ANNO TRICESIMO QUINTO

Georgii III. Regis.

* *

CAP. LXXXVII.

An Act for making and maintaining a Navigable Canal from and out of the Navigation from the *Trent* to the *Merſey*, at or near *Stoke-upon-Trent*, in the County of *Stafford*, to the Town of *Newcaſtle-under-Lyme*, in the ſaid County. [2d *June* 1795.]

WHEREAS the making and maintaining of a Canal for the Navigation of Boats, Barges, and other Veſſels, from and out of the Navigation from the *Trent* to the *Merſey*, in a Piece of Land called *Quinton's Wood*, in *Stoke-upon-Trent*, in the County of *Stafford*, through the Village of *Stoke* aforeſaid, between the Works of *Thomas Wolfe* and *Joſiah Spode*, in *Stoke* aforeſaid, to the Town of *Newcaſtle-under-Lyme*, in the ſaid County, will be of great publick Utility, will open a uſeful and eaſy Communication between the ſaid Town of *Newcaſtle-under-Lyme* and the Works near thereto, and the ſaid Navigation from the *Trent* to the *Merſey*, and will materially aſſiſt the Agriculture of the Neighbourhood of the ſaid Canal, by a Supply of Lime at a leſs Expence: And whereas the ſeveral Perſons herein-after named are deſirous, at their own Coſts and Charges, to make and maintain the ſaid intended Canal, but cannot effect the ſame without the Aid and Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That *John Blunt*, *Thomas Breck*, *John Brown*, *Thomas Brown*, *Iſaac Bagſhaw*, *John Bill*, *Thomas Bourne*, *Barker Chiſney*, *Robert Clownam*, *Bernard Coombe*, *Jane Clownam*, *Delicia Clownam*, *Charles Dickin*, *Thomas Fletcher*, *Thomas Fenton*, *Edward Ford*, *Thomas Griffin*, *Samuel Hatton*, *Richard Hatton*, *William Hill*, *Elizabeth Hill* Widow, *John Miller Holland*, *Thomas Kinnerſley*, *Thomas Lovatt*, *John Maſſey*, *William Maitland*, *Thomas Mountford*, *Richard Mountford*, *William Nickiſſon*, *George Plant*, *Richard Rivers*, *James Robiſon* the younger, *Robert Robiſon* the younger, *James Smith*, *John Smith*, *Robert Smith*, *Benjamin Swinnerton*, *John*

Preamble.

Proprietors Names.

John Smith of *Penkhull*, *Joſeph Tilſtone*, *Daniel Whalley*, *John Wright*, and *Thomas Yoxall*, and their ſeveral and reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, ſhall be and hereby are united into a Company for making, completing, and maintaining, the ſaid Canal, according to the Rules, Orders, and Directions, herein-after mentioned, and ſhall for that Purpoſe be one Body Corporate, by the Name and Stile of *The Newcaſtle-under-Lyme Canal Company*, and by that Name ſhall have perpetual Succeſſion, and ſhall have a Common Seal, and by that Name ſhall and may ſue and be ſued; and that the ſaid Company of Proprietors ſhall have Power and Authority, from and after the Firſt Day of *June* in the Year of our Lord One thouſand ſeven hundred and ninety-five, on which Day this Act ſhall commence and take Effect, to purchaſe and hold Lands and Hereditaments to them and their Succeſſors and Aſſigns for the Uſe of the ſaid Navigation, and to ſell the ſaid Lands and Hereditaments again, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain; and the ſaid Canal Company ſhall be and are hereby authorized and empowered, by themſelves, their Deputies, Agents, Officers, Workmen, and Servants, by Cuts, Tunnels, Aqueducts, or otherwiſe, to make and complete a Canal, to be called *The Newcaſtle-under-Lyme Canal*, navigable and paſſable for Boats, Barges, and other Veſſels, from and out of the Navigation from the *Trent* to the *Merſey*, at or near *Stoke-upon-Trent*, in the County of *Stafford*, to *Newcaſtle-under-Lyme*, in the ſaid County, and to ſupply the ſaid Canal whilſt making, and at all Times for ever after the ſame ſhall have been made, with Water from all ſuch Springs as ſhall be found in digging or making the ſaid Canal, and alſo to make any Reſervoir or Reſervoirs, and to ſupply the ſame with Water as herein-after mentioned, and to erect One or more Fire Engine or Fire Engines, or other Machines, for ſupplying the ſaid Canal, or any Part or Parts thereof, or any ſuch Reſervoirs with Water, and alſo to make ſuch and ſo many Soughs, Tunnels, Feeders, Aqueducts, and Channels, for ſupplying the ſaid Fire Engines and Reſervoirs with Water, except as herein-after mentioned, and for conveying Water from any ſuch Reſervoir or Reſervoirs to the ſaid Canal, as by the ſaid Company ſhall be deemed neceſſary and proper; and alſo, for effecting the Purpoſes aforeſaid, to cleanſe, ſcour, and dig, open, deepen, enlarge, vary, and make ſtraighter, the Streams, Brooks, or Watercourſes, which come near, or may be brought into, or communicate with the ſaid Canal, and to dig, cut, or raiſe, the Banks of any of the ſaid Streams, Brooks, or Watercourſes, for bringing Water into the ſaid 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 Canal, or ſuch Streams, Brooks, or Watercourſes as aforeſaid, or any of them, as the ſaid Company ſhall think fit; and for the Purpoſes aforeſaid, the ſaid Company, 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 as they ſhall think neceſſary and proper for making the ſaid Canal, and any ſuch Reſervoir or Reſervoirs, Feeders, and Aqueducts, and all ſuch other Works, Matters, and Conveniencies, as they ſhall think proper and neceſſary for making, ſupplying with Water, effecting, preſerving, improving, completing, maintaining, and uſing, the ſaid Canal and other Works, and alſo to bore, dig, cut, trench, ſough, get, remove, take,

Incorporated.

Company of Proprietors empowered to make the Canal.

take, carry away, lay, uſe, and manufacture, any Earth, Clay, Stone, Soil, Rubbiſh, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters or Things which may be dug or got in making the ſaid 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 being convenient or contiguous thereto, and which may be proper, requiſite, or neceſſary, for making, carrying on, continuing, maintaining, or repairing, the ſaid Canal or other Works, or which may hinder, prevent, or obſtruct, the making, uſing, or completing, extending or maintaining the ſame reſpectively, or the making, uſing, completing, extending, and maintaining, of ſuch Reſervoirs as aforeſaid, or of any of ſuch Feeders, Trenches, Paſſages, Aqueducts, and Watercourſes as aforeſaid, as ſhall be neceſſary and proper to convey Water to or from the ſaid Canal, according to the Intent and Meaning of this Act; and alſo to make, build, erect, and ſet up, in, over, under, 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, Floodgates, Weirs, Pens for Water, Water Stanks, Dams, Wharfs, Quays, Houſes, Warehouſes, Toll Houſes, Watch Houſes, Landing Places, Weighing Beams, Cranes, Fire Engines, or other Machines, Dry Docks, Wet Docks, and other Works, Ways, Roads, and Conveniencies, as and where the ſaid Company ſhall think neceſſary and convenient for the Purpoſes of the ſaid Navigation, and alſo from Time to Time to alter, repair, and amend, or diſcontinue, the ſame, and to make, divert, alter, widen, enlarge, and extend, any Bridges, Ways, Roads, Paſſages, Cuts, Locks, Soughs, Tunnels, Reſervoirs, Aqueducts, Trenches, Sluices, or other Works or Conveniencies, as well for carrying and conveying of Stones, Coals, Minerals, Goods, Wares, Merchandize, and other Articles to and from the ſaid Canal, as for the carrying and conveying of all Manner of Materials neceſſary for the making, erecting, finiſhing, altering, repairing, maintaining, amending, widening, or enlarging, the ſaid Canal and the Works of or belonging to the ſaid Navigation, or which may be uſeful for any the Purpoſes thereof, and alſo to place, lay, work, or manufacture, the ſaid Materials on the Lands or Grounds near to the Place or Places where the ſaid Works, or any of them, ſhall be or are intended to be made, erected, repaired, or done, and alſo to make, maintain, repair, and alter, and to turn, any Roads, Fences, or Paſſages, over, under, through, or along, the Sides of the ſaid 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, and Trenches, with Men, Horſes, or otherwiſe, and proper Places for Boats, Barges, and other Veſſels, navigated upon the ſaid Canal, or Trenches, to turn, lie or paſs each other, as they the ſaid Company 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, the ſaid Canal, Trenches, Towing Paths, and other Works, and to conſtruct, erect, make, and do, all other Matters and Things which they ſhall think convenient or neceſſary for the making, effecting, preſerving, improving, completing, and uſing of the ſaid Canal, and other Works to be made or conſtructed in purſuance of and according to the true Intent and Meaning of this Act; they the ſaid Company,

pany, their Deputies, Agents, Servants, and Workmen, doing as little Damage as may be in the Execution of the ſeveral Powers to them hereby granted, and making full Satisfaction in Manner herein-after mentioned to the Owners or Proprietors of, and all Perſons intereſted in, any Lands, Tenements, Mills, or other Hereditaments, Falls of Water, Millſteads, Waters, Watercourſes, Brooks, or Rivers reſpectively, which ſhall be taken, uſed, removed, diverted, or prejudiced, for all Damages to be by them ſuſtained in or by the Execution of all or any of the Powers of this Act; and this Act ſhall be ſufficient to indemnify the ſaid Company, and their Deputies, Servants, Agents, and Workmen, and all other Perſons whomſoever, for what they or any of them ſhall do by virtue of the Powers hereby granted, ſubject nevertheleſs to ſuch Proviſoes and Reſtrictions as herein-after mentioned and contained.

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

II. Provided always, That nothing herein contained ſhall authorize or impower the ſaid Company, or any Perſon or Perſons acting by or under their Authority, to take, uſe, injure, or damage, for the Purpoſes of the ſaid Canal, or any other of the Purpoſes aforeſaid, any Houſe or other Building which was erected or built on or before the paſſing of this Act, or any Land or Ground which was then ſet apart and uſed as or for a Garden, Orchard, Yard, Park, Paddock, Planted Walk, or Avenue to a Houſe, without the Conſent of the Owners and Occupiers thereof, other than and except a certain Dwelling Houſe lately erected, belonging to or veſted in *Charles Bagnall*, now unoccupied; a certain Yard, and Part of a Brick Wall, the Property of and belonging to the Dwelling Houſe of *Nathaniel Brindley*, and in his Occupation; a certain Pot Oven and Part of a Workhouſe, the Property of and in the Occupation of *Thomas Wolfe*; Two certain Pieces of Buildings, Part of the Pot-works, the Property of and now in the Occupation of *Joſiah Spode*, all which ſaid Dwelling Houſe, Yard, Wall, and Buildings, are ſituate in the Village of *Stoke-upon-Trent* aforeſaid, and which are reſpectively meant and intended to be taken down, and the Land taken and uſed for the Purpoſes of this Act, and which it ſhall be lawful for the ſaid Company to take down, paſs through, and make uſe of, for the Purpoſes of the ſaid Canal and Undertaking, the ſaid Company making Satisfaction to the ſeveral Owners and Perſons intereſted in ſuch Hereditaments and Premiſes reſpectively for the ſame, and for the Damages they ſhall reſpectively ſuſtain thereby, the ſame to be aſcertained in like Manner as by this Act is directed with reſpect to other Hereditaments to be taken or uſed by the ſaid Company of Proprietors.

No Water to be taken out of the River for the Uſe of the Canal except at Flood Times between *December* and *April*.

III. Provided always, and be it enacted, That nothing in this Act contained ſhall authorize or empower the ſaid Company of Proprietors to ſupply the ſaid Canal, or any Reſervoir or Reſervoirs, to be made under the Authority of this Act, with any Water that now flows into the River *Trent*, except at Times of Floods, between the Firſt Day of *December* and the Firſt Day of *April*: Provided alſo, that no Engine or Engines to be erected under the Authority of this Act, ſhall be uſed for raiſing any Water, (from the ſaid Canal, or from the *Trent* and *Merſey* Canal, Eaſt or South of the Summit Level thereof, or from any Streams of Water now flowing into the River *Trent*), into the Summit Level of the *Trent* and *Merſey* Canal or into any Reſervoir or Reſervoirs that may ſupply the ſaid Summit Level, any Thing contained in this Act, or any former Act, to the contrary notwithſtanding.

IV. And

IV. And be it further enacted, That nothing herein contained ſhall authorize or empower the ſaid Company of Proprietors to divert or take for the Supply of the Canal hereby authorized, any Water out of the ſaid *Trent* and *Merſey* Canal, or out of any of the Brooks or Streams which now ſupply the ſaid *Trent* and *Merſey* Canal, and that the ſaid Company of Proprietors ſhall and they are hereby required at their own proper Coſts and Charges, as ſoon as conveniently may be after the paſſing of this Act, to make and compleat, and at all Times thereafter to ſupport and maintain proper Pens or Stop Gates at the Place where the ſaid Canal hereby authorized ſhall join the ſaid *Trent* and *Merſey* Canal at or near *Stoke* aforeſaid, in ſuch Manner and Form, and under ſuch Regulations and Reſtrictions as the Company of Proprietors of the ſaid *Trent* and *Merſey* Canal, or their Engineer or chief Agent ſhall from Time to Time direct or appoint, to prevent any Water being drawn or taken from or out of the ſaid *Trent* and *Merſey* Canal, any Thing herein-before contained to the contrary notwithſtanding.

No Water to be taken out of the *Trent* and *Merſey* Canal for the Uſe of this Canal.

V. Provided always, and be it further enacted, That nothing in this Act contained ſhall authorize or empower the ſaid Company of Proprietors to take or ſupply the ſaid Canal with Water from a certain Spring or Stream of Water in the Village of *Stoke-upon-Trent* aforeſaid, which now ſupplies the Engine of *Thomas Wolfe*, in *Stoke* aforeſaid.

For reſtraining the Company from taking Water from the Spring which ſupplies Mr. *Wolfe's* Engine.

VI. Provided always, and be it further enacted and declared, That nothing in this Act contained ſhall authorize or empower the ſaid Company of Proprietors, or any Perſon acting under their Authority, to ſupply the ſaid intended Canal, or any Reſervoir to be made under the Authority of this Act, with any Water that now flows into the Cut or Canal of Sir *Nigel Bowyer Greſley* Baronet, made from the Coal Mines in *Apedale* to *Newcaſtle-under-Lyme* aforeſaid, or which he is entitled to have or take and can take into his ſaid Cut or Canal.

The Company not to take any Water now flowing into Sir *Nigel Greſley's* Cut.

VII. And whereas, a Survey has been taken to aſcertain the Practicability of making the ſaid Canal, and a Map or Plan, with a proper Book of Reference thereto, has been made in Conſequence thereof, in order to ſhew the Line or Courſe of the ſaid Canal; be it therefore further enacted, That there ſhall be Two Parts made of the ſaid Map or Plan and Book of Reference thereto, which ſhall be certified by the Right Honourable the Speaker of the Houſe of Commons, and ſeverally depoſited, One with the Town Clerk of *Newcaſtle-under-Lyme* aforeſaid, and the other with the Clerk of the ſaid Canal Company, to either of which Maps, Plans, and Books of Reference, all Perſons ſhall have Liberty to reſort, and to examine or make Extracts from or Copies of the ſame as Occaſion ſhall require, paying to the ſaid reſpective Clerks for Copies of or Extracts from the ſaid Books of Reference after the Rate of Sixpence for every One hundred Words; and either of the ſaid Maps or Plans and Books of Reference ſo certified, or true Copies thereof, ſhall be and are hereby declared to be good Evidence in all Courts of Law or elſewhere, and the Clerk for the Time being to the ſaid Company, upon Twenty-one Days Notice to him given for that Purpoſe, ſhall and is hereby required from Time to Time to produce the ſaid Map or Plan and Book of Reference, to be ſo depoſited with him as aforeſaid, before the Commiſſioners to be appointed in Manner herein-after mentioned, or any Jury or Juries to be impannelled by virtue of this Act, at the Time and Place

Plan and Book of Reference to be authenticated by the Speaker of the Houſe of Commons.

to

to be mentioned, in such Notice, in order that the same may be then and there given in Evidence, such Clerk having a reasonable Sum of Money allowed for his travelling Expences, Absence from Home, and Attendance on such Occasions.

Power to deviate 100 Yards from the Line laid down in the Plan.

VIII. And be it further enacted, That the said Company, in making the said Canal, shall not deviate from the Course or Direction delineated in the said Map or Plan, and set forth in the said Book of Reference, nor cut, carry, or convey the same Canal into, through, across, under, or over, any Part or Parts of the several Lands or Grounds now or late belonging to, or reputed to belong to, the several and respective Persons named or described in the said Book of Reference, other than such Part or Parts of such Lands or Grounds as are mentioned in the said Book of Reference in that Respect, without the Approbation and Consent in Writing, signed by the Person or Persons to whom such Lands and Grounds do or shall respectively belong; but nothing herein contained shall extend to restrain or prevent the said Company of Proprietors from making any Deviation from the said Course or Direction of the said Canal, in case all the Persons to whom the Lands, Grounds, or Hereditaments, to be cut through or made use of for the Purposes of such Deviation shall belong, shall consent thereto.

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

IX. Provided always, and it is hereby further enacted and declared, That the said Company may make the said Canal into, through, across, or over, the Estates, Lands, or Grounds, of any Person or Persons whomsoever, whose Name or Names shall appear to the Satisfaction of the said Commissioners, and be by them, or any Seven or more of them, certified, under their Hands, to be by Mistake omitted in the said Book of Reference, or that instead thereof the Name or Names of some other Person or Persons to whom such last mentioned Estates, Lands, and Grounds, do not belong, have or hath been by Mistake inserted therein, any Thing herein contained to the contrary thereof in anywise notwithstanding.

Width of Canal and Towing Paths.

X. And be it further enacted, That the Lands and Grounds to be taken or used for the making of the said Canal, and for the Towing Paths thereto, and the Ditches, Drains, and Fences, to separate such Towing Paths from the adjoining Grounds, shall not exceed Twenty-six Yards in Breadth, except in such Places where any Docks, Basons, or Pens of Water, shall be made, or where the said Canal, or any Part thereof, shall be raised higher or cut more than Five Feet below the present Surface of the Land, and except in such Places where it shall be judged necessary for Boats, Barges, and other Vessels, to turn, lie, or pass each other, or where any Warehouses, Cranes, or Weigh Beams, may be erected, or where any Wharfs or other Places may be set out or appropriated for the Reception or Delivery of any Coals, Lime, Lime Stone, Minerals, Timber, or other Goods, Wares, and Merchandize, which shall be conveyed on the said Canal, and not above Sixty Yards in Breadth in any Place, without the Consent of the Owners of the Lands or Hereditaments adjoining to the said *Newcastle* Canal.

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

XI. And be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to enable the said Company to erect or build any House, Mill, or other Building, (other than and except

except Warehouſes, Toll Houſes, Watch Houſes, and Cottages, and other Conveniences for their Workmen, for the Uſe of the ſaid Navigation), upon the Lands which ſhall be ſet out for the Towing Paths, Wharfs, or Quays, or other Purpoſes of the ſaid Navigation, without the Conſent of the Perſon or Perſons who ſhall be Owner or Owners of ſuch Lands, at the Time of ſetting out the ſame for the Purpoſes aforeſaid, or to convert or employ any Water that ſhall be brought into or diſcharged out of the ſaid Canal, or any Trenches or Sluices hereby authorized to be made for the Uſe of any Mill or Mills hereafter to be erected near the ſame, or to cut down any Timberwood, Bruſhwood, or Underwood, upon any of the Eſtates or Lands through or into which the ſaid Towing Paths, Sluices, Roads, Paſſages, Works, or Conveniences, or any Part thereof reſpectively, ſhall be made, except ſuch Timberwood, Bruſhwood, or Underwood, as ſhall grow or be in or upon any of the Lands or Grounds which ſhall be taken or uſed for the making of the ſaid Canal, Towing Paths, Trenches, Sluices, Roads, Paſſages, Works, or Conveniences reſpectively, as aforeſaid; and the Proprietors of the ſaid reſpective Lands and Grounds on which ſuch Timberwood, Bruſhwood, or Underwood, ſhall ſtand or be growing, at the Time of the Commencement of this Act, their Heirs, Executors, Adminiſtrators, or Aſſigns, ſhall have it in their Election to take ſuch Timberwood, Bruſhwood, or Underwood reſpectively, when felled or cut down by the ſaid Company, at ſuch Price or Value as the ſame reſpectively ſhall have been eſtimated at or purchaſed by the ſaid Company; but in caſe the ſame ſhall not have been eſtimated at or purchaſed by them, upon a Valuation ſeparate and diſtinct from the Lands or Grounds upon which the ſame ſhall reſpectively grow, then at ſuch Price or Value as ſhall be agreed on for that Purpoſe, between ſuch Proprietors or Owners of Lands and the ſaid Company, or their Agents; and in caſe of any Difference in ſettling or aſcertaining the ſame, then at ſuch Price or Value as the Commiſſioners hereby appointed ſhall direct; and if any Houſe, Mill, or other Building, ſave as aforeſaid, ſhall be erected upon any ſuch Lands or Grounds without ſuch Conſent as aforeſaid, it ſhall and may be lawful for the Perſon or Perſons who was or were Owner or Owners of ſuch Lands or Grounds at the Time of ſetting out the ſame, for the Purpoſes aforeſaid, or his, her, or their Heirs, Executors, Adminiſtrators, or Aſſigns, to take or pull down and remove ſuch Houſes, Mills, and other Buildings, without being deemed guilty of Treſpaſs, or liable to any Action or Proſecution for ſo doing.

Bodies Politick, &c. empowered to ſell and convey Lands.

XII. And be it further enacted, That after any Lands, Grounds, or Hereditaments, ſhall be ſet out and aſcertained for making the ſaid Canal, or any Part or Parts thereof, and for providing and conſtructing the Wharfs, and other Works and Conveniences herein-before mentioned, or any of them, it ſhall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Huſbands, Guardians, Truſtees, and Feoffees in Truſt for Charitable and other Purpoſes, Committees, Executors, and Adminiſtrators, and all other Truſtees and Perſons whomſoever, not only for and on Behalf of themſelves, their Heirs and Succeſſors, but alſo for and on the Behalf of their Ceſtuique Truſts, whether Infants, Iſſue unborn, Lunaticks, Ideots, Femes Covert, or other Perſon or Perſons, and to and for all Femes Covert who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in their own Right, or entitled to Dower, or other Intereſt therein, and to and for all and every other

Perſon or Perſons whomſoever, who is, or are, or ſhall be ſeiſed, poſſeſſed of, or intereſted in any Lands, Grounds, or Hereditaments, which ſhall be ſo ſet out and aſcertained for the Purpoſes aforeſaid, to contract for, ſell, and convey, the ſame, and every Part thereof, unto the ſaid Company; and if it ſhall happen, that by making the ſaid Canal, or by the Conveyance of Water thereto, or by making or conſtructing any of the Works hereby authorized to be made, the Property of any Land Owner or Land Owners ſhall be ſeparated into ſmall Parcels, ſo as to render the Occupation thereof inconvenient, it ſhall be lawful for ſuch Bodies Politick, Corporate, and Collegiate, and all and every ſuch other Perſon and Perſons ſo entitled or intereſted as aforeſaid, by and with the Conſent of the Commiſſioners hereby appointed, or any Five or more of them, to be teſtified by Writing under their Hands, although they may not be aſſembled at any Meeting of the ſaid Commiſſioners to be held by virtue of this Act, to contract for, ſell, and diſpoſe of, or to convey in Exchange for other Lands, all or any Part of ſuch ſmall Parcels of Land ſo ſeparated to any Perſon or Perſons whomſoever, for ſuch Price or Conſideration in Money, or other Equivalent, as to the ſaid Commiſſioners ſhall ſeem reaſonable; and that all ſuch Contracts, Agreements, Sales, Exchanges, Conveyances, and Aſſurances, ſhall be valid and effectual in Law to all Intents and Purpoſes whatſoever, any Law, Statute, Uſage, or Cuſtom, to the contrary in anywiſe notwithſtanding; and all Bodies Politick, Corporate, or Collegiate, and all other Perſons whomſoever, ſo conveying or exchanging as aforeſaid, are hereby indemnified for what they ſhall reſpectively do by virtue and in purſuance of this Act; and all ſuch Contracts, Agreements, Sales, Conveyances, Exchanges, and Aſſurances, (other than thoſe which concern any Purchaſe or Exchange between any ſuch reſpective Land Owners) ſo to be made as aforeſaid, ſhall be made at the Expence of the ſaid Company; and ſuch of them as ſhall be made of any Lands or other Hereditaments to the ſaid Company, ſhall be made according to the following Form; (*videlicet*),

Lands ſeparated into ſmall Parcels may be exchanged or ſold.

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

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

Form of Conveyance to other Perſons than the Company.

'I *A. B.* of do hereby, in Conſideration of the Sum of to me in Hand paid by *C. D.* of at or before the Sealing and Delivery of theſe Preſents, the Receipt whereof I do hereby acknowledge [*or*, in Exchange for certain Lands ſituate

" ſituate conveyed to me by *C. D.* by Writing " under his Hand and Seal, bearing even Date herewith] convey and " aſſign to the ſaid *C. D.* all [*deſcribe the Premiſes*], to hold to the ſaid " *C. D.* his Heirs and Aſſigns for ever. As Witneſs my Hand and Seal, " the Day of in the Year of our Lord

And every ſuch Conveyance ſhall be valid and effectual.

Pieces of Land cut off, being leſs than Half an Acre, or leſs than 20 Yards in Breadth, ſhall be purchaſed by the Company if required.

XIII. Provided always, and be it further enacted, That if in making the ſaid Canal any Pieces or Parcels of Ground ſhall be cut through and divided, ſo that what ſhall be left on each or either Side of the ſaid Canal ſhall be leſs than Half an Acre in Quantity, or leſs than Twenty Yards in Breadth throughout the whole Length thereof, and if the Owner or Owners of any ſuch Pieces or Parcels of Ground ſhall not have any other Land or Ground adjoining or contiguous to what ſhall be ſo left on each or either Side of the ſaid Canal, then, and in every ſuch Caſe, the ſaid Company ſhall alſo take and purchaſe the Piece or Parcel, Pieces or Parcels of Ground ſo to be left on each or either Side of the ſaid Canal, being leſs than Half an Acre in Quantity, or leſs than Twenty Yards in Breadth throughout the whole Length thereof as aforeſaid, and ſhall pay for the ſame after the ſame Rate, and in the ſame Manner, as they ſhall pay for the Land or Ground adjoining thereto, which ſhall be taken and uſed for making the ſaid Canal, provided the Owner or Owners, or the Perſon or Perſons entitled to the Poſſeſſion or to the Rents and Profits of ſuch ſmall Pieces or Parcels of Ground reſpectively, ſhall require the ſaid Company to take and purchaſe the ſame, but not otherwiſe; and the Conſent of the Commiſſioners is hereby declared not to be neceſſary to the Sale, to the ſaid Company, of any Pieces or Parcels of Ground anſwering the Deſcription next before-mentioned.

For preſerving Copyhold Rights.

XIV. Provided always, and be it further enacted, That all Contracts, Agreements, Bargains, Sales, and Exchanges, of or concerning any Lands, Tenements, or Hereditaments, which ſhall be Copyhold, or of the Nature of Copyhold, ſhall be executed and completed by Surrender thereof in the Court of the Manor of *Newcaſtle-under-Lyme*, according to the Cuſtom of the ſaid Manor; and ſuch Lands, Tenements, or Hereditaments, ſhall remain and continue ſubject to ſuch and the ſame Fines, Rents, and Services, as are due and payable, and of Right accuſtomed, in ſuch and the ſame Manner as if this Act had not been made, unleſs the Lord or Lords of the ſaid Manor for the Time being, ſhall be deſirous of enfranchiſing the ſame, in which Caſe ſuch Lord or Lords ſhall be competent ſo to do, notwithſtanding he or they ſhall be ſeiſed of or entitled to the ſame Manor, for a leſs Intereſt than an Eſtate of Inheritance in Fee Simple; But inaſmuch as the veſting and continuing of ſuch Copyhold Premiſes in the ſaid Company, as a Body Corporate, would prevent ſuch Lord or Lords from receiving ſuch Benefit of Fines, Heriots, and other Services, due upon Death, Deſcent, or Alienation, in like Manner as he or they would have done in caſe ſuch Copyhold Premiſes had continued to be the Property of Perſons in their natural Capacities; and in caſe the ſaid Lord or Lords of the ſaid Manor ſhall decline to enfranchiſe the reſpective Parcels of Copyhold Land held of the ſaid Manor, which ſhall be purchaſed by or veſted in the ſaid Company for the Purpoſes aforeſaid, he or they ſhall be entitled to, and ſhall be paid by the ſaid Company, a reaſonable Recompence

pence and Satisfaction for the Loss that will arise to him or them in respect to such Fines, Heriots, and other Services, the Enjoyment of which will be diminished or lost by the vesting and continuing of such Copyhold Premises in a Body Corporate; which Recompence and Satisfaction, and also the Appointment of the certain Copyhold Rents issuing out of such Copyhold Tenements, of which a Part only shall be taken for the Use of the said Canal, if not settled by Agreement between the Parties, shall be ascertained and settled by the Commissioners hereby appointed, in such Manner, and subject to such Verdict of a Jury, if required, as is herein-after directed,

Satisfaction to be made.

XV. And be it further enacted, That all and every Body or Bodies Politick, Corporate, or Collegiate, Trustees, or other Persons, herein-before capacitated to sell or convey Lands and other Hereditaments, or any other Owner or Owners, and the Occupier or Occupiers of any Lands or other Hereditaments through, in, or upon which the said Canal, Towing Paths, or other Works hereby authorized to be made, or of any Mills, Forges, or other Works from which any Water to supply the said Canal may or shall be taken or diverted, may accept and receive Satisfaction for the Value of such Lands and Grounds, Mills, Forges, or other Works, Water, and Hereditaments, and for the Damages to be sustained by making and completing the said Works herein-before directed, either in Gross Sums or by Annual Rents, as shall be agreed upon by and between the said Parties interested respectively, or any of them, and the said Company; and in case the said Company, and the said Parties interested in such Lands or Grounds, or other Hereditaments, cannot agree as to the Amount or Value of such Satisfaction, the same shall be ascertained and settled by the Commissioners hereby appointed, in such Manner, and subject to such Verdict of a Jury, if required, as is herein-after directed; and all such yearly or other certain Rents as shall be agreed upon between the said Company and the said Parties interested in such Lands and Grounds or other Hereditaments, or as shall be so ascertained and settled or appointed as aforesaid, shall be charged on the Rates arising by virtue of this Act, and shall be paid by the said Company either yearly or half-yearly, as the same shall be agreed to become due and payable; and in case the same shall not be paid within Thirty Days next after the same shall so become due and payable, it shall be lawful for the said Commissioners, or any Seven or more of them, although not assembled at any Meeting to be held by virtue of this Act; and they are hereby required, by an Order under their Hands, to appoint One or more Person or Persons to receive the Rates hereby granted and made payable, and to pay the same to such Person or Persons to whom the said yearly Rents shall be due and unpaid as aforesaid, the said Commissioners taking such Security from every such Collector, for the due and faithful Execution of his Office, as they shall judge proper and sufficient; and every Person so appointed shall be deemed a Collector of the said Rates, and shall have the same Power and Authority for collecting the same, and shall receive and retain thereout a reasonable Satisfaction for his Trouble therein, in like Manner as if he had been appointed a Collector of the said Rates by the said Company, until such yearly Rents, with all Costs and Damages occasioned by the Nonpayment thereof, shall be fully satisfied and paid; or it shall be lawful for such Bodies Politick, Corporate, or Collegiate, Trustees, or other Person or

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

Yearly Rents charged on the Rates.

Perſons to whom ſuch yearly Rents or Sums ſhall be due and owing as aforeſaid, to ſue for and recover the ſame with Coſts of Suit, by Action of Debt, in any of His Majeſty's Courts of Record, or otherwiſe to ſeize and diſtrain any Boats, Veſſels, or other Goods or Effects, of the ſaid Company, which ſhall be found upon the ſaid Canal, or in or upon the Wharfs, Quays, Warehouſes, or other Works thereto belonging (Information of ſuch Diſtreſs being immediately given to the ſaid Company, by Notice in Writing delivered to their Clerk or Collectors of the Rates, or affixed to ſome of their Wharfs or Quays near to the Place where ſuch Seizure was made), and to detain the ſame until Payment of ſuch yearly Rents then due and owing, together with the reaſonable Charges attending ſuch Diſtreſs; and if ſuch Diſtreſs ſhall not be redeemed within Five Days next after making the ſame, and Notice thereof given in Writing as aforeſaid, then ſuch Boats, Veſſels, or other Goods and Effects ſo diſtrained, ſhall and may be ſold or diſpoſed of in ſuch Manner as the Law directs in caſe of a Diſtreſs for Rent.

Commiſſioners for ſettling Differences.

XVI. And whereas Differences may ariſe between the ſaid Company and the ſeveral Owners of and Perſons intereſted in the Lands, Grounds, Tenements, Hereditaments, Mills, or Waters, which ſhall or may be affected or prejudiced by the Execution of the Powers hereby granted, touching the Purchaſe Money to be paid, or Recompence to be made to them reſpectively; be it therefore enacted, That the Right Honourable *George Granville Leveſon Gower*, commonly called Earl *Gower Sutherland*, the Right Honourable *Granville Leveſon Gower*, commonly called Lord *Granville Leveſon*, the Right Honourable Lord Viſcount *Kilmurry*, in the Kingdom of *Ireland*, the Honourable *Dudley Ryder*, the Honourable *Richard Ryder*, the Honourable *William Bagot*, Sir *Nigel Bowyer Greſley*, Sir *John Chetwode*, the Reverend Sir *Thomas Broughton*, Baronets, Sir *John Jervis* Knight of the Bath, Sir *John Edenſor Heathcote* Knight, *Walter Sneyd*, *John Sneyd*, *William Sneyd*, *Edward Mainwaring*, *Thomas Swinnerton*, *Thomas Fletcher*, *Bazil Fitzherbert*, *John Jervis*, *William Jervis*, *John Turton*, *Smith Child*, *John George Child*, *Thomas Mills*, *William Mills*, *John Sparrow*, *Clement Kinnerſley*, *Thomas Parker*, *Daniel Whalley*, *Thomas Lovatt*, *Joſiah Wedgwood*, *George Embury*, *John Fenton Fletcher*, *Thomas Hatrell*, *Thomas Fenton*, *Weſton Yonge*, *James Bent*, *James Caldwell*, *Charles Smith*, *John Smith*, *John Whieldon*, *Charles Haſſells*, *William Haſſells*, *William Hyatt*, *James Caird*, *Thomas Lovatt* of *Chirk*, *Hugh Henſhall*, *Robert Williamſon*, *William Clowes*, *John Brindley*, *Ephraim Booth*, *Thomas Whieldon*, *Ephraim Chatterley*, *William Adams*, *William Turner*, *John Turner*, *James Robiſon* the younger, *Thomas Smith*, *George Steedman*, *John Harriſon* the younger, *Thomas Wolfe*, *Joſiah Spode*, *Ward Haſſells*, *Thomas Allen*, *Thomas Yoxall*, *Thomas Peake*, *John Elliſon Poole*, *Bourne Fernyhough*, the Reverend *Ralph Sneyd*, *John Sneyd*, *Ralph Moreton*, *Edward Sneyd*, *John Fernyhough*, *Peter Walthall*, *John Meek*, *Sambrooke Higgins*, Clerks; *John Aſtbury* M. D. *John Crewe*, *Charles Bowyer Adderley*, *Ralph Adderley*, and their Succeſſors, to be elected in Manner herein-after mentioned, ſhall be and are hereby appointed Commiſſioners for ſettling, determining, and adjuſting, all Queſtions, Matters, and Differences which ſhall or may ariſe between the ſaid Company and the ſeveral Proprietors of, and Perſons intereſted in, any Lands, Grounds, Tenements, or Hereditaments, Mills, Millſteads, Falls of Water, or Waters that ſhall or may be affected or prejudiced by the Execution of any of the Powers hereby granted.

XVII. And,

Election of new Commissioners.

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

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

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

Commissioners may act as Justices of the Peace.

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

Qualification of Commissioners.

XX. Provided always, and be it further enacted, That no Person shall act as a Commissioner in any Case in the Execution of this Act, during the Time of his holding any Place of Profit arising out of the Rates to be collected by virtue of this Act, or during the Time of his being a Proprietor in the said Navigation, or concerned or interested in any Contract or Bargain made or to be made for the Purposes of this Act, or in any Case where he shall be in any wise interested or concerned in the Matter in Question, nor unless he shall reside in the County of *Stafford*, and shall be seised in his own Right, or in the Right of his Wife, and not as a Mortgagee, at the Time of such his acting, of an Estate of Freehold or Copyhold, or both, in Lands, Tenements, or Hereditaments, of the yearly Value of One hundred Pounds; or unless he shall be eldest Son or Heir Apparent of a Peer, or of a Person qualified to serve in Parliament as a Knight of the Shire; nor shall any Person (not being an Heir Apparent as aforesaid) act as a Commissioner in the Execution of this Act, (otherwise than giving Notice of the First Meeting of the Commissioners, and administering an Oath or Affirmation in the Words following to the other Commissioners), until he shall have taken

taken such Oath or Affirmation before any One or more of the said Commissioners, who is or are hereby authorized and empowered to administer the same; (that is to say),

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

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

XXI. And be it further enacted, That no Meeting whatsoever of the said Commissioners shall, at any Time or Times, be had for putting in Execution any of the Powers or Authorities vested in them by this Act, unless previous Notice of the Time, Place, and Purpose of such Meeting, shall be given and inserted in the Weekly Newspaper, to be published in and for the County of *Stafford*, so long as the same shall be published, or in some of the *Birmingham* Weekly Papers, at least Fourteen Days before such Meeting; and that every Meeting of the said Commissioners by virtue of this Act shall be publick; and that no Act, Order, or Proceeding, of the said Commissioners, or any of them, in the Execution of this Act (except in such Cases as are hereby otherwise directed) shall be valid, unless the same shall be made or done at a Meeting to be held in pursuance of this Act; and that all Powers and Authorities by this Act given to or vested in the said Commissioners, shall and may, from Time to Time, be exercised by the Majority of the Commissioners present at every such Meeting, such Majority on all Occasions not being less than Three. Notice to be given of Meeting of Commissioners.

XXII. And be it further enacted, That upon Application to be made by the said Company, or any Five or more of them, or by the Owners or Occupiers of any Grounds, Lands, Tenements, or Hereditaments, to be affected by the said Canal, or any of the Works necessary On Application of the Proprietors or Land Owners Commissioners to meet,

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

Power to hold occaſional Meetings.

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

Places of holding Meetings of Commiſſioners.

XXIV. Provided alſo, That every Meeting of the ſaid Commiſſioners for hearing and determining any Complaint, Controverſy, Diſpute, or Difference, between the ſaid Company and any other Perſon or Perſons, ſhall be held at *Newcaſtle*, *Trentham*, *Stone*, or *Stock-upon-Trent*, or at ſome other Place within One Mile of ſome Part of the ſaid Canal, and ſo that all the Meetings of the ſaid Commiſſioners, to be holden in purſuance of this Act, ſhall be appointed and holden only between the Hours of Ten in the Morning and Four in the Afternoon; and no Order ſhall be made, or any Proceedings of the ſaid Commiſſioners had or done, under this Act, at any earlier or later Hour than as aforeſaid.

Proceedings to be entered;

XXV. And be it further enacted, That all the Orders and Proceedings of the ſaid Commiſſioners ſhall be regularly entered in a Book or Books, to be kept for that Purpoſe, ſuch Book and Books to be open at all ſeaſonable Times to the Inſpection of any Perſon intereſted in the ſaid Proceedings, and deſirous of ſeeing and examining the ſame, without Fee or Reward; and ſuch Entries being ſigned by ſuch Number of the

ſaid Commiſſioners reſpectively, as are impowered by this Act to make ſuch Orders, or carry on ſuch Proceedings, ſhall be deemed Originals, and the ſame, or true Copies thereof, ſhall be admitted as Evidence in all Courts whatſoever; and the ſaid Commiſſioners may, and are hereby required at their Firſt Meeting, to appoint out of Three Perſons to be nominated by the ſaid Company, ſuch One of the ſaid Three Perſons, as the ſaid Commiſſioners ſhall think proper, to be their Clerk, and from Time to Time may remove any ſuch Perſon, and on ſuch Removal, or in caſe any ſuch Clerk ſhall die, or quit the ſaid Employment, the ſaid Company, or their Committee for the Time being, ſhall, within the Space of One Calendar Month after Notice in Writing for that Purpoſe, to be given by the ſaid Commiſſioners, nominate Three other Perſons, and give Notice thereof unto the ſaid Commiſſioners from whom ſuch Notice in Writing was received, and the ſaid Commiſſioners ſhall and may appoint ſuch One of the ſaid Three laſt named Perſons, as they ſhall think proper, to be their Clerk, and in like Manner a Clerk to the ſaid Commiſſioners ſhall be from Time to Time nominated and appointed as Occaſion ſhall require; and ſuch Clerk ſhall be paid for his Care, Expences, and Trouble, in the Execution of his Office, by the ſaid Company; and ſuch Clerk, who ſhall be removed, or die, or quit the Service as aforeſaid, his Executors or Adminiſtrators, ſhall, within Two Calendar Months after Notice in Writing to him or them reſpectively given, by the ſaid Commiſſioners, produce and deliver up to ſuch Commiſſioners, all Books, Accounts, Papers, or Writings whatſoever, relating to the Execution of his Office, which ſhall be in his or their Cuſtody or Power; and every ſuch Perſon neglecting or refuſing to produce and deliver up ſuch Books, Accounts, Papers, or Writings, after ſuch Notice as aforeſaid, ſhall, for every ſuch Neglect or Refuſal reſpectively, forfeit the Sum of Fifty Pounds.

and their Clerk to be appointed.

XXVI. And be it further enacted, That the ſaid Commiſſioners acting in any Queſtion, Matter, or Difference, which ſhall or may ariſe, are hereby authorized and impowered, by Writing under their Hands, with the Conſent of the Parties concerned, to determine and adjuſt, from Time to Time, what Sum or Sums of Money ſhall be paid by the ſaid Company, either by an Annual Rent or Payment, or by a Sum of Money in Groſs, to and at the Election of the Bodies Politick, Corporate or Collegiate, Perſon or Perſons reſpectively, who ſhall be ſo entitled or intereſted as aforeſaid, for the abſolute Purchaſe of the Lands or Grounds which ſhall be ſet out and aſcertained for making the ſaid Canal, Cuts, Trenches, and Towing Paths, and other Works and Conveniencies, or any Part thereof, and other the Purpoſes of this Act, and alſo to determine and adjuſt what other diſtinct Sum or Sums of Money ſhall be paid by the ſaid Company as a Recompence for any Damages which may or ſhall, at any Time or Times whatſoever, be ſuſtained by ſuch Bodies Politick, Corporate or Collegiate, or any Perſon or Perſons reſpectively, being Owners of and intereſted in any Lands, Grounds, Tenements, Waters, or Hereditaments, for or by Reaſon of the ſevering or dividing the ſame, or the making, repairing, or maintaining, the ſaid Canal, Reſervoirs, Aqueducts, Feeders, Trenches, Paſſages, Gutters, Watercourſes, Roads, Ways, or Sluices, or ſupplying the ſame, or any of them, with Water, as aforeſaid, or by the flowing, leaking, or oozing of the Water over or through the Banks of the ſaid Canal, Reſervoirs,

Commiſſioners to ſettle Differences.

Trenches, or Sluices, or over or through any Paſſages, Gutters, or Watercourſes, which ſhall be made purſuant to the Powers hereby given, for conveying or communicating Water to or from the ſaid 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, or by their Agents, Workmen, or Servants, or for any other Matter or Thing whatſoever, for which a Recompence or Satisfaction is by this Act directed to be made, in caſe ſuch Price or Value, Damages and Recompence reſpectively, cannot be ſettled, adjuſted, and agreed for, by and between the ſaid Company, or their Agents, and ſuch Proprietors of and Perſons intereſted in the ſaid Lands, Grounds, Tenements, Waters, or Hereditaments, as aforeſaid, and if the ſaid Company, for and on the Part and Behalf of themſelves, or any ſuch Bodies Politick, Corporate or Collegiate, Truſtee or Truſtees, or other Perſon or Perſons ſo intereſted or entitled as aforeſaid, for and on his, her, or their Part or Parts, ſhall refuſe to ſubmit any ſuch Matter to the Determination of the ſaid Commiſſioners, or ſhall be diſſatisfied with any Determination which ſhall be by them made as aforeſaid, or if any ſuch Bodies Politick, Corporate or Collegiate, Truſtee or Truſtees, or any other Perſon or Perſons, intereſted or entitled as aforeſaid, ſhall refuſe to receive, upon due Tender thereof made, ſuch Purchaſe Money or Annual Rent, or ſuch Recompence as ſhall be determined to be paid, or ſhall upon Notice in Writing given to the principal Officer or Officers of ſuch Bodies Politick, Corporate, or Collegiate, or to ſuch Truſtee or Truſtees, Perſon or Perſons reſpectively, or left at the laſt or uſual Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of ſuch Lands or Grounds, for the Space of Twenty-one Days next after ſuch Notice, neglect or refuſe to treat, or ſhall not agree with the ſaid Company, or by Reaſon of Abſence ſhall be prevented from treating, or through Diſability by Nonage, Coverture, or other Impediment, cannot treat for themſelves, or make ſuch Agreement as ſhall be convenient for promoting the Navigation or other Works aforeſaid, or ſhall not produce and evince a clear Title to the Premiſes which they are or ſhall be in Poſſeſſion of, or to the Intereſt which they claim therein, then, and in every ſuch Caſe, the ſaid Commiſſioners ſhall, and they are hereby 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 *Stafford*; and in caſe the ſaid Sheriff or his Under Sheriff ſhall happen to be One of the ſaid Company of Proprietors, or enjoy any Office of Truſt or Profit under them, or ſhall be otherwiſe intereſted in the Matters in Queſtion, then to ſome One of the Coroners of the ſaid County not intereſted as aforeſaid, commanding ſuch Sheriff or Coroner reſpectively, to impannel, ſummon, and return, a Jury; and the ſaid Sheriff or Coroner is hereby required accordingly, to impannel, ſummon, and return, a Jury of Twenty-four ſufficient and indifferent Men, qualified according to the Laws of this Realm, to be returned for the Trials of Iſſues in His Majeſty's Courts at *Weſtminſter*, to appear before the ſaid Commiſſioners at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed, not being leſs than Nine, nor more than Twenty-one Days after ſuch Warrant or Warrants ſhall be ſerved upon the ſaid Sheriff or Coroner; and in caſe a ſuffi-

Jury to be ſummoned in certain Caſes.

cient Number of Jurymen ſhall not appear at the Time and Place ſo to be appointed as aforeſaid, the ſaid Sheriff or Coroner, or their Deputies reſpectively, ſhall return other honeſt and indifferent Men of the Standers-by, or that can ſpeedily be procured to attend that Service, (being ſo qualified as aforeſaid), to make up the ſaid Jury to the Number of Twelve, and all Parties concerned may have their lawful Challenges againſt any of the ſaid Jurymen, but ſhall not challenge the Array; and the ſaid Commiſſioners are hereby empowered to ſummon and call before them, all and every ſuch Perſon and Perſons who ſhall be thought neceſſary to be examined as a Witneſs or Witneſſes touching the Matters in Queſtion; and the ſaid Commiſſioners may order and authorize the ſaid Jury, or any Six or more of them, to view the Place or Places, or Matters in Controverſy; which Jury upon their Oaths (which Oaths as well as the Oaths to ſuch Perſon or Perſons as ſhall be called upon to give Evidence, the ſaid Commiſſioners are hereby empowered to adminiſter), ſhall enquire of, aſſeſs, and aſcertain the Sum of Money, or Annual Rent to be paid for the Purchaſe of ſuch Lands, Grounds, Tenements, or Hereditaments, or the Recompence to be made for the Damages that may or ſhall be ſuſtained as aforeſaid, and ſhall aſſeſs ſeparate Damages for the ſame; and the ſaid Commiſſioners ſhall give Judgement for ſuch Purchaſe Monies, Rent, or Recompence, to be aſſeſſed by ſuch Juries, which ſaid Verdict, and the Judgement thereupon pronounced as aforeſaid, ſhall be ſigned by the ſaid Commiſſioners, and ſhall be binding and concluſive to all Intents and Purpoſes, againſt the King's Majeſty, His Heirs and Succeſſors, and againſt all Bodies Politick, Corporate, or Collegiate, and all other Perſons whomſoever; and if any ſuch Sheriff or Coroner, or his or their Deputy or Agent, ſhall make Default in the Premiſes, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Twenty Pounds; and if any Perſon ſo ſummoned and returned as aforeſaid upon ſuch Jury, ſhall not appear, or appearing ſhall refuſe to give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent of this Act; or if any Perſon ſo ſummoned to give Evidence ſhall not appear, or appearing ſhall refuſe to be ſworn and examined, or give Evidence, every Perſon ſo offending, having no reaſonable Excuſe to be allowed by the ſaid Commiſſioners, ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds, for the Benefit of the Party in whoſe Behalf ſuch Perſon was ſo ſummoned, to be levied by virtue of any Warrant or Warrants, under the Hands and Seals of the ſaid acting Commiſſioners, or any Five or more of them, by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo offending, rendering to him, her, or them, the Overplus, after ſuch Penalty, and the Charges of ſuch Diſtreſs and Sale, ſhall be deducted.

Expences of Commiſſioners and Jury.

XXVII. And be it further enacted, That in all Caſes where a Verdict ſhall be given or made for more Monies, as a Recompence or Satisfaction for any Lands, Grounds, Waters, or Hereditaments, or Property of any Perſon or Perſons whomſoever, or for any Damage to be done to any Lands, Grounds, Waters, Hereditaments, or Property of any Perſon or Perſons, than had been previouſly offered by or on Behalf of the ſaid Company, then 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; but if any Verdict

ſhall

ſhall be given or made for the ſame, or a leſs Sum than had been previouſly offered by or on Behalf of the ſaid Company, or than had been determined or aſſeſſed by the ſaid Commiſſioners as aforeſaid, or in caſe no Damage ſhall be given by the Verdict, where the Diſpute is for Damages only, then, and in every ſuch Caſe, the Coſts and Expences of calling a Meeting of ſuch Commiſſioners, ſummoning ſuch Jury, and taking ſuch Inqueſt, ſhall be ſettled in like Manner by the ſaid Commiſſioners, and be borne and paid by the Perſon or Perſons with whom the ſaid Company ſhall have ſuch Controverſy or Diſpute; which ſaid Coſts and Expences, having been ſo ſettled, ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged, where the ſame ſhall exceed ſuch Coſts and Expences, as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons, and the Payment or Tender of the Remainder of ſuch Monies ſhall be deemed and taken, to all Intents and Purpoſes, to be a Payment or Tender of the whole Sum or Sums ſo aſſeſſed or adjudged: Provided always, that whenever any Perſon or Perſons ſhall, by reaſon of Abſence or otherwiſe, have been prevented from treating, One Half of ſuch Coſts, Charges, and Expences, ſhall be borne and defrayed by the ſaid Company, and the other Half by ſuch Perſon or Perſons as aforeſaid.

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

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

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

XXIX. Provided always, That the ſaid Commiſſioners, or any of them, ſhall not be obliged, by virtue of this Act, to receive or take Notice of any Complaint or Complaints to be made by any Perſon or Perſons whomſoever, for any Damage or Injury by him, her, or them ſuſtained, or ſuppoſed to be ſuſtained, by virtue of this Act, unleſs Notice in Writing hath been or ſhall be given in relation thereto, by or on Behalf of ſuch Perſon or Perſons, to the ſaid Company, or to their Clerk or Clerks, or Treaſurer, within the Space of Six Calendar Months next after the Time that ſuch ſuppoſed Injury or Damage ſhall have been ſuſtained, or the doing or committing thereof ſhall have ceaſed.

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

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

XXXI. And

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

XXXII. And be it further enacted, That all the Determinations of the ſaid Commiſſioners, which ſhall be ſubmitted to and acquieſced in by the Parties concerned, and alſo the Verdicts of the Juries and the Judgements of the ſaid Commiſſioners thereon as aforeſaid, ſhall be tranſmitted to, and kept by the Clerk of the Peace for the ſaid County of *Stafford*, and ſhall be deemed Records to all Intents and Purpoſes; and the ſame, or true Copies thereof, ſhall be allowed to be good Evidence in all Courts whatſoever, and all Perſons ſhall have Liberty to inſpect the ſame, paying for each Inſpection the Sum of Two Shillings and Sixpence, and no more, and to take Copies thereof, paying for every Copy after the Rate of Sixpence for every One hundred Words; and that immediately on ſuch Payment of ſuch Sum or Sums of Money, or on giving ſuch Security as the ſaid Commiſſioners ſhall approve for Payment of any ſuch Annual Rent as ſhall be contracted or agreed for between the Parties, or determined and adjuſted or aſſeſſed as aforeſaid, for the Purchaſe of any ſuch Lands, Grounds, Tenements, or Hereditaments, as aforeſaid, to the Proprietor or Proprietors thereof, or other Perſon or Perſons entitled to receive ſuch Money or Rent reſpectively, or legal Tender thereof made to ſuch Proprietor or Proprietors, or Perſon or Perſons, or to the Principal Officer or Officers of any ſuch Body Politick, Corporate, or Collegiate; or if any ſuch Proprietor or Proprietors, or Perſon or Perſons cannot be found or aſcertained, or ſhall refuſe to accept ſuch Money, or the Security for ſuch Rents, then upon Payment and Delivery thereof to ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall, by Writing under their Hands, appoint, for the Uſe of and to be paid or delivered upon Demand, without Fee or Reward, to ſuch Proprietor or Proprietors, or Perſon or Perſons reſpectively as aforeſaid, ſuch Lands, Grounds, Tenements, and Hereditaments, and all the Eſtate, Right, Title, Intereſt, Uſe, Truſt, Property, Claim, and Demand, whatſoever, in Law or Equity, of the Perſon or Perſons for whoſe Uſe ſuch Money or Rent ſhall be paid or ſecured as aforeſaid, into and out of the ſame, ſhall veſt in the ſaid Company, and they ſhall reſpectively be deemed in Law to be in the actual Seiſin or Poſſeſſion thereof, to all Intents and Purpoſes whatſoever, as fully and effectually as if every Perſon, having any Eſtate in the Premiſes, had actually conveyed the ſame by Leaſe and Releaſe, Bargain and Sale enrolled, Feoffment with Livery and Seiſin, Fine and Recovery, or any ſuch legal Conveyance whatſoever, and ſuch Payment or Security ſhall not only bar all Right, Title, Intereſt, Claim, and Demand, of the Perſon or Perſons to whoſe Uſe the ſame ſhall be made or granted, but alſo ſhall extend, and be deemed and conſtrued to bar the Dower and Dowers of the Wife and Wives of ſuch Perſon and Perſons, and all Eſtates Tail, and other Eſtates and Intereſts in Poſſeſſion, Reverſion, Remainder, or otherwiſe therein, againſt the Iſſue or Iſſues of ſuch Perſon or Perſons, and all and every other Perſon or Perſons whomſoever, having or claiming any Right, Title, Eſtate, or Intereſt therein, either at Law or in Equity, as fully and effectually as a Fine or Recovery, or either of them, Verdict to be recorded, and Lands veſted in the Proprietors.

them, would do, if levied or ſuffered by all the proper Parties in due Form of Law.

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

XXXIII. And be it further enacted, That all Sums of Money which are to be paid to any Bodies Politick, Corporate, or Collegiate, Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, Committees, or other Truſtees, or Perſons acting as Guardians, Committees, or Truſtees, for or on Behalf of any Infants, Lunaticks, Idiots, Femes Covert, or other Ceſtuique Truſts, or to any Perſon or Perſons whoſe Lands or Eſtates are limited in ſtrict or other Settlement, for the Purchaſe or Exchange of, or the Damage to be done to, any Lands or Hereditaments, by virtue of the Powers herein contained, ſhall, in caſe the ſame ſhall exceed the Sum of Twenty Pounds, be laid out as ſoon as conveniently may be, by ſuch Bodies Politick, Corporate, or Collegiate, Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, Committees, or other Truſtees, or Perſon or Perſons aforeſaid, in the Purchaſe of Lands, Tenements, and Hereditaments, either in Fee Simple or of ſuch other Tenure as the Owner or Owners of the Premiſes, which may have been ſo appropriated or made uſe of for the Purpoſes of this Act, had therein at the Time the ſame ſhall be ſo appropriated or made uſe of, and which ſaid Lands, Tenements, and Hereditaments, ſo to be purchaſed, ſhall be conveyed to, or to the Uſe of, ſuch Bodies Politick, Corporate, or Collegiate, or to or for ſuch other Perſon or Perſons, and for ſuch Eſtates, and to, for, upon, and ſubject to, ſuch Uſes, Truſts, Limitations, Remainders, and Contingencies, as the Lands and Grounds, Tenements or Hereditaments, for or in reſpect whereof ſuch Money ſhall be paid as aforeſaid, were limited, ſettled, and aſſured, at the Time when ſuch Money was ſo agreed for, aſcertained, or aſſeſſed reſpectively as aforeſaid, or for ſuch and ſo many of ſuch Uſes as ſhall be then exiſting, and capable of taking Effect, and that ſuch Conveyances and Settlements ſhall be made at the Expence of the ſaid Company; and in the mean Time and until ſuch Purchaſe or Purchaſes ſhall be made, the ſaid Money ſhall be placed out by ſuch Bodies Politick, Corporate, or Collegiate, Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, Committees, or other Truſtees, Perſon or Perſons as aforeſaid, in ſome of the Publick Funds, or on Government or Real Securities, producing an Annual Intereſt, in the Names of Two or more Perſons to be nominated by the Parties intereſted therein, and to be approved of by the ſaid Commiſſioners; and the Intereſt ariſing or to be produced from any ſuch Funds and Securities, and alſo the Annual Rent for ſuch Lands and Grounds, Mills, Tenements, and Hereditaments, where a Rent ſhall be fixed upon as aforeſaid, ſhall be paid to ſuch Perſon or Perſons reſpectively as would have been entitled, for the Time being, to the Rents and Profits of ſuch Lands and other Premiſes ſo to be purchaſed, in caſe the ſame had been purchaſed and ſettled purſuant to the Tenor and true Meaning of this Act; and the ſaid Commiſſioners ſhall and are hereby empowered to ſettle what Shares and Proportions of the Purchaſe Money or Compenſation for Damages, which ſhall be ſo agreed for, determined, and adjuſted, or aſſeſſed in Manner reſpectively as aforeſaid, ſhall be allowed to any Tenant, or other Perſon or Perſons, having a particular Eſtate, Term, or Intereſt, in the Premiſes, for his, her, or their reſpective Intereſt therein.

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

XXXIV. And be it further enacted, That full Recompence and Satisfaction ſhall be made, by the ſaid Company, for all the Tythes, both Great and Small, which would have been iſſuing from or out of any of the Lands which ſhall be taken or made uſe of for the Purpoſes of this Act, to the ſeveral Perſons who now are, or at any Time hereafter might have become entitled to ſuch Tythes, according to their reſpective Intereſts therein, ſuch Tythes to be eſtimated at the Average Value of the Four Years commencing at *Michaelmas* Day One thouſand ſeven hundred and ninety-one, and ending at *Michaelmas* Day One thouſand ſeven hundred and ninety-five, 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. Compenſation to be made for Tythes.

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

XXXVI. Provided always, and be it further enacted, That where any Contract or Contracts ſhall be made with any Bodies Politick, Corporate, or Collegiate, Truſtees, or other Perſons whomſoever, by the ſaid Company for the Purchaſe of any Lands, Grounds, or Hereditaments, through, into, or upon which the ſaid Canal, Towing Paths, Quays, or other Works hereby authorized, are intended to be made, and the Title to ſuch Lands, Grounds, or Hereditaments reſpectively, ſhall not be thereupon made out to the Satisfaction of the ſaid Company, then, and in all ſuch Caſes, from the Time of making ſuch Contracts until a good Title ſhall be made to the ſaid Lands, Grounds, or Hereditaments reſpectively, and the ſame ſhall be effectually conveyed to the ſaid Company in Fee Simple or other good Eſtate of Inheritance, the ſaid Bodies Politick, Corporate, or Collegiate, Truſtees, and other Perſons contracting to ſell the ſaid Lands, Grounds, or Hereditaments, ſhall be entitled to have and receive Annual Rents or Sums for the ſame reſpectively from the ſaid Company; and in caſe ſuch Annual Rents or Sums reſpectively ſhall not be agreed on between the ſaid Company and the ſaid Bodies Politick, Corporate, or Collegiate, Truſtees, or other Perſons, entitled to the ſaid Lands, Grounds, or Hereditaments, the ſame ſhall be aſcertained and ſettled by the ſaid Commiſſioners, in ſuch Manner and ſubject Satisfaction to be made by Annual Rent where the Title is doubtful.

ſubject to the Verdict of a Jury, if required, as the Value of the Lands to be ſet out for making the ſaid Canal and Towing Paths are herein directed to be aſcertained and ſettled.

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

XXXVII. Provided always, and be it further enacted, That nothing herein contained ſhall extend to defeat, prejudice, or affect, the Right of any Lord or Lords, Lady or Ladies, of any Manor or Manors, or of any Owner or Owners of any Lands or Grounds in, upon, or through which the ſaid Canal or any Towing Paths, Wharfs, Quays, Trenches, Sluices, Paſſages, Watercourſes, or Conveniences aforeſaid, ſhall be made, to the Mines and Minerals lying and being within and under the Lands or Grounds to be ſet out or made uſe of for ſuch Canal, Towing Paths, Wharfs, Quays, Trenches, Sluices, Paſſages, or Watercourſes, or other Conveniences aforeſaid, or any of them; but all ſuch Mines and Minerals are hereby reſerved to ſuch Lord or Lords, Lady or Ladies, of ſuch Manor or Manors, and to ſuch Owner or Owners of ſuch Lands or Grounds reſpectively, his, her, and their Heirs, Executors, Adminiſtrators, and Aſſigns, reſpectively; and it ſhall be lawful for the Lord or Lords, Lady or Ladies, of ſuch Manor or Manors, or ſuch Owner or Owners of ſuch Lands or Grounds reſpectively, (ſubject to the Conditions and Reſtrictions herein contained), to work, get, drain, take, and carry away, to his, her, or their own Uſe, ſuch Mines and Minerals, not thereby wilfully injuring, prejudicing, or obſtructing, the ſaid Towing Paths, Wharfs, Quays, Trenches, Sluices, Paſſages, Watercourſes, or other Conveniences aforeſaid, or any of them; any Thing herein contained to the contrary notwithſtanding.

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

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

Mines, within the Limits for which Satisfaction shall by the said Jury be adjudged and declared to extend.

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

XXXIX. 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 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 and Works hereby authorized to be made shall be or pass, wherein any Coal or other Mines shall or may be dug or opened, and likewise to enter into such Coal or other Mines, and to use the Gears, Engines, and other Machines belonging to the said Mines and Works for that Purpose, and there to view, search, dial, latch, measure, and use all other Means for discovering the Distance of the said Canal or Works, from the working Part of such Mines respectively; and in case it shall appear that any Mine hath been worked or got contrary to the Directions of this Act, it shall be lawful for the said Company, and for their Servants and Workmen, at the Expence, Costs, and Charges, of the Owners or Proprietors of such Mines respectively, to enter into and upon all such Mines, and from Time to Time use all necessary and reasonable Ways and Means for repairing, supporting, sustaining, securing, and making safe the said Canal and other Works, and such Expences, Costs, and Charges, shall be recovered by the said Company, 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, to be applied for the Purposes of this Act.

Proprietors to raise Money amongst themselves.

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

The Money to be divided into 140 Shares of 50 *l.* each, and to be Personal Estate.

Shares to be numbered,

XLI. And be it further enacted, That the said Sum of Seven thousand Pounds, or such Part thereof as shall be raised by the several Persons herein-before named, shall be divided into One hundred and forty equal Parts or Shares, at a Price not exceeding Fifty Pounds *per* Share; and that such Shares shall be numbered in regular Progression, and every such Share shall always be distinguished by the Number to be appointed for the

the ſame; and that the ſaid One hundred and forty Shares ſhall be, and are hereby veſted in the ſeveral Perſons, Bodies Politick, and Corporate, ſo ſubſcribing the ſame, and their ſeveral and reſpective Executors, Adminiſtrators, Succeſſors, and Aſſigns, to their and every of their proper Uſe and Benefit, proportionably to the Sum they ſhall reſpectively ſubſcribe and pay thereunto; and all and every the ſaid Shares ſhall be Perſonal Eſtate, and tranſmiſſible as ſuch, and not of the Nature of Real Property; and all Bodies Politick and Corporate, and every Perſon and Perſons, their ſeveral and reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, who ſhall ſeverally ſubſcribe the Sum of Fifty Pounds, or ſuch Sum or Sums as ſhall be demanded in lieu thereof, towards carrying on and completing the ſaid Canal, ſhall be entitled to and receive, after the ſaid Canal ſhall be completed, the entire and neat Diſtribution of One One hundred and fortieth Part of the Profits and Advantages that ſhall and may ariſe and accrue by the Rates and other Sum and Sums of Money to be raiſed, recovered, or received, by the Authority of this Act, and ſo in Proportion for any greater Number of Shares; and every Body Politick or Corporate, Perſon or Perſons, having ſuch a Property of One Share in the ſaid Canal, and ſo in Proportion for any greater Number of Shares as aforeſaid, ſhall bear and pay a proportionable Sum towards carrying on the ſaid Undertaking in Manner herein directed and appointed.

and deemed Perſonal Eſtate.

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

XLII. And, for the better ſecuring to the ſeveral Proprietors of the ſaid Undertaking their reſpective Shares therein; be it further enacted, That the ſaid Company ſhall, and are hereby required, at their Firſt or ſome ſubſequent General Aſſembly, to cauſe the Names and proper Additions of the ſeveral Perſons who ſhall then be entitled to the Shares in the ſaid Undertaking, with the Number of the Shares, or the Amount of all the Subſcriptions which they are then reſpectively entitled to hold, and alſo the proper Number by which every Share ſhall be diſtinguiſhed, to be fairly and diſtinctly entered in a Book to be kept by the Clerk to the ſaid Company, and after ſuch Entry made to cauſe their Common Seal to be affixed thereto, and ſhall alſo cauſe a Ticket or Inſtrument with the Common Seal of the ſaid Company affixed thereto, to be delivered to every ſuch Subſcriber upon Demand, ſpecifying the Share or Shares to which he or ſhe is entitled in the ſaid Undertaking, every ſuch Proprietor paying to the Clerk Two Shillings and Sixpence, and no more, for every ſuch Ticket or Inſtrument; and ſuch Ticket or Inſtrument ſhall be admitted in all Courts whatſoever, as Evidence of the Title of ſuch Subſcriber, his or her Executors, Adminiſtrators, and Aſſigns, to the Share or Shares therein ſpecified, but the Want of ſuch Ticket or Inſtrument ſhall not hinder or prevent the Owner of any of the ſaid Shares from ſelling or diſpoſing thereof; and which ſaid Ticket or Inſtrument may be in the Words or to the Effect following; *(videlicet)*,

‘ *The Newcaſtle-under-Lyme Canal Company.*

‘ N°

‘ THESE are to certify, that *A. B.* of is a Proprietor of the Share or Number being One Share of the *Newcaſtle-under-Lyme* Canal, ‘ ſubject to the Rules, Regulations, and Orders, of the ſaid Company, ‘ and that the ſaid *A. B.* his [her, *or* their] Executors, Adminiſtrators, ‘ [*or* Succeſſors] and Aſſigns, is and are entitled to the Profits and Ad-

‘ vantages

vantages of such Share. Given under the Common Seal of the said Company, the Day of in the Year of our Lord

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

Subscribers to have a Vote for every Share;

not exceeding Six Votes for each Subscriber, nor more than Six for Proxies.

I of One of the *Newcastle-under-Lyme* Canal Company, do hereby nominate, constitute, and appoint of (being also a Proprietor as aforesaid) to be my Proxy, in my Name, and in my Absence, to vote, or give my Assent or Dissent to any Business, Matter, or Thing, relating to the said Navigation or Undertaking, that shall be mentioned or proposed at any Meeting of the Proprietors of the said Navigation, or any of them, in such Manner as he the said shall think proper, according to his Opinion and Judgement, for the Benefit of the said Navigation and Undertaking, or any Thing appertaining thereto. In Witness whereof I have hereunto set my Hand, the Day of in the Year of our Lord

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

XLIV. And be it further enacted, That in case the said Sum of Seven thousand Pounds, herein-before authorized to be raised, shall be found insufficient for making, completing, and maintaining, the said Canal, and other the Works hereby authorized to be made, and all necessary Charges and Expences relating thereto, then, and in such Case, it shall be lawful for the said Company to raise and contribute amongst themselves, in Manner and Form aforesaid, and in such Shares and Proportions as to them shall seem meet, or by the Admission of new Subscribers, any further

Proprietors may raise an additional Sum if necessary.

ther or other Sum of Money for completing and perfecting the said Navigation) not exceeding the Sum of Three thousand Pounds, and every Subscriber towards raising such further or other Sum of Money shall be a Proprietor in the said Undertaking, and have a like Vote by himself, or herself, or his or her Proxy, in respect of every Share in the said additional Sum so to be raised, not exceeding Six Votes in the Whole, and shall also be liable to such Forfeitures, and stand interested in all the Profits and Powers of the said Navigation, in Proportion to the Sum he, she, or they, shall or may subscribe thereunto, as generally and extensively, to all Intents and Purposes, as if such further or other Sum hereby allowed to be subscribed for and raised, had originally been Part of the said Sum of Seven thousand Pounds; any Thing herein contained to the contrary thereof in anywise notwithstanding.

Power to raise Money by Mortgage.

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

Form of Mortgage.

'No.

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

And all and every Person or Persons to whom such Mortgage or Assignment shall be made, shall be equally entitled, One with the other, to his, her, or their Proportion or Proportions of the said Rates and Premises, according to the respective Sums in such Assignments mentioned to be advanced, without any Preference by Reason of Priority of any such

Aſſignments, or on any other Account whatſoever, and a Memorial of every ſuch Aſſignment, containing the Date, Name or Names of the Perſon or Perſons to whom made, the Sum of Money borrowed, and the Rate of Intereſt, ſhall be entered in a Book or Books to be kept by the Clerk to the ſaid Company, which ſaid Book or Books ſhall and may be peruſed at all reaſonable Times, by any of the Proprietors or Creditors of the ſaid Navigation, or other Perſons intereſted therein, without Fee or Reward; and all and every Perſon or Perſons to whom any ſuch Mortgage or Mortgages, Aſſignment or Aſſignments, ſhall be made as aforeſaid, or who ſhall be entitled to the Money due thereon, ſhall and may, from Time to Time, transfer his, her, or their, Right or Intereſt therein, to any Perſon or Perſons whomſoever, which Transfer ſhall and may be made in the Words or to the Effect following; (that is to ſay), Mortgages may be tranſferred.

'I [*or*, we] of
'in Conſideration of the Sum of paid
'by of do hereby
'transfer a certain Mortgage, N° made by the *Newcaſtle-under-*
'*Lyme* Canal Company, to bearing Date
'the Day of for ſecuring the Sum of
' and Intereſt, and all my [*or* our] Right and Pro-
'perty therein, to the ſaid his, [*or* her], Executors,
'Adminiſtrators, and Aſſigns. Dated this Day of
' in the Year of our Lord Form of Transfer.

And every ſuch Transfer ſhall, within Sixty Days after the Date thereof, be produced to the Clerk to the ſaid Company, who ſhall cauſe a Memorial to be made thereof, in like Manner as the original Mortgages or Aſſignments, for which the ſaid Clerk ſhall be paid ſuch Sum as the ſaid Company ſhall appoint, not exceeding the Sum of Two Shillings and Sixpence; and after ſuch Entry made, every ſuch Transfer ſhall entitle ſuch Aſſignee or Aſſignees, his, her, and their Executors, Adminiſtrators, and Aſſigns, to the full Benefit thereof, and Payment thereon; and it ſhall not be in the Power of any Perſon or Perſons, who ſhall have made ſuch Transfer, to make void, releaſe, or diſcharge, the ſame, or any Sum or Sums of Money thereon due, or thereby ſecured, or any Part thereof.

XLVI. And be it further enacted, That the Intereſt of the Money which ſhall be borrowed by Mortgage as aforeſaid, ſhall be paid Half-yearly to the ſeveral Perſons entitled thereto, in Preference to any Intereſt or Dividends due and payable by virtue of this Act to the ſaid Company, or any of them, and ſhall from Time to Time be fully paid and diſcharged, or provided for, before the yearly or other Intereſt or Dividends due to the ſaid Proprietors, or any of them, ſhall be paid, made, or divided; and in caſe the ſame, or any Part thereof, ſhall be behind and unpaid for the Space of Sixty Days next after the ſame ſhall become due and payable as aforeſaid, and after Demand thereof made, that then it ſhall be lawful for the ſaid Commiſſioners, and they are hereby required on Requeſt to them, made by any Creditor whoſe Intereſt ſhall be ſo in Arrear, by an Order under their Hands, to appoint One or more Perſon or Perſons to receive the Whole, or ſuch Part or Parts of the ſaid Rates or Duties, as are liable to pay ſuch Intereſt ſo due and unpaid as aforeſaid, and the Money ſo to be received by ſuch Perſon or Perſons, is hereby declared to be as ſo much Money received Intereſt of Money borrowed to be paid in Preference to the Dividends, or may be ſued for at Law.

ceived by or to the Uſe of ſuch Perſon or Perſons to whom ſuch Intereſt ſhall be then due, until the ſame, together with the Coſts and Charges of recovering and receiving the Rates and Duties, ſhall be fully ſatisfied and paid; and after ſuch Intereſt and Coſts ſhall be paid and ſatisfied, the Power and Authority of ſuch Receiver and Receivers, for the Purpoſes aforeſaid, ſhall ceaſe and determine, or otherwiſe the ſaid Intereſt, ſo due and unpaid as aforeſaid, ſhall be ſued for and recovered with Coſts, by Action of Debt, in any of His Majeſty's Courts of Record at *Weſtminſter*.

Mortgagees not to vote on Account of having lent Money.

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

First and other General Aſſemblies.

XLVIII. And be it further enacted, That the Firſt General Aſſembly of the ſaid Company for putting this Act in Execution, ſhall be held at the *Roe Buck* Inn, in *Newcaſtle-under-Lyme*, upon the Seventeenth Day of *June* in the Year of our Lord One thouſand ſeven hundred and ninety-five, at the Hour of Eleven in the Forenoon; and the Second General Aſſembly ſhall be held at ſuch Time and Place as the ſaid Firſt General Aſſembly ſhall appoint, and the like General Aſſembly ſhall be held on the laſt *Wedneſday* in *April*, and the laſt *Wedneſday* in *October*, in every Year for the future, at ſuch Place as the ſaid Proprietors, at each next preceding Aſſembly, ſhall appoint, all ſuch Meetings being at the Hour of Eleven in the Forenoon, of which General Aſſemblies Twenty-one Days previous Notice at leaſt ſhall be given by publick Advertiſement in ſome Newſpaper or Newſpapers uſually circulating in the County of *Stafford*, and in ſuch other Manner as the ſaid Company, at their reſpective General Aſſemblies, ſhall direct; and the ſaid Company at ſuch reſpective General Aſſemblies, together with ſuch Proxies as ſhall be then preſent, ſhall chuſe and elect out of ſuch of the ſaid Proprietors as at the Time of ſuch Election ſhall reſpectively be poſſeſſed in their own Right of Stock to the Amount of One hundred and fifty Pounds at the leaſt, in the ſaid Canal, One Committee to manage the Affairs of the ſaid Company, as herein directed, and to conſiſt of Seven or more Perſons; and the ſaid Company ſhall have Power and Authority, at any ſuch General Aſſembly, to remove and diſplace any Perſon or Perſons who ſhall have been choſen a Member or Members of the ſaid Committee, or any Officer or Officers under them, and to chuſe and elect others in caſe of Death or other Vacancy, and to revoke, alter, amend, or change, any of the Rules and Directions which may have been preſcribed and laid down by virtue of this Act, with regard to their Proceedings amongſt themſelves, as they ſhall think proper, (the Method of calling General or Special Aſſemblies, and their Time and Place of Meeting, and voting, and appointing Committees, only excepted), and ſhall alſo have Power and Authority to make ſuch new Rules, Bye Laws, and Orders, for the good Government of the ſaid Company, their Agents and Workmen, for making, maintaining, and uſing, the ſaid Canal, Cuts, Aqueducts, Trenches, Soughs, and the Warehouſes, Wharfs, Fire Engines, or other Machines, Paſſages, Locks, Tunnels, and all other Conveniences, Matters, and Things, that ſhall be made for the ſame, and alſo for and

Committee to be elected.

concerning all ſuch Veſſels, Goods, and Commodities, as ſhall be navigated and conveyed thereon, and alſo for the well governing of the Bargemen, Watermen, Boatmen, and others who ſhall be employed in the conveying of any Goods, Wares, and Merchandize, and other Articles and Things, upon any Part of the ſaid Canal, Cuts, and Trenches, and from Time to Time to alter and repeal the ſaid Bye Laws, Orders, and Regulations, and to impoſe and inflict ſuch reaſonable Fines and Forfeitures upon all Perſons offending againſt the ſame, as to the major Part of ſuch General Aſſembly ſhall ſeem meet, not exceeding the Sum of Five Pounds for any One Offence, ſuch Fines and Forfeitures to be levied and recovered by ſuch Ways and Means as herein-after mentioned; which ſaid Rules, Bye Laws, and Orders, being reduced into Writing, under the Common Seal of the ſaid Company, ſhall be binding upon and obſerved by all Parties, and ſhall be ſufficient, in any Court of Law or Equity, to juſtify all Perſons who ſhall act under the ſame, provided they be not repugnant to the Laws of this Realm, or any Directions in this Act contained; and every ſuch General Aſſembly ſhall have Power to call for, audit, and ſettle, all Accounts of Money received, laid out, and diſburſed, on Account of the ſaid Canal, by the Treaſurers, Receivers, or Collectors of the Rates, and other Officers by them appointed, or by any other Perſon or Perſons whomſoever, employed by or concerned for or under them, in and about the ſaid Canal, and the Works thereto belonging, but no Vote or Votes by Proxy ſhall be given or have any Power in or as to the Audit and Settlement of Accounts; and the ſaid Company ſhall have Power to adjourn themſelves, from Time to Time, to ſuch Place or Places as ſhall at any ſuch General Aſſemblies be thought proper and convenient.

General Aſſemblies for chooſing Committees to conſiſt of 50 Shares.

XLIX. Provided always, and be it further enacted, That if at any ſuch General Aſſembly there ſhall not be Perſons preſent who ſhall be poſſeſſed of or entitled unto at leaſt Fifty Shares or Subſcriptions of Fifty Pounds or upwards in the ſaid Canal, either as Principals or Proxies, no Choice of a Committee, nor any Removal of any Perſon or Perſons from any ſuch Committee, nor any Election of any Perſon or Perſons in the Room of ſuch of the Members of the ſaid Committee who ſhall die or decline to act, ſhall be made at that Time; but in ſuch Caſe there ſhall be another Aſſembly of the ſaid Company at the ſame Place, upon that Day Three Weeks, and if a ſufficient Number of Proprietors as Principals or by Proxies ſhall not then attend, the ſaid General Aſſembly ſhall ſtand adjourned to the ſame Place on the laſt *Wedneſday* in *April* or *October* then next, and ſuch Choice, Removal, or new Appointment of any Member of any ſuch Committee ſhall then take place, and not before; and ſuch Committee ſo before appointed ſhall continue to act, and have the ſame Powers as they had and were before poſſeſſed of, until a new Committee ſhall be appointed as aforeſaid; and in caſe of Failure of the aſſembling of a ſufficient Number of Proprietors, having ſuch Shares or Subſcriptions, as Principals or Proxies, at ſuch Firſt General Aſſembly, every Proprietor who ſhall not attend ſuch Second Aſſembly in Perſon, or by Proxy, ſhall forfeit to the ſaid Company, for every Share or Subſcription of Fifty Pounds which he or ſhe ſhall poſſeſs in the ſaid Canal, the Sum of Ten Shillings, to be deducted out of his or her next ſucceeding Payment of Intereſt or Dividends of the Profits of the ſaid Canal, as the Caſe may happen; and in caſe no Intereſt or Dividends ſhall be payable to ſuch Perſon or Perſons making Default

Default as aforesaid within Three Calendar Months next after the making of such Default, then the Payment of the said Forfeiture of Ten Shillings may be recovered and enforced, by the Ways and Means herein-after appointed for the Recovery of any other of the Penalties or Forfeitures imposed by this Act.

Assemblies of Proprietors may be specially convened.

L. And be it further enacted, That if it shall at any Time appear that for the more effectually putting this Act into Execution, a Special General Assembly of the said Company is necessary to be held, it shall be lawful for any Five or more of the said Proprietors, who may each of them be possessed of or entitled unto Three Shares or Subscriptions of Fifty Pounds or upwards at the least in the said Canal, to cause Twenty-one Days Notice at the least to be given thereof, in some Newspaper usually circulating in the County of *Stafford*, or in such other Manner as the said Company shall, at any General Assembly, direct or appoint, specifying in such Notice the Reason and Intention of requesting such Special Assembly, and the Time when and the Place where the same shall be held, which Place shall be at some One of the Places aforesaid, or within One Mile of the said Canal; and the said Proprietors are hereby authorized to meet pursuant to such Notice, and such of them as shall be present shall proceed to the Execution of the Powers by this Act given to the said Company with respect to the Matters so specified only; and all such Acts of the Proprietors, or of the major Part of them, met together at every such Special General Assembly, (provided such major Part shall be possessed of at least Fifty Shares or Subscriptions of Fifty Pounds in the said Canal, either as Principals or Proxies), shall be as valid with respect to the Matters specified in such Notice, as if the same had been done at a General Assembly at the Time herein-before appointed for holding the same.

Officers to the Company to be appointed.

LI. And be it further enacted, That it shall be lawful for the said Company, at any General Meeting assembled, and they are hereby authorized and required, from Time to Time, to nominate and appoint a Treasurer and Clerk, and such other Officers as they shall think proper, and shall take such sufficient Security from every such Treasurer, and other Officers having the Care or Custody of any Money to be raised or received by virtue of this Act, for the due Execution of his or their Office or Offices, as the said Company shall think proper, and from Time to Time to remove any such Treasurer, Clerk, and other Officers, or any of them; and such Clerk shall attend the General Meetings and Assemblies of the said Company, and the Meetings of the said Committee, and shall, in a proper Book or Books to be provided for that Purpose, enter and keep a true and perfect Account of the Names and Places of Abode of the several Proprietors of the said Canal and Undertaking; and of the several Persons who shall from Time to Time become Owners and Proprietors, or entitled to any Share or Shares therein, and of all the Acts, Proceedings, and Transactions of the said Company, and of the said Committee, by virtue of and under the Authority of this Act; and that every Proprietor of the said Navigation and Undertaking shall and may, at all convenient Times, have Recourse to and peruse and inspect the same, and also the Book or Books to be kept by the Clerk of the said Company, *gratis*, and may demand and have Copies thereof, or any Part thereof, paying Sixpence for every One hundred Words so to be copied; and if any such Clerk shall refuse to permit any of the

ſaid Proprietors to inſpect or peruſe any ſuch Books at all convenient Times and Seaſons, or refuſe to make any ſuch Copy or Copies in a reaſonable Time, at the Rate aforeſaid, he ſhall for every ſuch Offence forfeit and pay the Sum of Five Pounds, for the Benefit of the ſaid Undertaking; and whenever any ſuch Treaſurer or Clerk ſhall die, or be removed from, or quit the Service of, the ſaid Company, it ſhall be lawful for the Committee of ſuch Proprietors for the Time being, or a Majority of them, to appoint ſome other fit Perſon or Perſons to be Treaſurer or Clerk, in the Place of him or them ſo dying, being removed, or quitting the ſaid Service, until the then next General Aſſembly of the ſaid Company, when ſuch Appointment ſhall be confirmed, or another Treaſurer or Clerk ſhall be nominated and appointed in his or their Stead.

Powers of the Committee for making Calls.

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

Debt, or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed; and if any Perſon or Perſons ſhall neglect or refuſe to pay his, her, or their, rateable or proportionable Part or Share of the ſaid Money to be called for, after the Firſt Call as aforeſaid, at the Time and Place ſo appointed, he, ſhe, or they, ſo neglecting or refuſing, ſhall forfeit the Sum of Two Pounds for every Fifty Pounds of his, her, or their reſpective Share and Shares in the ſaid Canal, Undertaking, and Premiſes; and in caſe ſuch Perſon or Perſons ſhall neglect or refuſe to pay his, her, or their, rateable or proportionable Part or Share of the ſaid Money, to be called for as aforeſaid, for the Space of Three Calendar Months after the Time appointed for Payment thereof as aforeſaid, and at the Place ſo to be appointed for Payment thereof as aforeſaid, then he, ſhe, or they, ſo neglecting or refuſing, ſhall forfeit his, her, or their reſpective Share and Shares in the ſaid Canal, Undertaking, and Premiſes, and all the Profit and Benefit thereof, and all Money advanced by him, her, or them, to and for the Uſe and Benefit of the other Proprietors of the ſaid Canal, and all ſuch Forfeitures ſhall be ſold at a publick Sale, by the ſaid Company, for the moſt Money they can get for the ſame, and the Produce thereof ſhall be equally divided amongſt the Reſt of the ſaid Company, in Proportion to their reſpective Shares and Intereſts in the ſaid Canal and Undertaking.

Subſcribers to have Notice before their Shares are forfeited.

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

Committee to be under Controul of General Aſſemblies.

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

Books of Accounts to be Kept.

LV. And be it further enacted, That proper Books of Accounts, and other Matters relating to the ſaid Navigation and Undertaking, ſhall be kept, and that all ſuch Books and other Matters ſhall be depoſited and kept under the Direction of the Committee for the Time being, at ſuch Place or Places as the ſaid Company ſhall, from Time to Time, direct; and every Proprietor or Proprietors, at all reaſonable Times, ſhall have free

free Access to the same for his, her, or their Inspection, without Fee or Reward.

On the Death of Subscribers before Shares completed, Executors may complete the same.

LVI. And be it further enacted, That if the Owner or Owners of any Share or Shares in the said Canal shall happen to die before such Call or Calls shall have been made, for the full Sum to be advanced on any Share or Shares which he, she, or they, shall have been possessed of or entitled to, without having made Provision by Will or otherwise how or in what Manner such Share or Shares shall be disposed of, and how or by what Means the future Calls in respect thereof shall be paid to the said Company, for the Purpose of the said Canal, then and in such Case the Executors or Administrators of any such Owner so dying, or the Trustee or Trustees, Committee or Committees, of any Lunatic or Lunatics, Guardian or Guardians, of any Infant or Infants, or of any other Person or Persons entitled to the Estate and Effects of such deceased Owner, shall be indemnified against all and every such Infant or Infants, and against all and every other Person or Persons whomsoever, for or on Account of his, her, or their, having paid any Sum or Sums of Money when called for as aforesaid, to complete every such Subscription; and if such deceased Owner or Owners shall not have left Assets sufficient, or in case the Executors or Administrators, Trustee or Trustees, Committee or Committees, Guardian or Guardians, shall refuse or neglect to answer such Calls, the said Company shall be, and they are hereby authorized and required, to admit any other Person or Persons to be Proprietor or Proprietors of the Share or Shares of such deceased Owner or Owners, on Condition that he, she, or they, so admitted, do and shall, on or before such Admission, pay to the Executors or Administrators of such deceased Owner or Owners, or to the Trustee or Trustees, Guardian or Guardians, of any Infant or Infants, or to any other Person or Persons who shall or may be entitled to his, her, or their Effects, the full Sum and Sums of Money which shall have been paid by such Owner or Owners in his, her, or their Life-time, by virtue of any Call or Calls, or otherwise, upon such Share or Shares, or such other Sum or Sums of Money as the same can be sold for; and in case no Person or Persons shall be found who is or are willing to be admitted on such Condition as aforesaid, then, and in such Case, such Share or Shares shall be forfeited to and become vested in the Rest of the said Company, in Trust for and for the equal Benefit of all the Rest of the said Proprietors, in Proportion to their respective Interests in the said Canal, and shall be subject to be sold and disposed of in like Manner as other forfeited Shares may be sold and disposed of by virtue of this Act.

Shares may be disposed of.

LVII. And be it further enacted, That it shall be lawful for the several Proprietors of any Share or Shares of the said Canal and Undertaking, to sell and dispose of any such Share or Shares which he, she, or they, shall or may be entitled to therein, in Manner and subject to the Rules and Conditions herein mentioned; and any such Purchaser or Purchasers shall, for his, her, or their Security, as well as that of such Proprietor or Proprietors, have a Duplicate or Duplicates of the Deed of Assignment or Conveyance made to him, her, or them, and executed by such Person or Persons from whom he, she, or they, shall purchase the same, and also by the Purchaser or Purchasers, One Part whereof, so executed, shall be delivered to the Clerk to the said Company to be

filed

filed and kept for the Use of the said Company; and an Entry thereof shall be made in a Book or Books to be kept by the said Clerk for that Purpose, for which not more than Two Shillings and Sixpence shall be paid, and the said Clerk is hereby required to make such Entry accordingly; and until such Duplicate of such Deed shall be so delivered unto the said Clerk as aforesaid, such Purchaser or Purchasers shall have no Part or Share of the Profits of the said Navigation or Undertaking, nor any Interest paid to him, her, or them, for his, her, or their Share so purchased, or be entitled to a Vote as Proprietor or Proprietors of the said Navigation and Undertaking.

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

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

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

Form of Transfer of Shares.

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

Directions what shall be done on Alienations of Shares by Marriage or Death.

LX. And whereas much Inconvenience may arise by the frequent Change of the Right and Title to the Shares of and in the said Canal, by the Marriage and Death of Proprietors, and it may be difficult to ascertain to whom the Dividends, arising or becoming due upon such Shares, ought to be paid and do belong; be it therefore further enacted, That, before any Person or Persons who shall claim any Part or Share of the Profits of the said Canal in Right of Marriage, shall be entitled to receive the same, an Affidavit, containing a Copy of the Register of such Marriage, or the Effect of such Register, shall be made and sworn to by some credible Person before One of the Judges at *Westminster*, a Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, and shall be transmitted to the Clerk to the said Company for the Time being, who

who shall file the same, and make an Entry thereof in the Book or Books which shall be kept by the said Clerk for the entering of Transfers of Shares in the said Canal; and that before any Person or Persons, who shall claim any Part or Share of the Profits of the said Canal, by virtue of any Bequest or Will, or in a Course of Administration, shall be entitled to receive the same, the said Will, or the Probate Copy thereof, or the Letters of Administration, in case the Proprietor shall have died intestate, shall be produced and shewn to the said Clerk.

Rates of Tonnage.

LXI. And, in Consideration of the great Charge and Expence which the said Company must incur and sustain in making and maintaining the said Canal, and the Works hereby authorized to be made and maintained; be it further enacted, That it shall be lawful for the said Company from Time to Time and at all Times hereafter, to ask, demand, take, recover, and receive, to and for the Use and Benefit of the said Company, for the Tonnage and Wharfage of all Coals, Limestone, Ironstone, and Iron, which shall be navigated, carried, or conveyed, upon any Part of the said Canal, such Rates and Duties as the said Company shall think fit, not exceeding One Penny Halfpenny *per* Ton *per* Mile for every Ton of such Coals, Stone, and Iron, which shall be navigated, carried, and conveyed, upon or through any Part of the said Canal; and for the Tonnage and Wharfage of all other Goods, Wares, Merchandize, and other Matters and Things which shall be so navigated, carried, or conveyed, upon any Part of the said Canal, such Rates and Duties as the said Company shall think fit, not exceeding Two-pence *per* Ton *per* Mile for every Ton of such Goods, Wares, Merchandize, Matters, and Things, which shall be navigated, carried, and conveyed, upon or through the said Canal, and so in Proportion for any greater or less Quantity than a Ton of all such Coals, Stone, Iron, Goods, Wares, Merchandize, and other Things; and in all Cases where there shall be a Fraction of a Mile, in the Distance which any Boat, Barge, or other Vessel, shall be navigated, or pass upon the said Canal, such Fraction shall, in ascertaining the said Rates, be deemed and considered as a Mile; and that in all Cases where there shall be a less Quantity than a Ton in Weight of Lading, on any Goods, Wares, Merchandize, or other Commodities, in any Boat or other Vessel to be navigated on the said Canal, any Rate or Sum not exceeding Sixpence shall be demanded and taken by the said Company for the Tonnage and Wharfage of the same; and in order to ascertain such Distances, the said Company shall cause the said Canal to be measured, and Stones or Posts, with proper Inscriptions, to be erected and for ever after maintained on the Sides of the said Canal, at the Distance of One Mile from each other, or at such less Distance as the said Company or their Committee shall think fit.

Exemption in favour of Messrs. *Spode*'s Works.

LXII. And in Consideration that the said *Thomas Wolfe* and *Josiah Spode* have consented and agreed to take down and remove, and shall hereafter take down and remove, at their own Expence, all such Buildings belonging to them respectively as shall be necessary for making the said Canal in *Stoke-upon-Trent* aforesaid; be it enacted, That nothing herein contained shall authorize and empower the said Company to demand or take any Tolls, Rates, or Duties, on any Goods, Wares, Merchandizes, or Materials, to be carried or conveyed on the said Canal, between the said Navigation from the *Trent* to the *Mersey*, and the Works now in their respective Occupations in *Stoke-upon-Trent* aforesaid,

it having been agreed that such Goods, Wares, Merchandize, and Materials, shall be carried on that Part of the said Canal free of Tonnage.

To prevent Coals coming up the Navigation under a certain Price.

LXIII. Provided always, and be it further enacted, That no Coals shall be brought along the said Canal from *Stoke-upon-Trent* aforesaid, to be sold and consumed within *Newcastle-under-Lyme* aforesaid, or that Part of the said Parish of *Stoke-upon-Trent* mentioned and expressed in an Act of Parliament for making the Canal of Sir *Nigel Bowyer Gresley* Baronet, during the Time Sir *Nigel Bowyer Gresley*, by virtue of the said Act of Parliament, shall be under any Engagement to supply the Inhabitants of *Newcastle-under-Lyme*, or that Part of the Parish of *Stoke-upon-Trent* aforesaid, with Coals at a limited Price, save and except all such Coals as shall or may be used for manufacturing of Earthen Ware, and such Coals, during the Time of such Engagement as aforesaid, shall not there be sold at a less Price than Eight Shillings *per* Ton; and if any Person or Persons whatsoever shall, during the Time aforesaid, navigate, carry, or convey, on the said Canal from *Stoke-upon-Trent* to or towards *Newcastle-under-Lyme* aforesaid, any Coals to be used and consumed within the Town of *Newcastle* aforesaid, except such that are or may be navigated and carried thereon for the Use of such Manufacture of Earthen Ware as aforesaid, or if any Person or Persons whatsoever shall navigate, carry, or convey, on the said Canal from *Stoke-upon-Trent* aforesaid, to or towards *Newcastle-under-Lyme* aforesaid, any Coals to be used and consumed at any Manufacture of Earthen Ware as aforesaid, and shall take and receive for such Coals a less Price than Eight Shillings for each Ton or Twenty hundred Weight, each Hundred Weight to consist of Six-score Pounds Avoirdupois, or if the Owner or Owners, Occupier or Occupiers of such Earthen Ware Works, or Persons employed in or about the same, shall at any Time purchase or buy any such Coals as aforesaid, and shall not actually and *bona fide* pay at least Eight Shillings *per* Ton of the Weight aforesaid, every such Person or Persons so offending, in all or any of the Cases aforesaid, shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds, nor less than Twenty Shillings, for each Ton Weight so navigated on the said Canal as aforesaid, or bought or sold as aforesaid, as the Case may be, and so in Proportion for any greater or less Quantity than a Ton, to be paid and applied to and for the Use of the said Sir *Nigel Bowyer Gresley*, his Heirs or Assigns, and to be recovered and levied in such Manner as any other Forfeitures or Penalties are by this Act directed to be recovered and levied.

Recovery of Rates.

LXIV. And be it further enacted, That the Rates herein authorized to be demanded and taken, shall be paid to such Person or Persons, at such Place or Places, at or near to the said Canal, in such Manner and under such Regulations as the said Company, at some General or Special Assembly or Assemblies, shall direct or appoint; and in case of Denial or Neglect of Payment of any such Rates, or any Part thereof on Demand, to the Person or Persons appointed to receive the same as aforesaid, the said Company may sue for the same by Action of Debt or upon the Case, in any of His Majesty's Courts of Record; or the Person or Persons to whom such Rates ought to have been paid may, and he or they is and are hereby empowered to seize the Goods, or other Things, for or in respect whereof any such Rates ought to have been paid, or any Part thereof, and the Boat or Vessel laden therewith, and detain the same until such Payment shall be made, and also until Payment of all Arrears

of

of the ſaid Rates, which may be due from the Owner or Owners of ſuch Boat or Veſſel to the ſaid Company, together with the reaſonable Charges for ſuch Seizure and Detention; and if ſuch Goods ſhall not be redeemed within Five Days next after the Taking thereof, the ſame ſhall be appraiſed and ſold as the Law directs in Caſes of Diſtreſs for Rent; and the ſaid Company ſhall have full Power, from Time to Time, at any General Aſſembly, to lower or reduce all or any of the ſaid Rates, and again to raiſe the ſame as they ſhall think proper, not exceeding the Rates before mentioned, as often as it ſhall be deemed neceſſary for the Intereſts of the ſaid Canal.

Rates may be altered.

LXV. And be it further enacted, That if any Coals, Lime, Lime Stone, or other Goods whatſoever, which ſhall be ſo navigated, carried, or conveyed, ſhall remain upon any Wharf or Wharfs belonging to the ſaid Company for above the Space of Seven Days, then, and in ſuch Caſe, the ſaid Company ſhall be entitled to receive One Half-penny a Day for the Wharfage of every Ton of ſuch Coals, Lime, Lime Stone, Goods, Wares, and Merchandize.

Payment of Wharfage.

LXVI. And be it further enacted, That it ſhall be lawful for the ſaid Company, and they are hereby authorized and empowered at any of their General Aſſemblies, by Writing under their Common Seal, at any Time or Times, to let to farm the Rates hereby made payable, or any Part or Parts thereof, upon the Whole or any Part or Parts of the ſaid Canal, unto any Perſon or Perſons, for any Term or Time they ſhall think proper, not exceeding Three Years from the Commencement of any Leaſe; and every ſuch Leaſe ſhall be valid and effectual, and the Leſſee or Leſſees thereof, and alſo ſuch Perſon or Perſons as ſuch Leſſee or Leſſees ſhall appoint to collect and receive the Rates ſo let, ſhall, during the Continuance of every ſuch Leaſe, be deemed Collectors of the Rates ſo let, and ſhall have the ſame Power and Authority for collecting and recovering the ſame, as if they had been appointed for that Purpoſe by the ſaid Company, provided publick Notice of the Intention to let the ſaid Rates, or any Part thereof, be given in Writing by the ſaid Committee, or any Five or more of them, or the Clerk to the ſaid Company, by Advertiſement publiſhed in ſuch Newſpaper as aforeſaid, at leaſt Twenty-one Days prior to any ſuch General Aſſembly, at which the ſaid Rates, or any Part thereof, are propoſed to be let as aforeſaid.

Company empowered to leaſe the Rates.

LXVII. And for the better aſcertaining and more eaſily collecting the ſaid Rates, be it further enacted, That the Maſter, Owner, or Manager, or Perſon or Perſons having the Care of any Boat, Barge, or other Veſſel, navigating upon the ſaid Canal, or any Part thereof, ſhall give an exact and true Account in Writing, ſigned by him or them, to the Collectors of the ſaid Rates, at the Place or Places where they ſhall attend for that Purpoſe, of what Quantity of Goods ſhall be in or belong to ſuch Boat, Barge, or other Veſſel, from whence brought, and where the ſame are intended to be landed; and if the Goods contained in ſuch Boat, Barge, or other Veſſel, ſhall be liable to the Payment of different Rates, then ſuch Maſter, Owner, or Perſon or Perſons, ſhall ſpecify the Quantities liable to the Payment of each Rate; and in caſe any ſuch Perſon ſhall neglect or refuſe to give ſuch Account, or to produce his Bill of Lading to any ſuch Collector demanding the ſame, or ſhall give a falſe Account, or ſhall deliver

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

deliver any Part of his Lading or Goods at any other Place than what is or are mentioned in such Account, with Intent to avoid the Payment of the said Rates, or any Part of them, he shall forfeit and pay the Sum of Ten Shillings for every Ton of Goods and other Things, and so in Proportion for any less Quantity than a Ton, which shall be in any such Boat, Barge, or other Vessel, respectively, of which such Account shall be so refused to be given, or of which such false Account shall be given, or which shall be fraudulently delivered out as aforesaid, as the Case shall happen to be, over and above the respective Rates directed to be paid for the same by virtue hereof.

Weight of Tonnage, &c. ascertained.

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

If any Difference concerning Weight, Collectors may weigh or measure Boats, &c.

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

Navigation to be free upon Payment of Rates.

LXX. And be it further enacted, That all Persons whosoever shall have free Liberty to use with Horses, Cattle, and Carriages, the Roads, Ways, and Passages, (except the Towing Paths), to be made by virtue of this Act, for the Purpose of conveying any Timber, Goods, Wares,

Merchandize, and other Things, to or from the ſaid Canal, and every Part thereof, without paying any Thing for the Uſe of ſuch Roads, Ways, and Paſſages, and alſo to navigate and paſs upon, and uſe the ſaid Canal with any Boats or Veſſels capable of paſſing through the Locks, and to employ the ſaid Wharfs and Quays for loading and unloading ſuch Merchandize, Timber, and other Goods and Things, and alſo to uſe the ſaid Towing Paths with Horſes and other Cattle, for haling and drawing ſuch Boats and Veſſels, upon Payment of ſuch Rates as ſhall be demanded by the ſaid Company, not exceeding the reſpective Sums herein mentioned, and ſubject to the Rules and Regulations which ſhall be from Time to Time made by the ſaid Company by virtue of the Powers herein granted.

Veſſels under 15 or 10 Tons, not to paſs Locks without Conſent of Proprietors.

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

Regulations of Veſſels paſſing Locks.

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

whether it was or was not a dry Seaſon at the Time of ſuch Offence committed, ſuch Queſtion ſhall be determined by the ſaid Commiſſioners, or by any One or more Juſtice or Juſtices of the Peace.

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

LXXIII. And be it further enacted, That if any Lock Keeper, Wharfinger, or other Servant belonging to the ſaid Company, ſhall give any Preference, or ſhew Partiality, to any Boat, Barge, or other Veſſel, in paſſing through any Lock or Locks upon the ſaid Canal, or in loading or unloading any Goods or other Things at any of the Wharfs, Warehouſes, Weigh Beams, Cranes, and other Machines, belonging to the ſaid Company, every Perſon ſo offending ſhall forfeit and pay any Sum not exceeding Twenty Shillings to the Informer.

Maſters to put their Names on Outſide of their Boats.

LXXIV. And, for the better Regulation of Maſters of Boats, Barges, and other Veſſels, and Boatmen, and others employed by or under them, and for the more eaſy Detection of any Thing by them done contrary to the Directions of this Act, be it further enacted, That every Owner, Maſter, or Perſon having the Management or Command of any Boat, Barge, or other Veſſel, paſſing upon the ſaid Canal, ſhall cauſe his or her Name and Place of Abode, and the Number of his or her Boat, Barge, or other Veſſel, to be entered with the Clerk to the ſaid Company, and ſhall alſo cauſe ſuch Name and Number to be painted in large White Capital Letters and Figures on a Black Ground, Six Inches high at the leaſt, and of a proportionable Breadth, on the Outſide of the Head or Stern of every ſuch Boat, Barge, or other Veſſel, higher than the Place to which the ſame ſhall ſink into the Water when full laden; and alſo ſhall and is hereby required to fix on each Side thereof reſpectively correct Indexes of Copper, Lead, or other Metal, or otherwiſe, of ſuch graduated Dimenſions, and of ſuch convenient Height, and under ſuch Regulations, as the ſaid Company ſhall from Time to Time direct, ſo that the true Weight of the Lading on Board may at all Times be thereby aſcertained and ſhewn; and ſhall permit and ſuffer every ſuch Boat, Barge, or other Veſſel, to be gauged or meaſured, at the Expence of the ſaid Company, whenever it ſhall be required by them, or any Perſon or Perſons appointed for that Purpoſe, provided that no ſuch Veſſel ſhall be gauged or meaſured more than Four Times in any One Year; and every Owner, Maſter, or other Perſon having the Management or Command of any Boat, Barge, or other Veſſel, and who ſhall navigate the ſame upon the ſaid Canal without having ſuch Name, Figures, and Index, thereon as herein-before directed, or ſhall alter, eraſe, deface, or deſtroy, the ſame, or any Part thereof, or ſhall fix any falſe Name, Figures, or Index, or who ſhall refuſe to permit and ſuffer the ſame to be gauged and meaſured, ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds, nor leſs than Forty Shillings.

Weight of the Lading of Veſſels to be marked;

and Veſſels to be gauged.

Maſters or Owners of Boats anſwerable for Damages.

LXXV. And be it further enacted, That the Maſter or Owner of any Boat, Barge, or other Veſſel, navigating upon the ſaid Canal, ſhall be and is hereby made anſwerable for any Damage, Spoil, or Miſchief, that ſhall be done by his or her Boat, Barge, or other Veſſel, or any of the Boatmen, Watermen, or others belonging to or employed in or about the ſame reſpectively, unto any of the Bridges, Weirs, Locks, Banks, Dams, Engines, or other Works, in, upon, or belonging to, the ſaid Canal, or any of the Trenches, Tunnels, Aqueducts, Sluices, and Paſſages, to be made as aforeſaid, or by loading or unloading any Boat, Barge, or other Veſſel, and for any Treſpaſs or Damage that ſhall or

may be done to the Owners or Occupiers of any Buildings, Erections, Lands, Tenements, or other Property adjoining or lying near to the ſame, or any of them, or any other Treſpaſs whatſoever, contrary to the ſeveral Directions and Reſtrictions in this Act contained, or any of them; and the ſaid Maſter or Owner of ſuch Boat, Barge, or other Veſſel, ſhall, for every ſuch Damage, upon Conviction of ſuch Perſon or Perſons before any Juſtice of the Peace, either by the Confeſſion of the Party or Parties offending, or upon the Oath or Oaths of One or more credible Witneſs or Witneſſes, (which Oath or Oaths ſuch Juſtice is hereby empowered and required to adminiſter), pay to the Perſon or Perſons injured, the Damages to be aſcertained by ſuch Juſtice, provided that ſuch Damages do not exceed the Sum of Five Pounds, and alſo ſhall, over and above ſuch Damages, forfeit and pay to the Informer any Sum not exceeding Twenty Shillings, nor leſs than Ten Shillings, and all Coſts, Charges, and Expences, attending ſuch Conviction; which Damages, Penalties, and Coſts, ſhall be levied by Diſtreſs and Sale of the Goods and Chattels of the Maſter, or Owner or Owners, of ſuch Boat, Barge, or other Veſſel, by Warrant or Warrants under the Hand and Seal of ſuch Juſtice, and the Overplus (if any) after ſuch Penalty, Damages, and the Coſts and Charges of ſuch Diſtreſs and Sale, are deducted, ſhall be returned, upon Demand, to the Maſter, or Owner or Owners, of ſuch Goods and Chattels; or if the ſaid Damages ſhall exceed the Sum of Five Pounds, then and in ſuch Caſe the Maſter, or Owner or Owners, of ſuch Boat, Barge, or other Veſſel, ſhall and may be ſued and proſecuted for the ſame in any Court of Record at *Weſtminſter*, and if found guilty, or a Verdict paſs againſt him or her, or Judgement be given againſt him or her upon Demurrer or by Default, the Plaintiff in ſuch Caſe ſhall recover his Damages thereby ſuſtained, with full Coſts of Suit.

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

LXXVI. And be it further enacted, That in caſe the Owner or Owners of any Boat, Barge, or other Veſſel, navigating on the ſaid Canal, 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 or Satisfaction to ſuch Owner or Owners, and in caſe of Non-payment upon Demand thereof, and Oath made by ſuch Owner or Owners of the Payment by him or them of ſuch Penalty or Satisfaction, and that the ſame hath not been repaid to him or them by ſuch Servant, although demanded, (ſuch Oath to be made before One Juſtice of the Peace), the ſame Penalty and Satisfaction ſhall be levied by Warrant under the Hand and Seal of ſuch Juſtice, by Diſtreſs and Sale of the Goods and Chattels of ſuch Servant, together with all Coſts and Charges attending ſuch Diſtreſs and Sale, and the ſaid Penalty and Satisfaction, when recovered, ſhall be paid to ſuch Owner or Owners, in Diſcharge of ſuch Penalty and Satisfaction ſo by him or them paid, for the wilful Act or Default of ſuch Servant as aforeſaid; and in caſe no ſufficient Diſtreſs can be had, ſuch Juſtice of the Peace ſhall, and is hereby required to commit ſuch Servant to the Common Gaol or any Houſe of Correction for the ſaid County, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months.

Works damaged by the Floods to be

LXXVII. And whereas it may happen from Floods, or from ſome unexpected Accidents, that the Locks, Weirs, Flood Gates, Dams, Banks, Reſervoirs,

repaired by the Company.

Reſervoirs, Trenches, or other Works of the ſaid Navigation, may be damaged or deſtroyed, and the adjacent Lands and Property thereon thereby damaged, and that it may be neceſſary the ſame ſhould be immediately repaired or rebuilt, to prevent further Damages; be it therefore further enacted, That when and as often as any ſuch Caſe may happen, it ſhall be lawful for the ſaid Company, from Time to Time, or for their or any of their Servants, Agents, or Workmen, without any Delay or Interruption from any Perſon or Perſons whomſoever, to enter into any Lands, Grounds, or Hereditaments, adjoining or near to the ſaid Canal, Reſervoirs, or Trenches, or any of them, (not being the Ground whereon any Houſe ſtands, nor being an Orchard, Yard, Garden, Park, Paddock, Planted Walk, Nurſery for Trees, or Avenue to a Houſe), and to dig for, work, get, and carry away and uſe all ſuch Stones, Gravel, and other Materials as may be neceſſary or proper for the Purpoſes aforeſaid, without any previous Treaty whatſoever, with the Owner or Owners, Occupier or Occupiers of, or other Perſon or Perſons intereſted in, ſuch Lands, Grounds, or Hereditaments, or any of them, doing as little Damage thereby as the Nature of the Works will admit of, and making Recompence for ſuch Damages to the Owners and Occupiers of, or other Perſons intereſted in, ſuch Lands, Grounds, Property, or Hereditaments, within the Space of Six Calendar Months next after the ſame ſhall be demanded, for all Damages which ſhall or may be done by Means of the digging for, getting, working, taking, carrying away, and uſing, ſuch Stones, Gravel, and Materials, or any of them, which Damages, and the Satisfaction and Recompence in reſpect thereof, ſhall be ſettled, adjuſted, aſſeſſed, aſcertained, and determined, by the Ways and Means herein preſcribed with reſpect to other Damages done by the making and completing the ſaid Navigation.

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

LXXVIII. And, to the End that the ſaid Canal may be carried on with as little Damage to private Property as poſſible, be it further enacted, That the ſaid Company ſhall, and they are hereby required, at their own proper Coſts and Charges, to make or cauſe to be made ſuch Arches, Tunnels, Culverts, Drains, or other Paſſages, over, under, by the Side of, or into, the ſaid Canal, and the Trenches, Streams, and Watercourſes communicating therewith, and the Towing Paths on the Sides thereof reſpectively, of ſuch Depth, Breadth, and Dimenſions, as ſhall be ſufficient at all Times to convey the Water clear from the Lands adjoining or lying near to the ſaid Canal, without obſtructing or impounding the ſame, and alſo to make, or cauſe to be made, ſuch Back Drains as may be neceſſary, and ſhall be ſufficient to carry off any Water which may ooze or paſs through any of the Banks of the ſaid Canal, or any of them, to the Prejudice of any of the Lands or Grounds contiguous thereto; and alſo to make proper Watering Places for Cattle in all Places where, by Means of the ſaid Canal, the Cattle of any Perſon or Perſons occupying Lands adjacent to the Canal ſhall be deprived of their ancient Watering Places, and to ſupply the ſame with Water out of the ſaid Canal if neceſſary; and that all ſuch Bridges, Arches, Tunnels, Culverts, Drains, and other Paſſages, ſhall, from Time to Time, be ſupported and kept in good and ſufficient Repair by the ſaid Company; and if at any Time after Notice in Writing ſhall, by or on the Behalf of any of the ſaid Owners or Occupiers of Lands adjoining or lying near to the ſaid Canal, be given to the ſaid Company, or to their Clerk, known.

and Watering Places for Cattle.

Agent

Agent or Collector, that the said Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages, or any of them, is or are not made, cleansed, and repaired, according to the true Intent and Meaning of this Act, it shall be lawful for any Person or Persons to apply for and obtain an Order in Writing from the said Commissioners, from Time to Time as often as there shall be Occasion, (and the said Commissioners are hereby authorized and required, at their Discretion, to grant such Order as aforesaid), enabling such Person or Persons to cleanse and repair such Arches, Tunnels, Culverts, Drains, or other Passages accordingly, and the reasonable Expences thereof, (to be ascertained by the said Commissioners), shall be defrayed by the said Company; and in case of Neglect or Refusal to satisfy and defray such Expences, for the Space of Three Calendar Months after Demand thereof made upon the said Company or upon their Clerk or known Agent or Collector, such Expences shall and may be recovered and levied in such Manner as any other Money is by this Act directed to be recovered from the said Company: Provided always, that such Owner or Occupier of the said contiguous or adjoining Lands shall, at the Time of making such Complaint, have his or her respective Ditches, Drains, Passages for Water, and Watercourses, leading to or from the Drains, Culverts, and Passages of the said Canal, and each and every of them, sufficiently cleansed and open to convey Water into the same; and provided also, that nothing herein contained shall extend to enforce the admitting of any Water arising from Floods into the said Canal which may injure the Navigation thereof.

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

LXXIX. And be it further enacted, That the said Company shall and they are hereby required, at their own proper Charges, after any Land shall be taken for the Use of the said Canal, Cuts, Aqueducts, Trenches, and Towing Paths, to divide and separate, and keep constantly divided and separated, the Towing Paths on the Sides of the said Canal, and the Trenches, Feeders, or Passages, as shall be found necessary by the said Commissioners, from the Lands or Grounds adjoining to such Towing Paths, Trenches, Feeders, or Passages, with good and sufficient Posts, Rails, Hedges, Ditches, Mounds, or other Fences, and shall, at their own Costs and Charges, from Time to Time maintain and support the said Towing Paths, and the said Posts, Rails, Hedges, Ditches, Mounds, and other Fences so to be made as aforesaid, as the said Commissioners shall from Time to Time judge necessary and appoint; and the said Company shall also, at their own Charges, make, erect, and set up, and from Time to Time maintain and support such and so many convenient Gates and Stiles in and through the Hedges and Fences to be by them so made on the Sides of such Towing Paths as aforesaid, and also such Bridges, Arches, Culverts, Drains, and Passages, over, under, and by the Side of, or into the said Canal, and the Feeders, Trenches, and Aqueducts communicating therewith, and the Towing Paths on the Sides thereof, of such Dimensions, and in such Manner as the said Commissioners shall from Time to Time judge necessary and appoint; and that the said Company of Proprietors shall not make the said Canal, or any Feeder, Trench, or Watercourse, in or across any Common Highway, publick Bridleway, or Footpath, until they shall, at their own proper Charges, have made and perfected such Bridges, Passages, or Arches, across such Highway, Bridleway, or Path, of such Dimensions and in such Manner as the said Commissioners shall think proper; and all such Gates, Stiles, Bridges, Arches, and other Works and Conveniences

ſo to be made, ſhall from Time to Time be ſupported, maintained, and kept in ſufficient Repair by the ſaid Company.

Swivel and Draw Bridges to be ſhut and faſtened after Veſſels ſhall have paſſed through them on Penalty.

LXXX. And be it further enacted, That if any Swivel Bridge or Draw Bridge ſhall be laid over or acroſs the ſaid Canal, or any Cuts, Trenches, or Paſſages to be made by virtue of this Act, all and every Perſon or Perſons opening any ſuch Swivel Bridge or Draw Bridge ſhall, and he and they is and are hereby required and directed, ſo ſoon as any Veſſel ſhall have paſſed any ſuch Bridge, to ſhut and faſten the ſame, and every Perſon neglecting ſo to do, ſhall forfeit and pay, for every ſuch Offence a Sum not exceeding Five Pounds, nor leſs than Forty Shillings; and in caſe ſuch Bridge ſhall be left open longer than neceſſary for the Paſſage of any Veſſel as aforeſaid, through the Neglect or Careleſſneſs of any Perſon belonging to any ſuch Veſſel, then the Maſter or Owner of ſuch Veſſel ſhall forfeit and pay, for every ſuch Offence, any Sum not exceeding Five Pounds, nor leſs than Forty Shillings, on due Proof being made before any Juſtice of the Peace; and if any Perſon or Perſons ſhall wilfully open any ſuch Draw Bridge or Swivel Bridge when no Veſſel is to paſs through the ſame, ſo as to interrupt a free Paſſage for Travellers, Cattle, or Carriages, ſuch Perſon or Perſons, being convicted thereof in the Manner aforeſaid, ſhall forfeit and pay any Sum not exceeding Five Pounds, nor leſs than Twenty Shillings, at the Diſcretion of ſuch Juſtice of the Peace, which ſaid Forfeiture or Forfeitures ſhall be levied and recovered in the ſame Manner as any other Penalty or Forfeiture is by this Act directed to be levied and recovered; and the Money ariſing by ſuch Forfeiture or Forfeitures ſhall be applied in the Manner following, that is to ſay, One Half thereof ſhall be paid to the Informer, and the other Half to the Poor of the Townſhip or Pariſh where ſuch Offence ſhall be committed, any Thing herein contained to the contrary notwithſtanding.

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

LXXXI. And be it further enacted, That in caſe the ſaid Company ſhall refuſe or neglect to make, erect, and ſet up, ſuch Fences on the Sides of the ſaid Towing Paths or Banks, and alſo ſuch Gates and Stiles in and through the Fences on the Sides of the ſaid Towing Paths, or ſuch Bridges, Arches, Tunnels, Culverts, Drains, or other Paſſages, over, under, or by the Side of, or into the ſaid Canal, and the ſaid Trenches, Streams, and Watercourſes as aforeſaid, or to make ſuch Watering Places for Cattle as herein directed, or to repair, maintain, and ſupport, ſuch Gates, Stiles, Bridges, Paſſages, Arches, Culverts, and Watering Places, when erected, ſet up, and made, of ſuch Dimenſions, of ſuch Materials, and in ſuch Manner as aforeſaid, for the Space of Twelve Calendar Months next after the reſpective Times to be appointed for thoſe Purpoſes by the ſaid Commiſſioners, or after Notice ſhall be given by or on Behalf of the Owners or Occupiers of any ſuch Lands, Grounds, Mills, or Hereditaments, who ſhall find themſelves aggrieved by any ſuch Refuſal or Neglect, it ſhall be lawful for any ſuch Owners or Occupiers to make, erect, and ſet up, ſuch Fences, Gates, Stiles, Bridges, Paſſages, Arches, Culverts, Watering Places, and other Conveniences as aforeſaid, as the ſaid Commiſſioners ſhall have before directed or appointed to be made, erected, and ſet up, by the ſaid Company 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 Aque-

ducts belonging thereto, ſhall not be ſtopped or injured for any longer Space of Time, or in any other Manner than is abſolutely neceſſary for the doing thereof, and all the reaſonable Expence thereof, together with the Coſts and Charges attending the ſame (to be ſettled and allowed by the ſaid Commiſſioners) ſhall be repaid to ſuch reſpective Owners or Occupiers as aforeſaid, by the ſaid Company, within the Space of Six Calendar Months next after the ſame ſhall have been ſo ſettled and allowed, and an Account and Demand ſhall have been made and delivered thereof, and in Default of ſuch Payment, the ſaid Commiſſioners ſhall, and they are hereby required, by Warrant under their Hands and Seals, to cauſe the ſame to be levied by Diſtreſs and Sale of the Goods and Chattels of the ſaid Company, and to be paid to ſuch reſpective Owners or Occupiers as aforeſaid, rendering to the ſaid Company, or to ſome of their Agents, the Overplus (if any) after deducting the reaſonable Charges of making ſuch Diſtreſs and Sale; or otherwiſe, ſuch Owners or Occupiers reſpectively ſhall and may ſue for and recover the ſame againſt the ſaid Company by Action of Debt, in any of His Majeſty's Courts of Record at *Weſtminſter*.

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

LXXXII. Provided always, and be it further enacted, That if the Owners or Occupiers of any Lands or Hereditaments through which the ſaid Canal ſhall be made, do or ſhall at any Time or Times find that any of the Gates, Stiles, Bridges, Paſſages, Arches, Culverts, Tunnels, Drains, or other Paſſages, over, under, or by the Side of the ſaid Canal, or the Towing Paths, Aqueducts, or Feeders belonging thereto, or any ſuch Watering Places and other Conveniences, which the ſaid Commiſſioners ſhall have directed or appointed to be made by the ſaid Company as aforeſaid are inſufficient, either in the Number or Situation, for the commodious Uſe and Occupation of their reſpective Lands, Grounds, Mills, or Hereditaments, then and in every ſuch Caſe it ſhall be lawful for any of ſuch Owners or Occupiers, with the Conſent and Approbation of the Committee of the ſaid Company, upon Requeſt made to them for that Purpoſe, or in caſe of their Refuſal for the Space of Three Calendar Months after ſuch Requeſt, then, with the Conſent and Approbation of the ſaid Commiſſioners, to make, fix, and erect, at their own Coſts and Charges, ſuch Gates, Stiles, Bridges, Paſſages, Arches, Culverts, Watering Places, or other Conveniences, of the ſame or the like Conſtruction and Materials with thoſe made and erected by the ſaid Company, in ſuch Places as ſhall be found and judged moſt neceſſary and convenient for the better Uſe or Occupation of ſuch Lands, and to repair and ſupport the ſame at their own like Coſts and Charges, as Occaſion ſhall require, ſo as the Navigation of the ſaid Canal be not prevented or obſtructed thereby for any longer Space of Time, or in any other Manner, than the ſame will neceſſarily be by any of the other Gates, Stiles, or Bridges, or other Conveniences aforeſaid, to be made or erected in or over the ſame Cut or Canal, by the ſaid Company as aforeſaid.

Lords of Manors and Land Owners may erect Warehouſes, *etc.* on their Lands.

LXXXIII. And be it further enacted, That any Lord or Lords, Lady or Ladies, of any Manor, and the Owner or Owners of any Lands or Grounds through which the ſaid Canal ſhall be made, may erect or uſe any Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouſes, in or upon their reſpective Lands, Grounds, or Waſtes, adjoining or near to the ſaid Canal, and may land any Goods or other Things upon ſuch Wharfs, Quays, Landing Places, or upon the Banks lying between

between the ſame and the ſaid Canal, and alſo may make and uſe proper and convenient Places for Boats and other Veſſels to lie in, turn, and paſs by each other, ſo that the making or uſing thereof do not obſtruct or damage the Navigation of the ſaid Canal, or any Towing Path, Wharf, Quay, or Landing Place, on the Sides thereof; and all Rates that ſhall be paid for the Uſe and Benefit of the ſaid Wharfs, Quays, Landing Places, Cranes, Weigh Beams, and Warehouſes reſpectively, ſhall be, and the ſame are hereby veſted in the Lord or Lords, Lady or Ladies, of ſuch Manor, or the Owner or Owners of ſuch Lands or Grounds, who ſhall make and erect the ſame as aforeſaid.

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

LXXXIV. Provided always, That if at any Time after the ſaid Canal ſhall become navigable, it ſhall be deemed expedient to make other public Wharfs, Quays, or Landing Places, in Addition to thoſe then made, and the Lord or Lords, Lady or Ladies, Owner or Owners of the Lands or Grounds where it is deemed expedient to make the ſame reſpectively, 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, that any Part of ſuch Lands, Grounds, or Waſtes, is neceſſary or proper to be uſed by them for the Purpoſe of erecting Warehouſes and Buildings for the Uſe of the ſaid Navigation, or for making and laying out neceſſary and convenient Roads for the Conveyance of Goods to and from the ſaid Canal, make, erect, and lay out, and from Time to Time maintain and keep in good and ſubſtantial Repair, ſuch proper and ſufficient Warehouſes, Buildings, and Roads, for the Uſe of the ſaid Navigation, as the ſaid Commiſſioners ſhall think neceſſary, on the reſpective Parts of the Lands or Grounds deſcribed in ſuch Notice, that then the ſaid Company ſhall have full Power and Authority, without any Hindrance or Reſtraint whatſoever, to make uſe of any ſuch Lands, Grounds, or Waſtes, for erecting and building proper and ſufficient Warehouſes and Buildings, and making and laying out neceſſary and convenient Roads to and from the ſaid Canal, agreeable to ſuch Notice as aforeſaid, firſt making Satisfaction for the ſame, in ſuch Manner as is directed with reſpect to other Lands or Grounds which ſhall be taken or uſed for the Purpoſes of this Act.

Rates of Tonnage on private Wharfs.

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

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

LXXXVI. Provided likewiſe, and be it further enacted, That nothing herein contained ſhall authorize or impower the ſaid Company, 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 Cranes or Weighing Machines, in or upon any ſuch Wharf, Quay, or Landing Place; any Thing herein-before contained to the contrary notwithſtanding.

Company of Proprietors or Committee to regulate the Navigation.

LXXXVII. And be it further enacted, That all Boats, Barges, or other Veſſels, ſailing or being haled or navigated upon the ſaid Canal, ſhall, upon meeting any other Boat, Barge, or Veſſel, ſtop at, or go back to, and lie in the Places to be provided for that Purpoſe as aforeſaid, in ſuch Manner as the ſaid Company, or the ſaid Committee, ſhall from Time to Time direct and appoint; and it ſhall be lawful for the ſaid Company, from Time to Time, to make ſuch Rules and Regulations as they ſhall think proper, for or relating to the paſſing of any Locks to be made by virtue of this Act, with any Boats, Barges, or other Veſſels, and all ſuch Rules and Regulations ſhall be binding upon, and be conformed to by the Owners or Perſons having the Care or Conduct of ſuch Boats, Barges, or other Veſſels, upon Pain of forfeiting a Sum not exceeding Five Pounds, nor leſs than Forty Shillings, for every Default; and if any Boat, Barge, or other Veſſel, ſhall be placed or ſuffered to remain in any Part of the ſaid Canal, ſo as to obſtruct the Navigation thereof, and the Perſon having the Care of ſuch Boat, Barge, or other Veſſel, ſhall not immediately, upon Requeſt made, remove ſuch Boat, Barge, or other Veſſel, he ſhall for every ſuch Offence forfeit any Sum not exceeding Five Pounds, nor leſs than One Shilling, for every Hour ſuch Obſtruction ſhall continue after the making of ſuch Requeſt; and it ſhall be lawful for any Agent or Officer to the ſaid Company to cauſe any ſuch Boat, Barge, or other Veſſel, to be unloaded, if neceſſary, and to be removed in ſuch Manner as ſhall be proper for preventing ſuch Obſtruction, and detain ſuch Boat, Barge, or other Veſſel, and the Loading thereof, or any Part of ſuch Loading, until the Charges occaſioned by ſuch Removal ſhall be paid; and if any Boat, Barge, or other Veſſel, ſhall be ſunk in the ſaid Canal, or any Sluice, Tunnel, or Trench aforeſaid, and the Owner or Perſon having the Uſe or Care of ſuch Veſſel, ſhall not without Loſs of Time weigh or draw up the ſame, it ſhall be lawful for the Agents and Servants of the ſaid Company, or any of them, to cauſe ſuch Boat, Barge, or other Veſſel, to be weighed or drawn up, and to detain and keep the ſame until Payment be made of all the Expences neceſſarily occaſioned relating thereto, and if ſuch Payment ſhall not be made within the Space of Five Days, then it ſhall be lawful for the ſaid Company to ſell and diſpoſe of ſuch Boat, Barge, or other Veſſel, with the Loading thereof, in ſuch Manner as the Law directs in Caſes of Diſtreſs for Rent in Arrear, rendering to the former Owner of ſuch Boat, Barge, or other Veſſel, the Overplus, after ſuch Expences, and the Charges of ſuch Sale, ſhall be deducted.

Boats ſunk to be weighed up.

Penalty on Perſons overloading and obſtructing the Navigation;

LXXXVIII. And be it further enacted, That if any Perſon ſhall float any Timber upon the ſaid Canal, or ſhall ſuffer the Loading of any Boat, Barge, or other Veſſel, to lie over the Sides of any ſuch Boat, Barge, or other Veſſel, or ſhall overload any Boat, Barge, or other Veſſel, navigated in or upon the ſaid Canal, ſo as to obſtruct the Paſſage of any other Boat, Barge, or Veſſel, and ſhall not immediately, upon Notice given to him for that Purpoſe, remove ſuch Obſtruction, or if any Perſon ſhall throw

any Ballaſt, Gravel, Stones, or Rubbiſh, into any Part of the ſaid Canal; or any Trenches or Watercourſes to be made by virtue of this Act;

and on opening Locks, &c.

or if any Perſon or Perſons ſhall wantonly, careleſsly, or negligently, open or cauſe to be opened, any Lock Gate, or any Paddle, Valve, or Clough, belonging to any Lock to be erected in the ſaid Canal, or ſuffer any Boat, Barge, or other Veſſel, to ſtrike or run upon any of the Bridges or Locks thereof, or ſhall wilfully fluſh or draw off the Water from any Part of the ſaid Canal, or ſhall leave any of the ſaid Valves or Cloughs open and running after any Boat, Barge, or other Veſſel, ſhall have paſſed any ſuch Lock, every Perſon ſo offending ſhall forfeit and pay, for every ſuch Offence, any Sum not exceeding Five Pounds, nor leſs than Forty Shillings; and if any Perſon ſhall wilfully, maliciouſly, and to the Prejudice of the ſaid Navigation, break, throw down, damage, or deſtroy any Banks or other Works to be erected and made by virtue of this Act, or do any other wilful Hurt or Miſchief to obſtruct, hinder, or prevent the carrying on, completing, ſupporting, and maintaining the ſaid intended Navigation by virtue of this Act, every Perſon offending, and being thereof lawfully convicted, ſhall be ſubject and liable to the like Pains and Penalties as in Caſes of Felony, and the Court by and before whom ſuch Perſon ſhall be tried and convicted, ſhall have Power and Authority to cauſe ſuch Perſon to be puniſhed in like Manner as Felons are directed to be puniſhed by the Laws or Statutes of this Realm; or, in Mitigation of ſuch Puniſhment, ſuch Court may, if they ſhall 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 of *Stafford*, or the Place where ſuch Offence ſhall be committed, ſhall forfeit any Sum not leſs than double the Value of the Damage proved on Oath to be done, at the Diſcretion of ſuch Juſtice or Juſtices, ſuch Penalty, together with reaſonable Coſts, to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Offender, rendering the Overplus (if any) to ſuch Offender, or ſuch Offender ſhall and may be committed to the Common Gaol for the ſaid County of *Stafford*, or Place where ſuch Offence ſhall happen, for any Time not exceeding Six Calendar Months, at the Diſcretion of the Juſtice or Juſtices before whom ſuch Offender ſhall be convicted; provided that nothing herein contained ſhall extend to any Owner of Land, or his or her known Agent or Agents, till Satisfaction ſhall have been tendered as hereby provided.

Puniſhing Perſons wilfully deſtroying Works.

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

LXXXIX. And be it further enacted, That the ſaid Canal, or any of the Works to be made by virtue of this Act, ſhall not be ſubject to the Controul, Direction, Survey, or Order of any Commiſſion of Sewers, or to any Law or Statute relating to Sewers whatſoever; and the ſaid Company ſhall or may from Time to Time, and at all Times hereafter, be rated and charged to all Parliamentary and Parochial Taxes, Rates, and Aſſeſſments for or on account of any Lands or Grounds to be purchaſed or taken, or of any Warehouſes or other Buildings to be erected by them in purſuance of this Act, in the ſame Proportion as other Lands, Grounds, and Buildings, adjoining to or lying near the ſame, are or ſhall be rated and charged; but it ſhall be lawful for the ſaid Company to agree with any Owner or Owners of any Lands or Hereditaments, of ſufficient yearly Value, adjoining or lying near to the Lands or Hereditaments to be purchaſed or taken for the Purpoſes of this Act, for an Exemption from all Rates and Taxes in reſpect of ſuch laſt-mentioned Lands and

Hereditaments, and for charging the ſame upon the adjoining Lands and Hereditaments of the Perſon or Perſons from whom any Lands or Hereditaments ſhall be ſo purchaſed or taken for the Purpoſes of this Act, and in all ſuch Caſes, all the Parochial and other Taxes, Rates, Charges, and Aſſeſſments, which might be thereafter charged upon or payable in reſpect of the Lands or Hereditaments to be ſo purchaſed or taken for the Purpoſes of this Act, ſhall be rated and charged upon ſuch adjoining Lands, and upon the Owners and Occupiers thereof, and the Lands and Hereditaments to be purchaſed for the Purpoſes of this Act, ſhall be exempted and diſcharged therefrom.

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

XC. And be it further enacted and declared, That the Lord and Lords, Lady and Ladies, and Owner and Owners, of all and every Manor or Manors through which the ſaid Canal, or in or upon which any Reſervoir, Sluice, or Tunnel, ſhall be made, ſhall have and be entitled to the Right of Fiſhery of and in ſo much of the ſaid Canal, Reſervoirs, Trenches, and Sluices, as ſhall be made over and through the Common or Waſte Lands, within his, her, or their Manor or Manors, and alſo in, over, and through any other Lands or Grounds lying within any ſuch Manor or Manors wherein ſuch Lord or Lords, Lady or Ladies, or Owner or Owners, now have or hath, or is or are entitled to the Right of Fiſhery in the Ponds and Waters now being in ſuch laſt-mentioned Lands or Grounds reſpectively, and that the Owner or Owners of all other Lands or Grounds through which the ſaid Canal ſhall be made, ſhall alſo have and be entitled to the Right of Fiſhery of and in ſo much of the ſaid Canal, Reſervoirs, Trenches, and Sluices, as ſhall be made in, over, or through his, her, or their Lands or Grounds reſpectively, ſo as in the Uſe and Exerciſe of the ſaid Right of Fiſhery the ſaid Canal, Reſervoirs, Trenches, or Sluices, and the Towing Paths, Banks, or other Works, and Conveniencies, hereby authorized to be made, ſhall not be prejudiced or obſtructed, or any Water drained or exhauſted from or out of the ſaid Canal, Reſervoirs, Trenches, or Sluices, and ſo as the ſaid Company, 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, Reſervoirs, Trenches, or Sluices, which ſhall be taken, killed, or deſtroyed, through or by means of the letting off the Water out of the ſaid Canal, Reſervoirs, Trenches, or Sluices, for the Purpoſes of the ſaid Navigation; and that it ſhall be lawful for the Lord or Lords, Lady or Ladies, of ſuch Manor or Manors, and the Owner or Owners of ſuch Ground, being qualified by Law ſo to do, to take and kill Game upon ſo much of the Canal, Trenches, Sluices, Towing Paths, and other Lands or Grounds to be ſet out for the Uſe of the ſaid Navigation, as ſhall be made through his, her, or their Lands or Grounds as aforeſaid.

Penalty on unqualified Perſons on Board having Nets.

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

Fiſhing

Fiſhing Net, or other Engine for taking or deſtroying Fiſh or Game, he ſhall, for every ſuch Offence, forfeit the Sum of Five Pounds.

Power for Land Owners to uſe Pleaſure Boats.

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

To compel Payment of Subſcriptions.

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

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

XCIV. And whereas the major Part of the ſaid Company may hereafter judge it expedient to make Application to Parliament for Power to make any navigable or other Communication with the ſaid Canal than ſuch as are authorized by this Act; but, by Reaſon of Infancy or otherwiſe, may not be able to obtain the Conſent and Concurrence of all the Proprietors; be it therefore enacted, That in caſe the Perſons entitled to a greater Number of Shares in the ſaid Canal ſhall, at any General Aſſembly of the ſaid Company think it proper to make any ſuch Application to Parliament as aforeſaid, it ſhall be lawful for them to order and cauſe the Common Seal of the ſaid Company to be affixed to any Petition for that Purpoſe, and ſuch Application to be proceeded in and proſecuted, and any Money ariſing by virtue of this Act to be applied in defraying the Expences incurred by, or in conſequence of, any ſuch Application, and the ſame ſhall be deemed to be the Act of the Whole of the ſaid Company, in like Manner, and as fully and effectually as if every One of the ſaid Proprietors had been capable of acting for himſelf or herſelf, and had attended ſuch General Aſſembly and concurred therein; and it ſhall be lawful for the Guardians, Truſtees, or Committees of the Proprietors of any ſuch Shares, being Minors, Lunaticks, or under any Diſability or Incapacity of acting for themſelves, and the Executors or Adminiſtrators of any deceaſed Proprietor or Proprietors of ſuch Shares, to apply any of the Money which ſhall come to their Hands as Guardians, Truſtees, Committees, Executors, or Adminiſtrators, as aforeſaid, towards defraying the proportionable Share of the Expences incurred by and in conſequence of any ſuch Application, which ſhall be payable by the Perſons on whoſe Behalf they act, or to raiſe

Money for that Purpoſe by Mortgage of any ſuch Shares, which Mortgage they are hereby authorized to make by Writing under their Hands and Seals.

Recovery of Forfeitures.

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

Perſons aggrieved by Irregularity in Diſtreſs, to recover Special Damages.

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

Damages not provided for to be ſettled by Commiſſioners.

XCVII. And be it further enacted, That if at any Time or Times hereafter any Perſon or Perſons ſhall ſuſtain any Loſs or Damage in his, her, or their Lands, Tenements, Hereditaments, or Property, by reaſon of the Execution or Non-execution of any of the Powers hereby given, and through or by Means not hereby provided for, then, and in every ſuch Caſe, ſuch Damages ſhall, from Time to Time, be ſettled by the ſaid Commiſſioners, and be recovered, levied, and applied, in ſuch Manner as other Damages herein-before mentioned are provided for.

XCVIII. And, for the more eaſy and ſpeedy Conviction of Offenders againſt this Act, be it further enacted, That all and every Juſtice or Juſtices of the Peace, before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this Act, ſhall and may cauſe the Conviction to be

drawn up in the following Form of Words, or in any other Form of Words to the same Effect, as the Case shall happen; (*videlicet*),

Form of Conviction.

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

Proceedings not to be quashed for Want of Form.

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

Appeal.

C. Provided always, and be it further enacted, That any Person or Persons thinking himself, herself, or themselves, aggrieved by any Order or Judgement made or given in pursuance of any Rule, Bye Law, or Order, of the said Company, or by the Order or Determination of any Justice or Justices of the Peace, may within Six Calendar Months after such Order or Determination shall have been made or given, appeal to the Justices of the Peace at any General Quarter Sessions to be held for the County or Place where such Cause of Appeal shall happen or arise, first giving Ten Days Notice at the least in Writing of such Intention to appeal, to the Party interested in such Complaint, and the said Justices shall, in a summary Way, hear and determine the said Appeal at such Session, or, if they think proper, may adjourn the Hearing thereof to the next General Court of Quarter Sessions of the Peace to be held for the said County or Place, and if they see Cause may mitigate any Penalty or Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye Law, Order, or Determination, and may also order such further Satisfaction to be made to the Party injured as they shall judge reasonable, and may also order such Costs to be paid to the Party aggrieved by the Party aggressing, as they in their Judgement shall think just and reasonable.

Limitation of Actions.

CI. And be it further enacted, That no Action, Suit, or Information shall be brought, commenced, or prosecuted, against any Person or Persons for any Thing done or to be done in pursuance of this Act, or in Execution of any of the Powers or Authorities, or any of the Orders made, given, or directed in, by, or under this Act, unless One Calendar Month's previous Notice in Writing, shall be given by the Person or Persons intending to commence and prosecute such Action, Suit, or Information, to the said Company, or to their Clerk or Treasurer for the Time being, nor unless such Action, Suit, or Information, shall be brought or commenced within Three Calendar Months next after the Fact committed, or in case there shall be a Continuation of Damage, then within Three Calendar Months next after the doing or committing such Damage shall cease, and not afterwards, and shall be laid or brought in the County where the Matter in Dispute or Cause of Action shall arise, and not elsewhere; and the Defendant or Defend-

ants in such Action, Suit, or Information, shall and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, or if any such Action, Suit, or Information, shall have been brought or commenced before or after the respective Times so limited for bringing or commencing the same, or shall be brought in any other County or Place than as aforesaid, then, and in every such Case, the Jury shall find for the Defendant or Defendants; and, upon such Verdict, or if the Plaintiff or Plaintiffs shall become Nonsuit, or suffer a Discontinuance of his, her, or their, Action, Suit, or Information, after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer or otherwise Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for the same as any Defendant hath for Costs of Suit in any other Case by Law awarded. General Issue. Treble Costs.

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

FINIS