ANNO TRICESIMO QUINTO

Georgii III. Regis.

CAP. XLIV.

An Act to enable the Moſt Noble *Francis* Duke of *Bridgewater* to make a Navigable Cut from his preſent Navigation in the Townſhip of *Worſley*, in the County Palatine of *Lancaſter*, to the Townſhip of *Pennington*, near the Town of *Leigh*, in the ſaid County. [28th *April* 1795.]

WHEREAS, by virtue of Three Acts of Parliament, made in the Thirty-ſecond and Thirty-third Years of the Reign of King *George* the Second, and the Second Year of the Reign of His preſent Majeſty, the Moſt Noble *Francis* Duke of *Bridgewater* hath made and completed a Navigation from or near *Worſley Mill* and *Middlewood*, in the Manor of *Worſley*, in the County Palatine of *Lancaſter*, over the River *Irwell*, to the Town of *Mancheſter*, in the ſaid County, and alſo from *Longford Bridge* to the River *Merſey*, in the County of *Cheſter*: And whereas, by a Survey lately taken, it appears that a Navigable Cut may be made from the ſaid Navigation, in the Townſhip of *Worſley* aforeſaid, to or near the Town of *Leigh*, in the ſaid County; which would be of great Benefit to all Perſons reſiding or having Eſtates near the Line of ſuch Cut, and of publick Utility: And whereas the ſaid *Francis* Duke of *Bridgewater*, being Lord of the ſaid Manor of *Worſley*, and Proprietor of the ſaid Navigation, is deſirous, at his own Expence, to make, ſupport, and maintain, ſuch Navigable Cut as aforeſaid; but the ſame cannot be done without the Authority of Parliament: May it therefore Preamble.

therefore pleaſe Your Majeſty, (at the humble Suit of the ſaid *Francis* Duke of *Bridgewater*), 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 it ſhall be lawful for the ſaid *Francis* Duke of *Bridgewater*, his Heirs and Aſſigns, and he and they is and are hereby authorized and empowered, by virtue of the ſaid recited Acts and this Act, at his and their own proper Coſts and Charges, by himſelf and themſelves, and his and their Deputies, Agents, Officers, Workmen, and Servants, to make, complete, and maintain, a Navigable Cut from the preſent Navigation in the ſaid Townſhip of *Worſley* to the Townſhip of *Pennington*, near the ſaid Town of *Leigh*, and alſo to make, erect, execute, do, and perform, all ſuch Works, Matters, and Things, as ſhall be requiſite and convenient for making, completing, and maintaining, the ſaid intended Cut, and the Navigation thereof, and for ſupplying the ſame with Water, and for making, erecting, ſupporting, repairing, and maintaining Wharfs, Quays, Landing Places, Cranes, Weigh Beams, Warehouſes, Bridges, and other Works, Matters, and Things, according to the true Intent and Meaning of this Act; and in order thereto the ſaid *Francis* Duke of *Bridgewater*, his Heirs and Aſſigns, his and their Agents, Servants, Workmen, and Labourers, and all and every other Perſon and Perſons, Commiſſioner or Commiſſioners, Bodies Politick, Corporate, or Collegiate whatſoever, ſhall have and be ſeiſed and poſſeſſed of, and is and are hereby inveſted with ſuch and the like Authorities, Powers, Abilities, Eſtates, Intereſts, Privileges, and Advantages, and ſhall be, and is and are hereby made ſubject and liable to ſuch and the like Rules, Conditions, Directions, Regulations, Limitations, Reſtrictions, Controul, Payments, Penalties, Forfeitures, Puniſhments, and Benefit of Appeal, as are mentioned, directed, given, granted, preſcribed, eſtabliſhed, and inflicted, in and by the ſaid recited Acts, or any of them, to every Intent and Purpoſe whatſoever; and that the ſaid Acts, and all the Clauſes, Proviſoes, Powers, Authorities, Orders, Rules, Regulations, Limitations, Reſtrictions, Prohibitions, Directions, Exemptions, Penalties, Forfeitures, Puniſhments, Matters, and Things, therein contained, (except ſuch as relate to Exemptions from Stamp Duties), ſhall extend, and are hereby extended to, and ſhall take Effect, operate, and be put in Execution, in, for, and in reſpect of the making, completing, repairing, maintaining, and uſing, the ſaid intended Cut, and the ſeveral Works, Matters, and Things, by this Act authorized to be made, done, and performed, and for the Puniſhment of Offences in relation thereto, and for the ſelling and conveying of Lands, Tenements, and Hereditaments, and aſcertaining the Value thereof, and all other Matters and Things which ſhall relate to or happen or ariſe by or in conſequence of the Execution of all or any of the Powers of this Act, in ſuch and the ſame Manner, and as fully and effectually, to all Intents and Purpoſes whatſoever, as the ſame can or may operate and be executed to, upon, for, or in reſpect of the Navigation, and the ſeveral Works, Matters, and Things, in the ſaid recited Acts, or any of them, mentioned or authorized to be made, done, and performed, and as if all the ſaid Clauſes, Proviſoes, Powers, Authorities, Orders, Rules, Regulations, Limitations, Reſtrictions, Prohibitions, Directions, Exemptions, Penalties, Forfeitures,

Power to make the Cut.

feitures, Puniſhments, Matters, and Things, were herein repeated, re-enacted, and applied, to the ſaid intended Cut, and the ſeveral other Works, Matters, and Things, by this Act authorized to be made, done, and performed, or as the ſame would have done if the ſaid intended Cut, Works, Matters, and Things, hereby authorized to be made and done, had been authorized to be made, done, and performed, by the ſaid recited Acts, or any of them.

Plan of the Cut depoſited with the Clerk of the Peace to remain there.

II. And whereas a Map or Plan, deſcribing the Line of the ſaid intended Cut, and the Lands through which the ſame is propoſed to be carried, together with a Book of Reference, containing Liſts of the Names of the Owners, or reputed Owners and Occupiers of ſuch Lands, hath been depoſited at the Office of the Clerk of the Peace for the County of *Lancaſter*; be it therefore further enacted, That the ſaid Map or Plan, and Book of Reference, ſhall remain in the Cuſtody of the Clerk of the Peace for the ſaid County, to the End that all Perſons may, at any ſeaſonable Times, have Liberty to inſpect and peruſe the ſame, and to take Copies or Extracts thereof at their Will and Pleaſure, paying the Clerk of the Peace the Sum of One Shilling for every ſuch Inſpection, and after the Rate of Sixpence for every Two hundred Words of ſuch Copies or Extracts of the ſaid Book of Reference: Provided always, that in making the ſaid intended Cut no greater Deviation than One hundred Yards ſhall be made from the Line or Courſe thereof deſcribed in the ſaid Map or Plan, nor ſhall any ſuch Deviation be made into or carried through the Lands of any Perſon not named in the ſaid Book of Reference, without the Conſent, in Writing, of ſuch Perſon, or his Guardians or Truſtees: Provided nevertheleſs, that no Advantage ſhall be taken of or againſt the ſaid *Francis* Duke of *Bridgewater*, his Heirs or Aſſigns, or any Interruption be given to the making of the ſaid intended Cut on Account of any Error or Omiſſion in the ſaid Book of Reference, in caſe it ſhall appear to any Seven or more of the Commiſſioners appointed in or by virtue of the ſaid recited Acts, or any of them, and be certified by Writing under their Hands, that ſuch Error or Omiſſion proceeded from Miſtake; any Thing herein-before contained to the contrary notwithſtanding.

Rates to be taken.

III. And be it further enacted, That in Conſideration of the great Charges and Expences the ſaid *Francis* Duke of *Bridgewater*, his Heirs and Aſſigns, muſt neceſſarily ſuſtain in the making and ſupporting the ſaid intended Cut, and the ſeveral other Works relating thereto, it ſhall be lawful for ſuch Perſon or Perſons as the ſaid *Francis* Duke of *Bridgewater*, his Heirs or Aſſigns, ſhall, by Writing under his or their Hand or Hands, appoint, from Time to Time to aſk, demand, take, and recover, for the proper Uſe of the ſaid *Francis* Duke of *Bridgewater*, his Heirs and Aſſigns, for Tonnage and Wharfage for all Coal, Stone, Timber, and other Goods, Wares, Merchandizes, and Commodities whatſoever, which ſhall be navigated, carried, or conveyed, upon or through the ſaid intended Cut, ſuch Rates as the ſaid *Francis* Duke of *Bridgewater*, his Heirs and Aſſigns, ſhall think fit, not exceeding the Sum of Two Shillings and Sixpence for every Ton of Coal, Stone, Timber, and other Goods, Wares, Merchandizes, and Commodities, which ſhall be navigated, carried, or conveyed, upon or through the

ſaid intended Cut, or in Proportion for any Quantity leſs than One Ton; which ſaid Rates ſhall be paid at ſuch Place or Places near to the ſaid intended Cut, in ſuch Manner, and under ſuch Regulations, as the ſaid *Francis* Duke of *Bridgewater*, his Heirs or Aſſigns, ſhall direct or appoint; and in caſe of Neglect or Denial of Payment on Demand of any ſuch Rate, or any Part thereof, to ſuch Perſon or Perſons as aforeſaid, the ſaid *Francis* Duke of *Bridgewater*, his Heirs and Aſſigns, may ſue for the ſame by Action of Debt, or upon the Caſe, in any Court of Record, in which Action no Eſſoin, Wager of Law, Privilege, Protection, or more than One Imparlance, ſhall be allowed; or ſuch Perſon or Perſons ſo to be appointed as aforeſaid may, and he and they is and are hereby empowered to ſeize and diſtrain any ſuch Boat or Veſſel, or Goods, for or in reſpect whereof any Rate ought to be paid, or any Part of ſuch Goods, and detain the ſame until Payment thereof, together with reaſonable Charges for ſuch Seizure and Diſtreſs, and if ſuch Diſtreſs ſhall not be redeemed within Five Days after the taking thereof, the ſame to be appraiſed and ſold as the Law directs in caſe of Diſtreſſes for Rent.

Rates to be paid but Once for the ſame Articles upon the new Cut, &c.

IV. Provided always, That no Coal, Stone, Timber, or other Goods, Wares, Merchandizes, or Commodities, ſhall be liable to the Payment of the ſaid Rates of Tonnage more than Once for paſſing upon the Whole of the ſaid intended Cut, and upon all or any other Navigations which now belong to the ſaid *Francis* Duke of *Bridgewater*, or upon any Part or Parts thereof; any Thing herein-before contained to the contrary hereof notwithſtanding.

Manner of rating the Lands, &c. taken for the Purpoſes of the Act.

V. And be it further enacted, That the ſaid *Francis* Duke of *Bridgewater*, his Heirs and Aſſigns, ſhall from Time to Time be rated to all Parliamentary and Parochial Taxes and Aſſeſſments for or in reſpect of the Lands and Grounds to be purchaſed or taken, and all Warehouſes and other Buildings to be erected by him or them by virtue of this Act, in the ſame Proportion as other Lands, Grounds, and Buildings, lying near the ſame, are or ſhall be rated, and as the ſame Lands, Grounds, and Buildings, ſo to be purchaſed or taken, and erected, would be rateable in caſe the ſame were the Property of Individuals in their natural Capacity.

Land Owners empowered to make Wharfs, &c.

VI. Provided always, and be it further enacted, That the reſpective Owners and Proprietors of the Lands and Grounds through which the ſaid intended Cut is propoſed to be made, ſhall have ſuch and the like Powers and Authorities for making, erecting, and uſing, any Wharfs, Quays, Landing Places, Cranes, Weigh Beams, and Warehouſes, in or upon their reſpective Lands and Grounds adjoining or near to the ſaid intended Cut, as are, by the ſaid recited Act of the Second Year of the Reign of His preſent Majeſty, given for the like Purpoſes to the Owners or Proprietors of any Lands or Grounds adjoining or near to the Cut or Canal authorized to be made by virtue of the ſaid Act.

Preſerving Right to work Mines, but ſo as not to ob-

VII. Provided always, and be it further enacted, That nothing in this Act contained ſhall prejudice the Right of any Perſon to any Mines or Minerals within or under the ſaid Cut, or any Towing Path belong-

ing thereto, ſo that in working ſuch Mines, or carrying away ſuch Minerals, no Obſtruction be given to the making or uſing the ſaid Cut, or any other of the Works aforeſaid, or any Injury or Damage be done thereto. ſtruct or injure the Cut or other Works.

VIII. And be it further enacted, That this Act ſhall be deemed and taken to be a Publick Act; and ſhall be judicially taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons, without ſpecially pleading the ſame. Publick Act.

FINIS.