ANNO TRICESIMO QUARTO

Georgii III. Regis.

CAP. LXXVIII.

An Act for making and maintaining a Navigable Canal from the *Calder* Navigation, at or near *Sowerby Bridge* Wharf, in the Pariſh of *Halifax*, in the Weſt Riding of the County of *York*, to join the Canal of his Grace the Duke of *Bridgewater*, in the Pariſh of *Mancheſter*, in the County Palatine of *Lancaſter*; and alſo certain Cuts from the ſaid intended Canal. [4th *April* 1794.]

WHEREAS the making and maintaining a Navigable Canal from the *Calder* (otherwiſe *Calder* and *Hebble*) Navigation, at or near *Sowerby Bridge* Wharf, in the Pariſh of *Halifax*, in the Weſt Riding of the County of *York*, to join the Canal belonging to the Moſt Noble *Francis* Duke of *Bridgewater*, at or near *Caſtle Field*, in the Pariſh of *Mancheſter*, in the County Palatine of *Lancaſter*, and alſo certain Navigable Cuts herein-after deſcribed, to communicate with ſuch intended Canal, will tend to promote the Trade, Manufactures, and Commerce, of this Kingdom, and be in other Reſpects of great publick Utility; but the ſame Preamble.

cannot

cannot be effected without the Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That

Proprietors Names.

Edward Allanſon, Robert Alcock, John Allen, Joſeph Andrew, George Artingſtall, Jacob Aſhton, Joſiah Aſhton, Robert Aſhworth, James Aſhworth, Robert Aſhworth, William Aſton, John Atchiſon Clerk, *John Atkinſon, James Appleton, Thomas Ball, Richard Baker, Joſeph Bancroft, James Bankart, Thomas Bankart, Samuel Bankart, Thomas Bankart, William Barrow, James Barton, Henry Barton, Thomas Bateman, Edmund Butterſbee, William* and *Samuel Bealey, Matthew Bawcutt, Ann Beharrell, Samuel Bell, James Bell, Sarah Grace Bell, Archibald Bertram, Robert Bill, John Bill* Clerk, *John Bill, William Bilſborrow, Mary Blackburne, Robert Grierſon Blackmore, Mary Blackmore, Catharine Blackburne, John Blackburne, Hannah Blackburne, Cornelius Bourne, Charles Frederick Brandt, Champion Bray, Thomas Braddock, Sarah Breacliffe, William Brennand, James Browne, Samuel Browne, George Browne, Henry Bromfield* Clerk, *Robert Bunney, John Bury, George Burgeſs, Thomas Burgeſs, John Burgeſs, Henry Butterworth, Benjamin Butterworth, James Caldwall, Thomas Carr, John Carr, John Chadwick, Robert Chadwick, Thomas Chadwick, Joſeph Chamberlain, Aſhworth Clegg, James Cockle, James Cocker, John Cockroft, Henry Cole, William Cole, Ann Congrave, Thomas Congrave, Michael Cotton, Katherine Cotton, John Cowling, Nathan Crompton, Eli Cryer, Chriſtopher Davis, Thomas Davis, Peggy Darbey, John Dawſon, Edward Dearden, John Downing, Thomas Drake* Doctor in Divinity, *James Edge, John Edge, William Johnſon Edenſor, Thomas Edmondſon, John Entwiſle, William Elliott, William Eyre, John Farr, Richard Farrington, James Fenton, Thomas Fernehaugh, Jonathan Fildes, John Fildes, Jonathan Fildes, William Fieldhouſe, Henry Fielden, Thomas Flavel, Ralph Fogg, John Ford Ebenezer Fownes, John Fox, Thomas Freer, William Gatliffe, John Gilbert* and *John Burgeſs, John Gilbert* junior, *Thomas Gilbert, William Gilby, Thomas Gore, Richard Gore* junior, *Joſeph Could* and *Thomas Blackwall Gould, Nathaniel Gould, William Gould, John Gorel, Edward Okeley Gray, Samuel Greg, Robert Grimſhaw, John Grindrod, John Hamer, William Hamer, George Hamer, James Hamer, William Hanſon, Henry Harding, William Harding, Charles Oakes* and *Thomas Willington, John Hardman, Oliver Hargreaves, Edward Harriſon* junior, *Samuel Harvey, William Haſſal* Clerk, *Abiathur Hawkes, Samuel Haynes, James Hey, Nathan Heywood, William Hibbert, Robert Hibbert, Alexander Hill, George Hilton, Thomas Hilton, John Fowden Hindle, Edward Hobſon, William Holland, Thomas Holland, James Holland, Charles Holland, James Holland, John Holland* Clerk, *Robert Holt, James* and *Thomas Holt* and *John Chadwick, James Holt, Thomas Holt, Robert Holt, John Holt, Robert Holt* junior, *Francis Holt, Richard Holt, James Holt, Richard Holt, Richard Homer, Arthur Homer, Thomas Homer, Martin Holbeche, John Hope, William Hope, Thomas Hooper, William Howarth, George Howlette* and *John Carr, Walter Hovenden, Joſeph Hutchins, John Hyde, Francis Ingram, William Ingram, John Ingleby, Joſeph Inkerſole, James Jackſon, Martha Jephcott, Stephen Johnſon, Robert Jones, George Kennedy, Edmund Kerſhaw, Maria Clarke Lavender, John Lawton, Edward Lees, John Lees, James* and *Joſeph Lees, John Lees, Robert Lee, John Lee, Robert Leech, John Leech, Matthew Linwood, Anna Linwood, Mary Linwood,*

ANNO REGNI

GEORGII III.

REGIS

Magnæ Britanniæ, Franciæ, & Hiberniæ,

TRICESIMO QUARTO.

At the Parliament begun and holden at *Weſtminſter*, the Twenty-fifth Day of *November Anno Domini* 1790, in the Thirty-firſt Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God, of *Great Britain*, *France*, and *Ireland*, King, Defender of the Faith, *&c.*

And from thence continued, by ſeveral Prorogations, to the Twenty-firſt Day of *January* 1794; being the Fourth Seſſion of the Seventeenth Parliament of *Great Britain*.



LONDON:
Printed by CHARLES EYRE and ANDREW STRAHAN,
Printers to the King's moſt Excellent Majeſty. 1794.

William Little and *John Woodcock*, *Charles Lilly*, *George Lloyd*, *John Lord*, *Jeremiah Lowe*, *William Lygon* Esquire, *James Mallalieu*, *Robert Markland*, *Ellen Markland*, *Bertie Markland*, *Edward Mann* and *John Wall*, *John Marſhall*, *Thomas Marriott*, *James Meredith*, *Richard Milne*, *Matthias Mogridge*, *Conſtantia Muſſon*, *William Newall*, *Lawrence Newall*, *Iſaac Newton*, *Charles Nutt*, *James Oldham Oldham*, *Henry Ormerod*, *Parker*, *Samuel Clewes* and *Hawkins*, *John Parker*, *Benjamin Parker*, *Thomas Parkinſon*, *John Pattinſon* Clerk, *Thomas Partington*, *Joſeph Robinſon Peaſe*, *John Leigh Philips*, *Henry Philips*, *Nathaniel Philips*, *Falkener Philips*, *John Travis* and *Joſeph Seddon*, *Joſeph Pickford*, *John Pinkerton*, *Benjamin Potter*, *James Potter*, *Ann Potter*, *James Poynton*, *Thomas Preſton* Clerk, *John Price*, *Thomas Quincey*, *Joſeph Hughes Rann*, *John Ratcliffe*, *Matthew Reid*, *Edward Reeve*, *Thomas Robinſon*, *James Holt Robinſon*, *John Rothwell*, *James Royds*, *Thomas Royds*, *John Satterfield*, *Thomas Salt*, *Robert Scholes*, *James Scholfield*, *Stephen Seagar*, *James Sharpe*, *Robert Simpſon* Clerk, *Hannah Scott*, *Richard Shuttleworth*, *Benjamin Shaw*, *Charles Smith*, *Thomas Smith*, *Benjamin Smith*, *Beckwith Smith*, *Joſeph Smith*, *Joſeph Smith*, *Edmund Smith*, *John* and *Charles Smith*, *Charles Smith* junior, *John Smith*, *John Smith* and *John Smith* junior, *John Smith* junior, *Thomas Smith*, *Suſanna Stephens*, *Charles Steer*, the Right Honourable Lord *Suffield*, *Ann Sunderland*, *Thomas Swinburne*, *Samuel Swire*, *Ellen Taylor*, *John Taylor*, *John Taylor*, *George Taylor*, *John Taylor*, *Joſeph Thackeray*, *William Thompſon*, *Marmaduke Theakſtone*, *Thomas Thornhill*, *Joſiah Thorp*, *Thomas Tipping*, *Joſeph Tipping*, *Edward Tooke*, *George Travis* Clerk, *William Turner*, *Thomas Twamley*, *John Twells*, *Thomas Hippen Vavaſour*, *James Villers*, *John Villers*, *William Villers*, *Francis Wakelam*, *George Walmſley*, *John Walmſley* junior, *Thomas Walker*, *Richard Walker*, *James Wall*, *Daniel Whalley*, *Edward Warner*, *John Warner* junior, *John Wedge*, *Charles Weſton*, *Adam Witworth*, *William White*, *Thomas Wilkinſon*, *Bradford Wilmer*, *Benjamin Luke Winter*, *Thomas Wood*, *Joſeph* and *Henry Wood*, *Charles Wood*, *Matthew Worthington*, *John Wyatt*, and their ſeveral and reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, together with ſuch other Perſon or Perſons as ſhall at any Time hereafter be poſſeſſed of One or more Share or Shares, as herein-after mentioned, of or in the ſaid Navigation, ſhall be and are hereby united into a Company for the making, completing, and maintaining the ſaid Navigable Canal and Cuts, according to the Rules, Orders, and Directions herein-after expreſſed, and ſhall for that Purpoſe be and become One Body Corporate, by the Name of *The Company of Proprietors of the* Rochdale *Canal*, and by that Name ſhall have perpetual Succeſſion, and ſhall have a Common Seal, and by that Name ſhall and may ſue and be ſued, and alſo ſhall and may have Power and Authority to purchaſe Lands and other Hereditaments to them, their Succeſſors and Aſſigns, for making the ſaid Canal and Cuts, and the ſeveral Works hereby authorized to be made, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain; and the ſaid Company of Proprietors ſhall be, and are hereby authorized and impowered, by themſelves, their Agents, Officers, Servants, and Workmen, from Time to Time, to enter upon the Lands of any Body Politick, Corporate, or Collegiate, or other Perſon or Perſons, in order to ſurvey, meaſure, and take Levels of the ſame, and to ſet out and aſcertain ſuch Parts thereof as they ſhall think neceſſary or proper for the making the ſaid Canal and Cuts, and other Works and

Proprietors incorporated, and their Style directed.

Company of Proprietors authorized to make a Canal to join the Duke of *Bridgewater's* Canal.

Conveniencies neceſſary and ſuitable to the ſame, and by Cuts, Tunnels, or otherwiſe, to make and complete a Canal, navigable and paſſable for Boats, Barges, and other Veſſels, from the *Calder* (otherwiſe *Calder* and *Hebble*) Navigation, at or near *Sowerby Bridge* Wharf, in the Pariſh of *Halifax* aforeſaid, by, through, or near *Todmorden* and *Deyne Head*, in the Pariſh of *Rochdale*, and by or near the Town of *Middleton*, in the Pariſh of *Middleton*, and through the Pariſh of *Preſtwich cum Oldham*, (which ſaid Pariſhes of *Rochdale*, *Middleton*, and *Preſtwich cum Oldham*, are in the County Palatine of *Lancaſter*), to join and communicate with the Canal of the ſaid *Francis* Duke of *Bridgewater*, at or near *Caſtle Field* aforeſaid, in the ſaid Pariſh of *Mancheſter*; and alſo to make and complete a Cut for the Navigation of Boats, Barges, and other Veſſels, to branch from the ſaid Canal at or near a certain Place or Village called *The Lower Place*, in the Townſhip of *Caſtleton*, in the ſaid Pariſh of *Rochdale*, to or near a Place called *The School Lane*, in the ſaid Townſhip of *Caſtleton*; and alſo to make and complete another Cut for the Navigation of Boats, Barges, and other Veſſels, to branch from the ſaid Canal at or near a Place in the Pariſh of *Mancheſter* called *Failſworth*, to a Place on the North Side of the new Turnpike Road leading from *Mancheſter* aforeſaid to *Oldham*, in the ſaid County of *Lancaſter*, near to *Hollingwood Chapel*, and to ſupply the ſaid Canal and Cuts whilſt making, and at all Times for ever after the ſame ſhall be made, with Water from the Reſervoirs to be made as herein-after mentioned, and alſo by or from the Surplus Waters, in Times of Exceſs, in the Rivers *Calder* and *Roach*, and the Brooks, Streams, or Rivulets, which run into the ſaid Rivers reſpectively, as herein-after mentioned, and alſo to make and uſe ſuch and ſo many Reſervoirs for the Purpoſe of ſupplying the ſaid Canal and Cuts reſpectively with Water, in or upon the Moors or Commons called *Blackſtonedge*, or any incloſed Lands within the Diſtance of Thee hundred Yards from the ſaid Moors or Commons, and alſo in or upon any Lands adjoining or near to a certain Brook or Rivulet called *Healees Brook*, otherwiſe *Hollingworth Brook*, and its Feeders, and a certain other Brook called *Chelburn* or *Sladen Brook*, as the ſaid Company of Proprietors ſhall think proper, and ſuch other Reſervoirs as are herein-after particularly mentioned and deſcribed; and for the better effectuating the Purpoſes aforeſaid, the ſaid Company of Proprietors, their Agents, Officers, Servants, and Workmen, are hereby impowered to go, enter, and paſs in, upon, over, or through, the Lands, Rivers, Brooks, Streams, and Waters, of or belonging to any Perſon or Perſons, Bodies Politick, Corporate, or Collegiate, and to bore, dig, cut, trench, and ſough, and to remove and lay Earth, Clay, Stone, Rubbiſh, Trees, Roots of Trees, Gravel, or Sand, or any other Matters and Things, which may be dug or gotten in the making of the ſaid Canal and Cuts, or any Tunnels, Shafts, Trenches, Paſſages, Reſervoirs, Sluices, Gutters, Soughs, Ditches, Drains, Watercourſes, and other Works, which may be neceſſary or proper to be made for the Purpoſes of this Act, or which may hinder, prevent, or obſtruct, the making, completing, extending, maintaining, and uſing the ſame, or any of them reſpectively, acccording to the true Intent and Meaning of this Act; and alſo to make, build, conſtruct, and ſet up, in or upon the ſaid Canal, Cuts, and Reſervoirs, or any of them, or in or upon the Lands adjoining to or near the ſame, any Banks, Bridges, Tunnels, Shafts, Aqueducts, Watercourſes, Trenches, Ditches, Culverts, Soughs, Sluices, Locks, Weirs, Drains, Steam Engines, Wharfs, Warehouſes,

Toll Houſes, Quays, Landing Places, Weigh Beams, Cranes, Towing Paths, Rail Ways, and other Works, Roads, Ways, and Conveniencies, as and where the ſaid Company of Proprietors ſhall think requiſite or proper for the Purpoſe of the ſaid Navigation, and for the Carriage and Conveyance of Coals, Timber, and other Goods, Merchandize, and Things, to, from, and upon, the ſaid Canal and Cuts reſpectively, and alſo for the Carriage and Conveyance of all ſuch Materials as may be neceſſary or uſed for the making, altering, repairing, amending, maintaining, and uſing, the ſaid Canal, Cuts, and Reſervoirs reſpectively, and the other Works aforeſaid, and from Time to Time, to alter, widen, enlarge, amend, and maintain, the ſeveral Works and Conveniencies aforeſaid, in ſuch Manner as they ſhall think proper; and alſo to place, lay, work, and manufacture, all ſuch Materials as aforeſaid on the Lands where found, or near to the Place or Places where the ſaid Works and Conveniencies, or any of them, ſhall be or are intended to be made or repaired, and alſo to make, maintain, repair, and alter, any Fences or Paſſages over, under, or through, the ſaid Canal and Cuts, and the Works and Conveniencies aforeſaid, and alſo to make, ſet up, and appoint, ſuch Towing Paths, Banks, and Ways, convenient for towing, haling, or drawing, of Boats, Barges, and other Veſſels, paſſing upon the ſaid Canal and Cuts reſpectively, and proper Places for Boats, Barges, and other Veſſels, navigating upon the ſaid Canal and Cuts, to turn, lie, or paſs each other, as they the ſaid Company of Proprietors ſhall think proper, and alſo to dig, take, and carry away, and make uſe of, for the Purpoſes aforeſaid, any Soil, Clay, Gravel, or Stone, which may be proper or convenient for making, carrying on, and maintaining, the ſaid Canal, Cuts, and other Works, in or from the Lands of any Perſon or Perſons adjoining or lying contiguous thereto, and to conſtruct, erect, alter, keep in Repair, and uſe any Aqueducts, Piers, Arches, and other Works, in, upon, and acroſs, any Rivers or Brooks, for the making, uſing, maintaining, and repairing, the ſaid Canal and Cuts, and the Towing Paths on the Sides thereof reſpectively, ſo as to render the ſaid Canal and Cuts paſſable throughout by Boats, Barges, and other Veſſels, without Impediment; and alſo to conſtruct and erect, do and perform, all other Matters and Things which ſhall be deemed neceſſary or proper for the making, preſerving, maintaining, extending, improving, and uſing, the ſaid Canal, Cuts, Reſervoirs, and other Works and Conveniencies aforeſaid, according to the Intent and Meaning of this Act, they the ſaid Company of Proprietors, their Agents, Officers, Servants, and Workmen, doing as little Damage as may be in the Execution of the ſeveral Powers to them hereby granted, and making Satisfaction, in Manner herein-after mentioned, for all ſuch Damages as ſhall be ſuſtained by the Owners or Proprietors of, and other Perſons intereſted in the Lands and Hereditaments reſpectively, which ſhall be taken, uſed, or prejudiced, by or on the Behalf of the ſaid Company of Proprietors, in the Execution of any of the Powers given by this Act; and the ſaid Company of Proprietors, their Agents, Officers, and Workmen, and all other Perſons employed by or under the ſaid Company, ſhall be hereby indemnified for what they ſhall do by virtue and in Execution of the Powers given to them by this Act; ſubject nevertheleſs to ſuch Satisfaction for Damages as aforeſaid, and to ſuch Proviſoes and Reſtrictions as are herein-after mentioned.

II. And

The Duke of *Bridgewater* may build a Lock on the *Rochdale* Canal, and receive certain Rates as a Compenſation for the Loſs he will ſuſtain in his Wharfage when the Junction with his Canal takes place.

II. And whereas the ſaid *Francis* Duke of *Bridgewater* hath expended a conſiderable Sum of Money in making Wharfs for the Convenience of the Publick, adjoining or near to his Canal at the Town of *Mancheſter*, and when the propoſed Junction is made with his Canal, the Profits ariſing from thoſe Wharfs will be conſiderably diminiſhed; nevertheleſs the ſaid *Francis* Duke of *Bridgewater* is conſenting to ſuch Junction being made, upon being authorized to build a Lock upon the ſaid *Rochdale* Canal, near to the ſaid Junction, and to collect certain Rates herein-after mentioned, as a Compenſation for ſuch Diminution in the Profits of his Wharfage as aforeſaid; be it therefore further enacted, That the ſaid *Francis* Duke of *Bridgewater*, his Heirs and Aſſigns, is and are hereby authorized and required, at his and their own Expence, to build a proper Lock upon the ſaid *Rochdale* Canal at or near *Caſtle Field* aforeſaid, of equal Size and Dimenſions with the Locks which now are erected on the ſaid Canal, belonging to the ſaid *Francis* Duke of *Bridgewater*, and all neceſſary Works thereto belonging, and to take and receive at the ſaid Lock, for his and their own Uſe and Benefit, (as a Compenſation for the Diminution in the Profits of his Wharfage as aforeſaid), the following Rates; that is to ſay,

For every Ton of Coal, Stone, Timber, and other Goods, Wares, Merchandize, and Commodities whatſoever, (except Flags), which ſhall be navigated, carried, or conveyed, from the ſaid *Rochdale* Canal into or upon the ſaid Canal belonging to the ſaid *Francis* Duke of *Bridgewater*, or from his ſaid Canal into or upon the ſaid *Rochdale* Canal, the Sum of Fourteen-pence; and ſo in Proportion for any Quantity leſs than a Ton:

And for every Ton of Flags which ſhall be navigated, carried, or conveyed as aforeſaid, the Sum of Two-pence; and ſo in Proportion for any Quantity leſs than a Ton:

Which ſaid Rates ſhall be payable and paid at or near the ſaid Lock to the ſaid *Francis* Duke of *Bridgewater*, his Heirs and Aſſigns, and ſhall and may be collected and received by ſuch Perſon or Perſons as the ſaid *Francis* Duke of *Bridgewater*, his Heirs or Aſſigns ſhall, by Writing under his or their Hand or Hands, from Time to Time appoint to receive the ſame; and ſuch Perſon or Perſons ſo to be appointed ſhall have the like Powers and Authorities for aſcertaining the ſaid Rates, and for collecting and receiving the ſame, as are hereby given to the ſaid Company of Proprietors for aſcertaining, collecting, and receiving, the Rates of Tonnage granted to them by this Act.

That Perſons who have paid the reſpective Rates before mentioned not to be ſubject to any further Payment at any of the Duke of *Bridgewater*'s Wharfs, in the Pariſh of *Mancheſter*.

III. Provided always, and be it further enacted, That all Perſons who ſhall have paid the reſpective Rates herein-before mentioned for the paſſing of any Goods, Wares, Merchandize, or other Things, through the Lock to be built at or near *Caſtle Field* as aforeſaid, ſhall have free Liberty to land ſuch Goods, Wares, Merchandize, or other Things, at any Wharf, and to lodge the ſame in any Warehouſe within the ſaid Pariſh of *Mancheſter*, belonging to the ſaid *Francis* Duke of *Bridgewater*, his Heirs or Aſſigns, and to continue ſuch Goods, Wares, Merchandize, and other Things, upon any ſuch Wharf, and in any ſuch Warehouſe as aforeſaid, for any Time not exceeding Six Days, without being liable to pay any Rate

Rate or Payment for the ſame; and that any Perſon having landed at any ſuch Wharf or lodged in any ſuch Warehouſe any Goods, Wares, Merchandize, or other Things, and ſhall have paid the Amount of the reſpective Rates herein-before mentioned to the ſaid *Francis* Duke of *Bridgewater*, his Heirs or Aſſigns, ſhall not be liable to pay any Rate for paſſing through the ſaid Lock with ſuch Goods, Wares, Merchandize, or other Things, it being the true Intent and Meaning of this Act, that the ſaid Rates ſhall be accepted by the ſaid *Francis* Duke of *Bridgewater*, his Heirs or Aſſigns, as a full Compenſation for the Loſs he or they may ſuſtain by making ſuch Junction as aforeſaid with his ſaid Canal.

That the ſaid Lock ſhall be the Property of the Company of Proprietors, but ſhall be kept in Repair at the Expence of the ſaid Duke.

IV. Provided always, and be it enacted, That the ſaid *Francis* Duke of *Bridgewater*, his Heirs or Aſſigns, is and are hereby required to build and finiſh the ſaid Lock, and other Works aforeſaid, within ſuch Time as the ſaid Company of Proprietors ſhall, by Notice in Writing under their Common Seal, to be given to the ſaid *Francis* Duke of *Bridgewater*, his Heirs or Aſſigns, appoint for that Purpoſe; and in caſe the ſaid *Francis* Duke of *Bridgewater*, his Heirs or Aſſigns, ſhall not finiſh the ſaid Lock and other Works within ſuch Time as ſhall be appointed by the ſaid Company of Proprietors for that Purpoſe as aforeſaid, that then the ſaid Company of Proprietors may cauſe ſuch Lock and other Works to be built and completed, and all Expences of building and completing the ſame ſhall be reimburſed to them by the ſaid *Francis* Duke of *Bridgewater*, his Heirs or Aſſigns, and all ſuch Expences ſhall and may be recovered by Action at Law in any of His Majeſty's Courts of Law at *Weſtminſter*; and in caſe the ſaid Lock, or any of the Works thereunto belonging, ſhall at any Time or Times become out of Repair, and the ſaid *Francis* Duke of *Bridgewater*, his Heirs or Aſſigns, ſhall not, upon Notice thereof given to him or them by the Clerk to the ſaid Company of Proprietors, forthwith cauſe the ſame to be put in good and ſufficient Repair, it ſhall be lawful for the Committee of the ſaid Company of Proprietors to cauſe the ſame to be done, and the reaſonable Expence thereof ſhall be reimburſed to the ſaid Company of Proprietors by the ſaid *Francis* Duke of *Bridgewater*, his Heirs or Aſſigns, and in Default of reimburſing the ſame to the ſaid Company of Proprietors within Thirty Days after Demand made thereof, the ſame ſhall and may be recovered by Action at Law in any of His Majeſty's Courts of Record at *Weſtminſter*.

Locks to be of the Size of thoſe on the Duke of *Bridgewater*'s Canal.

V. And be it hereby further enacted, That all the Locks which ſhall be built upon the ſaid *Rochdale* Canal and Cuts ſhall be of equal Size or Dimenſion with the Locks which are now erected on the Canal belonging to the ſaid *Francis* Duke of *Bridgewater*.

For preventing Injury to the Mill Owners on the *Irk*, *Roach*, and *Irwell*.

VI. And, for preventing Injury or Damage to the Owners and Occupiers of Mills and Millſteads upon the Rivers *Irk*, *Roach*, and *Irwell*, by reaſon of making the ſaid Canal and other Works, be it further enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, to authorize or impower the ſaid Company of Proprietors, under any Pretence whatever, to take or uſe, or ſuffer to be taken or uſed, for the ſaid Canal, or to flow or run into any Reſervoir or Reſervoirs, or other Works, of or for the Uſe of the ſame Canal, any of the Watercourſes, or Streams of Water, now flowing to, or ſupplying, or aſſiſting in ſupplying, with Water any Mill or Mills ſituate upon the Rivers *Irk*, *Roach*,

and *Irwell*, or any of them, or upon any of the Rivulets, Streams, or Feeders, flowing into or ſupplying the ſaid Rivers reſpectively, but that each and every of ſuch Watercourſes or Streams of Water which ſhall or may be croſſed or diverted by the ſaid Canal, or any Reſervoir, Conductor, Aqueduct, or other Works, appertaining thereto, ſhall be well and effectually conducted by Tunnels, Culverts, Trenches, or Drains, under or by the Side of ſuch Canal, Reſervoir, or other Works, by the ſaid Company of Proprietors, immediately into the former and ancient Courſe of ſuch Watercourſes or Streams of Water, ſo that the Whole thereof ſhall flow into the ſaid former and ancient Courſe; ſave and except that the Surplus Water of the ſaid Brooks called *Healees Brook* otherwiſe *Hollingworth Brook*, and *Chelburn* or *Sladen Brook*, and the Streams or Feeders running into the ſame reſpectively, in Times of Exceſs ſhall and 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, and at ſuch Places only, as is herein-after mentioned.

Mill Owners on the *Irk* may appoint an Agent to inſpect Works.

VII. And be it further enacted, That for the further preventing any Injury or Damage to the Owners or Occupiers of Mills and Millſteads upon the ſaid River *Irk*, and other Perſons intereſted in the Waters thereof, it ſhall and may be lawful to and for the Owners of Mills on the ſaid River *Irk*, or the Owners of the major Part of them, from Time to Time, by Writing under their Hands, to appoint and employ an able and experienced Agent to inſpect the cutting of the ſaid Canal and Cuts, and alſo the ſaid Trenches, Tunnels, Culverts, Drains, and other Works neceſſary for ſecuring the Waters of the *Irk*, and the Streams and Feeders thereof; and that until ſuch Tunnels, Culverts, Trenches, Drains, and other Works, for ſecuring the Springs, Watercourſes, or Streams of Water, to the Owners of Mills and Millſteads on the ſaid River, and other Perſons intereſted in the Waters thereof, ſhall be completed, it ſhall not be lawful for any Boats, Barges, or other Veſſels, to navigate or paſs upon the ſaid Canal or Cuts, except on ſuch Parts thereof, where all ſuch neceſſary Works for ſecuring the Waters of the *Irk* as aforeſaid, ſhall be completed; and except on ſuch Parts thereof where it ſhall not be neceſſary that ſuch Works ſhould be made for ſecuring the Waters of the *Irk* as aforeſaid.

Engineers to be appointed for fixing the Gauges.

VIII. And be it further enacted, That One Engineer ſhall be appointed by the Owners of the ſeveral Mills ſtanding or ſituate upon the ſaid Brooks called *Healees Brook*, otherwiſe *Hollingworth Brook*, *Chelburn*, or *Sladen Brook*, and the ſaid River *Roach*, and the ſaid River *Irwell*, below the Junction thereof with the *Roach*, or the major Part of ſuch Owners, by Writing under their Hands, before the Firſt Day of *September* One thouſand ſeven hundred and ninety-four, 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*; and that the ſaid Engineers ſo to be appointed ſhall, and they are hereby required to aſcertain and determine the Places where Gauges ſhall be placed upon the ſaid Brooks called *Healees Brook*, otherwiſe *Hollingworth Brook*, and *Chelburn* or *Sladen Brook*, or the Streams or Feeders flowing into the ſame, and the Nature, Conſtruction, Dimenſions, and Levels, of ſuch Gauges, ſo as that 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, provided that such Gauges shall be so placed as that the Water will be above the Level of the Reservoirs intended to be supplied with such Surplus Water; and if the Two Engineers, to be appointed as aforesaid, shall not agree in Opinion touching the Situation, Nature, Construction, Dimensions, and Levels, of such Gauges respectively, and the Means of guarding and protecting the same, then the said Engineers shall and are hereby required forthwith to refer the Matter in Difference to some other Engineer to be by them appointed for that Purpose, who shall and is hereby required to settle and determine the same; and in case the said Owners of Mills, or the major Part of them, or the said Company of Proprietors, shall not respectively appoint such Engineers within the Time aforesaid, or if the Engineers so to be appointed, or either of them, shall die, or refuse or neglect to act in the Premises, or if such Engineers so to be appointed as aforesaid shall not, on or before the First Day of *December* next, agree and determine upon the Manner in which such Gauges shall be constructed, or shall not appoint such other Engineer as aforesaid, or if such other Engineer shall not settle and determine the Matters aforesaid, within Three Calendar Months after he shall be appointed, then, and in every of the said Cases, *George Stansfield* of *Fieldhouse* Esquire, *John Sharpe* of *Gilderstone* Gentleman, *John Crowder* of *Brotherton* Gentleman, *William Whitlock* of *Brotherton* aforesaid, Gentleman, and *John Clegg* of *Oldham*, Timber Merchant, shall be, and are hereby appointed Select Commissioners for the Purpose of settling and determining the Matters aforesaid, and they are hereby authorized and required to settle and determine at what Places, in what Manner, of what Nature, and of what Dimensions and Levels, such Gauges shall be constructed for the Purpose of regulating the taking of the surplus Water from the said Brooks called *Healees Brook* otherwise *Hollingworth Brook*, and *Chelburn* or *Sladen Brook* as aforesaid, and the Means of guarding and protecting the same, and that a Certificate shall be made and signed by the said Engineers or Engineer, or by the said Select Commissioners, 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.

If Gauges not fixed by the Engineers, Select Commissioners appointed.

Select Commissioners.

IX. Provided always, and be it further enacted, That the said Select Commissioners shall not act in the Execution of this Act (otherwise than in administering to each other an Oath or Affirmation to the Effect following), until they shall have severally taken and subscribed such Oath or Affirmation before any One of the said Commissioners, who is hereby authorized and impowered to administer the same; (that is to say),

Select Commissioners to take an Oath.

'I *A. B.* do swear, [*or*, being One of the People called *Quakers*, do solemnly and sincerely declare and affirm], That I will truly and impartially, according to the best of my Skill and Knowledge, execute and perform the Powers and Authorities vested in me as a Select Commissioner, by virtue of an Act of Parliament, made in the Thirty-fourth

'Year

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

'So help me GOD.'

Times of their Meeting, &c.

X. And be it further enacted, That upon any Application to be made to the ſaid Select Commiſſioners, or any Three of them, by or on Behalf of the ſaid Company of Proprietors, or by or on Behalf of any One or more of the Owners of Mills on the ſaid Brooks, called *Healees Brook*, otherwiſe *Hollingworth Brook*, and *Chelburn* or *Sladen Brook*, the ſaid River *Roach*, and the ſaid River *Irwell*, below the Junction thereof with the ſaid River *Roach*, requeſting or deſiring them to appoint a Meeting of the ſaid Select Commiſſioners, the Commiſſioners ſo applied to ſhall, and they are hereby authorized and required, within Eight Days after ſuch Application or Requeſt made, to appoint a Meeting of the ſaid Select Commiſſioners, at ſuch Time and Place as they ſhall think proper, and that Notice of ſuch Meeting ſhall be given by publick Advertiſement in ſome One or more Newſpaper or Newſpapers of the ſaid Counties of *York* and *Lancaſter* reſpectively, at leaſt Fourteen Days before ſuch Meeting, and the ſaid Select Commiſſioners are hereby required to aſſemble at a Time and Place ſo to be appointed, and may then and there adjourn themſelves, and afterwards meet at ſuch Time and Place as the ſaid Select Commiſſioners then aſſembled ſhall think proper or convenient, and ſo from Time to Time, as often as the ſaid Select Commiſſioners ſhall think fit; and that every Meeting of the ſaid Select Commiſſioners, by virtue of this Act, ſhall be held within the Diſtance of Five Miles from *Littleborough*, in the ſaid County of *Lancaſter*, and ſhall be publick, and no Act, Order, or Proceeding, of the ſaid Select Commiſſioners, or any of them, in the Execution of this Act, (except the appointing of Meetings as aforeſaid), ſhall be valid, unleſs the ſame ſhall be done at a Meeting to be held in purſuance of this Act, at which Three of the ſaid Select Commiſſioners at leaſt ſhall be preſent, and that all Powers and Authorities by this Act given to or veſted in the ſaid Select Commiſſioners ſhall and may, from Time to Time, be exerciſed by the Majority of the Commiſſioners preſent at ſuch Meeting; and the ſaid Select Commiſſioners are hereby required, at each Meeting, to chooſe a Chairman, and that if at any Meeting, when Four Select Commiſſioners ſhall be preſent, there ſhall be an equal Diviſion of Voices, the Chairman ſhall have the caſting Vote.

Directions reſpecting the Time of fixing the Gauges.

XI. And be it further enacted, That the Gauges herein-before mentioned reſpecting the ſaid *Healees*, otherwiſe *Hollingworth*, and *Chelburn* or *Sladen Brooks*, whether the ſame be aſcertained by Engineers to be appointed as aforeſaid, or by the Select Commiſſioners before named, ſhall be aſcertained and fixed when the Water runs Three Inches deep at the leaſt over the Top of the Weir, at the Mill of *John Nuttal* Eſquire, ſituate upon the ſaid River *Roach*, called *Bridge Hall Mill*, and when all the Wheels at the ſaid Mill are in full Work.

Company to ſet up Gauges at certain Places on Feeders of the *Roach*;

XII. And be it further enacted, That the ſaid Company of Proprietors ſhall, before any Water ſhall be taken from the ſaid River *Roach*, or the Brooks, Streams, and Watercourſes, ſupplying the ſame, at their own Coſts and Charges, make and ſet up on the ſaid Brooks called *Healees Brook*, otherwiſe *Hollingworth Brook*, and *Chelburn* or *Sladen Brook*,

or the Streams or Feeders flowing into the ſame, proper and ſufficient Gauges, at ſuch Places, and of ſuch Nature, Conſtruction, and Dimenſions, as ſhall be fixed and determined in Manner before mentioned, and ſuch Works for ſecuring and protecting the ſame as before mentioned, and after the ſame ſhall be ſo made, ſhall for ever afterwards maintain and keep the ſame in good and ſubſtantial Repair.

To prevent Injury to Mills, &c. on the *Calder*.

XIII. And for preventing Injury or Damage to the Owners and Occupiers of Mills and Millſteads upon the ſaid River *Calder*, by Reaſon of making the ſaid Canal, and other Works; be it further enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, to authorize or impower the ſaid Company of Proprietors, under any Pretence whatever, to take or ſuffer to be taken or uſed for the ſaid Canal, or to flow or run into any Reſervoir or Reſervoirs, or other Works of the Navigation, of or for the Uſe of the ſaid Canal, any of the Springs, Feeders, Watercourſes, or Streams of Water, now or uſually flowing to, or ſupplying, or aſſiſting in ſupplying, with Water any Mill or Mills ſituate upon the River *Calder*, in the ſaid Counties of *York* and *Lancaſter*, or either of them, or upon any of the Rivulets, Streams, or Feeders flowing into or ſupplying the ſaid River *Calder*, but that each and every of ſuch Springs, Feeders, Watercourſes, or Streams of Water, which ſhall or may be croſſed or diverted by the ſaid Canal, or any Reſervoir, Conductor, Aqueduct, or other Works appertaining thereto, ſhall be well and effectually tunnelled and conducted under or by the Side of ſuch Canal, Reſervoir, Conductor, or other Works, by the ſaid Company of Proprietors, immediately into the former and ancient Courſe of ſuch Springs, Feeders, Watercourſes, or Streams of Water, ſo that the Whole thereof ſhall flow through ſuch Tunnel, and into the ſaid former and ancient Courſe, ſave and except that the Surplus Water, in Times of Exceſs, ſhall or may be taken for the Uſe of the ſaid Canal when the Water ſhall fill and exceed certain Gauges or Water Marks to be fixed by the ſaid Company of Proprietors, of ſuch Dimenſions, at ſuch Places only, and in ſuch Manner as hereſn-after mentioned; (that is to ſay), at *Allenden Water*, above *Longleys*, when the Water flowing in that Clough ſhall exceed a Gauge of Four Inches deep by Eight Inches broad; at *Longleys Clough* when the Water of that Clough ſhall exceed a Gauge of Two and a Half Inches deep and Eight Inches broad; at *Warland Clough*, when the Water there ſhall exceed a Gauge of Three and a Half Inches deep and Eighteen Inches broad; at *Stonehouſe Clough*, when the Water there ſhall exceed a Gauge of Four and a Half Inches deep and Eight Inches broad; at *Strines Clough*, when the Water there ſhall exceed a Gauge of Six and a Half Inches deep and Eighteen Inches broad; at *Walſden Water*, above the Junction with *Strines Clough*, when the Water there ſhall exceed a Gauge of Nine Inches deep and Eighteen Inches broad; at *Midgelden Brook*, when the Water there ſhall exceed a Gauge of Nine and a Half Inches deep and Eighteen Inches broad; at the Call or Weir of the Mill next above *Todmorden*, belonging to *Joſhua Fielden*, when the Stream or River ſhall flow over ſuch Call or Weir more than Two Inches and Seven Twelfths of an Inch meſne Depth and Thirty Feet broad; at *Lumbutts Clough*, when the Water there ſhall exceed a Gauge of Nine and a Quarter Inches deep and Ten Inches broad; at *Shaw Clough*, when the Water there ſhall exceed a Gauge of Five

Inches deep and Eight Inches broad; at *Stoodley Clough*, when the Water there ſhall exceed a Gauge of Six Inches deep and Ten Inches broad; at *Beaumont Clough*, when the Water there ſhall exceed a Gauge of Four and Three Quarters Inches deep and Eight Inches broad: All which ſaid ſeveral and reſpective Gauges or Water Marks ſhall be fixed by the ſaid Company of Proprietors before any Water ſhall be taken as aforeſaid, and ſhall be made of durable Metal, not more than One Inch thick, and ſo placed that there ſhall be at each of ſuch Gauges a perpendicular Fall of Twelve Inches immediately from the loweſt Part of the ſaid Gauges reſpectively to the Surface of the Water below the ſame, which Gauges ſhall be from Time to Time, and at all Times, repaired, maintained, and kept in Repair, by the ſaid Company of Proprietors and their Succeſſors.

Directions reſpecting any Reſervoirs which may be made.

XIV. Provided nevertheleſs, That if the ſaid Company of Proprietors ſhall be deſirous to make any Reſervoir or Reſervoirs of Water in any incloſed Land or Ground lying within the Source of the River *Calder* or its Feeders, it ſhall and may be lawful for the ſaid Proprietors to make ſuch Reſervoir or Reſervoirs, (provided the ſame, or any Part thereof, be not conſtructed upon or over any Tunnel that may be made for the Uſe of the ſaid Canal), at ſuch Places, and with ſuch Gauges as are herein-after ſpecified; (that is to ſay), at or above the Junction of *Strines Clough* with *Walſden Water*, a Reſervoir wherein ſhall be placed a Gauge of Nine Inches deep and Eighteen Inches broad; alſo, at or above the Junction of *Stone Houſe Clough* with *Walſden Water*, a Reſervoir wherein ſhall be placed a Gauge of Five Inches deep and Eighteen Inches broad; alſo, at or above the Junction of *Longleys Clough* with *Allenden Water*, a Reſervoir wherein ſhall be placed a Gauge of Four Inches deep and Eight Inches broad; alſo, at *Beaumont Clough*, a Reſervoir wherein ſhall be placed a Gauge of Three and One Half Inches deep and Eight Inches broad: All which ſaid ſeveral Gauges, ſo to be placed in the ſaid Reſervoirs as aforeſaid, ſhall be made of durable Metal, not more than One Inch thick, and ſo placed that there ſhall be at each of ſuch Gauges a perpendicular Fall of Twelve Inches, immediately from the loweſt Part of the ſaid Gauges reſpectively, to the Surface of the Water below the ſame, and through all and every of which ſaid ſeveral Gauges, ſo to be placed in the ſaid ſeveral Reſervoirs as aforeſaid, the Water ſhall at all Times run and flow the full Depth and Width of ſuch reſpective Gauges, to and for the ſole Uſe of the Mills below the ſame, without Interruption, and when and ſo long only as the ſaid reſpective Gauges ſhall run full as aforeſaid, the ſaid Company of Proprietors ſhall and may take and uſe the Surplus Water in the ſaid Reſervoir or Reſervoirs to and for the Uſe of the ſaid Canal, and at all other Times the Whole of the ſaid Water of the ſaid Reſervoir or Reſervoirs, and the Streams ſupplying the ſame, ſhall be cauſed by the ſaid Company of Proprietors to run in their ancient Courſe, to the entire Uſe of the Mills below.

Engineers to aſcertain Gauges, &c.

XV. And whereas by the making of the ſaid Canal, Reſervoirs, and other Works, ſome of the Springs which now flow into the Streams and Watercourſes ſupplying the Mills on the ſaid Rivers *Irk*, *Roach*, *Irwell*, and *Calder*, may be intercepted and diverted from flowing into the ſaid Streams and Watercourſes as they have been uſed to flow, and the

the downfall Water of Showers may be intercepted and diverted from flowing to the Supply of the ſaid Mills, at Times when Water may be wanted for ſuch Supply; be it therefore further enacted, That the ſaid Company of Proprietors ſhall, and are hereby required, in the Firſt Place, and before all other Uſes or Purpoſes whatſoever, to diſcharge from the ſaid Canal and Reſervoirs, for and towards the Supply of the ſaid Mills, a Quantity of Water equal to double the Quantity of the Water which ſhall be ſo intercepted and diverted; and for aſcertaining the Quantity of Water ſo to be diſcharged towards the Supply of the Mills on the ſaid Rivers *Irk*, *Roach*, and *Irwell*, Three Engineers or proper Perſons ſhall be appointed in Manner following; (that is to ſay), One ſuch Perſon ſhall be appointed by the Owners of the major Part of the Mills on the ſaid Rivers *Irk* and *Roach*, and the ſaid River *Irwell* below the Junction thereof with the *Roach*, by Writing under their Hands, before the Firſt Day of *July* One thouſand ſeven hundred and ninety-four, and another ſuch Perſon ſhall be appointed, by Writing under the Common Seal of the ſaid Company of Proprietors, before the ſaid Firſt Day of *July* One thouſand ſeven hundred and ninety-four, and the ſaid Two Perſons ſhall and are hereby required, by Writing under their Hands, before the Fifteenth Day of *July* One thouſand ſeven hundred and ninety-four, to appoint a Third Perſon to act with them; and for aſcertaining the Quantity of Water ſo to be diſcharged towards the Supply of the Mills on the ſaid River *Calder*, Three Engineers or proper Perſons ſhall be appointed in Manner following; (that is to ſay), One ſuch Perſon ſhall be appointed by the Owners of the major Part of the Mills upon the ſaid River *Calder*, above *Salter Hebble*, by Writing under their Hands, before the ſaid Firſt Day of *July* One thouſand ſeven hundred and ninety-four, and another ſuch Perſon ſhall be appointed, by Writing under the Common Seal of the ſaid Company of Proprietors, before the ſaid Firſt Day of *July* One thouſand ſeven hundred and ninety-four, and the ſaid Two Perſons ſhall and are hereby required, by Writing under their Hands, before the Fifteenth Day of *July* One thouſand ſeven hundred and ninety-four, to appoint a Third Perſon to act with them; and the ſaid Perſons ſo to be appointed for the reſpective Purpoſes aforeſaid ſhall, and are hereby required to meaſure, gauge, and eſtimate, the Quantity of Water ariſing from ſuch Springs as aforeſaid which ſhall or may be ſo intercepted or diverted, and alſo the Quantity of downfall Water of Showers which ſhall or may be ſo diverted, at Times when ſuch downfall Waters would be uſeful to the ſaid Mills reſpectively, and to deliver to the Commiſſioners herein appointed to ſettle Differences between the ſaid Company of Proprietors of the ſaid Canal and the Proprietors of Lands, or any Five or more of ſuch Commiſſioners, Certificates in Writing, to be verified by the ſaid Perſons ſo to be appointed reſpectively upon Oath, (which Oath ſuch Commiſſioners are hereby authorized and required to adminiſter), ſtating the true Amount of ſuch Water as ſhall or may be ſo intercepted and diverted as aforeſaid, as the ſame ſhall be eſtimated by them reſpectively; and the ſaid Commiſſioners, or any Five or more of them, ſhall, and are hereby authorized and required, to direct ſuch Quantity of Water as aforeſaid to be diſcharged, and in what Manner and at what Places the ſame ſhall be diſcharged, and to direct ſuch proper Gauges to be fixed upon the ſaid Canal or Reſervoirs for the Purpoſe of diſcharging ſuch Water as aforeſaid, of ſuch Dimenſions as ſhall be ſufficient to diſcharge double the Quantity of Water by

ſuch Certificates declared to be intercepted, and alſo to make and appoint ſuch Regulations reſpecting the ſame as they ſhall think proper; and the ſaid Commiſſioners, or any Five or more of them, ſhall from Time to Time make Certificates in Writing under their Hands of what they ſhall determine or direct concerning the Premiſes, which Certificates ſhall be recorded with the Clerks of the Peace for the ſaid County of *Lancaſter* and of the Weſt Riding of the ſaid County of *York*, and a Copy of ſuch Records, ſigned by either of the ſaid Clerks of the Peace, ſhall at all Times be admitted as Evidence of the ſame; and if ſuch Perſons ſhall not be appointed for the ſaid ſeveral Rivers reſpectively, in the Manner and within the Time aforeſaid, or in caſe of the Death of any of them, or any of their refuſing to act, the ſaid Commiſſioners, or any Five or more of them, are hereby authorized and required, by Writing under their Hands, to appoint One or more proper Perſon or Perſons for the Purpoſes aforeſaid, ſo as to make up the Number of Three for the ſaid Rivers *Irk*, *Roach*, and *Irwell*, and Three for the ſaid River *Calder*; and the Perſon or Perſons ſo to be appointed ſhall and may act in the Premiſes in the ſame Manner as if he or they had been originally appointed as hereby firſt directed, and all the Expences of all the ſeveral Perſons ſo to be appointed as aforeſaid, and of the ſaid Commiſſioners, ſhall be paid by the ſaid Company of Proprietors.

For appointing Agents to examine and inſpect ſuch Gauges.

XVI. And be it further enacted, That Agents ſhall and may be appointed by and on the Behalf of the Owners of Mills on the ſaid Rivers *Irk*, *Roach*, *Irwell*, and *Calder*, to examine and inſpect from Time to Time the State and Condition of the ſaid Gauges, in Manner following; (that is to ſay), It ſhall and may be lawful to and for the Owners of the major Part of the Mills ſituate upon the ſaid River *Irk*, and the Brooks, Streams, and Feeders, flowing into the ſame River, and which Mills ſhall be liable to be affected by the making the ſaid Canal, from Time to Time, by Writing under their Hands, to appoint One ſuch Agent on their Behalf for the Purpoſes aforeſaid; and that it ſhall and may be lawful to and for the Owners of the major Part of the Mills ſituate upon the ſaid River *Roach*, and the ſaid River *Irwell* below the Junction thereof with the *Roach*, and the Brooks, Streams, and Feeders, flowing into the ſaid River *Roach*, and which Mills may be liable to be affected by the making and ſupplying the ſaid Canal, in like Manner to appoint One other ſuch Agent on their Behalf for the Purpoſes aforeſaid; and that it ſhall and may be lawful to and for the Owners of the major Part of the Mills on the ſaid River *Calder*, above *Salter Hebble*, and the Brooks, Streams, and Feeders, flowing into the ſaid laſt-mentioned River, and which Mills may be liable to be affected by the making and ſupplying the ſaid Canal as aforeſaid, to appoint One other ſuch Agent on their Behalf for the Purpoſes aforeſaid, and that each of the ſaid Agents ſhall be paid by the ſaid Company of Proprietors of the ſaid Canal at the Rate of Ten Shillings and Sixpence *per* Day, not exceeding Eight Days in each Year.

Mill Holders on the *Calder* may repair Damages at the Expence of the Proprietors of the Canal.

XVII. And be it further enacted, That all Perſons intereſted in the Water of the ſaid River *Irk*, the ſaid River *Roach*, the ſaid River *Irwell* below the Junction thereof with the *Roach*, and the ſaid River *Calder* above *Sowerby* Wharf, or any of the Springs, Watercourſes, or Streams of Water, flowing thereto, ſhall at all Times, by themſelves or their Agents,

Agents, have free Acceſs to the Whole of the ſaid Canal, and to any Reſervoir or Reſervoirs, or other Receiver or Conductor of Water, for the Purpoſe of ſupplying the ſame Canal with Water, and into and upon the Lands and Grounds of the ſaid Company of Proprietors, or any other Perſon or Perſons whomſoever, to view and examine the ſeveral Places where Water ſhall be taken for any Reſervoir or Reſervoirs, or other Works made for the Uſe of the ſaid Canal, for the Purpoſe of aſcertaining what Quantity of Water ſhall be taken to the Uſe of the ſaid Canal, or prevented from flowing to the Uſe of the Perſons intereſted therein below, and whether the Gauges, Tunnels, Culverts, Trenches, and Drains, herein-before mentioned to be fixed or placed, ſhall be in good Repair; and if it ſhall at any Time appear, that, from any Obſtruction, Want of Repair, or other Cauſe, the full and proper Quantity of Water is prevented from flowing or running to the entire Uſe of the Perſons intereſted therein below, it ſhall be lawful for ſuch Perſons, or any of them, or their, or any of their Agents, effectually to remove ſuch Obſtruction or other Cauſe, and make any Repair neceſſary to ſecure the full and proper flowing of the ſaid Water to the Perſons intereſted therein as aforeſaid; and all reaſonable Expences thereof, together with the Coſts and Charges attending the ſame, ſhall be repaid by the ſaid Company of Proprietors to any ſuch Perſon or Perſons aforeſaid, within the Space of Three Calendar Months next after an Account and Demand ſhall have been delivered and made thereof to any of their Clerks or known Agents; and in Default of ſuch Payment the Commiſſioners herein-after mentioned ſhall and 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 Perſon and Perſons as aforeſaid, rendering to the ſaid Company of Proprietors, or to ſome of their Agents, the Overplus, (if any), after deducting the reaſonable Charges of making ſuch Diſtreſs and Sale, or otherwiſe ſuch Perſon or Perſons ſhall and may ſue for and recover the ſame againſt the ſaid Company of Proprietors by Action of Debt or on the Caſe, 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*.

No Water to be taken from the River *Hebden* and *Cowden Beck*.

XVIII. Provided alſo, 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 take any Water for the Uſe or Supply of the ſaid Canal and Cuts, or any of them, or any Reſervoir to be made as aforeſaid, out of or from a certain Brook called *Hebden Brook*, in the Weſt Riding of the ſaid County of *York*, or any Stream, Spring, Feeder, Watercourſe, or Rivulet, running into the ſaid Brook, or out of or from a certain other Brook or Rivulet called *Cowden Beck*, otherwiſe *Cowden Clough*, in the ſaid Weſt Riding of the County of *York*, or any Brook, Stream, Spring, Feeder, Watercourſe, or Rivulet, running into the ſaid laſt-mentioned Brook or Rivulet.

Breadth of Canal, Cuts, and Towing Paths.

XIX. Provided always, and be it further enacted, That the Land to be taken or uſed for the ſaid Canal, Cuts, and Towing Paths, and the Ditches, Drains, and Fences, to ſeparate ſuch Towing Paths from the adjoining Lands, ſhall not exceed Thirty-ſix Yards in Breadth, except in ſuch Places where any Dock, Baſon, or Reſervoir, ſhall be made, or

where the ſaid Canal or Cuts ſhall be raiſed higher, or cut more than Five Feet deeper than the preſent Surface of the Land, and 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 of any Coals, or other Goods or Things which ſhall be conveyed on the ſaid Navigation; and not above Sixty Yards in Breadth in any Place, except at or near *Slacks Brook*, and there not above Eighty Yards in Breadth.

Power to make Inclined Planes.

XX. And be it further enacted, That in caſe the ſaid Company of Proprietors ſhall judge it expedient that Boats, Barges, or other Veſſels, Waggons or other Carriages, ſhould be conveyed over or along any Parts of the Line herein-before mentioned for making the ſaid Canal and Cuts, or any of them, by Rollers, Inclined Planes, Rail Ways, or in any other Manner than by Water, it ſhall be lawful for the ſaid Company of Proprietors to cauſe any Rollers, Inclined Planes, Rail Ways, or other Works, to be made for that Purpoſe, at ſuch Parts and Places within the Line herein-before mentioned for making the ſaid Canal and Cuts, or any of them, as they ſhall think proper, and the ſame ſhall be conſidered to be Part of the ſaid Canal and Cuts, in like Manner as if ſuch Parts or Places were made navigable.

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

XXI. Provided always, That nothing in this Act contained ſhall extend to enable the ſaid Company of Proprietors to erect or build any Houſe, Mill, or other Building, (other than Warehouſes, Toll Houſes, and Watch Houſes, for the Uſe of the ſaid Canal and Cuts), upon the Lands which ſhall be ſet out for the Towing Paths, Wharfs, or Quays, on the Sides thereof, without the Conſent, in Writing, of the Perſon or Perſons who ſhall be Owner or Owners of ſuch Lands at the Time of ſetting out the ſame for the Purpoſes aforeſaid, or to convert or employ any Water that ſhall be brought into, or diſcharged out of, the ſaid Canal and Cuts, Trenches, or Sluices, hereby authorized to be made for the Uſe of any Mill hereafter to be erected near the ſame, or to cut down any Timberwood, Bruſhwood, or Underwood, upon any of the Lands through or into which the ſaid Canal, Cuts, Trenches, Sluices, Roads, Paſſages, Works, or Conveniencies, or any Part thereof, ſhall be made, (except ſuch Timberwood, Bruſhwood, or Underwood, as ſhall grow or be in or upon any of the Lands which ſhall be taken or uſed for the making of the ſaid Canal, Cuts, Towing Paths, Trenches, Sluices, Roads, Paſſages, or Conveniencies reſpectively, as aforeſaid), and the Proprietors of the reſpective Lands on which ſuch Timberwood, Bruſhwood, or Underwood, hereby authorized to be cut down, is now ſtanding or growing, their Heirs or Aſſigns, ſhall have it in their Election to take ſuch Timberwood, Bruſhwood, or Underwood reſpectively, when felled or cut down, at ſuch Price or Value as the ſame reſpectively ſhall have been eſtimated or purchaſed by the ſaid Company of Proprietors; but in caſe the ſame ſhall not have been eſtimated or purchaſed by the ſaid Company of Proprietors, upon a Valuation ſeparate or diſtinct from the Lands upon which the ſame ſhall reſpectively grow, and the Proprietors of ſuch Lands, and the ſaid Company of Proprietors, or their Agents, ſhall not agree touching the Value thereof, then at ſuch Price or Value as the Commiſſioners herein-after appointed ſhall direct; which

ſaid Timberwood, Bruſhwood, or Underwood, ſo to be cut down, ſhall and may be carried and conveyed upon the ſaid Canal and Cuts, or any of them, free from all Rates to be raiſed and levied by virtue of this Act; and if any Houſe, Mill, or other Building, (except as aforeſaid), ſhall be erected, it ſhall be lawful for the Perſon or Perſons who was or were Owner or Owners of ſuch Lands at the Time of ſetting out the ſame, for the Purpoſes aforeſaid, his, her, or their Heirs or Aſſigns, to pull down and remove every ſuch Houſe, Mill, and other Building, without being deemed guilty of Treſpaſs, or being liable to any Action or Proſecution for ſo doing.

Bodies Politick, &c. impowered to ſell Lands, &c.

XXII. And be it further enacted, That after any Lands or other Hereditaments ſhall be ſet out and aſcertained for making the ſaid Canal and Cuts, and other the Purpoſes and Conveniencies hereby authorized or directed, it ſhall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Huſbands, Guardians, Truſtees, Feoffees in Truſt for Charities, and other Purpoſes, Committees, Executors, and Adminiſtrators, and all other Truſtees, Tenants for Life or in Tail, 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, and intereſted in their own Right, and to and for all and every other Perſon or Perſons who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in, any Lands or other Hereditaments, which ſhall be ſo ſet out and aſcertained as aforeſaid, or any Part thereof, to contract for, ſell, and convey, to the ſaid Company of Proprietors, all or any Part of ſuch Lands or other Hereditaments, which ſhall, from Time to Time, be ſo ſet out and aſcertained as aforeſaid; and where, by making the ſaid Canal and Cuts, or any of them, or the Conveyance of Water thereto, the Property of any Land Owner or Owners ſhall be ſeparated into ſmall Parcels, ſo as to render the Occupation thereof inconvenient, it ſhall be lawful for any ſuch Bodies Politick, Corporate, and Collegiate, and other Perſon or Perſons aforeſaid, by and with the Conſent of the Commiſſioners hereby appointed, (ſuch Conſent to be teſtified by any Writing under their Hands and Seals), to contract for, ſell, and diſpoſe of, or to convey in Exchange in lieu of other Lands, all or any Part of ſuch Lands, ſo ſeparated into ſmall Parcels as aforeſaid, to any Perſon or Perſons, for ſuch Price, or Conſideration in Money or other Equivalent, as to the ſaid Commiſſioners ſhall ſeem reaſonable; and that all ſuch Contracts, Agreements, Sales, Exchanges, Conveyances, and Aſſurances, ſhall be valid and effectual in Law, to all Intents and Purpoſes whatſoever, any Law, Statute, Uſage, or Cuſtom, to the contrary notwithſtanding; and all Bodies Politick, Corporate, or Collegiate, and other Perſons, ſo ſelling, conveying, or exchanging as aforeſaid, are hereby indemnified for what they ſhall reſpectively do by virtue and in purſuance of this Act; and all ſuch Contracts, Agreements, Sales, Exchanges, Conveyances, and Aſſurances, ſo to be made as aforeſaid, (other than thoſe which concern any Purchaſe or Exchange between any ſuch reſpective Land Owners), ſhall, at the Expence of the ſaid Company of Proprietors, be inrolled with the Clerk of the Peace for the County or Riding in which ſuch Lands or other Hereditaments ſhall reſpectively lie, and Copies thereof, ſigned by ſuch Clerk of the Peace, purporting

purporting to be true Copies, ſhall be allowed to be good Evidence in all Courts whatſoever; for which Inrollment, or a Copy thereof, the Clerk of the Peace ſhall receive the Sum of Three-pence and no more, for every One hundred Words, and ſo in Proportion for any leſs Number of Words; which ſaid Contracts, Sales, and Conveyances, may be made according to the following Form; *(videlicet)*,

Form of Conveyance of Lands to the Company.

'I *A.B.* of in Conſideration of the Sum
of to me paid [*or*, in Conſideration
of the Annual Rent of to me to be
'hereafter yielded and paid] by the Company of Proprietors of the
'*Rochdale* 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 them
'the ſaid Company for ever, by virtue, and according to the Intent and
'Meaning of the Act of Parliament paſſed for making and maintaining
'the ſaid *Rochdale* Canal. In Witneſs whereof, I have hereunto ſet my
'Hand and Seal, this Day of

Copyhold Rights preſerved.

XXIII. Provided always, That all Contracts, Agreements, Bargains, Sales, and Exchanges, of any Lands or other Hereditaments, which are of the Nature of Copyhold, ſhall be executed and completed by Surrender thereof in the reſpective Courts of the Manors whereof the ſame are held, according to the Cuſtom of the ſaid Manors reſpectively, and ſhall remain ſubject to ſuch and the ſame Fines, Rents, and Services, as the ſame would have been ſubject to if this Act had not been made.

Commiſſioners appointed.

XXIV. And be it further enacted, That every Perſon ſeiſed of or entitled in his own Right, or in Right of his Wife, of or in Freehold or Copyhold Eſtates of Two hundred Pounds *per Annum*, lying in the County of *Lancaſter*, and in the Weſt Riding of the County of *York*, or either of them, and the eldeſt Son or Heir Apparent of every Perſon having ſuch Eſtate as aforeſaid, of Six hundred Pounds *per Annum*, within the ſaid County of *Lancaſter* and the Weſt Riding of the ſaid County of *York*, or either of them, and every Perſon reſiding within the County of *Lancaſter* and the Weſt Riding of the County of *York*, or either of them, and having a Perſonal Eſtate of the Value of Five thouſand Pounds, ſhall be and is hereby appointed a Commiſſioner for ſettling, determining, and adjuſting, all Queſtions, Matters, and Differences, which ſhall or may ariſe between the ſaid Company of Proprietors and the ſeveral Proprietors of, and Perſons intereſted in, any Lands or other Hereditaments, that ſhall or may be taken, uſed, affected, or prejudiced, by the Execution of any of the Powers hereby granted, and for other the Purpoſes in this Act mentioned, except ſuch as are hereby directed to be done by the ſaid Select Commiſſioners as aforeſaid.

Commiſſioners not to act where intereſted; and to take an Oath for the due Execution of the Act.

XXV. Provided always, That no Perſon (except the ſaid Select Commiſſioners, with reſpect to the Matters directed to be done by them as aforeſaid) ſhall act as a Commiſſioner in any Caſe in the Execution of this Act, during the Time of his holding any Place of Profit ariſing out of the Rates to be collected by virtue of this Act, or 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 anywiſe intereſted or concerned in the Matter in Queſtion; nor ſhall any Perſon act as a Commiſſioner in the Execution of this Act, (otherwiſe than in adminiſtering an Oath or Affirmation to the Effect following, to the other Commiſſioners), until he ſhall have taken and ſubſcribed ſuch Oath or Affirmation before any One of the ſaid Commiſſioners, who is hereby authorized and impowered to adminiſter the ſame; (that is to ſay),

'I *A. B.* do ſwear, [*or*, being One of the People called Quakers, do ſolemnly and ſincerely declare and affirm], That I will truly and impartially, according to the beſt of my Skill and Knowledge, execute and perform the Powers and Authorities veſted in me as a Commiſſioner, by virtue of an Act of Parliament, made in the Thirty-fourth Year of the Reign of King *George* the Third, intituled, [*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.'

Penalty on acting not being qualified.

And if any Perſon by this Act declared incapable to act as a Commiſſioner, ſhall nevertheleſs preſume to act as ſuch in the Execution of this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit the Sum of Fifty Pounds, to any Perſon who 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 at *Weſtminſter*.

Commiſſioners may act as Juſtices.

XXVI. Provided alſo, That ſuch of the ſaid Commiſſioners who are or ſhall be in the Commiſſion of the Peace for the County of *Lancaſter*, or for the ſaid Weſt Riding of the County of *York*, ſhall be and are hereby impowered to act as Juſtices of the Peace in the Execution of this Act, notwithſtanding their being Commiſſioners.

Notice to be given of the Meetings.

XXVII. And be it further enacted, That the ſaid Commiſſioners ſhall hold their Firſt Meeting for the Purpoſes of this Act, at ſuch Time and Place as they ſhall be thereunto required by the Firſt General Aſſembly of the ſaid Company of Proprietors, by Advertiſement in ſome One or more Newſpaper or Newſpapers of the ſaid Counties reſpectively, and that no ſubſequent Meeting of the ſaid Commiſſioners ſhall at any Time be had for putting in Execution any of the Powers veſted in them by this Act, unleſs previous Notice of the Time, Place, and Purpoſe of ſuch Meeting, ſhall be given in ſome One or more Newſpaper or Newſpapers of the ſaid Counties reſpectively, at leaſt Fourteen Days before ſuch Meeting, and every ſuch Notice ſhall ſpecify the Time and Place of Meeting, and the ſeveral Matters and Things then and there propoſed to be done, and every Meeting of the ſaid Commiſſioners by virtue of this Act ſhall be publick, and no Act, Order, or Proceeding, of the ſaid Commiſſioners, or any of them, in the Execution of this Act, (except in ſuch Caſes as are hereby otherwiſe directed), ſhall be valid, unleſs the ſame ſhall be made or done at a Meeting to be held in purſuance of this Act; and all the Powers and Authorities by this Act given to or veſted in the ſaid Commiſſioners, ſhall and may from Time to Time be exerciſed by the Majority of the Commiſſioners preſent at every ſuch Meeting, the whole Number preſent not being leſs than Five.

On Application, Commissioners to hold Meetings.

XXVIII. And be it further enacted, That upon any Application to be made by the Committee of the said Company of Proprietors, or by the Owner or Occupier of any Lands or other Hereditaments to be affected by the making of the said Canal and Cuts, or any of them, or any of the Works necessary or relating thereto, or by any other Body Politick or Corporate, or Person or Persons interested in any Matter to be determined by the said Commissioners, unto the said Commissioners, or any Five or more of them, requesting or desiring them to appoint a General Meeting of the said Commissioners; the Commissioners so applied to, or any Five or more of them, (although not assembled at a Meeting in pursuance of this Act), shall, and they are hereby authorized and required, within Eight Days after such Request or Application made, to give Notice by publick Advertisement in such Newspaper or Newspapers as 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-five Days from the Day on which such Request shall be made to them as aforesaid, and such Place not being more than Ten Miles distant from the Spot where such Cause of Complaint shall arise, and the said Commissioners are hereby authorized, impowered, and required, notwithstanding any Adjournment of their Meeting, to assemble at the Time and Place so to be appointed, in order to put this Act in Execution, and may then adjourn themselves, and afterwards meet at such Time and Place as the Majority of the said Commissioners then 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 held by the said Commissioners, a sufficient Number of Commissioners to act at such Meeting, and to adjourn to any other Time, the Clerk to the said Commissioners shall and may, by Notice to be given in Manner aforesaid, appoint the said Commissioners to meet at the Place where the last Meeting was appointed to be held, on that Day Fortnight next after the Day on which such last Meeting was appointed to be held.

Commissioners to determine what Sums the Company shall pay for the Land and Damages.

XXIX. And be it further enacted, That the said Commissioners are hereby authorized and impowered, by Writing under their Hands and Seals, with the Consent of the Parties concerned, to determine and adjust, from Time to Time, what Sum or Sums of Money shall be paid by the said Company of Proprietors, either by an Annual Rent or Payment, or by a Sum of Money in Gross, to and at the Election of such Bodies Politick, Corporate, or Collegiate, or any Person or Persons who shall be so entitled or interested as aforesaid, for the absolute Purchase of the Lands or other Hereditaments which shall be set out and ascertained for making the said Canal, Cuts, Reservoirs, Towing Paths, and other Works, or any Part thereof, and other the Purposes herein mentioned; and also to determine and adjust what other distinct Sum or Sums of Money shall be paid by the said Company of Proprietors, as a Recompence for any Damages which may or shall be at any Time or Times sustained by any such Bodies Politick, Corporate, or Collegiate, or by any Person or Persons being Owners of or interested in any Houses, Mills, Edifices, Lands, or other Hereditaments, for or by Reason of the severing or dividing the same, or the making, maintaining, or repairing the said Canal and Cuts, Reservoirs, Aqueducts, Feeders, Trenches, Passages, Watercourses, Roads, Ways, or Sluices, or supplying the same,

ſame, or any of them with Water as aforeſaid, or by the flowing, leaking, or oozing of the Water, over or through the Banks of the ſaid Canal and Cuts, Reſervoirs, Trenches, Locks, or Sluices, or through any Breach in the Banks of the ſaid Canal, Cuts, or Reſervoirs, or any of them, or over or through any Paſſages or Watercourſes, which ſhall be made purſuant to the Powers hereby given, for conveying or communicating Water to or from the ſaid Canal or Cuts, or by not cleanſing the ſaid Watercourſes, Trenches, or Paſſages, or by turning or diverting any Streams or Brooks into the ſame, or by Reaſon or Means of the Execution of any of the Powers herein contained, by the ſaid Company of Proprietors, or by their Agents, Servants, Workmen, Officers, or Aſſiſtants, in caſe ſuch Price or Value, Damages and Recompence reſpectively, cannot be ſettled, adjuſted, and agreed upon by and between the ſaid Company of Proprietors, or their Agent or Agents, and ſuch Proprietors of, or Perſons intereſted in, the ſaid Lands or other Hereditaments as aforeſaid; and if the ſaid Company of Proprietors, or any ſuch Body Politick, Corporate, or Collegiate, or other Perſon or Perſons ſo intereſted or entitled as aforeſaid, ſhall refuſe or neglect forthwith to ſubmit any ſuch Matter to the Determination of the ſaid Commiſſioners, or ſhall be diſſatisfied with any Determination which ſhall be by them made as aforeſaid, or if any ſuch Body Politick, Corporate, or Collegiate, Truſtee or Truſtees, or any other Perſon or Perſons as aforeſaid, ſhall refuſe to receive, upon due Tender thereof made, ſuch Purchaſe Money or the Firſt Payment of ſuch Annual Rent, or ſuch Recompence as ſhall be ſo determined to be paid, or ſhall, upon Notice in Writing given to the principal Officer of any ſuch Body Politick, Corporate, or Collegiate, or to ſuch Truſtee or Truſtees, Perſon or Perſons reſpectively, or left at the laſt or uſual Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of ſuch Lands or other Hereditaments, 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 as ſhall be neceſſary for the Purpoſes aforeſaid, or ſhall not, within the beforementioned Space of Twenty-one Days, produce and evince a clear Title to the Premiſes which they are or ſhall be in Poſſeſſion of, or to the Intereſt which they claim therein, then, and in every ſuch Caſe, the ſaid Commiſſioners ſhall, and 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 the Senior Coroner of the County of *Lancaſter* or of the ſaid Weſt Riding of the County of *York*, and in caſe he ſhall be ſo intereſted, then to the next Coroner of ſuch County or Riding, in Point of Seniority, not intereſted as aforeſaid, commanding ſuch Sheriff or Coroner to impannel, ſummon, and return a Jury, and he is hereby required accordingly to impannel, ſummon, and return Twenty-four ſufficient and indifferent Men, qualified according to the Laws of this Realm, to be returned for the Trials of Iſſues in His Majeſty's Courts at *Weſtminſter*, to appear before the ſaid Commiſſioners at ſuch Time and Place as in ſuch Warrant ſhall be appointed, not being leſs than

Jury to be ſummoned in certain Caſes.

than Nine, nor more than Twenty-one Days after such Warrant shall be served upon the said Sheriff or Coroner, and in case a sufficient Number of Persons so summoned shall not appear at the Time and Place so to be appointed as aforesaid, the said Sheriff or Coroner 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 a Jury to the Number of Twelve, and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Commissioners are hereby impowered to summon and call before them all and every such Person and Persons who shall be thought necessary to be examined as a Witness or Witnesses touching the Matters in Question; and the said Commissioners may order and authorize the said Jury, or any Six or more of them, to view the Place or Places, or Matters, in 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 and required 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.

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

3

XXXI. And

XXXI. And be it further enacted, That in all Caſes where a Verdict ſhall be given for more Money as a Recompence or Satisfaction for any Lands or other Hereditaments, or Property, of any Perſon or Perſons, or for any Damage to be done to any Lands or other Hereditaments, or Property, of any Perſon or Perſons, than had been previouſly offered by or on Behalf of the ſaid Company of Proprietors or than had been determined and aſſeſſed by the ſaid Commiſſioners, or if no ſuch Recompence or Satisfaction had been offered or tendered in Reſpect of Damages, by or on Behalf of the ſaid Company of Proprietors, then all the Expences of calling a Meeting of ſuch Commiſſioners, (in caſe the Matter ſhall have been referred to or determined by them), and of ſummoning ſuch Jury, and taking ſuch Inqueſt, ſhall be ſettled by the ſaid Commiſſioners, and be defrayed by the ſaid Company of Proprietors; but if a Verdict ſhall be given for the ſame, or a leſs Sum than had been previouſly offered by or on Behalf of the ſaid Company of Proprietors, or than had been determined or aſſeſſed by the ſaid Commiſſioners as aforeſaid, or in caſe no Damages ſhall be given by the Verdict, where the Diſpute is for Damages only, then, and in every ſuch Caſe, the ſaid Coſts and Expences ſhall be ſettled in like Manner by the ſaid Commiſſioners, and be borne and paid by the Perſon or Perſons with whom the ſaid Company of Proprietors ſhall have ſuch Controverſy or Diſpute; which ſaid Coſts and Expences, having been ſo ſettled, ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged, where the ſame ſhall exceed ſuch Coſts and Expences, as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons; and the Payment or Tender of the Remainder of ſuch 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.

Expences of Commiſſioners and Jury by whom to be borne.

XXXII. And be it further enacted, That all and every Perſon or Perſons requeſting ſuch Jury, ſhall, before the ſaid Commiſſioners ſhall be obliged to iſſue out their Warrant for ſummoning ſuch Jury, firſt enter into a Bond, with ſufficient Securities, to the Treaſurer to the ſaid Company of Proprietors, in the Penalty of Fifty Pounds, to bear and pay the Coſts and Expences of ſummoning ſuch Jury and taking ſuch Inqueſt, in caſe the ſame ſhall be payable by the Perſon or Perſons entering into ſuch Bond.

Perſons requeſting a Jury, to enter into a Bond to proſecute, before Commiſſioners iſſue their Warrant for a Jury.

XXXIII. Provided always, That the ſaid Commiſſioners, or any of them, ſhall not be obliged by virtue of this Act, to receive or take Notice of any Complaint to be made by any Perſon or Perſons, for any Damage or Injury by him, her, or them ſuſtained, or ſuppoſed to be ſuſtained, by virtue or in conſequence of this Act, unleſs Application in Writing 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 Clerk or Treaſurer, 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.

Notice of Injury to be given to the Company before the Complaint made to the Commiſſioners.

XXXIV. And be it further enacted, That all and every Perſon and Perſons, who in any Examination to be taken by virtue of this Act, ſhall give falſe Evidence before the Commiſſioners, or any of them,

Penalty on giving falſe Evidence.

or before any Juſtice of the Peace, ſhall and may be proſecuted for the ſame, and upon Conviction thereof ſhall be ſubject to ſuch Puniſhments and Diſqualifications as any Perſon or Perſons can or may be ſubject to for wilful and corrupt Perjury, by any of the Laws or Statutes of this Realm.

Verdicts to be recorded, and on Satisfaction being made or tendered, the Lands veſted in the Company.

XXXV. And be it further enacted, That all the Determinations of the ſaid Commiſſioners which ſhall be ſubmitted to and acquieſced in by the Parties concerned, and alſo the Verdicts of the Juries and the Judgements of the ſaid Commiſſioners thereon as aforeſaid, ſhall be tranſmitted to and kept by the Clerk of the Peace for the County of *Lancaſter*, or by the Clerk of the Peace for the Weſt Riding of the County of *York*, according as the Matter in Queſtion ſhall happen in the One or the other of the ſaid Counties, and ſhall be deemed Records to all Intents and Purpoſes, and the ſame, or true Copies thereof, ſhall be allowed to be good Evidence in all Courts whatſoever, and all Perſons ſhall have Liberty to inſpect the ſame, and alſo the Inrolment of all ſuch Contracts, Agreements, Sales and Conveyances as are herein mentioned, paying for each Inſpection the Sum of One Shilling and no more, and to take Copies thereof, paying for every Copy after the Rate of Three-pence for every One hundred Words; and that immediately on ſuch Payment, or legal Tender of ſuch Sum or Sums of Money, or on giving ſuch Security as the ſaid Commiſſioners ſhall approve for Payment of any ſuch Annual Rent as ſhall be contracted or agreed for between the Parties, or determined or aſſeſſed as aforeſaid, for the Purchaſe of any ſuch Lands or other Hereditaments as aforeſaid, or as a Compenſation for Damages as herein-before mentioned, to the Proprietors thereof or other Perſons entitled to receive ſuch Money, Rent, or Compenſation reſpectively, or to the principal Officer, or the Tenant for the Time being, of any ſuch Body Politick, Corporate, or Collegiate, or if any ſuch Proprietors or Perſons cannot be found or aſcertained, or ſhall refuſe to accept ſuch Money, or the Security for ſuch Rent, then upon Payment or Delivery thereof to ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall by Writing under their Hands appoint, for the Uſe of, and to be paid or delivered upon Demand, without Fee or Reward, to ſuch Proprietors or Perſons reſpectively as aforeſaid, it ſhall and may be lawful for the ſaid Company of Proprietors, and their Agents, Workmen, and Servants, immediately to enter upon ſuch Lands and other Hereditaments reſpectively, or before ſuch Payment, Security, or Tender, by Leave of the Owners and Occupiers thereof, and then and thereupon ſuch Lands and other Hereditaments, and the Fee Simple and Inheritance thereof, and all the Eſtate, Right, Title, Intereſt, Uſe, Truſt, Property, Claim, and Demand whatſoever, in Law or Equity, of the Perſon or Perſons for whoſe Uſe ſuch Money or Rent ſhall be paid or ſecured as aforeſaid, into and out of the ſame, ſhall veſt in the ſaid Company of Proprietors and their Succeſſors, and they ſhall be deemed in Law to be in the actual Poſſeſſion and Seiſin thereof in Fee Simple, to all Intents and Purpoſes, as fully and effectually as if every Perſon having any Eſtate therein had been able to convey, and had actually conveyed the ſame to them by the moſt effectual legal Conveyance; and ſuch Payment or Security ſhall not only bar all Right, Title, Intereſt, Claim, and Demand, of the Perſon or Perſons to whoſe Uſe the ſame ſhall be made or granted, but alſo the Dower and Dowers

of the Wife and Wives of every ſuch Perſon and Perſons, and all Eſtates Tail, and other Eſtates in Reverſion or Remainder, of his, her, or their Iſſue or Iſſues, and of every other Perſon or Perſons whomſoever: Provided always, that before ſuch Payment, Security, Tender, or Conſent, as aforeſaid, it ſhall not be lawful for the ſaid Company of Proprietors to dig or cut the Lands of the Perſon or Perſons entitled to ſuch Payment or Security, for the Purpoſe of making the ſaid Canal and Cuts or any Part thereof.

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

XXXVI. And be it further enacted, That all Sums of Money which are to be paid to any Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, Committees, or other Truſtees, or Perſons acting as Guardians, Committees, or Truſtees, for or on Behalf of any Infants, Lunaticks, Idiots, Femes Covert, or other Ceſtuique Truſts, or to any Perſon or Perſons whoſe Lands or Eſtates are limited in ſtrict Settlement, for the Purchaſe or Exchange of, or Damage to be done to any Lands or other Hereditaments by virtue of the Powers herein-before or herein-after contained, where the ſame ſhall exceed the Sum of Twenty Pounds, ſhall be laid out, as ſoon as conveniently may be, by ſuch Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, Committees, or other Truſtees, Perſon or Perſons aforeſaid, in the Purchaſe of Lands, Tenements, or Hereditaments in Fee Simple, to be conveyed to or to the Uſe of ſuch Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or ſuch other Perſon or Perſons as aforeſaid, and for ſuch Eſtates, and to, for, or ſubject to ſuch Uſes, Truſts, Limitations, Remainders, and Contingencies, as the Lands or other Hereditaments for or in Reſpect whereof ſuch Money ſhall be paid as aforeſaid, were limited, ſettled, and aſſured, at the Time ſuch Money was ſo agreed for, aſcertained, or aſſeſſed as aforeſaid, or for ſuch and ſo many of ſuch Uſes as ſhall be then exiſting or capable of taking Effect, ſuch Conveyances and Settlements to be made at the Expence of the ſaid Company of Proprietors; and in the mean Time, and until ſuch Purchaſe ſhall be made, the ſaid Money, as alſo ſuch other Sum or Sums of Money to be paid as aforeſaid as ſhall not exceed Twenty Pounds, ſhall be placed out by ſuch Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or other Perſon or Perſons as aforeſaid, in ſome of the publick Funds, or on Government or Real Securities, in the Names of Two or more Perſons, to be nominated by the Party or Parties intereſted therein, and to be approved of by the ſaid Commiſſioners; and as well the Intereſt ariſing or to be produced from ſuch Funds or Securities, as alſo the Annual Rent of all ſuch Lands or other Hereditaments where a Rent ſhall be fixed upon as aforeſaid, ſhall be paid to ſuch Perſon or Perſons reſpectively, as would for the Time being be entitled to the Rents and Profits of ſuch Lands, Tenements, or Hereditaments, ſo to be purchaſed, in caſe the ſame were purchaſed and ſettled purſuant to the Tenor and Meaning of this Act, and that the ſaid Commiſſioners may, and are hereby impowered to ſettle what Shares and Proportions of ſuch Purchaſe Money, or Recompence for Damages as aforeſaid, ſhall be allowed to any Tenant, or other Perſon having a particular Eſtate, Term, or Intereſt, in the Premiſes, for his or her Intereſt therein.

XXXVII. And

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

XXXVII. 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, of the Lands which ſhall be taken or made uſe of by them for the Purpoſes of this Act, to the ſeveral Perſons who now are entitled, or at any Time hereafter might have become entitled to ſuch Tythes, according to their reſpective Intereſt 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 as the Value of any other Lands or Hereditaments are hereinbefore directed to be aſcertained: Provided always, that ſuch Recompence and Satisfaction ſhall be made to all Spiritual Perſons by an Annual Rent.

In Default of Payment of yearly Rents, &c. the Tonnage Rates to become Security.

XXXVIII. And be it further enacted, That, in Default of Payment of ſuch yearly Rents, or other Sum or Sums of Money, at ſuch Time and in ſuch Manner as ſhall be agreed upon, determined, or aſſeſſed and awarded for Damages or Satisfaction of any Kind by virtue of this Act, it ſhall be lawful for the ſaid Commiſſioners to appoint One or more Perſon or Perſons, (from whom the ſaid Commiſſioners ſhall take ſuch Security as they ſhall think ſufficient), to collect and receive the Rates by this Act impoſed, and thereout, in the Firſt Place, to pay all ſuch yearly Rents, or ſuch Recompence for Damages or Satisfaction as aforeſaid, with the Coſts (if any) occaſioned by ſuch Default of Payment, together with legal Intereſt, to be computed from the Time when ſuch yearly Rents ſhall have become due, or ſuch Recompence for Damages or Satisfaction ſhall be awarded, and alſo the Coſts and Expences of collecting and receiving the ſaid Rates; and every Perſon ſo appointed ſhall be deemed a Collector of the ſaid Rates, and ſhall have the like Powers and Authorities for collecting the ſame, as if he had been appointed a Collector of the ſaid Rates by the ſaid Company of Proprietors, until ſuch Annual Rents or Sums of Money, with the Coſts and Charges of collecting and receiving thereof, ſhall be paid, and the Money ſo to be collected or received by ſuch Perſon or Perſons ſhall, and is hereby declared to be, as ſo much Money received to the Uſe of the Perſon or Perſons who ſhall be entitled to receive ſuch yearly Rents, or Recompence for Damages, or Satisfaction as aforeſaid, in Order and Courſe reſpectively as they ſhall be entitled to receive the ſame; and after ſuch yearly Rents, Recompence for Damages, or Satisfaction, Intereſt, Coſts, and Charges, ſhall be paid and ſatisfied, the Power and Authority of every ſuch Collector of the ſaid Rates, to be appointed by the ſaid Commiſſioners as aforeſaid, ſhall ceaſe and determine, or it ſhall be lawful for ſuch Party or Parties entitled to ſuch yearly Rents, or Sums of Money, to ſue for and recover the ſame from the ſaid Company of Proprietors, with full Coſts of Suit, by Action at Law in any of His Majeſty's Courts of Record at *Weſtminſter*, or otherwiſe it ſhall be lawful for ſuch Perſon or Perſons, and he and they is and are hereby impowered to ſeize and diſtrain any Boats, Veſſels, or other Goods or Effects of the ſaid Company of Proprietors, which ſhall be found on the ſaid Canal and Cuts, or any of them, or in, upon, or about the Wharfs, Quays, Warehouſes, or other Works belonging thereto, and to detain the ſame until Payment thereof, together with the reaſonable Charges attending ſuch Diſtreſs; and if ſuch Diſtreſs ſhall not be redeemed

deemed within Five Days after ſuch Diſtreſs made, and Notice thereof given in Writing, by affixing ſuch Notice on ſome publick Place at any of the Wharfs or Quays belonging to the ſaid Company of Proprietors, then ſuch Boats, Veſſels, or other Goods or Effects ſo diſtrained, ſhall and may be appraiſed and ſold in ſuch Manner as the Law directs in Caſes of Diſtreſs for Rent.

Mines, &c. reſerved to Lords of Manors, or other Proprietors.

XXXIX. Provided always, and be it further enacted, That nothing herein contained ſhall extend to defeat, prejudice, or affect, the Right of the Lord or Lords, or Lady or Ladies of any Manor or Manors, or the Owner of any Lands, in, upon, or through which the ſaid Canal, Cuts, and Reſervoirs, or any of them, 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 or under the Lands to be ſet out or made uſe of as aforeſaid, but all ſuch Mines and Minerals are hereby reſerved to the Lord or Lords, Lady or Ladies, of ſuch Manor or Manors, and the Owner of ſuch Lands reſpectively; and it ſhall be lawful for the Lord or Lords, Lady or Ladies, of ſuch Manor or Manors, and the Owner of ſuch Lands reſpectively, (ſubject to the Conditions and Reſtrictions herein contained), to work, get, drain, take, and carry away, to his or her own Uſe, ſuch Mines and Minerals, not thereby injuring, prejudicing, or obſtructing, the ſaid Canal, Cuts, and Reſervoirs, Towing Paths, Wharfs, Quays, Trenches, Sluices, Watercourſes, or other the Conveniencies aforeſaid, or any of them.

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

XL. Provided alſo, That if the Owner or Worker, or Owners or Workers, of any Coal or other Mine or Mines, ſhall, in purſuing or working ſuch Mine, work near to or under the ſaid Canal, Cuts, and Reſervoirs, or any of them, ſo as in the Opinion of the ſaid Company of Proprietors to endanger or damage the ſame, or in the Opinion of the Owner or Worker, Owners or Workers, of the ſaid Mine or Mines, to endanger or damage the further working thereof, then it ſhall be lawful for the ſaid Company of Proprietors to treat and agree with ſuch Owner or Worker, or Owners or Workers, for all ſuch Coals or other Minerals as may be near or under the ſaid Canal, Cuts, and Reſervoirs, or any of them, as ſhall be thought proper to be left for the Security or Preſervation of the ſaid Canal, Cuts, and Reſervoirs, or any of them; and in caſe the ſaid Company of Proprietors, and ſuch Owner or Worker, or Owners or Workers, of ſuch Mine or Mines, ſhall diſagree touching the Satisfaction to be made for ſuch Coal or other Minerals, then it ſhall be lawful for the ſaid Commiſſioners, at the Requeſt of the ſaid Company of Proprietors, or of ſuch Owner or Worker, Owners or Workers, of ſuch Mine or Mines, to cauſe a Jury to be ſummoned and impannelled in the Manner herein directed, who ſhall, and they are hereby authorized and required, by ſuch Ways and Means as aforeſaid, to aſſeſs and determine what Satisfaction ſuch Owner or Worker, Owners or Workers, of ſuch Mine or Mines, ought to have and receive from the ſaid Company of Proprietors, on being reſtrained from working ſuch Mine or Mines, and upon Payment or Satisfaction made to ſuch Owner or Worker, Owners or Workers, of ſuch Mine or Mines, by the ſaid Company of Proprietors, according to the Verdict or Judgement of ſuch Jury, ſuch Owner or Worker, Owners or Workers, of ſuch Mine or Mines ſhall be, and he, ſhe, or they, is or are hereby perpetually reſtrained

from working ſuch Mine or Mines within the Limits for which Satisfaction ſhall be by the ſaid Jury adjudged and declared to extend.

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

XLI. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, by themſelves or their Agents or Servants, at any Time or Times to enter upon any Lands through or near which the ſaid Canal, Cuts, 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, and meaſure, latch, and uſe all other Means for the diſcovering the Diſtance of the ſaid Canal, Cuts, Reſervoirs, and Towing Paths, from the working Parts 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, or Workmen, at the Expence, Coſts, and Charges, of the Owners or Proprietors of ſuch Mine, to enter into and upon ſuch Mine, and from Time to Time to uſe all neceſſary and reaſonable Ways and Means for repairing, ſupporting, ſuſtaining, ſecuring, and making ſafe, the ſaid Canal, Cuts, and Reſervoirs, Towing Paths, and other Works, and ſuch Expences, Coſts, and Charges, ſhall be recovered by the ſaid Company of Proprietors, in caſe of Nonpayment thereof upon Demand, in ſuch and the ſame Manner as any Penalties are herein-after directed to be recovered, and ſhall be paid into the Hands of the Treaſurer to the ſaid Company of Proprietors, for the Uſe and Benefit of the ſaid Company.

Company may make Drains, &c.

XLII. 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 are hereby required, at their own proper Coſts and Charges, to make or cauſe to be made ſuch Arches, Tunnels, Drains, Watercourſes, Sewers, or other Paſſages, over, under, or into, the ſaid Canal and Cuts, and the 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 ſufficiently and in a proper Manner from the Lands adjoining or lying near to the ſaid Canal and Cuts, or any of them, 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 Canal and Cuts, to the Prejudice of any of the Houſes, Mills, Buildings, or Lands, contiguous thereto, making Satisfaction for the Land ſo uſed for the ſame, and for the Damages borne and ſuffered until the ſame are completed; and that all ſuch Arches, Tunnels, Drains, and other Paſſages, ſhall from Time to Time be ſupported, maintained, cleanſed, ſcoured, and kept in good and ſufficient Repair by the ſaid Company of Proprietors, and if at any Time or Times after One Month's Notice ſhall have been given in Writing by or on Behalf of the Owner or Occupier, Owners or Occupiers, of any Houſes, Mills, Buildings, or Lands, contiguous or adjoining to the ſaid Canal and Cuts, or any of them, who ſhall find him, her, or themſelves, aggrieved by the Obſtruction of the ſaid Watercourſes, or by the Oozings from the ſaid Canal, to the Clerk, or to ſome known Agent to the ſaid Company

Company of Proprietors, or ſome Collector of the ſaid Rates, the ſaid Arches, Tunnels, Drains, or other Paſſages, ſhall not be made, cleanſed, and 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 pay the ſame for the Space of Three Calendar Months after Demand thereof made from ſuch Agent or Collector as aforeſaid, ſuch Expences ſhall and may be recovered and levied 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 recovered and levied.

For fencing off Towing Paths.

XLIII. 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 Canal and Cuts, and Towing Paths, to divide and ſeparate, and keep conſtantly divided and ſeparated, the Towing Paths on the Sides of the ſaid Canal and Cuts, 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, in caſe there ſhall be any Diſpute about the ſame, from the Lands adjoining to ſuch Towing Paths, Trenches, Feeders, or Paſſages, with good and ſufficient Poſts, Rails, Hedges, Ditches, Mounds, or other Fences, to be ſet or made on the Lands which ſhall be purchaſed by, conveyed to, or veſted in them as aforeſaid, 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; 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 Canal and Cuts, and the Feeders, Trenches, and Aqueducts communicating therewith, and the Towing Paths on the Sides thereof, of ſuch Dimenſions, and in ſuch Manner as the ſaid Commiſſioners ſhall, from Time to Time, judge neceſſary and appoint, in caſe there ſhall be any Diſpute about the ſame; and alſo make proper and convenient Watering Places for Cattle, where, by Means of the ſaid Canal and Cuts, or any of them, or any other the Works hereby authorized to be made, Cattle ſhall have been deprived thereof, and at all Times ſupply the ſame with Water, for the Uſe of the Owners and Occupiers of the Lands or other Hereditaments adjoining to the ſaid Canal and Cuts, Feeders, Trenches, Aqueducts, and Towing Paths, or any of them reſpectively; and that the ſaid Company of Proprietors ſhall not make the ſaid Canal and Cuts, or any of them, or any Feeder, Trench, or Watercourſe, in or acroſs any common Highway, Publick or Bridle Way, or Foot Path, until they ſhall, at their own proper Charges, have made and perfected ſuch Bridges, Paſſages, or Arches, acroſs ſuch Highway, Bridle Way, or

Making Watering Places.

or Path, 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 as aforesaid, shall, from Time to Time, be by the said Company of Proprietors supported, maintained, and kept in sufficient Repair; and 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 Sides of, or into, the said Canal and Cuts, 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, 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 the Behalf of the Owners or Occupiers of any such Lands, or other Hereditaments, who may be aggrieved by any such Refusal or Neglect, it shall be lawful for any such Owners or Occupiers to make, erect, or set up such Fences, Gates, Stiles, Bridges, Passages, Arches, Culverts, Watering Places, and other Conveniencies as aforesaid, and to maintain, repair, and support the same, from Time to Time, as Occasion shall require, so that in making and maintaining the Works aforesaid, the said Canal and Cuts, or any of them, 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 (to be settled and allowed by the said Commissioners) shall be paid to such respective Owners or Occupiers as aforesaid, by the said Company of Proprietors, within the Space of Two Calendar Months next after the same shall have been so settled and allowed, and an Account and Demand shall have been delivered and made thereof; and in Default of such Payment, the said Commissioners shall, and they are hereby required, by Warrant under their Hands and Seals, to cause the same to be levied by Distress and Sale of the Goods and Chattels of the said Company of Proprietors, and to be paid to such respective Owners or Occupiers as aforesaid, rendering to the said Company of Proprietors, or to some of their Agents, the Overplus, (if any), after deducting the reasonable Charges of making such Distress and Sale, or otherwise, such Owners or Occupiers respectively shall and may sue for and recover the same from the said Company of Proprietors, by Action at Law, 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*.

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

XLIV. And be it further enacted, That if the Owners or Occupiers of any Lands or other Hereditaments through which the said Canal and Cuts, or any of them, shall be made, do or shall 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 Canal or Cuts, or the Towing Paths, Aqueducts, or Feeders, belonging thereto, or any such Watering Places, and other Conveniencies, to be made by the said Company of Proprietors as aforesaid, are insufficient either in the Number, Form,

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

Form, or Situation, for the commodious Uſe and Occupation of their reſpective Lands or other Hereditaments, then, and in every ſuch Caſe, it ſhall be lawful for any ſuch Owners or Occupiers 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 with thoſe made and erected by the ſaid Company of Proprietors, in ſuch Places as ſhall be moſt neceſſary and convenient for the better Uſe or Occupation of ſuch Lands or other Hereditaments, 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 Canal and Cuts, or any of them, be not prevented or obſtructed thereby for any longer Space of Time, or in any other Manner, than the doing of ſuch Works will neceſſarily require.

The Company liable to be indicted for not making and repairing Bridges over the Canal.

XLV. 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 and for all Highways and Roads leading to and paſſing over the ſaid Canal, Cuts, 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 and a Half Inches in every Yard in Length, and ſo on in the like Proportion of Aſcent, and alſo for not repairing, and keeping in Repair, all ſuch Bridges, Wing Walls, Ramparts, Side Banks, and Approaches as aforeſaid, and that the ſaid Company of Proprietors ſhall be liable to pay the Coſts of every ſuch Proſecution, upon Proof of Thirty-one Days Notice being given to or left at the Houſe of the Treaſurer or Clerk to the ſaid Company of Proprietors, previous to the Commencement of ſuch Proſecution, by the Surveyor of the Highways on either Side of the ſaid Canal, or either of the ſaid Cuts, in caſe the ſaid Company of Proprietors ſhall be convicted upon ſuch Proſecution.

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

XLVI. Provided always, That if, on Account of the Situation of the Bridge intended to be made in any ſuch Carriage Highway as aforeſaid, a Swivel or Wooden Bridge would be more convenient to the Publick than a Bridge of Stone or Brick, or that the Approach to be made as aforeſaid cannot be made without very great Expence, of leſs Aſcent than Two and a Half Inches in a Yard in Length, then, and in every ſuch Caſe, upon Application being made to the Juſtices, at any General Quarter Seſſions of the Peace, which ſhall be held for the County, Riding, or Diſtrict, wherein ſuch Bridge is to be erected, by or on Behalf of the ſaid Company of Proprietors, it ſhall be lawful for ſuch Juſtices, upon Proof of Thirty-one Days Notice having been previouſly given of ſuch intended Application to the Surveyor of the Highways within the Townſhip or Diviſion wherein ſuch Bridge is to be built, to enquire into the Premiſes, and to order, direct, and determine, whether ſuch Bridge ſhall be of Stone or Brick, or a Wooden Swivel or Drawbridge, and of what Aſcent any ſuch Approach as aforeſaid ſhall be made, and the ſaid Company of Proprietors ſhall conform to the Determination of the ſaid Juſtices therein, any Thing herein contained to the contrary notwithſtanding; and the ſaid Company of Proprietors ſhall be liable to be indicted at Common Law for not making, and alſo for not repairing ſuch Swivel, Wooden, and Drawbridges, in the ſame Manner as they are herein-before

made liable to be indicted for not making and repairing Stone and Brick Bridges, and ſhall alſo in like Manner be liable to Coſts.

Swivel and Drawbridge to be ſhut and faſtened after Veſſels ſhall have paſſed.

XLVII. And be it further enacted, That if any Swivel Bridge or Drawbridge ſhall be laid over or acroſs the ſaid Canal, or any Cuts, Trenches, or Paſſages to be made by virtue of this Act, every Perſon opening any ſuch Swivel Bridge or Drawbridge ſhall, and is hereby required, as ſoon as any Veſſel ſhall have paſſed any ſuch Bridge, to ſhut and faſten the ſame, and if any Perſon ſhall neglect ſo to do, or if any Perſon ſhall wilfully open any ſuch Swivel Bridge or Drawbridge when no Veſſel is to paſs through the ſame, ſo as to interrupt a free Paſſage for Travellers, Cattle, or Carriages, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds, One Moiety whereof ſhall go to the Informer; and if any ſuch Bridge ſhall be left open longer than neceſſary for the Paſſage of any Veſſel as aforeſaid, through the Negligence or Careleſſneſs of any Perſon belonging to ſuch Veſſel, then the Maſter or Owner of ſuch Veſſel ſhall forfeit and pay, for every ſuch Offence, any Sum not exceeding Five Pounds, One Moiety whereof ſhall go to the Informer.

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

XLVIII. And be it further enacted, That in caſe, at any Time, the Ditches and Drains belonging to the Owner or Occupier of any Lands adjoining or lying contiguous to the ſaid Canal and Cuts, or any of them, ſhall not be ſufficiently open for the free Paſſage of the Water from the Drains, Weirs, Culverts, and Paſſages, belonging to the ſaid Canal and Cuts, or any of them, and the ſame ſhall not be remedied within One Month after Notice for that Purpoſe given to ſuch Owner or Occupier by the Clerk to the ſaid Company of Proprietors, it ſhall be lawful for the ſaid Company of Proprietors, having an Order in Writing for that Purpoſe from the ſaid Commiſſioners, as often as there ſhall be Occaſion, to cauſe to be opened and cleanſed the ſaid Ditches and Drains as aforeſaid, and the reaſonable Expences thereof, (to be aſcertained and allowed by the ſaid Commiſſioners), ſhall be repaid to the ſaid Company of Proprietors by ſuch Owner or Occupier; and in caſe of Refuſal to ſatisfy the ſame for the Space of Three Months after Demand made thereof, the ſame ſhall and may be recovered in ſuch Manner as any Penalties are herein-after directed to be recovered.

Works damaged by Floods to be repaired by the Company.

XLIX. And whereas it may happen, from Floods or unexpected Accidents, that the Locks or other Works of the ſaid Navigation may be injured or deſtroyed, and the adjacent Lands may thereby ſuffer Damage, and it may be neceſſary that the ſame ſhould be immediately repaired or rebuilt to prevent further Damage; be it therefore further enacted, That when and as often as any ſuch Caſe ſhall happen, it ſhall be lawful for the ſaid Company of Proprietors, their Servants, Agents, or Workmen, without Interruption from any Perſon or Perſons, to enter into any Lands adjoining or near to the ſaid Canal, Cuts, and other Works or Conveniencies, or any of them, (not being the Land whereon any Houſe or other Building ſtands, or an Orchard, Garden, Park, Paddock, planted Walk, Nurſery for Trees, or Avenue to a Houſe), and to dig for, work, get, and carry away, and uſe all ſuch Stones, Gravel, and other Materials as may be neceſſary or proper for the Purpoſes aforeſaid, without any previous,

vious Treaty with the Owner or Occupier of, or any other Perſon intereſted in, ſuch Lands, doing as little Damage thereby as the Nature of the Caſe will admit, and making Recompence for the ſame to the Owner and Occupier of, and all other Perſons intereſted in ſuch Lands, within the Space of Sixty Days next after the ſame ſhall be demanded, which Damages, and the Compenſation to be made in reſpect thereof, in caſe the Parties do not agree amongſt themſelves, ſhall be ſettled and determined, or aſſeſſed by the Ways and Means herein-before directed, with reſpect to other Damages to be done by making and completing the ſaid Navigation.

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

L. And be it further enacted, That in caſe the Owner or Proprietor of any Mine or Mines of Coal, Stone, or other Minerals, lying within the Diſtance of One thouſand Yards from the ſaid Canal, ſhall find it expedient and neceſſary to make any Railway or Road to convey the Coals, Stone, or other Minerals, from any ſuch Mine or Mines to the ſaid Canal, over or through his or her 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 Canal, over which ſuch Railway or Road is intended to be made, to treat and agree with the Owner or Proprietor of ſuch Mine or 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 Mine or 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 the ſaid Commiſſioners to aſcertain the Courſe and Direction, and alſo the Diſtance, not exceeding the Length of One thouſand Yards, for which any Railway or Road ſhall be made; and the ſaid Commiſſioners ſhall, upon ſuch Application, appoint a Meeting for aſcertaining and fixing the Courſe and Direction, and alſo the Length of ſuch Railway or Road, of which Meeting Ten Days previous Notice ſhall be given in Writing by ſuch Owner or Proprietor of ſuch Mine or Mines to the Owner or Owners of ſuch Lands or Grounds, which Notice ſhall alſo expreſs the Line or Courſe and Diſtance of ſuch intended Railway or Road reſpectively; and the ſaid Commiſſioners 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 empowered and required to adminiſter; and if it ſhall appear to the Commiſſioners aſſembled at ſuch Meeting, that ſuch Railway or Road is neceſſary, proper, and fitting to be made, or if ſuch Owner or Owners of any ſuch Lands or Grounds, and ſuch Owner or Proprietor of ſuch Mine or 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 Owner or Proprietor of ſuch Mine or Mines, then, and in any ſuch Caſes, but not otherwiſe, it ſhall be lawful for the Owner or Proprietor of ſuch Mine or Mines to make and open a Communication between any ſuch Mine or Mines and the ſaid Canal, by making and opening ſuch Railway or Road, according to the Direction of the ſaid Commiſſioners, or the major Part of them preſent at ſuch Meeting, and uſe the ſame with Horſes, Carts,

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, or Avenue to a Houſe, or Lawn incloſed or adjoining to a Manſion Houſe), in ſuch Manner as to the Owner or Proprietor of ſuch Mine or Mines reſpectively ſhall ſeem expedient, ſo that the ſame be done without any Injury or Damage to the ſaid Navigation, and ſo as the Owner or Proprietor of ſuch Mine or Mines ſhall make full Satisfaction for all Damage 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 Mine or Mines, and the Owner or Owners of any ſuch Lands, cannot agree touching the Satisfaction to be made, then the ſame ſhall be ſettled and aſcertained by the ſaid Commiſſioners in ſuch Manner, and ſubject to the Verdict of a Jury if required, as the Value and Recompence for the Lands to be taken for making the ſaid Canal 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 intended Canal and Cuts;

LI. And be it further enacted, That it ſhall be lawful for the Proprietor or Proprietors of any Lands, or of any Mine or Mines of Coal, Iron Stone, Lime Stone, or other Minerals, to make any Navigable Cut or Cuts through his, her, or their own Lands, and alſo through the Lands of any other Perſon or Perſons, in ſuch Manner as he, ſhe, or they ſhall think proper, to communicate with the ſaid Canal and Cuts, or any of them, ſo that the ſame be done without diverting or taking any Water from the ſaid Canal and Cuts, or any of them, or which ſhall be neceſſary for the Supply thereof, or for the working of any Furnaces, Forges, or Mills, and without doing any Injury or Damage to the ſaid Navigation, and ſo and in ſuch Manner that the Rates herein made payable to the ſaid Company of Proprietors may not thereby be evaded, 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 on every ſuch Cut, in order to prevent the Water being drained or waſted out of the ſaid Canal and Cuts, or any of them, by Means of making any ſuch Cut to communicate therewith as aforeſaid; and every ſuch Cut ſhall be publick and open to all Perſons for the Conveyance of any Goods, Wares, or other Things, in Boats and other Veſſels, upon Payment to the Perſon or Perſons at whoſe Charge and Expence ſuch Cuts ſhall be made, his, her, or their Executors, Adminiſtrators or Aſſigns, of the like Rates of Tonnage as ſhall for the Time being be payable to the ſaid Company of Proprietors for the like Articles paſſing upon the ſaid Canal.

with Conſent of the Land Owners.

LII. Provided always, That no ſuch Cut ſhall be made by any Perſon or Perſons through the Lands of any other Perſon or Perſons, unleſs the Owner or Owners of, and Perſon or Perſons intereſted in, ſuch Lands, or the Huſbands, Guardians, Truſtees, Committees, or Attornies, of any ſuch Owners or Perſons intereſted as aforeſaid, being under Coverture

ture, Minors, Idiots, 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 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 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, and shall be deposited with the Clerk of the Peace for the County or Riding wherein such Lands shall lie, and be by him kept amongst, and shall be deemed Part of, the Records of the Quarter Sessions of the Peace for such County or Riding.

Power for the *Ashton* Canal Company to make a Communication between that Canal and the *Rochdale* Canal, upon certain Conditions.

LIII. And whereas a Navigable Canal is now making by virtue of an Act of Parliament made and passed in the Thirty-second Year of the Reign of His present Majesty, from *Manchester* to or near *Ashton-under-Lyne* and *Oldham*; and the Company of Proprietors of that Canal may be desirous of opening a Communication between the same and the said *Rochdale* Canal; be it therefore further enacted, That it shall and may be lawful for the said Company of Proprietors of the Canal Navigation from *Manchester* to or near *Ashton-under-Lyne* and *Oldham* (in case they shall think proper) to open and make such Communication with the said *Rochdale* Canal, at a certain Place lying North East of and (measuring along the Line of the said *Rochdale* Canal) not nearer than One hundred and Fifty Yards distant from the Centre of a certain Street called *Piccadilly*, within the Town of *Manchester* aforesaid: Provided nevertheless, that then and in such Case the said *Manchester*, *Ashton-under-Lyne*, and *Oldham* Canal shall be made upon a Level with the said *Rochdale* Canal where the said Communication is hereby authorized to be made as aforesaid, and that such Communication shall be made at some Point or Place within the Lands now or late belonging to the Right Honourable *Francis Reynolds Morton* Lord *Ducie*, within the Town of *Manchester* aforesaid, and so that no Water may there be drawn or taken from the said *Rochdale* Canal into the said *Manchester*, *Ashton-under-Lyne*, and *Oldham* Canal.

The waste Water of both Canals to be conveyed into the Tunnel of the Duke of *Bridgewater*.

LIV. And be it further enacted, That if the said Company of Proprietors of the Canal Navigation from *Manchester* to or near *Ashton-under-Lyne* and *Oldham* shall make the said Junction with the said *Rochdale* Canal, the waste Water of both Canals so joined together shall be afterwards conveyed into the present Tunnel of the said Duke of *Bridgewater*, near to *Bank Top* in *Manchester* aforesaid, at the Expence and under the Direction of the Proprietors of the said *Rochdale* Canal, in such Manner as may be most convenient to the said last-mentioned Proprietors.

The Proprietors of the *Manchester* and *Ashton* Canal shall build and

LV. Provided always, and be it further enacted, That the said Company of Proprietors of the Canal Navigation from *Manchester* to or near *Ashton-under-Lyne* and *Oldham* shall and are hereby required, at their own Costs and Charges, to erect or build, and for ever afterwards support

keep in Repair a Carriage Bridge acroſs the Communication with the *Rochdale* Canal.

port and maintain a good and ſubſtantial Carriage Bridge acroſs the ſaid Communication between their ſaid Canal and the ſaid *Rochdale* Canal, in the Line of a certain Street of Sixteen Yards wide, planned and intended to be laid out and made in the Town of *Mancheſter* aforeſaid, on the Southerly Side of, and nearly parallel with, the ſaid *Rochdale* Canal near to *Piccadilly*, in *Mancheſter* aforeſaid, ſuch Bridge to be erected at the Place where the ſaid Company of Proprietors of the Canal Navigation from *Mancheſter* to or near *Aſhton-under-Lyne* and *Oldham* are hereby authorized to croſs ſuch intended new Street, and to be of the Width of Sixteen Yards at the leaſt, and to be erected before the ſaid Junction ſhall be made between the ſaid Canals as aforeſaid, in caſe the ſaid Street ſhall be ſet out and made before the ſaid Junction ſhall be required to be effected, or otherwiſe, as ſoon as may be, after ſuch Street ſhall be ſet out and made as aforeſaid.

For building a Bridge in Lord *Ducie*'s Land.

LVI. And be it further enacted, That the ſaid Company of Proprietors of the ſaid *Rochdale* Canal ſhall, and they are hereby required, at their own Coſts and Charges, to erect or build, and for ever afterwards ſupport and maintain, a good and ſubſtantial Carriage Bridge acroſs the ſaid *Rochdale* Canal, to communicate between the before-mentioned new laid out Street of Sixteen Yards wide, and another Street of Sixteen Yards wide, planned and laid out to be made in certain Lands now or late belonging to the ſaid Lord *Ducie*, near to *Piccadilly*, in *Mancheſter* aforeſaid, and which laſt-mentioned Street is intended to paſs Northerly from the ſaid firſt-mentioned Street to a Back Lane or Road leading into *Piccadilly*, in *Mancheſter* aforeſaid, and which laſt-mentioned Street is intended to paſs Northerly from the ſaid firſt-mentioned Street to a Back Lane or Road leading into *Piccadilly*, in *Mancheſter* aforeſaid, and that the ſaid laſt-mentioned Bridge ſhall be of the Width of Sixteen Yards at the leaſt, and ſhall be erected before the ſaid *Rochdale* Canal ſhall be made to croſs or interſect the Line propoſed for the ſaid laſt deſcribed new laid out Street.

Not to take any Ground purchaſed for the Uſe of the *Aſhton* Canal.

LVII. Provided always, That nothing herein contained ſhall authorize or impower the ſaid Company of Proprietors of the ſaid *Rochdale* Canal, or any Perſon or Perſons acting by or under their Authority, to take, uſe, injure, or damage, for the Purpoſes of the ſaid Canal and Cuts, or any of them, or any other of the Works aforeſaid, any Part of the Lands or Grounds which have been purchaſed, contracted, or agreed for, by or on the Behalf of the Company of Proprietors of the Canal Navigation from *Mancheſter* to or near *Aſhton-under-Lyne* and *Oldham*, from the Right Honourable *Francis Reynolds Morton* Lord *Ducie*, for the Uſes and Purpoſes of the ſame Canal, or of the Works belonging thereto, or to make the ſaid *Rochdale* Canal, or any Part thereof, in or upon the Line preſcribed by the ſaid Act of Parliament for making the ſaid *Mancheſter*, *Aſhton-under-Lyne*, and *Oldham* Canal; any Thing herein contained to the contrary thereof in anywiſe notwithſtanding.

Deſcribing the Junction with the *Calder* Navigation.

LVIII. And, for the better aſcertaining and determining the Place where the *Rochdale* Canal ſhall come into or communicate with the *Calder*, otherwiſe the *Calder* and *Hebble* Navigation, and the Manner in which the ſame ſhall be done; be it further enacted, That One Engineer ſhall

and may be appointed, by Writing under the Common Seal of the ſaid Company of Proprietors of the ſaid *Rochdale* Canal, and One other Engineer ſhall and may be appointed by Writing under the Common Seal of the Company of Proprietors of the ſaid *Calder*, otherwiſe *Calder* and *Hebble* Navigation, on or before the Firſt Day of *November*, in the Year of our Lord One thouſand ſeven hundred and ninety-four, and that the ſaid Engineers ſo to be appointed ſhall, and they are hereby authorized to aſcertain and determine the Place where the propoſed Communication is to be made between the ſaid *Rochdale* Canal and the ſaid *Calder*, otherwiſe *Calder* and *Hebble* Navigation, and the Manner of making the propoſed Communication; but that no Communication ſhall be effected at a nearer Diſtance than Twenty Yards to the Eaſtward of the preſent moſt Eaſterly End of the Warehouſes at *Sowerby Bridge* Wharf, in the County of *York*, belonging to the ſaid Company of Proprietors of the ſaid *Calder*, otherwiſe *Calder* and *Hebble* Navigation; and if the Two Engineers ſo to be appointed as aforeſaid, ſhall not agree in Opinion touching the Place and Manner of making the ſaid propoſed Communication, then the ſaid Engineers ſhall and they are hereby required forthwith to refer the Matter in Difference to ſome other Engineer, to be by them appointed for that Purpoſe, who ſhall and is hereby authorized to aſcertain and determine the ſame; and in caſe the ſaid reſpective Companies of Proprietors ſhall not appoint ſuch Engineers within the Time aforeſaid, or if the Engineers ſo to be appointed, or either of them, ſhall die or refuſe or neglect to act in the Premiſes, or if ſuch Engineers ſo to be appointed as aforeſaid ſhall not, on or before the Firſt Day of *December* now next, agree and determine upon the Place and Manner of making the ſaid propoſed Communication, or, in caſe of their not agreeing thereupon if the ſaid Engineers ſhall not refer the ſame to ſome other Engineer as aforeſaid, or if ſuch Engineer ſhall not ſettle and determine the ſame within One Month after he ſhall be ſo called or appointed, then in every of the ſaid Caſes the ſaid Commiſſioners acting under the Powers given by the ſaid Act of Parliament for extending the Navigation of the River *Calder*, ſhall be and are hereby appointed and required to aſcertain, ſettle, and determine, the Place and Manner of making the ſaid propoſed Communication: Provided always, that the ſaid *Rochdale* Canal, at the Place fixed for the Communication thereof with the ſaid *Calder*, otherwiſe *Calder* and *Hebble* Navigation, ſhall be made upon the ſame Level with the Canal or Baſon of the ſaid *Calder*, otherwiſe *Calder* and *Hebble* Navigation, and ſhall be kept and continued on the ſame Level with ſuch Canal or Baſon for the Diſtance of Two hundred Yards at leaſt from ſuch Canal or Baſon.

The *Calder* Company to build Warehouſes, &c. for the *Rochdale* Company.

LIX. And be it further enacted, That it ſhall and may be lawful for the ſaid Company of Proprietors of the *Calder* and *Hebble* Navigation, and they are hereby authorized, at their own Coſts and Charges, to erect, build, make, find, and provide, good, ſufficient, and convenient Wharfs and Warehouſes adjoining the preſent, or upon any other Part or Piece of Ground which now is the Property of the ſaid Company of Proprietors of the *Calder* and *Hebble* Navigation, for the Uſe of the ſaid Company of Proprietors of the ſaid *Rochdale* Canal, and to take and receive, to and for their own proper Uſe and Behoof, for Wharfage and Warehouſe Room for all Coals, Stones, Timber, and other Goods, Wares, Merchandizes,

Merchandizes, and Things, which ſhall be navigated, carried, and conveyed, upon the ſaid *Rochdale* Canal, and ſhall be depoſited or placed upon or in ſuch Wharfs or Warehouſes, or any of them, the Sum of One Halfpenny for every Ton of ſuch Coals, Stones, Timber, and other Goods, Merchandizes, and Things, and to continue to pay for the ſame, and at the ſame Rate of One Halfpenny *per* Ton for every Day that ſuch Articles ſhall remain upon or in ſuch Wharfs or Warehouſes, or any of them; which ſaid Rates ſhall be payable and paid at or near any of the ſaid Wharfs or Warehouſes to the ſaid Company of Proprietors of the ſaid *Calder* and *Hebble* Navigation, and their Succeſſors, and ſhall and may be collected and received by ſuch Perſon or Perſons as the ſaid Company of Proprietors, and their Succeſſors, ſhall, by Writing under their Common Seal, from Time to Time, appoint to receive the ſame, and ſuch Perſon or Perſons ſo to be appointed ſhall have the like Powers and Authorities for receiving the ſame as are given to the Company of Proprietors of the *Calder* and *Hebble* Navigation for collecting the Rates granted to them by the ſaid laſt recited Act.

No Payment for Wharfage, *&c.* of Goods, *&c.* in certain Caſes.

LX. And be it further enacted, That if at any Time any Goods, Matters, or Things, ſhall be detained on or in the ſaid Wharfs or Warehouſes to be provided as aforeſaid, or any of them, by reaſon of any Neglect or Default of the ſaid Company of Proprietors of the ſaid *Calder* and *Hebble* Navigation, or if the ſame cannot be conveyed away from ſuch Wharfs or Warehouſes on Account of any Froſt, or other inevitable Delay or Accident, which ſhall or may happen within the Limits of the ſaid *Calder* and *Hebble* Navigation, then, and in every of the ſaid Caſes, the ſaid Proprietors of the ſaid *Calder* and *Hebble* Navigation ſhall not aſk, demand, or receive, any Sum of Money whatſoever for Wharfage or Warehouſe Room for the Time the ſaid Goods, Matters, or Things, ſhall have been ſo detained by ſuch Delay or Accident as aforeſaid.

In caſe of Neglect, *Rochdale* Company may build them.

LXI. Provided nevertheleſs, and be it enacted, That in caſe the ſaid Company of Proprietors of the ſaid *Calder* and *Hebble* Navigation ſhall not erect, build, make, find, and provide, ſufficient and convenient Wharfs and Warehouſes for the joint Uſe of both the ſaid Canals, within the Space of Eighteen Calendar Months next after Notice given in Writing to any of the Clerks or known Agents of the ſaid *Calder* and *Hebble* Navigation, at their Navigation Office, by or on Behalf of the ſaid Company of Proprietors of the ſaid *Rochdale* Canal, of the Want of Wharfs or Warehouſes, or of the Inſufficiency of the Wharfs or Warehouſes for the Buſineſs on the ſaid Navigations by them provided, and ſhall not erect and build, and, from Time to Time, keep in good and ſubſtantial Repair, ſuch proper, ſufficient, and convenient, Wharfs and Warehouſes as the Majority of the Commiſſioners, aſſembled under both the ſaid Acts, ſhall, at a Meeting to be convened for that Purpoſe, on Fourteen Days previous Notice, deem to be neceſſary, then, and in ſuch Caſe, the ſaid Company of Proprietors of the *Calder* and *Hebble* Navigation ſhall not be entitled to take, collect, or receive, any Rates or Sums of Money whatever, for or in reſpect of any Wharfage or Warehouſe Room for any Coals, Stones, Timber, Goods, Merchandize, or Things, or any of them, depoſited or laid upon or in ſuch Wharfs or Warehouſes as laſt aforeſaid, or any of them, but that the ſaid Company of Proprietors of the ſaid *Rochdale* Canal ſhall have full Power and Authority, without

any Hindrance or Reſtraint whatever, to erect and build proper, ſufficient, and convenient, Wharfs and Warehouſes, in ſuch Manner as they are by this Act impowered to do upon or near to any Part of the ſaid Canal, provided the ſame be not within the Diſtance of Five hundred Yards of any of the ſaid Wharfs or Warehouſes at *Sowerby Bridge* Wharf aforeſaid, and to uſe and enjoy the ſame for all Purpoſes whatever, without being ſubject and liable to pay any Rates or Sums of Money whatever for or in reſpect of ſuch Wharfs and Warehouſes, or any of them, or for or in reſpect of any Coals, Stones, Timber, or other Goods, Merchandizes, or Things, whatſoever, depoſited, laid, or placed, upon or in ſuch Wharfs or Warehouſes, or any of them.

Rochdale Company not to build Wharfs near *Sowerby Bridge*.

LXII. And be it further enacted, That nothing in this Act contained ſhall extend to authorize or impower the ſaid Company of Proprietors of the ſaid *Rochdale* Canal, at any Time to make, erect, or build, any Warehouſe or Wharf within the Diſtance of Five hundred Yards from *Sowerby Bridge* Wharf aforeſaid.

Not to affect the *Calder* Navigation Act.

LXIII. And be it further enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, to debar, deprive, or hinder, the ſaid Company of Proprietors of the *Calder* and *Hebble* Navigation from the full Uſe and Enjoyment of all and every the Authorities, Powers, and Privileges, granted to them in and by an Act of Parliament, made and paſſed in the Ninth Year of the Reign of His preſent Majeſty, intituled, *An Act for extending the Navigation of the River* Calder *to* Salter Hebble Bridge, *and to* Sowerby Bridge, *in the County of* York, *and for repealing an Act for that Purpoſe*; any Thing in this Act contained to the contrary thereof in anywiſe notwithſtanding.

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

LXIV. Provided always, and be it further enacted, That the Lord or Lady of any Manor, and the Owner of any Lands adjoining to the ſaid *Rochdale* Canal or Cuts, or to the Land of the ſaid Company of Proprietors, on either Side thereof, may erect and uſe any Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouſes, in or upon their reſpective Lands or Waſtes adjoining to the ſaid Canal and Cuts, or Lands of the ſaid Company of Proprietors, with neceſſary Roads and Ways to the ſame, and may land Coal, Lime, Goods, or other Things, upon ſuch Wharfs, Quays, or Landing Places, or upon the Banks lying between the ſame and the ſaid Canal and Cuts, or any of them, and alſo may make and uſe proper and convenient Places for Boats, Barges, and other Veſſels, to lie in, turn, and paſs by each other, without the Moleſtation or Hindrance of the ſaid Company of Proprietors, ſo that the making or uſing thereof do not obſtruct or prejudice the Navigation of the ſaid Canal and Cuts, or any of them, 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 deemed the Property of the Lord or Lady of ſuch Manor, and the Owner of ſuch Lands reſpectively.

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

LXV. Provided alſo, That if any ſuch Lord or Lady, or Owner, ſhall not, within the Space of Twelve Calendar Months next after Notice in Writing given to him or her, or left at his or her uſual Place of Abode, by

by or on Behalf of the ſaid Company of Proprietors, that any Part of ſuch Lands or Waſtes is neceſſary or proper to be uſed for the Purpoſe of erecting Wharfs, 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 Canal and Cuts, or ſome of them, make, erect, and lay out, and, from Time to Time, maintain and keep in good and ſubſtantial Repair, ſuch proper and ſufficient Wharfs, 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 Waſtes compriſed or deſcribed in ſuch Notice, then the ſaid Company of Proprietors ſhall have full Power and Authority, without any Hindrance or Reſtraint, to make uſe of any ſuch Lands or Waſtes for erecting and building proper and ſufficient Wharfs, Warehouſes, and Buildings, and making and laying out neceſſary and convenient Roads to and from the ſaid Canal and Cuts, agreeable to ſuch Notice as aforeſaid, firſt making Satisfaction for the ſame, in ſuch Manner as is directed with reſpect to other Lands which ſhall be taken or uſed for the Purpoſes of this Act.

Company not to uſe private Wharfs.

LXVI. Provided always, and be it further enacted, That nothing herein contained ſhall authorize or impower the ſaid Company of Proprietors, or any other Perſon or Perſons, to make uſe of any Wharf, Quay, Landing Place, Crane, Weigh Beam, or Warehouſe, which ſhall be ſet out, erected, or made, by the Lord or Lady of any Manor, or the Owner of any Lands adjoining or near to the ſaid Canal and Cuts, or any of them, for his, her, or their private Uſe only, nor to ſet up, erect, repair, or uſe, any Cranes or Weighing Machines, in or upon any ſuch Wharf, Quay, or Landing Place; and that no more than the Sum of One Penny *per* Ton ſhall be demanded or taken by any ſuch Lord or Lady or Land Owner, who ſhall or may erect or build any Wharf or Quay, or make or lay out any Roads to and from the ſaid Canal and Cuts, or any of them, in purſuance of the Notice to be given by or on Behalf of the ſaid Company of Proprietors to ſuch Lord or Lady or Owner for that Purpoſe as aforeſaid, for the Wharfage of Coal, Lime, Lime Stone, Clay, Iron, Iron Stone, Timber, Stone, Brick, Tile, Slate, or Gravel, nor more than Three-pence *per* 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 for Six Weeks, and Timber, Clay, Lime, Iron Stone, Brick, Tile, Stone, Slate, or Gravel, which may remain Three Weeks, upon Payment of the ſaid One Penny *per* Ton: Provided nevertheleſs, that in caſe any of the ſaid Articles ſhall be left and remain in or upon ſuch Wharfs or Quays over and above the reſpective Times limited hereby, then the Owners of ſuch Articles ſhall pay to the Proprietors of ſuch Wharfs or Quays One Penny *per* Ton *per* Day, for the Time ſuch Articles ſhall remain upon ſuch Wharfs or Quays after the Expiration of ſuch reſpective Times: Provided always, that it ſhall be lawful for the ſaid Company of Proprietors to erect, repair, and uſe, any Cranes or Weighing Machines upon any ſuch Wharfs or Quays laſt-mentioned, for the more convenient loading and unloading, and weighing, of any ſuch Coals or other Goods or Things, in caſe the Proprietors of ſuch Wharfs or Quays ſhall neglect or

or refuſe to make and erect the ſame within Three Calendar Months after they ſhall have received Notice in Writing for that Purpoſe from the ſaid Company of Proprietors, or when ſo erected ſhall neglect or refuſe to keep the ſame in Repair.

Maps or Plans to be depoſited with Clerks of the Peace, and may be inſpected.

LXVII. And whereas a Map or Plan deſcribing ſuch Part of the Line of the ſaid Canal as lies within the Weſt Riding of the County of *York*, and the Lands through which the ſame is intended to be carried, together with a Book of Reference containing a Liſt of the Names of the Owners or reputed Owners and Occupiers of ſuch Lands, hath been depoſited at the Office of the Clerk of the Peace for the ſaid Weſt Riding, and a Map or Plan deſcribing ſuch Part of the Line of the ſaid Canal as lies within the County of *Lancaſter*, and the ſaid Cuts, together with a like Book of Reference as aforeſaid, hath alſo been depoſited at the Office of the Clerk of the Peace, for the County of *Lancaſter*: Be it therefore further enacted, That the ſaid reſpective Maps and Plans, and Books of Reference, ſhall remain in the Cuſtody of the ſaid reſpective Clerks of the Peace, and all Perſons ſhall at any ſeaſonable Times have Liberty to inſpect and peruſe the ſame, and to make Copies thereof, or Extracts therefrom, at their Will and Pleaſure, paying to the Clerk of the Peace the Sum of One Shilling for every Inſpection, and after the Rate of Sixpence for every Two hundred Words of ſuch Copies or Extracts of the ſaid Book of Reference; and that a Copy or Extract thereof, ſigned by the ſaid Clerk of the Peace, ſhall at all Times be admitted as Evidence of the ſame; and the ſaid Company of Proprietors, in making ſuch Part of the ſaid Canal as ſhall be made within the Weſt Riding of the County of *York*, between the ſaid *Calder*, otherwiſe *Calder* and *Hebble* Navigation, and *Tewell Lane*, in the Pariſh of *Halifax* aforeſaid, ſhall in no wiſe deviate from the Line or Courſe thereof, deſcribed in the ſaid Map or Plan depoſited with the Clerk of the Peace for the ſaid Weſt Riding, without the Conſent in Writing of the Perſon or Perſons through whoſe Lands or Grounds ſuch Deviation ſhall be made, and with reſpect to the Reſt of the ſaid Canal, between *Tewell Lane* aforeſaid, and the ſaid County of *Lancaſter*, the ſaid Company of Proprietors ſhall not deviate more than Fifty Yards from the Line deſcribed as aforeſaid, without the like Conſent as aforeſaid; and the ſaid Company of Proprietors, in making ſuch Part of the ſaid Canal and Cuts as ſhall be made within the ſaid County of *Lancaſter*, between the ſaid County of *York* and the North-eaſtern Boundary of the Townſhip of *Newton* near *Dob Lane End*, in the Pariſh of *Mancheſter* aforeſaid, ſhall not in any Place deviate more than Fifty Yards from the Line or Courſe thereof deſcribed in the ſaid Map or Plan depoſited with the Clerk of the Peace for the ſaid County of *Lancaſter*, without the Conſent in Writing of the Perſon or Perſons through whoſe Lands or Grounds ſuch Deviation ſhall be made; and as to ſuch Part of the ſaid Line as extends from the North-eaſtern Boundary of the Townſhip of *Newton*, near *Dob Lane End*, to a Place called *Miles Platting*, within the Pariſh of *Mancheſter* aforeſaid, the ſaid Company of Proprietors are hereby required ſtrictly to follow the ſaid Line without any Deviation therefrom, (unleſs with the Conſent of the Warden and Fellows of the Collegiate Church in *Mancheſter* aforeſaid, firſt obtained in Writing, for ſuch Deviation), and in the laſt-mentioned Part of the ſaid Line the ſaid Company of Proprietors ſhall form and conſtruct the ſaid Canal, ſo as that no Part thereof, or any

Allowing the Company to deviate Fifty Yards from the Line in the Plan;

except between *Dob Lane End* and *Miles Platting*.

any Cut therefrom, or the Baſe of any Bank thereof, ſhall be made within the Diſtance of Eighty Yards from any Part of the Turnpike Road leading from *Mancheſter* aforeſaid to the ſaid Town of *Oldham*, in the ſaid County of *Lancaſter*, as the ſame Road is now laid out, except where the ſaid Canal is intended to croſs the ſaid Road, as deſcribed in the ſaid Plan; and with reſpect to the Reſt of the ſaid Canal from *Miles Platting* aforeſaid to its Termination at and in the Baſon of the Canal of the ſaid *Francis* Duke of *Bridgewater* in *Caſtle Field* aforeſaid, the ſaid Company of Proprietors ſhall in no wiſe deviate from the ſaid Line deſcribed as aforeſaid, without the Conſent in Writing of the reſpective Owner or Owners, and Occupier or Occupiers of the Lands and Hereditaments through which ſuch Deviation ſhall be propoſed to be made, being firſt had and obtained for ſuch Deviation: Provided always, that the ſaid Company of Proprietors ſhall not in any Caſe deviate from the Line deſcribed as aforeſaid, ſo as to cut or carry the ſaid Canal, or either of the ſaid Cuts, through the Lands of any Perſon or Perſons whoſe Lands are not deſcribed or mentioned in the ſaid Plan, and not named in the ſaid Books of Reference reſpectively, as being intended to be cut through for the Purpoſe aforeſaid, without the Conſent in Writing of the Owner or Owners, and Occupier or Occupiers of ſuch Lands reſpectively: Provided alſo, that no Advantage ſhall be taken of or againſt the ſaid Company of Proprietors, and that no Interruption ſhall be given to the making of the ſaid Canal and Cuts, or either of them, on Account of any Miſnomer, Error, or Omiſſion, in the ſaid Books of Reference, in caſe it ſhall appear to any Five or more of the ſaid Commiſſioners, and be certified by Writing under their Hands, that ſuch Miſnomer, Error, or Omiſſion, proceeded from Miſtake.

Reſtriction reſpecting Reſervoirs.

LXVIII. Provided always, and be it further enacted, That nothing in this Act contained ſhall authorize or impower the ſaid Company of Proprietors, or any other Perſon or Perſons, to make any Reſervoir or Reſervoirs for any of the Purpoſes of this Act (except in ſuch Situations as are deſcribed in the ſaid Plans reſpectively) without the Conſent in Writing of the Owner or Owners, and Occupier or Occupiers of the Lands upon which ſuch Reſervoir or Reſervoirs ſhall be made, or to take or uſe, for the Purpoſe of making any ſuch Reſervoir, any of the Lands of *Hannah Butterworth* Widow, ſituate in *Butterworth*, in the ſaid County of *Lancaſter*, without the like Conſent of the Owner and Occupier, or Owners and Occupiers for the Time being of the ſaid laſt mentioned Lands.

Company not to take Houſes, Gardens, &c. except ſuch as are mentioned.

LXIX. 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 Canal and Cuts, or any other of the Works aforeſaid, any Houſe or other Building which was erected and built before the Firſt Day of *January* One thouſand ſeven hundred and ninety-three, or any Ground which upon the ſaid Firſt Day of *January* was the Scite of any Houſe or other Building, or which then was a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a Houſe, without the Conſent of the Owners and Occupiers thereof, other than and except a ſmall Garden belonging to the Curacy of the Chapel at *Sowerby Bridge* aforeſaid, a ſmall Orchard at

at *Red Acre*, belonging to *William Patchett*, One ſmall Garden at *Hebble End*, now or late belonging to *Richard Varley*, One Cottage at or near *Callis*, now or late belonging to *Chriſtopher Rawdon* Eſquire, all in the ſaid County of *York*; One other ſmall Garden at *Gauxholme*, now or late belonging to *Robert Hardman*, One other ſmall Garden at *Gauxholme*, now or late belonging to *Robert Holt* Merchant, One other ſmall Garden at *Gauxholme*, now or late belonging to the Deviſees or Heir at Law of the late *Thomas Lord* deceaſed, One other ſmall Garden in *Chadderton*, now or late belonging to *Samuel Barton*, One other ſmall Garden at *Failſworth Lodge*, now or late belonging to *John Birch* Eſquire; all in the ſaid County of *Lancaſter*.

Reſtrictions reſpecting making the Canal and Works in or upon the following Lands; *viz.* *Salford* Poor Lands.

LXX. Provided alſo, and be it further enacted, That nothing herein contained ſhall authorize or impower the ſaid Company of Proprietors, or any Perſon or Perſons acting by or under their Authority, to build or erect any Warehouſe or Warehouſes, or other Building or Buildings, or to make or uſe any Wharf, Quay, Landing Place, Crane, or Weigh Beam, upon any Part of the Lands in the Pariſh of *Mancheſter* aforeſaid, belonging to the Poor of *Salford*, in the County of *Lancaſter*, now in the Occupation of *John Gilbert* junior, as Leſſee thereof, or upon any Part of the Lands in the Pariſh of *Mancheſter* aforeſaid, belonging to *Daniel Leach*, now in the Poſſeſſion of *James Potter*, his Aſſigns or Undertenants; or to cut or make the ſaid Canal, or any Cut therefrom, within the Diſtance of Three hundred Yards from the Meſſuage or Manſion Houſe ſituate in the Pariſh of *Rochdale* aforeſaid, belonging to *Richard Greaves Townley* Eſquire, called *Belfield Hall*, or to make the Towing Path of the ſaid Canal on the Side of the ſaid Canal neareſt to *Belfield Hall* aforeſaid, but on the fartheſt and moſt diſtant Part thereof only, ſo far as the ſaid Canal ſhall or may extend for the Space of One Mile in Length neareſt to *Belfield Hall* aforeſaid, or to make, erect, or build, any Warehouſe, Building, Quay, Wharf, Crane, or Weigh Beam, upon any Part of the Lands or Grounds of the ſaid *Richard Greaves Townley*, ſituate or being within the Diſtance of Five hundred Yards from *Belfield Hall* aforeſaid; or to cut or make any Part of the ſaid Canal or other Works, within the Diſtance of Two hundred Yards from the Dwelling Houſe of *Chriſtopher Rawdon* Eſquire, ſituate at *Uunderbank*, in the Pariſh of *Halifax* aforeſaid, or through any of the Mill Dams now occupied by the ſaid *Chriſtopher Rawdon*; or in making the ſaid Canal through the Lands or Grounds belonging to Mr. *John Lobley*, called *May Royd Holmes*, in the Pariſh of *Halifax* aforeſaid, to alter, make, or vary, the Courſe of the Line of the ſaid Canal as the ſame is now laid down and deſcribed in the Plan depoſited with the Clerk of the Peace for the Weſt Riding of the County of *York* as aforeſaid, ſo as thereby to injure or prejudice any of the Buildings at *May Royd Mill*, belonging to the ſaid *John Lobley*; or at *Hollings Mill*, belonging to *Samuel* and *John Waterhouſe*, or to dig, take, or carry away, any Sods, Soil, Stones, or Earth, from the Lands or Grounds called *May Royd Holmes*, or any of them, or from any Lands or Grounds belonging to *Hollings Mill* aforeſaid, ſave and except ſuch as ſhall ariſe in the making or forming the ſaid Canal in the Line ſpecified as aforeſaid; or to make any Tunnel, or any other than an open Canal, through any Part of the Lands of *Thomas Philips*, *George Philips*, *Charles M'Niven*, and *James Newton*, lying between the aforeſaid Lands belonging to the Poor of *Salford* and a certain

Mr. *Townley's* Land.

Mr. *Rawdon's* Lands.

Mr. *Lobley's* Land.

Street in *Mancheſter* aforeſaid, called *Dean's Gate*; or to make or uſe any Wharf or Quay, Landing Place, Crane or Weigh Beam, upon any Part of the ſaid Lands of the ſaid *Thomas Philips*, *George Philips*, *Charles M^cNiven*, and *James Newton*, without the Special Licence and Conſent of the ſeveral Owners and Occupiers of the ſaid Houſes and Mills, Mill Dams, Lands, and Grounds reſpectively, by Writing under their reſpective Hands and Seals, firſt had and obtained for that Purpoſe.

Bridge to be made in *Oxford Street*.

LXXI. And be it further enacted, That the ſaid Company of Proprietors ſhall, and they are hereby directed and required, at their own proper Coſts and Charges, to cauſe a good and ſubſtantial Carriage Bridge to be erected, and for ever ſupported and maintained, acroſs the ſaid Canal, in the Line of a certain Street, in the Town of *Mancheſter*, called *Oxford Street*, at the Place where the ſaid Canal ſhall croſs the ſaid Street, ſuch Bridge to be of equal Breadth or Width with the ſaid Street, and to be erected and made in ſuch Manner as that the Surface of the Whole of the Carriage Way thereof, when the ſame ſhall be completed and paved, ſhall be at leaſt Eight Feet below the Level of the Surface of ſuch Part of *Saint Peter*'s Church Yard as adjoins the ſaid Street; and in Default or Neglect of making, maintaining, ſupporting, and, as often as neceſſary, repairing, and keeping in good and ſubſtantial Repair, the ſaid Bridge and its Battlements, Wing Walls, Roads, Ways, Paſſages, or Approaches, the ſaid Company of Proprietors may and ſhall be liable to be indicted at Common Law, and be ſubject to the Payment of Coſts, in the like Manner as in and by this Act is provided in reſpect of not making or repairing Bridges, Wing Walls, Ramparts, and Approaches, in and for all Highways and Roads in general; any Thing herein contained to the contrary notwithſtanding.

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

LXXII. And be it further enacted, That the Lords and Ladies of the ſeveral Manors through which the ſaid Canal and Cuts ſhall be made, ſhall have and be entitled to the excluſive Right of Fiſhery of and in ſo much of the ſaid Canal and Cuts, Reſervoirs, Trenches, and Sluices, as ſhall be made over or through the Common or Waſte Lands within their Manors reſpectively, and alſo in, over, or through, any other Lands within any ſuch Manors wherein ſuch Lords or Ladies now have or are entitled to the excluſive Right of Fiſhery in the Ponds and Waters now being in ſuch laſt-mentioned Lands reſpectively; and the Owners of all other Lands through which the ſaid Canal and Cuts ſhall be made, ſhall alſo have and be entitled to the excluſive Right of Fiſhery of and in ſo much of the ſaid Canal and Cuts, Reſervoirs, Trenches, and Sluices, as ſhall be made over or through their Lands reſpectively, ſo as in the Uſe and Exerciſe of the ſaid Right of Fiſhery, the ſaid Canal, Cuts, Reſervoirs, Trenches, or 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 Canal or Cuts, 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 Canal, Cuts, 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 Canal, Cuts, Reservoirs, Trenches, or Sluices, for or upon Account of Repairs of Works to be done in or about the same.

Power for Land Owners to use Pleasure Boats.

LXXIII. And be it further enacted, That it shall be lawful for the Owners and Occupiers of any Lands adjoining to the said Canal and Cuts, or any of them, to use any Pleasure Boat or Boats upon the said Canal and Cuts, (not passing through any Lock, unless they shall first pay Tonnage equal to a Boat or Vessel carrying Six Tons, or obtain the Consent of the said Company of Proprietors), without any Interruption from the said Company of Proprietors, or any of their Officers or Agents, and without paying any Rate for the same, so as 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 Canal and Cuts, or any of them, or the Towing Paths on the Sides thereof.

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

LXXIV. 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 Canal and Cuts, and the Reservoirs, Feeders, Ways, Quays, Wharfs, and other Works and Conveniencies, not exceeding, in the Whole, the Sum of Two hundred and ninety-one thousand nine hundred Pounds, (except as herein-after mentioned), and that the same shall be divided into such Number of Shares as herein directed, and the Money so to be raised is hereby directed and appointed to be laid out and applied, in the First Place, for and towards the Payment, Discharge, and Satisfaction, of all Fees and Disbursements for obtaining and passing this Act, and for making the Survey, Plans, and Estimates, preparatory and incident thereto, and all the Residue and Remainder of such Money shall be used and applied for and towards the making, completing, and maintaining, the said Canal, Cuts, and other Works respectively, and all other the Purposes of this Act.

The Money to be divided into Shares of 100 *l.* each.

LXXV. And be it further enacted, That the said Sum of Two hundred and ninety-one thousand nine hundred Pounds, or such Part thereof as shall be raised by the several Persons herein-before named, or by any other Person or Persons, Bodies Politick or Corporate, who shall or may become a Subscriber or Subscribers to the said Navigation, shall be divided into Two thousand nine hundred and nineteen equal Shares or Parts, at a Price not exceeding One hundred Pounds *per* Share, and that the said Two thousand nine hundred and nineteen Shares shall be and are hereby vested in the several Persons so subscribing the same, and their several and respective Executors, Administrators, Successors, and Assigns, to their and every of their proper Use and Benefit, proportionably to the Sum they shall severally subscribe and pay thereunto; and all and every the said Shares shall be deemed Personal Estate, and transmissible as such, and not of the Nature of Real Property; and all Bodies Politick and Corporate, and all Persons, their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe the Sum of One hundred Pounds, or such Sum or Sums as shall be demanded in lieu thereof, towards carrying on and completing the said Navigation, shall be entitled to and receive, after the said Navigation shall be completed, the entire and neat Distribution of One two thousand

thouſand nine hundred and nineteenth Part of the Profits and Advantages that ſhall and may ariſe and accrue by the Rates and other Sums of Money to be raiſed, recovered, or received, by the ſaid Company of Proprietors by the Authority of this Act, and ſo in Proportion for any greater Number of Shares, and every Body Politick or Corporate, Perſon or Perſons, having ſuch Property of One two thouſand nine hundred and nineteenth 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.

Proprietors to receive *per Centum*, till the Canal be finiſhed.

LXXVI. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, and they are hereby required, out of the Money to be raiſed as aforeſaid, during the Time the ſaid Canal and Cuts, 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, and to the ſeveral 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 *per Centum per Annum*, from the Time that each of ſuch Sums ſhall be reſpectively advanced, in purſuance and according to the true Intent and Meaning hereof.

Subſcribers to have a Vote for every Share.

LXXVII. And be it further enacted, That every Body Politick or Corporate, or other Perſon, who ſhall by virtue of this Act have ſubſcribed or undertaken for One Share of the ſaid Navigation, and their reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, ſhall be deemed a Proprietor for every ſuch Share, and ſhall have a Vote for every ſuch Share, not exceeding Twenty Shares in the Whole, in the General and Special Aſſemblies to be held as herein appointed for carrying on the ſaid Undertaking, which Vote may be given by them, him, or her, or by their, his, or her Proxy, conſtituted under the Seal of ſuch Body Politick or Corporate, or the Hand and Seal of ſuch other Perſon, (every ſuch Proxy being a Proprietor in the ſaid Undertaking), and every ſuch Vote by Proxy ſhall be as good and ſufficient to all Intents and Purpoſes, as if ſuch Principal had voted in Perſon; and every Queſtion, Matter, or Thing, which ſhall be propoſed, diſcuſſed, or conſidered, in any General or Special Aſſembly of the ſaid Company of Proprietors, 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 a Proxy for more than Five abſent Proprietors; the Appointment of which Proxies ſhall or may be made according to the Form following:

'I, *A. B.* of One of the Proprietors of the '*Rochdale* Canal Navigation, do hereby nominate, conſtitute, and 'appoint, *C. D.* of to be my Proxy, in my Name 'and in my Abſence to vote, or give my Aſſent or Diſſent to any Buſi'neſs, Matter, or Thing, relating to the ſaid Navigation, that ſhall be 'mentioned or propoſed at any Aſſembly of the Proprietors of the ſaid 'Navigation,

'Navigation, in such Manner as he the said *C. D.* shall think proper, 'according to his Opinion and Judgement, for the Benefit of the said 'Navigation, or any Thing appertaining thereto.

'In Witness whereof I have hereunto set my Hand and Seal, 'the Day of

Proprietors may raise additional Sum, if necessary.

LXXVIII. And be it further enacted, That in case the said Sum of Two hundred and ninety-one thousand nine hundred Pounds herein-before authorized to be raised, shall be found insufficient for the making, completing, and maintaining, of the said Canal and Cuts, and other the Works hereby authorized to be made, and all necessary Charges and Expences relating thereto, then, and in such Case, it shall be lawful for the said Company of Proprietors to raise and contribute amongst themselves, in Manner and Form aforesaid, and in such Shares and Proportions as to them shall seem meet, or by the Admission of new Subscribers, any further or other Sum of Money for completing and perfecting the said Undertaking, not exceeding the Sum of One hundred thousand Pounds, and every Body Politick or Corporate, or other Person, being a Subscriber towards raising such further or other Sum of Money, shall be a Proprietor in the said Undertaking, and have a like Vote by themselves, himself, or herself, or their, his, or her Proxy, in respect of every such 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 of the said Navigation, in Proportion to the Sum they, he, or she, shall or may subscribe thereunto, as generally and extensively, to all Intents and Purposes, as if such further or other Sum hereby allowed to be subscribed for and raised, had originally been Part of the said Sum of Two hundred and ninety-one thousand nine hundred Pounds.

Power to raise Money by Mortgage.

LXXIX. Provided always, That in case the said Company of Proprietors, or the Committee to be appointed by virtue of this Act, shall be desirous of raising the said Sum of One hundred thousand Pounds, or any Part thereof, by Morgage of the said Undertaking, it shall be lawful for the said Company of Proprietors, or the said Committee, to borrow and take up at Interest all or any Part of the said Sum of One hundred thousand Pounds, on the Credit of the said Navigation and Undertaking, as to them shall seem meet and convenient, and to assign the Property of the said Navigation, and the Rates, Tolls, and Duties, arising or to arise to the said Company by virtue of this Act, or any Part thereof, (the Costs and Charges of assigning the same to be paid out of such Rates), as a Security for any Sum or Sums of Money so to be borrowed, with Interest, to such Person or Persons, or to his, her, or their Trustees, who shall advance the same; all which said Mortgages shall be made under the Common Seal of the said Company, in the Form or to the Effect following; (that is to say),

Form of Mortgage.

'BY virtue of an Act of Parliament, made in the Thirty-fourth Year 'of the Reign of King *George* the Third, intituled, [*Set forth the 'Title of the Act*], we the Proprietors of the said Navigation, incorporated by and under the said Act, in Consideration of the Sum of

'to us in Hand paid by *A. B.* of

'do hereby bargain, sell, and assign, unto the

'said *A. B.* his Executors, Administrators, and Assigns, the said Navi-
'gation and Undertaking, and all and singular the Rates, Tolls, and
'Duties, arising and payable to us by virtue of the said Act, and all
'our Estate, Right, Title, and Interest of, in, and to the same, to
'hold unto the said *A. B.* his Executors, Administrators, and Assigns,
'until the said Sum of with Interest for the
'same after the Rate of *per Centum per Annum*,
'shall be fully paid and satisfied.

'Given under our Common Seal, this Day of

And all Persons to whom such Mortgages shall be made, shall be equally entitled, one with the other, to their Proportions of the said Rates and Premises, according to the respective Sums in such Mortgages mentioned to be advanced, without any Preference by Reason of Priority of any such Mortgages, or on any other Account, and the Monies so borrowed shall be applied in carrying this Act into Execution; and a Memorial of every such Mortgage, containing the Date, Name or Names of the Person or Persons to whom made, the Sum of Money borrowed, and the Rate of Interest, shall, within Twenty-eight Days after the Date thereof, be entered in a Book to be kept by the Clerk to the said Company of Proprietors, which Book shall and may be perused at all seasonable Times by any of the Proprietors or Creditors of the said Navigation, and any other Persons interested therein, without Fee or Reward; and the Person or Persons to whom any such Mortgage shall be made as aforesaid, or who shall be entitled to the Money due thereon, shall and may from Time to Time transfer his, her, or their Right or Interest therein to any Person or Persons, by Writing under his, her, or their Hand and Seal, or Hands and Seals, according to the Form following:

Mortgages may be transferred.

Form of Transfer.

'I, *A. B.* of in Consideration of the Sum
'of paid by *C. D.* of
'do hereby transfer a certain Mortgage made by the Company of Pro-
'prietors of the *Rochdale* Canal, to *E. F.* of
'bearing Date the Day of for securing
'the Sum of and Interest, and all my Right
'and Property therein, to the said *C. D.* his Executors, Administrators,
'and Assigns.

'Dated this Day of

And every such Transfer shall, within Twenty-eight Days after the Date thereof, be produced to the Clerk of the said Company of Proprietors, who shall cause a Memorial to be made thereof, in like Manner as of the original Mortgage, for which the said Clerk shall be paid the Sum of Two Shillings; and after such Entry made, every such Transfer shall entitle such Assignee or Assignees, his, her, or 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 original Mortgage or the Money thereon due, or thereby secured, or any Part thereof.

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

LXXX. And be it further enacted, That the Interest of the Money which shall be borrowed or raised by Mortgage as aforesaid, shall be paid Half Yearly to the several Persons entitled thereto, in Preference to any Interest

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; and in caſe the ſame, or any Part thereof, ſhall be behind and unpaid for the Space of Six Calendar Months next after the ſame ſhall become due and payable as aforeſaid, and after Demand thereof made, then it ſhall be lawful for the ſaid Commiſſioners, and they are hereby required, on Requeſt to them made by any Creditor whoſe Intereſt ſhall be ſo in Arrear, by an Order under their Hands, to appoint One or more Perſon or Perſons to receive the Whole or ſuch Part or Parts of the ſaid Rates or Duties as are liable to pay ſuch Intereſt ſo due or unpaid as aforeſaid, and the Money ſo to be received by ſuch Perſon or Perſons is hereby declared to be as ſo much Money received for the Uſe of ſuch Perſon or Perſons to whom ſuch Intereſt ſhall be then due, until the ſame, together with the Coſts and Charges of recovering the ſaid Rates, ſhall be fully ſatisfied and paid; and after ſuch Intereſt and Coſts ſhall be ſo ſatisfied, the Power and Authority of ſuch Receiver and Receivers, for the Purpoſes aforeſaid, ſhall ceaſe and determine, or otherwiſe the ſaid Intereſt ſo due and unpaid as aforeſaid, ſhall and may be ſued for and recovered by Action of Debt or on the Caſe, 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*.

Aſſignees not to vote on Account of having lent Money.

LXXXI. Provided always, That no Perſon to whom any ſuch Mortgage ſhall be made or transferred as aforeſaid, ſhall be deemed a Proprietor of any Share, or 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 Money on the Credit of any ſuch Mortgage or Aſſignment.

General Aſſemblies to be held, and Committees appointed.

LXXXII. And be it further enacted, That the Firſt General Aſſembly of the ſaid Company of Proprietors for putting this Act into Execution, ſhall be held at the Houſe of *Thomas Marriott*, known by the Sign of *The Roebuck*, in *Rochdale* aforeſaid, upon ſuch Day as ſhall be appointed for that Purpoſe, by Notice to be given by Order of any Seven or more of the ſaid Company of Proprietors of the ſaid Navigation, Twice in ſome Newſpaper publiſhed within each of the ſaid Counties, at leaſt Fourteen Days before the Day of holding ſuch General Aſſembly; and the Second General Aſſembly ſhall be held at ſuch Time, and at ſuch Place as the ſaid Company of Proprietors at their Firſt General Aſſembly ſhall appoint; and the like General Aſſemblies ſhall be held on the Firſt *Thurſday* in the Month of *May* in every Year for the future, at the Hour of Eleven in the Forenoon, at ſuch Place or Places as the next preceding General Aſſembly ſhall appoint; at which ſaid General Aſſemblies the Proprietors aſſembled, together with ſuch Proxies as ſhall be then preſent, ſhall chuſe Twenty-one Perſons, who for the Time being ſhall be reſpectively Proprietors of Two or more Shares in the ſaid Navigation, who 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, poſſeſſed of Two Shares each, that, for the more effectually putting this Act into Execution, or for any other Purpoſe, a Special Aſſembly of the Proprietors is neceſſary

Power to hold Special Aſſemblies.

neceſſary to be held, it ſhall be lawful for them to cauſe Notice to be given thereof in ſome Newſpaper of each of the Counties of *York* and *Lancaſter*, 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 Ten 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 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.

Each Member of the Committee to have but One Vote, except the Chairman.

LXXXIII. Provided always, That no One Member of any of the ſaid Committees, though he may be a Proprietor of ſeveral Shares, ſhall have more than One Vote in the ſaid Committees, 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; and that the ſaid Committees ſhall, from Time to Time, make Reports of their Proceedings to, and be ſubject to the Examination and Controul of, the General and Special Aſſemblies of the ſaid Company of Proprietors, 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 Company at any ſuch General or Special Aſſembly, ſuch Orders and Directions not being contrary to any expreſs Directions or Proviſions in this Act; but no Perſon holding any Place, Office, or Employment, under the ſaid Company, ſhall be capable of being choſen to ſerve upon any Committee, during the Time of his Continuance in ſuch Place, Office, or Employment; and all the Powers and Authorities hereby veſted in or directed to be exerciſed by the ſaid Committee, may be done and exerciſed by the major Part of them preſent at their reſpective Meetings, the whole Number preſent not being leſs than Five.

Committee to be under the Controul of General Aſſemblies.

Diſqualification of ſerving on Commitees.

Books of Accounts to be kept.

LXXXIV. And be it further enacted, That proper Books of Accounts, and other Matters relating to the ſaid Navigation and Undertaking, ſhall be made, depoſited, and kept, under the Direction of the ſaid Committees, at ſuch Place or Places as the ſaid Company of Proprietors ſhall, from Time to Time, direct, and every Proprietor, at all ſeaſonable Times, ſhall have free Acceſs to the ſame for his or her Inſpection.

General and Special Aſſemblies to conſiſt of a certain Number of Shares.

LXXXV. And be it further enacted, That if at any ſuch General or Special Aſſembly there ſhall not be Perſons preſent who ſhall have Three hundred 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 Fortnight, and ſo from Time to Time until the Proprietors of Three hundred ſuch Shares at the leaſt ſhall be preſent, and ſuch Choice ſhall be then made of Perſons to be of the 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 or Special Aſſembly; and in caſe of Failure of the Meeting of Perſons having Three hundred ſuch Shares as Principals or Proxies at any ſuch General or Special Aſſembly, all ſuch Principals who ſhall not be preſent at any Adjournment thereof, by themſelves, or by his, her, or their Proxies, ſhall forfeit to the ſaid Company of Proprietors, for every ſuch Share which they ſhall reſpectively then have in the ſaid Navigation, the Sum of Five Shillings, to be deducted out of the next Payment of Intereſt or Dividend of the Profits of the ſaid Navigation, as the Caſe may happen.

Other Powers of General Aſſemblies and Committees.

LXXXVI. And be it further enacted, That every ſuch General Aſſembly, or ſuch Committee as aforeſaid, 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 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; 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 for every Sum of One hundred Pounds, and ſo as no Calls be made but at the Diſtance of One Calendar Month 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 every 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 Expences 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 Sum of Money, not exceeding the Sum of Five Shillings *per* Day for each Perſon, out of the Capital Stock and Rates 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 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 a Majority of ſuch Committee; and every Owner of One or more Share or Shares in the ſaid Undertaking, ſhall pay his or her Share and Proportion of the Monies to be called for as aforeſaid, at ſuch Time and Place as ſhall be appointed, of which One Calendar Month's Notice at

Expences of Committee Meetings.

To compel Payment of Subſcription.

the leaſt ſhall be given (except the Firſt Call, which may be made on Ten Days Notice) by publiſhing the ſame in ſome Newſpaper or Newſpapers of the ſaid County and Riding, or in ſuch other Manner as the ſaid Company of Proprietors ſhall at any General Aſſembly direct and appoint.

General Aſſemblies may remove Members of the Committee, *etc.*;

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

and make Bye Laws.

ſuch new Rules, Bye Laws, and Orders, for the good Government of the ſaid Company of Proprietors, their Agents and Workmen, and for making, maintaining, and uſing, the ſaid Canal and Cuts, and the Warehouſes, Wharfs, Fire Engines, Steam Engines, or other Machines, and the Paſſages, Locks, Tunnels, and all other Things, that ſhall be made for the ſame, and alſo for and concerning all ſuch Veſſels, Goods, and other Things, as ſhall be navigated and conveyed thereon, and alſo for the well governing of the Bargemen, Watermen, Boatmen, and others, who ſhall be employed in the conveying of any Goods and other Things upon any Part of the ſaid Canal and Cuts, and from Time to Time to alter and repeal the ſaid Bye Laws, Orders, and Regulations, and to impoſe and inflict ſuch reaſonable Fines and Forfeitures upon all Perſons offending againſt the ſame, as to ſuch General Aſſembly ſhall ſeem meet, not exceeding the Sum of Five Pounds for any One Offence, which ſaid Rules, Bye Laws, and Orders, being reduced into Writing, under the Common Seal of the ſaid Company of Proprietors, ſhall be binding upon, and obſerved by all Parties, 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 to the general Regulations in this Act contained.

Subſcribers dying before their Shares completed, Executors, *&c.* may complete the ſame.

LXXXVIII. And be it further enacted, That if the Proprietor of any Share or Shares in the ſaid Undertaking, ſhall die before Payment ſhall have been made of the full Sum to be advanced on each Share which he or ſhe ſhall have been poſſeſſed of, or entitled to, without having made Proviſion by Will or otherwiſe for Payment of the ſame, then, and in ſuch Caſe, the Executors or Adminiſtrators of ſuch Proprietor, and the Truſtee or Truſtees, Guardian or Guardians, of any Infant, or other Perſon or Perſons entitled to the Eſtate and Effects of ſuch Proprietor, ſhall be indemnified againſt ſuch Infant, and all other Perſons, for paying any Money when called for as aforeſaid, to complete every ſuch

In caſe of Refuſal or Want of Aſſets, Proprietors may appoint others.

Subſcription; and if ſuch deceaſed Proprietor ſhall not have left Aſſets ſufficient, or in caſe any ſuch Executors or Adminiſtrators, Truſtees or Guardians, ſhall refuſe or neglect to anſwer ſuch Calls and Payments, the ſaid Company of Proprietors ſhall be and are hereby impowered, authorized, and required, to admit any other Perſon or Perſons to be Proprietor or Proprietors of the Share or Shares of ſuch deceaſed Proprietor, 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 Proprietor, or to the Trustee or Trustees, Guardian or Guardians, of any Infant or others entitled to his or her Effects, the full Money which shall have been paid by such deceased Proprietor in his or her Life Time by virtue of any Call or Calls, or otherwise, upon such Share or Shares, or so much Money as the same shall be sold for; and in Default of such Calls being answered and made good by such Executors or Administrators, Trustees or Guardians in Manner aforesaid, it shall be lawful for the said Company of Proprietors to sell and dispose of the Share or Shares of such deceased Proprietor, and they are hereby authorized and required to pay and apply the Money arising by such Sale, (after deducting the Charges occasioned thereby), to or for the Benefit of the Representatives of such deceased Proprietor, in such Manner as the said Commissioners shall direct.

Shares may be disposed of.

LXXXIX. And be it further enacted, That it shall be lawful for the Proprietor of any Share or Shares in the said Undertaking, to sell and dispose of such Share or Shares, in Manner, and subject to the Rules and Conditions herein mentioned, and Duplicates of the Deed of Assignment or Conveyance of such Share or Shares shall be executed by such Proprietor, and also by the Purchaser or Purchasers, One Part whereof, duly executed by the Seller and Purchaser, shall be delivered to the said Committee, or to their Clerk, to be filed and kept for the Use of the said Company of Proprietors, and an Entry thereof shall be made in a Book to be kept by the said Clerk for that Purpose, (for which no more than Two Shillings shall be paid), and the said Clerk is 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 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.

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

XC. Provided always, That after any Call of such Monies shall be made by the Authority of this Act, no Person shall sell or transfer any Share which he or she shall then have in the said Navigation, until the Monies called for upon his or her Share so to be sold shall be paid, and every Person making Default herein shall forfeit such his or her Share in the said Navigation, to the said Company, in Trust, for the Benefit of all the other Proprietors, unless the Person or Persons who shall be Vendee or Vendees shall at the Time of such Transfer pay the Money called for upon every Share so sold or transferred, to the Treasurer to the said Company of Proprietors, such Forfeiture having been first notified and declared at a General Assembly in Manner before directed.

XCI. And be it further enacted, That every Assignment or Transfer of the said Shares shall be according to the Form following:

Form of Transfer.

'I *A. B.* of in Consideration of the Sum of
'paid to me by *C. D.* of do hereby bargain, sell,
'assign, and transfer, to the said *C. D.* his Executors, Administrators,
'and Assigns, Share or Shares in the *Rochdale* Canal
'Navigation, to hold to the said *C. D.* his Executors, Administrators,
'and

'and Aſſigns, ſubject to the ſame Rules and Orders, and on the ſame 'Conditions on which I held the ſame immediately before the Execu-'tion 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, as before mentioned. Witneſs our Hands and Seals, 'the Day of

Regulations as to the Acquiſition of Shares by Marriage;

XCII. And, for the better aſcertaining the Perſons entitled to the Profits upon any Shares in the ſaid Navigation, acquired by Marriage, or the Death of any of the Proprietors; be it further enacted, That before any Perſon, who ſhall claim any Part or Share of the Profits of the ſaid Navigation in Right of Marriage, ſhall be entitled to receive the ſame, an Affidavit, containing a Copy of the Regiſter of ſuch Marriage, or the Effect of ſuch Regiſter, ſhall be made and ſworn to by ſome credible Perſon, before One of the Judges at *Weſtminſter*, a Maſter or Maſters Extraordinary in Chancery, or One of His Majeſty's Juſtices of the Peace, and ſhall be tranſmitted to the Clerk of the ſaid Company of Proprietors, who ſhall file the ſame, and make an Entry thereof in the Book to be kept by the ſaid Clerk for the Entry of Tranſfers and Sales of Shares in the ſaid Navigation; and before any Perſon who ſhall claim any Part or Share of the Profits of the ſaid Navigation by virtue of a Will, or in a Courſe of Adminiſtration, ſhall be entitled to receive the ſame, the ſaid Will, or the Probate 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 of ſuch Will, or an Adminiſtrator of the Eſtate and Effects, (as the Caſe may be), before One of the Judges at *Weſtminſter*, a Maſter or Maſters Extraordinary 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.

or Will or Adminiſtration.

Officers to the Company to be appointed.

XCIII. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors at any General Aſſembly, and they are hereby authorized and required, from Time to Time, to nominate and appoint a Treaſurer, Receiver, Collector, and Clerk, and ſuch other Officers as they ſhall think neceſſary, and to take ſuch ſufficient Security from every ſuch Treaſurer, Receiver, Collector, Clerk, and other Officer, having the Care or Cuſtody of any Money to be raiſed or received by virtue of this Act, for the faithful Execution of their reſpective Offices, as the ſaid Company of Proprietors ſhall think proper, and from Time to Time to remove any ſuch Treaſurer, Receiver, Collector, Clerk, and other Officer, and every ſuch Clerk ſhall always attend the Meetings and Aſſemblies of the ſaid Proprietors, and of the ſaid Committees, and ſhall, in a Book 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 Navigation, and of the ſeveral Perſons who ſhall from Time to Time become Owners and Proprietors of, or entitled to, any Share or Shares therein, and of all the Acts, Proceedings, and Tranſactions, of the ſaid Company of Proprietors, and of the ſaid Committees by virtue of this Act, and every Proprietor of the ſaid Navigation ſhall and may, at all convenient Times, have Recourſe to and peruſe

ruſe and inſpect the ſame, *gratis*, and may demand and have Copies thereof, or any Part thereof, paying Three-pence for every One hundred Words ſo to be copied, and if any ſuch Clerk ſhall refuſe to permit any of the ſaid Proprietors to inſpect or peruſe any ſuch Book, or refuſe to make any ſuch Copy, in a reaſonable Time, at the Rate aforeſaid, he ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Pounds, for the Benefit of the Perſon or Perſons to whom ſuch Refuſal ſhall have been made, and whenever any ſuch Treaſurer, Receiver, Collector, Clerk, or other Officer, ſhall die, or be removed from, or quit the Service of, the ſaid Company of Proprietors, it ſhall be lawful for the ſaid Committee from Time to Time to appoint ſome other fit Perſon to be Treaſurer, Receiver, Collector, Clerk, or other Officer, in the Place of him ſo dying, being removed, or quitting the ſaid Service, until the then next General or Special Aſſembly of the ſaid Proprietors, when ſuch Appointment ſhall be confirmed, or another Treaſurer, Receiver, Collector, Clerk, or other Officer, ſhall be nominated or appointed in his Stead.

Proceedings of the Commiſſioners to be entered.

XCIV. And be it further enacted, That all the Orders and Proceedings of the ſaid Commiſſioners ſhall be regularly entered in a Book to be kept for that Purpoſe, ſuch Book to be open at all ſeaſonable Times to the Inſpection of any Perſon intereſted in the ſaid Proceedings, without Fee or Reward, and ſuch Entries, being ſigned by ſuch Number of the ſaid Commiſſioners reſpectively as are impowered by this Act to make ſuch Orders, or carry on ſuch Proceedings, ſhall be deemed Originals, and the ſame, or true Copies thereof, ſhall be admitted as Evidence in all Courts whatſoever; and the ſaid Commiſſioners may and are hereby required at their Firſt Meeting, to appoint, out of Three Perſons to be nominated by the ſaid Company of Proprietors, ſuch One of the ſaid Three Perſons as the ſaid Commiſſioners ſhall think proper to be their Clerk, and from Time to Time may remove any ſuch Perſon, and on ſuch Removal, or in caſe any ſuch Clerk ſhall die or quit the ſaid Employment, the ſaid Company of Proprietors, or the ſaid Committee, ſhall within the Space of One Calendar Month after Notice in Writing for that Purpoſe, to be given by the ſaid Commiſſioners, nominate Three other Perſons, and give Notice thereof unto the ſaid Commiſſioners from whom ſuch Notice in Writing was received, or ſome of them, and they the ſaid Commiſſioners ſhall and may appoint ſuch One of the ſaid Three laſt named Perſons as they ſhall think proper to be their Clerk, and in like Manner a Clerk to the ſaid Commiſſioners ſhall be from Time to Time nominated and appointed as often as Occaſion ſhall require; and every ſuch Clerk ſhall be paid for his Care, Expences, and Trouble, in the Execution of his Office, by the ſaid Company of Proprietors.

Power to collect Rates of Tonnage.

XCV. And 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, and receive, to and for their own proper Uſe and Behoof, for the Tonnage of all Coals, Stone, Timber, and other Goods, Merchandize, and Things, which ſhall be navigated, carried, or conveyed upon or through all or any Part of the ſaid Canal and Cuts, or any of them, the ſeveral Rates herein-after mentioned; (that is to ſay),

Rates.

For every Ton of Lime, Lime Stone, Dung, Manure, Clay, Sand, and Gravel, not paſſing through any Lock, the Sum of One Halfpenny *per* Mile:

For every Ton of Coal, Cannel, Stone, (except Lime Stone), and other Minerals, not paſſing through any Lock, the Sum of One Penny *per* Mile:

For every Ton of Timber, Goods, Wares, and other Merchandize, not paſſing through any Lock, the Sum of Three Halfpence *per* Mile:

For every Ton of Lime, Lime Stone, Dung, Manure, Clay, Sand, and Gravel, paſſing through any Lock or Locks, the Sum of One Penny *per* Mile:

For every Ton of Coal, Cannel, Stone, (except Lime Stone), and other Minerals, paſſing through any Lock or Locks, the Sum of Three Halfpence *per* Mile:

For every Ton of Timber, Goods, Wares, and other Merchandizes, paſſing through any Lock or Locks, the Sum of Two-pence *per* Mile.

Proportion of a Mile to be taken as a Mile.

XCVI. Provided always, 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 or Cuts, or any of them, a Proportion of the ſaid Rates ſhall be demanded and taken by the ſaid Company of Proprietors for ſuch Fractions, according to the Number of Quarters of a Mile contained therein; and in all Cales where there ſhall be a Fraction of a Quarter of a Mile in the Diſtance which any Boat, Barge, or other Veſſel, ſhall be navigated or paſs upon the ſaid Canal and Cuts, or any of them, ſuch Fraction ſhall, in aſcertaining the ſaid Rates, be deemed and conſidered as a whole Quarter of a Mile; and in all Caſes where there ſhall be a Fraction of a Ton in the Weight of Lading in any Boat, Barge, or other Veſſel, ſo to be navigated on the ſaid Canal and Cuts, or any of them, a Proportion of the ſaid Rates ſhall be demanded and taken by the ſaid Company of Proprietors for ſuch Fraction, according to the Number of Quarters of a Ton contained therein; and in all Caſes where there ſhall be a Fraction of a Quarter of a Ton in any ſuch Weight of Lading as aforeſaid, ſuch Fraction ſhall be deemed and conſidered as a whole Quarter of a Ton; and in order the better to aſcertain ſuch Diſtances, the ſaid Company of Proprietors ſhall cauſe the ſame to be meaſured, and Stones or Poſts, with proper Inſcriptions, to be erected and for ever after maintained on the Sides of the ſaid Canal and Cuts reſpectively, at the Diſtance of a Quarter of a Mile from each other.

Exemption from Rates.

XCVII. Provided always, and be it further enacted, That no Stones Gravel, or Sand, to be employed for the Purpoſe only of making or repairing of any publick Roads, in any Pariſh through which the ſaid Canal and Cuts, or any of them, ſhall be made, nor any Dung, Soil, Marl, Aſhes of Coal and Turf, or other Manure, (except Lime), which ſhall be uſed for the Improvement only of the Lands and Grounds in any ſuch Pariſh, nor any Materials which ſhall be uſed in the rebuilding or repairing any Mill ſituate upon the ſaid Rivers *Irk* or *Roach*, or the ſaid River *Irwell*, below the Junction thereof with the *Roach*, or the ſaid River *Calder*, between *Deyne Head*, in the ſaid County of *Lancaſter*, and *Salter Hebble* in the ſaid County of *York*, ſhall be charged with or liable to the Payment of any of the Rates herein-before authorized to be taken,

ſo

ſo that the ſame do not paſs through any Lock to be made on the ſaid Canal and Cuts, or any of them, but at ſuch Times when the Water ſhall flow over the Waſte Weir of ſuch Lock; and alſo that ſuch Perſon or Perſons who ſhall own or be concerned or employed in carrying ſuch Stones, Gravel, or Sand, or ſuch Dung, Soil, Marl, Aſhes, or Manure, or ſuch Materials for the rebuilding or repairing of ſuch Mills, 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 ſame 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 if any Perſon ſhall claim and take the Benefit of any of the aforeſaid Exemptions, not being entitled thereto, or ſhall uſe or diſpoſe of any of the Articles for which any ſuch Exemption ſhall have been allowed in any other Manner than as before-mentioned, he ſhall for every ſuch Offence forfeit any Sum not exceeding Five Pounds.

Rates of Wharfage.

XCVIII. And be it further enacted, That it ſhall and may be lawful for the ſaid Company of Proprietors, from Time to Time, and at all Times hereafter, to aſk, demand, take, and receive, to and for their own proper Uſe and Behoof, for the Wharfage of all Coals, Stone, Timber, and other Goods, Merchandize, and Things, which ſhall be navigated, carried, or conveyed upon the ſaid Canal and Cuts, and ſhall be depoſited upon any Wharf or Quay belonging to the ſaid Company of Proprietors, the ſeveral Rates herein-after mentioned; that is to ſay, For the Wharfage of Coal, Lime, Lime Stone, Clay, Iron, Iron Stone, Timber, Stone, Brick, Tile, Slate, and Gravel, the Sum of One Penny *per* Ton; and for the Wharfage of any other Goods or Things, the Sum of Three-pence *per* Ton, 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 Six Weeks, and Timber, Clay, Lime, Iron Stone, Brick, Tile, Stone, Slate, or Gravel, which may remain thereupon for Three Weeks upon Payment of the ſaid One Penny *per* Ton: Provided nevertheleſs, that in caſe any of the ſaid Articles ſhall be left and remain upon the ſaid Wharfs or Quays longer than the Time limited hereby, then the Owners of ſuch Articles ſhall pay to the ſaid Company of Proprietors One Penny *per* Ton *per* Day for the Time ſuch Articles ſhall remain upon ſuch Wharfs or Quays after the Expiration of the Time hereby limited for the ſame reſpectively, unleſs the ſame ſhall be detained by Reaſon of any Neglect or Default of the ſaid Company of Proprietors, or cannot be conveyed away on Account of any Froſt, Want of Boats, Want of Water, or other inevitable Delay, then and in any of the ſaid Caſes the ſaid Company of Proprietors ſhall not aſk, demand, or receive, any Sum of Money whatever for Wharfage in reſpect thereof, for ſuch Time as the ſame ſhall and may be detained by the Means aforeſaid.

Recovery of Rates.

XCIX. And be it further enacted, That the Rates herein-before authorized to be demanded and taken, ſhall be paid to ſuch Perſon or Perſons, and at ſuch Place or Places, at or near to the ſaid Canal and Cuts, or any of them, and in ſuch Manner, and under ſuch Regulations, as the ſaid Company of Proprietors ſhall from Time to Time direct and appoint; and in caſe of Refuſal or Neglect of Payment of any ſuch Rates, or any

Part

Part thereof, on Demand, to ſuch Perſon or Perſons as aforeſaid, the ſaid Company of Proprietors may ſue for the ſame by Action of Debt, or upon the Caſe, in any Court of Record at *Weſtminſter*, or the Perſon or Perſons to whom the ſaid Rates ought to be paid may, and he and they is and are hereby impowered to ſeize and diſtrain the Goods or other Things for or in reſpect whereof ſuch Rates ought to be paid, or any Part thereof, and the Boat or other Veſſel laden therewith, and detain the ſame until Payment thereof, and of all Arrears of the ſaid Rates, which may be due from the Owner of ſuch Boat or Veſſel to the ſaid Company of Proprietors, together with reaſonable Charges for ſuch Seizure and Diſtreſs, and if ſuch Diſtreſs ſhall not be redeemed within Five Days after the taking thereof, the ſame may be appraiſed and ſold as the Law directs in Caſes of Diſtreſs for Rent.

Power to alter the Rates.

C. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, from Time to Time, at any General or Special Aſſembly to be held for that Purpoſe, (of which Three Calendar Months Notice ſhall be given in ſome Newſpaper or Newſpapers of the ſaid County and Riding, or in ſuch other Manner as the ſaid Company of Proprietors ſhall at any General or Special Aſſembly direct or appoint), to leſſen or reduce all or any of the ſaid Rates hereby granted and made payable to them, as they ſhall think proper, and afterwards from Time to Time, at any General or Special Aſſembly, (of which ſuch Notice ſhall be given as aforeſaid) to advance and raiſe all or any of the ſaid Rates ſo leſſened, to any Sum or Sums of Money not exceeding the ſaid Rates herein-before granted, but no Reduction of the ſaid Rates ſhall be made without the Conſent of the Proprietors poſſeſſed of at leaſt Two Thirds of the Shares in the ſaid Navigation.

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

CI. And, for the better aſcertaining the ſaid Rates, be it further enacted, That the Maſter, or Perſon having the Care of every Boat, Barge, or other Veſſel, navigating upon the ſaid Canal and Cuts, or any of them, ſhall give an exact and true Account in Writing, ſigned by him, to any Collector of the ſaid Rates demanding the ſame, at the Place where he ſhall attend for that Purpoſe, what Quantities of Goods or other Things ſhall be in or upon ſuch Boat, Barge, or other Veſſel, and from whence brought, and where the ſame are intended to be landed, and alſo of the Quantities, Qualities, and Weight, of ſuch Goods or other Things as ſhall have been diſcharged out of ſuch Boat, Barge, or other Veſſel, and where the ſame ſhall have been diſcharged, before it ſhall have arrived at the Place where ſuch Account is to be given, and if the Goods or other Things contained in ſuch Boat, Barge, or other Veſſel, ſhall be liable to the Payment of different Rates, then ſuch Maſter 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 wilfully give a falſe Account, or ſhall deliver any Part of his Lading at any other Place than what ſhall be 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 Forty Shillings for every Ton of Goods and other Things (and ſo in Proportion for any leſs Quantity than a Ton) which ſhall be in ſuch Boat, Barge, or other Veſſel, 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.

Quantity of Tonnage, &c. how to be aſcertained.

CII. And, for the further aſcertaining the Tonnage of Timber, and other Goods to be charged with the Payment of ſuch Rates as aforeſaid, be it further enacted, That Fifty Cubic Feet of round, or Forty Cubic Feet of ſquare Oak, Aſh, Elm, or Beech Timber, and Fifty Feet of Fir or Deal Balk, Poplar, or other Timber or Wood not cut into Scantlings, and Sixty Feet of light Goods, ſhall, for the Purpoſe of this Act, be deemed, rated, or eſtimated, as and for One Ton Weight; and that Six Score Pounds Weight Avoirdupoiſe 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.

If any Difference concerning the Weight, Collectors may weigh Veſſels.

CIII. 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 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 is ſet forth and contained in the Account given thereof as aforeſaid, then the Maſter or Perſon giving in ſuch Account ſhall pay the Coſts and Charges of ſuch weighing, meaſuring, and gauging, all which ſaid Coſts and Charges, upon Refuſal of Payment thereof upon Demand, ſhall and may be recovered and levied by ſuch Ways and Means, and in ſuch Manner, as the ſaid Rates are hereby appointed to be recovered and levied; but if ſuch Goods or other Things ſhall appear to be of the ſame or leſs Weight or Quantity than the ſame ſhall by ſuch Account appear to be of, then the ſaid Collector ſhall pay the Coſts and Charges of ſuch weighing, meaſuring, and gauging, and ſhall alſo pay to ſuch Maſter or Perſon, or to the Owner or Owners of ſuch Goods or other Things, ſuch Damages as ſhall appear to any Juſtice of the Peace for the County of *Lancaſter*, or the Weſt Riding of the County of *York*, as the Caſe may be, on the Oath of any credible Witneſs, to have ariſen from ſuch Detention, and in Default of immediate Payment thereof by the Collector, the ſame ſhall be recovered from the ſaid Company of Proprietors, by Action of Debt in any of His Majeſty's Courts of Record at *Weſtminſter*.

Navigation to be free on Payment of Rates.

CIV. And be it further enacted, That all Perſons 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 Towing Paths), and with Boats, Barges, and other Veſſels, to uſe the ſaid Canal and Cuts, for the Purpoſe of conveying Coals and all other Goods and Things, and to uſe the Wharfs or Quays, to be made by virtue of this Act, for loading and unloading Coals and other Goods and Things, and the ſaid Towing Paths for haling and drawing ſuch Boats, Barges, or other Veſſels, upon Payment of the Rates herein-before granted, and

ſubject to the Rules and Regulations which ſhall be from Time to Time made by the ſaid Company of Proprietors by virtue of the Powers herein granted.

The Company's Lands to be taxed as other Lands near thereto.

CV. And be it further enacted, That the ſaid Company of Proprietors ſhall, from Time to Time, be rated to all Parliamentary and Parochial Taxes and Aſſeſſments, for and in reſpect of the Lands to be purchaſed or taken by them in purſuance of this Act, in the ſame Proportion as other Lands lying near the ſame are or ſhall be rated, and as the ſame Lands ſo to be purchaſed or taken would be rateable, in caſe the ſame were the Property of Individuals in their natural Capacity.

To prevent Lock Keepers, &c. giving any Preference.

CVI. And be it further enacted, That if any Lock Keeper, Wharfinger, or other Officer belonging to the ſaid Company of Proprietors, ſhall give any undue Preference to any Boat, Barge, or other Veſſel, in paſſing through any Lock upon the ſaid Canal and Cuts, or any of them, or in loading or unloading any Goods or other Things at any of the Wharfs, Warehouſes, Weigh Beams, Cranes, or other Machines, belonging to the ſaid Company of Proprietors, he ſhall, for every ſuch Offence, forfeit and pay the Sum of Twenty Shillings.

Veſſels under a certain Burthen not to paſs the Locks at particular Times, unleſs they pay Tonnage for that Burthen.

CVII. And be it further enacted, That no Boat, Barge, or other Veſſel of leſs Burthen than Twenty Tons when the Water does not, or of Fifteen Tons when the Water does, flow over the Weirs of any of the Locks upon the ſaid Canal or Cuts, ſhall paſs through any ſuch Locks, without the Conſent of the ſaid Company of Proprietors, or their principal Agent, in Writing, firſt had and obtained, or unleſs the Owner or Navigator of ſuch Boat, Barge, or other Veſſel, ſhall pay Tonnage equal to a Boat, Barge, or other Veſſel, of Twenty Tons, or Fifteen Tons, as aforeſaid, as the Caſe ſhall be, or unleſs Two Boats, Barges, or other Veſſels, ſhall paſs through ſuch Locks at the ſame Time, the Burthen whereof ſhall be equal to Twenty Tons when the Water does not flow over ſuch Weirs, or Fifteen Tons when the Water does flow over ſuch Weirs, except with reſpect to Pleaſure Boats, which may paſs on the Terms herein-before mentioned.

Maſters to put their Names on Outſide of their Boats.

CVIII. And be it further enacted, That every Owner or Maſter of any Boat, Barge, or other Veſſel, (not being a Pleaſure Boat), paſſing upon the ſaid Canal and Cuts, or any of them, ſhall cauſe his or her Name and Place of Abode, and the Number of ſuch Boat, Barge, or other Veſſel, to be entered with the Clerk to the ſaid Company of Proprietors, and ſhall alſo cauſe ſuch Name and Number to be painted in large White Capital Letters and Figures, on a Black Ground, 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

Weight of the Lading of Veſſels to be marked;

and Veſſels to be gauged.

Expence of the ſaid Company of Proprietors, whenever it ſhall be required by them, or any Perſon or Perſons appointed by them for that Purpoſe; 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 Canal or Cuts, or any of them, without having ſuch Name, Figures, and Index thereon, as are herein-before directed, or ſhall alter, eraſe, deface, or deſtroy the ſame, or any Part thereof, or ſhall fix thereon any falſe Name, Figure, or Index, or who ſhall refuſe to permit and ſuffer the ſame to be gauged and meaſured, or ſhall wilfully ſuffer or permit any Boat, Barge, or other Veſſel, upon the ſaid Canal and Cuts, or any of them, to be loaded or unloaded without a Stage being laid from the Side of ſuch Boat, Barge, or other Veſſel, to the Bank of the ſaid Canal, or ſuch Cuts, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

Maſters or Owners of Boats anſwerable for Damages.

CIX. And be it further enacted, That the Maſter or Owner of any Boat, Barge, or other Veſſel, navigating upon the ſaid Canal and Cuts, or any of them, ſhall be and is hereby made anſwerable for any Damage, Spoil, or Miſchief, that ſhall be done by his Boat, Barge, or other Veſſel, or any of the Boatmen, Watermen, or others belonging to or employed in or about the ſame, unto any of the Bridges, Weirs, Locks, Banks, Dams, Engines, or other Works, in, upon, or belonging to the ſaid Canal and Cuts, or any of them, or any of the Trenches, 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, Mills, Dams, Gauges, Weirs, Lands, or Tenements, adjoining or lying near the ſame, or any of them, by leaving open Gates, or otherwiſe, or any other Treſpaſs whatſoever, and the ſaid Maſter or Owner of ſuch Boat, or other Veſſel, may be ſued and proſecuted for the ſame in any Court of Record, and if a Verdict or Judgement ſhall be given againſt him, either on Proof made or by Default, or upon Demurrer, the Plaintiff in any ſuch Caſe ſhall recover his Damages thereby ſuſtained, together with full Coſts of Suit; and in caſe the Owner of any ſuch Boat, Barge, or other Veſſel as aforeſaid, ſhall be compelled to pay any Penalty, or to make Satisfaction for any Damage or Treſpaſs by Reaſon of any wilful Act or Default done or committed by his Servant or Servants, every ſuch Servant ſhall be liable to repay ſuch Penalty, or the Money paid for any ſuch Damage or Treſpaſs, to ſuch Owner, and in caſe of Non-payment thereof upon Demand, the ſame ſhall be recovered by ſuch Owner, in like Manner as any Penalty is herein-after directed to be recovered.

Maſters to recover back from their Servants Sums paid for their Defaults.

Regulation for Veſſels paſſing the Locks.

CX. Provided always, and be it further enacted, That no Boatman or other Perſon navigating any Boat, Barge, or other Veſſel, upon the ſaid Canal and Cuts, or any of them, and paſſing with the ſame through any Lock to be made by virtue of this Act, ſhall ſuffer the Water to remain in ſuch Lock longer than is neceſſary for ſuch Boat or other Veſſel to paſs through ſuch Lock, and alſo that every ſuch Boatman, or other Perſon as aforeſaid, in going down the ſaid Canal and Cuts, or any of them, ſhall ſhut the lower Gates of ſuch Lock, and the Sluices thereto belonging, before he ſhall draw the Cloughs of the upper Gates thereof, and after he ſhall have brought ſuch Boat, Barge, or other Veſſel,

Veſſel, into the ſaid Lock, ſhall ſhut the upper Gates, and the Sluices thereto belonging, before he ſhall draw the Cloughs of the lower Gates thereof; and in going up the ſaid Canal and Cuts, or any of them, ſhall, ſo ſoon as he ſhall have paſſed with ſuch Boat, Barge, or other Veſſel, out of the ſaid Lock, ſhut the upper Gates and Sluices of the ſaid Lock, and afterwards draw the Cloughs of the lower Gates, unleſs there ſhall be then a Boat, Barge, or other Veſſel, in Sight coming down the ſaid Canal and Cuts, or any of them, in which Caſe the lower Gates and Sluices of the ſaid Lock ſhall be left ſhut, and the upper Gates ſhall be left open, and at all Times the Boat, Barge, or other Veſſel, going up the ſame, if within Sight, and at a Diſtance not above Three hundred Yards below a Lock, ſhall paſs through ſuch Lock before the Boat, Barge, or other Veſſel coming down, and then the Veſſel next above ſhall come down, and if there ſhall be more Boats, Barges, or other Veſſels, than One below and above any Lock at the ſame Time within the Diſtance aforeſaid, (at which Diſtance a Poſt or Mark ſhall be ſet up and made for aſcertaining the ſame), ſuch Boats, Barges, or other Veſſels, ſhall go up and come down in ſuch Locks by Turns as aforeſaid, until all the ſaid Boats, Barges, or other Veſſels, going up and coming down ſhall have paſſed, by which Means One Lock full of Water may ſerve Two Boats, Barges, or other Veſſels; and every Perſon acting contrary to theſe Directions in paſſing any ſuch Lock, ſhall, for every ſuch Offence, forfeit any Sum not exceeding Twenty Shillings.

Committee to regulate the Navigation.

CXI. And be it further enacted, That all Boats, Barges, and other Veſſels, paſſing upon the ſaid Canal or Cuts, ſhall, upon meeting any other Boat, Barge, or Veſſel, ſtop at or go back to and lie in ſome Place to be provided for that Purpoſe as aforeſaid, in ſuch Manner as the ſaid Company of Proprietors, or Committee to be appointed as aforeſaid, ſhall from Time to Time direct and appoint; and if any Boat, Barge, or other Veſſel, ſhall be placed or ſuffered to remain in any Part of the ſaid Canal and Cuts, 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 the ſame, he ſhall, for every ſuch Offence, forfeit any Sum not exceeding 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 Perſon ſhall float any Timber upon the ſaid Canal and Cuts, or any of them, or ſhall ſuffer the Loading of any Boat, Barge, or other Veſſel navigating in or upon the ſaid Canal and Cuts, or any of them, to lie over the Side thereof, ſo as to obſtruct the Paſſage of any other Boat, Barge, or other Veſſel, and ſhall not immediately, upon Notice given to him for that Purpoſe, remove ſuch Obſtruction, or if any Perſon ſhall throw any Ballaſt, Gravel, Stones, or Rubbiſh, into any Part of the ſaid Canal and Cuts, or any Trenches or Watercourſes to be made by virtue of this Act, or if any Perſon ſhall wantonly, careleſsly, or negligently, open or cauſe to be opened any Lock Gate, or

any

any Paddles, Valve, or Clough, belonging to any Lock to be erected on the ſaid Canal and Cuts, or any of them, or ſuffer any Boat, Barge, or other Veſſel, to ſtrike or run upon any of the Bridges or Locks thereof, or ſhall wilfully fluſh or draw off the Water from any Part of the ſaid Canal or Cuts, or ſhall leave any of the ſaid Valves or Cloughs open and running, after any Boat, Barge, or other Veſſel, ſhall have paſſed any ſuch Lock, every Perſon ſo offending ſhall forfeit and pay, for every ſuch Offence, any Sum not exceeding Five Pounds; and if any Perſon ſhall wilfully and maliciouſly, and to the Prejudice of the ſaid Navigation, break, throw down, damage, or deſtroy, any Banks or other Works to be erected and made by virtue of this Act, every Perſon ſo offending 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 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 proper, award ſuch Sentence as the Law directs in Caſes of Petit Larceny.

Canal not to be ſubject to the Commiſſioners of Sewers.

CXII. Provided always, and be it further enacted, That the ſaid Canal and Cuts, or any Works to be made by virtue of this Act, ſhall not be ſubject to the Controul, Direction, Survey, or Order, of any Commiſſion of Sewers, any Law or Statute to the contrary notwithſtanding.

Steam Engines may be ſupplied with Water from the Canal.

CXIII. And whereas Steam Engines are become of great Uſe in various Manufactures carried on within the ſaid Counties, and as ſuch Engines conſume conſiderable Quantities of Coal, they will, by the Rates which will be payable for ſuch Coals, tend to promote the Intereſts of the ſaid Navigation, but the ſaid Engines can only be made uſe of where cold Water can be obtained to condenſe the Steam, on which Account, as well as for the better Supply of the ſame with Coals, it would be convenient to erect ſuch Steam Engines as near as may be to the ſaid Navigation; be it therefore further enacted, That it ſhall be lawful for the Owners of any Lands within the Diſtance of Twenty Yards from the ſaid Canal and Cuts, or any of them, to make a Communication between the Water therein, and any Steam Engine or Engines, by Means of One or more Metal Pipe or Pipes of ſufficient Strength or Thickneſs, and ſo conſtructed as to prevent any Leakage or Waſte of Water, and to draw from the ſaid Canal and Cuts, or any of them, ſuch Quantities of Water as ſhall be ſufficient to ſupply the ſaid Engine or Engines with cold Water, for the ſole Purpoſe of condenſing the Steam uſed for working any ſuch Engines as aforeſaid: Provided always, that the Proprietor of every ſuch Engine ſhall return to the ſaid Canal and Cuts, or ſome of them, in every Day on which he ſhall uſe ſuch Engine, a Quantity of Water on the ſame Level on which it ſhall be taken, equal to the Quantity ſo taken in every ſuch Day from the ſaid Canal and Cuts, or any of them, (the inevitable Waſte thereof by condenſing ſuch Steam only excepted), ſo that no Obſtruction ſhall ariſe therefrom to the ſaid Navigation: Provided alſo, that ſuch Water ſo taken ſhall be applied to the working of the ſaid Engine, and to no other Uſe or Purpoſe, and that every Perſon laying any Pipe into the ſaid Canal, or either of the ſaid Cuts for ſuch Purpoſe, ſhall, and is hereby required to make good the Bank thereof, and to repair, at his own proper Coſts and Charges, all ſuch other Damages as

may ariſe from the laying in of ſuch Pipe, in ſuch Manner, and at ſuch Times, as ſhall cauſe as little Let, Hindrance, or Moleſtation, as may be, to the ſaid Navigation, or to the Perſons uſing the ſame: Provided nevertheleſs, that no Perſon ſhall take any Water from the ſaid Canal or Cuts, or any of them, for the Uſe of any ſuch Engine, without giving One Month's previous Notice in Writing of ſuch his Intention to the Committee of the ſaid Company of Proprietors, in order that the ſaid Committee may appoint a Perſon or Perſons to inſpect into the Premiſes on their Behalf, and to take Care that the ſaid Pipe is of a proper Strength and Thickneſs, and be laid into the Bank in a proper Manner, according to the Intent and Meaning of this Act; and if any Diſpute ſhall ariſe between the ſaid Company of Proprietors, or the ſaid Committee, and any Perſon who ſhall be deſirous of taking Water out of the ſaid Canal or Cuts, or any of them, for the Purpoſes of any ſuch Engine, or who ſhall be in the Uſe of taking the ſame therefrom, ſuch Diſpute ſhall be finally ſettled and determined by the ſaid Commiſſioners.

Powers to compel Payment of Subſcriptions.

CXIV. And be it further enacted, That the ſeveral Perſons, and Bodies Politick or Corporate, who have ſubſcribed to advance any Money for and towards making and maintaining the ſaid Canal and Cuts, and 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 Body Politick or Corporate, ſhall neglect or refuſe to pay the ſame at the Time and in Manner required for that Purpoſe, it ſhall be lawful for the ſaid Company of Proprietors to ſue for and recover the ſame in any Court of Law or Equity.

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

CXV. And whereas the major Part of the Proprietors of the ſaid Canal 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 by this Act, but by Reaſon of Infancy or otherwiſe, may not be able to obtain the Conſent and Concurrence of all the Proprietors to make ſuch Application; be it therefore enacted, That in caſe the Perſons entitled to Two Third Parts of the Number of the Shares in the ſaid Canal ſhall, at any General or Special Aſſembly of the ſaid Company of Proprietors, think it proper to make any ſuch Application to Parliament, it ſhall be lawful for them to order and cauſe the Common Seal of the ſaid Company of Proprietors to be affixed to any Petition for that Purpoſe, and ſuch Application to be proceeded in and proſecuted, and any Money ariſing by virtue of this Act, to be applied in defraying the Expences incurred by or in Conſequence of any ſuch Application, and the ſame ſhall be deemed to be the Act of the Whole of the ſaid Company of Proprietors, in like Manner, and as fully and effectually as if every One of the ſaid Proprietors had been capable of acting for himſelf or herſelf, and had attended ſuch General Aſſembly, and concurred therein; and it ſhall be lawful for the Guardians, Truſtees, or Committees, of the Proprietors of any ſuch Shares, being Minors, Lunaticks, or under any other Diſability or Incapacity of acting for themſelves,

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, and the ſame ſhall be valid and effectual.

Company to take a Leaſe of *The School Mills* in *Mancheſter*, if required.

CXVI. And be it further enacted, That if at any Time before the ſaid intended Canal ſhall be completed, or within the Space of Fifteen Years next after ſuch Canal ſhall be completed, the Feoffees or Truſtees for the Time being of the Free Grammar School in *Mancheſter*, in the ſaid County Palatine of *Lancaſter*, ſhall be deſirous or inclined to let, demiſe, or leaſe, the Mills ſituate and ſtanding upon the ſaid River *Irk*, within the Town of *Mancheſter* aforeſaid, commonly called *The School Mills*, and ſhall ſignify ſuch their Deſire or Inclination, by an Offer in Writing delivered to the ſaid Company of Proprietors, or to their Clerk or known Agent, to let, demiſe, or leaſe, the ſame Mills for any Term or Number of Years not exceeding Thirty-one Years in Poſſeſſion, then, and in ſuch Caſe, the ſaid Company of Proprietors ſhall be obliged, and are hereby authorized and required to accept and take a Leaſe of the ſaid School Mills for the Term or Number of Years for which the ſame Mills ſhall be ſo offered to be let, demiſed, or leaſed as aforeſaid, at and under the Yearly Rent of Eight hundred and ſeventy-eight Pounds, clear of the Land Tax, and the Rates or Duties on Houſes, Windows, and Lights, and all future Aids or Taxes to the Government, the ſame clear Yearly Rent ſo to become payable for the ſaid School Mills as aforeſaid to be reſerved and continue payable Half-yearly during the Continuance of the Term by the ſaid Leaſe to be granted, and to be well and effectually charged and ſecured in ſuch Manner as ſhall be to the Satisfaction of the Counſel in the Law of the ſaid Feoffees or Truſtees for the Time being, which Leaſe ſhall not be made diſpuniſhable of Waſte; and in ſuch Leaſe there ſhall be contained and expreſſed Covenants to repair the Premiſes from Time to Time, and to rebuild, if neceſſary, and to uſe the Premiſes as Mills, ſo as to preſerve the Cuſtom for the Inhabitants of *Mancheſter* to grind their Malt at the ſaid Mills, and all other neceſſary or proper Covenants, and a Power or Condition of Re-entry, in caſe of Non-payment of the Rent thereby reſerved, within a reaſonable Time therein to be limited, or in caſe of any Breach or Non-performance by the ſaid Company of Proprietors of any Covenant or Agreement therein contained or expreſſed, and on the Part of the ſaid Company of Proprietors to be performed or obſerved, and alſo ſuch other Reſtrictions as by the Counſel in the Law of the ſaid Feoffees or Truſtees for the Time being may be reaſonably deviſed or required.

Accounts of the Company reſpecting the Mills to be produced to the Feoffees at the End of Term leaſed.

CXVII. And be it further enacted, That the ſaid Company of Proprietors ſhall, at the Expiration or other ſooner Determination of the ſaid Term by the ſaid Leaſe to be demiſed or granted as aforeſaid, produce to the ſaid Feoffees or Truſtees for the Time being, their Steward and Agent, the Books, Papers, and Accounts, of the ſaid Company of

Proprietors relative to the ſaid Mills, for the Inſpection of the ſaid Feoffees or Truſtees for the Time being, their Steward and Agent, and who ſhall have Liberty and Authority to examine the Agents, Tenants, and Servants, of the ſaid Company of Proprietors, and then, and in caſe the ſaid Feoffees or Truſtees for the Time being ſhall not let or demiſe the ſaid School Mills to the ſaid Company of Proprietors for a further Term of Years, they the ſaid Feoffees or Truſtees, for the Time being, ſhall thereupon make a reaſonable Compenſation or Allowance for ſuch permanent Improvements (if any) as may have been made by the ſaid Company of Proprietors on the Premiſes demiſed as aforeſaid, ſuch Compenſation or Allowance to be aſcertained by Three indifferent Perſons, One to be named by the ſaid Feoffees or Truſtees for the Time being, another by the ſaid Company of Proprietors, and the Third by the ſaid Two indifferent Perſons ſo nominated by the ſaid Feoffees and Truſtees for the Time being, and the ſaid Company of Proprietors reſpectively as aforeſaid; but if the ſaid Feoffees or Truſtees for the Time being ſhall be deſirous or inclined to let, demiſe, or leaſe, the ſaid Mills for a further Term, and ſhall in like Manner ſignify ſuch their Deſire or Inclination by an Offer in Writing delivered to the ſaid Company of Proprietors, or their Clerk or known Agent, to let, demiſe, or leaſe, the ſame Mills for a Second Term or Number of Years, not exceeding Thirty-one Years in Poſſeſſion, then and in ſuch laſt-mentioned Caſe the ſaid Company of Proprietors ſhall be obliged, and are hereby authorized and required to accept a further Leaſe of the ſaid School Mills for the Second Term or Number of Years for which the ſame ſhall be ſo offered to be let, demiſed, or leaſed as aforeſaid, at and under the like clear Yearly Rent of Eight hundred and ſeventy-eight Pounds, to be payable and ſecured in ſuch Manner, and with ſuch and the like Reſervations, Reſtrictions, Covenants, and Agreements, as herein-before mentioned; and that at the End of the ſaid Second, or any and every ſucceeding Term of Years to be by the ſaid Feoffees or Truſtees for the Time being demiſed or granted of the ſaid School Mills to the ſaid Company of Proprietors, they the ſaid Feoffees or Truſtees for the Time being ſhall have the like Liberty and Authority of Inſpection and Examination as aforeſaid, and on their Reſumption and Re-entry into the Poſſeſſion of the ſaid Mills, make the like Compenſation or Allowance for permanent Improvements, (if any), and to be aſcertained in ſuch Manner as before mentioned, and in like Manner, if the ſaid Feoffees or Truſtees for the Time being ſhall, at the Expiration of the ſaid Second, or any or every ſucceeding Term of Years to be by them demiſed or granted of the ſaid School Mills to the ſaid Company of Proprietors, be deſirous or inclined to let, demiſe, or leaſe, the ſame Mills, and ſhall ſignify ſuch their Deſire or Inclination in Manner as aforeſaid, then and in any and every ſuch Caſe the ſaid Company of Proprietors ſhall be obliged, and are hereby authorized and required from Time to Time to accept and take a further Leaſe or Leaſes of the ſaid School Mills for ſuch further Term or Terms, or Number or Numbers of Years, for which the ſame Mills ſhall be ſo offered to be let, demiſed, or leaſed as aforeſaid, at and under the like clear Yearly Rent of Eight hundred and ſeventy-eight Pounds, alſo to become payable and to be ſecured with ſuch Reſervations, Reſtrictions, Covenants, and Agreements, and in the like Manner as before mentioned; and that a Counterpart or Counterparts of all and every ſuch

Leaſe and Leaſes ſhall be made and duly executed by the ſaid Company of Proprietors under their Common Seal.

Rent of the Mills to have a Preference in Payment.

CXVIII. And be it further enacted, That all and every the Rent and Rents to be reſerved and made payable, under or by virtue of every or any of the Leaſe or Leaſes by the ſaid Feoffees or Truſtees for the Time being made or granted of the ſaid School Mills to the ſaid Company of Proprietors as aforeſaid, ſhall be ſecured and made payable in Preference, and ſhall have Priority to all and every the Sum and Sums of Money which ſhall be by the ſaid Company of Proprietors borrowed or taken up at Intereſt, and to the Intereſt of ſuch Sum and Sums of Money ſo to be borrowed, and alſo to all other Charges and Incumbrances whatſoever, which ſhall be by the ſaid Company of Proprietors made or created after the paſſing of this Act, and that all ſuch Rent and Rents ſhall be a Lien upon all and every the Lands, Tenements, Hereditaments, Goods and Chattels, of the ſaid Company of Proprietors, and ſhall be well and effectually ſecured and made payable from and out of all and every ſuch Lands, Tenements, Hereditaments, Goods, and Chattels, in Preference to and before the Payment of every or any ſuch Sum or Sums of Money which ſhall be by the ſaid Company of Proprietors borrowed as aforeſaid, or the Intereſt of every or any of ſuch Sum or Sums of Money, or any other Charges or Incumbrances whatſoever, which ſhall be by the ſaid Company of Proprietors made or created after the paſſing of this Act as aforeſaid; any Thing herein contained to the contrary thereof in anywiſe notwithſtanding.

Recovery of Penalties.

CXIX. 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 hereof, (the Manner of levying and recovering of which is not herein-before particularly directed), ſhall be levied and recovered by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of any Juſtice of the Peace for the County or Place within which the Offence ſhall be committed, or the Offender ſhall be or reſide, and every ſuch Juſtice is hereby authorized to hear and examine Witneſſes upon Oath, 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 for the Uſe of the ſaid Company of Proprietors.

CXX. 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 Form following; *(videlicet)*,

Form of Conviction.

'County or Riding, (to wit)' } 'BE it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before me *C. D.* One of His Majeſty's Juſtices of the Peace for the ſaid County [*ſpecify the Offence, and Time and Place when and where the ſame was committed*]. Given under my Hand and Seal the Day and Year aforeſaid.'

CXXI. And

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

CXXI. And be it further enacted, That no Proceedings to be had or taken in pursuance of this Act, shall be quashed or vacated for Want of Form, or removed by *Certiorari*, or any other Writ or Process, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; and that where any Distress shall be made for any Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on Account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers, *ab initio*, on Account of any Irregularity which shall be afterwards committed by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damages in an Action upon the Case.

Distress not unlawful for Want of Form.

Appeal to the Quarter Sessions.

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

Limitation of Actions.

CXXIII. 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 or Execution 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 Damages shall cease, and not afterwards, and shall be laid or brought in the County within which the 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.

Publick Act.

CXXIV. And be it further enacted, That this Act shall be allowed in all Courts 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.

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