Anno sexto

Georgii III. Regis.

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*.



Whereas the making a Cut, or Canal, from the River Trent, near Wilden Bridge, below an ancient Ferry called Wilden Ferry in the County of Derby, through or near Swarkstone and Willington in the said County, Whichnor, Rudgley, Stone, and Burslem in the County of Stafford; and through or near Lawton and Middlewich, and near Northwich in the County of Chester, and to the River Mersey, at or near a certain Place called Runcorn Gap, for the Navigation of Boats, and other Vessels, with heavy Burdens, will open an easy Communication between the interior Parts of the Kingdom and the Ports of Hull and Liverpool, which will be of great Advantage, not only to the Trade carried on to and from the said Two Ports, but to several different Manufactories, which abound in many Towns or Places through or near which the said Canal or Cut is proposed to be made; and will also tend to the Improvement of the adjacent Lands, the Relief of the Poor, and the Preservation of the publick Roads; and moreover be of great publick Utility: And whereas the several Persons herein Preamble.

after particularly named are desirous, at their own proper Costs and Charges, to begin, carry on, and complete the said navigable Cut or Canal: Wherefore, for obtaining and perfecting the good Ends and Purposes aforesaid; 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 from and after the Fourteenth Day from the passing of this Act, the Right Honourable Earl Gower, his Grace the Duke of Bridgewater, Thomas Anson Esquire, Miss Leveson Gower, Thomas Gilbert Esquire, Richard Whitworth Esquire, George Challoner Esquire, Jeremiah Smith Esquire, Thomas Whieldon Esquire, Matthew Boulton, John Brindley, John Wedgwood of Smallwood, John Philips, Edward Leigh, John Wedgwood of Burslem, John Yates, Humphry Palmer, John Mare, the Reverend William Willetts, Owen Ruffhead Esquire, Thomas Cartwright, Mary Mattock, Robert Lawton Esquire, Edward Salmon Esquire, John Bill, Richard Hill, George Twemlow, Thomas Twemlow, Samuel Boyer, Joseph Denman, Samuel Egerton Esquire, Henry Copestake, John Stevenson, John Byrd Esquire, Francis Hickin, John Bladon Tinker, Richard Wright, Randall, Russell, Samuel Garbett, Richard Garnon, William Tomkinson Esquire, Isaac Hawkins Brown, Snowdon White, William M'Gwire, James Hollinshead, William Seaman, John Chatterley, John Seaman, the Reverend Mr. Martin, the Reverend Mr. Abel Collin Launder, Charles Simpson, Richard Davenport Esquire, Charles Howard, Francis Cobb, James Hubbard, John Barker, James Falconer, John Tunstall, Stephen Simpson, Thomas Cobb, William Strahan, Richard Bailye, Mary Abbott, the Reverend Doctor William Cotton, Samuel Palmer, Thomas Deakin, Thomas Seward, Abraham Hawkins Esquire, Ann Abbott, John Fletcher, Edward Lester, Thomas Ames, Nathaniel Edwards, Richard Edge, Cary Butt, Edward Green, Francis Swynfen, Richard Kilbey, Thomas Storer, George Whately, William Thompson, Elizabeth Cotton junior, Dorothy Cotton, John Sneyd Esquire, Edward Sneyd, Ann Sneyd, Honora Byrd, Anna Seward, Thomas Dickin junior, Edward Tyson, Eleanor Woolley, Francis Laine, William Walsh, Joseph Ryley, Samuel Lea, Ann Mompisson, George White, Sarah Nixon, Thomas Weston, John Gilbert, their several and respective Successors, Heirs, and Assigns, together with such Person or Persons as they, or the major Part of them,

Proprietors Names.

at any General Meeting assembled, shall nominate and appoint, under their Hands and Seals, are and shall be united into a Company, for the better carrying on, making, compleating, and maintaining, the said navigable Cut or Canal, passable for Boats, Barges, and other Vessels, from the River Trent near Wilden Bridge aforesaid, through or near Swarkstone and Willington in the said County of Derby; and Whichnor, Rudgley, Stone, and Burslem, in the said County of Stafford; and through or near Lawton and Middlewich, and near Northwich, in the said County of Chester, to the River Mersey aforesaid, at or near Runcorn Gap aforesaid, according to the Rules, Orders, and Directions, herein after expressed and laid down; and shall, for that Purpose, be One Body Politick and Corporate, by the Name of The Company of Proprietors of the Navigation from the *Trent* to the *Mersey*, and by that Name shall have perpetual Succession, and shall have a Common Seal, and by that Name shall and may sue and be sued; and also shall and may have Power and Authority to purchase Lands to them, and their Successors, and Assigns, for the Use of the said Navigation, without incurring any of the Penalties or Forfeitures of the Statute of Mortmain: And the said Company of Proprietors, their Successors, and Assigns, shall be, and are hereby authorized and impowered, from and after the Fourteenth Day from the Passing of this Act, by themselves, their Deputies, Agents, Officers, Workmen, Servants, and Assigns, to make and compleat a Cut or Canal, navagable and passable for Boats, Barges, and other Vessels, from the River Trent near Wilden Bridge aforesaid, through or near Swarkstone and Willington in the said County of Derby; and Whichnor, Rudgley, Stone, and Burslem, in the said County of Stafford; and through or near Lawton and Middlewich, and near Northwich, in the said County of Chester, to the River Mersey, at or near Runcorn Gap aforesaid; and supply the said Cut or Canal, whilst the same shall be making, and when made, with Water, from such Springs as shall be found in making the said Cut or Canal, and from such Brooks, Streams, and Watercourses, as are or shall be found within the Distance of Five hundred Yards from any Part of the said intended Cut or Canal, and within the Distance of Five Miles from that Part of the said Cut or Canal lying near Harecastle Vale, between the First Lock in Cheshire and the First Lock in Staffordshire; and also to make such Reservoirs as shall be necessary for the Purposes of the said Cut or Canal, within the Distance last mentioned,

Their Powers to make the Canal.

tioned, for the more conveniently supplying the said Two Locks with Water, and for that Purpose, in, upon, or through, the Lands and Grounds of or belonging to the King's Majesty, His Heirs, or Successors, or of any other Person or Persons, Bodies Politick, Corporate, or Collegiate, whatsoever, to enter, and to bore, dig, cut, trench, sough, remove, and lay, Earth, Stone, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters and Things, except as herein after is excepted, which may be dug or got in the making thereof, or which may hinder, prevent, or obstruct, the making, using, compleating, extending, and maintaining, the said navigable Cut or Canal; and for making, using, compleating, extending, and maintaining, of such Trenches, Passages, Gutters, and Watercourses, as shall be necessary and proper to convey Water to and from the said Cut or Canal, according to the Tenor and Purport of this Act; and also to make, build, erect, and set up, in or upon the said intended Cut or Canal, or upon the Lands adjoining or near the same respectively, such and so many Bridges, Tunnels, Aqueducts, Sluices, Locks, Wears, Pens for Water, Stanks, Reservoirs, Drains, Wharfs, Quays, Landing Places, Weighbeams, Cranes, and other Works, Ways, and Conveniencies, as any where they the said Proprietors, their Successors, and Assigns, shall think requisite and convenient for the Purposes of the said Navigation; and also, from time to time, to alter, repair, and amend, the same, and to make, widen, or enlarge, any Bridges, Ways, Passages, Cuts, Locks, Tunnels, Aqueducts, Trenches, Sluices, or other Conveniencies, as well for the carrying and conveying Goods, Commodities, and other Things, to or from the said Cut, Canal, or Navigation, as for the carrying and conveying of all Manner of Materials necessary for the making, erecting, finishing, altering, repairing, or amending, the said Works of and belonging to the said Navigation; and also to place, lay, work, and manufacture, the said Materials, on the Grounds near to the Place or Places where the said Works, or any of them, shall and are intended to be made, erected, repaired, or done; and also to make, maintain, repair, and alter, any Fences or Passages over, under, or through, the said Cut or Canal, or the Tunnels, Aqueducts, Soughs, Trenches, Passages, Gutters, Watercourses, and Sluices respectively, which shall communicate therewith; and also to make, set up, and appoint, such Towing Paths, Banks, and Ways, convenient for towing, haling, or drawing, of Boats, Barges,

Lands may be entered for making Surveys.

Barges, or other Vessels, passing in, through, or upon, the said Cut or Canal, as they the said Proprietors, their Successors, and Assigns, shall think convenient; and also to dig, take, and carry away, Soil, Clay, Gravel, or Stone, proper, requisite, and convenient, for carrying on and continuing the said Works and Undertaking, in or from any Grounds of any Person or Persons, adjoining or lying contiguous thereto (not being at this Time a House, Garden, Yard, Park, Paddock, Planted Walk, or Avenue to a House, or Lawn inclosed, and adjoining to a Mansion House) and to construct, erect, and keep in Repair, any Piers, Arches, and other Works, in, upon, and across, any Rivers or Brooks, for the making, using, maintaining, and repairing, the said Cut or Canal, and Towing Paths on the Side thereof; and also to construct, erect, make, and do all other Matters and Things which they shall think necessary and convenient, for the making, effecting, extending, preserving, improving, compleating, and using, the said Navigation, in Pursuance and within the true Meaning of this Act; they the said Proprietors, their Successors, and Assigns, doing as little Damage as may be in the Premisses, and making Satisfaction, in Manner herein after mentioned, to the Owners or Proprietors of such Lands, Tenements, or Hereditaments, Waters, Watercourses, Brooks, or Rivers respectively, as shall be taken, used, removed, diverted, or prejudiced, for all Damages to be by them sustained in or by the Execution of all or any of the Powers of this Act: And this Act shall be sufficient to indemnify the said Company of Proprietors, their Successors, and Assigns, and their Servants, Agents, and Workmen, and all other Persons whatever, for what they or any of them shall do by virtue of the Powers hereby granted.

Lands may be entered for making Surveys.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Agents and Servants of the said Company of Proprietors, their Successors, and Assigns, from time to time, and at all Times hereafter, to enter upon the Lands or Grounds of the said several Persons, Bodies Politick, Corporate, or Collegiate, through which the said Cut or Canal, and other Works hereby authorized, are intended to be made, in order to survey and take a Level of the same; and to set out and ascertain such Parts thereof as they shall think necessary or proper for the making such Cut or Canal, and other the Matters and Conveniencies aforesaid; such Agents or Servants making Satisfaction for the Damage they shall do thereby to the Occupiers of

such Lands or Grounds for the time being, in case the same exceeds the Sum of One Shilling.

Breadth of the Canal and Towing Paths.

Provided always, and be it enacted by the Authority aforesaid, That the Land or Ground to be taken or used for such Cut or Canal, and Towing Paths, and the Ditches, Drains, and Fences, to separate such Towing Paths from the adjoining Lands, shall not exceed Twenty six Yards in Breadth, except in such Places where the said Cut or Canal shall respectively be raised higher, or cut above Five Feet deeper, than the present Surface of the Land, and in such Places where it shall be judged necessary for Boats and other Vessels to turn, lie, or pass, each other; nor Sixty Yards in Breadth in any of the said respective Places; nor shall any Land or Ground be set out, ascertained, contracted for, and sold, for the Purposes of making any navigable Cut, Trench, or Sluice, to convey Coals, Goods, or other Things, to or from the said Cut or Canal, without the Consent of the Owner or Owners of the said Lands respectively, under his or their Hands, in Writing, first had and obtained, nor for more than One thousand Yards in Length with such Consent; any thing herein contained to the contrary notwithstanding.

Bodies Politick, &c. impowered to sell and convey.

And be it further enacted by the Authority aforesaid, That after any such Parts of the said Lands or Grounds shall be so set out and ascertained as aforesaid for making the said Cut or Canal, and other the Purposes and Conveniencies herein before mentioned, it shall and may be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs, and Successors, but also for and on Behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised, possessed of, or interested in, their own Right; and to and for every other Person and Persons whomsoever, who are or shall be seised, possessed of, or interested in, any Lands or Grounds which shall be so set out and ascertained as aforesaid, or any Part thereof, to contract for, sell, and convey, unto the said Company of Proprietors, their Successors, and Assigns, or to such Person or Persons as they shall nominate and appoint, for the Use of the said Navigation, all or any Part of such Lands or Grounds which shall, from time to time, be so set out and ascertained as aforesaid; and where, by making the said Cut

or

or Canal, the Property of any Land Owner shall be separated into small Parcels, so as to render the Occupation thereof inconvenient, it shall and may be lawful to and for such Bodies Politick, Corporate, and Collegiate, and other such Land Owners, by and with the Consent of the Commissioners, to be appointed as herein after mentioned, or any Seven or more of them, to be testified by any Writing or Writings to be by them sealed and delivered in the Presence of, and attested by, Two or more credible Witnesses, to contract for, sell, and dispose of, or to convey in Exchange in lieu of other Lands, all or any Part of such Lands or Grounds, through which the said intended Cut or Canal shall be made, to any Person or Persons whomsoever, for such Price or Prices, in Money or other Equivalent, as to the said Commissioners, or any Seven or more of them, shall seem reasonable; and that all such Contracts, Agreements, Sales, Conveyances, and Assurances, shall be valid and effectual in Law to all Intents and Purposes whatsoever; any Law, Statute, Usage, or Custom, to the contrary thereof in any wise notwithstanding: And all Bodies Politick, Corporate, or Collegiate, and all Persons whosoever, so conveying or exchanging as aforesaid, are hereby indemnified for what he, she, they, or any of them, shall respectively do by virtue of or in pursuance of this Act; and that all such Contracts, Agreements, Sales, Conveyances, and Assurances (other than those which concern any Purchase or Exchange between any such respective Land Owners) so to be made as aforesaid, shall, at the Expence of the said Company of Proprietors, their Successors, and Assigns, be inrolled by the Clerks of the Peace for the respective Counties of Derby, Stafford, or Chester, as the Case shall require, and true Copies thereof shall be allowed to be good Evidence in all Courts whatsoever.

For preserving Copyhold Rights.

Provided always, and be it enacted, That all Contracts, Agreements, Bargains, Sales, and Exchanges, of any Lands, which are of the Nature of Copyhold, shall be executed and compleated by Surrender thereof in the respective Courts of the Manors, whereof such Lands are held, according to the Custom of the said Manors respectively, and shall remain and continue subject to such and the same Fines, Rents, and Services, as are due, payable, or of Right accustomed, in such and the same Manner as if this Act had not been made; any thing herein contained to the contrary notwithstanding.

And whereas Differences may arise between the said Company of Proprietors and the several Owners of, and

Persons interested in, any Lands, Grounds, Tenements, Hereditaments, or Waters, which shall or may be affected or prejudiced by the Execution of any of the Powers hereby granted, touching the Purchase-money to be paid, or Recompence to be made to them respectively; be it therefore enacted by the Authority aforesaid, That William Astley Clerk, John Alsoppe, Thomas Alsoppe, Francis Ashby, Sir Robert Burdett, Richard Berrisford, Samuel Bagshaw, Richard Bagshaw, William Bagshaw, John Bagshaw, Hodgkinson Banks, Philip Barnes, Samuel Bristow, George Buxton, William Bowyer junior, Thomas Bainbrigge, John Cave Browne, Robert Bakewell, Alpheus Burgin, the Right Honourable George Cavendish Esquire, commonly called Lord George Cavendish; the Right Honourable Frederick Cavendish Esquire, commonly called Lord Frederick Cavendish; the Right Honourable John Cavendish Esquire, commonly called Lord John Cavendish, Sir Henry Cavendish Baronet, Ashton Curzon, Richard Cavendish, Godfrey Clarke, Godfrey Clarke junior, William Cotton of Etwall, Wennah Coke, Henry Coats, Samuel Crompton, John Gilbert Cooper junior, Walter Copestake, John Crompton, Abraham Crompton, John Clayton Clerk, Sampson Coapstake, Thomas Dookfey, Simon Degge, Sir John Every Baronet, Leonard Fosbrooke, William Fitzherbert, Richard Fitzherbert, Goodyer Fletcher, John Fitzherbert Clerk, Gilbert Fox, Samuel Fox, Thomas Fox, Thomas Gresly, Philip Gill, John Gisborne, Joseph Greaves, the Reverend John Griffith D. D. John Gresly, William Greaves, Sir Henry Harpur Baronet, Charles Hurt, Nicholas Hurt, Robert Banks Hodgkinson, Richard Hayne, John Heath, Samuel Heathcote, Francis Hurt, Greenwood Holmes, Charles Jennings, Sir James Lake, Sir Matthew Lamb, Baronets; John Lowe, Francis Munday, Hugo Meynell, John Rolleston Clerk, John Rotton, Launcelot Rolleston, the Honourable Robert Shirley, James Shuttleworth, James Shuttleworth junior, Henry Thornhill, Nicholas Thornhill, Henry Tatam, Thomas Thoroton, George Venables Vernon, Sir Edward Wilmot Baronet, Sir Robert Wilmot, Sir John Wilmot, Knights; Edward Wilmot, Robert Meat Wilmot, John Wall, John Wright, Henry Offley Wright, Richard Whitly, Richard Sale, John Henshaw, John Ward, Benjamin Ward, Thomas Fisher, Thomas Butler, Hans Wintrop Mortimer Esquire, Francis Burdett Esquire, John Crompton, Charles Mundy, George Mellor, Sir Willoughby Aston Baronet, John Edwards Clerk, Henry Wright Clerk, Thomas Selleck Brome Esquire, John Dawson Clerk, Edward Pole Esquire, Christopher Horton Esquire,

Commissioners.

Eſquire, John Hepworth Clerk, John Taylor, Reverend Cant, Thomas Burrow, the Mayor of Derby for the time being, the Right Honourable the Earl of Donegall, the Right Honourable William Lord Viſcount Vane in the Kingdom of Ireland, the Right Honourable George Harry Grey, commonly called Lord Grey, the Right Honourable the Lord Viſcount Glenorchy, the Right Honourable Lord Archibald Hamilton, the Right Honourable Lord Spencer Hamilton, the Right Honourable George Lord Pigott in the Kingdom of Ireland; the Right Honourable Sir Thomas Parker Knight, Lord Chief Baron of his Majeſty's Court of Exchequer; the Honourable John Ward, the Honourable Baptiſt Leveſon Gower, the Honourable Booth Grey, the Honourable John Grey, the Honourable John Grey junior, the Honourable John Leveſon Gower, the Honourable Henry Frederick Thynne, Sir John Aſtley Baronet, Thomas Anſon, George Adams, Edward Arblaſter, Walter Aldrich, Francis Aſhly, Charles Adderley, John Amphlet, William Aſh, John Addyes, Thomas Addyes, Edward Aſhenhurſt, Edward Acton, Joſeph Amphlett, William Amphlett, John Alſop, William Armitt, Charles Armitt, Henry Arden, the Reverend Doctor John Addenbrooke Dean of Litchfield, the Reverend Thomas Averne, John Adams, Thomas Allen Clerk, Thomas Aſtbury, William Averne, Thomas Adams, John Alſager, Jeremiah Addenbrooke, Chriſtopher Aſtley, Jeffry Averne, William Abney, Sir Walter Wagſtaffe Bagot, Sir Theophilus Biddulph, Sir Thomas Broughton Delves, Sir Henry Bridgman, Baronets; Charles Baldwyn, George Bridgman, William Bagot, Charles Boſvile, John Birch, Thomas Boothby, Brooke Boothby, Thomas Broad, George Ball, Joſeph Banks, Iſaac Hawkins Brown, John Biddulph, Walter Biddulph, John Tempeſt Borrow, Thomas Bradney, Hugh Bateman, Thomas Bainbridge, John Brindley, Samuel Burton, Nathaniel Barrett of Okin, Thomas Burgh Doctor of Phyſick, the Reverend Walter Bagot, Edward Beſt, John Bill, Robert Brooke, James Ball, Clerks; Samuel Beardſley, Thomas Baddily, George Boughey, Thomas Beech, John Boroughs, Simon Boroughs, William Bill, Nathaniel Byrd, John Byrd, William Beard, John Bradbowrne, Thomas Broom, John Birtles, Thomas Birch, Peter Broughton, John Bagnall, Sir John Chetwode Baronet, Sir Henry Cavendiſh Baronet, Aſheton Curzon, John Crewe, Charles Crewe, William Chetwynd, William Chetwynd junior, William Chetwynd of Brockton, Henry Cavendiſh, William Cotton of Ballaport, Samuel Clarke, Jervis Clarke, Richard Cavendiſh, Thomas Cotes, William Congreave, Thomas Conolly, Jonathan Cope, Crewe Chetwood,

wood, William Cleeves, Charles Corbett, Henry Copeſtake, Brooke Crutchley, the Reverend Doctor Joſeph Crewe, Doctor Randal Crewe, Doctor William Cotton, Richard Congreve, John Clements, Clerks; Cheney, Smith Child junior, Thomas Cock, Samuel Cradock, Thomas Cobb, Francis Cobb, George Chaloner, William Clarke, Henry Carver, William Collins, John Cartwright, John Crewe of Boleſworth, George Cookes, John Clownam, Richard Davenporte, John Dolphin, Robert Daviſon, Simon Degg, John Degg, Robert Degg, Walter Dovey, Rupert Dovey, John Dive junior, Robert Dawberry, Randol Darwell, Joſeph Dickenſon, John Dickenſon, Clerks; Charles Doody, Edward Dudley, Samuel Dugard, Simon Debank, the Reverend Sir John Every Baronet, Sir Thomas Egerton Baronet, John Eld, Francis Eld, Jeremiah Eginton, the Reverend Thomas Egerton, Clerks; Robert Egginton, Richard Edenſor, James Eginton, Thomas Foley, John Fenton, John Fenton junior, Ralph Floyer, Thomas Foley junior, John Fletcher, Thomas Fletcher, the Reverend Doctor Richard Faucett, Robert Fowler, John Fernyhough, Thomas Foſter, James Ford, Joſeph Froſter, Hugh Ford, Charles Ford, Thomas Fowler of Penford, John Ford, Fowler of Horton, John Fleming, William Ford, Thomas Forſter, the Reverend John Falconer Clerk, Thomas Fernyhough, Charles Firchild, Sir Nigel Greſley Baronet, Thomas Greſley, Charles Greſley, Walter Gough, Joſeph Girdler, Barnard Granville, Thomas Gilbert, William Grove, Richard Gueſt, Edward Green, Edward Gibbons, William Greaves, Ralph Gilbert, John Gilbert, Charles Green, Sir Henry Harpur, Sir Rowland Hill, Sir Liſter Holte, Baronets; Richard Hill, Thomas Hoo, Sir Samuel Hillier Knight, Phineas Huſſey, Chriſtopher Horton, Thomas Hayes, John Hollins, John Hawks, William Hawkins, Iſaac Hawkins, Liſle Hackett, George Howard, Nicholas Hurt, Andrew Hackett, Richard Hayne, Leighton Hayne, John Hayne, John Hodgetts, William Hodgetts, Thomas Hurdman, Thomas Hall, Henry Hinckley, John Houghton, the Reverend Doctor Matthew Horbury, John Harding, Joſeph Honeybon, Brook Hector of Lichfield, William Hope, Doctors in Phyſick; Peter Hinckes, Thomas Hart, Robert Hurſt, James Horton, William Horton, Thomas Hewitt, Henry Hadderton, Richard Hinckley, Thomas Hodgetts, Thomas Hatrell junior, John Hall, Richard Higgins, William Stonehewer Hall, Thomas Hill, John Haden, Thomas Hurdman, George Holyoake, Robert Hodgſon, William Hart, Abraham Hoſkins, John Herbutt, Francis Holyoake, George Hand, William Inge, Swynfen Jervis,

Jervis, William Jeſſon, Edward Jordan, Henry Jervis Clerk, John Jevon, Chriſtopher Jones, William Jervis, Clement Kynnerſley, Ralph Keeling, Thomas Keeling, Samuel Kempſon, John Keeling, William Keeling, Samuel Kempſon, John Keeling, Richard Keeling, Thomas Kelſey, the Reverend , Keeling of Uttoxeter Clerk, Sir Edward Littleton, Sir Robert Lawley, Fiſher Littleton, John Lane, Thomas Lane, William Leigh, Robert Landor, Francis Leigh of Woodhead, Edward Leigh, John Levett, Thomas Levett, John Burridge Leigh, the Reverend Doctor Langley, Richard Levett, Obadiah Lane, Clerks; John Lovatt, Thomas Lovatt, John Lovatt Clerk, Thomas Lawton, Joſeph Lovatt, Benjamin Lowe, Samuel Lowe, James Loxdale, Edward Lightwood of Yoxal, Nathaniel Liſter, Landor Doctor in Phyſick, the Reverend Thomas Ley, Sir John Moſely Baronet, Samuel Moſely, Walter Acton Moſely, Edward Mainwaring, Edward Mainwaring junior, William Moore, Hugo Meynell, John Manley, Gilbert Manwaring, Sir George Montgomery Metham, William Moreton, Thomas Mills, William Mills, Humphrey Mackworth Praed, Edward Munday, the Reverend Simon Mills, George Malbon, Richard Mills, Thomas Malbon of New Chapel, Clerks; Robert Mellor, Richard Minors, Ralph Moreton, Benjamin Molineaux, James Myott, Thomas Matthews, Simon Montford, James Moor, John Murrhall, John Mare, Thomas Maſon, Samuel Newton, John Newton, Thomas Newton, Thomas Nicholls, Fettiplace Nott, Thomas Newton of Corbin's Hall, Walter Noell, John Offley, William Okeover, the Reverend John Oakes, Thomas Oakes, Thomas Parker, Son to the Chief Baron; Shelley Pegg, Robert Piggot, Drydon Piggot, Robert Pudſey, Peter Petit, Richard Perſhouſe, Philip Pargiter, John Petit, the Reverend James Pipe, Thomas Perkins, Samuel Poole, Peter Parr, Clerks; George Parker, Humphrey Palmer, John Pegg, John Philips, Edward Pearſon, Thomas Plymley, Thomas Poole, John Palmer, Thomas Pegg, William Piggot Clerk, Marſhal Ryder, John Rowley, Thomas Rivett, the Reverend John Rann, William Robinſon, Luke Robinſon, John Ratton, William Robinſon, Joſeph Riley, Carey Robinſon, Samuel Robiſon, Thomas Roylance, Rutter, Ralph Sneyd, John Sneyd, Edward Southwell, Thomas Southall, Plouden Slayney, William Swinnerton, Samuel Swinſen, Jeremiah Smith, John Stanley, Richard Stannier, Thomas Birch Savage, John Scott, William Scott, Edward Southall, Richard Smith, Charles Boothby Schrimſhire, Richard Smallbroke L. D. Thomas Sutton, John Shrigley, Matthew Stubbs, the Reverend

Sawcey of Elford, Thomas Smallbrooke, Samuel Smallbrooke, James Stafford, Thomas Seward, Joſiah Smart, Edward Sneyd, Stillingfleet of Weſt Bromwich, William Spilſbury, George Sparrow, Clerks; Chriſtopher Saunders, Francis Spencer, Thomas Shelley, John Smith, Bartholomew Simpſon, William Skerratt, Henry Scott, Walter Stubbs, John Stevenſon, Francis Stokes, Stephen Simpſon, John Turton, William Turton, John Turton junior, Edward Thurlo, Richard Townſend, Bache Thornhill, the Reverend John Taylor, Clerks; Thomas Nicholls Tompkis, Thomas Toundrow, Thomas Turnpenny, Samuel Tompkiſon, Thomas Tompkis, John Tarrick, John Turton, Joſeph Turton, Edward Tonge, Henry Turner, James Tomkinſon, George Tollett, Charles Tollett, George Venables Vernon, Henry Vernon, Thomas Vernon, the Reverend Archdeacon Vyſe, Ralph Vernon, Clerks; Edward Vernon Doctor in Phyſick, Andrew Vyſe, William Unett, Thomas Unett, William Unett junior, William Vyſe, the Reverend Sir Richard Wroteſley, Sir William Wolſeley, Baronets; Sir Thomas Whitemore, Knight of the Bath, Sir Robert Wilmott, Sir John Eardley Wilmott One of his Majeſty's Juſtices of the King's Bench, John Wroteſley, John Williamſon, Moreton Walhouſe, William Wolfeley, Nathaniel Wetherall, Stanford Wolferſton, Richard Whitworth, Thomas Whieldon, Thomas Wedgwood, John Wedgwood, John Wheildon, Thomas Wedgwood, Richard Wedgwood, William Woolaſton, Francis Wells, Charles Wellard, John Wyrley, Edward Whitley, the Reverend Samuel Waker, Francis Woolfarſton, William Walker, John Ward, Clerks; Samuel Whalley, Stephen Wood, Ralph Wood, Simon Weſton, Ralph Weſton, Thomas Webb, William Webb, Ralph Weſt, Littleton Woolferſton, Chriſtopher Wood, William Wardle, John Web, John Wilſon, Martin Wood, James Web, Bower Leſtwich Wynne, Welch, the Right Honourable Thomas Lord Viſcount Kilmurry, the Right Honourable James Smith Stanley, commonly called Lord Strange; the Right Honourable Cholmondeley, commonly called Lord Malpas; the Right Honourable Stanhope, commonly called Lord Petersham; the Right Honourable Thomas Bellaſis, commonly called Lord Bellaſis; the Right Honourable Talmash, commonly called Lord Huntingtour; the Honourable James Cholmondeley, the Honourable Richard Barry, the Honourable Arthur Barry, the Honourable John Smith Barry, the Honourable John Needham, the Honourable George Venables Vernon, Sir Lyſter Holt, Sir John Thomas Stanley, Sir Peter Warburton, Sir Roger Moſtyn,

Sir

Sir Henry Mainwaring, Sir Thomas Broughton Dolves, Sir Richard Brooke, Sir Lynch Salisbury Cotton, Sir Charles Bunbury, Sir Ellis Cunliffe, Sir William Meredith, Sir Peter Leicester, Baronets; Sir George Warren Knight of the Bath, Henry Harvey Aston, John Arden, John Arden the younger, Richard Arden, Thomas Asheton, John Amson, John Astley, Peter Brooke, Percy Brooke, Thomas Booth, Trafford Barnston, Richard Wilbraham Bootle, John Bullock, John Byrne, Owen Salisbury Brereton, John Blackburne, Thomas Blackburne, John Barrow, Thomas Cholmondeley, Robert Salisbury Cotton, Roger Cumberbach, Philip Chetwode, George Clarke, George Hyde Clarke, Thomas Corbet, John Croxton, William Cooper, John Colquit, Richard Davenport, William Davenport, Thomas Davenport, John Dickenson the younger, Samuel Egerton, Philip Egerton, John Egerton, Philip Egerton the younger, George Eaton, John Fanall, Robert Foulkes, Fulk Greville, Thomas Grosvenor, George Edward Gerrard, John Glegg, John Glegg the younger, George Hunt, Thomas Hunt, George Heron, Samuel Harrison, Henry Howarth, Allen Holford, John Houghton, Thomas Hall, Hugh Hayward, Thomas Joberwood, George Johnson, Peter Legh of Lyme, Charles Legh, Peter Legh of Booth, George Legh, Ralph Leycester, George Leycester, Henry Cornwall Legh, John Legh, John Lawton, Matthew Lyon, Matthew Lyon the younger, John Lyon, William Leech, Roger Manwaring, Charles Manwaring, Peter Manwaring, John Manwaring, Peter Morgan, Richard Massey, James Massey, Thomas Patten, Richard Pennant, Thomas Patten the younger, Thomas Prescott, John Parke, Edward Powis, Thomas Pickering, John Page, Thomas Ravenscroft, William Robinson, Peter Shakerley, Thomas Swettenham, Thomas Slaughter, Edmund Swettenham, Charles Scrafe, Humphrey Trafford, William Tatton, Thomas Tatton, William Tatton the younger, Henshaw Thorncroft, Massey Taylor, Ralph Vernon, Hugh Warburton, Roger Wilbraham, George Wilbram, Randle Wilbraham, Lieutenant Colonel Joseph Widden, William Wright, Peter Walthall, the Reverend Francis Gastrell, the Reverend Domville Halstead, the Reverend Ashburnham Legh, the Reverend Henry Offley Wright, the Reverend Joseph Ward, Clerks, Nathan Alcock Doctor in Physick, William Brocklehurst, Clerk, John Acton, Edward Antrobus, John Antrobus, Robert Wainwright Ashley, Jonathan Brayne, John Bagnall, Robert Bridge, Corbett Costard, William Derbyshire, William Fowden, Robert Newton, Edmund Watson, Edmund Kershaw, Thomas Gorst, John Gresty the younger,

Richard

Richard Heyes, James Hunt, Joſeph Jackſon, Smith Kelſal, Richard Lathbury, Edward Lowndes, John Lowe, Thomas Nayler, John Parrot, George Robinſon, John Stafford, Edward Salmon, William Seaman, John Seaman, John Smith, Edward Stelfox, James Tomkinſon, William Tomkinſon, James Tomkinſon the younger, Henry Tomkinſon, Thomas Turner, Samuel Vernon, Thomas Vaudrey, Samuel Wright, John Wilſon, William Widders, John Wilkinſon, Thomas Weſton, Iſaac Wood, James Whitehead, ſhall be, and they, and their Succeſſors, to be elected in Manner herein after mentioned, are hereby appointed Commiſſioners for the ſettling, determining, and adjuſting all Queſtions, Matters, and Differences, which ſhall or may ariſe between the ſaid Company of Proprietors, their Succeſſors, and Aſſigns, or any of them, and the ſeveral Proprietors of and Perſons intereſted in any Lands, Grounds, Tenements, Hereditaments, or Waters, that ſhall or may be affected or prejudiced by the Execution of any of the Powers hereby granted; and they the ſaid Commiſſioners, or any Seven or more of them, qualified and acting for the reſpective Counties in which ſuch Queſtion, Matter, or Difference, ſhall ariſe, as hereafter mentioned, are hereby impowered, by Writing under their Hands and Seals, with the Conſent of the Parties concerned, to determine and adjuſt, from time to time, what Sum or Sums of Money ſhall be paid by the ſaid Proprietors, their Succeſſors, and Aſſigns, or any of them, either by an annual Rent or Payment, or by a Sum of Money in groſs, to and at the Election of ſuch Bodies Politick, Corporate, or Collegiate, Perſon or Perſons reſpectively, who ſhall be ſo intitled or intereſted as aforeſaid, for the abſolute Purchaſe of the Lands or Grounds which ſhall be ſet out and aſcertained as aforeſaid, for making the ſaid Cut or Canal, or any Part thereof, and other the Purpoſes herein mentioned; and alſo to determine and adjuſt the Recompence to be made for any Damages which may or ſhall be, at any Time or Times whatſoever, ſuſtained by ſuch Bodies Politick, Corporate, or Collegiate, or any Perſon or Perſons reſpectively, being Owners of, or intereſted in, any Lands, Grounds, Tenements, or Hereditaments, for or by reaſon of the making, repairing, or maintaining, the ſaid Cut or Canal, Trenches, Paſſages, Gutters, Watercourſes, Roads, Ways, or Sluices, or ſupplying the ſame, or any of them, with Water as aforeſaid, or by the flowing, leaking, or ouzing of the Water, over or through the Banks of the ſaid Cut or Canal, Trenches, or

To determine Differences,

and ſettle Recompences.

or Sluices, or over or through any Passages, Gutters, or Watercourses, which shall be made pursuant to the Powers hereby given for conveying and communicating Water to or from the said Cut or Canal, or by not cleansing the said Watercourses, Trenches, or Passages; or by turning or diverting any Streams or Brooks into the same; or by Reason or Means of the Execution of any of the Powers herein contained, by the said Company of Proprietors, their Successors, and Assigns, their Agents, Workmen, or Servants, in case such Price or Value, Damages and Recompence respectively, cannot be settled, adjusted, and agreed for, by and between the said Company of Proprietors and their Successors and Assigns, or any of them, and such Proprietors of, and Persons interested in, the said Lands and Grounds as aforesaid: And if the said Company of Proprietors, their Successors and Assigns, for and on the Part and Behalf of themselves, or any such Body Politick, Corporate, or Collegiate, or other Person or Persons so interested or intitled as aforesaid, for and on his, her, or their Parts, shall refuse to submit any such Matter to the Determination of the said Commissioners, or shall be dissatisfied with any Determination which shall be by them made as aforesaid; and if any such Body Politick, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons, intitled or interested as aforesaid, shall refuse to receive, upon due Tender thereof made, such Purchase Money or annual Rent, or such Recompence as shall be so determined to be paid, or shall, upon Notice in Writing given to the principal Officer or Officers of such Body Politick, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at the Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers, of such Lands or Grounds, for the Space of Twenty Days next after such Notice, neglect or refuse to treat, or shall not agree with the said Company of Proprietors, their Successors, and Assigns, or by reason of Absence shall be prevented from treating, or through Disability by Nonage, Coverture, or other Impediment, cannot treat for themselves, or make such Agreement as shall be convenient for promoting the Navigation and other Works aforesaid, or shall not produce and evince a clear Title to the Premisses they are in Possession of, or to the Interest they claim; then, and in every such Case, the Commissioners, or any Seven or more of them, shall, and they are hereby impowered and required, from time to time, to issue a Warrant or

If Parties refuse to submit to, or are dissatisfied with, the Determination of Commissioners,

or refuse to accept the Purchase-Monies,

or to treat, or shall not agree;

Juries shall be impanelled to assess the Purchase Monies, &c.

Warrants, under their Hands and Seals, to the Sheriff or Sheriffs of the said Counties of Derby, Stafford, or Chester, for the time being respectively, in which the Matter or Matters shall arise; or, in case such Sheriff or Sheriffs, his or their Under Sheriff or Sheriffs respectively, or either of them, shall happen to be One of the Company of Proprietors of the said Navigation, or enjoy any Office of Trust or Profit under them, or shall be interested in the Matter in Question, then to the Coroner or Coroners, within the said Counties of Derby, Stafford, or Chester respectively, not interested as aforesaid, commanding such Sheriff or Coroner respectively to impanel, summon, and return, a Jury; and the said Sheriff or Coroner respectively is hereby required accordingly to impanel, summon, and return, a Jury of Twenty four sufficient and indifferent Men, qualified according to the Laws of this Realm, to be returned for Trials of Issues joined in his Majesty's Courts at Westminster, to appear before the said Commissioners, or any Seven or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed, not being less than Nine nor more than Twenty Days after such Warrant shall be served upon the said Sheriff or Sheriffs, Coroner or Coroners respectively: And in case a sufficient Number of Jurymen shall not appear at the Time and Place appointed, as aforesaid, the said Sheriff or Coroner shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured, to attend that Service, being so qualified as aforesaid, to make up the said Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array: And the said Commissioners, or any Seven or more of them, are hereby impowered to summon and call before them, all and every such Person and Persons as shall be thought necessary to be examined as Witnesses touching the Matters in Question: And the said Commissioners, or any Seven or more of them, may order and authorize the said Jury, or any Six or more of them, to view the Place or Places, or Matter in Controversy; which Jury (upon their Oaths, to be administered by the said Commissioners, or any Seven or more of them; and those Oaths, as well as the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Commissioners, or any Seven or more of them, are hereby impowered to administer) shall enquire of, assess, and ascertain, the Sum or Sums of Money, or annual Rent to be paid for the

Commissioners to summon, swear, and examine Witnesses.

for

Purchase of such Lands or Grounds, or the Recompence to be made for the Damages that may or shall be sustained as aforesaid: And the said Commissioners, or any Seven or more of them, shall give Judgement for such Purchase Monies, Rent, or Recompence, so to be assessed by such Juries; which said Verdict, and the Judgement thereupon pronounced by the said Commissioners, or any Seven or more of them, shall be binding and conclusive, to all Intents and Purposes, against the King's Majesty, His Heirs, and Successors, and against all Bodies Politick, Corporate, or Collegiate, and all Persons whomsoever.

Penalties on the Sheriff, Coroner, Jurymen, and Persons summoned, who shall make Default.

Provided always, and be it enacted by the Authority aforesaid, That if any such Sheriff or Coroner, or his Deputy or Agent, shall make Default in the Premisses, every such Person shall, for every such Offence, forfeit the Sum of Twenty Pounds; and if any Person so summoned and returned as aforesaid upon such Jury, shall not appear, or appearing, refuse to give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent of this Act; or if any Person so summoned to give Evidence shall not appear, or appearing, refuse to be sworn or examined, or to give Evidence; every Person so offending respectively, having no reasonable Excuse to be allowed by the said Commissioners, or any Seven or more of them, shall, for every such Offence, forfeit and pay the Sum of Five Pounds; to be levied by virtue of any Warrant or Warrants, under the Hands and Seals of the said acting Commissioners, or any Seven or more of them, by Distress and Sale of the Goods and Chatties of the Person or Persons so offending, rendering the Overplus to the Owner thereof, after such Penalty and the Charges of such Distress and Sale shall be deducted.

Expences of Juries, how to be paid.

Provided also, and be it enacted by the Authority aforesaid, That in all Cases where a Verdict or Assessment shall be given or made for more Monies, as a Recompence or Satisfaction for any Lands, Grounds, or Hereditaments, or for any Damage to be done to any Lands, Grounds, Hereditaments, or Property, of any Person or Persons whatsoever, than had been previously offered by, or on Behalf of, the said Company of Proprietors, their Successors, or Assigns, or than had been determined and assessed by the said Commissioners; that then all the Expences of summoning such Jury, and of taking such Inquest, shall be settled by the said Commissioners, and be defrayed by the said Company of Proprietors, their Successors or Assigns But if any Verdict or Assessment shall be given or made for

for

for no more or a less Sum than had been previously offered by, or on Behalf of, the said Company of Proprietors, their Successors, or Assigns, or than had been determined and assessed by the said Commissioners as aforesaid; then, and in every such Case, the Costs and Expences of summoning such Jury, and taking such Inquest, shall be settled in like manner by the said Commissioners, and be borne and paid by the Person or Persons with whom the said Company of Proprietors shall have such Controversy or Dispute.

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

Provided further, and be it enacted by the Authority aforesaid, That all and every Person or Persons making Complaint, and requesting such Jury, shall, before the said Commissioners shall be obliged to issue out their Warrant or Warrants for the summoning such Jury as aforesaid, first enter into a Bond, with Two sufficient Sureties, to the Treasurer to the said Company of Proprietors, their Successors, and Assigns, for the time being, in the Penalty of Fifty Pounds, to prosecute such his, her, or their Complaint, and to bear and pay the Costs and Expences of summoning such Jury and taking such Inquest, in case a Verdict shall be given for no more or a less Sum than had been offered by or on Behalf of the said Company of Proprietors, their Successors, and Assigns, or than had been assessed by the said Commissioners, before the summoning and returning the said Jury or Juries, as a Recompence or Satisfaction for any Lands, Grounds, or Hereditaments, or Damages, as aforesaid.

Notice of Injury to Proprietors, before Complaint to Commissioners.

Provided moreover, and be it further enacted by the Authority aforesaid, That the said Commissioners shall not, nor shall any of them be obliged by virtue of this Act, to receive or take Notice of any Complaint or Complaints, to be made by any Person or Persons whatsoever, for any Injury or Damage by him, her, or them, sustained, or supposed to be sustained, by virtue of this Act, unless Application hath been, or shall be made in relation thereto, by or on Behalf of such Person or Persons, to the said Company of Proprietors, their Successors, or Assigns, or their known Agent or Agents, or to some Collector of the Tolls in the County where the Cause of Complaint shall arise, within the Space of Six Calendar Months next after the Time that such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

Penalty on giving false Evidence.

And be it further enacted by the Authority aforesaid, That all and every Person or Persons who, in any Examination to be taken by virtue of this Act, shall give false

false Evidence before the Commissioners, or any of them, or before any Justices of the Peace, shall and may be prosecuted for the same; and upon Conviction thereof, shall be subject to such Punishments and Disqualifications, as any Person or Persons can or may be subject to for wilful and corrupt Perjury, by any of the Laws or Statutes of this Realm.

Upon Payment or Tender of the Monies, Proprietors may cut, dig, &c.

And be it further enacted by the Authority aforesaid, That upon Payment of such Sum or Sums of Money, or annual Rent, as shall be contracted or agreed for between the Parties, or determined and adjusted by the said Commissioners, or any Seven or more of them, or assessed by such Juries in Manner respectively as aforesaid, for the Purchase of any such Lands or Grounds as aforesaid, to the Proprietors thereof, or other Persons intitled to receive such Money or Rent respectively, or legal Tender thereof made to such Proprietor or Proprietors, or other Person or Persons, or to the principal Officer or Officers of any such Body Politick, Corporate, or Collegiate, at any Time after the same shall have been so agreed for, determined, or assessed; or if he, she, or they, cannot be found, or shall refuse to accept such Money or Rent, upon Payment thereof to such Person or Persons as the said Commissioners, or any Seven or more of them, shall, by Writing under their Hands, appoint, for the Use of, and to be paid upon Demand, without Fee or Reward, to such Proprietors or Persons respectively as aforesaid; then, and in such Case, such Lands and Grounds respectively, and the Fee Simple and Inheritance thereof, shall, from thenceforth, be vested in, and become for ever the sole Property of, the said Company of Proprietors, their Successors, and Assigns, to and for the Use of the said Navigation, but to or for no other Use or Purpose whatsoever; and it shall and may be lawful to and for the said Company of Proprietors, their Successors, and Assigns, their Agents, Workmen, and Servants, immediately to enter upon the same, and to dig, cut, trench, sough, and remove, Earth, Stone, Rubbish, Trees, Roots of Trees, and all other Obstructions, for the making, using, maintaining, and repairing, the said Cut or Canal, and Towing Paths, on the Sides thereof, in or upon such Lands, Tenements, or Hereditaments, for which such Satisfaction shall be determined or assessed as aforesaid; and thereupon to make, erect, or do, any Works, Matters, or Things, for the effecting and carrying on the said Navigation, and for the supporting and maintaining the same, as the said Company of Proprietors, their

Successors, or Assigns, shall think requisite; and to have, use, and enjoy, the same, to and for their own Use and Benefit, for the Purposes of the said Navigation; and this Act shall be sufficient to indemnify, as well the said Commissioners, as the said Company of Proprietors, their Successors, and Assigns, and their Servants, Agents, and Workmen, for what they, or any of them, shall do by virtue of the Powers hereby granted.

Verdicts, &c. to be recorded by the Clerks of the Peace.

And be it further enacted by the Authority aforesaid, That all the Determinations of the said Commissioners, or any Seven or more of them, which shall be submitted to, and acquiesced in, by the Parties concerned; and also the said Verdicts and Judgements, being first signed by Seven or more of the Commissioners, who shall be present at the making of such Determinations, or the taking of such Verdicts, and pronouncing such Judgements respectively, shall be transmitted to, and kept by, the respective Clerks of the Peace, amongst the Records of the Quarter Sessions of the Peace for the said Counties of Derby, Stafford, or Chester respectively, as the Case shall require, and shall be deemed to be Records of the said Quarter Sessions to all Intents and Purposes, and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, as also the Inrollments of such Contracts, Agreements, Sales, and Conveyances, as are herein before mentioned, paying for each Inspection the Sum of One Shilling; and to take Copies thereof, without Stamps, paying for every Copy, not exceeding Two hundred Words, the Sum of Two Pence, and so in Proportion for any Number of Words; and immediately on such Payment and Entry of such Verdicts, Judgements, Sentences, Decrees, Orders, and other Proceedings, of the said Court and Juries, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, in Law and Equity, of the Person or Persons for whose Use such Money or Rent shall be paid, in, to, and out of the said Lands, Tenements, Hereditaments, and Premisses, shall vest in the said Company of Proprietors, their Successors, and Assigns, and they shall respectively be deemed in Law to be in the actual Seizin or Possession thereof, to all Intents and Purposes whatsoever, as fully and effectually, as if every Person having any Estate in the Premisses had actually conveyed the same to them by Lease and Release, Bargain and Sale, inrolled, Feoffment with Livery of Seizin, Fine, and Recovery, or any other legal Conveyance whatsoever, to

and

and such Payment shall not only bar all Right, Title, Interest, Claim, and Demand, of the Person or Persons to whose Use such Payment was made, but also shall extend to and be deemed and construed to bar the Dower or Dowers of the Wife and Wives of such Person and Persons, and all Estates Tail, in Reversion or Remainder, against the Issue or Issues of such Person and Persons, and every Person claiming under them, would do, if levied or suffered by the proper Parties in due Form of Law.

Purchase Monies due to Corporations to be laid out to the same Uses.

And be it further enacted by the Authority aforesaid, That all Sums of Money which are to be paid to any Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees whatsoever, for or on Behalf of any Infants, Lunaticks, Ideots, Femes Covert, or other Cestuique Trusts, or to any Person or Persons whose Lands are limited in strict Settlement, for the Purchase or Exchange of any Lands or Grounds aforesaid, shall, in case the same exceed the Sum of Twenty Pounds, by such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees, Person or Persons, seized of Lands or Grounds so limited in strict Settlement, be laid out, as soon as conveniently may be, in the Purchase of Lands, Tenements, and Hereditaments, in Fee Simple, and conveyed to, or to the Use of, such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees, or to and for such other Person or Persons, and for such Estates, and to, for, upon, and subject to, such Uses, Trusts, Limitations, Remainders, and Contingencies, as the Lands and Grounds, for or in respect whereof such Purchase Money, or Monies received in Exchange, shall be so paid as aforesaid, were limited, settled, and assured, at the Time such Purchase Monies were so agreed for, ascertained, or assessed, respectively, as aforesaid, or so many of such Uses as shall be then existing and capable of taking Effect; such Conveyances and Settlements, other than those which concern any Purchase or Exchange between any of the respective Land Owners as aforesaid, to be made at the Expence of the said Company of Proprietors, their Successors, and Assigns; and in the mean Time, and until such Purchase and Purchases shall be made, the said Monies shall be placed out

by

by such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees, Person or Persons, in some of the Publick Funds, or on Government or Real Securities, in the Names of Two or more Persons, the One to be nominated by the Party or Parties interested therein, and the other by the said Commissioners, or any Seven or more of them, and the Interest arising or to be produced from such Funds or Securities, and also the annual Rent for such Lands, Grounds, Mills, Tenements, or Hereditaments, where a Rent shall be fixed upon as aforesaid, shall be a Rent Charge upon the Tolls, Rates, and Duties, hereby authorized to be taken by the said Company of Proprietors, their Successors, or Assigns, and shall be paid to such Person or Persons respectively as would for the time being be intitled to the Rents and Profits of such Lands, Tenements, and Hereditaments, so to be purchased, in case the same were purchased and settled pursuant to the Tenor and true Meaning of this Act.

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

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Seven or more of them, acting for each respective County as herein after mentioned, may, and are hereby impowered to settle what Shares and Proportions of the Purchase Monies or Recompence for Damages which shall be so agreed for between the said Company of Proprietors, their Successors, and Assigns, or any of them, or determined and adjusted by the said Commissioners, or any Seven or more of them, or assessed by the said Juries, in Manner respectively as aforesaid, shall be allowed to any Tenant or other Person having a particular Estate, Term, or Interest, in the Premisses, for his, her, or their respective Interests therein, except in such Cases where the same are herein directed to be laid out and invested in the Purchase of Lands, Tenements, or Hereditaments.

In Default of Payment, Tolls to be liable.

And be it further enacted by the Authority aforesaid, That, in Default of Payment of such Sum or Sums of Money, and at such Times and in such Manner as shall be assessed and awarded for Damages of any Kind, by virtue of this present Act, by the said Commissioners, or any Seven or more of them, it shall and may be lawful for the said Commissioners, or any Seven or more of them, to appoint One or more Person or Persons to receive the Tolls, Rates, and Duties, by this Act imposed, and thereout, in the first Place, to pay all such Damages so to be determined or assessed as aforesaid;

with the Costs in any such Case by such Refusal or Default of Payment; and the Money to be received by such Person or Persons, shall and is hereby declared to be as to much Money received to the Use of such Person or Persons who shall be intitled to receive such Satisfaction for Damages as aforesaid in Order and Course respectively as such Determinations shall be in Priority of Time; and after such Damages and Costs shall be paid and satisfied, the Power and Authority of such Receivers for the Purposes aforesaid shall cease and determine, or otherwise such Party or Parties so aggrieved shall and may have a Remedy for such Sum or Sums of Money so to be assessed and awarded, which shall not be paid according to the Judgement of the said Commissioners, or any Seven or more of them, as aforesaid, by Action at Law in any of his Majesty's Courts of Record at Westminster, against the said Company of Proprietors, their Successors, and Assigns, to recover the same, with full Costs of Suit.

If Costs and Damages not paid within Three Months, the same to be levied upon the Company.

Provided always, and be it further enacted by the Authority aforesaid, That in case the Damages and Costs by this Act provided to be satisfied out of the Tolls arising by the said intended Navigation shall not be paid and satisfied, within the Space of Three Calendar Months after the same shall be so determined or assessed as aforesaid; that then, and in such Case, it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, upon Complaint made to them by or on Behalf of the Person or Persons sustaining such Damage, to issue their Warrant or Warrants, under their Hands and Seals, to the Sheriff of the said Counties of Derby, Stafford, or Chester, respectively, as the Case shall be, authorizing and impowering him to raise or levy the Damages to be determined and assessed, by Distress and Sale of the Goods and Chattles of the said Company of Proprietors, their Successors, and Assigns, or any of them, together with such reasonable Charges as the said Commissioners, or any Seven or more of them, shall in such Warrant direct and appoint.

In Default of Payment, Tolls to be levied.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall wilfully, maliciously, and to the Prejudice of the said Navigation, break, throw down, damage, or destroy, any Banks or other Works to be erected or made by virtue of this Act, or do any other wilful Hurt or Mischief to obstruct, hinder, or prevent the carrying on, completing, supporting, and maintaining the said intended Navigation; such Per-

Destroying the Works made Felony.

son or Persons shall be adjudged guilty of Felony, and every such Felon shall be subject and liable to the like Pains and Penalties as in Cases of Felony; and the Court by and before whom such Person or Persons shall be tried and convicted, shall and hereby have Power and Authority to transport such Felon, for the Space of Seven Years, in like Manner as other Felons are directed to be transported by the Laws and Statutes of this Realm.

Coal, Iron Stone, and other Minerals dug out of Lands, to be taken by the Owners.

Provided always, and be it further enacted by the Authority aforesaid, That all Coals, Iron Stone, Salt Rock, and other Minerals, which shall be found and dug up in making, carrying on, and compleating, the said Cut or Canal, or any other of the Works hereby authorized to be made, carried on, and compleated, shall be laid upon the Surface of the Lands, in some convenient Place near the said Works, at the Expence of the said Company of Proprietors, their Successors, and Assigns; and it shall and may be lawful to and for the Person or Persons respectively in whose Land or Grounds the said Coals, Iron Stone, Salt Rock, and other Minerals, shall be found and dug up, to take, carry away, and dispose of the same to and for his and their own Use and Benefit; and that it shall and may be lawful to and for the Owner or Owners, Proprietor or Proprietors, of any such Mines, Salt Rock, or Minerals, which shall or may be discovered or cut in any Tunnel or Aqueduct which shall be made by virtue of this Act, to make a Sough or Soughs, Drain or Drains, to unwater the remaining Part of such Mines, Salt Rock, or Minerals, and to discharge the Water arising and flowing from the same into such Tunnel or Aqueduct; provided that such settling Places be made at convenient Distances in such Soughs or Drains as shall be approved and directed by the said Company of Proprietors, their Successors, or Assigns, or their principal Engineer for the time being, and cleansed as often as shall be necessary, at the Expence of the Person or Persons making the same, in order to prevent the Mud and Earth from being conveyed into such Tunnel or Aqueduct; and provided that such Part thereof as shall be under or within the Distance of Ten Yards from such Tunnel or Aqueduct, on either Side thereof, shall not exceed Four Feet in Breadth, and that the same shall be performed under the Direction and Inspection of the said Company of Proprietors, their Successors, or Assigns, or their principal Engineer for the time being; and that no Water shall be taken or drained out of the said Canal, or from

Owners of Mines Liberty to make Soughs into the Navigation.

any

any of the Springs, Streams, or Brooks, that supply the same near Harecastle Vale, between the first Lock in Cheshire and the first Lock in Staffordshire, unless such Water shall be returned into the said Canal between the said Locks.

Owners of Mines, &c. (except at *Harecastle*) to work the same.

Provided always, That nothing herein contained shall extend, or be construed to extend, to hinder or restrain the Owner or Owners of any Mines, Minerals, Rock Salt, or Brine Springs (except such as shall be found and lie near Harecastle Vale, between the first Lock in Cheshire and the first Lock in Staffordshire) to work, carry on, and drain the same in such Manner as they shall think proper, so that no Injury or Damage be done thereby to the said Canal.

Proprietors may raise 130,000*l.* among themselves to carry on their Work.

And, to the End that the said Company of Proprietors may be further enabled to carry on so useful an Undertaking; be it enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Company of Proprietors, their Successors, and Assigns, to raise and contribute amongst themselves, and in such Proportions as to them shall seem meet and convenient, a competent Sum of Money for making and compleating the said navigable Cut or Canal; provided that the said Sum do not exceed the Sum of One hundred and thirty thousand Pounds in the Whole, except as herein after mentioned; and that the same be divided into such Number of Shares as hereafter directed, at a Price not exceeding Two hundred Pounds per Share; and that no Person subscribing thereunto, or becoming a Proprietor in such Navigation, do become a Proprietor of less than One Share, or more than Twenty Shares, either in his own Name, or in the Name of any other Person or Persons in Trust for him (except the same shall come to him by Will or Act in Law) upon Pain of forfeiting to the said Company of Proprietors, their Successors, and Assigns, all such Shares exceeding Twenty Shares aforesaid; and the Money so to be raised is hereby enacted and appointed to be laid out and applied, in the First Place, for and towards the Payment, Discharge, and Satisfaction, of all Fees and Disbursements for obtaining and passing this present Act of Parliament, and all other necessary Expences relating thereunto; and all the Residue and Remainder of such Money, for and towards making, compleating, and maintaining, the said navigable Cut or Canal, and other the Purposes of this Act, and to no other Use, Intent, or Purpose whatsoever.

No Person to have more than 20 Shares in his own Name.

And be it further enacted by the Authority aforesaid, That the said Sum, or such Part thereof as shall be raised

The Money to be raised, to be divided into 650 Shares of 200*l.* each.

raised by the several Persons herein before named, shall be divided and distinguished into Six hundred and fifty equal Parts or Shares, at a Price not exceeding Two hundred Pounds per Share; and that the said Six hundred and fifty Shares shall be, and are hereby vested in the several Persons before mentioned, and their several and respective Heirs and Assigns, to their and every of their proper Use and Behoof, proportionably to the Sum they and each of them shall severally subscribe and pay thereunto; and every the Bodies Politick and Corporate, and every Person and Persons, their several and respective Successors, Heirs, and Assigns, who shall severally subscribe and pay in the Sum of Two hundred Pounds, or such Sums as shall be demanded in lieu thereof, towards carrying on and compleating the said intended Navigation, shall be intitled to and receive, after the said Navigation shall be compleated, the intire and neat Distribution of One Six hundred and fiftieth Part of the said Profits and Advantages that shall and may arise and accrue by virtue of the Sum and Sums of Money to be raised, recovered, or received, by the Authority of this Act; and so in Proportion for any greater Number of Shares, not exceeding Twenty Shares as aforesaid; and every Body Corporate or Politick, Person or Persons, having such Property of One Six hundred and fiftieth Part or Share in the said Undertaking, and so in Proportion as aforesaid, shall bear and pay an adequate proportional Sum of Money towards carrying on the said Undertaking, in Manner herein after enacted, directed, and appointed.

If the Sum raised not sufficient, 20,000*l.* may be raised;

And be it enacted by the Authority aforesaid, That in case the said Sum of One hundred and thirty thousand Pounds, herein before authorized to be raised, shall be found insufficient for the making, compleating, and maintaining, the said navigable Cut or Canal, and other the Works hereby authorized to be made, and all necessary Charges and Expences relating thereunto; then, and in such Case, it shall and may be lawful to and for the said Company of Proprietors, their Successors, and Assigns, to raise and contribute amongst themselves, in Manner and Form aforesaid, any further or other Sum of Money, for compleating and perfecting the said Navigation, not exceeding the Sum of Twenty thousand Pounds.

and 5*l. per Cent.* to be paid, till the Work is compleated.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Company of Proprietors, their Successors, and Assigns, and they are hereby required, out of the Money to be raised as

as aforesaid, during the Time the said Canal, and all Things necessary for making and maintaining the same, shall be carrying on, and until the same shall be compleated and finished, to pay unto every Body Corporate or Politick, Person or Persons, their several and respective Successors, Heirs, and Assigns, who shall severally subscribe and pay in the Sum of Two hundred Pounds, or such Sum or Sums of Money as shall, from time to time, be demanded in respect thereof, towards carrying on and compleating the said Navigation, Interest for the same after the Rate of Five Pounds for every One hundred Pounds for One Year, from the Time that each of such Sum or Sums shall be so respectively advanced as aforesaid.

Subscribers to have a Vote for every Share,

And, to the end that all Matters and Things touching, concerning, or relating to, the carrying on and compleating the said Navigation, may be managed and conducted in the most beneficial Manner, be it further enacted, That every Body or Bodies Politick or Corporate, or other Person or Persons who shall, by virtue of this present Act, have subscribed or undertaken for One Six hundred and fiftieth Share of the said Navigation, shall be deemed a Proprietor for so much, and shall have a Vote in every publick Meeting or Assembly, to be held as hereafter appointed for carrying on the said Undertaking, which may be given by him, her, or them, or by his, her, or their Proxy or Proxies, duly constituted under his, her, or their Hand and Seal, or Hands and Seals; and such Vote or Votes by Proxy shall be good and sufficient, to all Intents and Purposes, as if such Principal or Principals had voted in Person; and any Body or Bodies Corporate or Politick, Person or Persons, who shall have more than One such Share, and not exceeding Twenty Shares, shall have Liberty by him, her, or themselves, or by his, her, or their Proxies, regularly constituted as aforesaid, to give One Vote for each such Share of Two hundred Pounds for which he, she, or they, shall be a Subscriber, or become a Proprietor as aforesaid; and whatever Question, Election of proper Officers, or other Matters or Things, shall be proposed, discussed, or considered, in any publick Assembly to be held by virtue of this Act, shall be finally determined by the Majority of Votes and Proxies then present, computing One Vote for every Share; provided that no Person shall give or deliver more Proxies than for Five absent Proprietors.

by themselves or Proxies.

And, to the end that all Matters and Things to be done and carried on by Virtue and Authority of this Act,

General Assemblies for chusing a Committee.

may be the more regularly and methodically carried into Execution, be it enacted by the Authority aforesaid, That the First General Assembly or Meeting of the Proprietors for putting this Act in Execution, shall be held at the Old Roe-Buck in Newcastle under Lyne, upon the Third Day of June, and the Second General Meeting at the Place aforesaid upon the Thirtieth Day of September next ensuing; and the like General Assemblies or Meetings shall be held on the last Tuesday in March and the last Tuesday in September in every Year for the future, at or before the Hour of Eleven of the Clock in the Forenoon; at which said First Meeting the Proprietors assembled, together with such Proxies as shall be then present, shall chuse Twenty one Persons who are for the time being Proprietors of Two or more Shares in the said Navigation; which Persons so chosen shall be a Committee to manage the Affairs of the said Company of Proprietors in such Manner as is herein after directed, and as shall, from time to time, be ordered by such General Assemblies as aforesaid: But if at any Time it shall appear to any Fifteen or more of such Proprietors, that for more effectually putting this Act in Execution, a Special Meeting of Proprietors is necessary to be held, it shall be lawful for such Fifteen or more of them to cause Notice to be given thereof in the Chester, Derby, and Birmingham Weekly Papers, or in such other Manner as the said Proprietors, their Successors, or Assigns, shall at any General Meeting direct or appoint, declaring in such Notices the Place where, and the Time when, such Meeting is to be held, the same not being less than Ten Days after such Notice given, and likewise specifying in every such Notice the Reason for, and Intention of, such Meetings respectively; and the Proprietors are hereby authorized to meet pursuant to such Notices, and proceed to the Execution of the Powers by this Act given them with respect to the Matters so specified only; and all such Acts of the Proprietors, or the major Part of them, at such Meetings assembled, such major Part not being less than One hundred and fifty Shares, shall be as valid, to all Intents and Purposes, as if the same were done at Meetings held in Manner herein before appointed.

Committee to be under Controul of General Assembly.

Provided always, That such Committee shall, from time to time, be subject to the Examination and Controul of the said General Assembly, or other Meetings of the said Proprietors as aforesaid, and shall pay due Obedience to all such Orders and Directions in and about the Premisses, as they shall, from time to time, receive

receive

ceive from the said Proprietors at any such General Assembly or other Meeting; such Orders and Directions not being contrary to any express Directions or Provisions in this Act contained.

Books to be kept.

And be it further enacted by the Authority aforesaid, That the Book and Books in which all the Accounts relating to the said Undertaking and Navigation shall be stated and settled, and all other Matters relating thereunto, shall be deposited and locked up in a Chest or Box, Chests or Boxes, to be kept at such Place or Places as the said Company of Proprietors shall, from time to time, direct; and the Key or Keys thereof the Committee for the time being shall have in their Custody or Power; and every Proprietor or Proprietors, upon every reasonable Desire, shall have free Access to the same for his, her, or their Inspection.

General Assemblies to consist of 300 Shares.

Provided always, That if at any such General Assembly there shall not be Persons present who have Three hundred such Shares as aforesaid, either as Principals or Proxies, no Choice of a Committee shall be made at that Time; but in such Case there shall be a new Assembly of the Proprietors of the said Navigation at the same Place upon that Day Three Weeks following, and such Choice shall be then made of Persons to be of the Committee as ought to have been made on the Day herein before appointed, had there then been a sufficient Number of Votes present; and the Persons then chosen to be of the said Committee, shall have the same Power which they would have had, and continue in such Offices until such Time as they would have done, had they been chosen on the said Day herein before appointed; and that in case of Failure of the Meeting of the Persons having Three hundred Votes as Principals or Proxies at such First Meeting, the whole Number of Principals who shall not be present at such Second Meeting, by him, her, or themselves, or his, her, or their Proxies, shall forfeit to the said Company of Proprietors, for every such Share which he, she, or they, shall then have in the said Navigation and Undertaking, the Sum of Ten Shillings for each Share in the said Undertaking, to be stopped out of the next Payment of Interest, or out of the next Dividend of the Profits of the said Undertaking, as the Case may happen.

Proprietors not meeting, shall forfeit for each Share 10s.

Power of General Assemblies to call for Accounts.

And be it further enacted by the Authority aforesaid, That every such General Assembly shall have Power to call for, audit, and settle, all Accounts of Money laid out and disbursed on account of the said Navigation, with the Receiver or Receivers, and other Officer or Officers

ficers to be by them appointed, or any other Person or Persons whatsoever employed by, or concerned for or under them, in and about the aforesaid Navigation; and to that Purpose shall have Power to adjourn themselves over from time to time, and from Place to Place, as shall be thought convenient by the Persons intitled to a Majority of Votes in Manner aforesaid; and every General Assembly, or such Committee met together by the Authority of this Act, shall have Power, from time to time, to make such Call or Calls of Money from the Proprietors of the said Navigation, to defray the Expences of, or to carry on the same, as they, from time to time, shall find wanting and necessary for those Purposes, so that no Call do exceed the Sum of Ten Pounds for every One hundred Pounds, and so as no Calls to that Amount be made but at the Distance of Three Calendar Months at the least from each other; which Money so called for shall be paid to such Person or Persons, and in such Manner, as the said General Assembly shall, from time to time, appoint and direct for the Use of the said Undertaking; and such Committee shall, until the next Annual or other General Assembly to be holden in Manner as aforesaid, shall have full Power and Authority to direct and manage all and every the Affairs of the said Company of Proprietors, as well in buying and purchasing Lands, Liberties, and Materials, for the Use of the said Navigation, as in employing, ordering, and directing, the Work and Workmen, and in placing and displacing under Officers, Clerks, Servants, and Agents, and in making all Contracts and Bargains touching the said Undertaking, so that no such Purchase, Bargain, or other Matter, be done or transacted without the Concurrence of a Majority of the said Committee together assembled, such Majority not being less than Seven; and every the Owner or Owners of One or more Part or Parts, Share or Shares, in the said Undertaking, shall pay his, her, or their, Shares and Proportions of the Monies to be called for as aforesaid, at such Time and Place as shall be appointed, of which Two Months Notice at least shall be given, by publishing the same in the Chester, Derby, and Birmingham Weekly Papers, or in such other Manner as the said Proprietors, their Successors, or Assigns, shall at any General Assembly direct or appoint: And if any Person or Persons shall neglect or refuse to pay his, her, or their, rateable or proportionable Part or Share of the said Money to be called for as aforesaid, at the Time and Place appointed by such General Assembly or Committee; he, she, or they, so neglecting or refusing,

refusing, shall forfeit the Sum of Five Pounds for every One hundred Pounds of his, her, and their, respective Share and Shares, Parts and Interests, in the said Navigation, Undertaking, and Premisses: And in case such Person or Persons shall neglect to pay his, her, or their, rateable or proportionable Part or Share of the said Money to be called for as aforesaid, for the Space of Two Months after the Time appointed for Payment thereof as aforesaid; then he, she, or they, so neglecting, shall forfeit his, her, and their, respective Share and Shares, Parts, and Interests, in the said Navigation, Undertaking, and Premisses, and all the Profit and Benefit thereof; all which Forfeitures shall go to the rest of the Company of the Proprietors of the said Navigation, their Successors, and Assigns, in Trust for, and for the Benefit of, all the rest of the said Proprietors, in Proportion to their respective Interests.

Subscriber forfeiting his Share, shall have personal Notice, and the Forfeiture must be declared at a General Assembly.

Provided always, That no Advantage shall be taken of any Forfeiture of any Share or Shares of the said Undertaking, till after personal Notice to the Owner, nor unless the same shall be declared to be forfeited at some General Assembly of the said Company of Proprietors, who shall meet within Six Calendar Months next after such Forfeiture shall happen to be made; and every such Forfeiture shall be an Indemnification to and for every Proprietor and Proprietors so forfeiting, against all Action and Actions, Suits, or Prosecutions whatsoever, to be commenced or prosecuted for any Breach of Contract, or other Agreement, betwixt such Proprietor or Proprietors, so forfeiting, and the rest of the Proprietors, with regard to carrying on the said intended Navigation.

General Assemblies may make Bye-laws.

And be it further enacted by the Authority aforesaid, That the said Company of Proprietors, their Successors, and Assigns, for the time being, shall always have Power and Authority, at any General Assembly met as aforesaid, to remove or displace any Person or Persons chosen upon such Committee as aforesaid, or any other Officer or Officers under them; and to revoke, alter, amend, or change, any of the Rules and Directions herein before prescribed and laid down, with regard to their Proceedings amongst themselves, as to the major Part of them shall seem meet (the Method of calling General Assemblies, and their Time and Place of Meeting, and voting and appointing Committees, only excepted) and shall have Power to make such new Rules, Bye-laws, and Orders, for the good Government of the said Company, for the good and orderly using the said Navigation, Tunnels, and Locks, and for the well governing

ing of the Bargemen, Watermen, and Boatmen, who shall carry any Goods, Wares, and Merchandize upon any Part of the said Canal, and to impose and inflict such reasonable Fines or Forfeitures upon the Breakers of such new Rules, Bye-laws, or Orders, as to the major Part of such General Assembly shall seem meet, not exceeding the Sum of Five Pounds for any One Offence; such Fines or Forfeitures to be levied and recovered by such Ways and Means as are herein after mentioned; which said Rules, Bye-laws, and Orders, being put into Writing, under the common Seal of the said Company of Proprietors, shall be binding to, and observed by, all Parties, and shall be sufficient, in any Court of Law or Equity, to justify all Persons who shall act under the same.

On Death of Subscribers, before Shares completed,

Provided also, and be it enacted by the Authority aforesaid, That if any Owner or Owners of any Share or Shares in the said Undertaking, shall happen to die before such Call or Calls shall have been made for the full Sum to be advanced on each Share which he, she, or they, shall have been possessed of, or intitled to, without having made Provision by Will, or otherwise, how such Share and Shares shall be disposed of, and the Money paid in upon Calls for the future; then, and in such Case, the Executors and Administrators of any such Owner so dying, and the Trustee or Trustees, Guardian or Guardians, of any Infant, or other Person or Persons whatsoever, intitled to the Estate or Effects of such Owner deceased, shall be indemnified against all such Infant or Infants, and other Persons whatsoever, for paying any Sum of Money when called for as aforesaid, to compleat every such Subscription; and if such Owner deceased shall not have left Assets sufficient, or in case the Executor or Administrator, Trustee or Guardian, shall refuse or neglect to answer such Calls and Payments, the said Company of Proprietors shall be, and are hereby empowered, authorized, and required, to admit any other Person or Persons to be Proprietor or Proprietors of the Share and Shares of such Owner deceased, on Condition that he, she, or they, so admitted, do and shall, on or before such Admission, pay to the Executors or Administrators of such deceased Owner, or the Trustee or Trustees, Guardian or Guardians, of any Infant or others intitled to his or her Effects, the full Sum and Sums of Money which shall have been paid by such Owner in his or her Life-time, by virtue of any Call or Calls, or otherwise, upon such Share or Shares, or such other Sum or Sums of Money as the same can be sold for.

Executors may do it.

And

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And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the several Proprietors of such Navigation to sell and dispose of any Share or Shares he, she, or they, shall and may be intitled to therein, subject to the Rules and Conditions herein mentioned; and any Purchaser or Purchasers shall, for his, her, or their Security, as well as that of such Proprietor or Proprietors, have a Duplicate or Duplicates of the Deed of Bargin and Sale, or Conveyance made unto him, her, or them, and executed by such Person or Persons of whom he, she, or they, shall purchase the same; and also by the Purchaser or Purchasers; One Part whereof, duly executed both by the Seller and Purchaser, shall be delivered to the said Committee, or their Clerk for the time being, to be filed and kept for the Use of the said Company; and an Entry thereof shall be made in a Book or Books to be kept by the said Clerk for that Purpose, for which no more than One Shilling shall be paid, and the said Clerk is hereby required to make such Entry accordingly; and until such Duplicate of such Deed shall be so delivered unto the said Committee, and filed and entered as above directed, such Purchaser or Purchasers shall have no Part or Share of the Profits of the said Navigation, nor any Interest for his said Share paid unto him, her, or them, or any Vote as Proprietor or Proprietors. Shares may be disposed of,

And be it further enacted by the Authority aforesaid, That after any Call of such Monies shall be made by a General Assembly, or such Committee as aforesaid, no Person or Persons shall sell or transfer any Share which he, she, or they, shall then have in the said Undertaking, until the Monies called for, upon their respective Share or Shares so to be sold, shall be paid, upon the Penalty of forfeiting his, her, or their, respective Shares of the said Undertaking to the said Company, in Trust, for the Benefit of all the said Proprietors, unless the Person or Persons who shall be Vendor or Vendee shall, at the Time of such Transfer, pay the Money called for upon each Share so transferred, to the Treasurer of the said Company; such Forfeiture nevertheless to be notified and declared at a General Assembly in Manner above directed. After a Call, no Share to be sold till the Money paid.

And be it further enacted by the Authority aforesaid, That the Sale of the said Shares shall be in the following Form; to wit;

I *A. B.*

Form of the Sale.

I *A. B.* in Conſideration of paid to me by *C. D.* do hereby bargain, ſell, and transfer, to the ſaid *C. D.* his Heirs, and Aſſigns, or more (Share or Shares, as the Caſe is) of the Undertaking of the Navigation from the *Trent* to the *Merſey*, to hold to him the ſaid *C. D.* his Heirs, and Aſſigns, ſubject to the ſame Rules and Orders, and on the ſame Conditions, that I held the ſame immediately before the Execution hereof: And I the ſaid *C. D.* do hereby agree to accept of the ſaid (Share or Shares) of the ſaid Undertaking, ſubject to the ſame Rules, Orders, and Conditions. Witneſs our Hands and Seals, Day of *Anno Domini*

Clerk to be appointed, and his Office.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Company of Proprietors, their Succeſſors, and Aſſigns, or the major Part of them, and they are hereby authorized and required, from time to time, to nominate and appoint, by Writing under their Hands, a Perſon to be their Clerk; who ſhall, in a proper Book or Books to be provided for that Purpoſe, enter and keep a true and perfect Account of the Names and Places of Abode of the ſeveral Proprietors of the ſaid intended Navigation, and of the ſeveral Perſons who ſhall, from time to time, become Owners and Proprietors, or intitled to any Share or Shares of and in the ſaid Navigation and Undertaking, and of all the other Acts, Proceedings, and Tranſactions, of the ſaid Company of Proprietors, their Succeſſors, and Aſſigns, by Virtue of, and under the Authority of this Act; and that each of the ſaid Proprietors, Land Owners, and other Perſons, intereſted or concerned in, or affected by, the ſaid Navigation, ſhall and may, at all convenient Times, have Recourſe to, and peruſe and inſpect the ſame, and alſo the Book or Books to be kept by the Clerk or Clerks to the ſaid Commiſſioners, gratis; and may demand and have Copies thereof, or of any Part thereof, paying Two Pence for every Two hundred Words ſo to be copied: And if any ſuch Clerk or Clerks ſhall refuſe to permit any ſuch Perſon or Perſons, ſo intereſted as aforeſaid, to inſpect and peruſe ſuch Book or Books, or refuſe to make any ſuch Copy or Copies at the Rate or Time aforeſaid; he ſhall, for every ſuch Offence, pay and forfeit the Sum of Five Pounds.

Proceedings of Commiſſioners to be entered in a Book,

And be it further enacted by the Authority aforeſaid, That all the Orders and Proceedings of the ſaid Commiſſioners ſhall be regularly entered in a Book or Books to

to be kept for that Purpose; and such Entries being signed by such Number of the said Commissioners respectively as are impowered by this Act to make such Orders, or carry on such Proceedings, shall be deemed Originals, and admitted as Evidence in all Courts whatsoever: And the said Commissioners, or any Seven or more of them, may, and are hereby required, at a Meeting to be held by them at the Old Roe Buck in Newcastle aforesaid, on the said Third Day of June next, to appoint such Person for each of the said Counties of Chester, Stafford, and Derby, out of Three Persons residing in each of the said Counties, to be nominated by the said Company of Proprietors, their Successors, and Assigns, as they shall think proper, as a Clerk for each of the said Counties, and from time to time remove any such Person, and appoint another out of Three to be nominated as aforesaid, in his Stead; which Clerks shall be respectively paid for their Care and Trouble in the Execution of such Office by the said Company of Proprietors, their Successors, and Assigns.

Entries signed to be admitted as Evidence.

Clerk appointed.

And be it further enacted by the Authority aforesaid, That, in Consideration of the great Charges and Expences the said Company of Proprietors, their Successors, and Assigns, will be at in making, maintaining, and supplying with Water the said Cut or Canal, and in making and maintaining all the other Works hereby authorized to be made and erected, it shall and may be lawful to and for the said Company of Proprietors, their Successors, and Assigns, from time to time, and at all Times hereafter, to ask, demand, take, and recover, to and for their own proper Use and Behoof, for Tonnage and Wharfage, for all Coal, Stones, Timber, and other Goods, Wares, Merchandize, and Commodities whatsoever, which shall be navigated, carried, or conveyed, upon or through the said Cut and Canal, (except such Part thereof as is hereby authorized and required to be made by the Duke of Bridgewater, his Heirs, or Assigns, such Rates and Duties as the said Company of Proprietors, their Successors, and Assigns, shall think fit, not exceeding the Sum of One Penny Halfpenny per Mile for every Ton of Coal, Timber, Stone, and other Goods, Wares, Merchandize, and Commodities, which shall be navigated, carried, or conveyed, upon or through the said Cut or Canal, and so in Proportion for a greater or less Quantity than a Ton; which said Rates and Duties shall be paid to such Person or Persons, at such Place or Places near to the said Cut or Canal, in such Manner and under such Regulations as

Tolls allowed to be taken.

the said Company of Proprietors, their Successors, and Assigns, shall direct or appoint; and in case of Denial or Neglect of Payment of any such Rate and Duty, or any Part thereof, on Demand, to such Person or Persons as aforesaid, the said Company of Proprietors, their Successors, and Assigns, may sue for the same, by Action of Debt or upon the Case, in any Court of Record, or the Person or Persons to whom the said Tolls ought to have been paid may, and he and they is and are hereby impowered to seize and distrain any such Boat or Vessel, or Goods, for or in respect whereof any Rates or Duties 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.

Further Allowance for Goods remaining upon a Wharf above a certain Time.

Provided always, and be it enacted by the Authority aforesaid, That if any Coals, Lime for the Improvement of Land, or other Goods whatsoever, which shall be so navigated, carried, or conveyed, shall remain upon any Wharf or Wharfs belonging to the said Company of Proprietors, their Successors, and Assigns, for above the Space of Twenty four Hours; then, and in such Case, the said Company of Proprietors, their Successors, and Assigns, shall be intitled to and receive such Allowance, over and above the Tonnage Rates herein before limited, as shall be agreed upon between the said Company of Proprietors, their Successors, and Assigns, or their Agent or Agents, and the Owner or Owners of such Coals or other Goods, or, in case of Difference concerning the same, as shall be ascertained by the said Commissioners, or any Seven or more of them.

Lime to pay but One Third Part of the Rates.

Provided also, and be it further enacted by the Authority aforesaid, That Lime and Lime Stone shall not pay more than One Third Part of the Rates, Tolls, or Duties before mentioned; and that paving Stones, Gravel, Sand, and all other Materials for making and repairing of Roads (Lime Stone excepted) Dung, Soil, Marl, and all Sorts of Manure for Land respectively, shall not, nor shall any of them be charged with or liable to pay any of the Rates, Duties, or Tolls, authorized to be taken by this Act for being carried upon the said Cut or Canal, Trenches, Sluices, or Passages, or any Part thereof, but shall be free and exempted from the same; so that the Things hereby exempted from the Payment of such Tolls or Duties do not pass through any Lock authorized to be made by virtue of this Act,

Exemptions from Toll.

but

but at such Times when the Water shall flow over such Lock: And also, that such Person or Persons who shall own, or be concerned, or employed in carrying paving Stones, Gravel, Sand, or other Materials, for the Repair of Roads, or Dung, Soil, Marl, or other Manure (except Lime and Lime Stone) for Land, shall have free Liberty to make use of the Towing Paths, Wharfs, or Quays, belonging to the said Company of Proprietors, their Successors, and Assigns; such Person or Persons not suffering such paving Stones, Gravel, Sand, or other Materials, for repairing Roads, or Dung, Soil, Marl, or other Manure, to lie upon such Wharfs or Quays longer than may be necessary for loading, unloading, and conveying the same from and to the several Places where they are put on board and unloaded, making good any Damages that may be done to the Sides or Banks of the said Cut or Canal, or any Part thereof, by the loading, unloading, or discharging, any Boats or other Vessels; which Recompence and Satisfaction, in case of any Difference, shall be settled and ascertained by the said Commissioners, or any Seven or more of them.

Rates to be fixed by Proprietors, and to be equal throughout the whole Navigation.

And be it further enacted by the Authority aforesaid, That the said Company of Proprietors, their Successors, and Assigns, shall, at their First Meeting to be held by the Direction of this Act, fix the Rates, Tolls, or Duties, to be taken by them by virtue of this Act; which said Rates, Tolls, or Duties, shall be equal throughout the whole Length of the said Canal; and that it shall and may be lawful to and for the said Company of Proprietors, their Successors, or Assigns, at any General Assembly to be afterwards held for that Purpose, of which Three Months' Notice shall be given in the Manner herein after mentioned, to lessen or reduce all or any of the said Rates, Tolls, and Duties, hereby granted, or so fixed at such First General Assembly, as they shall think proper; and may afterwards, from time to time, at any General Assembly, of which such Notice shall be given as aforesaid, advance all or any of the said Rates, Tolls, or Duties, so lessened, to any Sum or Sums of Money, not exceeding the respective Rates, Tolls, and Duties, herein before mentioned; and that no Reduction of the Rates, Tolls, and Duties, hereby granted, shall be confined to any particular Part of the said Cut or Canal, but shall extend to and take Place upon the Whole and every Part thereof, between the River Trent and Preston Brook, and shall be made with the Consent of the Proprietors of at least Two Thirds

of

of the Shares in the said Navigation: Provided always, That such Alterations, to be made from time to time in the said Rates, Tolls, or Duties, shall, before they are put in Force, have the Approbation of the said Commissioners, or any Twenty one or more of them, at a General Meeting to be held for that Purpose at the Old Roe Buck in Newcastle in the County of Stafford aforesaid; Notice of such Meeting to be given in the Derby, Birmingham, and Chester Weekly Papers, at least Six Weeks before such Meeting; and any Commissioner may, at such Meeting, give his Vote for this Purpose only, although his Qualification doth not lie in the County of Stafford aforesaid; any thing in this Act to the contrary notwithstanding.

Masters of Boats to give an Account, in Writing, to the Collectors, of the Particulars of the Goods, &c.

And for the more easy collecting the said Rates and Duties hereby laid and directed to be paid, be it further enacted by the Authority aforesaid, That the Masters, Owners, and Managers of every Boat, Keel, and other Vessel, navigating upon the said intended Cut or Canal, or on any Part thereof, shall give a just Account in Writing, signed by the Master, Owner, or Person having the Rule or Command of every such Boat or other Vessel, to the Collectors of the said Tonnage or Duties, at the Place or Places where they shall attend for that Purpose, of what Quantities of Goods shall be in or belonging to each Boat or other Vessel, from whence brought, and where they intend to land the same; but if the Goods contained in such Boat shall be liable to the Payment of different Tolls, then such Master, Owner, or Person, shall specify the Quantities liable to the Payment of each Toll; and in case they neglect or refuse to give such Account, or shall give a false Account, or shall deliver any Part of their Loading or Goods at any other Place or Places than what is or are mentioned in that Account, they shall forfeit and pay to the said Company of Proprietors, their Successors, and Assigns, the Sum of Ten Shillings for every Ton of Goods which shall be in such Boats or Vessels respectively, of which such Account shall be so refused to be given, or of which such false Account shall be given, or which shall be delivered out as aforesaid, as the Case shall happen to be, over and above the respective Rates and Duties they are obliged to pay for the same; and in case of Neglect, Refusal, or Denial of Payment, on Demand, of such Forfeiture or Forfeitures before mentioned, or any Part thereof, to the said Company of Proprietors, their Successors, and Assigns, that then, and in such Case, the same shall be recovered and levied in such Manner,

on Penalty of Ten Shillings *per* Ton.

and

and by such Methods, as the said Tolls, Rates, and Duties, hereby granted to the said Company of Proprietors, their Successors, and Assigns, are herein before directed and appointed to be recovered and levied.

For ascertaining Tonnage of Timber.

And, for the better ascertaining the Tonnage of Timber and Wood to be charged with the Payment of such Rates, Tolls, and Duties, as aforesaid, it is hereby enacted and declared, That Fifty Feet of round, or Forty Feet of square Oak or Ash Timber, or Fifty Feet of Fir or Deal Balk, Poplar, and other Wood, shall be deemed, rated, and estimated, as and for One Ton Weight.

In case of Difference concerning Weight of Goods,

And be it further enacted by the Authority aforesaid, That if any Difference shall arise between any Collector of the said Rates and Duties, and the Master or Person having Charge of any Boat or Vessel, or the Owner of any Goods, Wares, or Merchandize, concerning the Weight and Quantity of the same; it shall be lawful for any such Collector to stop and detain any such Boat or Vessel, and to weigh, measure, gauge, or cause to be weighed, measured, or gauged, all such Goods, Wares, and Merchandize, as shall be therein contained; And in case the same shall, upon such weighing, measuring, or gauging, appear to be of greater Weight or Quantity than such Master, Owner, or Person having the Care of the said Boat or Vessel, affirmed the same to be; then the Master, Owner, or Person, so affirming, shall pay the Costs and Charges of such weighing, measuring, and gauging; all which said Costs and Charges, upon Refusal of Payment thereof upon Demand, shall and may be recovered and levied as the said Rates and Duties are hereby appointed to be recovered and levied: But if such Goods, Wares, and Merchandize, shall appear to be of the same or less Weight or Quantity than the Master, Owner, or Person, so declared the same to be; then the said Collector shall pay the Costs and Charges of such weighing, measuring, and gauging, and shall also pay to such Master or Person, or to the Owner or Owners of such Goods, Wares, and Merchandize, such Damages as shall appear to the said Commissioners, or any Seven or more of them, on the Oath of One or more credible Witness or Witnesses, to have arisen from such Detention; and in Default of immediate Payment thereof by the Collector, the same shall be recovered from the Company of Proprietors of the said Navigation, their Successors, or Assigns, by Action of Debt in any of His Majesty's Courts of Record.

Vessels to be detained, and Goods weighed, &c.

Navigation to be free upon Payment of Tolls.

Provided always, and be it further enacted by the Authority aforesaid, That all Persons whatsoever shall have

have free Liberty to use, with Horses, Cattle, and Carriages, the private Roads and Ways, and with Boats or other Vessels the navigable Cuts, Canals, or Sluices, to be made by virtue of this Act, for the Purpose of conveying Coal, Stone, Timber, and other Goods, Wares, Merchandize, and Commodities whatsoever, to or from the said Cut or Canal, Trenches or Passages; and also to navigate upon the said Cut, Canal, Trenches, Sluices, or Passages, with any Boats or Vessels not exceeding Seven Feet in Breadth, and to use the said Wharfs or Quays for loading and unloading Coals, and other Goods, and the said Towing Paths for haling and drawing such Boats and Vessels; upon Payment of such Rates and Duties as shall be demanded by the said Company of Proprietors, their Successors, and Assigns, not exceeding the Rate herein before mentioned.

Vessels under 15 Tons not to pass Locks without Consent of Company.

Provided also, and be it enacted by the Authority aforesaid, That no Boat or other Vessel of less Burthen than Fifteen Tons, shall pass through any of the Locks to be made by virtue of this Act, without the Consent of the said Company of Proprietors, their Successors, or Assigns, or their principal Agent for the time being, in Writing first had and obtained.

Drains to be made into the Canal, to convey the Water from the Lands adjoining, and how the same shall be maintained.

And, to the End that the said Navigation may be carried on with as little Damage to private Property as possible, be it further enacted by the Authority aforesaid, That the said Company of Proprietors, their Successors, and Assigns, shall, and they are hereby required, at their own proper Costs and Charges, to make, or cause to be made, such Arches, Tunnels, Drains, or other Passages, over, under, or into, the said Cut or Canal authorized to be made by this Act, and the said Trenches, Streams, and Watercourses, communicating therewith, and Towing Paths on the Sides thereof, of such Depth and Breadth as shall be sufficient at all Times to convey the said Water from the Lands adjoining or lying near to the said Cut or Canal, without obstructing or impounding the same; and that all such Arches, Tunnels, Drains, or other Passages, shall from time to time be supported, maintained, and kept in good and sufficient Repair, by the said Company of Proprietors, their Successors, and Assigns: And if at any Time or Times after One Calendar Month's Notice shall be given in Writing by or on Behalf of any Owner or Occupier, Owners or Occupiers, of the said adjacent Lands, who shall find him, her, or themselves, aggrieved by the Obstruction of the said Watercourses, to any One of the said Committee for the time being, or to the known Agent

Agent or Collector or Clerk of the said Proprietors for the time being, the said Arches, Tunnels, Drains, or other Passages, shall not be made, cleansed, repaired, and maintained, according to the true Intent and Meaning of this Act; it shall and may be lawful for any Person or Persons, having an Order in Writing for that Purpose from any Seven or more of the Commissioners, from time to time, as often as there shall be Occasion, to make, cleanse, and repair such Arches, Tunnels, Drains, or other Passages; and the reasonable Expences thereof, to be ascertained by the said respective Commissioners, or any Seven or more of them, shall be defrayed by the said Company of Proprietors, their Successors, and Assigns; and in case of Neglect or Refusal to satisfy the same for the Space of One Calendar Month after Demand thereof made upon their Agent or Agents, or upon any Collector of the Tolls upon the said Navigation, such Expences shall and may be recovered and levied in such Manner as the Costs and Charges of making and erecting Bridges and other Works, by the Owners or Occupiers of Lands, are by this Act directed and appointed to be recovered and levied.

Where Cattle deprived of Watering-places, others to be provided.

And be it further enacted by the Authority aforesaid, That where, by means of making the said navigable Cut or Canal, any Cattle which use to depasture in the adjacent Lands or Grounds shall be cut from and deprived of their usual Watering-places; that then, and in such Cases, the said Company of Proprietors, their Successors, and Assigns, shall, at their own proper Costs and Charges, set out and provide proper and convenient Places in the Lands adjoining to the said navigable Cut or Canal, for Cattle to drink out of and water at, in every such Ground where they were heretofore accustomed to drink and water as aforesaid; and to supply the said Watering-places with Water from and out of the said Cut or Canal, if necessary.

Towing Paths to be fenced from the adjoining Lands, &c.

And be it further enacted by the Authority aforesaid, That the said Company of Proprietors, their Successors, and Assigns, shall, at their own proper Charges, divide and separate, and keep constantly divided and separated, the Towing Paths on each Side the said Cut or Canal, and navigable Trenches or Passages, or such Part or Parts thereof as shall be found necessary, with a sufficient Post and Rail, Hedge, Ditch, Trench, Bank, or other Fence, sufficient to keep in Sheep and other Cattle, to be set and made on the Lands or Grounds which shall be purchased by, conveyed to, or vested in, them

them as aforesaid, from the Lands or Grounds adjoining to such Towing Paths; and shall, at their own Costs and Charges, from time to time, maintain and support the said Towing Paths, and the said Posts, Rails, Hedges, Ditches, Trenches, Banks, and other Fences, so set up and made as aforesaid; and also shall, at their own Charges, make, erect, and set up, and, from time to time, maintain and support, such and so many convenient Gates, Bridges, and Stiles, in and over all the Hedges and Fences to be by them so made on the Sides of such Towing Paths as aforesaid; and also such Bridges, or Arches, over, or under, the said Cut or Canal, and the said Trenches, Streams, and Watercourses, and of such Dimensions, and in such Manner, as the said Commissioners, or any Seven or more of them, shall, from time to time, judge necessary and appoint, for the Use of the Owners and Occupiers of the Lands and Grounds, or Hereditaments, adjoining to such Cut or Canal, Trenches, Streams, Watercourses, and Towing Paths, or any of them respectively; And the said Company of Proprietors, their Successors, and Assigns, shall not make the said Cut or Canal, or any Trench or Watercourse, or any Part thereof, in or across any common Highway, publick Bridleway, or Footpath, until such Time as they shall, at their own proper Charges, have made and perfected such Bridge or Bridges over, or Arch or Arches under, the said Places where the said Cut, Canal, Trench, or Watercourse respectively, shall be intended to be made, for such Road, Way, or Path, and of such Dimensions, and in such Manner, as the said Commissioners, or any Seven or more of them, shall adjudge proper; and all such Bridges, Arches, and other Conveniencies to be made, shall, from time to time, be supported, maintained, and kept in sufficient Repair, by the said Company of Proprietors, their Successors, and Assigns.

and Bridges, &c. to be made.

And be it further enacted by the Authority aforesaid, That in case the said Company of Proprietors, their Successors, and Assigns, or their Agents, shall fail or neglect to make, erect, and set up, such Gates, Bridges, and Stiles, in and over the Fences on the Sides of the said Towing Paths, or such Bridges or Arches, over or under the said Cut or Canal, and the said Trenches, Streams, and Watercourses, as aforesaid; or to make such Watering-places for Cattle as are herein before directed, for the Use and Convenience of the respective Owners or Occupiers of the Lands adjoining thereto, or to maintain and support such Bridges, Arches,

In case of Failure, the Commissioners to do it,

es, and Watering-places, when made, erected, and set up, of such Dimensions, and in such Manner, as the said Commissioners, or any Seven or more of them, shall, from time to time, direct or appoint, for the Space of Three Calendar Months next after the Times to be appointed for those Purposes by the said Commissioners, or any Seven or more of them; then, and in every such Case, it shall and may be lawful to and for every or any of the said Owners or Occupiers of the said adjacent Lands or Grounds, who shall find themselves or himself aggrieved by any such Failure or Neglect, to make, erect, and set up, all such Gates, Stiles, Bridges, Arches, and Watering-places, as the said Commissioners, or any Seven or more of them, shall have before directed or appointed to be made, erected, and set up, by the said Company of Proprietors, their Successors, and Assigns, as aforesaid; and to maintain, repair, and support, the said Bridges, Arches, and Watering-places, from time to time, as Occasion shall require, and all the reasonable Costs and Charges thereof, to be settled and allowed by the said Commissioners, or any Seven or more of them, shall be repaid to the respective Owners or Occupiers of the said adjacent Lands, who shall have so made and erected the said Gates, Stiles, Bridges, Arches, and Watering-places, or have repaired or maintained the same, as aforesaid, by the said Company of Proprietors, their Successors, and Assigns, within the Space of Twenty Days next after the same shall have been so settled and allowed, and an Account and Demand shall have been delivered and made thereof; and in Default of Payment of the said Costs and Charges within the Time aforesaid, the said Commissioners, or any Seven or more of them, shall, and they are hereby required, by Warrant under their Hands and Seals, to levy the said Costs and Charges by Distress and Sale of the Goods and Chattles of the said Company of Proprietors, their Successors, and Assigns, in or upon the said Cut or Canal, or the Wharfs, Quays, or Warehouses, adjoining or near the same, to and for the Use of such Person or Persons who shall have so laid out and expended the same as aforesaid, rendering to the said Company of Proprietors, their Successors, and Assigns, or to some of their Agents, the Overplus (if any such there be) after deducting the reasonable Charges of making such Distress and Sale, to be settled by the said Commissioners, or any Seven or more of them; or otherwise, every or any of the said Owners or Occupiers of Lands, who shall have made, erected, or set up, or maintained, or repaired, any such Gates, Stiles, Bridges, Arches, or Watering-places as

and levy the same on Goods of Proprietors.

aforesaid, upon the Failure or Neglect of the said Company of Proprietors, their Successors, and Assigns, doing the same, or paying the said Costs and Charges as aforesaid, shall and may have such and the like Remedy against the said Company of Proprietors, their Successors, and Assigns, for the Recovery of such Costs and Charges, by Action of Law, to be commenced and prosecuted in such Manner as in other Cases is in and by this Act mentioned and directed.

Owners of Lands impowered to make Bridges at their own Expence.

Provided always, and be it enacted by the Authority aforesaid, That if the Owners or Occupiers of any Lands through which the said intended Cut or Canal shall be made, do or shall, at any Time or Times hereafter, find, upon Experience, that the several Gates, Stiles, Bridges, Arches, and Watering-places, which the said Commissioners, or any Seven or more of them, shall have limited or directed to be made by the said Company of Proprietors, their Successors, and Assigns, in, upon, over, or under, the said Cut or Canal, or the Towing Paths thereof, are insufficient, either in the Number or Situation, for the commodious Use and Occupation of their respective Lands and Grounds on both Sides, or on either Side of the said Cut or Canal; that then, and so often, or in any such Case, it shall and may be lawful to and for every or any such Owners or Occupiers of the said Lands for the time being, with the Consent and Approbation of the said Committee for the time being, or of the major Part thereof, upon Request made to them for that Purpose; or in case of their Refusal for the Space of Fourteen Days after such Request, then, with the Consent and Approbation of the said Commissioners, or any Seven or more of them, to make, fix, and erect, at their own Costs and Charges, One or more Gate or Gates, Stiles, Bridges, Arches, or Watering-places, of the same or the like Construction with others made and erected by the said Company of Proprietors, their Successors, and Assigns, on, in, over, or near, the said Cut or Canal, or Towing Paths thereof, in such Places as shall be found and judged most necessary and convenient for the better Use, Cultivation, Improvement, or Occupation thereof; and to repair and support the same at their own like Costs and Charges, as Occasion shall require; so as the Navigation of, in, or upon, the said Cut or Canal, be not prevented or obstructed thereby for any longer Space of Time, or in any other Manner, than the same will necessarily be by any of the other Gates, Stiles, or Bridges, to be made or erected in or over the same Cut or Canal by the said

Company of Proprietors, their Successors, and Assigns, as aforesaid.

No Mills to be built on the Canal, or Towing Paths, or Warehouses, &c. in any Garden, &c.

Provided also, and it is hereby further enacted by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to enable the said Proprietors, their Successors, or Assigns, to erect or build any Mill or Mills upon the said intended Cut or Canal hereby authorized to be made, or upon the Lands which shall be set out for the Towing Paths, Wharfs, or Quays, on the Sides thereof; or to convert, employ, or use, any Water that shall be brought into, or discharged out of, the said Cut or Canal, Trenches, or Sluices, hereby authorized to be made, to or for the Use of any Mill or Mills hereafter to be erected near the same; or to make, erect, or build, any Warehouses, Buildings, Quays, Wharfs, Cranes, or Weigh Beams, within the Distance of Fifty Yards of any Capital or Manor House, or in or upon any Fold, Yard, Garden, Park, Paddock, planted Walk, or Avenue to a House, or Lawn inclosed, adjoining to any Mansion House, that are used as such at this Time; or to take down or damage any Dwelling House or Out House, without the Consent of the Proprietor or Proprietors thereof respectively; or to cut down any Timber, Wood, Brush-wood, or Under-wood, upon any of the Estates or Lands through or into which the said navigable Cut or Canal, Trenches, Sluices, Roads, Passages, or Conveniencies, or any Part thereof respectively, shall be made or carried; except such Timber, Wood, Brush-wood, or Under-wood, as shall grow or be in or upon any of the Lands or Grounds which shall be set out and ascertained, taken, or used, for the making the said navigable Cut or Canal, Towing Paths, Trenches, Sluices, Roads, Passages, or Conveniencies respectively, as aforesaid; and that the Proprietors of the respective Lands or Grounds on which such Timber, Wood, Brush-wood, or Under-wood, shall grow, at the Time of passing this Act, their Heirs, or Assigns, shall have it in their Option to take such Timber, Wood, Under-wood, and Brush-wood, respectively, when fallen or cut down by the said Company of Proprietors, their Successors, and Assigns, at such Price or Value as the same respectively shall have been estimated to, or purchased by, the said Company of Proprietors, their Successors, and Assigns; which Timber, Wood, Brush-wood, or Under-wood, so fallen by, or for the Use of the said Company of Proprietors, shall and may be carried to and from any Part of the said Cut or Canal, free from all Tolls and Duties to be raised or levied by

Houses not to be damaged, or Timber cut, except, &c.

virtue

virtue of this Act; but in case the same shall not have been estimated to, or purchased by them, upon a Valuation, separate or distinct from the Lands or Grounds upon which the same respectively shall grow, then at such Price or Value as shall be agreed on for that Purpose, between such Proprietors or Owners of Land, and the said Company, their Successors, and Assigns, or their Agent; or in case of any Difference of settling and ascertaining the same, then at such Price or Value as the said Commissioners, or any Seven or more of them, shall direct and appoint.

Exception relating to Lord *Ferrers*'s Salt Works.

Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to authorize or impower the said Company of Proprietors, their Successors, or Assigns, to make the said navigable Cut or Canal, or any navigable Trench or Sluice to communicate therewith, within the Distance of One hundred and fifty Yards from the present Salt Works and Brine Pits of the Right Honourable Washington Earl Ferrers, at Shirley Wicks in the said County of Stafford, or to take or divert any Water from the Brook or Stream that flows to the said Salt Works or Brine Pits, without the Consent of the said Earl, his Heirs, or Assigns, in Writing, first had and obtained for that Purpose.

Exception relating to *Toft* Farm.

Provided always, and be it enacted by the Authority aforesaid, That nothing in this Act contained shall authorize or impower the said Company of Proprietors, their Deputies, Agents, Officers, Workmen, Servants, or Assigns, or any of them, to make the said navigable Cut or Canal, or to exercise any of the Powers or Authorities given by this Act, on the South Side of the River Trent, between Wolseley Bridge and a large Ash Tree, standing in the lower Meadow of a Farm called the Toft, belonging to Sir William Wolseley Baronet, and in the Possession of Robert Smith.

Exception relating to Mr. *Jarvis*.

Provided always, and be it further enacted by the Authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to enable the said Company of Proprietors, their Successors, or Assigns, to take into the said Cut or Canal, hereby authorized to be made, any Water out of a certain Rivulet or Brook running from Oulton Heath to the River Trent in the said County of Stafford, through the Lands of Swinfen Jarvis Esquire, to the Prejudice of the said Swinfen Jarvis, his Heirs, or Assigns, without the Licence and Consent of him the said Swinfen Jarvis, his Heirs, or Assigns, for that Purpose first had and obtained, in Writ-

ing; under his or their Hand and Seal, or Hands and Seals, respectively.

Exception with respect to Mr. *Tomkinson* at *Croxton Hall.*

Provided always, and be it enacted by the Authority aforesaid, That nothing herein contained shall extend to, or be construed to authorize or impower the said Company of Proprietors, their Successors, or Assigns, or any Person or Persons employed by or for them, or any of them, to make the said Cut or Canal, or any Sluice or other Works concerning the same, within Three hundred and fifty Yards of the said Capital Messuage or Manor House of James Tomkinson Gentleman, called Croxton Hall, in the said County of Chester; nor nearer thereto than on the South West Side of the River Dane, below the Bridge standing on the said River, called Croxton Bridge, without having the Consent in Writing of the said James Tomkinson, his Heirs, or Assigns; or through or over any other Part of the Meadow, called the Tender Eye, than the West End or Corner thereof, and near to the Foot Road leading from Middlewich to Croxton Hall aforesaid; or through or over any other Part of the Meadow, called the Ash Eye, than on that Side lying near to the said Bridge, and contiguous to the said River Dane, without first having such Consent as aforesaid; nor to prevent, restrain, or in any Respect obstruct, the said James Tomkinson, his Heirs, or Assigns, from making or erecting Mills, and other Buildings and Works relating thereto, upon his Lands in Croxton aforesaid, at or near the Place where certain Mills, commonly called Croxton Mills, heretofore stood; nor to prevent, or in any Manner hinder his or their having and enjoying the free Use and Benefit of the Water in the said River Dane, for supplying the Mills which shall or may be erected as aforesaid, as fully and effectually as he or they lawfully could or might have had and enjoyed the same, if this Act had not been made.

No Water to be taken out of the *Trent*, nor from any Brook that now flows into the *Trent*, between *Burton* and *Wilden*.

Provided always, and be it enacted by the Authority aforesaid, That nothing herein contained shall authorize or impower the said Company of Proprietors, their Successors, or Assigns, or any Agent, Workmen, Servants, or other Person or Persons whomsoever, employed by him or them, by any Means or Devices whatsoever, to take or convey into the said navigable Cut or Canal, or any Part thereof, any Water out of the said River Trent, or to take or divert into the said Canal any Water out of any Streams, Brooks, or Watercourses, that now flow into that Part of the said River Trent which runs between Burton and Wilden Ferry aforesaid, except what shall be necessarily used during the Time the

said Cut or Canal is making, or shall at any Time be repairing; and that all the waste Water to be taken or diverted out of any ancient Streams, Rivers, or Brooks, which now flow into the said River Trent, above the Town of Burton aforesaid, over and above what shall be necessarily taken or used for filling the said Canal, and the Purpose of Lockages, shall be discharged into the said River Trent as high as, or higher upon the said River than, the Town of Burton aforesaid; any thing herein contained to the contrary notwithstanding.

No Water to be taken out of certain other Rivers.

Provided always, and be it further enacted by the Authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to authorize or impower the said Company of Proprietors, their Successors, or Assigns, or their Agents or Servants, or any Person or Persons employed by them, or any of them, by any Ways or Means whatsoever, to take or divert into the said Cut or Canal, any Water out of or from the River Weaver, in the said County of Chester, or out of the River Dane, or the Brook called Wincham Brook, or Peover Eye, or the Brook called Wade Brook, in the same County, which communicate with the said River Weaver, or any of them; any thing herein contained to the contrary notwithstanding.

Canal not to cross the *Weaver*, &c.

Provided always, and be it enacted by the Authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to impower the said Company of Proprietors, their Successors, or Assigns, or their Agents, Servants, or Workmen, or any other Person or Persons employed by them, or any of them, to make the said Cut or Canal, or any Sluice, or other Works hereby authorized to be made over or cross the River Weaver, in the said County of Chester, or in, upon, or over, any Part of the Lands or Grounds lying between the said River Weaver and the Bridge called Witton Bridge, near Norwich, in the said County of Chester; or in, upon, or over, any Part of the Lands or Grounds lying between the said Witton Bridge, and a certain Mill called Wincham Mill or Cranage Mill; or in, upon, or over, any Part of the Common or Waste Ground, called Witton or Wincham Common, lying near the said Mill; but that the said Cut or Canal shall be made on the North Side of the said Common, and on the North Side of a certain Place in Marston, in the said County of Chester, called the Park Mill Pool Dam or Banks for pounding up the Water of the Park Mill Pool, belonging to Sir Peter Leicester Baronet; and also on the North Side of the Salt Works in Anderton, in the said

County of Chester, belonging to Sir John Thomas Stanley Baronet; and also on the North Side of the Salt Works in Anderton aforesaid, belonging to the Right Honourable William Lord Mansfield, now in the Possession of John Blackburne the elder, and John Blackburne the younger, Esquires; any thing herein contained to the contrary thereof in any wise notwithstanding.

For preserving Salt Works.

Provided also, and be it enacted by the Authority aforesaid, That the said Company of Proprietors, their Successors, or Assigns, or their Agents or Servants, or any other Person or Persons by them authorized or employed, shall not sink for, raise or get, any Brine or Rock Salt, in or out of any of the Lands or Grounds to be set out and ascertained for the making of the said Cut or Canal, and Towing Paths, Wharfs, or Quays, and other the Conveniencies and Purposes aforesaid, except what shall be unavoidably gotten or raised by making the said Cut or Canal, and the Works thereto belonging; nor carry or convey in Pipes, Troughs, or Soughs, to be laid in, upon, or under, any Part of the said Lands or Grounds to be set out and ascertained as aforesaid, or otherwise, any Brine for the making of Salt, or erect or make any Buildings for the making or manufacturing of Salt, in or upon such Lands or Grounds; but shall be, and are hereby restrained from doing any of the Acts, Matters, or Things aforesaid; and that in case the said Company of Proprietors, their Successors, or Assigns, or their Agents, Servants, or Workmen, or other Person or Persons whomsoever, by them authorized or employed, shall attempt to sink any Pit or Pits for the getting and raising any such Brine or Rock Salt, or to lay any Pipes, Troughs, or Soughs, to convey such Brine in, upon, or under, any Part of such Lands or Grounds to be set out and ascertained as aforesaid, or to erect any Buildings upon the same for the making or manufacturing of Salt; then, and in any such Case, it shall and may be lawful to and for the Person or Persons who were Owner or Owners of such Lands or Grounds to be set out and ascertained as aforesaid, at the Time of the setting out and ascertaining thereof, their Heirs, or Assigns, to obstruct, hinder, or prevent the same, and to remove any Materials brought or made use of for any of the Purposes aforesaid, without being guilty of any Trespass, or liable to any Action or Suit for so doing.

Budworth Mere not to be used.

Provided always, and be it enacted by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to authorize or impower the

the said Company of Proprietors, their Successors, or Assigns, to alter, divert, or make use of, the Watercourse or Stream of Water running and flowing from and out of a certain Mere or Pool called Budworth Mere, in the Parish of Budworth, in the said County of Chester, into, in, and along, a certain Rivulet or Brook, called the Lee Brook, to and into a certain Pool or Place, called Park Mill Pool; or to alter, divert, or make use of, the present Watercourses or Streams of Water, or any of them, now flowing to the Mills of Sir Peter Leicester Baronet, situate in Tabley, Peover, or Whitton, in the said County of Chester, or to any of them, or to the new Pool, Lake, or Piece of Water, in the Park, or intended Park, of the said Sir Peter Leicester, in Tabley aforesaid; or to cut through, alter, divert, or make use of, certain Springs of Water, called the Highfield Springs, in Tabley aforesaid; or of any other Springs, Watercourses, or Streams of Water, now flowing to, and supplying with Water, the new Dwelling-house of the said Sir Peter Leicester, in Tabley aforesaid; so as to prevent the said several Springs, Watercourses, or Streams of Water, respectively above mentioned, or any of them, from respectively flowing to the said Place or Pool, called Park Mill Pool, the said new Dwelling-house, the said new Pool, Lake, or Piece of Water in the Park, or to the aforesaid Mills respectively, or to any other Mill or Mills which may hereafter be erected by the said Sir Peter Leicester, or his Heirs, in Tabley, Whitton, or Peover aforesaid, or any of them, without the special Licence and Consent of the said Sir Peter Leicester, or his Heirs, in Writing under his or their Hand and Seal, or Hands and Seals respectively, first had and obtained; any thing herein contained to the contrary notwithstanding.

Excepting as to Sir *Peter Leicester*,

Land Owner may erect Warehouses &c. on their own Lands

Provided always, and be it enacted by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to authorize and impower the said Company of Proprietors, their Successors, or Assigns, or their Agents, Servants, or Workmen, to make or extend the said intended Cut or Canal, or Towing Paths, or any Part thereof, through or into any Part of the Lands now called the Ley, the Laun, or the Park, or belonging to the said Sir Peter Leicester Baronet, lying and being in Tabley aforesaid, in the said County of Chester; or to make or erect any Wharfs, Quays, Warehouses, or other Buildings, in or upon those Lands, or any Part thereof, without the special Licence or Consent of the said Sir Peter Leicester, or his Heirs,

Heirs, in Writing under his or their Hand and Seal, or Hands and Seals, for that Purpose respectively first had and obtained; or to make or extend the said intended Cut or Canal, or Towing Paths, or any Part thereof, nearer than Fifty Yards to any of the Mills aforesaid of the said Sir Peter Leicester, now situate in Tabley, Peover, or Whitton aforesaid, in the said County of Chester; or nearer than Fifty Yards to any Part of the Park Wall, Park Pale, or Park Fence, of the said Sir Peter Leicester in Tabley aforesaid.

and to *Marbury Hall.*

Provided always, and be it enacted by the Authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to authorize or impower the said Company of Proprietors, their Successors, or Assigns, or their Agents, Servants, or Workmen, or any other Person or Persons employed by them, or any of them, to make the said Cut or Canal, or any Sluice, Trench, or other Conveniencies or Works hereby authorized to be made, within the Distance of Three hundred Yards from the Mansion House of the Honourable Richard Barry, called Marbury Hall, in Marbury, in the said County of Chester (except into or through the Field called the Hop Yard) or to make any Towing Paths on that Side of the said Cut or Canal which shall be next to the said Mansion House; or to take or divert any Water out of the Mill Pool of the said Richard Barry in Marbury aforesaid, or out of the Brook or Stream flowing into the same; any thing herein contained to the contrary notwithstanding.

Land Owners may erect Warehouses, &c. on their own Lands.

Provided always, and be it enacted by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to restrain or hinder the Lord or Lords of any Manor or Manors, or the Owner or Owners of any Lands or Grounds through which the said intended Cut or Canal shall be made, under or by virtue of this Act, from making, erecting, or using, any Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouses, in or upon their respective own proper Lands, Grounds, or Wastes, adjoining or near to the said Cut or Canal hereby authorized to be made, or from landing any Goods or Merchandize, or other Things thereupon, or upon the Banks lying between the same and the said new intended Cut or Canal, or for making and using proper and convenient Places for Boats or other Vessels to lie in, turn, or pass by each other; so that the making, erecting, or using, thereof respectively, shall and do not obstruct or prejudice the Navigation of the said intended Cut or Canal, or the Towing

Paths on the Sides thereof; and all Rates, Dues, and Duties that shall be paid for the Use and Benefit of the said Wharfs, Quays, Landing Places, Cranes, Weigh Beams, and Warehouses respectively, shall be, and the same are hereby, vested in such Lord or Lords of such Manor or Manors, or the Owner or Owners of such Lands or Grounds, or Wastes, who shall make and erect such Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouses, upon their respective own proper Lands, Grounds, or Wastes respectively, his her, and their Heirs and Assigns, so that the Rates, Tolls, or Duties, granted to the said Company of Proprietors, their Successors, and Assigns, for Tonnage and Wharfage, shall not be thereby reduced or altered.

But if not done within 12 Months after Notice, Proprietors may build.

Provided also, and be it enacted by the Authority aforesaid, That if any such Lord or Lords, Owner or Owners, shall not, within the Space of Twelve Months after Notice given in Writing, by or on Behalf of the said Company of Proprietors, their Successors, and Assigns, that any Part or Parts of such Lands, Grounds, or Wastes, is or are intended to be used by them for the Purpose of erecting Warehouses and Buildings for the Use of the said Navigation, make, erect, and maintain, in the Opinion of the said Commissioners, qualified and acting in each respective County as aforesaid, or any Seven or more of them, proper and sufficient Warehouses and Buildings, on the respective Part or Parts of the Lands, Grounds, and Wastes, comprized or described in such Notice; then, and in every such Case, the said Company of Proprietors, their Successors, and Assigns, shall have full and absolute Power and Authority, without any Hindrance or Restraint whatsoever, to make use of such Lands, Grounds, or Wastes, except such as are herein particularly specified and excepted, for all or any of the Purposes aforesaid; first making Satisfaction for the same, in such Manner as is directed with respect to other Lands or Grounds which shall be taken and used for the like Purposes.

Masters to put their Names on the Outside of their Boats.

And, for the better regulating of Masters of Boats, Bargemen, and others, employed by or under them respectively, and for the more easy Detection of any Thing by them, or any of them respectively, done, contrary to the Directions of this Act, be it further enacted by the Authority aforesaid, That every Master, or Person having the Rule or Command of any Boat or other Vessel, passing on the said intended Cut or Canal, shall cause his Name to be set in large painted White Capital Letters, on each of the Outsides of every such Boat or other Vessel,

Veſſel, higher than the ſame ſhall ſink into the Water when full loaded; and ſhall alſo permit and ſuffer every ſuch Boat or other Veſſel to be meaſured, at the Expence of the Proprietors of the ſaid Navigation, and ſhall permit the ſame to be meaſured whenever it ſhall be required by the ſaid Company or Proprietors, or ſuch Perſon or Perſons as ſhall be appointed by them for that Purpoſe; provided that no ſuch Veſſel ſhall be meaſured more than Four Times in One Year: And every Owner, Maſter, or other Perſon, having the Rule or Command of any Boat or other Veſſel, who ſhall refuſe or neglect to put his Name on any ſuch Boat or other Veſſel, in Manner aforeſaid, or ſhall alter, deface, eraſe, or deſtroy, any Letter deſcribing ſuch Name as aforeſaid, or ſhall refuſe to have his or their Boats or other Veſſels meaſured as aforeſaid; he or they ſhall, for every ſuch Offence reſpectively, forfeit and pay to the ſaid Company of Proprietors, their Succeſſors, or Aſſigns, the Sum of Forty Shillings.

Boats, &c. to be meaſured.

And be it further enacted by the Authority aforeſaid, That the Maſter or Owner of every Boat or other Veſſel navigating within the Limits of the ſaid Navigation, ſhall be and is hereby made anſwerable for any Damage, Spoil, or Miſchief, that ſhall be done by his Boat or other Veſſel, or any of the Boatmen or Watermen belonging to or employed in or about the ſame reſpectively, unto any of the Bridges, Wharfs, Locks, Dams, Engines, or other Works, in, upon, or near, the ſaid intended Cut or Canal, Trenches, Sluices, and Paſſages, or by loading or unloading any Boat or other Veſſel; and for any Treſpaſs or Damage that ſhall or may be done to the Owners or Proprietors of any Building, Erections, Lands, or Tenements, adjoining to the ſame, or any of them, other than is authorized by this Act: And the ſaid Maſter or Owner of ſuch Boat or Veſſel ſhall and may be ſued and proſecuted for the ſame in any Court of Record whatſoever; and if found guilty, or a Verdict paſs againſt him, or Judgement be given againſt him, upon Demurrer or by Default, the Plaintiff in any ſuch Caſe ſhall recover his Damages thereby ſuſtained, with Double Coſts of Suit.

Boat Maſter or Owner made anſwerable for Damages done by the Crew.

And be it further enacted by the Authority aforeſaid, That the ſaid Company of Proprietors, their Succeſſors, and Aſſigns, ſhall and may, and they are hereby required, in ſuch Parts of the ſaid navigable Cut or Canal, Trenches, or Sluices, as ſhall not be of a ſufficient Breadth for admitting a Boat or Veſſel to turn about and lie; or Two Boats or other Veſſels to paſs each

Proper Places to be made for Boats to turn and lie in for other Boats to paſs by.

each other, to open or cut proper Spaces or Places in the said Lands adjoining to the said intended navigable Cut or Canal, Trenches, or Sluices, at convenient Distances from each other, for the turning, lying, and passing, of any such Boat or Vessel; and that the said Boats or other Vessels, sailing, or being haled, or navigated, upon the said Canal, Trenches, or Sluices, shall, upon meeting any other Boat or Vessel, stop at or go back to and lie in the said Spaces or Places, in such Manner as the said Committee, or the major Part of them, under their Hands and Seals, shall direct and appoint.

Boatmen not to obstruct the Navigation.

Provided always, and be it enacted by the Authority aforesaid, That no Boatman, or his Agent, or Servants, navigating any Boat or other Vessel upon the said Cut or Canal, and passing with any Boat or other Vessel through any Lock to be made upon the said Cut or Canal, shall suffer the Water to remain in the Lock longer than is necessary for his Boat or other Vessel to pass through any such Lock; and also, that every such Boatman, or other Person as aforesaid, in coming down the said Cut or Canal, shall shut the lower Gates of such Lock before he or they shall draw the Clows of the upper Gates thereof, and after he or they shall have brought his or their Boat or other Vessel into the said Lock, shall shut the upper Gates before he or they shall draw the Clows of the lower Gates thereof, and in going up the said Cut or Canal, shall, so soon as he or they shall have passed with his or their Boat or other Vessel out of the said Lock, shut the upper Gates of the said Lock, and afterwards draw the Clows of the lower Gates, unless there shall be then a Boat or other Vessel in Sight of the said Lock, coming down the said Cut or Canal, in which Case the lower Gates of the said Lock shall be left shut, and the upper Gates shall be left open; and in all dry Seasons, when there shall be a Scarcity of Water in the said Cut or Canal, the Vessel going up the same, if within Sight of, and at a Distance not above Three hundred Yards below, a Lock, shall pass through such Lock before the Vessel coming down, and then the Vessel next above shall come down; and if there are more Vessels than One below and above any Lock at the same Time in such dry Season, within the Distance aforesaid (at which Distance a Post or Mark shall be set up or made for that Purpose) such Vessels shall go up and come down at such Lock by Turns as aforesaid, till all the said Vessels going up or coming down shall have passed, by which Means One Lock full of Water may serve

serve Two Vessels; and every Person offending in any of these Particulars, and being convicted thereof before any Justice of Peace, upon the Oath of One or more credible Witness or Witnesses, as also the Master or other Person having the Command of such Boat or Vessel, shall forfeit Forty Shillings,

Vessels lying so as to obstruct the Navigation, to be removed.

And be it further enacted by the Authority aforesaid, That if any Boat or Vessel shall be placed in any Part of the said Cut or Canal, or of any Trench, Sluice, or Passage aforesaid, so as wilfully to obstruct the Navigation, and the Person having the Care of such Boat or Vessel shall not immediately, upon Request made, remove the same; he shall, for every such Offence, forfeit the Sum of Ten Shillings for every Hour such Obstruction shall continue; and it shall be lawful for the Agents or Servants of the said Company of Proprietors, their Successors, and Assigns, or any of them, to cause any such Boat or Vessel to be unloaded, if necessary, and to be removed in such Manner as shall be proper for preventing such Obstruction in the Navigation, and to seize and detain such Boat or Vessel, and the Loading thereof, or any Part of such Loading, until the Charges occasioned by such Removal are paid: And if any Boat or Vessel shall be sunk in the said Cut or Canal, or any Trench aforesaid, and the Owner or Person having the Use of such Boat or Vessel, shall not, without Loss of Time, weigh or draw up the same; it shall be lawful for the Agents or Servants of the said Company of Proprietors, their Successors, and Assigns, or any of them, to cause such Boat or Vessel to be weighed or drawn up, and to detain and keep the same till Payment be made of all the Expences necessarily occasioned relating thereto.

Vessels sunk to be weighed up.

Persons overloading and obstructing the Passage of the Canal, to forfeit Five Pounds.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall overload any Boat or other Vessel navigating in or upon the said Cut or Canal, Trenches, Sluices, or Passages, and, when so overloaded, shall put such Boat or other Vessel into the said Cut, Canal, Trenches, Sluices, or Passages, so as to obstruct the Passage of any other Boat or Vessel, and shall not immediately, upon Notice given to the Owner or Person having the Care of such Boat or Vessel so obstructing the Passage as aforesaid, hale such Boat or other Vessel back into such Place or Places as shall be proper, or made for Boats or other Vessels to pass each other; every such Owner or Person having the Care of such Boat or Vessel, shall forfeit and pay for every such Offence, the Sum of Five Pounds to the

said Proprietors, their Successors, and Assigns, to be laid out and employed towards maintaining the Works of the said Navigation, and to no other Use or Purpose whatsoever.

Penalty on Persons throwing Ballast into the Canal.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall throw any Ballast, Gravel, Stones, or Rubbish, into any Part of the said Cut or Canal, or any Trenches, or Watercourses, to be made or maintained by virtue of this Act; every such Person shall, for every such Offence, forfeit the Sum of Five Pounds.

Canal not to be under the Power of Commissioners of Sewers.

Provided always, and be it enacted by the Authority aforesaid, That the said Cut or Canal, or any Works whatsoever to be made by virtue of the Powers of this Act, shall not be subject to the Controul, Direction, Survey, or Order of any Commission of Sewers, or to any Law or Statute relating to Sewers; any Thing, or any former Law or Statute, to the contrary notwithstanding.

Persons on board having Nets, and not being qualified, forfeit 5*l*.

And be it further enacted by the Authority aforesaid, That if any Person or Persons navigating or working, or being on board any Boat or other Vessel, within the Limits of the said intended Navigation (not being qualified by the several Laws and Statutes relating to Game) shall carry on board any Boat, or other Vessel, and shall use any Fishing Net, Gun, Engine, or other Instrument, for taking or destroying Fish or Game; such Person or Persons, being thereof lawfully convicted on the Oath of One or more credible Witness or Witnesses, before One or more of his Majesty's Justices of the Peace for the Counties of Derby, Stafford, or Chester respectively, shall, for every such Offence, forfeit and pay the Sum of Five Pounds; and in case any Master or other Person having the Command of any Boat or other Vessel, shall suffer or permit any Person or Persons, not being duly qualified as aforesaid, to have, carry on board, or make use of, any Fishing Net, Gun, Engine, or other Instrument, for taking or destroying Fish or Game, and being thereof convicted as aforesaid before One or more Justice or Justices of the Peace of any of the said Counties respectively, shall, for every such Offence, forfeit and pay the Sum of Five Pounds.

Election of new Commissioners.

And, for continuing a sufficient Number of Commissioners for putting in Execution all and every the Powers of this Act, be it enacted by the Authority aforesaid, That when any Commissioner hereby appointed, or to be elected in Manner herein after mentioned, shall die or refuse to act, the surviving or remaining Commissioners,

Commissioners, acting for each County respectively, or any Eleven or more of them, shall, and they are hereby impowered, from time to time, by Writing under their Hands and Seals, to elect and appoint, in the Place of every Commissioner so dying or refusing to act, some other Person qualified as herein after mentioned, living within such of the said Counties of Derby, Stafford, or Chester, wherein such Commissioner so dying or refusing to act resided: And all such Commissioners so appointed shall, from the Time of their Appointments, have the like Authority in all Things relating to the Execution of this Act, as if they had been expressly named and appointed Commissioners by this Act; Notice of the Time and Place of Meeting for the Appointment of every such new Commissioner being first given in the Chester, Derby, and Birmingham Weekly Papers, Ten Days at least before such Meeting, and the Intention to proceed to such Election expressed in such Notice.

Qualification of Commissioners.

Provided always, and be it enacted by the Authority aforesaid, That no Person shall act as a Commissioner in any Case where he shall be any ways interested or concerned in the Matter in Question; nor shall any Commissioner act in the Execution of this Act, unless he shall be seized in his own Right, or in the Right of his Wife, and not as a Mortgagee or Mortgagees at the Time of such his acting, of an Estate of Freehold or Copyhold, in Lands, Tenements, or Hereditaments, of the yearly Value of One hundred Pounds, in the same County in which the Matter in Question shall arise, over and above the Payment of all his just Debts: And if any Person, so being incapable, shall presume to act as a Commissioner, every such Person shall, for every such Offence, forfeit the Sum of Fifty Pounds to any Person who will sue for the same; to be recovered, with Full Costs of Suit, by Action at Law, in any of his Majesty's Courts of Record at Westminster, in which Action no Essoin, Protection, Privilege, or Wager of Law, or more than One Imparlance, shall be allowed; and such Person so prosecuted shall prove that he is qualified as above, or otherwise shall pay the said Sum of Fifty Pounds, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person hath acted as a Commissioner in the Execution of this Act.

Provided always, That nothing herein contained shall extend, or be construed to extend, to prevent any Commissioner from voting in the First Meeting for the Election of Clerks, appointed to be held by virtue of this Act for that Purpose, at the Old Roe Buck in Newcastle

aforesaid;

aforesaid; and that no Person shall act as a Commissioner, otherwise than in administering the following Oath, until he shall have taken and subscribed the Oath following before any Seven or more of the said Commissioners, who are hereby authorized and impowered to administer the same; videlicet,

Commissioner's Oath.

I *A. B.* do swear, That I will, without Favour or Affection, Hatred or Malice, truly and impartially, according to the best of my Skill and Knowledge, execute and perform the Powers and Authorities established by an Act made in the Sixth Year of the Reign of His Majesty King *George* the Third, *For making a navigable Cut, or Canal, from the River* Trent *near* Wilden Bridge, *below an ancient Ferry, called* Wilden Ferry, *in the County of* Derby, *to the River* Mersey. *So help me* GOD.

Commissioners may act as Justices.

And be it further enacted by the Authority aforesaid, That each of the said Commissioners who shall be in the Commission of the Peace for the said Counties of Derby, Stafford, or Chester respectively, shall and may, and is hereby impowered to act as a Justice of the Peace in the Execution of this Act, notwithstanding his being a Commissioner.

No Commissioner to act as such while he possesses any Place of Profit.

And be it further enacted by the Authority aforesaid, That if any Person appointed or to be appointed a Commissioner, by virtue of this Act, shall have or accept any Place of Profit arising out of the Tolls and Monies to be raised by virtue of this Act; such Person, from and after his accepting such Place of Profit, and during the Time of his holding and enjoying the same, and during the Time of his being a Proprietor in the said Navigation or concerned in Interest in any Contract or Bargain, made or to be made for the Purposes of this Act, shall be incapable of acting as a Commissioner under this Act.

Meeting of Commissioners.

And be it further enacted by the Authority aforesaid, That, upon Application to be made by the said Proprietors, their Successors, and Assigns, or any Five or more of them; or by the Owners or Occupiers of any Grounds, Lands, Tenements, or Hereditaments, to be affected by the said intended navigable Cut or Canal, or any of the Works necessary or relating thereto, or any of them, unto the Commissioners appointed by and for the Purposes of this Act, or any Seven or more of them, acting for such of the said Counties where the Matter in Question shall arise, requiring them or desiring them to appoint

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

Meetings to be removed at any Time.

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

No Meeting but within five Miles of Canal.

Provided also, That every Meeting of the Commissioners, for hearing or determining any Complaint, Controversy, Dispute, or Difference, between the said Proprietors, their Successors, and Assigns, or any other Person or Persons, shall be held at some Place within the County where such Complaint or Dispute arises, and

within Five Miles of some Part of the said Cut or Canal: And that no Order or Determination shall be made, unless the Majority of such Commissioners present at such Meeting respectively shall concur therein; such Majority not being less than the respective Numbers authorised to make such Orders or Determinations.

Duke of *Bridgewater*'s Acts, 32 *Geo.* II.

And whereas by an Act passed in the Thirty second Year of the Reign of his late Majesty King George the Second, the most Noble Francis Duke of Bridgewater was enabled to make a navigable Cut or Canal, from a certain Place in the Township of Salford, to or near Worsley Mill and Middlewood, in the Manor of Worsley, and to or near a Place called Hollin Ferry, in the County Palatine of Lancaster: And whereas by another Act 33 *Geo.* II. passed in the Thirty third Year of the Reign of his said late Majesty King George the Second, the said Francis Duke of Bridgewater was further enabled to make a navigable Cut or Canal from or near Worsley Mill, over the River Irwel, to the Town of Manchester, in the County Palatine of Lancaster, and to or near Longford Bridge in the Township of Stretford, in the said County: And whereas by a subsequent Act passed in the Second 2 *Geo.* III. recited. Year of the Reign of His present Majesty, the said Francis Duke of Bridgewater was further enabled to make a navigable Cut or Canal from Longford Bridge aforesaid, to or near a certain Place called the Hempstones, in the Township of Halton, in the County of Chester, and there to communicate the same with the said River Mersey, and hath made great Progress in the Execution thereof: And whereas if the said Navigation to be made by the said Francis Duke of Bridgewater, by virtue of the last recited Act, and the Navigation by this Act authorized to be made, by the Proprietors herein before named, were to communicate with each other at a certain Brook, commonly called or known by the Name of Preston Brook, near Preston on the Hill, in the said County of Chester; and to be from thence carried on by One and the same Canal to the River Mersey, at or near a Place called Runcorn Gap, such Communication would render both the said Navigations more convenient and compleat, and be of greater Advantage to the Publick than if the Navigation of the said Duke of Bridgewater had terminated at the Hempstones, which is about the Distance of Two thousand five hundred Yards short of the said Place called Runcorn Gap: And whereas the said Francis Duke of Bridgewater is willing and desirous, at his own Cost and Charges, to extend, carry on, and maintain, such Navigation from that Part of the said Brook called Preston

The Advantage of a Communication between the Duke's Navigation and the Navigation hereby authorized to be made.

Duke of *Bridgewater* willing to do it.

Preston Brook, where the Navigation to be made by the said Company of Proprietors shall first communicate therewith, to the River Mersey, at or near Runcorn Gap aforesaid, on the Terms and Considerations hereinafter mentioned: Be it therefore enacted by the Authority aforesaid, That the said Francis Duke of Bridgewater, his Heirs, and Assigns, shall be, and he and they is and are hereby fully authorized, impowered, and required, from time to time, and at all Times hereafter, at his and their own proper Costs and Charges, by the Ways and Means, and by and under the like Provisions, Powers, and Authorities, in all Respects, as are authorized, made, or directed, in all or any of the said recited Acts, to make, extend, compleat, and maintain, the said navigable Cut or Canal so begun, and now carrying on by him as aforesaid, passable for Boats, Barges, and other Vessels, to that Part of the said Brook called Preston Brook, where the said Navigation, hereby authorized to be made, shall first communicate therewith, and from thence into the said River Mersey, at or near Runcorn Gap aforesaid, as fully, compleatly, and effectually, to all Intents and Purposes, as if the Course of the said Navigation had been so described, and the said Termination thereof fixed, by the said recited Act passed in the Second Year of the Reign of his present Majesty; the same to be and remain for ever a free Navigation, on Payment of the Tolls hereafter mentioned, and to be supplied with Water from both the said Canals, when so united as aforesaid.

Powers.

Duke of Bridgewater's Act, 32 Geo. II.

32 Geo. II.

Geo. III. c. [illegible]

Provided always, and it is hereby enacted and declared, That nothing in this Act, or in the said recited Acts, or any of them, contained, shall extend, or be construed to extend, to authorize or impower the said Francis Duke of Bridgewater, his Heirs, or Assigns, to make use of, convert, or employ, any of the Lands or Grounds which shall be set out or ascertained for the making of so much of the said Cut or Canal hereby authorized to be made, as is herein directed and authorized to be made by the said Francis Duke of Bridgewater, his Heirs, and Assigns, or for the Towing Paths, Wharfs, Quays, Trenches, Sluices, Passages, or other Works or Conveniencies hereby authorized to be made by the said Francis Duke of Bridgewater, his Heirs, or Assigns, to or for any other Use or Purpose whatsoever, save only to or for the Uses and Purposes of the said Navigation; any thing herein contained to the contrary notwithstanding.

Land not to be used for other Purposes between the Duke's Navigation and the Navigation hereby authorized to be made.

And be it further enacted by the Authority aforesaid, That, in Consideration of the great Charges and Expenses which the said Francis Duke of Bridgewater, his

Heirs,

Heirs, and Assigns, must necessarily bear and sustain in the making and maintaining the said Cut or Canal from the said Brook called Preston Brook, to the River Mersey, at or near Runcorn Gap aforesaid, and all the Works to be by him erected and made for that Purpose, it shall and may be lawful for such Person or Persons as the said Francis Duke of Bridgewater, his Heirs, or Assigns, shall, by Writing under his or their Hand or Hands, appoint, from time to time, and at all Times hereafter, to ask or demand, take or recover, for the proper Use of the said Duke of Bridgewater, his Heirs, and Assigns, for Tonnage and Wharfage for all Coal, Stone, Timber, and other Goods, Wares, Merchandize, and Commodities whatsoever, which shall be navigated, carried, or conveyed, upon or through the same, such Rates and Duties as the said Francis Duke of Bridgewater, his Heirs, and Assigns, shall think fit, not exceeding the Sum of One Penny for every Ton of Coal, Stone, Timber, and other Goods, Wares, Merchandize, and Commodities; nor more than the Sum of One half-penny for every Ton of Lime or Limestone, which shall be so navigated, carried, or conveyed, for the Space of One Mile, or in Proportion for any Quantity for less than One Ton, or for any Distance greater than One Mile: But if any Boat or Vessel shall pass through all the Locks to be erected by the said Duke of Bridgewater, his Heirs, or Assigns, upon that Part of the said Canal at or near Runcorn Gap aforesaid, the same shall be charged with, and liable to pay such Tolls, as if the said Boat or Vessel had passed or been navigated from Runcorn Gap to Preston Brook aforesaid.

Provided always, That if any of the said Coals or other Goods shall pass or be carried upon the Cut or Canal authorized to be made by the said Duke of Bridgewater, his Heirs, or Assigns, by this or any of the said recited Acts, from that Part of the said navigable Canal, lying betwixt Preston Brook and Runcorn Gap, the same shall be chargeable with such additional Toll as, together with the Toll to be taken by virtue of this Act, shall not, in the Whole, exceed the Tolls granted to the said Duke of Bridgewater, his Heirs, and Assigns, by the said recited Acts, or any of them; all the said Tolls and Sums of Money to be collected, received, levied, and recovered, by the said Duke, his Heirs, and Assigns, by such Ways and Means, and by and under the like Powers and Authorities, in all Respects, as specified and provided for the levying and recovering of Tolls in any by the said recited Acts, or any of them.

And

And be it further enacted by the Authority aforesaid, That if the said Duke of Bridgewater, his Heirs, or Assigns, shall fail or neglect to make, carry on, and compleat, the said Cut or Canal, from such Part as aforesaid of the said Brook called Preston Brook, to the River Mersey, at or near Runcorn Gap aforesaid, within the Space of Four Years from the passing of this Act; or shall not, for ever after, repair, support, and maintain, the said Cut or Canal, with the other Works hereby authorized and directed to be made; then, and in every such Case, it shall and may be lawful to and for the said Company of Proprietors, their Successors, and Assigns, to make, carry on, and compleat, the said Cut or Canal, from such Part as aforesaid of the said Brook called Preston Brook to the River Mersey, at or near Runcorn Gap aforesaid, and to repair, support, and maintain, the same, from time to time, as Occasion shall require; and all the Costs and Charges thereof, to be settled and allowed by the Commissioners appointed by this Act, or any Seven or more of them, shall be repaid to the said Company of Proprietors, their Successors, and Assigns, within the Space of Two Calendar Months after the same shall have been so settled and allowed, and an Account and Demand thereof shall have been delivered and made to the said Duke of Bridgewater, his Heirs, or Assigns, or his known Agent; and in Default of Payment of the said Costs and Charges within the Time aforesaid, the said Commissioners, or any Seven or more of them, shall, and they are hereby impowered and required, by Warrant under their Hands and Seals, or the Hands and Seals of any Seven or more of them, to levy the said Costs and Charges by Distress and Sale of the Goods and Chattles of the said Duke of Bridgewater, his Heirs, and Assigns, in or upon the said Cut or Canal, or the Wharfs, Quays, and Warehouses, adjoining, or near to the same, to and for the Use of the said Company of Proprietors, their Successors, and Assigns; and such Commissioners may, moreover, in Manner aforesaid, appoint One or more Person or Persons to receive the Tolls, Rates, and Duties, hereby granted to the said Duke, and thereout, in the first Place, pay all such Costs and Charges, rendering to the said Duke of Bridgewater, his Heirs, or Assigns, or his or their Agents or Overseers of the said Cut or Canal, the Overplus, if any such there be, after deducting the reasonable Charge of making such Distress and Sale, to be settled by the said Commissioners, or any Seven or more of them; and after such Costs and Charges shall be so paid and satisfied, the Power of the said

In case the said Duke shall neglect, &c.

the Company of Proprietors are impowered, &c.

Receivers, to be appointed by the said Commissioners, shall cease and determine; or otherwise the said Company of Proprietors, their Successors, and Assigns, upon the Failure or Neglect of the said Duke of Bridgewater, his Heirs, or Assigns, doing the same, or paying the said Costs and Charges as aforesaid, shall and may have such and the like Remedy against the said Duke of Bridgewater, his Heirs, or Assigns, for the Recovery of such Costs and Charges, by Action at Law, to be commenced and prosecuted in such Manner as in other Cases is in and by the said recited Acts, or any of them, mentioned and directed.

Satisfaction to be made either in gross, or by annual Rent.

Provided always, and be it enacted by the Authority aforesaid, That in case any Bodies Politick, Corporate, or Collegiate, Trustees, or other Persons herein before capacitated to sell or convey Lands, or any other Person or Persons who shall be Owner or Owners, or Occupier or Occupiers, of any Lands or Grounds through which the said intended Cut or Canal shall be made, or of any Mills, Forges, or Iron Works, from which any Water to supply the said Cut or Canal shall be diverted, shall choose to have and receive a Satisfaction for the Value of the Lands or Grounds which shall be set out for the making of the said Cut or Canal; and the Towing Paths, Wharfs, Quays, and other Works, and Conveniencies, to be made in pursuance of the Powers given by this Act, or for the Damages to be sustained by the taking or diverting of any Water from such Mills, Forges, or Iron Works, by the Payment of annual Rents or Sums in lieu of gross Sums, to be to them in hand paid; then, and in such Case, such annual Rents or Sums, in case the said Company of Proprietors, their Successors, or Assigns, or the said Francis Duke of Bridgewater, his Heirs, or Assigns, as the Case may happen, and the said Parties interested, cannot agree upon the same, shall be settled and ascertained by the said Commissioners, or any Seven or more of them, in such Manner, and subject to the Verdict of a Jury, if required, as the Value of the Lands to be set out for the making of the said Cut or Canal, and Towing Paths, is by this Act directed to be settled and ascertained; and that such yearly Rents or Sums as shall be agreed on between the said Company of Proprietors, their Successors, or Assigns, or the said Francis Duke of Bridgewater, his Heirs, or Assigns, as the Case may happen; and the said Parties interested in such Lands, Grounds, Mills, Forges, or Iron Works, or shall be so settled and ascertained as aforesaid, shall be charged on the Rates and Duties arising by virtue of this

this Act; and shall be paid by the said Company of Proprietors, their Successors, or Assigns, or the said Francis Duke of Bridgewater, his Heirs, or Assigns, as the Case shall happen, as the same shall become due and payable; and in case the same shall not be paid within Twenty one Days next after the same shall become due and payable, it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, by an Order under their Hands and Seals, to appoint One or more Person or Persons to receive the Rates and Duties hereby granted and made payable, and to pay the same to such Person or Persons to whom such yearly Rents or Sums shall be due and unpaid as aforesaid, until such yearly Rents or Sums, with the Costs and Charges of recovering and receiving thereof, shall be to him, her, or them, fully satisfied and paid; or such Bodies Politick, Corporate, or Collegiate, Trustees, or other Person or Persons to whom such yearly Rents or Sums shall be due and owing as aforesaid, may sue for and recover the same, with Costs of Suit, by Action of Debt, in any of his Majesty's Courts of Record, or otherwise it shall and may be lawful to and for such Bodies Politick, Corporate, or Collegiate, Trustees, or other Person or Persons to whom such yearly Rents or Sums shall be due and owing as aforesaid, and he and they, and every of them, is and are hereby impowered to seize and distrain any Boats, Vessels, or other Goods or Effects, of the said Company of Proprietors, their Successors, or Assigns, or the said Francis Duke of Bridgewater, his Heirs, or Assigns, as the Case shall happen, which shall be found upon the said Cut or Canal, or in, upon, or about the Wharfs, Quays, Warehouses, or other Works belonging thereto, and to detain the same until Payment thereof, together with the reasonable Charges attending such Distress; and if such Distress shall not be redeemed within Five Days after such Distress made, and Notice thereof given in Writing, by affixing such Notice on some publick Place at any of the Wharfs or Quays belonging to the said Navigation; then such Boats, Vessels, or other Goods or Effects so distrained, shall and may be appraised and sold in such Manner as the Law directs in case of a Distress for Rent, but so that the Goods or Effects of no other Person or Persons than the said Company of Proprietors, their Successors, or Assigns, or the said Francis Duke of Bridgewater, his Heirs, or Assigns, as the Case shall happen, be seized or detained by virtue of the Power hereby given.

Provided

Preserving Rights of Lords of Manors.

Provided always, and be it further enacted by the Authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to defeat, prejudice, or affect, the Right of any Lord or Lords of any Manor or Manors, Common or Waste Grounds; or of any Owner or Owners of any Lands or Grounds in, upon, or through, which the said Cut or Canal, Towing Paths, Wharfs, Quays, Trenches, Sluices, Passages, Watercourses, or Conveniencies aforesaid, or any of them, shall be made, to the Mines, Minerals, or Quarries, or to the Salt Springs, Brine or Rock Salt, lying or being within or under the Lands or Grounds to be set out or made use of for such Cut or Canal, Towing Paths, Wharfs, Quays, Trenches, Sluices, Passages, or Watercourses, or other Conveniencies aforesaid, or any of them; but all such Mines, Minerals, Quarries, Salt Springs, Brine and Rock Salt, are hereby reserved to such Lord or Lords of such Manor or Manors, or of such Common or Waste Grounds, and to such Owner or Owners of such Lands or Grounds respectively, their Heirs, or Assigns; and that it shall and may be lawful to and for the Lord or Lords of such Manor or Manors, Common or Waste Grounds, or such Owner or Owners, of such Lands or Grounds respectively, subject to the Conditions and Restrictions herein contained, to take and carry away to his or their own Use such Mines, Minerals, or Quarries, and such Salt Springs, Brine and Rock Salt, not thereby injuring, prejudicing, or obstructing, the said Cut or Canal, Towing Paths, Wharfs, Quays, Trenches, Sluices, Passages, Watercourses, or other the Conveniencies aforesaid, or any of them; any thing herein contained to the contrary notwithstanding.

Their Rights to Fisheries preserved.

Provided always, and it is hereby enacted and declared, That the Lord and Lords, or Owner and Owners, of all and every Manor and Manors through which the said intended Cut or Canal shall be made, shall have and be intitled to the sole, several, and exclusive, Right of Fishery, of and in so much of the said Cut or Canal, Trenches and Sluices, as shall be made over or through the Common or Waste Lands within his, her, or their, Manor or Manors respectively; and also in, over, or through, any other Lands or Grounds lying within any such Manor or Manors wherein such Lord or Lords, or Owner or Owners, now have or hath, or are or is intitled to the Right of Fishery in the Pits, Ponds, and Waters, now being in such last mentioned Lands or Grounds respectively; and that the Owner or Owners of all other Lands or Grounds through which the said Cut

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or Canal shall be made, shall also have and be intitled to the like sole, several, and exclusive, Right of Fishery of and in so much of the said Cut or Canal, Trenches and Sluices, as shall be made in, over, or through, his, her, or their, Lands or Grounds respectively, so as in the Use and Exercise of the said Right of Fishery, the said navigable Cut or Canal, Trenches and Sluices, or the Towing Paths, Banks, or other Works and Conveniencies hereby authorized to be made, shall not be prejudiced or obstructed, or any Water drained or exhausted from or out of the said Cut or Canal, Trenches, or Sluices; and so as the said Company of Proprietors, their Successors, or Assigns, or the said Francis Duke of Bridgewater, his Heirs, or Assigns, or their Agents, Servants, or Workmen, or any of them, shall not be liable to any Penalty, Action, or Prosecution, for or by reason of the taking or destroying of any Fish in the said Cut or Canal, Trenches, or Sluices, which shall be taken, killed, or destroyed, through or by Means of the letting off the Water out of the said Cut or Canal, Trenches, or Sluices, for or upon account of any Repairs or Works to be done in or about the same; and also that it shall and may be lawful for the Lord or Lords of such Manor or Manors, and the Owner or Owners of such Lands or Grounds, being qualified by Law so to do, to take and kill Game upon so much of the said Cut or Canal, Trenches, Sluices, Towing Paths, and other the Lands or Grounds to be set out for the Use of the said Navigation, as shall be made through their respective Lands or Grounds as aforesaid; any thing herein contained to the contrary notwithstanding.

Not to erect Houses, &c. without Consent of Land Owners.

And be it further enacted by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to impower the said Company of Proprietors, their Successors, or Assigns, or the said Francis Duke of Bridgewater, his Heirs, or Assigns, to erect any Houses or other Buildings, except such Warehouses, Watch-houses, or other Works, as shall be necessary for making, using, preserving, and maintaining, the said Navigation, upon any of the Lands or Grounds which shall be set out and ascertained for the said Canal, or the Towing Paths, Wharfs, Quays, or other Conveniencies, for the Use of the said Navigation; or to plant any Trees on such Lands or Grounds, unless they shall first obtain the Consent of the Person or Persons who was or were Owner or Owners of such Lands or Grounds at the Time of the setting out the same, his, her, or their, Heirs or Assigns, under his, her, or their, Hand and Seal, or Hands and Seals respectively; and that in case any

any House or other Building, except as aforesaid, shall be erected, or any Trees shall be planted upon any such Lands or Grounds, without such Consent as aforesaid, it shall and may be lawful to and for the Person or Persons, who was or were Owner or Owners of such Lands or Grounds at the Time of the setting out the same as aforesaid, his, her, or their, Heirs or Assigns, to take or pull down, and remove such Houses and other Buildings, and to cut down and carry away such Trees, without being guilty of any Trespass, or liable to any Action or Prosecution for so doing.

For allowing the Use of Pleasure Boats.

And it is hereby provided and further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Owners and Occupiers of any Lands adjoining to the said Canal, to use any Pleasure Boat and Boats upon the said Canal, not passing through any Lock without the Consent of the said Company of Proprietors, their Successors, or Assigns, or their principal Agent for the time being, without any Interruption from the said Company of Proprietors, their Successors, or Assigns, and without paying any Rate or Duty for the same; so as the same be not made use of for carrying any Goods, Wares, or Merchandize; and so as the same shall and do not obstruct or prejudice the Navigation of the said intended Cut or Canal, or the Towing Paths on the Sides thereof.

Exception as to Sir *Richard Brooke*.

Provided always, and it is hereby enacted and declared, That nothing in this Act, or in the said recited Acts, or any of them, contained shall extend, or be construed to extend, to authorize or impower the said Francis Duke of Bridgewater, his Heirs, or Assigns, or the said Company of Proprietors, their Successors, or Assigns, or their Agents, Servants, or Workmen, or any of them, to make the said Cut or Canal hereby authorized to be made, or to execute any of the Powers contained in this Act, or in the said recited Acts, or any of them, within the Distance of Three hundred and sixty Yards from the Mansion House of Sir Richard Brooke Baronet, called Norton Hall, in the said County of Chester; or to make the said Cut or Canal otherwise than above the Woods now inclosed on the Southerly Side of the said Mansion House, and on the Westerly Side of the Farm House opposite to the Field called The Great Crime; or to make any Towing Path on that Side of the said Cut or Canal which shall be next to the said Mansion House; or to suffer any Gravel, Sand, Clay, or Earth, which shall be dug, cast, wheeled, or carried, out of the said Cut or Canal, Trenches, or Sluices, to lie upon or near the Banks thereof in the said Field called The Great Crime, or within

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in the Distance of Five hundred Yards of the said Mansion House, for any longer Time than Twelve Months next after the digging, casting, wheeling, or carrying out the same, or to make, erect, or build, any Wharf, Quay, Warehouse, or other Building, hereby authorized to be made or built on the Lands now belonging to the said Sir Richard Brooke, in the Parish of Runcorn, or to suffer any Vessel or Vessels to be moored, except for the Purpose of carrying away the Soil to be dug out of the said Cut or Canal; or for repairing any of the Works hereby authorized to be made, within the Distance of One thousand Yards from the said Mansion House; or to take or divert any Water out of the Mill Pool belonging to the said Sir Richard Brooke, near the said Mansion House, or out of the Streams which flow into the said Pool; or to cut, remove, or disturb, any of the Pipes now laid in the Ground of the said Sir Richard Brooke, for the conveying of Water to the said Mansion House; or by any Ways or Means to prevent, hinder, or obstruct, the Water from entering into the said Pipes, and passing through the same to the said Mansion House; or to make any Hedge or Fence on the Side of the said Cut or Canal, and Towing Paths, so as to intercept or obstruct the Prospect or View from the said Mansion House, without the special Licence and Consent of the said Sir Richard Brooke, or his Heirs, in Writing, under his or their Hands and Seals first had and obtained: But the said Francis Duke of Bridgewater, his Heirs, or Assigns, or the said Company of Proprietors, their Successors, or Assigns, shall make and maintain such Fence along the Side of the said Cut or Canal, and Towing Paths, within the View of the said Mansion House, as the said Sir Richard Brooke, his Heirs, or Assigns, shall require; any thing herein contained to the contrary notwithstanding.

If Lands not used within a certain Time, to be reconveyed.

Provided always, and be it further enacted by the Authority aforesaid, That if the said Company of Proprietors, their Successors, or Assigns, or the said Duke of Bridgewater, his Heirs, or Assigns, shall respectively be in Possession of any Lands or Grounds, by virtue of this Act, for the Space of Ten Years, without making the said intended Navigation through the same respectively; or if the said Navigation shall be made and compleated, and afterwards discontinued or disused, for the Space of Five Years; then, and in either of the said Cases, from and immediately after the Expiration of the said Ten Years without making, or Five Years after disusing, the said Navigation as aforesaid, the said Company of Proprietors, their Successors, or Assigns, or

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the said Duke of Bridgewater, his Heirs, or Assigns, shall respectively convey all their Right, Property, and Interest, in or to such Lands or Grounds respectively, unto the several and respective Persons, or Bodies Politick, Corporate, or Collegiate, or their Heirs, Successors, or Assigns, who were the Owners or Proprietors thereof, immediately before the said Company of Proprietors, their Successors, or Assigns, or the said Duke of Bridgewater, his Heirs, or Assigns respectively, became seized of the same, in case they or any of them shall think fit to become Purchasers thereof, and to pay such valuable Consideration for the said Lands and Grounds to the said Company of Proprietors, their Successors, or Assigns, or to the said Duke of Bridgewater, his Heirs, or Assigns, as the said Commissioners, or any Seven or more of them, shall adjudge reasonable; and in case any Difference shall happen in ascertaining thereof by the said Commissioners, then, as any Jury, to be impanelled in the Manner herein before directed, shall ascertain or award to be paid for the same: Provided, That such Consideration, to be ascertained by such Commissioners, or to be awarded by such Jury, so to be impanelled as aforesaid, shall not exceed the Sum or Sums of Money first paid by the said Company of Proprietors, their Successors, or Assigns, or by the said Duke of Bridgewater, his Heirs, or Assigns, respectively, for the Purchase of such Lands or Grounds: And in case the said Company of Proprietors, their Successors, or Assigns, or the said Duke of Bridgewater, his Heirs, or Assigns, upon the Payment or Tender of such valuable Consideration as aforesaid for such Lands or Grounds, shall refuse or neglect to convey the same as aforesaid; then, and in such Case, such Lands or Grounds, upon Tender of such valuable Consideration as aforesaid to the said Company of Proprietors, their Successors, or Assigns, or to the said Duke of Bridgewater, his Heirs, or Assigns, shall revert to, and be thenceforth vested in, the said several and respective Person or Persons, Bodies Politick, Corporate, or Collegiate, their Heirs, Successors, or Assigns: And in case an annual Rent shall have been paid for the said Lands or Grounds, to be taken in Manner aforesaid, for the Use of the said Navigation; then such Rents shall cease and determine, and such Sum or Sums of Money shall be paid for Damages done to the said Lands or Grounds by the said Company of Proprietors, their Successors, or Assigns, or by the said Duke of Bridgewater, his Heirs, or Assigns, to the Person or Persons, Bodies Politick, Corporate, or Collegiate, or their Heirs, Successors, or Assigns,

signs, to whom such Lands or Grounds shall be reconveyed or revert as aforesaid, as the said Commissioners or Jury respectively shall ascertain or award; such Sum or Sums of Money, in Default of Payment, at the Time to be fixed by such Commissioners or Jury respectively, to be recovered in such Manner as any other Damages are to be recovered by virtue of this Act.

Writings to be exempted from the Stamp Duties.

Provided always, and be it further enacted by the Authority aforesaid, That no Summons, Order, Determination, Judgement, Warrant, Contract, Agreement, or other Writing whatsoever, under the Hands or under the Hand and Seal of any Justices of the Peace, or of the said Commissioners, or any of them, or any other Person or Persons whatsoever; or any Transfer of any Share or Shares, or other Writing whatsoever, made in pursuance of the Powers given in and by this present Act; shall be charged or chargeable with any Stamp or Duty whatsoever; and that no Proceeding to be had or taken in pursuance of this Act, shall be quashed or vacated for want of Form, or removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster; any Law or Statute to the contrary notwithstanding.

Proceedings not to be quashed for want of Form.

Notice to be given to Proprietors of *Witton Brook* Navigation when this Canal is to cross it.

Provided always, and it is hereby further enacted by the Authority aforesaid, That the said Company of Proprietors, their Successors, and Assigns, shall, within Six Months after the End of this Session of Parliament, cause Notice in Writing to be given to the Company of Proprietors of a Navigation intended to be made by Authority of Parliament, from the navigable Part of Witton Brook, at or near Witton Bridge, in the County of Chester, to Knutsford, and other Places, their Successors, or Assigns, or to their principal Agent for the time being, of the Course of the Navigation hereby authorized to be made between a certain Bridge, called Wincham Bridge, situate on a Brook, called Wincham Brook or Peover Eye, and a certain Mill, called Cranage or Wincham Mill, situate on the same Brook, and stake out the same upon the Surface of the Land, so as to ascertain the Place where the said Cut or Canal, hereby authorized to be made, is to cross the said Brook; and that the said Company of Proprietors of the Navigation hereby authorized to be made, their Successors, and Assigns, in making and constructing the said Navigation, hereby authorized to be made, between the said Wincham Bridge and the Mill aforesaid, shall, upon Notice in Writing given to them, or their principal Agent for the time being, within Nine Months after the End of this Session of Parliament, by the Company of Proprietors

of the said intended Navigation, from the navigable Part of Witton Brook, at or near Witton Bridge and Knutsford aforesaid, or their principal Agent for the time being, of the Place where the said intended Navigation, from the navigable Part of Witton Brook, at or near Witton Bridge and Knutsford is intended to cross that Part of the said Navigation so hereby authorized to be made between the Places aforesaid, at a Level, not exceeding Nine Feet above the common Surface of the Water in the said Brook, called Wincham Brook or Peover Eye, before the making of the said Navigation, hereby authorized to be made, cause an Arch to be formed under the same, at the Place so to be set out, or as near it, upon the same Level, as can conveniently be done; the Crown of which Arch, on the lower Side thereof, shall be at least Nine Feet above the Surface of the Water in the said Canal so to be made under such Arch; and the Span or Width of such Arch, at the Spring thereof, shall not be less than Fifteen Feet: And the said Company of Proprietors of the said Navigation, hereby authorized to be made, their Successors, and Assigns, shall and are hereby vested with full Power and Authority to make, secure, and repair, such Arch, from time to time, as they shall think proper, doing as little Damage, and giving as little Interruption thereby to the Navigation to be made under such Arch, as the Nature of the Business will admit: And, in order to give the least Trouble and Interruption to the same, the said Company of Proprietors of the said Navigation, hereby authorized to be made, their Successors, and Assigns, shall and are hereby required to make the Piers of such Arch, at the Time the said Navigation to be conveyed under the same shall be making, at the Place where such Arch is to be fixed as aforesaid, in case the same shall happen to be made in that Place before the Navigation hereby authorized to be made.

For erecting Mile-stones.

And be it further enacted by the Authority aforesaid, That the said navigable Cut or Canal shall be measured, and Mile-stones erected on the Side thereof at the End of each Mile; and that all Goods, Wares, or Merchandize, which are made liable to the several Rates and Duties hereby imposed, that shall be navigated, carried, or conveyed upon the said Cut or Canal, up to or past any of the said Mile-stones so to be erected, shall be charged with and pay the said Rates, Tolls, and Duties, for One Mile, and so in Proportion for any greater Number of Mile-stones which they shall be carried up to or past as aforesaid; and that Six Pounds Weight, Avoirdupoize, shall be deemed and taken as and for One hundred

Weight,

Weight within the Intent and Meaning of this present Act.

For recovering Forfeitures.

And be it further enacted by the Authority aforesaid, That all Fines and Forfeitures inflicted by this Act, or which shall be inflicted by any Rule, Order, or Bye-law, to be made in pursuance of this Act, of which, when produced, such Justice is hereby required to take Notice, the levying and recovering of which are not particularly herein directed, shall be levied by Warrant under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace of the Counties of Derby, Stafford, or Chester respectively, residing in or near the Place where such Offence shall be committed; which said Justice or Justices is and are hereby authorized to hear and examine Witnesses upon Oath, and determine the same: And all such respective Fines, Forfeitures, and Penalties, by this Act imposed and inflicted, or authorized to be imposed and inflicted, the Application whereof is not herein before particularly directed, shall be paid into the Hands of the Treasurer or Receiver of the Moneys to be raised by virtue of this Act; and shall be applied and disposed of for the Use of the said Navigation, and to and for no other Use or Purpose whatsoever.

Application.

Persons aggrieved by any Irregularity in Distress, to recover only the special Damage.

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

Persons aggrieved may appeal to the Sessions.

Provided always, That any Person or Persons thinking himself, herself, or themselves, aggrieved by any Order or Judgement made or given in pursuance of any Rule, Bye-law, or Order of the said Company of Proprietors, or by the Order or Determination of any Justice or Justices of the Peace, may, within Six Calendar Months after such Order shall have been made or given, complain to the Justices of the Peace at their General or Quarter Session to be held in and for the said County of Derby, Stafford, or Chester respectively, where the Cause of Appeal shall arise, and not elsewhere; which shall, in a summary Way, either hear and determine the said

said Complaint at such General or Quarter Session, or, if they think proper, may adjourn the Hearing thereof to the next General or Quarter Session of the Peace to be held for the said Counties respectively; and, if they see Cause, may mitigate any Forfeiture or Fine, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye-law, Order, or Determination; and may also order such further Satisfaction to be made to the Party injured, as they shall judge reasonable.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action, Suit, or Information, shall be brought or commenced against any Person or Persons for any thing done, or to be done, in pursuance of this Act, or in the Execution of the Powers and Authorities, or the Orders and Directions, herein before given or granted, every such Suit or Information shall be brought or commenced within Six Calendar Months next after the Fact committed; or in case there shall be a Continuation of Damages, then within Six Calendar Months next after the doing or committing such Damages shall cease, and not afterwards; and shall be laid and brought in the said Counties of Derby, Stafford, or Chester respectively, where the Matters in Dispute shall arise, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act: And if it shall appear to have been so done, or if any Action, Suit, or Information, shall be brought after the Time so limited for bringing the same, or shall be brought in any other County or Place than as aforesaid; then, and in such Case, the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become nonsuit, or suffer a Discontinuance of his, her, or their Action, Suit, or Information, after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if, upon Demurrer or otherwise, Judgement shall be given against the Plaintiff or Plaintiffs; the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for the same, as any Defendant or Defendants hath or have for Costs of Suit in other Cases by Law.

General Issue.

Treble Costs.

Publick Act.

And be it further enacted by the Authority aforesaid, 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 of it as such, without specially pleading the same.

FINIS.