



ANNO TRICESIMO OCTAVO

GEORGI II. REGIS.

Cap. 29.

An Act for making and maintaining a Navigable Canal, or Canal and Inclined Plane or Railway, from and out of the *Newcastle under Lyme Canal*, to the Canal of Sir *Nigel Bowyer Gresley* Baronet, near the Town of *Newcastle under Lyme*; and also another Branch of Canal, or inclined Plane or Railway, from and out of the said last-mentioned Canal at or near *Apedale*, to certain Coal and other Works; all in the County of *Stafford*.

[26th May 1798.]

WHEREAS the making and maintaining of a Canal, or Canal and Inclined Plane or Railway, for the Passage of Boats and other Vessels, and Waggon and other Carriages, from and out of the *Newcastle under Lyme Canal*, to the Canal of Sir *Nigel Bowyer Gresley* Baronet, within or near the Town of *Newcastle under Lyme*, in the County of *Stafford*; and also another Branch of Canal, or Inclined Plane or Railway, from and out of the said last-mentioned Canal at or near *Apedale*, to the Coal and other Works of Sir *John Edensor Heathcote* Knight, and *Thomas Kinnersly* Esquire, at *Partridge Nest*, and *John Wedgwood* Gentleman, at *Bignall End*, in the said County of *Stafford*, will be of great publick Utility, by opening an easy Communication
[Loc. & Per.] with

Preamble.

with feveral valuable Mines and Iron Works, and by furnifhing, at an eafy Expence, the Neighbourhood with Coals, Lime, and other Articles: And whereas the feveral Perfons herein-after named are defirous, at their own Cofts and Charges, to make and maintain the faid intended Canal, and other Works, but cannot effect the fame without the Aid and Authority of Parliament: May it therefore please Your Majefty that it may be enacted; and be it enacted by the King's moft Excellent Majefty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this prefent Parliament affembled, and by the Authority of the fame, That Sir *Nigel Bowyer Grefley* Baronet, Sir *John Edenfor Heathcote* Knight, *Thomas Kinnerfly*, *James Smith*, *John Smith*, *William Bent*, *Samuel Turner*, *Elizabeth Hall*, *John Maffey*, *John Harding*, *John Pepper*, *Edward Eardley*, *John Swinnerton*, *John S. Catlow*, *Mary Ford*, *James Caird*, *Catherine Ford*, *William Holland*, *John Rudyard*, *John Hollins*, *John Harrifon junior*, *Thomas Wolfe*, *James Caldwell*, *John Tomlinfon*, *Jofiah Spode*, *Jofiah Wedgwood*, *John Emery*, *John Wedgwood*, *James Bent*, *Margaret Gorton*, *Edward Lomas*, *Barker Chiffney*, *Elizabeth Ford*, and their feveral and refpective Succelfors, Executors, Administrators, and Affigns, fhall be, and hereby are united into a Company, for making, completing, and maintaining the faid Canal, and Inclined Plane or Railway, according to the Rules, Orders, and Directions herein-after mentioned, and fhall for that Purpose be One Body Corporate, by the Name and Stile of *The Newcastle under Lyme Junction Canal Company*, and by that Name fhall have perpetual Succelfion, and fhall have a Common Seal, and by that Name fhall and may fue and be fued; and that the faid Company of Proprietors fhall have Power and Authority, from and after the Fifteenth Day of *June* One thoufand feven hundred and ninety-eight, on which Day this Act fhall commence and take Effect, to purchafe and hold Lands and Hereditaments to them, and their Succelfors and Affigns, for the Ufe of the faid Navigation, and to fell the faid Lands and Hereditaments again, without incurring any of the Penalties or Forfeitures of the Statute of Mortmain; and the faid Canal Company fhall be, and are hereby authorized and empowered, by themfelves, their Deputies, Agents, Officers, Workmen, and Servants, by Cuts, Tunnels, Aqueducts, or otherwife, to make and complete, and from Time to Time to alter a Communication by Canal, or Canal and Inclined Plane or Railway, to be called, *The Newcastle under Lyme Junction Canal*, navigable and paffable for Boats, Barges, and other Veffels, Waggons and other Carriages, from and out of the faid *Newcastle under Lyme* Canal, to the faid Canal of Sir *Nigel Bowyer Grefley* Baronet, near the Town of *Newcastle under Lyme*, in the County of *Stafford*, and a Branch of Canal, or Inclined Plane or Railway, from and out of the faid laft-mentioned Canal at or near *Apedale* aforefaid, to the Coal and other Works of Sir *John Edenfor Heathcote*, and *Thomas Kinnerfly* Efquire, and *John Wedgwood* Gentleman, at *Partridge Nef* and *Signall End*, in the faid County of *Stafford*, and to fupply the faid Canal whilft making, and at all Times for ever after the fame fhall have been made, with Water from all fuch Brooks, Springs, Streams, Rivulets, Waters, and Watercourfes, as are or fhall flow or be found in digging or making the faid Canal, or within the Difance of One thoufand Yards from the fame, and to erect One or more Fire Engine or Fire Engines, or other Machines for fupplying the faid Canal, or any Part or Parts thereof, with Water, and for the Ufe of the faid Inclined Plane or
 Railway,

Proprietors
Names.

Incorporated.

Railway, and also to make such and so many Soughs, Tunnels, Feeders, Aqueducts, and Channels, for supplying the said Fire Engines and Canal with Water, as by the said Company shall be deemed necessary and proper; and also for effecting the Purposes aforesaid, to cleanse, scour, and dig, open, deepen, enlarge, vary, and make straighter, the Streams, Brooks, or Watercourses, which come near or may be brought into or communicate with the said Canal, and to dig, cut, or raise the Banks of any of the said Streams, Brooks, or Watercourses, for bringing Water into the said Canal, and to make such proper Trenches or Passages for Water in, upon, or through, the Lands or Grounds adjoining or near to the said Canal, or such Streams, Brooks, or Watercourses as aforesaid, or any of them, as the said Company shall think fit; and for the Purposes aforesaid, the said Company, their Deputies, Servants, Agents, and Workmen, are hereby authorized and empowered to enter into and upon the Lands and Grounds of any Person or Persons, Bodies Politick, Corporate, or Collegiate whatsoever, and to survey and take Levels of the same, or any Part thereof, and to set out and ascertain such Parts thereof as they shall think necessary and proper for making or altering the said Canal, and Inclined Planes or Railways, Feeders and Aqueducts, and all such other Works, Matters, and Conveniencies as they shall think proper and necessary for making, supplying with Water, effecting, preserving, improving, completing, maintaining, and using the said Canal and other Works, and also to bore, dig, cut, trench, fough, get, remove, take, carry away, lay, use, and manufacture any Earth, Clay, Stone, Soil, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters or Things which may be dug or got in making the said Canal or other Works, or in making any Feeders or Aqueducts, or out of the Lands or Grounds of any Person or Persons adjoining, or being convenient or contiguous thereto, and which may be proper, requisite, or necessary for making, carrying on, continuing, maintaining, altering, or repairing the said Canal or other Works, or which may hinder, prevent, or obstruct the making, using, or completing, altering, extending, or maintaining the same respectively, or the making, using, completing, extending, and maintaining of any such Feeders, Trenches, Passages, Aqueducts, and Watercourses as aforesaid, as shall be necessary and proper to convey Water to or from the said Canal, according to the Intent and Meaning of this Act; and also to make, build, erect, and set up, in, over, under, or upon the said Canal, and Inclined Planes or Railways, or upon the Lands adjoining or near to the same, such and so many Bridges, Piers, Arches, Tunnels, Aqueducts, Sluices, Locks, Floodgates, Weirs, Pens for Water, Water Stanks, Dams, Wharfs, Quays, Houses, Warehouses, Toll Houses, Watch Houses, Landing Places, Weighing Beams, Cranes, Fire Engines, or other Machines, Dry Docks, Wet Docks, and other Works, Ways, Roads, and Conveniencies, as and where the said Company shall think necessary and convenient for the Purposes of the said Navigation, and also from Time to Time to alter, repair, and amend, or discontinue the same, and to make, divert, alter, widen, enlarge, and extend any Bridges, Ways, Roads, Passages, Cuts, Locks, Soughs, Tunnels, Aqueducts, Trenches, Sluices, or other Works or Conveniencies, as well for carrying and conveying of Stones, Coals, Minerals, Goods, Wares, Merchandize, and other Articles to and from the said Canal, and Inclined Planes or Railways, as for the carrying and conveying of all Manner of Materials necessary for the making, erecting, finishing, altering, repairing, main-
taining,

taining, amending, widening, or enlarging the said Canal, and other Works hereby authorized to be made, or which may be useful for any the Purposes thereof, and also to place, lay, work, or manufacture the said Materials on the Lands or Grounds near to the Place or Places where the said Works, or any of them, shall be or are intended to be made, erected, repaired, or done; and also to make, maintain, repair, and alter, and to turn any Roads, Fences, or Passages, over, under, through, or along the Sides of the said Canal, or the Tunnels, Aqueducts, Soughs, Trenches, Passages, Feeders, Watercourses, and Sluices respectively, which shall communicate therewith; and also to make, set out, and appoint such Towing Paths, Banks, Roads, and Ways, convenient for towing, haling, or drawing of Boats, Barges, and other Vessels, Waggon and other Carriages, passing upon the said Canal and Trenches, and Inclined Planes or Railways, with Men, Horses, or otherwise, and proper Places for Boats, Barges, and other Vessels navigated upon the said Canal or Trenches to turn, lie, or pass each other, as they the said Company shall think convenient; and to construct, erect, and keep in Repair any Pier, Arches, Aqueducts, and other Works in, upon, and across any Rivers or Brooks, for the making, using, maintaining, and repairing the said Canal, Trenches, Towing Paths, and other Works, and to construct, erect, make, and do all other Matters and Things which they shall think convenient or necessary for the making, effecting, altering, preserving, improving, completing, and using of the said Canal, and other Works to be made or constructed in pursuance of and according to the true Intent and Meaning of this Act, not injuring the Canal or Works of the said Sir *Nigel Bowyer Gresley*; they the said Company, their Deputies, Agents, Servants, and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and making full Satisfaction, in Manner herein-after mentioned, to the Owners or Proprietors of, and all Persons interested in any Lands, Tenements, Mills, or other Hereditaments, Falls of Water, Millsteads, Waters, Watercourses, Brooks, or Rivers respectively, which shall be taken, used, removed, diverted, or prejudiced, for all Damages to be by them sustained in or by the Execution of all or any of the Powers of this Act; and this Act shall be sufficient to indemnify the said Company, and their Deputies, Servants, Agents, and Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted, subject nevertheless to such Provisions and Restrictions as herein-after mentioned and contained.

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

II. Provided always, That nothing herein contained shall authorize or empower the said Company, or any Person or Persons acting by or under their Authority, to take, use, injure, or damage, for the Purposes of the said Canal or other Works, or any other of the Purposes aforesaid, any House or Building which was erected or built at or before the Commencement of this Act, or any Land or Ground which was then set apart and used as or for a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, without the Consent of the Owners and Occupiers thereof, other than and except such Buildings and Gardens as have lately been erected and enclosed upon and from, and are or were Part and Parcel of the Piece of Waste Land called *The Marsh*; *videlicet*, a Stable and Yard in the Occupation of *William Bent*; a Rope Walk and Garden in the Occupation of *James Brock*; and Six several Gardens in the

Occupations

Occupations of *Henry Weatherby, John Vernon, Samuel Nixon, Samuel Johnson, Ralph Mayor, and Josiah Tagg*, respectively, and all which are the Property of certain Trustees appointed in or by virtue of an Act, passed in the Twenty-third Year of the Reign of His present Majesty, for enclosing and leasing the said Piece of Waste Land called *The Marsh*, within the Parish and Borough of *Newcastle under Lyme*, in the County of *Stafford*, and applying the Profits thereof in Aid of the Poores Rates of the said Parish and Borough, and which are respectively meant and intended to be taken and used for the Purposes of this Act, and which it shall be lawful for the said Company to take and pass through, and make use of for the Purposes of the said Canal and Undertaking, the said Company making Satisfaction to the several Owners and Persons interested in such Hereditaments and Premises respectively for the same, and for the Damages they shall respectively sustain thereby, the same to be ascertained in like Manner as by this Act is directed with respect to other Hereditaments to be taken or used by the said Company of Proprietors.]

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

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

IV. And be it further enacted, That the said Company in making the said Canal, and Inclined Planes or Railways, shall not deviate from the Course or Direction delineated in the said Map or Plan, and set forth in the said Book of Reference, nor cut, carry, or convey the same Canal, and Inclined Planes or Railways, into, through, across, under, or over any Part or Parts of the several Lands or Grounds now or late belonging to, or reputed to belong to the several and respective Persons named or described in the said Book of Reference, other than such Part or Parts of

Not to deviate from the Line laid down in the Plan, without the Consent of Land Owners.

such Lands or Grounds as are mentioned in the said Book of Reference in that Respect, without the Approbation and Consent in Writing, signed by the Person or Persons to whom such Lands and Grounds do or shall respectively belong; but nothing herein contained shall extend to restrain or prevent the said Company of Proprietors from making any Deviation from the said Course or Direction of the said Canal, or Inclined Planes or Railways, in case all the Persons to whom the Lands, Grounds, or Hereditaments, to be cut through or made use of for the Purposes of such Deviation shall belong, shall consent thereto.

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

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

Breadth of the Canal and Towing Paths.

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

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

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

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

Lands separated into small Parcels, may be exchanged or sold.

‘ I *A. B.* of _____ in Consideration of the Sum of
 ‘ _____ to me paid [*or*, in Consideration of the Annual Rent of
 ‘ _____ to me to be hereafter yielded and paid] by the *Newcastle under Lyme*
 ‘ *Junction Canal Company*, do hereby grant and release to the said Com-
 ‘ pany all [*describing the Premises to be conveyed*], and all my Right, Title,
 ‘ and Interest in and to the same, and every Part thereof, to hold to the
 ‘ said Company for ever, by virtue and according to the true Intent and
 ‘ Meaning of the Act of Parliament passed for making and maintaining
 ‘ the said *Newcastle under Lyme Junction Canal*: In Witness whereof I
 ‘ have hereunto set my Hand and Seal, the _____ Day of
 ‘ _____ in the Year of our Lord One thousand seven hundred and

Form of Conveyance to the Company.

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

‘ I *A. B.*

I *A. B.* of _____ do hereby, in Consideration of the Sum of _____
 to me in Hand paid by *C. D.* of _____ at or
 before the Sealing and Delivery of these Presents, the Receipt whereof
 I do hereby acknowledge *or*, in Exchange for certain Lands situate
 _____ conveyed to me by *C. D.* by Writing under his Hand
 and Seal, bearing even Date herewith], convey and assign to the said
C. D. all [*describe the Premises*], to hold to the said *C. D.* his Heirs
 and Assigns for ever: As Witness my Hand and Seal the _____ Day of
 _____ in the Year of our Lord One thousand _____ hundred and _____
 And every such Conveyance shall be valid and effectual.

Satisfaction to
be made.

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

If Parties can-
not agree,
Price to be
settled by
Commission-
ers or a Jury.

Yearly Rents
charged on
the Rates.

such

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

IX. And whereas Differences may arise between the said Company and the several Owners of and Persons interested in the Lands, Grounds, Tenements, Hereditaments, Mills, or Waters, which shall or may be affected or prejudiced by the Execution of the Powers hereby granted, touching the Purchase Money to be paid, or Recompence to be made to them respectively; be it therefore enacted, That the Right Honourable *George Granville Leveson Gower* commonly called *Earl Gower Sutherland*, the Right Honourable *Granville Leveson Gower* commonly called *Lord Granville Leveson*, the Honourable *Dudley Ryder*, the Honourable *Richard Ryder*, the Honourable *William Bagot*, Sir *Nigel Bowyer Gresley*, Sir *John Chetwode*, the Reverend Sir *Thomas Broughton*, Baronets; Sir *John Edensor Heathcote* Knight, *Walter Sneyd*, *William Sneyd*, *John Sneyd*, *Edward Mainwaring*, *Thomas Swinnerton*, *Thomas Fletcher*, *John Jervis*, *William Jervis*, *John Turton*, *Smith Child*, *John George Child*, *Thomas Mills*, *William Mills*, *John Sparrow*, *Thomas Parker*, *Josiah Wedgwood*, *George Embury Tollett*, *Thomas Fletcher*, *John Fenton Fletcher*, *Thomas Fenton*, *Weston Yonge*, *James Bent*, *James Caldwell*, *John Smith*, *John Whieldon of Fenton*, *Charles Hassells*, *William Hassells*, *William Hyatt*, *Thomas Horwood*, *James Ceird*, *Hugh Henshall*, *Robert Williamson*, *William Clowes*, *John Brindley*, *Ephraim Chatterley*, *Ephraim Booth*, *Hugh Booth*, *William Adams*, *William Turner*, *John Turner*, *James Robison the younger*, *Robert Robison the younger*, *Thomas Smith*, *George Steedman*, *Thomas Wolfe*, *Josiah Spode*, *Samuel Spode*, *Ward Hassells*, *John Harrison the younger*, *Thomas Allen*, *Thomas Foxall*, *Thomas Peake*, *Thomas Poole*, *James Breck*, *John Crewc*, *John Broughton*, *Thomas Kinnersty*, *William Shephard Kinnersty*, *James Godwin*, *John Wedgwood*, *John Lawton*, *Robert Clownam*, *James Smith*, *John Smith of Newcastle*, *Thomas Kinnersty the younger*, *William Bent*, *John Bent*, *Thomas Sparrow*, *John Tomlinson*, *John Mare*, *John Swinnerton*, *Joseph Adams*, *Edensor Heathcote*, *Ralph Baddeley*, *John Baddeley*, *Joseph Tilstone*, *John Masscy*, and their Successors, to be elected in Manner herein-after mentioned, shall be, and are hereby appointed Commissioners for settling, determining, and adjusting all Questions, Matters, and Differences, which shall or may

Commissioners for settling Differences.

arise between the said Company and the several Proprietors of and Persons interested in any Lands, Grounds, Tenements, or Hereditaments, Mills, Millsteads, Falls of Water, or Waters, that shall or may be affected or prejudiced by the Execution of any of the Powers hereby granted.

Election of
new Commis-
sioners.

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

Empowering
the Quarter
Sessions to no-
minate Com-
missioners in
case the Sur-
vivors neglect,
or a sufficient
Number can-
not be found
in the Neigh-
bourhood.

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

Commis-
sioners may act as
Justices of the
Peace.

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

Qualification
of Commis-
sioners.

XIII. Provided always, and be it further enacted, That no Person shall act as a Commissioner in any Case in the Execution of this Act, during the Time of his holding any Place of Profit arising out of the Rates to be collected by virtue of this Act, or during the Time of his being a Proprietor in the said Navigation, or concerned or interested in any Contract or Bargain made or to be made for the Purposes of this Act, or in any Case where he shall be in anywise interested or concerned in the Matter in Question, nor unless he shall reside in the County of *Stafford*, and shall be seized in his own Right, or in the Right of his Wife, and not

as a Mortgagee, at the Time of such his acting, of an Estate of Freehold or Copyhold, or both, in Lands, Tenements, or Hereditaments, of the Yearly Value of One hundred Pounds, or unless he shall be eldest Son or Heir Apparent of a Peer, or of a Person qualified to serve in Parliament as a Knight of the Shire; nor shall any Person (not being an Heir apparent as aforesaid) act as a Commissioner in the Execution of this Act, (otherwise than giving Notice of the First Meeting of the Commissioners, and administering an Oath or Affirmation in the Words following to the other Commissioners), until he shall have taken such Oath or Affirmation before any One or more of the said Commissioners, who is or are hereby authorized and empowered to administer the same; (that is to say),

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

Oath.
‘ So help me GOD.’

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

XIV. And be it further enacted, That no Meeting whatsoever of the said Commissioners shall at any Time or Times be had for putting in Execution any of the Powers or Authorities vested in them by this Act, unless previous Notice of the Time, Place, and Purpose of such Meeting shall be given and inserted in some Newspaper to be published in and for the County of *Stafford*, so long as the same shall be published, or in some of the *Birmingham* Papers, at least Fourteen Days before such Meeting; and that every Meeting of the said Commissioners by virtue of this Act shall be publick; and that no Act, Order, or Proceeding of the said Commissioners, or any of them, in the Execution of this Act, (except in such Cases as are hereby otherwise directed), shall be valid unless the same shall be made or done at a Meeting to be held in pursuance

Notice to be given of Meeting of Commissioners.

fuance of this Act; and that all Powers and Authorities by this Act given to or vested in the said Commissioners, shall and may, from Time to Time, be exercised by a Majority of the Commissioners present at every such Meeting, such Majority on all Occasions not being less than Three.

On Application of the Proprietors or Land Owners, Commissioners to meet.

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

Power to hold occasional Meetings.

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

Places of holding Meetings of Commissioners.

XVII. Provided also, That every Meeting of the said Commissioners for hearing and determining any Complaint, Controversy, Dispute, or Difference between the said Company and any other Person or Persons, shall be held at *Newcastle under Lyme* aforesaid, and so that all the Meetings of the said Commissioners to be holden in pursuance of this Act, shall be appointed and holden only between the Hours of Ten in the Morning

Morning and Four in the Afternoon; and no Order shall be made, or any Proceedings of the said Commissioners had or done under this Act, at any earlier or later Hour than as aforesaid.

XVIII. And be it further enacted, That all the Orders and Proceedings of the said Commissioners shall be regularly entered in a Book or Books to be kept for that Purpose, such Book or Books to be open at all reasonable Times to the Inspection of any Person interested in the said Proceedings, and desirous of seeing and examining the same, without Fee or Reward; and such Entries, being signed by such Number of the said Commissioners respectively as are empowered by this Act to make such Orders, or carry on such Proceedings, shall be deemed Originals, and the same, or true Copies thereof, shall be admitted as Evidence in all Courts whatsoever; and the said Commissioners may, and are hereby required, at their First Meeting, to appoint, out of Three Persons to be appointed by the said Company, such One of the said Three Persons as the said Commissioners shall think proper, to be their Clerk, and from Time to Time may remove any such Person, and on such Removal, or in case any such Clerk shall die, or quit the said Employment, the said Company, or their Committee for the Time being, shall, within the Space of One Calendar Month after Notice in Writing for that Purpose to be given by the said Commissioners, nominate Three other Persons, and give Notice thereof unto the said Commissioners from whom such Notice in Writing was received, and the said Commissioners shall and may appoint such One of the said Three last-named Persons as they shall think proper, to be their Clerk; and in like Manner a Clerk to the said Commissioners shall be from Time to Time nominated and appointed, as Occasion shall require; and such Clerk shall be paid for his Care, Expences, and Trouble, in the Execution of his Office, by the said Company; and such Clerk, who shall be removed, or die, or quit the Service as aforesaid, his Executors or Administrators, shall, within Two Calendar Months after Notice in Writing to him or them respectively given by the said Commissioners, produce and deliver up to such Commissioners all Books, Accounts, Papers, or Writings whatsoever, relating to the Execution of his Office, which shall be in his or their Custody or Power; and every such Person neglecting or refusing to produce and deliver up such Books, Accounts, Papers, or Writings, after such Notice as aforesaid, shall, for every such Neglect or Refusal respectively, forfeit the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, in which Action no Essoign, Protection, Privilege, or Wager of Law, or more than One Imparance, shall be allowed.

Proceedings
to be entered;

and their
Clerk to be
appointed.

XIX. And be it further enacted, That the said Commissioners acting in any Question, Matter, or Difference, which shall or may arise, are hereby authorized and empowered, by Writing under their Hands, with the Consent of the Parties concerned, to determine and adjust from Time to Time what Sum or Sums of Money shall be paid by the said Company, either by an Annual Rent or Payment, or by a Sum of Money in Gross, to and at the Election of the Bodies Politick, Corporate, or Collegiate, Person or Persons respectively, who shall be so entitled or interested as aforesaid, for the absolute Purchase of the Lands or Grounds

Commissioners
to settle
Differences.

[*Loc. & Per.*]

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which

which shall be set out and ascertained for making the said Canal, Inclined Planes or Railways, Cuts, Trenches, and Towing Paths, and other Works and Conveniencies, or any Part thereof, and other the Purposes of this Act, and also to determine and adjust what other distinct Sum or Sums of Money shall be paid by the said Company, as a Recompence for any Damages which may or shall at any Time or Times whatsoever be sustained by such Bodies Corporate or Collegiate, or any Person or Persons, respectively, being Owners of and interested in any Lands, Grounds, Tenements, Waters, or Hereditaments, for or by reason of the severing or dividing the same, or the making, repairing, or maintaining the said Canal, Inclined Planes or Railways, Aqueducts, Feeders, Trenches, Passages, Gutters, Watercourses, Roads, Ways, or Sluices, or supplying the same, or any of them, with Water as aforesaid, or by the flowing, leaking, or cozing of the Water over or through the Banks of the said Canal, Trenches, or Sluices, or over or through any Passages, Gutters, or Watercourses which shall be made pursuant to the Powers hereby given, for conveying or communicating Water to or from the said Canal, or by not cleansing the said Watercourses, Trenches, or Passages, or by turning or diverting any Streams or Brooks into the same, or by Reason or Means of the Execution of any of the Powers herein contained, by the said Company, or by their Agents, Workmen, or Servants, or for any other Matter or Thing whatsoever, for which a Recompence or Satisfaction is by this Act directed to be made, in case such Price or Value, Damages and Recompence respectively cannot be settled, adjusted, and agreed for, by and between the said Company, or their Agents, and such Proprietors of and Persons interested in the said Lands, Grounds, Tenements, Waters, or Hereditaments as aforesaid; and if the said Company, for and on the Part and Behalf of themselves, or any such Bodies Politick, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons so interested or entitled as aforesaid, for and on his, her, or their Part or Parts, shall refuse to submit any such Matter to the Determination of the said Commissioners, or shall be dissatisfied with any Determination which shall be by them made as aforesaid, or if any such Bodies Politick, Corporate, or Collegiate, Trustee or Trustees, or any other Person or Persons interested or entitled as aforesaid, shall refuse to receive, upon due Tender thereof made, such Purchase Money or Annual Rent, or such Recompence as shall be determined to be paid, or shall, upon Notice in Writing given to the principal Officer or Officers of such Bodies Politick, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at the last or usual Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of such Lands, Grounds, Tenements, or Hereditaments, for the Space of Twenty-one Days next after such Notice, neglect or refuse to treat, or shall not agree with the said Company, or by Reason of Absence shall be prevented from treating, or through Disability by Nonage, Coverture, or other Impediment, cannot treat for themselves, or make such Agreement as shall be convenient for promoting the Navigation, or other Works aforesaid, or shall not produce and evince a clear Title to the Premises which they are or shall be in Possession of, or to the Interest which they claim therein, then and in every such Case the said Commissioners shall, and they are hereby empowered and required from Time to Time to issue a Warrant or Warrants under their Hands and Seals to the Sheriff

of the said County of *Stafford*, and in case the said Sheriff, or his Under Sheriff, shall happen to be one of the said Company of Proprietors, or enjoy any Office of Trust or Profit under them, or shall be otherwise interested in the Matters in Question, then to some One of the Coroners of the said County, not interested as aforesaid, commanding such Sheriff or Coroner respectively to impanel, summon, and return a Jury; and the said Sheriff or Coroner 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 the Trials of Issues in His Majesty's Courts at *Westminster*, to appear before the said Commissioners, at such Time and Place as in such Warrant or Warrants shall be appointed, not being less than Nine, nor more than Twenty-one Days after such Warrant or Warrants shall be served upon the said Sheriff or Coroner; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid, the said Sheriff or Coroner, or their Deputies respectively, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service (being so qualified as aforesaid) to make up the said Jury to the Number of Twelve, and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Commissioners are hereby empowered to summon and call before them, all and every such Person and Persons who shall be thought necessary to be examined as a Witness or Witnesses touching the Matters in Question; and the said Commissioners may order and authorize the said Jury, or any Six or more of them, to view the Place or Places, or Matters in Controversy; which Jury upon their Oaths (which Oaths, as well as the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Commissioners are hereby empowered to administer) shall enquire of, assess, and ascertain the Sum of Money or Annual Rent to be paid for the Purchase of such Lands, Grounds, Tenements, or Hereditaments, or the Recompence to be made for the Damages that may or shall be sustained as aforesaid, and shall assess separate Damages for the same; and the said Commissioners shall give Judgement for such Purchase Monies, Rent, or Recompence, to be assessed by such Juries, which said Verdict, and the Judgement thereupon pronounced as aforesaid, shall be signed by the said Commissioners, and shall be binding and conclusive, to all Intents and Purposes, against the King's Majesty, His Heirs and Successors, and against all Bodies Politick, Corporate, or Collegiate, and all other Persons whomsoever; and if any such Sheriff or Coroner, or his or their Deputy or Agent, shall make Default in the Premises, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Twenty Pounds; and if any Person so summoned and returned as aforesaid upon such Jury shall not appear, or appearing shall refuse to give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent of this Act, or if any Person so summoned to give Evidence shall not appear, or appearing shall refuse to be sworn and examined, or give Evidence, every Person so offending, having no reasonable Excuse, to be allowed by the said Commissioners, shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds, for the Benefit of the Party in whose Behalf such Person was so summoned.

Jury to be summoned in certain Cases.

Expences of
Commissioners
and Jury.

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

Persons re-
questing a
Jury, to enter
into a Bond to
prosecute.

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

Notice of In-
jury to be
given to the
Proprietors
before Com-
plaint to the
Commission-
ers.

XXII. Provided always, That the said Commissioners, or any of them, shall not be obliged, by virtue of this Act, to receive or take Notice of any Complaint or Complaints, to be made by any Person or Persons whomsoever, for any Damage or Injury by him, her, or them sustained, or supposed to be sustained, by virtue of this Act, unless Notice in Writing hath been or shall be given in relation thereto, by or on Behalf of such Person or Persons, to the said Company, or to their Clerk, 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.

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

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

XXIV. And be it further enacted, That all and every Person and Persons who, in any Examination to be taken by virtue of this Act, shall wilfully give false Evidence before the said Commissioners, or before any such Jury as aforesaid, shall and may be prosecuted for the same, and, upon Conviction thereof, shall be subject to such Punishments and Disqualifications as any Person or Persons can or may be subject to for wilful and corrupt Perjury by the Laws or Statutes of this Realm.

Persons guilty of Perjury may be prosecuted.

XXV. And be it further enacted, That all the Determinations of the said Commissioners which shall be submitted to and acquiesced in by the Parties concerned, and also the Verdicts of the Juries, and the Judgements of the said Commissioners thereon as aforesaid, shall be transmitted to and kept by the Town Clerk of *Newcastle under Lyme* aforesaid, and shall be deemed Records to all Intents and Purposes; and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for each Inspection the Sum of Two Shillings and Sixpence, and no more, and to take Copies thereof, paying for every Copy after the Rate of Sixpence for every One hundred Words, and that immediately on such Payment of such Sum or Sums of Money, or on giving such Security as the said Commissioners shall approve for Payment of any such Annual Rent as shall be contracted or agreed for between the Parties, or determined and adjusted, or assessed as aforesaid, for the Purchase of any such Lands, Grounds, Tenements, or Hereditaments as aforesaid, to the Proprietor or Proprietors thereof, or other Person or Persons entitled to receive such Money or Rent respectively, or legal Tender thereof made to such Proprietor or Proprietors, or Person or Persons, or to the principal Officer or Officers of any such Body Politick, Corporate, or Collegiate, and if any such Proprietor or Proprietors, or Person or Persons, cannot be found or ascertained, or shall refuse to accept such Money, or the Security for such Rents, then upon Payment and Delivery thereof to such Person or Persons as the said Commissioners shall, by Writing under their Hands, appoint, for the Use of, and to be paid or delivered upon Demand, without Fee or Reward, to such Proprietor or Proprietors, or Person or Persons respectively as aforesaid, such Lands, Grounds, Tenements, and Hereditaments, and all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand whatsoever, in Law or Equity, of the Person or Persons for whose Use such Money or Rent shall be paid or secured as aforesaid, into and out of the same, shall vest in the said Company, and they shall respectively be deemed in Law to be in the actual Seisin or Possession thereof, to all Intents and Purposes whatsoever, as fully and effectually as if every Person having

Verdict to be recorded, and Lands vested in the Proprietors.

any Estate in the Premises, had actually conveyed the same by Lease and Release, Bargain and Sale enrolled, Feoffment with Livery and Seisin. Fine and Recovery, or any such legal Conveyance whatsoever, and such Payment or Security shall not only bar all Right, Title, Interest, Claim, and Demand, of the Person or Persons to whose Use the same shall be made or granted, but also shall extend, and be deemed and construed to bar the Dower and Dowens of the Wife and Wives of such Person and Persons, and all Estates Tail, and other Estates and Interests in Possession, Reversion, Remainder, or otherwise therein, against the Issue or Issues of such Person or Persons, and all and every other Person or Persons whomsoever, having or claiming any Right, Title, Estate, or Interest therein, either at Law or in Equity, as fully and effectually as a Fine or Recovery, or either of them would do, if levied or suffered by all the proper Parties in due Form of Law.

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

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

be paid to such Person or Persons respectively, as would have been entitled for the Time being to the Rents and Profits of such Lands and other Premises so to be purchased, in case the same had been purchased and settled pursuant to the Tenor and true Meaning of this Act; and the said Commissioners shall and are hereby empowered to settle what Shares and Proportions of the Purchase Money or Compensation for Damages, which shall be so agreed for, determined, and adjusted, or assessed in Manner respectively as aforesaid, shall be allowed to any Tenant, or other Person or Persons having a particular Estate, Term, or Interest in the Premises, for his, her, or their respective Interest therein.

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

XXVII. And be it further enacted, That full Recompence and Satisfaction shall be made by the said Company for all Tythes, both Great and Small, which would have been issuing from or out of any of the Lands which shall be taken or made use of for the Purposes of this Act, to the several Persons who now are, or at any Time hereafter might have become entitled to such Tythes, according to their respective Interests therein, such Tythes to be estimated at the Average Value of the Four Years commencing at *Michaelmas* Day One thousand seven hundred and ninety-three, and ending at *Michaelmas* Day One thousand seven hundred and ninety-seven, such Value to be ascertained (in case of any Difference concerning the same) in like Manner as the Value of any Lands or other Hereditaments is herein-before directed to be ascertained: Provided always, That such Recompence and Satisfaction shall be made to spiritual Persons by an Annual Rent.

Compensation to be made in lieu of Tythes.

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

For paying off Mortgages on Lands used by the Company.

XXIX. Provided always, and be it further enacted, That where any Contract or Contracts shall be made with any Bodies Politick, Corporate, or Collegiate, Trustees, or other Persons whomsoever, by the said Company for the Purchase of any Lands, Grounds, or Hereditaments, through, into, or upon which the said Canal, Inclined Planes or Railways, Towing Paths, Quays, or other Works hereby authorized are intended to be made, and the Title to such Lands, Grounds, or Hereditaments re-

Satisfaction to be made by Annual Rent where the Title is doubtful.

spectively,

ipſectively, ſhall not thereupon be made out to the Satisfaction of the ſaid Company, then and in all ſuch Caſes, from the Time of making ſuch Contracts until a good Title ſhall be made to the ſaid Lands, Grounds, or Hereditaments reſpectively, and the ſame ſhall be effectually conveyed to the ſaid Company in Fee Simple, or other good Eſtate of Inheritance, the ſaid Bodies Politick, Corporate, or Collegiate, Truſtees, and other Perſons contracting to ſell the ſaid Lands, Grounds, or Hereditaments, ſhall be entitled to have and receive Annual Rents or Sums of Money reſpectively from the ſaid Company; and in caſe ſuch Annual Rents or Sums reſpectively ſhall not be agreed on between the ſaid Company, and the ſaid Bodies Politick, Corporate, or Collegiate, Truſtees, or other Perſons entitled to the ſaid Lands, Grounds, or Hereditaments, the ſame ſhall be aſcertained and ſettled by the ſaid Commiſſioners, in ſuch Manner, and ſubject to the Verdict of a Jury if required, as the Value of the Lands to be ſet out for making the ſaid Canal and other Works are herein directed to be aſcertained and ſettled.

Proprietors to
raife Money
amongſt
themſelves.

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

The Money
to be divided
into Shares of
50^l each.

Shares to be
numbered;

XXXI. And be it further enacted, That the ſaid Sum of Eight thouſand Pounds, or ſuch Part thereof as ſhall be raiſed by the ſeveral Perſons herein-before named, ſhall be divided into One hundred and ſixty equal Parts or Shares, at a Price not exceeding Fifty Pounds *per* Share; and that ſuch Shares ſhall be numbered in regular Progreſſion, and every ſuch Share ſhall always be diſtinguiſhed by the Number to be appointed for the ſame, and that the ſaid One hundred and ſixty Shares ſhall be, and they are hereby veſted in the ſeveral Perſons, Bodies Politick and Corporate, ſo ſubſcribing the ſame, and their ſeveral and reſpective Executors, Adminiſtrators, Succeſſors, and Aliens, to their and every of their proper Uſe and Benefit, proportionably to the Sum they ſhall reſpectively ſubſcribe and pay thereunto; and all and every the ſaid Shares ſhall be deemed Perſonal Eſtate, and tranſmiſſible as ſuch, and not of the Nature of Real Property; and all Bodies Politick and Corporate, and every Perſon and Perſons, their ſeveral and reſpective Succeſſors, Executors,
Adminiſtrators,

Administrators, and Assigns, who shall severally subscribe the Sum of Fifty Pounds, or such Sum or Sums as shall be demanded in lieu thereof, towards carrying on and completing the said Canal and other Works, shall be entitled to and receive, after the same shall be completed, the entire and neat Distribution of One One hundred and sixtieth Part of the Profits and Advantages that shall and may arise and accrue by the Rates, and other Sum and Sums of Money to be raised, recovered, or received by the Authority of this Act, and so in Proportion for any greater Number of Shares; and every Body Politick and Corporate, Person or Persons, having such a Property of One Share in the said Canal, and so in Proportion for any greater Number of Shares as aforesaid, shall bear and pay a proportionable Sum toward carrying on the said Undertaking, in Manner herein directed and appointed.

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

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

‘ *The Newcastle under Lyme Junction Canal Company.*

‘ N°

‘ THESE are to certify, That *A. B.* of _____ is a Proprietor
 ‘ of the Share or Number _____ being One Share of the *New-*
 ‘ *castle under Lyme* Junction Canal, subject to the Rules, Regulations,
 ‘ and Orders of the said Company, and that the said *A. B.* [*his or their*]
 ‘ Executors, Administrators, [*or Successors*], and Assigns, is and are
 ‘ entitled to the Profits and Advantages of such Share. Given under the
 ‘ Common Seal of the said Company, the _____ Day of _____ in
 ‘ the Year of our Lord One thousand seven hundred and ninety- _____ .’

XXXIII. And be it further enacted, That all and every Body and Bodies Politick or Corporate, or other Person or Persons, who shall by virtue of this Act have subscribed or undertaken for One Share of the said Navigation, and their respective Executors, Administrators, and Assigns,

Subscribers to have a Vote for every Share.

[*Loc. & Per.*]

5 A

Assigns,

Assigns, shall be deemed a Proprietor for every such Share, and shall have a Vote for every such Share in the General and Special Assemblies to be held as herein appointed for carrying on the said Undertaking, which Vote may be given by him, her, or them, or in his, her, or their Absence, by his, her, or their Proxy or Proxies, being a Proprietor or Proprietors, authorized under his, her, or their Hand or Hands; and such Vote or Votes by Proxy shall be as good and sufficient, to all Intents and Purposes, as if such Principal or Principals had voted in Person; and every Question, Matter, or Thing, which shall be proposed, discussed, or considered in any General or Special Assembly of the said Company, to be held by virtue of this Act, shall be determined by the Majority of Votes or Proxies then present, computing One Vote to every Share: Provided nevertheless, That no Person shall have more than Fourteen Votes in his or her own Right, nor more than Ten other Votes in the Right of such Proxy or Proxies; and such Proprietor having appointed his or her Proxy as aforesaid, being hereby nevertheless authorized and empowered, by Writing under his or her Hand for that Purpose, at his or her Will and Pleasure, to revoke and make void such Appointment, and in like Manner, from Time to Time, on future Occasions, to appoint any other Person, under the like Restriction, to act as Proxy for him or her, in his or her Absence.

Not exceeding
Fourteen
Votes for each
Subscriber,
nor more than
Ten for
Proxies.

Proprietors
may raise an
additional
Sum, if ne-
cessary.

XXXIV. And be it further enacted, That in case the said Sum of Eight thousand Pounds, herein-before authorized to be raised, shall be found insufficient for making, completing, and maintaining the said Canal, and Inclined Planes or Railways, and other the Works hereby authorized to be made, and defraying all necessary Charges and Expences relating thereto, then and in such Case it shall be lawful for the said Company to raise and contribute amongst themselves, in Manner and Form aforesaid, and in such Shares and Proportions as to them shall seem meet, or by the Admission of new Subscribers, any further or other Sum of Money for completing and perfecting the said Navigation, not exceeding the Sum of Four thousand Pounds; and every Subscriber towards raising such further or other Sum of Money shall be a Proprietor in the said Undertaking, and have a like Vote by himself or herself, or his or her Proxy, in respect of every Share in the said additional Sum so to be raised, not exceeding Ten additional Votes in the Whole, and shall also be liable to such Forfeitures, and stand interested in all the Profits and Powers of the said Navigation, in Proportion to the Sum he, she, or they shall or may subscribe thereunto, as generally and extensively, to all Intents and Purposes, as if such further or other Sum hereby allowed to be subscribed for and raised had originally been Part of the said Sum of Eight thousand Pounds; any Thing herein contained to the contrary thereof in anywise notwithstanding.

Power to raise
Money by
Mortgage.

XXXV. Provided always, That in case the said Company shall be desirous of raising the said Sum of Four thousand Pounds herein-before authorized to be raised, or any Part thereof, by Mortgage of the said Undertaking, it shall be lawful for the said Company, by an Order of any General Assembly of the said Company, to borrow and take up at Interest all or any Part of the said Sum of Four thousand Pounds, on the Credit of the said Navigation and Undertaking, as to them shall seem meet and convenient; and the said Company, or the Committee of the
said

said Company, after an Order of any General Assembly, are hereby authorized and empowered to assign the Property of the said Navigation, and the Rates arising or to arise by virtue of this Act, or any Part thereof, (the Costs and Charges of the assigning the same to be paid out of such Rates), as a Security for such Sum or Sums of Money to be borrowed as aforesaid, with Interest, to such Person or Persons, or to his, her, or their Trustee or Trustees, who shall advance the same; all which Mortgages or Assignments shall be made under the Common Seal of the said Company, in the Words or to the Effect following; (that is to say),

‘ N^o

‘ **B**Y virtue of an Act, made in the Thirty-eighth Year of the Reign of King George the Third, intituled, [*set forth the Title of this Act*], We *The Newcastle under Lyme Junction Canal Company*, incorporated by and under the said Act, in Consideration of the Sum of
 ‘ to us in Hand paid by of
 ‘ do assign unto the said his [*or her*] Executors, Administrators, and Assigns, the said Navigation, and all and singular the Rates arising by virtue of the said Act, and all the Estate, Right, Title, and Interest for the same, after the Rate of for every One hundred Pounds for a Year, shall be fully paid and satisfied. Given under our Common Seal, this Day of
 ‘ in the Year of our Lord One thousand seven hundred and

Form of Mortgage.

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

Mortgages may be transferred.

‘ [*or, We*] of the Sum of paid by in Consideration
 ‘ of do hereby transfer a certain Mortgage, N^o
 ‘ made by *The Newcastle under Lyme Junction Canal Company*, to bearing Date the Day of
 ‘ for securing the Sum of and Interest, and all my [*or, our*] Right and Property therein to the said his
 ‘ [*or, her*] Executors, Administrators, and Assigns. Dated this
 ‘ Day of in the Year of our Lord One thousand seven
 ‘ hundred and

Form of Transfer.

And

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

Interest of Money borrowed to be paid in Preference to the Dividends, or may be sued at Law.

XXXVI. And be it further enacted, That the Interest of the Money which shall be borrowed by Mortgage as aforesaid, shall be paid Half Yearly to the several Persons entitled thereto, in Preference to any Interest or Dividends due and payable by virtue of this Act to the said Company, or any of them, and shall from Time to Time be fully paid and discharged, or provided for, before the yearly or other Interest or Dividends due to the said Proprietors, or any of them, shall be paid, made, or divided; and in case the same, or any Part thereof, shall be behind and unpaid for the Space of Sixty Days next after the same shall become due and payable as aforesaid, and after Demand made, that then it shall be lawful for the said Commissioners, and they are hereby required, on Request to them made by any Creditor whose Interest shall be so in Arrear, by an Order under their Hands, to appoint One or more Person or Persons to receive the Whole, or such Part or Parts of the said Rates or Duties as are liable to pay such Interest so due and unpaid as aforesaid, and the Money so to be received by such Person or Persons, is hereby declared to be as so much Money received by or to the Use of such Person or Persons to whom such Interest shall be then due, until the same, together with the Costs and Charges of recovering and receiving the Rates and Duties shall be fully satisfied and paid; and after such Interest and Costs shall be paid and satisfied, the Power and Authority of such Receiver and Receivers, for the Purposes aforesaid, shall cease and determine, or otherwise the said Interest so due and unpaid as aforesaid shall be sued for and recovered, with Costs, by Action of Debt in any of His Majesty's Courts of Record at *Westminster*.

Mortgages not to vote on Account of having lent Money.

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

First and other General Assemblies.

XXXVIII. And be it further enacted, That the First General Assembly of the said Company for putting this Act in Execution, shall be held at the *Roe Buck Inn*, in *Newcastle under Lyme*, upon the Fifteenth Day of *June* in the Year of our Lord One thousand seven hundred and ninety-eight, at the Hour of Eleven in the Forenoon; and the Second General Assembly shall be held at such Time and Place, within the Town of *Newcastle under Lyme*, as the said First General Assembly shall appoint; and the

the like General Assembly shall be held on the last *Thursday* in *October*, in every Year for the future, at such Place within the Town of *Newcastle under Lyme* as the said Proprietors, at each next preceding General Assembly, shall appoint, all such Meetings being at the Hour of Eleven in the Forenoon; and the said Company at such respective General Assemblies, together with such Proxies as shall be then present, shall choose and elect, out of such of the said Proprietors as at the Time of such Election shall respectively be possessed in their own Right of Stock to the Amount of One hundred and fifty Pounds at the least in the said Undertaking, One Committee to manage the Affairs of the said Company, as herein directed, and to consist of Seven or more Persons, Five of whom shall at all Meetings of the Committee be a Quorum; and the said Company shall have Power and Authority, at any such General Assembly, to remove and displace any Person or Persons who shall have been chosen a Member or Members of the said Committee, or any Officer or Officers under them, and to choose and elect others in case of Death or other Vacancy, and to revoke, alter, amend, or change any of the Rules or Directions which may have been prescribed and laid down by virtue of this Act, with regard to their Proceedings amongst themselves, as they shall think proper (the Method of calling General or Special Assemblies, and their Time and Place of meeting and voting, and appointing Committees only excepted); and shall also have Power and Authority to make such New Rules, Bye Laws, and Orders, for the good Government of the said Company, their Agents or Workmen, for making, maintaining, and using the said Canal, Inclined Planes or Railways, Cuts, Aqueducts, Trenches, Soughs, and the Warehouses, Wharfs, Fire Engines, or other Machines, Passages, Locks, Tunnels, and all other Conveniencies, Matters, and Things, that shall be made for the same, and also for and concerning all such Vessels, Goods, and Commodities as shall be navigated and conveyed thereon, and also for the well-governing of the Bargemen, Watermen, Boatmen, and others who shall be employed in the conveying of any Goods, Wares, and Merchandize, and other Articles and Things, upon any Part of the said Canal, Inclined Planes or Railways, Cuts, and Trenches, and from Time to Time to alter and repeal the said Bye Laws, Orders, and Regulations, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against the same, as to the major Part of such General Assemblies shall seem meet, not exceeding the Sum of Five Pounds for any One Offence, such Fines and Forfeitures to be levied and recovered by such Ways and Means as herein-after mentioned; which said Rules, Bye Laws, and Orders, being reduced into Writing, under the Common Seal of the said Company, shall be binding and observed by all Parties, and shall be sufficient, in any Court of Law or Equity, to justify all Persons who shall act under the same, provided they be not repugnant to the Laws of this Realm, or any Directions in this Act contained; and every such General Assembly shall have Power to call for, audit, and settle, all Accounts of Money received, laid out, and disbursed on Account of the said Canal, by the Treasurers, Receivers, or Collectors of the Rates, and other Officers by them appointed, or by any other Person or Persons whomsoever, employed by or concerned for or under them, in and about the said Canal, Inclined Planes or Railways, and the Works thereto belonging; but no Vote or Votes by Proxy shall be given or have any Power in or as to the Audit and Settlement of

Committee to
be elected.

Accounts; and the said Company shall have Power to adjourn themselves from Time to Time, to such Place or Places as shall at any such General Assemblies be thought proper and convenient.

General Assemblies for choosing Committees, to consist of Twenty-four Shares.

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

Assemblies of Proprietors may be specially convened.

XL. And be it further enacted, That if it shall at any Time appear that, for the more effectually putting this Act into Execution, a Special General Assembly of the said Company is necessary to be held, it shall be lawful for any Five or more of the said Proprietors, who may each of them be possessed of or entitled unto Three Shares or Subscriptions of Fifty Pounds, or upwards, at the least in the said Canal, to cause Ten Days Notice at the least to be given thereof, in some Newspaper usually circulating in the said County of *Stafford*, or by giving to each Proprietor, or leaving at his or her usual Place of Abode, a Notice in Writing signed by such Proprietors, or by the Clerk of the Company for the Time being, or in such Manner as the said Company shall at any General Assembly direct or appoint, specifying in such Notice the Reason and Intention of requesting such Special Assembly, and the Time when, and Place within the Town of *Newcastle under Lyme* aforesaid, where the same shall be held, and the said Proprietors are hereby authorized to meet pursuant to such Notice, and such of them as shall be present shall proceed to the Execution of the Powers

Powers by this Act given to the said Company, with respect to the Matters so specified only; and all such Acts of the Proprietors, or the major Part of them, met together at every such Special General Assembly (provided such major Part shall be possessed of at least Twenty-four Shares or Subscriptions of Fifty Pounds in the said Canal, either as Principals or Proxies), shall be valid with respect to the Matters specified in such Notice, as if the same had been done at a General Assembly at the Time herein-before appointed for holding the same.

XLI. And be it further enacted, That it shall be lawful for the said Company, at any General Meeting assembled, and they are hereby authorized and required, from Time to Time to nominate and appoint a Treasurer and Clerk, and such other Officers as they shall think proper, and shall take sufficient Security from every such Treasurer, and other Officer having the Care or Custody of any Money to be raised or received by virtue of this Act, for the due Execution of his Office, as the said Company shall think proper, and from Time to Time to remove any such Treasurer, Clerk, and other Officers, or any of them; and such Clerk shall attend the General Meetings and Assemblies of the said Company, and the Meetings of the said Committee, and shall, in a proper Book or Books to be provided for that Purpose, enter and keep a true and perfect Account of the Names and Places of Abode of the several Proprietors of the said Canal and Undertakings, and of the several Persons who shall from Time to Time become Owners and Proprietors, or entitled to any Share or Shares therein, and of all the Acts, Proceedings, and Transactions of the said Company, and of the said Committee, by virtue of and under the Authority of this Act; and that every Proprietor of the said Navigation and Undertaking shall and may, at all convenient Times, have Recourse to and peruse and inspect the same, and also the Book or Books to be kept by the Clerk of the said Commissioners, *gratis*, and may demand and have Copies thereof, or any Part thereof, paying Sixpence for every One hundred Words so to be copied; and if any such Clerks shall refuse to permit any of the said Proprietors to inspect or peruse any such Books at all convenient Times and Seasons, or refuse to make any such Copy or Copies in a reasonable Time, at the Rate aforesaid, he shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds, for the Benefit of the said Undertaking; and whenever any such Treasurer or Clerk shall die, or be removed from, or quit the Service of the said Company, it shall be lawful for the Committee of such Proprietors for the Time being, or a Majority of them, to appoint some other fit Person or Persons to be Treasurer or Clerk, in the Place of him or them so dying, being removed, or quitting the said Service, until the then next General Assembly of the said Company, when such Appointment shall be confirmed, or another Treasurer or Clerk shall be nominated and appointed in his or their Stead.

Officers to the Company to be appointed.

XLII. And be it further enacted, That the Committee for the Time being of the said Company shall have Power, from Time to Time to make such Call or Calls for Money from the Proprietors of the said Canal, to defray the Expences of, and to carry on the same, as they shall from Time to Time find necessary for those Purposes, so that no such Call do exceed the Sum of Twenty Pounds upon each Share, and so as no Calls

Powers of the Committee for making Calls.

be

be made but at the Distance of One Calendar Month at the least from each other, which Monies so called for shall be paid to such Person and Persons in *Newcastle* aforesaid, and in such Manner, as the said Committee shall from Time to Time appoint and direct, for the Use of the said Undertaking; and such Committee shall, until the next General Assembly, to be holden in Manner as aforesaid, meet at such Times, and at such Place within the said Town of *Newcastle*, and from Time to Time adjourn themselves to such other Time as they shall think fit; and in order to defray the Expence of the Meetings of the said Committees, it shall be lawful for the said Committees, and they are hereby allowed to expend or detain to themselves a reasonable Sum of Money, out of the Capital Stock of the said Proprietors, for their Expences in attending such Meetings; and the said Committee shall have Power and Authority to direct and manage all and every the Affairs of the said Company, as well in buying and purchasing Lands, Tenements, and Hereditaments, and Materials for the Use of the said Canal and other Works, as in employing, ordering, and directing the Works and Workmen, and in placing and displacing under Officers, Clerks, Servants, Agents, and Workmen, and in making all Contracts and Bargains touching the said Canal, so that no such Purchase, Bargain, or other Matter, be done or transacted without the Concurrence of a Majority of the said Committee then assembled; and every Owner or Owners of One or more Share or Shares in the said Canal, shall pay his, her, or their Shares and Proportions of the Monies, to be called for as aforesaid, at such Time and Place as aforesaid, of which One Calendar Month's Notice at the least shall be given, not exceeding the Sum aforesaid for every Share, by publishing the same in some One such Newspaper as aforesaid, or by giving Notice in Writing to such Proprietor, or leaving the same at his or her usual Place of Abode, or in such other Manner as the said Company shall at any General Assembly direct or appoint; and if any Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Part or Share of the said Money, to be called for by the First Call to be made by virtue of this Act, at the Time and Place appointed as aforesaid, it shall be lawful for the said Company to sue for and recover the same in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparance shall be allowed; and if any Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Part or Share of the said Money, to be called for after the First Call as aforesaid, at the Time and Place so appointed as aforesaid, he, she, or they, so neglecting or refusing, shall forfeit any Sum not exceeding Three Pounds nor less than Two Pounds for every Fifty Pounds of his, her, or their respective Share and Shares in the said Canal, Undertaking, and Premises; and in case such Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Part or Share of the said Money, to be called for as aforesaid, for the Space of Three Calendar Months after the Time appointed for Payment thereof as aforesaid, and at the Place so to be appointed for Payment thereof as aforesaid, then he, she, or they, so neglecting or refusing, shall forfeit his, her, or their respective Share and Shares in the said Canal, Undertaking, and Premises, and all the Profit and Benefit thereof, and all Money advanced by him, her, or them, to and for the Use and Benefit of the other Proprietors of the said Canal,

Canal, and all such Forfeitures shall be sold at a publick Sale by the said Company, for the most Money they can get for the same, and the Produce thereof shall be equally divided amongst the rest of the said Company, in proportion to their respective Shares and Interests in the said Canal and Undertaking.

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

Subscribers to have Notice before their Shares are forfeited.

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

Committee to be under Controul of General Assemblies.

XLV. And be it further enacted, That proper Books of Account, and other Matters relating to the said Navigation and Undertaking, shall be kept, and that all such Books and other Matters shall be deposited and kept under the Direction of the Committee for the Time being, at such Place or Places as the said Company shall from Time to Time direct; and every Proprietor or Proprietors, at all reasonable Times, shall have free Access to the same for his, her, or their Inspection, without Fee or Reward.

Books of Account to be kept.

XLVI. And be it further enacted, That if the Owner or Owners of any Share or Shares in the said Canal, shall happen to die before such Call or Calls shall have been made for the full Sum to be advanced on any Share or Shares which he, she, or they shall have been possessed of or entitled to, without having made Provision, by Will or otherwise, how or in what Manner such Share or Shares shall be disposed of, and how or by what Means the future Calls in respect thereof shall be paid to the said Company, for the Purpose of the said Canal, then and in such Case the Executors or Administrators of any such Owner so dying, or the Trustee or Trustees, Committee or Committees of any Lunatick or Lunaticks, Guardian or Guardians of any Infant or Infants, or of any other Person or Persons entitled to the Estate and Effects of such deceased Owner, shall be indemnified against all and every such Infant or Infants, and against all and every Person or Persons whomsoever, for or on Account of his, her, or their having paid any Sum or Sums of

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

Money when called for as aforesaid to complete every such Subscription ; and if such deceased Owner or Owners shall not have left Assets sufficient, or in case the Executors or Administrators, Trustee or Trustees, Committee or Committees, Guardian or Guardians, shall refuse or neglect to answer such Calls, the said Company shall be, and they are hereby authorized and required to admit any other Person or Persons to be Proprietor or Proprietors of the Share or Shares of such deceased Owner or Owners, on Condition that he, she, or they so admitted, do and shall, on or before such Admission, pay to the Executors or Administrators of such deceased Owner or Owners, or to the Trustee or Trustees, Guardian or Guardians of any Infant or Infants, or to any other Person or Persons who shall or may be entitled to his, her, or their Effects, the full Sum or Sums of Money which shall have been paid by such Owner or Owners in his, her, or their Lifetime, by virtue of any Call or Calls, or otherwise, upon such Share or Shares, or such other Sum or Sums of Money as the same can be sold for ; and in case no Person or Persons shall be found who is or are willing to be admitted on such Condition as aforesaid, then and in such Case such Share or Shares shall be forfeited to, and become vested in the rest of the said Company, in Trust for, and for the equal Benefit of all the Rest of the said Proprietors, in proportion to their respective Interests in the said Canal, and shall be subject to be sold and disposed of, in like Manner as other forfeited Shares may be sold and disposed of by virtue of this Act.

Shares may be disposed of.

XLVII. And be it further enacted, That it shall be lawful for the several Proprietors of any Share or Shares of the said Canal and Undertaking, to sell and dispose of any Share or Shares which he, she, or they shall or may be entitled to therein, in Manner and subject to the Rules and Conditions herein mentioned ; and any such Purchaser or Purchasers shall, for his, her, or their Security, as well as that of such Proprietor or Proprietors, have a Duplicate or Duplicates of the Deed of Assignment or Conveyance made to him, her, or them, and executed by such Person or Persons from whom he, she, or they shall purchase the same, and also by the Purchaser or Purchasers, One Part whereof so executed, shall be delivered to the Clerk to the said Company, and an Entry thereof shall be made in a Book or Books to be kept by the said Clerk for that Purpose, for which not more than Two Shillings and Sixpence shall be paid, and the said Clerk is hereby required to make such Entry accordingly ; and until such Duplicate of such Deed shall be so delivered unto the said Clerk as aforesaid, such Purchaser or Purchasers shall have no Part or Share of the said Profits of the said Navigation or Undertaking, nor any Interest paid to him, her, or them, for his, her, or their Share so purchased, or be entitled to a Vote as Proprietor or Proprietors of the said Navigation and Undertaking.

XLVIII. And be it further enacted, That every Assignment or Transfer of any of the said Shares, shall be in the Form or to the Effect following ; (*videlicet*),

Form of Transfer of Shares.

‘ I *A. B.* of _____ in Consideration of the Sum of _____
 ‘ _____ paid to me by *C. D.* of _____
 ‘ do hereby bargain, sell, assign, and transfer to the said *C. D.* his [or
 ‘ her] Executors, Administrators, and Assigns, _____ Share [or
 ‘ Shares] being Number _____ in the *Newcastle under Lyme Junction Canal Navigation*, to hold to the said *C. D.* his [or her] Executors,
 ‘ _____ tors,

‘ tors, Administrators, and Assigns, subject to the same Rules and Or-
 ‘ ders, and on the same Conditions on which I held the same immedi-
 ‘ ately before the Execution hereof; and I the said C. D. do hereby
 ‘ agree to accept of the said Share [or Shares] subject to the same
 ‘ Rules, Orders, and Conditions. Witness our Hands and Seals, the
 ‘ Day of in the Year of our Lord One
 ‘ thousand

XIIX. And whereas much Inconvenience may arise by the frequent Change of the Right and Title to the Shares of and in the said Canal, by the Marriage and Death of Proprietors, and it may be difficult to ascertain to whom the Dividends arising or becoming due upon such Shares ought to be paid, and do belong, be it therefore further enacted, That before any Person or Persons who shall claim any Part or Share of the Profits of the said Canal in Right of Marriage, shall be entitled to receive the same, an Affidavit, containing a Copy of the Register of such Marriage, or the Effect of such Register shall be made and sworn to by some credible Person before One of the Judges at *Westminster*, a Master Extraordinary in Chancery, or One of His Majesty’s Justices of the Peace, and shall be transmitted to the Clerk to the said Company for the Time being, who shall file the same, and make an Entry thereof in the Book or Books which shall be kept by the said Clerk for the entering of Transfers or Shares in the said Canal; and that before any Person or Persons who shall claim any Part or Share of the Profits of the said Canal by virtue of any Bequest or Will, or in a Course of Administration shall be entitled to receive the same, the said Will, or the Probate Copy thereof, or the Letters of Administration, in case the Proprietor shall have died intestate, shall be produced and shewn to the said Clerk.

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

L. And, in Consideration of the great Charge and Expence which the said Company must incur and sustain in making and maintaining the said Canal, and Inclined Planes or Railways, and the Works hereby authorized to be made and maintained, be it further enacted, That it shall be lawful for the said Company, from Time to Time and at all Times hereafter, to ask, demand, take, recover, and receive, to and for the Use and Benefit of the said Company, for the Tonnage and Wharfage of all Coals, Lime Stone, Iron Stone, Iron, Bricks, Sand, Clay, and Furnace Cinders, which shall be navigated, carried, or conveyed upon any Part of the said Canal, and Inclined Planes or Railways, such Rates and Duties as the said Company shall think fit, not exceeding Two-pence *per* Ton *per* Mile for the First Mile on the said Canal, or Inclined Planes or Railways, or any Distance less than One Mile; and not exceeding Two-pence more for the whole Length of the said Canal, Inclined Planes or Railways, for every Ton of such Coals, Lime Stone, Iron Stone, Iron, Bricks, Sand, Clay, and Furnace Cinders, which shall be navigated, carried, and conveyed upon or through any Part of the said Canal, Inclined Planes or Railways; and for the Tonnage and Wharfage of all other Goods, Wares, Merchandize, and other Matters and Things which shall be so navigated, carried, or conveyed upon any Part of the said Canal, Inclined Planes or Railways, such Rates and Duties as the said Company shall think fit, not exceeding Three-pence *per* Ton *per* Mile for every Ton of such Goods, Wares, Merchandize, Matters, and Things, which shall be navigated, carried, and conveyed upon or through the said Canal, Inclined Planes or Railways, and so in Proportion

Rates of Ton-
 nage.

tion for any greater or less Quantity than a Ton of all such Coals, Stone, Iron, Bricks, Sand, Clay, Cinders, Goods, Wares, Merchandize, and other Things; and in all Cases where there shall be a Fraction of a Mile in the Distance which any Boat, Barge, or other Vessel shall be navigated or pass upon the said Canal, or Inclined Planes or Railways, such Fraction shall, in ascertaining the said Rates, be deemed and considered as a Mile; and that in all Cases where there shall be a less Quantity than a Ton in Weight of Lading, on any Goods, Wares, Merchandize, or other Commodities, in any Boat or other Vessel to be navigated on the said Canal, or any Waggon or other Carriage passing along such Inclined Plane or Railway, any Rate or Sum not exceeding Sixpence shall be demanded and taken by the said Company for the Tonnage and Wharfage of the same; and in order to ascertain such Distances, the said Company shall cause the said Canal, Inclined Planes or Railways, to be measured, and Stones or Posts, with proper Inscriptions, to be erected and for ever maintained on the Sides of the said Canal, at the Distance of One Mile from each other, or at such less Distance as the said Company or their Committee shall think fit.

No Coals brought by the Canal to be sold or consumed in Newcastle or Stoke, while Sir Nigel Bowyer Gresley is under any Engagement to supply those Places at a limited Price, except Coals for Manufactories, and those to be sold at a certain Price.

LI. Provided always, and be it enacted, That no Coals shall be brought along the said Canal to be sold and consumed within *Newcastle under Lyme* aforesaid, or that Part of the Parish of *Stoke upon Trent* mentioned and expressed in an Act passed for making the Canal of Sir *Nigel Bowyer Gresley* Baronet, during the Time the said Sir *Nigel Bowyer Gresley*, by virtue of the said Act, shall be under any Engagement to supply the Inhabitants of *Newcastle under Lyme*, or that Part of the said Parish of *Stoke upon Trent* aforesaid, with Coals at a limited Price, save and except all such Coals as shall or may be used for manufacturing of Earthen Ware, or for any new Manufactory hereafter to be established, and such Coals, during the Time of such Engagement as aforesaid, shall not at those Places, or either of them, be sold at a less Price than Eight Shillings a Ton; and if any Person or Persons whomsoever shall, during the Time aforesaid, navigate, carry, or convey on the said Canal any Coals to be used and consumed within the Town of *Newcastle under Lyme* aforesaid, except such that are or may be navigated and carried thereon for the Use of such Manufactories as aforesaid, or if any Person or Persons whomsoever shall navigate, carry, or convey on the said Canal any Coals to be used or consumed at any such Manufactories as aforesaid, and shall receive for such Coals a less Price than Eight Shillings a Ton, or Twenty hundred Weight, each Hundred Weight to consist of Six Score Pounds Avoirdupois, and so in Proportion for a greater or less Quantity than a Ton, or having received or agreed to receive such Price as aforesaid, shall, either before or after, return or refund, or promise to return and refund, any Part of such Price, or if the Owner or Owners, Occupier or Occupiers of such Works, or Persons employed about the same, shall at any Time purchase or buy any such Coals as aforesaid, and shall not actually and *bona fide* pay at least Eight Shillings a Ton of the Weight aforesaid for the same, every such Person or Persons so offending in all or any of the Cases aforesaid, shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds, nor less than Twenty Shillings for each Ton Weight so navigated, bought, or sold, as aforesaid, as the Case may be, and so in Proportion for any greater or less Quantity than a Ton, to be paid and applied to and for the Use of the said Sir *Nigel Bowyer Gresley*, his Heirs or Assigns, and to be recovered and levied

vied in Manner as any of the Forfeitures or Penalties are by this Act directed to be recovered or levied.

LII. Provided always, That nothing herein contained shall be construed to hinder or prevent Coals being brought upon the said Canal, and sold and consumed for the Purposes of carrying on any such Manufactories of Earthen Ware, or any such new Manufactories to be hereafter established within the said Town of *Newcastle under Lyme*, or that Part of the Parish of *Stoke upon Trent* aforesaid, when the said Sir *Nigel Bowyer Gresley*, his Heirs or Assigns, have not, within the said Town of *Newcastle under Lyme*, Coals either sufficient in Quantity, or of a proper and requisite Quality for the Purposes of such Manufactories, nor to hinder or prevent any Coals from being brought upon the said Canal, and sold and consumed for any other Purpose whatsoever, within the said Town of *Newcastle under Lyme*, or Parish of *Stoke upon Trent* aforesaid, when the said Sir *Nigel Bowyer*, his Heirs or Assigns, have not, within the said Town, a sufficient Quantity of Coals to supply the Inhabitants of *Newcastle*, and Place aforesaid, due Proof of the Want of such Coals respectively being first made in Writing, upon Oath, by the Person or Persons requiring the same, before any Two or more Justices of the Peace for the Borough of *Newcastle under Lyme*, or County of *Stafford*, and Notice in Writing being first given to the said Sir *Nigel Bowyer Gresley*, his Heirs or Assigns, or to his or their Agent or Agents.

LIII. Provided always, and be it enacted, That nothing herein contained shall authorize the said Company of Proprietors to erect any Warehouse, or other Buildings, on any of the Lands of the said Sir *Nigel Bowyer Gresley* Baronet, called *Crofs Heath*s, situate near to the Town of *Newcastle under Lyme* aforesaid.

Company not to erect Buildings on *Crofs Heath*s.

LIV. Provided also, and be it enacted, That the Water from the Canal of Sir *Nigel Bowyer Gresley* shall not, at any Time or Times hereafter, be drawn, by virtue of any of the Works hereby authorized to be made, lower than the highest present Level of his said Canal; and if any Person or Persons shall at any Time wilfully draw off the said Water lower than such Level, he or they shall, for every such Offence, forfeit the Sum of Fifty Pounds, for the Use of the said Sir *Nigel Bowyer Gresley*, his Heirs or Assigns, and to be recovered by Action of Debt, Bill, Suit, or Information, in any of His Majesty's Courts of Record at *Westminster*, wherein no Effoign, Protection, Wager of Law, or more than One Impar lance shall be allowed.

The Water in Sir *Nigel Bowyer Gresley*'s Canal, not to be drawn down lower than the highest present Level.

LV. And be it enacted, That it shall and may be lawful to and for the said Company of Proprietors to take and carry away any Brooks, Streams, or Waters, into the Canal of the said Sir *Nigel Bowyer Gresley*, which he the said Sir *Nigel Bowyer Gresley* has a Right to take into his said Canal, either by virtue of or under the Powers contained in his said Act, or otherwise, and to carry the same down or through the Canal of the said Sir *Nigel Bowyer Gresley*, for the Use and Purpose of the Works hereby authorized to be made, making full Recompence and Satisfaction for the Damage and Injury to be done thereby to any Person or Persons having or lawfully claiming any Right or Title to the same: Provided always. That the said Company of Proprietors shall not, at any Time or Times hereafter, take any of the said Brooks, Streams, or Waters, au-

The Company may convey Water through Sir *Nigel Bowyer Gresley*'s Canal into their Canal.

thorized to be taken by or under the Powers in the said Act for making the Canal of the said Sir *Nigel Bowyer Gresley*, or otherwise as afore-
said, when the same shall be wanted for the Purposes of the said Naviga-
tion of the said Sir *Nigel Bowyer Gresley*.

For prevent-
ing the Com-
pany from
taking any
Waters which
Mr *Sneyd* had
a Right law-
fully to take
for his *New-
castle under
Lyme Mills*.

LVI. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to authorize or em-
power the said Company of Proprietors to take into their Canal, or into
the Canal of Sir *Nigel Bowyer Gresley* Baronet, for the Use of their said
Canal, or other Works, any Waters that *Walter Sneyd* Esquire had,
previous to the Commencement of this Act, a Right lawfully to take for
the Use of his Mills, called *Newcastle under Lyme Mills*.

Sir *Nigel
Bowyer Gres-
ley* empowered
to take Part
of *Newcastle
Marsh* for a
wharf.

LVII. And be it enacted, That it shall be lawful to and for the said Sir
Nigel Bowyer Gresley, his Heirs, Executors, Administrators, or Assigns,
at any Time or Times hereafter, within Two Years after the Day of
passing this Act, to set out and take, for the Purposes of a Wharf, any
Part of the Piece of Land lying on *Newcastle Marsh*, and marked Num-
ber Thirty-six in the Field Plan, not exceeding Thirty Yards in Length
on the Side of the said Canal, and Thirty Yards in Depth, and making
Satisfaction to the Trustees of the said Piece of Land for the same;
such Payment and Satisfaction to be ascertained in Manner as other
Damages are hereby directed to be assessed and ascertained.

Sir *John Eden-
for Heathcote*,
&c. may take
Part of *Anker's
Meadow* for a
Wharf.

LVIII. And be it enacted, That it shall be lawful to and for the said
Sir *John Edensor Heathcote*, and *Thomas Kinnerly* and the said *John Wedg-
wood*, their several and respective Heirs, Executors, Administrators, or
Assigns, at any Time or Times hereafter, within Two Years next after
the passing of this Act, to set out and take a sufficient Quantity of Land,
not exceeding One thousand five hundred Square Yards, One thousand
Yards of which shall be for the Use of the Works of the said Sir *John
Edensor Heathcote* and *Thomas Kinnerly*, and the other Five hundred
Yards for the Use of the Works of the said *John Wedgwood*, Part of
the Piece or Parcel of Land belonging to the said Sir *Nigel Bow-
yer Gresley* Baronet, in *Apedale* afore-*called*, called *Anker's Meadow*, and
lying at the Junction of the Railway with the Canal of the said Sir *Nigel
Bowyer Gresley*, for the Purpose of Wharfs for their several and respec-
tive Works, making full Recompence and Satisfaction to the said Sir
Nigel Bowyer Gresley, his Heirs or Assigns, for the same, and properly
fencing the Lands so to be taken from the said other Lands; such Recom-
pence and Satisfaction to be assessed and ascertained in Manner herein-
before directed.

Sir *Nigel
Bowyer Gres-
ley*, in certain
Cases, may
demand, from
the Inhabi-
tant of *New-
castle* and
Stoke, an ad-
ditional Ton-
nage on Coal.

LIX. And be it further enacted, That it shall be lawful for the said
Sir *Nigel Bowyer Gresley*, his Heirs and Assigns, and any Person or Per-
sons employed by him or them, during the Term the said *Sir Nigel Bowyer
Gresley* shall be so engaged to supply the Inhabitants of *Newcastle under
Lyme* afore-*said*, and Part of the Parish of *Stoke upon Trent* afore-*said*,
with Coals at a limited Price, to ask, demand, and receive from the said
Inhabitants of *Newcastle under Lyme* and Part of *Stoke upon Trent* afore-*said*,
any Sum not exceeding Three-pence Halfpenny per Ton, for the Freight
and Tonnage of every Ton of Coals of the Weight afore-*said*, to be sold
at any Wharf upon *Newcastle Marsh*, over and above, and exclusive of
the Sum authorized to be taken by the said Sir *Nigel Bowyer Gresley*, his
Heirs

Heirs or Assigns, for the said Coals, by the said Act for making and maintaining his said Canal; any Thing in that Act or any other Act of Parliament to the contrary.

LX. And be it further enacted, That the Rates herein authorized to be demanded and taken, shall be paid to such Person or Persons, at such Place or Places at or near to the said Canal, and Inclined Planes or Railways, in such Manner, and under such Regulations as the said Company, at some General or Special Assembly or Assemblies, shall direct or appoint; and in case of Denial or Neglect of Payment of any such Rates, or any Part thereof, on Demand, to the Person or Persons appointed to receive the same as aforesaid, the said Company may sue for the same by Action of Debt, or upon the Case, in any of His Majesty's Courts of Record, or the Person or Persons to whom such Rates ought to have been paid, may, and he or they is and are hereby empowered to seize the Goods or other Things for or in respect whereof any such Rates ought to have been paid, or any Part thereof, and the Boat or Vessel, Waggon or Carriage, laden therewith, and detain the same until such Payment shall be made, and also such Payment of all Arrears of the said Rates, which may be due from the Owner or Owners of such Boat or Vessel, Waggon or other Carriage, to the said Company, together with the reasonable Charges for such Seizure and Detention; and if such Goods shall not be redeemed within Five Days next after the taking thereof, the same shall be appraised and sold as the Law directs in Cases of Distress for Rent; and the said Company shall have full Power from Time to Time, at any General Assembly, to lower or reduce all or any of the said Rates, and again to raise the same as they shall think proper, not exceeding the Rates before mentioned, as often as it shall be deemed necessary for the Interest of the said Canal.

Recovery of Rates.

Rates may be altered.

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

Payment of Wharfrage.

LXII. And be it further enacted, That it shall be lawful for the said Company, and they are hereby authorized and empowered, at any of their General Assemblies, by Writing under their Common Seal, at any Time or Times to let to Farm the Rates hereby made payable, or any Part or Parts thereof, upon the Whole or any Part or Parts of the said Canal, and Inclined Planes or Railways, unto any Person or Persons, for any Term or Time they shall think proper, not exceeding Seven Years from the Commencement of any Lease, and every such Lease shall be valid and effectual; and the Lessee or Lessees thereof, and also such Person or Persons as such Lessee or Lessees shall appoint to collect and receive the Rates so let, shall, during the Continuance of every such Lease, be deemed Collectors of the Rates so let, and shall have the same Power and Authority for collecting and recovering the same, as if they had been appointed for that Purpose by the said Company, provided publick Notice

Company empowered to lease the Rates.

tice

tice of the Intention to let the said Rates, or any Part thereof, be given in Writing by the said Committee, or any Five or more of them, or the Clerk to the said Company, by Advertisement published in such Newspaper, or by Notice to such Proprietors as aforesaid, at least Twenty-one Days prior to any such General Assembly at which the said Rates, or any Part thereof, are proposed to be let as aforesaid.

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

LXIII. And, for the better ascertaining and more easily collecting the said Rates, be it further enacted, That the Master, Owner, or Manager, or Person or Persons having the Care of any Boat, Barge, or other Vessel, Waggon, or other Carriage, passing upon the said Canal, or Inclined Planes or Railways, or any Part thereof respectively, shall give an exact and true Account in Writing, signed by him or them, to the Collectors of the said Rates at the Place or Places where they shall attend for that Purpose, of what Quantity of Goods shall be in or belong to such Boat, Barge, or other Vessel, Waggon, or other Carriage, from whence brought, and where the same are intended to be landed; and if the Goods contained in such Boat, Barge, or other Vessel, Waggon or other Carriage, shall be liable to the Payment of different Rates, then such Master, Owner, or Person or Persons shall specify the Quantities liable to Payment of each Rate; and in case any Person shall neglect or refuse to give such Account, or to produce his Bill of Lading to any such Collector demanding the same, or shall give a false Account, or shall deliver any Part of his Lading or Goods at any other Place than what is or are mentioned in such Account, with Intent to avoid the Payment of the said Rates, or any Part of them, he shall forfeit and pay any Sum, not exceeding Twenty Shillings nor less than Ten Shillings, for every Ton of Goods and other Things, and so in Proportion for any less Quantity than a Ton, which shall be in any such Boat, Barge, or other Vessel, Waggon, or other Carriage respectively, of which such Account shall be so refused to be given, or which shall be fraudulently delivered out as aforesaid, as the Case shall happen to be, over and above the respective Rates directed to be paid for the same by virtue hereof.

Weight of Tonnage, *etc.* ascertained.

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

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

LXV. And be it further enacted, That if any Difference shall arise between any Collector of the said Rates, and the Master or Person having the Charge of any Boat, Barge, or other Vessel, Waggon or other Carriage, or the Owner of any Goods or other Things, it shall be lawful for any such Collector to stop and detain any such Boat, Barge, or other Vessel, Waggon, or other Carriage, and to weigh, measure, or gauge, or cause to be weighed, measured, or gauged, such Boat, Barge, or other Vessel, Waggon, or other Carriage, and all such Goods and other

Things

Things as shall be therein contained; and in case the same shall upon such Weighing, Measuring, or Gauging, appear to be of greater Weight or Quantity than what is set forth and contained in the Account given thereof as aforesaid, then the Master, Owner, or Person giving in such Account, shall pay the Costs and Charges of such Weighing, Measuring, and Gauging, all which said Costs and Charges, upon Refusal of Payment thereof upon Demand, shall and may be recovered and levied by such Ways and Means, and in such Manner as the said Rates are hereby appointed to be recovered and levied; but if such Goods or other Things shall appear to be of the same or less Weight or Quantity than the same shall by such Account appear to be of, then the said Collector shall pay the Costs and Charges of such Weighing, Measuring, and Gauging, and also to pay to such Master or Person, or to the Owner or Owners of such Goods or other Things, such Damages as shall appear to the said Commissioners, on the Oath of any credible Witness, (all which Oaths the said Commissioners are hereby empowered to administer), to have arisen from such Detention, and in Default of immediate Payment thereof by the Collector, the same shall be recovered from the said Company by Action of Debt in any of His Majesty's Courts of Record at *Westminster*.

LXVI. And be it further enacted, That all Persons whomsoever shall have free Liberty to use, with Horses, Cattle, and Carriages, the Roads, Ways, and Passages, (except the Towing Paths), to be made by virtue of this Act, for the Purpose of conveying any Timber, Goods, Wares, Merchandize, and other Things, to or from the said Canal, or Inclined Planes or Railways, and every Part thereof, without paying any Thing for the Use of such Roads, Ways, and Passages, and also to navigate and pass upon, and use the said Canal with any Boats or Vessels capable of passing through the Locks, and the said Inclined Planes or Railways, with Waggons or other Carriages properly constructed, and to employ the said Wharfs and Quays for loading and unloading such Merchandize, Timber, and other Goods and Things, and also to use the said Towing Paths with Horses and other Cattle, for haling and drawing such Boats and Vessels, upon Payment of such Rates as shall be demanded by the said Company, not exceeding the respective Sums herein mentioned, and subject to the Rules and Regulations which shall be from Time to Time made by the said Company, by virtue of the Powers herein granted.

Navigation to
be free, upon
Payment of
Rates.

LXVII. And be it further enacted, That no Boatman or other Person navigating or having the Care of any Boat or other Vessel upon the said Canal, which shall pass through any Lock to be made thereon, shall suffer the Water to remain longer than is necessary for his Boat or other Vessel to pass through the same; and also that every Boatman or other Person as aforesaid, in going down from the Head Level of the said Canal, shall, previous to his bringing his Boat or other Vessel into any Lock, shut the Lower Gates of such Lock before he shall draw the Cloughs of the Upper Gates thereof, and after he shall have brought his Boat or other Vessel into the said Lock, he shall then shut the Upper Gates and Paddles before he shall draw the Cloughs of the Lower Gates thereof, and in going up the said Canal towards such Head Level, such Boatman or other Person, so soon as he shall have passed with his Boat or other Vessel into the said Lock, shall shut the Lower Gates of the

Regulations of
Vessels passing
Locks.

the same before he shall draw the Paddles of the Upper Gates thereof unless there shall then be a Boat or other Vessel in Sight of the said Lock coming down the said Canal, in which Case the Lower Gates of the said Lock shall be left shut, and the Upper Gates shall be left open; and in all dry Seasons, when there shall be a Scarcity of Water in the said Canal, the Boat or Vessel so going up the same, if within Sight of a Boat or other Vessel so coming down, and at a Distance not exceeding Three hundred Yards below a Lock, shall pass through such Lock before the Vessel coming down, and then such other Vessel shall come down into the said Lock; and if there shall be more Vessels than One below and above any Lock at the same Time, in such dry Season, within the Distance aforesaid, (which Distance shall be distinguished by a Post or Mark to be made and set up for that Purpose), such Vessels shall go up and come down at such Lock by Turns as aforesaid, until all the Vessels so going up or coming down shall have passed the same, by which Means One Lock full of Water may serve Two Vessels; and if any Person or Persons shall offend in any of these Particulars, he or they shall forfeit any Sum not exceeding Three Pounds nor less than Forty Shillings; but if a Question shall arise on his or their Conviction, whether it was or was not a dry Season at the Time of such Offence committed, such Question shall be determined by the said Commissioners, or by any One or more Justice or Justices of the Peace.

To prevent
Lock Keeper,
etc. giving any
Preference.

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

Masters to put
their Names
on Outside of
their Boats.

LXIX. And, for the better Regulation of the Masters of Boats, Barges, and other Vessels, and Boatmen, and the Owners of Waggon and other Carriages, and others employed by or under them respectively, and for the more easy Detection of any Thing by them done contrary to the Directions of this Act, be it further enacted, That every Owner, Master, or Person having the Care, Management, or Command of any Boat, Barge, or other Vessel passing upon the said Canal, or Waggon or other Carriage passing along the said Inclined Planes or Railways, shall cause his or her Name and Place of Abode, and the Number of his or her Boat, Barge, or other Vessel, Waggon or other Carriage, to be entered with the Clerk to the said Company, and shall also cause such Name and Number to be painted in large White Capital Letters and Figures on a Black Ground, Six Inches high at the least, and a proportional Breadth, on the Outside of the Head or Stern of every such Boat, Barge, or other Vessel, higher than the Place to which the same shall sink into the Water when full laden, and on some conspicuous Part of the Outside of every such Waggon or other Carriage; and also shall, and is hereby required to fix on each Side of every such Boat, Barge, or other Vessel respectively, correct Indexes of Copper, Lead, or other Metal, or otherwise, of such graduated Dimensions, and of such convenient Height, and under such Regulations as the said Company shall from Time to Time direct,

Weight of the
Lead of
Vessels to be
marked;

direct, so that the true Weight of the Lading on board may at all Times be thereby ascertained and shewn; and shall permit and suffer every such Boat, Barge, or other Vessel, Waggon or other Carriage, to be gauged or measured at the Expence of the said Company, whenever it shall be required by them, or any Person or Persons appointed for that Purpose provided that no such Vessel, Waggon or other Carriage, shall be gauged or measured more than Four Times in any One Year; and every Owner, Master, or other Person having the Care, Management, or Command of any Boat, Barge, or other Vessel, Waggon or other Carriage, and who shall navigate or conduct the same upon the said Canal, or Inclined Planes or Railways, without having such Name, Figures, and Index thereon as herein-before directed, or shall alter, erase, deface, or destroy the same, or any Part thereof, or shall fix any false Name, Figures, or Index, or who shall refuse to permit and suffer the same to be gauged and measured, shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings.

and Vessels to be gauged.

LXX. And be it further enacted, That the Master or Owner of any Boat, Barge, or other Vessel, Waggon or other Carriage, passing upon the said Canal, or Inclined Planes or Railways, shall be, and is hereby made answerable for any Damage, Spoil, or Mischief that shall be done by his or her Boat, Barge, or other Vessel, Waggon or other Carriage, or any of the Boatmen, Watermen, Waggoners, or others, belonging to or employed in or about the same respectively, unto any of the Bridges, Weirs, Locks, Banks, Dams, Engines, or other Works, in, upon, or belonging to the said Canal or Inclined Planes or Railways, or any of the Trenches, Tunnels, Aqueducts, Sluices, and Passages, to be made as aforesaid, or by loading or unloading any Boat, Barge, or other Vessel, Waggon or other Carriage, and for any Trespass or Damage that shall or may be done to the Owners or Occupiers of any Buildings, Erections, Lands, Tenements, or other Property adjoining or lying near to the same, or any of them, or any other Trespass whatsoever, contrary to the several Directions and Restrictions in this Act contained, or any of them; and the said Master or Owner of such Boat, Barge, or other Vessel, Waggon or other Carriage, shall for every such Damage, upon Conviction of such Person or Persons before any Justice of the Peace, either by the Confession of the Party or Parties offending, or upon the Oath or Oaths of One or more credible Witness or Witnesses, (which Oath or Oaths such Justice is hereby empowered and required to administer), pay to the Person or Persons injured the Damages to be ascertained by such Justice, provided that such Damages do not exceed the Sum of Five Pounds, and also shall, over and above such Damages, forfeit and pay to the Informer any Sum not exceeding Twenty Shillings nor less than Ten Shillings, and all Costs, Charges, and Expences attending such Conviction; which Damages, Penalties, and Costs shall be levied by Distress and Sale of the Goods and Chattels of the Master, or Owner or Owners of such Boat, Barge, or other Vessel, Waggon or other Carriage, by Warrant or Warrants under the Hand and Seal of such Justice, and the Overplus (if any) after such Penalty, Damages, and the Costs and Charges of such Distress and Sale are deducted, shall be returned, upon Demand, to the Master, or Owner or Owners of such Goods and Chattels; or if the said Damages shall exceed the Sum of Five Pounds, then and in such Case the Master, or Owner or Owners of such

Masters or Owners of Boats answerable for Damages.

fuch Boat, Barge, or other Veffel, Waggon or other Carriage, fhall and may be profecuted for the fame in any Court of Record at *Wefminfter*, and if found Guilty, or a Verdict fhall pafs againft him or her, or Judgement be given againft him or her, upon Demurrer or by Default, the Plaintiff in fuch Cafe fhall recover his Damages thereby fufained, with full Cofts of Suit.

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

LXXI. And be it further enacted, That in cafe the Owner or Owners of any Boat, Barge, or other Veffel, Waggon or other Carriage, paffing along the faid Canal, or Inclined Planes or Railways, fhall be compelled to pay any Penalty, or to make Satisfaction for any Damage by Reason of any wilful Neglect or Default done or committed by his or their Servant, fuch Servant fhall be liable to repay fuch Penalty or Satisfaction to fuch Owner or Owners; and in cafe of Non-payment upon Demand thereof, and Oath made by fuch Owner or Owners of the Payment by him or them of fuch Penalty or Satisfaction, and that the fame hath not been repaid to him or them by fuch Servant, although demanded, (fuch Oath to be made before One Juftice of the Peace), the fame Penalty and Satisfaction fhall be levied by Warrant under the Hand and Seal of fuch Juftice, by Diftrefs and Sale of the Goods and Chattels of fuch Servant, together with all Cofts and Charges attending fuch Diftrefs and Sale; and the faid Penalty and Satisfaction, when recovered, fhall be paid to fuch Owner or Owners, in Difcharge of fuch Penalty and Satisfaction fo by him or them paid, for the wilful Act or Default of fuch Servant as aforefaid; and in cafe no fufficient Diftrefs can be had, fuch Juftice of the Peace fhall and he is hereby required to commit fuch Servant to the Common Gaol or Houfe of Correction for the faid County, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months.

Works damaged by the Floods, to be repaired by the Company.

LXXII. And whereas it may happen from Floods, or from fome unexpected Accidents, that the Locks, Weirs, Flood Gates, Dams, Banks, Trenches, or other Works of the faid Navigation, may be damaged or deftroyed, and the adjacent Lands and Property thereon thereby damaged, and that it may be neceffary the fame fhould be immediately repaired or rebuilt to prevent further Damages; be it therefore further enacted, That when and as often as any fuch Cafe may happen, it fhall be lawful for the faid Company from Time to Time, or for their or any of their Servants, Agents, or Workmen, without any Delay or Interruption from any Perfon or Perfons whomfoever, to enter into any Lands, Grounds, or Hereditaments adjoining or near to the faid Canal, Trenches, or Aqueducts, or any of them, (not being the Ground whereon any Houfe or other Building ftands, nor being an Orchard, Yard, Garden, Park, Paddock, planted Walk, Nurfery for Trees, or Avenue to a Houfe), and to dig for, work, get, and carry away, and ufe all fuch Stones, Gravel, and other Materials, as may be neceffary and proper for the Purpofes aforefaid, without any previous Treaty whatsoever with the Owner or Owners, Occupier or Occupiers of, or other Perfon or Perfons interefted in, fuch Lands, Grounds, or Hereditaments, or any of them, doing as little Damage thereby as the Nature of the Works will admit of, and making Recompence for fuch Damages to the Owners and Occupiers of, or other Perfons interefted in fuch Lands, Grounds, Property, or Tenements, within the Space of Six Calendar Months next after the fame fhall be demanded, for all Damages which fhall or may be done by Means

of

of the digging for, getting, working, taking, and carrying away, and using such Stones, Gravel, and Materials, or any of them, which Damages, and the Satisfaction and Recompence in respect thereof, shall be settled, adjusted, assessed, ascertained, and determined, by the Ways and Means herein prescribed with respect to other Damages done by the making and completing the said Navigation.

LXXIII. And, to the End that the said Canal may be carried on with as little Damage to private Property as possible, be it further enacted, That the said Company shall, and they are hereby required, at their own proper Costs and Charges, to make or cause to be made such Arches, Tunnels, Culverts, Drains, or other Passages, over, under, by the Side of, or into the said Canal, and the Trenches, Streams, and Water-courses communicating therewith, and the Towing Paths on the Sides thereof respectively, of such Depth, Breadth, and Dimensions as shall be sufficient at all Times to convey the Water clear from the Lands adjoining or lying near to the said Canal, without obstructing or impounding the same, and also to make, or cause to be made, such Back Drains as may be necessary, and shall be sufficient to carry off the Water which may ooze or pass through any of the Banks of the said Canal, or any of them, to the Prejudice of any of the Lands or Grounds contiguous thereto; and also to make proper Watering Places for Cattle in all Places where, by Means of the said Canal, the Cattle of any Person or Persons occupying Lands adjacent to the said Canal shall be deprived of their ancient Watering Places, and to supply the same with Water out of the said Canal, if necessary; and that all Bridges, Arches, Tunnels, Culverts, Drains, and other Passages, shall from Time to Time be supported and kept in good and sufficient Repair by the said Company; and if at any Time, after Notice in Writing shall, by or on the Behalf of any of the Owners or Occupiers of Lands adjoining or lying near to the said Canal, be given to the said Company, or to their Clerk, known Agent, or Collector, that the said Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages, or any of them, is or are not made, cleansed, and repaired, according to the true Intent and Meaning of this Act, it shall be lawful for any Person or Persons to apply for and obtain an Order in Writing from the said Commissioners, from Time to Time as often as there shall be Occasion (and the said Commissioners are hereby authorized and required, at their Discretion, to grant such Order as aforesaid) enabling such Person or Persons to cleanse and repair such Arches, Tunnels, Culverts, Drains, or other Passages accordingly, and the reasonable Expences thereof (to be ascertained by the said Commissioners) shall be defrayed by the said Company; and in case of Neglect or Refusal to satisfy and defray such Expences, for the Space of Three Calendar Months after Demand thereof made upon the said Company, or upon their Clerk, or known Agent or Collector, such Expences shall and may be recovered and levied in such Manner as any other Money is by this Act directed to be recovered from the said Company: Provided always, That such Owner or Occupier of the said contiguous or adjoining Lands shall, at the Time of making such Complaint, have his or her respective Ditches, Drains, Passages for Water, and Watercourses, leading to or from the Drains, Culverts, and Passages of the said Canal, and each and every of them, sufficiently cleansed and open to convey Water into the same: And provided also, That nothing herein contained shall extend to enforce the admitting of any Water arising from Floods into the said Canal, which may injure the Navigation thereof.

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

and Watering Places for Cattle.

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

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

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

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

arising by such Forfeiture or Forfeitures shall be applied in the Manner following; (that is to say), One Half thereof shall be paid to the Informer, and the other Half to the Poor of the Township or Parish where such Offence shall be committed; any Thing herein contained to the contrary notwithstanding.

LXXVI. And be it further enacted, That in case the said Company shall refuse or neglect to make, erect, and set up such Fences on the Sides of the said Towing Paths or Banks, and also such Gates and Stiles in and through the Fences on the Sides of the said Towing Paths, or such Bridges, Arches, Tunnels, Culverts, Drains, or other Passages, over, under, or by the Side of, or into the said Canal, and the said Trenches, Streams, and Watercourses as aforesaid, or to make such Watering Places when erected, set up, and made, of such Dimensions, of such Materials, and in such Manner as aforesaid, for the Space of Twelve Calendar Months next after the respective Times to be appointed for those Purposes by the said Commissioners, or after Notice shall be given by or on Behalf of the Owners or Occupiers of any such Lands, Grounds, Mills, or Hereditaments, who shall find themselves aggrieved by any such Refusal or Neglect, it shall be lawful for any such Owners or Occupiers to make, erect, and set up, such Fences, Gates, Stiles, Bridges, Passages, Arches, Culverts, Watering Places, and other Conveniencies as aforesaid, as the said Commissioners shall have before directed or appointed to be made, erected, and set up by the said Company as aforesaid, and to maintain, repair, and support the same from Time to Time as Occasion shall require, so that in making and maintaining the Works aforesaid, the said Canal, or the Banks thereof, or the Feeders or Aqueducts belonging thereto, shall not be stopped or injured for any longer Space of Time, or in any other Manner than is absolutely necessary for the doing thereof, and all the reasonable Expences thereof, together with the Costs and Charges attending the same, (to be settled and allowed by the said Commissioners), shall be repaid to such respective Owners or Occupiers as aforesaid, by the said Company within the Space of Six Calendar Months next after the same shall have been so settled and allowed, and an Account and Demand shall have been made and delivered thereof; and in Default of such Payment, the said Commissioners shall, and they are hereby required, by Warrant under their Hands and Seals, to cause the same to be levied by Distress and Sale of the Goods and Chattels of the said Company, and to be paid to such respective Owners or Occupiers as aforesaid, rendering to the said Company, or to some of their Agents, the Overplus (if any) after deducting the reasonable Charges of making such Distress and Sale, or otherwise such Owners or Occupiers respectively shall and may sue for and recover the same against the said Company, by Action of Debt in any of His Majesty's Courts of Record at *Westminster*.

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

LXXVII. Provided always, and be it further enacted, That if the Owners or Occupiers of any Lands or Hereditaments through which the said Canal shall be made, do or shall at any Time or Times find that any of the Gates, Stiles, Bridges, Passages, Arches, Culverts, Tunnels, Drains, or other Passages over, under, or by the Side of the said Canal, or the Towing Paths, Aqueducts, or Feeders belonging thereto, or any such Watering Places, and other Conveniencies, which the said Commissioners shall have directed or appointed to be made by the said Company as aforesaid are insufficient, either in the Number or Situation, for the commodious Use and Occupation of their respective Lands, Grounds, Mills, or

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

Hereditaments, then and in every such Case it shall be lawful for any of such Owners or Occupiers, with the Consent and Approbation of the Committee of the said Company, upon Request made to them for that Purpose, or in case of their Refusal for the Space of Six Calendar Months after such Request, then with the Consent and Approbation of the said Commissioners, to make, fix, and erect, at their own Costs and Charges, such Gates, Stiles, Bridges, Arches, Culverts, Watering Places, or other Conveniencies, of the same or the like Construction and Materials with those made and erected by the said Company, in such Places as shall be found and judged most necessary and convenient for the Use or Occupation of such Lands, and to repair and support the same at their own like Costs and Charges, as Occasion shall require, so as the Navigation of the said Canal be not prevented or obstructed thereby for any longer Space of Time, or in any other Manner, than the same will necessarily be by any of the other Gates, Stiles, or Bridges, or other Conveniencies aforesaid, to be made or erected in or over the same Cut or Canal by the said Company as aforesaid.

Company of
Proprietors or
Committee to
regulate the
Navigation.

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

Boats sunk to
be weighed
up.

LXXIX. And

LXXIX. And be it further enacted, That if any Person shall float any Timber upon the said Canal, or shall suffer the Loading of any Boat, Barge, or other Vessel, to lie over the Sides of any Boat, Barge, or other Vessel, or shall overload any Boat, Barge, or other Vessel, navigated in or upon the said Canal, so as to obstruct the Passage of any other Boat, Barge, or Vessel, and shall not immediately, upon Notice to him given for that Purpose, remove such Obstruction, or if any Person shall throw any Ballast, Gravel, Stones, or Rubbish, into any Part of the said Canal, or any Trenches or Watercourses to be made by virtue of this Act, or if any Person or Persons shall wantonly, carelessly, or negligently, open, or cause to be opened, any Lock Gate, or any Paddle, Valve, or Clough, belonging to any Lock to be erected in the said Canal, or suffer any Boat Barge, or other Vessel to strike or run upon any of the Bridges or Locks thereof, or shall wilfully flush or draw off the Water from any Part of the said Canal, or shall leave any of the said Valves or Cloughs open and running after any Boat, Barge, or other Vessel shall have passed any such Lock, every Person so offending shall forfeit and pay, for every such Offence, any Sum not exceeding Five Pounds nor less than Forty Shillings; and if any Person shall wilfully, maliciously, and to the Prejudice of the said Navigation and Undertaking, break, throw down, damage, or destroy any Banks or other Works to be erected and made by virtue of this Act, or do any other wilful Hurt or Mischief to obstruct, hinder, or prevent the carrying on, completing, supporting, and maintaining, the said intended Navigation and Undertaking, by virtue of this Act, every Person offending, and being thereof lawfully convicted, shall be subject and liable to the like Pains and Penalties as in Cases of Felony, and the Court by and before whom such Person shall be tried and convicted, shall have Power and Authority to cause such Person to be punished in like Manner as Felons are directed to be punished by the Laws or Statutes of this Realm; or, in Mitigation of such Punishment, such Courts may, if they shall think fit, award such Sentence as the Law directs in Cases of Petit Larceny; or otherwise, every Person so offending, and being thereof lawfully convicted, on the Oath of One credible Witness, before One or more of His Majesty's Justices of the Peace for the County of *Stafford*, or the Place where such Offence shall be committed, shall forfeit any Sum not less than Double the Value of the Damage proved on Oath to be done, at the Discretion of such Justice or Justices, such Penalty, together with reasonable Costs, to be levied by Distress and Sale of the Goods and Chattels of such Offender, rendering the Overplus (if any) to such Offender, or such Offender shall and may be committed to the Common Gaol for the said County of *Stafford*, or Place where such Offence shall happen, for any Time not exceeding Six Calendar Months, at the Discretion of such Justice or Justices before whom such Offender shall be convicted: Provided, That nothing herein contained shall extend to any Owner of Land, or his or her known Agent or Agents, till Satisfaction shall have been tendered as hereby provided.

Penalty on Persons overloading and obstructing the Navigation;

and on opening Locks, etc.

Punishing Persons wilfully destroying Works.

LXXX. And be it further enacted, That the said Canal, or any of the Works to be made by virtue of this Act, shall not be subject to the Control, Direction, Survey, or Order of any Commissioners of Sewers, or to any Law or Statute relating to Sewers whatsoever; and the said Company shall or may from Time to Time and at all Times hereafter, be rated and charged to all Parliamentary and Parochial Taxes, Rates, and Assessments, for or on Account of any Lands or Grounds to be purchased or taken, or of any Warehouses or other Buildings to be erected by them in pursuance

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

of this Act, in the same Proportion as other Lands, Grounds, and Buildings, adjoining to or lying near the same, are or shall be rated and charged; but it shall be lawful for the said Company to agree with any Owner or Owners of any Lands or Hereditaments, of sufficient Yearly Value, adjoining or lying near to the Lands or Hereditaments, to be purchased or taken for the Purposes of this Act, for an Exemption from all Rates and Taxes in respect of such last-mentioned Lands and Hereditaments, and for charging the same upon the adjoining Lands and Hereditaments of the Person or Persons from whom any Lands or Hereditaments shall be so purchased or taken for the Purposes of this Act; and in all such Cases, all the Parochial and other Taxes, Rates, Charges, and Assessments, which might be thereafter charged upon or payable in respect of the Lands or Hereditaments so to be purchased or taken for the Purposes of this Act, shall be rated and charged upon such adjoining Lands, and upon the Owners and Occupiers thereof, and the Lands and Hereditaments to be purchased for the Purposes of this Act shall be exempted and discharged therefrom.

Power for
Land Owners
to use Plea-
sure Boats.

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

To compel
Payment of
Subscriptions

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

Recovery of
Penalties.

LXXXIII. And be it further enacted, That all Penalties or Forfeitures for Offences against this Act, or any Rule, Bye Law, or Order to be made by the said Company or Committee as aforesaid, shall, upon Proof of the Offences respectively before any Justice of the Peace for the said County of *Stafford*, or Place where the Offence shall be committed, either by the Confession of the Party or Parties, or by the Oath of any credible Witness, be levied and recovered by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice, (which Warrant such Justice is hereby empowered and required to grant), and the Overplus, after such Penalties or Forfeitures, and the Charges of such Distress and Sale are recovered and deducted, shall be returned, upon Demand, to the Owner or Owners of such Goods and Chattels; and in case sufficient Distress cannot be found, or such Penalties or Forfeitures shall not be forthwith paid, it shall be lawful for such Justice,

by

by Warrant under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction for the County or Place wherein the Offence shall be committed, there to remain, without Bail or Mainprize, for such Time as such Justice shall direct, not exceeding Six Calendar Months, unless such Penalties or Forfeitures, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied; and such Penalties and Forfeitures, the Application whereof is not herein-before particularly directed, shall go and belong to the said Company, and be applied for the Purposes of this Act.

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

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

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

Damages not provided for, to be settled by Commissioners.

LXXXVI. And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect, as the Case shall happen; (*videlicet*),

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

Form of Conviction.

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

Proceedings not to be quashed for Want of Form.

LXXXVIII. Provided always, and be it further enacted, That any Person or Persons thinking himself, herself, or themselves aggrieved by any Order or Judgement made or given in pursuance of any Rule, Bye Law, or Order of the said Company, or by the Order or Determination of any Justice or Justices of the Peace, may, within Six Calendar Months after

Appeal.

such

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

Limitation
of Actions.

LXXXIX. And be it further enacted, That no Action, Suit, or Information, ſhall be brought, commenced, or proſecuted, againſt any Perſon or Perſons for any Thing done or to be done in purſuance of this Act, or in Execution of any of the Powers or Authorities, or any of the Orders made, given, or directed in, by, or under this Act, unleſs One Calendar Month's previous Notice, in Writing, ſhall be given by the Perſon or Perſons intending to commence and proſecute ſuch Action, Suit, or Information, to the ſaid Company, or to their Clerk or Treafurer for the Time being, nor unleſs ſuch Action, Suit, or Information, ſhall be brought or commenced within Three Calendar Months next after the Fact committed, or in caſe there ſhall be a Continuation of Damage, then within Three Calendar Months next after the doing or committing ſuch Damage ſhall ceaſe, and not afterwards, and ſhall be laid or brought in the County where the Matter in Diſpute or Cauſe of Action ſhall ariſe, and not elſewhere; and the Defendant or Defendants in ſuch Action, Suit, or Information, ſhall and may plead the General Iſſue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if it ſhall appear to have been ſo done, or if any ſuch Action, Suit, or Information ſhall have been brought or commenced before or after the reſpective Times ſo limited for bringing or commencing the ſame, or ſhall be brought in any other County or Place than aſaforeſaid, then and in every ſuch Caſe the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall become Nonſuit, or ſuffer a Diſcontinuance of his, her, or their Action, Suit, or Information, after the Defendant or Defendants ſhall have appeared, or if a Verdict ſhall paſs againſt the Plaintiff or Plaintiffs, or if on a Demurrer, or otherwiſe, Judgement ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall have Treble Coſts, and ſhall have ſuch Remedy for the ſame as any Defendant hath for Coſts of Suit in any other Caſe by Law awarded.

Publick Act.

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