



ANNO QUADRAGESIMO SECUNDO

GEORGI III. REGIS.

Cap. 25.

An Act to enable the Company of Proprietors of the Navigation from the *Trent* to the *Mersey*, to make Railways, to alter the Course of the Railway from *Frogball* to *Caldon*, and Part of the Course of the Canal from *Frogball* to *Uttoxeter*; and to amend the *Trent* and *Mersey* Canal Acts. [15th April 1802.]

WHEREAS by an Act, passed in the Sixth Year of the Reign of His present Majesty, intituled *An Act for making a navigable Cut or Canal from the River Trent, at or near Wilden Ferry, in the County of Derby, to the River Mersey, at or near Runcorn Gap*, certain Persons therein named were united into One Body Politick and Corporate, by the Name of *The Company of Proprietors of the Navigation from the Trent to the Mersey*, with Power and Authority, at their own Costs and Charges, by the Ways and Means therein mentioned, to make, complete, and maintain a navigable Cut or Canal, passable for Boats, Barges, and other Vessels, from the River *Trent* below an ancient Ferry called *Wilden Ferry*, in the County of *Derby*, to the River *Mersey* at or near *Runcorn Gap*; and several Commissioners were appointed

6 Geo. 3.

[Loc. & Per.]

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pointed

10 Geo. 3. pointed by the said Act for putting the several Powers thereby vested in them in Execution: And whereas the said Company have, in pursuance of the said Act, and of another Act, passed in the Tenth Year of the Reign of His present Majesty, to amend the said Act, and of another

 15 Geo. 3. Act passed in the Fifteenth Year of the Reign of His said present Majesty, to amend and render more effectual the said Two Acts, made and completed the said navigable Cut or Canal from the *Trent* to the *Mersey*:

 16 Geo. 3. And whereas, by virtue and in pursuance of another Act, passed in the Sixteenth Year of the Reign of His said present Majesty, the said Company have made and completed another navigable Cut or Canal from the said first mentioned Canal on the South Side of *Harecastle*, in the said County of *Stafford*, to *Froghall*, and a Railway from thence to or near

 23 Geo. 3. *Caldon* in the said County: And whereas, by another Act, passed in the Twenty-third Year of the Reign of His said present Majesty, to amend and render more effectual the said several recited Acts, the said Two navigable Cuts or Canals were united and consolidated, and made One joint Undertaking: And whereas, by another Act, passed in the Thirty-seventh Year of the Reign of His present Majesty, the said Company have made and completed a navigable Cut from the said last mentioned Canal, which is now called *The Caldron Canal*, to *Leek*, and also a Reservoir for supplying the said Canals with Water: And whereas, by another Act, passed in the said Thirty-seventh Year of the Reign of His said Majesty, the said Company were empowered to make a navigable Canal from the said *Caldon Canal* at *Froghall*, to or near the Town of *Uttoxeter*, in the said County: And whereas, by Surveys lately made, it appears that Railways may be extended from the said first mentioned Canal to *Lane End*, *Hanley*, and *Burslem*, in the said County of *Stafford*, which will be of great Advantage to the extensive Manufactories of Earthenware established at those Places, and be of publick Utility; and by such Surveys it also appears that the Course of the said Railway, from the said Canal at *Froghall* to *Caldon*, and a Part of the Course of the said proposed Canal from *Froghall* to *Uttoxeter*, near *Alveton Mill*, in the Parish of *Alveton*, in the said County of *Stafford*, may be altered and improved, so as to render the said Railway and Canal more generally useful and convenient: And whereas most of the Commissioners named in the said recited Acts being dead, it is necessary that others should be appointed for putting the said recited Acts and this Act in Execution; and several of the Powers and Provisions of the said recited Acts require Alteration and Amendment: 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, their Successors and Assigns, shall be and they are hereby fully authorized and empowered, from and immediately after the passing of this Act, at their own Costs and Charges, to make and complete, and at all Times hereafter to support and maintain a Railway from the said first mentioned Canal at *Stoke upon Trent* to *Lane End*, and another Railway from the said Canal at *Etruria* to *Hanley*, and also another Railway from the said Canal at or near *Dale Hall* to *Burslem*, in the said County of *Stafford*, for the Passage of Waggons and Carriages, of Forms and Constructions, and with Burthens suitable to such Railways, to be approved of by the said Company, and also to alter and vary the Course of the said Railway from *Froghall* to *Caldon*, and a Part of the said proposed Canal

 from

Company empowered to make certain Railways.

from *Frogball* to *Uttoxeter*, near *Alveton Mill*, in the Parish of *Alveton*, in the said County of *Stafford*, and to do and perform all such Matters and Things as may be necessary for making, effecting, using, and maintaining the said proposed Railways, Alterations, and other Works, making Satisfaction for any Lands, Grounds, Hereditaments, or Waters, that shall be taken for the Purposes of this Act, and for any Trespas or Damage that shall be done in carrying this Act into Execution, in Manner directed by the said recited Acts of the Sixth, Tenth, and Thirty-seventh Years of the Reign of His present Majesty, for the Land to be taken and used, and for all Trespas and Damage to be done in or by the Execution of the Powers of the said recited Acts, or any of them.

II. And be it further enacted, That the several Clauses, Powers, Authorities, Provisions, Penalties, Forfeitures, and all other Matters and Things in the said several recited Acts contained, may and shall be used and exercised by the said Company, and shall extend to and be applied and enforced, as far as the same are applicable, and are not altered or restrained by this Act, and the Nature and Circumstances will admit, for making, completing, preserving, and maintaining the said intended Railways, Alterations, and other Works hereby authorized to be made and executed; and that the said several Clauses, Powers, Authorities, Provisions, Penalties, Forfeitures, and all other Matters and Things, shall be and they are hereby declared to be in full Force and Effect, and shall extend to and may be used, exercised, applied, and enforced, for the maintaining and preserving of the several Cuts, Canals, Railways, and other Works authorized by and executed under and in pursuance of the said several recited Acts, or any or either of them, and for enlarging and improving the same, or any of them, as Occasion may from Time to Time require, as fully and effectually, to all Intents and Purposes, as if the said several Clauses, Powers, Authorities, Provisions, Penalties, Forfeitures, and other Matters and Things were herein repeated and re-enacted; subject nevertheless to the Conditions, Limitations, and Restrictions in the said several Acts and in this Act specified and contained; and that it shall and may be lawful for the said Company to enlarge or improve any Wharfs or other Conveniencies, necessary and proper for the Occasions of the Publick, within the Distance prescribed and limited by the said first recited Act, making Satisfaction and Compensation as directed by the said Act, and not prejudicing or affecting any Wharf or other Works made or erected, or to be made or erected by any Person or Persons, on his or their respective own proper Lands, Grounds, or Wastes, under the Powers or Privileges of the said Act.

Powers of the former Acts extended.

III. And whereas a Map or Plan, describing the Line of the said intended Railways and Alterations hereby authorized, and the Lands through which the same are intended to be carried, together with a Book of Reference, containing a List of the Names of the Owners or reputed Owners and Occupiers of such Lands, have been deposited in the Office of the Clerk of the Peace for the said County of *Stafford*, be it therefore further enacted, That the said Map or Plan, and Book of Reference, shall remain in the Custody of the Clerk of the Peace for the said County, to the End that all Persons may, at all reasonable Times, have Liberty to inspect and peruse the same, and to take Copies or Extracts therefrom at their Will and Pleasure, paying the said Clerk of the Peace the Sum of One Shilling for

Line of the Railways and other Works ascertained.

or every such Inspection, and after the Rate of Sixpence for every Two hundred Words of such Copies or Extracts of the said Book of Reference; and that the said Company of Proprietors, in making the said Railways and Alterations, shall not deviate from the Line or Course thereof described in the said Map or Plan, without the Consent in Writing of the respective Owners of the private Lands, or the Lord of the Manor wherein shall be situate any Common or Waste Ground through which any such Deviation shall be made, or the Guardians or Trustees of such Owners or the Lord of such Manor, who shall be under any Disability or Incapacity of acting for themselves; any Thing contained in the said recited Acts, or any of them, to the contrary hereof notwithstanding.

Application
of Compensation when
amounting
to 200l.

IV. 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, Lunatick, or Person or Persons under any 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 Commissioners for executing the said Acts and this Act, 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 mean Time 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 mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the 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 Lands, Tenements, and Hereditaments so hereby

hereby directed to be purchased, in case such Purchase or Settlement were made.

V. 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 Five 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 is less than 200l. and exceeds 20l.

VI. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last 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 Five 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 20l.

VII. And be it further enacted, That in consideration of the Charges and Expences which the said Company must necessarily incur and sustain in the making and maintaining of the said proposed Railways and other Works hereby authorized, it shall be lawful for the said Company from Time to Time and at all Times hereafter to ask, demand, take, and receive, to and for their own proper Use and Benefit, for Tonnage and Wharfage of all Coal, Stone, Timber, and other Goods, Wares, and Merchandize, which shall be navigated, carried, or conveyed upon the said Railways or other Works, such Rates and Duties as the Company shall think fit, not exceeding the Rates and Duties herein-after mentioned; (that is to say),

Tonnage allowed to be taken.

For all Coal, Limestone, or other Stone, Sugar, Clay, Bricks, and Sand, to be carried or conveyed upon any of the said Railways so proposed to be made from the said first mentioned Canal to *Lane End,*

[*Loc. & Per.*]

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Hanley,

Hanley, and *Burslem*, any Sum not exceeding Two-pence *per Ton per Mile*, and for all other Goods and Merchandize any Sum not exceeding Three-pence *per Ton per Mile* :

For all Goods, Wares, and Merchandize, to be carried or conveyed upon the said Railway proposed to be made between the said Canal at *Frogball* and *Caldon*, any Sum not exceeding Two-pence *per Ton per Mile* :

And for all Goods, Wares, and Merchandize, to be carried or conveyed on the said Canal from *Frogball* to *Uttoxeter*, any Sum not exceeding One Shilling and Sixpence *per Ton*, in lieu of the Rates and Duties granted by the said recited Act of the Thirty-seventh Year of the Reign of His present Majesty :

And in all Cases where there shall be a Fraction of a Mile, if such Fraction be more than Half a Mile, it shall, in calculating the said Rates, be taken as One Mile, and where such Fraction shall be under Half a Mile, it shall be taken as Half a Mile ; and where there shall be a Fraction of a Ton in the Weight of any Lading, a Proportion of the said Rates shall be demanded and taken by the said Company according to the Number of Quarters of a Ton contained therein, so that no Fraction be considered as less than a Quarter of a Ton ; and that the said Railway from the Canal at *Stoke* to the Lower Market Place in *Lane End* aforesaid, shall, on calculating the said Rates on such Goods as shall pass on the said Railway to or from the said Market Place, be considered and estimated as Two Miles only.

Which said Rates and Duties shall be paid at such Place or Places near the said Railways and other Works, to such Person or Persons, and in such Manner, and under such Regulations, as the said Company shall direct or appoint.

VIII. And be it further enacted, That in case of Neglect or Refusal of Payment on Demand of any of the Rates or Duties by this Act, or by the said recited Acts, or any of them, authorized to be demanded and taken, or any Part thereof, to the Person or Persons appointed to receive the same, the said Company may sue for the said Rates or Duties respectively, by Action of Debt or upon the Case, in any Court of Record, or such Person or Persons so appointed as aforesaid may, and he and they is and are hereby empowered to seize the Goods or other Things for or in respect whereof any Rate or Duty ought to have been paid, or any Part thereof, and the Boat, Vessel, or Carriage laden therewith, and to detain the same until such Payment shall be made, and also until Payment of all Arrears of the said Rates which may be due from the Owner or Owners of such Boat or Vessel, or Goods, to the said Company, together with reasonable Charges for such Seizure and Detention.

Commission-
ers.

IX. And whereas it is requisite that new Commissioners should be appointed, not only for executing the said recited Acts but this Act, be it therefore further enacted, That *Richard Arkwright*, *Sir Francis Burdett* Baronet, *Hugh Bateman*, *Richard Bateman*, *Thomas Bainbrigge*, *John Balguy*, the Honourable *Nathaniel Curzon*, *Sir Henry Cavendish* Baronet, *Daniel Parker Coke*, *Nathaniel Gooding Clarke*, *Edward Desbrowe*, *Thomas Evans*, *Edmund Evans*, *William Evans*, *Leonard Fosbrooke*, *Sir Nigel Bowyer*

Bowyer Gresley Baronet, *John Granville* Clerk, *George Greaves* Clerk, *Sir Henry Harpur* Baronet, *Francis Hurt*, *Charles Hurt*, *John Harrison*, *William Drury Lowe*, *Francis Noel Clark Mundy*, *Edward Miller Mundy*, *Anthony Lax Maynard*, *Francis Mundy*, *Francis Newdigate*, *John Leaper Newton*, *John Porte*, *Thomas Pares*, Lord Viscount *Tamworth*, *Bache Thornhill*, *Charles Upton*, *Sir Robert Wilmot* Baronet, *Edward Wilmot*, *Francis Wilmot*, *Robert Wilmot* Clerk, *Thomas Anson*, *Joseph Adams*, *William Anson*, *Charles Anson*, *Lambroke Anson*, the Reverend *Sir Thomas Broughton* Baronet, *Robert Bell*, *Hugh Bateman*, *Walter Bagot* Clerk, *Egerton Bagot* Clerk, *George Birch*, *Thomas Birch*, *Thomas Brettel*, *James Beech*, *James Bent*, *Hugh Bailie* Clerk, *Sir John Chetwode* Baronet, the Honourable *Robert Curzon*, *Robert Clownam*, *Henry Crockett*, *Richard Dyott*, *Edward Dickenson*, *Edward Dickenson* Clerk, *John Eld*, *Sir Thomas Fletcher* Baronet, the Right Honourable Lord *Granville Leveson Gower*, the Honourable *Booth Grey*, the Honourable *John Grey*, *Edward Grove*, *Thomas Gisborne* Clerk, *Sir John Edensor Heathcote* Knight, *Thomas Hinckley*, *Sambroke Higgins* Clerk, *Robert Harvey*, *Charles Inge* Clerk, *Clement Kynerstey*, *Thomas Kynerstey*, *John Lane*, the Honourable *Edward Monckton*, *Thomas Mottershaw*, *Ralph Moreton* Clerk, *Thomas Mills*, *Sir Robert Pigot* Baronet, *Sir Robert Peele* Baronet, *Robert Parker*, the Right Honourable *Dudley Ryder*, the Honourable *Richard Ryder*, *William Robinson* Clerk, *Anthony Rhudde*, *Josiah Spode*, *George Stedman*, *Walter Sneyd*, *William Sneyd*, *John Sneyd* Clerk, *John Swinfen*, *John Smith*, *Francis Spencer*, *Joseph Scott*, *Thomas Swinnerton*, the Honourable *John Talbot*, *George Talbot* Clerk, *Charles Wolfley*, *Moreton Walhouse*, *John Ashton*, *Edward Wilbraham Bootle*, *Abraham Bracebridge*, *Roger Barnston*, *James Bayley*, *Thomas Blackburn*, *John Crewe*, *Thomas Cholmondeley*, *Offley Crewe* Clerk, *Davis Davenport*, *John Egerton*, *William Egerton*, *Philip Egerton* Clerk, *Francis Henry Egerton* Clerk, the Right Honourable *George Harry Lord Grey*, the Honourable *John Grey*, the Honourable *William Booth Grey*, *Archibald Grey* Clerk, *John Glegg*, *Roger Jackson* Clerk, *Francis Joddrell*, *Sir John Fleming Leicester* Baronet, *Peter Legh of Booths*, *George Leycester*, *Hugh Leycester*, *Ralph Leycester*, *Charles Leicester*, *Stephen Leeke*, *Egerton Leigh*, *Thomas Parker*, *Charles Potts*, *Henry Potts*, *Josiah Potts*, *John Thomas Stanley*, *Richard Salmon* Clerk, *Edward Thornycroft*, *James Topping*, *Trafford Trafford*, *Samuel Vernon*, *Sir Peter Warburton* Baronet, *George Wilbraham*, *Randle Wilbraham*, and *William Watkiss*, shall be, and they and their Successors are hereby appointed Commissioners for putting the said recited Acts and this Act in Execution, in addition to the surviving or remaining Commissioners named and appointed in and by the said recited Acts; and that such and the same Powers and Authorities as are granted by the said recited Acts, or any of them, to the Commissioners thereby appointed, and their Successors, or any Number of such Commissioners, shall be and they are hereby granted to and vested in the Commissioners hereby appointed, and their Successors, as well with relation to, and for the Purpose of carrying into Execution the said recited Acts as this Act; and the Provisions, Powers, and Authorities, Fines, Penalties, and Forfeitures, contained in the said recited Acts, relative to the settling, determining, and adjusting of all Questions, Matters, and Differences touching the Execution of all or any of the Purposes of the said Acts, shall operate and be put in Execution in such and the same Manner, as well with relation to the said recited Acts as this Act, as fully and effectually, to all Intents and Purposes, as if the said Provisions, Powers, Authorities,

Fines, Penalties, and Forfeitures, were hereby repeated and re-enacted.

The Company have raised 130,000l. which together with various other Sums, have been expended in the Execution of the Act.

X. And whereas by the aforesaid recited Act of the Sixth Year of the Reign of His present Majesty, the said Company of Proprietors were authorized and empowered to raise and contribute among themselves, a Sum of Money not exceeding in the Whole One hundred and thirty thousand Pounds, (except as therein-after excepted), and the same is thereby directed to be divided and distinguished into Six hundred and fifty equal Parts or Shares, at a Price not exceeding Two hundred Pounds *per* Share; and it was by the said Act provided, that no Person subscribing thereunto, or becoming a Proprietor in the said Navigation, should become a Proprietor of less than One Share or more than Twenty Shares, either in his own Name; or in the Name of any other Person or Persons in Trust for him, (except the same shall come to him by Will or Act in Law), upon Pain of forfeiting to the said Company all such Shares exceeding Twenty Shares: And whereas the said Company did raise and contribute among themselves the said full Sum of One hundred and thirty thousand Pounds, which with various other Sums of Money have been expended in the Execution of the Works authorized to be completed by the said recited Act; and the said Sum of One hundred and thirty thousand Pounds now stands divided into Six hundred and fifty equal Parts or Shares, at the Rate or Price of Two hundred Pounds *per* Share: And whereas it would be more convenient to the said Company of Proprietors if the said Six hundred and fifty Shares were divided and distinguished into One thousand three hundred Shares, at the Rate or Price of One hundred Pounds *per* Share, instead of the said Six hundred and fifty Shares at the Rate or Price aforesaid; be it therefore further enacted, That the said Six hundred and fifty Shares shall be and the same are hereby divided into One thousand three hundred equal Parts or Shares; and that all and every Person and Persons, Bodies Politick or Corporate, who now stand or standeth possessed of or entitled unto One Part or Share in the said Navigation, Undertaking, and Premises, and the other Works united to and consolidated with the same, by any Act or Acts of Parliament now in being, or by this Act, at the Rate or Price of Two hundred Pounds *per* Share as aforesaid, shall henceforth be deemed and taken to stand possessed of Two Parts or Shares, at the Rate or Price of One hundred Pounds *per* Share, and so in Proportion for any greater Number of Shares, not exceeding Fifty Shares, and shall have and be entitled to the like Privileges, Advantages, and Emoluments, in respect to the Number of Shares such Person or Persons, or Bodies Politick or Corporate, shall or may be possessed of or entitled unto in the said One thousand three hundred Parts or Shares, according to the Distribution aforesaid, as he or they now is or are, or would have been entitled to, had the said Shares continued or remained at the said Six hundred and fifty Parts or Shares; and the said One thousand three hundred Parts or Shares shall remain subject and liable to the same Charges and Incumbrances as the said Six hundred and fifty Parts or Shares now are, or would have been subject and liable to, had the same not been divided as aforesaid, or this Act had not been made; any Thing in this Act or the said recited Acts, or any of them, contained to the contrary notwithstanding.

XI. Pro.

XI. Provided always, and be it further enacted, That no Person, or Body Politick or Corporate, now being or hereafter becoming a Proprietor in the said Navigation, Undertaking, and Premises, do or shall become a Proprietor of less than One Share or more than Fifty Shares, either in his own Name or in the Name of any other Person or Persons in Trust for him (except the same shall have come, or shall hereafter come to him, by Will or Act in Law), upon Pain of forfeiting to the said Company, their Successors and Assigns, all such Shares exceeding Fifty Shares as aforesaid; nor shall any Person be qualified to be elected as a Member of the Committee for managing the Affairs of the said Company, who is not at the Time of such Election possessed of Four Shares at least in the said Navigation and Premises.

No Person to have less than One Share or more than Fifty Shares.

XII. And be it further enacted, That every Person or Persons who is, are, or shall be possessed of, or entitled unto, One or more Share or Shares in the said Navigation and Undertaking, according to the Division and Distribution aforesaid, shall have a Vote in respect of every such Share in the General and Special Assemblies of the said Company, which Vote shall and may be given by him, her, or them, or by his, her, or their Proxy or Proxies, (such Proxy or Proxies being a Proprietor or Proprietors in the said Undertaking), duly constituted under his, her, or their Hand or Hands; the Appointment of which Proxy shall and may be according to the Form following; (*videlicet*),

Proprietors to have a Vote for every Share by themselves or Proxies.

‘ I *A. B.* of One of the Proprietors of the
 ‘ Navigation from the *Trent* to the *Mersey*, do hereby nominate, con-
 ‘ stitute, and appoint *C. D.* of in my Name, and
 ‘ in my Absence, to vote or give my Assent or Dissent to any Business,
 ‘ Matter, or Thing relative to the said Navigation, which shall be pro-
 ‘ posed at any General or Special Assembly of the Proprietors of the said
 ‘ Navigation, or any Adjournment thereof, at all Times hereafter until
 ‘ I shall revoke this Appointment by Notice in Writing under my Hand to
 ‘ the Clerk to the said Company. In Witness whereof I have hereunto
 ‘ set my Hand this Day of

Provided, that no Person shall give or deliver more Proxies than for Ten absent Proprietors, or vote in any Question for more than One hundred Shares under or by virtue of such Appointments; any Thing in the said recited Acts, or any of them, contained to the contrary thereof notwithstanding.

Not to hold more than 10 Proxies or vote for more than 100 Shares.

XIII. And whereas the said Company are by the said recited Act of the Sixth Year of the Reign of His present Majesty, required to hold One General Assembly or Meeting of the said Proprietors on the last *Tuesday* in *March*, and another General Assembly or Meeting of the said Proprietors on the last *Tuesday* in *September* yearly, at or before the Hour of Eleven of the Clock in the Forenoon: And whereas the last *Tuesday* in *March* so appointed for holding One of the said General Assemblies has been found an inconvenient Time for holding such General Assembly; be it therefore further enacted, That a General Assembly or Meeting of the said Proprietors shall yearly hereafter be held on the *Wednesday* in *Easter* Week, at or before the Hour of Eleven in the Forenoon; instead of the last *Tuesday* in *March* as aforesaid, at which General Assembly or Meeting,

A General Assembly to be held on *Wednesday* in *Easter* Week.

[*Loc. & Per.*]

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Meeting,

Meeting, the Proprietors assembled shall be invested with the like Powers and Authorities, in all Respects, as if such General Assembly or Meeting had been held on the last *Tuesday* in *March* as aforesaid.

If Persons possessed of 500 Shares not present at a General Assembly, another to be held.

XIV. Provided always, That if at any General Assembly to be held under the said last recited or this present Act, there shall not be Persons present who have Five hundred Shares according to the Distribution hereinbefore made or directed, a new Assembly of the said Proprietors shall be held at the same Place on that Day Three Weeks following, for the Purposes, and in the Manner required by the said recited Act.

Shares devolving by Marriage, Will, &c. to be notified.

XV. And whereas Inconveniencies have arisen by the Transfer or Transmission of Shares of and in the said Navigation by the Marriage and Death of Proprietors; be it therefore further enacted, That before any Person or Persons who shall claim any Part or Share of the Profits of the said Navigation in Right of Marriage shall be entitled to receive the same, a Copy of the Register of such Marriage, or the Effect of such Register, shall be legally and properly authenticated, 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 Entry of Transfers of Shares in the said Navigation; and that before any Person or Persons claiming any Part of the Profits of the said Navigation, by virtue of any Bequest or Devise by Will, or by Letters, or in a Course of Administration, shall be entitled to receive the same, such Will, or the Probate Copy thereof, shall be produced and shewn to the said Clerk, or a Copy of so much of such Will as shall relate to the Share or Shares of the said Testator, also legally and properly authenticated, or the Letters of Administration, in case the Proprietor shall have died intestate, shall be transmitted to the said Clerk, who shall file and enter the same in Manner aforesaid.

Boats to be indexed.

XVI. And be it further enacted, That every Owner or Master, or Person having the Care or Command of any Boat, Barge, or other Vessel, passing upon the said several Canals or Cuts, or any of them, shall, if required so to do by the said Company, or the said Committee of the said Company, fix on each Side of such Boat or Vessel respectively, correct Indexes of Copper, Lead, or other Metal, of such graduated Dimensions, and of such convenient Height, and under such Regulations, as the said Company or the said Committee shall from Time to Time direct, so that the true Weight of the Lading on board may at all Times be thereby ascertained and shewn, and shall at all Times keep the same in proper Repair and Order; and if such Owner, Master, or other Person having the Care or Command of any such Boat, Barge, or other Vessel, shall after such Requisition made or notified to him, navigate such Boat, Barge, or other Vessel, on the said Canals or Cuts, or any of them, without having such Index thereon as is hereinbefore directed, or shall alter, erase, deface or destroy the same, or any Part thereof, or shall fix any false Index or Figures on any such Boat, Barge, or Vessel, or shall refuse to permit such Boat, Barge, or other Vessel to be gauged or measured, or any of the Goods, Wares, or Merchandizes in any such Boat, Barge, or other Vessel, to be weighed, measured, or gauged, in Manner directed by the said recited Acts or any of them, every Person offending in any of the

the Particulars aforesaid shall, for every such Offence, forfeit and pay a Sum not exceeding Five Pounds nor less than Forty Shillings.

XVII. And be it further enacted, That the Owner or Owners of every Boat, Barge, or other Vessel, and of every Waggon or other Carriage navigating or passing upon the said Canals or Railways respectively, shall cause his, her, or their Name or Names, and Place or Places of Abode, to be painted in large White Capital Letters, and the Number of such Boat, Barge, or Vessel, Waggon or Carriage, in Figures, on some conspicuous Part of the Outside of every such Boat, Barge, or other Vessel, Waggon or other Carriage; and if any such Owner shall refuse or neglect so to do, or shall alter, deface, erase, or destroy any such Letters or Figures, he, she, or they shall, for every such Offence, forfeit and pay a Sum not exceeding Five Pounds nor less than Forty Shillings.

Owners of Boats, Barges, and Waggon, to put their Names thereon.

XVIII. And be it further enacted, That if any Person or Persons shall float any Timber on the said Canals or Cuts, or any of them, or shall suffer the Loading of any Vessel navigating thereon to lie over the Sides thereof, so as by such floating or loading to obstruct the Passage of any other Boat, Barge, or other Vessel, or to do any Damage thereto, or to any of the Works of the said Navigation; or shall load or unload any Goods or Merchandize in or over any of the Locks or Aqueducts of the said Canals or Cuts, or any of them; or shall navigate or cause to be navigated any Boat, Barge, or other Vessel, on the said Canals or Cuts, or any Part thereof, without a Rudder to steer or guide the same, or without a skilful Person on board to steer and manage such Boat, Barge, or other Vessel, and also a Person attending to drive the Horse drawing the same; or shall cut down any Corn or Grass growing on any Lands adjoining or contiguous to the said Canals, Cuts, or Railways, or any of them, without the Consent of the Owner or Owners thereof respectively; or shall wilfully commit any Trespass on any such Lands with his or their Horse or Horses; or shall wilfully obstruct, hinder, or prevent any Person in the Execution of this Act, or any of the said recited Acts, every Person so offending in any of the Cases aforesaid, shall forfeit and pay, for every such Offence, any Sum not exceeding Five Pounds nor less than Twenty Shillings.

Penalty on Persons floating Timber or obstructing the Navigation, or trespassing on Lands adjoining.

XIX. And be it further enacted, That in case the Owner or Owners of any Boat, Barge, Vessel, or Carriage, employed on the said Canals or Railways respectively by the said Acts or this Act authorized to be made, shall be compelled to pay any Penalty, or to make Satisfaction for any Damages occasioned by any Neglect or Default of his or their Boatmen or Servants, or any of them, (inevitable Accidents only excepted), such Boatmen or Servants respectively shall be liable to repay such Penalty or Damages, with the Costs attending the same, to such Owner or Owners, to be recovered before One or more Justice or Justices of the Peace of the County where the Offence shall be committed, in such and the same Manner as Penalties under the said recited Acts, or any of them, are directed to be recovered.

Owners of Boats may recover Penalties from their Servants.

XX. And be it further enacted, That if any Person or Persons navigating or working any Boat or other Vessel on any of the said Canals, shall have on board any such Boat or other Vessel any Fishing Net, Engine,

Penalty on Boatmen having Nets on board.

gine, or other Instrument for taking or destroying Fish, not being really, and *bonâ fide* Part of the Loading or Cargo of such Boat or other Vessel, such Person being thereof lawfully convicted on the Oath of any credible Witness, before any Justice of the Peace acting for the County where the Offence shall be committed, shall for every such Offence, forfeit and pay any Sum not exceeding Twenty Shillings; and in case the Master, or any other Person having the Care of any Boat or other Vessel upon any of the said Canals, shall knowingly permit or suffer any Person employed in navigating such Boat or other Vessel, to have and keep on board the same any such Fishing Net, Engine, or other Instrument, and shall be thereof convicted in Manner aforesaid, he shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings.

For compelling Servants to deliver up the Possession of Houses.

XXI. And be it further enacted, That if any Collector of the Rates or Duties granted by the said recited Acts or this present Act, or other Servant of the said Company appointed or to be appointed under the Powers of the said recited Acts or this Act, who shall be discharged by the said Company from his Office or Employment, shall refuse to deliver up the Possession of the House, Buildings, and Appurtenances which he occupied in Right of his Appointment, within Six Days after Notice of his Discharge given to him, or left at such House, or if the Widow or other Representative of any such Collector or Servant, who shall die in the Service of the said Company, shall refuse to deliver up the Possession of any such House and Premises within Fourteen Days after Demand made of such Possession, it shall and may be lawful for any Justice of the Peace for the Division where such House shall be, by Warrant under his Hand and Seal, to order the Constable or other Peace Officer, with such Assistance as may be necessary, to enter such House and Premises in the Day Time, and to remove the Persons who shall be found therein, together with their Goods, from and out of such House, and to place therein the Successor appointed by the said Company to such discharged or deceased Collector, or other Person as aforesaid, or such other Person as shall be by the said Company authorized and appointed to take Possession thereof.

For granting Annuities to Persons who have been in the Service of the Company above a certain Time.

XXII. And be it further enacted, That it shall be lawful for the said Company, and they are hereby authorized and empowered, at any General Meeting or Assembly to be holden in pursuance of the said first recited Act, to give and grant to such Officers and Servants as may have served them with Integrity and Fidelity for any Term not less than Twelve Years, and who shall, by reason of Age or Infirmary, be incapable of further Service, (such Incapacity to be ascertained by the Oath or Affidavit in Writing of a Physician, and of a Surgeon or an Apothecary, sworn before some Justice of the Peace for the County wherein such Officer or Servant shall reside, and which Justice is hereby empowered to administer such Oath), Annuities for their respective Lives, or for shorter Terms; such Annuities not to exceed One Half of the Salaries or Wages paid to them respectively by the said Company, and not to take Effect or be in force till ratified or confirmed at some General Assembly, to be held after that at which the same shall be first ordered or directed to be so given or granted.

XXIII. And

XXIII. And whereas by the said first recited Act it is enacted, that nothing therein contained shall extend or be construed to extend to defeat, prejudice, or affect the Right of any Lord or Lords of any Manor or Manors, Common or Waste Grounds, or any Owner or Owners of any Lands or Grounds in, upon, or through which the said Cut or Canal, Towing Paths, Wharfs, Quays, Trenches, Watercourses, or Conveniencies aforesaid, or any of them, shall be made, to the Mines, Minerals, or Quarries lying or being within or under the Lands or Grounds to be set out or made use of for such Cut or Canal, Towing Paths, Wharfs, Quays, or other Conveniencies aforesaid, or any of them, but all such Mines, Minerals, and Quarries are thereby reserved to such Lord or Lords of such Manor or Manors, or of such Common or Waste Grounds, and to such Owner or Owners of such Lands or Grounds respectively, their Heirs or Assigns; and that it shall be lawful to and for the Lord or Lords of such Manor or Manors, Common or Waste Grounds, or such Owner or Owners of such Lands or Grounds respectively, subject to the Conditions and Restrictions therein contained, to take and carry away to his or their own Use such Mines, Minerals, or Quarries, and such Salt Springs, Brine, and Rock Salt, not thereby injuring, prejudicing, or obstructing the said Cut or Canal, Towing Paths, Wharfs, Quays, Sluices, Watercourses, or other the Conveniencies aforesaid, or any of them; any Thing therein contained to the contrary notwithstanding; be it further enacted, That if the Owner or Worker, or Owners or Workers of any Coal or other Mine or Mines shall, in pursuing such Mine or Mines, work near to or under any Part of the said Canals or Railways, so as in the Opinion of the said Company to endanger or damage the same, or in the Opinion of the said Owner or Worker, Owners or Workers of the said Mine or Mines, to endanger or damage the further working thereof, then it shall be lawful for the said Company to treat and agree with the Owner or Worker, Owners or Workers, for all such Coals or other Minerals as may be near to or under the said Canals or Railways respectively, and shall be thought necessary to be left for the Security or Preservation of the said Canals or Railways respectively, or of such Mine or Mines as aforesaid; and in case the said Company and such Owner or Worker, Owners or Workers of such Mine or Mines, shall disagree in the Satisfaction to be made for such Coal or other Mine so to be left as aforesaid, then it shall be lawful for the said Commissioners, or any Five or more of them, at the Request of the said Company, or of such Owner or Worker, Owners or Worker, to cause a Jury to be summoned and impannelled in Manner directed by the said last recited Act; who shall and they are hereby authorized and required, by the Ways and Means prescribed by the said Act, to assess and determine the Satisfaction to be made to such Owners or Workers of the said Mine or Mines by the said Company for the Quantity so to be left unworked as aforesaid, and upon such Satisfaction being made, such Owner or Worker, Owners or Workers of such Mine or Mines, shall be, and he, she, or they are absolutely restrained from working such Part or Parts of the said Mine or Mines for which such Satisfaction shall be made as aforesaid; save and except Liberty to cut and drive such Levels or Headings as may be necessary for working the other Part or Parts of such Mine or Mines, not exceeding Four Feet in Breadth or Five Feet in Heighth each, nor nearer to each other than Twenty Yards.

6 G. 3.
respecting
Mines of
Coals, &c.

Mines not to
be worked to
prejudice the
Navigation,
&c.

Publick Act.

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

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