ANNO TRICESIMO QUARTO

Georgii III. Regis.

CAP. XCIV.

An Act to enable the Company of Proprietors of the Canal Navigation from *Leeds* to *Liverpool*, to complete the ſaid Navigation, and to vary the Line thereof, and to raiſe a further Sum of Money for thoſe Purpoſes; and for making a Navigable Branch, therein deſcribed, from the intended new Line of the ſaid Canal.

[9th *May* 1794.]

WHEREAS by an Act, paſſed in the Tenth Year of the Reign of His preſent Majeſty, intituled, *An Act for making and maintaining a Navigable Cut or Canal from* Leeds Bridge, *in the County of* York, *to the* North Lady's Walk *in* Liverpool, *in the County Palatine of* Lancaſter, *and from thence to the River* Merſey, the ſeveral Perſons therein named and thereby deſcribed were united into a Company for the better carrying on, making, completing, and maintaining, the ſaid Navigable Cut or Canal, according to the Rules, Orders, and Directions, in the ſame Act expreſſed and laid down, and were alſo created a Body Politick and Corporate, by the Name of *The Company of Proprietors of the Canal Navigation from* Leeds *to* Liverpool, in perpetual Succeſſion, with a Common Seal, and full Power, from and after the Fourteenth Day from the paſſing of the ſame Act, to make and complete a Cut

Preamble. Act 10 Geo. III.

or Canal, navigable and paſſable for Boats, Barges, and other Veſſels, from or near a certain Bridge over the River *Aire* called *Leeds Bridge*, in the Town of *Leeds*, through the Townſhip of *Leeds*, and through the ſeveral Townſhips, Pariſhes, and Hamlets therein particularly mentioned, to or near a certain Place called *The North Lady's Walk*, in the Town or Port of *Liverpool* aforeſaid, and from thence to communicate with the River *Merſey*: And to the End that the ſaid Company of Proprietors might be enabled to carry on ſo uſeful an Undertaking, they were thereby empowered to raiſe among themſelves, and in ſuch Proportions as to them ſhould ſeem meet and convenient, a competent Sum of Money for making and completing the ſaid Navigable Cut or Canal, provided that the ſaid Sum did not exceed the Sum of Two hundred and ſixty thouſand Pounds in the Whole, except as is therein and herein-after mentioned; (that is to ſay), That in caſe the ſaid Sum of Two hundred and ſixty thouſand Pounds ſhould be found inſufficient for the making, completing, and maintaining, the ſaid Navigable Cut or Canal, and other the Works thereby authorized to be made, and all neceſſary Charges and Expences relating thereunto, then and in ſuch Caſe it ſhould and might be lawful to and for the ſaid Company of Proprietors to raiſe and contribute among themſelves, in Manner and Form aforeſaid, any further or other Sum of Money for completing and maintaining the ſaid Navigation, not exceeding the Sum of Sixty thouſand Pounds: And whereas by an Act, paſſed in the Thirtieth Year of the Reign of His ſaid preſent Majeſty, intituled, *An Act to enable the Company of Proprietors of the Canal Navigation from* Leeds *to* Liverpool *to vary the Line of the ſaid Canal Navigation, and to raiſe a further Sum of Money for the Purpoſe of completing the ſaid Canal Navigation, and for other Purpoſes*, reciting as is herein-before recited, and alſo reciting that there had been made, and was then navigable ſo much of the ſaid Cut or Canal as extended from *Leeds* Bridge to *Holme* Bridge, in the County of *York*, and ſo much of the ſaid Cut or Canal as extended from *Liverpool* into the Townſhip of *Parbold*, and that in making and completing the ſaid ſeveral Parts, and in the purchaſing and improving the Navigation of the navigable River *Douglas*, alias *Aſland*, in the ſaid County of *Lancaſter*, which was then and is now by virtue of an Act paſſed in the Twenty-third Year of the Reign of His preſent Majeſty, intituled, *An Act for altering and varying the Powers of an Act paſſed in the Sixth Year of the Reign of King* George *the Firſt, for making the River* Douglas, *alias* Aſland, *navigable from the River* Ribble *to* Wigan, *in the County Palatine of* Lancaſter, *and for enabling the Company of Proprietors of the* Leeds *and* Liverpool *Canal, incorporated by an Act paſſed in the Tenth Year of His preſent Majeſty's Reign, to purchaſe the ſaid River Navigation, for amending the ſaid laſt-mentioned Act, for incorporating and conſolidating the ſaid Two Navigations, and for other Purpoſes*, conſolidated and incorporated with the ſaid Canal, the ſaid Company of Proprietors had paid and expended the Sum of Three hundred thouſand Pounds and upwards, and that about Fifty-ſix Miles of the ſaid Canal then remained uncut, and that the ſaid Company of Proprietors were deſirous of completing and finiſhing the intermediate Parts of the ſaid Cut or Canal, and of varying a Part of the originally intended Line of the ſaid Canal, the ſaid Company of Proprietors and their Succeſſors were empowered to vary and alter Part of the ſaid Canal in Manner therein mentioned; and in order to enable them to complete and finiſh the ſaid Cut or Canal, they were in and by the Act now reciting enabled

Act 30 Geo. III.

Act 23 Geo. III.

to borrow and take up, at legal or leſs Intereſt, any Sum or Sums of Money, not exceeding in the Whole the Sum of Two hundred thouſand Pounds, on the Credit of the ſaid Canal Navigation, and alſo on the Credit of the Navigation of the ſaid River *Douglas*, alias *Aſland*, incorporated and conſolidated as aforeſaid, and every or any Part thereof, as to them ſhould ſeem meet and convenient, over and above all Money authorized to be ſubſcribed and raiſed by virtue of the therein recited Acts, or any of them; and the ſaid Company of Proprietors were thereby fully authorized and empowered, from Time to Time, to grant or aſſign over the ſaid incorporated Navigations, and the Tolls, Rates, or Duties, ariſing or to ariſe by or from the ſaid Navigations, or either of them, or any Part or Share, or Parts or Shares thereof, as a Security for any Sum or Sums of Money, with Intereſt for the ſame, which ſhould be borrowed as is therein mentioned: And whereas, by virtue of the ſaid Act paſſed in the Sixth Year of the Reign of His late Majeſty King *George* the Firſt, a Navigable Cut or Canal hath been made by and at the Expence of the ſaid Proprietors of the *Leeds* and *Liverpool* Canal, between and from or near the ſaid Town of *Wigan* and the ſaid *Leeds* and *Liverpool* Canal, and ſo as to communicate therewith at *Newborough* in the ſaid County Palatine of *Lancaſter*: And whereas the ſaid Company of Proprietors have, ſince the paſſing of the ſaid Act of the Thirtieth Year of the Reign of His preſent Majeſty, made conſiderable Progreſs towards completing the ſaid Canal from *Leeds* to *Liverpool*, and they are deſirous to complete and finiſh the ſame; but upon a Re-examination of the Country through which they are empowered to make and complete the yet unfiniſhed Parts of the ſaid Canal, and upon an Examination and Survey of the Country through which they are now deſirous to make ſuch unfiniſhed Parts, it appears that the deviating, varying, and altering, the Line of the ſaid Canal, and carrying, making, and completing the ſame in the Courſe and Direction herein-after mentioned, will open a more convenient navigable Communication between ſeveral populous and manufacturing Towns and Places and the Ports of *Liverpool* and *Hull*, than the now Parliamentary Line of the ſaid Canal, and that ſuch Variation will alſo be more advantageous to Trade and Agriculture, and of greater Benefit to the Publick and the ſaid Proprietors; which ſaid ſeveral beneficial Ends cannot be obtained 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, from and after the Firſt Day of *July* One thouſand ſeven hundred and ninety-four, on which Day this Act ſhall commence and take Effect, the ſaid Company of Proprietors, for the Purpoſe of making the ſaid Deviation, and completing the ſaid Canal, ſhall and may have Power and Authority to purchaſe Lands to them and their Succeſſors and Aſſigns, for the Uſe of the ſaid Canal or Deviation hereby authorized to be made, and alſo to ſell and diſpoſe of any of the ſaid Lands ſo purchaſed, without incurring any of the Penalties or Forfeitures of the Statute of Mortmain; and they the ſaid Company ſhall be and are hereby authorized and empowered, by themſelves, their Deputies, Agents, Officers, Workmen, Servants, and Aſſigns, for the Purpoſe aforeſaid, to make, complete, and maintain, a Cut or Canal, navigable and paſſable for Boats, Barges, and other Veſſels, from and out of the

Douglas Canal made.

Power to vary the Line of the Canal.

the Parliamentary Line of the ſaid Cut or Canal from *Leeds* to *Liverpool*, at or near a Place called or commonly known by the Name of *Wanleſs Banks*, in the Townſhip or Hamlet of *Barrowford*, otherwiſe *Barrowford Booth*, in the Pariſh of *Whalley*, in the ſaid County of *Lancaſter*, through the ſaid Pariſh of *Whalley*, and through or into the ſeveral Pariſhes of *Blackburn*, *Leyland*, *Croſton*, *Standiſh*, *Dean*, *Bolton*, and *Wigan*, and through or into the ſeveral Townſhips or Hamlets called *Barrowford* otherwiſe *Barrowford Booth*, *Great Marſden*, *Little Marſden*, *Burnley*, *Habergham*, *Eaves*, *Hapton*, *Altham*, *Clayton le Moors*, *Church*, *Accrington*, *Oſwaldtwiſtle*, *Riſhton* otherwiſe *Ruſhton*, *Little Harewood*, *Blackburn*, *Liveſey*, *Withnell*, *Houghton*, *Wheelton*, *Heapy*, *Whittle in the Woods*, *Chorley*, *Heath* otherwiſe *Higher Charnock*, *Adlington*, *Anderton*, *Horwich*, *Blackrod*, *Weſt Houghton*, *Aſpull*, *Ince*, and *Wigan*, and until the ſame ſhall communicate with the ſaid Canal made as aforeſaid, by virtue of the ſaid Act paſſed in the ſaid Sixth Year of the Reign of His ſaid late Majeſty King *George* the Firſt, at or near the Warehouſe belonging to the ſaid Company of Proprietors in *Wigan* aforeſaid, and to ſupply the ſaid Canal hereby authorized to be made, whilſt making and when made, with Water from all ſuch Rivers, Brooks, Springs, Streams, Rivulets, and Watercourſes, as ſhall be found in digging or making the ſaid Canal, or within the Diſtance of One thouſand Yards thereof, or from any Reſervoir, Cut, or Trench, to be made as hereinafter mentioned, and alſo to make ſuch Reſervoir or Reſervoirs for the Purpoſe of ſupplying the ſame Canal, or any Part or Parts thereof, with Water, and alſo to erect a Fire Engine or Engines, or other Machines, for ſupplying the ſame Canal, or any Part or Parts thereof, with Water, and alſo to make ſuch and ſo many Soughs, Tunnels, Feeders, Aqueducts, and Channels, for ſupplying the ſaid Fire Engines or other Machines, Reſervoirs, and Canal with Water, and for conveying Water from any ſuch Reſervoir or Reſervoirs to the ſaid Canal hereby authorized to be made, as by the ſaid Company of Proprietors ſhall be deemed neceſſary and proper, and alſo for effecting the Purpoſes aforeſaid, within the like Diſtance from any Part of the ſaid Canal, to cleanſe, ſcour, cut, dig, open, deepen, enlarge, or ſtraighten the Streams, Brooks, or Watercourſes, which come or may be brought into or made to communicate therewith, and to dig, cut, or raiſe, the Banks of any of the ſaid Streams, Brooks, or Watercourſes, for bringing Water into the ſaid intended Canal, and to make ſuch proper Trenches or Paſſages for Water, in, upon, or through, the Lands or Grounds adjoining or near to the ſaid intended Canal, or ſuch Streams, Brooks, or Watercourſes, as aforeſaid, or any of them, as the ſaid Company of Proprietors ſhall think fit; and for the Purpoſes aforeſaid the ſaid Company of Proprietors, their Deputies, Servants, Agents, and Workmen, are hereby authorized and empowered to enter into and upon the Lands and Grounds of any Perſon or Perſons, Bodies Politick, Corporate, or Collegiate, whatſoever, and to ſurvey and take Levels of the ſame, or any Part thereof, and to ſet out and aſcertain ſuch Parts thereof for the making the ſaid intended Canal, and any ſuch Reſervoir or Reſervoirs, Feeders, and Aqueducts, and ſuch other Works, Matters, and Conveniencies, as they ſhall think proper and neceſſary for making, effecting, preſerving, improving, completing, maintaining, and eaſy uſing the ſaid intended Canal and other Works, and alſo to bore, cut, dig, trench, ſough, get, remove, take, carry away, and lay Earth, Clay, Stone, Soil, Rubbiſh, Trees, Roots of

of Trees, Beds of Gravel or Sand, or any other Matters or Things which may be dug or got in making the ſaid intended Canal, or other Works, or in making any Reſervoir or Reſervoirs, Feeders or Aqueducts, or out of the Lands and Grounds of any Perſon or Perſons adjoining or lying convenient thereto, or to any other Part of the Canal from *Leeds* to *Liverpool*, and which may be proper, requiſite, or neceſſary for making, carrying on, continuing, maintaining, or repairing, the ſaid Canal and other Works hereby authorized to be made, or which may hinder, prevent, or obſtruct the making, uſing, or completing, extending, or maintaining the ſame, or the making, uſing, completing, extending, and maintaining, of ſuch Reſervoirs as aforeſaid, or of any ſuch Feeders, Trenches, Paſſages, Aqueducts, and Watercourſes as aforeſaid, as ſhall be neceſſary and proper to convey Water to or from the ſaid Canal and other Works hereby authorized to be made, according to the Intent and Purport of this Act, and to make, build, erect, and ſet up, in or upon the ſaid Canal, or upon the Lands adjoining or near to the ſame, ſuch and ſo many Bridges, Piers, Arches, Tunnels, Aqueducts, Sluices, Locks, Flood Gates, Weirs, Pens for Water, Water Stanks, Reſervoirs, Drains, Wharfs, Quays, Warehouſes, Toll Houſes, Watch Houſes, Landing Places, Weighing Beams, Cranes, Fire Engines, or other Machines, Dry or Wet Docks, and other Works, Ways, Roads, and Conveniencies, as and where the ſaid Company of Proprietors ſhall think requiſite or proper for the Purpoſes of the ſaid Navigation, and alſo from Time to Time to alter, repair, and amend, or diſcontinue the ſame, and to make, divert, alter, widen, enlarge, and extend any Bridges, Ways, Roads, or Paſſages, Cuts, Locks, Soughs, Tunnels, Reſervoirs, Aqueducts, Trenches, Sluices, and other Works or Conveniencies, as well for the carrying and conveying of Coals, Stones, and other Minerals, Goods, Wares, Merchandizes, and other Articles to and from the ſaid Canal hereby authorized to be made, as for the carrying and conveying of all Manner of Materials neceſſary for the making, erecting, finiſhing, altering, repairing, maintaining, amending, widening, or enlarging the ſaid Canal, and the Works of or belonging to the ſaid Navigation, or which may be uſeful for any of the Purpoſes thereof, and alſo to place, lay, work, or manufacture, the ſaid Materials on the Grounds near to the Place or Places where the ſaid Works, or any of them, ſhall be or are intended to be made, erected, repaired, or done, and alſo to make, maintain, repair, and alter any Fences or Paſſages over, under, or through, the ſaid Canal, or the Reſervoirs, Tunnels, Aqueducts, Soughs, Trenches, Paſſages, Feeders, Watercourſes, and Sluices reſpectively, which ſhall communicate therewith, and alſo to make, ſet out, and appoint ſuch Towing Paths, Banks, Roads, and Ways convenient for towing, haling, or drawing of Boats, Barges, and other Veſſels paſſing upon the ſaid Canal, with Men, Horſes, or otherwiſe, and proper Places for Boats, Barges, and other Veſſels, navigated upon the ſaid Canal, to turn, lie, or paſs each other, as they the ſaid Company of Proprietors ſhall think convenient, and to conſtruct, erect, and keep in Repair, any Piers, Arches, Aqueducts, and other Works, in, upon, and acroſs, any Rivers or Brooks for the making, uſing, maintaining, and repairing, of the ſaid Canal, Towing Paths, and other Works, and to conſtruct, erect, make, and do all other Matters and Things which ſhall be deemed neceſſary or proper for making, effecting, extending, preſerving, improving, completing, and eaſy uſing of the

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ſaid Canal and other Works, in purſuance of and according to the true 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 full Satisfaction, in Manner hereinafter mentioned, to the Owners and Proprietors of, and all Perſons intereſted in the Lands, Tenements, or Hereditaments, Waters, Watercourſes, Brooks, or Rivers reſpectively, which ſhall be taken, uſed, removed, diverted, or prejudiced, for all Damages to be by them ſuſtained in or by the Execution of all or any of the Powers of this Act; and this Act ſhall be ſufficient to indemnify the ſaid Company of Proprietors, and their Servants, Agents, and Workmen, and all other Perſons whomſoever, for what they or any of them ſhall do by virtue of the Powers hereby granted, ſubject nevertheleſs to ſuch Proviſoes and Reſtrictions as are herein-after mentioned.

Map and Book of Reference to remain with the Clerk of the Peace, *etc.*

II. And whereas certain Levels and Surveys have been taken to aſcertain the Practicability of making the ſaid intended Canal, and a Map or Plan, with a Book of Reference thereto, has been made in conſequence thereof, to ſhew the Line or Courſe of the ſaid Canal, through, acroſs, under, or over the ſeveral Eſtates, Lands, or Grounds, now or late belonging or reputed to belong to the ſeveral and reſpective Perſons particularly named or deſcribed in the ſaid Book of Reference, which ſaid Map or Plan and Book of Reference have been depoſited at the Office of the Clerk of the Peace for the ſaid County of *Lancaſter*; be it therefore enacted, That the ſaid Map or Plan and Book of Reference ſo depoſited ſhall remain with and be kept by the ſaid Clerk of the Peace, and that another Part of the ſaid Map or Plan and Book of Reference ſhall be depoſited with the Clerk to the ſaid Company of Proprietors, and all Perſons ſhall have Liberty to inſpect, and peruſe, and make Extracts from, and Copies thereof, at reaſonable Times, on Payment to ſuch Clerks reſpectively of One Shilling for each Time of Inſpection, and of Sixpence more for every Hour during which ſuch Inſpection ſhall continue after the Firſt, and paying for every Copy not exceeding One hundred Words the Sum of Sixpence, and ſo in Proportion for any greater Number of Words; and the ſaid Map or Plan and Book of Reference, or true Copies thereof, or of ſo much thereof as ſhall relate to the Matter in Queſtion, ſhall be, and are hereby declared to be good Evidence in all Courts of Law or elſewhere; and the Clerk for the Time being to the ſaid Company of Proprietors, upon Fourteen Days Notice to him given for that Purpoſe, ſhall be, and is hereby required from Time to Time to produce the ſaid Map or Plan before the Commiſſioners herein-after appointed, or any Jury or Juries to be impannelled by virtue of this Act, at the Time and Place to be mentioned in ſuch Notice, in order that the ſame may then and there be given in Evidence, he having a reaſonable Sum of Money allowed for his travelling Expences, Abſence from Home, and Attendance.

Canal not to be deviated without Conſent.

III. And be it further enacted, That the ſaid Company of Proprietors, in making the ſaid intended Canal, ſhall not deviate from the Courſe or Direction delineated in the ſaid Maps or Plans, and ſet forth in the ſaid Books of Reference, without the Approbation and Conſent, in Writing, ſigned by the Perſon or Perſons to whom any Lands, Grounds, or Hereditaments

do or ſhall reſpectively belong, into, through, or over which any Deviation is deſired to be made; but nothing herein contained ſhall extend to reſtrain or prevent the ſaid Company of Proprietors from making any ſuch Deviation from the ſaid Courſe or Direction of the ſaid Canal, in caſe all the Perſons to whom the Lands, Grounds, or Hereditaments to be cut through or made uſe of for the Purpoſes of ſuch Deviation ſhall belong, ſhall conſent thereto.

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

IV. And be it further enacted, That the ſaid Company of Proprietors ſhall and may make the ſaid intended Canal into, through, acroſs, or over, the Lands or Grounds of any Perſon or Perſons whomſoever, into whoſe Eſtates, Lands, or Grounds, ſuch Deviation as aforeſaid ſhall extend, although his, her, or their Name or Names is or are not mentioned in the ſaid Book of Reference, and alſo into the Eſtates, Lands, or Grounds, of any Perſon or Perſons, where it ſhall appear, to the Satisfaction of the ſaid Commiſſioners, and be by them certified under their Hands, that the Name or Names of ſuch laſt mentioned Perſon or Perſons hath or have been by Miſtake omitted in the ſaid Book of Reference, or that, inſtead of his, her, or their Name or Names, the Name or Names of ſome other Perſon or Perſons to whom ſuch laſt-mentioned Eſtates, Lands, or Grounds, do not belong, hath or have been by Miſtake inſerted therein; any Thing herein contained to the contrary thereof in anywiſe notwithſtanding.

Requiring the Proprietors of the *Lancaſter* Canal to mark out the Line and Level where the propoſed Deviation of the *Leeds* and *Liverpool* Canal may croſs the ſame.

V. And whereas the ſaid Canal hereby authorized to be made, muſt neceſſarily paſs the Line heretofore granted to the Proprietors of the *Lancaſter* Canal; in order therefore to prevent any Diſpute or Difficulty in paſſing the ſaid Line, be it enacted, That, in caſe the *Lancaſter* Canal ſhall not be cut and made at the Place where the ſaid Canal hereby authorized to be made is intended to paſs the ſaid Line, the Proprietors of the *Lancaſter* Canal, on Requeſt made in Writing to the ſaid Proprietors, or their Agent, Clerk, or Treaſurer, by or on Behalf of the Proprietors of the *Leeds* and *Liverpool* Canal, ſhall, within Three Calendar Months next after ſuch Requeſt, mark and ſet out the propoſed Line and Level on which their intended Canal ſhall be carried, to the Intent that the Proprietors of the *Leeds* and *Liverpool* Canal may croſs the ſame, in ſuch Manner as may be moſt convenient to them the ſaid Proprietors of the ſaid *Leeds* and *Liverpool* Canal, but ſo as not to join or communicate with the ſaid *Lancaſter* Canal, without the Conſents of the Proprietors of each of the ſaid Canals, and without making to them the Proprietors of the *Lancaſter* Canal Satisfaction for the Damages they may ſuſtain by the ſaid *Leeds* and *Liverpool* Canal croſſing the ſaid *Lancaſter* Canal, ſuch Damages to be fixed and aſcertained in the Manner directed by this Act.

Water not to be taken from *Bentley Brook*, ſo as to injure Meſſrs. *Peel's* and Co.'s Works.

VI. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend or be conſtrued to authorize or empower the ſaid Company of Proprietors to divert or make uſe of the Brook called *Bentley Brook*, or the Feeders thereof, or any of them, which is or are now flowing to or ſupplying with Water the Cotton Mill or other Works belonging to *Robert Peel* Eſquire, and Company, of *Church* aforeſaid, ſituate and being in the Townſhips of *Hapton* and *Habergham Eaves* aforeſaid, or either of them, ſo as to prevent the ſaid Brook, or the Feeders

thereof, or any of them, from flowing to and ſupplying with Water the ſaid Cotton Mill and other Works, in as full, ample, uſeful, and beneficial a Manner as now or heretofore accuſtomed, and with the ſame Liberty of extending at Pleaſure the ſaid Works, (but ſo as not to interfere with or break into the Banks of the ſaid Canal), as before the Commencement of this Act, without the ſpecial Licence and Conſent in Writing of the Owner and Occupiers of the ſaid Cotton Mill and other Works for that Purpoſe being firſt had and obtained.

Waters in *Altham* not to be taken.

VII. And be it further enacted by the Authority aforeſaid, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to authorize or empower the ſaid Company of Proprietors, to divert or make uſe of the Brook called *Shorten Brook*, or the Brook called *Syke Side Brook*, flowing to or through the ſaid Townſhip of *Altham*, ſo as to prevent the ſaid Brooks, or either of them, or any of the Feeders thereof, within ſuch Townſhip, from flowing to or ſupplying with Water any Mill, Engine, or other Works, which are or may be made in the ſaid Townſhip, in as full, ample, uſeful, and beneficial a Manner as now or heretofore accuſtomed, without the ſpecial Licence and Conſent of *Richard Roe Walton*, Clerk, his Heirs or Aſſigns, being for that Purpoſe firſt had and obtained.

Houſe or Wharfs, *etc.* not to be built in *Altham*.

VIII. Provided always, and be it further enacted, That nothing in this Act contained, ſhall extend, or be conſtrued to extend, to authorize and empower the ſaid Company of Proprietors, or their Succeſſors, or the Commiſſioners herein-after appointed, or any of them, at any Time after the paſſing of this Act, to make, or cauſe to be made, any Reſervoir or Reſervoirs, or to erect or build, or cauſe to be erected or built, any Houſe, Wharf, Quay, Warehouſe, Toll Houſe, Watch Houſe, Weighing Beams, Crane, Fire or other Engines, or any other Machines, or any Dry Docks or Landing Places upon the Lands or Grounds of the ſaid *Richard Roe Walton*, in the Townſhip of *Altham* aforeſaid, without the Conſent in Writing of the ſaid *Richard Roe Walton*, his Heirs or Aſſigns, under his or their Hands and Seals reſpectively for that Purpoſe firſt had and obtained.

Water not to be taken from *Henburn Hoult Mill*, or any Part of Meſſrs. *Peel*'s Printing Works.

IX. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to authorize or empower the ſaid Company of Proprietors to divert or make uſe of any of the Rivers, Brooks, Springs, Feeders, Watercourſes, or Streams of Water, or any of them, or any Part of them, which run and flow into and ſupply with Water the ſeveral Rivulets called *Acerington Brook*, *Tinker Brook*, *Smithy Brook*, and *Antley Syke*, or any other the Brooks and Streams of Water which fall or run into *Dunken Park*, and which make a Junction there, and then called *The River Henburn*, and which is and are now flowing to or ſupplying with Water the Water Corn Mill belonging to the Right Honourable *Robert Edward* Lord *Petre*, within the Townſhip of *Riſhton* aforeſaid, called *The Hoult Mill*, or any Part of the ſeveral Springs, Feeders, and Watercourſes, or of any of them, which ſupply the Cotton Mill and other Works now ſtanding upon the Eſtate of the ſaid *Robert Edward* Lord *Petre*, within *Riſhton* aforeſaid, above the *Hoult* Tenements, and now in the Occupation of *Robert Pickles* and Company, or any Part of the ſeveral Springs, Feeders, and Watercourſes, or any of them, which

which run and flow into and upon the ſeveral Eſtates and Premiſes belonging to the ſaid *Robert Edward* Lord *Petre*, within the ſaid Townſhip of *Riſhton*, and commonly called or known by the Name of *Norden Brook*, and which ſupply the Cotton Mill and other Works ſtanding upon the Eſtate of the ſaid Lord *Petre* at *Tottleworth*, within *Riſhton* aforeſaid, and now in the Occupation of *Chriſtopher Hindle* and Partners, or to divert, alter, or make uſe of, any of the ſaid Rivers, Brooks, Springs, Feeders, Watercourſes, and Streams of Water, or any of them, or any Part of them, now running or flowing to or ſupplying with Water the Mills, Engines, Wheels, Reſervoirs, Dams, Ponds, and other Works, Lands, or Grounds, belonging to or occupied by the ſaid *Robert Edward* Lord *Petre*, his Heirs or Aſſigns, or to or by the ſaid *Robert Peel* and Company, or their Aſſigns, within the ſaid ſeveral Townſhips of *Riſhton*, *Church*, *Oſwaldtwiſtle*, and *Accrington*, or any of them, but that the ſaid Rivers, Brooks, Springs, Feeders, Watercourſes, and Streams of Water, and every Part thereof, ſhall be permitted to flow and run in their uſual Courſe and Direction, in as full, ample, and beneficial a Manner to the ſaid *Robert Edward* Lord *Petre*, his Heirs and Aſſigns, and the ſaid *Robert Peele* and Company, their Heirs and Aſſigns, and every of them, as before the Commencement of this Act, without the ſpecial Licence and Conſent in Writing of the ſaid *Robert Edward* Lord *Petre*, his Heirs or Aſſigns, and the ſaid *Robert Peel* and Company, or their Heirs or Aſſigns, being for that Purpoſe firſt had and obtained.

Limitation of cutting the Canal through Meſſrs. *Peel*'s Printing Grounds in *Church*.

X. Provided likewiſe, and be it further enacted, That nothing in this Act contained ſhall extend or be conſtrued to extend to authorize or empower the ſaid Company of Proprietors to cut or make the Level cutting in that Part of the ſaid intended Deviation, or any Part thereof, which may paſs through the ſeveral Townſhips of *Accrington* and *Oſwaldtwiſtle*, or either of them, or through any of the Lands or Grounds which are now in the Occupation of the ſaid *Robert Peel* and Company, within the ſeveral Townſhips of *Riſhton* and *Church* aforeſaid, or either of them, other than between the Firſt Day of *March* and the Firſt Day of *November*, in ſome One Year, without the Conſent in Writing of the ſaid Meſſieurs *Peel* and Company, ſome or One of them, being for that Purpoſe firſt had and obtained.

Water not to be taken from Mr. *Nuttall*'s Mill.

XI. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend or be conſtrued to authorize or empower the ſaid Company of Proprietors to divert or make uſe of any of the Brooks, Springs, or Streams of Water, or any Part of any of them, now flowing to, or ſupplying with Water, any Mill or other Works belonging to *John Nuttall* Eſquire, in *Accrington* aforeſaid, ſo as to prevent the ſaid ſeveral Brooks, Springs, or Streams of Water, or any Part of any of them reſpectively, from flowing to the ſaid Mill, or other Works, in as full, ample, uſeful, and beneficial a Manner as before the Commencement of this Act, without the ſpecial Licence and Conſent in Writing of the ſaid *John Nuttall*, his Heirs or Aſſigns, being for that Purpoſe firſt had and obtained.

Water not to be taken from Mr. *Clayton*'s Mill.

XII. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to authorize or empower the

the ſaid Company of Proprietors to divert or make uſe of any of the Springs, Brooks, or Streams of Water, or any Part of any of them, now flowing to or ſupplying with Water any Mill or other Works belonging to *Thomas Clayton* Eſquire, in *Little Harewood* and *Blackburn*, in the ſaid County of *Lancaſter*, ſo as to prevent the ſaid ſeveral Brooks, Springs, or Streams of Water, or any Part of any of them reſpectively, from flowing to the ſaid Mill or other Works, in as full, ample, uſeful, and beneficial a Manner as before the Commencement of this Act, without the ſpecial Licence and Conſent in Writing of the ſaid *Thomas Clayton*, his Heirs or Aſſigns, being for that Purpoſe firſt had and obtained.

To preſerve the Water flowing to the Archbiſhop of *Canterbury*'s Mills in *Blackburn*.

XIII. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to authorize or empower the ſaid Company of Proprietors to divert or make uſe of in any Manner any of the Springs, Brooks, Watercourſes, or Streams of Water, or any Part of any of them, now flowing to or ſupplying with Water any Mill or Mills belonging to his Grace the Archbiſhop of *Canterbury*, in the Townſhip of *Blackburn* aforeſaid, ſo as to prevent the ſaid ſeveral Springs, Brooks, or Streams of Water, or any Part of any of them reſpectively, from flowing to the ſaid Mill or Mills, and every of them, in as full, ample, uſeful, and beneficial a Manner as before the Commencement of this Act, without the ſpecial Licence and Conſent of the ſaid Lord Archbiſhop, or his Succeſſors, his or their Agents, and the Leſſees of the ſaid Mill or Mills, being for that Purpoſe firſt had and obtained.

Water not to be taken from the Works of Lord *Petre*, or Meſſrs. *Haworth's* and Co.

XIV. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to authorize or empower the ſaid Company of Proprietors to divert, take, or uſe, the Water of the River *Darwen*, or the Water of any of the Rivers, Brooks, Streams, Feeders, or Springs of Water, or any of them, or any Part of them, or of any of them, which uſually fall or run into the ſaid River *Darwen*, and which, in Conjunction with or ſeparately from the ſame River, now is or are flowing or ſupplying, or may hereafter be wanted to flow to and ſupply with Water the ſeveral and reſpective Bleaching and Printing Grounds, Water Corn Mills, Spinning Mills, and other Mill or Mills or other Works of the ſaid Right Honourable *Robert Edward* Lord *Petre*, his Heirs or Aſſigns, Leſſees or Tenants, or of *Edmund Haworth*, *John Haworth*, *Jonathan Haworth*, and *Joſephus Smith*, Calico Printers and Partners, their Heirs, Executors, Adminiſtrators, and Aſſigns, or of the Deviſees and Executors, in and under the laſt Will and Teſtament of *Jonathan Haworth* Merchant, deceaſed, or of the Deviſees and Executors in and under the laſt Will and Teſtament of *James Almond* Gentleman, deceaſed, or the Heirs and Aſſigns of the ſaid *Jonathan Haworth* deceaſed, and *James Almond*, or any of them, ſituate, lying, being, and erected, within all or any Part of any of the ſeveral Townſhips, Villages, or Hamlets, of *Lower Darwen*, *Liveſey with Tockholes*, *Witton*, and *Samleſbury*, in the ſaid County of *Lancaſter*, ſo as to prevent or hinder the ſaid Bleaching or Printing Grounds, Water Corn Mills, Spinning Mills, and other Mill or Mills or other Works, or any of them, from being ſupplied with Water for the working and uſing the ſame, and every of them, in as full, ample, and beneficial a Manner as now or heretofore accuſtomed, and with as much Liberty of extending at Pleaſure the Operations of the ſame Bleaching and Printing Grounds, Water

Water Corn Mills, Spinning Mills, or other Mill or Mills, and other Works, or any of them, the Property of all or any of the ſaid ſeveral Perſons as before the Commencement of this Act, (ſo as not to interfere with or break into the Banks of the ſaid Canal hereby authorized to be made), without the ſaid Company of Proprietors ſhall firſt have and obtain the Licence and Conſent in Writing to the contrary from them, the ſaid *Robert Edward* Lord *Petre*, *Edmund Haworth*, *John Haworth*, *Jonathan Haworth*, and *Joſephus Smith*, and their ſeveral and reſpective Heirs, Executors, Adminiſtrators, or Aſſigns, the Deviſees or Executors of the ſaid *Jonathan Haworth* deceaſed, and the Deviſees or Executors of the ſaid *James Almond*, for and according to the Property of them, each and every of them, in the Premiſes aforeſaid.

To preſerve the Water flowing to *William Griffin*'s Mill.

XV. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to authorize or empower the ſaid Company of Proprietors to alter, divert, or make uſe of, any of the Rivers, Springs, Brooks, Watercourſes, or Streams of Water, or any Part of any of them, now flowing to or ſupplying with Water the Mill and other Works of *William Griffin*, in *Liveſey* aforeſaid, ſo as to prevent the ſaid Rivers, Springs, Brooks, Watercourſes, or Streams of Water, or any Part of any of them reſpectively, from flowing to the ſaid Mill and Works in the ſame plentiful and beneficial Manner as ſince the Erection of the ſaid Works, or any of them, without the Licence and Conſent of the ſaid *William Griffin*, his Heirs or Aſſigns, for that Purpoſe firſt had and obtained in Writing.

To preſerve the Water flowing to the Works of Meſſrs. *Ainſworth* and Son.

XVI. Provided always, and be it enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to authorize or empower the ſaid Company of Proprietors to alter, divert, or make uſe of, without the reſpective Conſents of Sir *Frank Standiſh* Baronet, and Meſſieurs *Ainſworth* and Son, or of their reſpective Heirs, Executors, Adminiſtrators, or Aſſigns, for that Purpoſe firſt obtained in Writing, in any Manner, the River *Yarrow*, or the Springs, Brooks, Watercourſes, or Streams of Water now flowing to, or ſupplying with Water, the Mills, Wheels, Printing, Bleaching, and other Works, now occupied by the ſaid Meſſieurs *Ainſworth* and Son, in *Heapy* aforeſaid, or to prevent, hinder, or obſtruct, the ſaid Meſſieurs *Ainſworth* and Son, or any future Occupiers, from taking or uſing for any Purpoſe whatſoever the ſame Springs, Brooks, Watercourſes, or Streams of Water, in as full, ample, uſeful, and beneficial a Manner as before the Commencement of this Act.

Protecting *Duxbury* and other Mills, the Property of Sir *Frank Standiſh* Baronet.

XVII. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to authorize or empower the ſaid Company of Proprietors, or their Succeſſors, or any of them, at any Time hereafter, by any Ways or Means whatſoever, to alter, divert, or make uſe of, or hinder or obſtruct, the Rivers, Brooks, or Streams of Water, or any of the Springs or Feeders thereof, from running, flowing to, and ſupplying with Water, the Mills called *Duxbury Mill* and *Leiceſter Mill*, or any of the Mills, Wheels, Machines for Collieries, Bleaching Grounds, or other Works of the ſaid Sir *Frank Standiſh*, ſituated in the Townſhips of *Duxbury*, *Whittle in the Woods*, *Heapy*, *Heath*, *Charnock*,

and *Anlezark*, in the County of *Lancaſter*, or any of them, without the Licence and Conſent of the ſaid Sir *Frank Standiſh*, or of his Heirs or Aſſigns, firſt had and obtained in Writing for that Purpoſe.

To preſerve the Water flowing to *Croſſe Hall Mill*, and the Printing Works there, occupied by *Birch*, *Rees*, *Duxbury*, and Co.

XVIII. Provided always, and be it enacted, That nothing in this Act contained ſhall extend or be conſtrued to authorize or empower the ſaid Company of Proprietors to alter, divert, or make uſe of, without the reſpective Conſents of the Deviſees of *Thomas Townley Parker* Eſquire, and *Richard Croſſe* Eſquire, or of their reſpective Heirs or Aſſigns, being firſt obtained in Writing, in any Manner, any of the Springs called *Healy Springs*, Brooks, Watercourſes, or Streams of Water, or any Part of them, now flowing to or ſupplying with Water the Works of Meſſieurs *Birch*, *Rees*, *Duxbury*, and Company, the Mill called *Croſſe Hall Mill*, in the Poſſeſſion of *John Threlfall*, and alſo the Wheels, Engines, Reſervoirs, Printing, Bleaching, and other the Works, of the ſaid Meſſieurs *Birch*, *Rees*, *Duxbury*, and Company, or any of them, within the Townſhip of *Chorley*, in the ſaid County of *Lancaſter*, the Property of the ſaid Deviſees of the ſaid *Thomas Townley Parker* and *Richard Croſſe*, or either of them, ſo as to prevent the ſaid ſeveral Springs, Brooks, Watercourſes, or Streams of Water, or any Part of any of them reſpectively, from flowing to the ſaid Mills, Wheels, Reſervoirs, Printing, Bleaching, and other the ſaid Works, Lands, or Grounds, in the ſame plentiful, uſeful, and beneficial Manner, as ſince the Erection of the ſaid Works, or any of them, or at any Time hereafter obſtruct the ſaid Deviſees of the ſaid *Thomas Townley Parker* and *Richard Croſſe*, or either of them, their or either of their Heirs or Aſſigns, or any of them, from taking or uſing, for any Purpoſe whatſoever, the ſame Springs, Brooks, Watercourſes, and Streams of Water, in as full, ample, uſeful, and beneficial a Manner as before the Commencement of this Act.

Houſes, Wharfs, *&c.* not to be built in certain Lands in *Chorley*.

XIX. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to authorize or empower the ſaid Company of Proprietors, or their Succeſſors, or the ſaid Commiſſioners, or any of them, to cauſe to be made any Reſervoir or Reſervoirs, Road or Roads, other than what may be neceſſary for the making and repairing the ſaid Canal; or to erect or build, or cauſe to be erected or built, any Houſe, Wharf, Quay, Warehouſe, Toll Houſe, Watch Houſe, Weighing Beams, Cranes, Fire or other Engines, or any other Machines, or any Dry Docks or Landing Places on the Lands of the ſaid Deviſees of the ſaid *Thomas Townley Parker* and *Richard Croſſe*, in the Townſhip of *Chorley* aforeſaid, without the Conſent in Writing of the ſaid Deviſees of the ſaid *Thomas Townley Parker* and *Richard Croſſe* reſpectively, or their reſpective Heirs or Aſſigns, under his or their Hands and Seals reſpectively, for that Purpoſe, firſt had and obtained.

To preſerve the Waters flowing to certain Mills belonging to Sir *Richard Clayton* Bart. and Mr. *Standiſh*.

XX. Provided always, and be it enacted by the Authority aforeſaid, That nothing in this Act ſhall extend, or be conſtrued to authorize or empower the ſaid Company of Proprietors to alter, divert, or make uſe of, in any Manner, any of the Rivers, Brooks, Watercourſes, or Streams of Water, or any of the Springs or Feeders thereof, or any Part of any of them, running or flowing to or ſupplying with Water the Mills called *Adlington Mill*, *Worthington Mill*, and *Jolly's Mill*, in the ſeveral Townſhips

ships of *Adlington*, *Worthington*, and *Standiſh*, in the ſaid County of *Lancaſter*, or any Wheels, Engines, Machines, or other Works erected or ſet up in or upon any of the Lands of the late Right Honourable *Richard Clayton* deceaſed, or his Deviſees, or of *Edward Townley Standiſh* Eſquire, without the Licence and Conſent in Writing of the reſpective Owners of the aforeſaid Mills, Wheels, Engines, Machines, or other Works, being for that Purpoſe firſt had and obtained.

Brooks, &c. belonging to Mr. *Blundell*, preſerved.

XXI. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend, or be deemed or conſtrued to extend, to authorize or enable the ſaid Company of Proprietors, or their Succeſſors, or the ſaid Commiſſioners, to alter, divert, or make uſe of any Springs, Watercourſes, Brooks, or Streams of Water, ariſing in or flowing through any of the Eſtates or Lands of or belonging to *Henry Blundell* Eſquire, ſo as to prevent the ſaid Springs, Watercourſes, Brooks, or Streams of Water reſpectively, or any of them, from ariſing and flowing in as full, ample, uſeful, and beneficial a Manner as heretofore accuſtomed, without the ſpecial Licence and Conſent of the ſaid *Henry Blundell*, his Heirs or Aſſigns, being firſt had and obtained; and further, that in making and completing the ſaid Deviation, the ſame ſhall be carried and made upon or to the South Side of the Barn belonging to *Anderton Hall*, the Eſtate of the ſaid *Henry Blundell*, in *Anderton* aforeſaid.

To preſerve the Water ſupplying a Cotton Mill in *Aſpul*.

XXII. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to authorize or empower the ſaid Company of Proprietors to alter, divert, or make uſe of, the Springs, Watercourſes, or Streams of Water, or any of them, now flowing to or ſupplying with Water a Cotton Mill ſituate and being in *Aſpul* aforeſaid, belonging to or occupied by *John Aſhcroft* as Tenant to *James Milnes* Eſquire, ſo as to prevent the ſaid Springs, Watercourſes, or Streams of Water, or any of them, from flowing to the ſaid Mill, in as full and ample Manner as heretofore accuſtomed, without the ſpecial Licence and Conſent of the ſaid *James Milnes*, his Heirs or Aſſigns, in Writing, being firſt had and obtained.

Water belonging to the Earl of *Balcarras* not to be taken.

XXIII. Provided always, and be it enacted, That nothing herein contained ſhall extend, or be deemed to extend, to enable the ſaid Company of Proprietors of the *Leeds* and *Liverpool* Canal Navigation to have, take, divert, or uſe, for the Purpoſe of the ſaid intended Canal, any Water or Waters to which the Right Honourable *Alexander* Earl of *Balcarras* was by Law entitled, before the Commencement of this Act, to have, enjoy, or uſe to and at the Foundry and Works of the ſaid Earl, within the Townſhip of *Wigan*, or to or for the Uſe of the Foundry of the ſaid Earl at *Haigh*, or any of the Waters raiſed or to be raiſed from the Collieries of the ſaid Earl now being or which may hereafter be or be made upon or within the Eſtates or Lands of the ſaid Earl at *Red Moſs* or *Haigh*, in the ſaid County of *Lancaſter*.

The Water belonging to the *Lancaſter* Canal not to be taken.

XXIV. Provided always, and be it further enacted and declared, That the ſaid Company of Proprietors, and their Succeſſors, their Servants, Agents, and Workmen, ſhall be and are hereby reſtrained and prohibited from diverting, taking, having, drawing, or uſing Water of or from any Rivers, Brooks, Springs, Streams, or Waters, to which the Company of Proprietors

Proprietors of the *Lancaſter* Canal are entitled, for the Purpoſe of ſupplying the ſaid Canal with Water.

For protecting the Uſe of the Waters for the *Lancaſter* Canal, and providing Satisfaction in caſe of Damage by overflowing, &c.

XXV. And whereas the ſaid *Leeds* and *Liverpool* Canal may, in the making and completing thereof, impede, obſtruct, or intercept, the Supplies of Water intended for the Uſe and Purpoſes of the ſaid *Lancaſter* Canal Navigation, in the ſaid ſeveral Townſhips of *Heapy*, *Whittle in the Woods*, *Chorley*, *Heath* otherwiſe *Higher Charnock*, and *Adlington*, and to the Southward of the ſame; and the ſaid *Leeds* and *Liverpool* Canal will, when made, be upon a much higher Elevation than the ſaid *Lancaſter* Canal, and may therefore, in caſe of the breaking, overflowing, Decay, or Want of Reparation of the Banks thereof, occaſion Damage and Loſs to the ſaid *Lancaſter* Canal Navigation; be it therefore enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Company of Proprietors of the ſaid *Lancaſter* Canal Navigation, their Agents, Workmen, and Servants, from Time to Time, and at all Times hereafter, to have, make uſe of, take, and conduct into the ſaid *Lancaſter* Canal, for the Uſe, Benefit, and Supply thereof, all ſuch Streams of Water, Brooks, Springs, and Watercourſes, as are or ſhall be found to the Eaſtward of the ſaid Line of the ſaid *Leeds* and *Liverpool* Canal, which the ſaid Company of Proprietors of the ſaid *Lancaſter* Canal are in and by their ſaid Act empowered to have or uſe, and to convey and conduct the ſame, and alſo all ſuch Waters coming or flowing from any Reſervoir or Reſervoirs to be hereafter formed or made for the Uſe or Supply of the ſaid *Lancaſter* Canal, under or over the ſaid *Leeds* and *Liverpool* Canal, by Tunnels, Conduits, Soughs, Drains, or otherwiſe, doing as little Damage as may be in ſo conducting or conveying the ſame, and making Satisfaction for ſuch Loſs or Damage as may enſue by Means thereof; and the ſaid Company of Proprietors of the ſaid *Leeds* and *Liverpool* Canal, and their Agents, Servants, and Workmen, are hereby prohibited and reſtrained from having, uſing, taking, or diverting, the Waters to which the ſaid *Lancaſter* Canal Company are, or ſhall or may be entitled as aforeſaid, or any of them: Provided alſo, that in caſe of ſuch or any Damage or Loſs as aforeſaid happening to the ſaid *Lancaſter* Canal, from or by Means of the ſaid *Leeds* and *Liverpool* Canal in anywiſe, the ſaid Proprietors of the ſaid *Leeds* and *Liverpool* Canal, ſhall make and render Satisfaction for the ſame ſo often as any ſuch Loſs or Damage ſhall happen to the ſaid Company of Proprietors of the ſaid *Lancaſter* Canal in ſuch Manner, and by ſuch Ways and Means, as are in other Caſes in and by this Act provided for.

To ſecure the Canal and other Works from Damage.

XXVI. Provided always, and it is hereby enacted and declared, That nothing in this Act contained ſhall authorize or empower any Perſon or Perſons, in the taking or uſing any Rivers, Brooks, Springs, Feeders, Watercourſes, or Streams of Water, herein-before reſerved, or any of them, to break down, injure, or in any Manner damage the Canal, Towing Paths, or any other the Works hereby authorized to be made, or any Part thereof.

Enabling the Reverend *Richard Wroe Walton* to make a Side Cut,

XXVII. And be it further enacted and declared, That it ſhall and may be lawful to and for the ſaid *Richard Wroe Walton*, his Heirs or Aſſigns, at his or their own Expence, from Time to Time, to make One Side Cut or Canal through his or their Lands, and to join or communicate the ſame with

with the ſaid Canal hereby authorized to be made, ſo that the ſaid Side Cut or Canal be made upon the ſame Level with the ſaid *Leeds* and *Liverpool* Canal, and ſo as the ſaid *Richard Wroe Walton*, his Heirs or Aſſigns, ſhall at his or their Expence make, erect, and maintain One or more Stop Gate or Stop Gates on ſuch Side Cut or Canal, in order to prevent the Water being drained or waſted out of the ſaid intended Canal, by Means of making ſuch Side Cut or Canal to communicate therewith as aforeſaid; any Thing in this Act contained to the contrary thereof in anywiſe notwithſtanding: Provided always, that nothing in this Act contained ſhall extend, or be conſtrued to extend, to authorize or empower the ſaid *Richard Wroe Walton*, his Heirs or Aſſigns, to take any Water from the ſaid *Leeds* and *Liverpool* Canal, in making or ſupplying with Water ſuch Side Cut or Canal as aforeſaid, (unavoidable Leakage and Accidents excepted), or to do any Damage or Injury to the ſaid Canal Navigation.

making a Stop Gate therein;

XXVIII. Provided always, and it is further enacted, That in caſe the ſaid *Richard Wroe Walton*, his Heirs or Aſſigns, ſhall neglect or refuſe, for the Space of Six Weeks after Requeſt ſhall have been made to him or them, or to his or their Steward or Agent for that Purpoſe, by or on Behalf of the ſaid Company of Proprietors, to make, erect, and maintain, ſuch Stop Gate or Stop Gates as aforeſaid, it ſhall and may be lawful for the ſaid Company of Proprietors to make, erect, and maintain, the ſame at their own Expence, and to charge the ſaid *Richard Wroe Walton*, his Heirs and Aſſigns, with all ſuch Sum and Sums of Money, which they ſhall from Time to Time lay out or diſburſe in making, erecting, and maintaining ſuch One or more Stop Gate or Stop Gates as aforeſaid, and to ſue for and recover the ſame, with Coſts of Suit, by Action of Debt in any of His Majeſty's Courts of Record.

and if not made, the Company to make the ſame at Mr. *Walton*'s Expence.

XXIX. Provided always, and be it further enacted, That the ſaid Canal ſhall be made and carried through the Lands and Grounds, now occupied by the ſaid Meſſieurs *Ainſworth* and Son, in *Heapy* aforeſaid, above the Upper Drying Houſe and acroſs the Valley, in ſuch Lands and Grounds, ſo as to be above all the other Buildings now by them upon ſuch Lands and Grounds erected, and that through the Bleaching Grounds and Works of the ſaid Meſſieurs *Ainſworth* and Son, in *Heapy* aforeſaid, the ſaid Canal and Towing Paths ſhall be fenced therefrom, by and at the Expence of the ſaid Company of Proprietors, by a good ſubſtantial Wall of the Height of Six Feet at the leaſt; any Thing herein contained to the contrary thereof in anywiſe notwithſtanding.

How the Canal is to be made and fenced off in the Lands of Meſſrs. *Ainſworth* and Son.

XXX. And be it further enacted and declared, That it ſhall and may be lawful to and for the ſaid Earl *Balcarras*, his Heirs or Aſſigns, at his or their own Expence, from Time to Time, to make One Side Cut or Canal through his or their Lands, and to join or communicate the ſame with the ſaid Canal hereby authorized to be made, ſo that the ſaid Side Cut or Canal be made upon the ſame Level with the ſaid *Leeds* and *Liverpool* Canal, and ſo as the ſaid Earl *Balcarras*, his Heirs or Aſſigns, ſhall, at his or their Expence, make, erect, and maintain One or more Stop Gate or Stop Gates on ſuch Side Cut or Canal, in order to prevent the Water being drained or waſted out of the ſaid intended Canal, by Means of making ſuch Side Cut or Canal to communicate therewith as aforeſaid; any Thing in this Act contained to the contrary thereof in anywiſe notwithſtanding:

Enabling Earl *Balcarras* to make a Side Cut.

making a Stop Gate therein;

withſtanding: Provided always, that nothing in this Act contained ſhall extend, or be conſtrued to extend, to authorize or empower the ſaid Earl *Balcarras*, his Heirs or Aſſigns, to take any Water from the ſaid *Leeds* and *Liverpool* Canal in making or ſupplying with Water ſuch Side Cut or Canal as aforeſaid, (unavoidable Leakage and Accidents excepted), or to do any Damage or Injury to the ſaid Canal Navigation.

and if not made, the Company to make the ſame at Earl *Balcarras*'s Expence.

XXXI. Provided always, and it is further enacted, That in caſe the ſaid Earl *Balcarras*, his Heirs or Aſſigns, ſhall neglect or refuſe, for the Space of Six Weeks after Requeſt ſhall have been made to him or them, or to his or their Steward or Agent for that Purpoſe, by or on Behalf of the ſaid Company of Proprietors, to make, erect, and maintain, ſuch Stop Gate or Stop Gates as aforeſaid, it ſhall and may be lawful for the ſaid Company of Proprietors to make, erect, and maintain the ſame at their own Expence, and to charge the ſaid Earl *Balcarras*, his Heirs and Aſſigns, with all ſuch Sum or Sums of Money which they ſhall from Time to Time lay out or diſburſe in making, erecting, and maintaining ſuch One or more Stop Gate or Stop Gates as aforeſaid, and to ſue for and recover the ſame with Coſts of Suit, by Action of Debt in any of His Majeſty's Courts of Record.

Power to make a Branch into *Ighton Hill Park*.

XXXII. And whereas the making a ſhort Navigable Branch from and out of the ſaid intended Deviation, at or near the Eaſt End of the deep Cutting which will be therein, in *Harbergham Eaves* aforeſaid, into a certain Cloſe of Land in *Ighton Hill Park*, in the ſaid County of *Lancaſter*, now or late occupied by *Chriſtopher Tatterſall*, according to the Line laid down in the ſaid Map or Plan, will open to a very valuable Coal Mine or Beds of Coal, to the Benefit of the Owner thereof, the ſaid Company of Proprietors, and the Publick; be it therefore enacted, That, from and after the ſaid Firſt Day of *July*, the ſaid Company of Proprietors ſhall and may have full Power and Authority to purchaſe Lands and other Tenements to them, their Succeſſors and Aſſigns, for making the aforeſaid Branch, and the Towing Path thereof, and alſo to enter upon the ſaid Lands, in order to ſurvey, meaſure, and take Levels of the ſame, and to ſet out and aſcertain ſuch Parts thereof as ſhall be thought neceſſary or proper for making the ſaid Branch and Towing Path, and to make, complete, and maintain the ſame, according to the ſaid Line, navigable and paſſable for Boats, Barges, and other Veſſels, in ſuch Manner, and with the like Powers and Authorities, and under and ſubject to the like Proviſoes, Remedies, and Reſtrictions, as are herein mentioned with reſpect to the ſaid Deviation.

Enabling Mr. *Shuttleworth* to make a Side Cut,

XXXIII. And be it further enacted and declared, That it ſhall and may be lawful to and for *Robert Shuttleworth* Eſquire, his Heirs or Aſſigns, at his or their own Expence, from Time to Time, to make One Navigable Side Cut or Canal through his or their Lands, and to join to or communicate the ſame with the ſaid intended Canal or Branch hereby authorized to be made, or with any Branch thereof or therefrom, or with any other Part of the ſaid Canal from *Leeds* to *Liverpool*, ſo that the ſaid Side Cut or Canal be made upon the ſame Level with the ſaid *Leeds* or *Liverpool* Canal or Branch, and ſo as the ſaid *Robert Shuttleworth*, his Heirs or Aſſigns, ſhall, at his or their Expence, make, erect, and maintain One or more Sop Gate or Stop Gates on ſuch Side Cut or Canal, in

in order to prevent the Water being drained or wasted out of the said intended Canal or Branch, by Means of making such Side Cut or Canal to communicate therewith as aforesaid; any Thing in this Act contained to the contrary thereof in anywise notwithstanding: Provided always, that nothing in this Act contained shall extend, or be construed to extend, to authorize or empower the said *Robert Shuttleworth*, his Heirs or Assigns, to take any Water from the said *Leeds* or *Liverpool* Canal or Branch, in the making or supplying with Water such Side Cut or Canal as aforesaid, (unavoidable Leakage and Accidents excepted), or to do any Damage or Injury to the said Canal or Branch.

making a Stop Gate therein;

XXXIV. Provided always, and it is further enacted, That in case the said *Robert Shuttleworth*, his Heirs or Assigns, shall neglect or refuse, for the Space of Six Weeks after Request shall have been made to him or them, or to his or their Steward or Agent for that Purpose, by or on Behalf of the said Company of Proprietors, to make, erect, and maintain, such One or more Stop Gate or Stop Gates as aforesaid, it shall and may be lawful for the said Company of Proprietors to make, erect, and maintain the same at their own Expence, and to charge the said *Robert Shuttleworth*, his Heirs and Assigns, with all such Sum and Sums of Money which they shall from Time to Time lay out or disburse in making, erecting, and maintaining such One or more Stop Gate or Stop Gates as aforesaid, and to sue for and recover the same, with Costs of Suit, by Action of Debt, in any of His Majesty's Courts of Record.

and if not made, the Company to make the same at Mr. *Shuttleworth*'s Expence.

XXXV. Provided always, and it is further enacted, That nothing herein contained shall authorize or empower the said Company of Proprietors, or any other Person or Persons, to take, use, injure, or damage, any Manor or Mansion House, or Building appurtenant or belonging thereto, or any Ground upon which, on the First Day of *January* One thousand seven hundred and ninety-four, any Dwelling House or Out House stood, or any Garden, Yard, Park, or Avenue to a House, without the Consent of the respective Owners and Occupiers thereof, other than and except an Out Building in the Township of *Blackburn* aforesaid, now or late occupied as Stables, and heretofore belonging or reputed to belong to *John Houldin* deceased, and also other than and except a Garden lying and being in *Blackburn* aforesaid, belonging or reputed to belong to *Cuthbert Haddock*; or to cut down any Timber Wood, Brush Wood, or Underwood, upon any of the Estates or Lands through or into which the said Canal, Trenches, Sluices, Roads, Passages, or Conveniencies, or any Part thereof respectively, shall be made or carried, (except such Timber Wood, Brush Wood, or Underwood, as shall grow or be in or upon any of the Lands or Grounds which shall be set out and ascertained, taken or used, for the making of the said Canal, Towing Paths, Trenches, Sluices, Roads, Passages, or Conveniencies respectively as aforesaid), and the Proprietors of the respective Lands and Grounds on which such Timber Wood, Brush Wood, or Underwood shall grow, shall have it in their Option to take such Timber Wood, Brush Wood, or Underwood respectively, when fallen or cut down by the said Company of Proprietors, at such Price or Value as the same respectively shall have been estimated at or purchased by the said Company of Proprietors, which said Timber Wood, Brush Wood, or Underwood, so to be fallen by the said Company of

Houses, Gardens, &c. not to be injured.

Wood not to be cut down.

of Proprietors, or by their Order, ſhall and may be carried to and from any Part or Parts of the ſaid Cut or Canal free from all Tolls and Duties to be raiſed and levied by virtue of this Act; but in caſe the ſame ſhall not have been eſtimated at or purchaſed by them upon a Valuation ſeparate or diſtinct from the Lands or Grounds upon which the ſame reſpectively ſhall grow, then at ſuch Price or Value as ſhall be agreed on for that Purpoſe between ſuch Proprietors or Owners of Lands and the ſaid Company of Proprietors, or their Agents, and in caſe of any Difference in ſettling or aſcertaining the ſame, then at ſuch Price or Value as the Commiſſioners herein-after mentioned ſhall direct and appoint; and if any Houſe or other Building, (except as aforeſaid), ſhall be erected, or any Trees ſhall be planted upon the Lands or Grounds ſet out for the ſaid Canal, it ſhall be lawful for the Perſon or Perſons who was or were Owner or Owners of ſuch Lands or Grounds at the Time of the ſetting out the ſame as aforeſaid, his, her, or their Heirs or Aſſigns, to take, pull down, and remove, ſuch Houſes and other Buildings, and to cut down, take, and carry away ſuch Trees, without being guilty of a Treſpaſs, or being liable to any Action or Proſecution for ſo doing.

Breadth of Canal and Towing Path.

XXXVI. And be it further enacted, That the Lands to be taken or uſed for ſuch intended Canal and Towing Paths, and the Ditches, Drains, and Fences to ſeparate ſuch Towing Paths from the adjoining Lands, ſhall not exceed Twenty-ſix Yards in Breadth, except in ſuch Places where the ſaid intended Canal and Trenches ſhall be raiſed higher, or cut more than Five Feet deeper than the preſent Surface of the Land, and except in ſuch Places where any Dock, Baſon, or Reſervoir ſhall be made, or where it ſhall be judged neceſſary for Boats and other Veſſels to turn, lie, or paſs each other, or where any Crane may be erected, or Coals, Lime, Limeſtone, or other Stone, Timber, or other Goods, Wares, or Merchandizes, be received or delivered.

Inclined Planes, &c. may be uſed.

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

Bodies Politick and Corporate empowered to convey Lands.

XXXVIII. And be it further enacted, That after any ſuch Parts of the ſaid Lands or Grounds ſhall be ſo ſet out and aſcertained as aforeſaid, for making the ſaid Canal, Wharfs, and other Works, and other the Purpoſes and Conveniencies hereby authorized or directed, it ſhall and may be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate

gate or Sole, Huſbands, Guardians, Truſtees, and Feoffees in Truſt for charitable and other Purpoſes, Committees, Executors, Adminiſtrators, and all other Truſtees and Perſons whomſoever, not only for and on Behalf of themſelves, their Heirs and Succeſſors, but alſo for and on Behalf of their Ceſtuique Truſts, whether Infants, Iſſue unborn, Lunaticks, Idiots, Femes Covert, or other Perſon or Perſons, and to and for all Femes Covert who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in their own Right, and to and for every other Perſon and Perſons whomſoever, who is, are, or ſhall be ſeiſed, poſſeſſed of, or intereſted in, any Lands or Grounds which ſhall be ſo ſet out and aſcertained as aforeſaid, or any Part thereof, to contract for, ſell, and convey, unto the ſaid Company of Proprietors, their Succeſſors or Aſſigns, or to ſuch Perſon or Perſons as they ſhall nominate or appoint, for the Purpoſes of this Act, all or any Part of ſuch Lands or Grounds, which ſhall from Time to Time be ſet out and aſcertained as aforeſaid; and where, by making the ſaid Canal, or the procuring for or conveying Water thereto, or by making or conſtructing of any of the Works hereby authorized to be made, the Property of any Land Owner or Land Owners ſhall be ſeparated into ſmall Parcels, ſo as to render the Occupation thereof inconvenient, it ſhall be lawful for ſuch Bodies Politick, Corporate, and Collegiate, and ſuch other aforeſaid Perſon and Perſons, by and with the Conſent of the Commiſſioners to be appointed as herein-after mentioned, to be teſtified by any Writing or Writings to be by them ſealed and delivered in the Preſence of and to be atteſted by Two or more credible Witneſſes, to contract for, ſell, and diſpoſe of, or to convey in Exchange, in Lieu of other Lands, all or any Part of ſuch Lands or Grounds ſo ſeparated into ſmall Parcels as aforeſaid, to the ſaid Company of Proprietors, who are hereby enabled to purchaſe the ſame, or to any Perſon or Perſons whomſoever, for ſuch Price or Prices in Money, or ſuch Equivalent in Land or Hereditaments, or by Way of Annual Rent, as to the ſaid Commiſſioners ſhall ſeem reaſonable; and that all Contracts, Agreements, Sales, Conveyances, and Aſſurances ſo to be made, ſhall be valid and effectual in Law to all Intents and Purpoſes whatſoever, any Law, Statute, Uſage, or Cuſtom, to the contrary thereof in anywiſe notwithſtanding; and all Bodies Politick, Corporate, or Collegiate, and all Perſons whomſoever, ſo conveying or exchanging as aforeſaid, are hereby indemnified for what he, ſhe, or they, or any of them, ſhall reſpectively do by virtue or in purſuance of this Act; and that all ſuch Contracts, Agreements, Sales, Conveyances, and Aſſurances, (other than thoſe which concern any Copyhold Lands, or any Purchaſe or Exchange between any ſuch reſpective Land Owners, ſo to be made as aforeſaid), ſhall, at the Expence of the ſaid Company of Proprietors, be inrolled by the Clerk of the Peace for the ſaid County of *Lancaſter*, and true Copies thereof ſhall be allowed to be good Evidence in all Courts whatſoever, for which Inrolment, or a Copy thereof, ſuch Clerk of the Peace ſhall have and receive the Sum of Sixpence for every One hundred Words, and ſo in Proportion for every greater or leſs Number of Words, and no more.

XXXIX. And be it further enacted, That all Conveyances and Aſſurances which ſhall be made of any Lands or other Hereditaments to the ſaid Company of Proprietors, ſhall be made according to the following Form or Effect; (*videlicet*),

Form of Conveyance to the Company.

'I *A. B.* of in Consideration of the Sum of to me paid [*or*, in Consideration of the Annual Rent of to me to be hereafter yielded and paid] by the Company of Proprietors of the Canal Navigation from *Leeds* to *Liverpool*, do hereby grant and release to the said Company all [*describing the Premises to be conveyed*] and all my Right, Title, and Interest to and in the same, and every Part thereof, to hold to the said Company for ever, by virtue and according to the true Intent and Meaning of the several Acts of Parliament passed for making and maintaining the said Canal. In Witness whereof, I have hereunto set my Hand and Seal this Day of in the Year of our Lord

And every such Conveyance shall be valid and effectual.

Compensation to be made for Tythes.

XL. And be it further enacted, That full Recompence and Satisfaction shall be made by the said Company of Proprietors, for all the Tythes, both Great and Small, which would have been issuing from or out of any of the Lands which shall be taken or made use of for the Purposes of this Act, to the several Persons who now are, or at any Time hereafter might have become entitled to such Tythes, according to their respective 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 Lands or other Hereditaments is herein-before directed to be ascertained: Provided always, that such Recompence and Satisfaction shall be made to Spiritual Persons by an Annual Rent.

Appointing Commissioners.

XLI. And whereas Differences may arise between the said Company of Proprietors and the several Owners of and Persons interested in the Lands, Grounds, Tenements, Hereditaments, Mills, Fisheries, or Waters, which shall or may be affected or prejudiced by the Execution of any of the Powers hereby granted, touching the Purchase Money to be paid, or Recompence to be made to them respectively; be it therefore further enacted, That all Persons who have or shall have an Estate of Freehold or Copyhold, or both, in Lands, Tenements, or Hereditaments, of the Yearly Value of One hundred Pounds, within the said County Palatine of *Lancaster*, shall be, and are hereby appointed Commissioners for the settling, determining, and adjusting all Questions, Matters, and Differences, which shall or may arise between the said Company of Proprietors, and the several Proprietors of and Persons interested in any Lands, Grounds, Tenements, Hereditaments, Mills, Fisheries, or Waters, that shall or may be affected or prejudiced by the Execution of any of the Powers hereby granted, and they the said Commissioners acting in such Question, Matter, or Difference, as shall arise, are hereby empowered, by Examination of Witnesses upon Oath, which Oath the said Commissioners are hereby authorized to administer, and by any other lawful Ways and Means, 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 Annual Rent or Payment, or by a Sum of

of Money in Groſs, to and at the Election of ſuch Bodies Politick, Corporate, or Collegiate, Perſon or Perſons reſpectively, who ſhall be ſo entitled or intereſted as aforeſaid, for the abſolute Purchaſe of, or as a Recompence for the Uſe of the Lands, Grounds, or Hereditaments, which ſhall be ſet out and aſcertained, or intended to be made uſe of as aforeſaid, for making the ſaid Canal, or any Part thereof, or for any other the Purpoſes of this Act, and alſo to adjuſt and determine 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 ſuſtained by ſuch Bodies Politick, Corporate, or Collegiate, or any other Perſons, being Owners of or intereſted in any Mills, Fiſheries, or Waters, Lands, Grounds, Tenements, or Hereditaments, for or by Reaſon of ſevering or dividing the ſame, or getting Materials therein, or making repairing, or maintaining the ſaid Canal, Reſervoirs, Aqueducts, Trenches, Paſſages, Gutters, Watercourſes, Roads, Ways, or other Works of Convenience, or ſupplying the ſame, or any of them, with Water as aforeſaid, or by the altering, diverting, taking away, or uſing, any Springs, Streams of Water, or Watercourſes, flowing to or ſupplying with Water any Mill or Mills, or Engine or Engines, for the working or getting of Coals or other Minerals, or by the flowing, leaking, or oozing of the Water over or through the Banks of the ſaid Canal, Reſervoirs, or Trenches, or over or through any Sluices, Paſſages, Gutters, or Watercourſes, which ſhall be made purſuant to the Powers hereby given for preſerving, conveying, and communicating Water to or from the ſaid Canal, 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, their Agents, Workmen, or Servants, in caſe ſuch Price or Annual Rent, Damages and Recompence reſpectively, cannot be ſettled, adjuſted, and agreed for, by and between the ſaid Company of Proprietors, or their Agents for the Time being, or any of them, and ſuch Proprietors of, and Perſons intereſted in the ſaid Lands, Grounds, Tenements, Hereditaments, Mills, Fiſheries, or Waters as aforeſaid; and if the ſaid Company of Proprietors, for and on the Part and Behalf of themſelves, or any ſuch Bodies Politick, Corporate, or Collegiate, or other Perſon or Perſons ſo intereſted or entitled as aforeſaid, for and on his, her, or their Part or Parts, or for and on the Part of his, her, or their Ceſtuique Truſt, or of any incapacitated Perſon or Perſons, 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 Bodies Politick, Corporate, or Collegiate, Truſtee or Truſtees, or other Perſon or Perſons entitled or intereſted as aforeſaid, ſhall refuſe to receive, upon due Tender thereof made, ſuch Purchaſe Money or Annual Rent, or ſuch Recompence as ſhall be ſo determined to be paid, or ſhall, upon Notice in Writing given to the principal Officer or Officers of ſuch Bodies Politick, Corporate, or Collegiate, or to ſuch Truſtee or Truſtees, Perſon or Perſons reſpectively, or left at the 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 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

If Parties refuſe to ſubmit to Commiſſioners, or are diſſatisfied with the Determination of the Commiſſioners;

or refuſe to accept the Purchaſe Monies;

or to treat, or ſhall not agree;

ſhall be prevented from treating, or through Diſability, by Non-age, 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 before-mentioned Space of Twenty 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 they are hereby empowered and required, from Time to Time, to iſſue a Warrant or Warrants under their Hands and Seals, to the Sheriff of the ſaid County of *Lancaſter* for the Time being, or in caſe ſuch Sheriff or his Under Sheriff ſhall happen to be One of the Company of Proprietors of the ſaid Navigation, or ſhall enjoy any Office of Truſt or Profit under them, or ſhall be otherwiſe intereſted in the Matter in Queſtion, then to ſome One of the Coroners within the ſaid County of *Lancaſter*, not intereſted as aforeſaid, commanding ſuch Sheriff or Coroner reſpectively to impannel, ſummon, and return a Jury, and the ſaid Sheriff and Coroner reſpectively is hereby required accordingly to impannel, ſummon, and return a Jury of Twenty-four ſufficient and indifferent Men, qualified according to the Laws of this Realm, to be returned for Trials of Iſſues joined in His Majeſty's Courts at *Weſtminſter*, to appear before the ſaid Commiſſioners at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed, not being leſs than Nine nor more than Twenty Days after ſuch Warrant or Warrants ſhall be ſerved upon the ſaid Sheriff or Coroner reſpectively; and in caſe a ſufficient Number of Jurymen ſhall not appear at the Time and Place 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 the ſaid Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges againſt any of the ſaid Jurymen, but ſhall not challenge the Array; and the ſaid Commiſſioners are hereby empowered and required to ſummon and call before them all and every ſuch Perſon and Perſons as ſhall be thought neceſſary to be examined as a Witneſs or Witneſſes touching the Matter in Queſtion, and to hear and examine ſuch Witneſs or Witneſſes upon Oath; and the ſaid Commiſſioners may order and authorize the ſaid Jury, or any Six or more of them, to view the Place or Places, or Matter in Controverſy, which Jury, upon their Oaths, to be adminiſtered by the ſaid Commiſſioners, (which Oath, as well as the Oaths to ſuch Perſon or Perſons as ſhall be called upon to give Evidence, the ſaid Commiſſioners are hereby empowered to adminiſter), ſhall enquire of, aſſeſs, and aſcertain the Sum or Sums 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 may or ſhall be ſuſtained as aforeſaid, and in ſo doing the ſaid Jury ſhall take into Conſideration the Damage or Inconvenience which may ariſe by Means of any Bridges, Roads, or other Communication, made neceſſary by Reaſon of the ſaid Canal, and to aſſeſs ſeparate Damages for the ſame; and the ſaid Commiſſioners ſhall give Judgement for ſuch Purchaſe Monies, Rent, or Recompence, ſo to be aſſeſſed by ſuch Juries; which ſaid Verdict, and the Judgement thereupon, pronounced as aforeſaid, ſhall be ſigned by the ſaid Commiſſioners, and ſhall be binding and concluſive, to all Intents and Purpoſes, againſt all Bodies Politick, Corporate, and Collegiate, and all other Perſons

Juries to be impannelled to aſſeſs the Purchaſe Monies, &c.

Witneſſes may be examined on Oath.

Jury to aſſeſs Damages.

Verdict of Jury to be final.

ſons whomſoever, 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.

Penalties on the Sheriffs, Coroners, Jurymen, and Witneſſes, whoſhall make Default.

XLII. And be it further enacted, That if any ſuch Sheriff or Coroner, or his Deputy or Agent, ſhall make Default in the Premiſes, every ſuch Perſon 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, 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, contrary to the true Intent of this Act, every Perſon ſo offending reſpectively, having no reaſonable Excuſe, to be allowed by the ſaid Commiſſioners, ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Pounds, to be levied by virtue of any Warrant or Warrants under the Hands and Seals of the ſaid Commiſſioners, by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo offending, rendering the Overplus to the Owner thereof, after ſuch Penalties, and the Charges of ſuch Diſtreſs and Sale ſhall be deducted; and every ſuch Penalty which ſhall be paid by or recovered from any Perſon who ſhall have been ſummoned to give Evidence as aforeſaid, ſhall go and be paid to the Perſon or Perſons who ſhall appear to the ſaid Commiſſioners to be injured by the Default of ſuch Perſon.

Commiſſioners who are Juſtices may act as ſuch.

XLIII. And be it further enacted, That ſuch of the ſaid Commiſſioners who are Juſtices of the Peace for the ſaid County of *Lancaſter* ſhall and may act as Juſtices of the Peace in the Execution of this Act, notwithſtanding their being Commiſſioners.

No Perſon holding a Place of Profit, &c. to act as a Commiſſioner.

XLIV. And be it further enacted, That no Perſon ſhall act as a Commiſſioner in any Caſe, in the Execution of this Act, during the Time of his holding any Place of Profit ariſing out of the Rates to be collected by virtue of this or any of the aforeſaid Acts, or during the Time of his being a Proprietor of the ſaid Navigation, or concerned in Intereſt in any Contract or Bargain made or to be made for the Purpoſes of this or any of the aforeſaid Acts, or in Caſes where he ſhall be in anywiſe intereſted or concerned in the Matters in Queſtion, nor unleſs he ſhall reſide in the ſaid County of *Lancaſter*, 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 or more of the ſaid Commiſſioners, who is and are hereby authorized and empowered to adminiſter the ſame; (that is to ſay),

Commiſſioners to take an Oath.

'I *A. B.* do ſwear [*or*, being One of the People called *Quakers*, do ſolemnly affirm] that I will, without Favour or Affection, Hatred or Malice, truly and impartially, according to the beſt of my Skill and Knowledge, execute and perform the Powers and Authorities veſted in me as a Commiſſioner by an Act made in the Thirty-fourth Year of the Reign of King *George* the Third, intituled, [*Set forth the Title of the Act*], and that I am qualified to act as a Commiſſioner, according to the Directions of the ſaid Act.'

And if any Perſon by this Act declared incapable to act as a Commiſſioner ſhall nevertheleſs preſume to act as ſuch in the Execution of this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit the Sum of Fifty Pounds to any Perſon who will ſue for the ſame, to be recovered, with full Coſts of Suit, by Action at Law in any of His Majeſty's Courts of Record at *Weſtminſter*, or in His Majeſty's Court of Common Pleas for the ſaid County of *Lancaſter*, in which Action no Eſſoign, Protection, Privilege, or Wager of Law, or more than One Imparlance ſhall be allowed; and every Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, without any further Proof or Evidence on the Part of the Proſecutor, than that ſuch Perſon had acted as a Commiſſioner in the Execution of this Act.

Commiſſioners to give Notice of their Meetings.

XLV. And be it further enacted, That no Meeting whatſoever of the ſaid Commiſſioners ſhall at any Time be had for putting in Execution any of the Powers or Authorities veſted in them by this Act, unleſs Ten Days previous Notice at leaſt of every ſuch intended Meeting ſhall be given in a *Liverpool* Weekly Newſpaper, or in ſuch other Manner as the ſaid Company of Proprietors ſhall, at any General Meeting, direct or appoint, every ſuch Notice to ſpecify the Time and Place of every ſuch Meeting or Meetings reſpectively, and the ſeveral Matters and Things then and there propoſed to be done; and that every Meeting of the ſaid Commiſſioners, by virtue of this Act, ſhall be publick; and that no Order, Direction, Appointment, or Determination of the ſaid Commiſſioners, or any of them, touching any of the Matters and Things herein contained, except in ſuch Caſes as are hereby otherwiſe directed, ſhall be binding and effectual, unleſs the ſame ſhall be made at One of ſuch Meetings ſo aſſembled; and that all 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 any Meeting, ſuch Majority not to conſiſt of leſs than Five; any Thing herein contained to the contrary notwithſtanding.

On Application Commiſſioners to hold Meetings.

XLVI. 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, or any of the Works neceſſary or relating thereto, or by any other Body Politick or Corporate, or Perſon or Perſons intereſted in any Manner, 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 Seven Days after ſuch Requeſt or Application made, to give Notice by publick Advertiſement in ſome Newſpaper or Newſpapers publiſhed in the ſaid County of *Lancaſter*, of a General Meeting to be held at ſuch Time and Place as ſhall be ſpecified in ſuch Notice, ſuch Time not being leſs than Fourteen Days, nor more than Twenty-one Days from the Day on which Requeſt ſhall be made to them as aforeſaid, and ſuch Place not being more than Five Miles diſtant from the Spot where ſuch

Cauſe of Complaint ſhall ariſe; and the ſaid Commiſſioners are hereby authorized, empowered, 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: Provided always, that every Meeting of the Commiſſioners for hearing or determining any Complaint, Controverſy, Diſpute, or Difference, between the ſaid Proprietors, or any other Perſon or Perſons, ſhall be held at ſome Place, within Five Miles of the Place where ſuch Complaint or Diſpute ſhall ariſe.

Proceedings of Commiſſioners to be entered in a Book, and to be admitted as Evidence in all Courts whatſoever.

XLVII. And be it further enacted, That all the Orders and Proceedings of the ſaid Commiſſioners ſhall be regularly entered in a Book or Books to be kept for that Purpoſe, the ſame 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 empowered by this Act to make ſuch Orders, or carry on ſuch Proceedings, ſhall be deemed Originals, and the ſame or true Copies thereof admitted as Evidence in all Courts whatſoever.

Expences of Commiſſioners and Jury.

XLVIII. And be it further enacted, That whenſoever a Jury is or ſhall be called by the Commiſſioners as aforeſaid, or any Witneſs or Witneſſes ſhall be examined by and before the ſaid Commiſſioners alone, or by and before the ſaid Commiſſioners and Jury jointly, as herein-before directed, the ſaid Commiſſioners ſhall, and they are hereby required, according to their Diſcretion, to give and award to each of the ſaid Jurors and Witneſſes, in every ſuch Caſe, ſuch ſeveral and reſpective Sum and Sums of Money as ſhall be a reaſonable Recompence for the Expences and Trouble of his Journey and Attendance; and that in all Caſes where a Verdict ſhall be given or made for more Monies, or for a greater Annual Rent, as the Purchaſe, Recompence, or Satisfaction for any Lands, Grounds, Waters, Hereditaments, or Property of any Perſon or Perſons whomſoever, or for any Damages done or to be done to any Lands, Grounds, Waters, Hereditaments, or Property of any Perſon or Perſons, than had been previouſly offered by or on Behalf of the ſaid Company of Proprietors, before the Meeting of the ſaid Commiſſioners, or than had been determined and aſſeſſed by the ſaid Commiſſioners, or if no ſuch Recompence or Satisfaction had been offered or tendered, in reſpect of Damages, by or on Behalf of the ſaid Company of Proprietors, where any Verdict ſhall have been found for any Damages, and where the Diſpute is for Damages only, or where, by Reaſon of Abſence in Foreign Countries, or other Impediment or Diſability as aforeſaid, there ſhall not be found any Perſon or Perſons at hand who may be legally capacitated to enter into a Contract with, and make Conveyances to, or receive Compenſations

Compenſations from the ſaid Company of Proprietors, as herein-before-mentioned, then, and in all ſuch Caſes, all the Expences of calling ſuch Commiſſioners, ſummoning ſuch Jury, and taking ſuch Inqueſt, ſhall be ſettled by the ſaid Commiſſioners, and be defrayed by the ſaid Company of Proprietors; but if any Verdict ſhall be given or made for the ſame, or a leſs Sum or Rent than had been previouſly offered by and 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, or in caſe of ſuch Refuſal to enter into Treaty with, or make Conveyances to, or receive Compenſations from the ſaid Company of Proprietors, by any Bodies Politick, Corporate, or Collegiate, or by any Perſon or Perſons whomſoever, who is or are by the Proviſions of this Act, or otherwiſe, legally capacitated to treat and convey, or receive ſuch Compenſations as aforeſaid, then and in every ſuch Caſe (except where by Reaſon of Abſence, or otherwiſe, any Perſon ſhall have been prevented from treating and agreeing as aforeſaid) the Coſts and Expences of calling a Meeting of ſuch Commiſſioners, ſummoning ſuch Jury, and taking ſuch Inqueſt, ſhall be ſettled in like Manner by the ſaid Commiſſioners, and be borne and paid by the Perſon or Perſons with whom the ſaid Company of Proprietors ſhall have ſuch Controverſy or Diſpute; which ſaid Coſts and Expences, having been ſo ſettled, ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged, where the ſame ſhall exceed ſuch Coſts and Expences, as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons, and the Payment or Tender of the Remainder of ſuch 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 or adjudged.

Perſons requeſting Juries to enter into Bond to proſecute.

XLIX. Provided always, and be it enacted, That all and every Perſon or Perſons making Complaint, and requeſting ſuch Jury, ſhall, before the ſaid Commiſſioners ſhall be obliged to iſſue out their Warrant or Warrants for the ſummoning ſuch Jury as aforeſaid, enter into a Bond, with One ſufficient Surety, to the Treaſurer of the ſaid Company of Proprietors for the Time being, in the Penalty of One hundred Pounds, to proſecute his, her, or their Complaint, and to bear and pay the Coſts and Expences of ſummoning ſuch Jury and taking ſuch Inqueſt, in caſe the ſame ſhall be payable by the Perſon or Perſons entering into ſuch Bond.

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

L. And be it further enacted, That the ſaid Commiſſioners ſhall not, nor ſhall any of them, be obliged, by virtue of this Act, to receive or take Notice of any Complaint or Complaints to be made by any Perſon or Perſons whomſoever, for any Injury or Damage by him, her, or them ſuſtained, or ſuppoſed to be ſuſtained, 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 Clerks, or Treaſurer, or to ſome Collector or Collectors of the Tolls ariſing from the ſaid Navigation, 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.

Penalty on giving falſe Evidence.

LI. 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 wilfully give falſe Evidence before the ſaid Commiſſioners, or before any ſuch Jury as aforeſaid, or before any Juſtice of the Peace, ſhall and may be proſecuted for the ſame, and upon Conviction thereof ſhall be ſubject to ſuch Puniſhment and Diſqualification 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.

Manner of making Satisfaction for Damages done in getting Materials.

LII. And be it further enacted, That from Time to Time as the ſaid Company of Proprietors, their Agents and Servants, ſhall, by virtue of the Powers in this or any of the aforeſaid Acts contained, dig, cut, or carry away any Soil, Sand, Clay, Gravel, or Stone, for making, carrying on, completing, maintaining, or keeping in Repair the ſaid Canal and other Works hereby authorized to be made, or which have been or ſhall be made by virtue of the ſaid recited Acts, or any of them, in or from the Grounds of any Perſon or Perſons whomſoever, the ſaid Company ſhall make a reaſonable Satisfaction for the ſame, from Time to Time, within Six Calendar Months after ſuch Materials ſhall be got or dug, and the Damages done to ſuch Lands or Grounds ſhall be aſcertained, on Application being made by the reſpective Owners for that Purpoſe; and in caſe the ſaid Company and Owners of Lands from whence ſuch Soil, Sand, Clay, Gravel, or Stone ſhall be got, cannot agree upon ſuch Satisfaction, or the ſaid Land Owners ſhall refuſe to treat, or by Reaſon of Abſence ſhall be prevented from treating, or through Diſability, Nonage, Coverture, or other Impediments, cannot treat for themſelves, or make ſuch Agreement as ſhall become neceſſary, then the ſaid Satisfaction ſhall be determined by the Commiſſioners, or a Jury, in ſuch Manner as is by this Act directed in reſpect of any other Satisfaction to be made by the ſaid Company.

Verdict for Value of Lands, and Damages, to be aſcertained ſeparate.

LIII. And be it further enacted, That the ſaid Commiſſioners and Juries reſpectively ſhall award all Determinations, Judgements, and Verdicts, which they ſhall reſpectively make and give in the Execution of the Powers hereby veſted in them, concerning the Value of Lands and other Hereditaments, and Damages ſuſtained or to be ſuſtained, ſeparate, and ſhall diſtinguiſh the Value ſet upon the Lands, and other Hereditaments, and the Money aſſeſſed or adjudged for Damages, ſeparate and apart from each other.

Upon Payment or Tender of Monies, the Proprietors to enter to make a Canal, &c.

LIV. And be it further enacted, That upon 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 and aſſeſſed by the ſaid Commiſſioners, or aſſeſſed by ſuch Juries in Manner reſpectively as aforeſaid, for the Purchaſe of any ſuch Lands, Grounds, or Hereditaments as aforeſaid, to the Proprietor or Proprietors thereof, or other Perſons entitled to receive ſuch Money or Rent, or to the principal Officer or Officers of any ſuch Bodies Politick, Corporate, or Collegiate, ſo entitled, at any Time after the ſame ſhall have been ſo agreed for, determined, or aſſeſſed, or if he, ſhe, or they, cannot be found, or ſhall refuſe to accept ſuch Money or Rent, then upon Payment 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 upon Demand, without Fee or Reward, to ſuch Proprietors or Perſons reſpectively as aforeſaid, then and in either of the ſaid Caſes, as often as the ſame ſhall happen, it ſhall be lawful for the ſaid Company of Proprietors, and their Agents, Workmen, and Servants, immediately to enter upon ſuch Lands, Grounds, or Hereditaments reſpectively, (or before ſuch Tender of Money or Rent, by Leave of the Owners and Occupiers), and to dig, cut, trench, ſough, and remove, Earth, Stone, Rubbiſh, Trees, Roots of Trees, and all other Obſtructions, for the making, uſing, maintaining, and repairing, the ſaid Canal, and Towing Path on the Side thereof, in or upon ſuch Lands, Tenements, or Hereditaments, for which ſuch Satisfaction ſhall be deemed or aſſeſſed as aforeſaid, and thereupon to make or do any Works, Matters, or Things, for the effecting and carrying on the ſaid Navigation and Works hereby authorized to be made, and for the ſupporting and maintaining the ſame reſpectively, as the ſaid Company of Proprietors ſhall think requiſite.

Verdicts to be recorded, and Lands veſted in the Proprietors.

LV. 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 all the ſaid Judgements and Verdicts, (being firſt ſigned by the Commiſſioners preſent at the making of ſuch Determinations, or the taking of ſuch Verdicts, and pronouncing of ſuch Judgements reſpectively), ſhall be tranſmitted to and kept by the Clerk of the Peace for the ſaid County of *Lancaſter*, amongſt the Records of the Quarter Seſſions, 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, as alſo the Inrolments of ſuch Contracts, Agreements, Sales, and Conveyances, as are herein mentioned, paying for each Inſpection the Sum of One Shilling, and alſo to take Copies thereof, paying for every Copy, not exceeding One hundred Words, the Sum of Sixpence, and ſo in Proportion for any greater Number of Words; and immediately on ſuch Tender or Payment of the Purchaſe Money, or the Delivery of ſuch Security for the Payment of ſuch Annual Rent or Rents as aforeſaid, and Entry of ſuch Verdicts, Judgements, Sentences, Decrees, Orders, and other Proceedings of ſuch Commiſſioners and Juries, all the Eſtate, Right, Title, Intereſt, Uſe, Truſt, Property, Claim, and Demand, in Law and Equity, of the Perſon or Perſons for whoſe Uſe ſuch Money or Rent ſhall be paid or ſecured, into and out of the ſaid Lands, Tenements, Hereditaments, and Premiſes, ſhall veſt in the ſaid Company of Proprietors, and they ſhall reſpectively be deemed in Law to be in the actual Poſſeſſion and Seiſin of the ſame Lands, Tenements, Hereditaments, and Premiſes, in Fee Simple, to all Intents and Purpoſes whatſoever, as fully and effectually as if every Perſon having an 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 or for whoſe Uſe the ſame ſhall be made or given, but alſo ſhall extend to, and be deemed and conſtrued to bar the Dower and Dowers of the Wife and Wives of ſuch Perſon and Perſons, and all Eſtates Tail, and other Eſtates in Reverſion and Remainder, of his, her, or their Iſſue or Iſſues, and of every other Perſon or Perſons whomſoever

LVI. And

LVI. And be it further enacted, That all Sums of Money that are to be paid to any Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtators, Huſbands, Guardians, Committees, or other Truſtees whatſoever, for or on Behalf of any Infants, Lunaticks, Idiots, Femes Covert, or other Ceſtuique Truſts, or to any Perſon or Perſons whoſe Lands or Eſtates are limited in ſtrict or other Settlement, for the Purchaſe or Exchange of any Lands or Hereditaments as aforeſaid, or the Damage to be done to any Lands or Hereditaments by virtue of the Powers herein contained, ſhall, in caſe the ſame ſhall exceed the Sum of Twenty Pounds, be by ſuch Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, Committees, or other Truſtees, or Perſon or Perſons aforeſaid, laid out, as ſoon as conveniently may be, in the Purchaſe of Lands, Tenements, or Hereditaments, either in Fee Simple, or ſuch other Tenure as the Owner or Owners of the Premiſes which may have been appropriated or made uſe of for the Purpoſes of this Act had therein at the Time the ſame ſhall be ſo appropriated or made uſe of, and which ſaid Lands, Tenements, and Hereditaments, ſo to be purchaſed, ſhall be conveyed to or to the Uſe of ſuch Bodies Politick, Corporate, or Collegiate, or to or for ſuch other Perſon or Perſons, and for ſuch Eſtates, and to, for, upon, and ſubject to ſuch Uſes, Truſts, Limitations, Remainders, and Contingencies, as the Lands or other Hereditaments for or in reſpect whereof ſuch Purchaſe Money or Monies ſhall be paid as aforeſaid were limited, ſettled, and aſſured, at the Time ſuch Purchaſe Monies were ſo agreed for, aſcertained, or aſſeſſed reſpectively as aforeſaid, or ſo many of ſuch Uſes as ſhall be then exiſting and 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 and Purchaſes ſhall be made, the ſaid Monies ſhall be placed out 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, 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 Parties intereſted therein, and to be approved of by the ſaid Commiſſioners, and the Intereſt ariſing or to be produced from any ſuch Funds or Securities, and alſo the Annual Rent for ſuch Lands or Grounds, Tenements, and 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 as aforeſaid.

Purchaſe Monies to be laid out to the ſame Uſes.

LVII. And be it further enacted, That the ſaid Commiſſioners may, and they are hereby empowered to ſettle the Shares and Proportions of the Purchaſe Monies or Recompence for Damages which ſhall be ſo agreed for, determined, and adjuſted or aſſeſſed in Manner reſpectively as aforeſaid, that ſhall be allowed to any Tenant, Tythe Owner, or other Perſon or Perſons having a particular Eſtate, Term, or Intereſt, in the Premiſes, for his, her, or their reſpective Intereſts therein.

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

LVIII. And be it further enacted, That in Default of Payment of ſuch Sum or Sums of Money, and at ſuch Times and in ſuch Manner as ſhall be aſſeſſed

In Default of Payment, Rates to be liable to Da-

mages and Costs;

assessed and awarded for Damages of any Kind, by virtue of this present Act, by the said Commissioners, it shall be lawful for the said Commissioners to appoint One or more Person or Persons to receive the Tolls, Rates, and Duties, by this Act, and by any of the said recited Acts imposed, and thereout, in the First Place, to pay all such Damages so determined or assessed as aforesaid, with the Costs (if any) occasioned by such Refusal or Default of Payment, and the Money so to be received by such Person or Persons shall and is hereby declared to be as so much Money received to the Use of such Person or Persons who shall be entitled to receive such Satisfaction for Damages as aforesaid, in Order and Course respectively as such Determination shall be in Priority of Time; and after such Damages and Costs shall be paid and satisfied, the Power and Authority of such Receivers, for the Purposes aforesaid, shall cease and determine; or otherwise, such Party or Parties so aggrieved shall and may recover such Sum and Sums of Money so assessed and awarded, and which shall not be paid according to the Judgement of the said Commissioners as aforesaid, by Action at Law in any of His Majesty's Courts of Record at *Westminster*, against the said Company of Proprietors, with Costs of Suit as between Attorney and Client.

or the same may be recovered by Action.

For Recovery of Purchase Money for Lands.

LIX. And, for securing the more certain and speedy Payment of such Sum or Sums of Money, or Annual Rent, as shall be contracted or agreed for between the said Company of Proprietors, or their Agent or Agents, and the several Owners of and Persons interested in any Lands, Grounds, Tenements, Waters, or Hereditaments, or determined or assessed by the said Commissioners, or assessed by any Jury in the Manner directed by this Act, for the Purchase of any such Lands, Grounds, Tenements, Waters, or Hereditaments; be it further enacted, That the said Commissioners shall have all and every the like Powers for recovering and applying such Sum and Sums of Money, or Annual Rents as aforesaid, with the Costs occasioned by the Refusal or Default of Payment thereof, as are hereby granted to or vested in them the said Commissioners for recovering and applying any Sum or Sums of Money which shall be by them assessed and awarded for Damages of any Kind, and the Costs occasioned by the Refusal or Default of Payment of such Damages; or otherwise, that the Party or Parties aggrieved shall and may recover such Sum or Sums of Money, or Annual Rent, so contracted or agreed for, determined, adjudged, or assessed, by Action at Law in any of His Majesty's Courts of Record at *Westminster*, against the said Company of Proprietors, with such Costs of Suit as last abovementioned.

Satisfaction to be made to Sir *F. Standish*, &c. for particular Damage.

LX. And whereas the said Canal must necessarily be made and carried through the Lands and Grounds belonging to the said Sir *Frank Standish*, Sir *Richard Clayton*, the Devisees of *Thomas Townley Parker*, and *Richard Cross*, and through the Lands and Grounds of *Richard Willis* Esquire, and other Persons in *Whittle*, *Heapy*, *Chorley*, *Heath* otherwise *Higher Charnock*, and *Adlington* aforesaid, parallel with the Line of the intended *Lancaster* Canal, in such a Manner as that, when both the said intended Canals shall be completed, the Occupation of such Lands and Grounds as shall lie between the said Canals may be rendered inconvenient, and the said Sir *Frank Standish*, Sir *Richard Clayton*, the De-

viſees of *Thomas Townley Parker*, *Richard Willis*, and *Richard Croſs*, and the ſaid ſeveral other Perſons, ſome or One of them, may ſuſtain Damage thereby; be it therefore enacted, That, in order to ſecure to the ſaid ſeveral Perſons reſpectively, and to their reſpective Heirs and Aſſigns, a full Compenſation for ſuch Inconvenience and Damage as ſhall be occaſioned by the Completion of the ſaid Two Canals through the Lands and Grounds aforeſaid, and for the amicably ſettling and adjuſting thereof by Arbitration, the ſaid Company of Proprietors ſhall, and they are hereby empowered and required, at any Time within the Space of Three Months next after Requeſt to them made, in Writing, by the ſaid Perſons reſpectively, or by their or any of their Heirs or Aſſigns, to be delivered to the Treaſurer or Law Clerk of the ſaid Company of Proprietors of the ſaid *Leeds* and *Liverpool* Canal, to nominate and appoint One indifferent Perſon, and the ſaid Perſons reſpectively, and their reſpective Heirs and Aſſigns, is and are hereby empowered to nominate and appoint on their reſpective Parts, when and as they ſhall reſpectively think proper, another indifferent Perſon, which Two Perſons are hereby authorized and required, previous to their proceeding in any Matter to them referred in Manner herein-after mentioned, to nominate and appoint a Third indifferent Perſon to act as an Umpire between the ſaid Perſons reſpectively, or their reſpective Heirs or Aſſigns, and the ſaid Company of Proprietors, in caſe of a Difference of Opinion between any the ſaid Two Perſons ſo to be nominated as aforeſaid; and in caſe the ſaid Two Perſons, or the ſaid Umpire, ſhall not, within the Space of Three Months next after their Appointment, make an Award or Determination deciding the Queſtion to them referred, then it ſhall and may be lawful for the Juſtices, at any Quarter Seſſions of the Peace which ſhall be holden in and for the ſaid County of *Lancaſter*, within the Diviſion in which the ſaid Townſhips are ſituated, and they are hereby empowered and required, upon Application made to them jointly or ſeparately by the ſaid Perſons, or their reſpective Heirs or Aſſigns, or by the ſaid Company, to nominate and appoint ſuch other Three indifferent Perſons as they in their Diſcretion ſhall think fit, to be Arbitrators in the Matter touching which any ſuch Application ſhall be made; and ſuch Arbitrators, or any Two of them, are hereby empowered and required, by their Award in Writing, to be made within Three Months next after they ſhall have due Notice in Writing of their Appointment, to aſcertain, adjuſt, and determine, what more or greater Inconvenience and Damage the ſaid Two Canals, during the Time of making, and when made, ſhall or may occaſion to the Occupation of the ſaid Lands and Grounds ſituated as aforeſaid, or to any of the ſaid Perſons, or to their reſpective Heirs or Aſſigns in anywiſe, by Reaſon of their paſſing on a parallel Line at ſo near a Diſtance to each other as they are by the Parliamentary Line of the *Lancaſter* Canal, and by the intended deviated Line of the *Leeds* and *Liverpool* Canal, propoſed and deſcribed to do, than muſt neceſſarily have happened to the ſaid Lands and Grounds of the ſaid ſeveral Perſons, or any of them, and to the ſaid ſeveral Perſons, or any of them, their or any of their Heirs or Aſſigns, if ſuch deviated Line of the ſaid *Leeds* and *Liverpool* Canal had never been made through the ſame Lands, and the ſaid *Lancaſter* Canal only had been made, and to award, arbitrate, order, and direct, what Satisfaction ſhall be made to the aforeſaid ſeveral Perſons, and to their ſeveral Heirs and Aſſigns, as a Compenſation for ſuch Inconvenience and Damage, either by an

Annual Payment or Rent Charge for ever, or by a Sum in Groſs, to be reſpectively payable and paid on ſuch Days as ſhall be directed by the ſaid Award, for ſuch Inconvenience and Damage, the ſame to be at and in the Choice and Election of the ſaid Perſon and Perſons, and of their Heirs and Aſſigns reſpectively, and to be paid in whichever Way they ſhall reſpectively agree to accept; and the ſaid Arbitrators or Umpires ſo appointed, or by either of the Modes aforeſaid ſo authorized, are hereby further empowered and required to order and direct ſuch and ſo many Bridges and other Conveniencies to be made by the Company of Proprietors of the ſaid *Leeds* and *Liverpool* Canal, over or under the ſame Canal, as to them the ſaid Arbitrators, or any Two of them, or to the ſaid Umpires, as the Caſe may be, ſhall ſeem neceſſary, not only for the better and more convenient uſing and occupying of ſuch aforeſaid Lands and Grounds reſpectively, but alſo for the convenient and eaſy carrying and conveying of Coals belonging to any of the ſaid Perſons, acroſs, under, or over the ſaid Canal; which Rent or Rents, or Groſs Sums, to be paid, ſubject to ſuch Election and Choice as aforeſaid, ſhall be recoverable in ſuch and the ſame Manner as Damages are in and by this Act directed to be recovered.

If the Company neglect to appoint an Arbitrator, the Land Owners Arbitrator to appoint One for them.

LXI. Provided always, and be it further enacted, That if it ſhall happen that the Company of Proprietors of the ſaid *Leeds* and *Liverpool* Canal ſhall neglect or refuſe to appoint in any Caſe any Arbitrator on their Behalf, within the Time aforeſaid, it ſhall and may be lawful for the Arbitrator who ſhall be appointed by the ſaid Sir *Frank Standiſh*, Sir *Richard Clayton*, the Deviſees of *Thomas Townley Parker*, *Richard Willis*, or *Richard Croſs* reſpectively, or by their reſpective Heirs or Aſſigns, or by any other or others of the ſaid Perſons, or by their reſpective Heirs or Aſſigns, to nominate another proper and fit indifferent Perſon to be joint Arbitrator with him in the Premiſes then in Diſpute, whoſe Award in Writing, if they agree to make One, and if not, then the Award of the Arbitrators to be appointed by the Juſtices of the Peace as aforeſaid, ſhall be binding and concluſive upon the ſaid Company of Proprietors of the ſaid *Leeds* and *Liverpool* Canal, as fully and effectually as if the ſame Company had nominated and appointed the ſaid laſt-mentioned Arbitrator, and their Award ſhall be enforced in the Manner as is herein-before in the like Caſe provided.

Copyhold Rights preſerved.

LXII. Provided always, and be it further enacted, 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 are due and payable, or of Right accuſtomed, in ſuch and the ſame Manner as if this Act had not been made; any Thing herein contained to the contrary notwithſtanding.

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

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

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

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

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

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

LXV. And, for the better diſcovering Perſons who ſhall or may open, dig, ſink, or carry on, any Work for the getting of Coal or other Minerals, contrary to the Directions of this Act; be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, by themſelves, or their Agents or Servants, at any Time or Times, in the Day Time, to enter upon any Lands or Grounds through or near which the ſaid Canal,

Canal, or other Works hereby authorized to be made, ſhall be or paſs, wherein any Coal or other Mines ſhall or may be dug or opened, and likewiſe to enter into ſuch Coal or other Mines, and there to view, ſearch, dial, latch, meaſure, and uſe all other Means for diſcovering the Diſtance of the ſaid intended Canal or Works from the working Part of ſuch Mines reſpectively, and for the Purpoſe of going into and coming out of ſuch Mines, to make uſe of the Horſes, Gins, Ropes, and Machines, which ſhall be employed in and about the ſame, making reaſonable Satisfaction to the Owner or Worker, or Owners or Workers, of ſuch Mines for the Uſe thereof; and in caſe it ſhall appear that any Mine hath been worked or got contrary to the Directions of this Act, it ſhall be lawful for the ſaid Company of Proprietors, and for their Agents, Servants, and Workmen, at the Expence, Coſts, and Charges, of the Owners or Workers of ſuch Mines reſpectively, to enter into and upon all ſuch Mines, and from Time to Time to uſe all neceſſary and reaſonable Ways and Means for repairing, ſupporting, ſuſtaining, ſecuring, and making, ſafe the ſaid intended Canal, Towing Paths, and other Works; and ſuch Expences, Coſts, and Charges ſhall, in caſe of Non-payment thereof upon Demand, be recovered by the ſaid Company of Proprietors, in ſuch and the ſame Manner as the Rates hereby granted are to be recovered, and ſhall be paid into the Hands of the Treaſurer or Receiver for the Time being to the ſaid Company of Proprietors, to be applied for the Purpoſes of this Act.

Power to make Railways.

LXVI. And be it further enacted, That in caſe the Proprietor or Proprietors of any Manor or Eſtate containing any Mines or Quarries of Coals, Stone, or other Minerals, or the Leſſees, Renters, or Occupiers, of ſuch Mines or Quarries, ſhall find it expedient or neceſſary to make any Railways or Roads to convey his, her, or their Coals, Stone, or other Minerals, to the ſaid intended Canal or Branch hereby authorized to be made, or to any other Part of the ſaid Canal from *Leeds* to *Liverpool*, or of the ſaid Canal belonging to the ſaid River *Douglas*, or to the ſaid River, over the Lands or Grounds of any Perſon or Perſons, or to make any Bridges for that Purpoſe over any River, Brook, or Watercourſe, then and in every ſuch Caſe it ſhall be lawful for ſuch Proprietor or Proprietors, Occupier or Occupiers, of any ſuch Mines or Quarries, to apply to treat and agree with the Owner or Owners of and Perſons intereſted in ſuch Lands or Grounds as may be ſituate within the Diſtance of One thouſand Yards from the ſaid Navigations, or any of them, through or over which ſuch Railway or Road is intended to be made, for the Damage the Owner or Owners of and Perſons intereſted in 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 and Perſons intereſted in any ſuch Lands or Grounds ſhall neglect or refuſe to treat and agree for the Space of Twenty Days next after ſuch Application, or by Reaſon of Abſence, or otherwiſe, ſhall be prevented or incapacitated from treating and agreeing, or in caſe ſuch Owner or Owners of and Perſons intereſted in ſuch Lands and Grounds, and the Proprietor or Proprietors, Occupier or Occupiers, of any ſuch Mines or Quarries cannot agree concerning the Recompence to be made for ſuch Damage as aforeſaid, that then it ſhall be lawful for the ſaid Proprietor or Proprietors, Occupier or Occupiers, of any ſuch Mines or Quarries, to apply to the ſaid Commiſſioners to aſcertain the Courſe and Direction, and alſo the Diſtance, not exceeding

exceeding the Length of One thouſand Yards which any ſuch 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 Diſtance, (not exceeding the Length of One thouſand Yards), of ſuch Railway or Road, of which Meeting, and of the Purport and Intent thereof, Twenty Days previous Notice ſhall be given in Writing, by the Perſon or Perſons applying for ſuch Railway or Road, to the Owner or Owners of and Perſons intereſted in ſuch Lands or Grounds; 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 to adminiſter), and if it ſhall appear to the Commiſſioners aſſembled at ſuch Meeting, that a Railway or Road is proper and fitting to be made, then, and in ſuch Caſe, but not otherwiſe, they the ſaid Commiſſioners ſhall ſet out and aſcertain the ſame over the Lands and Grounds of ſuch Perſon or Perſons as aforeſaid, (not being the Scite of a Dwelling Houſe, or other Building, or a Garden, Yard, Park, Paddock, or Avenue to a Houſe, or Lawn, incloſed or adjoining to a Manſion Houſe), and from thence afterwards it ſhall be lawful for the Proprietor or Proprietors, Occupier or Occupiers, of any ſuch Mines or Quarries, to make and open a Communication between any ſuch Mines or Quarries, and the ſaid Navigations, or any of them, 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 over and through the Lands or Grounds of ſuch Perſon or Perſons as aforeſaid, in ſuch Manner as to the Proprietor or Proprietors, Occupier or Occupiers, of ſuch Mines or Quarries reſpectively ſhall ſeem expedient, ſo that the ſame be done without doing any Injury or Damage to the ſaid Navigations, and ſo as the Proprietor or Proprietors, Occupier or Occupiers, of ſuch Mines and Quarries, make full Satisfaction for all Damages to be ſuſtained by the Owner or Owners of and Perſons intereſted in ſuch Lands or Grounds, by Reaſon of the making ſuch Railway or Road; and in caſe the Proprietor or Proprietors, Occupier or Occupiers, of any ſuch Mines or Quarries, and the Owner or Owners of and Perſons intereſted in any ſuch Lands cannot agree, or by Reaſon of Abſence, or otherwiſe, ſhall be incapacitated for agreeing 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 Navigations, or any of them, in and by this Act, or any of the ſaid recited Acts, are directed to be ſettled for and aſcertained; and in Default of Payment of ſuch Sum or Sums of Money as ſhall be agreed for, awarded, or adjudged, the ſame ſhall and may be recovered with Coſts, in ſuch and the like Manner as ſuch Value and Recompence are by this or the ſaid recited Acts directed to be recovered.

Cuts may be made to communicate with the intended Canal.

LXVII. And be it further enacted, That it ſhall be lawful for the Proprietor or Proprietors of any Lands, or of any Mines of Coal, Iron Stone, Lime Stone, Marble, 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 intended Canal

or Branch, or with any other Part of the ſaid Canal from *Leeds* to *Liverpool*, or with the ſaid Canal belonging to the ſaid River *Douglas*, or with the ſaid River, ſo that the ſame be done without diverting or taking any Water from the ſaid Canals or River, 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 Navigations, or any of them, and ſo and in ſuch Manner that the Rates herein, or by the ſaid recited Acts, or any of them, 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 Canals or River, or any of them, by Means of making any ſuch Cut to communicate therewith as aforeſaid.

Cuts not to be made through Scites of Houſes, &c. nor through Lands without the Conſent of the Owner.

LXVIII. Provided always, That no ſuch Cut ſhall be made by any Perſon or Perſons through the Lands or Grounds of any other Perſon or Perſons, unleſs the Owner or Owners of, and Perſon or Perſons intereſted in ſuch Lands or Grounds, or the Huſbands, Guardians, Truſtees, or Committees, of any ſuch Owners or Perſons intereſted as aforeſaid, being under Coverture, Minors, Ideots, 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, and ſuch Perſons as aforeſaid, to give ſuch Conſent, and to agree with any 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.

Company to make Drains, &c.

LXIX. And, to the End that the ſaid Navigation hereby authorized to be made may be carried on with as little Damage to private Property as poſſible; be it further enacted, That the ſaid Company of Proprietors ſhall, and they are hereby required, at their own proper Coſts and Charges, to make or cauſe to be made ſuch Arches, Tunnels, Drains, or other Paſſages, over, under, or into, the ſaid intended Canal, and the Trenches, Streams, and Watercourſes, communicating therewith, and the Towing Paths on the Sides thereof reſpectively, of ſuch Depth and Breadth as ſhall be ſufficient at all Times to convey the Water from the Lands adjoining or lying near to the ſaid intended Canal, without obſtructing or impeding the ſame, and likewiſe to make or cauſe to be made ſuch Back Drain or Drains as may be neceſſary and ſhall be ſufficient to carry off any Water which may ooze or paſs through any of the Banks of the ſaid intended Canal, to the Prejudice of any of the Tenements, Lands, or Grounds, contiguous thereto, making Satisfaction for the Ground ſo uſed for the ſame; and that all ſuch Arches, Tunnels, Drains, and other Paſſages, ſhall, from Time to Time, be ſupported,

ſupported, maintained, and kept in good and ſufficient Repair by the ſaid Company of Proprietors; and if at any Time or Times after One Calendar Month's Notice ſhall be given, in Writing, by or on Behalf of the Owner or Occupier, Owners or Occupiers, of the ſaid adjacent Tenements or Lands, who ſhall find him, her, or themſelves aggrieved by the Obſtruction of the ſaid Watercourſes, to any One of the Committee of the ſaid Proprietors for the Time being, or to any known Agent or Collector of the Rates and Duties of the ſaid Proprietors for the Time being, that the ſaid Arches, Tunnels, Drains, or other Paſſages, are not made, cleanſed, repaired, and maintained, according to the true Intent and Meaning of this Act, it ſhall be lawful for any Perſon or Perſons, having an Order in Writing for that Purpoſe from the ſaid Commiſſioners, from Time to Time, as often as there ſhall be Occaſion, to make, cleanſe, and repair ſuch Arches, Tunnels, Drains, or other Paſſages, and the reaſonable Expences thereof, to be aſcertained by the ſaid Commiſſioners, ſhall be defrayed by the ſaid Company of Proprietors; and in caſe of Refuſal or Neglect to ſatisfy the ſame for the Space of One Calendar Month after Demand thereof made upon their Agent or Agents, or upon any Collector of the ſaid Rates, 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.

Enabling the Company to cleanſe the adjoining Watercourſes at the Land Owners Expence.

LXX. And be it further enacted, That if at any Time hereafter the Ditches or Drains belonging to any Owner or Occupier of Lands adjoining or lying contiguous to the ſaid Canal ſhall not be ſufficiently open, but pounded up ſo as to obſtruct the Watercourſe or Watercourſes from the Drains, Culverts, and Paſſages, belonging to the ſaid Canal hereby authorized to be made, and the ſame ſhall not be perfectly remedied within Fourteen Days after Notice, by the Clerk or Agent of the ſaid Company of Proprietors, according to the true Intent and Meaning hereof, it ſhall then be lawful for the ſaid Company of Proprietors, having an Order in Writing for that Purpoſe from the ſaid Commiſſioners, from Time to Time, as often as there ſhall be Occaſion, to order, and procure to be opened and cleanſed the ſaid Ditches and Drains, which ſhall not be ſufficiently open, but pounded up, and the reaſonable Expences thereof, when aſcertained and allowed by the ſaid Commiſſioners, ſhall be repaid the ſaid Company of Proprietors by the Owners or Occupiers of ſuch Lands and Grounds to which the ſaid Ditches and Drains ſo to be opened and cleanſed ſhall belong; and in caſe of Refuſal or Neglect to ſatisfy the ſame for the Space of Six Calendar Months after Demand made thereof upon the reſpective Owner or Owners, or Occupier or Occupiers, of ſuch Lands and Grounds as aforeſaid, ſuch Charges and Expences ſhall and may be recovered in ſuch Manner as the Forfeitures and Penalties are by this Act directed to be recovered.

To prevent deſtroying the Works.

LXXI. And be it further enacted, That if any Perſon ſhall wilfully and maliciouſly, and to the Prejudice of the ſaid Navigation hereby authorized to be made, break, throw down, damage, or deſtroy, any Banks or other Works to be erected or made by virtue of this Act, every Perſon ſo offending, and being thereof lawfully convicted, ſhall be adjudged guilty

guilty of Felony, and every ſuch Felon 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 or Perſons ſhall be tried and convicted, ſhall have Power and Authority to tranſport ſuch Felon for the Space of Seven Years, in like Manner as other Felons are directed to be tranſported by the Laws and Statutes of this Realm, or, in Mitigation of ſuch Puniſhment, may, if they think fit, award ſuch Sentence as the Law directs in Caſes of Petit Larceny; or otherwiſe, every Perſon ſo offending, and being thereof lawfully convicted, on the Oath of One credible Witneſs, before One or more of His Majeſty's Juſtices of the Peace for the County or Diviſion where ſuch Offence ſhall be committed, ſhall forfeit any Sum not leſs than Double the Value of the Damage proved upon Oath to be done, at the Diſcretion of ſuch Juſtice; ſuch Penalty, together with reaſonable Coſts, to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Offender, rendering the Overplus (if any) to ſuch Offender; or ſuch Offender ſhall or may be committed to the Common Gaol or Houſe of Correction for the County, Riding, or Diviſion, as the Caſe may happen, for any Time not exceeding Twelve Calendar Months, at the Diſcretion of the Juſtice or Juſtices before whom ſuch Offender ſhall be convicted.

Tonnage Rates.

LXXII. And be it further enacted, That in Conſideration of the great Charges and Expences the ſaid Company of Proprietors will be at in making, maintaining, and ſupplying with Water the ſaid Canal, and in making and maintaining all the other Works hereby authorized to be made and erected, it ſhall be lawful for the ſaid Company of Proprietors, from Time to Time, and at all Times hereafter, to aſk, demand, take, and recover, to and for their own proper Uſe and Behoof, for Tonnage and Wharfage for all Coals, Stones, Timber, Goods, Wares, Merchandizes, and Commodities whatſoever, which ſhall be navigated, carried, or conveyed, upon or through the ſaid Canal hereby authorized to be made, ſuch Rates and Duties as the ſaid Company of Proprietors ſhall think fit, not exceeding the Sum of One Halfpenny *per* Mile for every Ton of any Kind of Clay, Brick, or Stones; nor exceeding the Sum of One Penny *per* Mile for every Ton of Coal or Lime; and not exceeding the Sum of One Penny Halfpenny *per* Mile for every Ton of Timber, Goods, Wares, Merchandizes, and other Commodities which ſhall be navigated, carried, or conveyed, upon or through the ſaid Canal, and ſo in Proportion for a greater or leſs Quantity than a Ton: Provided always, that no more than One Farthing *per* Ton *per* Mile ſhall be paid for any Soap-Aſhes, Salt, Salt Screw, Foul Salt, and Grey Salt, Pigeons Dung, Rape or Cole Seed or Duſt, Rags or Tanners Bark, to be uſed for manuring the Lands of any Perſons whoſe Lands ſhall be cut through by the ſaid Canal, ſuch Lands lying in any Townſhip through which the ſaid Canal ſhall paſs; which ſaid Rates and Duties ſhall be paid to ſuch Perſon or Perſons, at ſuch Place or Places, near to the ſaid Canal, in ſuch Manner, and under ſuch Regulations, as the ſaid Company of Proprietors ſhall direct or appoint; and in caſe of Denial or Neglect of Payment of any ſuch Rate and Duty, or of any 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, or the Perſon or Perſons to whom the ſaid Tolls ought to have been paid may, and he and they is

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and are hereby empowered to ſeize and detain any ſuch Boat or Veſſel, or Goods, for or in reſpect whereof any Rates or Duties ought to be paid, or any Part of ſuch Goods, and detain the ſame until Payment thereof, together with the reaſonable Charges for ſuch Seizure and Detainer; and if ſuch Detainer 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 a Diſtreſs for Rent.

Exemption from Tolls.

LXXIII. Provided alſo, and be it further enacted, That ſmall Rubbiſh or waſte Stones from Delfs and Quarries, and all Gravel and Sand to be employed for the Purpoſe only of making and repairing the Roads, not being Turnpike, in any Townſhip, Village, or Hamlet, through which the ſaid Canal ſhall be made, and which ſhall not be carried more than Five Miles on the ſaid Canal, and alſo all Dung, Soil, Marl, Aſhes of Coal and Turf, for the Improvement only of the Lands and Grounds in the Townſhip, Village, Hamlet, or Place through which the ſaid Canal ſhall paſs, of all and every Perſon and Perſons whoſe Lands or Grounds ſhall or may be had and taken for or on Account of making the ſaid Canal, or any Part thereof, ſhall not, nor ſhall any of them, be charged with or liable to pay any of the Rates, Duties, or Tolls, authorized to be taken by this Act, for being carried upon the ſaid Canal, Trenches, Sluices, or Paſſages, or any Part thereof, but ſhall be free and exempted from the ſame, ſo that the Things hereby exempted from the Payment of ſuch Tolls or Duties do not paſs through any Lock authorized to be made by virtue of this or any of the ſaid recited Acts, but at ſuch Times when the Water ſhall flow over the Gauge Paddle or Nitch 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, for the making or repairing of Roads, or ſuch Dung, Soil, Marl, or Aſhes, 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 ſuch Stones, Gravel, or Sand, for making or repairing Roads, or ſuch Dung, Soil, Marl, or Aſhes, to lie upon ſuch Wharfs or Quays longer than may be neceſſary for loading, unloading, and conveying the ſame from and to the ſeveral Places where they are put on Board and unloaded, and making good any Damages that may be done to the Fences, Sides, Banks, or Towing Paths of the ſaid Canal, or any Part thereof, by the loading, unloading, or diſcharging, any Boats or other Veſſels, or by the leading of ſuch Materials to or from the Banks of the ſaid Canal, which Recompence and Satisfaction, in caſe of any Difference, ſhall be ſettled and aſcertained by the ſaid Commiſſioners; provided that every Perſon ſo claiming Exemptions as aforeſaid ſhall give Notice to the neareſt Toll Gatherer or Collector of ſuch his Intention to paſs through any Lock, ſpecifying the Locks through which he intends to paſs upon the ſaid Navigation, Six Hours at leaſt before ſuch paſſing through ſuch Locks as aforeſaid; and any Perſon claiming any Exemptions as aforeſaid, not being entitled thereto, or not giving Notice as aforeſaid, or uſing or diſpoſing of any of the Articles ſo exempted in any other Manner than as before directed, and being convicted thereof before One Juſtice of the Peace, ſhall forfeit the Sum of Five Pounds, to be levied by Diſtreſs and Sale.

Proportion of a Mile to be taken as a Mile, &c.

LXXIV. And be it further enacted, 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 Navigation hereby or by any of the ſaid recited Acts authorized to be made, ſuch Fraction ſhall, in aſcertaining the Rates to be taken, be deemed and conſtrued a whole Mile; and that in all Caſes where there ſhall be a Fraction of a Ton in the Weight of Lading in any Boat, Barge, or other Veſſel, which ſhall be ſo navigated, 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 a whole Quarter of a Ton.

Tolls to be taken at the Junction at *Leeds*.

LXXV. And be it further enacted and declared, That for and notwithſtanding any Thing in the ſaid recited Acts, or in this Act contained, or any of them, it ſhall and may be lawful to and for the ſaid Company of Proprietors, and they are hereby authorized and empowered, from Time to Time, and at all Times hereafter, to aſk, demand, take, and recover, to and for their own proper Uſe and Benefit, for every Boat or Veſſel which ſhall paſs the Lock next to the Junction of the ſaid Canal with the River *Aire*, without being or having been navigated Eight Miles upon ſuch Canal, ſuch and the like Tonnage as if ſuch Boat or Veſſel had been navigated Eight Miles thereupon.

Tonnage upon the *Douglas* to be the ſame as upon the *Leeds* and *Liverpool* Canal.

LXXVI. And whereas, in conſequence of the ſaid Deviation of the ſaid *Leeds* and *Liverpool* Canal terminating at or near to the ſaid Warehouſe in *Wigan* aforeſaid, it may happen that the Coals, Stones, Timber, Goods, Wares, and Merchandize, paſſing upon the ſaid *Leeds* and *Liverpool* Canal, muſt unavoidably go through or upon the Whole of ſome Portion of that Part of the ſaid *Douglas* Navigation which lies between the ſaid Warehouſe and *Newborough*, and thereby would be ſubject and liable to greater Rates of Tonnage than thoſe herein preſcribed; be it therefore enacted, That from and after the ſaid Junction ſhall be made at or near the aforeſaid Warehouſe, there ſhall not be aſked, demanded, taken, or recovered, for the Tonnage and Wharfage of any Coals, Stones, Timber, Goods, Wares, and Merchandize, which ſhall be navigated or carried upon the ſaid *Leeds* and *Liverpool* Canal, and which in their Paſſage ſhall go upon the Whole or ſome Portion of the ſaid Part of the *Douglas* Navigation lying between the ſaid Warehouſe near *Wigan* and *Newborough*, any more or greater Rates, Tolls, or Duties, than could have been aſked, demanded, taken, or recovered, for ſuch Coals, Stones, Timber, Goods, Wares, and Merchandize, in caſe the ſame had been carried the ſame Length upon the ſaid *Leeds* and *Liverpool* Canal only, any Thing in the before-mentioned Acts, or any of them, contained to the contrary thereof in anywiſe notwithſtanding; and that for the Recovery of the ſaid Tolls, Rates, and Duties, the ſaid Company of Proprietors ſhall have the like Remedies as for the Recovery of the Tolls, Rates, and Duties, payable for Goods navigated upon the ſaid *Leeds* and *Liverpool* Canal.

Tonnage of Coals upon the *Douglas*

LXXVII. Provided always, and it is hereby enacted and declared, That for all Coals which ſhall be navigated and carried upon the ſaid *Douglas*

Douglas Navigation, and from thence upon any other Navigation (ſave the ſaid *Leeds* and *Liverpool* Canal) which ſhall communicate therewith, or with the ſaid *Leeds* and *Liverpool* Canal, the ſame Rates, Tolls, and Duties ſhall be paid, as are allowed to be taken in the ſaid recited Act of the Sixth Year of the Reign of His Majeſty King *George* the Firſt; any Thing herein contained to the contrary thereof in anywiſe notwithſtanding. Navigation not to be reduced in certain Caſes.

LXXVIII. And whereas much Inconvenience hath happened to the ſaid Proprietors by the Water being drawn too low down in the Pool next above the Firſt Lock in *Leeds* aforeſaid, and may happen by the Water being drawn too low down in the Summit or Head Level of the ſaid Canal from *Leeds* to *Liverpool*, if not prevented, be it therefore enacted, That no Boat or other Veſſel ſhall paſs through the above-mentioned Firſt Lock, or the Locks on either Side of and next to the ſaid Summit or Head Level, but at ſuch Times as and when the Water ſhall run over the Waſte Weirs next above ſuch reſpective Locks, without the Licence and Conſent of the ſaid Company of Proprietors, or the reſpective Lock Keepers who ſhall be ſtationed at or have the Care of any ſuch aforeſaid Lock or Locks, being for that Purpoſe firſt had and obtained. To preſerve the Water at certain Pools.

LXXIX. And be it further enacted, That it ſhall be lawful for the Owners and Occupiers of any Lands adjoining to the ſaid Canal hereby authorized to be made, to uſe any Pleaſure Boats, or any Boats, upon the ſaid Canal, for the Purpoſe of Huſbandry only, or for conveying Cattle from One Farm, or Part of a Farm, or Lands, to any other Farm or Lands of the ſame Owner or Occupier, (not paſſing through any Lock without the Conſent of the ſaid Company, or their principal Agent for the Time being), without any Interruption from the ſaid Company of Proprietors, and without paying any Rate or Duty for the ſame, ſo as the ſame be not made uſe of for the carrying of any Goods, Wares, or Merchandizes to Market, or for Sale, or for any Perſon or Perſons for Hire, and ſhall not obſtruct or prejudice the Navigation of the ſaid intended Canal, or the Towing Paths thereof. Allowing the Owners of Lands to uſe Pleaſure Boats on the Canal.

LXXX. And be it further enacted, That in caſe the Owner or Owners of any Boat or other Veſſel navigating upon any Part of the ſaid Canal from *Leeds* to *Liverpool*, or upon the ſaid Canal belonging to the ſaid River *Douglas*, or upon the ſaid River, ſhall be compelled to pay any Penalty, or to make Satisfaction for any Damage by Reaſon of any wilful Neglect or Default done or committed by his or their Servant, ſuch Servant ſhall be liable to repay ſuch Penalty to ſuch Owner or Owners; and in caſe of Non-payment upon Demand thereof, and Oath made by ſuch Owner or Owners of the Payment by him or them of ſuch Penalty or Satisfaction, and that the ſame hath not been repaid to him or them by ſuch Servant, although demanded (ſuch Oath to be made before One Juſtice of the Peace for the County, Riding, or Diviſion, where ſuch Penalty and Satisfaction ſhall have been incurred or paid), the ſame Penalty and Satisfaction ſhall be levied by Warrant under the Hand and Seal of ſuch Juſtice, by Diſtreſs and Sale of the Goods and Chattels of ſuch Servant, together with all Coſts and Charges attending ſuch Diſtreſs and Sale; and the ſaid Penalty and Satisfaction, when recovered, ſhall be paid to ſuch Owner or Owners, in Diſcharge of ſuch Penalty or Satisfaction ſo by him or them paid for the wilful Act or Default of ſuch Servant or Boat Maſter or Owner made accountable for Damages done by the Crew, may recover againſt ſuch Servants, &c.

Servants as aforesaid, and in case no sufficient Distress can be had, such Justice of the Peace shall and is hereby required to commit such Servant or Servants to the Common Gaol, or any House of Correction, for the County, Riding, or Division, where such Neglect happened, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months.

Where Cattle are deprived of Watering Places, others to be provided.

LXXXI. And be it further enacted, That where, by Means of making the said Canal, any Watering Place for Cattle shall be destroyed or rendered useless, then, and in every such Case, the said Company of Proprietors shall, at their own Costs, set out and provide convenient and proper Places for Cattle to drink out of and water at, in every such Ground where the Watering Place shall be destroyed or rendered useless, and shall supply the said new Watering Places with Water from and out of the said Canal, if necessary.

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

LXXXII. And be it further enacted, That the said Company of Proprietors shall, at their own Costs, within Three Calendar Months after any Part of the said Canal and Towing Path shall be dug out and formed, divide and separate, and keep constantly divided and separated, the Towing Path on the Side of such Part or Parts of the said Canal, Trenches, or Passages, which shall have been so dug out and formed as aforesaid, or such Part or Parts of such Towing Path as shall be declared necessary by the said Commissioners, from the Lands or Grounds adjoining to such Towing Path, with a sufficient Post and Rail, Hedge, Ditch, Trench, Bank, or other Fence sufficient to keep off Cattle, to be set and made on the Lands or Grounds which shall be purchased by, conveyed to, or vested in, the said Company of Proprietors as aforesaid, and shall, at their own Costs and Charges, from Time to Time, maintain and support the said Towing Path, and the said Posts, Rails, Hedges, Ditches, Trenches, Banks, and other Fences so set up and made as aforesaid, as the said Commissioners shall, from Time to Time, judge necessary and appoint; and the said Company of Proprietors shall, at their own Charges, make, erect, and set up, and from Time to Time maintain and support, such and so many convenient Gates, Bridges, and Stiles, in, over, and through, all the Hedges, Ditches, and Fences, to be by them so made on the Sides of such Towing Path as aforesaid, and also such Bridges, Arches, and Passages, over, under, or through, the said Canal, Trenches, or other Watercourses, and of such Dimensions, and in such Manner as the said Commissioners shall, from Time to Time, judge necessary and appoint, for the Use of the Owners and Occupiers of the Lands, Grounds, or Hereditaments, adjoining to such Canal, Trenches, Streams, Watercourses, and Towing Path, or any of them respectively; and the said Company of Proprietors shall not make the said Canal, or any Trench or Watercourse, or any Part thereof, in or across any common Highway, publick or private Bridle Way or Foot Path, until they shall, at their own Charges, have made and perfected such Bridge or Bridges, Passage or Passages, Arch or Arches, over or under the same Highway, publick or private Bridle Way or Foot Path, and of such Dimensions, and in such Manner, as the said Commissioners shall, from Time to Time, judge necessary and appoint, not being contrary to the true Intent and Meaning of this Act; and all such Gates, Stiles, Bridges, Arches, and the Works and Conveniencies so to be made as aforesaid, shall, from Time to Time, be

be ſupported, maintained, and kept in ſufficient Repair by the ſaid Company of Proprietors.

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

LXXXIII. And be it further enacted, That in caſe the ſaid Company of Proprietors, or their Agents, ſhall refuſe or neglect to divide and ſeparate, and to keep divided and ſeparated, the Towing Paths, in Manner herein-before directed, or to make, erect, and ſet up, Gates and Stiles in, over, and through the Fences on the Sides of the ſaid Towing Path, or ſuch Bridges, Arches, Tunnels, Culverts, Drains, Back Drains, or other Paſſages, over, under, or by the Side of or into the ſaid Canal, and the ſaid Trenches, Streams, and Watercourſes as aforeſaid, or over or under any common Highway, Bridle Way, or Foot Path, or to make ſuch Watering Places for Cattle as herein-before directed, for the Uſe and Convenience of the reſpective Owners or Occupiers of the Lands or Hereditaments adjoining to, or near to, the ſaid Canal hereby authorized to be made, or to maintain and ſupport ſuch Gates, Stiles, Bridges, Arches, Paſſages, and Watering Places, when erected, ſet up, and made, of ſuch Dimenſions, and in ſuch Manner as aforeſaid, for the Space of Three Calendar Months next after the Time to be appointed for thoſe Purpoſes by the ſaid Commiſſioners, then, and in every ſuch Caſe, it ſhall be lawful for any of the ſaid Owners or Occupiers of the ſaid adjacent Lands, Grounds, or Hereditaments, who ſhall find themſelves aggrieved by any ſuch Refuſal or Neglect, to make, erect, and ſet up, all ſuch Gates, Stiles, Bridges, Arches, Paſſages, Watering Places, and other Conveniencies as aforeſaid, as the ſaid Commiſſioners ſhall have before directed or appointed to be made, erected, and ſet up by the ſaid Company of Proprietors as aforeſaid, and to maintain, repair, and ſupport the ſame from Time to Time, as Occaſion ſhall require, ſo that in making and maintaining the Works aforeſaid, the ſaid Canal, or the Banks thereof, or the Feeders or Aqueducts belonging thereto, ſhall not be ſtopped or injured for any longer Space of Time, or in any other Manner, than ſhall be neceſſary for the doing thereof; and all the reaſonable Coſts and Charges thereof, to be ſettled and allowed by the ſaid Commiſſioners, ſhall be repaid to the reſpective Owners or Occupiers of the ſaid adjacent Lands, Grounds, Mills, or Hereditaments, who ſhall have ſo erected and made the ſaid Gates, Stiles, Bridges, Paſſages, Arches, and Watering Places or other Conveniencies, or have repaired or maintained the ſame as aforeſaid, by the ſaid Company of Proprietors, within the Space of Twenty Days 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 Payment of the ſaid Coſts and Charges within the Time aforeſaid, the ſaid Commiſſioners ſhall, and they are hereby required, by Warrant under their Hands and Seals, to levy the ſaid Coſts and Charges by Diſtreſs and Sale of the Goods and Chattels of the ſaid Company of Proprietors, which ſhall be found in or upon the ſaid Canal from *Leeds* to *Liverpool*, the River *Douglas*, or the Canals thereto belonging, or the Wharfs, Quays, or Warehouſes, adjoining or near the ſame, to be applied to and for the Uſe of ſuch Perſon or Perſons who ſhall have ſo expended the ſame as aforeſaid, rendering to the ſaid Company of Proprietors, or to ſome of their Agents, the Overplus, (if any ſuch there be), after deducting the reaſonable Charges of making ſuch Diſtreſs and Sale, to be ſettled by the ſaid Commiſſioners; or otherwiſe, every or any of the ſaid Owners or Occupiers of

Lands, Grounds, or Hereditaments, who ſhall have erected, ſet up, made, or maintained or repaired any ſuch Gates, Stiles, Bridges, Paſſages, Arches, Watering Places, or other Conveniencies as aforeſaid, upon Refuſal or Neglect of the ſaid Company of Proprietors to do the ſame, or to pay the ſaid Coſts and Charges as aforeſaid, ſhall and may have ſuch and the like Remedy againſt the ſaid Company of Proprietors, for the Recovery of ſuch Coſts and Charges as, in the Caſe of Damages, is in and by this Act mentioned and directed.

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

LXXXIV. Provided always, and be it further enacted, That if the Owners or Occupiers of any Lands or Hereditaments, through which the ſaid intended Canal ſhall be made, do or ſhall, at any Time or Times, find upon Experience that the ſeveral Gates, Stiles, Bridges, Paſſages, Arches, Tunnels, Drains, Back Drains, or other Paſſages, over, under, or by the Side of the ſaid Canal, Watering Places, and other Conveniencies, which the ſaid Commiſſioners ſhall have directed or appointed to be made by the ſaid Company of Proprietors, in, upon, over, or under, the ſaid Canal, or the Towing Path thereof, or any Trench or Paſſage, are inſufficient, either in the Number or Situation, for the commodious Uſe and Occupation of their reſpective Lands, Grounds, or Hereditaments on both Sides, or on either Side, of the ſaid Canal, that then and ſo often, or in any ſuch Caſe, it ſhall be lawful for every or any ſuch Owners or Occupiers for the Time being, with the Conſent and Approbation of the Committee of the ſaid Proprietors for the Time being, or of the major Part of them, upon Requeſt made to them for that Purpoſe, or in caſe of their Refuſal for the Space of Ten Days after ſuch Requeſt, then with the Conſent and Approbation of the ſaid Commiſſioners, to make, fix, and erect, at their own Coſts and Charges, One or more Gate or Gates, Stiles, Bridges, Paſſages, Arches, Watering Places, or other Conveniencies, of the ſame or the like Conſtruction with others made and erected by the ſaid Company of Proprietors, in, over, or near to the ſaid Canal, or Towing Path thereof, or Trenches or Paſſages, in ſuch Places as ſhall be found and judged moſt neceſſary and convenient for the better Uſe, Cultivation, Improvement, 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 that the Navigation of, in, or upon, the ſaid Canal be not prevented or obſtructed thereby for any longer Space of Time, or in any other Manner, than the ſame would neceſſarily have been, if ſuch Gates, Stiles, Bridges, Paſſages, Arches, Watering Places, or other Conveniencies, had been made or erected by the ſaid Company of Proprietors.

Land Owners may erect Warehouſes, &c. on their own Lands.

LXXXV. And be it further enacted, That any Lord or Lords, Lady or Ladies, of any Manor or Manors, or the Owner or Owners of any Lands or Grounds through which the ſaid intended Canal ſhall be made, may make, erect, or uſe any Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouſes, in or upon his, her, or their reſpective own proper Lands, Grounds, or Waſtes, adjoining or near to the ſaid Canal, with neceſſary Ways or Roads to the ſame, or land any Goods or Merchandize, or other Things thereupon, or upon the Banks lying between the ſame and the ſaid Canal, and make and uſe proper and convenient Places for Boats and other Veſſels to lie in, turn, and paſs by each other, ſo that the making, erecting, or uſing thereof reſpectively

ſhall

ſhall and do not obſtruct or prejudice the Navigation of the ſaid Canal, or the Towing Path on the Side thereof; and all Rates, Dues, and Duties, that ſhall be paid for the Uſe and Benefit of the ſaid Wharfs, Quays, Landing Places, Cranes, Weigh Beams, and Warehouſes reſpectively, ſhall be, and the ſame are hereby veſted in ſuch Lord or Lords, Lady or Ladies, of ſuch Manor or Manors, or the Owner or Owners of ſuch Lands or Grounds, or Waſtes, who ſhall make and erect ſuch Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouſes, upon their reſpective own proper Lands, Grounds, or Waſtes reſpectively, his, her, and their Heirs and Aſſigns, ſo that the Rates, Tolls, Duties, and Powers granted to the ſaid Company of Proprietors for Tonnage and Wharfage, ſhall not be thereby reduced or altered.

If not done in a limited Time, the Proprietors may.

LXXXVI. Provided always, That if any ſuch Lord or Lords, Lady or Ladies, Owner or Owners, ſhall not within the Space of Twelve Calendar Months next after Notice given in Writing to him, her, or them, by or on Behalf of the ſaid Company of Proprietors, that any Part of ſuch Lands, Grounds, or Waſtes is neceſſary or proper to be uſed by them for the Purpoſe of erecting and making Warehouſes, Buildings, Quays, or Landing Places 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, make, erect, and lay out, and from Time to Time maintain and keep in good and ſubſtantial Repair, ſuch proper and ſufficient Warehouſes, Buildings, Quays, Landing Places, and Roads, for the Uſe of the ſaid Navigation, as the ſaid Commiſſioners ſhall think neceſſary, on the reſpective Part or Parts of the Lands and Grounds deſcribed in ſuch Notice, that then the ſaid Company of Proprietors ſhall have full Power and Authority, without any Hindrance or Reſtraint whatſoever, to make uſe of ſuch Lands, Grounds, or Waſtes, (not being the Ground whereon any Houſe or other Building ſtands, or any Garden, Orchard, Yard, Park, Paddock, planted Walk, Nurſery of Trees, or an Avenue to any Houſe), for erecting and building proper and ſufficient Warehouſes, Quays, Landing Places, and Buildings, and making and laying out neceſſary and convenient Roads to and from the ſaid Canal, agreeably to ſuch Notice as aforeſaid, firſt making Satisfaction for the ſame in ſuch Manner as is directed with reſpect to other Lands or Grounds which ſhall be taken or uſed for the Purpoſes of this Act.

For aſcertaining the Rate of Wharfage.

LXXXVII. And be it further enacted, That nothing ſhall be taken for Wharfage by any Lord or Lords, Lady or Ladies, Land Owner or Land Owners, who ſhall at any Time hereafter make, erect, or build, any Wharfs or Quays on any Part of the ſaid intended Canal, by virtue of this Act, in reſpect of Coals or other Goods or Merchandize which ſhall be loaded into or diſcharged from any Boat or other Veſſel, and which ſhall not be upon ſuch Wharfs or Quays for any longer Time than Six Hours, and that no more than the Sum of One Penny Half-penny *per* Ton ſhall be demanded or taken for the Wharfage of Coals, Stone, or Brick, nor more than Three-pence *per* Ton for the Wharfage of any other Goods or Merchandizes, where the ſame ſhall be reſpectively placed upon ſuch Wharfs or Quays, and ſhall not remain or continue thereupon for a longer Space of Time than Six Days: Provided always, that it ſhall be lawful for the ſaid Company of Proprietors, to make, erect, and repair and uſe any Crane or Cranes, Weighing Machine or Weighing Machines, upon every ſuch Wharf

Wharf or Quay, for the more convenient loading, unloading, and weighing of any ſuch Coals or other Goods, in caſe the Proprietors of ſuch Wharfs or Quays ſhall neglect 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 neglect or refuſe to keep the ſame in Repair; any Thing herein contained to the contrary notwithſtanding.

Private Wharfs not to be uſed by the Company.

LXXXVIII. Provided always, and be it further enacted, That nothing herein contained ſhall authorize or empower the ſaid Company of Proprietors, or any other Perſon or Perſons, to make uſe of any Wharf, Quay, Landing Place, Crane, Weigh Beam, or Warehouſe, which ſhall be ſet out, erected, or made by the Lord or Lords, Lady or Ladies, of any Manor, or the Owner or Owners of any Lands or Grounds adjoining or near to the ſaid Canal, for his, her, or their private excluſive Uſe only, nor to ſet up, erect, repair, or uſe any Crane or Weighing Machine, in or upon any ſuch Wharf, Quay, or Landing Place, without the Conſent of the Owners or Occupiers thereof reſpectively; any Thing herein contained to the contrary notwithſtanding.

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

LXXXIX. And be it further enacted, That the ſaid Company of Proprietors ſhall, and they are hereby empowered, in ſuch Parts of the ſaid Canal, Trenches, or Sluices, as ſhall not be of a ſufficient Breadth for admitting a Boat or Veſſel to turn about or lie, or Two Boats or other Veſſels to paſs each other, to open or cut proper Spaces or Places in the Lands adjoining to the ſaid Canal, Trenches, or Sluices, at convenient Diſtances from each other, for the turning, laying, and paſſing, of any ſuch Boats or Veſſels, and that the Boats or other Veſſels navigated upon the ſaid Canal, Trenches, or Sluices, ſhall, upon meeting any other Boat or Veſſel, ſtop at, and go back to and lie in the ſaid Spaces or Places, in ſuch Manner as the Committee of the ſaid Proprietors, by Writing under their Hands, ſhall from Time to Time direct and appoint.

Canal not to be under the Commiſſioners of Sewers.

XC. And be it further enacted, That the ſaid Canal hereby authorized to be made, or any of the Works whatſoever to be made by virtue of this Act, ſhall not be ſubject to the Controul, Direction, Survey, or Order of any Commiſſion of Sewers, or to any Law or Statute relating to Sewers whatſoever.

Rights of Lords and Ladies of Manors, and Land Owners, to the Fiſhery reſerved.

XCI. And be it further enacted, That the Lord and Lords, Lady and Ladies, of all and every Manor and Manors through or in which the ſaid intended Canal ſhall be made, ſhall have and be entitled to the Right of Fiſhery of and in ſo much of the ſaid Canal, Trenches, and Sluices, as ſhall be made over or through the Commons or Waſte Lands within his, her, or their Manors reſpectively, and as ſhall be made over or through any other Lands or Grounds, in the Pits, Ponds, or Waters whereof ſuch Lord or Lords, Lady or Ladies, now have or hath, or are or is entitled to the Right of Fiſhery, and that the Owner or Owners of all other Lands or Grounds through or in which the ſaid Canal ſhall be made, ſhall alſo have and be entitled to the like Right of Fiſhery of and in ſo much of the ſaid Canal, Trenches, and Sluices, as ſhall be made in, over, or through, his, her, or their, Lands or Grounds reſpectively, ſo as that in the Uſe and Exerciſe of the ſaid Right of Fiſhery the ſaid Canal,

Canal, Trenches, and Sluices, and the Towing Path, 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 ſame, and ſo as the ſaid Company of Proprietors, or their Agents, Servants, or Workmen, or any of them, ſhall not be liable to any Penalty, Action, or Proſecution, for or by Reaſon of the taking or deſtroying of any Fiſh in the ſaid Canal, Trenches, or Sluices, which ſhall be taken, killed, or deſtroyed, through or by Means of letting off the Water out of the ſaid Canal, Trenches, or Sluices for or upon Account of any Repairs or Works to be done in or about the ſame, and that it ſhall be lawful for the Lord or Lords, Lady or Ladies, of ſuch Manor or Manors, and the Owner or Owners of ſuch Lands or Grounds, being qualified by Law ſo to do, to take and kill Game upon ſo much of the ſaid Canal, Trenches, Sluices, Towing Paths, and other Works, as ſhall be made in or through their reſpective Lands or Grounds as aforeſaid; any Thing herein contained to the contrary thereof notwithſtanding.

For making Recompence for Damages not before provided for.

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

Proceedings not to be quaſhed, or Diſtreſs unlawful, for Want of Form.

XCIII. 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, or 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.

XCIV. And whereas, by virtue of the Powers for that Purpoſe contained in the ſaid recited Act of the Thirtieth Year of the Reign of His preſent Majeſty, there hath been borrowed and taken up at Intereſt the Sum of One hundred and one thouſand three hundred and ninety-four Pounds: And whereas, in order to complete and finiſh that Part of the ſaid Cut or Canal and other Works which are hereby authorized to be made, and the other Part of the ſaid Canal from *Leeds* to *Liverpool*, which lies upon the Eaſt Side of the ſaid *Wanleſs* Banks, and which yet remains unfiniſhed, and alſo to pay off and diſcharge the ſaid Sum of One hundred and one thouſand three hundred and ninety-four Pounds ſo borrowed as aforeſaid, it will be neceſſary that the ſaid Company of Proprietors

ſhould borrow and take up at Intereſt, or raiſe among themſelves, in Manner herein-after mentioned, the Sum of Two hundred and eighty thouſand Pounds: Be it therefore enacted, That it ſhall be lawful for the ſaid Company of Proprietors to raiſe and contribute among themſelves, or by the Admiſſion of new Subſcribers, as to them ſhall ſeem meet, the Whole or any Part of the ſaid Sum of Two hundred and eighty thouſand Pounds, in ſuch Shares and Proportions, Manner and Form, as the ſaid Company of Proprietors ſhall order and direct at any General Aſſembly, of which the ſame Notice ſhall be given as is directed for the varying or altering the Tonnage upon any Part of the ſaid Canal from *Leeds* to *Liverpool*, at which ſaid General Aſſembly there ſhall be preſent, as Principals or Proxies, Proprietors who have not leſs than Twelve hundred Shares in the ſaid Canal Navigation; or in caſe the ſaid Company of Proprietors ſhall be deſirous to raiſe the ſaid Sum of Two hundred and eighty thouſand Pounds, or any Part thereof, by Mortgage, it ſhall be lawful for the ſaid Company of Proprietors, at any General Aſſembly which ſhall be held by them, or ſuch Nine of the Proprietors as ſhall be appointed at any ſuch General Aſſembly, and which every ſuch General Aſſembly is hereby empowered to appoint for the Purpoſe, or any Three or more of ſuch Nine, to borrow and take up, at legal or leſs Intereſt, of any of their own Body, or of any other Perſon or Perſons who ſhall be willing to advance and lend the ſame, the Whole of the ſaid Sum of Two hundred and eighty thouſand Pounds, or ſuch Part or Parts thereof as the ſaid Company of Proprietors ſhall be deſirous and determine to raiſe by Mortgage, on the Credit of the ſaid ſeveral Navigations, and every or any Part thereof, as to them ſhall ſeem meet and convenient; and the ſaid Company of Proprietors are hereby fully authorized and empowered from Time to Time to grant or aſſign over the ſaid Navigations, and the Tolls, Rates, or Duties, ariſing or to ariſe by or from the ſaid Navigations, or either or any of them, or any Part or Share, or Parts or Shares thereof, (the Coſts and Charges of granting the ſame to be paid out of ſuch Tolls, Rates, and Duties), as a Security for any Sum or Sums of Money, with Intereſt for the ſame, which ſhall be borrowed with the Conſent of ſuch Nine of the ſaid Proprietors as ſhall be ſpecially deputed for the Purpoſe aforeſaid, or any Three or more of them, (and whoſe Conſent ſhall be endorſed upon the Back of every ſuch Security, and ſigned by ſuch Three or more of the ſaid deputed Proprietors, in the Preſence of One ſubſcribing Witneſs at the leaſt), to ſuch Perſon or Perſons, or their Truſtees, who ſhall advance and lend the ſame, under the Common Seal of the ſaid Company of Proprietors, by the following Words of Aſſignment, or by any other Words to the following Effect; *(videlicet)*,

Company may raiſe more Money,

by Aſſignment of the Tolls as a Security.

Form of Aſſignment of Proprietors.

'BY virtue of an Act, made in the Thirty-fourth Year of the Reign of His Majeſty King *George* the Third, intituled, [*Here ſet forth the Title of the Act*], we the Company of Proprietors of the ſaid Canal Navigation from *Leeds* to *Liverpool*, and of the ſaid Navigation of the ſaid River *Douglas*, *alias Aſland*, incorporated and conſolidated together by and under a certain Act, made in the Twenty-third Year of the Reign of His ſaid Majeſty King *George* the Third, in Conſideration of the Sum of of lawful *Britiſh* Money to our Treaſurer in Hand paid, (and whoſe Receipt for the ſaid Sum is hereunder written), by *A. B.* of do grant, aſſign, bargain, and ſell, unto the ſaid *A. B.* his

'his [*or* her] Executors, Adminiſtrators, and Aſſigns, the ſaid incorpo-
'rated Navigations, and all and ſingular the Tolls, Rates, and Duties,
'ariſing or which ſhall ariſe by or from the ſaid Navigations, or either of
'them, and all the Eſtate, Right, Title, and Intereſt, of us the ſaid
'Company of Proprietors, of, in, or to the ſame, or any Part thereof,
'[*or ſuch Proportions, Parts, and Shares, of the ſaid Navigations, Tolls,*
'*Rates, and Duties, as the Money intended to be ſecured thereby ſhall happen*
'*to bear to the ſaid Sum of Two hundred and eighty thouſand Pounds*], to be
'had and holden from the Day of the Date hereof, until the ſaid Sum
'of with Intereſt
'for the ſame, at the Rate of *per Centum per Annum*,
'ſhall be paid and ſatisfied. Given under our Seal, the
'Day of in the Year of our Lord

'REceived the Day and Year laſt above-mentioned, of and from the
'above-named *A. B.* the Sum of
'being the Money above expreſſed to have been paid to me
'*J. H.* Treaſurer to the ſaid Company of Proprietors.'

And the ſaid Indorſement ſhall be in this Form, or to the like Effect:

'WE whoſe Names are hereunto ſubſcribed, being of
'the Committee appointed to borrow Money by virtue of the Act
'firſt within mentioned, have conſented and do hereby conſent to the
'within Security, and that the Common Seal of the ſaid Company ſhall
'be affixed thereto. Dated this Day of
'in the Year of our Lord

XCV. And be it further enacted, That all and every Perſon and Perſons to whom any Security or Securities ſhall be made and given, his, her, and their Executors, Adminiſtrators, and Aſſigns, ſhall be equally entitled to his, her, and their Proportion or Proportions of the Navigations, Tolls, Rates, Duties, and Premiſes, according to the reſpective Sums in ſuch Security or Securities mentioned to be advanced, to ſecure the Repayment thereof, with the Intereſt as aforeſaid, without any Preference by Reaſon of Priority of Date of any ſuch Security or Aſſignment, or on any other Account whatſoever, and all and every the Sum and Sums of Money which ſhall be ſo ſubſcribed or borrowed ſhall be applied in the finiſhing, completing, and maintaining, the ſaid Cut or Canal from *Leeds* to *Liverpool*, and in the paying off and diſcharging the Principal Monies already borrowed for that Purpoſe, and the Expences of procuring and paſſing this Act, and to no other Uſe whatſoever.

No Preference to be given in reſpect of the Priority of any Money lent.

XCVI. And be it further enacted, That Entries or Memorials of every ſuch Security or Securities, containing the Date thereof, the Names of the Parties thereto, the Sums of Money borrowed, and the Intereſt thereof, ſhall be made and entered numerically in a Book or Books for the Purpoſe, to be prepared and kept by the Clerk to the ſaid Company of Proprietors, who ſhall indorſe on every ſuch Security the Day when ſuch Entry was made, and the Number the ſame is entered, and ſign ſuch Indorſement, which ſaid Book or Books ſhall and may be peruſed at all ſeaſonable Times by any of the Proprietors and Creditors of the ſaid Navigations, or other Perſons intereſted therein, without Fee or Reward; and

Securities to be entered in Books.

Securities may be transferred.

and that all and every Person or Persons to whom any such Security or Securities shall be made as aforesaid, or who shall be entitled to the Money thereby secured, shall and may, from Time to Time, assign or transfer his, her, or their Right, Title, Interest, or Benefit, of, in, and to the said Navigations, Tolls, Rates, and Duties, and to the Principal Money and Interest thereby secured, to any Person or Persons whomsoever, by any separate Writing, or by indorsing on the Back of such Security, before One credible subscribing Witness, the following Words, or Words to the like Effect; *(videlicet)*,

Form of Transfer.

'I *A. B.* of in Consideration of the Sum of paid by *C. D.* of do hereby transfer a certain [*or*, the within *as the Case may be*] Mortgage made by the Company of Proprietors of the *Leeds* and *Liverpool* Canal, to bearing Date the Day of for securing the Sum of and all Interest now due, or which shall hereafter become due for the same, and all my Right and Property therein, unto the said *C. D.* his [*or* her] Executors, Administrators, and Assigns. Dated this Day of in the Year of our Lord

'Witness *E. F.*'

Which said Transfer or Assignment shall, within Thirty Days after the Date thereof, be produced and certified to the Clerk of the said Company of Proprietors, who shall cause an Entry or Memorial to be made of such Assignment or Transfer, containing the Date, Names of the Parties, and the Sum of Money therein transferred, in the said Book or Books to be kept for entering the said original Transfers, for which the said Clerk shall be paid the Sum of Two Shillings and Sixpence, and no more; and after such Entry made, but not till then, every such Assignment shall entitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon, and such Assignee shall and may in like Manner assign again, and so *toties quoties*, and it shall not be in the Power of such Person or Persons who shall have made any such Assignment to make void, release, or discharge, the same, or any Monies thereby due, or any Part thereof.

Mortgagees not to vote.

XCVII. Provided always, That no Person to whom any such Mortgage or Assignment shall be made or transferred as aforesaid, shall be deemed a Proprietor of any Share, or capable of acting or voting either as Principal or by Proxy for or on Account of having lent or advanced any Money on the Credit of such Mortgage or Assignment.

Principal and Interest how to be recovered.

XCVIII. And be it further enacted, That the Interest of the Money which shall be borrowed by Mortgage as aforesaid shall be paid half-yearly to the several Persons entitled thereto, in Preference to any Interest or Dividends which shall become due and payable by virtue of the said recited Acts or this Act to the said Company of Proprietors, or any of them, and shall from Time to Time be fully paid and discharged, or provided for, before the Yearly or other Interest or Dividends due to the said Proprietors, or any of them, shall be paid, made, or divided;

divided; and in caſe the ſame, or any Part thereof, ſhall be behind and unpaid for the Space of Sixty Days next after the ſame ſhall become due or payable as aforeſaid; and after Demand thereof made, or in caſe the Principal Money, or any Part thereof, which ſhall be borrowed for any the Purpoſes aforeſaid, ſhall not be paid off and diſcharged after Six Calendar Months Notice in Writing to the Treaſurer or Law Clerk to the ſaid Company ſhall have been given, ſigned by the Perſon or Perſons requiring ſuch Payment, and who, on Payment thereof, and the Intereſt for the ſame, ſhall execute, if thereto requeſted by the ſaid Company, or by any Perſon or Perſons on their Behalf, an Aſſignment of the Security or Securities which ſuch Perſon or Perſons ſhall hold, for ſuch Sum or Sums of Money as ſhall be required to be paid off as aforeſaid, and all his and their Right, Title, and Intereſt therein and thereto, to the ſaid Company, or to the Perſon or Perſons who ſhall advance the Money to pay off the ſame, that then it ſhall be lawful for the ſaid Commiſſioners, and they are hereby required, on Requeſt to them made by any ſuch Creditor whoſe Intereſt ſhall be ſo in Arrear, or whoſe Principal Money ſhall not be paid off and diſcharged purſuant to ſuch Notice, by an Order under their Hands and Seals, to appoint One or more Perſon or Perſons to receive the Whole, or ſuch Part or Parts of the ſaid Rates or Duties as are liable to pay ſuch Intereſt ſo due and unpaid, or ſuch Principal Money, for the Payment whereof Notice ſhall have been given as aforeſaid; and the Money ſo to be received by ſuch Perſon or Perſons is hereby declared to be as ſo much Money received by or to the Uſe of ſuch Perſon or Perſons to whom ſuch Intereſt or Principal Money, as the Caſe may be, ſhall be then due and unpaid, until the ſame, together with the Coſts and Charges of recovering and receiving the ſaid Rates and Duties, ſhall be fully ſatisfied and paid; and after ſuch Principal, Intereſt, and Coſts, ſhall be paid and ſatisfied, the Power and Authority of ſuch Receiver or Receivers for the Purpoſes aforeſaid ſhall ceaſe and determine, or otherwiſe the ſaid Principal and Intereſt ſhall and may be ſued for and recovered, with Coſts, by Action of Debt, in any of His Majeſty's Courts of Record at *Weſtminſter*.

New Subſcribers to have the ſame Powers as original Subſcribers.

XCIX. And be it further enacted, That every ſuch aforeſaid new Subſcriber (if any) ſhall become a Proprietor in the ſaid ſeveral Navigations, and ſhall be entitled to exerciſe and enjoy the ſame Powers, Privileges, and Advantages, and ſhall alſo be liable to the ſame Reſtrictions, Penalties, and Forfeitures, as if the Money by them reſpectively ſubſcribed had been Part or Parcel of the original Subſcription for making the ſaid Canal Navigation from *Leeds* to *Liverpool*.

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

C. And whereas the major Part of the Proprietors of the ſaid Navigation from *Leeds* to *Liverpool* may hereafter judge it expedient to make Application to Parliament for Power to make Navigable Communications with the ſaid Navigation, or with the ſaid River *Douglas*, or the Canals thereto belonging, by Side Cuts, Branches, or otherwiſe, but by Reaſon of Infancy or otherwiſe, may not be able to obtain the Conſent and Concurrence of all the Proprietors; be it therefore further enacted, That in caſe the Perſons entitled to the greater Number of the Shares in the ſaid Navigation ſhall at any General Aſſembly of the ſaid Company of Proprietors think it proper to make any ſuch Application to Parliament as aforeſaid,

aforeſaid, it ſhall be lawful for them to order and cauſe the Common Seal of the ſaid Company of Proprietors to be affixed to any Petition for that Purpoſe, and ſuch Application to be proceeded in and proſecuted, and any Money ariſing by virtue of this, or any of the ſaid recited Acts, to be applied in defraying the Expences incurred by or in conſequence of any ſuch Application; and the ſame ſhall be deemed to be the Act of the Whole of the ſaid Company of Proprietors, in like Manner and as fully and effectually as if every One of the ſaid Proprietors had been capable of acting for himſelf, and had attended ſuch General Aſſembly, and concurred therein; and it ſhall be lawful for the Guardians, Truſtees, or Committees, of the Proprietors of any ſuch Shares, being Minors, Lunaticks, or under any other Diſability or Incapacity of acting for themſelves, and the Executors or Adminiſtrators of any deceaſed Proprietors of ſuch Shares, to apply any of the Money which ſhall come to their Hands as Guardians, Truſtees, Committees, Executors, or Adminiſtrators as aforeſaid, towards defraying the proportionable Shares of the Expences incurred by and in conſequence of any ſuch Application, which ſhall be payable by the Perſons on whoſe Behalf they act, or to raiſe Money for that Purpoſe by Mortgage of any ſuch Shares; which Mortgages they are hereby authorized to make, by Writing, under their Hands and Seals, with the Conſent of Five or more of the ſaid Commiſſioners, and the ſame ſhall be valid and effectual.

Power to borrow Money by virtue of the Act 30 *Geo.* III.

CI. And be it further enacted, That ſo much of the ſaid Act, of the Thirtieth Year of His preſent Majeſty, as enables the ſaid Company of Proprietors to borrow and take up at Intereſt any Sum or Sums of Money, not exceeding in the Whole the Sum of Two hundred thouſand Pounds on the Credit of the ſaid incorporated Navigations, ſhall be, and the ſame is hereby repealed, except as to the ſeveral Sums of Money which have been already borrowed by virtue thereof.

To extend certain Powers in the recited Acts to the Canal hereby authorized to be made.

CII. And be it further enacted, That all and every the Clauſes, Powers, Authorities, Proviſoes, Exemptions, Remedies, Matters, and Things, contained in the ſaid recited Act, of the Tenth Year of the Reign of His preſent Majeſty, and which are not repealed by the ſaid recited Acts of the Twenty-third and Thirtieth Years of the Reign of His ſaid preſent Majeſty, or either of them, or by this Act, or for which the like Proviſions or Remedies are not made by this Act, and alſo all and every the Clauſes, Powers, Authorities, Proviſoes, Remedies, Matters, and Things, contained in the ſaid recited Act of the Twenty-third Year of the Reign of His ſaid preſent Majeſty, and which relate to the ſaid *Leeds* and *Liverpool* Canal, or any Part thereof, and which are not repealed by the ſaid Act of the Thirtieth Year of the Reign of His preſent Majeſty, or by this Act, or for which the like Proviſions and Remedies are not made by this Act, and alſo all and every the Clauſes, Powers, Authorities, Proviſoes, Exemptions, Remedies, Matters, and Things, contained in the ſaid recited Act of the Thirtieth Year of His preſent Majeſty, which relate to the ſaid *Leeds* and *Liverpool* Canal, and which are not repealed, or for which the like Proviſions and Remedies are not made by this Act, (except ſo much of the ſaid Acts as enable the ſaid Company of Proprietors to deviate the Line of the ſaid Canal from *Leeds* to *Liverpool*, and to exempt the Tolls, Rates, and Duties, therefrom ariſing, from the Payment of any Taxes, Rates, Aſſeſſments, or

or Impoſitions whatſoever, and alſo except ſo much thereof as relate to Exemptions from any Stamp Duties), ſhall extend, and are hereby extended, and ſhall take effect, operate, and be put in Execution for and in reſpect of the ſaid Canal and Deviation, and other Works hereby authorized to be made, in ſuch and the ſame Manner, and as fully and effectually, to all Intents and Purpoſes whatſoever, as if all the ſaid Clauſes, Powers, Authorities, Proviſoes, Exemptions, Remedies, Matters, and Things, were herein repeated or re-enacted; any Thing herein contained to the contrary thereof in anywiſe notwithſtanding.

Reſervation of the Rights of the Corporation of *Liverpool*.

CIII. And whereas the Mayor, Bailiffs, and Burgeſſes, of the Town of *Liverpool* have for Time immemorial been in the conſtant Practice of collecting certain Tolls or Duties on Goods, Wares, and Merchandize, brought into and out of the Port of *Liverpool* aforeſaid, and alſo certain Tolls upon all Goods, Wares, and Merchandize, brought into and out of the Town of *Liverpool* aforeſaid; be it enacted, That no Article, Clauſe, Matter, or Thing herein contained, ſhall extend, or be conſtrued to extend, to abridge, leſſen, or take away, all or any of the ſaid Tolls or Duties, but that the ſame ſhall remain and continue veſted in the ſaid Mayor, Bailiffs, and Burgeſſes, and their Succeſſors, and be by them, and their Agent and Agents, from Time to Time demanded, received, and collected, as they are and ought to be demanded, received, and collected; and alſo that nothing in this Act contained ſhall extend to take away, alter, abridge, leſſen, change, or intrude upon, any Juriſdiction or Power of the Corporation of *Liverpool*, or any Part thereof, in, about, or concerning the Docks, Piers, or Harbour of *Liverpool*; and alſo ſaving, reſerving, and confirming to the ſaid Corporation of *Liverpool* and their Succeſſors, all their Franchiſes, Liberties, and Privileges, Rights, Eſtates, and Intereſts whatſoever, which have been found and now are held and enjoyed, uſed and occupied; any Thing herein contained to the contrary notwithſtanding.

Repeal of certain Parts of the former Acts.

CIV. And be it further enacted by the Authority aforeſaid, That, from and after the paſſing of this Act, ſo much and ſuch Parts of the ſaid ſeveral in Part recited Acts as enable the ſaid Company of Proprietors to make, complete, or maintain, ſo much of the ſaid intended Cut or Canal from *Leeds* to *Liverpool* as lies between *Wanleſs Banks* and *Newborough* aforeſaid, ſhall be, and the ſame is and are hereby annulled, repealed, and made void; any Thing therein contained to the contrary thereof in anywiſe notwithſtanding.

Publick Act.

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

FINIS.