



ANNO QUADRAGESIMO SECUNDO

GEORGI II. REGIS.

Cap. 20.

An Act for repealing so much of an Act, passed in the Thirty-third Year 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*, as restrains the Company of Proprietors of the said Canal from taking Tonnage on Coals, Coak, Culm, Lime or Limestone, upon a Part of the said Canal; and for authorizing the said Company of Proprietors to raise a Sum of Money to make up the Amount of their original Subscription; and for further amending the several Acts passed relative to the making of the said Canal [15th April 1802.]

[*Loc. & Per.*]

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WHEREAS

33 Geo. 3.

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 Politick, Corporate, or Collegiate, as should be nominated and appointed in Manner therein mentioned, were united into One Body Corporate, by the Name and Stile of *The Company of Proprietors of the Ellesmere Canal*, and were authorized and empowered to make, complete, and maintain a Canal navigable and passable for Boats, Barges, and other Vessels, from and out of the River *Severn*, within the Liberties of the Town of *Shrewsbury*, in the County of *Salop*, to unite with the River *Mersey*, at or near *Netherpool*, in the County of *Chester*, and also to make, complete, and maintain several collateral navigable Cuts to branch from and out of the said Canal, as in the said Act mentioned; and the said Company of Proprietors were by the said Act authorized to raise and contribute amongst themselves, in such Proportions as they should think proper, a competent Sum of Money for making and completing the said Canal and Collateral Cuts, and the Reservoirs, Feeders, Ways, Quays, Wharfs, and other Works and Conveniencies belonging or requisite thereto, not exceeding the Sum of Four hundred thousand Pounds, except as therein is mentioned; and if the said Sum should be found insufficient for making and completing the said intended Canal and Collateral Cuts, and the other Works by the said Act authorized to be made, and all necessary Charges and Expences relating thereto, the said Company of Proprietors were by the said Act enabled to raise and contribute amongst themselves, in the Manner in the said Act mentioned, any further or other Sum of Money for completing and perfecting the said Undertaking, not exceeding the Sum of Fifty thousand Pounds; and in case the said Company of Proprietors should be desirous of raising the said Sum of Fifty thousand Pounds, or any Part thereof, or any further Sum or Sums of Money, not exceeding in the Whole the Sum of Fifty thousand Pounds, in Addition to the said several Sums of Four hundred thousand Pounds and Fifty thousand Pounds, by Mortgage of the said Undertaking, they were by Deed authorized to borrow and take up at Interest all or any Part of the said several Sums of Fifty thousand Pounds and Fifty thousand Pounds, on the Credit of the said Navigation and Undertaking, in Manner in the said Act mentioned; and the said Company of Proprietors were by the said Act authorized to take and receive, for the Use and Benefit of the said Company, the several Rates therein mentioned, for the Tonnage and Wharfage of all Coals, Stone, Timber, Merchandize, and other Goods, Matters, and Things whatsoever, which should be carried or conveyed upon any Part of the said Canal and Collateral Cuts, or any of them; and it was thereby enacted, that none of the said Rates should be payable, demanded or taken by virtue of the said Act, for or in respect of any Boat, Barge, or other Vessel laden with Coal, Coak, Culm, Lime, or Limestone only, which might pass or be navigated along any Part of the

the said Canal between *Pont Cysyltee* and the upper End of the *Cegedog Valley*, near *Brumbo*, in the County of *Denbigh*; provided such Boat, Barge, or other Vessel should pass or be navigated with the same Lading Ten Miles at the least along any other Part of the said Canal and Collateral Cuts, or any of them, and should pay Tonnage after the Rates in the said Act mentioned for such Ten Miles at the least, in respect of the same Boat, Barge, or other Vessel, and the Lading therein: 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 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 a certain other Act, made in the said 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 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 by an Act made in the Forty-first Year of the Reign of His present Majesty, intituled *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

36 Geo. 3.

36 Geo. 3.

41 Geo. 3.

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; the said Company of Proprietors of the said Ellesmere Canal were authorized and empowered to make and maintain a new Branch from the said Whitchurch Branch of the said Ellesmere Canal, or from the Place where the same was 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, and the Powers given by the said recited Act of the Thirty-third Year of the Reign of His present Majesty, and the said Two several Acts of the Thirty-sixth Year of the Reign of His present Majesty, were by the said Act of the Forty-first Year of the Reign of His present Majesty, extended to the said additional Branch of the said Canal, by the said last mentioned Act authorized to be made, maintained, and executed: And whereas the making and maintaining of that Part of the said Canal between Pont Cysyltee and the upper End of the said Cegedog Valley, will be attended with a very considerable Expence, and it is reasonable that the said Company of Proprietors should, if they make and maintain the same, be authorized to have, receive, and take the like Rates of Tonnage and Wharfage upon and on the Banks thereof, as they are, by the said Act of the Thirty-third Year of the Reign of His present Majesty, authorized to take and receive in respect of Coals, Coak, Culm, Stone, Lime, Limestone, Timber, Merchandize, and other Goods, Matters, and Things, which shall be carried and conveyed upon any other Part of the said Canal and the Collateral Cuts therein mentioned: And whereas Shares to a considerable Amount of the said Sum of Four hundred thousand Pounds, which was intended to have been originally subscribed by the said Company of Proprietors amongst themselves, for the Purposes of the said Undertaking, were reserved for the Land Owners through whose Lands the said Canal and Collateral Cuts were authorized to be made; some of which Land Owners have failed or declined to accept the Shares so reserved for them as aforesaid, or to pay the Calls or Subscriptions thereon, by reason whereof, and of the Insolvency of some other of the original Subscribers, the Amount of the present Stock of the said Company is reduced to Three hundred and thirty-three thousand Pounds, the greatest Part whereof hath been expended in the Prosecution of the said Undertaking, and in carrying the Powers of the said Act into Execution: And whereas the Whole of the said Sum of Four hundred thousand Pounds, intended to have been originally raised or contributed by the said Company of Proprietors amongst themselves, for the Purposes of the said Undertaking, will be necessary for the completing the said Canal, Collateral Cuts, and the several Works by the said several recited Acts authorized to be made and executed; and it will be convenient if the said Company of Proprietors be authorized and empowered to raise so much Money as shall be necessary to make up the Stock or Subscription of Four hundred thousand Pounds, so intended to have been originally raised or contributed for the Purposes of the said Undertaking as aforesaid, without resorting to the Powers in the said Act of the Thirty-third Year of the Reign of His present Majesty contained, for raising by
Contribution

Contribution amongst themselves, or by Mortgage of the said Navigation and Undertaking, the several additional Sums of Fifty thousand Pounds and Fifty thousand Pounds, in the said Act of the Thirty-third Year of His present Majesty mentioned: And whereas the said Company of Proprietors have, in pursuance of the said recited Acts, made and completed a considerable Part of the said Canal and Collateral Cuts; but it is found that the Powers and Provisions of the said recited Acts are in some Respects defective, and it is requisite that the same should be altered and amended: 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 from and after the passing of this Act, the said Clause of Exemption contained in the said recited Act of the Thirty-third Year of the Reign of His present Majesty, whereby the said Company of Proprietors are restrained from taking any Rates of Tonnage or Wharfage in respect of any Boat, Barge, or other Vessel laden with Coal, Coak, Culm, Lime, or Limestone only, which may pass or be navigated along any Part of the said Canal between *Pont Cysyltee* and the upper End of the *Cegedog Valley* near *Brumbo*, in the County of *Denbigh*, shall be and the same is hereby repealed; and that from and after the said Company of Proprietors shall have made and executed such last mentioned Part of the said Canal, or any Part thereof, they shall be authorized and empowered to have, receive, and take the like Rates of Tonnage and Wharfage upon or on the Banks thereof, in respect of any Boat, Barge, or other Vessel, and of any Coal, Coak, Culm, Lime, Limestone, and other Lading therein, as they are by the said Act of the Thirty-third Year of the Reign of His present Majesty, authorized to take and receive in respect of Coals, Coak, Culm, Lime, Limestone, Timber, and other Goods, Matters, and things, which shall be carried and conveyed upon any other Part of the said Canal and the Collateral Cuts therein mentioned.

The Exemption of Coal, &c. from Tonnage on that Part of the Canal between *Pont Cysyltee* and *Brumbo*, repealed.

II. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, if they shall think fit, and they are hereby authorized and empowered, to raise any such Sum or Sums of Money, as with the said Sum of Three hundred and thirty-three thousand Pounds, or so much thereof as the said Company of Proprietors have been or shall hereafter be able to recover, shall make up the said Sum of Four hundred thousand Pounds, and also to raise any of the other Sums of Money which they are by the same Act authorized to raise or borrow, and take up at Interest as therein mentioned, either by such Ways or Means as they are already authorized in and by the said recited Act of the Thirty-third Year of the Reign of His present Majesty, or by creating new or additional Shares, and disposing of the same to such Person or Persons, and at such Price or Prices, as to the said Company of Proprietors shall from Time to Time seem meet and convenient; and that the respective Proprietors of any Shares which shall or may be created by virtue of this Act, shall be entitled to such and the same Powers, Privileges, and Advantages, and be liable to such and the same Restrictions, Penalties,

The Company further enabled to raise 67,000*l.*

[*Loc. & Per.*]

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ties,

ties, and Forfeitures, as if the same were Part of the Shares already created; and the Admission of every Person to any such new Shares, by any Order or Resolution of the said Company of Proprietors, shall be good and effectual Titles to such Person or Persons, and his, her, or their respective Executors and Administrators, on his, her, or their Payment to the said Company of the Purchase Money or Price agreed upon for the same: Provided always, that if the said Company of Proprietors shall think it most expedient to borrow such Sum or Sums of Money as last aforesaid, or any Part or Parts thereof, by Promissory Notes under the Common Seal of the said Company, it shall and may be lawful for them so to do, and that such Notes shall be made payable in such Manner, and at such Time or Times, and with such legal or less Rate of Interest, as the said Company shall think proper, and either with or without Power in the Holders of such Notes, to have an Option of being admitted to hold a Share in lieu of the Principal Money by each such Note to be secured, as the said Company shall think proper, the Particulars of such Options being at all Times expressed in the said Notes, and the Rates authorized to be taken, and which shall arise and be taken by virtue of the said recited Acts, or any of them, and of this Act, shall be a Security for any Sum or Sums of Money so to be borrowed as aforesaid, with Interest to the Person or Persons who shall from Time to Time be entitled to such Securities, and the Principal Money and Interest thereby secured, the Form of which Securities, and the proper Registry and Entry thereof in the Company's Books, shall from Time to Time be regulated and adjusted by the said Company as they shall think fit; and all Persons to whom any such Securities as aforesaid shall be given, shall be equally entitled to a Claim to or Lien on a Proportion of the said Rates, according to the respective Sums mentioned thereby to be advanced and secured as if the same were advanced on Mortgages or Assignments of the said Rates, in pursuance or by virtue of the said herein last before recited Act of the Thirty-third Year of the Reign of His present Majesty, and without any Preference by reason of the Priority of Date of any such Securities, or on any other Account whatsoever: Provided also, that raising or borrowing any Sum or Sums of Money in either of the said Ways last before mentioned, shall be determined upon at some stated or special General Assembly or Assemblies of the said Company of Proprietors, to be convened and held in such Manner as any stated or special General Assemblies of the said Company of Proprietors are by the said recited Acts or any of them, directed to be convened and held, and the Money which shall be raised and received by all or any of the Ways or Means aforesaid, shall be paid, applied, and disposed of, in finishing and completing the said Canal and Collateral Cuts, and other the Works and Conveniences by the said Acts authorized to be made and executed, or for such other Purposes of the said Undertaking as the said Company of Proprietors, or their General or other Committees, shall think fit.

Directing the
new Shares
to be num-
bered.

III. And be it further enacted, That every such Share and Shares to be created or held under or by the Authority of this Act, shall be numbered,

bered, and the Names and proper Additions of the respective Persons entitled thereto, and the respective Numbers of such Shares shall be entered in a Book, and Tickets or Instruments, with the Common Seal of the said Company affixed thereto, shall be delivered to each Proprietor or Owner of such Shares respectively, in the like Manner and Form as is directed or appointed in and by the said recited Act of the Thirty-third Year of His present Majesty, with respect to the original Shares in the said Navigation and Undertaking; and every such Proprietor or Owner of such Share and Shares to be created or held as aforesaid, shall stand and be interested in all the Profits of the said Navigation, in Proportion to the Quantity of such Shares respectively, which each Proprietor or Owner may have or be entitled unto, as generally and extensively, to all Intents and Purposes, as if such Share and Shares had been an original Share and original Shares in the said Navigation and Undertaking; any thing in the said recited Acts, or any of them, contained to the contrary notwithstanding.

IV. Provided always, and be it further enacted, That it shall and may be lawful for any Person or Persons who may be entitled to any Mortgage or Mortgages which may be hereafter made or executed of the said Undertaking, and to the Principal Money and Interest due thereon, and from whom any Sum or Sums of Money shall become due and payable to the said Company of Proprietors, by reason of such Person or Persons agreeing to become a Purchaser or Purchasers of any new or additional Share or Shares which may be created, or of any Promissory Note or Notes under the Common Seal of the said Company, which may be issued under the Authority of this Act, to offer and tender such Mortgage or Mortgages, so far as the Amount of the Money due thereon will extend, in and towards the Payment of the Price of such new or additional Share or Shares, or Note or Notes respectively, which Offer and Tender the said Company are hereby required to accept as such Payment; or in case the Amount of the Money to be due on such Mortgage or Mortgages shall be more than the Price to be paid for such new or additional Share or Shares, or Note or Notes respectively as aforesaid, then and in such last mentioned Case, the Receipt or Receipts of the Person or Persons entitled to such Mortgage or Mortgages for so much of his, her, or their Mortgage Money as shall amount to the Price of such new or additional Share or Shares, or Note or Notes respectively, shall on Delivery thereof to the Treasurer or Treasurers for the Time being of the said Company of Proprietors, be and shall be accepted and taken by the said Company of Proprietors, as the Payment of the Purchase Money for such new or additional Share or Shares, or Note or Notes respectively as aforesaid, and that such Treasurer or Treasurers shall indorse on such last mentioned Mortgage or Mortgages, a Memorandum or Memorandums, stating how much of such Mortgage or Mortgages has or have been so discharged.

Mortgagees may apply their Mortgages in the Purchase of new Shares or Notes.

V. And whereas in and by the said recited Act of the Thirty-third Year of the Reign of His present Majesty, it is enacted, that the Shares

Money arising from the Sale of Shares forfeited, &c.
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in the said Undertaking which shall become forfeited in Manner therein mentioned, should be vested in the said Company of Proprietors, in Trust for and for the Benefit of all the Rest of the said Proprietors, in Proportion to their respective Interests in the said Navigation, or should, at the Discretion of the stated or special General Assemblies, be publickly sold for the Use of the Rest of the said Proprietors, whose Shares and Interests should not have been forfeited: And whereas it would be more beneficial to the Interests of the said Company of Proprietors, if the Money to be raised by the Sale of such forfeited Share or Shares as aforesaid, was to be applied to the finishing and completing the said Canal, Collateral Cuts, and other Works by the said recited Acts authorized to be made, or in discharging the Debts of the said Company of Proprietors; be it therefore further enacted, That all the Money to be raised by the Sale of all and every Share and Shares in the said Undertaking, already forfeited or hereafter to become forfeited, shall be and the same is hereby directed to be applied in and towards the finishing and completing of the said Canal, Collateral Cuts, and other Works by the said Acts authorized to be made, or in discharging the Debts of the said Company of Proprietors.

Company empowered to re-sell Land on Chief Rents or absolutely.

VI. And whereas, in order to carry into Effect the Purposes of the said recited Acts, and to avoid Disputes with the Owners of Lands, Grounds, and Hereditaments, which are or may be affected by making the said Canal, Collateral Cuts, and other Works, the said Company of Proprietors have already purchased, and may also hereafter purchase Lands and Buildings, some Part or Parts whereof may not be necessary to be made use of for the Purposes of the said Navigation and Works authorized to be made or executed by the said recited Acts and this Act, or any of them; be it therefore further enacted, That it shall be lawful for the said Company of Proprietors to sell and dispose of, and by Indenture under their Common Seal to grant and convey in Fee Farm, such Part or Parts of the Lands or Buildings as have been or as shall hereafter be so purchased by and conveyed to the said Company of Proprietors as aforesaid, and as shall not be wanted for the Purposes of the said Navigation and Works; and also to lay out and appropriate any Part of the said Lands and Premises as and for a Way or Ways, Street or Streets, Avenue or Avenues, Passage or Passages; and that it shall be lawful for the said Company of Proprietors to sell and dispose of, and by Indenture under their Common Seal to grant and convey by way of absolute Sale, for a Consideration in Money, in the Manner and Form by the said recited Act of the Thirty-third Year of the Reign of His present Majesty directed, in respect to the Sale by Land Owners of small Parcels of Land, which might be separated so as to render the Occupation thereof inconvenient, or in such other Manner and Form as the said Company of Proprietors shall think fit, such Part or Parts of the Lands or Buildings as may have been so purchased by and conveyed to the said Company of Proprietors; or as shall be so purchased by and conveyed to them as aforesaid, and as shall not be wanted for the Purposes of the said Navigation and Works; and that all such Grants in Fee Farm, and Conveyances from the said Company of Proprietors, shall be valid and effectual, any thing in the said

said recited Acts, or any other Law, Statute, or Custom to the contrary thereof in anywise notwithstanding; and upon Payment of the Money which shall arise by the Sale or Sales of such Lands or Premises, or any Parts or Parcels thereof, it shall and may be lawful for the Treasurer or Treasurers for the Time being to the said Company of Proprietors, to sign and give Receipts for the Money for which the same shall be sold; which Receipts shall be sufficient Discharges to any Person or Persons for the Purchase Money for which such Lands or Premises shall be so sold, or for so much thereof as in such Receipts shall be acknowledged or expressed to be received; and such Person or Persons shall not afterwards be answerable or accountable for any Losses, Misapplication, or Non-application of such Purchase Money, or any Part thereof.

VII. Provided always, That the said Company of Proprietors, before they shall sell and dispose of such Lands or Buildings, shall first offer to re-sell the same to the Person or Persons from whom they shall have purchased such Lands or Buildings; and in case such Person or Persons shall not then and thereupon agree, or shall refuse to re-purchase the same, any Affidavit to be made and sworn before a Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County where such Lands or Buildings shall lie, by some Person or Persons no way interested in the said Lands or Buildings, stating that such Offer was made by or on the Behalf of the said Company of Proprietors, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was not agreed to, or was refused by the Person or Persons to whom it was made, as the Case may be.

Before they sell such Land, they shall offer to re-sell same to the Person from whom they shall have purchased it.

VIII. And be it further enacted, That in all Grants, Demises, and Conveyances hereafter to be made by the said Company of Proprietors, under or by virtue and in pursuance of the several Powers and Authorities to them hereby given, the Words 'Grant and Release,' shall amount to, and be construed and adjudged in all Courts of Judicature to be express Covenants to the Grantee, Lessee, or other Purchaser, his, her, and their Heirs, Executors, Administrators, and Assigns, from the said Company of Proprietors, for themselves and their Successors, that they the said Company of Proprietors, notwithstanding any Act done by them, were, at the Time of the Execution of such Grant, Lease, or other Conveyance respectively, seised of the Hereditaments, Rents, and Premises thereby granted, bargained, and sold, of an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances, for quiet Enjoyment thereof against the said Company of Proprietors, their Successors and Assigns, and all claiming under them, and either indemnified and saved harmless by the said Company of Proprietors and their Successors, from any yearly Rents or annual Sums which may have been reserved or made payable by the said Company of Proprietors, their Successors and Assigns, for and in respect of the said Lands and Buildings so purchased

The Words 'Grant and Release,' in Conveyances and Releases, &c. from the Company, to operate as Covenants for the Title.

[*Loc. & Per.*]

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and conveyed, or which may hereafter be purchased and conveyed by them as aforesaid, or otherwise subject to such yearly Rents or annual Sums, or any of them, or any Part thereof, as may be expressed in any such Grant, Lease, or other Conveyance, and also for further Assurance of such Hereditaments, Rents, and Premises thereby bargained and sold, to be made by the said Company of Proprietors, their Successors and Assigns, and all claiming under them, unless the same shall be restrained and limited by express particular Words contained in such Grants, Demises, or other Conveyances, or any of them; and that such Grantees, Lessees, or other Purchasers, and his, her; and their several Heirs, Executors, Administrators, and Assigns respectively, shall and may, in any Action or Actions to be brought, assign a Breach or Breaches thereupon, as they might do in case such Covenants were inserted in such Grants, Demises, or Conveyances respectively.

Application
of Rents and
Purchase
Money:

IX. And be it further enacted, That all and every the yearly Rents which shall be reserved and made payable to the said Company of Proprietors; upon any such Grant as aforesaid, and also all and every Sum and Sums of Money which shall be had, received, and taken by the said Company of Proprietors, as the Consideration of any such absolute Sale as aforesaid, shall be paid and applied in the first Place in Satisfaction and Discharge of the yearly Rents or annual Sums to be so respectively reserved or limited, and made payable for and in respect of the Lands or Grounds so purchased and conveyed, and to be purchased and conveyed to the said Company of Proprietors; and in the next Place shall be paid, applied, and disposed of, in such and the like Manner as the Rates, Tolls, and Duties arising or to arise from the said Canal, Cut, and Railways, are by the said recited Acts and this Act directed to be paid, applied, and disposed of.

Where the
Company
take any
Common or
Waste
Ground,
Conveyances
to them by
the Lord of
the Manor to
be sufficient.

X. And be it further enacted, That in all Cases where, in making the said Canal, Cut, and Railways, there has been or shall be Occasion to cut through, take, or use any Part of any Common or Waste Ground for the Purpose of the said Canal, Cut, and Railways, and the Works thereof, or of any Road or Roads thereto, the Conveyance of such Part of such Common or Waste Ground by the Lord or Lady, Lords or Ladies of the Manor to which such Common or Waste Ground shall be appurtenant, or in case such Common or Waste Ground shall not be within any Manor or Lordship, or if there shall not be any Lord or Lady of such Manor or Lordship competent to convey the same, then the Conveyance of the said Common or Waste Ground by any Two or more principal Land Owners entitled to a Right of Common on the same, shall be a good and sufficient Conveyance to the said Company of Proprietors for the Purpose of vesting in them the Fee Simple and Inheritance thereof, as fully and effectually as if every Person having Right of Common upon such Commons or Waste Grounds, had joined in and executed such Conveyance; and that the Compensation to be paid for any Right of Common upon any such Commons or Waste Grounds as aforesaid, shall be paid by the said Company of Proprietors to the Overseers
of

of the Poor of the respective Townships, Hamlets, or Places wherein such Commons or Waste Grounds lie, and shall be by such Overseers received and applied in Aid of the Pours Rates within such Townships, Hamlets, or Places; any thing in the said recited Acts, or any of them, contained to the contrary thereof in anywise notwithstanding.

XI. And whereas Doubts have arisen, and Disputes may happen between the said Company of Proprietors and the Surveyors and other Persons interested in the Repairs of the Roads upon or over the Approaches to Bridges over the said Canal, Cut, or Railways, respecting such Repairs; be it therefore further enacted, That from and after the passing of this Act, the said Company of Proprietors shall not be liable to repair or amend any Part of the Roads over the Approaches to any of the Bridges made or to be made over the said Canal, Collateral Cuts, or any Railways, to be made by virtue of the said Acts or any of them, after the Roads over such Approaches shall have been made and put into good and durable Repair by the said Company of Proprietors, any thing in the said recited Acts or in this Act contained, or any Law, Usage, or Custom to the contrary thereof notwithstanding; provided that nothing herein contained shall be construed to exonerate the said Company of Proprietors from the future Repairs of the Bridges, and the Wing Walls, Ramparts, and Side Banks thereof, and the Banks supporting the Approaches thereto.

Explaining
Clause in
33 Geo. 3. as
to Repair of
Roads over
Approaches
to Bridges.

XII. And whereas the said Company of Proprietors are authorized and empowered in and by the said recited Acts to divert, alter, widen, enlarge, and extend any Bridges, Ways, Roads, and Passages, as well for the carrying and conveying of Stones, Coals, Minerals, Goods, Wares, Merchandize, and other Articles, to and from the said Canal and Collateral Cuts, or any of them, as for the carrying and conveying of all Manner of Materials necessary for the making, erecting, finishing, altering, repairing, maintaining, amending, widening, or enlarging the said Canal, Cut, and Railways, or Roads, and the Works of or belonging to the said Navigation, or which may be useful for any Purposes thereof; and the said Company of Proprietors have diverted and altered certain Ways, Roads, and Passages, and may hereafter divert and alter other Ways, Roads, and Passages, in pursuance and execution of the said recited Powers, and have purchased and may hereafter purchase Lands and Grounds for that Purpose, and by Means thereof the Ways, Roads, or Passages so diverted and altered already, are or hereafter may become unnecessary; be it therefore further enacted, That when such new Ways, Roads, and Passages, shall be completed and finished, any Two or more Justices of the Peace for any County where such Road or Roads have been or may be diverted or altered as aforesaid, may upon a View declare the same by Certificate under their Hands, which Certificate shall be inrolled with the Clerk of the Peace for the County wherein the said Ways, Roads, and Passages so diverted and altered shall respectively lie; and after the inrolling of such Certificate the Part of such old Way, Road, and Passage, shall be and become vested in Fee Simple in the said Company of

Where the
Company
have made
new Roads,
the old ones
to be vested
in the Com-
pany, &c.

of Proprietors, with full Power for them to sell or dispose of the same, and the Land constituting the new Way, Road, or Passage, shall from thenceforth for ever be and be deemed a publick or private Highway, Road, or Passage (as the Case may be), and shall be vested in or belong to such Person or Persons, and be subject and liable to such and the same Laws, Rules, and Regulations in every Respect as the old Way, Road, or Passage, so diverted and altered, now is or shall have been immediately previous to such Diversion or Alteration subject and liable.

Commissioners may authorize Swivel or Draw Bridges not to be shut after Vessels have passed.

XIII. And whereas in and by the said recited Act of the Thirty-third Year of the Reign of His present Majesty, if any Swivel Bridge or Draw Bridge shall be laid over or across the said Canal or Collateral Cuts, or any other Cuts, Trenches, or Passages to be made by virtue of the same Act, except such Bridges as might be made for the private Use of Occupiers of Lands, all or any Person or Persons opening any such Swivel Bridge or Draw Bridge, is and are required and directed, so soon as any Vessel shall have passed any such Bridge, to shut and fasten the same: And whereas it is and may be in some Cases found inconvenient, and unnecessary and prejudicial to the Navigation and Trade upon the said Canal and Cuts, and may occasion Damages to such Bridges, for every Person opening such Swivel Bridges or Draw Bridges as aforesaid to shut and fasten the same, so soon as any Vessel has passed such Bridge or Bridges, and it is and may be found that the leaving open such Bridges will not, in some Instances, if proper Means be used to prevent it, be inconvenient to the Publick, or to the Owners of the Lands or Grounds with which the said Bridges communicate; be it therefore further enacted, That for and notwithstanding any Clause, Matter, or Thing in the said last mentioned Act contained, it shall and may be lawful to and for any Five or more of the Commissioners appointed in and by the said Act of the Thirty-third Year of the Reign of His present Majesty, and who may be assembled at any Meeting or Meetings of the same Commissioners, to be held in pursuance of the said Act, by any Order or Writing under the Hands of any such Five or more Commissioners, to authorize and empower the said Company of Proprietors, their Agents, Workmen, and Servants, and all and every Person and Persons navigating or passing with any Boat or Vessel upon the said Canal or Collateral Cuts, and opening any such Swivel Bridge or Draw Bridge, which the said Commissioners shall be of Opinion may be left open without Inconvenience to the Publick, or such Owners of Lands or Grounds as aforesaid, without shutting or fastening the same, so soon as any Boat or other Vessel may have passed the same, under such Restrictions and Regulations as to the said Commissioners making such Order shall seem meet; but so nevertheless that the said Company of Proprietors shall and they are hereby required to affix, set up, and maintain a Chain, or a Gate, or Bar, across every Highway on each Side of any such Swivel Bridge and Draw Bridge which may be so left open as aforesaid, and also to affix a Chain to each such Swivel Bridge and Draw Bridge, so as to extend across the Bottom of the Canal or Cut to the opposite Bank, and be affixed to such opposite Bank, to enable any
Person

Person or Persons to shut such Swivel Bridges and Draw Bridges when necessary.

XIV. And whereas Steam Engines are become of great Use for various Purposes, and as such Engines consume considerable Quantities of Coals, they may, by the Rates which will be payable for such Coals, tend to promote the Interests of the said Undertaking, but the said Engines can only be made use of where cold Water can be obtained to condense the Steam, on which Account, as well as for the better Supply of the same with Coals, it may be convenient to erect such Steam Engines as near as may be to the said Navigation; be it therefore further enacted, That it shall be lawful for the Owners of any Lands near the said Canal and Collateral Cuts, or any of them, with the Consent of the said Company of Proprietors, or their General Committee for the Time being, to make a Communication between the Water therein and any Steam Engine or Engines, by Means of One or more Metal Pipe or Pipes of sufficient Strength or Thickness, and so constructed as to prevent any Leakage or Waste of Water, and to draw from the said Canal or Cuts such Quantities of Water as shall be sufficient to supply the said Engine or Engines with cold Water, for the sole Purpose of condensing the Steam used for working any such Engines as aforesaid: Provided always, that the Proprietor of every such Engine shall return to the said Canal or Cut, in every Day on which he shall use such Engine, a Quantity of Water on the same Level on which it shall be taken, equal to the Quantity so taken in every such Day from the said Canal or Cuts, the inevitable Waste thereof by condensing such Steam only excepted, so that no Obstruction shall arise therefrom to the said Navigation: Provided also, that such Water so taken shall be applied to the working of the said Engine, and to no other Use or Purpose; and that every Person laying any Pipe in the said Canal or Cuts for such Purpose, shall make good the Bank thereof, and repair at his own proper Costs and Charges all such other Damages as may arise from the laying in of such Pipe, in such Manner and at such Times as shall cause as little Let, Hindrance, or Molestation as may be to the said Navigation, or to the Persons using the same; and if any Dispute shall arise between the said Company of Proprietors or the said Committee, and any Person who shall be permitted to take Water out of the said Canal or Cuts or any of them, for the Purposes of any such Engine, or who shall be in the Use of taking the same therefrom, such Dispute shall be finally settled and determined in such Manner as other Disputes are by the said recited Acts directed to be settled and determined.

To authorize Persons to use Water from Canal for condensing Water for Steam Engines.

XV. And be it further enacted, That the Costs and Charges of obtaining and passing this Act, and all other Costs, Charges, and Expences concerning the same, shall be borne, paid, and defrayed by the said Company of Proprietors, by and out of the Money already received, and the First Money that shall come to their Hands by virtue of the said recited Acts or of this Act.

Expences of obtaining this Act how to be paid.

[*Loc. & Per.*]

4 C

XVI. And

Public Act.

XVI. 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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