ANNO TRICESIMO QUARTO

Georgii III. Regis.

CAP. LXXVII.

An Act for making and maintaining a Navigable Canal from or nearly from *Bury Bridge*, in the Pariſh of *Bury*, by *Haſlingden*, to or nearly to *Church Kirk*, all in the County Palatine of *Lancaſter*. [4th *April* 1794.]

Preamble.

WHEREAS the making and maintaining a Navigable Canal from or nearly from *Bury Bridge*, in the Pariſh of *Bury*, by *Haſlingden*, to or nearly to *Church Kirk*, all in the County Palatine of *Lancaſter*, will open an advantageous Communication to many valuable Mines of Coal, and Quarries of Stone, Slate, and Flags, and will be of great publick Utility: And whereas the ſeveral Perſons hereinafter named are willing and deſirous, at their own Coſts and Charges, to make and maintain the ſaid intended Canal; 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 *Richard Bealey*, *Samuel Lees*, *Thomas Ferrand*, *Samuel Waterhouſe*, *John Waterhouſe*, *Thomas Sutcliffe*, *John Walker*, *William Greenup*, *James Moore*, *John Richardſon*, *Henry*

Proprietors Names.

Henry Hardman, Henry Barlow, William Holland, Adam Fletcher, Samuel Hamer, John Holeroyd, James Milne, Mary Taylor, Thomas Aſhton, John Fenton, James Chadwick, Betty Kay, Robert Batterſby, John Melladew, James Hargreaves, Ann Hargreaves, William Norris, Henry Bridge, William Hutchinſon, Mary Hutchinſon, Thomas Hutchinſon, Henry Warren, John Kay, Robert Peel, Robert Peel, William Chadwick, John Grundy, John Grundy junior, *George Holt, Richard Goodier, Henry Unſworth, Abraham Nabb, Kay Allen, John Allen* ſenior, *John Allen* junior, *Suſannah Allen, Maria Grundy, Edmund Grundy, Richard Birch, William Yates, Richard Norris, Samuel Holker, Samuel Holker* junior, *Richard Barlow, Richard Bridge, William Walker, John Thorpe, John Ramſbottam, William Patefield, Samuel Meadowcroft, Matthew Fletcher, Jonathan Brettargh, John Fryer, John Fryer, John Smith, John Beſwick, Edward Horridge, Ellis Sweetlove, John Fryer, Thomas Dickenſon, William Cope, John Biddle, Anna Maria Walker, Hannah Burnaby, John Bird* junior, *Thomas Walcott, John Price, John Eames, James Nutt, H. Cole, James Berry, Joſeph Lee, William James, Jos Hawkins, Samuel Clowes, H. Ford, J. Ford, S. Ford, Ann Ford, Thomas Healey, William Bamford, John Kay, Thomas Norris, Thomas Porter* ſenior, *William Weſton, Richard Hodgſon, William Taylor, John Davies, Lumley Saville, Thomas Norris, Benjamin Buckley, John Booth, Benjamin Buckley, James Roſtrom, John Elton, Lawrence Roſtrom, John Hughes, John Hughes* Land Owner, *Benjamin Bentley, Thomas Wood, Peter Hamer,* the Reverend Sir *William Henry Clarke* Baronet, *Walter Haynes, Henry Farrington, Richard Atherton Farrington, Lawrence Shaw, Robert Meadowcroft, Samuel Hardman, Samuel Jones, James R. Barker, John Mather, John Hope, Robert Bunney* and Company, the Earl of *Derby, James Wareing, John Edenſor Heathcote, Peter M'Niven, Thomas Chadwick, Martin Marſhall, John Marſhall, James Chadwick, Peter Wright, William Marſden, George Marſden, Charles Slater, James Dinwiddie, William Dinwiddie, Dennis Grundy, Elizabeth Plant, Richard Sharpe, George Phillips, Thomas Walker, Thomas Winſtanley, Robert Phillips, William Myers, Thomas Borron, James Borron, Peter Drinkwater, Thomas Drinkwater, Thomas Crompton, Edward Brettargh, John Drinkwater, Mary Andrews, Matthew Wilkinſon, Matthew Wilkinſon, James Sedgwick, John Sedgwick, Ann Cooke, N. Heywood* for *Edward Ford* and ſelf, *B. A. Heywood, J. F. Hindle, James Crabb, John Marſden, Philip Jepſon, Charles Brierley, Heaton, David Dyſon, Joſeph Starkie, John George Heywood, James Bent, John Bell, John Sugden, J. Wilde, Benjamin Potter, James Cooke, James Villiers, John Bradley, Penn Lloyd, Thomas Gerrard, Thomas Kirkman, Jacob Aſhton, Edmund Yates, R. Bealey, Ann Haworth, Ann Hargreaves, Goodall, James Haworth, Edmund Heywood, Oliver Ormrod, John Beſwick, Chriſtopher Teaſdale, Artinſtal, James Carliſle, Samuel Hardman, Edward Scholfield, Oliver Ormrod, Samuel Clowes, William Tate* junior, *Betty Kay, William Lomax, John Lomax, John Holmes, Stephen Seager, John Fullelove, Matthias Mogridge, James Cockle, John Kendall, Thomas Simpſon, Thomas Belcher, Stephen Seager* junior, *S. Flony, James Marſland, William Boardman, John Iddins, Samuel Brooke, Joſeph Smith, Richard Barlow, William Barrs, William Cope, Henry Atherton, Richard Greaves, Edward Porter, John Nevill, John Twelves, John Tarlton, C. H. Bollman, Richard Hilditch, James Lyon, John Biddle, Richard William Yates, Robert Barker, William Goldſmith, Samuel Chaſe, Elizabeth Ann Chaſe, John Wyatt, William Pemberton, John Kettleby, John Wallis, John Dadley, Thomas Mul-*

liner, *James Mills*, *Henry Ward*, and *John Lord*, and their Succeſſors, Executors, Adminiſtrators, and Aſſigns, together with ſuch Perſon or Perſons as ſhall at any Time hereafter be poſſeſſed of One or more Share or Shares, as herein-after mentioned, of the ſaid Navigation, are and ſhall be united into a Company for the better carrying on, making, completing, and maintaining, the ſaid intended Canal, according to the Rules, Orders, and Directions, herein-after mentioned and expreſſed, and ſhall for that Purpoſe be One Body Politick and Corporate, by the Name of *The Company of Proprietors of the Haſlingden Canal*, and by that Name ſhall have perpetual Succeſſion, and a Common Seal, and by that Name ſhall and may ſue and be ſued, and alſo ſhall and may have Power and Authority to purchaſe Lands and Hereditaments to them, and to their Succeſſors and Aſſigns, for making the ſaid intended Canal, and the ſeveral Works hereby authorized to be made, and alſo to ſell and diſpoſe of any of the ſaid Lands ſo purchaſed, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain; and the ſaid Company of Proprietors ſhall be, and they are hereby authorized and impowered, from and after the Second *Wedneſday* in *July* One thouſand ſeven hundred and ninety-four, on which Day this Act ſhall commence and take Effect, by themſelves, their Deputies, Agents, Officers, Workmen, and Aſſiſtants, by Cuts, Tunnels, or otherwiſe, to make, complete, and maintain a Canal, navigable and paſſable for Boats, Barges, and other Veſſels, from or nearly from *Bury Bridge*, in the Pariſh of *Bury*, into and through the Townſhips of *Elton*, *Lower Tottington*, and *Higher Tottington*, in the ſame Pariſh, by *Haſlingden*, into and through the Townſhips of *Accrington* and *Haſlingden*, both in the Pariſh of *Whalley*, all in the ſaid County Palatine of *Lancaſter*, and to ſupply the ſaid propoſed Canal whilſt the ſame ſhall be making, and when made, with Water from ſuch Rivers, Brooks, Springs, Streams, Rivulets, and Watercourſes, as are or ſhall be found in making the ſaid intended Canal; and alſo to make ſuch Reſervoirs as ſhall be neceſſary for the Purpoſes of the ſaid intended Canal, for the more conveniently ſupplying the ſaid intended Canal with Water; and to erect a Fire Engine or Engines, or other Machines, for ſupplying the ſaid intended Canal, or any Part or Parts thereof, with Water; and alſo ſuch and ſo many Feeders, Aqueducts, and Tunnels, as they ſhall think fit, for ſupplying the ſaid intended Canal and Reſervoirs with Water; and alſo to cleanſe, ſcour, cut, dig, open, deepen, enlarge, or ſtraighten, the Streams, Brooks, or Watercourſes, which come or may be brought into, or made to communicate therewith reſpectively, and to dig, cut, or raiſe, the Banks of any of the ſaid Streams, Brooks, and Watercourſes, for bringing Water into the ſaid intended Canal, and to make ſuch proper Trenches or Paſſages for Water, in, upon, or through, the Lands or Grounds adjoining or near to the ſaid intended Canal, or ſuch Streams, Brooks, or Watercourſes, as aforeſaid, or any of them, as the ſaid Company of Proprietors, or their Succeſſors, 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 or Grounds of or belonging to the King's Majeſty, His Heirs or Succeſſors, or 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 making the ſaid intended Canal, and any ſuch Reſervoir or Reſervoirs,

Incorporated;

their Powers to make the Canal.

Feeders, and Aqueducts, and all such other Works, Matters, and Conveniencies, as they shall think proper and necessary for making, effecting, preserving, improving, completing, maintaining, and using, the said intended Canal, and other Works; and also to bore, dig, cut, trench, sough, get, remove, take, carry away, and lay 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, or other Works, or in making any Reservoir or Reservoirs, Feeders, or Aqueducts, or out of the Lands or Grounds of any Person or Persons adjoining or lying convenient thereto, and which may be proper, requisite, or necessary for making, carrying on, continuing, maintaining, or repairing, the said intended Canal, or other Works, or which may hinder, prevent, or obstruct the making, using, or completing, extending, and maintaining of the same respectively, or the making, using, completing, extending, and maintaining of such Reservoirs as aforesaid, or of any such Feeders, Trenches, Passages, Aqueducts, and Watercourses as aforesaid, as shall be necessary and proper to convey Water to or from the said intended Canal, according to the Intent and Purport of this Act, and to make, build, erect, and set up, in or upon the said intended Canal, or upon the Lands adjoining or near the same respectively, such and so many Bridges, Piers, Arches, Tunnels, Aqueducts, Sluices, Flood Gates, Inclined Planes, Weirs, Pens for Water, Water Stanks, Reservoirs, Drains, Wharfs, Quays, Houses, Warehouses, Toll Houses, Watch Houses, Landing Places, Weighing Beams, Cranes, Fire Engines, or other Machines, Dry Docks, and other Works, Ways, Roads, and Conveniencies, as and where the said Company of Proprietors shall think requisite 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 make, divert, alter, widen, enlarge, and extend any Bridges, Ways, Roads, Passages, Cuts, Locks, Soughs, Tunnels, Reservoirs, Aqueducts, Trenches, Sluices, and other Works or Conveniencies, as well for the procuring, carrying, and conveying of Coal, Stones, and other Minerals, Goods, Wares, Merchandize, and other Articles, to and from the said intended Canal, 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, and the Works of or belonging to the said Navigation, or useful for any Purpose therein; and also to place, lay, work, or manufacture, the said Materials on the Grounds near to the Place or Places where the said Works, or any of them, shall be, or are intended to be made, erected, repaired, or done; and also to make, maintain, repair, and alter, any Fences or Passages, over, under, or through, the said intended Canal, or the Reservoirs, Aqueducts, Tunnels, Soughs, Trenches, Passages, Feeders, and Watercourses 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, Cuts, Sluices, and Trenches, with Men, Horses, or otherwise, and proper Places for Boats, Barges, and other Vessels, navigated upon the said intended Canal, Cuts, Sluices, or Trenches, to turn, lie, or pass each other, as they the said Company of Proprietors shall think convenient; and to construct, erect, and keep in Repair, any Piers, Arches, Aqueducts, and other Works, in, upon, and across any Rivers

Rivers or Brooks, for the making, using, maintaining, and repairing of the ſaid intended Canal, Cuts, Sluices, Trenches, and Towing Paths, on the Sides thereof; and to conſtruct, erect, make, and do all other Matters and Things which they ſhall think convenient and neceſſary for the making, effecting, extending, preſerving, improving, completing, and uſing, the ſaid intended Canal, and other Works, in purſuance of, and according to the true Intent and Meaning of this Act, they the ſaid Company of Proprietors doing as little Damage as may be in the Execution of the ſeveral Powers to them hereby granted, and making Satisfaction, in the Manner herein-after mentioned to the Owners or Proprietors of, or the Perſons intereſted in, any Lands, Tenements, or Hereditaments, Waters, Watercourſes, Brooks, or Rivers reſpectively, which ſhall be taken, uſed, removed, diverted, prejudiced, or in any Manner affected, for all Damages to be by them ſuſtained in or by the Execution of all or any of the Powers of this Act; and this Act ſhall be ſufficient to indemnify the ſaid Company of Proprietors, and their Servants, Agents, or 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 Proviſions and Reſtrictions as are herein-after mentioned.

The Company not to make any Locks on the Canal, except on certain Conditions.

II. Provided nevertheleſs, and be it further enacted, That nothing in this Act contained ſhall authorize or impower the ſaid Company of Proprietors, at any Time, to make, erect, or uſe, any Lock or Locks, or other ſuch like Works, for the Purpoſe of conveying, by the Means of Water, Boats, Barges, or other Veſſels, from one Level to another, upon the ſaid intended Canal, except upon the Terms herein-after mentioned.

Racks, Inclined Planes, &c. to be uſed inſtead of Locks.

III. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, and they are hereby authorized and impowered, to make Rollers, Racks, Inclined Planes, or any other Works, Engines, or Machinery, as a Subſtitute for Locks, for the Purpoſe of conveying Boats, Barges, or other Veſſels, on any Part or Parts of the Line of the ſaid intended Canal, from One Level to another.

If the Company at any Time find it more expedient, they may make Locks with Conſent of the Owners of Three Fourths of certain Mills.

IV. Provided nevertheleſs, and be it further enacted, That if at any Time hereafter it ſhall be found expedient to make and uſe Locks on the ſaid intended Canal, then, and in ſuch Caſe, it ſhall be lawful for the ſaid Company of Proprietors, upon obtaining the Conſent in Writing of Three Fourths of the Owners, Leſſees, or other Proprietors, for the Time being, of the ſeveral Mills, Factories, or other Water Works, which ſhall be erected at the Time of paſſing this Act upon the River *Irwell*, between *Ratcliffe Bridge* and *Heywood Bridge*, and upon the *Haſlingden* Stream, and upon the Stream or Streams running from, or from near *Carter-Place* to *Church*, (reckoning One Vote in taking ſuch Conſents for each ſuch Mill, Factory, or other Water Work), but not otherwiſe, to make, erect, continue, and uſe, ſuch and ſo many Locks, with all Works belonging thereto, upon the ſaid intended Canal, as they the ſaid Company of Proprietors ſhall think proper: Provided nevertheleſs, that ſuch Conſent to make, erect, continue, and uſe, all and every or any ſuch Locks or Works belonging thereto, ſhall not be conſtrued to extend to authorize or impower the ſaid Company of Proprietors to make uſe of any more than the

the Surplus Water, (to be fixed and aſcertained as herein-after is mentioned), flowing to or ſupplying the Mills herein-after particularly deſcribed.

For preſerving the Waters of Mills on certain Brooks or Streams.

V. Provided always, and be it further enacted, That none of the Powers given by this Act ſhall extend, or be conſtrued to extend, to any of the following Mills, ſituate upon or near the River *Irwell*, or upon or near the *Holcomb Spring Brook*, *Warmden Brook*, and *High Riley Brook*, or upon or near to the Brook or Rivulet flowing and paſſing from a certain Place, called *Riſing Bridge* to *Accrington* aforeſaid, or upon or near to the River or Rivulet running and paſſing by *Paghouſe Mill* to the River or Rivulet called *Ogden Brook*, or upon or near to the ſaid laſt-mentioned River or Rivulet, and within the ſaid ſeveral Townſhips of *Accrington* and *Haſlingden*, aforeſaid, or to the Mill ſituate in *Holcomb* aforeſaid, herein-after deſcribed; (that is to ſay), the Mill at *Ramſbottom*, in *Tottington Higher End*, compriſing the Bleaching and Printing Works of Meſſieurs *Peel*, *Yates*, *Halliwell*, and *Warren*, and the *Holcomb* Brook, Springs, or Rivulets, with the different Works and Factories thereon, in the Poſſeſſion and Occupation of the ſaid *Peel*, *Yates*, *Halliwell*, and *Warren*; One Mill, with the Waterworks and Bleaching Conveniencies appertaining thereto, the Property of *John Taylor*, and in the Poſſeſſion of Meſſieurs *Taylor*, *Bury*, and *Fort*; another Mill, lately the Eſtate and Property of *John Taylor* Eſquire, deceaſed, and now belonging to his Deviſee or Deviſees, in the Poſſeſſion of *Henry Worſley*; another Mill, the Property and in the Poſſeſſion of *Benjamin Wilſon*; Three Mills, the Property and in the Poſſeſſion of *John* and *James Pilling*; another Mill, the Eſtate and Property of *Henry Elliſon*, and in the Poſſeſſion of Meſſieurs *Sale*; another Mill, the Eſtate and Property of *Lawrence Hindle*, and in the Poſſeſſion of *John Sykes*; another Mill, late the Eſtate and Property of *James Wright*, deceaſed, and now belonging to *John Wright* his Son; another Mill, called *Paghouſe Mill*, late the Eſtate and Property of *Robert Holden* Eſquire, deceaſed, and now belonging to *Hugh Taylor* and *Frances* his Wife, and *John Greenwood* an Infant, ſome or One of them, in the Occupation of Meſſieurs *Feilden*; Two Mills, the Eſtate and Property of *George Hargreave* Eſquire, and in the ſeveral Occupations of *Henry Hargreave* and *Andrew Aſhworth*; another Mill, the Property of *Thomas Wallwork*, and in the Poſſeſſion of *William Rae* and Company; another Mill, called *Holden Mill*, lately the Eſtate and Inheritance of the ſaid *Robert Holden* deceaſed, and now belonging to the ſaid *Hugh Taylor* and *Frances* his Wife, and the ſaid *John Greenwood*, ſome or One of them; another Mill, the Property of *James Law*, *Henry Hargreaves*, and *James Hargreaves*; another Mill, the Property and in the Poſſeſſion of *William* and *James Turner*, and Company; Two other Mills, ſituate in the Townſhip of *Holcomb*, aforeſaid, the Property and in the Poſſeſſion of *Richard Wallwork*; and all other Owners of Mills ſituate on the ſaid Rivers and Brooks; and that nothing in this Act contained ſhall extend, or be conſtrued to extend, to authorize or impower the ſaid Company of Proprietors, in any Way or Manner, to divert or make uſe of any Rivers, Brooks, Watercourſes, or Streams, now flowing to or ſupplying with Water all or any of the ſaid Mills, ſo as to prevent any of ſuch Rivers, Brooks, Watercourſes, or Streams, or the Feeders thereof, or any of them, from flowing to and ſupplying with Water the ſaid Mills, or any of them, in as full, ample, uſeful, and beneficial a Manner as now or heretofore accuſtomed, with-

out the ſpecial Licence and Conſent in Writing of the reſpective Owners and Occupiers of the ſaid Mills for that Purpoſe firſt had and obtained, ſave and except that the Surplus Water of the ſaid Brooks, Rivers, or Rivulets, or the Streams or Feeeders running into the ſame reſpectively, in the Times of Floods or Exceſs, ſhall or may be taken for the Uſe of the ſaid Canal, when the Water ſhall fill and exceed certain Gauges to be fixed by ſuch Perſons, of ſuch Dimenſions, at ſuch Places only, and in ſuch Manner as is herein-after expreſſed.

For aſcertaining the Gauge of the Waters upon the ſaid Rivers or Brooks.

VI. And be it further enacted, That One Engineer ſhall be appointed by the Owners of the ſeveral Mills aforeſaid, or the major Part of ſuch Owners, by Writing under their Hands, before the Firſt Day of *September* next, and another Engineer ſhall be appointed by Writing under the Common Seal of the ſaid Company of Proprietors, before the ſaid Firſt Day of *September* next; and the ſaid Engineers ſo to be appointed, together with *Thomas Eccles* of *Lower Darwen*, in the ſaid County, Cotton Spinner, *Thomas Hippen Vavaſour* of *Rochdale*, in the ſaid County, Eſquire, and *Adam Whitworth* of *Rochdale*, Merchant, (who are hereby appointed a Select Committee), or the major Part of them, ſhall, and they are hereby required, to aſcertain and determine the Places where Gauges ſhall be fixed upon the aforeſaid Brooks, Streams, or Feeders, and the Nature, Conſtruction, Dimenſions, and Levels, of ſuch Gauges, ſo as the ſame ſhall denote and aſcertain the Quantity of Water flowing in the ſame Brooks reſpectively at the Places where ſuch Gauges ſhall be fixed, that may be neceſſary for or towards the Supply of the ſeveral Mills below, and alſo to aſcertain and determine the Means of guarding and protecting ſuch Gauges; and that a Certificate ſhall be made and ſigned by the ſaid Engineers or Engineer, and by the ſaid Select Committee, particularly deſcribing ſuch Gauges, and the Plan, Nature, Conſtruction, Dimenſions, and Level thereof reſpectively, and the Places where the ſame ſhall be conſtructed or fixed, which Certificate ſhall be recorded with the Clerk of the Peace for the ſaid County of *Lancaſter*, and that a Copy of ſuch Record, ſigned by the Clerk of the Peace for ſuch County, ſhall at all Times be admitted as Evidence of the ſame.

For impowering the Owners of Mills to appoint an Agent to examine the Gauges.

VII. And be it further enacted, That for the better Protection of the Owners and Proprietors of Mills on the ſaid Brooks, the ſaid Owners of ſuch Mills, or the major Part of them, ſhall be at Liberty, from Time to Time, by Writing under their Hands, to appoint an Agent on their Behalf, to examine and inſpect, from Time to Time, the State and Condition of the ſaid Gauges, and that ſuch Agent ſhall be paid by the Company of Proprietors of the ſaid intended Canal, at the Rate of One Pound One Shilling *per* Day, not exceeding Six Days in each Year; and the ſaid Gauges ſhall, when and as Occaſion ſhall require, and particularly on the Requiſition of ſuch Agent, be well and effectually maintained, and from Time to Time kept in Repair by and at the Expence of the ſaid Company of Proprietors.

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

VIII. Provided always, 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, or any other

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* One thousand seven hundred and ninety-four, was set apart and used as and for a Garden, Orchard, Yard, Park, Paddock, Planted Walk, Nursery for Trees, or Avenue to a House, without the Consent of the Owners and Occupiers thereof.

Two Plans and Books of Reference, shall be signed by the Speaker of the House of Commons.

IX. And whereas a Survey has been taken to ascertain the Practicability of making the said Canal, and a Map or Plan, with a proper Book or Books of Reference thereto, has been made in consequence thereof, in order to shew the Line or Course of the said Canal, and the various Distances from Place to Place, as far as it affects the Property of each Individual through which it passes, and the Extent and Particulars of the Whole: Be it therefore further enacted, That there shall be Two Parts made of the said Map or Plan, and Book or Books of Reference thereto, which shall be certified by the Right Honourable the Speaker of the House of Commons, and severally deposited with the Clerk of the Peace for the said County of *Lancaster*, and with the Clerk to the said Company of Proprietors, to which all Persons shall have Liberty to resort and examine, or make Extracts or Copies thereof, as Occasion shall require, paying to the said respective Clerks for Copies of, or Extracts from the said Books of Reference, after the Rate of Sixpence for every One hundred Words; and the said Maps or Plans, and Book or 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 be, and is hereby required from Time to Time to produce the said Map or Plan before the Commissioners herein-after appointed, 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 then and there be given in Evidence, he having a reasonable Sum of Money allowed for his travelling Expences, Absence from Home, and Attendance.

Not to deviate without Consent.

X. And be it further enacted, That the said Company of Proprietors, in making the said intended Canal, shall not deviate from the Course or Direction delineated in the said Maps or Plans, and set forth in the said Books of Reference, without the Approbation and Consent in Writing, signed by the Person or Persons to whom any such Lands, Grounds, or Hereditaments do or shall respectively belong, into, through, or over, which any Deviation is desired to be made; but nothing herein contained shall extend to restrain or prevent the said Company of Proprietors from making any such Deviation from the said Course or Direction of the said Canal, in case all the Persons to whom the Lands, Grounds, or Hereditaments to be cut through or made use of for the Purposes of such Deviation shall belong, shall consent thereto.

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

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

ſuch Deviation as aforeſaid ſhall extend, although his, her, or their Name or Names are not mentioned in the ſaid Books of Reference, or into the Eſtates, Lands, or Grounds, of any Perſon or Perſons whoſe Name or Names ſhall appear to the Satisfaction of the ſaid Commiſſioners, and be by them, or any Five or more of them, certified under their Hands, to be by Miſtake omitted in the ſaid Books 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, hath or have been by Miſtake inſerted therein; any Thing herein contained to the contrary thereof in anywiſe notwithſtanding.

Breadth of Canal and Towing Paths.

XII. And be it further enacted, That the Lands or Grounds to be taken or uſed for the making of the ſaid Canal, 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-ſix Yards in Breadth, except in ſuch Places where any Docks, Baſons, or Pens of Water, ſhall be made, or where the ſaid Canal, or any Part thereof, ſhall be raiſed higher or cut more than Ten 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, Lime Stone, Minerals, Timber, or other Goods, Wares, and Merchandize, which ſhall be conveyed on the ſaid Navigation, and not above Sixty Yards in Breadth in any Place without the Conſent of the Owners of the Lands or Hereditaments adjoining to the ſaid Canal.

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

XIII. 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 Conveniencies 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, 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, Towing Paths, Trenches, Sluices, Roads, Paſſages, Works, or Conveniencies, 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, Towing Paths, Trenches, Sluices, Roads, Paſſages, Works, or Conveniencies 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 hereby appointed ſhall direct; and the ſaid Timberwood, Bruſhwood, and Underwood, ſo to be fallen by the ſaid Company of Proprietors, or by their Order, ſhall and may be carried and conveyed upon any Part of the ſaid Canal, Trenches, and Sluices, free from all Rates to be raiſed and levied by virtue of this Act; and if any Houſe, Mill, or other Building, ſave as aforeſaid, ſhall be erected upon any ſuch Lands or Grounds, without ſuch Conſent as aforeſaid, it ſhall and may be lawful for the Perſon or Perſons who was or were Owner or Owners of ſuch Lands or Grounds at the Time of ſetting out the ſame for the Purpoſes aforeſaid, or his, her, or their Heirs, Executors, Adminiſtrators, or Aſſigns, to take, pull down, and remove, ſuch Houſes, Mills, and other Buildings, without being deemed guilty of Treſpaſs, or liable to an Action or Proſecution for ſo doing.

Bodies Politick impowered to ſell and convey Lands.

XIV. And be it further enacted, That after any Lands, Grounds, or Hereditaments, ſhall be ſet out and aſcertained for making the ſaid Canal, or any Part or Parts thereof, and for providing and conſtructing the 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 Intereſt therein, and for every other Perſon or Perſons whomſoever, who is, are, or ſhall be ſeiſed, poſſeſſed of, or intereſted in, any Lands, Grounds, or Hereditaments, which ſhall be ſo ſet out and aſcertained for the Purpoſes aforeſaid, to contract for, ſell, and convey the ſame, and every Part thereof, unto the ſaid Company of Proprietors; and if it ſhall happen that, by making the ſaid Canal, or by the Conveyance of Water thereto, or by making or conſtructing 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, 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 Lands ſo ſeparated

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

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

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

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

Form of Conveyance to the Company.

Which ſaid Conveyances ſhall be inrolled with the Clerk of the Peace for the ſaid County of *Lancaſter*, and true Copies thereof, ſigned by ſuch Clerk of the Peace, ſhall be allowed to be good Evidence in all Courts whatſoever; for which Inrollment, or Copy thereof, the ſaid Clerk of the Peace ſhall receive the Sum of Sixpence and no more, for every One hundred Words, and ſo in Proportion for any leſs Number of Words; and every ſuch Conveyance as aforeſaid, which ſhall be made to any Perſon or Perſons other than the ſaid Company of Proprietors, ſhall be according to the following Form:

To be inrolled.

'I *A. B.* do hereby, by virtue and in purſuance of a certain Act of Parliament, intituled, [*Here ſet forth the Title of the Act*], and by and with the Conſent and Approbation of or more of the Commiſſioners appointed under or by virtue of the ſaid Act, teſtified by their Signature hereof, and in Conſideration of the Sum of to me in Hand paid by *C. D.* at or before the Sealing and Delivery of theſe Preſents, the Receipt whereof I do hereby acknowledge, [*or*, in Exchange for certain other Lands ſituate conveyed to me by *C. D.* by Writing under his Hand and Seal, bearing even Date herewith], grant and releaſe to the ſaid *C. D.* all [*Deſcribe the Premiſes*], to hold to the ſaid *C. D.* his Heirs and Aſſigns for ever. As witneſs my Hand and Seal, this Day of

Form of Conveyance between Land Owners.

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

Copyhold Lands to be surrendered in the customary Manner.

XV. And be it further enacted, That all Contracts, Agreements, Bargains, Sales, and Exchanges, of any Lands which are of the Nature of Copyhold, shall be executed and completed by Surrender thereof in the respective Courts of the Manors whereof such Lands are held, according to the Customs of the said Manors respectively, and shall remain subject to such and the same Fines, Rents, and Services, as are due and payable, or of Right accustomed, in such and the same Manner as if this Act had not been made; any Thing herein contained to the contrary notwithstanding.

Satisfaction to be made.

XVI. 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 and convey Lands or 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, 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 may or shall be taken or diverted, may accept and receive Satisfaction for the Value of such Lands and Grounds, Mills, Forges, or other Works, Water and Hereditaments, and for the Damages to be sustained by making and completing the said Works herein-before directed, either in gross Sums, or by Annual Rents, as shall be agreed upon by and between the said Parties interested respectively, or any of them, and the said Company of Proprietors; and in case the said Company of Proprietors, and the said Parties interested in such Lands and Grounds, or other Hereditaments, cannot agree as to the Amount or Value of such Satisfaction, the same shall be ascertained and settled by the Commissioners hereby appointed, in such Manner, and subject to such Verdict of a Jury, if required, as is herein-after directed; and all 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 Thirty Days next after the same shall 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

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

Yearly Rents to be charged on the Rates.

rity for collecting the ſame, and ſhall receive and retain thereout a reaſonable Satisfaction for his Trouble therein, in like Manner as if he had been appointed a Collector of the ſaid Rates by the ſaid Company of Proprietors, until ſuch Yearly Rents or Sums, with all Coſts and Damages occaſioned by the Non-payment thereof, ſhall be fully ſatisfied and paid; or it ſhall be lawful for ſuch Bodies Politick, Corporate, or Collegiate, Truſtees, or other Perſons to whom ſuch Yearly Rents or Sums ſhall be due and owing as aforeſaid, to ſue for and recover the ſame, with Coſts of Suit, by Action of Debt, in any of his Majeſty's Courts of Record, or otherwiſe to ſeize and diſtrain any Boats, Veſſels, or other Goods or Effects of the ſaid Company of Proprietors which ſhall be found upon the ſaid Canal, 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 Four Days next after the 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 and diſpoſed of in ſuch Manner as the Law directs in caſe of a Diſtreſs for Rent.

Commiſſioners, and their Qualifications.

XVII. And be it further enacted, That every Perſon who ſhall in his own Right, or in the Right of his Wife, and not as Mortgagee, Truſtee, or Leſſee, be ſeiſed of, or entitled unto a Freehold or Copyhold Eſtate, ſituate within the County of *Lancaſter*, of the clear Yearly Value of Two hundred Pounds over and above all Rents, Annuities, Incumbrances, and Reprizes, and alſo the eldeſt Son, or Heir Apparent of every Perſon having ſuch Eſtate as aforeſaid, within the ſaid County, of the clear Yearly Value of One thouſand Pounds over and above all Rents, Annuities, Incumbrances, and Reprizes, and alſo every Perſon uſually reſiding within the ſaid County, and having a Perſonal Eſtate, or Real and Perſonal Eſtate together, of the Value of Five thouſand Pounds, ſhall be, and are hereby appointed Commiſſioners for ſettling, determining, and adjuſting, all Matters, Queſtions, and Differences, which ſhall or may ariſe between the ſaid Company of Proprietors, and the ſeveral Owners of, and Perſons intereſted in any Lands, Grounds, Tenements, Mills, Mines, Waters, or Hereditaments, which ſhall or may be taken, uſed, affected, or prejudiced, by the Execution of any of the Powers hereby granted, and every Perſon ſo qualified ſhall be, and is hereby appointed a Commiſſioner for all other the Purpoſes of this Act, for which Commiſſioners are hereby appointed; but no Perſon ſhall act, or be qualified to act, as a Commiſſioner for the Execution of the Powers hereby given to ſuch Commiſſioner, during the Time of his holding any Place of Profit ariſing out of the Rates to be collected by virtue of this Act, or of his being a Proprietor in the ſaid Navigation, or concerned or intereſted in any Contract or Bargain to be made for the Purpoſes of this Act, or in any Caſe where he ſhall be any Way intereſted or concerned in the Matter in Queſtion, or (except in adminiſtering the Oath hereinafter

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

after mentioned) until he ſhall have taken and ſubſcribed an Oath to the Effect following, before any Two or more of the ſaid Commiſſioners, who are hereby authorized and required to adminiſter the ſame; *(videlicet)*,

Oath of Commiſſioners.

'I *A. B.* do ſwear that I will truly and impartially, according to the 'Evidence which ſhall be laid before me, and to the beſt of my Skill 'and Knowledge, execute and perform the Powers and Authorities 'veſted in me as a Commiſſioner, by an Act of Parliament, made in 'the Thirty-fourth Year of the Reign of King *George* the Third, in- 'tituled, [*Here ſet forth the Title of the Act*]. And that I am qualified 'to act as a Commiſſioner, according to the Directions of the ſaid 'Act.

'So help me GOD.'

Penalty on Commiſſioners acting, not being qualified.

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

Commiſſioners may act as Juſtices of the Peace; but not to act while they hold any Place of Profit under this Act.

XVIII. And be it further enacted, That any of the ſaid Commiſſioners who are or ſhall be Juſtices of the Peace for the ſaid County, ſhall and may, notwithſtanding their being Commiſſioners, act as Juſtices of the Peace in the Execution of this Act; but that no Perſon who ſhall have or accept any Place of Profit ariſing out of the Rates to be raiſed by virtue of this Act, or ſhall be a Proprietor of any Share or Shares of the ſaid Navigation, or ſhall be concerned or intereſted in any Contract or Bargain made or to be made for or on Account of the ſaid Undertaking, ſhall be capable of acting as a Juſtice of the Peace in any Matter reſpecting the ſame, ſo long as he ſhall hold or be intereſted in ſuch Place of Profit, Share or Shares, Contract or Bargain, as aforeſaid.

Commiſſioners at their Firſt Meeting to appoint a Clerk.

XIX. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby required, at their Firſt Meeting held in purſuance of this Act, to appoint, out of Three Perſons to be nominated by the ſaid Company of Proprietors, ſuch One or more of them as the ſaid Commiſſioners ſhall think proper to be their Clerk or Clerks, and the ſaid Commiſſioners ſhall have Power from Time to Time, at any of their ſubſequent Meetings, to remove any ſuch Clerk or Clerks, and appoint another or others in his or their Stead, out of Three Perſons to be nominated by the ſaid Company of Proprietors, and all and every ſuch Clerk or Clerks ſhall be paid for his or their Care and Trouble in the Execution of his or their Office, by the ſaid Company of Proprietors; and all the Orders and Proceedings of the ſaid Commiſſioners, as well at their Firſt as at every ſubſequent Meeting, ſhall be regularly entered by their Clerk or Clerks, in a Book to be kept for that Purpoſe, and to be provided from Time to Time by the ſaid Company of Proprietors; and ſuch Entries, being ſigned by ſuch Number of Commiſſioners reſpectively,

Proceedings of the Commiſſioners to be entered.

ſpectively, as are impowered by this Act to make ſuch Orders, or carry on ſuch Proceedings, or by their Clerk or Clerks, by the Orders and Directions of ſuch Number of Commiſſioners as aforeſaid, who ſhall be aſſembled at any ſuch Meeting or Meetings, ſhall be deemed Originals, and ſhall be admitted as Evidence in all Courts of Law or Equity; but no ſuch Meeting of the ſaid Commiſſioners, except ſuch adjourned Meetings as herein-after mentioned, ſhall at any Time be had for putting into Execution any of the Powers or Authorities veſted in the ſaid Commiſſioners by this Act, unleſs Ten Days previous Notice at leaſt of every ſuch intended Meeting ſhall be given in One or more Newſpaper or Newſpapers uſually publiſhed and circulating in the Town of *Mancheſter*; and every Meeting of the ſaid Commiſſioners by virtue of this Act ſhall be held publickly, and no Order, Direction, or Determination, of the ſaid Commiſſioners, or any of them, touching any of the Matters and Things herein contained, (except in ſuch Caſes as are hereby otherwiſe directed), ſhall be valid and effectual, unleſs the ſame ſhall be made or done at ſome Meeting to be held in purſuance of this Act; and all the Powers and Authorities by this Act given to or veſted in the ſaid Commiſſioners (except ſuch as may be executed without their being aſſembled at any Meeting or Meetings), ſhall and may from Time to Time be exerciſed by the Majority of the Commiſſioners preſent at every ſuch Meeting, the whole Number preſent at any ſuch Meeting not being leſs than Five, and the Act of ſuch Majority ſhall be conſidered as the Act of all the ſaid Commiſſioners.

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

XX. And be it further enacted, That upon any Application to be made in Writing by or on the Behalf of the ſaid Company of Proprietors, or any Three 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, 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-one 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 or 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 ſaid Commiſſioners was appointed to be held.

Power to hold occaſional Meetings.

XXI. 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.

XXII. Provided alſo, That every Meeting of the ſaid 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 ſome Place within Ten Miles of ſome Part of the ſaid intended Canal.

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

XXIII. And be it further enacted, That the ſaid Commiſſioners ſhall be, and they are hereby authorized and required, at any of their Meetings, to examine Witneſſes upon Oath, to be adminiſtered to them by the ſaid Commiſſioners, touching any Matter which may in purſuance of this Act be ſubmitted to the Conſideration of the ſaid Commiſſioners; and they are hereby impowered and enabled, by Writing under their Hands, to determine and adjuſt, from Time to Time, what Sum or Sums of Money ſhall be paid by the ſaid Company of Proprietors (either in Groſs or by an Annual Rent or Payment) for the abſolute Purchaſe of, or as a Recompence for the Uſe of the Lands, Grounds, or Hereditaments, which ſhall be ſo ſet out and aſcertained as aforeſaid for making the ſaid Canal, or any Part thereof, or for any other the Purpoſes of this Act, and alſo to adjuſt and determine the Compenſation to be made by the ſaid Company of Proprietors for any Damages which may or ſhall be at any Time or Times hereafter ſuſtained by any Bodies Politick, Corporate, or Collegiate, or by any Perſon or Perſons reſpectively being Owners of or intereſted in any Lands, Grounds, Tenements, Mills, Mines, or other Hereditaments, for or by Reaſon of the ſevering or dividing the ſame, or by Reaſon of the making, uſing, repairing, or maintaining, the ſaid Canal, and the Reſervoirs, Aqueducts, Feeders, Tunnels, Sluices, Trenches, Paſſages, Gutters, Watercourſes, Roads, Ways, Inclined Planes, Railways, or other Works or Conveniencies belonging thereto, or by ſupplying the ſame or any of them with Water as aforeſaid, or by the flowing, leaking, or oozing of Water over or through the Banks of the ſaid Canal, Reſervoirs, Sluices, and Trenches, or any of them, or over or through any Paſſages, Gutters, or Watercourſes, which ſhall be made purſuant to the Powers hereby given, or by not cleanſing the ſame, or by diverting any Streams or Brooks into the ſame, or by Reaſon or Means of the Execution of any other of the Powers hereby given to the ſaid Company of Proprietors.

If Parties are diſſatisfied with the De-

XXIV. Provided always, and be it further enacted, That if the ſaid Company of Proprietors, or their Committee for the Time being, or any

ſuch Body Politick, Corporate, or Collegiate, or other Perſon or Perſons ſo intereſted or entitled as aforeſaid, ſhall be diſſatisfied with any ſuch Judgement or Determination, and ſhall give Notice thereof in Writing to any Five or more of the ſaid Commiſſioners, within Ten Days next after the ſame ſhall have been made, or ſhall refuſe or neglect to ſubmit any ſuch Matter to the Determination of the ſaid Commiſſioners, or if any ſuch Body Politick, Corporate, or Collegiate, or other Perſon or Perſons, ſhall refuſe to receive, upon due Tender thereof made, ſuch Purchaſe Money, or the Firſt Payment of ſuch Annual Rent, or ſuch Recompence as ſhall be ſo determined to be paid, or ſhall upon Notice in Writing given to the principal Officer of any ſuch Bodies Politick, Corporate, or Collegiate, or to ſuch other Perſon or Perſons reſpectively, or left at the laſt or uſual Place or Places of his, her, or their Abode, or of the Abode of the Agent or principal Officer to ſuch Body Politick, Corporate, or Collegiate, or with the Tenant or Tenants, Occupier or Occupiers, of any Lands or other Hereditaments to be made uſe of for the Purpoſes of this Act, for the Space of Twenty-one Days next after ſuch Notice, neglect or refuſe to treat, or ſhall not agree with the ſaid Company of Proprietors, or by Reaſon of Abſence, or otherwiſe, ſhall be prevented from treating, or through Diſability by Nonage, Coverture, or other Impediment, cannot treat for themſelves, or make ſuch Agreement or Agreements as ſhall be neceſſary for the Purpoſes aforeſaid, or ſhall not, within the before mentioned Space of Twenty-one Days, produce and fully diſcloſe the State of the Title to the Premiſes which they are or ſhall be in Poſſeſſion of, and to the Intereſt which they claim therein, then and in every ſuch Caſe the ſaid Commiſſioners ſhall, and are hereby impowered and required to iſſue a Warrant under their Hands and Seals to the Sheriff of the County in which the Matter in Queſtion ſhall ariſe, and in caſe any ſuch Sheriff, or his Under Sheriff, ſhall be One of the Company of Proprietors, or enjoy any Office of Profit or Truſt under them, or ſhall be otherwiſe intereſted in the Matter in Queſtion, then to any One of the Coroners of ſuch County, who ſhall not be ſo intereſted as aforeſaid, and in caſe all the ſaid Coroners of ſuch County ſhall be ſo intereſted, then to the laſt Perſon who filled the Office of Sheriff of ſuch County, then in being, and who ſhall not be intereſted as aforeſaid, commanding ſuch Sheriff, Coroner, or other Perſon, to impannel, ſummon, and return a Jury, and the ſaid Sheriff, Coroner, or other Perſon, is hereby required accordingly to impannel, ſummon, and return, a Jury of Twelve ſufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for the Trials of Iſſues in His Majeſty's Courts at *Weſtminſter*, to appear before the ſaid Commiſſioners at ſuch Time and Place as in ſuch Warrant ſhall be appointed, ſuch Time not being leſs than Nine nor more than Twenty-one Days after ſuch Warrant ſhall be ſerved upon the ſaid Sheriff, Coroner, or other Perſon; and in caſe a ſufficient Number of Jurymen ſhall not appear at the Time and Place ſo to be appointed as aforeſaid, the ſaid Sheriff, Coroner, or other Perſon, ſhall return other honeſt and indifferent Men of the Standers-by, or that can ſpeedily be procured to attend that Service, (being ſo qualified as aforeſaid), to make up the ſaid Jury to the Number of Twelve; and every ſuch Jury and Juryman ſhall be liable and ſubject to the ſame Regulations, and to the ſame Pains and Penalties for Default, as if he and they had been returned for the Trial of any Iſſue joined in any of His Majeſty's Courts at *Weſtminſter*, and all Parties concerned may have their lawful

Termination of Commiſſioners, Value to be aſcertained by a Jury.

lawful Challenges againſt any of the ſaid Jurymen, but ſhall not challenge the Array; and the ſaid Commiſſioners are hereby impowered and required, by a Summons or Notice to be ſigned by any Five or more of the ſaid Commiſſioners, either previous to or at the Time of any ſuch Meeting or Meetings, to ſummon and call before them all and every Perſon and Perſons who ſhall be thought neceſſary to be examined as a Witneſs or Witneſſes touching the Matter in Queſtion, and to hear and examine ſuch Witneſs or Witneſſes upon Oath; and the ſaid Commiſſioners may order and authorize the ſaid Jury, or any Six or more of them, to view the Place or Places, or Matter or Matters in Queſtion; which Jury upon their Oaths (which Oaths, as well as the Oaths to ſuch Perſon or Perſons as ſhall be called upon to give Evidence, the ſaid Commiſſioners are hereby 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 or other Hereditaments, or the Recompence to be made for the Damages that ſhall or may be ſuſtained as aforeſaid, and ſhall aſſeſs ſeparate Damages for the ſame, and the ſaid Commiſſioners ſhall give Judgement for ſuch Purchaſe Monies, Rent, or Recompence, ſo to be aſſeſſed by ſuch Jury; which ſaid Verdict, and the Judgement thereupon pronounced as aforeſaid, ſhall be ſigned by the ſaid Commiſſioners, and ſhall be binding and concluſive to all Intents and Purpoſes, againſt all Bodies Politick, Corporate, or Collegiate, and all other Perſons, and ſhall not be removed by *Certiorari*, or other Proceſs, into any of His Majeſty's Courts of Record at *Weſtminſter*, or any other Court; any Law or Statute to the contrary notwithſtanding.

Fine upon Sheriffs, &c. making Default.

XXV. And be it further enacted, That if the Sheriff or other Perſon ſo directed to ſummon and return a Jury as aforeſaid, or his Deputy or Agent, ſhall make Default in the Premiſes, he ſhall for every ſuch Offence forfeit the Sum of Twenty Pounds; and if any Perſon ſo ſummoned and returned as aforeſaid upon ſuch Jury ſhall not appear, or appearing ſhall refuſe to be ſworn or to give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent of this Act, or if any Perſon ſo ſummoned to give Evidence ſhall not appear, or appearing, ſhall refuſe to be ſworn or examined, or to give Evidence, every Perſon ſo offending, having no reaſonable Excuſe, to be allowed by the ſaid Commiſſioners, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds, to be levied and recovered by virtue of any Warrant under the Hands and Seals of the ſaid Commiſſioners, by Diſtreſs and Sale of the Goods and Chattels of the Perſon ſo offending, rendering to him the Overplus, after ſuch Penalty, and the Charges of ſuch Diſtreſs and Sale ſhall be deducted; and every ſuch Penalty which ſhall be paid by or recovered from any Perſon who ſhall have been ſummoned to give Evidence as aforeſaid, ſhall go and be paid to the Perſon or Perſons who ſhall appear to the ſaid Commiſſioners to be injured by the Default of ſuch Perſon.

Expences of Commiſſioners, Witneſſes, and Jury, by whom to be paid.

XXVI. And be it further enacted, That whenſoever a Jury is or ſhall be called by the ſaid Commiſſioners, as aforeſaid, or any Witneſs or Witneſſes is or ſhall be examined by and before the ſaid Commiſſioners alone, or by and before the ſaid Commiſſioners and Jury jointly, as herein-before directed, the ſaid Commiſſioners ſhall, and they are hereby required, according to their Diſcretion, to give and award to each of the ſaid

Jurors and Witneſſes in every ſuch Caſe, ſuch ſeveral and reſpective Sum and Sums of Money as ſhall be a reaſonable Recompence for the Expences and Trouble of their Journey and Attendance; and in each and every Caſe where a Verdict ſhall be given for more Money, or for a greater Annual Rent, as a Recompence or Satisfaction for the abſolute Sale of any Lands, Grounds, Milis, Waters, or other Hereditaments, of any Perſon or Perſons whomſoever, or as a Compenſation for any Damages done or to be done to ſuch Lands, or other Hereditaments or Property, than had been previouſly offered by or on Behalf of the ſaid Company of Proprietors, before the Meeting of the ſaid Commiſſioners, or than had been by them determined and aſſeſſed as aforeſaid, or where any Verdict ſhall be found for any Damages, where the Diſpute is for Damages only, and where no Compenſation had been previouſly offered or tendered in reſpect thereof, by and on Behalf of the ſaid Company of Proprietors, or where by Reaſon of Abſence in Foreign Countries, or other Impediment or Diſability as aforeſaid, there ſhall not be found any Perſon or Perſons at Hand who may be legally capacitated to enter into a Contract with, and make Conveyances to, or receive Compenſations from the ſaid Company of Proprietors, as herein-before mentioned, then, and in all ſuch Caſes, all the Expences of calling ſuch Commiſſioners, ſummoning ſuch Jury, and taking ſuch Verdict, ſhall be ſettled by the ſaid Commiſſioners, and be defrayed by the ſaid Company of Proprietors; but if any Verdict ſhall be given for the ſame Sum or Rent that had been previouſly offered by or on Behalf of the ſaid Company of Proprietors, or had been ſo determined or aſſeſſed by the ſaid Commiſſioners, or for a leſs Sum or Rent than had been ſo previouſly offered, determined, or aſſeſſed, or in caſe no Damages ſhall be given by the Verdict, where the Diſpute is for Damages only, or in caſe of Refuſal to enter into Treaty with, or make Conveyances to, or receive Compenſations from the ſaid Company of Proprietors, by any Bodies Politick, Corporate, or Collegiate, or by any Perſon or Perſons whomſoever, who is or are by the Proviſions of this Act, or otherwiſe, legally capacitated to treat and convey, or receive ſuch Compenſations as aforeſaid, then and in all ſuch Caſes (except where by Reaſon of Abſence or otherwiſe any Perſon ſhall have been prevented from treating and agreeing as aforeſaid) the Coſts and Expences of calling a Meeting of ſuch Commiſſioners, ſummoning ſuch Jury, and taking ſuch Verdict, ſhall be ſettled in like Manner by the ſaid Commiſſioners, and be borne and paid by the Perſon or Perſons with whom the ſaid Company of Proprietors ſhall have ſuch Concerns, Controverſies, or Diſputes; which ſaid Coſts and Expences, having been ſo ſettled, ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged, as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons, and the Payment or Tender of the Remainder of ſuch Sum or Sums of Money ſhall be deemed and taken, to all Intents and Purpoſes, to be a Payment or Tender of the whole Sum or Sums ſo aſſeſſed and adjudged.

Perſons requeſting Juries, to enter into Bonds to proſecute.

XXVII. And be it further enacted, That all and every Perſon or Perſons making Complaint, and requeſting a Jury to be ſummoned, ſhall (before the ſaid Commiſſioners ſhall iſſue out their Warrant for that Purpoſe) enter into a Bond, with Two ſufficient Sureties, to the Treaſurer to the ſaid Company of Proprietors, in a Penalty of One hundred Pounds, or in ſuch other Penalty as the ſaid Commiſſioners ſhall

appoint, not exceeding the Sum of One hundred Pounds, with Condition to profecute his, her, or their ſaid Complaint, and to bear and pay the Coſts and Expences of ſummoning ſuch Jury, and taking ſuch Verdict, in caſe the ſame ſhall be given for no greater, or for a leſs Sum or Rent than had been offered by or on Behalf of the ſaid Company of Proprietors, or than had been aſſeſſed by the Commiſſioners, before the ſummoning and returning the ſaid Jury or Juries, for the Purchaſe of, or as a Recompence for any Lands, Grounds, Mills, or Hereditaments, or as a Compenſation for any Damages, and in caſe no Verdict ſhall be found for Damages, where the whole Diſpute was whether any Damage was or was not done as aforeſaid.

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

XXVIII. And be it further enacted, That the ſaid Commiſſioners ſhall not, nor ſhall any of them, be obliged or allowed, by virtue of this Act, to receive or take Notice of any Complaint or Complaints, to be made by any Perſon or Perſons whomſoever, for any Injury or Damage by him, her, or them ſuſtained, or ſuppoſed to be ſuſtained, by virtue or in conſequence of this Act, unleſs Application ſhall have been made in relation thereto, by or on Behalf of ſuch Perſon or Perſons, to the ſaid Company of Proprietors, or to their Treaſurer or Clerk, or to their known Agent or Agents, or to ſome Collector or Collectors of the Rates ariſing from the ſaid Navigation, reſiding neareſt to the Place where the Cauſe of Complaint ſhall ariſe, Twenty-one Days at the leaſt before ſuch Complaint ſhall be made to the ſaid Commiſſioners, and within the Space of Six Calendar Months next after the Time that ſuch ſuppoſed Injury or Damage ſhall have been ſuſtained, or the doing or committing thereof ſhall have ceaſed.

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

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

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

XXX. And be it further enacted, That upon Payment, or legal Tender of ſuch Sum or Sums of Money, or giving ſuch Security as the ſaid Commiſſioners ſhall approve, for Payment of any ſuch Annual Rent as ſhall have been contracted or agreed for between the Parties, or adjuſted and determined by the ſaid Commiſſioners, or aſſeſſed by ſuch Juries, in Manner reſpectively as aforeſaid, for the Purchaſe of any ſuch Lands, Waters, Mills, Tythes, or other Hereditaments, or as a Recompence for the Yearly Produce or Profits thereof, or as a Compenſation for Damages, as herein-before mentioned, to the Proprietor or Proprietors of ſuch Lands and Premiſes, or to ſuch other Perſon or Perſons as ſhall be intereſted therein, or entitled to receive ſuch Money, Rent, or Compenſation reſpectively, at any Time after the ſame ſhall have been ſo agreed for, determined, or aſſeſſed, or if the Perſon or Perſons ſo entitled or intereſted, or any of them, cannot be found, or ſhall refuſe to receive the ſame,

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

Verdicts to be recorded.

XXXI. And be it further enacted, That all the Determinations of the ſaid Commiſſioners which ſhall be ſubmitted to or acquieſced in by the Parties concerned, and alſo the ſaid Verdicts and Judgements, ſhall be tranſmitted to, and be kept by the Clerk of the Peace, or other Perſons having the Cuſtody of the Records of the Quarter Seſſions for the ſaid County of *Lancaſter* and ſhall be deemed to be Records of ſuch Quarter Seſſions to all Intents and Purpoſes, and the ſame, or true Copies thereof, ſhall be allowed to be good Evidence in all Courts whatſoever, and all Perſons ſhall have Liberty to inſpect the ſame, paying for ſuch Inſpection the Sum of One Shilling, and to have Copies thereof, paying for every Copy the Sum of Sixpence for every One hundred Words, and ſo in Proportion for any leſs Number of Words.

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

XXXII. 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 for the Damage to be done to any Lands or Hereditaments

by

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 have been 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 Intereſts therein.

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

Compenſations to be made for Tythes.

XXXIII. And be it further enacted, That full Recompence and Satisfaction ſhall be made, by the ſaid Company of Proprietors, for all the Tythes, 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 Tythes, according to their reſpective Intereſts therein, ſuch Tythes 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

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.

The Company to raiſe a certain Sum of Money among themſelves for making the Canal.

XXXIV. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors to raiſe and contribute amongſt themſelves, in ſuch Proportions as to them ſhall ſeem meet and convenient, a competent Sum of Money for making and completing the ſaid intended Canal, Cuts, Trenches, Sluices, and the Reſervoirs, Feeders, Inclined Planes, Ways, Locks, Quays, Wharfs, and other Works and Conveniencies, not exceeding in the Whole the Sum of Forty-ſeven thouſand ſix hundred Pounds, (except as herein mentioned), and that the ſame 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 Payment, Diſcharge, and Satisfaction, of all Coſts, Charges, and Expences, incurred in applying for, obtaining, and paſſing, this Act, and all other neceſſary Expences preparatory and relating thereunto, and the Reſidue and Remainder of ſuch Money for and towards making, completing, and maintaining, the ſaid intended Canal and Works, and for other the Purpoſes of this Act, and to no other Uſe, Intent, or Purpoſe whatſoever.

The Money raiſed to be divided into a certain Number of Shares.

XXXV. And be it further enacted, That the ſaid Sum of Forty-ſeven thouſand ſix hundred Pounds, or ſuch Part thereof as ſhall be raiſed by the ſeveral Perſons herein-before named, or any other Perſon or Perſons who ſhall or may become a Subſcriber or Subſcribers to the ſaid Navigation, ſhall be divided into Four hundred and ſeventy-ſix equal Parts or Shares, at a Price not exceeding One hundred Pounds *per* Share, and that the ſaid Four hundred and ſeventy-ſix Shares ſhall be, and are hereby veſted in the ſeveral Perſons ſo ſubſcribing the ſame, and their ſeveral and reſpective Executors, Adminiſtrators, and Aſſigns, and 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 all and every Perſon and Perſons, their ſeveral and reſpective 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 Navigation, ſhall be entitled to and receive, after the ſaid Navigation ſhall be completed, the entire and neat Diſtribution of a Four hundred and ſeventy-ſixth Part of the Profits and Advantages that ſhall or 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 Four hundred and ſeventy-ſixth Part or One Share in the ſaid Undertaking, 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.

Subſcribers to receive Intereſt till the Canal is finiſhed.

XXXVI. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, and they are hereby required, out of the Money to be raiſed as aforeſaid, during the Time the ſaid intended Canal, and all Things neceſſary for making and maintaining the ſame, ſhall be carried on, and until the ſame ſhall be completed and finiſhed, to pay unto every Body Politick or Corporate, Perſon or Perſons, their ſeveral and reſpective Executors, Adminiſtrators, or Aſſigns, who ſhall ſeverally ſubſcribe and pay in the Sum of One hundred Pounds, or ſuch Sum or Sums of Money as ſhall from Time to Time be demanded in reſpect thereof, towards carrying on and completing the ſaid Navigation, Intereſt for the ſame after the Rate of Five Pounds for every One hundred Pounds for a Year, from the Time that each of ſuch Sum or Sums ſhall be reſpectively advanced, in purſuance and according to the true Intent and Meaning hereof, unleſs the Majority of Proprietors aſſembled at any General Aſſembly ſhall direct the contrary.

Subſcribers to have a Vote for each Share by themſelves or Proxies.

XXXVII. 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 and Seal, or Hands and Seals; 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 act as Proxy for any abſent Proprietor or Proprietors for more than Ten Shares; the Appointment of which Proxy ſhall and may be made in the Words or to the Effect following; (that is to ſay),

Form of Proxy.

'I of One of the Proprietors of the *Haſlingden* Canal, 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, 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

'taining thereto. In witneſs whereof I have hereunto ſet my Hand and
'Seal, the Day of in the Year of our
'Lord .'

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.

A further Sum of Money may be raiſed if neceſſary.

XXXVIII. And be it further enacted, That in caſe the ſaid Sum of Forty-ſeven thouſand ſix hundred Pounds, herein-before authorized to be raiſed, ſhall be found inſufficient for making, completing, and maintaining, the ſaid intended Canal, 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 Forty 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, 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 Forty-ſeven thouſand ſix hundred Pounds; any Thing herein contained to the contrary thereof in anywiſe notwithſtanding.

If the Company prefer it, the additional Sum may be raiſed by Mortgage of Rates.

XXXIX. Provided always, That in caſe the ſaid Company of Proprietors ſhall be deſirous of raiſing the ſaid Sum of Forty 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 Forty 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 Truſtees, who ſhall advance the ſame, all which ſaid Aſſignments ſhall be made under the Common Seal of the ſaid Company, in the Words or to the Effect following; (that is to ſay),

'BY

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 the 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 Naviga- 'tion, 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 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 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 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 'Haſlingden Canal, bearing Date the Day of 'for ſecuring the Sum of and 'Intereſt, and all my [*or* our] Right and Property therein to the ſaid 'his [*or* her] Executors, Ad- 'miniſtrators, 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 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

every ſuch Transfer ſhall entitle ſuch Aſſignee or Aſſignees, his, her, and their Executors, Adminiſtrators, and Aſſigns, to the full Benefit thereof; 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 Mortgages to be paid in Preference to Dividends.

XL. And be it further enacted, That the Intereſt of the Money which ſhall be borrowed by Mortgage as aforeſaid, ſhall be paid 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, diſcharged, or provided for, before the Yearly or other Intereſt or Dividends due to the ſaid Company, or any of them, ſhall be paid, made, or divided.

Mortgagees not to have Votes.

XLI. Provided always, That no Perſon to whom any ſuch Aſſignment or Aſſignments 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.

General Aſſemblies of the Proprietors.

XLII. And be it further enacted, That the Firſt General Aſſembly or Meeting of the ſaid Company of Proprietors for putting this Act in Execution, ſhall be held at *The Eagle and Child*, in *Bury*, on the Ninth Day of *July* next after the Commencement of this Act; and their next General Aſſembly ſhall be held on the Second *Wedneſday* in *July* then next, at *The Hare and Hounds*, at *Haſlingden* aforeſaid, and all future General Aſſemblies of the ſaid Company ſhall be held upon the Second *Wedneſday* in *July*, Yearly and every Year, at ſuch Place, within the Town of *Bury* and the Town of *Haſlingden* alternately, as the ſaid Proprietors, at each next preceding General Aſſembly, ſhall appoint, all ſuch Meetings being at the Hour of Eleven in the Forenoon; at which ſaid General Aſſemblies, the Proprietors, together with ſuch Proxies as ſhall be then preſent, ſhall chooſe Eleven Perſons, who, for the Time being, ſhall be reſpectively Proprietors of Two or more Shares in the ſaid Navigation, out of whom any Five or more of them ſhall be a Committee to manage the Affairs of the ſaid Company of Proprietors, in ſuch Manner as is herein directed; and if at any Time it ſhall appear to any Five or more Proprietors, that for the more effectually putting this Act in Execution, or for any other Purpoſe, a Special Aſſembly of the Proprietors is neceſſary to be held, it ſhall be lawful for them to cauſe Notice to be given thereof, in ſome One or more Newſpapers publiſhed and circulated in the Town of *Mancheſter*, or in ſuch other Manner as the ſaid Company of Proprietors ſhall at any General Aſſembly direct or appoint, declaring in ſuch Notice the Place where, and Time when, ſuch Special Aſſembly is to be held, the ſame not being leſs than Fourteen Days after ſuch Notice given, and likewiſe ſpecifying, in every ſuch Notice, the Reaſon for, and Intention of ſuch Special Aſſembly, and the Proprietors are hereby authorized to meet purſuant to ſuch Notice, and to proceed in the Execution of this Act, or in any

Committee to be appointed.

Special General Aſſemblies may be held.

Thing relating to the Intereſts of the ſaid Company of Proprietors, with reſpect to the Matters ſo ſpecified only; and all ſuch Acts of the ſaid Proprietors, or the major Part of them, aſſembled at ſuch Special Aſſemblies, ſhall be as valid, to all Intents and Purpoſes, as if the ſame were done at General Aſſemblies held in Manner herein-before appointed.

Committee Men only to have a Vote for each Share.

XLIII. Provided always, That no One Member of the ſaid Committee, though he may be a Proprietor of many Shares, ſhall have more than One Vote in the ſaid Committee, except the Chairman, who ſhall be choſen by and out of the ſaid Committee, and who, in caſe of a Diviſion of equal Numbers, ſhall have the caſting Vote, although he may have given One Vote before.

Committee to be ſubject to the Controul of the General Aſſemblies.

XLIV. Provided alſo, 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 Account and Proceedings to be kept under the Direction of the Committee.

XLV. 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.

No Choice of a Committee to be made unleſs the Proprietors of Shares are preſent.

XLVI. Provided always, That if at any ſuch General Aſſembly there ſhall not be Perſons preſent who ſhall have a Majority of the Whole of ſuch Shares as aforeſaid, either as Principals or Proxies, no Choice of a Committee ſhall be made at that Time, but in ſuch Caſe there ſhall be a new Aſſembly of the Proprietors of the ſaid Navigation at the ſame Place, upon that Day Week following, and ſo from Time to Time, until the Proprietors of ſuch Numbers of Shares as aforeſaid ſhall be preſent, and ſuch Choice ſhall be then made of Perſons to be of a Committee, as ought to have been made on the Day for holding ſuch General or Special Aſſembly, had there been a ſufficient Number of Votes preſent, and the Perſons then choſen to be of the ſaid Committee ſhall have the ſame Power as they would have had, and ſhall continue in ſuch Office until ſuch Time as they would have done, had they been choſen on the Day for holding ſuch General Aſſembly; and in caſe of Failure of the Meeting of Perſons having a Majority of ſuch Shares, as Principals or Proxies, at any ſuch General Aſſembly, all ſuch Principals who ſhall not be preſent at any Adjournment thereof, by themſelves, or by his, her, or their Proxy or Proxies, ſhall forfeit to the ſaid Company of Proprietors, for every ſuch Share which he, ſhe, or they ſhall then have in the ſaid Navigation, the Sum of Five Shillings, to be deducted out of the next Payment

Payment of Intereſt, or Dividend of the Profits of the ſaid Navigation, as the Caſe may happen.

Powers of the General Aſſemblies.

XLVII. And be it further enacted, That every ſuch General Aſſembly ſhall have Power to call for, audit, and ſettle, all Accounts of Monies received, laid out, and diſburſed, on Account of the ſaid Navigation, by the Treaſurer, Receivers, and other Officers to be by them appointed, or any other Perſon or Perſons whomſoever employed by or concerned for or under them in and about the ſaid Navigation, and for that, or any other Purpoſe, ſhall have Power to adjourn themſelves from Time to Time, and from Place to Place, as ſhall be thought convenient by the Perſons preſent, having, either as Principals or Proxies, a Majority of Votes; and every General Aſſembly, or ſuch Committee as aforeſaid, ſhall have Power from Time to Time to make ſuch Call or Calls for Money from the Proprietors of the ſaid Navigation, to defray the Expences of, or 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 General Aſſembly or 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 Committees it ſhall be lawful for the ſaid Committees, 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 Committees 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 and Materials for the Uſe of the ſaid Navigation 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 Undertaking, ſo that no ſuch Purchaſe, Bargain, or other Matter, be done or tranſacted without the Concurrence of Three or more of the ſaid Committee then aſſembled; and every Owner or Owners of One or more Part or Parts, Share or Shares, in the ſaid Undertaking, ſhall pay his, her, or their Share or Shares and Proportions of the Money to be called for as aforeſaid, at ſuch Time and Place as ſhall be appointed, of which One Calendar Month's 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 One or more ſuch Newſpapers as aforeſaid, or in ſuch other Manner as the ſaid Company of Proprietors ſhall at any General Aſſembly direct and appoint; 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 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

Calls for Money to made by General Aſſemblies or Committees.

Powers of the Committee.

Directing how the Calls ſhall be made.

If Perſons do not pay Money on Calls, their Shares to be forfeited.

Courts of Record, by Action of Debt, or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoin, Protection, or Wager at Law, nor 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, Parts and Intereſts, in the ſaid Navigation, 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 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, Parts and Intereſts, in the ſaid Navigation, 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 Undertaking, and all ſuch Forfeitures ſhall be ſold at a publick 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 Company of Proprietors, in Proportion to their reſpective Shares and Intereſts in the ſaid Navigation and Undertaking.

Shares not to be forfeited until Notice given to the Owners, and the Forfeiture declared at a General Aſſembly.

XLVIII. 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 any ſuch Forfeiture ſhall happen to be made; and every ſuch Forfeiture ſhall be an Indemnification and Diſcharge to and for all and 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.

General Aſſemblies may remove Committee Men or Officers.

XLIX. And be it further enacted, That the ſaid Company of Proprietors ſhall always have Power and Authority, at any General Aſſembly, to remove and diſplace any Perſon or Perſons choſen upon ſuch Committee as aforeſaid, or any Officer or Officers under them, and to revoke, alter, amend, or change, any of the Rules and Directions herein preſcribed and laid down, with regard to their Proceedings amongſt themſelves, as to the major Part of them ſhall ſeem meet, (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

Bye Laws may be made.

the good Government of the ſaid Committee, their Agents and Workmen, for making, maintaining, and uſing, the ſaid intended Canal, Cuts, Trenches, Soughs, and the Warehouſes, Wharfs, Fire Engines, Inclined Planes, Rollers, Racks, or other Machines, Paſſages, 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 Conduct of the Bargemen, Watermen, Boatmen, and others, who ſhall be employed in the conveying of any Goods, Wares, and Merchandize, upon any Part of the ſaid intended Canal, Cuts, and Trenches, and from Time to Time to alter and repeal the ſaid Rules, 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 or Forfeitures to be levied and recovered by ſuch Ways and Means as are 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.

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

L. And be it further enacted, That if any Owner or Owners of any Share or Shares in the ſaid Navigation, ſhall happen to die before ſuch Call or Calls ſhall have been made for the full Sum to be advanced on any Share or Shares which he, ſhe, or they ſhall have been poſſeſſed of or entitled to, without having made Proviſion, by Will or otherwiſe, how or in what Manner ſuch Share or Shares ſhall be diſpoſed of, and how or by what Means the future Calls in reſpect thereof ſhall be paid to the ſaid Company of Proprietors for the Purpoſe of the ſaid Navigation, then and in ſuch Caſe, the Executors or Adminiſtrators of any ſuch Owner ſo dying, or the Truſtee or Truſtees, Committee or Committees, of any Lunatick or Lunaticks, Guardian or Guardians of any Infant or Infants, or of any other Perſon or Perſons entitled to the Eſtate and Effects of ſuch deceaſed Owner or Owners, 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, her, or their Eſtate or 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.

LI. 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 not more than Two Shillings and Sixpence ſhall be paid, and the ſaid Clerk or Clerks is or 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 Purchaſers 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.

Shares not to be diſpoſed of after Calls made.

LII. 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 or Shares which he, ſhe, or they, ſhall then have in the ſaid Navigation or 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 Navigation and Undertaking to the ſaid Company, in Truſt, for the Benefit of all other the Proprietors, unleſs the Perſon or Perſons who ſhall be Vender or Venders, 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.

LIII. And be it further enacted, That every Aſſignment or Transfer 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

'the ſaid *C. D.* his [*or*, her] Executors, Adminiſtrators, and Aſſigns,
' Share [*or*, Shares] in the *Haſtingden* Canal, 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 my Hand and Seal, the Day of
'in the Year of our Lord

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

LIV. 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, by the Marriage and 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 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 in Chancery, or One of His Majeſty's Juſtices of the Peace, and ſhall be tranſmitted to the Clerk to 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; and that before any Perſon or Perſons who ſhall claim any Part or Share of the Profits of the ſaid intended Canal by virtue of any Bequeſt or Will, or in a Courſe of Adminiſtration, ſhall be entitled to receive the ſame, the ſaid Will, or the Probate Copy thereof, ſhall be produced and ſhewn to the ſaid Clerk, or an Affidavit, containing a Copy of ſo much of ſuch Will as ſhall relate to the Share or Shares of the Teſtator, or of the Letters of Adminiſtration, in caſe the Proprietor ſhall have died inteſtate, ſhall be made and ſworn to by an Executor or Executors of ſuch Will, or by an Adminiſtrator or Adminiſtrators of the Eſtate and Effects (as the Caſe may happen to be) before One of the Judges at *Weſtminſter*, a Maſter in Chancery, or One of His Majeſty's Juſtices of the Peace, and ſhall alſo be tranſmitted to the ſaid Clerk, who ſhall file and enter the ſame in Manner herein-before mentioned.

Appointment of Officers.

LV. 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 to 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 other Officers; and every ſuch Clerk or 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 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, 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 Ten 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 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.

Rates of Tonnage.] LVI. And, in Conſideration of the great Charge and Expence which the ſaid Company of Proprietors muſt incur and ſuſtain in making and maintaining the ſaid Canal, and 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 hereinafter mentioned, for the Tonnage and Wharfage of all Coals, Stone, Timber, Merchandize, and other Goods, Matters, and Things whatſoever, which ſhall be carried or conveyed upon any Part of the ſaid Canal; (that is to ſay),

For every Ton of Lime, or Lime Stone, Clay, Bricks, Stones, Coal, or other Minerals, not exceeding the Sum of Two-pence *per* Mile:

For every Ton of Timber, Goods, Wares, Merchandize, or other Commodities, not exceeding the Sum of Three-pence *per* Mile:

Any Proportion of a Mile to be taken as a Mile. And that in all Caſes where there ſhall be a Fraction of a Mile in the Diſtance which any Boat, Barge, or other Veſſel, ſhall be navigated or paſs upon the ſaid Canal, ſuch Fraction ſhall, in aſcertaining the ſaid Rates, be deemed and conſidered as a whole Mile, and that in all Caſes where there ſhall be a Fraction of a Ton in the Weight of Lading in any Boat, Barge, or other Veſſel, ſo to be navigated on the ſaid Canal, 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

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, at the Diſtance of One Mile from each other, or at ſuch leſs Diſtances as the ſaid Company 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, in ſuch Manner, and under ſuch Regulations, as the ſaid Company of Proprietors, at any General Aſſembly or Aſſemblies, ſhall direct or appoint; and in caſe of Denial or Neglect of Payment of any ſuch Rates, or any Part thereof, on Demand, to the Perſon or Perſons appointed to receive the ſame as aforeſaid, the ſaid Company of Proprietors may ſue for the ſame, by Action of Debt, or upon the Caſe, in any of His Majeſty's Courts of Record, or the Perſon or Perſons to whom ſuch Rates ought to have been paid may, and he or they is or 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 laden therewith, and detain the ſame until ſuch Payment ſhall be made, and alſo until Payment of all Arrears of the ſaid Rates, which may be due from the Owner or Owners of ſuch Boat or Veſſel, to the ſaid Company of Proprietors, together with reaſonable Charges for ſuch Seizure and Detention, and if ſuch Goods ſhall not be redeemed within Four 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.

LVII. Provided alſo, and it is hereby further enacted and declared, That the ſaid Company of Proprietors ſhall not at any Time hereafter aſk, demand, take, or receive, more than the Sum of One Penny Halfpenny *per* Ton *per* Mile for every Ton of Coal, Clay, Brick, Stone, or any Goods, Wares, or Merchandize whatſoever, that ſhall be carried or conveyed upon the ſaid Canal in any Boat, Barge, or other Veſſel, that ſhall not or do not paſs through any of the Locks, or paſs from any One of the Levels to another, upon the ſame Canal; any Thing herein contained to the contrary thereof in anywiſe notwithſtanding.

For regulating the Tonnage of Goods not paſſing through any Lock.

LVIII. And be it further enacted, That ſmall Rubbiſh or waſte Stones from Delves and Quarries, and all paving and other Stones, Gravel and Sand, Timber or Wood, to be employed for the Purpoſe only of making or repairing of Water Banks, Sluices, or Trenches, upon the ſaid intended Canal, or of any publick or private Roads, not being Turnpike Roads, in any Townſhip, Village, or Hamlet, through which the ſaid intended Canal, Cut, and Trenches, ſhall be made, and alſo all Dung, Soil, Marl, Aſhes of Coal and Turf, and all other Manure, (except

Exemption from Rates.

cept Lime), which ſhall be uſed for the Improvement only of the Lands and Grounds in any Townſhip, Hamlet, Village, or Place, through which the ſaid intended Canal ſhall paſs, ſhall not be charged with or liable to the Payment of any of the Rates herein-before authorized to be taken, ſo that the ſame do not paſs from One Level to another of the ſaid intended Canal, by Means of any Rollers, Racks, Inclined Planes, or other Machines or Engines as aforeſaid, and if Locks ſhall at any Time be made, ſo as the ſame do not paſs any Lock but at ſuch Time when the Water ſhall flow over the Lock Weirs of ſuch Lock, and alſo that ſuch Perſon or Perſons who ſhall own, or be concerned or employed in carrying ſuch Timber, Wood, Stones, Gravel, or Sand, for the making and repairing of ſuch Banks, Sluices, Trenches, or Roads, or ſuch Dung, Soil, Marl, Aſhes, or Manure as aforeſaid, ſhall have free Liberty to make uſe of the Towing Paths, Wharfs, or Quays, belonging to the ſaid Company of Proprietors, ſuch Perſon or Perſons not ſuffering the Things aforeſaid to lie upon ſuch Wharfs or Quays longer than may be neceſſary for the loading, unloading, and conveying thereof, from and to the ſeveral Places where they are to be put on board, and unloaded, and making good any Damages that may thereby, on Account thereof, be done to the ſaid Canal, Cut, Trenches, Fences, Banks, or Towing Paths, which ſhall be made and erected by the Authorities hereby given, the Amount or Value of ſuch Damages (in caſe of any Difference) to be ſettled and aſcertained by the ſaid Commiſſioners; and if any Perſon or Perſons ſhall claim and take the Benefit of any of the aforeſaid Exemptions, who ſhall not be entitled thereto, or ſhall uſe or diſpoſe of any of the Articles ſo exempted, in any other Manner than as before mentioned, or ſhall load any Dung, Soil, Marl, or Manure, higher than the Sides of the Boat or Veſſel in which the ſame ſhall be carried or conveyed in or upon the ſaid intended Canal, he or they ſhall for every ſuch Offence forfeit the Sum of Forty Shillings.

Payments for Wharfage.

LIX. And be it further enacted, That if any Coals, Iron, Iron Stone, Lime, Lime Stone, or other Stone, Slate, Flags, Lead, Timber, or other Goods or Things whatſoever, which ſhall be ſo navigated, carried, or conveyed upon the ſaid intended Canal, ſhall remain upon any Quay or Wharf thereto belonging for above the Space of Three Weeks, then and in ſuch Caſe the ſaid Company of Proprietors ſhall be entitled to receive ſuch reaſonable Allowance, over and above the Rates herein-before authorized to be taken, as ſhall be agreed upon by them, or any of their Agents, and the Owner or Owners of ſuch Coal, Iron, Iron Stone, Lime, Lime Stone, Slate, Flags, or other Stone, Lead, Timber, or other Goods, Articles, or Things, or in caſe of Diſpute concerning ſuch Allowance, the ſame ſhall be aſcertained and adjuſted by the ſaid Commiſſioners.

Company impowered to leaſe the Rates.

LX. 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, 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

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 the ſaid Committee, or any Five or more of them, or their Clerk, by Advertiſement, publiſhed and continued in any One or more ſuch Newſpapers as aforeſaid, at leaſt Fourteen Days prior to any ſuch General Aſſembly at which the ſaid Rates, or any Part thereof, are propoſed to be let as aforeſaid.

Maſters of Boats to give an Account of their Lading.

LXI. And, for the more eaſily collecting the ſaid Rates, be it further enacted, That the Maſter, Owner, or Manager, or Perſons having the Care of any Boat, Barge, and other Veſſel, navigated upon the ſaid intended Canal, 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, from whence brought, and where the ſame are intended to be landed, and if the Goods contained in ſuch Boat, Barge, or other Veſſel, 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 or other Things, and ſo in Proportion for any leſs Quantity than a Ton, which ſhall be in ſuch Boat, Barge, or other Veſſel 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 of certain Articles aſcertained.

LXII. 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 cubic Feet of Oak, Aſh, Elm, or Beech Timber, or Fifty 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 thereof notwithſtanding.

Collectors of Rates may gauge or weigh Boats or Goods about which there ſhall be any Diſpute.

LXIII. 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, or the Owner of any Goods or other Things, concerning the Weight or Quantity of any Goods, Wares,

Wares, or other Things, it ſhall be lawful for any ſuch Collector to ſtop and detain any ſuch Boat, Barge, or other Veſſel, and to weigh, meaſure, or gauge, or cauſe to be weighed, meaſured, or gauged, ſuch Boat, Barge, or other Veſſel, 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 levied and recovered by ſuch Ways and Means, and in ſuch Manner as the ſaid Rates are hereby appointed to be levied and recovered; 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 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.

General Aſſemblies, with Conſent of Commiſſioners, may fix the Price of Carriage of ſmall Parcels.

LXIV. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, from Time to Time, at any General Meeting of Proprietors, with the Conſent of the major Part of the Commiſſioners, at any General Meeting of the Commiſſioners aſſembled, to make ſuch Bye Law or Bye Laws for aſcertaining and fixing 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, or any Part thereof, as to them ſhall ſeem fitting and reaſonable; and that the ſaid Company of Proprietors ſhall, from Time to Time, print and ſtick up, or cauſe to be printed and ſtuck up, on every publick Wharf upon the ſaid Canal, in ſome conſpicuous Place there, a printed Paper, aſcertaining and particularizing the Price, or Sum or Sums of Money to be charged or taken for the Carriage of ſuch Parcels, not exceeding Five hundred Pounds Weight as aforeſaid, upon the ſaid Canal, or upon any Part thereof; and in caſe any Owner or Maſter, or other Perſon belonging to any Boat, Barge, or other Veſſel navigating or paſſing upon the ſaid Canal, after ſuch printed Paper ſo aſcertaining and particularizing the Price, or Sum or Sums of Money at which every ſuch Parcel ſhall be ſo carried or conveyed, ſhall be ſo ſtuck up as aforeſaid, ſhall demand or take more than the Price, or Sum or Sums of Money, in ſuch printed Paper aſcertained and particularized, ſuch Owner, Maſter, or other Perſon as aforeſaid, ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds; and ſuch Bye Laws ſhall be valid, and ſhall be binding unto and upon all Perſons whomſoever.

Navigation to be free on Payment of Rates.

LXV. And be it further enacted, That all Perſons whomſoever ſhall have free Liberty, with Horſes, Cattle, and Carriages, to uſe the private Roads and Ways belonging to the ſaid Company of Proprietors, (except the

the Towing Paths), and with Boats, Barges, and other Veſſels, capable of paſſing through and over the Inclined Planes, to be made by virtue of this Act, to uſe the ſaid intended Canal, Trenches, Sluices, Paſſages, and Inclined Planes, for the Purpoſe of conveying Coals and all other Goods and Things whatſoever, and to uſe the ſaid Wharfs or Quays for loading and unloading Coals, and other Goods and Things, and the ſaid Towing Paths for haling and drawing ſuch Boats, Barges, and other Veſſels, upon Payment of ſuch Rates as ſhall be demanded by the ſaid Company of Proprietors, not exceeding the reſpective Sums hereinbefore mentioned, and ſubject always to the Rules, Bye Laws, and Regulations, which ſhall be from Time to Time made by the ſaid Company of Proprietors, by virtue of the Powers herein granted.

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

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

Maſters to put their Names on the Outſides of Boats:

LXVII. 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, paſſing upon the ſaid intended Canal, ſhall cauſe his Name and Place of Abode, and the Number of his or her Boat, Barge, or other Veſſel, to be entered with the Clerk or Clerks of the Company of Proprietors, and ſhall alſo cauſe ſuch Name and Number to be painted in large White Capital Letters and Figures on a Black Ground Six Inches high at the leaſt, and of a proportionable Breadth, on the Outſide of the Head or Stern of every ſuch Boat, Barge, or other Veſſel, higher than the Place to which the ſame ſhall ſink into the Water when full laden; and alſo ſhall and is hereby required to fix on each Side thereof reſpectively, correct Indexes of Copper, Lead, or other Metal, 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, who ſhall navigate the ſame upon the ſaid intended Canal, without having ſuch Name, Figures, and Index thereon, as are hereinbefore directed, or ſhall alter, eraſe, deface, or deſtroy the ſame, or any Part thereof, or ſhall fix any falſe Name, Figures, or Index, or who ſhall refuſe to permit and ſuffer the ſame to be gauged and meaſured,

And alſo Indexes to denote the Weight of Lading.

ſured, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds, nor leſs than Forty Shillings.

Maſters and Owners of Boats anſwerable for Damages.

LXVIII. And be it further enacted, That the Maſter or Owner of any Boat, Barge, or other Veſſel, navigating upon the ſaid intended Canal, ſhall be, and is hereby made anſwerable for any Damage, Spoil, or Miſchief, that ſhall be done by his Boat, Barge, or other Veſſel, or any of the Boatmen, Bargemen, Watermen, or others belonging to or employed in or about the ſame reſpectively, unto any of the Bridges, Weirs, Inclined Planes, Racks, Rollers, or other Machines, Banks, Dams, Engines, or other Works, in, upon, or belonging to, the ſaid intended Canal, 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, 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, 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 alſo 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 and recovered by Diſtreſs and Sale of the Goods and Chattels of the Maſter, or Owner or Owners of ſuch Boat, Barge, or other Veſſel, 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 Owner or Owners of ſuch Goods and Chattels; but if the ſaid Damages ſhall exceed the ſaid Sum of Five Pounds, then, and in ſuch Caſe, the Maſter, or Owner or Owners of ſuch Boat, Barge, or other Veſſel, ſhall and may be ſued and proſecuted for the ſame in any Court of Record, 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.

If Owners pay any Money for Damage done by wilful Neglect of their Servants, they may recover it back from them.

LXIX. And be it further enacted, That in caſe the Owner or Owners of any Boat, Barge, or other Veſſel, navigating on the ſaid Navigation, ſhall be compelled to pay any Penalty, or to 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 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,

ment, 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 and recovered 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 or 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 Houſe of Correction for the ſaid County of *Lancaſter*, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months.

Towing Paths to be fenced from adjoining Lands, and Bridges, &c. made.

LXX. And be it further enacted, That the ſaid Company of Proprietors ſhall, and they are hereby required, at their own proper Charges, after any Land ſhall be taken for the Uſe of the ſaid intended Canal, Cuts, 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 the Trenches, Feeders, or Paſſages, hereby authorized to be made, or ſuch Parts of ſuch Trenches, Feeders, or Paſſages, as ſhall be found neceſſary by the ſaid Commiſſioners, from the Lands or Grounds adjoining to ſuch Towing Paths, 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 Side of, or into the ſaid intended Canal, 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 alſo make proper and convenient Watering Places for Cattle, where by Means of the ſaid intended Canal, or other the Works hereby authorized to be made, Cattle ſhall have been deprived thereof, and at all Times to ſupply the ſame with Water, for the Uſe of the Owners and Occupiers of the Lands, Grounds, or Hereditaments, adjoining to ſuch intended Canal, Feeders, Trenches, Aqueducts, and Towing Paths, or any of them reſpectively; and that the ſaid Company of Proprietors ſhall not make the ſaid intended Canal, or any Feeder, Trench, or Watercourſe, in or acroſs any common Highway, publick Bridle Way, or Foot Path, until they ſhall, at their own proper Charges, have made and perfected ſuch Stone or Brick Bridges, Paſſages, or Arches, acroſs ſuch Highway, Bridle Way or Path, with Wing Walls, Ramparts, and Side Banks, belonging or approach-

approaching to, over, and from the ſame, ſuch Bridges and Approaches not to be ſteeper or of greater Aſcent than Two Inches and One Half in a Yard in Length, and ſo in Proportion for a 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 for not making Stone or Brick Bridges on all Highways acroſs the Canal:

LXXI. And be it further 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 Highways over and acroſs the ſaid intended Canal, Cuts, Sluices, 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 Two Inches and One Half in every Yard in Length, and ſo in the like Proportion of Aſcent; any Thing in this Act contained to the contrary notwithſtanding.

And alſo for not keeping them in Repair.

LXXII. And be it further 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, and Roads, over ſuch Bridges, to be erected and made by virtue of this Act in any Highway over and acroſs the ſaid intended Canal, and that the ſaid Company ſhall alſo be liable to pay the Coſts of all ſuch Proſecutions, upon Proof of Thirty Days Notice being given to or left at the Houſe of the Treaſurer, or of 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 on Conviction of the Defendants.

The Quarter Seſſions to determine in certain Caſes what Bridges ſhall be made.

LXXIII. 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 Account of the Situation of the Bridge intended to be made in any ſuch aforeſaid Carriage Way, 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 Two Inches and One Half in a Yard in Length, that then, and in every ſuch Caſe, upon Application being made to His Majeſty's Juſtices, who ſhall be aſſembled at any General Quarter Seſſion of the Peace, or any Adjournment thereof, to be holden for the ſaid County of *Lancaſter*, as the Caſe may require, by or on Behalf of the ſaid Company of Proprietors, it ſhall be lawful for ſuch Juſtices, upon Proof of Thirty Days 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-before contained to the contrary thereof in anywiſe notwithſtanding.

LXXIV. 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, Tunnels, Culverts, Drains, or other Paſſages, over, under, or by the Side of, or into, the ſaid intended Canal, and the ſaid Trenches, Streams, and Watercourſes, as 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 thoſe 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 as that in making and maintaining the Works aforeſaid, the ſaid intended Canal, 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 Expences 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 for 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 His Majeſty's Court of Common Pleas for the ſaid County of *Lancaſter*.

If the Company do not fence off and repair Towing Paths, make Bridges, &c. Land Owners, &c. may, at the Coſt of the Company.

LXXV. Provided always, and be it further enacted, That if the Owners or Occupiers of any Lands or Hereditaments through which the ſaid intended Canal ſhall be made, do or ſhall, at any Time or Times, find that any of the Gates, Stiles, Bridges, Paſſages, Arches, Culverts, Tunnels, Drains, or other Paſſages, over, under, or by the Side of, the ſaid intended Canal, 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

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

in 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 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 or 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 Navigation of the ſaid intended Canal 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 Canal, by the ſaid Company of Proprietors as aforeſaid.

Company to make Drains from the Land adjoining the Canal.

LXXVI. And, to the End that the ſaid Navigation may be carried on with as little Damage to private Property as poſſible, be it further enacted, That the ſaid Company of Proprietors ſhall, and they are hereby required, at their own proper Coſts and Charges, to make or cauſe to be made ſuch Arches, Tunnels, Culverts, Drains, Sewers, or other Paſſages, over, under, or into, the ſaid intended Canal, authorized to be made by this Act, and the Cuts, Trenches, Streams, and Watercourſes, communicating therewith, and the Towing Paths on the Sides thereof, of ſuch Depth and Breadth as ſhall be ſufficient at all Times to convey the Water from the Lands adjoining or lying near to the ſaid intended Canal, without obſtructing or impeding the ſame, and likewiſe to make, or cauſe to be made, ſuch back Drain or Drains as may be neceſſary, and ſhall be ſufficient, to carry off any Water which may ooze or paſs through any of the Banks of the ſaid intended Canal, to the Prejudice of any of the Lands or Grounds contiguous thereto, making Satisfaction for the Grounds ſo uſed for the ſame; and that all ſuch Arches, Tunnels, Drains, and other Paſſages, ſhall from Time to Time be ſupported, maintained, and kept in good and ſufficient Repair, by the ſaid Company of Proprietors, and if at any Time or Times after Notice ſhall have been given in Writing, by or on the Behalf of the Owner or Occupier, Owners or Occupiers, of the ſaid adjacent Lands, who ſhall find him, her, or themſelves, aggrieved by the Obſtruction of the ſaid Watercourſes, to any One of the Committee to be appointed by virtue of this Act, for the Time being, or to any known Agent or Collector of the Rates and Duties of the ſaid Proprietors, for the Time being, the ſaid Arches, Tunnels, Drains, or other Paſſages, ſhall not be made, cleanſed, repaired, and maintained, according to the true Intent and Meaning of this Act, it ſhall be lawful for any Perſon or Perſons, having an Order in Writing for that Purpoſe from the ſaid Commiſſioners, from Time to Time, as often as there ſhall be Occaſion, to make, cleanſe, and repair, ſuch Arches, Tunnels, Drains, or other Paſſages, 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 Refuſal or Neglect to ſatisfy the ſame, for the Space of Three Calendar Months after Demand thereof made upon their Agent or Agents, or upon any Collector of the ſaid Rates, ſuch Expences ſhall and may be levied and recovered in ſuch Manner as the Coſts and Charges of making and erecting Bridges and other Works, by the Owners or Occupiers of Lands are by this Act directed and appointed to be levied and recovered.

Works damaged by Floods to be repaired immediately.

LXXVII. And whereas it may happen from Floods, or from ſome unexpected Accidents, that the 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 ſuch 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, Cuts, Sluices, 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, 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 Three 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.

Enabling the Company to cleanſe the adjoining Watercourſes at the Land Owner's Expence.

LXXVIII. And be it further enacted, That if at any Time hereafter the Ditches or Drains belonging to any Owner or Occupier of any Lands adjoining or lying contiguous to the ſaid Canal, Cuts, and other Works, or any of them, ſhall, by Reaſon of their being not ſufficiently cleanſed or opened, hinder and obſtruct the free Paſſage of the Water from the Drains, Culverts, and Paſſages, belonging to the ſaid Navigation, and if the ſame ſhall not be perfectly cleanſed and opened within Two Calendar Months after Notice, in Writing, ſhall have been given thereof to ſuch Owner or Occupier, by the Clerk or any Agent of the ſaid Company of Proprietors, it ſhall then be lawful for the ſaid Company of Proprietors, (an Order in Writing for that Purpoſe having been firſt obtained from any Five or more of the ſaid Commiſſioners, although not aſſembled at any Meeting),

Meeting), from Time to Time, as often as there ſhall be Occaſion, to open and cleanſe, or cauſe to be opened and cleanſed, the ſaid Ditches and Drains, and the reaſonable Expences thereof, when aſcertained and allowed by the ſaid Commiſſioners, ſhall be repaid to the ſaid Company of Proprietors by the Owner or Occupier of ſuch Lands and Grounds, to which the ſaid Ditches and Drains ſo opened and cleanſed ſhall belong; and in caſe of Refuſal or Neglect to ſatisfy the ſame for the Space of Two Calendar Months next after Demand ſhall have been made thereof from the reſpective Owner or Owners, Occupier or Occupiers, of ſuch Lands and Grounds as aforeſaid, ſuch Charges and Expences ſhall and may be recovered in ſuch Manner as the Forfeitures and Penalties are herein-after directed to be recovered.

Rights to Mines reſerved to the Owners thereof.

LXXIX. 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 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, 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 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 of ſuch Manor or Manors, and to ſuch Owner or Owners of ſuch Lands or Grounds reſpectively, their Heirs, Executors, Adminiſtrators, and Aſſigns reſpectively; and it ſhall be lawful for the Lord or Lords 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, 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 not to be worked to prejudice the Navigation.

LXXX. 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, 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 the Owner or Worker, or Owners or Workers, for all ſuch Coals or other Minerals as may be near or under the ſaid intended Canal, as ſhall be thought proper to be left for the Security or Preſervation of the ſaid intended Canal, 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 Mineral, 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

who ſhall, and they are hereby authorized and required, by ſuch Ways and Means 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 may enter Lands or Mines to view the Works.

LXXXI. And, for the diſcovering Perſons who ſhall or may open, dig, ſink, or carry on, any Work for the getting of Coals 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, latch, meaſure, and uſe all other Means for diſcovering the Diſtance of the ſaid intended Canal or other 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, ſecuring, 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.

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

LXXXII. And be it further enacted, That in caſe the Owner or Proprietor of any Mines of Coal, Stone, Iron Stone, or other Minerals, lying within the Diſtance of One thouſand Yards from the ſaid intended Canal, ſhall find it expedient and neceſſary to make any Railway or Road to convey the Coals, Stone, Iron Stone, or other Minerals, from any ſuch Mines to the ſaid intended Canal, over or through his, her, 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 One thouſand Yards from the ſaid intended Canal, over which ſuch Railway or 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 One 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 One thouſand Yards, of ſuch Railway or Road, of which Meeting Fourteen 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 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, or 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 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, by making and opening ſuch Railway or Road 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 Railway or Road; 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 intended Canal, 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 His Majeſty's Court of Common Pleas for the County of *Lancaſter*, 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;

LXXXIII. And be it further enacted, That it ſhall be lawful for the Proprietor or Proprietors of any Mines of Coal, Stone, Iron Stone, or other Minerals, or the Leſſees or Occupiers of the ſame, to make any

any Navigable Cut or Cuts, and in ſuch Manner as he, ſhe, or they ſhall think proper, to communicate with the ſaid Canal, ſo that the ſame be done without diverting any Streams of Water which are neceſſary for ſupplying the ſaid Canal, or which are or ſhall be neceſſary for the working of any Furnaces, Forges, or Mills, 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 on every ſuch Cut, in order to prevent the Water being drained or waſted out of the ſaid Canal, 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 Commodities, 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, the like Tonnage as ſhall for the Time being be payable to the ſaid Company of Proprietors, upon the Part of the ſaid Canal with which ſuch Cut ſhall communicate.

But not without Conſent of the Owners of Lands.

LXXXIV. 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, 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 ſaid County of *Lancaſter*, and be by him kept amongſt, and the ſame ſhall be deemed Part of the Records of the Quarter Seſſion of the Peace for the ſaid County.

Lords of Manors or Land Owners may make Wharfs.

LXXXV. And be it further enacted, That any Lord or Lords of any Manor, and the Owner or Owners of any Lands or Grounds through which the ſaid intended Canal 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, 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, 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 of the ſaid intended Canal, 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 of ſuch Manor, or the Owner or Owners of ſuch Lands or Grounds, who ſhall make and erect the ſame as aforeſaid.

If they do not at the Requeſt of the Company, they may make Wharfs, &c. themſelves.

LXXXVI. Provided always, That if any ſuch Lord or Lords, Owner or Owners ſhall not, within the Space of Twelve Calendar Months next after Notice in Writing given 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, 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 ſhall think neceſſary, on the reſpective Parts of the Lands or Grounds deſcribed in ſuch Notice, that then the 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, agreeably 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.

Rates of Tonnage on private Wharfs.

LXXXVII. Provided alſo, That no more than the Sum of One Penny a Ton ſhall be demanded or taken by any ſuch Lord or Lords, 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, Land Owner or Land Owners, for that Purpoſe as aforeſaid, for the Wharfage of Coal, Lime, Lime Stone, Clay, Iron, Iron Stone, Timber, Stone, Brick, Tile, Slate, Flags, Sand, or Gravel, nor more than Three pence a Ton for the Wharfage of any other Goods or Things, 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 Six Days, except Coal, Iron, and Lime Stone, which may remain thereupon for Three Weeks, and Timber, Clay, Lime, Iron Stone, Stone, Brick, Tile, Slate, Flags, Sand, or Gravel, which may remain Thirty Days, upon Payment of the ſaid One Penny *per* Ton.

Proprietors or others not to uſe excluſively private Wharfs.

LXXXVIII. 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 erected, ſet out, or made, by the Lord or Lords 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, repair, or uſe, any Cranes or Weighing Machines in or upon any ſuch Wharf, Quay, or

or Landing Place; any Thing herein-before contained to the contrary notwithſtanding.

Company or Committee to regulate the Navigation.

LXXXIX. And be it further enacted, That if any Boat, Barge, or other Veſſel, ſhall be placed or ſuffered to remain in any Part of the ſaid intended Canal, 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 Twenty Shillings, nor leſs than Five Shillings, 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 to ſeize and diſtrain 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 Veſſel ſhall be ſunk in the ſaid 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 Veſſel, to be weighed or drawn up, and to detain 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 Four 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 Diſtreſs and Sale ſhall be deducted.

Penalty on Perſons obſtructing the Navigation.

XC. And be it further enacted, That if any Perſon ſhall float any Timber upon the ſaid intended Canal, 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, ſo as to obſtruct the Paſſage of any other Boat, Barge, or 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, 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 upon the ſaid intended Canal, 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, or ſhall leave any of the ſaid Paddles, 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.

Punishing Persons wilfully destroying Works.

XCI. And be it further enacted, That 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 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 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 subject to the Commissioners of Sewers.

XCII. And be it further enacted, That the said intended Canal, or any Works whatsoever to be made by virtue of this Act, shall not be subject to the Controul, Direction, Survey, or Order, of any Commissioners of Sewers; any Law or Statute to the contrary notwithstanding.

Reserving Rights of Fisheries.

XCIII. And be it further enacted and declared, That the Lord and Lords, and Owner and Owners of all and every Manor and Manors through which the said intended Canal shall be made, shall have and be entitled to the Right of Fishery of and in so much of the said intended Canal, Reservoirs, Trenches, and Sluices, as shall be made over and through the Common and Waste Lands within his, her, or their Manor or Manors, and also in, over, or through, any other Lands or Grounds lying within any such Manor or Manors wherein such Lord or Lords, 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 shall be made, shall also have and be entitled to the Right of Fishery of and in so much of the said intended Canal, Cuts, Sluices, Reservoirs, and Trenches, 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, Reservoirs, Trenches, or Sluices,

Sluices, and 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, 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, 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, Reſervoirs, Trenches, or Sluices, for or upon Account of Repairs of Works to be done in or about the ſame, provided that Three Days Notice, in Writing, be given by the ſaid Company of Proprietors to the Lord or Lords of any ſuch Manor or Manors, and the Owner or Owners of ſuch Lands or Grounds in, over, or through, which ſuch Parts of the ſaid intended Canal, Reſervoirs and Trenches, the Water whereof is intended ſhall be let off and diſcharged out of the ſame, ſhall be made previous to the letting off and diſcharging ſuch Water; and that it ſhall be lawful for the Lord or Lords 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, 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 having Nets, &c. on Board.

XCIV. 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, (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 ſuch 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.

Land Owners may uſe Pleaſure Boats.

XCV. And be it further enacted, That it ſhall be lawful for the Owners and Occupiers of any Lands adjoining to the ſaid Canal, to uſe any Pleaſure Boat or Boats upon the ſaid intended Canal (not paſſing through any Locks, 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 that the ſame be not made uſe of for carrying any Goods or other Things, and ſo as the ſame ſhall not obſtruct or prejudice the Navigation of the ſaid intended Canal, or the Towing Paths on the Sides thereof.

Damages not provided for to be ſettled by Commiſſioners.

XCVI. 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, Mills, Hereditaments, or other Property, by Reaſon of

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 levied and recovered, and applied in ſuch Manner, as other Damages herein-before are provided for.

Compelling Subſcribers to pay their Subſcriptions.

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

XCVIII. 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 Communications with the ſaid Canal than ſuch as are authorized or referred to by this Act, but by Reaſon of Infancy, or otherwiſe, may not be able to obtain the Conſent and Concurrence of all the Proprietors; be it therefore further enacted, That in caſe the Perſons entitled to the greater Number of the Shares in the ſaid intended Canal, and who ſhall attend by themſelves or Proxies at any General Aſſembly of the ſaid Company of Proprietors, ſhall think it proper to make any ſuch Application to Parliament as aforeſaid, it ſhall be lawful for them to order and cauſe the Common Seal of the ſaid Company of Proprietors to be affixed to any Petition for that Purpoſe, and ſuch Application to be proceeded in and proſecuted, and any Money ariſing by virtue of this Act, or which may have been ſo ſubſcribed or contributed as aforeſaid, to be applied in defraying the Expences incurred by or in conſequence of any ſuch Application, and the ſame ſhall be deemed to be the Act of the Whole of the ſaid Company of Proprietors, in like Manner, and as fully and effectually, as if every One of the ſaid Proprietors had been capable of acting for himſelf, and had attended ſuch General Meeting, and concurred therein, and it ſhall be lawful for the Guardians, Truſtees, or Committees, of the Proprietors of any Shares in the ſaid intended Canal, being Minors, Lunaticks, or labouring under any other Diſability or Incapacity of acting for themſelves, and the Executors or Adminiſtrators of any deceaſed Proprietors of ſuch Shares, to apply any of the Money which ſhall come to their Hands as Guardians, Truſtees, Committees, Executors, or Adminiſtrators, as aforeſaid, towards defraying the proportionable Shares of the Expences incurred by and in conſequence of any ſuch Application, which ſhall be payable by the Perſons on whoſe Behalf they act, or to raiſe Money for that Purpoſe by Mortgage of any ſuch Shares, which Mortgages they are hereby authorized to make, by Writing under their Hands and Seals, with the

Consent of Five or more of the said Commissioners, and such Mortgages shall be valid and effectual.

Recovery and Application of Fines and Forfeitures.

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

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

C. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor shall the Party or Parties making the same be deemed a Trespasser or Trespassers, on Account of any Defect or Want of Form, in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on Account of any Irregularity which shall be afterwards committed by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity, shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

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

Form of Conviction.

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

'Reign of King *George* the Third, intituled, [*Here ſet forth the Title of the Act*].

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

Perſons aggrieved may appeal to the Quarter Seſſions.

CII. And be it further enacted, That any Perſon or Perſons thinking himſelf, herſelf, or themſelves aggrieved by any Order or Judgement made or given in purſuance of any Rule, Bye Law, or Order of the ſaid Company of Proprietors, or by any Order, Judgement, or Determination, of any Juſtice or Juſtices of the Peace relating to any Matter or Thing in this Act mentioned or contained, may, within Six Calendar Months next after ſuch Order, Judgement, or Determination, ſhall have been made or given, (firſt giving Twenty-one Days Notice of ſuch Complaint to the Perſon or Perſons againſt whom ſuch Complaint is intended to be made), complain to the Juſtices of the Peace at the General Quarter Seſſions to be held in and for the County in which the Cauſe of Appeal ſhall ariſe, who ſhall in a ſummary Way either hear and determine the ſaid Complaint at ſuch General Quarter Seſſions, or if they think proper, may adjourn the Hearing thereof to the next General Quarter Seſſions of the Peace to be held for ſuch County; and the ſaid Juſtices may, if they ſee Cauſe, mitigate any Forfeiture or Fine, and may order any Money to be returned which ſhall have been levied in purſuance of ſuch Rule, Bye Law, Order, or Determination, and may alſo order and award ſuch further Satisfaction to be made to the Party injured as they ſhall judge reaſonable; but no Proceedings to be had and taken in purſuance of this Act ſhall be quaſhed or vacated for Want of Form, or be removed by *Certiorari*, or by any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*, or elſewhere; any Law or Statute to the contrary notwithſtanding.

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

Limitation of Actions.

CIII. And be it further enacted, That if any Action or Suit ſhall be brought or commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, every ſuch Action or Suit ſhall be brought or commenced within Six Calendar Months next after the Fact committed, or in caſe there ſhall be a Continuation of Damages, then within Six Calendar Months next after the doing or committing ſuch Damage ſhall have ceaſed, and not afterwards, and ſhall be laid, and brought in the County where the Matter in Diſpute or Cauſe of Action ſhall ariſe, and not elſewhere; and the Defendant or Defendants in ſuch Action or Suit ſhall and may plead the General Iſſue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if it ſhall appear to have been ſo done, or if any ſuch Action or Suit ſhall be brought after the Time ſo limited for bringing the ſame, or in any other County or Place than as aforeſaid, then, and in every ſuch Caſe, the Jury ſhall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs ſhall become Nonſuit, or ſuffer a Diſcontinuance of his, her, or their Action or Suit, after the Defendant or Defendants ſhall have appeared, or if a Verdict ſhall paſs againſt the Plaintiff or Plaintiffs, or if upon Demurrer, or otherwiſe, Judgement ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall

General Iſſue.

have Treble Coſts, and ſhall have ſuch Remedy for the ſame, as any Defendant hath for Coſts of Suit in other Caſes by Law. Treble Coſts.

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

FINIS.