ANNO TRICESIMO SEXTO

Georgii III. Regis.

CAP. XCVI.

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 Courſe of the ſaid Canal and Collateral Cuts, between *Ruabon* and *Cheſter*, and for making and maintaining ſeveral other Branches and Collateral Cuts, to communicate therewith.

[14th *May* 1796.]

 WHEREAS

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



HEREAS 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 the ſeveral Powers thereby veſted in ſuch Commiſſioners: And whereas by an Act of this preſent Seſſion of Parliament, intituled *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; the ſaid Company of Proprietors have been authorized and empowered to vary and alter the Line of the ſaid Canal and Cuts between *Franckton Common* and *Whitchurch* in the ſame Act mentioned, and to make, extend, and maintain ſeveral new Branches to communicate therewith; and the Powers given by the ſaid recited Act of the Thirty-third Year of the Reign of His preſent Majeſty, have by the ſaid Act of the preſent Seſſion been varied, enlarged, and amended in ſuch Manner as therein mentioned: And whereas, it appears upon a Re-ſurvey of the Country through which the ſaid Company of Proprietors are by the ſaid Act of the Thirty-third Year of the Reign of His preſent Majeſty empowered to make and complete the ſaid Canal and Collateral Cuts, that it will be convenient to vary and alter ſome other Parts of the Line thereof, 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 the Line originally intended for the ſaid Canal, and to make, extend, complete, and maintain a new Branch from the ſaid Canal, at or near *Pont cyſylty*, in the Pariſh of *Ruabon*, in the Townſhip of *Chriſtioneth Kenrick*, in the County of *Denbigh*, to or near a Dwelling Houſe in the Occupation of *Edward Jenkins*, in the Pariſh of *Saint Mary on the Hill*, in the County of the City of *Cheſter*; and from a Part of ſuch intended new Branch of the ſaid Canal, on *Cefn* Common, in the Pariſh of *Ruabon*, and Townſhip of *Chriſtioneth Kenrick* aforeſaid, to the Turnpike Road leading to *Acrefair* Coal Works, in the ſaid County of *Denbigh*; and from a certain Part of the ſaid intended new Branch of the ſaid Canal, in the Pariſh of *Gresford* and Townſhip of *Gwerſyllt*, in the ſaid County of *Denbigh*, near a Houſe in the Occupation of *Robert Dod*, to or near the *Talwern* Coal Works, in the Pariſh of *Mold*, in the County of *Flint*; and from near a Houſe in the Pariſh of *Gresford* and Townſhip of *Burton*, in the ſaid County of *Denbigh*, called *The Broad Oak*, to a certain Field near the River *Allen*, in the ſaid Pariſh of *Gresford* and Townſhip of *Allington*, in the ſaid County of *Denbigh*, called *Cae Morgan*; which ſaid ſeveral Variations, Extenſions, and additional Branches of the ſaid *Elleſmere* Canal, are intended to be made or paſs in or through the ſeveral Pariſhes, Chapelries, Liberties, Townſhips, Hamlets, and Places herein-after mentioned; that is to ſay, the Pariſhes of *Ruabon*, *Wrexham*, and *Gresford*, and the Townſhips of *Chriſtioneth*, *Kenrick*, *Bodyltyn Rhyddallt*, *Moreton Above*, *Moreton Below*, *Eſcluſham Below*, *Berſham*, *Broughton*, *Stanſtay*, *Gwerſyllt*, *Gresford*, *Allington*, *Burton*, and *Brumbo*, in the ſaid County of *Denbigh*; the Pariſhes of *Gresford*, *Hope*, and *Mold*, and the Townſhips of *Marford*, *Uch y Mynydd Ucha*, *Uch y Mynydd Iſſa*, and *Tryddin*, in the County of *Flint*; the Pariſhes of *Pulford*, *Dodleſton*, and *Saint Mary on the Hill*, and the Townſhips of *Pulford*, *Dodleſton*, and *Marſton cum Leach*, in the County of *Cheſter*; the Pariſh of *Saint Mary on the Hill*, and the Townſhip or Place called *Saltney Side*, in the County of the City of *Cheſter*: 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 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 Act of the Thirty-third Year of the Reign of His preſent

Power to vary and extend the Line of the Canal and Collateral Cuts, and to make other Collateral Branches.

Powers in former Act extended to this.

Majeſty, or under and by virtue of the ſaid Act of the preſent Seſſion of Parliament, 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 ſaid Act of the Thirty-third Year of His preſent Majeſty, 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, 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 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, and by the ſaid Act of the preſent Seſſion of Parliament, to every Intent and Purpoſe whatſoever; and that the ſaid ſeveral Acts, and all the Clauſes, Powers, Proviſoes, Authorities, Orders, Rules, Regulations, Limitations, Reſtrictions, Prohibitions, Directions, Exemptions, Indemnities, Penalties, Forfeitures, Puniſhments, Matters, and Things, in the ſaid reſpective Acts 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 conveying 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, and the ſaid Act of the Thirty-third Year of the Reign of His preſent Majeſty, and alſo the ſaid Act of the preſent Seſſion of Parliament

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 be uſed, exerciſed, applied, and enforced, 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, and in the ſaid Act of the preſent Seſſion of Parliament, were herein repeated and re-enacted, as if the ſaid Variations, additional Branches, and Extenſions of the ſaid Canal and Collateral Cuts, and the other Works by this Act authoriſed to be made, completed, and maintained, had been Part of the ſaid Canal, Collateral Cuts, and other Works by the ſaid recited Act of the Thirty-third Year of the Reign of His preſent Majeſty, or by the ſaid Act of the preſent Seſſion of Parliament, 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.

Five Plans and Book of Reference ſhall be ſigned by the Speaker of the Houſe of Commons.

II. 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 authoriſed 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 Five 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 Book of Reference ſhall be depoſited with the Clerk of the Peace for the ſaid County of *Denbigh*, another with the Clerk of the Peace for the ſaid County of *Flint*, another with the Clerk of the Peace for the ſaid County of *Cheſter*, and another with the Town Clerk for the County of the City of *Cheſter*, 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

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.

III. 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 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 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 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.

IV. 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 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.

V. 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

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 Two Gardens reſpectively, ſituate in the Townſhip of *Chriſtioneth Kenrick*, and in the Pariſh of *Ruabon* aforeſaid, belonging to *William Owen* Eſquire, and in the ſeveral Occupations of *Margaret Whitehall* and *Simon Jones*; and alſo except Three Gardens reſpectively ſituate in the Townſhip of *Rhyddallt*, and in the Pariſh of *Ruabon* aforeſaid, belonging to *John Rowland* Eſquire, and in the ſeveral Occupations of *Joſeph Rogers*, *Richard Lloyd*, and *John Lloyd*; and alſo except another Garden ſituate in the Townſhip of *Bodyltyn*, in the Pariſh of *Ruabon* aforeſaid, belonging to *Richard Myddleton* Eſquire, and in the Occupation of *Randle Jones*; and alſo except another Garden ſituate in the Townſhip of *Eſcluſham Below*, in the Pariſh of *Wrexham* aforeſaid, belonging to the ſaid *Richard Myddleton*, and in the Occupation of *John Hughes*; and alſo except One other Garden ſituate in the laſt-mentioned Townſhip and Pariſh, belonging to *William Lloyd* Eſquire and in the Occupation of *Hannah Roberts*; and alſo except another Garden ſituate in the Townſhip of *Broughton*, in the Pariſh of *Wrexham*, belonging to *Richard Davies* Eſquire, in the Occupation of *Thomas Williams*; and alſo except another Garden ſituate in the ſaid laſt-mentioned Townſhip and Pariſh, belonging to and in the Occupation of *Edward Jones*; and alſo except another Garden, ſituate in the laſt-mentioned Townſhip and Pariſh, belonging to *Robert Jones*, and in the Occupation of *John Price*; and alſo except Two Gardens reſpectively ſituate in the Townſhip of *Stanſtay* and in the Pariſh of *Wrexham* aforeſaid, belonging to Sir *Edward Pryce Lloyd* Baronet, and in the ſeveral Occupations of *John Kenrick* and *Edward Williams*; and alſo except another Garden ſituate in the Townſhip and Pariſh of *Gresford*, belonging to the Dean and Chapter of *Wincheſter*, or the Reverend *Samuel Strong*, as Truſtee under the Will of the late Biſhop of *Saint Aſaph*, in the Occupation of *John Parry*; and alſo except another Garden and Yard reſpectively, ſituate in the Townſhip of *Allington*, in the Pariſh of *Gresford* aforeſaid, belonging to the Right Honourable Lady *Mary Jane Dacre*, *George Boſcawen* Eſquire, and Mrs. *Grace Trevor*, and in the Occupation of *Michael Jones*; and alſo except another Garden ſituate in the laſt-mentioned Townſhip and Pariſh, belonging to *John Edgeworth* Eſquire, and in the Occupation of *Samuel Bennion*; and alſo except another Garden ſituate in the ſaid Townſhip of *Gwerſylt*, and Pariſh of *Gresford*, belonging to the ſaid Sir *Edward Pryce Lloyd*, and in the Occupation of *Robert Dod*; and alſo except another Garden ſituate in the laſt-mentioned Townſhip and Pariſh, belonging to *John Jones*, and in the Occupation of *Richard Blakewell*; and alſo except another Garden ſituate in the Townſhip of *Uch y mynydd ucha*, in the Pariſh of *Hope*, belonging to the Reverend *Hope Wynne Eyton*, in the Occupation of *Edward Jones*; and alſo except Two Gardens reſpectively ſituate in the Townſhip of *Treyddin*, in the Pariſh of *Mold*, belonging to the ſaid Lady *Dacre*, *George Boſcawen*, and *Grace Trevor*, in the Occupations of *William Roberts* and *Edward*

Price; and alſo except the following Gardens which are ſituate and lying within One hundred Yards of the ſaid intended Collateral Cuts, and the additional Branches and Extenſions thereof, or ſome of them; (*videlicet*), Two Gardens ſituate in the Townſhip of *Rhyddallt*, in the Pariſh of *Ruabon*, belonging to *John Rowland* Eſquire, and in the ſeveral Occupations of *Thomas Evans*, and *John Thomas*; and alſo except a Tan-Houſe and Garden ſituate in the ſaid Townſhip of *Rhyddallt*, in the ſaid Pariſh of *Ruabon*, belonging to Sir *Watkin Williams Wynne* Baronet, and in the Occupation of *Mary Smith* Widow; Five other Gardens ſituate in the Townſhip of *Bodyltyn*, in the ſaid Pariſh of *Ruabon*, belonging to the ſaid Sir *Watkin Williams Wynne*, and in the ſeveral Occupations of the Reverend *John Denman*, *William Speakman*, *Randle Jones*, *Edward Davies*, *Phœbe Jones*, and *Edward Jones*; One other Garden ſituate in the laſt-mentioned Townſhip and Pariſh, belonging to *Randle Jones* Gentleman, and in the Occupation of *Edward Rowland* Eſquire; Two other Gardens, ſituate in the Townſhip of *Eſcluſham Below*, in the Pariſh of *Wrexham* aforeſaid, belonging to *Pattiſon Ellames* Eſquire, and in the ſeveral Occupations of *Edward Davies* and *Robert Ellis*; One other Garden ſituate in the Townſhip of *Berſham*, in the Pariſh of *Wrexham* aforeſaid, belonging to *William Lloyd* Eſquire, and in the Occupation of *John Roberts*; One other Garden ſituate in the Townſhip of *Stanſtay*, in the ſaid Pariſh of *Wrexham*, belonging to, and in the Occupation of *Margaret Jones*; One other Garden ſituate in the Townſhip of *Allington*, and in the Pariſh of *Gresford* aforeſaid, belonging to the ſaid Lady *Mary Dacre*, *George Boſcawen*, and *Grace Trevor*, and in the Occupation of *Thomas Bennion*; which are meant and intended to be made uſe of for the Purpoſes of this and the ſaid recited Act.

Power to alter Rates.

VI. 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 for that Purpoſe, in the Manner preſcribed by the ſaid recited 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 by the ſaid recited Act granted, as often as it ſhall be deemed neceſſary for the Intereſts of the ſaid Navigation.

For altering the Quorum, and Adjournment of Committees.

VII. And whereas by the ſaid recited Act of the Thirty-third Year of the Reign of His preſent Majeſty, it is enacted, That all the Powers and Authorities thereby veſted in or directed to be exerciſed by the General and other Committees of the ſaid Company, might be done and exerciſed by the major Part of them preſent at their reſpective Meetings, the whole Number preſent not being leſs than Seven at ſuch General Committee Meetings, nor leſs than Three at ſuch other Committee Meetings, and that the ſaid General and other Committee and Committees ſhould, ſubject as therein mentioned, meet at ſuch Times and Places, and ſhould from Time to Time adjourn themſelves to ſuch other Times and Places as they ſhould think fit: And whereas Doubts have ariſen, whether a leſs Number than Seven Members of the ſaid General Committee, or than Three Members of the ſaid other Committee or Committees, are by the ſaid Act authorized to make any Adjournment of the Meeting or

Meetings of the Committees reſpectively, and the requiring ſo large a Number as Seven Members of the ſaid General Committee, to conſtitute a Meeting of the ſame Committee, is found inconvenient; be it therefore enacted, That any Five or more of the Members of the ſaid General Committee, who may be aſſembled at any Meeting or Meetings of the ſame Committee, and the major Part of them ſo aſſembled, ſhall be, and hereby are authorized and empowered to do, perform, and exerciſe all the Powers, Matters, and Things, which by the ſaid recited Act of the Thirty-third Year of the Reign of His preſent Majeſty, or by the ſaid Act of this preſent Seſſion, or by this Act, are veſted in or directed to be exerciſed by the General Committee, or the major Part of them who ſhall be aſſembled at any Meeting or Meetings of the ſame Committee; and if at any Meeting of the ſaid General Committee, there ſhall not be Five or more Members of the ſame Committee preſent, or if at any Meeting of any ſuch other Committee or Committees, there ſhall not be Three or more Members of ſuch Committee or Committees preſent, then the Members of the ſaid General or other Committee or Committees, who may be preſent at any ſuch Meeting or Meetings, ſhall and may, and are hereby empowered to adjourn the ſame Meeting to ſuch Times and Places reſpectively as they ſhall think fit; and if none of the Members of the ſaid Committee or Committees reſpectively ſhall be then preſent, or if they ſhall fail or omit to make an Adjournment of any ſuch Meetings, the Clerk or Clerks to the ſaid reſpective Committees for the Time being, ſhall and may, and are hereby empowered to adjourn ſuch Meeting or Meetings reſpectively, for any Time not exceeding Six Weeks, nor leſs than Fourteen Days, and to appoint the ſaid Committee or Committees reſpectively, then to meet at the ſame Place or Places where ſuch General or other Committee Meeting or Meetings were before appointed to have been held, ſo that publick Notice be given of the Time and Place appointed by any ſuch Adjournment which may be made in conſequence of a ſufficient Number of the ſaid reſpective Committees not attending to act, or failing to make an Adjournment, by Advertiſement in ſome Newſpaper or Newſpapers uſually circulating in the County where ſuch adjourned Committee Meeting or Meetings ſhall have been appointed.

Certain Road over the Canal to be turned and made convenient to *John Parry* Eſquire.

VIII. And whereas a Manſion Houſe and other Buildings have been lately erected, and Pleaſure Grounds adjacent thereto have been made at a conſiderable Expence by *John Parry* Eſquire, of *Gresford Lodge*, near the Village of *Gresford*, in the County of *Denbigh*, where he now reſides, which Manſion Houſe and other Buildings and Pleaſure Grounds are ſituate near the Line of the Variation of the ſaid Canal through the Valley of *Gresford* aforeſaid, and alſo near to a certain publick Road or Highway leading from the ſaid Village to the Village of *Hope*, in the ſaid County, and the ſaid *John Parry* is deſirous to be enabled, under the Regulations and Reſtrictions herein-after provided, to alter the Line of the ſaid publick Road or Highway, ſo that the increaſed Traffick which may paſs and repaſs thereon in conſequence of making ſuch Variation of the ſaid Canal, may be rendered the leſs incommodious to him the ſaid *John Parry*, and to the future Inhabitants and Occupiers of the ſaid Manſion Houſe and Pleaſure Grounds: And whereas the ſaid intended Alteration of ſuch publick Road or Highway (if ſo made) will paſs for the moſt Part through the Lands of the ſaid *John Parry*, and alſo through

through a ſmall Field or Cloſe belonging to *John Madock* Eſquire, or through another Field or Cloſe belonging to the Truſtees of a certain Charity there, and ſuch intended new Road or Highway will (if made) join the preſent publick Road or Highway at the Diſtance of Two hundred and two Yards, or thereabouts, above, or to the Northward of a certain Dwelling Houſe belonging to *William Roberts*, but is not intended to be ſo made as aforeſaid, without the Conſent in Writing of the ſaid *John Madock* and *William Roberts*, or of their reſpective Heirs or Aſſigns, and of the major Part of the Truſtees or Governors of the ſaid Charity for the Time being, firſt had and obtained for that Purpoſe: And whereas ſome of the Perſons whoſe Conſent is intended to be obtained for the Purpoſe of making ſuch Alteration of the ſaid publick Road or Highway as aforeſaid, now are or may hereafter be incapable through Nonage, or other legal Diſability, to give their Conſent thereto; be it therefore enacted, That it ſhall and may be lawful for the ſaid *John Parry*, his Heirs or Aſſigns, or for any other Perſon or Perſons who may be ſeiſed of or entitled to the ſaid Manſion Houſe and Pleaſure Grounds, with the Appurtenances, for the Time being, which are now in the Poſſeſſion of the ſaid *John Parry*, at any Time hereafter, by and with the Conſent in Writing of them the ſaid *John Madock* and *William Roberts*, their Heirs or Aſſigns; or in caſe of legal Diſability, by and with the Conſent of their Guardians, Truſtees, Committees, or other Perſons acting for them, or any of them, and by and with the Conſent of the major Part of the Truſtees for the Time being of the ſaid Charity, at the proper Coſts and Charges of him the ſaid *John Parry*, or of ſuch other Perſon or Perſons who ſhall or may for the Time being be ſeiſed of or entitled to the ſaid Manſion Houſe and Pleaſure Grounds, to alter and vary the Line of ſuch publick Road or Highway as aforeſaid, and to make and complete another Road or Highway to be ſubſtituted in lieu thereof, ſo that ſuch new Road or Highway ſhall not be more than Two hundred and eighty-ſix Yards longer than the preſent publick Road or Highway, and ſo that the ſaid new Road or Highway ſhall be made and formed of durable Materials, and be laid out, finiſhed, and fenced from the adjacent Lands, to the Satisfaction of the Commiſſioners appointed by the ſaid recited Act, or of any Seven or more of them, who ſhall certify the ſame under their Hands, to the Surveyor or Surveyors of the Townſhip, Pariſh, or Place where the ſaid publick Road or Highway ſhall have been ſo altered as aforeſaid; and from and after the making and ſigning of ſuch Certificate, and Delivery of the ſame, or of a true Copy thereof, to ſuch Surveyor or Surveyors, the ſaid new Road ſo ſubſtituted as aforeſaid, ſhall be kept in Repair by ſuch Perſon or Perſons as would have been liable to the Repairs of the ſaid preſent publick Road or Highway, in caſe no ſuch Alteration thereof had taken place; and from thenceforth the ſaid preſent publick Road or Highway, which ſhall have been intercepted and cut off by ſuch Alteration as aforeſaid, ſhall be veſted in, and become the Property of the ſaid *John Parry*, his Heirs or Aſſigns, or of ſuch other Perſon or Perſons as may be for the Time being ſeiſed of or entitled to the ſaid Manſion Houſe and Pleaſure Grounds, now in the Poſſeſſion of the ſaid *John Parry* as aforeſaid.

For ſecuring the Springs of Water ſupplying *Gwerſylt Hall*, and directing

IX. Provided always, and be it further enacted, That nothing in this Act contained ſhall authorize or empower the ſaid Company of Proprietors to take, make uſe of, or intercept any Stream or Spring of Water now flowing in, upon, over, or out of any of the Lands of *John Humberſtone Cawley*,

Cawley Eſquire, in *Gwerſylt*, in the ſaid County of *Denbigh*, and uſed for the ſupplying of the Manſion Houſe of the ſaid *John Humberſtone Cawley*, called *Gwerſylt Hall*, ſituate and being in *Gwerſylt* Park, or any of the Offices or Buildings belonging thereto, with Water, but that the ſame Streams and Springs of Water, in caſe the ſaid Canal ſhall paſs through, acroſs, or over the ſame, ſhall be well and effectually conveyed by proper Drains or Culverts under the ſame Canal, ſo that the Water for the Supply of the ſaid Manſion Houſe, Offices, and Buildings, ſhall flow in the uſual Courſe or Channel, and without being interrupted by reaſon of any of the Works which may be carried on, under or by virtue of the Powers of this Act, or of the ſaid recited Act, or of the ſaid Act of the preſent Seſſion of Parliament, and the Banks of the ſaid Canal through the Lands of the ſaid *John Humberſtone Cawley* in *Gwerſylt*, and within View from his ſaid Manſion Houſe, ſhall be planted, by the ſaid Company of Proprietors, with a ſufficient Number of Foreſt Trees, to conceal the ſaid Canal and the Towing Paths thereof, from the View of the Perſons reſiding in the ſaid Manſion Houſe, the Number of ſuch Foreſt Trees, and the Extent of Ground whereon the ſame ſhall be planted for the Purpoſe aforeſaid, to be ſettled and aſcertained, in caſe any Diſpute ſhall ariſe concerning the ſame, by any Seven or more of the Commiſſioners appointed by the ſaid recited Act of the Thirty-third Year of the Reign of His preſent Majeſty, or by the Verdict of a Jury, in like Manner as any of the Damages which may be occaſioned by the Execution of any of the Powers of this Act may be aſcertained or determined.

the Canal Banks to be planted within Sight of the Houſe.

X. And whereas by the ſaid Act of the Thirty-third Year of His preſent Majeſty's Reign, it was recited, that the ſaid then intended Canal would very probably leſſen the Tolls or Duties then payable to the ſaid Company of Proprietors of the Undertaking for recovering and preſerving the Navigation of the River *Dee*, it was therefore enacted, that when and as often as the Tolls or Duties ſhould in any One Year, to be computed from the Firſt of *January* to the Thirty-firſt of *December*, after the Commencement of the ſaid Act, produce leſs than the Sum of Two hundred and ten Pounds a Year, that then the ſaid intended Canal Company, their Succeſſors and Aſſigns, ſhould and would make up and pay to the ſaid Company of Proprietors of the Undertaking for recovering and preſerving the Navigation of the River *Dee*, ſuch Sum and Sums of Money as would make up the Annual Receipt of the ſaid Tolls and Duties the full Sum of Two hundred and ten Pounds: And whereas, ſince the paſſing of the ſaid Act, it has been diſcovered that the Tolls or Duties payable to the ſaid Company of Proprietors of the Undertaking for recovering and preſerving the Navigation of the River *Dee*, for or in reſpect of Coals, was not taken into Conſideration at the Time of paſſing the ſaid Act of Parliament, and which laſt mentioned Tolls or Duties did then amount upon an Average to the Yearly Sum of Twenty-five Pounds; be it therefore enacted, That when and as often as the Tolls or Duties payable to the ſaid Company ſhall in any One Year, to be computed from the Firſt of *January* to the Thirty-firſt of *December*, after the Commencement of this Act, produce leſs than the Sum of Two hundred and thirty-five Pounds, that then the ſaid *Elleſmere* Canal Company, their Succeſſors and Aſſigns, ſhall and will, from Time to Time, make up and pay to the ſaid Company of Proprietors of the Undertaking for recovering and preſerving the Navigation of the River *Dee*, their

Canal Company to make up any Deficiency which the River *Dee* Company may ſuſtain in their Tolls by reaſon of the Canal being made, in caſe the Annual Amount be leſs than 235*l.*

their Succeſſors and Aſſigns, ſuch Sum and Sums of Money as will make up the Annual Receipt of the ſaid Tolls and Duties, the full Sum of Two hundred and Thirty-five Pounds.

The Canal may be extended from the South End of the *Wirral* Branch through the *Cheſter* Canal Baſon, &c.

XI. And whereas the Soil and Ground of a certain Baſon called *The Cheſter Canal Baſon*, and the Banks on each Side thereof, ſituate near the Water Tower, within the Liberties of the City of *Cheſter*, belongs to and is the Property of the Company of Proprietors of the Undertaking for recovering and preſerving the Navigation of the River *Dee*, ſubject to the Right of Paſſage through and over the ſame, and alſo ſubject to ſuch other Rights and Privileges as the Company of Proprietors of the *Cheſter* Canal Navigation, or the Company of Proprietors of the *Elleſmere* Canal, have or are entitled to uſe or exerciſe upon, over, or through the ſaid Baſon, or the Banks on either Side thereof, and it hath been agreed between the ſaid Company of Proprietors of the *Elleſmere* Canal, and the ſaid Company of Proprietors of the Undertaking for recovering and preſerving the Navigation of the River *Dee*, and the ſaid Company of Proprietors of the *Cheſter* Canal Navigation, that the ſaid *Elleſmere* Canal ſhall be extended from the South End of the *Wirral* Branch thereof through the ſaid *Cheſter* Canal Baſon to the ſaid River *Dee*, under ſuch Powers and Reſtrictions for ſecuring the Rights and Intereſts of the ſaid Company of Proprietors of the Undertaking for recovering and preſerving the Navigation of the ſaid River *Dee*, as herein-after mentioned: It is therefore hereby further enacted, That the Alteration or Deviation of the Line of that Part of the *Elleſmere* Canal which is to be carried through any Part of the Lands, Soil, or Ground, of or belonging to the ſaid Company of Proprietors of the Undertaking for recovering and preſerving the Navigation of the River *Dee*, or any Works to be made or conſtructed by virtue of this Act, ſhall not alter, abridge, or leſſen, all or any of the Powers, Reſervations, Rights, and Privileges given or reſerved to the ſaid Company, by the ſaid recited Act of the Thirty-third Year of His preſent Majeſty's Reign, but that the ſaid Company ſhall have and enjoy the ſame Rights, Privileges, Powers, and Authorities, in, upon, and over, and in reſpect of the making and maintaining through their Lands, Soil, or Ground, the ſaid intended Line of Canal, and the Banks, Soil, and Ground thereof, as they would have had and enjoyed upon and over the Line mentioned and intended by the ſaid former Act.

For making a Wet Dock in the *Cheſter* Canal Baſon.

XII. And whereas, as an Inducement to the ſaid Company of Proprietors of the Undertaking for recovering and preſerving the Navigation of the River *Dee*, to conſent to ſuch laſt-mentioned Extenſion or Deviation of the *Wirral* Branch of the ſaid *Elleſmere* Canal, through the ſaid *Cheſter* Canal Baſon to the River *Dee*, it was agreed by the ſaid *Elleſmere* Canal Company, that they would, upon the Requeſt of the ſaid Company of Proprietors of the Undertaking for recovering and preſerving the Navigation of the River *Dee*, when thereunto authorized and empowered by an Act of Parliament, (to be applied for in Manner herein-after mentioned), make or cauſe to be made, at the proper Coſts and Charges of the ſaid *Elleſmere* Canal Company, a Wet Dock at or near the ſaid *Cheſter* Canal Baſon, and alſo ſuch Dock Gates, Draw Bridges, and Entrances therefrom into the ſaid River *Dee*, as ſhall be thought proper and convenient to be uſed in

common by all Perſons navigating on the ſaid *Elleſmere* and *Cheſter* Canals and the River *Dee*: Be it therefore hereby further enacted, That the ſaid Company of Proprietors of the *Elleſmere* Canal ſhall and will, ſome Time in the next Seſſion of Parliament, or in ſome other ſubſequent Seſſion, or in the Seſſion next after they ſhall be thereunto requeſted by Notice in Writing from the ſaid Company of Proprietors of the Undertaking for recovering and preſerving the Navigation of the River *Dee*, apply to Parliament, and uſe their utmoſt Endeavours to obtain an Act or Acts of Parliament to enable them the ſaid *Elleſmere* Canal Company to make and maintain ſuch Wet Dock, and ſuch Dock Gates, Draw Bridges, and other Works, of proper and convenient Size and Dimenſions, for Ships, Boats, and Veſſels, uſually navigating upon the ſaid River *Dee*, to be received and lie afloat therein; and alſo with ſuch Powers to enable them the ſaid *Elleſmere* Canal Company to collect, receive, and take ſuch Dockage, Tonnage, or other Rates and Duties, as the Legiſlature ſhall think reaſonable and proper; but ſo nevertheleſs, as that no ſuch Dockage or Tonnage Rates, or other Duties, ſhall be charged upon any Boats, Barges, or Veſſels which ſhall or may uſually navigate upon the ſaid *Elleſmere* Canal, or upon the *Cheſter* Canal, which is intended to be communicated therewith, unleſs ſuch laſt-mentioned Boats, Barges, or other Veſſels ſhall lie or continue in ſuch Wet Dock when ſo made for the Time or Space of Twenty-four Hours.

General Saving of the Powers and Tonnage Rates and Duties of the River *Dee* Company.

XIII. Provided always, and be it hereby further enacted, That nothing in this Act contained ſhall extend or be conſtrued to extend to abridge, defeat, alter, vary, or obſtruct, all or any of the Powers, or to leſſen all or any of the Tonnage or other Duties, Sum or Sums of Money payable, or to become due or payable, to the Company of Proprietors of the Undertaking for recovering and preſerving the Navigation of the River *Dee*, by virtue of the ſeveral Acts of Parliament for making and maintaining the Navigation of the ſaid River *Dee*, but that the ſaid Company, their Succeſſors and Aſſigns, and their Deputies, Agents, Workmen, Officers, and Servants, ſhall and may at all Times hereafter have, uſe, enjoy, exerciſe, and poſſeſs all and every Powers, Rights, and Privileges, and receive and take all ſuch Tonnage and other Duties, Sum and Sums of Money, in as full, large, and ample Manner, as they might have done in caſe this Act had not been made.

The Tythes due to the Biſhop of *Saint Aſaph*, in the Pariſh of *Greſford* to be compenſated.

XIV. And be it further enacted, That full Recompence and Satisfaction ſhall be made by the ſaid Company of Proprietors, for all the Tythes belonging to the Repreſentatives or Truſtees of *Jonathan* late Biſhop of *Saint Aſaph*, which are and would have been iſſuing from or or out of any of the Lands in the Pariſh of *Gresford*, which ſhall be taken or made uſe of for the Purpoſes of this Act, to the Repreſentatives or Truſtees of the ſaid late Biſhop of *Saint Aſaph*, or to the ſeveral other Perſons who now are or at any Time hereafter might have become entitled to ſuch Tythes, according to their reſpective Intereſts therein, 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 of the ſaid late Biſhop of *Saint Aſaph* is herein-after directed to be aſcertained: Provided always, that ſuch Recompence and Satisfaction ſhall be made to Spiritual Perſons by an Annual Rent.

XV. And

The Compensation for Tythes to the Bishop of *Saint Asaph*, with the Number of Occupation Bridges, and the Course of the Canal, to be determined by Referees, or an Umpire.

XV. And be it further enacted, That in case the said Company of Proprietors and the Parties interested in such Lands and Grounds, or other Hereditaments, cannot agree as to the Amount or Value of such Satisfaction for the said Tythes belonging to the Representatives or Trustees of the said *Jonathan* late Bishop of *Saint Asaph*, as well as fixing the Number and Situation of the Occupation Bridges, and defining the particular Line or Course in which the said Canal may be carried with the least possible Inconvenience to the Property of the Representatives or Trustees of the said late Bishop of *Saint Asaph*, shall be left to the Dertermination of Two Gentlemen, One of them to be chosen by the said Representatives or Trustees, and the other by the said Company of Proprietors, and the Two first-named Persons to appoint a Third Person or Umpire to decide between them in case they differ in Opinion, and the Determination of such Referees or Umpire to be final and conclusive on all Parties.

The Towing Path through the Lands of the Bishop of *Saint Asaph*, how to be made, &c.

XVI. 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 authorised to be made through the Parish of *Gresford* aforesaid, shall cause the Towing Path through the Whole of the Property of *Jonathan* late Bishop of *Saint Asaph*, to be made on the other Side of the Canal from the Parsonage House, and that the Canal shall be carried between the said Parsonage House, and the River *Allen*, at as great a Distance as conveniently may be from the said House, consistent with the general Levels of the Country; and that the said Company of Proprietors shall not make any Wharfs or Warehouses upon any Part of the Property of the said late Bishop of *Saint Asaph*, unless the Persons entitled to such Property shall give their Consent thereto.

Stone Bridges for the Occupation of such Lands, to be erected over the Canal.

XVII. Provided always, and it is hereby further enacted, That the said Company of Proprietors shall, at their own Cost (within Three Calendar Months next after any Part of the said Canal and Collateral Cuts shall be dug out and formed in or through any Part of the Lands of the Representatives or Trustees of the said late Bishop of *Saint Asaph*) make, erect, and set up, and from Time to Time maintain and support, a sufficient Number of Bridges of Stone over the said Canal in the said Parish of *Gresford*, for the convenient Occupation of the Lands on each Side thereof, belonging to the Representatives of the said late Bishop of *Saint Asaph*.

Compensation to be made for Damages done to such Lands.

XVIII. Provided always, and it is hereby declared, That full Compensation shall be made for the Value of the Land taken for the Purposes of the Canal, and for all permanent, temporary, and incidental Damages to be occasioned to the Property of *Jonathan* late Bishop of *Saint Asaph*, by the Execution of any of the Powers of this Act; and in the fixing of such Compensation, all Circumstances tending to diminish that Property in Value, or to make it less desirable in any respect, shall be taken into Consideration, and the fixing the Amount of the Compensation to be received by the Representatives of the said late Bishop of *Saint Asaph*, from the Proprietors of the said *Ellesmere* Canal Company, shall be left to the Determination of Two Gentlemen, and to an Umpire, in case they disagree, in such Manner as is herein-before

directed with regard to the Value of the Tythes belonging to the Repreſentatives of the ſaid late Biſhop of *Saint Aſaph*.

Company to apply to Parliament for Powers to make a Cut or Branch from *Prees Henlle* to *Porthywaen*, and a Trench or Feeder for conveying Water there.

XIX. And whereas upon a Survey lately made by *William Jeſſop* and *Thomas Dadford*, Engineers, in the ſaid Act of the Thirty-third Year of the Reign of His preſent Majeſty named, it is found to be practicable to make a Navigable Cut or Branch from and out of the ſaid *Elleſmere* Canal at *Prees Hendlle*, in the County of *Salop*, to paſs in the Line or Direction herein-after deſcribed, and to communicate with a certain Canal called *The Montgomeryſhire Canal*, at or near *Porthywaen*, in the ſame County of *Salop*, which will be of great Utility, and by making the ſame, the propoſed Cut or Branch from, at, or near *Maeſbury* Marſh, to or near *Morda* Bridge, in the ſaid County of *Salop*, in the ſaid recited Act mentioned, will become of no publick Benefit, and a conſiderable Expence will be ſaved by not making the ſaid laſt-mentioned Cut or Branch; be it therefore enacted by the Authority aforeſaid, That if the Perſons entitled to, or in Receipt of the Rents and Profits of the Lands or other Hereditaments which may be proper to be cut through or uſed by ſuch additional Cut or Branch, and by making a Trench or Feeder neceſſary to be made thereto, from and out of the River *Tannat* at or near *Abercynlleth*, or by any Wharfs, Quays, Towing Paths, Ways, Sluices, Aqueducts, Feeders, or other Works or Conveniencies which may be required to be erected or made for the Purpoſes thereof, ſhall reſpectively give their Aſſents thereto; or in caſe they or any of them ſhall withhold or refuſe to give ſuch their Aſſents, and the ſaid Company of Proprietors of the ſaid *Elleſmere* Canal ſhall obtain an Authority from Parliament for that Purpoſe as herein-after mentioned, then the ſaid Company ſhall, previous to the Completion of ſuch additional Cut or Branch, and of the ſaid *Montgomeryſhire* Canal to communicate therewith, make, complete, and finiſh, a Trench or Feeder from and out of the ſaid River *Tannat* near *Abercynlleth* aforeſaid, unto and into the ſaid *Montgomeryſhire* Canal, and the ſaid Cut or Branch to communicate therewith at or near the Place of ſuch Communication, on the Terms and Conditions mentioned and expreſſed in an Act of Parliament, made and paſſed in the Thirty-fourth Year of the Reign of His preſent Majeſty, intituled, *An Act for making a Navigable Canal from, at, or near* Porthywaen *Lime Rocks, in the Pariſh of* Llanyblodwell, *in the County of* Salop, *to or near* Newton, *in the County of* Montgomery, *and alſo certain Collateral Cuts from the ſaid Canal*; and alſo ſhall, within Six Years after the paſſing of this Act, or as ſoon after the Expiration of the ſaid Six Years as the *Montgomeryſhire* Canal ſhall be completed, to the propoſed Place of Junction with the ſaid *Elleſmere* Canal at or near *Porthywaen* aforeſaid, as fixed by the ſaid Report of the ſaid *William Jeſſop* and *Thomas Dadford*, make and complete, or cauſe to be made and completed, at the Coſts and Charges of the ſame Company of Proprietors of the *Elleſmere* Canal, a Cut or Branch of the like Dimenſions as the ſaid *Elleſmere* Canal is or ſhall be at or near *Moreton Hall*, within or near to the Townſhip of *Prees Henlle* aforeſaid, from and out of the ſaid *Elleſmere* Canal at or near *Moreton Hall* aforeſaid, to the Lime Rocks at or near *Porthywaen* aforeſaid, there to communicate with the ſaid *Montgomeryſhire* Canal, in ſuch Line or Direction as is delineated in a certain Map or Plan made thereof, by *Thomas Denſon* and *Richard Jebb*, or in ſuch other Line or Direction as near as conveniently may be to the Town of *Oſ-*

weſtry, in the ſaid County of *Salop*, as may be approved of by the reſpective Companies of Proprietors of the ſaid *Elleſmere* and *Montgomeryſhire* Canals, or their reſpective Committees or Engineers, within Two Years from the paſſing this Act; or in caſe of their diſagreeing, then by ſuch One other Engineer as the ſaid Two Engineers, or in their Default during One Calendar Month after the Expiration of the ſaid Two Years, as the ſaid Two Companies, or their reſpective Committees, within One Calendar Month after ſuch laſt-mentioned Default, ſhall name as Umpire therein, and likewiſe ſhall and may erect and complete all ſuch Wharfs, Quays, Towing Paths, Ways, Sluices, Aqueducts, Feeders, and other Works and Conveniencies, as may be neceſſary and proper for the maintaining, carrying on, and uſing the ſame Cut or Branch; and the ſaid Company of Proprietors of the ſaid *Elleſmere* Canal, and their reſpective Committees, and alſo the Commiſſioners, Agents, Clerks, and other Officers to be elected and appointed under or by virtue of the ſaid firſt recited Act and this Act, or either of them, ſhall have and be entitled to receive the like Rates of Wharfage and Tonnage, and to exerciſe all ſuch Powers and Authorities in, upon, and in relation to the making and maintaining the ſaid laſt-mentioned additional Cut or Branch, and Trench or Feeder, and the ſeveral Works and Conveniencies requiſite for the Purpoſes thereof, and alſo in relation to the ſettling, reducing, regulating, applying, and diſpoſing of ſuch Tonnage and Wharfage, which may be taken or ariſe thereon, and at any Wharfs or Quays to be erected or made on the Sides thereof, and alſo in and about any other Matter or Thing relating to the ſame Cut or Branch, or to the conducting, carrying on, and uſing the ſame, in like Manner and as fully, to all Intents and Purpoſes, and ſubject to the ſame Reſtrictions and Limitations as are hereby, and by the ſaid Act of the Thirty-third Year of the Reign of His preſent Majeſty, and alſo by the ſaid Act of this preſent Seſſion, given to and directed to be uſed and exerciſed by the ſaid Company of Proprietors of the ſaid *Elleſmere* Canal, and their ſaid reſpective Committees, and the ſaid Commiſſioners, Agents, Clerks, and other Officers reſpectively as aforeſaid, in and about the making, erecting, maintaining, carrying on, and uſing the ſaid *Elleſmere* Canal, and the ſeveral Collateral Cuts and Branches belonging thereto: Provided always, that if any of the Perſons entitled to, or in Receipt of the Rents and Profits of any Lands or Hereditaments intended to be cut through, or uſed by the making and completing of the before-mentioned additional Cut or Branch, or Canal, between *Precs Henlle* and *Porthywaen* aforeſaid, or the ſaid Trench or Feeder, or any other Works or Conveniencies requiſite for the Purpoſes thereof, ſhall, 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 Branch, or the Works or Conveniencies requiſite thereto; and in caſe the ſaid Company of Proprietors of the *Montgomeryſhire* Canal ſhall, by any Notice in Writing to be given by them, or by their Clerk or Treaſurer for the Time being to the ſaid Company of Proprietors of the ſaid *Elleſmere* Canal, or their Clerk or Treaſurer for the Time being, require the ſaid laſt-mentioned Company to apply for ſuch Act of Parliament as next herein-after mentioned, then they the ſaid Company of Proprietors of the ſaid *Elleſmere* Canal ſhall, at their own proper Coſts and Charges,

within

within Four Years next after the paſſing of this Act, 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 Branch, within the Time and in the Line or Courſe herein-before mentioned, or in ſuch other Line or Courſe as may in Manner aforeſaid be thought moſt fit and expedient, and alſo to make and complete the ſaid Trench or Feeder, on the Terms and within the Time aforeſaid; and the ſaid *Elleſmere* Company ſhall take all neceſſary Steps preparatory to ſuch Application to Parliament, and that in ſuch future Act of Parliament, in caſe the ſame ſhall be applied for and obtained, there ſhall be contained all ſuch proper and neceſſary Powers, Proviſions, and Authorities, for making and maintaining the ſaid propoſed additional Cut or Branch, and Trench or Feeder, and the ſaid other Works and Conveniencies requiſite for the Purpoſes thereof, as to Parliament ſhall ſeem meet; and alſo a Clauſe or Clauſes, to repeal ſo much of the ſaid recited Act of the Thirty-third Year of His preſent Majeſty's Reign, as relates to or concerns the making the ſaid intended additional Cut or Canal from, at, or near *Maeſbury* Marſh to *Morda* Bridge aforeſaid, and neceſſary Feeders, and other Works and Conveniencies to or for the ſame, and to exonerate and diſcharge the ſaid laſt-mentioned Company from the Proſecution thereof, and from taking or uſing any Steps or Meaſures preparatory thereto; and that the Directions of the ſaid recited Act with reſpect thereto, ſhall be, and the ſame are hereby ſuſpended during the ſaid Term of Four Years from the paſſing of this Act.

In Default of the *Elleſmere* Canal Company applying to Parliament, the *Montgomeryſhire* Canal Company to do it.

XX. Provided alſo, and be it enacted, That in caſe it ſhall become neceſſary to apply for ſuch Act of Parliament as aforeſaid, and the ſaid Company of Proprietors of the ſaid *Elleſmere* Canal ſhall neglect or refuſe to make Application for, and to take ſuch Steps for obtaining ſuch Act, or having applied to Parliament, ſhall not within the ſaid Term of Four Years procure an Act to paſs for the Purpoſes aforeſaid, it ſhall be lawful for the ſaid Company of Proprietors of the ſaid *Montgomeryſhire* Canal to make Application for an Act for the Purpoſes aforeſaid, in the then next enſuing Seſſions of Parliament, after the Expiration of the ſaid Term of Four Years; and that in ſuch laſt-mentioned Act, Powers ſhall be inſerted to authorize the ſaid Company of Proprietors of the ſaid *Montgomeryſhire* Canal to make the aforeſaid Trench or Feeder at the Expence of the ſaid Company of Proprietors of the ſaid *Montgomeryſhire* Canal, and of the ſaid Company of Proprietors of the ſaid *Elleſmere* Canal, in ſuch Proportions, and on ſuch Terms and Conditions as are mentioned and expreſſed in the ſaid Act of the Thirty-fourth Year of the Reign of His preſent Majeſty, in relation to the ſaid Trench or Feeder; and alſo to make the ſaid navigable Cut or Branch at the Expence of the ſaid Company of Proprietors of the ſaid *Elleſmere* Canal, in caſe the latter Company ſhall neglect or refuſe to make and complete the ſame in the Manner and within the Time aforeſaid, and according to the Proviſions to be inſerted in ſuch intended Act; and that all Coſts, Charges, and Expences, which the ſaid Company of Proprietors of the ſaid *Montgomeryſhire* Canal ſhall be put to or ſuſtain in and about procuring the ſaid Act, in caſe the ſame ſhall be by them applied for as aforeſaid, ſhall be borne and paid in ſuch Manner as ſhall be provided for and directed in and by the ſame Act: Provided always, that nothing herein contained ſhall extend, or be conſtrued to extend, to exonerate or diſcharge the ſaid Company of Proprietors of the *Elleſmere* Canal, from taking all ſuch

Steps, and doing all ſuch Acts, Matters, and Things, as ought to be done by them for making a navigable Cut from *Maeſbury* Marſh to *Morda* Bridge, according to the true Intent and Meaning of the ſaid recited Act of the Thirty-third Year of His preſent Majeſty's Reign, in caſe no ſuch Act of Parliament as herein-before is mentioned ſhall be obtained for making the navigable Cut or Canal from *Prees Henlle* to, at, or near *Porthywaen* aforeſaid.

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

XXI. 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 ariſing 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, or 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.

Paying the Expences of the Act.

XXII. 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.

XXIII. 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.

2 FINIS.