ANNO TRICESIMO SEXTO

Georgii III. Regis.

CAP. LXXI.

An Act to explain and amend an Act, paſſed in the Thirty-third Year of the Reign of His preſent Majeſty, intituled, *An Act for making and maintaining a Navigable Canal from the River* Severn, *at* Shrewſbury, *in the County of* Salop, *to the River* Merſey, *at or near* Netherpool, *in the County of* Cheſter, *and alſo for making and maintaining certain Collateral Cuts from the ſaid intended Canal*; and for varying and altering certain Parts of the *Whitchurch* Line of the ſaid Canal and Collateral Cuts, and for extending the ſame from *Franckton Common*, to *Sherryman's Bridge*, in the Pariſh of *Whitchurch*, in the ſaid County of *Salop*, and for making and maintaining ſeveral other Branches and Collateral Cuts to communicate therewith.

[26th *April* 1796.]

Preamble. 33 *Geo.* III, Cap. 91.



WHEREAS by an Act, made in the Thirty-third Year of the Reign of His preſent Majeſty, intituled, *An Act for making and maintaining a Navigable Canal from the River* Severn, *at* Shrewſbury, *in the County of* Salop, *to the River* Merſey, *at or near* Netherpool, *in the County of* Cheſter; *and alſo for making and maintaining certain Collateral Cuts from the ſaid intended Canal*, certain Perſons therein named, together with ſuch other Perſons, Bodies Politick, Corporate, or Collegiate, as ſhould be nominated and appointed in Manner therein mentioned, were united into One Body Corporate, by the Name and Stile of *The Company of Proprietors of the Elleſmere Canal*, and were authorized and empowered to make, complete, and maintain a Canal, navigable and paſſable for Boats, Barges, and other Veſſels, from and out of the River *Severn*, within the Liberties of the Town of *Shrewſbury*, in the County of *Salop*, to unite with the River *Merſey* at or near *Netherpool*, in the County of *Cheſter*, and alſo to make, complete, and maintain, ſeveral Collateral Navigable Cuts, to branch from and out of the ſaid Canal, as in the ſaid Act mentioned; and the ſaid Company of Proprietors were by the ſaid Act authorized and empowered to raiſe and contribute, amongſt themſelves, ſuch Sums of Money, as in the ſaid Act mentioned, for the making completing, and maintaining the ſaid Canal and Collateral Cuts; and Commiſſioners were appointed by the ſaid Act for carrying into Execution ſeveral Powers thereby veſted in ſuch Commiſſioners: And whereas the ſaid Company of Proprietors have, in purſuance of the ſaid Act, begun to make the ſaid Navigable Canal and Cuts, and have raiſed and contributed amongſt themſelves a conſiderable Sum of Money, Part whereof hath been laid out and expended in the ſaid Undertaking; and the ſaid Company of Proprietors are deſirous to complete and finiſh the ſaid Canal; but it is found that the Powers given by the ſaid Act require to be altered and amended: And whereas, it appears, upon a Re-ſurvey of the Country through which the ſaid Company of Proprietors are by the ſaid Act empowered to make and complete thoſe Parts of the ſaid Canal and Collateral Cuts which yet remain unfiniſhed, that it will be convenient to vary and alter ſome Parts of the Line of the ſaid Canal and Collateral Cuts, and to make, extend, and maintain, ſeveral other Collateral Cuts and Branches, to communicate therewith, as herein-after mentioned, which will promote and facilitate the Intercourſe of Trade and Commerce between the ſeveral Places in the Neighbourhood of the ſaid Canal, and of ſuch additional Collateral Cuts and Branches, and will be of great publick Utility; but the ſame cannot be effected without the Authority of Parliament; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid Company of Proprietors ſhall be, and are hereby authorized and empowered, from and immediately after the paſſing of this Act, to vary and alter the ſaid Canal and Cuts as herein-after mentioned; (that is to ſay), Inſtead of the Line originally intended between *Franckton Common* and *Whitchurch*, to make, extend, and maintain a new Branch from, at, or near *Franckton Common*, in the Pariſh of *Whittington*, and in the Townſhip of *Franckton*, in the County

Power to vary and extend the Line of the Canal, &c.

of *Salop*, to or near a certain Bridge in the Pariſh of *Whitchurch*, and in the Townſhip of *Dodington*, in the ſame County, called *Sherryman's Bridge*; and alſo to make and maintain another Branch from a Part of ſuch intended new Branch of the ſaid Canal, on *Whixall Moſs*, in the Pariſh of *Prees*, and Townſhip of *Whixall*, in the ſaid County of *Salop*, to the Turnpike Road on *Prees Higher Heath*, leading from *Whitchurch* to *Sandford*, in the ſaid County of *Salop*; and alſo to make and maintain another Branch from a certain Part of the ſaid firſt-mentioned new Branch of the ſaid Canal, in the Pariſh and Townſhip of *Elleſmere*, in the ſaid County of *Salop*, near a Barn there, called *Blackwater's Barn*, to a Garden in the ſame Pariſh and Townſhip, in the Occupation of *Edward Jackſon*; which ſaid ſeveral Variations, Extenſions, and additional Branches, of the ſaid *Elleſmere* Canal, are intended to paſs, or be made in or through, the ſeveral Pariſhes, Chapelries, Liberties, Townſhips, Hamlets, and Places herein-after mentioned; that is to ſay, the Pariſhes of *Whittington*, *Elleſmere*, *Welſhhampton*, *Prees*, *Whitchurch*, and *Wem*; and the Townſhips of *Franckton*, *Tetchill*, *Birch* and *Lyth*, *Elleſmere*, *Oatley Newton* and *Spoonhill*, *Lineal*, *Welſhhampton*, *Whixall*, *Tilſtock*, *Alkington*, *Dodington*, *Steel*, *Prees*, *Edſtaſton* and *Cotton*, in the County of *Salop*, and in or through the Pariſh of *Hanmer*, and the Townſhips of *Bettesfield* and *Brunnington*, in the County of *Flint*: And the ſaid Company of Proprietors of the ſaid *Elleſmere* Canal, their Deputies, Agents, Officers, Workmen, and Servants, are hereby authorized and empowered to make, erect, execute, do, and perform, all ſuch Works, Matters, and Things, as ſhall be requiſite and convenient for making, completing, and maintaining the ſaid ſeveral Variations, additional Branches, and Extenſions of the ſaid Canal and Collateral Cuts hereby authorized to be made, and the Navigation thereof; and for ſupplying the ſame with Water, and ſhall have, uſe, exerciſe, and enjoy, the like Ways, Paſſages, Powers, and Authorities, upon and in reſpect of the Lands through which the ſaid ſeveral Variations, additional Branches, and Extenſions of the ſaid Canal and Collateral Cuts ſhall be made, in as full, ample, and beneficial a Manner, to all Intents and Purpoſes, as the ſaid Company of Proprietors are authorized and empowered to do, execute, perform, uſe, and enjoy, under and by virtue of the ſaid recited Act of the Thirty-third Year of the Reign of His preſent Majeſty, in reſpect to the ſaid Canal and Collateral Cuts, and the ſeveral Works thereby authorized to be made; and the ſaid Company, their Agents, Servants, Workmen, and Labourers, and the Commiſſioners appointed by virtue of the ſame Act, and all Bodies Politick, Corporate, and Collegiate, Corporations Aggregate and Sole, Huſbands, Guardians, Truſtees and Feoffees in Truſt for Charitable and other Purpoſes, Committees, Executors, and Adminiſtrators, and all and every other Truſtees, Perſon and Perſons whomſoever, ſhall have and be ſeiſed, poſſeſſed of, and is and are hereby inveſted with ſuch and the like Eſtates, Authorities, Powers, Abilities, Intereſts, Privileges, and Advantages, and ſhall be and is and are hereby made ſubject and liable to ſuch and the like Rates, Taxes, Compenſations for Tythes, Rules, Conditions, Directions, Regulations, Limitations, Reſtrictions, Controuls, Payments, Penalties, Forfeitures, Puniſhments, and Benefit of Appeal, in relation to the Making, Execution, Completion, and Government of the ſaid ſeveral Variations, additional Branches, and Extenſions of the ſaid Canal and Collateral

Powers in former Act extended to this.

ral Cuts by this Act authorized to be made, completed, and maintained, as are mentioned, given, granted, preſcribed, eſtabliſhed, and directed to be inflicted in and by the ſaid Act, made in the Thirty-third Year of the Reign of His preſent Majeſty, to every Intent and Purpoſe whatſoever; and that the ſaid recited Act, and all the Clauſes, Powers, Proviſoes, Authorities, Orders, Rules, Regulations, Limitations, Reſtrictions, Prohibitions, Directions, Exemptions, Indemnities, Penalties, Forfeitures, Puniſhments, Matters, and Things, therein contained, for making, completing, repairing, preſerving, and maintaining, the Canal and Collateral Cuts, and other Works thereby authorized to be made, ſhall, ſo far as the Nature and Circumſtances of the Caſe will admit, extend, and are hereby extended to, and ſhall take effect, operate, and be put in Execution, and ſhall be uſed and exerciſed by the ſaid Company of Proprietors, and ſhall be applied and enforced in, by, and for, and in reſpect of the making, completing, repairing, preſerving, maintaining, and uſing the ſaid Variations, additional Branches, and Extenſions of the ſaid Canal and Collateral Cuts, and the ſeveral Works, Matters, and Things by this Act authorized to be made, done, and performed, and for the Puniſhment of Offences in relation thereto, and for the ſelling and coveying of Lands, Tenements, and Hereditaments, and aſcertaining the Value thereof, and for the determining and aſſeſſing of Damages, and all other Matters and Things which ſhall relate to or happen or ariſe by, or in conſequence of the making, completing, repairing, maintaining, and uſing the ſaid Variations, additional Branches, and Extenſions of the ſaid Canal and Collateral Cuts, and the other Works hereby authorized to be made, done, and executed, and ſhall alſo be uſed and exerciſed by the Owners and Proprietors of Lands, Mines, and Hereditaments, lying near to the ſaid Variations, additional Branches, and Extenſions of the ſaid Canal and Collateral Cuts hereby authorized to be made; and that the ſame Perſons who are appointed Commiſſioners in relation to the putting the ſaid recited Act of the Thirty-third Year of the Reign of His preſent Majeſty into Execution, ſhall be Commiſſioners for the Purpoſes of this Act, in the ſame Manner, and as fully and effectually, to all Intents and Purpoſes, as if the ſeveral Clauſes, Proviſoes, Powers, Authorities, Orders, Rules, Regulations, Limitations, Reſtrictions, Prohibitions, Directions, Exemptions, Indemnities, Penalties, Forfeitures, Puniſhments, Matters, and Things, contained in the ſaid recited Act, were herein repeated and re-enacted, and as if the ſaid Variations, additional Branches, and Extenſions, of the ſaid Canal and Collateral Cuts, and the other Works by this Act authorized to be made, completed, and maintained, had been Part of the ſaid Canal, Collateral Cuts, and other Works by the ſaid recited Act authorized to be made, completed, and maintained, but ſubject nevertheleſs to the Amendments and Alterations herein contained, and which ſhall commence and take Effect from the paſſing of this Act.

Not to take Water out of the Meres or Lakes belonging to the Duke of *Bridgewater*.

II. Provided always, That nothing in this Act contained ſhall authorize or empower the ſaid Company of Proprietors of the *Elleſmere* Canal to take or make uſe of any Water for the Purpoſes of the ſaid Canal and Collateral Cuts, or any of them, from or out of any of the Meres or Lakes belonging to the Moſt Noble *Francis* Duke of *Bridgewater*, within the

the ſaid County of *Salop*, or out of any other Meres or Lakes within the Pariſh of *Elleſmere*, in the ſame County.

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

III. And whereas a Survey has been made, to aſcertain the Practicability of making the ſaid Variations, additional Branches, and Extenſions of the ſaid Canal and Collateral Cuts, hereby authorized to be made, and a Map or Plan, with a proper Book of Reference thereto, have been made in conſequence thereof, in order to ſhew the Lines or Courſes of the ſaid intended Variations, additional Branches, and Extenſions of and from the ſaid Canal and Collateral Cuts, and the various Diſtances from Place to Place, as far as they affect the Property of each Individual through which they paſs, and the Extents and Particulars of the Whole; be it therefore further enacted, That there ſhall be Three Parts made of the ſaid Map or Plan, and the Book of Reference thereto, which ſhall be certified by the Right Honourable the Speaker of the Houſe of Commons, and One Part of each of the ſaid Plans and Books of Reference ſhall be depoſited with the Clerk of the Peace for the ſaid County of *Salop*, another with the Clerk of the Peace for the ſaid County of *Flint*, and another with the Clerk to the ſaid Company of Proprietors; to any of which Maps, Plans, and Books of Reference, all Perſons ſhall have Liberty to reſort and examine, or make Extracts or Copies therefrom, as Occaſion ſhall require, paying to the ſaid reſpective Clerks, for Copies of or Extracts from the ſaid Book of Reference, after the Rate of Sixpence for every One hundred Words; and 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 of Proprietors, 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 depoſited with him as aforeſaid, before the Commiſſioners for putting in Execution the ſaid recited Act and this Act, or any Jury or Juries to be impannelled by virtue of either of the ſame Acts, at the Time and Place to be mentioned in ſuch Notice, in order that the ſame may then and there be given in Evidence; ſuch Clerk to the ſaid Company of Proprietors 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 Plans.

IV. And be it further enacted, That the ſaid Company of Proprietors, in making the ſaid Variations, additional Branches, and Extenſions of and in the ſaid Canal and Collateral Cuts hereby authorized to be made, ſhall not deviate more than One hundred Yards from the Courſe or Direction delineated in the ſaid Maps or Plans reſpectively, and ſet forth in the ſaid Books of Reference; nor cut, carry, or convey the ſame additional Branches, Variations, and Extenſions of the Canal and Collateral Cuts, or any of them, into, through, acroſs, under, or over any Part or Parts of the ſeveral Lands, Grounds, or Hereditaments, now or late belonging to, or reputed to belong to, the ſeveral and reſpective Perſons named or deſcribed in the ſaid Maps or Plans reſpectively, and in the ſaid Books of Reference, other than within the like Diſtance of One hundred Yards from ſuch Part or Parts of ſuch Lands or Grounds as are mentioned in the ſaid Maps or Plans reſpectively, and in the ſaid Books

Books of Reference in that Behalf, or belonging to any other Perſon not named in ſuch Books of Reference, without the Approbation and Conſent, in Writing, ſigned by the Perſon or Perſons to whom ſuch Lands, Grounds, and Hereditaments, do or ſhall reſpectively belong; but nothing herein contained ſhall extend to reſtrain or prevent the ſaid Company of Proprietors from making any further Deviation, above One hundred Yards from the ſaid Courſe or Direction of the ſaid Variations, additional Branches, and Extenſions thereof, hereby authorized to be made, or any of them, 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 Deviations, ſhall belong, ſhall conſent thereto.

Errors in deſcribing the Line not to prevent making the Canal.

V. Provided always, and be it further enacted and declared, That the ſaid Company of Proprietors ſhall and may make the ſaid intended Variations, additional Branches, and Extenſions of the ſaid Canal and Collateral Cuts hereby authorized to be made 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 have been by Miſtake omitted in the ſaid Plans or Books of Reference, or any of them; or acroſs any Roads, Brooks, or Rivulets, which ſhall ſo appear and be certified to have been omitted by Miſtake in Manner aforeſaid; and alſo where it ſhall appear, to the Satisfaction of the ſaid Commiſſioners, and be by them, or any Seven or more of them, certified as aforeſaid, that inſtead of the Name or Names of the Owner or Owners of ſuch Eſtates, Lands, or Grounds, the Name or Names of ſome other Perſon or Perſons to whom ſuch laſt-mentioned Eſtates, Lands, and Grounds do not belong, hath or have been inſerted by Miſtake, in ſuch Maps or Plans, and Books of Reference; any Thing herein, or in the ſaid recited Act, contained to the contrary thereof, in anywiſe notwithſtanding.

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

VI. Provided always, That nothing herein contained ſhall authorize or empower the ſaid Company of Proprietors, or any Perſon or Perſons acting by or under their Authority, to take, uſe, injure, or damage, for the Purpoſes of the ſaid Variations, additional Branches and Extenſions, or any of them, or for any other of the Purpoſes aforeſaid, any Manſion Houſe or other Building which was erected or built on or before the Firſt Day of *January* One thouſand ſeven hundred and ninety-three, or any Land or Ground which on the ſaid Firſt Day of *January* was 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 or Occupiers thereof reſpectively; other than and except a Garden in the Townſhip of *Franckton*, and in the Pariſh of *Whittington* aforeſaid, belonging to the Reverend *John Robert Lloyd*, and in the Occupation of *Peter Davies*; and alſo except another Garden, in the Townſhip of *Tetchell*, in the Pariſh of *Elleſmere* aforeſaid, belonging to his Grace the Duke of *Bridgwater*, and in the Occupation of *James Roberts*; and alſo except Three Gardens, reſpectively ſituate in the Townſhip of *Lineal*, and in the Pariſh of *Elleſmere*, belonging to his Grace the Duke of *Bridgwater*, and in the ſeveral Occupations of *William Lee*, *Joſeph Edwards*, and *Thomas Johnſon*; and alſo except a Yard, in the Townſhip

of *Bettesfield*, and in the Parish of *Hanmer*, belonging to *John Fitzgerald* Esquire, and in the Occupation of *Francis Windsor*; and also except a Garden, situate in the said Township of *Bettesfield*, and in the said Parish of *Hanmer*, belonging to the said *John Fitzgerald*, and in the Occupation of *Owen Maddocks*; and also except an Orchard, situate in the Township of *Dodington*, and in the Parish of *Whitchurch*, belonging to his Grace the Duke of *Bridgwater*, and in the Occupation of *William Sparks*; and also except a Yard, situate in the Township of *Whixall*, and in the Parish of *Prees*, in the said County of *Salop*, belonging to and in the Occupation of *Benjamin Rodenhurst*; and also except a Yard, situate in the last mentioned Township and Parish, belonging to *Richard Rodenhurst*, and in the Occupation of *Thomas Mold*; and also except a Garden, situate in the said last mentioned Township and Parish, belonging to and in the Occupation of *John Gadd*; and also except a Garden, situate in the said last mentioned Township and Parish, belonging to *Richard Basnett* Esquire, and *Thomas Wilkinson*, as Trustees under the Will of the late *Elizabeth Wilkinson*, and in the Occupation of *John Ikin*; and also except a Garden, situate in the said last mentioned Township and Parish, belonging to Sir *Richard Hill* Baronet, and in the Occupation of *Joseph Lee*; and also except a Garden, situate in the Township of *Edstaston*, and in the Parish of *Wem*, belonging to *Joseph Lee*, *Samuel Wilkinson*, and *Roger Ireland*, and in the Occupation of *John Chetwood*; and also except a Garden, in the Township of *Cotton*, in the said Parish of *Wem*, belonging to and in the Occupation of *John Callcott*; and also except a Garden, situate in the Township and Parish of *Ellesmere* aforesaid, belonging to *Josiah Parry*, and in the Occupation of *William Jones*; and also except Three Gardens, respectively situate in the Township and Parish of *Ellesmere* aforesaid, belonging to his Grace the Duke of *Bridgwater*, and in the several Occupations of *Jane Hall*, *Thomas Sadler*, and *Edward Jackson*; which are meant and intended to be made use of for the Purpose of this and the said recited Act.

Company may purchase Lands, and make Occupation Ways and Bridges.

VII. And be it further enacted, That it shall be lawful for the said Company of Proprietors, from Time to Time to purchase such Lands, Ways, and Places, upon, adjoining, or near to the said Variations, Extensions, and additional Branches, hereby authorized to be made to the said Canal and Collateral Cuts, as may be found necessary and convenient for the making Occupation Roads and Bridges to, from, and over the same Variations, Branches, and Extensions, or for uniting and reducing the Number of such Occupation Ways and Bridges; and that it shall be lawful for the said Company of Proprietors, by and with the Consent of the said Commissioners, or any Seven or more of them, to alter or change such of the said Occupation Ways as may require Bridges over the said Navigation, to and for the Use of the Owners and Occupiers of Lands adjoining to the same.

Satisfaction to be made.

VIII. Provided always, and be it further enacted, That when any Contract or Contracts shall be made with any Bodies Corporate or Collegiate, Trustees, or other Persons whomsoever, by or on the Behalf of the said Company of Proprietors, by virtue of this Act, or of the said recited Act, for the Purchase of any Lands, Grounds, Waters, or other Hereditaments, for the Purposes of the said Canal and Collateral Cuts,

or the ſaid Variations, Extenſions, and additional Branches, or other Works hereby, or by the ſaid recited Act authorized to be made; or when and ſo often as the ſaid Commiſſioners, or any Seven or more of them, ſhall, on Proof of ſuch Contract or Contracts ſo made, order and direct the ſaid Company of Proprietors, or their Agents, to enter upon and make uſe of any ſuch Lands, Grounds, Waters, or Hereditaments, for the Purpoſes aforeſaid, and the Title to ſuch Lands, Grounds, Waters, and Hereditaments, or any of them reſpectively, ſhall not be thereupon made out to the Satisfaction of the ſaid Company of Proprietors, or their Council, then and in all ſuch Caſes, from the Time when the ſaid Company of Proprietors ſhall enter upon and make uſe of ſuch Lands, Grounds, Waters, and Hereditaments, until a good Title ſhall be made to the ſame reſpectively, and the ſame ſhall be abſolutely and effectually granted and conveyed to the ſaid Company of Proprietors, according to the Purport, true Intent and Meaning of ſuch Contract or Contracts, or to the Order or Orders of any Seven or more of the ſaid Commiſſioners reſpecting the ſame; the ſaid Bodies Politick, Corporate, or Collegiate, Truſtees, and other Perſons, contracting to ſell, or who may be in Poſſeſſion of the ſaid Lands, Grounds, Waters, and other Hereditaments, at the Time or Times when the ſame ſhall be taken and made uſe of for the Purpoſes aforeſaid, ſhall from thenceforth be entitled to have and receive Annual Rents or Sums for the ſame reſpectively, from the ſaid Company of Proprietors; and the ſaid Company of Proprietors may, in any ſuch Caſe or Caſes, enter upon, and from thenceforth for ever have, take, and enjoy the ſaid Lands, Grounds, Waters, and Hereditaments, ſo contracted for, or ordered to be made uſe of for the Purpoſes aforeſaid, without any Interruption or Eviction whatſoever; and in caſe the Amount of ſuch Annual Rents, or Sums reſpectively, ſhall not be agreed on between the ſaid Company of Proprietors and the ſaid Bodies Politick, Corporate, or Collegiate, Truſtees, or other Perſons entitled to the ſaid Lands, Grounds, Waters, or other Hereditaments, the ſame ſhall be aſcertained and ſettled by the ſaid Commiſſioners, in ſuch Manner, and ſubject to the Verdict of a Jury, if required, as the Value of the Lands to be ſet out for making the ſaid Collateral Cuts, Variations, additional Branches, and Extenſions, is herein, and by the ſaid recited Act, directed to be ſettled and aſcertained.

Recital of the Act of 33 *Geo.* III. as to the Appointment of Proxies, and the Number of Proprietors required to be preſent at General Aſſemblies.

IX. And whereas, it is by the ſaid recited Act of the Thirty-third Year of the Reign of His preſent Majeſty, enacted (that the Firſt General Aſſembly of the ſaid Company of Proprietors for putting the ſaid Act into Execution, ſhould be held at the Sign of *The Royal Oak*, in the Town of *Elleſmere* aforeſaid, upon the Third Day of *July*, in the Year of our Lord One thouſand ſeven hundred and ninety-three, at the Hour of Eleven in the Forenoon; and the Second General Aſſembly of the ſaid Company of Proprietors, ſhould be held upon the Thirteenth Day of *October*, then next enſuing, at ſuch Place and Hour as the ſaid Company of Proprietors, at their ſaid Firſt General Aſſembly, ſhould appoint; and all future General Aſſemblies of the ſaid Company, except ſuch ſpecial General Aſſemblies as therein-after mentioned, ſhould be held on the laſt *Wedneſday* in the Months of *April* and *October* reſpectively, in every Year, at the Hour of Eleven in the Forenoon, at ſuch Places as the ſaid Company of Proprietors at the preceding General Aſ-

ſemblies

ſemblies ſhould, from Time to Time, direct and appoint, of which General Aſſemblies, ſuch publick Notice ſhould be given as in the ſaid Act mentioned; and it is alſo by the ſaid Act enacted) that all and every the Proprietors of the ſaid Navigation ſhould have a Vote for every One hundred Pounds of their Subſcriptions or Shares in the ſaid Navigation, not exceeding Ten Votes in the Whole for each of them, in the ſtated and ſpecial General Aſſemblies of the ſaid Proprietors, to be held as in the ſaid Act mentioned, for carrying on the ſaid Undertaking, which Vote or Votes might be given by them, him, or her, or by their, his, or her Proxies or Proxy, ſo conſtituted as in the ſaid Act mentioned; every ſuch Proxy being a Proprietor of the ſaid Undertaking; and it is by the ſame Act provided and enacted, that if at any ſtated or ſpecial General Aſſembly of the ſaid Company of Proprietors, there ſhould not be Perſons preſent who ſhould be poſſeſſed of, or entitled unto, at leaſt Five hundred Shares, or Subſcriptions of One hundred Pounds or upwards in the ſaid Navigation, either as Principals or Proxies, no Choice of any General or other 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 any ſuch Committees who ſhould die, or decline to act, ſhould be made at that Time, but in ſuch Caſe there ſhould be another Aſſembly of the ſaid Company of Proprietors held at ſuch Time and Place, and in ſuch Manner, as in the ſaid Act mentioned: And whereas, the Times by the ſaid Act appointed for holding the ſaid ſtated General Aſſemblies of the ſaid Proprietors, and the Manner of appointing Proxies preſcribed by the ſaid Act, and the requiring the Attendance of Perſons entitled either as Principals or Proxies to Five hundred Shares or Subſcriptions of One hundred Pounds each in the ſaid Navigation, at ſuch ſtated or ſpecial General Aſſemblies of the ſaid Proprietors as aforeſaid, are found inconvenient for the Purpoſes of the ſaid Undertaking; be it therefore further enacted, That inſtead of the Days appointed by the ſaid Act, for holding the ſaid ſeveral ſtated General Aſſemblies of the ſaid Proprietors, all future ſtated Meetings or Aſſemblies of the ſaid Proprietors ſhall, after the paſſing of this Act, be held on the laſt *Wedneſday* in the Months of *June* and *November* in each Year, in like Manner, and for the ſame Purpoſes, and with the ſame previous Notice for holding ſuch ſtated General Aſſemblies, as in the ſame Act directed in reſpect of the ſtated General Aſſemblies thereby authorized to be held; and that unleſs the Proprietors, aſſembled at any ſuch ſtated General Aſſembly or Aſſemblies, ſhall make any Order to the contrary, the ſucceeding General Aſſembly of the ſaid Proprietors ſhall be held at the Place where the next preceding General Aſſembly ſhall have been held.

Form of Appointment of Proxies, inſtead of the Form by the Act 33 *Geo.* III.

X. And be it further enacted, That inſtead of the Form and Manner preſcribed for the Appointment of Proxies in and by the ſaid recited Act, the Appointment of ſuch Proxies ſhall, from and after the paſſing of this Act, be made by any of the ſaid Proprietors, in the Form, or to the Effect following:

'I *A. B.* of One of the Proprietors of the *Elleſmere* Canal Navigation, being poſſeſſed of or entitled to the Sum of in the Joint Stock of the ſaid Navigation, do hereby nominate

'minate and appoint *C. D.* of he the ſaid *C. D.* being 'alſo a Proprietor, or poſſeſſed of ſome Share in the Joint Stock 'of the ſaid Navigation, to be my Proxy, for me and in my Name 'to vote and aſſent to, or diſſent from, any Buſineſs, Matter, or Thing 'relating to the ſaid Navigation, that ſhall be mentioned or propoſed at 'any Aſſembly of the Company of Proprietors of the ſaid Navigation, in 'ſuch Manner as he the ſaid *C. D.* ſhall think proper, according to his 'Opinion and Judgement, for the Benefit of the ſaid Navigation: This 'Proxy to continue in Force until I ſhall revoke or ſuperſede the ſame, 'by Notice in Writing, to be by me given to the Clerk to the General 'Aſſembly of the ſaid Company of Proprietors for that Purpoſe. Wit- 'neſs my Hand this Day of

General Aſſemblies for chooſing Committees, to conſiſt of 100 Shares.

And if at any ſtated Special General Aſſembly of the ſaid Company of Proprietors, there ſhall be Perſons preſent who ſhall be poſſeſſed of, or entitled, either as Principals or Proxies, to at leaſt One hundred Shares of One hundred Pounds, or upwards, in the ſaid Navigation, the Choice of any General or other Committee, or any Removal of any Perſon or Perſons from any ſuch Committee or Committees, or any Election of any Perſon or Perſons in the Room of ſuch of the Members of any ſuch Committee or Committees who ſhall die or decline to act, ſhall or may be made, or any other Proceedings, ſhall take place in like Manner as the ſame might have been made, or have taken place, by virtue of the ſaid recited Act, in caſe Proprietors poſſeſſed of Five hundred Shares or Subſcriptions of One hundred Pounds each, as Principals or Proxies, had been preſent at any ſuch ſtated or ſpecial General Aſſembly or Aſſemblies as aforeſaid; but if there ſhall not be Perſons preſent at any ſuch ſtated or ſpecial General Aſſembly or Aſſemblies, who ſhall be poſſeſſed of, or entitled unto, at leaſt One hundred Shares or Subſcriptions of One hundred Pounds, or upwards, in the ſaid Navigation, either as Principals or Proxies, no Choice of any General or other 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 any ſuch Committee or Committees who ſhall die, or decline to act, ſhall be at that Time made, but in ſuch Caſe there ſhall be another Aſſembly of the ſaid Company of Proprietors of the ſaid Navigation, at the ſame Place on that Day Fortnight, and ſo from Time to Time, until there ſhall be Perſons preſent at ſuch Aſſembly, having in the Whole One hundred Shares or Subſcriptions of One hundred Pounds, or upwards, either as Principals or Proxies, in the ſaid Navigation.

Prohibiting Proprietors or Committee Men, who ſhall fail to pay the Calls due from them, from voting at General Aſſemblies or Committee Meetings.

XI. Provided always, and it is hereby further enacted, That if any Proprietor or Proprietors of the ſaid Navigation, who ſhall have neglected to pay the rateable Call or Calls which may in purſuance of the ſaid recited Act have been made upon ſuch Proprietor or Proprietors, in reſpect of his, her, or their Share or Shares in the ſaid Navigation, ſhall attend any General or other Aſſembly of the Proprietors of the ſaid Navigation, either in Perſon or by Proxy, or if any Member or Members of the General or other Committee or Committees of the ſaid Company, who ſhall have ſo neglected to pay his, her, or their rateable Calls as aforeſaid, ſhall attend any Meeting or Meetings of ſuch Committee or Committees, and if any ſuch Proprietor or Proprietors, or his, her, or

their Proxies, or any ſuch Member or Members of the ſaid General Committees ſhall not, on being required by any others of the ſaid Proprietors, or by any Member or Members of ſuch General or other Committee or Committees, pay to the General Agent or Treaſurer to the ſaid Company, or ſuch of them as may be then preſent, all ſuch rateable Call or Calls which ſhall then remain due from ſuch Proprietors, or Members of the ſaid General or other Committee or Committees reſpectively, that then the Perſon or Perſons who ſhall have ſo made Default, and ſhall, on being ſo required, fail or refuſe to pay any ſuch Call or Calls which may be ſo due from them as aforeſaid, and the Proxy or Proxies of ſuch of the ſaid Proprietors ſo making Default, and attending ſuch General or other Aſſembly of the ſaid Proprietors as aforeſaid, ſhall not have any Vote at any ſuch General or other Aſſembly or Aſſemblies, or at any Meeting or Meetings of any ſuch General or other Committee or Committees as aforeſaid; any Thing in the ſaid recited Act or in this Act contained to the contrary in anywiſe notwithſtanding.

Reſtraining Proprietors from inſpecting the Books and Papers of the Company, except at their General Meeting, without the Order of the Committee.

XII. And whereas it is by the ſaid Act of the Thirty-third Year of His preſent Majeſty enacted, that each of the Proprietors of the ſaid Navigation might at all convenient Times have Recourſe to, and peruſe and inſpect *gratis* all the Acts, Proceedings, and Tranſactions of the ſaid Company of Proprietors, and their Committees reſpectively, which were by the ſaid Act before directed to be entered and kept by the Clerk or Clerks to the ſaid Company, and to their General and other Committees, and alſo by the Clerk or Clerks to the ſaid Commiſſioners appointed by virtue of the ſaid Act, and might demand and have Copies thereof, or of any Part thereof, paying ſuch Price or Sum for the ſame Copies as in the ſaid Act mentioned; and it is thereby further enacted, that in caſe any ſuch Clerk or Clerks ſhould refuſe to permit or ſuffer any Proprietor or Proprietors ſo intereſted as aforeſaid, ſo to inſpect or peruſe ſuch Book or Books of Proceedings, or refuſe to make any ſuch Copy or Copies at ſuch Rate or Price as therein mentioned, the ſaid Clerk or Clerks ſhould, for every ſuch Offence, forfeit and pay ſuch Penalty as in the ſaid Act mentioned; and it is alſo by the ſaid Act enacted, that every Proprietor, upon every reaſonable Deſire, ſhould have free Acceſs to all the Notes, Minutes, or Copies of every Contract, Bargain, Receipt, and Diſburſement, and of all other the Orders and Proceedings of the ſaid General and other Committees, and of all and every Perſon and Perſons employed by or under them: And whereas it is found inconvenient and diſadvantageous to the Intereſts of the ſaid Company to admit the Inſpection, at all Times, by any Proprietor or Proprietors who may require the ſame, of all ſuch Books, Proceedings, Tranſactions, Notes, Minutes, Contracts, Bargains, Receipts, and Diſburſements, and to make and deliver Copies thereof to any ſuch Proprietor or Proprietors when thereunto required as aforeſaid; be it therefore enacted, That the Clerk or Clerks to the ſaid Company, and to the ſaid General or other Committee or Committees, and to the ſaid Commiſſioners reſpectively, ſhall not be obliged, by virtue of the ſaid recited Act, or of this Act, to admit of the Peruſal or Inſpection, by any Proprietor or Proprietors of the ſaid Navigation of any ſuch Books, Proceedings, Tranſactions, Notes, Minutes, Contracts, Bargains, Receipts, or Diſburſements, or to make or deliver any Copies thereof to any ſuch

Proprietor or Proprietors, nor ſhall any ſuch Clerk or Clerks incur any Penalty or Penalties for refuſing to admit of ſuch Inſpection or Peruſal, or to make or deliver ſuch Copies as aforeſaid, unleſs he or they ſhall be directed ſo to do by the General or other Committee or Committees, or by any General Meeting or Aſſembly of the Proprietors of the ſaid Navigation: Provided always, that at the General Aſſemblies of the ſaid Proprietors, all ſuch Books, Proceedings, Tranſactions, Notes, Minutes, Contracts, Bargains, Receipts, and Diſburſements of the ſaid Company, and of their General and other Committees, or of the ſaid Commiſſioners, as ſhall be neceſſary to ſhew the true State and Situation of the Affairs of the ſaid Company, ſhall be ſubmitted to the Inſpection of all and every the Proprietors who may attend any ſuch General Aſſembly or Aſſemblies, and that ſuch Proprietors ſhall and may be at Liberty then to make any ſuch Copies or Extracts therefrom, or have Copies thereof made and delivered by any ſuch Clerk or Clerks, on paying ſuch Sum of Money for the ſame as aforeſaid, in caſe ſuch General Aſſembly or Aſſemblies of the ſaid Proprietors ſhall direct the ſame, and not otherwiſe; any Thing in the ſaid recited Act or in this Act contained to the contrary in anywiſe notwithſtanding.

Rates of Tonnage, ſame as in Act 33 *Geo.* III.

XIII. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, from Time to Time, and at all Times hereafter, to aſk, demand, take, receive, and recover, to and for their own proper Uſe and Behoof, for Tonnage of all Goods, Wares, Merchandizes, and Commodities, which ſhall be navigated, carried, or conveyed upon the ſaid Variations, Extenſions, and additional Branches of the ſaid Canal hereby authorized to be made, or any of them, ſuch and the ſame Sum and Sums as by the ſaid recited Act of the Thirty-third Year of the Reign of His preſent Majeſty are authorized to be aſked, demanded, taken, received, and recovered, for Tonnage of Goods, Wares, Merchandizes, and Commodities, to be navigated, carried, or conveyed upon the ſaid Canal and Collateral Cuts thereby authorized to be made; and alſo the ſame Sum and Sums of Money as by the ſaid Act of the Thirty-third Year of the Reign of His preſent Majeſty are authorized to be demanded, taken, received, and recovered, for Wharfage of any Goods, Wares, Merchandizes, Matters, or other Things, which may lie or remain upon any Quay or Wharf belonging to the ſaid Variations, additional Branches, or Extenſions, or any of them; all which ſaid Rates of Tonnage and Wharfage ſhall be paid to ſuch Perſon or Perſons, at ſuch Place or Places, at or near the ſaid intended Variations, additional Branches, and Extenſions, in ſuch Manner, and under ſuch Regulations, as the ſaid Company of Proprietors ſhall from Time to Time direct and appoint; and in caſe of Refuſal or Neglect of Payment, the ſame ſhall and may be recovered or levied in the like Manner as the Rates of Tonnage and Wharfage, granted by the ſaid Act of the Thirty-third Year of the Reign of His preſent Majeſty, can or may be recovered or levied.

Power to alter Rates.

XIV. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, from Time to Time, at any General Aſſembly to be held in the Manner preſcribed by the ſaid recited Act or by this Act, to leſſen or reduce all or any of the ſaid Rates thereby granted,

as they ſhall think proper; and afterwards from Time to Time, at any General Aſſembly, to advance and raiſe all or any of the ſaid Rates ſo leſſened, to any Sum or Sums of Money not exceeding the reſpective Rates granted by the ſaid recited Act, as often as it ſhall be deemed neceſſary for the Intereſts of the ſaid Navigation.

Power for the Company, with the Conſent of the Commiſſioners, in particular Caſes, to purchaſe a greater Width of Land than directed by the Act of 33 *Geo.* III.

XV. And whereas it is by the ſaid recited Act enacted, That the Lands or Grounds to be taken or uſed for the making the Canal and Collateral Cuts thereby authorized to be made, and for the Towing Paths thereto, and the Ditches, Drains, and Fences, to ſeparate ſuch Towing Paths from the adjoining Lands, ſhould not in any Place exceed Forty-five Yards in Breadth: And whereas it is found that the ſaid Breadth of Forty-five Yards is not ſufficient for the Purpoſe of making and completing the ſaid Canal and Collateral Cuts, where Embankments over deep Vallies may require that the Baſe of ſuch Embankments ſhould cover a greater Breadth than Forty-five Yards; be it therefore enacted, That in all Caſes where it ſhall appear to the ſaid Commiſſioners, or any Seven or more of them, that it is reaſonable or neceſſary for the convenient making and completing of ſuch Embankments, that a greater Breadth than Forty-five Yards of Land or Ground ſhould be taken and made uſe of for ſuch Purpoſe as aforeſaid, it ſhall and may be lawful for the ſaid Company of Proprietors to take and make uſe of ſuch further Width or Extent of ſuch Lands or Grounds as ſhall ſo appear reaſonable or neceſſary, the ſame to be purchaſed and paid for by the ſaid Company of Proprietors, and the Amount of ſuch Purchaſe or Conſideration Money, and of the Damages to be occaſioned by taking or making uſe of any ſuch additional Land or Ground for the Purpoſes aforeſaid, to be ſettled and aſcertained, and to be paid, applied, and diſpoſed of in like Manner, and ſubject to ſuch Verdict of a Jury for fixing the Amount of ſuch Purchaſe or Conſideration Money, or of ſuch Damages, as by the ſaid recited Act is directed in reſpect to any Lands or Grounds thereby authorized or directed to be made uſe of for the Purpoſes of the ſaid Act, or in reſpect of the Purchaſe or Conſideration Money to be paid for the ſame, or the Damages to be occaſioned by the taking or making uſe of ſuch Lands or Grounds for the Purpoſes of the ſaid Canal or Collateral Cuts, or any of them.

Empowering the Company to purchaſe Exemptions from Taxes, as charged on Lands taken for the Purpoſes of the Canal.

XVI. And whereas the rating and aſſeſſing of the Lands or Hereditaments which have been or may be purchaſed by the ſaid Company of Proprietors for the Purpoſes of the ſaid recited Act, or of this Act, to the Land Tax, and other Taxes and Aſſeſſments, in the ſeveral Pariſhes, Townſhips, and Places where ſuch Lands and other Hereditaments are or may be ſituate and lying, and the Collection and Payment of ſuch Taxes and Aſſeſſments is or may be in many Inſtances found inconvenient, by Reaſon of the Diſtance of ſuch Pariſhes, Townſhips, and Places, from the Places of Reſidence of the Clerks, Treaſurer, or other Officers employed by the ſaid Company of Proprietors: Be it therefore enacted, That it ſhall and may be lawful for the ſaid Company of Proprietors, by and with the Conſent and Approbation of any Seven or more of the ſaid Commiſſioners, to agree with any Perſon or Perſons, Bodies Politick, Corporate, or Collegiate, in, through, or upon whoſe Lands the ſaid Canal or Collateral Cuts, Variations, Extenſions, or additional

ditional Branches, or any of them, or any of the Works or Conveniences appertaining thereto, ſhall or may be made or conſtructed, for the Purchaſe of a total or partial Exemption from the Payment of any Land Tax, or any Parochial or other Rates, Duties, Levies, or other Charges in reſpect of any Lands or Hereditaments which may be taken or made uſe of for the Purpoſes of the ſaid recited Act, or of this Act, and for charging ſuch Land Tax and other Rates, Taxes, Duties, Levies, and Charges, upon any adjoining Lands or Hereditaments of ſufficient Value, belonging to any ſuch Perſon or Perſons, Bodies Politick, Corporate, or Collegiate, with whom any ſuch Agreement for Exemption from ſuch Taxes, Duties, Levies, or Charges ſhall be made, for and in Conſideration of ſuch Sum or Sums of Money in Groſs as ſhall be agreed upon between the ſaid Company of Proprietors, their Succeſſors or Aſſigns, and ſuch Perſon or Perſons, Bodies Politick, Corporate, or Collegiate, or any of them; and the Purchaſe or Conſideration Money to be paid and received in reſpect of ſuch Exemption or Exemptions from all or any of ſuch Taxes, Duties, Levies, or Charges, as aforeſaid, in caſe ſuch Contract or Contracts ſhall relate to any Lands or Hereditaments belonging to or in the Poſſeſſion of any Tenant for Life, Huſband, Feme Covert, Infants, Lunaticks, Guardians, Committees, Truſtees, or other incapacitated Perſons, ſhall be received, laid out, applied, and diſpoſed of in like Manner, and under the ſame Limitations, Reſtrictions, and Directions as the Purchaſe or Conſideration Money for any ſuch Lands or Hereditaments is or are by the ſaid recited Act directed to be laid out, applied, and diſpoſed of; and from and after the Payment of ſuch Purchaſe or Conſideration Money by the ſaid Company of Proprietors, purſuant to any ſuch Contracts or Agreements made with ſuch Concurrence as aforeſaid, the Lands and Hereditaments in reſpect whereof any ſuch Exemption or Exemptions ſhall have been ſo purchaſed as aforeſaid, ſhall be abſolutely exonerated and diſcharged of and from all ſuch Land Tax and other Rates, Taxes, Duties, Levies, and Charges, which now are or hereafter might be charged or aſſeſſed thereupon, or become payable in reſpect thereof, by any Occupier or Occupiers of ſuch Lands or Hereditaments, if the ſame had not been taken or made uſe of for the Purpoſes herein-before mentioned, and ſuch Rates, Taxes, Duties, Levies, and Charges as aforeſaid, ſhall from thenceforth be charged and chargeable upon ſuch adjoining Lands, purſuant to the Terms of ſuch Contracts or Agreements.

For enabling the Company to purchaſe an Exemption from Tythes, or Rents payable in reſpect thereof, iſſuing out of Lands taken for the Purpoſes of the Act.

XVII. And whereas it is by the ſaid Act of the Thirty-third Year of the Reign of His preſent Majeſty enacted, That a full Recompence and Satisfaction ſhall be made by the ſaid Company of Proprietors for all the Tythes, both Great and Small, which would have been iſſuing from or out of any of the Lands which ſhould be taken or made uſe of for the Purpoſes of the ſaid Act, to the ſeveral Perſons who then were, or at any Time thereafter might have become entitled to ſuch Tythes, according to their reſpective Intereſts therein, ſuch Tythes to be eſtimated at the Average Value of the Four Years commencing at *Michaelmas Day* One thouſand ſeven hundred and eighty-eight, and ending at *Michaelmas Day* One thouſand ſeven hundred and ninety-two, and 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 was therein-before directed

rected to be aſcertained, provided that ſuch Recompence or Satisfaction ſhould be made to ſpiritual Perſons by an Annual Rent: And whereas the Payment of Annual Rents or other Compenſations to the Perſons entitled to ſuch Tythes as aforeſaid, is in many Inſtances found troubleſome and inconvenient to the ſaid Company of Proprietors, and to the Perſons entitled to receive the ſame, by Reaſon of the diſtant Reſidence of the Treaſurers, Clerks, or other Officers belonging to or employed by the ſaid Company, from the Places where ſuch Tythes, or the Annual Rents payable in lieu thereof, ariſe or become due by virtue of the ſaid Act, or otherwiſe, and it would be more convenient to the Perſons entitled to ſuch Tythes, and alſo to the ſaid Company, if the Tythes of the Lands which are or may be made uſe of for the Purpoſes of the ſaid Act or of this Act, or the Annual Rents payable in reſpect thereof, were compenſated by a Sum or Sums of Money in Groſs, to be applied and diſpoſed of in Manner herein-after mentioned; be it therefore further enacted, That it ſhall and may be lawful for all or any of the Perſon or Perſons who are or may be reſpectively entitled to, or in the Receipt of any ſuch Tythes as aforeſaid, or of any Rent or Rents payable in reſpect thereof, to agree with the ſaid Company of Proprietors, and to ſell and convey to them and their Succeſſors all or any of the Tythes which may ariſe or become due or payable by virtue of the ſaid recited Act, or otherwiſe, in reſpect of any Lands taken or made uſe of for the Purpoſes of the ſame Act or of this Act, and alſo any Rent or Rents payable in reſpect of ſuch Tythes, for ſuch Price or Value as ſhall be mutually agreed upon between the ſaid Company, or their General or other Committee or Committees, Clerks or Agents, or any of them, and the Perſons entitled to or in Receipt of ſuch Tythes, or Rents payable in reſpect thereof; and that, from and after the Payment of the Purchaſe or Conſideration Money for ſuch Tythes, or Rents payable in reſpect thereof, ſuch Lands ſhall be abſolutely diſcharged of and from all Tythes, both Great and Small, and from all Rents in reſpect of ſuch Tythes, which might be otherwiſe iſſuing thereout, or payable in reſpect thereof: Provided, that in all Caſes where ſuch Tythes ſhall appertain or belong to any ſpiritual Perſons in Right of their Benefices, the Compenſation for the ſame ſhall be made in the Manner directed by the ſaid recited Act.

For forming a Junction between the *Whitchurch* Branch of the *Elleſmere* Canal and the *Cheſter* Canal.

XVIII. And whereas, by the ſaid recited Act of the Thirty-third Year of the Reign of His preſent Majeſty, after reciting that it appeared, by Surveys and Levels then lately taken, that it was practicable to make a further Collateral Cut or Canal, from a certain Part of the therein-before mentioned Collateral Cut, extending from *Franckton* to *Prees Higher-Heath*, therein mentioned, at or near a certain Place called *Fenſhall*, in the Townſhip of *Bronnington*, in the Pariſh of *Hanmer*, in the ſaid County of *Flint*, through ſeveral Pariſhes, Townſhips, Hamlets, and Places, in the ſame Act mentioned, to a Place called *The Crows Neſt*, in *Tattenhall*, in the ſaid County of *Cheſter*, there to communicate with the *Cheſter* Canal Navigation; it was by the ſame Act enacted, that in caſe all the Perſons entitled to or in Receipt of the Rents and Profits of the Lands or other Hereditaments which might be proper or neceſſary to be cut through, uſed, or likely to be affected by ſuch additional Cut or Canal, or by any Wharfs, Quays, Towing Paths, Ways, Sluices,

Aqueducts, Feeders, or other Works or Conveniences which might be required to be erected or made for the Purpoſes thereof, ſhould reſpectively give their Aſſents thereto, or in caſe they or any of them ſhould withhold or refuſe to give ſuch their Aſſents, and the ſaid Company of Proprietors of the ſaid *Elleſmere* Canal ſhould obtain an Authority from Parliament for that Purpoſe, as therein-after mentioned, the ſaid Company of Proprietors ſhould, and they were thereby required as ſoon as conveniently might be, and within Two Years at the moſt after ſo much of the ſaid Collateral Cuts extending from *Franckton* to *Prees Higher-Heath* aforeſaid, as lay or would extend from *Franckton* to *Fenſhall* aforeſaid, and the ſeveral Works and Conveniences thereby authorized to be made and conſtructed for the Purpoſes thereof ſhould have been completed, by themſelves, their Agents, Officers, Workmen, and Servants, to make and complete, at the Coſts and Charges of the ſaid Company of Proprietors, the ſaid additional Cut or Canal from, at, or near *Fenſhall* aforeſaid, to the ſaid *Cheſter* Canal, at or near *Tattenhall* aforeſaid: Provided always, and it was thereby further enacted, that in caſe any of the Perſons entitled to or in Receipt of the Rents and Profits of any Lands or Hereditaments intended to be cut through, uſed, or affected, by the making and completing of the ſaid additional Cut or Canal as aforeſaid, or any of the Works or Conveniences requiſite for the Purpoſes thereof, ſhould, upon Application being made to them, either perſonally or by Writing for that Purpoſe, withhold or refuſe his, her, or their Aſſent to the cutting through or uſing ſuch their reſpective Lands or other Hereditaments for the Purpoſes of the ſaid intended additional Cut or Canal, or the Works or Conveniences requiſite thereto, that then and in ſuch Caſe the ſaid Company of Proprietors ſhould, and they were thereby required, in the then next enſuing Seſſion of Parliament, at their own proper Coſts and Charges, to apply for, and uſe their beſt Endeavours to obtain an Act of Parliament, to authorize and empower them to make, complete, and maintain, ſuch additional Cut or Canal, from, at, or near the ſaid Place called *Fenſhall*, to the ſaid *Cheſter* Canal in *Tattenhall* aforeſaid, in the Line or Courſe therein-before mentioned, or in ſuch other Line or Courſe as might be thought moſt fit and expedient: And whereas it hath been propoſed that proper Surveys, Levels, and Eſtimates, ſhall be taken and made, in order to aſcertain which Line or Courſe will be the moſt fit and expedient to be taken and purſued for effecting ſuch Junction: Be it therefore further enacted, That all the Powers and Authorities in the ſaid Act of the Thirty-third Year of the Reign of His preſent Majeſty contained, ſo far as the ſame relate to the ſaid Junction between the ſaid *Whitchurch* Branch of the ſaid *Elleſmere* Canal, and the ſaid *Cheſter* Canal, ſhall be, and the ſame are hereby repealed; and that as ſoon as conveniently may be after the paſſing of this Act, proper Surveys, Levels, and Eſtimates ſhall be made and taken of the Country lying between the ſaid *Whitchurch* Branch of the ſaid *Elleſmere* Canal, and the ſaid *Cheſter* Canal, by Two Engineers, One of them to be nominated and appointed by the ſaid Company of Proprietors of the ſaid *Elleſmere* Canal, and the other of them by the Company of Proprietors of the ſaid *Cheſter* Canal Navigation; which ſaid Two Engineers in the firſt Place, and before they enter upon the Conſideration of

the Matters intended to be referred to them, ſhall, by Writing under their Hands and Seals, conſtitute and appoint ſome other proper Engineer as an Umpire to decide and determine concerning ſuch Matters and Things as may be ſubmitted to the Conſideration of ſuch Umpire in Manner herein-after mentioned, and the ſaid Two Engineers to be firſt named and appointed as aforeſaid ſhall, by making or directing proper Levels, Surveys, and Sections, of the Country, between the ſaid *Whitchurch* Branch and the ſaid *Cheſter* Canal, and by informing themſelves of all Circumſtances neceſſary to enable them to form a proper Judgement concerning the Matters intended to be ſubmitted to their Conſideration, if they agree in Opinion, determine which Line or Courſe ſhall be taken and purſued for effecting ſuch Junction between the ſaid *Whitchurch* Branch of the ſaid *Elleſmere* Canal and the ſaid *Cheſter* Canal; and ſhall alſo, in caſe they ſo agree in Opinion, make a joint Report in Writing, within Five Calendar Months next after they ſhall have been ſo nominated and appointed as aforeſaid, ſtating and deſcribing therein which Line or Courſe of Country will in their Opinion be the moſt fit and expedient, and moſt for the mutual Intereſt and Advantage of both the ſaid reſpective Companies to be taken and purſued for effecting ſuch Junction as aforeſaid, and in what Manner, of what Extent, Width, and other Dimenſions, and at what Expence a Collateral Cut or Canal, for that Purpoſe may, in the Opinion of the ſame Two Engineers, be moſt properly made, executed, and ſupplied with Water; true Copies of which ſaid Report, ſigned by the ſaid Two Engineers, ſhall be delivered to each of the ſaid Companies, or to their Clerks or Treaſurers for the Time being, within Seven Days next after the Expiration of the ſaid Five Calendar Months as aforeſaid; and in caſe the ſaid Two Engineers to be firſt nominated and appointed as herein-before mentioned ſhall not agree in Opinion, or ſhall not make a joint Report within the Time aforeſaid, concerning the Matters ſo to be referred to their Conſideration, then each of the ſame Referrees ſhall, within Fourteen Days next after the Expiration of the ſaid Five Calendar Months, make and deliver to each of the ſaid reſpective Companies, or to their Clerks or Treaſurers for the Time being, ſeparate Reports, in Writing, deſcribing which Line or Courſe of Country will, in the Opinion of the ſaid Two firſt-named Referrees reſpectively, be moſt fit and exepedient, and moſt for the mutual Intereſt and Advantage of the ſaid reſpective Companies to be taken and purſued for effecting ſuch Junction as aforeſaid, and in what Manner, of what Extent, Width, and other Dimenſions, and at what Expence ſuch Collateral Cut or Canal may, in the Opinion of the ſaid Two firſt-named Engineers reſpectively, be moſt properly made, executed, and ſupplied with Water, which ſaid Two ſeparate Reports ſhall be taken into Conſideration by the ſaid reſpective Companies, and by the General Committees of the ſame Companies reſpectively, at the next Meetings of the ſame Companies, and of their ſaid General Committees next after ſuch ſeparate Reports ſhall have been ſo delivered to their ſaid reſpective Clerks or Treaſurers as aforeſaid; and in caſe an Agreement ſhall not thereupon take place between the ſaid Two Companies, or their ſaid General Committees, concerning the Matters to be contained in ſuch ſeparate Reports, then the ſaid reſpective ſeparate Reports ſhall, within Three Calendar Months next after the ſame ſhall have been ſo made

made and delivered as aforeſaid, be ſubmitted to the Conſideration of the Perſon who ſhall have been ſo conſtituted and appointed an Umpire by the ſaid Two firſt-named Engineers as herein-before mentioned; which ſaid Umpire ſhall, by the Conſideration of the ſaid Two ſeparate Reports, and by making or directing any further comparative Levels, Surveys, and Sections of the Country between the *Whitchurch* Branch of the ſaid *Elleſmere* Canal, and the ſaid *Cheſter* Canal, and by obtaining ſuch other Information as may be neceſſary to form a proper Judgement concerning the Matters in the ſaid reſpective Reports mentioned, or which may be ſubmitted to his Conſideration by either of the ſaid reſpective Companies, decide and determine, within Three Calendar Months next after the Delivery of the ſaid ſeparate Reports to the ſaid Umpire, which Line or Courſe of Country will be moſt fit and expedient to be taken and purſued for effecting ſuch Junction, and moſt for the mutual Advantage of the ſaid reſpective Companies, and in what Manner, of what Extent, Width, and other Dimenſions, and at what Expence ſuch further Collateral Cut or Canal as may be neceſſary for that Purpoſe, may, in the Judgement of ſuch Umpire, be moſt properly made, executed, and ſupplied with Water.

The *Elleſmere* Company to apply to Parliament for an Act to make the Junction.

XIX. And be it further enacted, That the ſaid Company of Proprietors of the ſaid *Elleſmere* Canal ſhall, and they are hereby required, within Two Years next after the Commencement of this Act, in caſe a Joint Report of the ſaid Two Engineers to be ſo firſt named and appointed as aforeſaid, or a Report of the ſaid One Engineer or Umpire ſhall have been in the mean Time made and delivered in Manner herein-before mentioned, or in caſe ſeparate Reports ſhall have been ſo made and delivered by the ſaid Two Engineers to be firſt named and appointed, and any Agreement ſhall have thereupon taken place between the ſaid Two Companies, or their General Committees, concerning the Matters to be contained in ſuch ſeparate Reports, at the proper Coſts and Charges of the ſaid Company of Proprietors of the ſaid *Elleſmere* Canal, to apply for, and uſe their beſt Endeavours to obtain an Act of Parliament to authorize and empower them to make, complete, and maintain, at their own Coſts and Charges, ſuch Cut or Canal as and for a Junction between the ſaid *Whitchurch* Branch of the ſaid *Elleſmere* Canal and the ſaid *Cheſter* Canal, and in ſuch Line or Courſe, Manner, Extent, Width, and other Dimenſions, as the ſaid Engineers, or ſuch Umpire, to be nominated and appointed as aforeſaid, ſhall by their or his ſaid Report deſcribe or approve of, in Manner aforeſaid, as moſt fit and expedient, and moſt for the mutual Intereſt and Advantage of both the ſaid Companies, or which may be otherwiſe agreed upon between the ſaid Companies, or their ſaid General or other Committees as aforeſaid, for effecting ſuch Junction between the ſaid *Whitchurch* Branch of the ſaid *Elleſmere* Canal and the ſaid *Cheſter* Canal; and alſo that the ſaid Company of Proprietors of the ſaid *Elleſmere* Canal ſhall, in due Time, previous to ſuch Application to Parliament, give regular and ſufficient Notices of ſuch Application, and prepare and depoſit with the proper Officers Books of Reference and Plans of ſuch additional Cut or Canal, and ſhall in due Time apply to, and endeavour to obtain the Aſſents of the ſeveral Owners and Occupiers of all ſuch Lands and Hereditaments

ditaments as may be propoſed to be cut through, uſed, or affected, by the ſame intended Junction, or the Works and Conveniences requiſite and neceſſary thereto, and ſhall take all other neceſſary Steps preparatory to ſuch Application to Parliament; and that in ſuch future Act of Parliament, in caſe the ſame ſhall be obtained, there ſhall be contained all ſuch proper and neceſſary Powers, Proviſions, and Authorities, for making and maintaining the ſaid additional Collateral Cut or Canal, and the Works and Conveniences requiſite for the Purpoſes thereof, as to Parliament ſhall ſeem meet.

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

XX. And whereas the major Part of the Proprietors of the ſaid Navigation may hereafter judge it expedient to make Application to Parliament for Power to make further navigable Communications with the ſaid Canal, Collateral Cuts, Variations, additional Branches, and Extenſions, or ſome of them, other than ſuch as are authorized by this Act, and the ſaid recited Act of the Thirty-third Year of the Reign of His preſent Majeſty, but by Reaſon of Infancy or otherwiſe may not be able to obtain the Conſent and Concurrence of all the Proprietors; be it therefore further enacted, That in caſe the Perſons who ſhall attend at any General Aſſembly of the ſaid Company of Proprietors, and who ſhall vote in reſpect of the greater Number of Shares in the ſaid Navigation, repreſented or held by Perſons attending at ſuch Meeting, ſhall think it proper to make any ſuch Application to Parliament as aforeſaid, it ſhall be lawful for them to order and cauſe the Common Seal of the ſaid Company of Proprietors to be affixed to any Petition for that Purpoſe, and ſuch Application to be proceeded in and proſecuted; and any Money by virtue of this Act, and the ſaid recited Act, or which may be ſo ſubſcribed, raiſed, or contributed as aforeſaid, to be applied in defraying the Expences incurred by or in conſequence of any ſuch Application; and it ſhall be lawful for the Guardians, Truſtees, or Committees of the Proprietors of any Shares in the ſaid Navigation, being Minors, Lunaticks, or under any other 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 Mortgages they are hereby authorized to make by Writing under their Hands and Seals, with the Conſent of Five or more of the ſaid Commiſſioners, and which Mortgages, when made, ſhall be valid and effectual.

Expences of obtaining this Act how paid.

XXI. And be it further enacted, That the Coſts and Charges of obtaining and paſſing this Act, and of making the Surveys, Plans, and Eſtimates incident thereto, and all other Coſts, Charges, and Expences concerning the ſame, ſhall be borne, paid, and defrayed by the ſaid Company of Proprietors, out of any Money already raiſed by virtue of the ſaid recited Act, or out of the firſt Money that ſhall be raiſed by virtue of the ſaid Act and this Act.

Publick Act. XXII. 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.

FINIS.