



ANNO QUINQUAGESIMO NONO

GEORGII III. REGIS.

Cap. cv.

An Act to enable the Company of Proprietors of the Canal Navigation from *Leeds* to *Liverpool* to make a navigable Cut, and also a Collateral Branch or Railway, from their said Canal at *Hennis Bridge* near *Wigan*, to join the Duke of *Bridgewater's* Canal at *Leigh*, all in the County Palatine of *Lancaster*; and to amend the several Acts relating to the said *Leeds* and *Liverpool* Canal, and an Act for making the *Rochdale* Canal, so far as relates to certain Powers therein given to the late Duke of *Bridgewater*.

[21st June 1819.]

WHEREAS an Act was passed in the Tenth Year of the Reign of His present Majesty, intituled *An Act for making and maintaining a Navigable Cut or Canal from Leeds Bridge in the County of York to the North Lady's Walk in Liverpool in the County Palatine of Lancaster, and from thence to the River Mersey*, whereby the several Persons therein named and described were united into a Company, and made a Body Politic and Corporate, by the Name of "The Company of Proprietors of the Canal Navigation from *Leeds* to *Liverpool*," with perpetual Succession and a Common Seal, and with full Power to make and complete a Cut or Canal navigable and passable for Boats, Barges, and other

[Local.]

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Vessels,

10G.3.c.114.

- Vessels, from and near a certain Bridge over the River *Aire* called *Leeds Bridge*, in the Town of *Leeds*, to or near a certain Place called *The North Lady's Walk*, in the Town or Port of *Liverpool*, and from thence to communicate with the River *Mersey*: And whereas an Act was passed in the
- 23 G.3. c.47. Twenty-third Year of the Reign of His said present Majesty, intituled *An Act for altering and varying the Powers of an Act, passed in the Sixth Year of the Reign of King George the First, for making the River Douglas navigable from the River Ribble to Wigan in the County Palatine of Lancaster, and for enabling the Company of Proprietors of the Leeds and Liverpool Canal, incorporated by an Act passed in the Tenth Year of His present Majesty's Reign, to purchase the said River Navigation; for amending the said last-mentioned Act; for incorporating and consolidating the said Two Navigations; and for other Purposes*; whereby the Navigation of the River *Douglas* alias *Asland*, in the said County Palatine of *Lancaster*, was consolidated and incorporated with the said Canal: And whereas an Act was passed in the
- 30 G.3. c.65. Thirtieth Year of the Reign of His said present Majesty, intituled *An Act to enable the Company of Proprietors of the Canal Navigation from Leeds to Liverpool to vary the Line of the said Canal Navigation, and to raise a further Sum of Money for the Purpose of completing the said Canal Navigation; and for other Purposes*; reciting that there had been made, and was then navigable, so much of the said Cut or Canal as extended from *Leeds* to *Holm Bridge* in the County of *York*, and so much of the said Cut or Canal as extended from *Liverpool* into the Township of *Parbold*: And whereas an Act was passed in the Thirty-fourth Year of the Reign of His said present
- 34 G.3. c.94. Majesty, intituled *An Act to enable the Company of Proprietors of the Canal Navigation from Leeds to Liverpool to complete the said Navigation, and to vary the Line thereof, and to raise a further Sum of Money for those Purposes; and for making a navigable Branch therein described from the intended new Line of the said Canal*, reciting, that by virtue of the Act for making the River *Douglas* navigable, passed in the Sixth Year of the Reign of His late Majesty King *George* the First, a navigable Cut or Canal had been made by and at the Expence of the said Company of Proprietors of the *Leeds* and *Liverpool* Canal, between and from and near the said Town of *Wigan* and the said *Leeds* and *Liverpool* Canal, and so as to communicate therewith at *Newborough* in the said County Palatine of *Lancaster*; and that the said Company of Proprietors has, since the passing of the said Act of the Thirtieth Year of His said present Majesty, made considerable Progress towards completing the said Canal from *Leeds* to *Liverpool*, and that they were desirous of completing and finishing the same, and of varying the Line thereof, the said Company of Proprietors were and are empowered to make a Deviation in the Line of the said Canal from or near a certain Place called *Wanless Banks*, in the Township or Hamlet of *Barrowford*, otherwise *Barrowford Booth*, in the said County Palatine, and through and into the Parishes, Places, and Hamlets therein mentioned, until the same should communicate with the said Canal so made as aforesaid by virtue of the said Act, passed in the Sixth Year of His late Majesty King *George* the First, at or near the Warehouse belonging to the said Company of Proprietors in *Wigan* aforesaid: And whereas the said Company of Proprietors have, since the passing of the said Act of the Thirty-fourth Year of the Reign of His present Majesty, made considerable Progress towards the Completion of the said Canal from *Leeds* to *Liverpool*, and a considerable Part of the same is now navigable, to the great Advantage of the Public: And whereas by Surveys lately made it appears that a Navigable Cut or Canal may be
made

made from and out of the Deviation and Cut made under and by virtue of the Powers and Authorities contained in the said Act of the Thirty-fourth Year of His present Majesty, from or near a certain Place called *Henburst Bridge* otherwise *Hennis Bridge*, in the Township of *Wigan* aforesaid, to join and communicate with the Canal Navigation of or belonging to the Devisees of the Most Noble *Francis* late Duke of *Bridgewater*, in the Township of *Pennington* in the Parish of *Leigh*, in the said County Palatine, and also a Collateral Cut or Branch navigable and passable for Boats and other Vessels, or a Railway for the Passage of Waggon, Carts, and other Carriages, from and out of the said intended Cut, at or near the East Side of the intended Aqueduct over *Hindley Brook* in the Township of *Abram* to a certain Estate and Collieries, the Property of the said Devisees of the Most Noble *Francis* late Duke of *Bridgewater*, called *Low Hall*, situate in the said Township of *Hindley*, and which will open an easy Access to many valuable and extensive Mines of Coal, Cannel, and other Minerals in the adjacent Country, and afford a cheap and easy Conveyance of those Articles, and of Goods, Wares, and Merchandize, between the Town of *Wigan* aforesaid and the populous and manufacturing Town of *Manchester* in the said County Palatine, and the Country near the same, and will otherwise be of great Benefit to the Public and the said Company of Proprietors: And whereas the said Company are desirous to make and maintain the said proposed Navigable Cut or Canal, and Side Cut Branch or Railway, at their own Expence: And whereas another Act was also passed in the Thirty-fourth Year of the Reign of His present Majesty, intituled *An Act for making and maintaining a Navigable Canal from the Calder Navigation, at or near Sowerby Bridge Wharf, in the Parish of Halifax in the West Riding of the County of York, to join the Canal of His Grace the Duke of Bridgewater in the Parish of Manchester in the County Palatine of Lancaster, and also certain Cuts from the said intended Canal*, whereby *Francis* late Duke of *Bridgewater* was authorized and empowered to erect and build a certain Lock upon the Canal directed to be made by such Act at or near *Castle Field* in the Parish of *Manchester*, and to take and receive thereat, for his own Use and Benefit, certain Tolls, as a Compensation for the Diminution in the Profits of his Wharfage likely to arise from the said Junction with his Canal in the said Act authorized; and it is expedient that Provision should be made for protecting the Devisees of the said late Duke of *Bridgewater* from sustaining any Loss or Prejudice by the making the said intended Junction: And whereas the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: 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 Canal Navigation from *Leeds* to *Liverpool*, their Successors and Assigns, shall be and they are hereby fully authorized and empowered, at their own Costs and Charges, by themselves and their Deputies, Agents, Officers, Workmen, and Servants, to make, complete, and maintain a Cut or Canal, navigable and passable for Boats, Barges, and other Vessels, from and out of Part of the *Leeds* and *Liverpool* Canal at or near a Place called *Henburst Bridge* otherwise *Hennis Bridge*, in the Township of *Wigan* aforesaid, and through the several Parishes of *Wigan*, *Winwick*, and *Leigh*, and through or into the several Townships, Hamlets, or Places of *Wigan*, *Ince*, *Ashton*, *Abram*, *West Leigh*, and *Pennington* all in the said County Palatine

34 G. 3. c.78.

Power to make Cuts and a Collateral Branch or Railway.

Palatine of *Lancaster*, to join and communicate with the Canal Navigation of or belonging to the Devises of the Most Noble *Francis* late Duke of *Bridgewater*, at *Pennington* in the Parish of *Leigh* in the said County Palatine, together with a Collateral Cut or Branch navigable and passable for Boats and other Vessels, or a Railway or Railroad from the said intended Cut or Canal, properly constructed for the Passage of Waggons and other Carriages in and through the Township of *Abram* aforesaid, from the said intended Cut or Canal hereby authorized to be made on the East Side of the intended Aqueduct over *Hindley Brook*, in the Township of *Abram* aforesaid, to a certain Estate, Collieries, and Coal Mines of or belonging to the said Devises of the said late Duke of *Bridgewater*, called *Low Hall*, in the Township of *Hindley* in the said County Palatine; and also to make, erect, execute, do, and perform all such Works, Matters, and Things as shall be requisite, necessary, and convenient for making, completing, and maintaining the said intended Cuts and the Navigation thereof, and for supplying the same with Water from such Springs as shall be found in making the said Cut or Canal and Railway, and from the said *Douglas* Navigation and the said *Leeds* and *Liverpool* Canal, and their respective Feeders; and for making, erecting, supporting, repairing, and maintaining the said Railway or Railroad, and all Wharfs, Quays, Landing Places, Cranes, Weighbeams, Warehouses, Bridges, and other Works, Matters, and Things, according to the true Intent and Meaning of this Act; and in order thereto the said Company of Proprietors, their Successors and Assigns, their Agents, Servants, Workmen, and Labourers, and all and every Person and Persons, Bodies Politic, Corporate, and Collegiate whatsoever, shall have and be seised and possessed of, and are hereby vested with such and the like Authorities, Powers, Abilities, Estates, Interests, Privileges, and Advantages, and shall be and are hereby made subject and liable to such and the like Rules, Conditions, Directions, Regulations, Limitations, Restrictions, Control, Payments, Penalties, Forfeitures, Punishments, and Benefit of Appeal, as are mentioned, directed, given, granted, prescribed, established, and inflicted in and by the said several recited Acts, so far as the same relate to the making and maintaining the said Navigable Canal from *Leeds* to *Liverpool* aforesaid, or any of them, to every Intent and Purpose whatsoever (except such as authorize the Commissioners therein named to settle or determine the Amount of Compensation for Lands and Hereditaments to be taken for the Purposes of the Act, and such as are repealed or altered by this Act); and that all and every the Clauses, Powers, Authorities, Provisions, Orders, Rules, Regulations, Limitations, Restrictions, Prohibitions, Exemptions, Penalties, Forfeitures, Punishments, Matters, and Things in the said recited Act of the Tenth Year of the Reign of His present Majesty, and which are not repealed, varied, or altered by the said recited Acts of the Twenty-third, Thirtieth, and Thirty-fourth Years of the Reign of His present Majesty, or any or either of them (except such as authorize the Commissioners therein named to settle or determine the Amount of Compensation for Lands and Hereditaments to be taken for the Purposes of the Act, and such as are repealed or altered by this Act); and also all and every the Clauses, Powers, Authorities, Provisoes, Remedies, Matters, and Things contained in the said recited Act of the Twenty-third Year of the Reign of His present Majesty, and which relate to the said *Leeds* and *Liverpool* Canal, or any Part thereof, and which are not repealed or altered by the said Acts of the Thirtieth and Thirty-fourth Years of the Reign of His present Majesty, (except such as authorize the Commissioners

missioners therein named to settle or determine the Amount of Compensation for Lands and Hereditaments to be taken for the Purposes of the Act, and such as are repealed or altered by this Act); and also all and every the Clauses, Powers, Authorities, Provisoos, Exemptions, Remedies, Matters, and Things contained in the said recited Act of the Thirtieth Year of the Reign of His present Majesty which relate to the said *Leeds* and *Liverpool* Canal, and which are not repealed or altered by the said Act of the Thirty-fourth Year of the Reign of His present Majesty (except such as authorize the Commissioners therein named to settle or determine the Amount of Compensation for Lands and Hereditaments to be taken for the Purposes of the Act, and such as are repealed or altered by this Act); and also that all and every the Clauses, Powers, Authorities, Provisoos, Exemptions, Remedies, Matters, and Things contained in the said first-recited Act of the Thirty-fourth Year of the Reign of His present Majesty, (except such as authorize the Commissioners therein named to settle or determine the Amount of Compensation for Lands and Hereditaments to be taken for the Purposes of the Act, and such as are repealed or altered by this Act, and except so much of the said Acts as enable the said Company of Proprietors to deviate from the Line of the said Canal from *Leeds* to *Liverpool*, and also except so much thereof respectively as relate to Exemptions from Stamp Duties,) shall extend and are hereby extended to, and shall take effect, operate, and be put in execution for and in respect of the making, completing, repairing, maintaining, protecting, and using the said intended Cut or Canal, and the said Branch or Railway, 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 selling and conveying of Lands, Tenements, and Hereditaments, and all other Matters and Things which shall relate to or happen or arise by or in consequence of the Execution of all or any of the Powers of this Act, in such and the same Manner, and as fully and effectually, to all Intents and Purposes whatsoever (except as aforesaid), as the same can or may operate and be executed to, upon, or for or in respect of the said Canal Navigation from *Leeds* to *Liverpool*, and the several Works, Matters, and Things in the said recited Acts of the Tenth, Twenty-third, Thirtieth, and Thirty-fourth Years of the Reign of His present Majesty, or any of them, mentioned or authorized to be made, done, and performed, and as if the said Clauses, Provisoos, Powers, Authorities, Orders, Rules, Regulations, Limitations, Prohibitions, Directions, Exemptions, Penalties, Forfeitures, Punishments, Matters, and Things (except as aforesaid), were herein repeated and re-enacted.

II. And whereas a Map or Plan, with a Book of Reference thereto, has been made in order to show the Line or Lines, or Course or Courses of the said intended Canal and Branch or Railway through, across, under, or over the several Estates, Lands, or Grounds which belong or are reputed to belong to the several and respective Person or Persons named or described in the said Book of Reference; which said Map or Plan and Book of Reference have been deposited at the Office of the Clerk of the Peace for the said County Palatine of *Lancaster*; be it therefore further enacted, That the said Map or Plan and Book of Reference so deposited shall remain with and be kept by the said Clerk of the Peace, and that a Duplicate of the said Map or Plan and of the said Book of Reference shall be deposited with

Map and
Book of Re-
ference to
remain with
the Clerk of
the Peace,
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the Clerk of the said Company of Proprietors; and all Persons shall have Liberty to inspect and peruse and make Extracts from and Copies of the same, at seasonable Times, on Payment to such Clerks respectively of One Shilling for each Time of Inspection, and of Sixpence more for every Hour during which such Inspection shall continue after the first Hour, and paying for every Copy not exceeding Seventy-two Words the Sum of Sixpence, and so in proportion for any greater Number of Words; and the said Map or Plan and Book of Reference so deposited at the Office of the Clerk of the Peace as aforesaid, or true Copies of so much thereof as shall relate to the Matter in question, shall be and are hereby declared to be good Evidence, and shall be admitted as such in all Courts of Law or elsewhere, and by all Judges, Justices, and others; and the Clerk of the Peace of the said County Palatine for the Time being, upon Seven Days Notice to him given or left at his Office of Clerk of the Peace for that Purpose, shall be and is hereby required from Time to Time to produce the said Map or Plan before the said Company, or any Jury or Juries to be impannelled by virtue of this Act, at the Time and Place to be mentioned in such Notice, in order that the same may then and there be given in Evidence, he having a reasonable Sum of Money allowed for his travelling Expences and Attendance on such Occasion.

Plan not to be deviated from more than One hundred Yards without Consent.

III. And be it further enacted, That the said Company of Proprietors, in making the said intended Canal and Branch or Railway, shall not deviate more than One hundred Yards of Three Feet each from the Line, Course, or Direction delineated or described in the said Map or Plan, except upon the Lands of *Charles Walmesley* Esquire, as hereinafter particularly mentioned: Provided always, that nothing herein contained shall authorize or empower the said Company to deviate from the Line or Course of the said Cut or Canal laid down in the said Map or Plan, through the Lands or Grounds of the said Devises of the said Duke of *Bridgewater*, without their Consent in Writing first had and obtained.

Limiting the Course of the Line of the Canal through the Lands of *Charles Walmesley*, Esquire.

IV. And whereas Part of the Line of the Canal by this Act authorized to be made is intended to be carried through certain Lands in the Parish of *Wigan* belonging to *Charles Walmesley* Esquire, and is described in the Map or Plan deposited with the Clerk of the Peace as aforesaid, as passing through the said Land in a Line nearly straight and nearly North and South; and it is expedient that such Part of the said Line of the said Canal should be varied and carried in a Curve towards the West, over the same Lands of the said *Charles Walmesley* (to which Deviation the said *Charles Walmesley* is consenting); be it therefore enacted, That the said Company, in making the said Canal through the Lands of the said *Charles Walmesley*, shall cause the same to be made or carried in the Line or Course herein-after mentioned, that is to say; the said Canal shall enter the Lands of the said *Charles Walmesley* at the Corner of his Wood, North of the present Lodge Gates, and shall pass through the Lands belonging to the said *Charles Walmesley* called the *Short Butts*, the *Long Field*, and the *Land*, till it passes a Place called *Poolstock*; and the said Canal shall be cut in the said Lands as near to the High Road leading from *Wigan* to *Warrington* as may be; and the Towing Path to such Part of the said

Canal shall be made on the Side furthest from the Mansion House of the said *Charles Walmesley*; provided, that such Deviation shall not in any Part exceed the Distance of Two hundred and fifty Yards from the Line described in the said Map or Plan, and shall not be extended to any other Lands than such as now belong to the said *Charles Walmesley*.

V. And be it further enacted, That the said Company of Proprietors shall and may make the said intended Canal and Branch or Railway into, through, across, or over the Lands or Grounds of any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate whatsoever, to whose Estates, Lands, or Grounds such Deviation with such Consent as aforesaid shall extend, although his, her, or their Name or Names is or are not mentioned in the said Book of Reference; and also into the Estates, Lands, or Grounds of any other Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, in case it shall appear to the Satisfaction of any Two of His Majesty's Justices of the Peace for the County or Place in which the Estates, Lands, or Grounds shall be situate, and be by them certified under their Hands, that the Name or Names of such last-mentioned Person or Persons, Bodies Politic, Corporate, or Collegiate, hath or have been by Mistake omitted in the said Book of Reference, or that instead of his, her, or their Name or Names, the Name or Names of some other Person or Persons, Bodies Politic, Corporate, or Collegiate, to whom such last-mentioned Estates, Lands, or Grounds do not belong, hath or have been by Mistake inserted therein; any thing herein contained to the contrary thereof in anywise notwithstanding.

Canal may be made, although Land Owners Names are not inserted in Book of Reference.

VI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize and empower the said Company of Proprietors, or any other Person or Persons, to take, use, injure, or damage any House or other Building, or any Grounds which, upon the First Day of *January* One thousand eight hundred and nineteen, were the Site of any House, Outhouse, or other Building, or a Garden, Orchard, Yard, Park, Paddock, or planted Walk or Avenue to a House, or a Lawn or Pleasure Ground inclosed or adjoining to a Dwelling House, without the Consent of the respective Owners or Proprietors and Occupiers thereof in Writing for that Purpose to be hereafter obtained, other than and except the Plantations and Lands of *Charles Walmesley* Esquire.

Company not to take Houses, &c. without Consent, except, &c.

VII. And be it further enacted, That so much and such Parts of the said recited Act of the Tenth Year of the Reign of His present Majesty as authorizes or empowers the said Company to divert or take or make use of the Water from such Brooks, Streams, or Watercourses as are or shall be found within the Distance of Five Miles from that Part of the said *Leeds* and *Liverpool* Canal lying between the Two first-intended Locks upon the Summit of the said Canal, and to make Reservoirs within the Distance last mentioned, and for making and extending Trenches, Passages, Gutters, and Watercourses, to convey the Water from such Brooks, Streams, Springs, and other Sources, shall be and the same is and are hereby repealed, except with respect to any Works for any of the Purposes aforesaid which may have been made or commenced previously to the passing of this Act.

Repealing so much of former Acts as authorizes the Company to use the Water of Brooks and Streams at a Distance from the Canal.

VIII. And whereas it will be necessary, for the more easy and convenient making of the said Cut or Canal, to divert and change the Course of

Power to change the Course of

Hindley
Brook.

of a certain Stream or Brook called *Hindley Brook*, in the Township of *Abram* aforesaid ; be it therefore enacted, That it shall and may be lawful to and for the said Company of Proprietors, their Agents and Workmen, and they are hereby authorized and empowered, to make and cut a new Course or Channel for the said Stream or Brook, and to divert and turn the Waters thereof into such new Course or Channel, in and through the Lands and Grounds of *Charles Walmesley* Esquire and *Peter Arrow-smith*, in the Township of *Abram* aforesaid, in such Manner as the new Course or Channel is marked and delineated in the said Plan so deposited with the Clerk of the Peace as aforesaid.

Not to take
the Waters
belonging to
the Devises
of the late
Duke of
Bridgewater,
or to J. Traf-
ford and
Benjamin
Gaskell,
Esquires.

IX. Provided always, and be it further enacted, That nothing in this Act contained shall extend to authorize or empower the said Company of Proprietors, their Servants, Agents, or Workmen, to alter, divert, or make use of any of the Springs, Feeders, Watercourses, or Streams of Water, or any of them, now flowing to or supplying with Water any Part of the said Canal of the said Devises of the said late Duke of *Bridgewater*, or the Mills and other Works of *John Trafford* Esquire and *Benjamin Gaskell* Esquire, or either of them, situate and being in the several Townships of *Hindley*, *Pennington*, and *Culbeth*, in the said County Palatine of *Lancaster*, or any of them, so as in anywise to prejudice or injure the said Canal of the said Devises, or the said Mills and other Works of the said *John Trafford* and *Benjamin Gaskell*, or either of them, which now are or at any Time hereafter may be erected or made in or upon the Lands or Grounds of them or either of them, situate in the Townships of *Hindley*, *West Leigh*, *Pennington*, and *Culbeth*, or any of them, without the special Licence and Consent in Writing of the said Devises, *John Trafford*, and *Benjamin Gaskell*, their Heirs and Assigns respectively, being for that Purpose first had and obtained.

Rates to be
taken upon
the Cut and
upon the
Branch or
Railway.

X. And be it further enacted, That in consideration of the great Charge and Expence which the said Company of Proprietors will be at in making, maintaining, and supplying with Water the said intended Canal and Branch, and in making and maintaining the said Railway, and all the other Works hereby authorized to be made and erected, in respect of the said Cut and Branch or Railway, it shall be lawful for the said Company of Proprietors, from Time to Time and at all Times hereafter, to ask, demand, take, and recover, to and for their own Use and Benefit, for Tonnage and Wharfage of all Coals, Stone, Timber, Goods, Wares, Merchandize, and Commodities whatsoever which shall be navigated, carried, or conveyed upon or through the said Canal hereby authorized to be made, or any Part thereof, such Rates and Duties as the said Company of Proprietors shall think fit, not exceeding the Sum of One Halfpenny *per* Mile, for every Ton of any Kind of Clay, Bricks, or Stones, nor exceeding the Sum of One Penny *per* Mile for every Ton of Coal, or Lime, and not exceeding the Sum of One Penny Halfpenny *per* Ton *per* Mile for all Timber, Goods, Wares, Merchandizes, and other Commodities ; and for the Tonnage and Tolls of all Coal, Stone, Timber, Goods, Wares, Merchandize, and Commodities which shall be navigated, carried, or conveyed upon the said intended Branch or Railway, or any Part thereof, such Rates as the said Company of Proprietors shall think fit, not exceeding the Sum of Four-pence for every Ton of Coal, Stone, Timber, Goods, Wares, Merchandizes, and other Commodities, and so in proportion for any greater or less Quantity than a Ton.

XI. And

XI. And be it further enacted, That in all Cases where there shall be a Fraction of a Mile in the Distance which any Boat, Barge, or other Vessel shall be navigated or pass upon the said Cut or Canal hereby authorized to be made, such Fraction shall, in ascertaining the Rates to be taken, be deemed and construed a whole Mile; and that in all Cases where there shall be a Fraction of a Ton in the Weight of Lading in any Boat, Barge, or other Vessel which shall be so navigated, or in any Waggon or other Carriage which shall pass upon the said intended Railway, a Proportion of the said Rates shall be demanded and taken by the said Company of Proprietors for such Fraction, according to the Number of Quarters of a Ton contained therein; and in all Cases where there shall be a Fraction of a Quarter of a Ton in any such Weight of Lading as aforesaid, such Fraction shall be deemed and considered a whole Quarter of a Ton.

Respecting Fractions of a Mile or a Ton.

XII. And be it further enacted, That the said Rates, Tolls, and Duties herein-before authorized to be taken shall be vested in the said Company of Proprietors, and the same shall be paid to such Person or Persons, at such Place or Places near to the said Canal, Branch, or Railway, in such Manner and under such Regulations as the said Company of Proprietors shall appoint or direct; and in case of Refusal or Neglect of Payment of any such Rate or Duty, or of any Part thereof, on Demand, the said Company of Proprietors may and they are hereby authorized and empowered to sue for and recover the same by Action of Debt or upon the Case in any Court of Record; or the Person or Persons to whom the said Tolls, Rates, and Duties, or any of them, ought to have been paid, may, and he and they is and are hereby empowered to seize and detain any such Boat or Vessel, Waggon, Carriage, or Goods, or any Part of such Goods, for or in respect whereof any of the said Rates or Duties ought to be paid, or any other Boat or Vessel, Waggon or Carriage, of or belonging to the Person or Persons so neglecting or refusing to pay such Tolls, Rates, and Duties, and detain the same until Payment thereof, together with the Charges for such Seizure and Detainer; and if such Boat or Vessel, Waggon, Carriage, or Goods, shall not be redeemed within Five Days after the taking thereof, the same shall and may be appraised and sold as the Law directs in Cases of Distress for Rent.

Power to recover Rates.

XIII. And be it further enacted, That no greater or higher Tolls shall be demanded, received, or taken for or in respect of Coals which shall be navigated and carried upon the *Upper Douglas* Navigation, and from thence upon the Cut or Canal authorized to be made by this Act, or any other Cut made by the said *Leeds* and *Liverpool* Canal Company, under the Authority of this Act or any other Act relating to the said Company, except upon the *Lower Douglas* Navigation, that can be or are now taken for or in respect of any such Coals carried on any other Part of the *Leeds* and *Liverpool* Canal; any thing in any Act or Acts of Parliament relating to the *Douglas* Navigation, or the said *Leeds* and *Liverpool* Canal Company to the contrary notwithstanding.

Respecting Tonnage on Coals in certain Cases.

XIV. Provided always, and be it further enacted, That it shall not be lawful for the said *Leeds* and *Liverpool* Canal Company to grant or give any Exemption from any Rates and Tolls, or any Part of any Rate or

Restraining the Company from granting Exemptions from Tolls.

[*Local.*]

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Toll granted by this Act or any of the said recited Acts relating to the said *Leeds* and *Liverpool* Canal and *Douglas* Navigation, to any particular Company or Body or Bodies Corporate, or Person or Persons; but that the said Company shall equally and indifferently demand, take, and receive such and the like Rates and Tolls from all Companies and Bodies Corporate, and Persons and Person, for and in respect of the Use of the respective Canals, Cuts, and Communications, or the Locks thereof, respectively belonging to the said *Leeds* and *Liverpool* Canal Company.

Rates on the Lower Douglas Navigation not interfered with.

XV. Provided always, and be it further enacted, That nothing in this Act contained shall extend to prevent the said Company from demanding, taking, and receiving the Rates and Tolls authorized to be taken by the said Company in respect of the Navigation of the *Lower Douglas*.

Disputes concerning Tolls to be settled by a Justice.

XVI. And be it further enacted, That in case any Dispute or Disputes shall happen between the Collectors of the Tolls, Rates, or Duties, and the Masters of Boats or other Vessels, or other Persons liable to the Payment of any such Tolls, Rates, or Duties, respecting the Distance which any Boat shall have passed upon the intended Canal, or respecting the Proportion of Toll due, or the Charges of keeping or selling any Distress, such Dispute or Disputes shall be heard and determined by some Justice of the Peace for the County, Riding, or Place where the Cause of Dispute shall arise, who upon Application made to him for that Purpose shall examine the Matter upon Oath of the Parties or other Witness or Witnesses (which Oath every such Justice is hereby authorized and empowered to administer), and shall determine the Amount of the Toll due, and other Matters aforesaid in dispute between the Parties, and may also award such Costs to be paid by either Party to the other as to such Justice shall seem just and reasonable; all which Costs, in case the same shall not be forthwith paid, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Person or Persons so awarded or directed to pay the same, by Warrant under the Hand and Seal of such Justice (which Warrant every such Justice is hereby empowered to issue), and the Overplus (if any) after Payment of such Costs, and the Costs of such Distress and Sale, shall be returned, upon Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained.

Mode of rating Lands and Buildings.

XVII. And be it further enacted, That all and every the Lands, Dwelling Houses, Wharfs, Quays, Warehouses, Lock Houses, and other Houses of and belonging to the said Company of Proprietors, shall be rateable and chargeable to the Maintenance of the Poor, and to all Parochial Rates and Taxes in the several Parishes, Townships, or Places where they are respectively situate, the Lands according to the Quantity and Quality, and the Dwelling Houses, Wharfs, Quays, Warehouses, Lock Houses, and other Houses, according to the Nature and respective Uses, Dimensions, and Descriptions thereof; and shall be charged and assessed in like Manner as Lands of a like Quality, and as Dwelling Houses, Warehouses, Lock Houses, and other Houses of a like and similar Size, Nature, Dimension, or Description, in the respective Parishes, Townships, or Places where the same shall be situate, are or shall be assessed and charged; and that as well the Rates, Duties, and other Personal Property

perty of the said Company, liable to be rated to the Poor, or other Parochial Taxes, in any such Parishes, Townships, or Places, as also the Tolls, Rates, and Duties hereby granted to the said Devisees, shall be rated and assessed in like Manner and in the same Proportion as other Personal Property rateable in the said Parishes, Townships, or Places respectively shall be rated and assessed, and according to the Length of the Line of the said Canals and Navigations in such respective Parishes, Townships, and Places, and not otherwise, or in any other Manner: Provided, that before any such Personal Property shall be rated Thirty Days Notice shall be given in Writing to the respective Clerks of the said Company of Proprietors, and of the said Devisees, by the respective Overseers of the Poor of such Parishes, Townships, or Places of their Intention so to do.

XVIII. And be it further enacted, That in case the said Cut or Canal and Railway hereby authorized to be made, or any Part or Parts thereof, shall not be made or completed so as to answer the Purposes intended by this Act on or before the Thirty-first Day of *December* in the Year of our Lord One thousand eight hundred and twenty-two, then and in any such Case all and every the Powers and Authorities hereby given and granted in respect of the making and completing the same shall thenceforth cease, determine, and be utterly void with respect to so much or such Part or Parts of the said Cut or Canal and Railway as shall then be not made, or then be incomplete.

In case the Cut is not made within a certain Time, Powers to cease.

XIX. And be it further enacted, That the Devisees of the said *Francis* late Duke of *Bridgewater*, and their Heirs and Assigns, shall be and they are hereby authorized and empowered at their own Expence to build a proper Stop Gate at or near the said Junction of the said Cut or Canal hereby authorized to be made, and the said Canal of the said Devisees of the said late Duke of *Bridgewater*, in the Township of *Pennington* aforesaid, and all necessary Works thereto belonging, and to take and receive at such Stop Gate, for their own Use and Benefit, the following Rates; (that is to say,)

The Devisees of the Duke of *Bridgewater* to have Rates at the Junction.

For every Ton of Coal, Stone, Timber, and other Goods, Wares, Merchandize, and Commodities whatsoever, except Flags, which shall be navigated, carried, or conveyed from and out of the Canal hereby authorized to be made into or upon the said Canal belonging to the said Devisees of the said *Francis* late Duke of *Bridgewater*, or from the said Canal of the said Devisees, into or upon the said Canal hereby authorized to be made, the Sum of One Shilling and Two-pence, and so in proportion for any less Quantity than a Ton; and in case there shall be a Fraction of a Quarter of a Ton, the same shall be deemed and taken as a Quarter of a Ton, and paid for accordingly:

And for every Ton of Flags which shall be navigated, carried, or conveyed as aforesaid, the Sum of Two-pence, and so in proportion for any Quantity less than a Ton:

Which said Rates shall be payable and paid at such Place as the said Devisees of the said late Duke of *Bridgewater*, their Heirs or Assigns, shall direct and appoint, at or near the said Stop Gate, to the said Devisees of the said *Francis* Duke of *Bridgewater*, their Heirs and Assigns, and shall and

and may be collected and received by such Person or Persons as the said Devisees, their Heirs or Assigns, shall by Writing under their Hands from Time to Time appoint to receive the same; and the said Devisees, their Heirs and Assigns, and such Person or Persons so to be appointed, shall have the like Powers and Authorities for ascertaining the said Rates, and for collecting, receiving, and recovering the same by Action and Distress, as are herein or in and by the said recited Acts given to the said Company of Proprietors for ascertaining, collecting, and recovering the Rates of Tonnage granted to them by this Act and the said recited Acts.

Bye Laws made under former Acts not to extend to the Stop Gate built by the Duke of Bridgewater.

Payment of the Tolls hereby granted to the Devisees, to exempt from Payment of the Rates granted to the Duke by the Rochdale Canal Act, and vice versa.

XX. Provided always, and be it further enacted, That no Rules, Bye Laws, or Orders, by any or either of the said first herein-before recited Acts authorized to be made by the said Company of Proprietors for the good and orderly using of their said Navigation, shall extend or be construed to extend to the said Stop Gate herein-before authorized to be built by the said Devisees of the said late Duke of *Bridgewater*.

XXI. Provided always, and be it further enacted, That all Coal, Stone, Timber, and other Goods, Wares, and Merchandize, which shall have paid the said Rate of One Shilling and Two-pence, and all Flags which shall have paid the said Rate of Two-pence in and by this Act given and granted unto the said Devisees of the said Duke of *Bridgewater*, shall not be liable to the Payment of the said Rates and Duties given and granted to the said late Duke of *Bridgewater* in and by the said last-mentioned Act of the Thirty-fourth Year of the Reign of His present Majesty, but shall be wholly free and exempt from the Payment thereof; and that all Coal, Stone, Timber, and other Goods, Wares, Merchandize, and Commodities, which shall have paid the said Rate of One Shilling and Two-pence, and all Flags which shall have paid the said Rate of Two-pence in the said last-recited Act of the Thirty-fourth Year of the Reign of His present Majesty given and granted, shall not be liable to the Payment of the respective Rates of One Shilling and Two-pence and Two-pence in and by this Act given and granted to the said Devisees of the said Duke of *Bridgewater*, but shall be wholly free and exempt from the Payment thereof; any thing in this Act, or the said last-mentioned Act of the Thirty-fourth Year of the Reign of His present Majesty, or either of them, contained to the contrary notwithstanding.

Further Exemptions.

XXII. Provided always, and be it further enacted, That all Persons who shall have paid the respective Rates herein-before mentioned for the passing of any Goods, Wares, Merchandize, or other Things through the said Stop Gate so to be built at or near the said Junction in *Pennington* aforesaid, shall have free Liberty to pass such Stop Gate, and to land such Goods, Wares, Merchandize, or other Things at any Wharf, and to lodge the same in any Warehouse usually appropriated to such Purposes, belonging to the said Devisees of the said *Francis* Duke of *Bridgewater*, their Heirs or Assigns, situate within the Parish of *Manchester*, except any Wharf or Wharfs, Warehouse or Warehouses, which is, are, or shall or may be let to Tenants at yearly or other Rents, or may be otherwise occupied, and to continue such Goods, Wares, and Merchandize, and other Things, upon any such Wharf or Wharfs, and in any such Warehouse or Warehouses as aforesaid, for any Time not exceeding Four Days, without being liable to pay any further or other Rate or Payment for the same.

XXIII. And be it further enacted, That any Person having landed at any such Wharf, or lodged in any such Warehouse as aforesaid, any Goods, Wares, Merchandize, or other Things, and who shall have paid the full Amount of the respective Rates herein-before mentioned for the Use thereof, for the said Four Days, to the said Devisees of the said *Francis Duke of Bridgewater*, their Heirs or Assigns, shall not be liable to pay any Rate for passing through the said Stop Gate with such Goods, Wares, Merchandize, or other Things, as fully and effectually, and in like Manner, to all Intents and Purposes, as they could or might have done had they passed the said Lock at *Castlefield* aforesaid, authorized to be made in and by the said last-mentioned Act of the Thirty-fourth Year of the Reign of His present Majesty, any thing in such Act or in this Act contained to the contrary notwithstanding.

Goods landed and warehoused not to pay Rates at Stop Gates.

XXIV. And be it further enacted, That no Person or Persons whomsoever shall pass upon any Part of the said intended Railway with any Waggon, Cart, or Carriage whatsoever, unless the same shall be constructed agreeable to the Orders and Regulations of the said Company of Proprietors, which Orders and Regulations shall be stuck up upon some conspicuous Part of the Toll House erected for the collecting or ascertaining of the Tolls, Rates, or Duties imposed by this Act, nearest to the said Railway; (except in crossing the same for the convenient Occupation of the adjacent Grounds, or in passing on any public or private Carriage Road which may happen to cross the said Railway); and if any Person or Persons whomsoever shall pass upon any Part of the said Railway with any Waggon, Cart, or other Carriage, not constructed in the Manner herein-before directed (except as before excepted), he, she, or they so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds to the said Company of Proprietors.

No Waggon, &c. to pass on the Railway unless constructed by the Company.

XXV. Provided always, and be it enacted, That in case any Person or Persons shall wilfully injure or destroy the said Stop Gate or any Part thereof, every Person so offending shall for every such Offence forfeit and pay to the said Devisees, their Heirs and Assigns, or their Steward for the Time being, any Sum not exceeding the Sum of Five Pounds, to be recovered in like Manner as other Fines and Penalties are recoverable by the said recited Acts, or any or either of them.

Penalty on damaging Stop Gate.

XXVI. And be it further enacted, That the Ascent to every Bridge to be made over the said Cut or Canal or Branch hereby authorized to be made for the Purpose of any public Road shall not be more than One Foot in Thirteen, and that the Fence on each Side of such Bridge shall not be less than Four Feet above the Surface of such Bridge.

Limiting the Ascent to Bridges.

XXVII. And be it further enacted, That all and every the Waste Weirs to be made upon such Part of the said Cut or Canal hereby authorized to be made as is situate between the said Junction at *Pennington* aforesaid and the lowest Lock to be erected upon the said Cut or Canal, shall not be lower than the Waste Weirs upon the Cut or Canal belonging to the said Duke of *Bridgewater*.

Level of Weirs.

XXVIII. And be it further enacted, That the said Company of Proprietors shall, at their own proper Charges, erect Two Wooden Turn Bridges for the Convenience of *Sir William Gerard* Baronet over that Part of the

Respecting Bridges and Towing Path on *Sir Wm. Gerard's* Lands.

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said intended Canal which will pass through the Estate of the said Sir *William Gerard* in the Township of *Ince*; one of such Bridges to be erected over that Part of the said intended Canal where it will cross the present Road leading to the Farm House of the said Sir *William Gerard*, in the Occupation of *James Howarth*, and the other of such Bridges to be erected over such other Part of the said intended Canal at such other Part of the said Sir *William Gerard*'s Estate as he may direct; such Bridges to be from Time to Time supported, maintained, and kept in sufficient Repair by and at the Expence of the said Company of Proprietors; and that the said Company of Proprietors shall make and from Time to Time continue the Towing Path along the whole Line of the said intended Canal, where it will pass through the Estate of the said Sir *William Gerard* on the North-east Side of the said Canal, being the same Side on which the Farm House of the said Sir *William Gerard* is situate, in the Occupation of the said *James Howarth*.

Regulating the Width, &c. of the Bridge to be built at Pennington.

XXIX. And be it further enacted, That the Bridge to be erected within the Township of *Pennington*, where the said Cut or Canal or Branch hereby authorized to be made shall be carried across the Turnpike Road, shall be at least Thirty Feet in Width at the Top or Centre between the Battlements or Fences, with Approaches of the same Width; that the Bridge and Approaches shall be well and sufficiently paved throughout; that the Approaches shall not be steeper or of greater Ascent than Two Inches in every Yard in Length; and that the Battlements or Fences on each Side of such Bridge and its Approaches shall not be less than Four Feet above the Surface of the Pavement to be made thereon.

Two narrow Boats of a certain Description to pay as one Boat.

XXX. And whereas by means of the said intended Navigable Cut hereby authorized to be made, a Communication will be opened between the said *Leeds* and *Liverpool* Canal, and various narrow Canals upon which narrow Boats only of small Burthen are used, of such Dimensions that Two of them will pass the Locks on the said *Leeds* and *Liverpool* Canal and the Navigable Cut hereby authorized to be made together or at the same Time, and it is expedient to make certain Regulations in regard to the Navigation of such narrow Boats upon the said *Leeds* and *Liverpool* Canal and Navigable Cut by this Act authorized to be made; be it therefore further enacted, That Two narrow Boats or other Vessels of such Dimensions as aforesaid, having Loadings which together shall be less than Twenty Tons, shall and may pass through any Lock or Locks already or hereafter to be made by virtue of the said recited Acts, or any of them, or of this Act, at one and the same Time, upon Payment of Tonnage for Twenty Tons, and no more; and that when it shall happen that such Two narrow Boats or other Vessels so as aforesaid passing through any Lock at the same Time shall belong to different Persons, then and in every such Case the Owner or Navigator of each such narrow Boat or other Vessel shall only pay a rateable or proportionable Part of the said Tonnage for Twenty Tons, according to the respective Weight of Lading on board each such narrow Boat or other Vessel: Provided always, that nothing in the said recited Acts or this Act, or any or either of them, contained, shall authorize or empower the said Company of Proprietors of the *Leeds* and *Liverpool* Canal to demand or take, or cause to be demanded or taken, for or in respect of Two narrow Boats passing at the same Time empty through any of the Locks now made or hereafter to be made under the Authority of the said recited Acts and this Act, or any or either of them, more than the Sum of Two Shillings and Sixpence for each such Boat; but such Two narrow Boats,

Empty narrow Boats to pay Two Shillings and Sixpence each.

Boats, after having paid the Sum of Two Shillings and Sixpence each for passing through the first Lock on the said Canals, shall and are hereby declared not to be subject or liable to pay any further or larger Sum for navigating on any Part or Parts of the said Canals; any thing in this or the said recited Acts, or any or either of them, contained to the contrary notwithstanding.

XXXI. And whereas by an Act passed in the Twenty-third Year of the Reign of His present Majesty, intituled *An Act for altering and varying the Powers of an Act passed in the Sixth Year of the Reign of King George the First, for making the River Douglas alias Asland navigable from the River Ribble to Wigan in the County Palatine of Lancaster; and for enabling the Company of Proprietors of the Leeds and Liverpool Canal, incorporated by an Act passed in the Tenth Year of His present Majesty's Reign, to purchase the said River Navigation; for amending the said last-mentioned Act, for incorporating and consolidating the said Two Navigations, and for other Purposes*, it was enacted, that no Boat or other Vessel navigating upon the said intended Canal from *Leeds to Liverpool, River Douglas alias Asland*, or upon any of the Cuts or Canals made or which should be made by virtue of or under the Authority of the Act therein first recited, or for opening a Communication by Water between the said River *Ribble* and the said Town of *Wigan*, or any of them, which should not be capable of carrying a greater Burthen than Twenty Tons, or which should not have a Loading of Twenty Tons, should be allowed to pass through any of the Locks already made or which should thereafter be made upon the said Navigations or any of them, without the Consent of the said Company of Proprietors, or their principal Agent for the Time being, in Writing, first had and obtained, or unless the Owner or Navigator of such Boat or Vessel should pay Tonnage equal to a Boat or Vessel of Twenty Tons; be it therefore further enacted by the Authority aforesaid, That the said recited Clause, restraining any Vessels which shall not be capable of carrying a greater Burthen than Twenty Tons, or which shall not have a Loading of Twenty Tons, from passing through any Locks upon the said Cuts or Canals, without the Consent in Writing of the said Company of Proprietors, or their principal Agent for the Time being, or the Payment of Tonnage equal to a Boat or Vessel of Twenty Tons, shall be from henceforth and the same is hereby repealed, so far as the same may extend or be construed to extend to any Boat or Vessel going empty for, or continuing its Course empty, or returning empty after having delivered its Loading, and so far also as the same extends to authorize the said Company of Proprietors, or their principal Agent for the Time being, by Consent in Writing, to permit at their or his Discretion any Trader or Navigator upon the said Cuts or Canals, or any of them, to pass a Lock or Locks on the said Cuts or Canals, or any of them, with his Boat or Vessel not capable of carrying Twenty Tons, or not having a Loading of Twenty Tons, without paying Tonnage equal to a Boat or Vessel of Twenty Tons.

Repealing Part of Act 23 G. 3. so far as respects Tolls on empty Boats;

and so far also as authorizes the Company to grant any Exemption from Tolls.

XXXII. Provided always, and be it further enacted, That the Owner or Navigator of every Boat or Vessel navigating upon the said *Leeds and Liverpool Canal, River Douglas alias Asland*, or upon any of the Cuts or Canals made by virtue of or under the Authority of any of the Acts relating to the said *Leeds and Liverpool Canal, River Douglas alias Asland*, or for opening a Communication by Water between the River *Ribble* and the Town of *Wigan*, or by virtue of or under the Authority of this present Act,

Empty Boats to pay Five Shillings at the first Lock only.

Act, which shall be going empty for, or continuing its Course empty, or returning empty after delivering its Loading, shall be subject and liable to pay to the said Company of Proprietors, for passing the first Lock at which he shall arrive with such empty Boat or Vessel on the said Cuts or Canals, or any of them, on such Voyage or Navigation for any or either of the Purposes aforesaid, the Sum of Five Shillings only; and that no further Sum or Sums of Money shall be paid or payable to the said Company of Proprietors in respect of any other Lock or Locks which the Owner or Navigator of such Boat or Vessel shall pass with such empty Boat or Vessel on such Cuts or Canals, or any of them, on such Voyage or Navigation for any or either of the Purposes aforesaid; and that the Navigation or Passage of the said Cuts or Canals, or any of them, and of all and every the Locks upon the said Cuts or Canals, or any of them, shall be free in future to the Owner or Navigator of every such empty Boat or Vessel navigating the said Cuts or Canals, or any of them, for any or either of the Purposes aforesaid, subject to such Payment of Five Shillings only for passing the said first Lock only, and no more, after it shall become empty as aforesaid, to be recovered and recoverable in like Manner as the Tolls, Rates, and Duties in and by this Act or the said first-recited Acts directed to be recovered, any thing in the said before-mentioned Acts or any of them to the contrary thereof in anywise notwithstanding.

Empty Boats which shall have paid at the Lock, and coming into the Summit Level Pool, to pay again on going out of the same Pool.

XXXIII. Provided always, and be it further enacted, That nothing in the Provision last herein-before contained shall extend or be construed to extend to any empty Boat or Boats passing through or returning out of the Summit Level upon the Line of the said Canal from *Leeds* to *Liverpool*, being the Pool between the Lock in the said County of *York* called *Greenberfield* Lock, and the Lock in the said County Palatine of *Lancaster* called the *Barrowford* Lock; but that in all Cases where such empty Boat or Boats as aforesaid passing along the Line of the said Canal shall enter the said Summit Level of the said Canal, and pass through or return out of the same, the Owner or Navigator thereof shall, on passing through either of the Locks of the said Summit Level, pay a further Sum of Five Shillings in addition to the Sum of Five Shillings which he shall have paid or become liable to pay on passing the first Lock in his Course upon or along the Line of the said Canal, to be recovered and recoverable in manner aforesaid.

Commissioners not to make Valuations, or Determination of Value of Lands taken under this Act.

XXXIV. And be it further enacted, That so much of the said Acts or any of them as authorizes the Commissioners therein named or appointed to settle and determine the Value of Lands, Tenements, or Hereditaments to be taken, purchased, and used for the Canal and other Works thereby authorized to be made, or for any Damages that may be thereby occasioned, shall not extend or be construed to extend to any Lands, Tenements, or Hereditaments to be taken, purchased, or used for the Purposes of this Act; but that in case of any Difference or Dispute between the said Company of Proprietors of the *Leeds* and *Liverpool* Canal Navigation and the Proprietors of any Lands, Tenements, or Hereditaments, as to the Value thereof, or the Amount of Satisfaction for any Damage that may be sustained by making the Canal and Railway hereby authorized to be made, the same shall be settled and ascertained by a Jury, to be impannelled and returned in the Manner directed by the said Acts or either of them; and that in all other Cases where Power and Authority is given to the said Commissioners to determine and adjust all other Questions, Matters,

Matters, and Differences between the said Company of Proprietors and any Bodies Politic or Corporate, or any other Persons being Owners of and interested in any Mills, Fisheries, or Waters, Lands, Grounds, Tenements, or Hereditaments, the same shall and may, with respect to the Canal and Railway hereby authorized to be made, be settled and determined by any Two Justices of the Peace for the County in which the Cause of Complaint shall arise, whose Determination shall be final and conclusive to all Parties; any thing in the said Acts or either of them to the contrary notwithstanding.

XXXV. And be it further enacted, That so much and such Parts of the said recited Acts, or any of them, as authorizes Compensation to the Owners or Proprietors of, or Person or Persons interested in any Lands, Tenements, Tithes, or other Hereditaments taken or used for making or completing the said *Leeds* and *Liverpool* Canal, or any Part thereof, or for any Injury or Damage to be thereby occasioned, to be made by an annual Rent or annual Payment, shall be and the same is and are hereby repealed; and that from and after the passing of this Act all Compensation or Satisfaction for any Lands, Tenements, or Hereditaments which it shall be necessary hereafter to take or use for making or completing the said *Leeds* and *Liverpool* Canal, or any Part thereof, or for any Damage to be thereby occasioned, or for making or completing the Cut or Canal or Railway hereby authorized to be made, or for any Damage or Injury to be thereby occasioned, shall be made in gross Sums and not otherwise: Provided always, that nothing in this Act contained shall annul, vitiate, or render void any annual Rent or annual Payment which may have been granted, made, or awarded to any Person whomsoever, in pursuance of the said recited Acts or any of them, previous to the passing of this Act.

Repealing Power to make Compensation by annual Rent, and requiring same to be made in gross Sums.

XXXVI. 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 this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or other Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to or exceed 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 Company of Proprietors of the Canal Navigation from *Leeds* to *Liverpool*," together with the Names of Three of the Commissioners appointed under and by virtue of the said first-recited Act of the Thirty-fourth Year of the Reign of His present Majesty, 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 or Redemption of the Land Tax, or in or towards the Discharge of any Debt or Debts, or other Incumbrance, or Part thereof, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes, as the said High Court of Chancery shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or where such Money shall not

Application of Compensation Money when amounting to 200*l.*

be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands, Tenements, or 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 or capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said High 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 aforesaid, the Dividends or Interest 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, or Hereditaments so to be purchased, in case such Purchase or Settlement was made.

Application when the Compensation is less than 200*l.* and amounts to 20*l.*

XXXVII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments to be 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 or amount to 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 Lands, Tenements, or 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 of *England*, 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 manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said High Court of Chancery.

Application where less than 20*l.*

XXXVIII. 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 Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of 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 such Money shall be

be paid 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.

XXXIX. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded or assessed for any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of this Act as aforesaid, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Commissioners, or any Three of them; or in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded or assessed as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Commissioners, or any Three or more of them, to order the said Sum or Sums so awarded as aforesaid to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Control, and Disposition of the said Court; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier and Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

In case of not making out Titles;

or if Persons cannot be found, Purchase Money to be paid into the Bank;

subject to the Order of the Court of Chancery, by Motion or Petition.

Cashier of the Bank to give a Receipt for such Money.

XL. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said High Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be

Where any Question shall arise touching the Title to Money to be paid, the Person in Possession of the Lands, &c. at the Time of such Purchase shall be deemed entitled thereto, according to such Possession.

made

made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Expences of Purchases, and investing the Money, how to be paid.

XLI. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the High Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments; to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Company of Proprietors, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Repealing the Clause in 34 G. 3. c. 94. which authorizes any Persons to make Railways.

XLII. And be it further enacted, That so much of the said first-recited Act of the Thirty-fourth Year of the Reign of His present Majesty as enacts, ' that in case the Proprietor or Proprietors of any Manor or Estate containing any Mines or Quarries of Coals, Stone, or other Minerals, or the Lessees, Renters, or Occupiers of such Mines or Quarries, shall find it expedient or necessary to make any Railways or Roads to convey his, her, or their Coals, Stone, or other Minerals, to the said intended Canal or Branch thereby authorized to be made, or to any other Part of the said Canal from *Leeds* to *Liverpool*, or of the said Canal belonging to the said River *Douglas*, or to the said River, over the Lands or Grounds of any Person or Persons, or to make any Bridges for that Purpose over any River, Brook, or Watercourse, then and in every such Case it shall be lawful for such Proprietor or Proprietors, Occupier or Occupiers, of any such Mines or Quarries, to apply to treat and agree with the Owner or Owners of and Persons interested in such Lands or Grounds as may be situate within the Distance of One thousand Yards from the said Navigations, or any of them, through or over which such Railway or Road is intended to be made, for the Damage the Owner or Owners of and Persons interested in any such Lands or Grounds shall or may sustain, by making any such Railway or Road as aforesaid; and in case the Owner or Owners of and Persons interested in any such Lands or Grounds shall neglect or refuse to treat and agree for the Space of Twenty Days next after such Application, or by reason of Absence or otherwise shall be prevented or incapacitated from treating and agreeing, or in case such Owner or Owners of and Persons interested in such Lands and Grounds, and the Proprietor or Proprietors, Occupier or Occupiers of any such Mines or Quarries, cannot agree concerning the Recompence to be made for such Damage as aforesaid, that then it shall be lawful for the said Proprietor or Proprietors, Occupier or Occupiers of any such Mines or Quarries, to apply to the Commissioners in the said Act mentioned to ascertain the Course and Direction, and also the Distance not exceeding the Length of One thousand Yards, which any such Railway or Road shall be made; and that the said Commissioners shall, upon such Application, appoint a Meeting for ascertaining and fixing the Course and
Direction,

Direction, and also the Distance (not exceeding the Length of One thousand Yards) of such Railway or Road, and shall view the Place in question, and examine Evidence upon Oath touching the same; and that if it shall appear to the Commissioners assembled at such Meeting that a Railway or Road is proper and fitting to be made, they shall set out and ascertain the same over the Lands and Grounds of such Person or Persons as aforesaid; and that from thence afterwards it shall be lawful for the Proprietor or Proprietors, Occupier or Occupiers of any such Mines or Quarries, to make and open a Communication between any such Mines or Quarries and the said Navigations, or any of them, by making and opening such Railway or Road according to the Direction of the said Commissioners, or the major Part of them present at such Meeting, and use the same over and through the Lands or Grounds of such Person or Persons as aforesaid, in such Manner as to the Proprietor or Proprietors, Occupier or Occupiers of such Mines or Quarries respectively shall seem expedient; and that in case the Proprietor or Proprietors, Occupier or Occupiers of any such Mines or Quarries, and the Owner or Owners of and Persons interested in any such Lands, cannot agree, or by reason of Absence or otherwise shall be incapacitated for agreeing touching the Satisfaction to be made, then the same shall be settled and ascertained by the said Commissioners, in such Manner and subject to the Verdict of a Jury if required, as the Value and Recompence for the Lands to be taken for making the said Navigations or any of them, in and by such Act or any of the said recited Acts, are directed to be settled for and ascertained; and that in default of Payment of such Sum or Sums of Money as shall be agreed for, awarded, or adjudged, the same shall and may be recovered, with Costs, in such and the like Manner as such Value and Recompence are by such Act or the said recited Acts directed to be recovered, shall be and the same is hereby repealed: Provided always, that nothing herein contained shall extend or be construed to extend to deprive the Proprietor or Proprietors of any Manor or Estate containing any Mines or Quarries of Coal, Stone, or other Minerals, or the Lessees, Renters, or Occupiers of such Mines or Quarries, of the Benefit or Use of any existing Railway or Road already made under the Authority aforesaid, or to defeat or make void any existing Agreement for the Use of any Railway or Road for the Purpose aforesaid, or to enable any Owner, Proprietor, Lessee, or Occupier of any Lands to obstruct or divert any Railway or Road already made under and by virtue of the Authority contained in the said Act.

XLIII. And whereas by virtue of the Powers contained in the said recited Acts of the Thirtieth and Thirty-fourth Years of the Reign of His present Majesty, there hath been borrowed or otherwise raised amongst the said Proprietors, or by the Admission of new Subscribers, the Sum of Two hundred and eighty thousand Pounds, being the whole Amount of Money thereby authorized to be raised: And whereas, in order to make and complete the said Cut, Branch, or Railway hereby authorized to be made, the said Company of Proprietors will have Occasion to borrow and take up at Interest, or raise amongst themselves, a further Sum of Money; be it therefore further enacted, That it shall and may be lawful for the said Company of Proprietors to raise and contribute amongst themselves, or by the Admission of new Subscribers, as to them shall seem meet, any Sum or Sums of Money, not exceeding in the whole the Sum of Fifty thousand Pounds, in such Shares or Proportions, Manner and Form, as

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the said Company of Proprietors shall order and direct at any General Assembly, of which the same Notice shall be given as is directed for the varying or altering the Tonnage upon any Part of the said Canal from *Leeds to Liverpool*, at which said General Assembly there shall be present, as Principals or Proxies, Proprietors who together shall have not less than One thousand two hundred Shares in the said Canal Navigation; or in case the said Company of Proprietors shall be desirous to raise the said Sum of Fifty thousand Pounds, or any Part thereof, by Mortgage, it shall be lawful for the said Company of Proprietors, at any General Assembly which shall be held by them, or such Nine of the Proprietors as have been or shall be appointed at any such General Assembly, and which every such General Assembly is hereby authorized to appoint for that Purpose, or any Three or more of such Nine, to borrow and take up, at Five Pounds *per Centum per Annum* or less Interest, of any of their own Body, or of any other Person or Persons who shall be willing to advance and lend the same, the whole of the said Sum of Fifty thousand Pounds, or such Part or Parts thereof as the said Company of Proprietors shall determine to raise by Mortgage on the Credit of the said Canal Navigations, Cuts, and Works, every or any Part thereof, as to them shall seem meet and convenient; and the said Company of Proprietors are hereby fully authorized and empowered, from Time to Time, to grant or assign over as well the said Canal, Navigations, Cuts, and Works authorized to be made by the said first above recited Acts, as the Canal, Branch, and Works hereby authorized to be made, and the Tolls, Rates, and Duties arising or to arise by or from all and every the said Navigations and Works, or any of them, or any Part or Share or Parts or Shares thereof, except the Rates hereby granted and made payable to the said Devisees, their Heirs or Assigns, (the Costs and Charges of granting the same to be paid out of such Tolls, Rates, and Duties,) as a Security for any Sum or Sums of Money, with Interest for the same, which shall be borrowed with the Consent of such Nine of the said Proprietors as have been or shall be specially deputed for the Purpose aforesaid, or any Three or more of them, (a Memorandum of whose Consent shall be indorsed upon the Back of every such Security, and signed by such Three or more of the said deputed Proprietors, in the Presence of One subscribing Witness at the least,) to such Person or Persons, or their Trustees, as shall advance and lend the same, under the Common Seal of the said Company of Proprietors, by the same Form or Forms of Mortgage or Transfer, or to the same Purport and Effect, and under the same Regulations, and with the same Rights and Remedies and Operations, as is or are contained and prescribed for the Security of Mortgage Money and Interest thereof in and by the said first-recited Act of the Thirty-fourth Year of the Reign of His present Majesty; and such Mortgage or Mortgages, and the Persons holding the same, shall be and shall be deemed and taken to be invested with and entitled to such and the same Right and Benefit, to all Intents and Purposes, as are attached upon or in anywise belonging to any other Mortgage or Mortgages, Transfer or Transfers, Mortgagee or Mortgagees, or Persons in anywise interested therein or thereto, by virtue of the said recited Acts of the Thirtieth and Thirty-Fourth Years of the Reign of His present Majesty, or either of them, as to the Monies hereby authorized to be received by borrowing on Mortgage of the Tolls, Duties, and Interest of the said Navigations.

XLIV. Provided always, and be it further enacted, That it shall not be lawful for the said Company to continue or appoint the Person who has been, or who by virtue of the said recited Acts or any of them, or of this Act, may be appointed to act as their Clerk, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act and the said recited Acts, or any of them, or to continue or appoint the Person who has been or may be appointed their Treasurer, by virtue of the said recited Acts or any of them, or of this Act, or the Partner of any such Treasurer, the Clerk to the said Company; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of the said recited Acts or this Act, or any of them; or if any Person being the Partner of any such Clerk, shall act as Treasurer, or being the Partner of any such Treasurer, shall act as Clerk in the Execution of the said recited Acts or this Act, or any of them, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster* by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Offices of Clerk and Treasurer not to be held by the same Person.

XLV. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person or Persons, or Party or Parties, to serve any Notice or Notices upon the said Company, or any Writ or Writs, or other legal Proceedings, the Service upon the Clerk of the said Company, or at the Office of the said Clerk, or left at his last or usual Place of Abode, or at the Office of the said Company, or upon any Member of the Committee for the Time being of the said Company, or left at his last or usual Place of Abode, or in case the same respectively shall not be found or known, then Service upon any Agent or other Officer employed by the said Company, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Company.

Directing what shall be deemed a Service of Notice, &c. on the Company.

XLVI. And be it further enacted, That the Costs, Charges, and Expences of applying for, obtaining, and passing this Act, and all Costs, Charges, and Expences incident thereto, shall be borne, paid, and defrayed by the said Company of Proprietors of the Canal Navigation from *Leeds* to *Liverpool*, out of any Money received or to be received by them by virtue of the said recited Acts and this Act, in preference to all other Payments whatsoever.

For paying the Expences of this Act.

XLVII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

Public Act.

