



ANNO QUADRAGESIMO PRIMO

GEORGI III. REGIS.

Cap. 70.

An Act to authorize the Company of Proprietors of the *Ellesmere* Canal, to extend the said Canal from the *Whitchurch* Branch thereof, at or near certain Water Corn Mills, called *The New Mills*, in the Parish of *Whitchurch* in the County of *Salop*, to, and to communicate with, the *Chester* Canal, in the Township of *Stoke*, in the Parish of *Acton*, in the County of *Chester*; and for altering and amending the several Acts passed for making and maintaining the said *Ellesmere* Canal.

[20th June 1801.]

WHEREAS by an Act made in the Thirty-third Year of the Reign of His present Majesty, intituled *An Act for making and maintaining a Navigable Canal from the River Severn at Shrewsbury, in the County of Salop, to the River Mersey, at or near Netherpool, in the County of Chester, and also for making and maintaining certain Collateral Cuts from the said intended Canal*, certain Persons therein named, together with such other Persons, Bodies Politic, Corporate, or Collegiate, as should be nominated and appointed in Manner therein mentioned, were united

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into One Body Corporate by the Name and Stile of *The Company of Proprietors of the Ellesmere Canal*, and were authorized and empowered to make, complete, and maintain a Canal, navigable and passable for Boats, Barges, and other Vessels, from and out of the River *Severn*, within the Liberties of the Town of *Shrewsbury* in the County of *Salop*, to unite with the River *Mersey* at or near *Netherpool* in the County of *Chester*; and also to make, complete, and maintain several Collateral Navigable Cuts, to branch from and out of the said Canal, as in the said Act mentioned: And whereas by an Act made in the Thirty-sixth Year of the Reign of His present Majesty, intituled *An Act to explain and amend an Act passed in the Thirty-third Year of the Reign of His present Majesty, intituled 'An Act for making and maintaining a Navigable Canal from the River Severn, at Shrewsbury in the County of Salop, to the River Mersey, at or near Netherpool in the County of Chester; and also for making and maintaining certain Collateral Cuts from the said intended Canal, and for varying and altering certain Parts of the Whitchurch Line of the said Canal and Collateral Cuts, and for extending the same from Franckton Common to Sherryman's Bridge in the Parish of Whitchurch in the said County of Salop, and for making and maintaining several other Branches and Collateral Cuts to communicate therewith,*' the said Company of Proprietors were authorized and empowered to vary and alter the Line of the said Canal and Cuts between *Franckton Common* and *Whitchurch*, in the same Act mentioned, and to make, extend, and maintain several new Branches to communicate therewith; and the Powers given by the said recited Act of the Thirty-third Year of the Reign of His present Majesty were, by the said Act of the Thirty-sixth Year of the Reign of His present Majesty, varied, enlarged, and amended, in such Manner as therein mentioned: And whereas by the said Act of the Thirty-sixth Year of the Reign of His present Majesty, certain Powers and Authorities in the said Act of the Thirty-third Year of the Reign of His present Majesty contained, so far as the same related to a Junction between the said *Whitchurch Branch* of the said *Ellesmere Canal*, and a certain Canal Navigation, called *The Chester Canal*, were repealed; and it was, by the said Act of the Thirty-sixth Year of the Reign of His present Majesty, enacted, that proper Surveys, Levels, and Estimates should, as soon as conveniently might be after the passing of the same Act, be made and taken of the Country lying between the said *Whitchurch Branch* of the said *Ellesmere Canal* and the said *Chester Canal*, by Engineers to be nominated and appointed as therein mentioned, who were directed to make and deliver such Reports concerning the same as in the said Act mentioned; and the said Company of Proprietors of the said *Ellesmere Canal* were thereby required, within Two Years next after the Commencement of the said Act, in case such Reports should have been made in Manner therein-before mentioned, to apply for and use their best Endeavours to obtain an Act of Parliament to authorize and empower them to make, complete, and maintain, at their own Costs and Charges, such Cut or Canal as and for a Junction between the said *Whitchurch Branch* of the said *Ellesmere Canal* and the said *Chester Canal*, and in such Line or Course, Manner, Extent, Width, and other Dimensions as should by the said Report be described and approved of as most fit and expedient, and most for the mutual Interest and Advantage of the Companies of Proprietors of the said Two Canals, or which might be otherwise agreed upon between the said Companies for effecting such Junction as aforesaid: And whereas by an Act, made in the Thirty-sixth Year of the Reign of His present Majesty,

another Act
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recited.

intituled *An Act to explain and amend an Act, passed in the Thirty-third Year of the Reign of His present Majesty, intituled 'An Act for making and maintaining a Navigable Canal from the River Severn, at Shrewsbury in the County of Salop, to the River Mersey, at or near Netherpool in the County of Chester; and also for making and maintaining certain Collateral Cuts from the said intended Canal, and for varying and altering certain Parts of the Course of the said Canal and Collateral Cuts between Ruabon and Chester, and for extending the same, and for making and maintaining several other Branches and Collateral Cuts to communicate therewith,'* the said Company of Proprietors of the said *Ellesmere* Canal were authorized and empowered to vary the Line of the said Canal and Cuts between *Ruabon* and the City of *Chester*, in the said Act mentioned, and to make, extend, and maintain several new Branches to communicate therewith, and the Powers given by the said herein-before recited Acts of the Thirty-third and Thirty-sixth Years of the Reign of His present Majesty, were by the said Act of the Thirty-sixth Year of the Reign of His present Majesty, now in recital, extended, varied, enlarged, and amended, in such Manner as therein mentioned: And whereas in pursuance of the said first recited Act of the Thirty-sixth Year of the Reign of His present Majesty, for varying the Line of the said Canal from *Franckton Common* aforesaid, to *Sherryman's Bridge* aforesaid, proper Surveys, Levels, and Estimates have been made and taken of the Country lying between the said *Whitchurch* Branch of the said *Ellesmere* Canal and the said *Chester* Canal, by Engineers appointed for that Purpose, who have made and delivered in such Report as by the said Act directed; and it appears, upon such Survey, that the most proper and convenient Method for effecting the said Communication between the said *Whitchurch* Branch of the said *Ellesmere* Canal and the said *Chester* Canal, will be by making such additional Cut or Canal as herein-after mentioned, which will promote and facilitate the Intercourse of Trade and Commerce between the several Places in the Neighbourhood of such additional Cut or Canal, and will be of great public Utility; but the same cannot be effected without the Authority of Parliament: And whereas it is requisite that some of the Powers and Provisions of the said recited Acts should be altered; may it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Company of Proprietors of the *Ellesmere* Canal shall be, and they are hereby authorized and empowered, from and immediately after the passing of this Act, at their own proper Costs and Charges, and by and out of any Money already raised or received, or hereafter to be raised or received, by virtue of the said several herein-before recited Acts, or any of them, to make, extend, complete, and maintain a new Branch from the said *Whitchurch* Branch of the said *Ellesmere* Canal, or from the Place where the same is intended to pass, at or near certain Water Corn Mills, called *The New Mills*, in the Parish of *Whitchurch* in the County of *Salop*, to, and to communicate with the said *Chester* Canal, in the Township of *Stoke*, in the Parish of *Acton* in the County of *Chester*, with such Trenches, Feeders, and other Works and Conveniencies as may be requisite for the Use of such intended new Branch of the said Canal, and under such Provisions, Limitations, and Restrictions, as herein-after mentioned, contained, or referred unto, which said additional Branch or Extension of the said *Ellesmere* Canal is intended to be made or to pass through the several Parishes,

Power to extend the *Whitchurch* Branch of the said Canal to the *Chester* Canal.

Powers in the former Acts to extend to this.

ishes, Chapelries, Liberties, Townships, Hamlets, and Places herein-after mentioned; that is to say, the said Parish of *Whitchurch*, in the Counties of *Salop* and *Chester*, the several Townships of *Doddington*, *Whitchurch*, and *Hinton*, in the said County of *Salop*, the several Parishes of *Malpas*, *Wrenbury*, *Baddiley*, and *Acton*, in the said County of *Chester*, and the several Townships, Hamlets, or Places of *Tushingham-cum-Grindley*, *Bickley*, *Wirswall*, *Marbury-cum-Quoisley*, *Marbury*, *Norbury*, *Wrenbury-cum-Frith*, *Baddiley*, *Burland*, *Hurleston*, and *Stoke*, in the said County of *Chester*; and the said Company of Proprietors of the said *Ellesmere* Canal, their Deputies, Agents, Officers, Workmen, and Servants, are hereby authorized and empowered to make, erect, execute, do, and perform all such Works, Matters, and Things, as shall be requisite and convenient for making, completing, and maintaining the said additional Branch and Extension of the said *Ellesmere* Canal, hereby authorized to be made, and the Navigation thereof, and for supplying the same with Water, and shall have, use, exercise, and enjoy the like Ways, Passages, Powers, and Authorities, upon and in respect of the Lands through which the said additional Branch and Extension of the said *Ellesmere* Canal shall be made; and shall and may ask, demand, take, and recover, to and for the Use and Behoof of the said Company of Proprietors of the said *Ellesmere* Canal, such and the like Tonnage, Rates, and Duties, upon all Goods, Wares, Merchandizes, Coal, Stone, Timber, and other Things which shall be conveyed upon or through any Part of the said additional Branch or Extension of the said *Ellesmere* Canal, subject to such Powers for varying and altering the same, as in the said several before recited Acts of the Thirty-third and Thirty-sixth Years of the Reign of His present Majesty granted and contained, in as full, ample, and beneficial a Manner, to all Intents and Purposes, as the same Company of Proprietors are authorized and empowered to do, execute, perform, use, ask, demand, take, recover, and enjoy, under and by virtue of the said Act of the Thirty-third Year of the Reign of His present Majesty, or of the said Two several Acts of the Thirty-sixth Year of the Reign of His present Majesty, in respect to the Canal and Collateral Cuts, and the several Works thereby respectively authorized to be made; and the said Company, their Agents, Servants, Workmen, and Labourers, and the Commissioners appointed by virtue of the said Act of the Thirty-third Year of the Reign of His present Majesty, and all Bodies Politic, Corporate, and Collegiate, Corporations Aggregate and Sole, Husbands, Guardians, Trustees, and Feoffees in Trust for charitable and other Purposes, Committees, Executors, and Administrators, and all and every other Trustees, Person and Persons whomsoever, shall have and be seised, possessed of, and is and are hereby invested with such and the like Estates, Authorities, Powers, Abilities, Interests, Privileges, and Advantages, and shall be, and is and are hereby made subject and liable to such and the like Rates, Taxes, Compensations for Tithes, Rules, Conditions, Directions, Regulations, Restrictions, Controuls, Payments, Penalties, Forfeitures, Punishments, and Benefit of Appeal, in relation to the making, Execution, Completion, and Government of the said additional Branch and Extension of the said *Ellesmere* Canal, by this Act authorized to be made, completed, and maintained, as are mentioned, given, granted, prescribed, established, and directed to be inflicted in and by the said Act made in the Thirty-third Year of the Reign of His present Majesty, and by the said Two several Acts of the Thirty-sixth Year of the Reign of His present Majesty, to every Intent and Purpose what-

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

II. And be it further enacted, That in any Action to be brought by the said Company of Proprietors of the said *Ellesmere* Canal, under the

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Powers

How the
Company
may sue for

Money not
paid on Calls.

Powers of the said several herein-before recited Acts of the Thirty-third and Thirty-sixth Years of the Reign of His present Majesty, or of this Act, against any Owner or Owners of any Share or Shares of and in the said Canal, to recover the Amount of any Sum or Sums of Money now due or payable, or which shall or may hereafter become due or payable from him, her, or them, for or by reason of any Call or Calls made by virtue of any of the said several herein-before recited Acts, or of this Act, it shall be sufficient for the said Company of Proprietors of the *Ellesmere* Canal to declare and alledge, that such Defendant or Defendants being a Proprietor or Proprietors of such or so many Share or Shares (as the Case may happen to be) of and in the said Canal, is or are indebted to the said Company of Proprietors of the said *Ellesmere* Canal, in such Sum or Sums of Money as the Call or Calls so in Arrear shall amount unto, for such or so many Call or Calls of such or so many Sum or Sums of Money, upon such or so many Share or Shares belonging to such Defendant or Defendants, (as the Case may happen to be), duly made upon such Defendant or Defendants, according to the Authority of the said several herein-before recited Acts, whereby an Action accrued to the said Company of Proprietors of the said *Ellesmere* Canal, by virtue of the same Acts, without setting forth the special Matter; any thing in the same Acts contained to the contrary thereof in anywise notwithstanding: Provided always, that no such Action shall be brought by the said Company of Proprietors of the said *Ellesmere* Canal against any Owner or Owners of any Share or Shares of and in the said Canal, until Notice in Writing be given by the Treasurer or Treasurers, Clerk or Clerks of the said Company of Proprietors to the Owner or Owners thereof, or left at his, her, or their Dwelling House, or usual or last Place of Abode, Two Calendar Months next before such Action shall be brought, and in which Notice shall be contained a Statement and exact Account how much Money is due from such Owner or Owners for his, her, or their Call or Calls, in respect of his, her, or their Share or Shares in the said *Ellesmere* Canal; and that after such Notice given or left as aforesaid, it shall not be necessary to prove on the Trial of such Action any other Notice given of such Call or Calls, by virtue of the said several herein-before recited Acts; any thing contained in the same Acts to the contrary thereof in anywise notwithstanding.

Penalty for
drawing off
Water from
the Trenches
and Feeders
to the Canal.

III. And be it further enacted, That if any Person or Persons shall wilfully flush or draw off, or cause to be flushed or drawn off, the Water from any of the Watercourses, Trenches, or Feeders made use of, or to be made use of, for the Purpose of supplying with Water the said Canal and Collateral Cuts, hereby or by the said several herein-before recited Acts of the Thirty-third and Thirty-sixth Years of the Reign of His present Majesty authorized to be made, or any of them, all and every Person and Persons so offending shall be subject and liable to such and the like Penalties and Forfeitures, to be recovered in like Manner as by the said recited Act of the Thirty-sixth Year of the Reign of His present Majesty are directed, in case of the wilfully throwing any Ballast or Rubbish into the said Canal and Collateral Cuts, or opening any Lock, Gate, Valve, or Clough belonging thereto, or flushing or drawing off any of the Water therefrom.

IV. And whereas such Survey as aforesaid has been made to ascertain the Practicability of making the said additional Branch and Extension of the said *Ellesmere* Canal and Works hereby authorized to be made, and a Map or Plan, with a proper Book of Reference thereto, hath been made in consequence thereof, in order to shew the Line or Course of such intended additional Branch and Extension of and from the same Canal, and the various Distances from Place to Place, so far as they affect the Property of each Individual through which they pass, and the Extents and Particulars of the Whole; be it therefore further enacted, That there shall be Three Parts made of the said Map or Plan, and the Book of Reference thereto, which shall be certified by the Right Honourable the Speaker of the House of Commons, and One Part of each of the said Plans and Books of Reference shall be deposited with the Clerk of the Peace for the said County of *Salop*; another with the Clerk of the Peace for the said County of *Chester*; and another with the Clerk to the said Company of Proprietors of the said *Ellesmere* Canal; to any of which Maps, Plans, and Books of Reference, all Persons shall have Liberty to resort and examine, or make Extracts or Copies therefrom, as Occasion shall require, paying to the said respective Clerks for Copies of, or Extracts from the said Book of Reference, after the Rate of Sixpence for every One hundred Words; and the said Maps or Plans, and Books of Reference so certified, or true Copies thereof, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere; and the Clerk for the Time being to the said Company of Proprietors, upon Twenty-one Days Notice to him given for that Purpose, shall and is hereby required, from Time to Time, to produce the said Map or Plan and Book of Reference to be deposited with him as aforesaid, before the Commissioners for putting into Execution the said several recited Acts and this Act, or any Jury or Juries to be impannelled by virtue of any of the said Acts, at the Time and Place to be mentioned in such Notice, in order that the same may then and there be given in Evidence, such Clerk to the said Company of Proprietors having a reasonable Sum of Money allowed for his travelling Expenses, Absence from Home, and Attendance on such Occasions.

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

V. And be it further enacted, That the said Company of Proprietors of the said *Ellesmere* Canal, in making the said additional Branch and Extension of and from the said *Ellesmere* Canal, hereby authorized to be made, shall not deviate from the Course or Direction delineated in the said Map or Plan respectively, and set forth in the said Book of Reference, without the Approbation or Consent in Writing, signed by the Person or Persons to whom such Lands, Grounds, and Hereditaments do or shall respectively belong; but nothing herein contained shall extend to restrain or prevent the said Company of Proprietors from making any Deviation from the said Course or Direction of the said additional Branch and Extension thereof, hereby authorized to be made, in case all the Persons to whom the Lands, Grounds, or Hereditaments to be cut through or made use of for the Purpose of such Deviation shall belong, shall consent thereto in Manner and Form aforesaid.

Not to deviate from the Line laid down in the Plan.

VI. Provided always, and be it further enacted and declared, That the said Company of Proprietors of the said *Ellesmere* Canal shall and may

Errors in describing the Line not to

prevent the making the Canal.

may make the said intended additional Branch and Extension of the same Canal hereby authorized to be made, into, through, across, or over the Estates, Lands, or Grounds of any Person or Persons whomsoever, whose Name or Names shall appear, to the Satisfaction of the said Commissioners, and be by them, or any Seven or more of them, certified under their Hands to have been by Mistake omitted in the said Plan or Book of Reference, or any of them, or across any Roads, Brooks, or Rivulets, which shall so appear, and be certified to have been omitted by Mistake in Manner aforesaid; and also where it shall appear to the Satisfaction of the said Commissioners, and be by them, or any Seven or more of them, certified as aforesaid, that, instead of the Name or Names of the Owner or Owners of such Estates, Lands, or Grounds, the Name or Names of some other Person or Persons to whom such last-mentioned Estates, Lands, and Grounds do not belong, hath or have been inserted by Mistake in such Maps or Plans, and Books of Reference; any thing herein or in the said several before recited Acts contained to the contrary thereof in anywise notwithstanding.

Houses, Gardens, etc. not to be injured, except as specified.

VII. Provided always, That nothing herein contained shall authorize or empower the said Company of Proprietors of the said *Ellesmere Canal*, or any Person or Persons acting by or under their Authority, to take, use, injure, or damage, for the Purposes of the said additional Branch and Extension, or for any other of the Purposes aforesaid, any Mansion House or other Building which was erected or built on or before the First Day of *January* One thousand seven hundred and ninety-three, or any Land or Ground which on the said First Day of *January* was set apart and used as or for a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, without the Consent of the Owners or Occupiers thereof respectively, other than and except One Garden lying and being in the Township and Parish of *Whitchurch* in the County of *Salop*, belonging to *Margaret Rowe*, and in the Occupation of *John Rowe*; and also except Three Gardens and a Farm Yard, respectively lying and being in the Township of *Wrenbury-cum-Frith* in the Parish of *Wrenbury* in the County of *Chester*, belonging to Sir *Robert Salisbury Cotton* Baronet, and in the several Occupations of *Joseph Wright*, *Thomas Chesters*, *James Aimson*, and *James Pool*; and also except Three other Gardens and One Orchard and Hemp Yard, lying and being in the said Township of *Wrenbury-cum-Frith* and Parish of *Wrenbury* aforesaid, belonging to *Thomas Starkey* Esquire, and in the several Occupations of *John Vernon*, *Richard Morton*, *James Hoskis*, and *William Bickerton*; and also except a Plantation upon *Wrenbury Heath*, in the Township of *Wrenbury-cum-Frith* and Parish of *Wrenbury* aforesaid, belonging to and in the Occupation of the said *Thomas Starkey*; and also except One Messuage or Dwelling House, situate in the Township and Parish of *Baddiley* in the said County of *Chester*, belonging to *William Rigby* Esquire, and now in Lease to *George Stockley*, and in the Occupation of *William Aimson*; and also except One other Garden or Orchard, in the Township of *Burland* and Parish of *Acton* in the said County of *Chester*, belonging to *Henry Tomkinson* Esquire, and in the Occupation of *Robert Cawley*; and also except One other Garden, in the said Township of *Burland* and Parish of *Acton*, belonging to and in the Occupation of *James Hassell*; and also except One other Garden,

Garden, in the said Township of *Burland* and Parish of *Acton*, belonging to and in the Occupation of *Daniel Lloyd*; and also except a Dwelling House and a Garden, in the Township of *Burland* and Parish of *Acton* aforesaid, belonging to the Trustees of *Acton* School, or to the Reverend *Joseph Davenport*, as the present Schoolmaster thereof, and in the Occupation of the said *James Hassell*, which are meant and intended to be made use of for the Purposes of this Act.

VIII. Provided always, and be it enacted, That nothing in this Act contained shall extend, or be construed to extend, to enable, authorize, or empower the said Company of Proprietors, or any Agents, Workmen, Servants, or any other Person or Persons employed by or for them, or any of them, by any Ways or Devices whatsoever, to take into the said Cut or Canal hereby authorized to be made, or into any Part thereof, any Brook, River, Spring, Watercourse, or Stream of Water, now running, flowing, or passing to, or which hath usually supplied, either wholly or in part, the Mills commonly called *Darnball Mills*, situate in *Darnball*, in the Parish of *Whitegate* in the said County of *Chester*, whereof *Thomas Corbett* of *Darnball* aforesaid, Esquire, is Tenant for Life, and *William Corbett* of *Richmond* in the County of *Surrey*, Esquire, is Tenant in Tail in Remainder expectant on the Determination of the Estate for Life of the said *Thomas Corbett*; or otherwise to divert from the said Mills, or to alter or change the usual Course or Courses of any such Brook, Stream, or Watercourse as last aforesaid, without the special Licence and Consent in Writing of him the said *Thomas Corbett* or his Assigns during his Life, and of the said *William Corbett*, his Heirs or Assigns, to be signified under their Hands and Seals respectively, first had and obtained for that Purpose.

Not to injure
or affect the
Waters of
Darnball.

IX. And be it further enacted, That all Contracts, Agreements, Bargains, Sales, and Exchanges, of or concerning any Lands, Tenements, or Hereditaments which shall be purchased, taken, or used by virtue of the Powers of the said recited Acts and this Act for the Purposes thereof, and which shall be Copyhold or of the Nature of Copyhold, shall be executed and completed by Surrender thereof in the Court of the Manor of which the same are holden, according to the Custom of such Manor; and such Lands, Tenements, or Hereditaments shall continue subject to the same Fines, Rents, and Services as are due and payable and of Right accustomed, in the same Manner as if this Act had not been made, unless the Lord or Lords of the Manor for the Time being shall be desirous of enfranchising the same; in which Case such Lord or Lords is and are hereby empowered so to do, notwithstanding he or they shall be seised of or entitled to the same Manor for a less Interest than an Estate of Inheritance in Fee Simple; but, inasmuch as the vesting and continuing of such Copyhold Premises in the said Company as a Body Corporate would prevent such Lord or Lords from receiving such Benefit of Fines, Heriots, and other Services due upon Death, Descent, or Alienation, in like Manner as he or they would have done in case such Copyhold Premises had continued to be the Property of Persons in their natural Capacities, and in case the said Lord or Lords of the said Manor shall decline to enfranchise the respective Parcels of Copyhold Land held of the

Respecting
Copyholds.

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said

said Manor, which shall be purchased by or vested in the said Company for the Purposes aforesaid, he or they shall be entitled to and shall be paid by the said Company a reasonable Recompence and Satisfaction for the Loss that will arise to him or them in respect to such Fines, Heriots, and other Services, the Enjoyment of which will be diminished or lost by the vesting and continuing of such Copyhold Premises in a Body Corporate, which Recompence and Satisfaction, and also the Appointment of the certain Copyhold Rents issuing out of such Copyhold Tenements, of which a Part only shall be taken for the Use of the said Canal, if not settled by Agreement between the Parties, shall be ascertained and settled by the Commissioners, in such Manner, and subject to such Verdict of a Jury, if required, as is directed by the said first recited Act.

Application
of Compensation where
exceeding
200l.

X. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of the said recited Acts and this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any other Disability or Incapacity, as in the said first recited Act particularly mentioned, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account, *ex parte* the *Ellesmere* Canal, together with the Name or Names of such Person or Persons as Three of the Commissioners for executing the said Acts and this Act shall, by Writing signed by them, direct and appoint; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Lands, Tenements, and Hereditaments, which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the meantime and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the

Purposes

Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid by Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

XI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Three or more of the said Commissioners (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application where the Compensation does not exceed 200*l.* nor less than 20*l.*

XII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used for the Purposes of the said Acts and this Act, in such Manner as the said Commissioners, or any Three or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Application where the Money is less than 20*l.*

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

Expences of obtaining this Act how to be paid.

XIV. And

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41° GEORGII III. *Cap.* 70.

Public Act.

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

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