the ſame ſhall remain and continue thereon for more than the Space of Ten Days, then the further Sum of One Halfpenny a Day ſhall be paid for the Wharfage of every Ton of ſuch Goods, Wares, and Merchandize.

Company of Proprietors, or other Perſons, not to uſe exclusively Private Wharfs.

C. Provided always, and be it further enacted, That nothing herein contained ſhall authorize or impower 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 intended Canal, for his, her, or their, private excluſive Uſe only, nor to ſet up, erect, repair, or uſe, any Cranes or Weighing Machines in or upon any ſuch Wharf, Quay, or Landing Place; any Thing herein-before contained to the contrary notwithſtanding.

Power for Owners of Mines to make Railways for conveying Coals, &c. to the Canal.

CI. And be it further enacted, That in caſe the Owner or Proprietor of any Mines of Coal, Stone, or other Minerals, lying within the Diſtance of Two thouſand Yards from the ſaid intended Canal and Cut, Railways or Stone Roads, or either of them, ſhall find it expedient and neceſſary to make any Railway or Road to convey the Coals, Stone, or other Minerals, from any ſuch Mines, to the ſaid intended Canal and Cut, Railways, or Stone Roads, or either of them, over or through his or their own Lands, or over or through the Lands or Grounds of ſome other Perſon or Perſons, that then and in every ſuch Caſe it ſhall be lawful for ſuch Perſon or Perſons being the Owner or Owners of ſuch Lands or Grounds within the Diſtance of Two thouſand Yards from the ſaid Canal and Cut, Railways or Stone Roads, or either of them, over which ſuch Railway or Stone Road is intended to be made, to treat and agree with the Owner or Proprietor of ſuch Mines for the Damage the Owner or Owners of any ſuch Lands or Grounds ſhall or may ſuſtain by making any ſuch Railway or Road as aforeſaid, and in caſe the Owner or Owners of any ſuch Lands or Grounds, and the Owner or Proprietor of any ſuch Mines cannot agree concerning the Recompence to be made for ſuch Loſs or Damage as aforeſaid, that then it ſhall be lawful for the Owner or Proprietor of ſuch Mine or Mines to apply to any Five or more of the ſaid Commiſſioners to aſcertain the Courſe and Direction, and alſo the Diſtance, not exceeding the Length of Two thouſand Yards, which any ſuch Railway or Road ſhall be made; and the ſaid Commiſſioners, or any Five or more of them, ſhall, upon ſuch Application, appoint a Meeting for aſcertaining and fixing the Courſe and Direction, and alſo the Diſtance (not exceeding the Length of Two thouſand Yards) of ſuch Railway or Road, of which Meeting Ten Days previous Notice ſhall be given in Writing by ſuch Owner or Proprietor of ſuch Mine or Mines to the Owner or Owners of ſuch Lands or Grounds, which Notice ſhall alſo expreſs the Line or Courſe and Diſtance

tance of such intended Railway or Road respectively; and the said Commissioners, or any Five or more of them, shall view the Place in Question, and examine Evidence upon Oath touching the same, (all which Oaths any One of the said Commissioners is hereby impowered to administer), and if it shall appear to the Commissioners assembled at such Meeting that such Railway or Road is necessary, proper, and fitting to be made, or if such Owner or Owners of any such Lands or Grounds, and such Proprietor or Owner or Owners of any such Mines as aforesaid, shall agree in the Premises, or if any such Railway or Road shall be made through the Lands or Grounds only of the Proprietor or Owner of such Mines, then, and in any of such Cases, but not otherwise, it shall be lawful for the Owner or Proprietor of such Mines to make and open a Communication between any such Mines, and the said Canal or Cut, Railways or Stone Roads, by making and opening such Railways or Roads, according to the Direction of the said Commissioners present at such Meeting, and use the same with Horses, Carts, and Carriages, over and through the Lands or Grounds of such Person or Persons as aforesaid, (not being the Scite of a Dwelling House, or a Garden, Orchard, Yard, Park, Paddock, Planted Walk, or Avenue to a House), in such Manner as to the Owner or Proprietor of such Mines respectively shall seem expedient, so that the same be done without doing any Injury or Damage to the said Navigation, and so as the Owner or Proprietor of such Mine or Mines make full Satisfaction for all Damages to be sustained by the Owner or Owners of such Lands or Grounds by Reason of the making such Railways or Roads; and in case the Owner or Proprietor of any such Mines, and the Owner or Owners of any such Lands, cannot agree touching the Satisfaction to be made, then the same shall be settled and ascertained by the said Commissioners, in such Manner, and subject to the Verdict of a Jury, if required, as the Value and Recompence for the Lands to be taken for making the said Canal, Cut, and Railways or Stone Roads, is by this Act directed to be settled and ascertained, and in Default of Payment of such Sum or Sums of Money, the same shall and may be recovered, with Costs, by Action of Debt, in any of His Majesty's Courts of Record at *Westminster*, or in the Court of Session at *Chester*, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance shall be allowed.

Cuts may be made to communicate with the Canal.

CII. And be it further enacted, That it shall be lawful for the Proprietor or Proprietors of any Mines of Coal, Stone, Iron Stone, Lime Stone, or other Minerals, or of any Furnace or other Works, to make any Navigable Cut or Cuts, in such Manner as he, she, or they, shall think proper, through his, her, or their own Lands or Grounds, and also through the Lands or Grounds of any other Person or Persons, to communicate with the said intended Canal and Cut, so that no such Cut be more than Four Miles in Length, and so that the same be done without diverting any Streams of Water which are necessary for supplying the said intended Canal and Cut, or which are or shall be necessary for the working of any Mills or other Works, and without doing any Injury or Damage to the said Navigation, and so as the Person or Persons making every such Cut shall, if thereunto required by the said Company of Proprietors, make, erect, and maintain, a Stop Gate or Stop Gates in every such Cut, in order to prevent the Water being drained or wasted out of the said intended Canal and Cut, or either of them, by Means of making any such Cut to communicate therewith as aforesaid; and every such Cut shall be publick and open to all Persons, for the Conveyance of any Goods, Wares,

Merchandize, or other Things, in Boats and other Veſſels, upon Payment to the Perſon or Perſons at whoſe Charge and Expence ſuch Cut ſhall be made, his, her, or their Heirs, Executors, Adminiſtrators, or Aſſigns, of the like Tonnage, as ſhall, for the Time being, be payable to the ſaid Company of Proprietors upon the ſaid Canal and Cut by this Act authorized to be made by the ſaid Company of Proprietors.

But not without Conſent of the Owners of Lands.

CIII. Provided always, That no ſuch Cut ſhall be made by any Perſon or Perſons, through the Lands or Grounds of any other Perſon or Perſons, unleſs the Owner or Owners of, and Perſon or Perſons intereſted in, ſuch Lands or Grounds, or the Huſbands, Guardians, Truſtees, Committees, or Attornies, of any ſuch Owners or Perſons intereſted as aforeſaid, being under Coverture, Minors, Lunaticks, beyond the Seas, or under any other Diſability or Incapacity of acting for themſelves, ſhall conſent thereto; and it ſhall be lawful for any Bodies Politick or Corporate, Corporations Aggregate or Sole, being Owners of or intereſted in any ſuch Lands or Grounds, or any ſuch Huſbands, Guardians, Truſtees, Committees, or Attornies, as aforeſaid, to give ſuch Conſent, and to agree with the Perſon or Perſons deſirous of making any ſuch Cut, for the Land or Ground to be made uſe of for that Purpoſe, and the Damage to be occaſioned thereby; and every ſuch Conſent and Agreement, being reduced into Writing, and ſigned and ſealed by the reſpective Parties giving or making the ſame, ſhall be binding and concluſive upon all Perſons and Bodies Politick and Corporate whatſoever, and ſhall be depoſited with the Clerk of the Peace for the County wherein ſuch Land or Ground ſhall be ſituate, and be by him kept amongſt, and the ſame ſhall be deemed Part of, the Records of the Quarter Seſſions of the Peace for ſuch County.

Company of Proprietors, or Committee, to regulate the Navigation.

CIV. And be it further enacted, That all Boats, Barges, or other Veſſels, ſailing, or being haled or navigated upon the ſaid intended Canal and Cut, or either of them, ſhall, upon meeting any other Boat, Barge, or Veſſel, ſtop at or go back to and lie in the Places to be provided for that Purpoſe as aforeſaid, in ſuch Manner as the ſaid Company of Proprietors or the ſaid Committee ſhall, from Time to Time, direct and appoint; and it ſhall be lawful for the ſaid Company of Proprietors, from Time to Time, to make ſuch Rules and Regulations as they ſhall think proper for or relating to the paſſing of any Locks to be made by virtue of this Act, with any Boats, Barges, or other Veſſels, and all ſuch Rules and Regulations ſhall be binding upon, and be conformed to by the Owners or Perſons having the Care or Conduct of ſuch Boats, Barges, or other Veſſels, upon Pain of forfeiting a Sum not exceeding Five Pounds nor leſs than Forty Shillings for every Default; and if any Boat, Barge, or other Veſſel, ſhall be placed, or ſuffered to remain, in any Part of the ſaid intended Canal and Cut, or either of them, ſo as to obſtruct the Navigation thereof, and the Perſon having the Care of ſuch Boat, Barge, or other Veſſel, ſhall not, immediately upon Requeſt made, remove ſuch Boat, Barge, or other Veſſel, he ſhall for every ſuch Offence forfeit any Sum not exceeding Five Pounds, nor leſs than One Shilling for every Hour ſuch Obſtruction ſhall continue after the making of ſuch Requeſt, and it ſhall be lawful for any Agent or Officer to the ſaid Company of Proprietors 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 ſuch Obſtruction, and detain ſuch Boat, Barge, or other Veſſel, and the Loading thereof, or any Part of ſuch Loading, until the Charges occaſioned by ſuch Removal are paid; and if any Boat, Barge, or other Veſſel, ſhall be ſunk in the ſaid Navigation,

Navigation, or any Sluice, Tunnel, or Trench aforesaid, and the Owner or Person having the Use or Care of such Vessel shall not, without Loss of Time, weigh or draw up the same, it shall be lawful for the Agents and 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 and keep the same until Payment be made of all the Expences necessarily occasioned relating thereto, and if such Payment shall not be made within the Space of Ten Days, then it shall be lawful for the said Company of Proprietors to sell and dispose of such Boat, Barge, or other Vessel, with the Loading thereof, in such Manner as the Law directs in Cases of Distress for Rent in Arrear, rendering to the former Owner of such Boat, Barge, or other Vessel, the Overplus, after such Expences and the Charges of such Sale shall be deducted. Boats sunk to be weighed up.

CV. And be it further enacted, That if any Person shall float any Timber upon the said intended Canal and Cut, or either of them, or shall suffer the Loading of any Boat, Barge, or other Vessel, to lie over the Sides of any such Boat, Barge, or other Vessel, or shall overload any Boat, Barge, or other Vessel, navigating in or upon the said intended Canal and Cut, or either of them, so as to obstruct the Passage of any other Boat, Barge, or other Vessel, and shall not immediately, upon Notice given to him for that Purpose, remove such Obstruction, or if any Person shall throw any Ballast, Gravel, Stones, or Rubbish, into any Part of the said intended Canal and Cut, or either of them, or any Trenches or Watercourses to be made by virtue of this Act, or if any Person or Persons shall wantonly, carelessly, or negligently, open or cause to be opened any Lock Gate, or any Paddle, Valve, or Clough, belonging to any Lock to be erected in the said intended Canal and Cut, or either of them, or suffer any Boat, Barge, or other Vessel, to strike or run upon any of the Bridges or Locks thereof, or shall wilfully flush or draw off the Water from any Part of the said intended Canal and Cut, or either 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 such Lock, every Person so offending shall forfeit and pay, for every such Offence, any Sum not exceeding Five Pounds nor less than Forty Shillings; and if any Person shall wilfully, 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, or do any other wilful Hurt or Mischief to obstruct, hinder, or prevent, the carrying on, completing, supporting, and maintaining, the said intended Navigation, by virtue of this Act, every Person so offending, and being thereof lawfully convicted, shall be subject and liable 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 or Statutes of this Realm, or in Mitigation of such Punishment, such Court may, if they think fit, 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 credible Witness 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 of the Damage proved upon Oath to be 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, Penalty on Persons overloading and obstructing the Navigation; and on opening Locks, &c. Punishing Persons wilfully destroying the Works.

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 be convicted; provided that nothing herein contained shall extend to any Owner of Land, or his or her known Agent or Agents, till Satisfaction shall have been tendered as hereby provided.

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

CVI. And be it further enacted, That the said Canal and Cut, or either of them, 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 be lawful 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.

Rights of Lords of Manors and Land Owners to Fishery reserved.

CVII. And be it further enacted and declared, That the Lord and Lords, Lady and Ladies, and Owner and Owners, of all and every Manor or Manors through which the said intended Canal and Cut, or either of them, or in or upon which any Reservoir, Sluice, or Tunnel, shall be made, shall have and be entitled to the Right of Fishery of and in so much of the said intended Canal and Cut, Reservoirs, Trenches, and Sluices, as shall be made over and through the Common or Waste Lands within his, her, or their Manor or Manors, and also in, over, and through any other Lands or Grounds lying within any such Manor or Manors, wherein such Lord or Lords, Lady or Ladies, or Owner or Owners, now have or hath, or is or are entitled to the Right of Fishery in the Ponds and Waters now being in such last-mentioned Lands or Grounds respectively; and that the Owner or Owners of all other Lands or Grounds through which the said intended Canal and Cut, or either of them, shall be made, shall also have and be entitled to the Right of Fishery of and in so much of the said intended Canal and Cut, Reservoirs, Trenches, and Sluices, as shall be made in, over, or through, his, her, or their Lands or Grounds respectively, so as in the Use and Exercise of the said Right of Fishery the said intended Canal and Cut, Reservoirs, Trenches, or Sluices, and the

the Towing Paths, Banks, or other Works and Conveniencies hereby authorized to be made, ſhall not be prejudiced or obſtructed, or any Water drained or exhauſted from or out of the ſaid intended Canal, Cut, Reſervoirs, Trenches, or Sluices, 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 intended Canal and Cut, Reſervoirs, Trenches, or Sluices, which ſhall be taken, killed, or deſtroyed, through or by Means of the letting off the Water out of the ſaid intended Canal, Cut, Reſervoirs, Trenches, or Sluices, for the Purpoſes of the ſaid Navigation, and that it ſhall be lawful for the Lord or Lords, Lady or Ladies, of ſuch Manor or Manors, and the Owner or Owners of ſuch Ground, being qualified by Law ſo to do, to take and kill Game upon ſo much of the ſaid intended Canal, Cut, Trenches, Sluices, Towing Paths, and other Lands or Grounds to be ſet out for the Uſe of the ſaid Navigation, as ſhall be made through his, her, or their Lands or Grounds as aforeſaid.

Penalty on unqualified Perſons on Board, having Nets.

CVIII. And be it further enacted, That if any Perſon or Perſons navigating, or working, or being on Board any Boat, Barge, or other Veſſel, upon the ſaid intended Canal and Cut, or either of them, (not being qualified by Law to kill Game), ſhall carry on Board ſuch Boat, Barge, or other Veſſel, any Fiſhing Net or other Engine for taking or deſtroying Fiſh or Game, every Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Pounds, and in caſe any Maſter or other Perſon having the Command of any Boat, Barge, or other Veſſel, ſhall wilfully ſuffer or permit any Perſon or Perſons, not being qualified as aforeſaid, to have or carry on Board any Fiſhing Net or other Engine for taking or deſtroying Fiſh or Game, he ſhall, for every ſuch Offence, forfeit the Sum of Five Pounds.

Power for Land Owners to uſe Pleaſure Boats.

CIX. And be it further enacted, That it ſhall be lawful for the Owners and Occupiers of any Lands adjoining the ſaid intended Canal and Cut to uſe any Pleaſure Boat or Boats upon the ſaid intended Canal and Cut, or either of them, not paſſing through any Lock, unleſs they ſhall firſt pay Tonnage equal to a Boat or Veſſel carrying Six Tons, or obtain the Conſent of the ſaid Company of Proprietors, without any Interruption from the ſaid Company of Proprietors, and without paying any Rate for the ſame, ſo as the ſame be not made uſe of for carrying any Goods, Wares, or Merchandize, to Market, or for Sale, or any Perſons for Hire, and ſo as the ſame ſhall not obſtruct or prejudice the Navigation of the ſaid intended Canal and Cut, or the Towing Paths on the Sides thereof.

To compel Payment of Subſcriptions.

CX. And be it further enacted, That the ſeveral Perſons who have ſubſcribed or who ſhall hereafter ſubſcribe to advance any Money for and towards making and maintaining the ſaid intended Canal, Cut, and Railways or Stone Roads, and the other Works hereby authorized to be made, ſhall, and they are hereby required to pay the Sum or Sums of Money by them reſpectively ſubſcribed, or ſuch Parts or Proportions thereof as ſhall from Time to Time be called for by the ſaid Committee, under and by virtue of the Powers and Directions of this Act, at ſuch Times and Places as ſhall be directed by the ſaid Company of Proprietors, or the ſaid Committee, in Manner before mentioned; and in caſe any Perſon or Perſons ſhall neglect or refuſe to pay the ſame at the Time and in Manner 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.

Majority of Proprietors may make future Applications to Parliament for Power to open other Communications with the Canal.

CXI. And whereas the major Part of the said Company of Proprietors may hereafter judge it expedient to make Application to Parliament for Power to make other navigable or other Communications with the said intended Canal, Cut, Railways or Stone Roads, than such as are authorized 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 enacted, That in case the Persons entitled to the greater Number of Shares in the said intended Canal, Cut, Railways or Stone Roads, shall at any General Assembly of the said Company of Proprietors 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 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 or herself, 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 such Shares being Minors, Lunaticks, or under any other Disability or Incapacity of acting for themselves, and the Executors or Administrators of any deceased Proprietor or 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 Share 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 Mortgage they are hereby authorized to make by Writing under their Hands and Seals.

Recovery of Forfeitures.

CXII. And be it further enacted, That all Penalties or Forfeitures for Offences against this Act, or any Rule, Bye Law, or Order, to be made by the said Company of Proprietors as aforesaid, shall, upon Proof of the Offences respectively before any Justice of the Peace for the County of *Chester* or *Derby*, as the Case may be, either by the Confession of the Party or Parties, or by the Oath of any credible Witness, be levied and recovered by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice, (which Warrant such Justice is hereby impowered and required to grant), and the Overplus, after such Penalties or Forfeitures, and the Charges of such Distress and Sale are recovered and deducted, shall be returned, upon Demand, to the Owner or Owners of such Goods and Chattels; and in case sufficient Distress cannot be found, or such Penalties or Forfeitures shall not be forthwith paid, it shall be lawful for such Justice, by Warrant under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol, or any House of Correction for the County wherein the Offence shall be committed, there to remain, without Bail or Mainprize, for such Time as such Justice shall direct, not exceeding Three Calendar Months, unless such Penalties or Forfeitures, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied; and all such Penalties and Forfeitures, the Application whereof

whereof is not herein-before particularly directed, shall go and belong to the said Company of Proprietors, and be applied for the Purposes of this Act.

Persons aggrieved by Irregularity in Distress to recover special Damage.

CXIII. And be it further enacted, That where any Distress shall be made for any Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on Account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other 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 Damages in an Action upon the Case.

Damages not provided for to be settled by Commissioners.

CXIV. 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, Hereditaments, or Property, by Reason of the Execution of any of the Powers hereby given, and through or by Means not hereby provided for, then and in every such Case such Damages shall, from Time to Time, be settled by the said Commissioners, and be recovered, levied, and applied, in such Manner as other Damages herein-before mentioned are provided for.

CXV. And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every Justice or Justices of the Peace, before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect, as the Case shall happen; *(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 said County of. [*specifying the Offence, and Time and Place when and where the same was committed.*] Given under my Hand and Seal the Day and Year aforesaid.

Proceedings not to be quashed for Want of Form.

CXVI. Provided always, and be it further enacted, That no Proceedings to be had and taken in pursuance of this Act shall be quashed or vacated for Want of Form, or removed by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, or elsewhere, except as is herein-before particularly provided, any Law or Statute to the contrary notwithstanding.

Appeal.

CXVII. Provided always, 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 the Order or Determination of any Justice or Justices of the Peace, may, within Six Calendar Months after such Order or Determination shall have been made or given, complain to the Justices of the Peace at any General Quarter Sessions to be held for the County wherein the Cause of Appeal shall arise, first giving Ten Days Notice at the least in Writing, of such Intention

to

to complain, to the Party interested in such Complaint, and the said Justices shall, in a summary Way, hear and determine the said Complaint at such Session, or, if they think proper, may adjourn the Hearing thereof to the next General Court of Quarter Sessions of the Peace to be held in and for the said County, and, if they see Cause, may mitigate any Penalty or Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye Law, Order, or Determination, and may also order such further Satisfaction to be made to the Party injured as they shall judge reasonable, and may also order such Costs to be paid to the Party aggrieved by the Party aggressing as they in their Judgement shall think just and reasonable.

Limitation of Actions.

CXVIII. And be it further enacted, That no Action, Suit, or Information, shall be brought, commenced, or prosecuted, against any Person or Persons, for any Thing done or to be done in pursuance of this Act, or in Execution of any of the Powers or Authorities, or any of the Orders made, given, or directed, in, by, or under, this Act, unless One Calendar Month's previous Notice in Writing shall be given by the Person or Persons intending to commence and prosecute such Action, Suit, or Information, to the said Company of Proprietors, or to their Clerk or Clerks, or Treasurer for the Time being, nor unless such Action, Suit, or Information, shall be brought or commenced within Three Calendar Months next after the Fact committed, or in case there shall be a Continuation of Damage, then within Three Calendar Months next after the doing or committing such Damage shall cease, and not afterwards, and shall be laid or 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, Suit, or Information, shall and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act, and if it shall appear to have been so done, or if any such Action, Suit, or Information, shall have been so brought or commenced before or after the respective Times so limited for bringing or commencing the same, or shall be brought in any other County or Place than as aforesaid, then, and in every such Case, the Jury shall find for the Defendant or Defendants, and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuit, or suffer a Discontinuance of his, her, or their Action, Suit, or Information, after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer or otherwise Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for the same as any Defendant hath for Costs of Suit in any other Case by Law awarded.

Publick Act.

CXIX. And be it further enacted, That this Act shall be deemed and taken to be 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.