ANNO TRICESIMO SEPTIMO

Georgii III. Regis.

CAP. LXXXI.

An Act to enable the Company of Proprietors of the Navigation from the *Trent* to the *Merſey*, to extend ſeveral Branches of Canal from and out of their ſaid Navigation. [6th *June* 1797.]

WHEREAS by an Act, paſſed in the Sixth Year of the Reign of His preſent Majeſty, intituled, *An Act for making a Navigable Cut or Canal from the River* Trent, *at or near* Wilden Ferry, *in the County of* Derby, *to the River* Merſey, *at or near* Runcorn Gap, certain Perſons therein named were united into One Body Politick and Corporate, by the Name of *The Company of Proprietors of the Navigation from the Trent to the Merſey*, with Power and Authority, at their own Coſts and Charges, by the Ways and Means therein mentioned, to make, complete, and maintain, a Navigable Cut or Canal, paſſable for Boats, Barges, and other Veſſels, from the River *Trent*, below an ancient Ferry called *Wilden Ferry*, in the County of *Derby*, to the River *Merſey*, at or near *Runcorn Gap*, and ſeveral Commiſſioners were appointed by the ſaid Act for putting the ſeveral Powers thereby veſted in them in Execution: And whereas the ſaid Company have, in purſuance of the ſaid Act, and of another Act, paſſed in the Tenth Year of the Reign of His ſaid preſent Majeſty, to amend the ſaid Act, and of another Act, paſſed in the Fifteenth Year of the Reign of His ſaid preſent Majeſty, to amend and render more effectual the ſaid Two Acts, made and completed the ſaid Navigable Cut or Canal from the *Trent* to the *Merſey*: And whereas, by virtue and in purſuance of another Act, paſſed in the Six-

Preamble.
6 *Geo.* III, Cap. 96;
10 *Geo.* III, Cap. 103;
15 *Geo.* III, Cap. 20;

16 *Geo.* III, Cap. 32;

teenth Year of the Reign of His ſaid preſent Majeſty, the ſaid Company have made and completed another Navigable Cut or Canal from the ſaid firſt-mentioned Canal, on the South Side of *Harecaſtle*, in the ſaid County of *Stafford*, to *Froghall*, and a Railway from thence to or near *Caldon*, in the ſaid County: And whereas by another Act, paſſed in the Twenty-third Year of the Reign of His ſaid preſent Majeſty, to amend and render more effectual the ſaid ſeveral recited Acts, the ſaid Two Navigable Cuts or Canals were united and conſolidated, and made One joint Undertaking: And whereas by Surveys lately made, it appears that a Navigable Cut or Canal may be made from and out of the ſaid laſt-mentioned Canal, which is now commonly called *The Caldon Canal*, at *Froghall*, to or near the Town of *Uttoxeter*, in the ſaid County of *Stafford*, which will open an eaſy Conveyance for Coals, Lime, and other Articles, between the ſaid Two firſt-mentioned Canals and the ſaid Town of *Uttoxeter* and the Neighbourhood; and that another Navigable Cut or Canal may alſo be made from and out of the ſaid *Caldon* Canal, at *Shelton*, to or near *Cobridge*, in the ſaid County of *Stafford*; and another Navigable Cut or Canal may alſo be made from and out of the ſaid *Trent* and *Merſey* Canal, at *Longport*, to a Place called *Dale Hall*, in *Burſlem*, in the ſaid County of *Stafford*; which ſaid Two laſt-mentioned Cuts or Canals will facilitate the Conveyance of Goods and Merchandize between the ſaid Canals of the ſaid Company and the Manufactories of Earthenware in their reſpective Neighbourhoods, and the ſaid ſeveral intended Cuts or Canals will be of Publick Utility: And whereas the ſaid Company are willing and deſirous to make, complete, and maintain, the ſaid propoſed Cuts or Canals at their own Expence, in ſuch Manner, and under ſuch Regulations as herein-after mentioned: May it 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, their Succeſſors and Aſſigns, ſhall be, and they are hereby fully authorized and empowered, from and immediately after the paſſing of this Act, at their own Coſts and Charges, to make and complete, and at all Times hereafter to ſupport and maintain, a Cut or Canal, navigable and paſſable for Boats, Barges, and other Veſſels, from and out of the ſaid Canal called *The Caldon Canal*, at *Froghall*, to or near to the Town of *Uttoxeter* aforeſaid; and alſo an other Navigable Cut or Canal from and out of the ſaid *Caldon* Canal at *Shelton*, to or near *Cobridge* aforeſaid; and alſo another Navigable Cut or Canal from and out of the ſaid *Trent* and *Merſey* Canal, at *Longport*, to a Place called *Dale Hall*, in *Burſlem* aforeſaid, together with neceſſary Towing Paths, Wharfs, and other Conveniencies for the ſaid Cuts or Canals reſpectively, and to do and perform all ſuch Matters and Things as may be neceſſary for making, effecting, uſing, and maintaining, the ſaid propoſed Cuts or Canals, and other Works, making Satisfaction for any Lands, Grounds, Hereditaments, or Waters, that ſhall be taken for the Purpoſes of this Act, and for any Treſpaſs or Damage that ſhall be done in carrying this Act into Execution, in Manner directed by the ſaid recited Acts of the Sixth and Tenth Years of the Reign of His preſent Majeſty, for the Land to be taken and uſed, and for all Treſpaſs and Damage to be done in or by the Execution of the Powers of the ſaid recited Acts, or any of them; and the Commiſſioners named and appointed in and by the ſaid recited

21 *Geo.* III, Cap. 33; recited.

Acts, qualified and acting as therein mentioned respectively, are hereby appointed Commissioners for settling, determining, and adjusting, all Matters and Differences which shall or may arise between the said Company and the Proprietors of, and Persons interested in, any Lands or Grounds, Hereditaments, or Waters, that shall or may be taken, affected, or prejudiced, by the Execution of any of the Powers hereby granted.

Divers Surveys have been taken, and a Book of Reference made.

II. And whereas divers Levels and Surveys have been taken to ascertain the Practicability of making the said intended Cuts or Canals hereby authorized (and Maps or Plans, and Books of Reference thereto, have been made in consequence of such Levels) through, across, under, or over, the several Estates, Lands, or Grounds, now or late belonging, or reputed to belong, to the several and respective Persons, and such Wastes, Roads, Rivers, and Brooks, as are particularly mentioned in the said Books of Reference; be it therefore further enacted and declared, That there shall be Two Parts made of the said Maps or Plans, and Books of Reference, which shall be certified by the Right Honourable the Speaker of the Honourable the House of Commons, and severally deposited with and kept by the Clerk of the Peace for the said County of *Stafford*, and the Clerk to the said Company of Proprietors for the Time being, to which all Persons shall have Liberty to resort, and take Extracts and Copies thereof, as Occasion shall require; 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 Six Days Notice to him given for that Purpose, shall from Time to Time produce the said Maps or Plans, and Books of Reference, in his Custody respectively, before the said Commissioners, or any Jury or Juries to be impanneled by virtue of the said former Acts or this Act, at the Time and Place to be mentioned in such Notice, in order that the same may be then and there be given in Evidence.

Two Parts to be made thereof;

and allowed to be given in Evidence.

Canals to be made pursuant to the Plan.

III. And be it further enacted, That the said Company, in making the said intended Cuts or Canals, shall not deviate from the Course or Direction in the said Maps or Plans, and set forth in the said Books of Reference respectively; nor cut, carry, and convey the same into, through, across, under, or over, any other Part or Parts of the several Estates, Lands, and Grounds, now or late belonging, or reputed to belong, to such Person or Persons respectively, than are mentioned in the said Books of Reference, without the Approbation and Consent in Writing, signed by the Person or Persons to whom such Estates, Lands, or Grounds, do or shall respectively belong.

Land Owners being omitted in the Book of Reference not to obstruct the making the Canal, &c.

IV. Provided always, and it is hereby further enacted and declared, That the said Company shall and may make the said proposed Cuts or Canals through, across, or over, the Lands or Grounds of any Person or Persons whose Name or Names shall appear, to the Satisfaction of the said Commissioners, or any Seven or more of them, and to be by them certified under their Hands, to be by Mistake omitted in the said Books of Reference, or that instead thereof the Name or Names of some other Person or Persons, to whom such last-mentioned Estates, Lands, or Grounds, do not belong, have or hath by Mistake been inserted therein,

any Thing herein contained to the contrary thereof in anywise notwithstanding.

Tonnage allowed to be taken.

V. And be it further enacted, That in Consideration of the great Charges and Expences which the said Company must necessarily bear and sustain in the making and maintaining the said proposed Cuts or Canals hereby authorized to be erected and made, it shall be lawful for the said Company, from Time to Time and at all Times hereafter, to ask, demand, take, and recover, to and for their own proper Use and Benefit, for Tonnage and Wharfage, for every Ton of Coal, Stone, Timber, and other Goods, Wares, Merchandize, and Commodities whatsoever, which shall be navigated, carried, or conveyed, upon or through the said proposed Cuts or Canals respectively, such Rates and Duties as the said Company shall think fit, not exceeding the Sum of One Penny Halfpenny *per* Mile, and so in Proportion for any Quantity more or less than One Ton, and for any Distance less than One Mile; which said Rates and Duties shall be paid to such Person or Persons, at such Place or Places near to the said proposed Cuts or Canals, in such Manner, and under such Regulations as the said Company shall direct or appoint; and in case of Neglect or Denial of Payment, on Demand, of any such Rates or Duties, or any Part thereof, to such Person or Persons as aforesaid, the said Company may sue for the same by Action of Debt, or upon the Case, in any Court of Record, in which Actions no Essoign, Privilege, Protection, or more than One Imparlance, shall be allowed, nor in any Action of Debt for the same shall any Wager of Law be admitted; or such Person or Persons so to be appointed as aforesaid may, and he and they is and are hereby empowered to seize and distrain any such Boat or Vessel, or Goods, for or in respect whereof any Rate or Duty ought to be paid, or any Part of such Goods, and detain the same until Payment thereof, together with reasonable Charges for such Seizure and Distress; and if such Distress shall not be redeemed within Five Days after the taking thereof, the same to be appraised and sold as the Law directs in Cases of Distress for Rent.

The Company restrained from taking certain Brooks or Rivulets.

VI. Provided always, and be it further enacted, That nothing herein contained shall extend to authorize or empower the said Company to take, for the Supply of the said proposed Cuts or Canals, or any of them, any Water out of the Rivers *Churnett* or *Dove*, or out of any of the Brooks or Rivulets running or flowing in or near the Line or Course of the said intended Cuts or Canals, or any of them, and which now fall into the said Rivers, or either of them; but that each and every of such Brooks or Rivulets, as shall or may be crossed or intercepted by the said proposed Cuts or Canals, or any of them, shall be well and effectually conducted by the said Company, under or by the Side of the said proposed Cuts or Canals respectively, into the ancient Course of such respective Brooks or Rivulets.

Compensation to be made for Tythes.

VII. And be it further enacted, That full Recompence and Satisfaction shall be made by the said Company for all the Tythes, both Great and Small, of the Lands which shall be taken or made use of by them for the Purposes of this Act, to the several Persons who now are, or hereafter may become entitled to such Tythes, according to their respective

tive Intereſts therein; ſuch Tythes to be eſtimated at the Average Value of the Three Years commencing at *Michaelmas-Day* One thouſand ſeven hundred and ninety-three, and ending at *Michaelmas-Day* One thouſand ſeven hundred and ninety-ſix, ſuch Average Value to be aſcertained (in caſe of any Difference concerning the ſame) in like Manner as the Value of any other Hereditaments are by this Act directed to be aſcertained: Provided always, that ſuch Recompence and Satisfaction ſhall be made to Spiritual Perſons by an Annual Rent.

Powers of the former Acts extended to the Works hereby authorized.

VIII. And be it further enacted, That for the more eaſy and effectual making, completing, repairing, maintaining, and uſing the ſaid propoſed Cuts or Canals, the ſaid Company, their Agents, Servants, Workmen, and Labourers, and all and every other Perſon or Perſons, Commiſſioner and Commiſſioners, Bodies Politick, Corporate, or Collegiate, whatſoever, ſhall have and be ſeiſed and poſſeſſed of, and is and are hereby inveſted with ſuch and the like 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 Rules, Conditions, Directions, Regulations, Limitations, Reſtrictions, Controuls, Payments, Penalties, Forfeitures, Puniſhments, and Benefit of Appeal, as are mentioned, directed, given, granted, preſcribed, eſtabliſhed, and inflicted, in and by the ſaid Acts, made in the Sixth, Tenth, Fifteenth, Sixteenth, and Twenty-third Years of the Reign of His preſent Majeſty, to every Intent and Purpoſe whatſoever; and that the ſaid Acts, and all the Clauſes, Proviſoes, Powers, Authorities, Orders, Rules, Regulations, Limitations, Reſtrictions, Prohibitions, Directions, Exemptions, Indemnities, Penalties, Forfeitures, Puniſhments, Matters, and Things, therein reſpectively contained, (except ſuch Parts of the ſaid Acts as relate to Exemptions from Stamp Duties; and alſo except ſuch Parts of the ſaid Acts as are by any other of the ſaid Acts, or by this Act, altered or varied) ſhall extend, and are hereby extended to, and ſhall take Effect, operate, and be put in Execution, in, for, and in reſpect of the making, completing, repairing, maintaining, and uſing the ſaid propoſed Cuts or Canals by this Act authorized to be made, 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 to ariſe by, or in conſequence of the Execution of all or any of the Powers of this Act, in ſuch and the ſame Manner, and as fully and effectually, to all Intents and Purpoſes whatſoever, as the ſame can or may operate and be executed to, upon, for, or in reſpect of the Cuts or Canals, and the ſeveral Works, Matters, and Things, in the ſaid former Acts reſpectively mentioned, or authorized to be made, done, and performed, and as if all the ſaid Clauſes, Proviſions, Powers, Authorities, Orders, Rules, Regulations, Limitations, Reſtrictions, Prohibitions, Directions, Exemptions, Indemnities, Penalties, Forfeitures, Puniſhments, Matters, and Things, were herein repeated, re-enacted, and applied, to the ſaid Cuts or Canals, and the ſeveral other Matters and Things by this Act authorized to be made, done, and performed, or as the ſame would have been done if the ſaid Cuts or Canals, Works, Matters, and Things, hereby authorized to be made and done, had been authorized

rized to be made, done, and performed, by the ſaid former Acts, or any of them.

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

6 FINIS.